

**ANNA - Centre for the Prevention of Violence**



**DOMESTIC VIOLENCE AGAINST WOMEN  
IN THE RUSSIAN FEDERATION**

**Alternative Report  
to the United Nations  
Committee on the Elimination of Discrimination against Women**

**62nd session, October 2015  
Examination of the 8<sup>th</sup> periodic report submitted by the Russian Federation**

Moscow

## **Introduction**

On October 26-27 2015, the United Nations Committee on the Elimination of Discrimination Against Women (CEDAW Committee) will conduct its periodic examination of the measures taken by the Russian Federation to implement its international obligations under the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), ratified in 1981.

This alternative report, submitted by the ANNA Centre for the Prevention of Violence, aims to provide the CEDAW Committee experts with an overview of concerns relating to violence against women in the Russian Federation.

### ***Obligations under CEDAW in relation to violence against women***

Under CEDAW, governments and public authorities must take all necessary measures to combat violence against women, in both the public and private spheres, whether committed by state representatives or non-state actors.<sup>1</sup> Such measures include reforming legislation and ensuring that perpetrators are investigated, prosecuted and sanctioned. The failure to hold perpetrators accountable breeds a climate of impunity and sends a clear signal to society that violence against women is acceptable.

### ***Preparation of the alternative report***

This report is prepared by a group of experts under leadership of “ANNA” Centre for the Prevention of Violence. The Report covers areas of concern in regards to women’s rights especially violence against women with assessment of the state system of tackling violent incidents against women, hence the emphasis in the report on the analysis of the current law and practice.

The monitoring was conducted in Russia in 2010—2015. The monitoring results do not claim to be comprehensive; however, they do provide a general assessment of the situation, identify key problems and trends, evaluate the steps taken to resolve them and analyse existing obstacles. The list of violent incidents contained in the report is neither exhaustive nor representative; however it is a vivid illustration of the nature and scope of violence committed against women in Russia.

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<sup>1</sup> In its General Recommendation 19 (1992), “Violence against women”, the CEDAW Committee confirmed that under CEDAW the term ‘discrimination’ includes violence against women, see [www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom19](http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom19)

## **DOMESTIC VIOLENCE**

According to CEDAW, the Russian Federation is obliged to *take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise (article 2 (e)) and to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women (article 2 (f)).*

The Convention also requires that the state modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women (article 5 (a)).

Article 16 (1) of the Convention obliges the states to take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations.

### ***Scale of the problem***

Statistical data on crimes of domestic violence against women is fragmental and difficult to obtain. At the same time according to the statistics of the Ministry of Internal Affairs women were 74% among of all victims of domestic violence in 2013, and in 91% of cases violence was committed by a husband.

Lack of knowledge and understanding of women's human rights and system of response contributes to impunity for crimes committed against women. According to ANNA statistics (2014), 72% of women that turned to the National help line for women suffering from domestic violence never sought help from the police. Of those women who did 80% were unsatisfied with police response.

### ***System of response***

Despite the work done to combat violence against women in Russia over the last 20 years, a systemic approach at government level does not exist. We are deeply concerned by the high level of violence against women in families, by the number of murdered women and by the latency of sexual violence.

Agencies involved in the response to domestic violence in Russia are police, social services, judges and healthcare settings.

Social services are currently the main entry point for survivors of domestic violence into the state response system. According to the data of the Ministry of Labour and Social Protection, in 2013 there were 1,333 social services providing assistance to women in a “difficult life situation”. Domestic violence is included in this category. However, the concept of a "social services" establishment includes not only specialized crisis centres and social shelters, but rather a wide range of agencies: social assistance centres for family and children; centres for psychological and pedagogical assistance to the population; centres for emergency telephone psychological assistance; social rehabilitation centres for juveniles, etc. Thus, there are a vast variety of social problems addressed through these agencies where services for women victims of violence are only a small part. Indeed only 42 are shelters that offer specialized assistance to women who are victims of domestic violence. Some of these combine the extension of assistance to victims of domestic violence with helping other categories of women like underage mothers. Another obstacle in access to services is that in order to get a place at a shelter women have to be residents of that region.

### **Main obstacles in decreasing violence**

#### ***Lack of legal protection***

Another important agency in the state system of response to domestic violence cases is police. However, in Russia under the existing legislation it is difficult to prosecute cases of domestic violence (even physical violence, which has ensuing visible evidence).

Currently domestic violence is not recognized as a separate offence by the Russian Criminal Code. The only applicable criminal provisions are those relating to bodily injuries or other crimes. Thus, acts of violence against women in the family, like any violent crime against a person, are punishable under Part VII of the Russian Criminal Code (crimes against the person):

- Article 112 (intentional causing of average gravity harm to health);
- Article 115 (intentional causing of minor harm to health);
- Article 116 (beating);
- Article 119 (threat of homicide or of causing grave harm to health)

***None of the above-mentioned articles takes into consideration the relationship between a perpetrator and a victim.***

Repeated acts of violence against the same person are not specifically criminalized under Russian law. Article 18 of the Russian Criminal Code excludes "records of convictions for intentional crimes of small gravity" or of conditional sentences to be taken into account when considering recidivism of crimes. Only Article 117 of the Russian Criminal Code (torture, the causing of physical or mental suffering by means of the systematic infliction of beatings or other forcible actions) takes into consideration the following aggravating circumstances: the victim is a minor, apparently helpless "or materially or otherwise dependent on the guilty person". However, this article is rarely invoked. The justice system considers violence committed in a public place against a stranger, to be a much greater social danger than the same actions committed within a family against relatives.

***Thus, domestic violence is not considered to be a crime against society, but continues to be treated as a private family matter.***

***The main obstacle to obtaining justice for victims is that most cases of domestic violence are brought as private prosecutions.***

Since the adoption of amendments to the Penal Code of the Russian Federation in 2003, there has been a significant change in examining cases of domestic violence. Most of them have fallen into the category of private prosecution cases (Article 115, 116. Part1, Article 129 and Article 130 of the Penal Code of the Russian Federation). From the perspective of legislators, this is justified on the basis that these crimes affect the rights and interests of specific citizens and it depends on them whether or not criminal proceedings are initiated against the offenders. However, in practice, this has meant that victims have been left virtually without protection from the State. Article 20 of the Code of Criminal Procedure provides that private prosecution cases may be initiated only on the basis of the statement of the injured party and are subject to termination if the parties have reconciled. The case is considered opened when the aggrieved party files a complaint that meets the requirements set forth in Article 318 of the Code of Criminal Procedure of Russia with a magistrate. If the complaint meets the requirements, the magistrate initiates the proceedings and the injured party becomes a private claimant.

Thus, the aggrieved party in cases of private prosecution has to perform a dual role. On the one hand, as the victim, she is entitled to have her interests protected by the State. However, this

depends solely on her will and is instigated only at her own volition.

On the other hand, she has to act as a prosecutor, to present evidence, to formulate the charges and to seek the conviction of the guilty party. To serve as a prosecutor assumes knowledge of the prosecution process, the foundations of criminal law, the rules of gathering and presenting evidence. It is obvious that ordinary citizens do not possess such knowledge, and therefore are unable to properly present their case in court. When, in addition to issues raised above, the same question pertains to victims of domestic violence, a great role is played by the factors of post-traumatic stress, to which the victim is subject, as well as to the stage in the cycle of violence during which the complaint is filed. It should be noted that the victim usually continues to live with the abuser in one apartment, which gives him the opportunity to pressure and to intimidate her.

As a result, according to court statistics, the vast majority of cases of private complaint (90%) are terminated for two reasons: (1) The failure to fulfil the court's requirements to resolve the shortcomings of the complaint; (2) The reconciliation of the parties.

Typically, at the stage of filing the complaint, victims are unable to fulfil all the requirements, not only because of legal ignorance, but because of post-traumatic stress disorder as a result of the act of violence. This happens because the complaints are usually filed immediately after the violence has occurred, while at that time the cycle of violence is passing into the stage of repentance by the abuser and forgiveness (reconciliation) by the victim. Women feeling guilty and believing the words of the abuser that violence will not happen again, remove the complaint and agree to reconciliation.

Thus, treatment of most cases of domestic violence as cases of private prosecutions contributes to impunity for crimes committed against women and leads to tragedies.

For instance, in August 2015 O. B., man from Nizhny Novgorod, killed and dismembered his six children, all younger than 6, and his wife, J. Z. All had been hacked to pieces with an axe and bundled into plastic bags in their apartment. In 2014 и 2015 J. Z. repeatedly (no less than six times) appealed to the police reporting perpetration of violence against herself and her children on the part of her husband. However, police could not initiate a criminal case as the abovementioned incidents are classified as cases of private prosecution.

In the General Recommendation No. 19 of the Convention the Committee Stated that State parties should ensure that laws against family violence and abuse and other forms of gender-based violence give adequate protection to all women, and respect their integrity and dignity (§ 24 (b)). The Russian Federation has not adopted comprehensive legislation aimed at prevention and efficient investigation of domestic violence, provision of comprehensive support to the victims and compensation.

Nevertheless, the State party has not implemented even a minimum set of measures aimed at prevention domestic violence and protection its' victims. The Federal Law on the protection from such form of violence, even though being widely discussed by civil society, has not been passed so far. Therefore, the term “domestic violence” as well as the comprehensive system, specifically designed to address victims' needs, are merely absent in the national legislation. Not every form of domestic violence is punishable under the Criminal Code and the Code of Administrative offences of the Russian Federation, namely some forms of insults and threats, harassment, economic and psychological violence, and others. Likewise, stalking is not considered as a form of illegal conduct and does not lead to any sanctions or restrictions for the one who performs it. No protective measures can be requested by the victim in such circumstances. There's also no definition of “stalking” in the national legislation

The other significant components that are to be included in the system of response to domestic violence are specific training for professionals dealing with cases of domestic violence and coordinated interagency cooperation. These components are fragmentarily present in several regions of Russia and can serve as models for the state system of response. For example, in Yekaterinburg and the Sverdlovsk Region the regional court is the core of interagency cooperation at the regional level in terms of responding to cases of domestic violence against women.

### ***Gender stereotypes and raise of patriarchal values***

Spreading gender stereotypes is another significant obstacle in combating violence against women in Russia. In the last five years there is an increasing renaissance of what is called “traditional values”. The problem is that it is defined based on old cultural views on women’s roles in a family and in the society. However, despite the activities recently launched by progressive forces of the Russian Orthodox Church that are aimed at changing attitudes to domestic violence, there are active conservative groups like “Parental committee” or the All-Russian movement ‘Parents’ Meeting’ that

publicly try to promote physical punishment in a family as a cultural tradition.

The stereotype of a woman that primarily is a mother and a 'domestic goddess' is being enforced in the society. These discriminatory sentiments and practices are easily maintainable in the environment where gender equality and women's human rights issues are rejected and considered to be the matters of alien ideology and "foreign" influence both by the state and the general public. Due to the abovementioned facts the lack of gender education and the courses on women's human rights in the curricula of universities and schools is observed.

### ***Civil society***

The problems the Civil Society in the Russian Federation is currently facing could be defined as the following challenges:

General public does not have a clear understanding of a role of the civil society organizations and therefore does not support civil society organizations (CSO).

This understanding of civil society and CSOs on the part of average citizens and the authorities can relate to their vision and/or experiences of public activities in the Soviet period when public activism meant either close cooperation with the state or being a dissident. Both interpretations mentioned above imply lack of trust to CSOs and NGOs, and sometimes fear, and as a result scarce involvement of community members to the civil society activities.

For example, most of the support that business provides to non-profit organizations is still focused in the area of supporting of people with disabilities, children with special needs and orphans. It is because these types of activities are in a way "obvious" in terms of what are the vulnerable groups and do not require any extra defining of personal views and values, in other words they are easier to understand.

### ***The lack of the National Machinery***

There are other major obstacles in establishing a comprehensive response system to violence against women in Russia. One of them is that currently in the Russian Federation there is no National Machinery that would correspond to the definition of the Beijing Platform of Action. Although in 2010 as a result of the CEDAW recommendations to the State Report the Russian

government established an inter-agency Council on Gender issues under the Ministry of Labor, the status of this Council does not respond to all the requirements. The Council rather has a consultative status and does not have power and resources to influence policy making on the part of the State in the area of advancement of women and contributing to gender equality.

Another mechanism within the Parliament of the Russian Federation is the Committee on Family, Women and Children that was initially established to serve as the National Machinery. At the beginning the Committee was functioning in compliance with its objectives. However, today the Committee acts in conformity with the recent discriminatory trends in terms of women's human rights. For instance, the former head of the Committee Elena Mizulina proposed an amendment to the Russian Constitution, making the Russian Orthodox Church central to national and cultural identity, including the area of women's human rights. Thus, Ms. Mizulina introduced a bill to remove abortions from the list of free medical care, restricting state medical coverage to abortions only in cases where the mother's life is in danger, as well as introducing fines for abortions in private clinics.

***Main achievements:***

*1. Drafting the law on "Prevention of domestic violence"*

In 2012 the Ministry of Labor and Social development established a working group within the Council on Gender issues for drafting legislation on domestic violence. A representative of a national NGO – the head of the Center ANNA - was asked to chair this working group. The legislation was drafted first by lawyers and representatives of NGOs and then by representatives of the state including the Government Commission on Public Health, the Ministry of Internal Affairs of the Russian Federation, Legislative Committee of the State Parliament (Duma), Labor and Social development and other governmental agencies were cooperating in order to develop a comprehensive law. The draft law was based on best practices that exist in Russia and on the UN model legislation. The hearings on the draft law were conducted with the participation of the Office of the Higher Commissioner on Human Rights, the Public Chamber of the Russian Federation, the Public Chamber of Moscow, the Moscow Duma, and the Presidential Council for Civil Society and Human Rights. The draft law also went through the process of evaluation by each relevant Ministry and was supported with comments by the majority. A significant role in promoting the draft law was played by the Presidential Council for Civil Society and Human Rights that raised the issue of the necessity of adoption of the law on domestic violence in Russia by the President. On the other hand,

the NGO community was able to collect over 150,000 signatures requesting the law to be adopted. Work on the draft law that is called “On prevention and response to domestic violence” was a true example of a strong collaboration of NGOs and governmental agencies with the leadership of civil society organizations.

## *2. Increased response from the public*

- In 2012-2015 in Russia 5 non-governmental shelters were opened; most of them are partially funded by local governments. Non-governmental shelters work in Moscow, Nizhniy Novgorod, Pskov, and Vologda.
- Progressive representatives of Russian Orthodox Church are taking an active stand on the movement against domestic violence and developing an approach aimed at encouraging zero tolerance attitudes toward violence in Cristian families. Every January starting from 2011 the round table discussions on domestic violence with the participation of leading women’s NGOs are conducted within the framework of Christmas Readings. At the round table discussions the leaders of women’s NGOs present the issues of domestic violence and the ways of developing an effective response to cases of violence. The training program on domestic violence for priests was established within the Orthodox Church. They also started cooperation with the leading women’s NGOs in terms of establishing services for women. In March 2015 Center ANNA facilitated opening a shelter by the Novo-Spassky Monastery near Moscow. It can serve as a model for the Orthodox Church in order to be disseminated in the other regions, particularly in the rural areas.
- Private companies in Russia in cooperation with Center ANNA started to provide support to non-governmental shelters both in kind and financially. The interest of private companies to the issue of domestic violence is a new phenomenon in Russia. It demonstrates the effectiveness of public educational campaigns on violence against women conducted by Center ANNA in cooperation with the entire women’s movement from 1997.
- New programs aimed at the involvement of men into the movements on combating violence against women are launched in different regions of Russia and contribute to gender equality. One of the best practices is “Papa-groups” that teach men to become fathers and care-givers sharing parental responsibilities with the children’s mothers. This program also includes domestic violence prevention component. Program has been developed by the men’s group in Saint Petersburg in cooperation with Center ANNA.

## **Recommendations to the government of the Russian Federation.**

In line with the international obligations of the Russian Federation the recommendations to the Government of the Russian Federation would be the following:

- To pass a developed **Federal law on domestic violence**;
  
- **To exclude the crimes committed in the family from the category of private prosecution and assigning them to the category of public prosecution.**<sup>2</sup>
  
- To set up an effective **national mechanism** at the Federal level to ensure women's rights. This mechanism must have power to hand down binding decisions.
  
- To introduce in the agencies of the Ministry of the Interior a **consolidated system for the collection of statistical data**, which would take into account the nature of relationship between the offender and the victim as well as gender breakdown.
  
- To adopt at the Federal level a **State Programme on Prevention of Violence against Women**.
  
- To include **gender education** in the courses of Universities and schools and include it in mandatory training for those who are employed by the state, including social services, police, judges, prosecutors and public administrations.

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<sup>2</sup> (With this aim in mind, the state must amend the current Penal Code and Code of Penal Procedure of the Russian Federation, in particular, by adding subsections to Art. 115(2) and Art. 116 (2) of the Penal Code which would stipulate that if an offence is committed against family members or ex-family members, this would be an aggravating circumstance. The Code of Criminal Procedure, Art. 20(4), must be amended accordingly to read that a head of an investigative body, an investigator and an inquiry officer, with the consent of the prosecutor, must initiate proceedings for every crime stipulated in Art. 115 and 116 even if the victim or her legal representative did not lodge a complaint, if the crime is committed against the person which is or was related to the accused.)