

**Shadow report on the Russian Federation’s compliance with the UN Convention on the Liquidation of all forms of discrimination against women (UN CEDAW)**

**Submitted to the UN CEDAW Committee by:**

**The Consortium of Women’s Non-Governmental Organizations**

**Stichting Justice Initiative**

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# BACKGROUND ON THE AUTHORS OF THE REPORT

**The Consortium of Women's Non-Governmental Organizations.** Since 2017, the Consortium of Women's NGOs has been providing legal assistance to victims of domestic violence throughout the Russian Federation. During this period, the Consortium's lawyers held 2,894 consultations for victims of domestic and sexual violence, and defended victims’ rights in 286 cases in the law enforcement agencies and courts.

**Stichting Justice Initiative (SJI)** is dedicated to the legal protection of victims of human rights violations in the post-Soviet region, with a focus on advocating for the rights of gender-violence victims in Russia. It strives to ensure that victims have access to effective legal remedies on the domestic and international level, publishes research on women’s rights topics in Russia, and supports educational activities related to prevention of gender-based violence.

**Anna Center.** The Anna Center for Helping Women Victims of Domestic Violence was established in 1993. Currently, the Center’s staff are conducting educational campaigns and developing training programs for regional public organizations throughout Russia on the problem of domestic violence. The All-Russian helpline for women receives more than 30,000 calls annually. The Anna Center actively participates in promoting women's rights, monitors violations of those rights, and prepares reports on women's rights in Russia.

**Zona Prava.** Zona Prava is a legal advocacy organization focusing on human rights in Russian prisons and protection of domestic violence victims.

# 1.DOMESTIC VIOLENCE

*1.1 General Overview*

In a July 2020 submission to the UN Special Rapporteur on VAW, NGOs working with VAW victims reported increases of between 60-100% in requests for assistance in March-May 2020[[1]](#footnote-1). Earlier, a joint open letter[[2]](#footnote-2) submitted by leading women’s rights NGOs, including several of the authors of the present report, led to the Deputy Prime Minister instructing[[3]](#footnote-3) 6 ministries to develop protection measures at the local and regional level. However, only 6 regions (out of 85) reported that they had taken additional measures to protect victims of GBV.

The Government refers to Russia’s National Strategy in the Interests of Women (NASW) for the period 2017-2022 (paras. 7-9), i.e. the only two federal-level policy documents that explicitly address the issue of VAW. However, as a Council of Europe expert concluded: “Neither the NASW nor the Action Plan provide definitions of the terms ‘violence against women’ or ‘domestic violence’ that would indicate a recognition of the context in which VAW is perpetrated or take into consideration the experiences of victims/survivors.”[[4]](#footnote-4)

In order to implement the National Action Strategy for Women and in particular to improve legislation on the prevention of domestic violence, a Co-ordination Council was established. However, in over two years, this Council has met only once and, moreover, is not empowered to make decisions binding for government actors and has no mechanism by which it can control implementation of its own recommendations.

***Case of M.U.* [Chechnya]**

23-year-old M.U., a mother of three, was found dead in her home in Chechnya and was buried without investigation or ceremony in the middle of the night on 12 June 2020. She had only returned to her husband’s home that day, after fleeing from what her relatives described as chronic domestic violence from her husband, who is a military serviceman. Eight days after her death, the authorities carried out an exhumation and autopsy, at which the victim’s lawyers were not permitted to be present. Several days later, the Head of Chechnya Ramzan Kadyrov held a “meeting” with the relatives of both sides, excoriating the mother and other relatives of M.U. on a television broadcast. He forced them to withdraw their complaint and to apologize for their actions, and stated that women should expect to be beaten by their husbands. He returned M.U.’s children from their grandmother to the home of their father, and subsequently offered him material support in the form of a new house. To date, the investigative authorities have issued at least two refusals to open a criminal case, and there has been no effective investigation into the circumstances of M.U.’s death.

## *1.2. Official Statistics*

The Government admits that while the number of criminal acts fell by 11% in 2017, the number of administrative battery cases increased by 367%. Thus, contrary to the Government’s assertions, levels of domestic violence have not decreased; rather, the decriminalization of battery has simply changed the classification of the acts. The Government also acknowledges that statistics do not record the relationship between the victim and the offender. Thus it is impossible to accurately determine how many administrative investigations of battery relate specifically to the domestic violence context.

The official statistics are far from comprehensive for other reasons as well. Only victims legally considered family members (spouses, parents, siblings, etc.) are included in statistics covering victims of family violence, excluding crimes committed by or against unmarried partners, former spouses, or people in a dating relationship.

The statistics also include only criminal cases that have been initiated, while the statements of victims which did not result in legal proceedings are not taken into account in the above figures.

## *1.3. NGO Statistics*

Women’s rights activists estimate the number of domestic violence survivors at **16.5 million per year*,*** which includes physical (3.9 million), psychological/verbal (11.8 million) and sexual (658,000) violence survivors. These numbers are derived from a report by the Federal State Statistical Service (Rosstat) that 18% of women experience verbal abuse, 6% suffer physical violence, and 1% suffer sexual violence. Census data for 2016 estimate the female population (16 years of age or older) at 65.8 million.[[5]](#footnote-5) According to Rosstat, in 2018, 8,300 women**[[6]](#footnote-6)** were killed in criminal assaults in Russia.

The Ministry of Interior claims that in 2018, of 8300 women killed in criminal assaults, only 253 were domestic violence victims (3%).[[7]](#footnote-7) However, in January 2021, the Consortium of Women’s NGOs published a new analysis of data on convictions under several articles of the Criminal Code for the year 2018: Articles 105(1) and (2) – murder; 107 - murder with diminished responsibility (“passion”); and 111(4) – deliberate infliction of gross bodily harm leading to the death of the victim. Their analysis found that of all women killed in criminal assaults in 2018 where the text of convictions are available, at least 61% were killed in the context of domestic violence. The authors of the research highlighted that this percentage actually corresponds to global trends in terms of women killed in the domestic context.[[8]](#footnote-8)

According to data from the All-Russian helpline for women affected by domestic violence, administered by the ANNA Center, 75% of callers have lived in a violent household between one and 10 years, and over 7% have experienced this situation for more than a decade.

The All-Russian helpline statistics further demonstrate that the overall domestic violence situation has worsened since the decriminalization of battery in January 2017. Since then the helpline registered a dramatic increase in the number of calls: from 24,195 in 2016 to 29,471 in 2017; to 31,190 in 2018 and 34,517 in 2019. 96% of recent callers to the hotline reported they were dissatisfied with the police response to their complaints.

## *1.4. Major issues in enforcement of the administrative offence of battery*

### 1.4.1. Failure to act on allegations and a lack of effective mechanisms for appealing decisions

Supervising authorities have less control over the initiation of administrative proceedings than over criminal. For example, the prosecutor does not have the authority to repeal unlawful refusals to initiate proceedings, nor the authority to issue binding instructions to the police relating to administrative offenses.

One of the most common failings is that following allegations of battery, police officers issue a decision refusing to initiate criminal proceedings since the victim’s injuries do not reach the threshold of physical “harm to health,” but neither do the police initiate administrative offense charges. The victim has the right to appeal to a higher authority or court but, in practice, and without expert legal assistance, it is rarely possible to challenge an unsound decision made by a law enforcement officer.

### 1.4.2. Lack of protective measures during an investigation

There are no protection mechanisms available for victims during an investigation carried out under the Code of Administrative Offences, and those available under criminal proceedings (state protection for witnesses,[[9]](#footnote-9) prohibition of certain actions[[10]](#footnote-10))are almost never used to protect domestic violence victims. Other measures aimed at ensuring the safety of domestic violence victims are not provided for by Russian law.

### 1.4.3. No adequate and proportionate punishment that meets the requirement of justice

In more than 80% of cases that reach the courts, courts impose an administrative penalty in the form of a fine not exceeding 70 euros.[[11]](#footnote-11) It is important to note, however, that this statistic refers to all battery cases heard in court, including those committed by and against strangers. Separate statistics on administrative cases of battery committed within the domestic violence context do not exist.

### 1.4.4. Repeat battery is not taken into account

Article 6.1.1 of the Code of Administrative Offenses (Battery) is furthermore not able to protect the rights and legitimate interests of victims of domestic violence since it does not take into account the systemic nature and patterns of domestic violence.

The Code of Administrative Offenses provides for criminal liability for battery by a person subject to an administrative penalty, but only if repeat battery is committed no later than one year after the perpetrator was sanctioned for the first instance. Meanwhile, the law provides that an administrative investigation can take up to two months, but in practice it takes an average of 4 to 6 months following the victim’s allegations for the responsible party to be held responsible—if at all. If the aggressor continues to batter the victim during this period, then each episode is classified and investigated separately as an administrative offense. In this case, repeat battery does not affect the classification of the initial act and is not considered an aggravating circumstance. Furthermore, a batterer with a previous criminal conviction for battery will not necessarily be prosecuted under the criminal code for the next instance of battery. Thus, repeat battery does not in many cases entail an increase in responsibility or punishment.

## *1.5. Views of CEDAW and the European Court of Human Rights on the problem of domestic violence*

In three of its Views published between 2017-2019 concerning gender-based violence in Russia, the CEDAW Committee found Russia to be in violation of Articles 1, 2, 3, and 5 of the CEDAW Convention.[[12]](#footnote-12) Since the publication of the Committee’s Views, the authorities have not undertaken any actions to restore the authors’ rights. In 2019-2020, the European Court of Human Rights found Russia responsible for violations of Articles 3 (freedom from inhuman and degrading treatment) and 14 (discrimination) of the European Convention on Human Rights in 3 judgments concerning domestic violence in Russia. Since the Court’s judgments have entered into force, the authorities have not undertaken any actions to restore the applicants’ rights.[[13]](#footnote-13)

## *1.6. Draft law on domestic violence (December 2019)*

At the end of 2019, lawmakers introduced a draft Federal Law on the prevention of family violence.[[14]](#footnote-14) The draft law falls far short of international standards in the context of protecting victims from all forms of domestic violence, in particular because:

1. The law defines domestic violence as “an intentional act (action or inaction), causing or containing a threat of causing physical and (or) mental suffering, and (or) property damage, but not containing elements of an administrative offense or criminal offense.”[[15]](#footnote-15) Thus the definition of “domestic violence” in the current version of the draft law completely excludes from legal protection all types of physical violence (beatings, bodily harm, etc.), since these types of violence always contain elements of an administrative offense or crime. The draft law does not establish or define other various forms of domestic violence (physical, psychological, sexual, economic), and there is no definition of stalking, persecution or other controlling behaviors.
2. The law excludes from its ambit persons living in an unregistered marriage or those who are in an intimate partnership or in a dating relationship.
3. While the draft law provides for protection/restraining orders for victims, these do not include restrictions on physical proximity to the victim. In addition, the responsibility for their infringement is limited to a fine.
4. The draft law also does not provide for obligatory training programs for police officers, prosecutors and other crucial actors who would be tasked with implementing the legislation.

## *1.7. Self-defense*

According to Russian law, someone facing an attack which can be fatal or cause severe harm to their health is allowed to defend themselves in any manner. But, in absence of such a threat, self-defense must be appropriate and *avoid causing excessive harm to the attacker*. In domestic violence cases, men often attack with their bare hands, while women, who are usually physically weaker, are forced to use a weapon or other object to defend themselves, thus leading to a finding of “excessiveness” of force in self-defense.

According to the Supreme Court's Judicial Department, more than 3,000 women were convicted on murder charges in Russia between 2016 and 2018, and almost a thousand women were found guilty of intentionally causing grave injuries resulting in death between 2017 and 2018. Experts from the media outlet *Mediazona* found that the majority of women charged with murder or causing lethal injuries – nearly 79% of those charged under Article 105 (“murder”) and 52% of those charged under Article 111 – had been survivors of domestic violence.[[16]](#footnote-16)

*1.8.* *Restrictions on victims’ rights to freedom of expression*

In 2020, Russian courts made an important step by confirming women’s rights to speak publicly about their experiences of violence, but unfortunately these were all but erased with the swift passing in December 2020 of amendments to the law on defamation[[17]](#footnote-17) which provide a penalty of up to 5 years in prison for defamation connected to allegations of sexual harassment on the internet. This is the harshest sentence among the various provisions on defamation, and also higher than the maximum sentences for certain forms of sexual violence themselves. For example, Article 133 of the Criminal Code, the only available but mostly ineffective provision applicable to allegations of sexual harassment carries a maximum penalty of one year of imprisonment.

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| ***K.’s Case* [Moscow]**  K. is a victim of repeat domestic violence. In 2019, K. reported on her Facebook page that her ex-husband, I., had beaten her and her children. Subsequently, several major media outlets reported that I., who occupied a senior position in a major company, had been fired for committing domestic violence. In December 2019, I. filed a lawsuit for the protection of honor, dignity and business reputation against K. and a number of leading media outlets who reported on the instances of violence in their family. K. provided medical documents confirming that she and her daughters had received various injuries. Nevertheless, the court considered that she could not prove that the information she posted on social media was accurate. In August 2020, a Moscow district court judged K.'s claims to be false, ordered her to refute them, and to pay her ex-spouse compensation of 10,000 rubles (about 130 euros) for moral damage.  The specificity of this case is that, unlike other cases in which the courts rejected defamation claims, K. had reported the battery to the police. Nevertheless, it was precisely in her case that the court considered the defamation claims to be valid. |

## *1.9. Online violence and “revenge porn”*

International best practice on legislating against gender-based violence indicates that state obligations to prevent, protect and prosecute violence extend to online violence. To date, many states—including the majority of Council of Europe member states—have updated their existing legal frameworks or enacted specific laws to address online stalking, online harassment and the non-consensual sharing of intimate images.[[18]](#footnote-18)

From the preceding sections it follows that Russia has no holistic legal framework on combating and preventing gender-based violence offline or online. Currently, because there is no definition in Russian law or practice of the scope of the phenomenon of domestic violence, many serious offenses, such as harassment, stalking, and psychological violence—online and off—are not prosecutable under any domestic legislation. Data breaches and dissemination of intimate images without consent are criminalized[[19]](#footnote-19) in a gender-neutral manner and not even theoretically considered to fall under the ambit of “violence against women,” which partially accounts for the difficulties women face seeking redress for this form of violence.

In *Volodina v Russia (No. 2)*, pending before the ECtHR, the authorities failed to take measures to prevent repeated acts of online violence committed against the applicant by her abusive former partner, who was able to create unimpeded several fake social media accounts in order to post intimate photos of the applicant, and to send her repeated harassing messages and threats. The Russian authorities argued that civil law mechanisms were an adequate remedy since the “acts complained of do not infringe the victim’s physical integrity,”[[20]](#footnote-20) indicating that the Russian Government does not take cyberviolence against women seriously.

# RECOMMENDATIONS SECTION 1

Russia should implement the Committee’s previous recommendations from its Concluding Observations on Russia’s 8th Periodic report.

In addition, Russia should:

* Repeal the December 2020 amendment to the federal law on defamation that provides for up to five years’ imprisonment for allegations connected to sexual harassment.

# 2.SEXUAL HARASSMENT

## *2.1. General Overview*

In its Concluding Observations to Russia’s 8th Periodic Report, the CEDAW Committee called upon Russia “to adopt comprehensive legislation to combat discrimination and sexual harassment in the workplace.” Five years later nothing has changed.

Russia acknowledges the absence of specialized legislation to combat sexual harassment in the workplace, considering Article 132 of the Criminal Code of the Russian Federation (“violent acts of a sexual nature”) sufficient and effective to tackle workplace harassment.[[21]](#footnote-21) However, Article 132 CC is far from sufficient, not least because it is extremely rarely invoked in sexual harassment cases. Likewise, Article 133 of the Criminal Code (1) (“compulsion to perform sexual actions”) provides inadequate recourse.

***Case of A.G.* [Ingushetia]**

The head of the local TV company for several months had been demanding *G*, his female employee, to have sexual intercourse with him under the threat of dismissal. After the employee’s refusal, he reduced her salary, gave her tasks outside of her area of competence, imposed disciplinary sanctions, and gave verbal instructions to the co-workers not to allow her to work. The woman complained to the Investigative Committee submitting an audio recording of a conversation with her offender during which he threatened her and demanded sexual intercourse with her. After four months of preliminary inquiry and ensuing refusals, the criminal case had been finally opened under Article 133 of the Russian Criminal Code. The investigation is ongoing for eighteen months, however, with no tangible results. *G* is not informed about the progress in investigation and denied access to the case file.

## *2.2. Statistics*

According to the Judicial Department of the Supreme Court of the Russian Federation, in 2017[[22]](#footnote-22) 46 people were charged with criminal responsibility under Article 133. In 2019[[23]](#footnote-23) 30 people were charged with criminal responsibility under the same article.

As evinced by the content and practical application of Article 133, it does not provide adequate legal protection against harassment. At present, this norm is the only legal instrument for protecting victims’ rights in Russia.

The Government also argues that Article 136 of the Criminal Code, which criminalizes discrimination committed by a person using their official position, constitutes effective protection against discrimination (para. 5). Such a statement is unfounded since there is no data on applying Article 132 and Article 136 of the Criminal Code of the Russian Federation to sexual harassment cases.

# RECOMMENDATIONS SECTION 2

* The Government should implement the Committee’s previous recommendations.

# 3. HARMFUL TRADITIONAL PRACTICES

## *3.1. General Overview*

The Government has not provided any specific information on harmful traditional practices in the NC, citing the absence of “concrete evidence of the violation of the rights of women and/or girls in the North Caucasus” (para. 63). Contrary to the Government’s assertions, there is abundant and growing evidence of the prevalence of harmful practices in the North Caucasus, which threaten the health and lives of thousands of women and girls every year. In addition, harmful traditional practices are often carried out in connection with other gender-based violence crimes. For example, in the North Caucasus, being a victim of sexualized violence carries the threat that the victim will be subjected to honor-based violence.

## *3.2. Female genital mutilation*

In 2016 and 2018, SJI published the results of two field studies on the practice of female genital mutilation (FGM) in Russia[[24]](#footnote-24), which found that approximately 1240 girls per year in Dagestan may be at risk of FGM, [[25]](#footnote-25) which is usually performed on girls before the age of three, at home, with the use of regular household implements such as knives or shears. Practices vary depending on the village and ethnic group, with the most common types incision and bloodletting, and partial removal of the clitoris.

In August 2016, a draft bill criminalizing FGM was introduced in the Duma.[[26]](#footnote-26) However, the bill was never passed, and neither the federal nor regional authorities have made any efforts to eliminate the practice, except for highly superficial actions, such as a check carried out by the Prosecutor’s office in Dagestan following the report’s publication. The Prosecutor’s office requested the personal information of the survivors interviewed for the report, which SJI declined to disclose; subsequently, the Prosecutor’s office found “no evidence” of the practice.[[27]](#footnote-27)

***Case of A.A.* [Ingushetia]**

SJI appealed to the Directorate of the Investigative Committee for Ingushetia with a request to check the activities of the management and doctors of the Aibolit medical clinic, which performed FGM on a nine-year old girl. A criminal case was initiated under exceedingly light charges (Article 115 of the Criminal Code - causing minor harm to health) and is still ongoing, the first such case in Russia to be prosecuted and considered in court. The accused in the case is the gynecologist of the Aiblot clinic. However, the authorities have refused to open a criminal case against the clinic’s leadership, father or stepmother of the girl, who initiated the procedure, and have thus far refused to rectify defective forensic reports.

In recent years, evidence has emerged of the “medicalization” of FGM in Russia, with the practice performed and even advertised in private medical clinics. In 2019, a nine-year old girl was taken by her father and step-mother to the private “Aibolit” clinic in Ingushetia in order for a doctor to perform FGM. The doctor is being prosecuted for causing “minor harm to health,” while the authorities refused to open criminal proceedings against the father and step-mother.[[28]](#footnote-28) In June 2020, the Russian Healthcare Monitoring Agency (“Roszdravnadzor”) in Ingushetia refused to annul the medical license of the “Aibloit” clinic and gave no assessment on the allegations of FGM being carried out at the clinic.[[29]](#footnote-29)

In 2018, the website of the “Best Clinic” medicalcenterin Moscow offered the service of “female circumcision on religious or ritual grounds” for 5-12 year-old girls.[[30]](#footnote-30) In 2019 the Investigative Committee refused to open a criminal case with respect to the clinic’s management.

In December 2020 the Ministry of Interior refused to open criminal proceedings for extremism offenses in relation to calls to perform FGM published in mass media publications in Dagestan.[[31]](#footnote-31)

## *3.3. Honor killings*

“Honor killings” in the North Caucasus are regularly carried out against women by male relatives for real or suspected sexual transgressions, including for professing a non-traditional sexual orientation. SJI has documented 58 cases from various sources involving 73 victims from Chechnya, Dagestan and Ingushetia between 2009-2020.[[32]](#footnote-32) An analysis of 43 court judgments of honor killings showed that in one of every three cases between 2008-2020, local courts commuted the punishment for the accused, finding that the victims had, by their actions – “sexual promiscuity” – provoked the accused to commit murder.[[33]](#footnote-33)

***Case of E.M.* [Ingushetia]**

In February 2020, law enforcement agencies in the Republic of Ingushetia leaked a video of a special operation of the detention of gang member who had seduced and blackmailed married women. Appearing on camera, E.M. was shortly thereafter killed by her brother for allegedly disgracing the family. The 33-year-old woman died from three stab wounds in her chest. The police then accepted the confession of E.M.’s brother, who confessed that the blood of his sister had allowed him to wash away the family’s shame.A criminal case was initiated against the police officers who circulated the official video in which E.M. appeared under Article 137(2) of the Criminal Code (violation of the inviolability of private life using one’s official position), and the case was assigned to court. At the same time, the authorities refused to open a case under Article 293(2) of the Criminal Code (misuse of official duties resulting in grievous bodily harm or death), which would have fully taken into account all the circumstances of the case.

## *3.4. Polygamy and religious marriages*

According to research published in 2019 by the ANNA Center, 37 out of 78 women interviewed in the Chechen republic were in a polygamous marriage. Of these, 21 women were the first wife and their husband had taken an additional wife, while 16 women were second and third wives. Another 282 women had acquaintances who were involved in a polygamous marriage.[[34]](#footnote-34)

Polygamists cannot formalize their marriages at a registry office, but this does not prevent them from entering into a Sharia-law marriage, which is officiated by an imam.

## *3.5. Early and forced marriage*

Forced marriage persists, whether in the form of bride kidnapping or other ways in which powerful, wealthy, violent men requisition women and girls for (polygamous) marriage or even less formal, non-consensual relationships.[[35]](#footnote-35) Victims rarely receive protection, while their kidnappers often go unpunished.

***Case of Z.S.* [Moscow and Chechnya]**

Because of systematic beatings from her parents, humiliation and forced marriage, a 20-year-old woman asked for shelter at a crisis center in Moscow, where she was living at the time. However, the girl then disappeared leaving all her documents and belongings at the center. She was able to get in touch with a friend and report that she was being forcibly taken back to Chechnya, where she remains. After her story received publicity, the victim was seen wearing a headscarf in a television broadcast on Chechen state television in the presence of the Press Secretary of the head of the Chechen Republic. In the broadcast, she stated that she had voluntarily returned to Chechnya and had been “recruited” and “pressured” by feminists.

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## *3.6. Bride-kidnapping*

***Bopkhoyeva v Russia* [Ingushetia]**

In 2009 Z.B. was abducted by a young man intending to marry her. Z.B.’s mother opposed the marriage and on the same day Z. returned home. The relatives of Z.’s deceased father made her go back to the abductor and threatened her with physical violence. Z. was forced to live with her abductor’s family, where she did not get along with her mother-in-law. Her husband was frequently away, and she was kept locked in a room without being able to communicate with people outside her “new” family, including her mother. Throughout several months, she was taken to the hospital several times with symptoms of poisoning, before she eventually fell into a non-responsive coma—in which she remains until the present day. In February 2018, the ECtHR found Russia responsible for violating article 2 of the European Convention on Human Rights for failing to conduct an investigation into Z’s near-fatal poisoning. Since the ECtHR’s judgment, the authorities have opened a criminal case, but have not conducted any investigative activity and no one has been held accountable.

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## *3.7. Discrimination against women in family life*

In Chechnya, systemic deprivation of custody rights for mothers is pursued as a matter of official policy at the regional level, and women and their lawyers are increasingly pursued, harassed and detained by the authorities for any attempt to assert custody rights.[[36]](#footnote-36)

In July 2017, a “family reunification initiative” was announced in Chechnya, under which divorced couples are identified and urged—or forced—to reunite,[[37]](#footnote-37) and subsequently, a Resolution promulgated by the Chechen Civic Forum stated that official divorce proceedings can be pursued only after appealing to the local muftiat.[[38]](#footnote-38)

The initiative was also accompanied by forceful reunification of children with their father’s families, performed at the behest of the Chechen leadership, which stated that “…those children who have stayed with their mothers should be handed over to the [fathers’ side]. Here is your child, bring him up yourself, friend! … We must mobilize all our resources for this, give instructions, provide assistance in all areas. Otherwise, when these children grow up, they will cause problems for us.”[[39]](#footnote-39)

The European Court of Human Rights had found violations of women and children’s right to family life in 5 cases since 2018. However, none of these judgments have been effectively implemented by the authorities, with applicants facing the same obstacles towards implementation of the domestic court decision. Delays in such matters damage the bond between mother and child, especially when children are separated from their mothers at a young age, and entail a heightened risk of psychological and physical violence against children, especially when the child is not living with either parent, but with more distant relatives.

# RECOMMENDATIONS SECTION 3

* To conduct research on the extent of harmful practices in the North Caucasus and develop a comprehensive strategy to eliminate them as well as to ensure the provision of remedies and support services for victims, in particular shelters;
* To provide systematic training to legal professionals, law enforcement officials and medical personnel in addressing effectively harmful traditional practices;
* To ensure that women who are victims of harmful traditional practices can report cases without having to fear retribution or stigma and can have access to legal, social, medical and psychological support;
* Take the legislative measures necessary to eliminate the concept of “ownership” of the father over his children in the northern Caucasus, and ensure equal parental rights to women in all cases.

# 4. HARASSMENT AND VIOLENCE COMMITTED AGAINST ACTIVISTS AND NGOS

## *4.1. Harassment of non-profit organizations*

Crisis centers operating in Russia are attacked on average at least once a year by a single aggressor or a group of people. Most crisis centers and shelters are subject to hate incidents several times a year.[[40]](#footnote-40)

As of 29 December 2020, six organizations have been included in the foreign agents register, which has severely hindered their advocacy on behalf of domestic violence victims. For example, following the foreign agent designation of Nasiliu.net (No to Violence) in December 2020, their Director reported in March 2021 that the organization was being forced out of their rental premises, entailing a significant disruption in service provision for survivors of domestic violence, since their office doubled as a drop-in resource and support center for victims, who were offered legal, psychological and other forms of support on site.[[41]](#footnote-41) The ANNA Center, after being designated a foreign agent, had to suspend a small grants program for women’s organizations, cease cooperation with many government agencies, other women’s NGOs and Russian businesses.

As pointed out by Duma member Oksana Pushkina, many ultra-conservative organizations in Russia receive foreign funding and openly influence Russian political discourse in the vein of “traditional values.”[[42]](#footnote-42) While none of these organizations face any hindrance to their operations, women’s rights advocacy groups face unplanned inspections on the basis of mere “complaints”—many of them anonymous—lodged by ultra-conservative groups. Thus, the stigma of the “foreign agent” label is actively used by opponents of the Russian women's movement and ultra-conservative groups to discredit activities devoted to protecting women from gender-based violence.[[43]](#footnote-43)

## *4.2. Harassment and violence in respect of women human rights defenders*

Activist E.G. was killed in St. Petersburg on the night of 19 July 2019. Her body was found near her house “with a slashed back, face and signs of strangulation”.[[44]](#footnote-44) E. actively defended women’s rights to a life free from violence, protested in support of the Khachaturyan sisters,[[45]](#footnote-45) and protested discrimination against the LGBT community.

S.A., editor-in-chief of the online portal Daptar, temporarily left the Republic of Dagestan after the police refused to investigate telephone death threats against her.[[46]](#footnote-46)

On 13 February 2020 police raided the homes and offices of women’s rights activists in Dagestan who provide legal and psychological assistance to survivors of domestic violence.[[47]](#footnote-47)  In June 2020 the authorities in Dagestan threatened a local women’s rights organization with inclusion in the foreign agents’ registry on the basis of a fake Facebook account under the name of the director, which included an “interview” with a fake journalist.

On 2 December 2020, V.K., a US citizen residing in Russia for over 11 years whose husband and two children have Russian citizenship, was informed that her residence permit had been cancelled and that she had two weeks to leave the country. Kogan tied the decision to expel her from the country to her human rights work, including on behalf of the rights of women and children in the North Caucasus region.[[48]](#footnote-48)

According to a survey conducted by the ANNA Center, 80% of women’s rights defenders have experienced threats of varying degrees from state and non-state actors.[[49]](#footnote-49)

# RECOMMENDATIONS SECTION 4

* To ensure that women’s rights activists and journalists can work unhindered, and to investigate any reported harassment, stalking, assaults or other offences associated with their professional activity;
* To ensure that the missions of NGOs active in the field of women’s rights in Russia are free to raise funds, freely conduct legal and other advocacy for women’s rights, and engage with the public and official representatives without fear of being labeled a “foreign agent.”

1. “Domestic violence in the age of COVID-19 in Russia. Submission on behalf of seven women’s rights organizations”, Stichting Justice Initiative, July 5, 2020, available at <https://srji.org/en/news/2020/07/sji-joins-report-on-gender-based-violence-in-russia-during-covid-19/> [↑](#footnote-ref-1)
2. “NGOs asked the government to protect victims of domestic violence in quarantine,” Novaya gazeta. April 2, 2020, available at <https://novayagazeta.ru/news/2020/04/02/160362-obschestvennye-organizatsii-poprosili-pravitelstvo-zaschitit-postradavshih-ot-domashnego-nasiliya-v-usloviyah-karantina>. [↑](#footnote-ref-2)
3. “Golikova instructed the Interior Ministry to deal with domestic violence in isolation,” RBC, May 7, 2020, available at <https://www.rbc.ru/society/07/05/2020/5eb3da4a9a7947f971cd1523>. [↑](#footnote-ref-3)
4. Research on Preventing and Combating Violence Against Women and Domestic Violence Including in Situations of Social Disadvantage in the Russian Federation. Based on analysis of the Russian framework and compilation of good practices. Council of Europe, April 2020. Pages 16-17, available at <https://rm.coe.int/publication-research-on-vaw-and-dv-in-situations-of-social-disavantage/16809e4a04> [↑](#footnote-ref-4)
5. “Lining up to be battered: domestic violence defies statistics,” Izvestiia, August 15, 2019, <https://iz.ru/910355/ekaterina-korinenko/ochered-na-poboi-domashnee-nasilie-ne-poddaetsia-podschetu>. [↑](#footnote-ref-5)
6. Rosstat, available at link <http://www.gks.ru/free_doc/doc_2018/wo-man18.pdf>. [↑](#footnote-ref-6)
7. BBC Russian Service, “Rights Defenders: Two-thirds of women killed in Russia are domestic violence victims,” 16 February 2021, <https://www.bbc.com/russian/news-56083021>. [↑](#footnote-ref-7)
8. See Consortium of non-commercial women’s organizations, “The Consortium’s project won at the Hackathon ‘Projector 2021’” 15 February 2021, <https://wcons.net/novosti/proekt-konsorciuma-zhenskih-npo-blizkim-licom-blizkomu-blicu-pobedil-v-hakatone-prozhektor-2021/>. [↑](#footnote-ref-8)
9. In accordance with Federal Law 119 “On State Protection of Victims, Witnesses and Other Participants in Criminal Proceedings” of 20/08/2004. [↑](#footnote-ref-9)
10. “Prohibition of certain actions: will this new measure help victims of violence?,” Wonderzine, April 28, 2018, available at <https://www.wonderzine.com/wonderzine/life/life/234857-certain-actions>. [↑](#footnote-ref-10)
11. For example, in 2019 courts considered 179,391 cases under Article 6.1.1 of the Code of Administrative Offenses of the Russian Federation (by number of persons); 118,070 people were given an administrative penalty, in 96,704 cases (81.9%) that penalty was a fine of an average amount of 5,398.62 rubles (approximately 70 euros). [↑](#footnote-ref-11)
12. CEDAW Communications No. 065/2014, 091/2015, and 100/2016. <https://www.ohchr.org/_layouts/15/WopiFrame.aspx?sourcedoc=/Documents/HRBodies/CEDAW/CEDAW_Followup_Report15October2019.docx&action=default&DefaultItemOpen=1> [↑](#footnote-ref-12)
13. See, for example: SJI, Communication to the Committee of Ministers of the Council of Europe on the implementation of the *Volodina v Russia judgment*, <https://srji.org/upload/medialibrary/501/Valeriya-2020-07-31-Tekst-reporta-v-KM.pdf> [↑](#footnote-ref-13)
14. Draft Federal Law on the prevention of domestic violence in the Russian Federation, available at <http://council.gov.ru/media/files/rDb1bpYASUAxolgmPXEfKLUIq7JAARUS.pdf>. [↑](#footnote-ref-14)
15. Article 2 of the draft Federal Law. [↑](#footnote-ref-15)
16. Available at link <https://zona.media/article/2019/11/25/women-105>. [↑](#footnote-ref-16)
17. Draft federal law № 1074945-7, Аvailable at <https://sozd.duma.gov.ru/bill/1074945-7>. [↑](#footnote-ref-17)
18. Council of Europe, Report of the Cybercrime Convention Committee “Mapping study on cyberviolence” (Annex 13), 2018, p. 24, available at <https://rm.coe.int/t-cy-2017-10-cbg-study-provisional/16808c4914>

    See also Overview of revenge porn law across the world (Annex 14), available at <https://cis-india.org/internet-governance/blog/revenge-porn-laws-across-the-world> [↑](#footnote-ref-18)
19. Articles 137 and 138 of the Criminal Code of the Russian Federation. [↑](#footnote-ref-19)
20. Government observations at paras. 20-21, *Volodina v Russia (No. 2)* (40419/19). [↑](#footnote-ref-20)
21. Ninth periodic report submitted by the Russian Federation, para 128. [↑](#footnote-ref-21)
22. Summary of statistical information on convictions in Russia in 2017, Judicial Department of the Supreme Court of the Russian Federation. Available at <http://www.cdep.ru/index.php?id=79&item=4572>. [↑](#footnote-ref-22)
23. Summary of statistical information on convictions in Russia in 2019, Judicial Department of the Supreme Court of the Russian Federation. Available at <http://www.cdep.ru/index.php?id=79&item=5259>. [↑](#footnote-ref-23)
24. SJI, Female genital mutilation in the Republic of Dagestan, 2016, p.5, available at <https://www.srji.org/upload/iblock/957/The_practice_of_female_genital_mutilation_in_Dagestan_strategies_for_its_elimination_15.06.pdf> [↑](#footnote-ref-24)
25. SJI, The practice of FGM in the republics of the North Caucasus: strategies for elimination, 2018. Available at <https://www.srji.org/upload/iblock/11e/978_5_4490_9470_4_Praktiki_kalechashih_operacij_v_respublikah_Severnogo_Kavkaza_strategii_preodoleniya.pdf> [↑](#footnote-ref-25)
26. The Independent, Russian MP calls for 10-year prison sentence for FGM, August 22, 2016. Available at

    <https://www.independent.co.uk/news/world/europe/russia-fgm-female-genital-mutilation-ban-prison-controversy-russian-mp-bill-a7203446.html> [↑](#footnote-ref-26)
27. BBC, “Dagestan Prosecutor did not confirm facts of FGM,” October 26, 2016. Available at <https://www.bbc.com/russian/news-37777276>. [↑](#footnote-ref-27)
28. Kommersant, “FGM in the clinic”, May 13, 2020. Available at <https://www.kommersant.ru/doc/4343082>. [↑](#footnote-ref-28)
29. # Consortium of women’s NGOs, “Roszdravnadzor did not find any violations from FGM,” 10 June 2020, <https://wcons.net/novosti/roszdravnadzor-ne-uvidel-narushenij-v-zhenskom-obrezanii/>

    [↑](#footnote-ref-29)
30. Meduza, “ Moscow clinic offered female circumcision for girls under 12 on religious grounds, 27 November 2018, <https://meduza.io/feature/2018/11/27/moskovskaya-klinika-predlagala-delat-zhenskoe-obrezanie-devochkam-do-12-let-po-religioznym-motivam-eta-protsedura-kalechit> [↑](#footnote-ref-30)
31. Snob, “Dagestan MVD did not find extremism in publications about the benefits of ‘female genital cutting’,” December 15, 2020, <https://snob.ru/news/mvd-dagestana-ne-nashlo-ekstremizma-v-publikaciyah-o-polze-zhenskogo-obrezaniya/>. [↑](#footnote-ref-31)
32. Up to date statistics can be found at [www.убийствачести.рф](about:blank). Available at <https://xn--80abdnmdd8ddgec3d.xn--p1ai/index.php>. [↑](#footnote-ref-32)
33. *Killed by Gossip* (2), p.7. [↑](#footnote-ref-33)
34. *Remain Alive* Report at 239. [↑](#footnote-ref-34)
35. Kavkaz Uzel, “Chechen woman abducted from Moscow highlights the problem of forced marriages,” July 18, 2019, <https://www.kavkaz-uzel.eu/articles/338008/>; Lenta.ru,“Russian woman taken to Chechnya cites the reason she left home,” July 17, 2019, <https://lenta.ru/news/2019/07/17/nevesta/>; Social Information Agency, “What happened to the "Chechen bride"?, July 19, 2019, <https://lenta.ru/news/2019/07/17/nevesta/>. [↑](#footnote-ref-35)
36. Kavkaz.Realii, “The only bandit here is you”. A Chechen resident reports she was beaten by police while trying to defend her rights as a mother,” November 9, 2020, <https://www.kavkazr.com/a/30938391.html>. [↑](#footnote-ref-36)
37. Grozny Inform, “Chechen society takes additional measures to strengthen and preserve the institution of the family,” November 13, 2017, <http://www.grozny-inform.ru/main.mhtml?Part=17&PubID=90307>. [↑](#footnote-ref-37)
38. Ibid, para. 5. [↑](#footnote-ref-38)
39. Press-conference of R.A. Kadyrov, July 2, 2017, available at <https://www.youtube.com/watch?v=IcjuD0nF7tg&feature=youtu.be> (translated from Chechen to Russian). [↑](#footnote-ref-39)
40. Remain Alive Report at 292. [↑](#footnote-ref-40)
41. Novaya Gazeta, “The center Nasiliu.net has been ordered to immediately vacate premises where victims of domestic violence receive consultations,” 8 March 2021, <https://novayagazeta.ru/articles/2021/03/08/ot-tsentra-nasiliiu-net-potrebovali-srochno-osvobodit-pomeshchenie-gde-konsultiruiut-zhertv-domashnego-nasiliia>. [↑](#footnote-ref-41)
42. Telegram channel of Oksana Pushkina, December 29, 2020, available at <https://t.me/pushkinao/137>. [↑](#footnote-ref-42)
43. See: Novaya Gazenta, “A tip-off again? Novaya clears up the reasons for MoJ inspection of center for assistance for victims of domestic violence,” December 16, 2020, <https://novayagazeta.ru/articles/2020/12/16/88399-opyat-donos>. [↑](#footnote-ref-43)
44. Fontanka.ru, “[Police Dog] Jasmine helped find an alleged murderer in the courtyards of St Peterburg’s Moskovksii District. The victim may have been an LGBT activist,” July 22, 2019, <https://www.fontanka.ru/2019/07/22/069/>. [↑](#footnote-ref-44)
45. In July 2018 three teenage sisters stabbed and battered their father to death in his sleep, in their Moscow flat.

    Investigators confirmed the girls’ father abused them physically and psychologically for years. Two of the sisters are awaiting trial for murder. [↑](#footnote-ref-45)
46. Kavkaz Uzel, “The collection of signatures for the investigation of threats to Svetlana Anokhina has begun,” September 25, 2020, available at <https://www.kavkaz-uzel.eu/articles/354605/>. [↑](#footnote-ref-46)
47. HRW, Russia: Raids on Rights Defenders in Dagestan, February 15, 2020, <https://www.hrw.org/news/2020/02/15/russia-raids-rights-defenders-dagestan>; Mediazona, “Justice Initiative reports raids of its partners in Dagestan,” February 13, 2020, <https://zona.media/news/2020/02/13/obusk>. [↑](#footnote-ref-47)
48. The Guardian, “Russian moves to expel American human rights activist,” December 3, 2020, <https://www.theguardian.com/world/2020/dec/03/russia-moves-to-expel-american-human-rights-activist> [↑](#footnote-ref-48)
49. Remain Alive Report at 302. [↑](#footnote-ref-49)