

Ending family violence in the Russian Federation – confronting physical punishment of girls and boys



Information for the Committee on the Elimination of Discrimination Against Women from the Global Initiative to End All Corporal Punishment of Children (www.endcorporalpunishment.org), September 2015

Introduction: family violence in the Russian Federation and CEDAW's examination of the eighth state party report

Violent punishment of children has a long and deep rooted history of social and legal acceptance. Even to this day, unless it is severe it is not readily perceived as “violence” per se or as an assault on a child’s human dignity. Except in states where it has been explicitly challenged through law reform and public education and awareness raising, it remains taken for granted in childrearing. For all these reasons, unless the law sends a clear message that all physical punishment, however light, is prohibited, it will continue to be considered lawful. In the Russian Federation, draft legislation on domestic violence is under discussion, together with a number of other law reforms. But these reforms will only fully protect women and girls from violence in interpersonal relationships if they include clear prohibition of all corporal punishment – violence inflicted in the guise of “discipline” and at present lawful.

We hope the Committee on the Elimination of Discrimination Against Women will raise the issue of violent punishment of girls and boys in its examination of the Russian Federation. In particular, we hope the Committee will:

- **in its concluding observations on the eighth state party report, recommend that the Russian Federation ensure that *no* form of violence within the domestic sphere is condoned, including by parents against their children, and that legislation is enacted to prohibit domestic violence against all family members, including clear prohibition of all physical punishment of children.**

The remainder of this briefing provides the following further details:

1. Information provided to CEDAW by the Russian Federation in respect of corporal punishment
 2. The current law relating to family violence and corporal punishment of children in the Russian Federation and immediate opportunities for reform
 3. Treaty body and UPR recommendations on the issue made to the Russian Federation to date.
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1 Information provided by the Russian Federation to CEDAW in respect of corporal punishment

1.1 The Russian Federation’s eighth state party report provides extensive information on measures aimed at tackling domestic violence against women.¹ However, it makes no reference to corporal punishment of children, violence which may lawfully be inflicted on girls in the guise of “discipline” in childrearing.

¹ 22 August 2014, CEDAW/C/RUS/8, Eighth state party report, paras. 97ff

1.2 The list of issues for the Russian Federation adopted by the Committee asks for an update on the progress of the bill on violence against women and related law reforms.² At the time of preparing this briefing, the Government's replies are available only in Russian. Corporal punishment is the most common form of violence against children, and most commonly takes place in the home. No law aimed at preventing domestic violence can be considered complete while it fails to protect all persons in the home from violent assault, even if that is imposed in the guise of "discipline".

2 Laws on domestic violence and corporal punishment of children in the Russian Federation and immediate opportunities for prohibiting violent punishment of girls and boys

Summary

2.1 In the Russian Federation, legal protection for children from violence in the home is incomplete, as the law does not prohibit corporal punishment: it may be lawfully inflicted on girls and boys by parents/carers. Legislation on domestic violence is being drafted: ensuring that it includes prohibition of all physical punishment is vital in ensuring women and girls are fully protected from violence in their homes.

Detail

2.2 The Family Code 1995 provides for the protection of children's human dignity by their parents (art. 54) and protection from abuse by parents (arts. 56 and 69). It states that parents have a right and duty to educate their children and must care for their children's "health, physical, mental, spiritual and moral development" (art. 63) and that "methods of parenting should not include neglectful, cruel or degrading treatment, abuse or exploitation of children" (art. 65). The Criminal Code 1996 punishes intentional serious, less serious and minor harm to health (arts. 111 to 115) and "beating or other violent acts which cause physical pain but not the consequences in article 115" (art. 116). But in the absence of explicit prohibition, these provisions do not protect children from all forms of physical punishment in childrearing.

2.3 President's decree No. 761 dated 1 June 2012 "On the national strategy of activities in the interests of children for 2012-2017" states that one of the measures focused on the formation of a safe and comfortable family environment is the creation and adoption of a programme promoting intolerance to any forms of violence and corporal punishment of children. However, no such programme appears to exist.³

2.4 A draft Law on Domestic Violence is being drafted.⁴ Draft amendments to the Code of Administrative Offences⁵ have been submitted to the State Duma: the aim of the bill is to prohibit insulting harassment, vulgar language and other intentional behaviour disturbing the public order or peace of citizens conducted at home. In December 2014, the member of the Federation Council proposed amendments to the Criminal Code introducing higher liability for intentional minor harm to health (art. 115), beating (art. 116) and torture (art. 117) committed against relatives or former relatives;⁶ as at April 2015, the draft law was being considered by the State Duma of the Russian Federation. It appears that none of these proposed law reforms include explicit prohibition of all corporal punishment of children.

² 16 March 2015, CEDAW/C/RUS/Q/8, List of issues, para. 8

³ Latham & Watkins (UK) in correspondence with the Global Initiative, 18 May 2015

⁴ 22 August 2014, CEDAW/C/RUS/8, Eighth state party report, para. 105

⁵ The draft law No. 545442-6 "On introducing the amendments to the article 20.1 of the Code of Administrative Offences of the Russian Federation (regarding amendments of the disposition of article 20.1 of the Code and harsher punishment for the violations established by this article)"

⁶ The draft law No. 665512-6 "On introducing the amendments to the Criminal Code of the Russian Federation (regarding establishing the higher criminal responsibility for the crimes, envisaged by articles 115-117 of the CC RF, committed against relatives or former relatives)"

2.5 Protecting children from violent punishment in the home in the Russian Federation requires clear prohibition of all corporal punishment. The drafting of a domestic violence law provides a key opportunity for explicitly prohibiting corporal punishment of children by parents and thereby sending a clear message that the family home is a place where no form of violence is tolerated.

3 Recommendations by human right treaty monitoring bodies

3.1 The Russian Federation has received multiple recommendations concerning prohibition and elimination of corporal punishment of children from the Committee on the Rights of the Child (2014, 2005, 1999).⁷

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⁷ 31 January 2014, CRC/C/RUS/CO/4-5 Advance Unedited Version, Concluding observations on fourth/fifth state party report, paras. 32 and 33; 23 November 2005, CRC/C/RUS/CO/3, Concluding observations on third report, paras. 7, 36, 37, 46 and 47; 10 November 1999, CRC/C/15/Add.110, Concluding observations on second report, paras. 28, 29 and 30