



Committee on the Elimination of Discrimination against Women

Consideration of the 6th and 7th Periodic Reports of the Russian Federation

Front Line (International Foundation for the Protection of Human Rights Defenders) & International Commission of Jurists

Submission

1. Front Line and the International Commission of Jurists (ICJ) wish to present their views to the Committee on the Elimination of Discrimination against Women in advance of the Committee's consideration of the 6th and 7th Periodic Reports of the Russian Federation.
2. In its list of issues and questions conveyed to the Russian Federation following the Committee's receipt of the State's 6th and 7th periodic reports the Committee considered the situation of women's political participation and participation in public life pursuant to the State party's obligations under article 7 of the Convention; noted that *"in 2008 the Special Representative of the Secretary-General on the Situation of Human Rights Defenders called on the Government to proceed with thorough impartial investigations of the killing of the journalist Anna Politkovskaya;"* and requested the State to *"provide detailed information on investigations, prosecutions, convictions and penalties imposed on the perpetrators of assaults against women journalists."*¹
3. In this context Front Line and the ICJ consider it important to alert the Committee to attacks in the State party on a broader group of women, namely women human rights defenders,² and to outline serious concerns regarding the State's response to these cases, particularly in the North Caucasus. In addition Front Line and the ICJ will briefly address the broader climate of impunity for grave human rights violations and abuses that persists in the North Caucasus, and will point to the serious consequences that this has for the protection of women's human rights in the region.

Women Human Rights Defenders Subject to Murder, Assault and Threat of Violence³

4. Of particular concern has been the situation of women human rights defenders, and human rights defenders generally, in the North Caucasus region. In 2009 alone two prominent women human rights defenders were murdered in the North Caucasus.

¹ List of Issues and Questions with Regard to the Consideration of Periodic Reports, Russian Federation, CEDAW/C/USR/Q/7, 15 September 2009, Para. 17

² "Human rights defender" is a term used to describe people who, individually or with others, act to promote or protect human rights. Depending on their activities, a wide range of individuals can be human rights defenders, including advocates, journalists, lawyers among others. For more information, see the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, General Assembly Resolution A/RES/53/144, and the information note available at: <http://www2.ohchr.org/english/issues/defenders/who.htm>

³ It is important to note that the cases listed below represent only a number of recent examples of events and incidents from 2009 and 2010. Moreover the examples given only refer to incidents involving women human rights defenders. Many men have also been threatened, attacked and in some instances, killed.

- On 15 July 2009 **Natalya Estemirova**, a member of staff of the Human Rights Centre Memorial, which investigates human rights abuses in the region and seeks an end to the impunity of the perpetrators, was forcibly abducted in Grozny and subsequently shot and killed.⁴ Since her death an investigation has been ongoing without yielding any visible results to date. There are serious concerns that the perpetrators will not be identified or brought to justice.
 - On 11 August 2009 **Zarema Sadulayeva**, director of a civil society organization, Lets Save the Generation, which works with children affected by violence in Chechnya, and her husband, were found shot to death in the boot of a car.⁵ Again, an investigation has been ongoing since the murders without yielding any visible results to date.
5. Meanwhile other women human rights defenders in the region have been subject to physical attack, destruction of property or threats of violence, including sexual violence, and death.
- On 17 June 2010 human rights lawyer **Sapiyat Magomedova**, who along with other partners in her firm represents victims of abductions, torture and extrajudicial executions in Dagestan, was severely beaten at a police station in Dagestan, following her request to meet with a client who was detained there.⁶
 - On 19 August 2009 the premises of the organization **Mothers of Dagestan for Human Rights**, formed in 2007 by mothers of men believed to have been subject to enforced disappearances, and which gathers information on abuse by the police and other law enforcement authorities in the region and provides legal support to victims of rights violations, were subject to an arson attack.⁷ The arson attack followed events earlier in 2009, which involved the arbitrary arrest and detention on 11 January 2009 of the sister of a prominent member of the organization, as well as media attacks on the organization on 26 January 2009 that referred to it as an organization that supports extremists.⁸
 - On 10 February 2009, following their participation in a press-conference, anti-torture campaigner **Malika Zubajraeva** and her sister were accosted and threatened with rape in front of their family members if they did not cease their public activities.⁹
6. While a substantial proportion of these cases have arisen in the North Caucasus, attacks on women human rights defenders have persisted elsewhere in the Russian Federation.
- On 19 January 2009, **Anastasya Baburova**, human rights defender and freelance journalist for *Novaya Gazeta*¹⁰ was shot and killed on a Moscow street along with human rights lawyer Stanislav Markelov.¹¹
 - On 8 February 2009, **Galina Kozhevnikova**, Deputy Director of the Sova Centre, a human rights organization working to combat nationalism and xenophobia, received email threats of attack, beating and murder.¹²

⁴ Front Line Urgent Action, Russian Federation: Assassination of human rights defender, Ms Natalya Estemirova, <https://frontlinedefenders.org/en/node/2096>; Russian Federation: ICJ calls for action to protect human rights defenders following killing of Natalya Estemirova <http://old.icj.org/IMG/EstemirovaPRfinal.pdf>

⁵ Front Line Urgent Action, Russian Federation: Assassination of human rights defender, Ms Zarema Sadulayeva and her husband Mr Alik Lechayevich Dzhabrailov, <http://www.frontlinedefenders.org/node/2123>

⁶ Front Line Urgent Action, Russian Federation: Assault of human rights lawyer Ms Sapiyat Magomedova, <http://frontlinedefenders.com/en/en/node/2575>

⁷ Front Line Urgent Action, Russian Federation – Burning of the office of human rights organisation, Mothers of Dagestan, <http://www.frontlinedefenders.org/node/2136>

⁸ Front Line Urgent Action, Russia: Defamation campaign against human rights organisation, Mothers of Dagestan for Human Rights, <http://www.frontlinedefenders.org/node/1793>

⁹ Front Line Urgent Action, <http://www.frontlinedefenders.org/node/1807>

¹⁰ The same newspaper that Anna Politkovskaya wrote for.

¹¹ Front Line Urgent Action, Russia: Assassination of human rights lawyer, Mr Stanislav Markelov <https://www.frontlinedefenders.org/node/1773>

¹² Front Line Urgent Action, Russian Federation: Threats received by human rights defender, Ms Galina Kozhevnikova <http://www.frontlinedefenders.org/node/1804>

A Climate of Impunity: State Party's Failure to Prevent, Investigate and Punish these Attacks

7. Under international law States, including the Russian Federation, are obliged to exercise due diligence to prevent, investigate and hold accountable, including by criminal law, those responsible for conduct which impairs the human rights to life, personal security and integrity, and freedom from torture, cruel, inhuman and degrading treatment and punishment.¹³ These obligations apply in respect of conduct by both state authorities and private actors. Indeed as this Committee has noted "under general international law...states may be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence."¹⁴ *Impunity* arises when States fail to meet their obligations to investigate such violations, to bring the perpetrators to justice, to provide victims with effective remedies and reparation, to ensure the right to truth about violations, and to take steps to prevent a recurrence.¹⁵
8. The ICJ and Front Line are concerned that there is an ongoing failure by the State party to investigate, prosecute and punish the perpetrators of individual attacks on women human rights defenders, and human rights defenders more generally. The cumulative failure of the State party to exercise its obligation of due diligence has given rise to a general climate of impunity and tolerance which in turn has created a permissive environment which facilitates and encourages these attacks and killings.
9. As such not only is the State party failing to prevent attacks on women human rights defenders, and human rights defenders more generally, by taking sufficient preventative steps before attacks occur, but its failure to ensure appropriate investigations and prosecutions are carried out in line with its international obligations also constitutes a failure to prevent attacks and loss of life and can be deemed a cause of such incidents.¹⁶
10. In its 2008 consideration of the Russian Federation periodic report under the ICCPR, the **Human Rights Committee** expressed "*its concern at the alarming incidence of threats, violent assaults and murders of journalists and human rights defenders in the State party*" and noted its regret at "*the lack of effective measures taken by the State party to protect the right to life and security of these persons.*"¹⁷ It urged the State to "*(a) Take immediate action to provide effective protection to journalists and human rights defenders whose lives and security are under threat due to their professional activities; (b) Ensure the prompt, effective, thorough, independent, and impartial investigation of threats, violent assaults and murders of journalists and human rights defenders and, when appropriate, prosecute and institute proceedings against the perpetrators of such acts.*"¹⁸

¹³ Articles 2, 6, 7,9 International Covenant on Civil and Political Rights; Articles 2,5, 16 Convention Against Torture; Articles 1, 2, 3 European Convention for the Protection of Human Rights and Fundamental Freedoms; Committee Against Torture, General Comment 2; Human Rights Committee, General Comment No.31, The Nature of the General Legal Obligation Imposed on States Parties to the Covenant, 29 March 2004; European Court of Human Rights, Case of L.C.B. v. The United Kingdom, 9 June 1998, Application No. 23413/94; Case of Osman v. The United Kingdom, 28 October 1998, Application No. 23452/94; Case of E and Others v. The United Kingdom, 26 November 2002, Application No. 33218/96; See also, CEDAW General Comment No 19; And, Inter-American Court of Human Rights, *Case of Velasquez Rodriguez v. Honduras*, Judgment of 29 July 1988.

¹⁴ Committee on the Elimination of Discrimination against Women, General Comment 19, Violence Against Women;

¹⁵ Updated Set of principles for the protection and promotion of human rights through action to combat impunity (E/CN.4/2005/102/Add.1);

¹⁶ It is widely recognized that impunity in respect of human rights violations encourages the repetition of violations and may often be considered a cause of those violations: Committee Against Torture, General Comment 2; European Court of Human Rights, *Case of Mahmut Kaya v. Turkey*, Judgment 28 March 2000, Application No. 22535/93, Paras. 92 – 99, European Court of Human Rights, *Case of Opuz v. Turkey*, Judgment 9 June 2009, Application No. 33401/02, Para 200.

¹⁷ Concluding observations of the Human Rights Committee, Russian Federation, CCPR/C/RUS/CO/6, 24 November 2009, Para 16

¹⁸ Concluding observations of the Human Rights Committee, Russian Federation, CCPR/C/RUS/CO/6, 24 November 2009, Para 16

11. Front Line and the ICJ are concerned that the climate of impunity and tolerance which persists in the State party in relation to the kind of attacks outlined in paragraphs 4-6 above not only places women human rights defenders in a situation of extreme risk, but additionally gives rise to a more general chill factor on civil society. This impacts women human rights defenders, and civil society more broadly, and among other things disables adequate civil society mobilization in respect of human rights violations that are suffered by women as women.
12. Indeed in 2006, even before any of the incidents mentioned in paragraphs 4-6 above had occurred, **the Special Rapporteur on Violence Against Women**, in her Report on her Mission to the Russian Federation, specified that, *“women’s organizations face many constraints in their efforts to promote and protect women’s rights.”* She noted that *“there is limited State protection for civil society organizations, making them extremely vulnerable to pressures and restrictions...this situation places constraints on the development of women’s NGOs and other civil society entities...consequently women are unable to exert pressure for change, extent sufficient support for victims of human rights violations...and undertake comprehensive research on gender issues, among other issues.”*¹⁹
13. Additionally, in respect of the specific situation in the North Caucasus, the **Special Rapporteur** recommended to the State party that it *prevent and investigate “any attacks on and reprisals against human rights defenders” and support “their work to document, monitor and report on human rights violations in the region.”*²⁰ She noted that *“[s]ince 1994 many women have organized in reaction to human rights violations, in particular the widespread disappearances. While this has empowered women, it has also created new vulnerabilities as they become potential targets during security operations.”*²¹ She added that, *“the impunity surrounding crimes committed in Chechnya is confirmed by many different sources. The system functions by using a pattern of repression to restrict the collection and dissemination of information about human rights abuses, as well as severely limited access to justice and thus effectively preventing perpetrators from being punished. It also constitutes an effective means of spreading fear and silencing the population. Women’s groups and organizations in the North Caucasus feel particularly vulnerable as they have been active in publicizing the human rights violations in the region.”*²²
14. Indeed in analyzing the obligations on a State party under Article 7 of CEDAW, Front Line and the ICJ believe it is important for the Committee to recall the observations of the **Special Representative of the Secretary General on Human Rights Defenders** regarding women human rights defenders in her report to the Human Rights Council in 2002.²³ Among other things she noted that *“while women defenders work as indefatigably as their male counterparts in upholding human rights and the rights of victims of human rights violations there exist some characteristics that are specific to them as women involved in the defense of human rights... in the first instance they become more visible. That is, women defenders may arouse more hostility than their male colleagues because as women human rights defenders they may defy cultural, religious or social norms about femininity and the role of women.”*²⁴ It is also imperative to recognize that women defenders may face hostility, harassment and repression that takes a gender-specific form, that their professional integrity and standing in society can be threatened and discredited in ways that are specific to women, and that human rights abuses perpetrated against women

¹⁹ Report of the Special Rapporteur on Violence Against Women, its causes and consequences, E/CN.4/2006/61/Add.2, Para. 50

²⁰ Report of the Special Rapporteur on Violence Against Women, its causes and consequences, E/CN.4/2006/61/Add.2, Para.86

²¹ Report of the Special Rapporteur on Violence Against Women, its causes and consequences, E/CN.4/2006/61/Add.2, Para.54

²² Report of the Special Rapporteur on Violence Against Women, its causes and consequences, E/CN.4/2006/61/Add.2, Para. 77

²³ Report of the SRSG on Human Rights Defenders, 27 February 2002, E/CN.4/2002/106, Paras.80-94

²⁴ Report of the SRSG on Human Rights Defenders, 27 February 2002, E/CN.4/2002/106, Paras. 89-91

defenders may have gender-specific repercussions.²⁵ As such there will often be particular steps that States need to take in order to protect the human rights of women human rights defenders and ensure their ability to carry out their work free of threat or attack.²⁶

15. Front Line and the ICJ respectfully submit that the Committee on the Elimination of Discrimination against Women should raise the situation of women human rights defenders with the State party and recommend the following to the State party:

(a) That it swiftly take steps to ensure a prompt, effective, thorough, independent, and impartial investigation is carried out in respect of each of the incidents outlined above, that is capable of leading in a timely fashion to the institution of appropriate legal proceedings, including where warranted criminal prosecution, against the alleged perpetrators.

(b) That it publicly and unequivocally condemn all attacks on human rights defenders and outline clearly that any future attacks will not be tolerated but will be subject to the full weight of the law, and that it ensure such condemnation is echoed at all relevant political levels and by State officials.

(c) That it take effective measures to protect human rights defenders' rights to life, physical integrity, and freedom from torture and cruel, inhuman and degrading treatment and punishment. This includes taking specific protective measures needed to protect women human rights defenders.

(e) That it take positive steps to increase the ability of women human rights defenders to conduct their work free from threat or risk of harm, and lift government restrictions on civil society which impede the ability to work effectively for the protection of women's human rights and an end to discrimination against women.

(f) That it (a) respond positively to the visit request by the UN Special Rapporteur on Human Rights Defenders to conduct a mission to the country,²⁷ which would involve among other things, a focus on women human rights defenders, and (b) request advice from the Special Rapporteur on effective protection mechanisms to prevent attacks on human rights defenders, including those specific protection measures necessary in relation to women human rights defenders.

(g) That it initiate effective, informed training programmes on the protection of human rights defenders, and specifically on the protection of women human rights defenders, for judges, law enforcement officials, and other relevant State authorities.

Broader Failure of the State Party to Protect Women's Human Rights in the North Caucasus

16. The broader contextual circumstances at play in the North Caucasus involve a general climate of impunity for grave human rights abuses, including unlawful killings, enforced disappearances and torture and other ill-treatment, reportedly perpetrated by a range of actors including members of the military, security services and other state agents.²⁸ Notably in almost all cases a great deal of the work done by the

²⁵ Report of the SRSG on Human Rights Defenders, 27 February 2002, E/CN.4/2002/106, Paras.91-93; See also, Claiming Rights, Claiming Justice: A Guide on Women Human Rights Defenders, <http://www.defendingwomen-defendingrights.org/pdf2007/book3Neo.pdf>

²⁶ Report of the SRSG on Human Rights Defenders, 23 January 2006, E/CN.4/2006/95, 23 January 2006, Para 10

²⁷ Report of the Special Rapporteur on the Situation of Human Rights Defenders, 30 December 2009, A/HRC/13/22 <http://www2.ohchr.org/english/issues/defenders/docs/A.HRC.13.22.pdf>

²⁸ For more information see ICJ Submission to the Human Rights Committee's Review of the 6th Periodic Report of the Russian Federation, available at: <http://old.icj.org/IMG/HRCRussia.pdf>. See also, ICJ Eminent Jurists Panel on Terrorism, Counter-Terrorism and Human Rights, Hearing on the Situation in the Russian Federation, Evidence, available at: <http://ejp.icj.org>;

women human rights defenders involved in the incidents outlined in paragraphs 4-6 above, is or was devoted towards challenging the pervasive impunity which is at play in relation to this wider set of abuses.

17. In turn this general context has a number of serious direct and indirect consequences for the protection of women's human rights in the North Caucasus. While it is not possible to capture all of these here, Front Line and the ICJ consider it important to draw the Committee's attention to a number of aspects which call into question the State party's compliance with its obligations under the Convention to eradicate various forms of violence against women,²⁹ to eliminate 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 women³⁰ and ensure women's equality before the law.³¹
18. Indeed, not only does the overall climate of impunity adversely affect women's efforts to seek justice for the loved ones they have lost but broadly undermines their confidence in the justice system. This in turn significantly impacts their willingness and ability to turn to the law for protection or justice in respect of human rights violations that may affect them as women, for example domestic violence or sexual violence in the private sphere. In the words of the **Special Rapporteur on Violence Against Women**, "*with the breakdown of law and order, severe lack of confidence in the authorities and pressure on women from marginalized groups to maintain group cohesion, taboo and silence have become the rule.*"³²
19. Moreover this impunity coincides with entirely inappropriate State responses to gendered-violations of women's rights that occur in the North Caucasus. Indeed the State party systematically fails to prevent, investigate, and punish acts of violence against women,³³ including those violations perpetrated by State officials, such as rape and sexual abuse³⁴ and also those occurring in the private sphere or in the community, such as domestic violence, sexual violence, and honour related attacks on, and killings of women.³⁵ Moreover, the statements of its representatives and agents in the region often positively facilitate and encourage such crimes.³⁶
20. This is exemplified by statements made by the **Chechen Ombudsman Nukhadjiev** and the **Chechen President Kadyrov** following the honour killings of seven women in the region in 2008. The Ombudsman reportedly noted that "*unfortunately, we have such women who have started forgetting the code of behavior of mountaineers. With regard to such women men, who feel offended, sometimes commit lynching.*"³⁷ Meanwhile, the President reportedly expressed the view that, "*I have a right to criticize my wife. She does not. Our wives are housekeepers. A woman should know her place.... A woman should give us love. ... A woman should be property. A man is the owner. If our women do not behave it is husband, father and brother who are responsible. It is our tradition that if a woman sleeps around she gets killed by relatives.*"³⁸
21. Notable, and unsettling, in this context, is the fact that, according to a report from her colleagues, a year before she was killed **Natalia Estemirova** was removed from her position as Chair of the Grozny Community Council for Rights and Freedoms of

²⁹ Committee on the Elimination of Discrimination against Women, General Comment No. 19

³⁰ Article 5, CEDAW

³¹ Articles 2 and 15 CEDAW

³² Report of the Special Rapporteur on Violence Against Women, its causes and consequences, E/CN.4/2006/61/Add.2, Para.52

³³ Report of the Special Rapporteur on Violence Against Women, its causes and consequences, E/CN.4/2006/61/Add.2, Para.52 et seq.

³⁴ Report of the Special Rapporteur on Violence Against Women, its causes and consequences, E/CN.4/2006/61/Add.2, Para.55 et seq.

³⁵ Report of the Special Rapporteur on Violence Against Women, its causes and consequences, E/CN.4/2006/61/Add.2, Para.52: And see the Article, The Right to be a Human Being, 9 December 2008, available at: <http://www.hro.org/node/3881>

³⁶ See the Article, The Right to be a Human Being, 9 December 2008, available at: <http://www.hro.org/node/3881>

³⁷ Unofficial translation, Newspaper Report: Kommersant #216(4033) of 17.11.2008

³⁸ Unofficial translation, Interview with President Kadyrov, <http://www.kp.ru/daily/24169/380743/print/>

Citizens by the Chechen President Kadyrov. This dismissal followed her statement on television criticizing a Presidential order that all women in Chechnya should wear headscarves. The President also summoned her to a personal meeting where he reportedly threatened her. Her colleagues report that after this event she felt so vulnerable that she left the country for several months.³⁹

22. Front Line and the ICJ respectfully submit that the Committee on the Elimination of Discrimination against Women should make the following recommendations to the State party:

(a) That it take meaningful steps to end the climate of impunity that exists in the North Caucasuses in relation to grave human rights violations.

(b) That it take meaningful steps to prevent, investigate and punish incidents of violence against women that occur in the public and private sphere.

(c) That it publicly condemn honor related attacks and killings, and outline clearly that any future attacks will be subject to the full weight of the law, and that it ensure such condemnation is echoed at all relevant political levels and by State officials.

(d) That it reform or revoke any laws or orders in force in the region which discriminate against women and undermine their ability to enjoy their human rights on a basis of equality with men, including those related to permissible conduct and forms of dress.

(e) That it undertake a legal and policy review of the difficulties in access to justice faced by women in the North Caucasuses with a view to introducing legal reforms and adopting policies which would enhance the State party's compliance with its obligation to ensure their right to remedy and reparation in respect of human rights violations suffered.

(f) That it initiate appropriate training programmes for judges, lawyers and law enforcement officials and other relevant political representatives and state authorities.

³⁹ <http://www.chechnya.eng.kavkaz-uzel.ru/articles/10659/>; And see the Article, The Right to be a Human Being, 9 December 2008, available at: <http://www.hro.org/node/3881>