



ANNA National Centre for the Prevention of Violence

VIOLENCE AGAINST WOMEN IN THE RUSSIAN FEDERATION

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

**46th session, July 2010
Examination of the 6th and 7th reports submitted by the Russian Federation**

With the support of the International Federation for Human Rights

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Introduction

On 15 July 2010, 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 1981¹. Russia was last examined by the CEDAW Committee in January 2002².

This alternative report, submitted by the ANNA National Centre for the Prevention of Violence with the support of the International Federation for Human Rights (FIDH), 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.³ 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 the National Independent Commission On the Rights of Women and Violence Against Women (the Commission), founded in 2008 within the “ANNA” National Centre for the Prevention of Violence. The Commission is composed of Russian experts, representatives of NGOs with practical experience of working with women victims of violence and expertise in gender equality issues and women's human rights⁴. The key objectives of the Commission include:

- Monitoring and data collection using the methods developed by the Commission:
- Analysis of the collected data on the basis of Russia's international obligations, in particular under CEDAW
- Identification of the main reasons for human rights violations in the area of gender violence and development of recommendations to improve the current system of responding to the violent incidents;

¹ The CEDAW Committee will examine the 6th and 7th combined periodic reports submitted by the Russian Federation.

² For the recommendations issued by the CEDAW Committee in 2002, following examination of the 5th periodic report submitted by the Russian Federation, see Concluding observations, Comments A/57/38, <http://www2.ohchr.org/english/bodies/cedaw/cedaws26.htm>

³ 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

⁴ See Annex 1 for list of members of the Commission

- Drafting and publication of a report based on the monitoring results;
- Setting up a system of permanent monitoring of the violations of women's rights in the area of gender violence;
- Raising awareness of the violations of women's human rights in the area of gender violence through the media.

This Report has been prepared by national experts. The Report covers four main areas of concern identified by the Commission in the course of the monitoring: domestic violence, sexual violence, trafficking in women and violence against women under customary and traditional practices.

The monitoring was conducted in Russia in 2008—2010 using the model developed by the Commission. 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.

The Commission also assessed the state system of tackling violent incidents against women, hence the emphasis in the report on the analysis of the current law and practice.

Main findings and concerns

The monitoring uncovered some alarming facts. 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. The Commission is 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. The Commission is extremely concerned that law enforcement officers still do not regard such violence as a serious crime, believing it, rather, to be a 'private matter' which belongs to the family sphere, or a personal problem of a particular woman. The key reason for this is the lack of specific legislation to combat violence against women⁵.

The record of many countries in the world shows that the most effective weapon in combating violence against women is an overt demonstration of the government's political will, supported by practical measures, including enactment of specific laws and governmental action plans. However, Russia's federal government still does not recognise the importance of such work. The Russian public

⁵ Worldwide, 89 states have now passed some form of legislation directly targeting domestic violence, and 90 have enacted provisions concerning sexual harassment. Some states have comprehensive laws on violence against women, which provide a number of legal remedies. Some ex-USSR states, such as Ukraine, Kyrgyzstan, Moldova and Georgia, have passed laws on violence against women.

is beginning to notice the inadequacy of the government's response⁶.

The Commission calls upon the government of the Russian Federation urgently to adopt the measures necessary to eliminate violence against women within the family and wider society, including laws and federal programmes in compliance with its international obligations under CEDAW.

We dedicate this Report to the memory of all Russian women who have died as a result of violence.

⁶ According to a Gallup World Poll 2008, 73.3% respondents believed that the state has not taken the necessary steps to combat domestic violence.

Part 1

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.

1. 1 Scale of the problem

In Russia, statistical data on crimes of domestic violence against women is fragmentary, difficult to obtain, and often simply non-existent. Nevertheless, a number of independent studies as well as statements made by representatives of government agencies provide us with an overview of the scale of the problem. In 2008, a representative of the Russian Ministry of Internal Affairs cited the following figures⁷:

- violence, in one form or another, is observed in every fourth family;
- two-thirds of homicides are attributable to household / domestic motives;
- each year about 14 thousand women die at the hands of husbands or other relatives;
- up to 40 percent of all serious violent crimes are committed within families.

Data on the percentage of murders committed within the family is confirmed by statistics from other regions. Thus, according to Igor Orlov, the Minister for Public Safety in the Perm Region, more than 70% of all homicides occur in the home.⁸ Russian women suffer three times more abuse in the family than they encounter violence from strangers.⁹

According to the official data from the Russian Ministry of Internal Affairs, as of December 2008 there

⁷ Interview with Police Lieutenant General M. Artamoshkin, Acting Head of the Department for the Protection of Public Order under the auspices of the Russian Ministry of Internal Affairs, published on the website of the Ministry of Internal Affairs 01/24/2008, see www.mvd.ru/news/14047/

⁸ T. Semileyskaya. "This year, in the Perm Region more than 370 people have been killed in domestic violence incidents," New Region - Perm, 06. 26.2008

⁹ M. Propastina: Sociological study on the relevance of the problem of violence among the women of Magnitogorsk / Innovations in the prevention of marital problems. Ed. A. Voronkov; Cheliabinsk: 2007

are 212,700 domestic offenders on file with the police.¹⁰

Data on such crimes reveals increasing numbers of crimes against children. In 2008-2010, there were several cases of child homicide motivated by revenge, like the tragedy that occurred in Tatarstan.

On June 3, 2008 in the Republic of Tatarstan, 37-year-old, Alexander Grigoriev killed his 5-year-old son Alexei with the aim of settling scores with his wife, whom the killer suspected of infidelity. When Grigoriev came home that evening he asked his son why his mother was not at home. The boy replied to his father that while he was away "some man" had come to visit his mother. Wishing to take revenge on his wife, the father decided to slaughter his five-year-old son. Grabbing a knife in the kitchen, the man struck his son in the stomach at least four times. The boy died on the scene. Based on the evidence, the office of the Zarechnyi Interdistrict Investigational Department of Tatarstan instigated criminal proceedings under the Russian Criminal Code Article 105 (the intentional homicide of a person known by the killer to be in a helpless state).¹¹

Another trend revealed by statistics is the increase in the number of crimes of violence against women, especially crimes committed within the family: the period of 2002-2006 alone shows that the total number of "household" crimes increased by one-and-a-half times.¹²

Our study, which was conducted in the regions of Russia, also confirms the constant growth of the number of registered offences. For instance, on the territory of the Udmurt Republic there were 47% more recorded domestic violence crimes in 2008 than during the same period of 2007.¹³

As shown by the Udmurt Republic data received as a result of our investigation, there is increasing use of arms in domestic crime: 7% of homicides are committed with firearms; 28% with knives and 50% with other objects used as weapons.

In analysing such statistics, it is necessary to take into account that many victims do not report crimes to police. According to the research data of the "Congenial Home Centre," 60-70% of women suffering from domestic abuse do not seek help from law enforcement authorities.

Moreover, in the cities where we conducted the study, women victims of domestic violence repeatedly

¹⁰ According to the announcement of the press centre of the Russian Ministry of Internal Affairs "The Russian Ministry of Internal Affairs has held a scheduled session of the Government Commission on the Prevention of Offences", see the website of the Ministry of Internal Affairs, www.mvd.ru/announce/6022/

¹¹ The official site of Office of Public Prosecutor of Tatarstan. <http://www.prokrt.ru/news/o1519/>

¹² Interview with Police Lieutenant General M. Artamoshkin, Acting Head of the Department for the Protection of Public Order under the auspices of the Russian Ministry of Internal Affairs, published on the website of the Ministry of Internal Affairs, 01/24/2008, see www.mvd.ru/news/14047/

¹³ This is also confirmed by the data of the Department of Internal Affairs of the Yaroslavl Region (2006): the number of reported domestic violence crimes grew by 27.9%, while the number of murders resulting from the said offences increased by 16%, and the incidents of grievous bodily harm, resulting in the death of the victim by 10.2%. Based on information of the Regnum News Agency: <http://www.regnum.ru/news/economy/606799.html%C2%A0>

stressed the fact that they face extreme difficulty in obtaining a response to their appeal for help from the police. Women's movement activists and employees of public organizations also reported that in many cases the police refuse to respond to complaints of domestic violence.

1.2 Measures aimed at prevention

Whilst many initiatives to combat domestic violence have been led by NGOs (for example, the NGO national education campaign, see Annex 2), insufficient action has been taken by the state.

Organizations providing assistance

Social rehabilitation for victims of domestic violence is carried out by social services agencies which should be operational in all constituencies of the Russian Federation. As of January 1, 2008 there were 3,363 establishments (in 1999 there were 2,240, in 2002 there were 3,059). The activity of such establishments is regulated by the Federal Law No. 195-FZ of 10 December 1995 (as amended on 10 and 25 July 2002, 10 January 2003 and 22 August 2004), entitled "On the fundamentals of Social Services for the Populace in the Russian Federation." Domestic violence is mentioned in this law ("conflicts and abuse in the family") as one of the definitions of "difficult life situations".

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; social shelters for children and adolescents; centres for children left without parental care; rehabilitation centres for children and adolescents with limited abilities; integrated centres for social services to the population; crisis centres for women; crisis centres for men, etc. Thus, there is a vast range of clients of social protection agencies and women victims of violence are only a small part. Indeed of 3,363 such institutions, only 23 are shelters that offer specialized assistance to women who are victims of domestic violence, representing just 0.5% of the total number. Some of these combine the extension of assistance to victims of domestic violence with helping other categories of women - underage mothers, for example, as is the case of the crisis centre of St. Petersburg, which also houses the centre "Little Mom."

As a positive example, the State Crisis centre "Lubava" (town of Klin) can be cited, where they have set up very efficient operations specifically for female victims of domestic violence.

Preventive Measures

As is evident from an interview with the Attorney General of Russia, Yuri Chaiko (4 September 2008), there has been an increase in numbers of people incarcerated - from 750 thousand to almost 900

thousand in 2008. 30 percent of this number have committed non-grave to moderate offences.¹⁴

From 1992 to 2008, more than 15 million people were convicted in Russia. That is more than one person of every ten of the 140-million population of Russia, nearly a million people per year; of those, more than 5 million have been incarcerated. One of the main reasons is the almost complete lack of crime prevention measures.

Since 2005 the Ministry of Internal Affairs has conducted annual comprehensive preventive actions called "Lifestyle." For three days in September 2008 in the Sverdlovsk Region, 2,429 law enforcement officers, mostly public safety police subdivision staff, carried out similar activities aimed at preventing the commission of serious domestic crimes. According to the statistics, the Sverdlovsk regional police has 6,965 domestic offenders on record. As a result of the "Lifestyle" operation, the law enforcement staff levied administrative liability¹⁵ against 3,198 domestic aggressors. Thus, during the raids, 50% of the male offenders were found to be committing acts of violence against their loved ones. During the three days on the territory of Sverdlovsk region, 258 domestic crimes were discovered including 6 particularly serious ones: 5 murders and 1 case of grievous bodily harm.¹⁶ Of course, such one-off actions are of limited effectiveness and it is necessary to establish permanent prevention system.

1. 3 Lack of specific legislation on domestic violence

1.3.1 Weaknesses in existing legislation

In Russia, there is no developed legal framework that, in conformity with CEDAW, regulates relations between family members. There is no specific law on domestic violence, which would criminalise all forms of domestic violence and set out the functions of law enforcement agencies and special services aimed at the protection of the rights of victims and the accountability of perpetrators.

Under existing laws, it is possible to render only partial protection to women victims of violence. In view of the gaps in legislation it is extremely difficult to prove crimes of domestic violence (even physical violence, which has ensuing visible evidence).

The various forms of violence against women, particularly domestic violence, are not recognized by the Russian Criminal Code as separate offences. 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):

¹⁴ As per information on the newsru.com portal: http://www.newsru.com/russia/04sep2008/chaika_print.ht

¹⁵ Administrative liability is legal liability for the commission of administrative offenses. Administrative liability is less severe than criminal liability.

¹⁶ According to the law enforcement portal on the Russian Federation, www.112.ru/publish/00/01/0501.01/2008/09/24/rss_11779/rss_11779.full.shtml

- 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 note of the relationship between the perpetrator and the victim. Moreover, a perpetrator 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 Russian 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. In the statistical data of the Russian Ministry of Internal Affairs published on the Ministry's website, there is a separate statement on crimes committed in public places. However there is no data on crimes committed at home. Thus, domestic violence is not considered to be a crime against society, but continues to be treated as a private family matter.

A further 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 are terminated for two reasons:

- The failure to fulfil the court's requirements to resolve the shortcomings of the complaint;
- 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.

As a result, according to experts, 9 cases out of 10 are terminated due to the reconciliation of the parties.¹⁷ Thus, the offenders who have committed domestic violence go unpunished.

Under the current Penal Code of the Russian Federation, most crimes related to domestic violence against women should be covered by the crime "torment" under Article 117, which falls into the public prosecution category:

« Article 117. Torment

1. The infliction of physical or mental suffering by means of systematic beating or by any other violent actions, unless this has involved the consequences referred to in Article 111 or 112 of this Code, shall

¹⁷ The information is provided by Marina Zakharova (Yekaterinburg), LL.M., a lawyer of the Bar of the Sverdlovsk Regional Lawyers Guild. This data is also confirmed by R. Iskandryov, a Senior District Police Station Commissioner in the Kurchatov district of Chelyabinsk: "90% of these cases are terminated for various reasons. This is due both to reconciliation, and to the fact that the victims, in the end, simply do not want to go to the courts and to gather and organize all the documents." Quoted from R.V. Iskandryov's. Significance of co-operation between District Commissioners and public organizations in the prevention of domestic violence / Innovations in the prevention of marital distress, ed. Voronkov A. Cheliabinsk, 2007

be punishable by deprivation of liberty for a term of up to three years.

2. The same act committed:

a) against two or more persons;

b) against a person or his relatives in connection with the official activity of this person or the discharge of his public duty;

c) against a woman who is in a state of pregnancy, which is evident to the convicted person;

d) against obvious juvenile or a person who is in a helpless state, as known by the convicted person, or in material or any other dependence on the convicted person, and also in respect of a person, kidnapped or seized as a hostage;

e) with the use of torture;

f) by a group of persons, a group of persons under a preliminary conspiracy, or an organized group;

g) by hire;

h) by reason of national, racial, or religious hatred or enmity,

shall be punishable by deprivation of liberty for a term of three to seven years.¹⁸ »

The commentary to this article indicates that "torment" should be understood as the infliction of physical and mental suffering to a victim, including systematic beatings, use of torture, threats, and insults. Other violent means of torment include, for example, sleep, food, and water deprivation, cold-rooms, biting, whipping, and binding.¹⁹ All of these actions, particularly systematic beating, not to mention threats and insults, exist in virtually every case of domestic violence.

In order for an action to be recognized as torment, it is essential to establish the systematic character of such actions by the perpetrator. As directed by the Supreme Court of the RSFSR²⁰, whose interpretation is systematically followed to this day, in cases of torment three or more criminal acts constitute a systematic character.²¹ It is known that domestic violence is also characterized by being systematic.

However, according to the same ruling of the Supreme Court, battery, which does not constitute torment, committed in the course of an argument and caused by personal hostility cannot be regarded as torment.²²

Interpretation of the crime clearly presents a problem. On the one hand, torment is classified as 'violent acts committed three times or more, such as battery, torture, threats and insults, which caused minor harm to the health of the victim.'

On the other hand, the law does not contain a clear time frame within which these systematic violent actions must be committed: whether this should happen within a year, a month or a day.

¹⁸ Reference link: http://rfuk.ru/head_16.html

¹⁹ Reference link: http://rfuk.ru/comment_117.html

²⁰ RSFSR – The Russian Soviet Federal Socialist Republic

²¹ Issues of criminal law and procedure in the practice of the Supreme Courts of the USSR and the RSFSR, 1980, p. 102

²² A collection of rulings and determinations of the Supreme Court of the RSFSR, 1974, p. 296

Moreover, the formula “battery, which does not constitute torment, committed in the course of an argument and caused by personal hostility ” is open to an overly broad interpretation: is violence a ‘argument/disagreement’ or a manifestation of ‘personal hostility’? What does it mean exactly –“which does not constitute torment”? It is abundantly clear that these vague definitions would not be interpreted in favour of a female victim.

Thus, the only article of the Penal Code, which covers the crimes related to domestic violence, is ineffective.

1.3.2 Lack of protective measures

Under Russian legislation there is no provision to issue a protective order. This measure, as international experience has shown, is primarily preventive, and could help to prevent more violent crimes. According to international studies, the life and well-being of a woman is most at risk at the time when she is leaving her abuser. In Russia such killings have taken place.

Case in Voronezh in June 2008:

A 37-year-old special education teacher brutally massacred his ex-wife. The murderer, who had worked previously in criminal investigation, killed the victim with a screwdriver. According to the investigation, the suspect went to the pharmacy, where his ex-wife worked as a pharmacist. But the conversation between ex-spouses escalated into a quarrel. In anger, the man stabbed his former wife more than 60 times with a screwdriver in the head and neck, whereupon she died on the scene.²³

A protective order is a legal document designed to protect against abuse and to provide victims of domestic violence with appropriate forms of legal assistance. These are usually issued by judges after a hearing conducted in accordance with the special provisions of the Civil Code dealing with domestic violence, instigated at the request of the victims of the abuse, their lawyers or their representatives. Protective orders provide victims of domestic violence with a broad range of legal protection. First of all, the perpetrator of the abuse must stop the harassment, threats, physical violence. A protective order prohibits the defendant from entering into any contact with the plaintiff, whether by telephone, letter, in the form of gifts or by personal visits. The warrant may also prohibit the defendant from approaching his former victim, to visit those places where she is working or studying. Sometimes, judges require the defendant to undergo a course of treatment for abuse of drugs or alcohol or to attend psychological counseling for the cessation of physical violence.

Thus, the main purpose of protective orders is the separation of the two conflicting parties: the alleged abuser and his potential victim. By issuing a protective order, the judge has not yet rendered a decision on the merits of the issue of guilt and responsibility, but imposes upon both parties a certain order of

²³ As per information on the newsru.com portal: http://www.newsru.com/crime/03jun2008/screwmurd_60_print.html

lawful behaviour in the coming months. Of paramount importance is the prevention of further escalation of violence and its possible grievous consequences.

As demonstrated by the Commission's expert survey, representatives of the judicial system support the need for increased preventive efforts, which must be backed by legislation.

Conclusions

The Commission stresses the ineffectiveness of the current Russian law, particularly in the area of domestic violence. The current legal framework does not take into account the specifics of such criminal acts against women and the danger that the violence poses to their health, safety and life. Protective measures for victims, such as protective orders, which are particularly necessary in a situation of domestic violence, do not exist.

The Commission believes that assigning the status of private prosecution to most domestic violence cases (Art. 115, 116(1) of the Penal Code) means that victims will remain without adequate state protection. They have to act in the prosecutorial capacity themselves, while not having legal education nor right to legal aid. This situation is at odds with the obligations of the Russian Federation to protect the rights and freedoms of citizens. In particular, this constitutes a breach of Art. 2 of the CEDAW which demands that the states ensure through competent national tribunals and other public institutions the **effective protection** of women against any act of discrimination.

Recommendations to the government of the Russian Federation

In line with the international obligations of the Russian Federation, the Commission calls on the state to pass a new law and/or amend the relevant provisions of the Russian Penal Code and thus ensure protection for life, health and safety of women, in particular by:

- passing a federal law on the legal and social remedies for victims of domestic violence.
- excluding the crimes committed in the family from the category of private prosecution and assigning them to the category of public prosecution. 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.
- amending Art. 44. of the Penal Code "Sanctions" to include a new sanction, namely, compulsory attendance of re-education courses, which can be applied both as a principal or as an additional sanction. This must be done to decrease criminalisation of the population and prevent aggressive behaviour. These courses must be funded by deductions from the convicted person's wages, to be payable to the institution running the, in the amount prescribed by the

court verdict but within 5 to 20% of the wages amount. Other provisions of the Penal Code concerning sanctions must be amended accordingly.

- guaranteeing full protection to the victims of domestic violence within the framework of civil and criminal judicial system. These guarantees must be reinforced by either special legislation or amendments to the current laws. The Commission recommends introduction of protective orders as a separate protection measure or amendments to the Law On State Protection for Victims, Witnesses and Other Participants of Criminal Proceedings by including protective orders into Chapter 2 "State Protection" as one of protection measures. Sanctions must be provided for breaches of this protection measure.

1.4 Lack of governmental support and public policies aimed at combating violence against women

Today in Russia the main obstacle to effective response to violence against women is the absence of a federal public policy that defines the problem as a serious impediment to the observance and achievement of women's rights as human rights.

In the early 90s, there was a significant rise not only of public activity in the area of women's rights, but also in that of the state. This was particularly noticeable during the Beijing Conference in 1995, which stimulated the adoption of the Beijing Platform for Action for the advancement of women at both the regional and Federal levels. This led to the establishment of national and regional mechanisms for monitoring the status of women and to the development of effective interaction between public organizations and various government agencies. At the same time, there were the first attempts to adopt legislation on the prevention of domestic violence which, unfortunately, did not bear fruit. But gradually, the problem of women's rights in general, as well as that of violence against women, has ceased to be a priority of the government and to be analyzed with adequate gravity.

The administrative reform of the Federal government (as of 2004), accompanied by structural changes and staff changes, has effectively destroyed the previously existing national mechanisms for establishing equal rights for women. To date, virtually all state agencies dealing with gender equality have been liquidated or have ceased to function.

The National Action Plan for the advancement of women and enhancing their role in society (2001-2005) ended in 2005. In 2004, the Commission on Women in the Russian Federation under the leadership of Deputy Minister of the Russian Federation suspended its work. The Commission on Women, Family and Demographics under the auspices of the President of the Russian Federation in the Federation Council was also eliminated.

Work on a wide range of gender issues at the state level is handled by the State Duma Committee on Family, Women and Children and the Ministry of Social Development and Health. The issues of violence are not a priority in their work.

The insufficient action of the State is also beginning to be noticed by the people of Russia: according to a Gallup survey (2008); 73.3 percent of the respondents stated that the State has not taken the necessary measures to combat domestic violence.

Another example demonstrating the non-priority of the problem is the lack of the Russian Federation in a campaign to combat violence against women, conducted by the European Council in 2006 - 2007. To date, Russia is the only member country of the European Council who did not respond to the European Council's questionnaire regarding this campaign.

The State's attitude of non-priority towards issues of violence against women is also reflected in the lack of an adequate number of specialized agencies such as social hostels and shelters where female victims can find refuge. According to a study undertaken by ANNA, in Russia there are only twenty-three such institutions, which are usually funded by local budgets. The total number of beds is about 200, and this includes not only women but children as well.

Conclusions

Despite all the work done over the last 20 years to combat violence against women in Russia, a systemic approach at government level is still lacking. Although a measure of progress is reflected in the Report, the Russian government has not yet done enough. There is no body within the legislative and executive branch of the federal government, no federal programme or national action plan to combat violence and help its victims. The Russian government must demonstrate political will and make respect for the rights of women, particularly in the area of violence against women, its priority. A consolidated federal programme or a national plan of action to combat violence and help its victims is required.

Recommendations to the government of the Russian Federation

- To set up an effective national mechanism at the federal level to improve the situation of women. This mechanism must have power to hand down binding decisions. To create such a mechanism, a Federal Law On the National Mechanism for the Implementation of the Principle of Equal Opportunities for Men and Women in the Russian Federation must be drafted. Authorised agencies at federal, regional and local levels must be created and appropriate public funding allocated to them. Development of measures to combat violence against women and monitoring of compliance must be among the functions of the national mechanism.

- To adopt a Federal Programme to Combat and Prevent Violence against Women.

1.5. Lack of statistics

Russia lacks a clear system for collecting statistics on violent crimes. In the general statistical data of the Ministry of Internal Affairs on crimes there is still no breakdown of victims by gender.

According to official data of the Ministry of Internal Affairs of the Russian Federation for December of 2008, given at a meeting of the Government Commission for the prevention of offenses, the police has records on 253.9 thousand people suffering from alcohol abuse, and on 212.7 thousand domestic violence offenders whose offences were committed on the grounds of drunkenness.²⁴ Again, from this data it is unclear what criteria were used for gathering the information: are the alcoholics among the domestic violence offenders or are these two different categories? Furthermore, even sets of official data provided by one agency involved in overseeing law enforcement – the Ministry of Internal Affairs of the Russian Federation – vary significantly from one another. Thus, three months earlier, in September 2008, Rashid Nurgaliev, Head of the Ministry of Internal Affairs of the Russian Federation, said in an interview with ITAR-TASS news agency that the police has records on 191 thousand people who suffer from alcoholism, and on 142.6 thousand domestic violence offenders whose offences were committed on the grounds of drunkenness.²⁵

Conclusions

The Commission is concerned by the lack of a consolidated system for the collection of statistical data in the agencies of the Ministry of the Interior, which would take into account the nature of relationship between the offender and the victim as well as gender breakdown.

Recommendations to the government of the Russian Federation

- 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.

²⁴ According to the Press Centre of Ministry of Internal Affairs of the Russian Federation "A scheduled meeting of the Government Commission on the Prevention of Offences was held in the Ministry of Internal Affairs of the Russian Federation" Ministry of Internal Affairs website: <http://www.mvd.ru/anounce/6022/>

²⁵ According to the news site: http://www.newsru.com/russia/08sep2008/sambuka_print.html

1.6. Refusal to register complaints, failure to take steps and prejudice against female victims

In the course of monitoring, the Commission obtained evidence of grave violations of women's rights by government officials. The Commission recognises that the facts it was able to uncover are neither exhaustive nor representative. Nevertheless, it is stressed that in the absence of a state controlled systemic approach, government officials' response to violent incidents against women directly depends on their individual attitudes, opinions and stereotypes. This leads to violations and failure to take adequate measures.

The Commission identified a number of cases, in which the police had refused to register victims' complaints.

Testimony of Larisa who came for assistance to the "Yekaterina" crisis centre in Yekaterinburg:

For 11 years she had cohabited with the father of her child. After the birth of their son, her partner became more aggressive. During her second pregnancy, he beat her up so severely, that at 6 months she had a miscarriage. She forgave him again. The partner often told her about his family: his father had beaten his mother and he therefore had hated his father all his life. Recently Larisa's partner took to drinking. When drunk, he often abused his wife in front of the child. Once, when drunk, he slapped her in the face and started strangling her, saying that he would kill her if she said a word. This happened in full view of their son who was 8 and a half years old. The woman went to the police but her local policeman suggested that she should make peace with her husband, did not take any statements from her or from the abuser and refused to instigate criminal proceedings.

In the absence of a single procedure for the handling of domestic violence against women, and due to the lack of legislation regulating these offences, law enforcement officers display their personal attitudes and stereotypes when dealing with women victims. The Commission identified several instances of prejudice against the victims.

The testimony of victim N who has two children and who came for assistance to the "Tyoply Dom" centre in Izhevsk:

N's husband periodically made scenes, beat up N, did not allow her to return home, kicked her out of their home, accused her of infidelity, and attacked their elder son when the latter tried to defend his mother. After one such incident, when the drunk husband hit N on the head and attacked the son with a knife. N ran away to a shelter. She went to the police in order to make a statement about the violence. Meetings were held with the local policeman who started collecting evidence to bring charges of the threat of homicide. On the basis of the evidence collected by the local police, a senior inquiry officer issued an Act which fails to reflect the crimes committed. It describes events out of context, minor children of the victim are described as 'adults' who 'could have prevented the conflict', and the woman who was defending her child from the husband who went berserk and grabbed a knife 'was

provoking him to commit these acts herself'. The decision was "to refuse to instigate criminal proceedings against the accused as the latter was not aware that the complainant was slandering her spouse".

What was the motivation of these law enforcement officers? An investigator of the Prosecutor's Office, who reviewed the victim's protest lodged with the help of the centre's lawyer, suggested in a private conversation that the inquiry officer had been following 'her personal convictions'.

Conclusions

The Commission established facts of refusal to register the complaints filed by women victims, prejudice and inaction on the part of the law enforcement officers who still regard domestic violence not as a serious crime against the person but as a private matter pertaining to the sphere of marital and familial relationships or as a personal problem of the affected woman. Prosecutor' offices staff do not always respond to complaints in a timely manner. The judiciary sometimes display prejudice against the victims, too, as well as formalistic approach to the cases, without any regard to the specifics of violence against women.

Such attitude towards domestic violence against women on the part of the state authorities is a breach of international obligations of the Russian Federation: namely, Art. 2 (c, d, e) of the CEDAW, which requires that the states *"establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination"*; *"refrain from engaging in any act or practice of discrimination against women and ... ensure that public authorities and institutions shall act in conformity with this obligation"*; and *"take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise."*

Recommendations to the government of the Russian Federation

- To develop and implement a training programme on domestic violence issues , with the input of expert NGOs, for all professionals who have to deal with domestic violence, namely: police, prosecutors, judges, medical professionals, forensic experts, teachers, social workers as well as students in the relevant institutions of higher and vocational education. As a result, all beneficiaries of such a training programme should gain a better understanding of the dynamics of such relationships and be made aware of their personal responsibility for the lack of an appropriate response to domestic violence incidents.

PART 2

SEXUAL VIOLENCE

2.1. Lack of reliable statistics

According to the official statistics, in 2008 departments of the Ministry of the Interior registered 5398 crimes qualified as 'rape' or 'attempted rape'; In 2009, 4790 such crimes were registered: 11.2% less than in 2008.

However, the situation differs from area to area. In Saransk, the number of registered rapes in 2009 decreased by 37.5%²⁶. In Kaluga region, 63 rapes were registered in 2009 (under Art. 131 of the Penal Code). Compared to the previous year, the number of such crimes was down by 17.1%, and detection rate was 87.3%²⁷.

In Primorsky Krai in 2009 the number of rapes was down from 14 to 12²⁸. In Tymen Region in 2009 the number of registered rapes was down by 16.5%²⁹ compared to 2008. In Ulyanovsk and surrounding region in 2009 the number of rapes was down by 27.5%³⁰.

In 2009, despite the Russia-wide downward trend, the number of registered rapes in Moscow was up by 25% and reached 318³¹. This trend is echoed in Pskov Region: according to the data provided by the local department of the interior, in 2008 45 rapes of women were committed, which is 32.4% more than in the same period in 2007 (34 crimes)³². In Adygeya, the number of registered rapes in 2009 was up 28.6%³³.

These statistics reflect the number of statements by victims that were not subsequently withdrawn, however they fail to reflect the real state of affairs.

The Commission's analysis indicates that government figures are significantly lower than the real number of rapes. This is particularly true if a comparison is made with the recorded number of women visiting crisis centres for victims of sexual violence³⁴.

²⁶ <http://www.regnum.ru/news/1242050.html>

²⁷ <http://www.regnum.ru/news/1241408.html>

²⁸ <http://www.regnum.ru/news/1243880.html>

²⁹ Information supplied by the GUVVD (Chief Directorate of the Interior) for the Tyumen Region. [Online]:

<http://www.regnum.ru/news/1264390.html>

³⁰ <http://www.regnum.ru/news/1269281.html>

³¹ Rosbalt news agency: <http://www.rosbalt.ru/2009/01/19/610797.html>

³² Information supplied by the Pskov regional civic organisation "Independent Social Women's Centre".

³³ <http://www.regnum.ru/news/1247663.html>

³⁴ The data collected by the "Syostry" centre show that 378 women contacted the centre's hotline to get advice on the issues of sexual violence in 2007 alone. In 2008 366 contacts were made in Moscow.

According to the information of the “Syostry” (Sisters) centre, in 2007 the centre received 3875 calls. In 2008, 3534 calls were registered.

It must also be noted that women who contacted crisis centres were probably more likely to go to the police than the average population, since they had already taken that first decisive step by contacting a crisis centre for advice.

Judging by the phone calls received, staff working for the helplines of women’s organisations in Moscow and other regions believe that, on average, no more than 10% of rape victims in Russia go to the police. Thus, according to the statistics of calls to the helpline of the “Syostry” centre for assistance to survivors of sexual violence in Moscow, in 2007 only 12% of all victims of sexual violence contacted law enforcement bodies; in 2008 this figure was 14%³⁵.

Other data confirm this ratio. As surveys demonstrate, almost 22% of women in Russia are victims of rape. However, only 8% reported the crime to law enforcement agencies³⁶.

Conclusions

A comparative analysis of official statistics and other data shows that the figures of the Ministry of the Interior do not reflect the real number of rapes committed in Russia.

The Commission believes that it is possible to put the number of crimes against women’s sexual autonomy at a much higher level than the official figures - approximately 30,000 – 40,000 a year.

Recommendations to the government of the Russian Federation

- To support large-scale sociological surveys to measure the scale of violence against women, particularly sexual violence.

2.2 Sexual violence prevention measures, assistance and rehabilitation for victims

Currently only NGOs provide assistance and rehabilitation to victims. The government does not have any prevention system for sexual violence, nor any programmes for the prevention of sexual violence. There are no means of providing timely professional help to victims, either. Therefore the burden of providing assistance falls on NGOs such as the “Syostry” Independent Charitable Centre for the

³⁵ Extract from the interview with the director of the Centre for the Assistance to Survivors of Sexual Violence “Syostry” M. Mokhova. December 2008.

³⁶ Yu.N. Argunova, Problemy latentnosti iznasilovaniy/Nezavisimy Psikhiatrichesky Zhurnal, no. 1, 2005. <http://www.npar.ru/journal/2005/1/rapes.htm>. The survey conducted in Magnitogorsk in 2004 corroborates these conclusions; according to its findings, 19,7% of the women surveyed experienced sexual violence in their lives. M. Propastina. Sotsiologicheskoye issledovaniye aktualnosti problemy nasiliya zhenshchin g. Magnitogorska (Sociological research into the topicality of the problem of violence against women in the town of Magnitogorsk)/Innovatsiyi v sisteme profilaktiki semeynogo neblagopoluchiya. Ed. by. A. Voronkov, Chelyabinsk, 2007.

Assistance to Survivors of Sexual Violence, St. Petersburg Institute of Non-discriminatory Gender Relations (Crisis Centre for women), National Centre for the Prevention of Violence "ANNA", and Nizhny Novgorod women's crisis centre and others.

Hotlines run by such organisations as the "Syostry" Centre enable raped women to access important information and other services.

Some organisations, such as Moscow law firm "Aspect", in collaboration with the "ANNA" Centre, provide legal assistance to victims of rape, including free legal aid for women on low incomes, enabling them to cope with a wide range of problems.

The Commission recommends that the government support such projects.

The Commission also discovered a precious few examples of programmes for the prevention of sexual violence among teenagers. For example, school no. 24 in Irkutsk runs classes on 'Gender education' for 9-11th-formers, where a psychologist tells final year pupils about relationships between men and women, including contraception. One purpose of these classes is prevention of rapes³⁷. In Chita, the Committee for education, science and youth of the Chita Region recommended use of recommendations for the prevention of sexual violence developed by experts of the GOU "Family Centre":

"As a preventative measure to protect lives and health of children and adolescents and to prevent sexual violence against minors we recommend that educational institutions in Zabaykalsky Area hold meetings for the teaching staff and teacher-parent meetings"³⁸.

Conclusions

Despite the efforts of NGOs, prevention of sexual violence and assistance to victims of such crimes in Russia is almost non-existent.

Recommendations to the government of the Russian Federation

- To conduct a countrywide awareness campaign for the public aimed at prevention of sexual violence.
- To develop, in cooperation with NGOs, and implement a programme for early prevention of violence in the form of courses for teenagers and young adults studying in the relevant educational institutions.

³⁷ As reported by newspaper "SM Nomer Odin": <http://pressa.irk.ru/sm/2007/08/006003.html>

³⁸ Website of the Ministry of education, science and youth policy of the Zabaykalsky Area: <http://www.kopon.sibcity.ru/?part=docs&page=rec&theme=5&doc=31>

- To allocate the necessary budget to the development of a network of shelters and crisis centres for women victims of violence. At the same time, Russian NGOs providing practical assistance to the women and state social services, much be included in the list of organisations funded on a competitive basis.

2.3 Legislative failings

The Penal Code adopted in 1996 contains a clear definition of violent crimes of sexual nature. Nevertheless, certain legislative gaps remain. The current Penal Code and Code of Penal Procedure do not take into account certain aspects of these crimes, thus leading to the breaches of rights of the women victims of violence.

Art. 20(3) of the Code of Penal Procedure provides that criminal cases under art. 131(1) ("Rape, or sexual intercourse with the use of violence or threat thereof to the victim or other persons, or using the victim's helpless state") fall into the category of **private-public prosecution**, i.e. proceedings are only instigated if the crime is reported by the victim or her legal representative at their request³⁹.

Other crimes mentioned in this provision relate to Chapter 19 of the Penal Code of Russia (Crimes against constitutional rights and freedoms of man and citizen); breach of equality (Art. 136 (1)), inviolability of privacy (Art. 137 (1)), violation of respect for correspondence, telephone communications, postal, telegraphic or other communications (Art. 138 (1)), violation of home life (Art. 139 (1)), unjustified refusal to recruit (Art. 145), violation of copyright (Art. 146 (1)), and violation of patent rights (Art. 147 (1)).

Firstly, the Commission finds the logic of the lawmaker strange: this provision of the Code of Penal Procedure in fact equates such different crimes as rape and violation of copyright or privacy of correspondence. The Commission believes that rape, being a crime committed against sexual autonomy of a person, is a much more serious crime than the above mentioned offences contained in Chapter 19 of the Penal Code. They cannot possibly be equated.

Secondly, this provision of the Code of Penal Procedure imposes the burden of a decision to prosecute on the victim. This creates some loopholes allowing abuse and pressure on the victim on the part of the suspect and prejudiced investigators.

The lawmaker, it would seem, foresaw the danger: a reservation in the Code of Penal Procedure states that these cases "cannot be closed on the basis of reconciliation between the victim and the accused",

³⁹ Code of Penal Procedure of the Russian Federation of 18/12/2001 no. 174-FZ:
http://www.consultant.ru/popular/upkrf/11_3.html#p291

but there is another reservation: “except in cases provided by Art. 25 of the Code”.

Art. 25 of the Code of Penal Procedure “Termination of criminal proceedings on the basis of reconciliation between the parties” reads as follows:

“The court, the prosecutor, as well as the investigator and the inquirer with the consent of the prosecutor, shall have the right to terminate the criminal case on the ground of an application, filed by the victim or by his legal representative, for the termination of the criminal case with respect to the person, suspected of or charged with committing a crime of a minor or of an ordinary gravity, in the cases specified in Article 76 of the Criminal Code of the Russian Federation, if this person has reconciled with the victim and has recompensed the damage he has inflicted upon the latter.”⁴⁰

Minor crimes, according to Art. 15 (2) of the Penal Code, are intentional and careless acts, for the commission of which the maximum penalty stipulated by this Code does not exceed two years of imprisonment. Medium gravity crimes, according to Art. 15 (3) of the Penal Code, are deliberate offences for which the maximum punishment stipulated by the Code does not exceed five years of imprisonment, and careless crimes for which the maximum punishment stipulated by the Code exceeds two years of imprisonment. Thus, rape-related offences are not covered by these degrees of gravity, as the maximum punishment for the commission of crimes under Art. 131(1) and 132(2) is six years.

Nevertheless, if for whatever reason the victim – usually within just a few days – asks to terminate the proceedings and states that she has no claim against a person, the investigator almost immediately applies paras.1 or 2 of Art. 24 (1) of the Code of Penal Procedure (no criminal event or no corpus delicti) and issues a refusal to initiate criminal proceedings with the following rationale: no signs of crime provided by Art. 131 of the Penal Code found in the actions of this person. Expert Yu. Argunova who had conducted a selective analysis of 50 case files on refusal to prosecute for rape in the inter-district Prosecutor's Offices, believes this practice to be unlawful:

“... In most cases the victim still classified the man's actions as rape; what she does is declare that she does not have a claim against him” It seems that in such cases it is impossible to cite no corpus delicti and apply paras. 1 or 2 of Art. 24 (2) of the Code of Penal Procedure, since the incident is never investigated. If the victim had not withdrawn the allegations, it is likely that the incident would have been registered as crime and reflected in the statistics. In our opinion, it would be more appropriate in this situation to apply para. 5 (lack of victim's statement) rather than 1 or 2 of Art. 24(1). However, no investigator has yet relied on this provision in handing down a refusal to prosecute upon withdrawal of

⁴⁰ Art. 76 of the Penal Code: “Article 76. Relief from criminal responsibility due to reconciliation with the victim”. A first time offender who committed a minor offence can be relieved from criminal responsibility if he or she reconciled with the victim and redressed the damage caused to the latter.

statement by the victim.⁴¹

Often even a confession of the rapist himself is disregarded, as well as findings of the medical assessment and witness statements:

"In one case, several people witnessed the crime (next door neighbours who were attracted by the victim's cries for help). One of them even hit the rapist with a stick and the latter tried to block the entry door. Both the attacker and the victim were partially undressed. The victim implored the witnesses not to leave, to help, to call the police. On the same day she reported the rape in writing to the police department. However, the next she wrote a new statement requesting termination of the proceedings as she 'did not hold anything against the attacker'. Subsequently, in another statement, she asked not to prosecute him and said that she would provide a detailed explanation later because of ill health. However, she was never questioned again, even though the motives of her actions were suspicious. After 5 days since the rape was first reported, the investigator issued a refusal to prosecute on the following grounds: "Upon my review of the case file, I conclude that Mr. P. did not use violence against B. or did not threaten to use violence. Sexual intercourse did not take place. Therefore there are no elements of crime in Mr. P's actions". The refusal never mentioned any witness statements which would contradict this conclusion reached by the investigator."⁴²

Conclusions

Qualification of criminal cases under Art. 131(1) ("Rape, that is sexual relations with the use of violence or with the threat of its use against a victim or other persons, or in taking advantage of the victim's helpless condition") and Art. 132(1) ("Homosexual acts, lesbianism, or any other sexual actions with the use of violence or with the threat of its use against the victim or against other persons, or with the taking advantage of the helpless condition of the victim") as matters of private-public prosecution provides ground for abuse and pressure on the victim both on the part of the suspect and prejudiced investigators. This constitutes a breach of Art. 2(c) of CEDAW which demands that the states "ensure through competent national tribunals and other public institutions the **effective** protection of women against any act of discrimination."

Recommendations to the government of the Russian Federation

- To bring the Penal Code of the Russian Federation into compliance with CEDAW. In particular, to remove crimes against the sexual autonomy, as provided by Art. 131(2) and Art. 132(1) from

⁴¹ Yu.N. Argunova, Problemy latentnosti iznasilovaniy/Nezavisimy Psikhiatrichesky Zhurnal, no. 1, 2005. <http://www.npar.ru/journal/2005/1/rapes.htm>

⁴² Yu.N. Argunova, Problemy latentnosti iznasilovaniy/Nezavisimy Psikhiatrichesky Zhurnal, no. 1, 2005. <http://www.npar.ru/journal/2005/1/rapes.htm>

the sphere of private prosecution and to make them matters of public prosecution. To amend the Code of Penal Procedure accordingly.

2.4 Refusal to register victims' complaints

The Commission is alarmed by the facts of prejudice on the part of law enforcement officers against victims of sexual violence. Between the initial complaint and the final verdict the victim regularly deals with law enforcement officers who view her motives and intentions with hostility and suspicion. Police officers, experts say, tend to think that the woman provoked sexual assault herself.

"In decisions not to prosecute, facts are often presented in a tendentious, biased way; the victim's irresponsible behaviour is emphasised as is her consent to spend time with the suspect, including alcohol consumption or lack of resistance during the attack and intercourse."⁴³

Irina's story is indicative in this respect. She was pressured by the police and prosecutor's office who were unwilling to initiate criminal proceedings:

Irina, the victim, was beaten, mugged and raped (anally and vaginally, without a condom) in the yard of her house on her way back from the shops. She went to the police immediately, where five law enforcement officers of the Frunzensky District tried for 3 and a half hours to dissuade her from filing a complaint. They spoke to her in a mocking tone. They asked: why did she go to the transport stop earlier, why did she go to the yard. They put pressure on her, trying to dissuade her from writing a statement: "better take some pills and forget about this."

D. V. Korolev, investigator with the Prosecutor's Office, asked the victim to sign a protocol although she disagreed with its content. The case was described in such a way as if she had given the rapist the money herself because she had felt sorry for him. When Irina objected, the prosecutor responded: "What am I supposed to write here if you have not seen his face? When we find him, we shall rewrite the protocol. But really, we have very bad criminologists."

The first protocol was written in a bad handwriting and the victim was not allowed enough time and peace to read it. Since she was absolutely exhausted by the police rudeness as well as due to the state she was in, she had to sign it. The client told us that she was scared to argue with those men as she was alone with them behind closed doors. Only after three hours she was finally taken to a hospital. Tests were done and the results given to the police officer who accompanied her. She was not offered hospitalisation, even though her nose was broken, and no emergency measures were taken against STD, HIV and pregnancy. She was simply told to use potassium permanganate for vaginal irrigation.

⁴³ Yu.N. Argunova, Problemy latentnosti iznasilovaniy/Nezavisimy Psikhiatrichesky Zhurnal, no. 1, 2005. <http://www.npar.ru/journal/2005/1/rapes.htm>

It was not until a week later that Irina visited a trauma surgeon and a neurologist. They sent her to the hospital where a nose fracture and brain concussion were registered. As a result the woman was on sick leave for three weeks. ⁴⁴

These stories are corroborated by an observation of a practising forensic expert. "Law enforcement agencies often pressurise the victim trying to dissuade her from filing a complaint. They insist that she provoked the rapist and this is why things happened; there may be delays in the already instituted proceedings etc."

This opinion is confirmed by other testimonies we obtained during our monitoring. Thus, at the forum for officers of the Ministry of the Interior, one contributor described a case in which an investigator had tried to persuade the victim to withdraw her complaint after he had failed to find the perpetrator.⁴⁵

Expert Maria Mokhova believes that only 50% of all complaints to the police prove effective (proceedings initiated, investigation carried out etc.).⁴⁶

This opinion is supported by the information obtained via internet monitoring. The following opinion was found on the police officers' internet forum:

*"What constitutes rape is, in practice, really rather vague. In the area where I work (an urban district in a town with the population slightly over 100,000) about 70 rapes a year have been reported (normally through the police hotline). No more than a half led to prosecution and only about 10 cases reached the court."*⁴⁷

Where the victim's complaint is accepted, the women often experiences prejudice at other stages of the proceedings. Thus, in Irina's case above, the proceedings were only instituted under Art. 132 of the Penal Code even though three crimes were committed against the victim: rape, robbery and sexual assault.⁴⁸

Investigators often handle such cases negligently and deliberately delay the proceedings.

N. was returning home when she was ambushed by two men near her house, who, used threats to push her into her own flat where they then took turns raping her for several hours. After they left she

⁴⁴ N. Khodyreva, a case study by INGR CCW (Institute for Non-Discriminatory Gender Relations/Crisis Centre for Women). The police and prosecution bodies of the Frunzensky District committed a multitude of breaches in this case. The victim complained to the city prosecutor's office and to the directorate of the investigative committee of the St. Petersburg prosecutor's office. The only responses she received were purely formalistic. Nobody was held responsible and nobody considered it necessary or possible to apologise to the victim.

⁴⁵ <http://www.police-russia.ru/showthread.php?t=16666>

⁴⁶ Extract from the interview with the director of the Centre for the Assistance to Survivors of Sexual Violence "Syostry" M. Mokhova. December 2008.

⁴⁷ <http://www.police-russia.ru/archive/index.php/t-14581.html>

⁴⁸ N. Khodyreva, a case study by INGR CCW.

*called the police who examined the site of the incident upon arrival. The victim was referred to an expert and her complaint was accepted the same day. However, the time limit for the necessary checks was extended by 30 days, and then decision not to prosecute was taken on the ground that DNA analysis results were not received. This unjustified and contrived ruling was quashed and the criminal proceedings were finally initiated and the case reached the court. However, the case file demonstrates that the gravest violations of the Code of Penal Procedure were committed at the first stage, the victim's rights were breached and any possibility to collect material evidence was lost. The identity of the second perpetrator was never established.*⁴⁹

The experts with the Commission also observed that police officers frequently do not refer the victims for a forensic medical assessment.

Facilities are lacking for a professional medical assessment, which is necessary in order to obtain a forensic expert opinion. There are no regulative documents, obliging a medical professional to describe correctly any injuries related to sexual violence.

Some doctors refuse to examine or help the victims of sexual violence, often because they are unwilling to deal with the criminal justice system or to testify in court.

The story of Elena from St. Petersburg:

*Elena was subjected to a forced sexual act, and sperm was found on her chest and hair. She was waiting for a car at the police station for four hours. She was then taken to a maternity hospital. The doctor categorically refused to collect the sperm from her chest and hair. The victim then cut off her hair but was unable to present it as evidence as there was no procedure enabling her to do so. For this reason the police refused to prosecute.*⁵⁰

Conclusions

Such attitude on the part of the state authorities towards sexual violence against women is a breach of international obligations of the Russian Federation: namely, Art. 2 (c, d, d) of the CEDAW, which requires that states “*establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination*”; “*refrain from engaging in any act or practice of discrimination against women and ... ensure that public authorities and institutions shall act in conformity with this obligation*”; and “*take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise.*”

⁴⁹ N. Khodyreva, a case study by INGR CCW.

⁵⁰ Ibid.

Recommendations to the government of the Russian Federation

- To introduce special training programmes for law enforcement officers on working with cases that involve sexual violence. Models of police stations for women, which exist in some countries, could be used.
- To oblige medical specialists to provide medical assistance to victims of sexual violence and possess the skills and have the right to collect evidence of rape.

2.5. Negative stereotyping of women by government officials

One of the reasons for such attitudes towards the victims lies in the mentality of law enforcement officers who tend to accuse the victim of sexual violence. In conversations with the Commission members, police officers repeatedly stated that women provoke rape by dressing provocatively, drinking alcohol or walking in the streets late at night. A typical public comment by Professor Victor Gladkikh JD, a fellow of the All-Russian Research Institute of the Ministry of the Interior confirms this stereotype: “Women often provoke rapists. They walk alone at night, barely dressed and drunk.”⁵¹

Another myth that persists among law enforcement officers is that the victim benefits from accusing someone of rape. In all regions we visited, we heard reports that law enforcement officers refuse to register complaints and investigate, and insist that the complaints are fabricated. This happens particularly often in the cases where the attacker was known to the victim.

The myths of ‘provocative behaviour’ and ‘false accusation with the aim of revenge or some benefit’ are reinforced by the lack of special training for law enforcement officers concerning rape-related cases.

The Commission finds the actions and opinions of some medical professionals (sexual health specialists, gynaecologists, forensic experts), who take part in the medical assessment and are in direct contact with the victim, inappropriate and exhibiting negative stereotyping patterns. Thus, a sexologist, D. Lunin, doctor of the highest category, expresses this in a typical statement:

*“There is a category of women who are ready to be raped, roughly speaking, since they are able to walk. This is a very distinct psychological type, to which roughly every other woman belongs. Sometimes, when I examine a so-called victim, I look at her and cannot help wondering: “How was it possible not to rape you if you, yourself, did all for this to happen.”*⁵²

The attitudes of state officials are aggravated by a lack of targeted training to overcome stereotypes.

⁵¹ Based on a publication in the “Komsomolskaya Pravda” newspaper. [Online]: <http://www.kp.ru/daily/24491/646306/>

⁵² Interview with D. Lunin, sexologist, highest category doctor in the medical practice of the town of Korolyov, Moscow region. “Razorvat’ krug molchaniya. O nasilii v otnoshenii zhenshchin” (To break the circle of silence. On violence against women).

Conclusions

Negative stereotyping of women by state officials combined with the lack of a special training programme aimed at changing their perception demonstrates a breach by Russia of Art. 5(a) of the CEDAW, which requires that states “*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.*”

Recommendations to the government of the Russian Federation

- To introduce special training programmes for law enforcement officers on working with cases involving sexual violence. Models of police stations for women, which exist in some countries, could be used.
- To oblige medical specialists to provide medical assistance to victims of sexual violence and possess the skills and have the right to collect evidence of rape.

PART 3

TRAFFICKING IN WOMEN

3.1 Scale of the problem of trafficking in women.

Central and Eastern Europe, including ex-USSR, is the second region in the world in terms of the scale of human trafficking after South-East Asia.

Research showed that victims of traffickers, by and large (43%), come from dysfunctional families, where alcohol and drug abuse were common, as well as domestic violence, some family members served prison terms or suffered from mental disorders. The same proportion of victims were emotionally immature, had various personality disorders, alcohol or drug dependency and low intellectual development. Most victims (59%) had incomplete secondary education, 29% had secondary education, and 17% did not receive secondary education.⁵³

The Commission believes that marginalisation of considerable population groups is one of the decisive factors of the spread of trafficking in women.

Strong factors pushing them towards risky survival strategies and making them to agree to the advances of traffickers are: widespread alcoholism, domestic violence, bad housing conditions, crisis of spiritual and family values, aggressive environment (glorification of violence and cult of money).

However, poverty and unemployment are, of course, the main factors making women and girls vulnerable to criminals.

According to MOM experts, the regions which cause the most concern are: Daghestan, Astrakhan, Izhevsk, Khabarovsk, Petrozavodsk, Volgograd and Ufa. Out of 280 victims who received help under project "Prevention of human trafficking in Russia", 73% were recruited through personal contact, 11% were abducted, tricked or forced, 9% responded to agency or job ads, and 7% were recruited by their relatives.⁵⁴

3.2. Measures for the prevention of trafficking in women

There are about 100 NGOs in Russia working on aspects of trafficking. The key areas of work are awareness campaigns directed at potential victims, as well as advocacy and legal help. Public awareness and information campaigns, via print and electronic media, are regularly held in the regions.

⁵³ Statistical report: "Okazaniye pomoshchi postradavshim ot trgovli lyudmi" (Helping victims of trafficking) for the period from March 2006 to December 2008. In total, 280 victims were able to receive help from MOM of Moscow.

⁵⁴ Ibid.

Moreover, the International Organisation for Migration (IOM) in collaboration with NGO partners set up a telephone line operating across Russia to provide information and assistance to victims and their families.

Information and advice centres provide information and advice to the public, including migrants from other regions of Russia and foreign nationals, on legal and other issues related to the risk of being trafficked. The Commission found out that experts working in these centres concentrate on the matters of labour migration and risk groups, including socially vulnerable groups, which most often become victims of trafficking, such as migrant women, unemployed young people, adolescents from troubled families and orphans.

IACs provide free consultations (face-to-face, by phone or by email) on the issues related to trafficking, exploitation and help for the victims; on migration law issues; on labour contracts and rights and duties of employers and employees, as well as on other social issues. Where necessary, visitors to the information centres are referred to other statutory and voluntary organisations (medical, social etc.). The Moscow IAC even runs a unique service: search for the disappeared people at the request of their relatives who contact the hotline.

Official statistics show that since the relevant provisions had been included in the Russian penal law, the law enforcement agencies uncovered several dozens of organised criminal groups and over 2,000 individuals complicit in trafficking-related crimes or engaged in recruitment of Russian nationals with the aim of their sexual exploitation abroad as well as within the country.

According to the data received from the Russian Ministry of the Interior, 71 trafficking-related crimes were solved in 2009. 28 of them were committed by organised criminal groups. Moreover, members of the organised criminal groups, which had committed 64 abductions, were identified and detained. 51 members of organised groups were charged.⁵⁵

According to the Moscow Department of the Interior, in 2009, 17 counts of trafficking were registered in the capital, or 9 more than in 2008. In particular, two Vietnamese nationals were arrested, who were supplying their co-nationals to Moscow for the purposes of 'sexual exploitation'. 12 criminal cases concerning these crimes reached the courts.⁵⁶

The Commission believes that proper cooperation between the law enforcement agencies and NGOs plays a key role in prevention, discovery, referral and investigation of the trafficking cases.

⁵⁵ Press release for the briefing on the "Work done by the Criminal Investigation Department of the Russian Ministry of the Interior to combat organised crime in 2009" <http://www.mvd.ru/press/release/7364/>

⁵⁶ [Online]: <http://www.rosbalt.ru/2010/03/03/717409.html>

Thus, most victims were sent to Moscow by IOM missions in other countries (41.4%). Moreover, recently the number of victims identified and referred by the law enforcement agencies increased (30.4%).

Victims of trafficking also receive integration assistance. Thus, since 2007, a centre for comprehensive rehabilitation for victims of trafficking has been operating in Moscow as part of a project on the prevention of human trafficking in Russia, run by MOM. Over its lifetime the centre helped 280 victims. Most women who found their way to the centre were returned to Russia from Turkey, Greece, Italy and Spain. Others were subjected to sexual exploitation in UAE⁵⁷, Cyprus, Armenia, Georgia and Azerbaijan. Apart from Russian nationals, the centre staff provided help to young women from other countries, such as Moldova, Kyrgyzstan, Vietnam and Ukraine.⁵⁸

In December 2007, a new project called "Assistance in reintegration to the victims of trafficking in the Russian Federation " was launched in the country.

The Federal Law "On State Protection of the Victims, Witnesses and other Persons Involved in Criminal Proceedings" approved a state programme "Ensuring Safety of Victims, Witnesses and other Persons Involved in Criminal Proceedings" for 2006-2008. RUR 948.72 bln of public funds was allocated to the protection of witnesses, including victims of trafficking cooperating with the investigation.

However, the Commission does not possess any information on the number of women victims of trafficking who were helped under this law.

All existing shelters, which provide integration assistance to victims, information and advice centres are funded by Western grant-making foundations and governments. MOM and the national telephone hotline are also supported by foreign grants.

Conclusions

Despite a considerable progress made by the state in the combating of trafficking, there is still no established system of assistance to victims in Russia.

Recommendations to the government of the Russian Federation

- The government must assume responsibility for the financing of specialist organisations providing psychological rehabilitation and integration assistance to victims.

⁵⁷ United Arab Emirates

⁵⁸ From the MOM 's statistical report: "Okazaniye pomoshchi postradavshim ot trgovli lyudmi" (Helping victims of trafficking) for the period from March 2006 to December 2008.

3.3. Law

Human trafficking as a separate offence was included into the Penal Code in the end of 2003. The 8/12/2003 Federal Law no 162 (currently applied as amended on 11/03/2004; hereafter – Law no. 162) first introduced sanctions for human trafficking in the Russian penal law. Prior to this, crimes against personal liberty only included abduction (Art. 126 of the Penal Code); unlawful imprisonment (Art. 127); unlawful sectioning (Art. 128).

The inclusion of Art. 127.1 Human Trafficking into the Penal Code enabled prosecution for a number of actions which could not have been properly categorised under earlier criminal law.

Trafficking in humans includes sale and purchase or recruitment, transportation, transfer, harbouring or receiving a person for the purpose of exploitation, understood as the use of the victim for prostitution or other sexual exploitation, slave labour or any other enslaved condition (note 2 to Art. 127.1 of the Russian Penal Code).

Sale and purchase of a human being is punishable by up to six years of imprisonment.

Also, in order to increase protection for victims of trafficking, on 20 August 2004, the already mentioned Federal Law “On State Protection of the Victims, Witnesses and other Persons Involved in Criminal Proceedings” was passed.

This law institutes a system of state protection for victims, witnesses and other persons involved in the criminal proceedings, including safety and social protection measures for these people, including in trafficking related criminal cases. The law provides for the state protection of next of kin, other relatives and close people listed in the Penal Code who may be subjected to unlawful assaults to influence the persons involved in criminal proceedings and are entitled to the state protection.

Currently, the Commission is unaware if this law has ever been applied in trafficking related cases.

3.4. Prejudice on the part of state officials and the media against women victims of trafficking

The Commission experts found out that law enforcement officers often distrust NGOs working in the area of trafficking in women.

Thus, MOM's strategy for the combating of trafficking, includes, among other things, support for state agencies in the improvement of law and policy against trafficking as well as cooperation with law enforcement agencies. However, the project on reintegration assistance to the victims of trafficking in Russia also ran into difficulties.

A shelter was set up as part of the project in Rostov-on-Don and was run by the NGO “Resource Centre for the Prevention of Violence”. However, the centre had to suspend its work, having only helped three women. This was due to the fact that the shelter was unable to establish proper cooperation and exchange of information with the regional law enforcement agencies. As a result, a decision was made to “concentrate on educational work and to work on establishing cooperation between civil society organisations and law enforcement agencies.”⁵⁹

The Commission experts state that the media often cover any topic related to violence against women, including trafficking, from the point of view that it is all a victim’s fault. Thus, in 2008, as part of the Commission’s work, Pskov regional NGO “Independent Social Centre for Women” (ISCW) monitored local media for discriminatory statements against women in all areas. Publications in seven periodicals were analysed. The analysis demonstrated that not only do local newspapers not publish such information: they do not focus on or cover the subject of violations of women’s rights at all. Negative portrayals of women are much more prominent (e.g. articles about women who abandoned their children, female criminals and alcoholics etc.)⁶⁰

The Commission is convinced that the information appearing in newspapers and broadcast on the radio and TV is capable of greatly influencing the state of the problem and to change societal attitudes towards trafficking in women. Mass media can become an important ally of the state, international and non-governmental organisations in informing the public of the problem of trafficking and its consequences.

Conclusions

Negative stereotyping of women victims of traffickers by state officials and the media combined with the lack of a special training programme aimed at changing their perception demonstrates a breach by Russia of Art. 5(a) of CEDAW, which requires that states “*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.*”

Recommendations to the government of the Russian Federation

- The Commission believes that the state must facilitate gender education of the public by funding social advertising. To initiate educational publications in state-owned media on the

⁵⁹ Based on the information published at <http://www.kavkaz-uzel.ru/newstext/news/id/1235221.html>

⁶⁰ Independent Social Women’s Centre of the Pskov Region. 2nd report “Women’s rights in the Pskov region”, Pskov, 2008.

issues of gender equality, protection of women from discrimination and all kinds of violence, in particular trafficking for the purposes of sexual exploitation.

- The government must work towards the strengthening of cooperation between the government agencies and NGOs, for example through creation of special units to combat human trafficking.
- The Commission also believes it necessary to develop and implement a programme of early prevention of human trafficking in the form of study courses for teenagers and young adults in the relevant educational institutions. Such a programme must be developed and implemented in cooperation with NGOs.

PART 4

OTHER FORMS OF VIOLENCE AGAINST WOMEN

The Commission is particularly concerned about the continued practice of bridal abductions and honour killings. Information on these subjects is scarce, since such crimes are rarely reported. Overall, the situation has worsened as a result of the years of conflict in Chechnya and the spread of the conflict in the North Caucasus, accompanied by the radicalization of religious movements.

4.1. Bridal abductions

4.1.1. The scale and scope of bride abductions

There are no official statistics in Russia concerning this type of crime against women.

However, according to the Daghestani NGO "League for the protection of mother and child" which took part in the monitoring as part of the Commission's work, in 2008 alone 180 abductions were registered in Daghestan.

According to the Commission, such crimes are not only committed in the Caucasus but in other regions of Russia as well. . The Commission is unable to tell how many women were abducted for marriage purposes. On the basis of the collected data and statements it can be supposed, that the figure is about several thousand a year.

The Commission examined a number case files concerning abductions. Even in cases in which marriage does not take place, the very fact of abduction is disastrous for the young women. For example:

In November 2009, Ildus Ishkulov asked two of his friends to abduct a young woman in the town of Togliatti in order to marry her. On 26 November 2009, they seized the woman, put her in the car and delivered to his home in the village of Podstepki of the Stavropol district. In this house he raped the victim, and on the same day the woman was taken to the Togliatti mosque for the marriage ceremony. Having gathered what strength she had left, Galina used the presence of witnesses and cried for help. She cried that she had been abducted and taken to the mosque by force. Ishkulov, fearing the consequences, ran away from the mosque.

According to the Commission's data, only 25% of all abductions are consensual.

Law enforcement agencies are extremely lenient towards all cases of abduction of young women,

considering them to be “a kind of prenuptial activity”.

Another major problem is the lack of shelters and state-run institutions for women. Thus, the only charitable hospital in Makhachkala which used to help women in such situations, was recently closed down.

4.1.2. Legislative failings

In the Soviet period, the Penal Code contained a separate chapter on “Crimes which form part of the local custom”, which included provisions on bridal abductions and blood feuds. These crimes were divided into two groups: one included crimes related to the custom of blood feud, and the other included crimes against the freedom and equality of women in the family and everyday life.

This Chapter was omitted from the new Penal Code adopted in 1996.

Presently, these crimes fall under the scope of Art. 126 of the Penal Code “Abduction”:

- 1. Abduction - shall be punishable by deprivation of liberty for a term of four to eight years.*
- 2. The same act committed: a) by a group of persons under a preliminary conspiracy; ... c) with the use of violence with danger for human life and health, or a threat to apply such violence; d) with the use of weapons or objects used as weapons; e) against an obvious juvenile; ...shall be punishable by deprivation of liberty for a term of six to fifteen years.*

However, a note in the end of this provision makes prosecution of bride abductors impossible in the overwhelming majority of cases:

“A person who has set free the abducted person voluntarily shall be released from criminal responsibility, unless his actions contain a different corpus delicti.”

On 2 April 2008, the State Duma of the Russian Federation debated amendments to the Penal Code of Russia drafted by the Ingush lawmakers. The amendments provided for special sanctions for abduction of women for the purpose of marriage. The authors of these amendments pointed out that law enforcement agencies are unable to prosecute kidnappers exactly because of the note to the Penal Code provision. At the same time, the injured party, having found no protection from the state, often tries to obtain redress for the insult, as this is exactly what a woman's abduction is according to the local customs. This creates a danger of extra-judicial resolutions of conflicts.

The State Duma rejected the amendments.

4.1.3. Measures directed at the prevention of bride abduction

Muslim clergy in the Caucasus have been using their authority to attempt to put an end to bride abductions. For example, in 2007, the Spiritual Directorate of the Muslims of Daghestan (SDMD) held a meeting of alims, which decided that mosques in Daghestan would not conduct Muslim marriage ceremonies for runaway couples.

According to the information submitted by the human rights group MASHR, Ingushetia also decided to fight bridal abduction at the local level. For example, the imam of the village of Psedakh introduced a substantial fine for bridal abductions. Mullahs and muftis in the Chechen Republic also educate young people and impose fines on abductors in the amount of 30,000 roubles.

Civil society organisations use the scheme “from information to action”. NGOs in the Caucasus hold seminars to inform women of their rights, provide free legal advice and discussions in women’s clubs.

4.2. Honour killings

Honour killings are violent acts, usually murders committed by male family members against female family members, who they believe to have disgraced the family.

A woman may become victim of such a killing for many reasons, including refusal to enter into a marriage arranged by the family, being subjected to sexual violence, wishing to divorce (even if her husband mistreats her) or leading too ‘liberal’ a lifestyle. Women are held primarily culpable even for rape, including incestuous rape. Men are considered less guilty as it is thought most likely to have been the woman who seduced him. Women, on the other hand, must defend their honour even if the price is her life: if she survives she will be judged for her “mistake”.

Dishonoured young women are killed by their fathers, husbands, brothers, uncles or sons. Usually it happens in secret at their home. Mothers and sisters of the victim often try to cover up the ‘honour killings’ and sometimes even aid the men in committing them. They believe that the life of the unfortunate woman is destroyed by her dishonour anyway.

There are no exact statistics on such crimes. However, the Commission was able to prove directly (on the basis of concrete facts) and indirectly (through the monitoring of internet chatrooms, see further below) that such violence takes place in Russia.

4.2.1. Scope and scale of honour killings

The Commission identified several cases of this crime committed against women in Russia, in particular, in Chechnya and Daghestan. Due to the hidden character of such crimes against women, the

Commission is unable to identify the exact number of honour killings in Russia. However, it is estimated that dozens of women a year become victims of honour killings in Russia while perpetrators benefit from impunity. Local officials are often bribed to neglect the investigation; cases of women who were beaten to death, burned, strangled or shot are often declared suicides, despite numerous wounds. These crimes are often declared accidents or, most commonly, covered up.

Many girls and women killed for the sake of 'honour' are simply registered as 'disappeared' or their relatives do not inform the law enforcement bodies about them at all. One story that uncovered by the Commission during monitoring confirms this:

A woman approached the leader of the League for the Protection of the Mother and Child, an NGO in Daghestan, asking for psychological help. Her daughter fell in love with a married man who proposed to her and suggested that she become his second wife (polygamy is officially banned, but in practice it is not uncommon in some parts of the Russian Federation).

The husband and the sons of the woman were emphatically against the marriage of her daughter and when she disobeyed them, they killed her. The mother felt that she had been a passive accomplice in the murder. She was in great distress as she was unable to help her daughter and stop her sons and husband by going to the law enforcement bodies. To save the daughter, she felt that she would have to sacrifice a son's freedom and family honour. As a result, the woman was in the state of severe shock.

Law enforcement agencies did not take appropriate steps to find and punish the murderer, in part because such situations are traditionally considered 'internal family business' in the Caucasus.⁶¹

Not only women become victims of such crimes, but children, too.

In November 2007, a resident of the village of Shalib in Daghestan killed two minor children and his wife with a dagger. The investigators established that the killer had an argument with his wife and decided that she "dishonoured" him. After that he stabbed his son, b. 1996, with a dagger, then his daughter, b. 1995 and then stabbed his wife to death.⁶²

Of deep concern are public statements and policies adopted by government representatives in the Republic of Chechnya which tend to condone and even encourage such forms of violence against women. For example, following the murders of 7 women in November 2008, such statements linked the women's deaths to their immorality and tended to excuse or justify the killing of women in the name of honour. (In fact, the perpetrators of the killings have never been identified and therefore the reasons for the killings of these women remain unknown).

⁶¹ Republic of Daghestan, city of Makhachkala, "Mother and child defence league", case study. Situations similar to the above were covered by local newspaper "Respublica" in the article entitled "Zhenshchiny pod zashchitoy Ligi" (Women under Protection of the League) published on 20/07/2007.

⁶² According to the newsru.com news portal: http://www.newsru.com/crime/23nov2007/dag_print.html

*On 26 November 2008, bodies of seven young women with shot wounds were found in Chechnya. Experts examined the bodies and established that all of the victims were young women of 20 to 30. All of them were killed with a single shot to the head and chest from an AK automatic rifle at a close range. A representative of law enforcement agencies suggested that women could have become victims of criminals who could have targeted women who they believed had led an immoral lifestyle.*⁶³

*Nurdi Nuzhiev, Ombudsman for Chechnya is reported to have said "Unfortunately, some of our women have forgotten the highland women's code of conduct. Sometimes male relatives of such women who consider themselves dishonoured, execute them"*⁶⁴.

*Of even greater concern are remarks made by Ramzan Kadyrov, President of Chechnya, in March 2009. He is reported to have said that the women had "loose morals" and were justifiably shot: "If a woman hangs out and a man hangs out with her, both of them are killed"*⁶⁵.

More generally statements made by Ramzan Kadyrov, have tended to underline the responsibility of women in the commission of such crimes through "immoral" behaviour. For example, in an interview with a journalist from Komsomolskaïa Pravda Alexandre Grymov, on 24 September 2008, he stated: "Here, if a woman behaves badly, the husband, father and brother react. According to our customs, if she behaves immorally, her relatives punish her. It happens that a brother kills his sister or a husband his wife. There are men in prison for that here... As President, I cannot accept that murders are committed. But also, women should not be wearing shorts!"⁶⁶

4.2.2. Law

Honour killings are not included in the Penal Code as a separate crime against personal integrity.

4.2.3. Lack of government position

The Commission did not find any large-scale measures directed at prevention of this type of violence against women (such as educational campaigns, patronage of families by local police where the probability of such a crime is high etc.).

Social stereotypes - namely the attitudes of male population towards women - constitute, undoubtedly, one of the most serious barriers.

⁶³ S. Mashkin, M. Muradov, "V Chechnye kaznili zhenshchin" (Women executed in Chechnya) "Kommersant" newspaper, no. 216 (4033), 27/11/2008.

⁶⁴ S. Mashkin, M. Muradov, "V Chechnye kaznili zhenshchin" (Women executed in Chechnya) "Kommersant" newspaper, no. 216 (4033), published on 27/11/2008

⁶⁵ http://www.sptimes.ru/index.php?story_id=28409&action_id=2, INSERT LINK TO NEWSPAPER IN RUSSIAN

⁶⁶ See further "Women's Rights in Chechnya", Svetlana Gannushkina, published in the online journal Ezhenedelnyj zhurnal, 9 December 2008, www.ej.ru/?a=note&id=8638

Conclusions

The uncovered facts of forcible marriages by abduction and honour killings constitute grave violations of Art. 2 of the CEDAW which directly commands that the Russian Federation “*take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women.*” Art. 5 of the Convention obliges the government to take all appropriate measures to “*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.*” Art. 16 of CEDAW directly points at the necessity to respect the right to a free choice of a spouse and equality in marriage: “*1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women: (a) The same right to enter into marriage; (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent; (c) The same rights and responsibilities during marriage and at its dissolution.*”

Recommendations to the government of the Russian Federation

- The Commission believes that the government must ensure effective investigation, prosecution and sanction of such forms of violence against women.
- The Commission experts also believe that Art. 126 of the Penal Code “Abduction” must be amended to account for the nature of such crimes, committed within the framework of ethnic customs. In particular, the note to the article, reading that “*A person who has set free the abducted person voluntarily shall be released from criminal responsibility, unless his actions contain a different corpus delicti*”, must be amended to include a reservation according to which in cases of abduction of women for marriage this note is invalid. Provisions criminalising bridal abduction, blood feuds and honour killings must be reintroduced.
- The Commission believes that the government should allocate public funds to a large-scale educational campaign in particular targeting the population of the North Caucasus in order to eliminate violent crimes against women and change stereotypes.

ANNEX 1

COMPOSITION OF THE NATIONAL INDEPENDENT COMMISSION ON THE RIGHTS OF WOMEN AND VIOLENCE AGAINST WOMEN

Chair:

Marina Pisklakova-Parker, Moscow

ANNA National Centre for the Prevention of Violence

Director

National Network against Violence

Chair

Members of the Commission:

Svetlana Bazhenova, Vladivostok

Vostok Centre for the development of civil initiatives

Director

Natalia Vasilieva, Pskov

Independent Women's Social Centre

Director

Galina Grishina, Moscow

East-West : Women's Innovative Projects

General Director

Ludmila Ermakova, Ekatherinburg

Ekaterina Crisis Centre

Director

Anastasia Ermalaeva, Nizhny Novgorod

Crisis Centre for Women

Director

Elena Zolotilova, Rostov-on-Don

Regional Centre for the Prevention of Violence

Director

Nadezhda Koksharova, Izhevsk

Teyoply Dom Centre

Director

Larissa Korneva, Saint-Petersburg

Alexandra Centre

Director

Larissa Ponarina, Moscow

ANNA – National Centre for the Prevention of Violence

Deputy Director

Natalia Sereda, Barnaul

Women's Alliance Centre

Director

Andrei Sinelnikov, Moscow

ANNA – National Centre for the Prevention of Violence

Deputy Director

Lubov Shtyleva, Murmansk
Crisis Centre for Women
Expert

ANNEX 2

EXAMPLES OF NGO ACTIONS ON DOMESTIC VIOLENCE

The NGO National Education Campaign

An integrated effort led by NGOs to combat violence against women in Russia began in the 1990s. The first dedicated telephone hotline for female victims of domestic violence was established in 1993 in Moscow at the ANNA Centre. Gradually the ANNA Centre began operating not only as a crisis centre providing practical assistance to the victims, but it also became a resource and training centre for other organizations that were starting work in this field.

The national education campaign "There is NO excuse for domestic violence!", initiated by the ANNA Centre with the support of the Ford Foundation in 1998, contributed to a significant rise in public awareness of the issue of violence against women and became one of the key components in changing Russian society's attitudes to the problem of domestic violence⁶⁷. This campaign consisted of two main components:

- (A) A national educational campaign against violence in the family;
- (B) A national educational initiative aimed at various professional groups.

Educational materials, such as posters, leaflets, stickers and safety cards for women were developed for the first time in Russia. During the campaign, over three million educational items were distributed during events in almost every city in Russia.

The national campaign demonstrated the efficiency of the educational model when it is reinforced by the enthusiasm of staff members of regional public organizations. In many regions where the campaign was conducted, the number of telephone calls to the local crisis centres more than doubled. Many representatives of regional organizations emphasized that the success of the campaign locally, in many cases was due, in part, to its national status.

In the 1990's public opinion regarded tend to view domestic violence as a "private matter": "*The falling out of lovers is the renewal of love.*" According to the research of the *World Gallup Poll* conducted in 2008 in collaboration with the ANNA centre, the situation has changed as more and more people understand the negative consequences of this problem and the need to address it. Whereas in 2002 43% of the respondents who participated in a Russian study declared that a husband beating his wife is a private matter that nobody should interfere with⁶⁸, by 2008 it had already fallen to just slightly over one percent of those polled who still declared that the government should not interfere in families where there is violence.

⁶⁷ For example, according to a study conducted in 2006, 87% of those interviewed acknowledged that the problem of domestic violence is relevant in Russia.

⁶⁸ I. Gorshkova, I. Shurygina – Violence Against Wives In Contemporary Russian Families. M., 2003.

Through education efforts society is also becoming aware of the wider effects of violence against women. Thus, the 2008 Gallup Poll showed that in Russia 87% of the respondents agreed with the assertion that violence against a woman perpetrated by her husband also has an extremely negative impact on children who are "mere" witnesses.

As a result of the increased level of awareness there has been an increase in female victims of violence turning for help to law enforcement authorities. Furthermore, as statistical data shows, women seeking help are insisting on filing their complaints. As noted above, the analysis of the condition of criminal activity over merely five years (2002 – 2006) shows that the total number of recorded crimes had gone up by 52.6%.⁶⁹

Today, the topic of violence is actively discussed in the Russian media. Whereas from the 1990s to the early 2000s this issue was presented tendentiously with frequent allegations of provocation against the victims, almost all publications and television topics are nowadays dominated by an objective approach to the issue of violence. The Russians are of the opinion that by the year 2006 compared to 2002 mass media began to showcase more and more information about domestic violence. More noticeably there has been heightened attention to this problem in television and radio.⁷⁰

All this demonstrates that the educational activities actively conducted by NGOs since 1998 have yielded their results.

Educational Seminars for Representatives of Various Professional Groups

The national educational initiative aimed at various professional groups (as a component of the education campaign) has focused on developing educational models for the representatives of those government agencies, whose which immediate task is a response to the problem of violence against women.

The following educational programmes have been designed and implemented over the past 15 years:

- The National Initiative on Health
- Educational programmes for police officers, for Judges; for prosecutors; for social workers

The efficacy efficiency of the programmes is reasonably high. A study conducted on the efficacy of the educational programme for magistrates in the Sverdlovsk region, based on the analysis of judicial statistics, has shown that since the training had been conducted there has been a decrease in the percentage of dismissals by the judges of criminal cases instigated by private allegations, including of

⁶⁹ Interview with Police Lieutenant General M. Artamoshkin, the Acting Head of the Department for the Protection of Public Order under the auspices of the Russian Ministry of Internal Affairs. Published on the Ministry of Internal Affairs website 01/24/2008. Reference link: <http://www.mvd.ru/news/14047/>

⁷⁰ Domestic violence - violence in society. Report on the study, 2007

cases where the parties had reconciled. If in 2004, prior to the implementation of the programme, only 18% of cases concluded with adjudication and punishment of the abuser, then by 2007 their number had more than doubled to 42%.

Inter-agency Cooperation

The Commission identified another positive trend: increasing co-operation of public organizations and state structures, who have a duty to assist victims of violence.

A project is being conducted in the city of Izhevsk, aimed at identifying families that are exposed to violence and helping these families through social aid. The formulation of a strategy of *interagency cooperation* is a key tool for implementing the project, as this method allows for the coordination of joint actions of various professionals – social workers, lawyers, psychologists, physicians, law enforcement officials. The main objective of the project is the development of an interagency model to aid families with an identified history of violence.

The development of the Russian movement opposing violence against women

Currently, the ANNA Centre's National Network against Violence is composed of more than a hundred public and governmental organizations from Russia and countries of the former USSR.

This effort included an internship programme under which representatives of Russian public and government agencies received comprehensive information about the issue, and were educated on reducing violence in practice.

The internship programme was one of the factors behind development of the movement opposing violence against women in Russia.

Thus, the internship programme served as a catalyst of public activity. As a result of the replication of knowledge and skills obtained during internship, a growing number of people – representatives of professional groups and community activists – and organizations are becoming involved in the work on violence prevention and assisting women suffering from violence.