Submission by Human Rights Watch to the Committee on the Elimination of Discrimination against Women's Consideration of the Russian Federation's Ninth Periodic Report

We write in advance of the 76th session of the Committee on the Elimination of Discrimination against Women (“CEDAW Committee” or “this Committee”) relating to the Russian Federation’s compliance with the Convention on the Elimination of All Forms of Discrimination against Women (“CEDAW” or “the Convention”). This submission focuses on Russia’s inadequate efforts to address pervasive domestic violence, its practices that deny or delay safe abortion, the adverse consequences of its anti-gay “propaganda” laws, and its failure to protect education during armed conflict.

Domestic violence is prevalent throughout Russia, and services for survivors are inadequate. Russia’s ongoing failure to criminalize domestic violence, to effectively investigate, prosecute, and punish acts of violence within families or by intimate partners, to provide adequate assistance and protection to survivors of domestic violence, and to collect disaggregated data on domestic and sexual violence is in violation of its obligations under the Convention.

Spring 2020 saw a dramatic rise in domestic violence in Russia in the context of measures applied by several regional authorities to contain the Covid-19 pandemic. Pandemic-related restrictions in Moscow and other Russian regions have also restricted access to safe abortion care.

Lesbian, gay, bisexual, and transgender (LGBT) people—including lesbian, bisexual, and transgender women and girls—in Russia face formidable barriers to enjoying their human rights. Antipathy towards homosexuality and gender variance is not new, but the 2013 “gay propaganda” law has increased that social hostility. The law has had a stifling effect on access to affirming education and health services, with harmful consequences for girls who are lesbian, bisexual, and transgender as well as gay, bisexual, and transgender boys and other LGBT youth. It has also been a vehicle to suppress free expression and association.

Attacks on students and schools and the use of schools for military purposes by Russian forces or Russian-backed forces in the conflict in Syria interfere with girls’ rights to education.

These human rights issues are exacerbated by a hostile climate for human rights defenders in the country, with women’s rights activists and LGBT rights activists increasingly harassed, intimidated, and prosecuted.

**Domestic Violence**
Domestic violence is a persistent problem in Russia, and the concerns raised by this Committee, other UN treaty bodies, and the UN special rapporteur on violence against women remain relevant.\(^1\) The lack of relevant statistics—a shortcoming this Committee has called on the Russian Federation to address\(^2\)—makes it difficult to assess the scope of domestic violence in Russia, but the available indicators suggest domestic violence is pervasive, with at least one out of five women in Russia experiencing physical violence at the hands of a partner.\(^3\)

Russian law does not recognize domestic violence as a stand-alone offense.\(^4\) Legislative amendments adopted in February 2017 decriminalized first battery offenses among family members, a serious setback.\(^5\)

Earlier this year, the Duma deprioritized its draft law “On Prevention of Family Violence,” introduced in November 2019, due to impending constitutional reform.\(^6\) There has been no


movement on the bill since. If adopted, this would be Russia’s stand-alone law addressing domestic violence. However, the bill falls short of introducing legislative measures that would help Russia fulfil its obligations under the Convention. It does not contain a comprehensive definition of domestic violence which should incorporate physical, sexual, economic, and emotional abuse, it does not include close relatives, extended family, and current or former spouses and partners in the list of people who may be perpetrators of domestic violence, and does not provide adequate measures on protection and access to justice for victims of domestic violence at every stage of the process.\(^7\)

Survivors of domestic violence in Russia face significant hurdles in reporting abuse and getting crucial support. In particular, police often treat survivors of domestic violence with hostility and refuse to register or investigate their complaints, instead directing them into the private prosecution process, in which the survivor bears the burden of proof as well as all costs. Survivors have found the process of private prosecution overwhelming and ineffective, and in consequence have foregone prosecution altogether.\(^8\) As this Committee has recognized, “the fact that a victim of domestic violence must resort to private prosecution, where the burden of proof is placed entirely on the victim, denies the victim access to justice.”\(^9\)

In addition, some survivors of domestic violence face barriers to accessing crucial support because state services demand extensive documentation to obtain emergency shelter, including local registration. Requirements to show proof of local residence can be particularly problematic for some women to produce, if for instance, they lost ownership of their home after a divorce or had to flee a long distance to escape abuse. Victims must often wait weeks for a decision, and then in some cases are denied access to shelter while facing the ongoing risk of abuse.\(^10\)

The problem of domestic violence has become even more acute in Russia during the Covid-19 pandemic, when self-isolation regulations adopted in Moscow and other regions of the country have effectively left women locked in with their abusers for months.\(^11\) On May 5, 2020, Russia’s

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\(^9\) X. and Y. v. Russian Federation, Communication No. 100/2016, CEDAW Committee, U.N Doc. CEDAW/C/73/D/100/2016 (August 9, 2019), para. 9-5. See also ibid., para. 9-4 (“by adjudicating acts of domestic violence through a system of private prosecution, the State party cannot fulfil its due diligence obligation to prevent and punish acts of violence”).


ombudsman alerted the press to a dramatic rise in domestic violence reports the previous month.\textsuperscript{12}

In a July 2019 ruling, the European Court of Human Rights observed that domestic violence can entail a level of physical violence and threatening conduct such that it amounts to prohibited ill-treatment and concluded that Russia was in breach of its obligations to establish an adequate legal framework to protect against domestic violence, to take effective measures to prevent domestic violence when it is a known risk, and to investigate allegations of domestic violence.\textsuperscript{13}

As this Committee has emphasized, gender-based violence, in public or in private, is a form of discrimination,\textsuperscript{14} and the prohibition of gender-based violence is a principle of customary international law.\textsuperscript{15} Russia has an obligation to exercise due diligence to prevent domestic violence, to effectively investigate, prosecute, and punish acts of domestic violence that are committed, and to take other appropriate measures to assist survivors of domestic violence, including the issuance of protection orders without delay and the provision of adequate shelters.\textsuperscript{16} The Committee has rightly criticized practices and policies that result from “the preconceived notion that domestic violence is to a large extent a private matter falling within the private sphere” and “stereotyped and overly narrow concept[s] of what constitutes domestic violence.”\textsuperscript{17} Its recommendations in earlier concluding observations and in the case of \textit{X and Y v. Russian Federation} continue to be pertinent.\textsuperscript{18}

Russia's continuing failure to address widespread domestic violence puts it in breach of its obligations to eliminate discrimination in all its forms (CEDAW arts. 2 and 3),\textsuperscript{19} to work to

\textsuperscript{12} “In Russia, Domestic Violence Has Seen a 2.5 Increase” [В России отмечен рост домашнего насилия в апреле в 2,5 раза], \textit{RIA Novosti}, May 5, 2020, https://ria.ru/20200505/1570971794.html (noting just over 6,000 domestic violence reports in March 2020 and more than 13,000 in April 2020).

\textsuperscript{13} \textit{Volodina v. Russia}, paras. 74-102.


\textsuperscript{15} CEDAW Committee, General Recommendation No. 35 on Gender-Based Violence against Women, U.N. Doc. CEDAW/C/GC/35 (July 26, 2017), para. 2.


\textsuperscript{17} \textit{V.K. v. Bulgaria}, Communication No. 20/2008, para. 9.12.


overcome traditional attitudes by which women are regarded as subordinate to men (art. 5),\textsuperscript{20} to ensure equality before the law and women’s right to access to justice (art. 15),\textsuperscript{21} and to ensure other women’s human rights.

Russia remains one of only two of the 47 Council of Europe member states, the other being Azerbaijan, that has neither signed nor ratified the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention).\textsuperscript{22}

As it has done in prior concluding observations, the Committee should call on Russia to uphold its obligations by taking the following steps:

- The Parliament of the Russian Federation should promptly adopt a separate law on domestic violence that defines, prohibits, and criminalizes violence in the family and provides for accountability for perpetrators.
- The Parliament should amend the Criminal Procedure Code to transfer all domestic violence offenses to the sphere of private-public or public prosecution and to provide for protection orders to provide victims with immediate protection from abuse.
- Authorities should diligently investigate, prosecute, and punish acts of domestic violence.
- Authorities should take special measures to protect victims of domestic violence during the Covid-19 pandemic countrywide, including but not limited to classifying domestic violence services as “essential,” establishing a governmental hotline and ensuring provision of accommodation for those in need of refuge.
- The Ministry of the Interior and relevant law enforcement agencies should gather statistics on domestic violence, disaggregated by age, region, type of violence, and relationship between the victim and the perpetrator.
- The Ministry of the Interior should implement mandatory, ongoing training for police on responding to domestic violence complaints.


\textsuperscript{21} See CEDAW Committee, General Recommendation No. 33, paras. 8, 10, 51(i), (j). See also Committee on Economic, Social and Cultural Rights, General Comment No. 16: The Equal Right of Men and Women to the Enjoyment of All Economic, Social and Cultural Rights, U.N. Doc. E/C.12/2005/4 (August 11, 2005), para. 27 (the ICESCR’s provision on gender equality “requires States parties…to provide victims of domestic violence, who are primarily female, with access to safe housing, remedies and redress for physical, mental and emotional damage”).

• The Ministry of Labor and Social Protection should ensure that survivors of domestic violence, including in rural areas, have access to adequate services and support, including shelter, health, psychosocial, and legal services.
• The Ministry of Justice should provide regular training for judges on handling domestic violence cases.
• The Russian Federation should become a party to the Istanbul Convention.

Access to Safe Abortion Care

As this Committee and other international authorities have recognized, denial or delay of safe abortion and/or post-abortion care and forced continuation of pregnancy represent a form of discriminatory gender stereotyping and may violate the prohibition on torture and other ill-treatment.

Russian law stipulates that an abortion may be performed during the first 12 weeks of pregnancy for any reason. Despite this, women’s access to safe abortion care in Moscow became a serious issue in March 2020, after the Minister of Health declared that “non-urgent” procedures would be postponed to avoid the overcrowding of hospitals due to Covid-19. This led to hospitals turning down women seeking abortion procedures, while access to cancer treatment and procedures for other conditions continued. According to a report by rights group Nasiliyu.Net (“No to violence”), which raises awareness around and supports survivors of domestic violence, many hospitals in Moscow denied women access to safe abortion procedures, telling them that absent a “direct threat to life and health,” abortion procedures will not be carried out during the pandemic.

Recent data shows this issue persists and is not only limited to Moscow. Women have reported being referred to psychologists in Arkhangelsk and St. Petersburg before seeking an abortion, an experience which in and of itself can be traumatizing as a result of the guilt and blame laid on them by practitioners for even considering the option of abortion. As a result, fewer women have

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24 See, for example, CEDAW Committee, General Recommendation No. 35, para. 18; Whelan v. Ireland, Communication No. 2425/2014, paras. 7.4-7.7; Mellet v. Ireland, Communication No. 2324/2013, paras. 7.4-7.6; Human Rights Council, Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, U.N. Doc. A/HRC/31/57 (January 5, 2016), para. 44.


access to safe abortion care. Local women’s rights activists view this policy decision by the
authorities as an attempt to curb women’s rights, by coercing women to carry out births rather
than terminate their pregnancies. In early May, the Russian Orthodox Church called on the
government to suspend abortions during the pandemic.

It is important that the Committee spell out to the government the need to recognize that timely
access to abortion is essential, particularly during public health and other emergencies when the
need might be greater due to potential increases in unplanned and crises pregnancies, including
as a result of sexual violence. Abortion is a time sensitive medical procedure is essential for
preventing maternal mortality and morbidity. Restricting women’s access to abortion care forces
them to seek other means by which to perform these procedures, which may put their lives and
health at risk.

The Committee should call on the Russian government to take the following steps:

- Recognize that abortion care is essential healthcare and take measures to ensure that
women and girls can access it in a timely manner. With some medical facilities in the
country tasked exclusively with providing care to Covid-19 patients, the Russian
government should instruct healthcare providers to inform women where they can access
safe abortion.

The “Gay Propaganda” Laws

Federal Law No. 135-FZ “aimed at protecting children from information promoting the denial of
traditional family values” remains in effect despite calls by this Committee and other UN treaty

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28 Anna Ryzhkova, “‘If You Want the Truth, Miss All the Deadlines’: How Women Are Denied Abortions During the Pandemic” [“Будете
dобиваться правды — все сроки пропустите.” Как женщинам отказывают в абортах во время пандемии],
29 Merkuryeva, “‘Improving the Demographics,’” Radio Svoboda.
30 “The Russian Orthodox Church Advocated the Introduction of a Moratorium on Abortion During the Pandemic” [В РПЦ выступили за
введение моратория на аборты на время пандемии], RBC, May 3, 2020,
https://www.rbc.ru/society/03/05/2020/5eae2bf9a7947f6f6a63c9b (viewed June 2, 2020).
31 Human Rights Watch, “Europe: Abortion Curbs Endanger Women, Girls in Pandemic,” news release, April 8, 2020,
Harmful to their Health and Development’” [Федеральный закон от 29 июня 2013 г. N 135-ФЗ г. Москва “О внесении изменений в
статью 5 Федерального закона ‘О защите детей от информации, причиняющей вред их здоровью и развитию’” и отдельные
законодательные акты Российской Федерации в целях защиты детей от информации, пропагандирующей отрицание
21, 2020). In addition to the federal “gay propaganda” law, several regions, including Arkhangelsk, Ryazan, and St. Petersburg, have
their own “gay propaganda” laws. See generally Expression Abridged: A Legal Analysis of Anti-LGBT Propaganda Laws (London:
Thompson Reuters Foundation and IGLYO, 2018).
bodies for its repeal or revision. The federal law and regional equivalents ban the “promotion of nontraditional sexual relations to minors,” a reference that is universally understood to mean discussion of lesbian, gay, and bisexual relationships.

Prosecutions under the “gay propaganda” laws have included:

- In January 2020, Yulia Tsvetkova, a feminist and LGBT activist, faced charges after she posted a drawing depicting two same-sex couples with children and the caption “Family is where love is. Support LGBT+ families!” She said she made the drawing in support of a same-sex couple with two adopted children who fled Russia after they were targeted by authorities. In December 2019, on separate charges relating to other social media posts, a court in Komsomolsk-on-Amur fined Tsvetkova 50,000 rubles (about US$700). In November 2019, Tsvetkova was placed under house arrest on pornography charges. The basis for these charges was unclear, but police had questioned her the previous month about a social media group she manages that features artwork depicting vulvas and calls for an end to taboos around vaginal anatomy and menstruation. Earlier in 2019, she faced police questioning about a youth theatre performance on gender stereotypes, telling

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34 The explanatory note of the federal “gay propaganda” law in its bill form referred explicitly to “the promotion of homosexuality . . . carried out via the media as well as via the active pursuit of public activities which try to portray homosexuality as normal behavior. This is particularly dangerous for children and young people who are not able to take a critical approach to this avalanche of information with which they are bombarded on a daily basis. In view of this, it is essential first and foremost to protect the younger generation from exposure to the promotion of homosexuality. “Putin Signed a Law Banning Gay Propaganda to Children” [Путин подписал закон о запрете гей-пропаганды среди детей], RIA Novosti, June 30, 2013, http://ria.ru/politics/20130630/946660179.html (viewed May 21, 2020).


her they suspected it violated the “gay propaganda” laws even though the play did not cover LGBT issues.39

- Evdokiya Romanova, a women’s and LGBT rights activist, who was found guilty on October 18, 2017, of spreading “propaganda of non-traditional sexual relationships among minors using the internet” and fined 50,000 rubles ($700). The content that came under scrutiny was two Facebook posts Romanova made in 2015 and 2016, including one about the Youth Coalition for Sexual and Reproductive Rights, an international group that advocates for young people’s access to accurate information about health and sexuality. The group believes that information and education are vital for safeguarding the life, health, and well-being of young people.40

- Elena Klimova, founder of the LGBT youth support group Deti-404, was twice found guilty in 2015 of violating the law after Roskomnadzor, the federal agency empowered to oversee online and media content, charged that the group’s activities contained “propaganda of nontraditional sexual relationships.”41 She has been forced to change Deti-404’s digital location or re-launch the group to keep it functioning. Since a 2016 court decision, the group’s website, www.deti404.com, has been formally blocked in Russia.42

In other cases, the “gay propaganda” laws have opened the door to police harassment without necessarily leading to charges. For instance, on August 28, 2019, police arrested Anastasia Patlai, the director of the play Coming Out of the Closet, in the middle of the performance, the news organization Meduza reported.43 In another case in November 2018, police confiscated several student drawings submitted to a contest held in Yekaterinburg in honor of International Tolerance Day. One of the seized drawings showed three couples—a man and a woman, two men, and two women—with the caption “We don’t choose our appearance, orientation, or race. We are all unique in our own ways.” Police told reporters the seized drawings would be examined for signs of

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39 “‘They Promise to Kill Us for Depravity to Children’: A Feminist Staged a Children’s Play; She Is Accused of Extremism and Questioned by the Police” [“Нас обещают убить за разврат детей”: Феминистка поставила детский спектакль. Ее обвиняют в экстремизме и допрашивают в полиции], Lenta.ru, March 15, 2019, https://lenta.ru/articles/2019/03/15/disfem (viewed May 22, 2020).
42 Ibid., p. 5.
“homosexual propaganda.” And in May 2015, police reportedly demanded the closure of an art exhibit in Moscow dedicated to LGBT youth titled “Be Yourself.”

Russian authorities have used the “gay propaganda” laws to block other LGBT online groups, to target peaceful public protests, to deny registration to two LGBT groups, to target a gay couple and social workers in the name of “child protection” and “traditional values,” to deny a transgender woman visitation with her children, and to censor music performances by artists popular with youth.

The laws have also affected mental health professionals, who have curtailed what they say and what support they give to students. Mental health providers have told Human Rights Watch the law interferes with their ability to offer honest, scientifically accurate, and open counseling services, leading some to censor themselves or set out explicit disclaimers at the start of sessions to avoid running afoul of the law.

Given the already deeply hostile climate for LGBT people in Russia when the laws were passed, it is not surprising that their passage coincided with an uptick in often-gruesome vigilante violence against LGBT people in Russia—frequently carried out in the name of protecting Russian values and Russia’s children. And while Russian government officials and parliament members claim

that the goal of the “gay propaganda” laws is to protect children from potentially harmful subject matter, the laws in fact directly harm children by denying them access to essential information and increasing stigma against LGBT youth and their families.\footnote{Human Rights Watch, No Support, pp. 51-55, 63. See also Committee on Economic, Social and Cultural Rights, Concluding Observations: Russian Federation, U.N. Doc. E/C.12/RUS/CO/6, para. 56(c).}

As the European Court of Human Rights concluded in 2017, the laws reflect and reinforce “predisposed bias, unambiguously highlighted by [their] domestic interpretation and enforcement.”\footnote{Bayev v. Russia, App. No.67667/09 (Eur. Ct. H.R. June 20, 2017), para. 69.} Their purpose and effect is directly contrary to Russia’s obligations to eliminate prejudices and other practices based on stereotyped gender roles, as required under CEDAW articles 5(a) and 10(c); to eliminate discrimination in education and health care, as required under articles 10 and 12; and to eliminate violence against women and girls.

The Committee should call on Russia to address these serious concerns by taking the following steps:

- The Government of the Russian Federation should repeal Federal Law No. 135-FZ, and regional legislatures that have enacted “gay propaganda” laws should do the same.
- The federal government should introduce legislation to protect the rights of all LGBT people, including children, such as legislation to explicitly proscribe discrimination against them in public services and to make sexual orientation and gender identity protected categories against discrimination in relevant provisions of Russia’s criminal and civil laws.
- The federal government should include information about sexual orientation and gender identity in the national curriculum based on guidelines set forth by the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the United Nations Population Fund (UNFPA).
- The President of the Russian Federation and the federal government should condemn and end rhetoric by members of the government that stigmatizes LGBT people and allows Russian authorities to explicitly or tacitly deem anti-LGBT sentiments and violence as permissible.
- The federal government should ensure that judgments of the European Court of Human Rights (including \textit{Bayev v. Russia, Alekseyev v. Russia}, and \textit{Alekseyev and Others v. Russia}) on freedom of expression, assembly, and association are complied with through laws and policies of the Russian Federation.
Protection of Education During Armed Conflict

Human Rights Watch has documented attacks on students and schools, and the use of schools for military purposes by Russian forces or Russian-backed forces in the conflict in Syria. Even when attacks on students and schools and the military use of schools do not necessarily affect girls disproportionately, their adverse impact on education for all children disrupts a critical pathway to gender equality, the enjoyment of other human rights, and the empowerment of women.51

The Safe Schools Declaration is an inter-governmental political commitment that provides countries the opportunity to express political support for the protection of students, teachers, and schools during times of armed conflict; accountability for such attacks; the importance of the continuation of education during armed conflict; 52 and the implementation of the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict.53 As of June 2020, 104 countries have endorsed the Safe Schools Declaration, including Ukraine, Georgia, and Moldova, but not yet Russia.

Human Rights Watch has documented repeated attacks on education by the joint Syrian-Russian coalition as well as by opposing armed groups. As part of a military alliance, Russia is jointly responsible for the use of prohibited weapons and any violations of the laws of war committed by the Coalition in Syria.

On October 26, 2016, airstrikes by the joint Russian-Syrian military operation killed dozens of civilians, mostly schoolchildren, in the town of Haas in Idlib governorate. The attacks struck a school complex in a residential area, which included a kindergarten, an elementary school, two middle schools, and a secondary school. The attacks killed 14 children, including 9 girls.54

On November 24, 2018, an attack by Syrian government forces near an elementary school killed eight civilians. The ground-launched attack in the town of Jarjanaz, in Idlib governorate, was with a Russian-made 240mm mortar system, which fires a large high-explosive projectile. The casualties

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included a student’s mother, a pregnant schoolteacher, and a three-year-old girl who was also on the premises.\textsuperscript{55}

On January 1, 2020, a ballistic missile equipped with a banned cluster munition warhead hit a girls’ school in the town of Sarmin, Idlib governorate, and killed 12 civilians, including 5 children.\textsuperscript{56} Russian forces deployed in Syria possess stockpiles of cluster munition, and have actively supported the government’s use of cluster munitions since their joint operation began in September 2015.

The Committee can usefully ask the government of Russia if any Russian laws, policies, or trainings provide explicit protection for schools and universities from military use during armed conflict. The Committee should call on Russia to take the following steps:

- Endorse the Safe Schools Declaration.
- Bring the \textit{Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict} into domestic military policy and operational frameworks.
