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# “I Could Kill You and No One Would Stop Me”

Weak State Response to Domestic Violence in Russia



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## Summary

He pushed me, I fell on the floor and he kicked me in the stomach. He said it was his dream to meet a pure girl, and that I was a disappointment, not pure. He started keeping me up every night, forcing me to “tell him the truth” about men I’ve been with before I met him. . . I started believing that I was no good, lost a lot of weight, my self-esteem was gone... He started beating me more frequently, once he dunked my head in the toilet. When holidays came, he locked the apartment door and said calmly, ‘I will beat the truth out of you now.’ By that point, I started wearing a thick bathrobe in the house so that it hurt less when he hit me. He stuck a knife under my fingernails, hit me over the head with a wooden stool, beat me with a belt. Then he held my head up and urinated on my face. My son cried, “Mama, please, just tell him the truth.”

—Liza, a 33-year-old kindergarten teacher from Pskov

Liza’s partner continued to beat, torment and humiliate her and her five-year old son for a year. After she mustered the courage and resources and left him, he started stalking her. Liza called the police several times, but they refused to take her statement, saying that it was “family business.” One day the man attacked her outside her new apartment building, grabbed her purse, and took her apartment keys:

I called the police again and told them that I can’t get away from him [and] asked them to help. I waited outside my apartment building for the police to arrive. He was still holding my purse. He [smirked at me and] said: “They will not do anything to me.” He was right. The police arrived, and the policeman said to me, “What’s the problem? He seems like a totally normal young man. If you’re bothered about the key, just change the locks.”

Liza’s and other women’s stories described in this report illustrate how Russia’s law enforcement, judicial and social systems do not protect or support women who face even severe physical violence and other abuse at the hands of their partners. This report describes the significant gaps in Russian legislation that deprive women of protection from, and justice for, domestic violence, including dramatic, recent steps backward that

put survivors at heightened risk. It details the barriers survivors face in reporting and getting help, including social stigma, lack of awareness about domestic violence and services for survivors, and lack of trust in police.

The report documents how police often treat victims of domestic violence with open hostility and refuse to register or investigate their complaints of domestic violence, instead funneling victims who wish to prosecute into the patently unfair and extremely burdensome process of private prosecution, for which the victim must gather all necessary evidence and bear all costs. In the cases we documented, survivors of domestic violence found the process of private prosecution overwhelming and ineffective, and for this reason decided to forego it altogether.

The report also shows how state services fail to ensure crucial support for survivors of domestic violence, demanding from them a laundry list of documentation to obtain emergency shelter, making them await a decision for weeks, and then in some cases denying them access to shelter, all while they face the ongoing risk of abuse.

Survivors of domestic violence, lawyers, women's rights groups, governmental and nongovernmental service providers, and public officials interviewed for this report described vicious abuse of women by husbands and partners. The violence typically escalated over time, in some cases lasting years, and had a severe and lasting impact on the survivors' physical and psychological health. Human Rights Watch interviewed women who described being choked, punched, beaten with wooden sticks and metal rods, burned intentionally, threatened with various weapons, sexually assaulted and raped, pushed from balconies and windows, having their teeth knocked out, and being subjected to severe psychological abuse. In cases where women had children, the violence typically began or escalated while they were pregnant, and their children were also exposed to the violence.

In Russia, like elsewhere, domestic violence affects people regardless of class, age, ethnicity, or other attributes. It can involve physical, sexual, economic, and emotional abuse, often repeated over time, and in the most severe cases may result in death. In Russia, domestic violence is perpetrated by different family members, and women make up the overwhelming majority of survivors.

Russian law does not take into account key aspects of domestic violence that aggravate the seriousness of the offense and render it more pernicious than an isolated assault. For example, it does not take into account that often the victim is economically dependent on the perpetrator, they often live together, and the abuse is usually repetitive and continues over a lengthy period of time.

Despite public awareness campaigns and two decades of discussion, as well as sustained efforts by women's rights organizations and activists, Russia does not have a national domestic violence law, and domestic violence is not a standalone offense in either the criminal or administrative code.

The lack of a standalone offense reinforces an impression, held by many, that Russian authorities do not see domestic violence as a significant crime which has public rather than simply private ramifications. It also makes it difficult for Russian government agencies to maintain consistent, comprehensive statistics. This impedes both a full understanding of the scope of domestic violence and the development of effective strategies to combat and prevent it.

Russian law also does not provide for protection orders, which could help keep women safe from recurrent violence by their partners.

Legislative amendments adopted in February 2017 decriminalized first battery offenses among family, marking a further, serious setback. Such offenses are now treated in the same manner as first battery offenses committed by non-family members, which in 2016 became an administrative offense with very mild penalties. The 2017 amendments symbolized a green light for domestic violence by reducing penalties for perpetrators, made it harder for women to seek prosecution of their abusers, and weakened protections for victims.

While official statistics on domestic violence in Russia are fragmented, several indicators suggest it is pervasive. Official studies suggest that at least every fifth woman in Russia has experienced physical violence at the hands of their husband or partner at some point during their lives. A widely cited independent study revealed that women in Russia are three times more likely to be subjected to violence by a family member than a stranger. According to experts' estimates, between 60 and 70 percent of women who suffer family

violence do not report it or seek help and only around 3 percent of domestic violence cases make it to court.

Most women we interviewed did not report numerous instances of severe domestic violence to police. We found that a range of factors contribute to this: social stigma attached to the issue, which public officials, including law enforcement and judges often reinforce; overwhelming lack of awareness about domestic violence among survivors themselves, their immediate family and friends, and also in some cases by social services, on which they relied; lack of trust in police and poor police response; victims' fear of retaliation by abusive partners; financial dependence on husbands or partners and fear of losing custody of their children.

Domestic violence in Russia is still, more frequently than not, approached in the context of child abuse and child welfare rather than as a standalone issue. It is also still predominantly viewed as a private, "family" matter. Police, courts, and sometimes even service providers engage in victim-blaming and advise women seeking protection to reconcile with their abusers or avoid "provoking" them. For example, a lawyer representing a survivor of domestic violence told Human Rights Watch that when her client called police after her husband attacked her with a knife and attempted to choke her, the police berated her, saying, "Why did you make it worse by provoking him? He was drunk, you should have just let him sleep it off."

In many cases, Russia's social service infrastructure does not adequately provide for the needs of survivors of domestic violence. State resources for survivors are limited and well below levels recommended by the Council of Europe, of which Russia is a member. Spaces in shelters that specialize in protecting women from domestic violence are few. Some of the state-run shelters require survivors to apply for entry, which includes a daunting amount of paperwork that can be difficult, if not impossible, for a survivor to amass. At times, state shelters may take weeks to issue a decision about granting shelter space to survivors of domestic violence—many of whom are already in a state of crisis, face severe threats of further violence, and have nowhere else to turn. Shelters tend to be located in urban centers, meaning that women in rural and remote areas have even less access.

Nongovernmental (NGO) crisis centers and shelters play a crucial role in providing services, often in life-threatening situations, that may not be available at a state-run

facility. In many cases we documented, survivors of domestic violence who needed and found places at NGO-run shelters had previously been turned away by government-run shelters. However, NGOs struggle to provide shelters on the scale that is needed because of financial constraints and government restrictions on obtaining foreign funding. They also operate in a poisonous political atmosphere in which authorities brand independent groups as “foreign agents” to sow public mistrust of them.

Lawmakers who pushed for the 2017 decriminalization amendments equated efforts to prevent and punish domestic violence as interference in the Russian family and an assault on “traditional values.” This reflects the conservative trend that has dominated Russian politics in recent years and that has revitalized and “normalized” misconceptions and stereotypes about domestic violence, such as the perverse view that women themselves have “caused,” “provoked,” or “deserved” violence, and that women should tolerate abuse for the sake of their children.

Russian public perceptions of gender-based violence are starting to change, in large part due to the awareness-raising efforts of nongovernmental groups and coalitions, such as the Consortium of Women’s Nongovernmental Associations, the ANNA Center for the Prevention of Violence, *Nasiliu.net*, and others. Several members of parliament supported a draft law on domestic violence that would address many of the key legal gaps. Some government officials, for example in the Ministry of Labor and Social Protection, and also the Ombudsperson, seem aware of the shortcomings in the state’s response to domestic violence. They support measures to prevent domestic violence and ensure legal and other protection for survivors, including adoption of a standalone law. Several top officials have publicly acknowledged that the amendments decriminalizing first battery offenses have led to higher levels of violence.

The Russian parliament should adopt a law that treats domestic violence as a standalone criminal offense to be investigated and prosecuted by the state, rather than through the process of private prosecution. It should also adopt legal provisions creating protection orders. Russian authorities should ensure that police respond effectively to reports of domestic violence and that women facing domestic violence have effective access to support services, with support including, if needed, temporary shelter through simplified procedures.

If the Russian government does not act to change the situation, it will continue to put lives at risk and leave survivors of domestic violence to face abuse on their own.

# Recommendations

## To the Parliament of the Russian Federation

- Adopt a separate law on domestic violence that:
  - defines, prohibits and criminalizes violence in the family;
  - stipulates accountability for perpetrators;
  - introduces mandatory training for state officials;
  - provides for better access to services for survivors through establishment and financial support of shelters and crisis centers;
- Amend the Criminal Code to:
  - ensure that it addresses domestic violence as a separate criminal offense, either by introducing it as a standalone offense or listing domestic violence as an aggravated circumstance in existing provisions for crimes against the person, with harsher penalties for perpetrators;
  - repeal the legislative amendments of February 2017 and reinstate criminal liability for first offense of battery within family;
  - introduce sanctions for negligence by law enforcement officials while responding to domestic violence complaints (article 293 of the Criminal Code) if such negligence led to minor, moderate, or severe harm to health or to someone's death;
- Amend the Criminal Procedure Code to:
  - transfer all domestic violence offenses to the sphere of private-public or public prosecution;
  - provide for protection orders whereby a presumed victim of domestic violence can get immediate protection from perpetrators of domestic violence who are ordered not to contact or be within a certain distance of the victim;
- Ratify the CoE Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention).

## To the Government of the Russian Federation:

- Raise public awareness by regularly conducting nationwide information campaigns that explain the specific nature of domestic violence; comprehensively explain the rights of victims, the responsibilities of law enforcement, magistrate judges, and other authorities; and contain detailed information on available services for survivors and how to access them, including shelters and crisis centers;
- Condemn at the highest political level all forms of gender-based violence, including domestic violence; demonstrate political will to take steps towards combating domestic violence;
- Instruct relevant law enforcement agencies, such as the Ministry of Interior, the prosecutor general's office, and the investigative committee to gather data about domestic violence crimes; and make the gathering of such data compulsory;
- Improve and streamline the process of compiling statistics on domestic violence, disaggregated by age, region, type of violence, and relationship between the victim and the perpetrator; undertake efforts to compile regular, relevant, and up-to-date research on the extent, causes, and effects of domestic violence; ensure that all data is transparent and publicly available;
- Improve and foster coordination among relevant government agencies, to ensure a streamlined approach to dealing with domestic violence;
- Introduce mandatory, specialized, and continuing education and training on domestic violence for social workers, health workers, psychologists, lawyers and other relevant professions;
- Introduce mandatory, comprehensive, and up-to-date training on domestic violence for police officers, prosecutors, judges and other relevant public officials;
- Ensure adequate funding for the Ministry of Labor and Social Protection and other relevant government ministries, on national and regional levels, to support programs aimed at combating and preventing domestic violence and assisting survivors of domestic violence;
- In collaboration with relevant ministries and nongovernmental agencies, develop and implement a national strategy to prevent and combat domestic violence;
- Ensure that independent nongovernmental groups that work on domestic violence can operate freely and without undue interference, including by prompt repeal of the 2012 "foreign agents" law and the 2015 "undesirables" law;

- Seek a follow-up visit by the United Nations (UN) special rapporteur on violence against women.

## **To the Ministry of Interior**

- Improve the collection of consolidated statistical data on the overall number of domestic violence cases, with the breakdown showing the number of criminal and administrative proceedings initiated, the relationship between the victim and the perpetrator, the number of cases dropped, the number of complaints where no proceedings were initiated, and the number of instances in which police referred to a woman seeking to file a domestic violence complaint to a magistrate judge;
- Design and implement mandatory and ongoing/continuing training for police officers on how to respond to domestic violence complaints; ensure that the training adheres to international best-practice standards on survivor-centered response, including by refraining from victim-blaming and mocking, and prioritizing the wellbeing and protection of the victim;
- Engage with intergovernmental agencies and national and international nongovernmental organizations and agencies for technical support in training of police;
- Introduce and enforce disciplinary sanctions for police officers who fail to register or investigate domestic violence complaints or respond appropriately to victims attempting to register complaints, including by engaging in victim-blaming, mocking, or other hostile interactions with people who attempt to file domestic violence complaints;

## **To the Prosecutor's Office**

- Review and ensure compliance of law enforcement officials with Russian law and international human rights standards regarding investigation and prosecution of domestic violence offenses;
- Ensure effective oversight over investigations of cases of domestic violence by law enforcement;
- Train prosecutors to more rigorously oversee investigations of complaints of domestic violence and to more effectively prosecute cases of domestic violence;

## To the Ministry of Labor and Social Protection

- Ensure that survivors of domestic violence, including in rural areas, have access to adequate services and support, including shelter, health, psychosocial, and legal services, through:
  - In accordance with CoE standards, which recommend a minimum of one shelter space per 10,000 people where shelters are the predominant or only form of service provision, ensuring that at minimum 14,400 spaces in specialized shelters are available for victims of domestic violence; to meet this goal, establish more state shelters and ensure that NGOs have the resources to establish and run shelters, and can operate in an environment free of the kind of hostility described in this report;
  - Ensuring that specialized shelters for survivors of domestic violence are located within reasonable distance and accessible to survivors of domestic violence in both urban and rural areas;
  - Lowering thresholds for acceptance and referral to services in order to ensure that services, including shelters, are immediately accessible to all those who suffered from domestic violence, irrespective of their age, place of residence, disability, migration/residency status, including survivors with or without dependent children;
  - Eliminating the requirement for a local residency registration to access shelters;
- Ensure regular funding for local nongovernmental groups working to provide services to survivors of domestic violence.
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## To the Ministry of Justice

- Provide regular trainings for judges on their response to domestic violence cases;
- Perform periodic reviews of domestic battery cases that have been adjudicated by magistrate judges to assess whether the cases were inappropriately relegated to private prosecution;
- Once legislation has been introduced to provide for orders of protection, conduct mandatory training of judges on applying them.
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## **To International Organizations and Russia's International Partners**

- In line with the CoE standards to protect women's rights and prevent gender-based violence, the CoE should press for more assistance and redress for victims of such violence, and provide support to civil society and governmental initiatives to monitor and combat domestic violence;
- The UN special rapporteur on violence against women, its causes, and consequences should request access for a follow-up visit to Russia;
- Russia's international partners and international agencies, including UN Women, should raise concerns about domestic violence in Russia and urge the government to implement the above-mentioned recommendations.

## Methodology

This report is based on Human Rights Watch field research conducted between November 2017 and May 2018 in Moscow and the Moscow region, St. Petersburg, Pskov, Vladivostok, Nizhny Novgorod, and Archangelsk. Additional meetings, as well as phone and Skype interviews, were conducted during the same period.

Human Rights Watch selected the cities based on consultations with Russian women's groups and service providers, in order to give an overview of the situation with support for survivors of domestic violence in different parts of Russia. The scope of this project does not include Russia's Northern Caucasus republics, where previous research by Human Rights Watch and other groups indicates that some local government policies, religious and traditional bias, and social arrangements make women particularly vulnerable to domestic violence, including "honor" killings. In several the Northern Caucasus regions, the situation is exacerbated by the fact that in the event of separation or divorce, typically the father and his family raise the children, in accordance with local custom, leaving the mother with very limited access to her children.

While conducting research for this report, Human Rights Watch also requested information from and visits to governmental service providers in several other cities, including Krasnodar, Tyumen, and Ekaterinburg. Several organizations did not respond, and two declined to provide information or meet with Human Rights Watch researchers.

This report is based on 69 in-depth interviews. Human Rights Watch researchers conducted most interviews in person in the above-listed cities, and some by telephone and Skype. Twenty-seven of the women interviewed, ages 22 to 45, were survivors of domestic violence. Interviews lasted from one to two-and-a-half hours. Almost all of the women interviewed were abused by their current/former partners or current/former spouses; one was abused by her brother. They came from both urban and rural areas from all over the country, including central Russia, western Russia, the Far East region, and the Ural Mountains region, and other parts of Siberia. Their education levels ranged from high school to post-graduate degrees. Four of these interviews were conducted jointly by two Human Rights Watch researchers, one male and one female, five by a male researcher, and 18 by a female researcher.

All interviews were conducted in Russian by Russian-speaking researchers. Human Rights Watch informed all of the women of the purpose of the interview, its voluntary nature, and the goal and public nature of our reports, and told them that they could end the interview at any time. All women gave their oral consent to participate in the interview. No interviewee received compensation for providing information; one interviewee who met with Human Rights Watch was reimbursed for her travel expenses. Where possible, Human Rights Watch provided women with contact information for organizations offering legal, social, or counseling services. Pseudonyms have been used for most of the individuals interviewed. In some cases, we have withheld the locations of interviews, as well as additional identifying details, in the interests of the interviewees' safety.

Human Rights Watch also interviewed 19 practicing lawyers and women's rights advocates, 13 representatives of Russian governmental and nongovernmental service providers, as well as government officials, academics, police officers, and representatives of non-Russian NGOs. Additional information was gathered from published sources, including laws, government data, academic research, and media.

Human Rights Watch met with officials from Russia's Ministry of Labor and Social Protection. In February 2018, Human Rights Watch sent letters requesting meetings and information to the Interior Ministry, the Health Ministry, and the Justice Ministry, as well as to the Office of the Prosecutor General; at time of writing, we have not received responses.

This report focuses on domestic violence as a form of violence against women. While domestic violence affects men, women, and children, in Russia, women are the most frequent victims of such abuse.

# I. Background

## The Scope of the Problem: Limited Data

At time of writing, there are 78.8 million women in Russia, and they comprise 54 percent of Russia's population.<sup>1</sup>

A study published in 2012, carried out by Russia's Federal Statistics Service and the Health Ministry, suggested that at least every fifth woman in Russia has experienced physical violence at the hands of their husband or partner at some point during their lives. This is the most recent, comprehensive representative study based on research in 60 Russian regions (federal subjects).<sup>2</sup>

According to a 2008 assessment by the Interior Ministry, the most recent such assessment available, up to 40 percent of all grave violent crimes in Russia are committed within the family, and every fourth family in Russia experiences violence.<sup>3</sup> Among women respondents to a 2016 opinion poll, 12 percent said they experienced battery by their present or former husband or partner (2 percent, often; 4 percent, several times; 6 percent, once or twice).<sup>4</sup> A widely-cited independent study, published in 2007, revealed that

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<sup>1</sup> Data by the Federal Statistics Service of the Russian Federation, last updated June 14, 2018  
[http://www.gks.ru/wps/wcm/connect/rosstat\\_main/rosstat/ru/statistics/population/demography/#](http://www.gks.ru/wps/wcm/connect/rosstat_main/rosstat/ru/statistics/population/demography/#).

<sup>2</sup> Report by the Federal State Statistics Service and the Ministry of Health: "Reproductive Health Among Russia's Population [Репродуктивное здоровье населения России]", — 2011; pp. 52-53.  
[http://www.gks.ru/free\\_doc/new\\_site/population/zdrav/zdravo-2011.pdf](http://www.gks.ru/free_doc/new_site/population/zdrav/zdravo-2011.pdf) (accessed February 23, 2018). The sample for the study included interviews with over 10 000 women aged between 15 and 44, both in rural and urban areas.

<sup>3</sup> See <http://www.komitet2-2.km.duma.gov.ru/Novosti-Komiteta/item/14998>. The 40 percent estimate is cited in a 2012 resolution by the State Duma about the impact of violence within the family on women and children. The figure was cited in an interview, referenced in the resolution, with the then-acting head of the Interior Ministry's Department of Public Protection, Mikhail Artamoshkin. The interview was initially available at <https://mvd.ru/news/14047>. However, it is no longer available on the Interior Ministry's website. Artamoshkin also noted in the same interview that approximately 14 000 women die in Russia every year due to violence perpetrated by their husbands and other family members.

<sup>4</sup> Levada Center survey conducted in July 2016, throughout all of Russia in both urban and rural settings. The survey was carried out among 1600 people over the age of 18 in 137 localities of 48 of Russia's regions.  
<https://www.levada.ru/en/2016/08/24/family-arguments/> (accessed March 23, 2018).

women in Russia are three times more likely to be subjected to violence in the family than from strangers.<sup>5</sup>

Though some Russian state bodies do keep some data on violence within the family, the government does not systematically collect information on domestic abuse, and official statistics are scarce, fragmented, and unclear. The lack of a law on domestic violence or legal definition of domestic violence prevents categorization of the abuses as such, thus contributing to the absence of specific statistics.

Statistical data published by RosStat, Russia's Federal Statistics Service, with direct reference to the Interior Ministry, shows a steady increase in the number of violent offenses committed against family members in Russia up until 2017. In 2012, it was 32,845, with 24,017 committed against women. Of the 32,845, almost 13,000 were violent crimes committed against a spouse (of which 11,534, or 90 percent, targeted wives).<sup>6</sup> In 2016, the number of violent offenses within the family rose to 64,421, with 29,465 committed against a spouse (of which 27,090, or 92 percent, targeted wives). In 2017, the number of crimes committed against family members dropped to 34,007.<sup>7</sup> (The drop is attributed to the 2017 decriminalization amendments, described below).

The true numbers of victims are likely much higher than the above data indicates, due to several factors. First, the above-cited numbers cover only those instances in which criminal proceedings were initiated: they do not reflect the actual numbers of complaints to the police or instances where police refused to initiate criminal investigation or instructed women to file a complaint with a magistrate judge for a private prosecution.

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<sup>5</sup> M. Propastina, "Sociological research of the problem of violence against women of Magnitogorsk [Пропастина М. "Социологическое исследование актуальности проблемы насилия женщин г. Магнитогорска"], as referenced in: Marina Pisklakova-Parker, Andrey Sinelnikov: "Chronicles of Silence: Violence Against Women in Russia ["Хроники тишины: насилие в отношении женщин в России" под редакцией Марины Пискаковой-Паркер и Андрея Синельникова], p. 18. Moscow, 2016.

<sup>6</sup> RosStat data on the number of violent offenses committed against family members, last updated on July 2, 2018. [http://www.gks.ru/wps/wcm/connect/rosstat\\_main/rosstat/ru/statistics/population/motherhood/#](http://www.gks.ru/wps/wcm/connect/rosstat_main/rosstat/ru/statistics/population/motherhood/#) (accessed July 2, 2018).

<sup>7</sup> Ibid.

Second, domestic violence is underreported worldwide, including in Russia.<sup>8</sup> Official studies suggest that only around 10 percent of survivors of domestic violence in Russia report incidents of violence to the police.<sup>9</sup> According to experts' estimates, between 60 and 70 percent of women who suffer family violence do not report it or seek help.<sup>10</sup> Moreover, experts, rights groups, and service providers interviewed for this report told Human Rights Watch that Russian police rarely open criminal cases on domestic violence complaints and, even when they do, most criminal cases are dropped before they can lead to a conviction.<sup>11</sup>

Several government agencies, including the Ministry of Labor and Social Protection, the Ministry of Interior, the Ministry of Justice, the prosecutor's office, and the Investigative Committee, are involved in responding to domestic violence, but there is no coordinated response or national governmental program or strategy.

Some officials have voiced support for the government to do more to tackle domestic violence. For example, a senior Ministry of Labor official said that they supported the initiative to adopt a law on domestic violence. The official recognized that a coordinated, unified approach among relevant state bodies was important:

A point of view, shared by many in [another] ministry, for example, is that there should not be a focus on prevention of domestic violence. We [the Ministry of Labor and Social Protection], on the other hand, think that

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<sup>8</sup> World Health Organization, Department of Reproductive Health and Research, London School of Hygiene and Tropical Medicine, South African Medical Research Council (2013). *Global and regional estimates of violence against women: prevalence and health effects of intimate partner violence and non-partner sexual violence*, 2013 <http://www.who.int/reproductivehealth/publications/violence/9789241564625/en/> (accessed June 15, 2018).

<sup>9</sup> Report by the Federal State Statistics Service and the Ministry of Health: "Reproductive Health Among Russia's Population [Репродуктивное здоровье населения России]", — 2011; p 52. The study also showed that only 6 percent of women seek help from health professionals and only 2 percent seek legal advice. [http://www.gks.ru/free\\_doc/new\\_site/population/zdrav/zdravo-2011.pdf](http://www.gks.ru/free_doc/new_site/population/zdrav/zdravo-2011.pdf). (accessed February 23, 2018).

<sup>10</sup> Marina Pisklakova-Parker "Family violence: system of prophylactics, prevention and regulation," the Russian Presidential Academy of National Economy and Public Administration, November 2014, <http://cheloveknauka.com/v/595870/a/#?page=1> (accessed June 3, 2018).

<sup>11</sup> Human Rights Watch joint interview with Marina Pisklakova-Parker and Larisa Ponarina (ANNA National Center for the Prevention of Violence), Nadezhda Zamotaeva (Sisters Independent Center for Assisting Survivors of Sexual Violence) and Alena Sadikova of the Kitezh Crisis Center for Women, Moscow, November 9, 2017.

prevention is as important as social protection and rehabilitation of victims.<sup>12</sup>

Russia's human rights ombudsperson, Tatiana Moskalkova, publicly expressed support for a domestic violence law and state financing for crisis centers.<sup>13</sup> She also said that Russia should swiftly ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention).<sup>14</sup>

## Public Debate: “Traditional Values” v. Shifting Public Opinion

In recent years, with more public debate in Russia about domestic violence, public perceptions are still mixed but starting to shift from viewing gender-based violence as permissible or “normal,” to recognizing it as a prevalent problem and a serious concern that must be addressed. For example, 77 percent of respondents in a 2016 Russia-wide survey acknowledged that assault and battery occurring between spouses during an argument are unacceptable.<sup>15</sup> In a similar survey from August 2018, almost 55 percent of respondents said domestic violence should be a criminal offense in Russia.<sup>16</sup>

The 2017 adoption of legislative amendments decriminalizing first instances of domestic violence sparked public controversy and for a while brought the issue of domestic violence to the forefront of public debate. Several television channels aired programs with domestic violence experts who criticized the amendments, and women's rights activists and rights groups organized social media campaigns and rallies in major Russian cities against the new legislation.

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<sup>12</sup> Human Rights Watch meeting with the Ministry of Labor and Social Protection of the Russian Federation, Moscow, May 21, 2018.

<sup>13</sup> The official website of the High Commissioner for Human Rights in the Russian Federation: “High Commissioner took part in “Women Against Violence conference,” December 7, 2017 [http://eng.ombudsmanrf.org/events/news/news\\_of\\_the\\_high\\_commissioner/view/high\\_commissioner\\_took\\_part\\_in\\_quotwomen\\_against\\_violencequot\\_conference](http://eng.ombudsmanrf.org/events/news/news_of_the_high_commissioner/view/high_commissioner_took_part_in_quotwomen_against_violencequot_conference) [Уполномоченный приняла участие в конференции “Женщины против насилия”,] 7 декабря 2017 г., (accessed April 30, 2018).

<sup>14</sup> Ibid.

<sup>15</sup> Public Opinion Foundation (FOM): “Battery within family: how wide spread is domestic violence in Russia and is it right to reduce penalties for it? [Рукоприкладство в семье Насколько распространено в России семейное насилие, и правильно ли смягчать ответственность за него?],” December 1, 2016, <http://fom.ru/posts/13124>, (accessed March 23, 2018).

<sup>16</sup> Public Opinion Foundation (FOM): “Battery within family: is family violence permissible? How wide spread is domestic violence in Russia? [Рукоприкладство в семье. Допустимо ли насилие в семье? Насколько распространено семейное насилие в России?],” August 21, 2018, <https://fom.ru/Obraz-zhizni/14087>, (accessed September 3, 2018).

At the same time, some opinion polls suggested that a significant number of people in Russia still viewed domestic violence as a private matter between couples. For example, in a January 2017 opinion poll, 19 percent of respondents said that under certain circumstances hitting a wife, husband, or child is permissible; 59 percent of respondents said they either fully or partially supported the initiative to make domestic violence an administrative, instead of a criminal, offense; and 40 percent of respondents said that changing the law would have no effect on occurrences of domestic violence.<sup>17</sup>

Some lawmakers as well as officials in the executive branch of the government have publicly supported reforms to protect women from domestic violence. However, the politicization of “traditional values” in Russia, together with a strong anti-foreigner stance in political rhetoric and in law has made it much more difficult to do so.

A conservative trend has dominated Russian politics in recent years, reflected in, among other things, the growing role of the Russian Orthodox Church in politics and its influence on Russian society. Some politicians equated efforts to prevent and punish domestic violence as an assault on “traditional values” and on the Russian family. This trend has revitalized stereotypes of male power and authority over women that are deeply rooted in Russia.<sup>18</sup>

Public officials’ embrace of this rhetoric helps to shape social norms and hostile attitudes that foster domestic violence, stigmatize survivors, and discourage them from seeking help or recourse to justice. Such rhetoric can lead to “normalization” of violence within the family and may contribute to a sense that women should be expected to tolerate repeated incidents of domestic violence. For instance, 75 percent of women who called Russia’s National Hotline for Violence Prevention in 2017 had experienced regular violence before calling the hotline, with frequency ranging between once a week and once a month.<sup>19</sup>

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<sup>17</sup> Russian Public Opinion Research Center (VTsIOM): “‘He Beats You – He Loves You?’ or Russian people on decriminalization of battery within family [‘Бьет – значит любит?’ Или россияне о декриминализации побоев в семье],” January 19, 2017, <https://wciom.ru/index.php?id=236&uid=116035> (accessed November 19, 2018).

<sup>18</sup> See, for example, Svetlana Aivazova “Gender discourse in the field of conservative policy,” *Woman in Russian Society*, Institute of Sociology, Russian Academy of Sciences, 2017, [wcons.net/assets/files/aivazova\\_3-13.pdf](https://wcons.net/assets/files/aivazova_3-13.pdf) (accessed June 29, 2018).

<sup>19</sup> Human Rights Watch interview with Marina Pisklakova-Parker, head of ANNA Center for the Prevention of Violence, November 9, 2017, Moscow.

The anti-foreigner trend has had a direct impact on the ability of NGOs and coalitions to provide legal, social, and other support to survivors of domestic violence. A 2012 law requires independent groups to register and publicly identify themselves as “foreign agents” if they receive any foreign funding and engage in broadly defined “political activity.” The term “foreign agent” in Russia is unambiguously negative and is understood to mean “spy.” The law is part of a broader government effort to discredit the work of civil society organizations and stigmatize them as acting in foreign interests, or even as traitors.<sup>20</sup> The law affected dozens of Russian human rights, environmental, women’s, and other groups.<sup>21</sup> In the six years since the law’s adoption, the government’s assault on civil society has escalated, and the atmosphere for civic activity has become increasingly hostile. This trend sharpened as Russia grew isolated internationally starting in 2014, following its military intervention in Ukraine.<sup>22</sup>

These trends also affected women’s rights and advocacy groups. Some leading women’s rights groups, including, for example, the ANNA Center, have been designated “foreign agents.” Others are working in a toxic atmosphere in which they fear being labeled as “foreign agent” and losing public trust. A leading lawyer who works on domestic violence cases said, “There is no activity left carried out by NGOs in this country that is not considered political and is not potentially penalized by the authorities.”<sup>23</sup>

The overall hostile environment has resulted in unwillingness, and even open fear, by public officials and public sector professionals to collaborate with foreign groups. For example, Human Rights Watch reached out to several government-run organizations seeking information about their work and about cooperation between various state agencies on addressing the issue of domestic violence. Several did not respond, and several declined to provide information or meet with Human Rights Watch

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<sup>20</sup> Human Rights Watch report: “Laws of Attrition: Crackdown on Russia’s Civil Society after Putin’s Return to Presidency” April 24, 2013 <https://www.hrw.org/report/2013/04/24/laws-attrition/crackdown-russias-civil-society-after-putins-return-presidency>.

<sup>21</sup> HRW “Russia: Government vs. Rights Groups,” June 18, 2018, <https://www.hrw.org/russia-government-against-rights-groups-battle-chronicle>.

<sup>22</sup> See, for example Human Rights Watch, *World Report 2015: Russia* (New York: Human Rights Watch, 2018) <https://www.hrw.org/world-report/2015/country-chapters/russia>.

<sup>23</sup> Human Rights Watch interview with Mari Davtyan, November 28, 2017.

researchers, openly stating that they feared the likely negative fallout of speaking with an international organization. “The geopolitical situation is changing so fast that I cannot predict the consequences of talking to you,” a senior staff member of one organization in the Ural region told Human Rights Watch.<sup>24</sup>

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<sup>24</sup> Human Rights Watch telephone conversation with a staff member of an organization providing assistance to survivors of domestic violence, April 18, 2018.

## II. Legal Framework

Serious gaps in Russia's laws deprive women of protection from, and justice for, domestic violence. Russia does not have a federal law on domestic violence, and it is not recognized as a standalone offense in either criminal or administrative code.<sup>25</sup> Russian law does not provide for protection orders, that is immediate or longer-term measures to protect a potential victim from domestic abuse, including by barring contact between an alleged perpetrator and victim. Domestic violence prosecutions occur mostly if brought by private prosecution, placing the burden of investigation and prosecution on survivors of domestic violence.<sup>26</sup>

### *No Law on Domestic Violence*

Despite over a decade of joint efforts by Russia's civil society, rights' advocates, and some policymakers, Russia does not have a national law on domestic violence.

There is no discrete provision or standalone offense of domestic violence, hence there is no definition in Russian law of domestic violence. There are two key reasons why this is problematic. First, it makes it difficult for law enforcement and courts to track the number of complaints, survivors, and cases of domestic violence. This results in a lack of comprehensive nationwide statistics and impedes anyone's ability to assess the scope and dynamic of domestic violence. This, in turn, impedes the development of strategies and policies to combat and prevent domestic violence.

Second, legal experts and practicing lawyers agree that existing provisions that are used to prosecute domestic violence do not effectively capture the offense of domestic violence: that it often continues over a protracted period of time; the victim and perpetrator often live together, with the victim in many cases financially dependent on the perpetrator, and constantly vulnerable to risk of repeated violence; and the offenses often occur in private settings and are very difficult to independently corroborate.

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<sup>25</sup> The only regional law in Russia on prevention of family violence, adopted in the Archangelsk region in 2003 has not been fully implemented or successfully enforced due to lack of state funding. Human Rights Watch interview with Olga Bobretsova, head of Novy Vzglyad, nongovernmental family assistance center, Archangelsk, June 5, 2018.

<sup>26</sup> For more information, see "Private Prosecutions: An Obstacle to Justice" section of this report.

As a women's rights advocate said in an interview to Human Rights Watch:

The chances that someone gets assaulted on the street [by a stranger] over and over again by the same person are slim at best, whereas in situations of domestic violence, when the perpetrator and the victim often continue to live in the same apartment, it is almost guaranteed not only to repeat, but to escalate. Without legal safeguards in place, it can - and does - become much worse very quickly.<sup>27</sup>

### *Missed Opportunity to Adopt a Domestic Violence Law*

Between 2012 and 2014, a group of practicing lawyers and legal experts discussed and drafted a federal law on combating and preventing violence within the family. The draft, which Human Rights Watch reviewed, introduced a definition of violence within the family, proposed measures to prevent domestic violence, provided for protection orders, and perhaps most significantly, for the transfer of domestic violence offenses from the sphere of private to public prosecution.<sup>28</sup>

The group worked in close consultation with several State Duma deputies, as well as officials from the Interior Ministry and the Ministry of Labor and Social Protection.<sup>29</sup> Both federal ministries reviewed and approved the draft; the Presidential Council on Human Rights also supported the draft and formally recommended that the State Duma adopt it.<sup>30</sup>

The State Duma, however, took no action on the draft. In September 2016, the working group again introduced the draft to the State Duma Committee on Affairs of Family, Women and Children, but the committee returned the draft to the authors citing procedural errors. A senior official who participated in the discussions of the draft, told Human Rights Watch that the claims of "errors" were arbitrary, bureaucratic pretexts, and that the committee

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<sup>27</sup> Human Rights Watch Interview with Alyona Popova, January 26, 2018, Moscow.

<sup>28</sup> For more information on private and public prosecution, see "Shortcomings in Prosecution of Domestic Violence" section of this report.

<sup>29</sup> Human Rights Watch interview with senior official from the Ministry of Labor and Social Protection of the Russian Federation, Moscow, May 21, 2018.

<sup>30</sup> See, for example, "Human Rights Council prepared recommendations for prevention of domestic violence [СПЧ подготовил рекомендации по профилактике домашнего насилия]," *Garant.ru*, July 25, 2014, <http://www.garant.ru/news/555478/> (accessed February 3, 2018).

rejected the draft because of a powerful pushback from religious leaders and other supporters of “traditional values.”<sup>31</sup>

### *Charges Used for Prosecuting Perpetrators*

As mentioned above, Russian law does not distinguish domestic violence from other forms of violence against the person, such as battery or other types of assault. It addresses all of those through provisions on causing intentional harm to a person’s health that assign penalties depending on the severity of the harm to the victim.<sup>32</sup>

Specifically, first instances of battery that do not result in serious and lasting harm to health are an administrative offense under article 6.1.1 of the Code of Administrative offenses, with penalties ranging from 5,000 to 30,000 rubles (about US\$80 to \$478), up to 15 days of jail, or up to 120 hours of community service.<sup>33</sup> If committed within a year, a second such battery offense is punishable under Criminal Code article 116.1, with a fine of up to 40,000 rubles (about \$590) or an amount not exceeding three months of the perpetrator’s income, or up to 240 hours of community service, or up to six months of corrective labor, or imprisonment for up to three months.<sup>34</sup> In some cases, authorities use Criminal Code article 115, which stipulates penalties for causing “light” - or insignificant - harm to health. Penalties under article 115 range from up to a 40,000-ruble fine (about \$604) to up to four months in jail.<sup>35</sup>

These are the articles that are most commonly applied when domestic violence cases are investigated and prosecuted.

Acts of domestic violence that are “systematic” can also be prosecuted as the offense of “Torment,” under article 117 of the Criminal Code, although this rarely happens in

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<sup>31</sup> Human Rights Watch interview with a senior government official. Date, position and name withheld.

<sup>32</sup> See below, Figure 2, “Harm to health under Russian law”.

<sup>33</sup> Code of Administrative Offenses of the Russian Federation, art. 6.1.1.

<sup>34</sup> Criminal Code of the Russian Federation, art. 116.1. If battery is committed after one year of an art 6.1.1 offense, it would be again be classified as an administrative offense, in line with article 4.6 of the Code of Administrative Offenses.

The amendments left unchanged criminal responsibility and penalties for aggravated battery, motivated by hooliganism or political, ideological, racial, national, or religious hatred, or enmity towards specific social group.

<sup>35</sup> Criminal Code, art. 115 p.1. Penalties also include up to 480 hours of community service or up to one year of correctional service. Part 2 of art. 115 stipulates more severe penalties in the presence of aggravating circumstances.

practice.<sup>36</sup> Additionally, perpetrators of domestic violence can also be charged with offenses covered by other articles of the Criminal Code, including attempted murder, murder, grievous bodily harm or rape, but none of the perpetrators who had committed domestic violence against the survivors interviewed for this report were so charged. There are no publicly available disaggregated statistics or other official data to show the breakdown of how cases of violence in the family are prosecuted. No government agency responded to Human Rights Watch's request for this disaggregated data.

### **Private Prosecution for Domestic Violence**

Offenses charged under articles 115 and 116.1 under Russia's Criminal Procedure Code are dealt with through the process of private prosecution (described in more detail below.)<sup>37</sup>

Under Russian law, private prosecutions are launched only if the injured party or their guardian takes the initiative to file a complaint with a magistrate judge. In such cases, the injured party bears the burden of gathering all evidence necessary for prosecution and must pay all costs of the prosecution.<sup>38</sup> This shifts the burden of ensuring justice for domestic violence entirely to the victim. According to ANNA Center, the majority of private prosecutions for domestic violence are terminated for lack of compliance with court requirements, or because of reconciliation between the plaintiff and the accused.<sup>39</sup> As described in section III of this report, the use of private prosecutions for domestic violence is an abdication of the state's obligations to survivors of domestic violence, severely disadvantages survivors, and is a largely ineffective remedy for domestic violence in Russia.<sup>40</sup>

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<sup>36</sup> Human Rights Watch interview with Mari Davtyan. Moscow, November 28, 2017.

<sup>37</sup> Criminal Procedure Code of the Russian Federation, art. 20.

<sup>38</sup> Criminal Procedure Code, Arts. 20, 31. To note, the authorities can also initiate a criminal case in the absence of an application from the victim, if the victim is incapable of exercising his or her own rights.

<sup>39</sup> ANNA National Center 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, July 2010, [http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/ANNANCPV\\_RussianFederation46.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/ANNANCPV_RussianFederation46.pdf). Also, Human Rights Watch interview with Olga Bobretsova and staff of 'Novy Vzglyad' group, Archangelsk, June 5, 2018.

<sup>40</sup> For more information, see "Shortcomings in Prosecution of Domestic Violence" section of this report.

## *Protection Orders*

Russian law does not provide for protection orders, whereby a presumed victim of domestic violence can get immediate or longer-term protection from perpetrators of domestic violence. A protection order could, for example, prohibit a perpetrator from contacting or being within a certain distance of the victim or require a perpetrator to leave a shared residence, among other measures. Russian law provides possible measures for witness protection, such as personal police protection, but courts frequently refuse to grant witness protection measures in even the most severe cases of domestic violence.<sup>41</sup>

When women do seek help from the authorities, they can become particularly vulnerable to further abuse. Human Rights Watch interviewed several women who continued to suffer harassment and severe abuse from their husbands and partners after, and often because, they reported violence to police and, in some cases, after they left abusive relationships. In one case, described below, an abusive spouse assaulted his wife 23 times over a 10-year period while they were married, including when she sued him for domestic violence and after she divorced him. Four of the assaults took place right outside a courtroom after a hearing in her case, when the man verbally abused and threatened the woman, pushed and grabbed her, and in one instance, punched her in the face.<sup>42</sup>

Protection orders in domestic violence cases are an internationally recognized means of ensuring immediate, sometimes life-saving, protection for victims of domestic abuse. International guidelines on protection orders recommend inclusion of the option to remove a domestic violence perpetrator from the home regardless of property ownership or tenancy.<sup>43</sup>

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<sup>41</sup> Human Rights Watch interviews with lawyer Galina Ibryanova, St. Petersburg, December 6, 2017 and lawyer Mari Davtyan, Moscow, November 28, 2017.

<sup>42</sup> Human Rights Watch interview with Irina Petrakova, Moscow, April 13, 2018.

<sup>43</sup> The UN Handbook for Legislation on Violence against Women notes that protection orders in cases of domestic violence may include instructing the perpetrator to vacate the home without having any bearing on property ownership. United Nations Division for the Advancement of Women, Handbook for Legislation on Violence against Women, Department of Economic and Social Affairs, p. 46.

## Decriminalization of Battery<sup>44</sup>

In February 2017, the Russian parliament adopted a law decriminalizing a first offense of non-aggravated battery within the family, relegating it to a mere administrative offense.<sup>45</sup>

### *Decriminalization of Battery, Creation of Domestic Battery Offense: July 2016*

As noted above, in Russia, domestic violence is primarily addressed through Criminal Code offenses of battery and causing intentional harm to a person's health, and the severity of the penalties depends on the degree of harm. Prior to July 2016, the Criminal Code offenses most often used to prosecute domestic violence offenses were "intentional infliction of minor harm" (article 115), and battery (article 116).<sup>46</sup>

In July 2016, the Russian State Duma adopted legal amendments to decriminalize non-aggravated battery.<sup>47</sup> The Russian Supreme Court, which initiated the legislation, argued that the amendments were necessary to "humanize" Russia's criminal justice system, i.e. to introduce lesser criminal penalties for lesser offenses and lighten the criminal justice system's burden.<sup>48</sup>

The legislation distinguished, for the first time in Russia's post-Soviet history, between battery among non-family and domestic battery. First-time battery offenses among strangers became punishable under a new article 6.1.1 of the Administrative Code, with the penalties ranging from a minimum fine of 5,000 rubles (approximately \$79) to up to 15 days of jail.<sup>49</sup> Battery among "close persons", including spouses, parents, children, adoptive parents and adoptive children, siblings, grandparents and grandchildren as well

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<sup>44</sup> For reference, see also below Figure 2 "Changes in legislation concerning battery".

<sup>45</sup> "Russia: Bill to Decriminalize Domestic Violence," Human Rights Watch news release, January 23, 2017, <https://www.hrw.org/news/2017/01/23/russia-bill-decriminalize-domestic-violence>.

<sup>46</sup> The Criminal Code of the Russian Federation, arts. 115 (deliberate causing of light harm to health) and 116 (battery), in the December 2015 version.

<sup>47</sup> The amendments left unchanged criminal responsibility and penalties for aggravated battery, i.e. battery, motivated by hooliganism or political, ideological, racial, national, or religious hatred, or enmity towards specific social group.

<sup>48</sup> Decision of the Plenary Meeting of the Supreme Court of the Russian Federation No. 37 of July 31, 2015, [http://www.supcourt.ru/Show\\_pdf.php?Id=10240](http://www.supcourt.ru/Show_pdf.php?Id=10240) (in Russian), archived at <https://perma.cc/7MZ2-P9NW> (accessed May 14, 2018). In addition to decriminalizing simple nonaggravated battery, the Supreme Court recommended decriminalizing other offenses, such as the threat of murder or serious bodily harm, nonpayment of alimony, the deliberate use of forged documents and minor theft.

<sup>49</sup> Code of Administrative Offenses of the Russian Federation, art. 6.1.1, introduced by a Federal Law N326-FZ from July 3, 2016.

as persons who “run a common household”, was made into a criminal offense, together with aggravated battery, and became subject to private-public prosecution (described in more detail below).<sup>50</sup> Penalties were strengthened: instead of a maximum three months’ jail time set out in the pre-July 2016 article 116, the new penalties ranged from 360 hours of community service to up to two years’ imprisonment.<sup>51</sup>

Russian lawyers working on domestic violence and expert groups welcomed the amendment and considered it to be a preventative measure against domestic violence. Many argued that the new amendment would lead to more timely detection and prosecution of domestic battery, and would therefore contribute to the prevention of more serious crimes, such as murder or serious harm to health.<sup>52</sup> The severity and certainty of criminal punishment, as well as the fear of criminal investigation, they argued, would serve as a much-needed deterrent for potential perpetrators.

Unfortunately, this aspect of the 2016 amendments was in effect for only six months, too short a period of time to see or measure its impact. One practicing lawyer commented: “That period of time was simply too short and there were a lot of complications that were not given enough time to [get] iron[ed] out. It was as though police and judges were playing football with domestic violence cases, tossing them back and forth and as a result, many perpetrators avoided punishment.”<sup>53</sup>

### *Undoing the Domestic Battery Provision: November 2016 - February 2017*

In November 2016, a coalition of several Russian lawmakers, led by Senator Elena Mizulina, introduced a draft amendment to remove the first-time offense of battery within the family from the Criminal Code.<sup>54</sup>

Senator Mizulina had previously tried to stop the adoption of the family battery provision, arguing that there should be less government interference in family life. She further claimed that NGOs were part of a Western assault on Russia’s values and sovereignty, and

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<sup>50</sup> Criminal Code of the Russian Federation, art.116, with amendments from July 2016.

<sup>51</sup> Ibid.

<sup>52</sup> Human Rights Watch interview with Alena Popova, women’s rights activist, Moscow, March 25, 2018.

<sup>53</sup> Human Rights Watch interview with Alexei Parshin, Moscow, April 27, 2018.

<sup>54</sup> “Russia: Bill to Decriminalize Domestic Violence,” Human Rights Watch news release, January 23, 2017, <https://www.hrw.org/news/2017/01/23/russia-bill-decriminalize-domestic-violence>.

the main supporters of the family battery provision. She accused them of deliberately misleading the public to secure increased funding:

“They . . . have a very mercantile interest in promoting this agenda. The thing is, Western countries have grant programs for NGOs that fight domestic violence. Because of this, a lot of topics are being forcefully included in the political agenda. This applies not only to groups that receive foreign funding. Russia has a lot of its own programs on the federal and regional level. NGOs inflate the importance of this topic in order to increase the overall funds allocated to fight the problem and also as part of competition for the existing ones.<sup>55</sup>

Mizulina and other deputies made several misleading and unfounded comments about the nature of domestic violence to support their claim that it should not be a criminal offense. Mizulina suggested that women “don’t take offense when they see a man beat his wife” and that a man beating his wife is “less offensive” than when a woman “humiliates a man.”<sup>56</sup> She and other parliamentarians also argued, with no evidence, that criminal sanctions for certain forms of domestic violence would disproportionately affect parents who use “spanking” to discipline their children.<sup>57</sup>

On February 1, 2017, Russia’s parliament adopted the amendment decriminalizing the first offense of domestic battery, and President Vladimir Putin signed it into law a week later. The amendments meant domestic violence, once again, was not officially mentioned or defined in legislation, whether administrative or criminal.<sup>58</sup> As a result of the amendment, a first offense of domestic battery is treated in the same manner as a first instance of battery between non-family members, under article 6.1.1. of the Administrative Code. If the

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<sup>55</sup> “Domestic violence bill: Senator says NGOs distort statistics in bid for grants,” RT, <https://www.rt.com/politics/375943-senator-blames-feminist-lobby-for/>, February 1, 2017 (accessed May 17, 2018).

<sup>56</sup> *TV Rain* “Elena Mizulina: ‘Even when a man beats his wife, it is not as offensive as when a woman humiliates a man’ [Елена Мизулина: ‘Даже когда мужчина бьет свою жену, все равно нет такой обиды, как если унижить мужчину’],” [https://tvrain.ru/teleshov/here\\_and\\_now/mizulina-417940/?utm\\_campaign=teleshov-here\\_and\\_now&utm\\_source=fb&utm\\_medium=2016-09-28](https://tvrain.ru/teleshov/here_and_now/mizulina-417940/?utm_campaign=teleshov-here_and_now&utm_source=fb&utm_medium=2016-09-28), September 28, 2016 (accessed March 19, 2018).

<sup>57</sup> “Mizulina: ‘The law on slaps’ is an act of hatred towards families with children [Мизулина: ‘Закон о шлепках’ – акт ненависти по отношению к семьям с детьми],” January 11, 2017, <https://ria.ru/society/20170111/1485491217.html>, (accessed March 19, 2018). See also: “Not a strong beating is lawful [Несильно бить - законно],” *RBC*, January 25, 2017, <https://www.rbc.ru/newspaper/2017/01/26/5888580f9a794760bfcc101e>, (accessed June 14, 2018.)

<sup>58</sup> Criminal Code, art. 116, as amended in February 2017.

offense is repeated within one year, as described above, it is dealt with under the revised Criminal Code article 116.1.<sup>59</sup>

Russian and international human rights groups sharply criticized the February amendments. The UN High Commissioner for Human Rights (UNHCHR) and the CoE's Human Rights Commissioner and its secretary general spoke out against it, with the latter calling it a "clear sign of regression."<sup>60</sup>

Many Russian officials defended the law, claiming it "strengthened" families and reflected Russia's public attitudes. The speaker of the State Duma, Vyacheslav Volodin, defended the legislation using misleading examples to suggest that the 2016 amendments had been a "mistake." For example, he argued, "If two brothers fought, it was penalized with criminal sanctions. If a man fought with his neighbor, it was an administrative offense. You can see that we needed to correct that mistake."<sup>61</sup> In another interview, Volodin noted that according to public opinion polls, 60 percent of respondents supported the decriminalization of a first domestic violence offense and asserted that the Duma has a responsibility to reflect public opinion. He also said that while protection from domestic violence was necessary, this had been accomplished "through dialogue."<sup>62</sup>

A top official in United Russia, the ruling party, also argued that the Duma majority made the right choice. By passing the law, he said, using another misleading example, "The Duma is correcting an injustice that existed until today... If, say, a single mother returns home from her second job and finds narcotics in her son's nightstand, and in the heat of the moment gives him a slap, until today she would be a criminal by terms of the Criminal

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<sup>59</sup> Criminal Code of the Russian Federation, art. 116.1.

<sup>60</sup> "Russia: decriminalising domestic violence would be a clear sign of regression, says Secretary General Jagland," Council of Europe, January 16, 2017, <https://www.coe.int/en/web/children/-/russia-decriminalising-domestic-violence-would-be-a-clear-sign-of-regression-says-secretary-general-jagland> (accessed June 5, 2018.) The Council of Europe Commissioner for Human Rights Nils Muižnieks, and the UN High Commissioner for Human Rights Zeid Ra'ad al-Hussein spoke against it as well. See See: Nils Muižnieks "The duty to combat domestic violence," Kommersant, February 6, 2017, <https://www.coe.int/en/web/commissioner/-/the-duty-to-combat-domestic-violence> and Statement by UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein, March 7, 2017 <http://www.unrussia.ru/en/taxonomy/term/4/2017-03-07>.

<sup>61</sup> "'Some sort of intrigue is always in demand' Vyacheslav Volodin on the reason of his demonization ['Запрос на какие-то интриги всегда существует' Вячеслав Володин о причинах и следствиях его демонизации]," Kommersant, February 9, 2017, <https://www.kommersant.ru/doc/3214419> (accessed June 19, 2018).

<sup>62</sup> "State Duma explained that decriminalization will help strengthen families [В Госдуме объяснили декриминализацию насилия заботой о крепких семьях]," Interfax, January 24, 2017 <https://www.interfax.ru/russia/546766>.

Code. And if her son hits someone on the street, he's not a criminal, it's an administrative offense at maximum. The same action carries different penalties. That's out of line with the Constitution.”<sup>63</sup>

In these debates, politicians ignored fundamental differences between violence among strangers and domestic violence that are noted above: that in the latter, perpetrators frequently repeat their offenses, and that victims often live with their abusers and are often financially and otherwise dependent on them. They also ignore the psychological or emotional and verbal abuse, and manipulation that typically accompany the physical abuse. Lawyers and women's rights groups working on domestic violence noted this when they spoke out against the new legislation. They also noted that if perpetrators of domestic violence were not held accountable before the 2016 and 2017 amendments, then downgrading the offense from criminal to administrative liability would embolden them, not encourage them to stop.

The head of *Nasiliu.net*, (a play on words for “no” to violence), Anna Rivina, said that the new law put beatings, which caused physical and psychological harm, “in the same category as a parking violation or smoking in a place where it's prohibited.”<sup>64</sup>

Officials' arguments for decriminalizing domestic violence also ignored the fact that domestic violence often occurs as a series of episodes that tend to escalate.

### Polina's Story

45-year-old Polina lived with her husband and their daughter, 6, and son, 10, in Moscow region. Polina's husband became aggressive and violent soon after their son was born in 2008. At the time, Polina was on maternity leave and was financially dependent on her husband, who started psychologically abusing her through

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<sup>63</sup> “State Duma removed criminal punishment for family battery [Госдума отменила уголовное наказание на побои в семье],” *Rossiyskaya Gazeta*, January 27, 2017, <https://rg.ru/2017/01/27/gosduma-otmenila-ugolovnoe-nakazanie-na-poboi-v-seme.html> (accessed June 14, 2018).

<sup>64</sup> “VTSIOM: Russian people support decriminalization of family violence [ВЦИОМ: россияне поддерживают декриминализацию побоев в семье],” January 19, 2017 <https://otr-online.ru/news/vtsiom-rossiyane-podderzhivayut-77016.html> (accessed February 3, 2018).

constant, unfounded demands and accusations as well as depriving her of sleep. He then started hitting Polina. Polina tolerated the abuse because her husband apologized after each incident and she hoped that the situation would improve. In June 2017, the husband attacked Polina and attempted to choke her. He dragged her across the floor by the leg, causing a serious knee injury, and threatened to throw her out the window and make it look like suicide. He then raped Polina. Polina ran from home to a shelter and filed for divorce. <sup>65</sup>

In a case, described by the deputy director of the ANNA Center, Andrey Sinelnikov, a woman in Nizhniy Novgorod in 2015 reported repeated violence by her husband to the police, who took no action. The man went on to kill his wife, his mother, and six small children. Sinelnikov noted that if the police had opened a criminal case in a timely manner, the mass murder could have been prevented. <sup>66</sup>

**Figure 1: Changes in legislation concerning battery**

	How battery is classified	Separate mention of domestic violence	Laws	Penalties and prosecution
<b>Prior to July 3, 2016</b>	Criminal offense	No	Battery: Criminal Code Article 116	Fines of up to 40,000 rubles or an amount not exceeding three months of the perpetrator's salary or other income of the perpetrator or; up to 360 hours of community service or; up to 6 months' corrective labor

<sup>65</sup> HRW Interview with Polina, date and location withheld.

<sup>66</sup> “‘Mizulina’s slaps’: where will decriminalization of family violence lead [‘Шлепки Мизулиной’: к чему приведет декриминализация насилия в семье],” *RBC*, <https://www.rbc.ru/politics/25/01/2017/588727459a7947bde03fca37>, January 25, 2017 (accessed March 3, 2018).

				or; up to 3 months' jail; private prosecution
<b>July 3, 2016- February 6, 2017</b>	Battery among “close persons” criminalized. <sup>67</sup> Other forms of simple nonaggravated battery are moved to the Administrative Code	Yes	Criminal Code Article 116 (Battery among “close persons”).	Up to 360 hours of community service or; up to 1 year of corrective labor or; up to 2 years’ restriction of liberty; up to two years’ forced labor or; up to 6 months’ jail or; up to 2 years’ imprisonment; private-public prosecution
	New article 116.1 of the Criminal Code is introduced, penalizing repeated battery within a year		Article 116.1 (Repeated battery)	Fine of up to 40 000 rubles or an amount not exceeding three months of the perpetrator’s salary or other income of the perpetrator or; up to 240 community service or; up to six months of corrective labor or; up to three months jail; private prosecution
			Administrative Code Article 6.1.1 (Battery)	Fines of 5,000 to 30,000 rubles or; 10 to 15 days in jail or’ 60 to 120 hours’ community service; administrative proceedings

<sup>67</sup> “Close person” is defined as a spouse, parent, child, adoptive parent, adoptive child, sibling, grandparent, grandchild, guardian, trustees, or person in a common household.

<b>February 7, 2017 Onward</b>	All instances of simple battery that occur no more than once per year are classified as administrative offenses	No	Administrative Code Article 6.1.1	Fines of 5,000 to 30,000 rubles or; 10 to 15 days in jail or' 60 to 120 hours' community service administrative proceedings
	Aggravated battery or simple battery occurring more than once per year is a criminal offense		Criminal Code Article 116 (aggravated battery).	Up to 360 hours of community service or; up to 1 year of corrective labor or; up to 2 years' restricted liberty or; up to 2 years' forced labor; or up to 6 months' imprisonment; or up to 2 years' imprisonment; private-public prosecution
			Article 116.1 (repeated battery)	Up to 40 000 rubles fine or an amount not exceeding three months of the perpetrator's salary or other income or; up to 240 community service or; up to six months of correction labor or; up to three months jail; private prosecution

## *Impact of Decriminalization*

The 2017 legislative amendments led to additional, serious setbacks and barriers for survivors of domestic violence in accessing justice and protection:

- 1) They fostered a sense of impunity for abusers by giving them a “green light” that beating family members was no longer a criminal offense;
- 2) They weakened protections for victims by reducing penalties for abusers;
- 3) They created new procedural shortcomings in prosecuting domestic violence.

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### **Green Light to Violence**

Experts and officials who supported decriminalization had argued that it would not lead to an increase in violence, as long as domestic violence remained an administrative offense and as long as a second offense within a year would be a criminal offense. Lawyers and rights advocates, however, had predicted that the 2017 legislation would result in more assaults, due to there being fewer factors deterring offenders.

Days after the decriminalization amendments were adopted, the mayor of Russia’s third largest city, Yekaterinburg, told the media that police had responded to more than twice as many domestic violence incidents as usual. “People got the impression that before it wasn’t allowed,” the mayor said, “But now it is.”<sup>68</sup>

A year after the law was adopted, some say their predictions have become a reality.<sup>69</sup> This assessment was partially shared by some senior government officials, including the head of Russia’s lead investigative agency, Alexander Bastrykin, who in May 2018 criticized the

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<sup>68</sup> “Domestic violence reports soar in Russian city following partial decriminalization,” *The Independent*, February 11, 2017 <https://www.independent.co.uk/news/uk/home-news/domestic-violence-russia-yekaterinburg-reports-increase-following-partial-decriminalisation-law-a7575421.html> (accessed March 2, 2018). See also: “In Ekaterinburg, domestic violence increases more than two-folds after decriminalization of battery within family [В Екатеринбурге отметили рост бытового насилия в 2,5 раза после декриминализации побоев в семье]. *Newsru.com*, February 9, 2017 <https://www.newsru.com/russia/09feb2017/ekbabuse.html> (accessed May 3, 2018).

<sup>69</sup> See, for example: “Sense of impunity led to increase in aggression [Чувство безнаказанности привело к усилению агрессии],” *Znak.com*, January 22, 2018, [https://www.znak.com/2018-01-22/god\\_spustya\\_chem\\_obernulas\\_dekriminalizaciya\\_domashnih\\_poboev](https://www.znak.com/2018-01-22/god_spustya_chem_obernulas_dekriminalizaciya_domashnih_poboev) (accessed March 18, 2018).

decriminalization, saying it had resulted in a “sharp increase in family violence offenses, including against children.”<sup>70</sup>

Most women rights’ groups and crisis centers interviewed for this report noted an increase in the number of domestic violence complaints after the 2017 amendments were enacted and said that they considered the increase to be a direct effect of decriminalization. Some groups did not attribute the fluctuation in the number of complaints to the changes in legislation. Another reason given for the rise in complaints was that women had become more sensitive and aware of their rights in response to domestic violence and that more were trying to seek help when first signs of physical or psychological violence appear. Most groups agreed that there had been an increase in awareness of the issues.

For example, staff from the ANNA Center told Human Rights Watch that the center received significantly more calls on their hotline after the 2017 legislation, suggesting a correlation with media coverage of the decriminalization legislation and more survivors coming forward seeking advice on ways to obtain assistance.<sup>71</sup> The head of the Crisis Center for Women in Saint Petersburg said that the number of calls to the center continued to steadily increase over time: in 2015, over 3,000 people requested help through the group’s hotline and office hours, and in 2017 it was over 6,000.<sup>72</sup>

Staff from the Archangelsk Crisis Center, who also respond to calls on the national hotline for survivors of domestic violence, said that the number of complaints fluctuated in the usual pattern, irrespective of the legislative changes. For example, they said, there was

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<sup>70</sup> “Domestic violence spikes in Russia [В России зафиксирован всплеск домашнего насилия],” *Lenta.ru*, May 28, 2018, [https://m.lenta.ru/news/2018/05/28/domestic\\_violance/](https://m.lenta.ru/news/2018/05/28/domestic_violance/) (accessed June 15, 2018.)

<sup>71</sup> Human Rights Watch interview with staff of the ANNA center, Moscow, November 28, 2017. See also the interview of Andrey Sinelnikov, ANNA’s deputy director, who said that in 2014, the center received 8,000 phone calls. In 2016, the number had grown to 20,000, and in 2017, the center announced that it had taken 26,000 phone calls. “Sense of impunity led to increase in aggression [Чувство безнаказанности привело к усилению агрессии],” *Znak.com*, January 22, 2018, [https://www.znak.com/2018-01-22/god\\_spustya\\_chem\\_obernulas\\_dekriminalizaciya\\_domashnih\\_poboev](https://www.znak.com/2018-01-22/god_spustya_chem_obernulas_dekriminalizaciya_domashnih_poboev) (accessed March 18, 2018).

<sup>72</sup> Human Rights Watch interview with Elena Bolyubakh, head of the Crisis Center for Women, St Petersburg, December 5, 2017.

always an increase in calls following national or regional campaigns raising awareness about domestic violence.<sup>73</sup>

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### Reduced Penalties

According to statistics provided by the Justice Department of the Supreme Court, punishment for battery offenses became more frequent following decriminalization. In 2015 and 2016, 16,198 and 17,807 persons respectively were convicted for criminal (non-aggravated) battery.<sup>74</sup> Throughout 2017, 113,437 people were sentenced for battery as an administrative offense.<sup>75</sup> This data does not differentiate between battery within the family and in other circumstances.

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Also according to official data, in 2017, the majority of perpetrators of battery, 90,020 out of 113,437, were fined.<sup>76</sup> However, several women noted to Human Rights Watch that when a court issued their abusers a fine the abuser paid the fine from the family's shared bank account.

Survivors, experts, and women's rights activists told Human Rights Watch that the new penalties for a first offense of battery, a minimum 5,000 rubles fine (approximately \$79) or 15 days in jail, are ineffective and insufficient. They said that fines are particularly ineffective as a deterrent for perpetrators of domestic violence.<sup>77</sup>

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<sup>73</sup> Human Rights Watch interview with staff of Novy Vzglyad, a regional NGO that works to support families in crisis, Arkhangelsk, June 5, 2018.

<sup>74</sup> Department of Justice of the Supreme Court: Consolidated statistical data on the criminal record in Russia for 2015 and 2016: Report on the number of persons convicted for all crimes of the Criminal Code of the Russian Federation. In 2015, Russian parliament issued mass amnesty in connection with the 70th anniversary of the Great Patriotic War (World War II). This amnesty lasted six months, and individuals who were sentenced for battery were among those pardoned with their criminal records expunged. Therefore, they were not included in statistics of individuals found guilty.

<sup>75</sup> Department of Justice of the Supreme Court: Summary statistical information on the activities of federal courts of general jurisdiction and justices of the peace for 2017 – #1-AP: Report on the work of courts of general jurisdiction reviewing cases of administrative violations.

<sup>76</sup> 8,850 were placed under administrative arrest and 14,486 were penalized with compulsory labor. Department of Justice of the Supreme Court: Summary statistical information on the activities of federal courts of general jurisdiction on reviewing cases of administrative violations on 12 months of 2017, <http://www.cdep.ru/index.php?id=79&item=4476> (accessed June 15, 2018).

<sup>77</sup> Human Rights Watch interview with Marina Pisklakova-Parker, Larisa Ponarina, Nadezhda Zamotaeva and Alena Sadikova of, respectively: ANNA National Center for the Prevention of Violence, Sisters Independent Center for Assisting Survivors of Sexual Violence, and Kitezh Crisis Center for Women, Moscow, November 9, 2017.

Mari Davtyan, a leading human rights lawyer working on domestic violence cases and Anna Rivina, the head of *Nasiliu.net* noted that administrative penalties do nothing to protect victims:

- Punishing perpetrators for administrative offenses does not protect or restore the rights of victims, and a fine of 5,000 rubles is not a sufficient deterrent for offenders who saw the transfer of battery to an administrative offense as permission to abuse. Yes, our system has never really effectively protected victims of domestic violence. Nonetheless, decriminalization does not represent a step forward, but rather a huge leap back.<sup>78</sup>

Some senior government officials also recognized this as a problem. For example, in December 2017, Interior Minister Vladimir Kolokoltsev stated: “In more than 70 percent of administrative cases on battery, courts impose fines, which does not correspond with the punitive purpose of punishment. Frequently, this measure does not serve as prevention and when we are talking about family members, it also imposes additional burden on the family.”<sup>79</sup>

### New Procedural Challenges

Lawyers who represent survivors of domestic violence said that the new law made it significantly harder for women to take their abusers to court. In order to initiate an administrative case against a perpetrator under article 6.1.1, the victim files a complaint with police, who, after registering and looking into the complaint, draw up an administrative offense report and pass it on to court.<sup>80</sup> The law allows the victim to appeal if police decide not to initiate administrative proceedings, provided that the police issue a statement on their negative decision.<sup>81</sup> However, in most of the cases Human Rights Watch documented for this report, the police provided complainants no written statement when deciding not to initiate an administrative procedure, thereby depriving women of the

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<sup>78</sup> Mari Davtyan, Anna Rivina “The danger of decriminalization of battery [Чем опасна декриминализация побоев],” *Vedomosti*, February 6, 2018, <https://www.vedomosti.ru/opinion/articles/2018/02/06/750032-dekriminalizatsiya-poboev> (accessed May 5, 2018).

<sup>79</sup> “The Head of the MoI: after decriminalization, 70% of penalties for domestic battery are fines [Глава МВД: после декриминализации в 70% случаев за побои назначают штраф],” *Gazeta.ru*, December 20, 2017, [https://www.gazeta.ru/social/news/2017/12/20/n\\_10957946.shtml](https://www.gazeta.ru/social/news/2017/12/20/n_10957946.shtml) (accessed April 2, 2018).

<sup>80</sup> The Code of Administrative Offenses, art. 28.1.

<sup>81</sup> The Code of Administrative Offenses, art. 30.1.

capacity to appeal. Notably, Russia’s Criminal Code envisages appealing actions and “lack of action” by officials, but there is no analogous provision for appealing “lack of action” in administrative cases.

For example, Galina Ibryanova, a human rights lawyer from St. Petersburg with many years of experience providing pro bono legal services to survivors of domestic violence, told Human Rights Watch about the procedural difficulties her clients faced after the February 2017 legislation:

- It is extremely difficult to initiate an administrative case against a domestic abuser. Dozens of my clients tried during that time [after decriminalization] to go through the motions: file a police complaint, gather all the necessary documents, get official confirmation of injuries... but most got zero response. They simply don’t have any idea what happened to their complaints. And I’ve never heard of such an exotic situation in which the police provided a client with a written statement refusing to initiate an administrative case. That, of course, now makes any kind of appeal impossible.<sup>82</sup>

She concluded that the new legislation is a “catastrophic mistake.”<sup>83</sup>

### **Irina’s Story: An Example of the Harmful Impact of Decriminalization**

Human Rights Watch documented several cases in which the 2017 legislative amendments harmed survivors of domestic violence and in some cases, let perpetrators escape justice. One of the more striking cases is the case of Irina Petrakova, a career development professional from Omsk.

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<sup>82</sup> Human Rights Watch interview with Galina Ibryanova, St Petersburg, December 6, 2017.

<sup>83</sup> Ibid.

## Irina's Story

Irina, 36, had been married to Alexey, a successful engineer from Moscow, for two years when he first hit her in 2007. At the time, she was seven months pregnant with their daughter.<sup>84</sup> He punched her in the stomach several times. Because Alexey had never previously exhibited any signs of violence, and because the attack was so sudden and inexplicable, she thought she must have done something wrong.

Three years later, when Irina was pregnant with their second child, Alexey beat her again, this time in front of their two-year-old daughter. Afterwards, Irina left Alexey. He begged for forgiveness and promised to get psychological help. Irina returned to him, not wanting to leave her children without a father. In 2012, Alexey beat her again. Later, he hit their three-year-old son and punched Irina in the face when she tried to defend the boy. Irina sought help from her friends and family, who advised her to wait for things to get better or suggested that she had “provoked” Alexey. Irina also sought help from a psychologist, who suggested that things would get better after the children got a little older. Instead, Irina said, the beatings intensified and became more frequent.

Irina said that beatings occurred suddenly and without warning: “Anything could trigger it. Anything could cause him to ‘lose it’. Maybe I looked at him the wrong way or laughed in a wrong place. Once, it was because he couldn’t exit a parking lot because there was too much traffic... but after each incident, it was like something released in him. He could joke, play with the children. Until the next time.”

In September 2014, Alexey brutally beat her in front of their children, then aged six and four, hitting her over 40 times on her face and body. Irina was hospitalized and diagnosed with a brain injury, multiple bruises and hematomas on her legs, arms and body. She filed for divorce, which took several months, with the magistrate judge urging her three times to reconcile with Alexey. Over the next seven months, Alexey beat and threatened Irina 18 times. She was repeatedly hospitalized with concussions, severe bruises, and hematomas. One of the most severe beatings

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<sup>84</sup> Human Rights Watch interview with Irina Petrakova, Moscow, April 13, 2018.

resulted in two nails on her left hand being torn off. Alexey also sexually assaulted and raped Irina. Throughout 2014 and 2015, Irina filed eight complaints with the police and eight times the police refused to open a criminal investigation. Irina had moved out, but Alexey stalked and assaulted her several times. She and her lawyer were unable to get the police to protect her.<sup>85</sup>

Irina also filed three battery complaints with a magistrate judge, who started considering her case only in 2015, although she filed the first complaint in 2014. In July 2016, the Russian parliament adopted the first series of amendments decriminalizing battery, and the magistrate dropped two cases against Irina's husband, because the beatings under those two cases occurred after Irina and her husband were divorced, prompting the judge to find that these instances were no longer covered by article 116 of the Criminal Code.

Eventually, Irina and her lawyer initiated a case against her husband on charges of "torment," a very rare classification for domestic violence offenses in Russia. The case was later divided into four criminal cases. Between 2015 and 2016, Irina's husband continued to stalk her and attacked her several times, including four times outside a courtroom. The court ruled that a general amnesty issued by parliament was applicable in one case and dropped the charges against Alexey.<sup>86</sup> In two other cases, criminal charges were dropped as a result of the 2017 amendments decriminalizing first time battery. In the last case, the court convicted Irina's husband, but only sentenced him to 120 hours of compulsory community service. Irina lost all appeals and is currently preparing to file a complaint with the European Court of Human Rights (ECtHR).

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<sup>85</sup> Human Rights Watch interview with Mari Davtyan, Irina's lawyer, Moscow, November 28, 2017.

<sup>86</sup> As noted above, in 2015, Russian parliament issued mass amnesty in connection with the 70th anniversary of the Great Patriotic War (World War II). See the Decree by the State Duma from April 24, 2015 № 6576-6, *Rossiyskaya Gazeta*, April 27, 2015 <https://rg.ru/2015/04/24/amnistia-site-dok.html> (accessed April 14, 2018).

### III. Access to Protection

I lived with him for ten years and was married for five. Our son was four when we divorced. He humiliated me, pushed me around. Once he hit my head against a sharp corner of the wall and forced me out of the flat while the wound on my head was pouring blood. But while we were together, I knew I had to bear it, be patient, because I kept thinking that things were not “that bad” and that maybe everyone lived like that and other women had it even worse. We were very well off financially, both professionally successful, and I thought I needed to do everything I could to keep the family together...If someone knew about our problems, it would be so embarrassing. The problem is this mentality, that generations before you had, who believed [that you have to put up with it] and have taught us to believe the same... I lost years of my life because of such thinking. And, I just did not know that there was help out there. If I knew about the crisis apartment, for example, I would have left him much earlier and my son would not be as psychologically traumatized now.

—Antonina, 33.<sup>87</sup>

#### Barriers to Reporting Domestic Violence

Official studies suggest that only around 10 percent of survivors of domestic violence in Russia report incidents of violence to the police.<sup>88</sup> According to experts’ estimates, between 60 and 70 percent of women who suffer family violence do not report it or seek help.<sup>89</sup> Only around 3 percent of domestic violence cases make it to court.<sup>90</sup>

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<sup>87</sup> Human Rights Watch interview with Antonina, 33, Nizhny Novgorod, April 17, 2018.

<sup>88</sup> Report by the Federal State Statistics Service and the Ministry of Health: “Reproductive Health Among Russia’s Population [Репродуктивное здоровье населения России]”, — 2011; p 52. The study also showed that only 6 percent of women seek help from health professionals and only 2 percent seek legal advice.

<sup>89</sup> Marina Pisklakova-Parker “Family violence: system of prophylactics, prevention and regulation,” the Russian Presidential Academy of National Economy and Public Administration, November 2014, <http://cheloveknauka.com/v/595870/a#?page=1> (accessed June 3, 2018).

<sup>90</sup> “Sense of impunity led to increase in aggression [Чувство безнаказанности привело к усилению агрессии],” *Znak.com*, January 22, 2018, [https://www.znak.com/2018-01-](https://www.znak.com/2018-01-22/god_spustya_chem_obernulas_dekriminalizaciya_domashnih_poboev)

[22/god\\_spustya\\_chem\\_obernulas\\_dekriminalizaciya\\_domashnih\\_poboev](https://www.znak.com/2018-01-22/god_spustya_chem_obernulas_dekriminalizaciya_domashnih_poboev) (accessed March 18, 2018). See also, Marina Pisklakova-Parker, Andrey Sinelnikov “Chronicles of Silence: Violence Against Women in Russia,” p. 25, Moscow, 2016.

Domestic violence is largely unreported in Russia due to several key factors. These include social stigma attached to the issue, which public officials, including law enforcement and judges, often reinforce through their rhetoric; overwhelming lack of awareness about domestic violence and available services among survivors themselves, their immediate family and friends, and also in some cases by social service providers; lack of trust in police and poor police response; victims' fear of retaliation by their abusive partners; and fear of losing custody of their children.

The police frequently treat victims of domestic violence with open hostility and refuse to register or investigate victims' complaints of domestic violence, often arguing that women themselves have "provoked" the violence. Survivors who do persist in bringing a case to court have to follow the deeply burdensome process of private prosecution, which requires legal expertise and a significant time and financial commitment, with all the labor and costs borne by the victim. A leading lawyer working on domestic violence cases told Human Rights Watch that the majority of private prosecutions of domestic violence are terminated for lack of compliance with court requirements or because of the parties' reconciliation.<sup>91</sup>

### *Lack of Awareness, Social Stigma, Victim Blaming*

A range of misconceptions about domestic violence and stereotypes about victims are pervasive in Russian society. While researching this report, Human Rights Watch came across the following beliefs and remarks—reported by survivors, lawyers, staff working in shelters and crisis centers—as said by law enforcement, politicians, psychologists and judges: "domestic violence is a private matter;" "women provoke the violence, and they deserve it;" "arguments between spouses are natural and should not result in any serious consequences;" and women should strive for "reconciliation and preservation of the family unit," even in cases of violence. In several cases described below, police declined to take action on women's reports of domestic violence, because, they said, the situation was a "family matter."

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<sup>91</sup> Human Rights Watch interview with Mari Davtyan, November 28, 2017. See also, for example, ANNA National Center 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*, July 2010, [http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/ANNANCPV\\_RussianFederation46.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/ANNANCPV_RussianFederation46.pdf).

As mentioned above, opinion polls conducted in recent years suggest that while Russians' views on domestic violence are changing for the better, many still view domestic violence as a private matter between couples.<sup>92</sup> This view, not unique to Russia, creates barriers for reporting abuse, encourages families to shield abusers, and stigmatizes those who report to the authorities and “publicize” the abuse. Many survivors interviewed for this report admitted to experiencing a strong feeling of shame that held them back from reporting their situation to the police or even sharing it with family or close friends.

Survivors of domestic violence who do try to report abuse are often met with condemnation and stereotypes from family members and authorities alike. A psychologist with the St. Petersburg Crisis Center for Women told Human Rights Watch about one of her clients who was abused by her spouse:

She had three concussions in two months... Two were very bad. He just wrapped her hair around his fist and hit her head against the wall... And she told me that when she came to file the complaint with the police, the investigator, who was a woman, said to her: ‘Something must be wrong with you. My husband doesn’t beat me.’ There is this strong belief, even among women, that if your husband beats you, it’s somehow your own fault.<sup>93</sup>

Survivors who come forward are often accused of wanting to destroy their family and deny their children a father. The myth that women “provoke” or “deserve” violence is widespread and encourages victim-blaming, and even mocking, by police and relatives.

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<sup>92</sup> In January 2017, the Russian Public Opinion Research Center conducted an opinion poll, which revealed that 10 percent of respondents (comprised of both men and women) said that battery occurred in their own family; 79 percent of respondents said that any form of physical violence against family members is impermissible; 19 percent said that under certain circumstances hitting a wife, husband or child is permissible; 59 percent either fully or partially supported the initiative to make domestic violence an administrative, instead of a criminal, offense; 40 percent said that changing the law would have no effect on occurrences of domestic violence. <https://wciom.ru/index.php?id=236&uid=116035>, January 19, 2017 (accessed November 19, 2018).

<sup>93</sup> Human Rights Watch interview with Anna Kokorina, St Petersburg, December 7, 2017.

For example, in 2016, Yulia, from a small town in western Russia, complained to the police after her husband severely beat her. The police officer who responded came to her flat and talked to her husband. They spoke for several minutes in the kitchen, and then she heard them laughing and referring to her as a “dumb broad.” The policeman then came out and told her to make peace with her husband. After he left, the husband, furious at her for calling the police, beat her again and broke her jaw. He then left for several months with their eight-year-old son.<sup>94</sup> She called the police again who suggested, mockingly, that she was “sour” because the husband must have left her for another woman.<sup>95</sup>

High-level officials, law enforcement, and judges considering domestic violence cases frequently use rhetoric that embraces myths and stereotypes, or that demonstrates a disturbing lack of awareness about domestic violence. For example, Russia’s former children’s rights commissioner, Pavel Astakhov, suggested that the term “family violence” should not be used frequently as it intimidates families and parents.<sup>96</sup> Other examples can be found in survivors’ stories elsewhere in this report.

Survivors of domestic violence who have children face the stigma of leaving their children “fatherless” if they come forward. For example, Alyona, from Samara region, was severely beaten by her live-in partner for five years, between 2013 and 2017. He started beating her when she was pregnant with her first child. After her son was born, Alyona did not want to get pregnant again, fearing her partner would become more violent, and began avoiding physical intimacy with him. He then raped her repeatedly and she became pregnant with twins. After giving birth, Alyona was unable to return to work and had no means to support herself, while the beatings continued, and her partner continued to rape her. She became pregnant again and gave birth to a daughter. She filed several complaints with the police but received no protection. Additionally, when she described her situation to the local child protection services, they told her that her four children “needed a father” and that it would be difficult for her to raise the children alone.<sup>97</sup>

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<sup>94</sup> He eventually returned the son to Yulia.

<sup>95</sup> Human Rights Watch Interview with Yulia, Pskov, March 16, 2018.

<sup>96</sup> “Astakhov called to use the term ‘family violence’ less frequently [Астахов призвал реже использовать термин ‘семейное насилие’],” *Interfax*, March 27, 2015, <http://www.interfax.ru/russia/432566> (accessed November 19, 2018).

<sup>97</sup> Interview on file with Human Rights Watch.

## Lack of Awareness

Due to widespread victim blaming and stigmatization of survivors of domestic violence, some women are simply not aware that domestic violence is wrong and that they have the option of seeking help. This results in women finding help in a roundabout way; as the head of the Arkhangelsk center put it in an interview with Human Rights Watch, “it’s a quest.”<sup>98</sup> Liza from Pskov, for instance, said that it took her months to find specialized help.<sup>99</sup> Faced with violence at home, she initially felt that it was her “own fault” and sought help from her parents and her partner’s parents. When asked why she did not go to a shelter right away, she said that she did not understand domestic violence in general, or services available for survivors:

When I first came to see someone, it was a doctor, a gynecologist. She suggested that my problems could be due to stress and recommended that I see a psychologist. When I went to the psychologist, I asked her to please help me save my family and teach me how to be a better wife. I didn’t even realize the situation I was in. Eventually she directed me to this center. If I knew then that such a problem exists in our society, and many people face it, and there is nothing to be ashamed of, and there is help, I would have come for help a lot sooner.<sup>100</sup>

Social stigma and lack of awareness about domestic violence is of particular concern in the more remote regions of Russia, where getting help is more difficult, and domestic violence is viewed as a normal part of everyday life.

A woman who grew up in a village in Chuvashia told Human Rights Watch that as a child, she witnessed her uncle repeatedly and brutally beating her aunt. Every time before the beating, the aunt told the children to go outside and to not come in under any circumstances. The woman, who later in life was abused by her own husband, said that everyone in the village knew about it but no one did anything because it was considered normal part of “life in a village.”<sup>101</sup>

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<sup>98</sup> Interview with Human Rights Watch interview with Olga Bobretsova, head of a local NGO that works to support families in crisis, Arkhangelsk, June 5, 2018.

<sup>99</sup> See Liza’s story, on p. 1.

<sup>100</sup> Human Rights Watch interview with Liza, March 16, 2018, Pskov.

<sup>101</sup> Human Rights Watch interview with Vera, Nizhny Novgorod, April 16, 2018.

### *Fear of Reprisals, Lack of Trust in Police*

Most interviewees said that even when they did call the police, they did not receive the protection they needed. In some cases, the police did not arrive at all, and in others they refused to take action, suggesting that it was a “family matter.” Women also told Human Rights Watch that they feared reporting their abusers to the police because they thought that it may result in more violence. The state authorities’ failure to adequately protect victims from being further harassed, threatened, or abused in retaliation for coming forward puts victims at risk of further, potentially grave, and even fatal violence and may deter others from coming forward.

Lack of adequate police response also undermines the public trust in the police’s ability to protect victims of domestic violence and deters third parties from coming forward to report incidents they know about or witness.

According to Olga Gnezdilova, a lawyer working with domestic violence cases:

“People understand that the police are not effective in such [domestic violence] cases. And everyone knows that penalties for domestic violence are miniscule and it is easier to not pick a fight with your neighbors. Nobody ever thinks that this might be about saving someone’s life.”<sup>102</sup>

Inga, a 42-year-old woman from a small village in the Ural region told Human Rights Watch that her husband severely beat her for four years, between 2014 and 2018, including while she was pregnant. He broke several of her ribs, knocked out most of her front teeth, and broke her nose. In separate incidents after their daughter was born, he locked her out of the house, took her to a remote forest area and abandoned her there, kicked her and their daughter out on the street barefoot in subzero temperatures, and attempted to choke her. The woman said she did not report her husband to the authorities throughout these ordeals because she feared he would kill her and take custody of her then three-year-old daughter. One day, the man brought home a large sports bag and several axes and told her that the bag was for her and her daughter’s body parts. She became very frightened and ran away

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<sup>102</sup> “‘You will walk around looking scary, nobody will want you with a head like this.’ Why family conflicts, without a domestic violence law, end (and will continue to end) in tragedy [‘Чтобы ты ходила страшная, никому не нужная с такой головой’. Почему семейные ссоры без закона о домашнем насилии заканчиваются (и будут заканчиваться) трагедиями],” MediaZone, May 29, 2018. <https://zona.media/article/2018/05/29/lebedyan> (accessed June 2, 2018).

from the house when the husband stepped out to buy alcohol. She did not have any relatives, so she went to the house of a woman she knew, who lived in the same village and asked to hide her and her child, but the woman refused:

She said she was sorry for me but could not take me in because she was afraid that they [the husband and his family] would come there and kill her and tear her house down. I could understand her: who would want such problems?

Inga eventually filed a police report, but the policeman only offered to talk to the husband. “They had a laugh and that was it,” she said. “I think he [the husband] enjoyed talking about his violence against me, he was excited to have a chance to talk about it with another man who shared his views. I knew then I was completely on my own.” She eventually fled from her husband to a shelter in another city.<sup>103</sup>

Several women explicitly said that they were afraid because their husbands or partners had connections with law enforcement or came from influential or wealthy families. Human Rights Watch interviewed several women whose situation was exacerbated by the fact that their partners had connections with law enforcement, either through direct employment or in other ways. For example, Veronika, from a town near Moscow, said that her live-in partner, who regularly beat and sexually assaulted her, was the son of the former local police chief. She said that she attempted to report him several times for severe abuse, but law enforcement officials refused to process her claims as soon as they “heard the last name” of her partner. Veronika fled their shared home twice, hiding at a friend’s place and then in a shelter, but each time, her partner’s family forced her to return home by threatening to kill her and shoot her older son in the leg.<sup>104</sup>

### *Fear of Losing Custody of, Support for Children*

Human Rights Watch interviewed several women who said that they either reconciled with their abusive husbands or partners or did not go to the police because they feared losing custody of their children or the financial means to support their children. In two cases, the

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<sup>103</sup> Interview with Inga, Moscow region, December 11, 2017.

<sup>104</sup> Human Rights Watch interview with Veronika, (location withheld), December 11, 2017.

authorities threatened to take children away unless the woman reconciled with her abuser or changed her testimony in a criminal case.

Larisa, a Ukrainian woman living in Rostov, was married for 12 years to a man who severely and repeatedly beat her.<sup>105</sup> One day he pushed her from the third-story balcony, causing her to fall to the concrete floor below. The fall left her with two broken legs, multiple fractures, a head injury, and wheelchair-bound. After the husband continued to beat her when she was in the wheelchair, the police opened a criminal investigation against him. However, when the case went to trial, Larisa reconciled with her husband out of fear that she might lose her children, aged 5 and 11, as well as financial support: due to her injuries, she was unable to work and had no other means of supporting herself and her children. In November 2016, after another severe beating, Larisa fled with her oldest child, who was 10 at the time, to a crisis center in another part of Russia. She had to leave in a hurry and could not take her youngest daughter with her. After that, she repeatedly called child protection services and the police asking for help to get back her youngest daughter. The child protection services told her to divorce her husband first, get a local residence permit, and then file for custody. When Larisa said that it was going to take too long and that the child was unsafe with her husband, who had a history of violence and drug abuse, the child protection officer told her that she was becoming “annoying” and threatened that she might get deported to Ukraine without her children.<sup>106</sup> Several months later, Larisa succeeded in getting both daughters to live with her.

Anna, from a small town in northwestern Russia, told Human Rights Watch that her husband started beating her in 2013, when she was pregnant.<sup>107</sup> The beatings increased and became more severe over the next two years. In February 2016, Anna’s husband beat her so severely that she was hospitalized and was unable to work for over a month. Anna found a lawyer who helped her file a police complaint and file for divorce. Her husband, furious that she reported him, threatened to “ruin her life” unless she retracted her complaint. When she refused, he went to the police station and accused her of murdering her ex-husband, who went missing in 2011. On March 8, the police arrested Anna and interrogated her for 18 hours. At first, she was given a state-appointed female lawyer, but

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<sup>105</sup> Human Rights Watch interview with Larisa, Moscow, June 18, 2017.

<sup>106</sup> Ibid.

<sup>107</sup> Human Rights Watch interview with Anna, (location withheld), December 5, 2018.

after a few hours, the police told her that the state was replacing her lawyer with another one, a young man, also appointed by the state. She told Human Rights Watch that the investigators pressured her to drop the complaint against her husband and “confess” to murdering her ex-husband to “protect” her children:

They told me: “You want to see your children, don’t you? If you don’t confess, you will be locked up for 20 years. If you confess, you will get a lighter sentence. You will have a chance to see what school your youngest child goes to.”

Anna’s pro bono lawyer said that while Anna was in police custody, an official from child protection services came to her house, where her children were staying with her mother, and threatened to take the children away. The lawyer added that the visit from the child protection services was clearly aimed at manipulating Anna.<sup>108</sup>

Anna refused to withdraw her complaint, but on five separate occasions police refused to initiate a criminal investigation against her husband.

Natalia, a woman in her 30s from Arkhangelsk, was married to her husband for 15 years. During that time, he drank heavily and beat her and her teenage daughter. As he started drinking more, he became more aggressive. Once he locked Natalia, who was pregnant at the time, on a balcony for several hours. He also threatened to take away her children. Natalia said that she filed at least four complaints with the police over the years that she was married to him but withdrew them because she was afraid of losing her children. She said that she felt that the police would take her husband’s side and did not want to take the risk:

I knew I could not trust the police to protect me and felt I had too much to lose if things didn’t go my way. I thought I would get no protection from anyone but could also lose my kids.<sup>109</sup>

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<sup>108</sup> Human Rights Watch interview with Anna’s lawyer, (location withheld), December 6, 2018.

<sup>109</sup> Human Rights Watch interview with Natalia, Arkhangelsk, June 5, 2018.

## Poor Police Response

Most survivors told Human Rights Watch that police refused to register or investigate their complaints of domestic violence and sexual assault, often arguing that the women are guilty or complicit in their own abuse and encouraging them to resolve their domestic situation by themselves. Many said that the police treated them with hostility or scorn and did not believe them. Several survivors also said that while the police seemed sympathetic, they made clear that there was nothing they could do.

Police often refuse to launch criminal investigations because women frequently withdraw the complaints shortly after filing them, creating additional bureaucratic burden on the police. Several survivors explained that they withdrew their complaints either because of pressure from the abusive partner, financial constraints, concern about breaking up the family, and a general lack of faith in the authorities' ability to protect them.

Also, as described in the section below (Obstacles to Justice), police in some cases incorrectly categorize a domestic violence victim's injury as less severe than they really are. As a result, the police have no obligation to investigate, and can instead inform the victim to seek redress with a magistrate judge or private prosecution.

### *Lack of Response, Pushing the Victims to Reconcile with Abusers*

Russian media reported two deaths, in 2016 and 2017, from domestic violence that could have been prevented had there been adequate police response and protection.

In November 2016, 36-year old Yana Savchuk from Oryel called local police, fearing that her husband would kill her. In the recorded conversation with local authorities, which several media outlets published, a female police officer replies, "Do not call again. We will not come to you." "What if he kills me?" asks Savchuk. "Don't you worry. If he kills you, we will come to examine the body," the police officer responds. Within 40 minutes of the call, Savchuk's husband had beaten her to death.<sup>110</sup> The female police officer who refused to

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<sup>110</sup> "Why would they suffer if it doesn't affect anything?" Why does the police not respond to the domestic violence reports ['И зачем им мучиться, если это ни на что не влияет?' Почему участковые не реагируют на заявления о домашнем насилии]," *MediaZona*, August 2, 2017 <https://zona.media/article/2017/08/02/ot-slova-uchastiye> (accessed March 2, 2018).

dispatch officers to Savchuk's aid was charged with criminal negligence which led to someone's death, an offense punishable by a maximum of five years in prison. In June 2018, the judge returned the case to the prosecutor's office with instructions to modify the charges. At time of writing, the case remained under the prosecutor's office review.<sup>111</sup>

In December 2017, Anastasia Ovsyannikova's partner beat her over the course of several hours and took pictures of her severely bruised body, which he sent to a friend. The photographs were later posted online.<sup>112</sup> Neighbors, hearing Ovsyannikov's calls for help, alerted police, who arrived at the apartment building but left without further investigation after Ovsyannikova's husband denied the accusations.<sup>113</sup> Ovsyannikova's father later found his daughter covered in hematomas and rushed her to the hospital, where she was diagnosed with a traumatic brain injury, three broken ribs and a punctured lung. Due to the brain injury, Ovsyannikova fell into a coma and died six days later.<sup>114</sup> Her abuser was tried and convicted for causing harm to health which resulted in someone's death.<sup>115</sup>

Under Russian law, the police have an obligation to register any complaints of injuries they receive either from an injured party or from a medical facility. If the offense does not fall under police jurisdiction, they should forward the complaint to the relevant authority. In such cases as battery, they should forward the complaint to the magistrate judge.<sup>116</sup> Police are also required to inform the injured party of their decision, and if their case was transferred to a magistrate judge. In cases where a criminal investigation is required, the police should refer the victim to get an official medical examination to assess the extent of their injuries.

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<sup>111</sup> See, for example, "The case of the police office, who offered to 'examine the body,' returned to the prosecutor [Дело участковой, предложившей 'описать труп', вернули в прокуратуру]," Rambler news, June 8, 2018 <https://news.rambler.ru/crime/40028480-delo-uchastkovoy-predlozhivshey-opisat-trup-vernuli-v-prokuraturu/> (accessed June 10, 2018).

<sup>112</sup> "A jealous man beat his wife to death and put the photos online [Ревнивец забил жену до смерти, а фото выложил в интернет]," *Vesti.ru*, December 19, 2017, <https://www.vesti.ru/videos/show/vid/740075/cid/1741/> (accessed January 24, 2018).

<sup>113</sup> *Ibid.*

<sup>114</sup> "You will walk around looking scary, nobody will want you with a head like this.' Why family conflicts, without a domestic violence law, end (and will continue to end) with a tragedy [Чтобы ты ходила страшная, никому не нужная с такой головой'. Почему семейные ссоры без закона о домашнем насилии заканчиваются (и будут заканчиваться) трагедиями]," MediaZone, May 29, 2018. <https://zona.media/article/2018/05/29/lebedyan> (accessed June 2, 2018).

<sup>115</sup> "Sadist from Lebedyan sentenced to nine years in prison [Лебедянский садист получил 9 лет колонии]," Lipetskmedia.ru, May 30, 2018 <http://lipetskmedia.ru/news/view/100974-Lyebedyanskii.html> (accessed June 2, 2018).

<sup>116</sup> Criminal Procedure Code of the Russian Federation, art. 143 p.1,3.

In practice, police usually refuse to register cases of domestic violence and frequently do not refer the victim to get a medical assessment, which could determine a level of injury that would require a state criminal prosecution. Nor do they explain to victims that they need to file a complaint with the magistrate judge. In other cases, they refuse to initiate a criminal investigation because they consider such cases to be a “family matter” and suggest that the victim reconcile with their abuser.

### **A “Family Matter”**

Several women told Human Rights Watch that police refused to respond to their call for help or register their complaints because they viewed the assault as a “family matter.” In June 2017, a woman from central Russia called the police when her partner tried to rape her. She managed to get away from him and ran outside in torn clothes. When the police arrived and saw the woman and her partner, who ran after her from the apartment completely naked, they refused to interfere, saying that it was a “family squabble”. The partner continued to rape and beat the woman until she fled to another city.<sup>117</sup>

In a case described above, Larisa’s husband of 12 years continued to abuse her even after his abuse put her in a wheelchair. She said she called the police at least three times after he abused her while she was wheelchair-bound and that her neighbors also called the police:

Sometimes they did not arrive at all. One time, they came, and the policeman told me to my face, which was covered in blood, that they understood my difficulties but there was nothing they could do because this was a family affair. He said: “Your only option is to tough it out.”<sup>118</sup>

Anastasia from Nizhny Novgorod told Human Rights Watch that she called the police several times after her husband assaulted her, in 2017. They first told her that they would talk to the husband, but he simply did not open the door. The next time she called, after another attack, the police told her that the attack happened in the privacy of her home and that the police, therefore, could not intervene. They also suggested that they would have

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<sup>117</sup> Name and location withheld. Interview on file with HRW.

<sup>118</sup> HRW interview with “Larisa,” Moscow, June 18, 2018.

responded if the attack had happened in a public place, but not in someone's home. After that, Anastasia, now separated, said she decided to only meet with her husband in public places since that would give her more chances for police protection.<sup>119</sup>

### **“Powerless to Act”**

In other cases, survivors told Human Rights Watch that the police sometimes acted sympathetically and were sensitive to their situation but said that their professional instructions or legal guidelines left them powerless to act.

Vera, a 33-year-old woman living in Nizhny Novgorod said her husband severely beat her one night while drunk. She barricaded herself in a room with her two small children and called the police. The police asked if she would be able to open the door for them, and she said that she did not have the key (the lock opened from the inside only with a key), that her husband was still at home, and that she was afraid for her and her children's lives. The police said that they had no right to break the door down and that they would not come unless the neighbors called and reported that the husband was “about to kill” Vera. The police did not come. An ambulance later took Vera to a hospital, where doctors diagnosed her with severe bruising on her back and arms, a post-traumatic renal cyst, and a brain injury. Fearing her husband might retaliate, she did not call the police again. She later reconciled with her husband to preserve their family, sought psychological counseling, and said she was “working hard not to provoke him.”<sup>120</sup>

### *Inadequate Training and Resources for Police*

Russian police do not receive adequate specialized trainings on how to identify signs of domestic violence and how to respond to situations of domestic violence. Additionally, the police are not given necessary tools to protect women in urgent situations. A policeman from the Ural region of Russia told Human Rights Watch, on condition of anonymity:

There is not much we can do. We can take the guy in for a night to sleep on it and sober up, but then he will just come right back. And often, women

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<sup>119</sup> Skype interview with Anastasia, April 26, 2018. Interview on file with Human Rights Watch.

<sup>120</sup> Human Rights Watch interview with Vera, Nizhny Novgorod, April 16, 2018.

regret complaining, come back some days later, and withdraw their statement.<sup>121</sup>

Most trainings for police, prosecutors, and judges on how to apply the law in cases of domestic violence are carried out in different regions by women's rights groups, such as Consortium of Women's Nongovernmental Associations, a coalition of more than 100 women's organizations from 57 regions of Russia. Following a training program by the consortium, conducted from 2014 to 2015 for 215 police officers from 81 regions, 91 percent of police officers who participated recognized domestic violence as an important problem and 94 percent recognized that current law does not adequately protect victims, with 88 percent believing a new national law should be passed to remedy this.<sup>122</sup>

## Obstacles to Justice

### *Shortcomings of Private Prosecution*

As noted above, only a small percentage of domestic violence cases reach court: only 3 percent of all cases, according to one expert group's estimate.<sup>123</sup> The rare domestic violence cases that do go to court are mostly prosecuted by way of private prosecution. Private prosecutions for domestic violence cases are ineffective and unfair, enable the state to abdicate its obligations to address domestic violence, and reveal the limited legal recourse for victims under current legislation.

Russia's Criminal Procedure Code envisages three kinds of criminal prosecution: private, private-public, and public.<sup>124</sup> Private prosecution is reserved for three types of offenses: intentional infliction of minor harm to health (Criminal Code article 115), defamation (Criminal Code article 128.1), and repeated battery (Criminal Code article 116.1).<sup>125</sup> Under private prosecution, criminal cases may be initiated only by the victim or his or her legal

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<sup>121</sup> Human Rights Watch interview, (name withheld), April 16, 2018.

<sup>122</sup> Marina Pisklakova-Parker, Andrey Sinelnikov "Chronicles of Silence: Violence Against Women in Russia," p. 52. Moscow, 2016.

<sup>123</sup> "Sense of impunity led to increase in aggression [Чувство безнаказанности привело к усилению агрессии]," *Znak.com*, January 22, 2018, [https://www.znak.com/2018-01-22/god\\_spustya\\_chem\\_obernulas\\_dekriminalizaciya\\_domashnih\\_poboev](https://www.znak.com/2018-01-22/god_spustya_chem_obernulas_dekriminalizaciya_domashnih_poboev) (accessed March 18, 2018). See also, Marina Pisklakova-Parker, Andrey Sinelnikov "Chronicles of Silence: Violence Against Women in Russia," p. 14, Moscow, 2016

<sup>124</sup> Criminal Procedure Code, art. 20.

<sup>125</sup> *Ibid.*

representative and are subject to termination if the victim reconciles with the accused. Reconciliation is possible up until the sentencing.

Private-public prosecution is reserved for offenses brought under several articles, including article 116 (aggravated battery, after February 2017).<sup>126</sup> It is initiated only upon the victim's application, either in person or through a legal representative, but is not subject to termination even if the victim reconciles with the accused. In all other cases, public prosecution is carried out by a prosecutor and is subject to standard procedures regarding termination.<sup>127</sup>

### **Inappropriately Categorizing Domestic Violence Cases**

The Russian Criminal Code divides criminal assault into three categories, based on the severity of "harm to health" inflicted. Following the 2016 amendments decriminalizing battery, assault is considered a criminal offense only at the level of "minor harm to health," with more serious penalties for "moderate" and "severe" harm to health.

The key components of the legal definition of "harm" are "loss of ability to work" and "inflicting a health disorder."<sup>128</sup> Any injury that heals within 21 days requires the victim to pursue a private prosecution. If the injuries need more than three weeks to heal, the case is deemed infliction of medium or grave harm to health, and is subject to public prosecution.<sup>129</sup>

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<sup>126</sup> These include article 131.1 (Rape), article 132.1 (Violent Actions of Sexual Character), article 137.1 (Invasion of Personal Privacy).

<sup>127</sup> Under article 20 of the Criminal Procedure Code, the authorities can also initiate a criminal case under articles of the Criminal Code, for which private prosecution procedure is established, in the absence of an application from the victim, if the victim is incapacitated or otherwise incapable of exercising his or her own rights.

<sup>128</sup> Decree of the Government of the Russian Federation of August 17, 2007 N 522, "On approval of the rules for determining the severity of harm caused to human health [Постановление Правительства РФ от 17 августа 2007 г. N 522, "Об утверждении Правил определения степени тяжести вреда, причиненного здоровью человека]," <http://ivo.garant.ru/#/document/12155259/paragraph/1588:0> (accessed April 20, 2018).

<sup>129</sup> Article 20 of the Criminal Procedure Code of the Russian Federation; Order by the Ministry of Health and Social Development of the Russian Federation from April 24 2008 N-194n "On approval of medical criteria for determining the severity of harm caused to human health [Приказ Министерства здравоохранения и социального развития РФ от 24 апреля 2008 г. N 194н «Об утверждении Медицинских критериев определения степени тяжести вреда, причиненного здоровью человека», <http://ivo.garant.ru/#/document/12162210/paragraph/1:1>, п. 8.1.

Figure 2: Harm to health under Russian law			
Level of severity	How severity is determined	Offense	Prosecution
No harm to health	Has caused: surface injuries, including abrasions, bruises; soft tissue damage, including bruises and hematomas; other injuries not resulting in short-term disorder or insignificant loss of capacity to work	Administrative Code Article 6.1.1 “Battery”	Administrative proceedings
Minor harm to health	Has caused: short-term (shorter than 3 weeks) disorder(s); insignificant loss of capacity to work	Criminal Code Article 115 “Intentional Infliction of Light Injury”	Private prosecution. Criminal cases may be initiated only by the victim or their legal representative and are subject to termination if the victim is reconciled with the accused. Reconciliation is possible right up until the sentencing.
Moderate harm to health	Not life-threatening but has caused: long-term (longer than 3 weeks) health disorder(s); loss of capacity to work by less than one-third	Criminal Code Article 112 “Intentional Infliction of Injury to Health of Average Gravity”	Public prosecution, standard procedure
Severe harm to health	Injuries are life-threatening; Loss of sight, speech, hearing, organs, body parts, or functioning of organs or body parts; miscarriage; mental disorder; drug addiction or substance abuse; permanent facial	Criminal Code Article 111 “Intentional Infliction of a Grave Injury”	Public prosecution, standard procedure

	disfigurement; significant and permanent loss in capacity to work <sup>130</sup>		
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Lawyers and women's groups said that when women file complaints about domestic violence, police commonly tell them, without referring them for a forensic exam, that their injuries are not serious enough to warrant a public criminal prosecution and advise them to open a private prosecution.

One woman told Human Rights Watch that in February 2016 her husband beat her so severely that she had to be hospitalized and was unable to work for over a month. Despite having all the necessary medical documents certifying the extent of her injuries, including a severe concussion, the police repeatedly refused to initiate a criminal case against the husband. She said that the police told her: "Well, you didn't break anything, you can walk, and you seem to be still alive."<sup>131</sup> Police advised her to pursue a private prosecution. Women's rights groups said that in some cases doctors also classify all injuries short of broken bones as "light bodily harm," thereby placing the case in the jurisdiction of private prosecution. This assertion is supported by several cases documented by Human Rights Watch.

For example, Human Rights Watch interviewed Tatiana, who was repeatedly assaulted by her brother. In 2013, he grabbed her by the shoulders and hit her head against a concrete wall. She went to a hospital and was diagnosed with a broken nose and a concussion. Despite this, the medical records she obtained indicated she sustained minor harm to health, and the police refused to initiate a criminal case. She filed a complaint with a magistrate judge, who took two years to consider it. During that time, the brother beat her again, but when she called the police, they told her there was "no point" in them coming

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<sup>130</sup> Loss of capacity to work is determined according to a "Table of percentages of permanent loss of general working capacity as a result of various injury, poisoning, or other external causes," released as an appendix to the Order of the Ministry of Health and Social Development of 24 April 2008.

<sup>131</sup> Human Rights Watch interview with Anna, (location withheld), December 5, 2017.

and suggested that she see a doctor. In 2015, the criminal case against her brother was closed due to a general amnesty having been issued.<sup>132</sup>

Anna Zhavnerovich, a young journalist from Moscow, described in her blog a step-by-step process she underwent in an attempt to bring her abuser to justice.<sup>133</sup> In December 2014, Zhavnerovich's partner brutally assaulted her in her sleep, punching her around 20 times in the head and face. Three days later, Zhavnerovich filed a police report, and police interviewed her. After filing the report, Anna was hospitalized, received an MRI, and was diagnosed with a moderately severe traumatic brain injury and multiple hematomas. She spent several days under observation of a neurologist at the hospital. Three months later, police informed her they would not institute criminal proceedings against her former partner. In April 2016, Zhavnerovich initiated a private prosecution. In May, Zhavnerovich's case was submitted to a magistrate judge. Before scheduling the case, the judge suggested on two separate occasions that Zhavnerovich reconcile with her aggressor. At the hearing, Zhavnerovich's partner pleaded guilty. At the second and final court hearing on August 4, the judge concluded that Zhavnerovich's injuries qualified as battery under article 116 of the Criminal Code, and amnestied Zhavnerovich's ex-partner. The only punishment was the order to pay 30,000 rubles (\$449) in moral damages.<sup>134</sup>

A lawyer from Vladivostok told Human Rights Watch:

The police use the option of private prosecution to their advantage. When they get a complaint of domestic violence, they say: "Don't you know we are going to reject it anyway? Why are you here?" In some cases, they also tell the woman that if she persists, the court might issue a fine, which is going to come out of the family budget.<sup>135</sup>

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<sup>132</sup> Human Rights Watch interview with Tatiana M., December 6, 2017, St Petersburg. In Russia, periodic nationwide amnesties provide for release of suspects of criminal liability for certain crimes, and also provide for the release of people serving prison sentences for certain crimes.

<sup>133</sup> "Your true face [Твое истинное лицо]," *VOS*, August 16, 2016, <http://w-o-s.ru/article/13906> (accessed December 3, 2017). The blog posting included scans of police and other documents, which Human Rights Watch reviewed.

<sup>134</sup> Ibid.

<sup>135</sup> Human Rights Watch interview with Elena Solovyova, Vladivostok, April 3, 2018.

## Unfair Burden on Victims

Private prosecution shifts the burden of ensuring justice entirely to the victim. It requires the victim to file a complaint with a magistrate judge, gather necessary evidence and witnesses, and attend all court hearings, which are usually two per month. The victim is expected to bear all costs, including the cost of legal representation, which is often key to ensuring full compliance with the complex requirements of Russia's criminal procedure legislation. If she cannot afford to hire a lawyer, she must represent herself or find a lawyer who can provide pro bono assistance.

According to the ANNA Center:

[The victim] 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 cases in court... It should be noted that the victim usually continues to live with the abuser in the same apartment, which gives him the opportunity to pressure and to intimidate her.<sup>136</sup>

At the same time, the perpetrators, under Russian law, receive state-provided legal representation free of cost. Not surprisingly, the majority of private prosecution cases are terminated for lack of compliance with court requirements, lack of financial ability to follow through with the process, or because of reconciliation.<sup>137</sup>

A Moscow-based lawyer told Human Rights Watch that private prosecution is riddled with procedural difficulties that are very hard for a layperson to navigate. She described the process as “absolute hell, from the first step to the last,” adding:

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<sup>136</sup> ANNA National Center 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, July 2010, [http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/ANNANCPV\\_RussianFederation46.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/ANNANCPV_RussianFederation46.pdf).

<sup>137</sup> Ibid. Also Human Rights Watch interview with Olga Bobretsova and staff of Novy Vzglyad, Archangelsk, June 5, 2018.

In the end, a woman may lose a year of her life to this process and her abuser will get, say, community service or a fine of 30,000 rubles. And if the verdict is in favor of the abuser, the woman might end up having to pay his court expenses.<sup>138</sup>

Several survivors told Human Rights Watch about problems they experienced when trying to get the necessary evidence to present to a magistrate judge, including gathering copies of their medical records from medical facilities where they were treated for injuries. Many, especially those who live outside of Moscow or St. Petersburg, said that medical records offices' hours of operation were unpredictable and difficult to navigate, and that they often had to make three trips to the office, on different days, before they could obtain a copy of their records.<sup>139</sup>

A lawyer in St. Petersburg told Human Rights Watch that many cases of private prosecution also fall apart due to errors by medical workers, who do not complete medical records adequately or in line with the requirements of court proceedings.<sup>140</sup>

### *Other Challenges*

Survivors also said they face legal retaliation for attempting to bring a criminal case against an abuser.

One practicing women's rights lawyer described the approach to Human Rights Watch:

In pre-trial proceedings, a lot is done to reconcile the perpetrator and the victim, sometimes through pressure. It also happens that the perpetrator sometimes deliberately files a complaint against a woman, so they return the case to the investigation stage, basically. Women end up under attack more often than people think.<sup>141</sup>

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<sup>138</sup> Human Rights Watch interview with Mari Davtyan, Moscow, November 28, 2017.

<sup>139</sup> For example, Human Rights Watch Skype interview with Alina, November 3, 2017; interview with Anna, (location withheld), December 5, 2017.

<sup>140</sup> Human Rights Watch interview with Galina Ibryanova, December 6, 2017, St Petersburg.

<sup>141</sup> Human Rights Watch interview with Anna Zdanovskaya, March 15, 2018, Pskov.

Human Rights Watch documented three cases in which a man filed a complaint against a woman after she had filed a complaint against him.

### **Self-Defense**

Russian criminal law provides that a claim of self-defense can be invoked in situations where harm to another person was inflicted in a situation of violence or a direct threat of violence.<sup>142</sup> It also provides that in cases of excessive self-defense, where the actions led to the death of a person, the violence is punishable by a prison term of up to two years, and one year if it led to medium to grave harm to health.<sup>143</sup>

Human Rights Watch came across cases of women who were prosecuted for having inflicted harm on their abusive partners while defending themselves during an ongoing violent attack and were handed disproportionately harsh penalties. Several lawyers and staff of women's crisis centers confirmed that the police and courts regularly do not take into account that a woman may have been acting in self-defense against domestic violence, including in cases where there are documented reports that complaints about severe violence have been occurring for a period of time.

For example, a lawyer from Vladivostok told Human Rights Watch about her client, Galina K., from Nakhodka, who in March 2017 stabbed her husband to death as he was trying to strangle her.<sup>144</sup> Several witnesses confirmed to the police that the husband repeatedly beat Galina for several years and that on the evening of the last assault, she had called the police for help. An eyewitness, a neighbor who was in the apartment with Galina and her husband that evening, said that the husband had been drinking heavily and that he attacked Galina several times, grabbed her by the hair and kicked her. The neighbor tried to stop him, but the man pushed him away and said: "Leave me alone, this is my wife."

The neighbor went on to the balcony to smoke and Galina's husband began to strangle her with her own necklace. According to the lawyer, a medical assessment later confirmed that Galina had sustained injuries consistent with battery and attempted strangling. She had several wounds on her body and an elongated hematoma on her neck. As her husband was

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<sup>142</sup> Criminal Code of the Russian Federation, art. 37.

<sup>143</sup> Criminal Code, art. 108 and 114.

<sup>144</sup> Human Rights Watch interview with Elena Solovyova, Vladivostok, April 3, 2018.

attempting to strangle her, Galina reached for a short cheese knife on the kitchen table and stabbed him several times in the chest and shoulders. The husband was pronounced dead by paramedics who arrived at the scene.

Galina was arrested and charged with murder, which carries a sentence of 6 to 15 years' imprisonment.<sup>145</sup> Despite the fact that she did not have a prior criminal record and had an infant who she was still breastfeeding, she was placed in a pre-trial detention facility for nine months, before being released to house arrest in December 2017. During the trial, the prosecutor handling the case requested a sentence of seven years' imprisonment. Galina's lawyer told Human Rights Watch that during the hearing, the judge asked the woman repeatedly why she "kept engaging with a drunk man" and implied that she should have left the apartment. In the end, the court found her guilty of intentional infliction of grievous bodily harm which led to death, and sentenced her to three years' imprisonment in a penal colony and a fine of 500,000 rubles (about US\$8,665).<sup>146</sup> In May 2018, an appeal court reversed the decision and cleared Galina of all charges, recognizing that she was acting in self-defense. By that time, however, she had spent two years in state custody.

Galina K.'s story was well-publicized, caused a public outcry, and led to several public campaigns calling for her release.<sup>147</sup> In less publicized cases documented by Human Rights Watch, the outcome for the victim was less positive.

Alisa, a 33-year-old woman from St. Petersburg, told Human Rights Watch about the four years of psychological and physical abuse she suffered from her husband during their marriage, and after they divorced. During that time, she filed over 20 complaints with the police, who refused to initiate a criminal investigation. One day, her former husband attacked her on a staircase of an apartment building and hit her several times in the stomach. She was holding their four-year old daughter, and the man grabbed a metal pipe and pressed Alisa against the wall, holding the pipe across her throat and constricting her breathing. Alisa grabbed a hammer that was lying on top of a pile of construction rubble and hit him on the head, causing a light injury. Following the incident, Alisa was diagnosed with broken ribs, but the police registered her complaint only three days later. The police

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<sup>145</sup> Criminal Code, art. 105.

<sup>146</sup> Criminal Code, art. 111.

<sup>147</sup> For example, Change.org petition, <https://www.change.org/p/прокуратура-г-находки-приморского-края-прекратить-уголовное-дело-галины-каторовой-в-связи-с-необходимой-обороной> (accessed February 2, 2018).

officer later told her that her former spouse also filed a criminal complaint against her for hitting him and breaking into his apartment, when she came to collect her daughter, and that the police considered her complaint to be “retaliation of an angry woman which should not be taken seriously.” The case against Alisa has been ongoing for a year; she said that her main fear was that she could lose custody of her daughter as a result.<sup>148</sup>

### **Statute of Limitations**

The Russian Criminal Code stipulates the statute of limitations for non-grave crimes as two years. Human Rights Watch came across several cases in which perpetrators of domestic violence avoided penalties because the statute of limitations had expired, due to inadequate police response or delays in the court proceedings.

For example, Anna, from a small town in northwestern Russia, was regularly beaten by her husband. Her lawyer told Human Rights Watch how her husband ended up avoiding punishment for his abuse:

He beat her and repeatedly threatened to kill her, in front of witnesses. He told her while she was pregnant that she would not live to see the birth of her child. Those threats alone are enough to start a criminal investigation. But the district police officer said: “If she took those threats seriously, she would have left him. She must not have taken those threats seriously, so there is no crime.” We must have gotten at least five refusals to initiate a criminal case. All that takes colossal effort and resources, but also time. And this is what happens: the statute of limitations for criminal battery, as well as for a threat to kill, is two years. Her case will simply not get to court in time. This is a paradoxical situation. A potential murderer, a dangerous and abusive man will likely walk free. Everybody knows what he did, everybody knows that the woman needs protection, but nobody will protect her.<sup>149</sup>

When Human Rights Watch spoke to the lawyer in June 2018, she confirmed that the criminal case against the woman’s abuser was closed due to statute of limitations.<sup>150</sup>

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<sup>148</sup> Human Rights Watch interview with Alisa, St. Petersburg, December 5, 2017.

<sup>149</sup> Interview with Galina Ibryanova, December 6, 2017. St Petersburg.

<sup>150</sup> Human Rights Watch Skype interview with Galina Ibryanova, June 18, 2018.

## IV. Shelters

In many cases, Russia's social service infrastructure does not adequately provide for the needs of victims of domestic violence. State resources for survivors are limited and well below Council of Europe recommended levels. Spaces in state-run shelters that specialize in protecting women from domestic violence are few. Moreover, these shelters operate with criteria for entry that set a high threshold, requiring a daunting amount of paperwork, and at times take weeks to determine whether to grant a space to survivors of domestic violence who are already in a state of crisis, face severe threats of further violence, and have nowhere else to turn. Shelters tend to be located in urban centers, meaning women in rural and remote areas have even more limited access.

Some crisis centers, particularly those run by the authorities, tended to emphasize “preserving the family” and protecting children over the needs of ensuring the safety of women.<sup>151</sup>

NGOs that run shelters and provide services lack the resources to do so on the scale that is needed. Various state bodies, agencies, and service providers working in the private sector should improve mutual cooperation in order to ensure effective and coordinated provision of social services to victims of domestic violence.

### Many Institutions and Services, Few Specializing in Domestic Violence

The first state-funded and nongovernmental organizations to address domestic violence were founded in Russia in the early 90s, when public discussions about domestic violence began. In 1993, the ANNA Center opened the first crisis telephone hotline for victims of domestic violence, which has since been functioning at the national level.<sup>152</sup> During the 2000s, more NGOs and shelters were established, and other organizations opened crisis hotlines. The years 2012-2015 saw an increase in the opening of specialized centers that provide assistance to victims of domestic violence, including shelters. As more women

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<sup>151</sup> See, for instance, the Report by the Ministry of Labor and Social Defense for 2015-2017 <https://rosmintrud.ru/ministry/about/reports/2> (accessed June 22, 2018).

<sup>152</sup> Marina Pisklakova-Parker, Andrey Sinelnikov “Chronicles of Silence: Violence Against Women in Russia,” p. 80 Moscow, 2016.

come forward asking for assistance, many organizations are expanding their services to include access to psychologists and legal assistance. Social services organizations that had not provided specialized assistance to women in crisis have begun to expand their services to include assistance to victims of domestic violence.

According to government data, as of 2017, 2,893 state institutions provide assistance to families and children in Russia.<sup>153</sup> These include facilities and institutions that cover a wide range of needs: accommodation and psychological assistance to children “in difficult situations”; help for homeless women and children; drug and alcohol rehabilitation facilities; organizations that provide only psychological assistance to families in crisis, etc.

Additionally, 89 crisis centers for women, attached to departments of various state institutions, provide specialized social services to families and children in crisis, from rehabilitation to temporary shelter to psychological assistance for people in difficult life situations.<sup>154</sup>

But at time of writing, only 14 government-run “women’s crisis centers” also operate as shelters.

A comprehensive study conducted in 2014-2015 by a nationwide coalition of women’s organizations found that of all organizations active in Russia in 2015, state-run and nongovernmental, 95 were identified as shelters, with a total of 1,349 spaces available.<sup>155</sup> The study, which ran in 53 out of 85 regions in Russia, revealed that only 434 of those spaces were reserved for women in crisis situations (which includes domestic violence, but not exclusively).<sup>156</sup>

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<sup>153</sup> Statistical data provided to Human Rights Watch by the Ministry of Labor on May 21, 2018. Document on file with Human Rights Watch.

<sup>154</sup> Ibid.

<sup>155</sup> Shelters for children and shelters provided by religious institutions were excluded from the study. The study was run by the Consortium of Women’s Nongovernmental Associations (“Consortium”)- <http://wcons.net/materialy-i-publikacii/gendernye-issledovaniya/monitoring-deyatelnosti-rossijskih-obshhestvennyh-i-gosudarstvennyh-municipalnyh-organizacij-po-profilaktike-domashnego-nasiliya-2014-2015-gg>.

<sup>156</sup> See also, “Khoniki tishiny: Nasiliya v otnoshenii zhenshin v Rossii [Chronicles of silence: Violence against women in Russia],” Moscow, 2016, page 41.

The Council of Europe recommends a minimum of one shelter space per 10,000 people where shelters are the predominant or only form of service provision.<sup>157</sup> According to those standards, Russia, with a population of 146,880,432 at time of writing, should have at least 14,000 shelter spaces.

A senior Ministry of Labor official suggested that the real problem was not a lack of state-run facilities that specialize in assisting survivors of domestic violence, but rather a lack of awareness among women that domestic violence is unacceptable, and that there are places to turn to for help:

To get help from the state, women need to ask for it. They need to file a claim for assistance and the relevant authority [social services] will decide if she qualifies... so they simply don't know that they have the option to get help from the state.<sup>158</sup>

The official also emphasized that state agencies and service providers would welcome assistance from civil society. However, she said NGOs are reluctant to get “heavily involved” in organizing domestic violence shelters, partially because if they obtain foreign funding, as many need to do in order to raise adequate funds, they will be obligated to register as “foreign agents.”<sup>159</sup>

NGO crisis centers and shelters, while struggling with financial constraints and government restrictions on obtaining foreign funding, play a vital role in providing services, often in life threatening situations, that may not be available at a state-run facility. For example, staff of the nongovernmental St. Petersburg Crisis Center for Women, which has been working in the field for more than 25 years and provides legal and other types of support to survivors of domestic violence, told Human Rights Watch that many of their clients come to them after they have tried and are unable to get assistance from state-funded facilities or have been rejected by state-run shelter facilities:

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<sup>157</sup> Council of Europe, *Combating Violence against Women: Minimum Standards for Support Services* (Gender Equality and Anti-Trafficking Division, Directorate General of Human Rights and Legal Affairs, Strasbourg: 2008), p. 38.

<sup>158</sup> Human Rights Watch interview with officials from the Ministry of Labor and Social Protection of the Russian Federation, Moscow, May 21, 2018.

<sup>159</sup> *Ibid.*

The difference can be crucial. There could be amazing specialists working there [at a state-run facility], but they simply don't [have expertise in] providing specialized assistance to domestic violence victims: no one trained them how to do it. We provide lawyers who guide domestic violence victims through the system. A government center may provide a basic legal consult, but they will not give a woman a lawyer who would accompany her to court or assist in her dealings with the police like we do.<sup>160</sup>

In major cities, state-run shelters are few and have high-entry threshold, but in some cases, survivors can still access urgent help, especially if there is smooth cooperation between various state agencies and NGO service providers. For example, out of 10 government shelters in St. Petersburg, seven operate so-called “crisis apartments”, with five to seven shelter beds in each.<sup>161</sup> Victims and service providers told Human Rights Watch that none of these shelters specialize in assisting victims of domestic violence and that they have very high entry thresholds, where the process of gathering all the required documents can take up to two weeks.<sup>162</sup> At the same time, in urgent situations, nongovernmental service providers in the St. Petersburg region can dispatch their staff to accompany victims of domestic violence to in-patient hospitals where they get temporary accommodation at a regular hospital for a short period of time.<sup>163</sup>

The Independent Social Center for Women in Pskov provides a range of services to victims of domestic violence and also operates as a shelter, with 10 spaces provided for up to two months. The director of the center told Human Rights Watch that since 2008, when the shelter was opened, it has helped dozens of victims of domestic violence, many of whom were referred to the center by social services or police.<sup>164</sup> The shelter has few entry

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<sup>160</sup> Human Rights Watch interview with Elena Bolyubakh, head of the Crisis Center for Women, St Petersburg, December 5, 2017.

<sup>161</sup> Human Rights Watch interview with Elena Bolyubakh and Anna Reshetnikova at the Crisis Center for Women, St Petersburg, December 5, 2017.

<sup>162</sup> Human Rights Watch interview with survivors and the staff of the Crisis Center for Women, St Petersburg, December 5, 2017.

<sup>163</sup> Ibid.

<sup>164</sup> Human Rights Watch interview with Elena Yablochkina, head of the “Pskov Independent Social Center for Women,” Pskov. March 15, 2018.

requirements and does not require local registration. The only restrictions are that it does not admit children under 18 months or adults older than 70.

In addition to state-run shelters and nongovernmental service providers, there are religious institutions, including the Russian Orthodox, Catholic, and Baptist churches, that provide assistance to victims of domestic violence in Russia. Some Russian Orthodox churches are enlisting psychologists to help survivors of domestic violence. Social workers are also playing an increasingly constructive role in addressing the issue, especially as Russian Orthodox organizations have begun to collaborate more with secular state and civil society organizations.<sup>165</sup>

## Difficulties Accessing Shelters

Social services in Russia, including for survivors of domestic violence, are provided in accordance with a 2013 federal law and a 2014 order from the Ministry of Labor and Social Protection.<sup>166</sup> Local governments in each of Russia's 83 federal subjects (regions) are responsible for allocating local budget funds to the services and establishing the types of organizations tasked with providing social services at the local level. Local governments are also responsible for implementing the legislation locally, and therefore for devising policies about accessing services, including entry rules.<sup>167</sup>

The federal law lists family violence among the grounds for provision of social services and envisages a five-day period during which the relevant regional agency can consider a request for social services, including shelter space. It also contains provisions for urgent assistance and stipulates that a refusal to provide services can be appealed in court. Federal law does not stipulate the criteria women must meet to be accepted into shelters. This is left to local authorities to regulate.

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<sup>165</sup> For example, in March 2015, in consultation with the ANNA Center, the Novospasskii Monastery in the Moscow region established the "Kitezh" crisis center for women. The center offers a 12-space shelter for stays of up to 6 months and consultations with priests, psychologists, social workers, and lawyers. The center has a low-threshold for entry and accepts women with and without children and without Moscow residency registration. Since its opening, the center has provided shelter to around 80 survivors of domestic violence per year and consultative services, including a 24/7 hotline, to hundreds.

<sup>166</sup> Federal Law № 442-FZ, "On the foundation of social services in Russian Federation" from December 28, 2013, with updates [http://www.consultant.ru/document/cons\\_doc\\_LAW\\_156558/](http://www.consultant.ru/document/cons_doc_LAW_156558/) Order of the Minister of Labor and Social Protection of the Russian Federation of 24 November 2014 no. 935, "On approving basic procedures for the provision of institutionalized social assistance" [rulaws.ru/acts/Prikaz-Mintruda-Rossii-ot-24.11.2014-N-935n/](http://www.consultant.ru/acts/Prikaz-Mintruda-Rossii-ot-24.11.2014-N-935n/) (accessed June 21, 2018).

<sup>167</sup> Federal Law № 442-FZ from December 28, 2013, with updates, [http://www.consultant.ru/document/cons\\_doc\\_LAW\\_156558/](http://www.consultant.ru/document/cons_doc_LAW_156558/) (accessed June 21, 2018).

Most state-run facilities have a high entry threshold, often requiring women to put together a package of documents that can vary depending on the region, but usually includes local residence registration, a referral from social or child protection services, a passport, a personal written statement explaining why the person requires assistance, medical health certificates including data on all their vaccinations, and in some cases even chest X-rays. If a woman has children, she must provide health documents for each of her children as well.

Some shelters permit women only with children and may bar women with HIV from entry. Human Rights Watch documented cases where victims of domestic violence who were in urgent need of assistance had to wait for weeks, or in a case described below, a whole month while facing urgent threats, for a response from a center on whether they qualified for entry.

Requirements to show proof of local residence can be particularly problematic for some women to produce, if for instance, they lost the ownership of their home after a divorce. These requirements also exclude from shelters migrant women and women who had to flee long distances from their homes. They also put rural women in an especially vulnerable position, as the lack of urgent assistance or shelter in smaller cities or rural areas means they often have to travel further to seek help.

The process of applying to a state-run shelter can be exhausting to women who are already experiencing domestic violence. For many, it exacerbates their already desperate situations and can even push them to return to their abusers.

### **Natalia's Story**

Natalia, a woman in her 30s from Arkhangelsk, was married to her husband for 15 years. He drank heavily and beat her and their 13-year-old daughter. After a particularly violent incident in 2013, when he attacked and threatened to kill her, Natalia fled home with her daughter and her 11-month old baby. She did not have the financial means to rent a flat. After staying for a short period with family, where she and her children had to share a one-room apartment with four other people, Natalia applied for a two-month stay at a government shelter. She needed reprieve from her

husband, who continued pursuing and threatening her, and time to find a job and get back on her feet.

Natalia said that she filed an application and provided all the necessary documentation, including a referral from the office of the regional ombudswoman, but heard nothing back. After one month, she got a rejection letter, explaining that she failed to demonstrate evidence of family violence because there was no court decision that found her partner guilty of battery. Natalia said the rejection felt like the “last drop” in her desperate situation and that she only managed to survive because of professionals from a local nongovernmental crisis center who helped her with legal advice and psychological assistance.<sup>168</sup>

Natalia’s story is one example of the difficulties that survivors of domestic violence face in getting access to government-run shelters. Other survivors described the process as overly complicated and full of bureaucratic hurdles.

NGO service providers and survivors said that acceptance in state shelters can seem arbitrary.<sup>169</sup> In some cases it is not clear, what qualifies as proof of needing protection from violence. In Natalia’s case, for example, officials cited the lack of a court ruling as grounds for rejecting her. Other shelters accepted police reports as fulfilling the need for evidence of family violence.

### *Consequences of High-Entry Thresholds*

Women who have to wait long periods for a response from a state shelter, or who are rejected, end up having no place to go and often return to their abusers. As the director of the Center for Legal and Psychiatric Help in Extreme Situations explained in a media interview:

Let's say a man is beating a woman... She says, “I won't live with you anymore.” But he won't leave the apartment. This is a common problem.

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<sup>168</sup> Human Rights Watch interview with Viktoria, Arkhangelsk, June 5, 2018.

<sup>169</sup> Human Rights Watch interview with staff of two crisis centers (names, organizations and locations withheld), June 2018.

The woman can say, I'll leave myself. But where can she go? This is not just a purely psychological problem. It is also a social problem. Where can a woman go if she has no place to go?<sup>170</sup>

Several women from rural or remote areas of Russia said they were rejected from state-run shelters after undertaking a long journey there, because they did not have their passport, local registration, or other documents. Nina, from a rural area in central Russia, said that she had to flee her home in a hurry because her abusive and violent husband had beaten and attempted to strangle her. She fled to the closest city that had a state-run shelter but was rejected, because she did not have her passport. Her husband, she said, had burned all her documents to prevent her from leaving. After staying with a friend for two weeks, she returned to her flat, which she shared with her abuser.<sup>171</sup>

In the case described above, Inga, 42, from a village in the Ural region of Russia, said that she fled her violent husband who beat her for years and threatened to kill her and her three-year-old daughter with an ax and chop them into pieces. She told Human Rights Watch that she arrived in Moscow after traveling for several days on buses and a train, with no possessions, no money, and two children. She found the address of a state-run facility online that provides shelter to women in crisis situations but was rejected because she did not have local registration of residence. She said that she and her two children had to sleep at a train station for two days until she found out about a nongovernmental shelter which accepted her without registration.<sup>172</sup>

A staffer at a nongovernment shelter in Moscow region noted that few victims of domestic violence are strong enough to go through the entry approval procedure.<sup>173</sup> The staffer shared with Human Rights Watch the story of a woman from outside of Moscow, who, after fleeing a situation of severe violence at home ended up in a “torturous” two-week long procedure of trying to get accepted into the state shelter in Moscow. At one point, she had

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<sup>170</sup> Balmforth, Tom "Brutal Killing in Russia Highlights Lack of Domestic Violence Law." Radio Free Europe/RadioLiberty, January 28, 2013. <http://www.rferl.org/content/russia-brutal-killing-domestic-violence-law/24885552.html> (accessed January 2018, 2018).

<sup>171</sup> Human Rights Watch interview with Nina (location withheld), December 15, 2018.

<sup>172</sup> Human Rights Interview with Inga (location withheld), December 11, 2017. Interview on file with Human Rights Watch.

<sup>173</sup> Human Rights Watch interview (name, organization and title of the staffer withheld), Moscow, June 22, 2018.

to speak before a commission of several officials, who asked her detailed, at times intrusive, questions about her situation in order to establish whether she qualified for help. She was eventually admitted to the shelter.<sup>174</sup>

Another example is Nadezhda from Nizhny Novgorod, who was married to her husband for 14 years and had three children with him. Throughout their marriage, Nadezhda's husband hit and verbally abused her, controlled her whereabouts and all the family finances, and repeatedly locked her up in the apartment to prevent her from leaving. Nadezhda said that between 2010 and 2016, she regularly saw a psychologist who told her to “work” on her “attitude” and avoid “provoking” conflicts. The psychologist also advised her to return to her husband for the sake of the children (she attempted three times to leave her husband during that time). In 2016, Nadezhda finally left her husband with her three children and tried to get accepted into the Nizhny Novgorod “crisis apartment,” the only one of its kind in the city. She said that the process of getting accepted took one month and involved her going back to the police for documents confirming that her husband had abused her, as well as a referral from the social services, whose staff acted condescendingly and treated her with suspicion. She described the process as “exhausting and humiliating.”<sup>175</sup>

NGOs that work with survivors of domestic violence in Arkhangelsk and St. Petersburg also said that it was exceedingly difficult for survivors to access state-run shelters.

The municipal shelter where Natalia, whose story is described above, sought help, called Rodnik positioned itself as a low-threshold shelter for women in various types of crisis situations. A local NGO that works to support families in crisis, Novy Vzglyad, said that they had referred 10 women to the center, but none were able to get access due to lack of local registration, absence of one of the required medical certificates or, as in Natalia's case, failure to prove “need.”<sup>176</sup>

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<sup>174</sup> Ibid.

<sup>175</sup> Human Rights Watch interview with Nadezhda, Nizhny Novgorod, April 16, 2018.

<sup>176</sup> Human Rights Watch interview with Olga Bobretsova, head of Novy Vzglyad, Arkhangelsk, June 5, 2018.

The director of a nongovernmental crisis center in St. Petersburg said it can take two weeks or longer for survivors of domestic violence to get access to one of the city's "crisis apartments" that function as shelters.<sup>177</sup>

During a meeting with Human Rights Watch, a senior official from the Ministry of Labor said that available state-operated shelters are frequently not filled to capacity. As an example, the official referred to the Crisis Center for Assistance to Women and Children in Moscow, which, despite its "very low" acceptance threshold and its capacity to provide 30 shelter beds for a period of up to 60 days, is rarely filled to capacity.<sup>178</sup> She attributed this in part to lack of awareness about domestic violence and about the existence of the shelter.

Staff from two nongovernmental crisis centers from central Russia said that while the state-run crisis center had "excellent" facilities and qualified staff, the procedure of getting access to it is too difficult and ends in rejection of at least 50 percent of survivors of domestic violence, who then seek help at nongovernmental shelters. Staff at the government facility do frequently refer those who were rejected to the nongovernmental shelters.

A head of one of the nongovernmental centers told Human Rights Watch:

They [the governmental shelter] have all these incredible facilities: . . . recreational services, security. And yet they reject people for one or another bureaucratic reason and send them to us. I can understand that they need to operate within the guidelines that they are given, but the threshold of acceptance to state shelters simply must be lowered, because if nobody can get it, what's the point in having them?<sup>179</sup>

Not all state-run shelters have such exceedingly high thresholds. In some regions, state shelters appear to have a lower threshold and are more accessible. In Vladivostok, for

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<sup>177</sup> Human Rights Watch interview with Elena Bolyubakh, head of the Crisis Center for Women, St Petersburg, December 5, 2017.

<sup>178</sup> Human Rights Watch interview with officials from the Ministry of Labor and Social Protection of the Russian Federation, Moscow, May 21, 2018.

<sup>179</sup> HRW interview with staff of a nongovernmental shelter in central Russia (name, position and organization withheld), June 22, 2018.

example, a state-run social rehabilitation center for children that has a low entry threshold, Parus Nadezhdy, also accepts women. The center provides a wide range of services. As far as assisting families is concerned, the center provides shelter spaces.<sup>180</sup> The center's director said that the organization's shelter can accommodate two families in two rooms with five spaces in each. She also said that the center can accommodate women with or without children, provide them with psychological support and legal assistance, and that they never turn away women who need help. However, the director also emphasized that the center offered "family reunification" services, which under certain circumstances can put women in domestic violence situations at risk. Also, other service providers in the region told Human Rights Watch that they were not aware that Parus Nadezhdy, which is known for service provision to children in difficult life situations, also functions as a shelter for women and that they do not refer women there.<sup>181</sup>

### *Putting Survivors at Risk*

Some shelters deliberately restrict access to survivors in situations of acute domestic violence because of safety and security concerns, thus jeopardizing their ability to access help in life-threatening situations. Human Rights Watch documented several cases where state facilities refused to accept women in dire situations because of the danger posed by their abusers or failed to ensure the safety of victims of domestic violence. Compounded by the lack of action by the police, such situations left already vulnerable victims increasingly exposed to danger.

Alyona, from the Samara region of Russia, was physically and sexually abused by her partner for five years, between 2013 and 2017. He beat her severely and started raping her after she had their first child and said that she did not want any more children. Three more children were born as the result of these rapes. She called the police repeatedly and complained to the local child services, who told her to reconcile with her husband because her four children needed a father. In 2017, a court fined Alyona's husband for battery in the amount of 5,000 rubles (approximately \$79) but when he refused the pay, the bailiffs took the money from Alyona. According to Alyona, her husband was emboldened by this experience and became even more violent. Fearing for her life, she escaped to a state-run

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<sup>180</sup> HRW interview with Natalia Pankova, director of "Parus Nadezhdy", Vladivostok, April 10, 2018. Interview on file with HRW.

<sup>181</sup> For more information, see "Inter-agency cooperation" section below.

shelter in Samara, but after reviewing her situation, the shelter refused to accept her because of security concerns. The shelter staff also told Alyona that she was depriving her children of their father and told her to reconcile with her husband. She fled Samara for another part of Russia, where she spent several months in a nongovernmental shelter.<sup>182</sup>

Veronika, from the Moscow region, attempted to report her husband, the son of the local former police chief, several times, but law enforcement agencies refused to process her claims because of his affiliation with the police. She fled home twice, but both times, her husband's family forced her to return by threatening to kill her and injure her son. Eventually, after spending some months in a nongovernmental shelter, she received accommodation at a state-run facility. Her husband again located her. He came to the shelter one day and requested a meeting with her. Despite her request for strict confidentiality and anonymity, the staff of the center took the man in to see her. She described her feelings about her husband's visit as "being in shock."<sup>183</sup>

## Inter-Agency Cooperation

Government officials and NGO service providers agree that services for survivors of domestic violence are more effective when there is coordination among relevant state bodies and agencies, police, hospitals, social services, and the like, and when these bodies coordinate with NGOs that also provide services.

Effective inter-agency collaboration should mean that women who turn to any government or nongovernment body can obtain information about the full range of available protection and other services. Yet in the locations we cover in this report, Human Rights Watch found that a lack of coordination among agencies left women without adequate protection or access to, or even information about, services.

In Vladivostok, for example, according to local service providers and women's rights NGOs, the lack of coordination between different agencies that provide assistance to survivors of domestic violence results in serious gaps in services, especially in situations of acute

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<sup>182</sup> Interview on file with Human Rights Watch.

<sup>183</sup> Interview on file with Human Rights Watch.

danger. The director of a nongovernmental group that provides psychological and legal help to survivors of domestic violence said:

We've had situations where a woman has run away from home, literally in her slippers and nightgown, with bruises after her partner beat her, and no one, not the police, not medics who assisted her, referred her to Parus Nadezhdy [a local state facility which also operates as a shelter]. Unless she herself finds the information online, sometimes no one would tell her where she can go.<sup>184</sup>

The director added that their organization does not advertise their own services widely because of their limited capacity and said that women find them through word of mouth.<sup>185</sup>

Pskov provides a positive example of effective cooperation among different governmental agencies and between these agencies and nongovernmental service providers. The Pskov Independent Social Center for Women provides a range of services to victims of domestic violence, and also operates as a shelter, with 10 spaces for up to two months. The center's staff said that since opening in 2008, the shelter has helped at least 40 victims of domestic violence, many of whom were referred to the center by social services or police.<sup>186</sup> The center also conducts regular trainings for the police, and shares awareness-raising and information materials for victims of domestic violence with police.<sup>187</sup>

In Tyumen, a coalition of regional state and municipal bodies and nongovernment groups working with victims of domestic violence collaborated to draft guidelines for provision of social services to women and children in situations of family violence in the Ural region.<sup>188</sup> Importantly, the guidelines identify domestic violence as a "major societal and political issue" rather than a "private matter" and state that social services' chief priority is to

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<sup>184</sup> Human Rights Watch interview with Svetlana Bazhenova, head of the "Far-east center for developing civic initiatives and social partnerships," Vladivostok, April 2, 2018.

<sup>185</sup> Ibid.

<sup>186</sup> Human Rights Watch interview with Elena Yablochkina, head of the "Pskov Independent Social Center for Women," Pskov, March 15, 2018.

<sup>187</sup> Ibid.

<sup>188</sup> <http://www.kc-ekaterina.ru/ru/downloads/%D0%9C%D0%9F%20%D0%A1%D1%82%D0%B0%D0%BD%D0%B4%D0%B0%D1%80%D1%82%D1%8B.pdf> (accessed June 20, 2018).

restore women's physical well-being and social status. They emphasize the importance of cooperation among state institutions and organizations related to prevention with nongovernmental groups, the media, and the public. Among the standards listed in the guidelines are protection and security of victims, provision of services free of charge, the right to independent decision-making, availability of assistance, equal opportunity policies, specialized assistance, awareness and training of personnel and others.

## V. Russia's Human Rights Obligations

The Russian government's international obligations to prevent domestic violence as well as protect, support, and ensure access to justice for victims of domestic violence are stipulated in several international treaties to which Russia is a party.

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), calls on states to actively prevent and ban discrimination against women both in public and private spheres.<sup>189</sup> Russia is also party to the Convention on the Rights of the Child (CRC) and the Convention on the Rights of Persons with Disabilities (CRPD), both of which contain provisions against domestic violence, as well as the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), which contain provisions on the rights to life, health, physical integrity, and adequate standard of living, and prohibit discrimination and cruel, inhuman or degrading treatment or punishment.<sup>190</sup>

The CEDAW Committee, the UN expert body that monitors compliance with CEDAW, has emphasized in its General Recommendations No. 19 and No. 28 that gender-based violence, in public or in private, is a form of discrimination and may be considered a violation of the convention.<sup>191</sup> In its recommendations, the committee has specifically called on states to establish comprehensive legal frameworks, train state officials in their

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<sup>189</sup> Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted Dec. 18, 1979, G.A. res. 34/180, 34 UN GAOR Supp. (no. 46) at 193, UN Doc. A/34/46, entered into force September 3, 1981, ratified by Russian Federation January 23, 1981, art. 2.

<sup>190</sup> Convention on the Rights of the Child (CRC), adopted November 20, 1989, G.A. Res. 44/25, annex, 44 U.N. GAOR Supp. (no. 49) at 167, UN Doc. A/44/49 (1989), entered into force September 2, 1990, ratified by Russian Federation August 16, 1990, art. 2; Convention on the Rights of Persons with Disabilities, adopted December 13, 2006, G.A. Res. 61/106, entered into force May 3, 2008, ratified by Russian Federation September 25, 2012, art. 16.; International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 UN GAOR Supp. (No. 16) at 52, UN Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, ratified by Russian Federation October 16, 1973; International Covenant on Economic, Social, and Cultural Rights, adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 UN GAOR Supp. (No. 16) at 52, UN Doc. A/6316 (1966) 993 U.N.T.S. 3, entered into force January 3, 1976, ratified by Russian Federation October 16, 1973; Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (Convention against Torture), adopted December 10, 1984, G.A. res. 39/46, annex, 39 U.N. GAOR Supp. (no. 41) at 197, U.N. Doc. A/39/51 (1984), entered into force June 26, 1987, ratified by Russian Federation March 3, 1987.

<sup>191</sup> CEDAW Committee, General Recommendation No. 19; CEDAW Committee, General Recommendation No. 28, on the core obligations of States parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, UN Doc CEDAW/C/GC/28 (December 16, 2010), para. 19.

implementation, and establish or financially support services for victims.<sup>192</sup> The committee also encourages “the compilation of statistics and research on the extent, causes and effects of violence, and on the effectiveness of measures to prevent and deal with violence.” As described elsewhere in this report, Russia’s lack of a standalone offense or even definition of domestic violence makes it nearly impossible for the authorities to gather consistent data on it.<sup>193</sup>

The UN committee responsible for monitoring implementation of the ICESCR has similarly stated that the convention’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.”<sup>194</sup>

In its 2015 review of Russia, the CEDAW Committee expressed concerns at “the high prevalence of violence against women, in particular domestic and sexual violence... and the lack of statistics disaggregated by age, nationality, and relationship between the victim and the perpetrator and of studies on its causes and consequences.”<sup>195</sup> Russia was requested to provide a follow-up to its 2015 report responding to the committee’s concerns by November 20, 2017.<sup>196</sup> Russia’s next full report to the committee is expected in November 2019.<sup>197</sup>

Russia has also ratified the Optional Protocol to CEDAW, which allows the CEDAW Committee, the relevant UN expert body, to investigate “grave or systematic violations” of the convention.<sup>198</sup> In 2015, a Russian woman submitted a complaint to the CEDAW

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<sup>192</sup> CEDAW Committee, General Recommendation No. 19, arts. 24(b), 24(t).

<sup>193</sup> Ibid, art. 24(c).

<sup>194</sup> CESCR, General Comment No. 16 (2005), Substantive Issues Arising in the Implementation of the International Covenant on Economic, Social, and Cultural Rights: The equal right of men and women to the enjoyment of all economic, social, and cultural rights (art. 3 of the International Covenant on Economic, Social, and Cultural Rights), UN Doc E/C.12/2005/4 (August 11, 2005), para. 27.

<sup>195</sup> CEDAW, “Concluding observations on the eighth periodic report of the Russian Federation,” CEDAW/C/RUS/8, C.21-22. November 20, 2015. para. 21.

<sup>196</sup> “2017 Deadlines for the submission of documentation for Russian Federation CEDAW,” accessed April 13, 2018, [http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/MasterCalendar.aspx](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/MasterCalendar.aspx).

<sup>197</sup> CEDAW, “Concluding observations on the eighth periodic report of the Russian Federation,” November 20, 2015. para. 55.

<sup>198</sup> Optional Protocol to the Convention on the Elimination of Discrimination Against Women, adopted October 6, 1999, G.A. res. 54/4, annex, 54 U.N. GAOR Supp. (No. 49) at 5, U.N. Doc. A/54/49 (Vol. I) (2000), entered into force December 22, 2000, ratified by Russian Federation July 28, 2004, art. 8.

Committee after the police repeatedly refused to intervene when her partner threatened and abused her. In her case, *O.G. v. Russian Federation*, the committee found that Russia had violated the terms of the convention by failing to provide a legal framework for domestic violence that would have compelled authorities “to act in a timely and adequate manner, and to protect the author from violence and intimidation.” The committee also stated in its review of the case that the amendments to national legislation decriminalizing battery “go in the wrong direction and lead to impunity for perpetrators.”<sup>199</sup> Another complaint against the Russian Federation pertaining to domestic violence, submitted in 2016, is currently pending before the committee.<sup>200</sup>

The Convention on the Rights of the Child specifically prohibits violence against children, including in the family.<sup>201</sup> In a 2014 review of Russia, the UN Committee on the Rights of the Child urged Russia to prioritize the elimination of all forms of violence against children, noting concern that “corporal punishment remains lawful in the home and in alternative care settings,” and criticizing the lack of a nationwide coordinating framework to address all forms of violence against children.<sup>202</sup>

Following the 2004 visit to Russia of the UN special rapporteur for violence against women, the rapporteur in a final report called for the adoption of specific legislation on domestic violence providing protection and access to services for survivors and accountability for perpetrators, amendment of housing legislation to help victims escape their abusers, establishment and support of shelters and crisis centers, and gender-sensitivity training for public officials.<sup>203</sup>

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<sup>199</sup> *O.G. v. Russia*, Committee on the Elimination of Discrimination against Women, Communication No. 91/2015, Views adopted by the Committee at its sixty-eighth session, 23 October – 17 November 2017, para. 7.6-7.

<sup>200</sup> “Table Of Pending Cases Before The Committee On The Elimination Of All Forms Of Discrimination Against Women, Considered Under The Optional Protocol To The Convention On The Elimination Of All Forms Of Discrimination Against Women (Op-Cedaw),” accessed April 13, 2018, <http://www.ohchr.org/Documents/HRBodies/CEDAW/PendingCases.docx>.

<sup>201</sup> CRC, art. 2.

<sup>202</sup> Committee on the Rights of the Child, “Concluding observations on the combined fourth and fifth periodic reports of the Russian Federation,” CRC/C/RUS/CO/4-5, February 25, 2014, paras. 32, 34(b).

<sup>203</sup> UN Commission on Human Rights, Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk, Mission to the Russian Federation, E/CN.4/2006/61/Add.2, January 26, 2006, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/Go6/104/47/PDF/Go610447.pdf?OpenElement> (accessed April 13, 2018), p. 2, pp.22-23.

At time of writing, 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 Convention on Preventing and Combating Violence against Women and Domestic Violence, known as the Istanbul Convention, a groundbreaking and comprehensive treaty on domestic violence.<sup>204</sup> The Istanbul Convention defines, prohibits, and criminalizes a broad spectrum of violence against women, including by family members or partners, prioritizes prosecution of perpetrators, and requires state parties to work to change domestic attitudes and practices. Although Russia has not ratified the treaty it was in the negotiations preceding the convention from 2008 to 2010, also then expressing reservations about multiple aspects of the proposed legislation, including gender-based asylum claims.<sup>205</sup> In December 2017, High Commissioner for Human Rights in the Russian Federation Tatiana Moskalkova spoke in favor of Russia ratifying the Istanbul Convention, stating that she saw “no dangers or obstacles to our joining the Council of Europe’s voice on this issue.”<sup>206</sup>

Russia is party to the European Convention for the Protection of Human Rights and Fundamental Freedoms, which requires states to provide protection against inhuman treatment, violations against personal integrity and the family, access to effective remedies for violations, and includes other provisions relevant to domestic violence (e.g. “peaceful enjoyment of property,” “liberty of movement and freedom to choose one’s residence,” “equality of rights and responsibilities as between spouses” in Protocols Nos. 1, 4, and 7).<sup>207</sup>

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<sup>204</sup> “Chart of signatures and ratifications of Treaty 210: Council of Europe Convention on preventing and combating violence against women and domestic violence,” Council of Europe, <https://www.coe.int/fr/web/conventions/full-list/-/conventions/treaty/210/signatures> (accessed April 6, 2018).

<sup>205</sup> Council of Europe, Ad Hoc Committee On Preventing And Combating Violence Against Women And Domestic Violence (CAHVIO): Report of the 8th Meeting,” Strasbourg, December 13-17, 2010, <https://rm.coe.int/1680593f8f> (accessed April 6, 2018), para. 8.

<sup>206</sup> “High Commissioner took part in ‘Women Against Violence’ conference” (“Уполномоченный приняла участие в конференции ‘Женщины против насилия’”), High Commissioner for Human Rights in the Russian Federation, December 7, 2017, [http://ombudsmanrf.org/news/novosti\\_upolnomochennogo/view/upolnomochennyj\\_prinjala\\_uchastie\\_v\\_konferencii\\_acirc\\_zhenshhiny\\_protiv\\_nasilijaacirc](http://ombudsmanrf.org/news/novosti_upolnomochennogo/view/upolnomochennyj_prinjala_uchastie_v_konferencii_acirc_zhenshhiny_protiv_nasilijaacirc) (accessed April 6, 2018).

<sup>207</sup> European Convention for the Protection of Human Rights and Fundamental Freedoms, 213 U.N.T.S. 222, entered into force September 3, 1953, as amended by Protocols Nos 3, 5, 8 and 11 which entered into force on September 21, 1970, December 20, 1971, January 1, 1990, and November 1, 1998, respectively, ratified by Russian Federation May 5, 1998; Protocol No. 1 to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms, E.T.S. 009, entered into force May 18, 1954, ratified by Russian Federation March 22, 1989; Protocol No. 4 to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms, E.T.S. 046, entered into force September 16, 1963, ratified by Russian Federation May 5, 1998; Protocol No. 7 to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms, E.T.S. 117, entered into force November 11, 1988, ratified by Russian Federation May 5, 1998.

In the case of *Udalova v. Russia*, which was communicated to the Russian government in September 2015, a Russian woman who had been a victim of domestic violence at the hands of her husband, a police officer, alleged that authorities had failed to deal properly with her case. In its notice to the Russian government, the Court raised concerns about violations of multiple provisions of the Convention on Human Rights, including the prohibition of inhuman or degrading treatment, the right to a fair trial, the right to respect for private and family life, and the right to an effective remedy.<sup>208</sup>

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<sup>208</sup> *Udalova v. Russia*, European Court of Human Rights, Application no. 20289/10, March 31, 2010, <http://hudoc.echr.coe.int/eng?i=001-157493> (accessed September 20, 2018).

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# “I Could Kill You and No One Would Stop Me”

## Weak State Response to Domestic Violence in Russia

In Russia, like elsewhere, domestic violence affects all people, regardless of class, age, ethnicity, or other attributes, yet it is still viewed as a private, “family” matter. Based on interviews with domestic violence survivors, practicing lawyers, women’s rights advocates, service providers, government officials and academics, *“I Could Kill You and No One Will Stop Me”* finds that Russia’s law enforcement, judicial and social systems do not adequately protect or support women who face physical violence and other abuse at the hands of their partners. There is no law on domestic violence. Police often treat domestic violence survivors with hostility, refusing to register or investigate their complaints of abuse. They also funnel victims who wish to prosecute into the unfair and burdensome process of private prosecution, for which the victim must gather all necessary evidence and bear all costs. Russian state services fail to ensure support for many survivors of domestic violence, and the law does not provide for protection orders. Legislative amendments adopted in 2017 decriminalizing first battery offenses among family made it harder for women to seek prosecution of their abusers and weakened protections for victims. Human Rights Watch calls on the Russian parliament to adopt a law that treats domestic violence as a stand-alone criminal offense to be investigated and prosecuted by the state. It should also adopt legal provisions creating both immediate and longer-term protection orders. Russian authorities should ensure that police respond effectively to reports of domestic violence and that women facing domestic violence, including in rural areas, have effective access to support services, including, if needed, emergency temporary shelter.