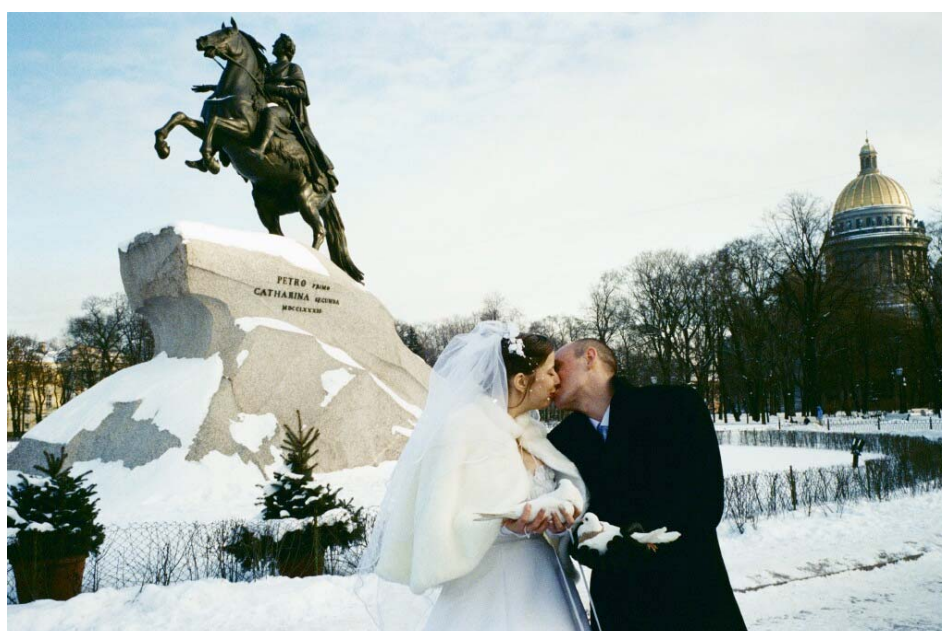

amnesty international

Russian Federation:

Nowhere to turn to

Violence against women in the family



© Marie Dorigny



AI Index: EUR 46/056/2005

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 0DW, UNITED KINGDOM

TABLE OF CONTENTS

Introduction	4
Nowhere to turn to – Anna’s story	7
Background	9
Violence against Women in the Family is a Human Rights Violation	10
The Russian Federation’s Obligations under International Law.....	11
International Organizations.....	13
Special Procedures of the UN Commission on Human Rights (CHR)	13
Council of Europe.....	13
Russian legal framework	14
Scale of the problem	20
Government statistics	20
Statistical research into violence against women in the family	200
“Justification” of Violence against Women in the Family	23
Housing problems.....	23
Alcohol	25
Gender stereotypes	27
Prevalence of violence in society	322
Obstacles to Justice	344
Police inaction.....	344
Refusal to take up a complaint.....	366
Failure to act appropriately	388
Lack of restraining orders and other measures of immediate protection	399
Lack of support for women who seek redress.....	40
Justices of the peace	411
A botched trial.....	444
Protection mechanisms	466
Hotlines and shelters.....	466
Helping women to help themselves.....	477
Role of non-governmental organizations	49
Recommendations	522

“How did I end up in this cage, chained?” - Oksana, 54 years old, Russian Federation

Introduction

Every hour a woman in the Russian Federation dies at the hand of a relative, her partner or former partner. Violence against women in the family¹ occurs in all 89 regions of the Russian Federation. It occurs in families of different social spheres and ethnic backgrounds; it is not a private matter but affects society as a whole. Amnesty International is concerned that throughout the Russian Federation, too little is done to prevent violence in the family, to protect those who have become victims and to bring to account perpetrators of violence in the family. Violence against women in the family is a human rights violation, a form of discrimination which states are obliged to act against under international law. The Russian Federation is a party to a number of treaties which oblige the state to protect those under its jurisdiction from human rights abuses, including from violence in the family. This includes the obligation to take measures to prevent acts of violence against women in the family and to provide protection for victims of such abuses. Such measures should include, but are not limited to public awareness raising and training of law enforcement officials, the enactment of specific legislation and the funding of shelters, hotlines and other services for victims of violence in the family.

This report is based on research in several regions – Karelia, St Petersburg, Moscow and Altai – where Amnesty International found that some positive measures have been taken to improve protection and support mechanisms for victims of violence in the family. Among those who helped Amnesty International to conduct its research are the following: Women’s Alliance (Barnaul), St. Petersburg Crisis Centre for Women, Citizen’s Watch and Aleksandra (all St. Petersburg), ANNA (Moscow), Femina (Naberezhnie Chelny), the Karelian Centre for Gender Studies as well as the police in St. Petersburg, Petrozavodsk and the regional administration of the Altai region. Local and national women’s rights organizations provided information to Amnesty International, including some good examples on how they have worked to

¹ Violence against women in the family or domestic violence includes, but is not limited to: battering by intimate partners, sexual abuse of female children in the household, dowry-related violence, marital rape and female genital mutilation and other traditional practices harmful to women. The violence may be physical, economical, psychological and sexual. It may be manifested through deprivation or neglect as opposed to overt acts of violence or harassment. These are not mutually exclusive categories. Physical violence by an intimate partner is often accompanied by sexual violence, deprivation, isolation and neglect, as well as by psychological abuse.

achieve change in some areas. However, Amnesty International remains concerned that there is no adequate systematic approach to the problem of violence against women in the family on the federal, regional and local level. There seems to be a lack of political will to put an end to violence against women in the family. Too often the opening of a shelter, the establishment of a hotline or the cooperation between women's crisis centres and the police have only happened because of the efforts of individual people, who are dedicated to provide support and protection to women, who have become victims of violence in the family. Amnesty International is concerned that many support centres and women's organizations are threatened with closure since funds and government support have been withdrawn.²

This report is mainly based on research conducted by Amnesty International in December 2004 and early 2005, and is part of Amnesty International's worldwide campaign to Stop Violence Against Women. As well as female victims of violence in the family and women's organizations, Amnesty International's representatives interviewed police officers, judges, procurators, forensic experts, local officials, social workers, lawyers, workers in women's crisis centres and shelters, human rights activists and journalists. The report focuses on physical forms of violence against women in the family; however, most of the women who spoke to Amnesty International's representatives had also experienced other forms of gender-based violence, including sexual, psychological or emotional violence and economical dependency or deprivation, which are no less harmful to women's ability to fully enjoy their rights than physical violence.

Although all the victims cited in this report are women, this does not mean that they are the only victims of this form of violence. Children are often subjected to abuse by their parents, and men, too, can be victims of violence in the family. However, domestic violence or violence in the family is considered a gender-based violence; that is, it is directed against a woman because she is a woman or it affects women disproportionately.³ It is not confined to any particular political or economic system, but is a form of violence that is prevalent in every society in the world and cuts across boundaries of wealth, race and culture. As the UN Special Rapporteur on violence against women, its causes and consequences stated:

(22). According to the myth of the family as a sanctuary of tranquillity and harmony, domestic violence is a veritable incongruity, a contradiction in

² According to ANNA, the national centre for the prevention of violence, 18 non-governmental organizations, working on issues around violence against women in the family, closed in 2005 due to lack of funding.

³ CEDAW, General Recommendation No 19, 1992, UN DOC A/47/38.

terms. Violence shatters the peaceful image of the home, the safety that kinship provides. None the less, the insidious nature of domestic violence has been documented across nations and cultures worldwide. It is a universal phenomenon.

(23). Domestic violence is violence that occurs within the private sphere, generally between individuals who are related through intimacy, blood or law. Despite the apparent neutrality of the term, domestic violence is nearly always a gender-specific crime, perpetrated by men against women. When the reverse occurs and women strike out against their male partners, such incidents barely influence statistics of the gender-specific nature of domestic violence. In any case, such incidents most often occur when women attempt to physically defend themselves against their abusive partners.⁴

The first major opinion poll on violence within marriage, carried out in the Russian Federation in 2002-2003, found that women used violence against men much less than men against women and that the physical consequences of these beatings were less damaging.⁵ The majority of women who assaulted their husbands had themselves been subjected to violence by them. Only three per cent of women who assaulted their husbands had not been beaten by them.

The women who were interviewed by Amnesty International have not agreed to have their names published. They felt embarrassed that they were living in a violent relationship and thought that public opinion would blame them for the situation they were in as well as for making their situation known to a wider audience. Several women continue to live with their violent partner and risk reprisals by speaking to a human rights organization. The women who gave their testimonies to Amnesty International did so to help other women and to contribute to setting up effective mechanisms for combating violence against women in the family. All cases referred to in this report are from recent years.

⁴ Report of the Special Rapporteur on violence against women, its causes and consequences to the 52nd session of the UN Commission on Human Rights (UN CHR), UN DOC E/CN.4/1996/53.

⁵ Gorshkova, I. Shurygina, I.: *Nasilie nad zhenami v sovremennykh rossiskikh semiakh*. Moscow 2003.



Candlelight vigil in front of the Russian embassy, Budapest, Hungary, to protest against violence against women in the family in the Russian Federation. © AI

Nowhere to turn to – Anna’s story

“You are just trying to solve your family problems at our expense”

The first time Anna’s husband hit her, he apologized. The couple had married in 1986 and have two sons aged 12 and 19. Later he made a habit of beating and insulting her, and whipped the children for minor offences. Several times, the bruises on her face left Anna too ashamed to go to work. For years, Anna tried to live with the problem, ordering the children to be silent in their father’s presence and trying to avoid potential conflict. But when Anna’s husband lost his job in 2003 due to alcoholism, he drank even more and his aggression increased.

In December 2003, after her husband had threatened to set her on fire, Anna finally decided to file for a divorce. Incensed at her action, her husband destroyed the family’s possessions, including dishes and clothes.

In March 2004, a week after the couple had been officially divorced, she returned with her older son to the flat, as she had nowhere else to go. Her ex-husband told her that he did not recognize the divorce and that he was going to have sex with her. During the incurring argument he doused her with inflammable liquid and tried to set her alight. While Anna had witnesses who could confirm what had happened, the police told her they could not do anything, because he “had not committed a crime”. According to Anna, the police did not pay attention to the fact that he had a lighter nor did they check her coat which was soaked in the liquid.

Anna believes that her decision to divorce him exacerbated his behaviour. “While we were living together we were like marionettes for him,” she said, “what he demanded we would do. Now we were moving out of his control and he could not accept it.”

Anna and her older son continued to live in one room in the small flat, while her ex-husband lived in the other room. On 29 March 2004 Anna returned from work and reportedly found her ex-husband with his brother drinking in the kitchen. She asked the two men if they could leave the kitchen so that she could make dinner. Her request led her ex-husband to attack her with a pike.

This time the police treated the incident as an attempt to kill Anna. It was alleged that her ex-husband had brought the pike to the flat to attack her. A criminal case under Article 119 of the Russian Criminal Code (threat to murder or inflict serious bodily harm) was opened against him. In July Anna’s ex-husband was sentenced to a one-year suspended prison term.

However, one evening in summer 2004, after her ex-husband had been convicted, he tried to attack her. The police did little more than take him down to their car to speak to him for a while. The next morning he entered her room as she was leaving for work. He had a knife in his hand and told her that he would kill her. She tried to escape but he caught her and tried to throw her out of the window. When the police came, they told her that they could not do anything. Apparently, they were not aware that he had been convicted.

Anna asked the Department for the Execution of Punishment at the Ministry of Justice (GUIN) how it was possible that no measures were being taken against her ex-husband after he had been given a conditional sentence and continued to use violence. She was told that the GUIN had not received the court decision regarding her husband, and that they were unable to take action against her husband without this document. It appeared that the verdict had not been sent on by the court as is required by the relevant rules of procedure.⁶

On 29 October 2004 Anna’s ex-husband attacked her and injured one of her friends. The two women ran to Anna’s room and barricaded the door, but he poured oil in front of it and set it aflame. As he was reportedly very drunk, the two women

⁶ During its research Amnesty International learned about other cases, where the court failed to inform the police about convicted perpetrators of violence against women, as a result of which the men continued to abuse their partners with de facto impunity.

managed to get out of the room. They tried to put out the flames and warned the neighbours who called the police. The police reportedly had to chain Anna's ex-husband to a railing in the corridor while taking statements from the two women and the neighbour. A criminal case was opened into the beating of Anna's friend. The attempt to burn the flat was dismissed by a judge, who allegedly said, "You are just trying to solve your family problems at our expense."

On 11 February 2005 Anna's ex-husband was finally sentenced to a year in prison. When taking her decision, the judge took the many reported acts of violence committed by Anna's ex-husband into consideration.

Anna's husband continues to receive a lot of sympathy from others. His sister reportedly told her, "He has such a difficult life, he does not have work and he is an alcoholic, but you – you are an active woman, you have work and continue your studies. You need to take better care of him, so that everything will be as it used to."

Anna says that other victims of violence in the family told her: "That is our fate. If he is aggressive, you should just go shopping until he calms down." She said: "Women, including female judges, do not show solidarity. They consider I should solve my problems myself. Four times in 2004 the police and judges of the peace refused to open a criminal case."

Background

Violence against women in the family is not a new phenomenon in the Russian Federation. It existed during tsarist times as well as in the Soviet Union. Today, some people claim that the basis for this form of violence was laid in the 16th century, when the so-called *Domostroi* was written, a manual on how to discipline family and servants. Legal practice and existing codes of conduct in society affirmed the right of husbands to beat their wives. In the 19th century, a number of writers raised concerns about the effects violence in the family had on the lives of women in the Russian Empire. However, the discussions remained theoretical.⁷

Some of the people interviewed by Amnesty International stated that violence against women in the family allegedly did not exist during Soviet times, claiming that violence against women in the family is a by-product of political instability, economic

⁷ Marina Pisklakova, Andrei Sinelnikov, *Mezhdú molchaniem i krikom. Istoriia, kul'tura, politika i domashnee nasilie*, Moscow, 2004.

hardship and the loss of state control over people's lives. Most, however, recognized that it was not a "new" issue. During the early years of the Soviet Union, it was thought that violence against women in the family would be eradicated in a society where men and women were equal. Violence against women in the family was considered inherently bourgeois and was not recognized as a problem the authorities needed to tackle.⁸

In 1999, Larisa Boichenko from the Karelian Centre for Gender Studies organized one of the first information seminars on violence against women in the family. It was attended by women who worked in local and regional administration or social services. According to Larisa Boichenko, several women started crying during the seminar and explained that they themselves were in a violent relationship and had not realized that they had the right to live without violence. One woman said she did not know how to continue her life, knowing that the violence she experienced did not have to be the norm.

That same year, the UN Special Rapporteur on violence against women noted that in the Russian Federation:

*'...according to information provided, the government has no clear strategy for addressing violence against women generally or domestic violence specifically. According to one report the law enforcement system 'creates numerous and substantial obstacles' to combating violence against women [...] Reportedly, a further obstacle is entrenched distrust of those linked to the State, such as the police, lawyers and the courts, because of recent history, when all were used as tools for State oppression.'*⁹

Violence against Women in the Family is a Human Rights Violation

Violence against women in the family is not a private matter but a human rights violation. Where it occurs, human rights are not fully protected. Respect of human rights and access to a full enjoyment of human rights and freedoms only exists where women can find protection from violence in the family.

⁸ Ibid.

⁹ Report of the SR VAW to the 55th session of the UN CHR (1999), UN Doc. E/CN.4/1999/68

The Russian Federation's Obligations under International Law

The Russian Federation is a party to international and regional human rights treaties, all of which require the government of the Russian Federation to protect, respect and fulfil the human rights of those under its jurisdiction. The Constitution of the Russian Federation, which came into force in 1993, guarantees those under its jurisdiction rights and freedoms “in accordance with generally respected principles and norms of international law” (Article 17). The following treaties, a non-exhaustive list of the treaties which the Russian Federation has ratified, are relevant to the analysis in this report:

- The International Covenant on Civil and Political Rights (ICCPR);
- The 1st Optional Protocol to the ICCPR, which authorizes the Human Rights Committee (HRC) to hear individual complaints;
- The Convention on the Elimination of All Forms of Discrimination against Women; and its Optional Protocol, which recognizes the competence of the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) to receive and consider communications submitted by individuals and groups of individuals;
- The European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and its protocols.

The Convention on the Elimination of All Forms of Discrimination against Women (Women's Convention) requires States Parties to “adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women” (Article 2(b)). As General Recommendation No. 19 of CEDAW emphasizes that the definition of discrimination against women in Article 1 of the Women's Convention includes gender-based violence, State Parties are under a legal duty to provide protection for the victims of violence against women and not to allow acts of violence to be committed with impunity, whether the perpetrator is a state agent or a private individual. The Russian Federation is a State Party to numerous international human rights treaties, including the Women's Convention and its Optional Protocol. The Russian Federation is also a member of the Council of Europe and a State Party to the European Convention on Human Rights and Fundamental Freedoms (ECHR). These treaty obligations require the Russian Federation to respect, protect, promote and fulfil the human rights of everyone within

its jurisdiction. It must act with due diligence to prevent and investigate violence against women and to hold perpetrators of violence accountable.¹⁰

Under the Women’s Convention, legislation must not discriminate against women,¹¹ and women and men must be equal before the law.¹² However, this means that even if the Russian Federation’s laws are gender-neutral, if they discriminate against women in practice and if they facilitate impunity for violence against women in the family, the Russian Federation should introduce appropriate legislation to remove this discrimination. A specific law prohibiting violence in the family would prevent violence against women more effectively than the current regime of gender-neutral laws in the Russian Federation which fail to recognize this form of violence as a specific crime and a human rights violation. Article 5 of the Convention requires that the state take all appropriate measures:

“(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;”

The Russian Federation is therefore obliged to challenge those aspects of its culture which reinforce hierarchical stereotypes, and which dissuade women from seeking remedies that will protect them from further violence.

The Russian Federation’s obligations to prevent violence against women in the family, to investigate such violations and to provide redress extend to the provision of shelters¹³, to the staffing of hotlines, and to the training of law enforcement officers and public officials.¹⁴ It also includes the provision of civil remedies such as restraining orders, protecting women victims of violence in the family from renewed violence.

¹⁰ UN Declaration on the Elimination of Violence against Women (DEVAW), UN General Assembly resolution 48/104, Article 4 (d); *Making Rights a Reality: the Duty of States to Address Violence against Women*, Amnesty International, June 2004, Amnesty International Index: ACT 77/049/2004, page 15

¹¹ Women’s Convention, Article 2 (f) and (g)

¹² Women’s Convention, Article 15

¹³ DEVAW Article

¹⁴ DEVAW Article 4 (i)

International Organizations

Special Procedures of the UN Commission on Human Rights (CHR)

The UN Special Rapporteur on Violence against Women, its Causes and Consequences visited the Russian Federation in December 2004. During her visit she met with government officials, women's organizations and victims of violence against women. While a report on this visit has not yet been published, the Special Rapporteur noted in her initial observations that

“[v]iolence against women and sex discrimination are still low on the State agenda” and recommended among others to “prioritize women’s rights in judicial and non-judicial mechanisms, policies and programmes [and to] amend legislation in conformity with international standards, exact legislation, specifically criminalizing domestic violence and provide shelters for those in need.”¹⁵

Council of Europe

The Council of Europe will conduct a campaign in 2006 to combat domestic violence against women throughout its 46 member states, which include the Russian Federation. In October 2004, the Parliamentary Assembly of the Council of Europe (PACE) noted a worrying escalation in domestic violence throughout Europe, and pledged itself to this campaign.¹⁶ The European Court of Human Rights has in a number of cases found a violation of the right not to be subjected to torture or to cruel, inhuman and degrading treatment or punishment (Article 3), where the perpetrator was a relative of the victim. The Court also found violations of the right to a fair trial (Article 6.(1)) in cases where the state had failed to respond with due diligence to acts of violence against an individual by a private individual.¹⁷ The Court noted that:

*“the first sentence of Article 2 § 1 [of the ECHR] enjoins the State not only to refrain from the intentional and unlawful taking of life, but also to take appropriate steps to safeguard the lives of those within its jurisdiction (see the L.C.B. v. the United Kingdom judgment of 9 June 1998, *Reports of Judgments and Decisions* 1998-III, p. 1403, § 36). It is common ground that the State’s obligation in this respect extends beyond its primary duty to*

¹⁵ Press release of the UN Office of the High Commission on Human Rights, 24 December 2004: UN Women’s Rights Expert concludes visit to Russian Federation.

¹⁶ CoE Recommendation 1681, Campaign to combat domestic violence against women in Europe. 8 October 2004.

¹⁷ <http://cmiskp.echr.coe.int/tpk197/search.asp?skin=hudoc-en>

secure the right to life by putting in place effective criminal-law provisions to deter the commission of offences against the person backed up by law-enforcement machinery for the prevention, suppression and sanctioning of breaches of such provisions. It is thus accepted by those appearing before the Court that Article 2 of the Convention may also imply in certain well-defined circumstances a positive obligation on the authorities to take preventive operational measures to protect an individual whose life is at risk from the criminal acts of another individual.”¹⁸

Russian legal framework

While it is possible to penalize someone for certain acts of violence that may occur in an intimate relationship, the Russian Federation does not have a specific law on violence in the family.¹⁹ Throughout the 1990s, some 40 different versions of a draft law on violence in the family have been discussed by women’s rights activists and by Russian parliamentarians, but none of these survived a first reading. In a letter to the UK section of Amnesty International, the Russian Ministry of Foreign Affairs wrote in 2003 that the Russian Parliament, the Duma, as well as a large part of the population, would consider a law on violence in the family as an interference with private family matters. It had therefore been decided not to pursue the introduction of such a law any longer. Amnesty International believes that it is the duty of the state to take action when the basic rights of those under its jurisdiction are violated, including when the abuse takes place in the family.

The Criminal Code of the Russian Federation has no specific definition of domestic violence or violence against women in the family. The Criminal Code makes few references to the relationship between the perpetrator and the victim of a crime. Cases of violence against women in the family are often considered by law enforcement officials as part of “violence in the private sphere” (*bytovoe nasilie*).²⁰ The expression “domestic violence” (*domashnee nasilie*) is used by women’s

¹⁸ European Court of Human Rights, case of *Osman vs. the United Kingdom* (87/1997/871/1083), 28 October 1998, para 115.

¹⁹ Amnesty International does not take a position on whether a specific law on violence in the family is the best way to combat violence against women in the family in all countries. In some countries, a combination of legal provisions and social services may help to prevent and punish acts of violence in the family. In other countries, specific laws have been introduced, which regulate the use of legal and social measures to combat violence against women in the family.

²⁰ *Bytovoe nasilie* is thus different from organized crime or state violence

organizations and others, but has not yet found its way into the legal codes of the Russian Federation. Sometimes the two expressions are used interchangeably.

One of the many versions of a draft law on violence in the family in the Russian Federation gives the following definition:

“Violence in the family (family violence) in the current (draft) law is understood under criminal law as beatings, intended infliction of bodily harm, systematic use of violence (iztiazanie), rape, premeditated murder, as well as threats to kill, committed by one member of a family against another or other members of the family.”²¹

Thus, this draft law follows the Criminal Code of the Russian Federation’s definition of what can constitute a crime against a person (Part VII of the Criminal Code). In another draft law on social and legal protection from violence in the family, such violence is defined as:

“...any intended action by one family member against another member, if this action limits the constitutional rights and freedoms of the family member as a citizen, inflicts physical pain and causes damage or poses threats to the physical or personal development of under-age members of the family. Violence in the family can have the form of physical, psychological, sexual pressure and coercion (force).”²² [unofficial translation]

While not finding their way into law, these and similar definitions of violence in the family are shaped by the discussion of women’s organizations and experts of the issue.

Today acts of violence against women in the family, like any violent crime against a person, are punishable under Part VII of the Russian Criminal Code (crimes against the person). Staff in women’s crisis centres told Amnesty International that they often deal with cases of violence against women in the family which may be prosecuted under the following Articles:

- Article 112 (intentional causing of average gravity harm to health);

²¹ The text of this draft law was given to Amnesty International by the Crisis Centre for Women in St. Petersburg, staff of which had been involved in lobbying the parliament on a law on violence in the family.

²² See: www.owl.ru/win/books/nasilie/nasil_pr.htm Russian Federation draft law “On social and legal protection from violence in the family”

- Article 115 (intentional causing of minor harm to health);
- Article 116 (beating);
- Article 119 (threat of homicide or of causing grave harm to health).²³

None of the above-mentioned articles takes note of the relationship between the perpetrator and the victim. Moreover, a perpetrator's repeated acts of violence against the same person are not specifically criminalized under Russian law. Article 18 of the Russian Criminal Code excludes "records of convictions for intentional crimes of small gravity" or of conditional sentences to be taken into account when considering recidivism of crimes. The law fails to recognize the seriousness of violence against women in the family where often the individual acts of violence cause only minor damage to the health of a victim but the cumulative effect of repeated abuse can have serious long-term repercussions for the mental well-being of the victim. Only Article 117 of the Russian Criminal Code (torture, the causing of physical or mental suffering by means of the systematic infliction of beatings or other forcible actions) considers as aggravating circumstances: if the victim is a minor, is apparently helpless "or... is materially or otherwise dependent on the guilty person". However, this article is rarely invoked. A police officer in Barnaul, Altai region, told Amnesty International that in three years he had come across only one case where a man had been charged under article 117 and the NGO National Center for the Prevention of Violence ANNA had recorded three such cases in 2004.

A perpetrator of violence against women in the family may also be prosecuted under the following Articles of the Russian Criminal Code:

- Article 105 (homicide),²⁴
- Article 108 (homicide committed when exceeding limits of necessary defence);
- Article 110 (incitement to suicide);
- Article 111 (intentional causing of grave harm to health);
- Article 127 (illegal deprivation of freedom);
- Article 231 (hooliganism).²⁵

²³ The translation of these articles follows William E. Butler, *Criminal Code of the Russian Federation*, Fourth Edition, London, 2004.

²⁴ While women's crisis centres in the Russian Federation are concerned about the high number of women killed by their partners, there is usually less concern expressed to the centres about the prosecution of the perpetrator. Relatives of women who have been killed rarely seek support from crisis centres.

²⁵ Hooliganism can also be considered as a violation under the Administrative Code of the Russian Federation (Article 20.1).

With no specific law on violence against women in the family, marital rape is not recognized as a specific crime under Russian law. Articles 131 to 133 of the Russian Criminal Code criminalize rape or sexual abuse. The relationship between victim and perpetrator is not mentioned, so charges can theoretically be brought under these articles in cases of marital rape. But Amnesty International has not been able to find cases where rape in a marriage or close relationship had been prosecuted.²⁶

Opinion polls have shown that the majority of the population do not consider forced sexual intercourse within marriage a crime.²⁷ Moreover, according to a 2002 opinion poll, 60 per cent of Russian men and 50 per cent of Russian women believe that marital rape is a misnomer.²⁸ When interviewing female victims of violence in the family in Russia, Amnesty International found that those women who had been raped by their partner identified sexual violence as one of the worst experiences in their violent relationship. The above-mentioned opinion poll found that six per cent of the women questioned had been forced repeatedly to have sex with their partner after he had assaulted them.

Articles 107 and 113 of the Russian Criminal Code (killing or “causing of grave or average gravity harm to health in a state of temporary insanity... caused by force, mockery or grave insult on the part of the victim or other unlawful or immoral action (or failure to act) of the victim, and likewise a prolonged mentally stressful situation which arose in connection with the systematic unlawful or immoral behaviour of the victim”) can be used as a defence in cases of violence in the family. These articles do not relate to self-defence, which is considered separately under Russian criminal law. A women’s organization in Tatarstan informed Amnesty International about a case where a husband had been sentenced under Article 107(1) to three years’ imprisonment for killing his wife. The judge considered the husband’s jealousy and doubts about the paternity of his second child to be mitigating factors. The victim had reportedly previously sought protection and medical aid for injuries she had sustained during beatings from her husband. Amnesty International was unable to find a case where a woman, who had been a victim of violence in the family and had killed the perpetrator, had been charged under this article.²⁹

²⁶ Amnesty International learned of one case where the victim died after her partner had beaten and raped her. The perpetrator was sentenced under Article 105 of the Russian Criminal Code to 10 years in a hard labour colony. The fact that he had raped his partner was considered as an aggravating circumstance to the charges of murder.

²⁷ Gorshkova, I.D.. Shchurigina, I.I. p. 53

²⁸ Ibid.

²⁹ A recent study on women in Russian prisons published interviews with women, who have been sentenced for serious crimes. While a number of those claimed to have killed their partner after being

Though existing Russian law allows women, who are victims of violence in the family, to seek justice, in practice it is very difficult to obtain it. While the laws in the Russian Federation are in general non-discriminatory, some experts consider this to be a problem, arguing that special measures should be taken, aimed at accelerating de facto equality between men and women, which is not contrary to the Women's Convention (see Article 4 of the Convention).

According to Svetlana Polenina of the Russian Academy of Sciences, "the main defect of the RF [Russian Federation] legislation should be considered its gender neutrality; the lack of any norms ensuring the equalization of men's and women's opportunities in the realization of their rights and freedoms that is proclaimed by the RF Constitution (Part 3, Article 19)".³⁰

In 2002, the CEDAW urged the government of the Russian Federation to take action to strengthen the protection of women who are subjected to violence in the family:

37. The Committee, in accordance with its General Recommendation 19, urges the immediate enactment of specific domestic violence legislation to facilitate the prosecution of offenders. It also urges the Government to take immediate and effective measures to provide training to all levels of law enforcement officers and judges as to the serious and criminal nature of domestic violence. It recommends the provision of training to health-care professionals and social workers to improve recognition and reporting of domestic violence. It recommends the provision of measures of physical protection for women who are victims of domestic violence, such as removal of the violent person from the family home, and state budgeting for a sufficient number of shelters for the victims of violence. All such measures should be accompanied by a vigorous awareness-raising campaign emphasizing that domestic violence is a criminal offence and not a "private matter".³¹

abused, all these women have been sentenced under Article 105 of the Russian Criminal Code. Ludmila Alpern: *Son' i Yav' zhenskoi tiurny*. St. Petersburg 2004.

³⁰ Moscow Helsinki Group, *Human Rights in Russian Regions 2004*, Moscow, 2005, p. 159.

³¹ Concluding Observations of the Committee on the Elimination of Discrimination against Women on the 5th Periodic Report of the Russian Federation, 26th session, 14 January-1 February 2002, CEDAW/C/2002/I/CRP.3/Add.3, at paragraph 37.

Some of the suggested measures are being addressed in parts of the Russian Federation, for instance, as part of action plans of working groups combating issues such as inequality between men and women, violence against women in the family, trafficking of women and violent sexual assault, and of commissions for the advancement of the situation of women. According to the Ministry of Health and Social Development there were 23 state-funded crisis centres for women in 2005.³² While the above mentioned working groups and commissions exist on regional and local levels, and usually bring together government officials, health, social and legal experts, and activists from non-governmental organizations (NGOs), they often lack the funds and the power to implement new measures to prevent violence against women in the family.³³



Woman working on a hotline in a crisis centre for women. © AI

Despite progress being made in some areas, violence against women in the family remains a serious, but often ignored problem in the Russian Federation. Amnesty International remains concerned that the state too often does not act with due diligence to prevent, investigate and punish acts of violence against women in the family. While in theory the laws allow for the prosecution of abusers, victims often face police, prosecutors and judges with little to no awareness or training on violence in the family, and poor availability of information about the right to live without violence.

³² *Rossiskaia Gazeta*, No.266, 25.11.2005

³³ Several such working groups and commissions were established after the Fourth World Conference on Women in 1995. In 2001, the Russian Ministry of Internal Affairs set up a Working Group on combating domestic violence, trafficking of women, prostitution and violent sexual assault.

Scale of the problem

Government statistics

In its fifth periodic report to CEDAW, the Russian Government stated that 14,000 women die each year at the hands of their partner or a family member.³⁴ In 2003 reportedly 9,000 women died as a result of violence from their current or former partner.³⁵ If these figures are correct, it would indicate that a woman in Russia dies in her home at the hands of someone close to her every 40-60 minutes.

However, to date there are no systematic federal government statistics available about violence against women in the family and its impact on the lives of those affected. The Russian Federal Office of Statistics and the Ministry of Interior publish statistics about crimes and crime investigation on their respective websites, but these statistics do not include information about the victim of a crime and his or her possible relationship to the perpetrator. When Amnesty International spoke to law enforcement officials, women's NGOs and medical experts, it emerged that most of the bodies dealing with violence in the private sphere and with health issues collect information about their work and provide these to the Ministry of Interior, the Ministry of Health and Social Development and others. For example, the data collected by emergency ambulances personnel contains information about the place where an injury was sustained, be it in a public place, in traffic, at a workplace or in a private home. The influence of alcohol, and the age and gender of injured persons is noted down as well. Forensic institutes provide similar information. However, none of the practitioners Amnesty International spoke to had received an analysis of their data back from the respective ministries.

“Violence enforces redistribution of resources and power”

Statistical research into violence against women in the family

The Forensic Institute at the State Medical University of Barnaul is one of the first such institutions which encouraged research into violence in the family. Between July and August 2004 the Office of Forensic Expertise on Living Persons received 1,410 cases, 230 of which were identified as cases of family violence. Of these, women

³⁴ *Fifth Periodic Report of State Parties to the Committee on the Elimination of Discrimination against Women, Russian Federation*, 3 March 1999, CEDAW/C/USR/5

³⁵ Moscow Helsinki Group, *Human Rights in Russian Regions 2004*, Moscow, 2005, p. 164.

accounted for 96.4 per cent of the victims.³⁶ Of those who had been victims of violence in the family, 71.4 per cent had been attacked by an intimate partner (men or women). Among those who were over 50 years old, a significant number had experienced violence by their children, grandchildren or their respective partners.

Recent research into violence in marriages, carried out by the Council for Women of Moscow State University, showed that the scale of violence in the family in contemporary Russia was very high.³⁷ The survey was carried out in cities and villages in seven regions of the Russian Federation. In total about 2,200 people who were married for at least one year took part across 50 towns and rural areas.

The research showed that an overwhelming number of the women interviewed were victims of violence and were living in fear and despair as a result.

- 70 per cent of women said that they had been subjected to one or another form of violence (psychological, sexual, physical and economical) by their husband
- 36 per cent of women experienced physical and psychological violence
- 7 per cent of women endured all forms of violence (physical, economic, sexual and psychological) simultaneously
- over 70 per cent of women said they suffered from some form of psychological discomfort in relation to their husband, including stress, anxiety, lack of confidence, powerlessness, dependency, despair, guilt, fear or inadequacy
- 51 per cent of women experienced restrictions of some kind or had threats made against them. Twenty-two per cent were threatened with physical harm; 15 per cent were threatened with abandonment
- 90 per cent of all respondents had either witnessed scenes of domestic psychological violence between their parents, or had experienced it in their current relationship.

The women interviewed described how they had experienced different types of violence – often at times when they were physically most vulnerable.

- 58 per cent of women had been subjected to aggression from one or another close male (current or former husband, fiancé or lover)

³⁶ Skriabin, A.A, “Nekotore statisticheskie dannie po probleme nasiliia v sem’e na osnove analiza raboty Altaiskogo biuro sudebno-meditsinskoj ekspertizy,” in *Sotrudnichestvo za bezopasnost’ v sem’e. Sbornik materialov mezhhregionalnoi konferentsii*, 17-18 December 2004, Barnaul, pp. 61- 63.

³⁷ Gorshkova, I., Shurygina, I. *Nasilie nad zhenami v sovremennikh rossiskikh semiakh*. Moscow 2003.

- 18 per cent of women found themselves in a situation of regular or severe physical mishandling by their husbands
- 48 per cent of women beaten were attacked while they were pregnant, breast feeding, had small children, were ill, had lost their job or were experiencing difficulties at work, or were experiencing physical or mental suffering and found themselves in a position of helplessness
- Over 60 per cent of women beaten by their husband had experienced various degrees of trauma as a result; 3 per cent of all those questioned required medical assistance.

Men often denied that the use of violence against their wives had changed the relationship while women realized that the use of violence by their husbands had led to a redistribution of resources and power in favour of the men³⁸.

The men interviewed were five times more likely to blame their wives than themselves for starting an argument which led to a beating, and three times more likely to point to the reason for the argument as her “bad” behaviour, rather than his own. Men’s responses often underestimated or underplayed the level and frequency of violence.

- 41 per cent of women had been hit at least once by their current husband, while only one in 10 men admitted he had tried to hit his wife
- 55 per cent of women said they had been threatened or exposed to physical violence; 48.7 per cent of men admitted to having exposed their wives to threats or violence
- 50 per cent of women had experienced physical force only once; 40.8 per cent of men said they had used violence on no more than one occasion.

Most women did not seek help the first time they were hit by their husband, opting instead to keep their experiences private. Almost half felt they needed medical or legal help but did not seek it.

- 35 per cent of women beaten (17 per cent of all respondents) turned to a medical doctor or the police
- 57 per cent of women who had been assaulted by their husband told someone close to them about it
- 83 per cent of women who had been assaulted by their husband believed that the violence would continue in the future.

³⁸ Gorshkova, I.D., Shuryginia, I.I. page 69

Sexual violence, though common, went unrecognized as a problem by most respondents. More than half of all those questioned felt that rape within marriage was in principle impossible.

- 23 per cent of women had been subjected to sexual violence by their husbands or partners, including having unwanted sex to “keep the peace”
- 43 per cent of all respondents felt that it was better for the wife not to refuse her husband sex, even if she did not want it
- over 70 per cent of all respondents did not consider it absolutely necessary to consider the wishes or needs of the wife in marital sex.

“Justification” of Violence against Women in the Family

Violence against women in the family can never be justified. Women have the right to live without such violence, no matter what their personal circumstances are. Women, who suffer violence in the family are deprived of fundamental rights, such as their right to physical and mental integrity, to liberty and security of the person and to freedom of expression. Those who are killed are deprived of their right to life. Not only those, who commit acts of violence against women in the family must be made accountable for their actions, but the state which tolerates such violence also has to be made accountable. The Russian Federation does not only have the obligation to protect those under its jurisdiction from abuses of these rights but to provide access to conditions which will enable every person to fully enjoy these rights without discrimination. The following “justifications” for violence against women in the family are in no way mitigating factors for those, who have used violence against women in the family. Nonetheless, in addressing violence against women in the family, the government has to consider existing gender-stereotypes, economic problems and other factors which may contribute to the perpetuation of the violence.

Housing problems

While there are fewer and fewer so-called “*komunalki*” – large flats shared by different people who cannot choose whom they live with – lack of housing is still a big problem for many Russians. Few people can afford to buy a flat on the free

market.³⁹ Thus it is common practice to exchange one big flat for two small ones if a couple splits up. It may be difficult for those who want to move out of their flat to find a suitable alternative.⁴⁰ Many young couples live with their parents. Often a whole family lives in one room in a hostel where the accommodation is given to them as part of their work contract. It is not unusual for divorced couples to continue to live together in one flat, house or just in one room. In her 2000 report to the UN Commission on Human Rights, the Special Rapporteur on VAW stated that:

“Inadequate housing provides living conditions that are conducive to violence... Moreover, overcrowded housing conditions, where stress levels are high and tolerance is low – added to unemployment or poverty and the resulting financial anxieties – exacerbate the risk of domestic violence.”⁴¹

The UN Special Rapporteur on adequate housing as a component of the right to an adequate standard of living concluded in a report, published in 2005, that

“[W]omen living in situations of domestic violence inherently live in inadequate housing, due to the violence they face in the home.”⁴²

Many women confirmed to Amnesty International that they felt they had been deprived of a home as a place of safety and harmony. They were often moving between friends’ and relatives’ homes and tried to be as little in their own place as possible.

Nina P.’s partner started becoming violent three years ago. For many months now, Nina P. and her son have only been returning to the flat to sleep, while they are looking for a new place to live. They eat with Nina P.’s mother and socialize in different places. “It is just a matter of time and in between I try not to upset him. I avoid any conflict,” she says. “I have known him for 20 years now and know how to act.”

³⁹ Many people gained ownership of their flat after the break-up of the Soviet Union, when citizens received shares of state-owned property. Due to the lack of cash and availability of mortgages, flats are often bartered instead of being bought and sold.

⁴⁰ In March 2005 a new Housing Code of the Russian Federation was introduced which brought some changes to the situation.

⁴¹ Report of the UN SR on violence against women to the 56th session of the UN CHR, Item 12 (a) of the provisional agenda, 24 February 2000, E/CN.4/2000/68/Add.5.

⁴² Report of the UN SR on adequate housing to the 61th session of the UN CHR, Item 10 of the provisional agenda, 25 February 2005. E/CN.4/2005/43.

Anna continued to live with her violent ex-husband in the same two-room flat, even after her complaints had finally been taken on by the police. She carried tear gas with her for self-defence, and each night she barricaded herself in her room. She stayed as often as possible with friends and avoided being in the flat when he was around.

While the police are required to intervene if a crime has been committed, there are restrictions on their right to enter a flat without a warrant and evict someone from his or her own property. The state, for example, cannot subject someone unnecessarily to homelessness. Eviction is only possible if a tenant destroys the property of other individuals or the state, and poses a serious threat to the safety of his neighbours.

Alcohol

The misuse of alcohol is often seen by police, procurators, medical experts⁴³ and judges in the Russian Federation as a major cause of violence. Alcoholism is commonly used to explain, if not justify, the behaviour of the perpetrator. Many women who were interviewed by Amnesty International said that their husband became violent because he was unable to control himself when drunk. However, only in a few cases did these women report that their husbands had also been violent towards people outside the family. The interviews showed that while the first acts of violence may have occurred when the men were drunk, in long-lasting relationships the men had often become violent even when sober.

“I am his equal and he does not like it” – Liuba’s story

Liuba is a teacher of literature and deputy head of a college. She is 37 years old and has three children aged 16, 14 and four. She married Oleg, an amateur boxer, when they were students. Initially, she thought his controlling behaviour was a sign of his love for her. The first time he hit her she was pregnant.

Fortunately, Liuba did not miscarry, but her vision was temporarily impaired. Oleg, who was drunk when he struck her, claimed afterwards he did not realize what he had done. “When I tell him about this today, he looks at me as if I am mad and says, ‘this is impossible’,” she says. He apologized when he was sober and said he did

⁴³ According to the head of an emergency unit in Barnaul, which receives about 13,000 casualties each year, in about 90 per cent of the cases, the injured or those who were with them when the accident or the assault happened had used alcohol. It was claimed that the number of incidents is higher around public holidays than during the rest of the year.

not mean to hurt her. However, his alcoholism grew increasingly serious and, according to Liuba, he is always aggressive when he drinks.

For the first five or six years of her marriage Liuba tried to get used to the violence by living in a way that would not provoke Oleg's temper. "Then, on one occasion, he was sober and we had an argument, even though I think there was no reason to beat me. But he did and I flew against the wall," recalls Liuba. "Our children saw it and started screaming. After that my then two-year-old son started stammering. That's when I started thinking that maybe it is not alright to be beaten again and again."

Liuba thinks Oleg is ill and that he has an extreme sensitivity to alcohol. She told Amnesty International: "He is different from other Russian men – just a small amount of vodka... is enough to make him lose control over his body". Recently she realized that he may be using his alcoholism as an excuse for violence.

"I am a successful woman, I am a teacher and the deputy head of a college," says Liuba. "I am well educated and know more than Oleg. I am also a good mother... I fulfil all the criteria for a good woman who should be protected and appreciated by her husband. My husband realizes that I am his equal and he does not like it. Even when he calls me a beauty there is something aggressive in the way he says it. Maybe he has a lot of psychological complexes. Men in this country don't like successful women."

Women's crisis centres and other experts have pointed out that those who use violence against their partners or children have done so whether intoxicated or not. And conversely, not everyone who misuses alcohol becomes violent.⁴⁴

Several women said that their attacker did not drink at all or had never used violence under the influence of alcohol.

⁴⁴ Research conducted in the USA into the link between the use of alcohol and violence found that among those men who were detained for violence in the family 50 per cent claimed that they were drunk when they had been detained. However analysis of their blood showed that only 20 per cent were in fact under the influence of alcohol. See Pisklakova/ Sinelnikov, p. 107.



Woman in a hospital after having suffered violence from her partner. © Marie Dorigny

Gender stereotypes

Several experts on violence against women in the family, who spoke to Amnesty International, were concerned about the high level of acceptance of violence against women in the family as an inherent part of life and the failure of many, including of victims of such violence, to recognize it as a punishable crime. A government official in the Altai region told Amnesty International that in his experience many women only turn to the police when their children are being beaten by a violent relative but bear the violence directed against themselves. He recognized that the state should take action to change attitudes on gender stereotypes which are at the root of such behaviour.

Oksana, aged 54, has two children from a previous marriage. Elegant and educated, Oksana had a well-paid job and was able to support herself until she married her current husband 15 years ago. She admits knowing he was violent before she married him. In fact, twice she failed to turn up for her wedding ceremony and had to be taken by force to the registrar's office by her husband. She told Amnesty International that despite having been able to look after her two children on her own after her divorce, she felt pressurized into getting married again. According to her, she felt less respected as a single mother and believed that for her life to be fulfilled she needed to get married.

After her marriage, Oksana's husband slowly destroyed her independence. He made her give up her job and forced her to work in his company. He paid her only enough money to buy food. He created an atmosphere at home which put her relatives

and friends off from visiting her. He had promised her an easier life if she joined his company, but she often ended up working late into the night, doing whatever he told her to. He did not help her with household duties.

When she failed to fulfil his demands, he beat her. Yet she never turned to the police. Twelve years ago, he pushed her against some furniture and continued kicking her while she was lying on the ground. Her back was so badly injured that she had to stay in bed for two weeks and could not walk. She thought he had broken her ribs. Her husband called a doctor he knew to look after her so that she did not have to go to a hospital where the doctors might ask her how she had sustained the injuries.

“Sometimes he would beat me and I don’t even know why, I can’t think of a reason,” says Oksana. She has to ask her husband for permission to invite friends or relatives. She has friends she can go to when he has beaten her, but they refuse to come and see her and tell her to leave her husband. On one occasion, four years ago, she went to see a friend who lived close by. Although her husband knew where she had gone, when she came home, he began kicking and punching her as soon as she entered the flat. He told her he had been extremely worried when it became dark.

Oksana believes that there are too many obstacles for her to seek a divorce. Instead, she tries to avoid confrontation. Her husband only needs to raise his hand to remind her of times when he nearly killed her. “Whatever he wants he gets, there is no point in arguing with him,” she says. “He is not interested in other people’s opinion. They do not exist for him. I do not understand how I got into this. Did I really believe him? How did I end up in this cage, chained?”



Woman seeking advice in a Crisis Centre for women after having been subjected to violence from her partner. © AI

“He thinks I am his possession”

Marina, aged 36, was thrown by her partner of three years from the window of their third floor flat. Her neighbour called the police and instigated a criminal case against Marina’s partner. Marina had been to the hospital previously after being injured by her partner and the hospital sent her to the police. But once there she always told the police that she had been attacked by a stranger on the street. “I felt sorry for him.”

Only once did Nina P. bother to get a forensic certificate recording the injuries she had sustained when being beaten by her partner. She needed to take sick leave as her face was covered in bruises and she felt uncomfortable about going to work and being seen in such a condition. “People think it is your fault, once you live with him, that you like it that way,” she says.

One night, remembers Liuba, her husband came home drunk and was so angry at being served only potatoes for dinner, he threw the vegetables into the corridor, shouting, “I earn enough money to deserve better food!” He then beat her and when the children tried to intervene, he beat them as well. “Our small daughter was between me and him and I thought he would kill her,” she says. “We tried to barricade one of the rooms but he broke the door open. The children were screaming. Somehow we got

out of the flat and went to my father-in-law. The next morning my father-in-law went to see Oleg and when he came back he simply said, ‘You did not serve your husband well; I don’t want to get involved in your marital problems’.”

Liuba told Amnesty International that it took her several years to overcome her own belief that somehow she may be responsible for the violence she was being subjected to. She said: “my husband thinks I am his possession, that he owns me and that I have to endure everything because I am his wife. He shouted at me, ‘you have been living with me for 17 years already and you still do not understand.’ I don’t know what there is to understand. I cannot accept his behaviour. I went to a crisis centre for women, because I wanted to find out if there is something wrong with me because I cannot accept his violent behaviour and they told me that my feelings regarding this violence were normal.”

Tamara (28) got married when she was only 18. Her husband soon started beating her but she did not tell anybody about it because she was too ashamed. After one especially violent attack, she left the flat and lived for some time on her own. His relatives found her and convinced her to return. Soon the violence resumed. She did not call the police once. One day in winter he made her undress, put on a swimsuit and pushed her out of the flat. She went to the neighbours, who let her in and rang the police. Her husband followed her and apologized for the “mad” behaviour of his wife. After that Tamara left for good.

The Special Rapporteur on violence against women in her report to the UN Commission on Human Rights in 1996 drew comparisons between violence against women in the family and torture, including the use of violence as a means of control and punishment.

“It is argued that, like torture, domestic violence commonly involves some form of physical and/or psychological suffering; including death in some cases. Secondly, domestic violence, like torture is purposeful behaviour which is perpetrated intentionally. Men who beat women partners commonly exercise control over their impulses in other settings and their targets are often limited to their partners or children. Thirdly, domestic violence is generally committed for specific purposes including punishment, intimidation and the diminution of the women’s personality. Lastly, like torture, domestic violence occurs with at least the tacit involvement of the State, if the state does not exercise due diligence and equal protection in preventing domestic abuse. This argument contends

that, as such, domestic violence may be understood to constitute a form of torture."⁴⁵

Anastasia is a lawyer who has represented victims of domestic or sexual violence. She told Amnesty International that she had been living in a violent relationship for nearly 15 years but never filed a complaint against her husband, a well respected professor and head of a faculty.

The first seven years of her marriage were without violence. When Anastasia earned more money than her husband, he began to extort money from her and tried to humiliate her by beating her. He made her buy him expensive clothes and a weekend house in the countryside. At the same time, he tried to prevent her from spending money on herself and on their daughter. Anastasia found that the higher he rose in his position, the more obedience and servility he expected from her and the more money he demanded.

Anastasia's husband was never drunk when he was violent. Until recently he beat her only on those parts of the body where marks would be less visible or could be covered up⁴⁶. He pulled her hair, and kicked her in the stomach and on her arms and legs. When the couple decided to have separate bank accounts, he started hitting her on the face as well. A black eye would prevent her from going to work, which would lead to her earning less money. Anastasia told AI: "Sometimes I think my husband is using me for some kind of psychological experiment... He tells me that there is nothing I can do against him; no one will believe me, because he is a respected professor and has a good reputation."

In Russia, character references for a suspect, written by someone who knows him well, can sometimes be added to the evidence in a case. Several women, who had been subjected to violence by their partners, told Amnesty International that the men had received positive character references from their superiors. In court such positive character references have allegedly influenced the judge's decision. Sociologists and women's crisis centres have pointed out repeatedly that perpetrators of violence against women in the family may use such violence only at home and only against specific persons; otherwise they may be very well adjusted to society in general.⁴⁷ As

⁴⁵ Report of the SR VAW, E/CN.4/1996/53. 6 February 1996

⁴⁶ Several women told Amnesty International that their partner had beaten them only on those parts of their body which could be covered, expecting that they would aim to hide from others the fact that they had been beaten.

⁴⁷ *Myths and Facts about domestic violence*, Oregon Coalition against Domestic and Sexual Violence, http://www.ocadsv.com/myths_and_facts.html

such, they have argued that positive character references should not be used in cases of violence against women in the family as evidence in favour of a batterer.

Prevalence of violence in society

The 2002-03 opinion poll on violence in contemporary Russian families⁴⁸ also looked into public opinion on the acceptability of physical violence. The majority condemned violence against women as a “social evil” and the beating of women as a crime which the government should fight against. At the same time, those who were prepared to excuse a husband who hit and beat his wife fluctuated between 32 per cent and 47 per cent of respondents, depending on the reasons given for his violence. However, nearly 80 per cent of respondents felt that the government should protect women who had become victims of violence in the family.

Following the break-up of the Soviet Union some of the gross human rights violations, which were associated with it, have been addressed and eradicated but human rights abuses, including by law enforcement officials and security forces persist. A large proportion of Russia’s male population has been in the army, a relatively high number in prison.⁴⁹ In both cases, the men are likely to have been subjected to cruel, inhuman and degrading treatment or to serious human rights violations, including torture and ill-treatment. In addition, many Russian soldiers, members of special forces and police officers have participated in the armed conflicts in Chechnya. Some of them may have found it difficult to adapt afterwards to a non-conflict environment.

A lawyer working with the organization, Soldiers’ Mothers of St. Petersburg, told Amnesty International about several cases where relatives of men who had been serving in the armed forces in Chechnya sought advice from the organization as the men had distinctly changed their behaviour, including becoming violent, after they returned from Chechnya. One woman admitted that her son’s violence against her and other members of the family had become such a problem she had even wished he was dead.

A young woman, who married her husband shortly before he went to Chechnya, approached the Soldiers’ Mothers after her husband’s return. He had fits and became aggressive without any obvious reason. He would tell her that he wanted to protect her from what he had seen. He had difficulty sleeping, was irritable, but would not tell her why. His wife was scared as he still owned a weapon. He complained that none of the

⁴⁸ Gorshkova, I.D., Shurygina, I.I. see above

⁴⁹ According to information published by the Moscow Centre for Prison Reform about 800,000 men were imprisoned in Russia in 2004. See <http://www.prison.org/penal/stat/doc010.htm>

promised opportunities for rehabilitation had materialized and that he felt people looked down on him. After a quarrel, during which he pushed his wife against the wall and handcuffed her so she would not leave the house, she left him for good. Her husband signed up again for service in Chechnya.⁵⁰

Olga T.'s husband fought in the 1970s as a young man in Afghanistan. He told her that he was the only survivor of his unit of young conscripts. She believes that his trauma is the source of his psychological problems.⁵¹ Olga suspected that he used drugs and that this was contributing to his mood swings and violent outbursts. "He is very strong and many people are afraid of him," she says. "They can't understand how I can live with him. He is a tyrant. Sometimes he beats me without any prior argument... I am very small and it does not take much to knock me against the wall."

In the first project of its kind in the Russian Federation, the regional crisis centre for men in Barnaul has tried to offer psychological and medical support to men, including veterans, single fathers, drug addicts and men who have problems in their family or relationship. While this centre has been working for about 10 years, it faces difficulties attracting men who have been violent in their family. Very often it is the wife who turns to the centre for help and tries to find out what to do with a husband or partner who has become violent. So far, it has not been possible to start a group of men who want to change their violent behavioural patterns.

The head of the centre, who is also one of its psychologists, explained to Amnesty International that they see the men not only as perpetrators but also as victims – say, of a violent upbringing or abuse in the army. Staff at the centre attended conferences and training on how to involve men in ending violence in the family and how to work with batterers. The experience of countries where violent men have to undergo psychological counselling or are forced to attend programmes for batterers was seen as a positive example.

Women's Alliance, an NGO in Barnaul, Altai Region, from which a state-sponsored crisis centre for women has evolved in 2004, has conducted training seminars for police officers in the Altai region on the causes and consequences of violence against women in the family and the cycle of violence in which women and men may find themselves.

The efforts of the organization have reaped some successes along the way. Following one training session, a police officer admitted that he had hit his wife and that the training helped him understand how the violence had escalated.

⁵⁰ See as well: Johannes Voswinckel. "Russland – Das verrohte Land". *Die Zeit* 14.10.2004, Nr. 43

⁵¹ Olga T.'s husband has allegedly no documentation on his service in Afghanistan and is not eligible for one of the few available rehabilitation programmes for war veterans.

Obstacles to Justice

“Many more women would turn to the authorities if they would really help us. I called the police 16 times in one night, they did not even come once.” Liliana (31)

Police inaction

Women’s Alliance in Barnaul regularly trains local and regional police officers on how to recognize and prevent violence against women in the family. The organization surveyed an invited group of 126 police officers on their attitudes towards violence against women in the family. When asked why – according to their opinion - women rarely turn to the police in cases of violence against them by their former or current partner, 28 felt fear was a major obstacle while 12 blamed insufficient laws.⁵² When asked what they as police officers could do to help those women who became victims of violence in the family, 15 said “nothing”. A majority of the police officers (70) thought that a law on violence in the family was needed.⁵³

“Better not to call the police; things only get worse” – Nina P.’s story

Nina P. divorced her husband of two decades seven years ago, but continued to live with him.⁵⁴ She told Amnesty International that her husband started beating her three years ago. “He changed within a couple of days,” she says, “He was supposed to go abroad. He had a job but then he started drinking and probably took drugs as well. He disappeared for several days and when he came back, he had changed completely.”

Despite the violence, Nina P. rarely called the police. Neighbours allegedly called once, but the police did not arrive. On one occasion her ex-husband was taken away for the night, but Nina P. had to pay his fine (500 roubles). Now she says she does not want to spend her money on her ex-husband.

⁵² Eleven said the women may want to protect the family, 36 said “it’s her own fault”, “they don’t want to change anything”, “they want it and they like it”, “Silly women”.

⁵³ Elena Shitova, “*Presentatsia rezultatov raboty po proektu ‘sotrudnichestvo dlia zashchity prav cheloveka’*” in *Sotrudnichestvo za bezopasnost’ v sem’e*. Sbornik materialov mezhregionalnaia konferentsia, 17-18 December 2004, Barnaul, pp. 47-50.

⁵⁴ According to Nina P. the couple got divorced in order to avoid problems relating to registration rules.

Nina P. went to the police to find out how to file a complaint against her husband, but later decided not to take legal action. “You better don’t call the police, things only get worse,” she says. “They take him away for the night maybe and then he comes back the next morning at six and is angry that you gave him to the police. In the evening he was maybe drunk but the next morning he has a hang-over and feels worse. That just creates too many problems for most of the families. Whoever you talk to – and many people have such experiences – people recommend not to go to the police. My son has this friend who works for the police and he even told us ‘it’s better if you don’t call us, things only get worse’. My husband knows there is nothing I can do against him. He thinks he has complete impunity for his actions.”

Without a search warrant police officers are restricted in their right to enter a flat. They can enter private property if the door is opened to them by one of the inhabitants. They then have the right to remove someone from the flat and detain them. The detention has to be registered within three hours (article 92 of the Criminal Procedural Code). The same article of the Criminal Procedural Code states that the law enforcement officials have to inform the procurator in writing within 12 hours about a detention. While such rules are in line with international standards on the treatment of detainees, Amnesty International is concerned that too often law enforcement officials use the rules of the Criminal Procedure Code as an excuse for inaction in cases of violence against women in the family.

Several policemen as well as victims of violence against women in the family told Amnesty International that most batterers are not detained for more than the initial three hours, even if this means that they have to detain and release the person several times during one night. When Anna asked why the police had not detained her husband until he had sobered up, she was told, “We cannot keep him for longer. After three hours we have to feed him. We don’t have the means to do that.”

Liliana, an art teacher, lives with her young daughter in a hostel for workers, where she shares a bathroom and a kitchen with 30 other parties. The nearest police station is about 200 metres away from the hostel. When her former partner came to celebrate his child’s birthday, he stole the key to Liliana’s room and came back in the night, drunken and tried to rape Liliana. Her neighbours and Liliana called the police 16 times that night, but no one came.

Maria lives with her husband in a typical apartment block in the northern outskirts of Moscow. Her neighbours claim her husband beats her up about once a month, which reportedly can be overheard in the floors above and below Maria’s flat. The neighbours have repeatedly called and have waited in front of Maria’s door for the

police to arrive. On one occasion while the neighbours told police they had heard furniture break, the husband opened the door and told the police that everything was alright and they were just moving some furniture. The police told the neighbours they could not do anything because they could not enter the flat by force.

Several police officers and procurators, who spoke to Amnesty International, considered the protection of private property as an obstacle for the prevention of violence in the family. However, one of the police officers interviewed by Amnesty International explained that as the law says the police can enter a private flat to prevent a crime, there is good reason to enter a flat by force if complaints by neighbours or previous complaints from someone who has repeatedly been the victim of violence from a partner or relative lead to the assumption that a crime is being committed, even if the alleged perpetrator informs the police that everything is fine.

If a police officer destroys the door or other parts of the property while breaking into a flat, he will need to explain his actions later. Some police officers who spoke to Amnesty International admitted that they feared being made responsible for wrongly breaking into a flat. However, other police officers, supported by the local or regional administration in regions like Karelia, felt that failure to enter a flat by force given evidence of domestic or other violence was a violation of their duty to prevent a crime.

“My dear girl, you do not want to create more problems for yourself than you already have, do you?”

Refusal to take up a complaint

While there are no in-depth statistics available, police and women’s organizations likewise believed that 75 to 90 per cent of the complaints filed by women against their partners in relation to incidents of violence directed against them are later withdrawn without any action being taken. As so few cases of violence against women in the family reach the court, the police often seem to believe that it is better to stop the women from even filing a complaint. In addition, Amnesty International is concerned that there seemed to be a reluctance among police officers to register repeated acts of violence against women in the family by the same person as it takes less time to register the individual incident rather than charging the perpetrator under Article 117 of the Russian Criminal Code. (The causing of physical or mental suffering by means of the systematic infliction of beatings or other forcible action.)

A young woman from Ukraine, who was not registered in St. Petersburg, told Amnesty International that when she went to the police station to file a complaint against the father of her partner, she was told that she would only attract attention to the fact that she had no Russian passport and no registration for St. Petersburg. The police officer she spoke to said: “My dear girl, you do not want to create more problems for yourself then you already have, do you?”

A police officer in a small village in Siberia told Amnesty International: “Anyway, after a couple of days, husband and wife are good pals again, and then it is us who will be blamed for taking someone to court.” He spoke of one case in which the wife – after succeeding in bringing her case to court – withdrew her complaint in the courtroom as her husband had allegedly changed his behaviour after she took legal action against him. One of his colleagues found that many women were not prepared to take action that could seriously alter family life. According to him, some of the women wanted only to scare or threaten their husbands or partners, hoping they would change their behaviour as a result.

A local police officer in Barnaul said, “Once the woman has filed a complaint, we do our work and investigate the case, but then she comes running to us, shouting that her husband is a good man and we should stop bothering him.” While this may be a common experience for local police officers, this description fails to take into account the situation in which many women find themselves after having filed a complaint against a person they continue to live with. A woman may find herself trapped between fear of further, increased violence and dwindling hope that the state will help her to end the violence she is experiencing. The more often a woman has been faced with police inaction, the more likely it is she will choose to withdraw her complaint.

Amnesty International is alarmed by the virtually complete absence of complaints to the police from migrant women or women from certain ethnic minority background, including Caucasian. While police officers and procurators who spoke to Amnesty International could recall a number of killings of migrant women as a result of violence against women in the family, none of them had dealt with a case where the woman herself turned to the police to seek protection. Lack of trust and fear may be the main obstacles for migrant women to demand protection of their rights.

Nearly all police officers and procurators who spoke to Amnesty International admitted that for them the issue of violence against women in the family is of low priority. Local police officers complained that while they have to deal with violence in the private sphere it is not recognized as a major part of police work by their

superiors. The “war on terror”, theft and robberies were, according to these police officers, more important issues.

Several police officers who spoke to Amnesty International were well aware of the sometimes very negative image the police have in the Russian Federation, in particular, allegations that police officers are corrupt and that bribe-taking is rife. A procurator in St. Petersburg, who – like many of his colleagues – was a police officer before he joined the procuracy, told Amnesty International that he understands his former colleagues’ lack of enthusiasm for their job. He said that corruption, a high turnover of staff who find much better paid jobs in other areas, and dire conditions for those who are left behind do not encourage police officers to get involved in issues like crime prevention at the community level.

Notwithstanding such economic problems, it is the duty of the state to bring the work of the law enforcement agencies in line with agreed standards of professional behaviour, including by providing the appropriate equipment for the police to be able to fulfil their tasks. Victims of human rights abuses, including victims of violence against women in the family, cannot be made to take the brunt of a malfunctioning system of administration of justice.

Failure to act appropriately

Women often fear to call the police because of the image of the law enforcement officials being perpetrators of violence themselves. Amnesty International interviewed a former civil pilot who went to talk to his ex-wife and, according to his own account, refused to leave the house when she asked him to. She called the police who came, took her ex-husband with them and beat him with truncheons so badly that he is now in a wheelchair. His ex-wife had not accused him of being violent.

One policeman admitted that he would take a violent man out on the street and “talk to him man to man, so that he understands he should not treat his wife so badly”. Another officer told Amnesty International: “we may take the batterer down to the street and then deal with him a little bit.”⁵⁵ He admitted that this usually meant beating the suspect with his fists or even with a truncheon.

One woman called the police several times when her husband – now a former police officer – became violent towards her. Although some of her husband’s

⁵⁵ In Russian: *My ego obrativalaem nemnozhko*.

colleagues were concerned about his behaviour and he was reprimanded by his superiors, other colleagues, who picked him up after his wife's call for help, took him to a sauna and then out for a drink.⁵⁶

Lack of restraining orders and other measures of immediate protection

While the address of the shelter in St. Petersburg is protected, there are no special regulations guaranteeing security for women who leave the shelter to go to work every day.

Daria, aged 30, had been living for more than two months with her daughter and her mother in a small room in the shelter in St. Petersburg. She told Amnesty International that only the day before, her former partner accosted and verbally abused her in the street as she returned from work. She said that though she tried to leave work at different times and take different routes, there were only a limited number of options.

Daria lived with her partner, almost 20 years her senior, in St. Petersburg. They had a nine-year-old daughter. Daria said that when they were together, she took three different jobs to make ends meet while he worked irregularly. Daria told Amnesty International that he tried to humiliate her for working for the little money she earned. He was also very jealous and accused her of meeting other men instead of going to work. Daria said that sometimes he beat and raped her to punish her for her "infidelity".

When Daria finally left him and moved into a small one-room flat on the ground floor of a multi-apartment house, he started stalking her. He threatened to kill her by cutting her up. Once, he attacked her on the street leaving her with a concussion. A female passer-by tried to help her but was not willing to act as a witness in a trial. On one occasion, her ex-partner threw a glass bottle at Daria and her mother, Svetlana. He then tried to injure Svetlana with a knife and wounded Daria's hand. When she went to the police she was told that there was no evidence that she had not attacked her partner with the knife and hurt herself while trying to injure him. As far as the police were concerned, no crime had been committed.

In autumn 2004, Daria's partner entered her new flat, burnt most of her clothes and destroyed other possessions. This happened shortly after he had received a one-

⁵⁶ *Russian Federation: Cases of violence against women in the family*. Amnesty International Index: EUR 46/034/2003. 10 May 2003.

year conditional sentence for having committed acts of hooliganism at his *komunalka*. He has never been charged for attacking or threatening Daria.

Shortly after Daria and her daughter had moved to the shelter, her ex-partner waited outside his daughter's school and told her that she would soon move in with him, as "your mother will not be there anymore to take care of you". After that, Daria's mother left her job outside of St. Petersburg and moved into the shelter to teach her grandchild.

In another case, Tamara was harassed by her ex-husband's family, after she had left him. She was stalked and insulted publicly by her ex-husband's father, who also called the workplace to abuse her verbally and blame her for ending her marriage. Her complaint against the father of her ex-husband was rejected by a court, as she had not been physically attacked.

Lack of support for women who seek redress

Many cases of violence against women in the family are charged under Articles 112, 113, 115 and 116 of the Russian Criminal Code⁵⁷. The punishment for such crimes can range from a fine to 15 years' imprisonment. If a person is charged under Article 116 (beatings) of the Criminal Code and has to pay a fine, the money will mainly come from the family budget. Several women who had been beaten by their partners told Amnesty International that they considered the fine as a punishment for the whole family or as payment for a service provided by the police.

The Criminal Procedural Code of the Russian Federation allows for the procuracy to undertake investigations into cases which usually require only a private complainant.⁵⁸ However, Amnesty International is concerned this option is rarely chosen. In many cases of violence against women in the family under the above articles, it is therefore left to the woman to make a complaint against her violent partner to the justice of the peace. She is then seen as being responsible for the imprisonment of her partner or the imposition of a fine on him or the family.

A psychologist working in a crisis centre for women told Amnesty International that family unity and safety are typically viewed as a woman's responsibility. If a woman destroys an allegedly safe home by taking her partner, the father of her children, to court, she is blamed. Thus, pressure to withdraw from legal proceedings

⁵⁷ See page 8 of this report.

⁵⁸ Article 318, 3 of the Criminal Procedural Code

against a violent partner often comes not only from the partner himself but also from other family members or friends.

To assess whether a beating or another act of violence has caused light or serious bodily harm, the victim has to get a statement from a forensic expert. Usually the police refer a person to the forensic institute responsible for the city or region, where his or her injuries are examined. The forensic expert will then issue the individual with a statement. This statement is vital as evidence in court. It is free if the police have ordered the victim to go to the forensic expert. In these cases the medical reports will be sent directly to the court. However, anybody has the right to get such an expert statement for a fee if he or she wants it.

The regulation on what is considered to be serious or medium bodily harm is set by the Ministry of Health in cooperation with medical experts throughout the country. Problems occur when the violent act has been committed while the institute is closed, for example, over a weekend. While victims of violence can go to any clinic or doctor to get documentation about their injuries, staff there may lack the expertise to document the signs of injury and bodily harm in a way that can help the victim bring a case against the perpetrator. Lawyers representing women victims of violence in the family and staff at women's crisis centres are concerned that sometimes the forensic experts themselves do not examine victims carefully and fail to issue appropriate documentation about the injuries. This makes it difficult for a woman to prove that she has been subjected to violence and that the injuries were not caused by accident.

After Anna's ex-husband attacked her friend, the police sent them to the institute of forensics. Anna told Amnesty International that the forensic expert took a brief look at her friend, who had a bruise measuring 5cm on her neck, and said that there was nothing wrong with her. Yet the police report about the incident later supported the claim that Anna's ex-husband had assaulted the two women.

Justices of the peace

The Russian judicial system underwent major changes since the break-up of the Soviet Union. During the 1990s different groups, including national and international non-governmental humanitarian and human rights organizations, lobbied for laws which would provide more protection for the accused. In 2002 a new Criminal Procedure Code was introduced and a system of jury trials is being established. Some regions have also installed justices of the peace, mainly to deal with issues under family and civil law.

The previous justice system in the Russian Federation had led too often to disproportionately harsh sentences for minor crimes. Torture and ill-treatment of detainees before trial were widespread and suspects had little chance of a release pending trial. Amnesty International, as well as other international and Russian human rights organizations, campaigned for the implementation of fair trial standards and access to justice in the Russian Federation. People who had been wrongfully detained had no recourse within the Russian judicial system.⁵⁹ When Russia joined the Council of Europe and ratified the European Convention on Human Rights (1998) it took on the commitment to bring its judicial system in line with the Convention.

The institution of the justices of the peace (*mirovoi sud*) was one of the institutional changes to arise from the reform of the justice system. In addition to proceedings under the civil, administrative or family code of the Russian Federation, justices of the peace will deal with complaints from individuals in criminal cases where the sentence does not exceed three years' imprisonment or in cases of complaints regarding beatings, intentional causing of minor harm to health, slander and insult (Articles 115, 116, 129 and 130 of the Russian Criminal Code).⁶⁰

A victim of a violent crime can file a complaint with the police against the perpetrator. The police have to forward this information to the procuracy, or to the justices of the peace (where they exist), if the alleged crime carries a sentence of less than three years' imprisonment. In other cases the procuracy will take a decision on opening a criminal case and will conduct investigations. Usually, a district court will decide these cases. If the person has suffered damages to her or his health, the police will send the victim to a forensic expert, whose examination will be added to the case material.

If a person wants to take a case to a justice of the peace as a private complainant (*chastnyi obvinitel*), the police will forward the evidence they have collected to the court. The justice of the peace has to inform the complainant within five days of receiving the complaint whether the case is admissible.

While Amnesty International takes no position on the institution of the justices of the peace as such, it remains concerned that the system does not provide necessary protection to women victims of violence in the family. There is very little awareness

⁵⁹ See *Russian Federation: Rough Justice. The law and human rights in the Russian Federation* (AI Index: EUR 46/054/2003).

⁶⁰ See article 31 of Criminal Procedure Code of the Russian Federation. Other regulations regarding the work of the justice of the peace can be found in the Civil Procedure Code of the Russian Federation and Code on Justices of the Peace in the Russian Federation.

about violence against women in the family among justices of the peace and in the absence of established institutional mechanisms to protect victims and prevent violence in the family, access to redress is limited.

Judges and police state that many complaints are rendered inadmissible because the complainant has not filled out the necessary paperwork correctly. Human rights organizations and judges have published manuals on how to appeal to a justice of the peace, but they recognize that a person without expert legal assistance will still find it difficult to comply with the rules for filing a complaint. Yet there is no legal aid for the complainant at this stage.

Of course, a victim has the possibility to be represented by a lawyer of his or her choice; NGOs cannot represent a victim of a crime in court. In the case of a private complaint the justice of the peace has three to 14 days from the moment a case is admitted to it being considered. If the case is taken up by the procuracy, the timeframe is less restrictive. The introduction of justices of the peace was meant to shorten legal processes. But strict time limits can make it difficult for justices of the peace to give due attention to all aspects of a case.



The police have been called to intervene in a case of violence in the family. © Marie Dorigny

A large proportion of cases of violence against women in the family reported to the police are forwarded to the justice of the peace in those regions where they exist. However, law enforcement officials and staff working in crisis centres for women confirmed that in many of these cases a victim of violence against women in the family, who has brought a case against her partner or a family member to the justice of the peace as a private complainant, is likely to withdraw her complaint. Reasons for these are manifold: she may have been pressured by the perpetrator or other family

members to withdraw her complaint, she may wish to avoid a “scandal” for taking her partner or a family member to court, she may have no trust in the efficiency of the courts, or she may fear that her situation will become worse once the perpetrator has been reprimanded by the court but continues to live with her.⁶¹

A justice of the peace in St. Petersburg told Amnesty International: “law enforcement officials cannot do anything if a woman decides not to go to court... she may be afraid because the batterer told her ‘this time I have only beaten you, if you take me to court, the next time I will kill you’”.

Women’s rights organizations are concerned that although an alleged perpetrator of violence against women in the family, charged with a criminal offence, has the right to free legal representation, the victim, in the form of a private complainant, usually does not get free legal advice.⁶²

A botched trial

Galina, aged 32, turned to the crisis centre, Women’s Alliance, for legal support after her husband attacked her in October 2002. She told Women’s Alliance how her husband had returned home late at night with his friend – a police officer – Andrei (pseudonym) while she was in bed. The men arranged for a woman to come to the house. “I... asked the girl who she was,” said Galina. “She replied that she had been called up and had come to ‘serve’ the two men.” The woman then telephoned her firm and left the house.

“After she left,” said Galina, “Sergei entered my room, pulled me out of bed and dragged me into the kitchen. There he twisted my arms, pushed me... and started beating my head against the floor. He said that he is the ‘czar and ruler’ and that I must do whatever he tells me to do. He forced me to repeat his words, and continued to bend my arms. I asked him: ‘Do you want to kill me?’ He answered: ‘I will bring

⁶¹ The Russian Criminal Procedure Code allows the procuracy to open a criminal case on any violent crime without the victim having to file a complaint if the victim is “in a condition of dependency” (Article 20(4)). This article allows the procuracy to bring criminal charges against a perpetrator of violence in the family notwithstanding the participation of the victim in the case. But this article is not used very often and some judges are concerned that in the absence of sufficient protection for a victim of violence in the family its use may cause more harm than benefit if the victim continues to stay with the perpetrator in the same flat.

⁶² Under Russian law children, people with mental disabilities and old age pensioners who are victims of a crime get free legal advice.

you to such a state that you will kill yourself. You need to be beaten and beaten. You are just a piece of meat. If I kill you I won't get punished.” Sergei then picked up a wooden hammer and Andrei commented, “This is a kitchen utensil and only women fight with it, men use their fists.”

Andrei did nothing to help Galina. “He was there until the end,” she said, “and I would never have thought that someone working as a police officer could act in such a mean way in such a situation.” Galina reported the incident to the police who, in turn, sent her for a forensic examination. When she went to the hospital, she was told that they did not have room for her. She was advised to stay in bed at home and visit a specialist, which she did the following day. Her medical condition worsened and she was taken to hospital about a week later.

The police officer who sent Galina for a forensic examination did not wait for the results and filed the evidence in court without it, claiming that she did not want a forensic examination. The judge therefore did not know that Galina had been hospitalized. When she returned from hospital, she found written notification that the trial had started without her. However, by law, all parties to a trial are supposed to be notified in person. In court the judge rejected Galina's complaint because the form had been filled incorrectly. Reportedly, the judge then decided to close the case because the deadline for producing an amended complaint had expired.⁶³ With the help of Women's Alliance, Galina managed to reopen the case. But her husband had, in the meantime, left the city. The proceedings against him were subsequently dropped as he could not be found. Galina has since divorced⁶⁴ and has moved to another flat with her daughter.

Galina is one of the many women Amnesty International's representatives met during their research on violence against women in the family in the Russian Federation, who – in view of a lack of effective remedies – have not been able to find justice. The lack of a coordinated plan of action on a federal, regional and municipal level perpetuates the violence many women in the Russian Federation are subjected to and the failure of the state to condemn violence against women in the family in the strongest terms enforces the mechanisms, which prevent women from accessing their fundamental rights.

⁶³ A private complainant has 10 days to appeal the decision of the justice of peace.

⁶⁴ Russian family law allows for a divorce initiated by just one person, husband or wife.

Protection mechanisms

Hotlines and shelters

At the time of writing there were about 300 general telephone hotlines (for men and women) in Russia, two crisis centres for men⁶⁵ and 25 crisis centres for women, who have experienced sexual violence or violence in the family for those who have become victims of trafficking.⁶⁶ Only a few of these hotlines work 24 hours a day and many rely on others, not the state for support. According to the now abolished Women's Commission, there were another 154 departments for women within institutions for social services for the population in 2004. Most of the crisis centres offer medical, legal, psychological, educational and social support for women in crisis situations. According to the figures of this Commission more than 45,000 women turned for help to these centres.



Woman with daughter in a shelter in Russia. © Marie Dorigny

According to information available to Amnesty International there are currently eight state-run shelters in Russia available for women and their children who have been forced out of their homes by violence in the family.⁶⁷ While this already seems

⁶⁵ One of these centres has only recently started its work.

⁶⁶ Report of the Commission on Questions Regarding the Improvement of the Situation of Women under the Government of the Russian Federation, 2004. The commission was abolished in early 2004.

⁶⁷ There are other shelters for teenage mothers from difficult family backgrounds or for victims of trafficking.

to be a very low figure⁶⁸, Amnesty International found that the available accommodation is not only allocated to victims of violence in the family, but also to other women. One of the reasons for this may be that only women who are registered in the town or city where the shelter is located are allowed to stay there. This rule deprives a large group of possible victims of violence in the family of a means of protection. Where it is possible to provide shelter to women, who have no registration, this is mostly done via informal channels of contacts established by local NGOs with the authorities. Those women who seek access to a shelter need to provide a number of medical documents, including confirmation that neither they nor their children suffer from transmittable diseases. An immediate move by a woman, whose life is in acute danger, to a shelter is in general not possible.

With about nine million inhabitants, Moscow is the largest city in the Russian Federation. Yet it does not have a single shelter for victims of violence against women. Reportedly, the authorities in Moscow have redirected funds, which were initially dedicated to the opening of a shelter. While the establishment of one shelter may seem insufficient in a town which has a major shortage of affordable housing and many inhabitants who are unable to obtain registration, Amnesty International believes that even a small shelter would send a signal to women in Moscow that they can find protection from violence in the family. Such a provision is especially important in cases where a woman is prepared to take her abusive (ex-)partner to court but is afraid of the consequences this may have for her own or her children's safety during the court proceedings.

The shelters that Amnesty International visited made it possible for women to continue to go to work and for their children to go to their usual school if they wanted this. The shelter in St. Petersburg, one of the first in the Russian Federation to open, provides women with psychological, legal and social support, offering to help them look for a job, a flat or a new school for their children, if necessary. While consultation with the different specialists is compulsory, the shelter leaves it to the women to decide what to do next.

Helping women to help themselves

Women seeking protection in the shelter in St. Petersburg are initially given two months to sort out their situation. They are expected to actively take part in finding a new place to live but – considering the difficult housing situation in Russia's big cities

⁶⁸ There is approximately one place in a shelter for nine million inhabitants of the Russian Federation.

– if a solution is not found within two months the woman is not evicted but usually gets an extension. Restrictions regarding access to the shelter have been adopted to protect the women. For example, men have restricted access to the shelter, any visitor has to register at reception and a woman who wants to stay out after 10pm has to inform the shelter in advance. Amnesty International heard about other shelters with far stricter rules but was not able to visit them.

The city of Petrozavodsk, Republic of Karelia, has two shelters for women: one for victims of violence in the family and the other for victims of trafficking. Both are run by the City Administration and cooperate closely with the police and social services. A female police officer visits the new arrivals at a shelter for victims of violence in the family and explains their legal options. The police officer and staff at the shelter support those seeking protection at the shelter in making decisions on what to do next. The police in Petrozavodsk actively try to inform the population about violence in the family, including about violence against women in the family and about the legal rights of victims of violence. The Commission for the Advancement of the Situation of Women in Karelia, which includes the Minister of Interior of Karelia, has encouraged the local media to inform the public about violence in the family and other forms of violence against women.

The Ministry of Interior of Karelia undertook measures to strengthen the crime preventive work of the police department for public safety (*militia obshchestvennoi besopaznosti*, MOB). The police received training on how to react to violence against women in the family, and local police officers were encouraged to work more proactively with female victims of violence in the family. Female officers of the MOB support those local police officers who are called to intervene in cases of violence against women in the family. According to police officers in the MOB, the number of complaints from victims of violence in general has risen over the last two years. In 2004 the number of reported crimes against women was 30 per cent higher than in 2003. The increase was mainly visible in less serious incidents of violence and this was seen as a positive development as it indicated growing trust in the police. The police officers who spoke to Amnesty International believed that early intervention was key to preventing further escalation of violence, ultimately reducing the number of deaths caused by violence in the family.



Petrozavodsk, Karelia. A woman who has been beaten by her ex-husband talks to a female police officer. She continues to live in one room with her ex-husband, as she cannot find alternative accommodation. © Marie Dorigny

The Ministry of Interior and the police in Karelia cooperate with partners in other countries in the Baltic and Northern Sea area via the Nordic Council and bilateral agreements. A number of cooperation agreements have enabled police in Karelia to visit other countries in the region and to exchange information and experience with colleagues in Scandinavian countries. A police officer, who had participated in training with colleagues from other countries and in work exchanges, told Amnesty International that the experience had shown him and his colleagues that with a different approach to violence and more preventative work, more serious crimes could be averted.

In 2004, the MOB in Petrozavodsk took part in the annual worldwide campaign, “16 Days Against Violence Against Women”. Police officers spoke about tackling violence against women including violence against women in the family at meetings in schools and institutes of higher education.

Role of non-governmental organizations

For several years, *Women’s Alliance* in Barnaul has been providing free legal and psychological support and advice to women who have become victims of violence. The organization has established good contacts with the administration of the region and has built up trust in cooperation with the department of social affairs of the region,

the ombudsperson for human rights and the Ministry of Interior. Until 2004 Women's Alliance was part of the Altai Region's working group on violence in the family.



Opening of a photo-exhibition about violence against women in the family in the Russian Federation, organized by Women's Alliance and Amnesty International, Barnaul, March 2005. The pictures for the exhibition were taken by French photographer Marie Dorigny © AI

Since August 2004 the regional administration has financed a regional crisis centre for women, which is run in close cooperation with Women's Alliance.⁶⁹ The crisis centre is now part of the regional working group on violence in the family. It is one of the first in the Russian Federation to have a 24-hour telephone hotline, where trained staff provides basic information and support to victims of violence. This service is anonymous, but the women are invited to attend free legal and psychological consultations at the centre. Qualified staff at the crisis centre or Women's Alliance accompanies women to court or to the department for social services, when needed. They also help women to file complaints and appeal against court decisions. Women's Alliance takes public action, working closely with the local media to raise awareness about the problem and to provide information to victims on where to find support.

Women's Alliance held several conferences, where social workers, lawyers, police officers and NGOs came together to improve mutual cooperation between these actors – including sharing information with police and women's organizations from

⁶⁹ The regional crisis centre shares the office with Women's Alliance and has taken on experienced staff from Women's Alliance.

neighbouring Kazakhstan, a country which has legislation on violence against women and special police forces dedicated to combating violence against women.

The NGO is also holding training sessions for students at the Education Centre of the Ministry of Interior of Altai Region as well as for police from the MOB (police unit for public safety) in Barnaul and the surrounding region. The training gives police officers the opportunity to learn about the causes and effects of violence in the family and about problems women have faced when turning to the police. At the same time, trainers now try to build up victims' confidence in the police. Both the regional crisis centre for women and Women's Alliance see their task in assisting individuals who have become victims of violence, as helping to transform public (and police) perception of violence against women in the family.

When CEDAW considered Russia's fifth periodic report in 2002, the then First Deputy Minister of Labour and Social Development, Galina Karelova, admitted that the most progress in providing assistance to victims of violence had been achieved by NGOs.⁷⁰ Since then several women's organizations, including some which were among the first independent women's crisis centres, have had to cut down their work or had to shift the focus of their work from campaigning against domestic violence due to lack of funding.

During its research, Amnesty International learned about the work of a number of women's crisis centres and women's organizations which provide advice and aid to women who have become victims of violence in the family, as well as offering training for police, judges and other officials who assist women in finding protection from a batterer. While the support and training provided by these organizations and individuals is often highly valued by victims, police and judges alike, the government still has to recognize such measures as essential to prevent violence in the family. Amnesty International believes that a clear message is needed from the highest political level that violence against women in the family is a serious human rights violation. Government bodies and non-governmental organizations have to be given the support and the means to cooperate and to implement measures which effectively combat violence against women in the family.

⁷⁰ CEDAW press release WOM 1314, 25 January 2002.

Recommendations

Amnesty International calls on the Russian Federation to:

Create effective judicial and non-judicial mechanisms to stop violence against women in the family:

Criminalize all forms of violence against women in the family, including marital rape;

Enact and enforce criminal laws which recognize violence against women in the family as a distinct and serious crime;

Encourage and enable cooperation between government bodies and non-governmental organizations to develop effective and sustainable mechanisms to protect women from violence in the family;

Protect victims of violence against women in the family, witnesses and others at risk during investigations and prosecutions from intimidation and reprisals, providing access to shelters where they can be protected from abuse;

Ensure that access to shelter is un-bureaucratic and is not denied in a discriminatory way, based solely on the absence of a registration of a place of residence;

Devise guidelines and training for personnel involved in investigating and prosecuting violence against women;

Fund and implement training schemes for police officers, lawyers, and judges; and for doctors, nurses, medical students and forensic scientists, so that (a) victims of violence against women are treated with sensitivity throughout the legal process, and (b) evidence of violence against women is properly collected, presented and considered;

Create a code of conduct for law enforcement officials on best practices in responding to victims of violence against women;

Show a strong commitment to ending violence against women in the family

Record cases of violence against women in the family and clearly disaggregate crime data according to the sex of the victim and the perpetrator and the nature of their relationship, make these statistic available to the public;

Support and collaborate with non-governmental organizations in the Russian Federation active on women's rights;

Raise public awareness of violence against women in the Russian Federation and of the constructive action that the government will take to combat it

Raise public awareness that gender-based violence is a human rights violation, whether committed by a state or private actor;

Ensure that the needs of women – including migrant women - are addressed appropriately by state and non-governmental organizations alike;

Ensure women are consulted and can contribute to developing measures to combat violence against women in the family;

Ensure full and prompt implementation of CEDAW's Concluding Recommendations on the 5th periodic report of the Russian Federation from the 26th session of CEDAW in 2002;

Prepare and submit the Russian Federation's overdue 6th Periodic Report to CEDAW, including data disaggregated by gender;

Recommendation to the international community:

- Call on the government of the Russian Federation to fully implement CEDAW recommendations;
- Urge the government of the Russian Federation to review its legislation in view of CEDAW and Council of Europe recommendations to end violence against women in the family;
- Support and encourage cooperation between Russian and international governmental and non-governmental organizations to combat violence against women in the family.