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to the special session of the General Assembly entitled
“Women 2000: gender equality, development and peace
for the twenty-first century”: implementation of strategic
objectives and action in critical areas of concern and
further actions and initiatives**

Statement submitted by the Interregional Union of Life Help for Mentally Handicapped Persons "Sail of Hope", a non-governmental organization in consultative status with the Economic and Social Council

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.



[Original: Russian]

Statement

Russia: Domestic violence against women and an assessment of the state system of response

Violence against women can take many forms. It can be physical, sexual, psychological and economic. All these forms of violence are interrelated and a woman may suffer any one of them during the course of her life. As society changes, so do the forms of violence and new types emerge.

Women who are subjected to violence suffer from a whole range of health issues and cannot participate fully in social life. Violence against women from one generation to the next destroys families and entire communities, and creates a fertile background for the spread of other forms of violence within society.

Furthermore, violence against women leads to their impoverishment and to the impoverishment of their families, communities and countries. It undermines the productivity of the economy, diverts resources from state institutions and from employers, and hinders the formation of human capital.

Violence against women is a complex phenomenon that manifests itself in a multitude of forms and results in far-reaching and long-lasting consequences and losses. Comprehensive, systematic and decisive measures are needed to uproot it.

Women's rights have become an integral part of international law in the field of human rights. Violence against women therefore constitutes a direct violation of these rights. That is why governments and state institutions are obliged to take steps to combat violence, even if it takes place within the family circle. The state is responsible both for its actions and for its inaction.

To date, a systemic approach to resolving this problem has been lacking in Russia at the state level. The main reason is the lack of special legislation dedicated to combating violence against women. At present, 89 states possess, in one form or another, legislative provisions that are aimed directly at combating domestic violence, and 90 states, in one form or another, have legal norms aimed against sexual abuse. Several former republics of the Soviet Union – Ukraine, Kyrgyzstan, Moldova and Georgia – have adopted laws to combat violence.

Thus, as international experience has demonstrated, the most effective weapon to counter violence against women is the open demonstration of political will by the state, supported by practical steps, such as adopting special laws or government plans of action at the federal level, in accordance with General Recommendation No. 19 of the Committee on the Elimination of Discrimination against Women, which states that the definition of discrimination also includes the problem of violence against women, as well as in accordance with the UN declaration on violence against women.

Existing statistics in Russia about crimes against women linked to domestic violence are fragmented, difficult to access or often simply do not exist. Nevertheless, based on individual studies and public statements by representatives of state bodies, we can show the general scale of the problem.

- Violence of one form or another is encountered in almost every fourth family;
- Two-thirds of intentional homicides have a family or domestic motive;
- Every year around 14,000 women are killed by their husbands or other persons close to them;
- Up to 40% of serious violent crimes are committed within families;
- Russian women suffer from domestic violence three times more often than from violence at the hands of strangers.

Disabled women are faced with double discrimination in all aspects of their lives. Compared with disabled men, disabled women more often experience poverty and isolation, and, as a rule, more often become victims of violence, something that is linked to factors that increase their dependence on others and deprive them of essential opportunities and rights. Many of these factors also lead to the perpetrators escaping punishment.

Experts note that persons with mental and behavioural disorders, in particular those who are kept in special institutions, are most vulnerable to violence.

Data about crimes committed shows that children, not just women, are ever more often becoming the victims of domestic tyrants. Children that witness domestic violence experience the same serious psychological trauma as do direct victims of violence. A child that is forced to witness systematic domestic violence is very likely, once an adult, also to permit such violence in his or her own interpersonal relationships.

Conclusion

Existing Russian legislation, particularly in an area such as domestic violence, is not effective. The legal and regulatory framework does not take into account the specifics of criminal actions against women and the threat that such violence poses to their health, safety and life. Protective measures for victims, such as restraining orders, which are particularly needed in cases of domestic violence, are lacking.

The fact that the majority of domestic violence cases fall under the category of private prosecutions (Articles 115 and 116, Part 1, of the Criminal Code of the Russian Federation) means that victims are left without adequate protection by the state. They are forced to assume the role of prosecutor themselves, but without the benefit of special legal training and without the right to assistance free of charge from a lawyer or legal professional. This current situation is at variance with the Russian Federation's obligations to protect the rights and freedoms of its citizens. In particular, it violates Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, which requires of a state that it ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination.

Recommendations

In accordance with the international obligations of the Russian Federation, we call for:

- (a) The adoption a federal law on measures for the legal and social protection of victims of domestic violence;

(b) The exclusion of crimes committed within the family from the category of private prosecution cases and their transfer to the category of public prosecution cases;

(c) For the purposes of reducing the criminalisation of the population and preventing the recurrence of violent behaviour, to introduce into Article 44 of the Criminal Code of the Russian Federation ('Penalties'), an additional penalty. Specifically, the compulsory attendance of correctional education courses, which could be imposed both as a primary, as well as an additional penalty. Corresponding amendments should be made to other articles of the Criminal Code of the Russian Federation that concern penalties;

(d) To guarantee the full protection of victims of domestic violence within the framework of the civil and criminal judicial system. These guarantees should be strengthened either through special legislation or through the amendment of existing legislation. The introduction of the restraining order as a separate measure of protection is also recommended, or for additions to be made to the Law on the Protection of Victims, Witnesses and other Participants in Criminal Proceedings, including a protection order in Chapter 2 ('Types of government protection') as one of the forms of protection. It is also necessary to ensure that violations of a protective measure are punished.

The principal barrier to an effective response to the problem of violence against women in Russia today is the absence of state policy at the federal level that identifies this problem as a serious obstacle to the observance and implementation of women's rights as human rights.

The early 1990s saw not only a significant increase of social activities in the field of the observance of women's rights, but also on the part of the state (The Beijing platform for action to improve the situation of women). However, the administrative reform of federal government bodies (starting in 2004) effectively destroyed the national mechanism for ensuring the equal rights of women that used to exist.

The only government structure whose work directly included the study of the problem of violence against women – the Inter-Departmental Commission on the Problems of Domestic Violence – ceased its activities in 2005.

Today, the State Duma Committee for Family, Women and Children and the Ministry of Healthcare and Social Development are those responsible for activities concerning the broad circle of gender issues at the state level. The question of violence is not one of their priorities.

Another example that demonstrates the low priority allocated to the problem is the failure of the Russian Federation to participate in the campaign to combat violence against women, carried out by the Council of Europe in 2006-2007. To date Russia remains the sole member country of the Council of Europe that has not responded to the Council of Europe's questionnaire relating to that campaign.

The lack of priority to the state of the problem of violence against women is also reflected in the lack of essential specialist agencies – halfway houses and refuges for women. At present, according to our research, there are only 23 such establishments in Russia, financed, mainly, from local budgets. In total, they offer around 200 places, with this number, furthermore, including not only women, but

also children. Unlike the state, Russians are far more aware of the importance of specialist organisations that could provide assistance to victims. Research shows that around 70% of people polled spoke about the need to set up crisis centres.

Conclusion

Although over the past 20 years considerable work has been done in Russia with regard to combating violence against women, a systemic approach to resolving it is still lacking at the state level.

The Russian government has still not taken enough steps to combat this phenomenon. Across Russia, neither the legislative nor the executive power has any kind of structure, single federal programme or national plan of action to combat violence and render assistance to its victims. The government of the Russian Federation needs to demonstrate political will and move the observance of women's rights, particularly in the field of violence against women, into the category of priority issues. A single federal programme or national plan of action to combat violence and render assistance to its victims is needed.

Recommendation

To create an effective national mechanism to improve the situation of women at the federal level, endowed with the authority to take decisions essential for its implementation. Creating a national mechanism requires the drafting and adoption of a corresponding federal law on a national mechanism for the implementation of the constitutional principle of equal opportunities for men and women in the Russian Federation, as well as the creation of empowered bodies at the federal, regional and local levels, with the allocation of the required budgetary funding. One of the functions of the national mechanism should include the development of measures to combat violence against women and the monitoring of their implementation.

To adopt a federal programme on combating violence against women and on the prevention of this phenomenon.
