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EQUALITY NOW



Russian Federation

Submission to the UN Universal Periodic Review

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Submitted by: **Equality Now**, an international human rights organization with ECOSOC status working to protect and promote the rights of women and girls worldwide since 1992.

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Introduction and Summary

1. Equality Now is an international human rights organization with ECOSOC status working to protect and promote the rights of women and girls worldwide since 1992.
2. In this submission, Equality Now provides information as stipulated in the *Universal Periodic Review: information and guidelines for relevant stakeholders' written submissions*. The submission details our concerns regarding laws in the Russian Federation relating to domestic violence and rape; sex discrimination in labor laws; and restrictive laws governing NGO activity in the Russian Federation. We make key recommendations for action by the government of the Russian Federation to better address these areas of concern.

Domestic Violence

3. In 2008, the government reported that each year approximately 14,000 women die at the hands of their husbands or other relatives.ⁱ (More recent data is unavailable, despite the Russian government accepting a Human Rights Council (HRC or “the Council”) 2009 recommendation to collect statistical data on cases of violence against women, including domestic violence).ⁱⁱ
4. Despite the pervasiveness of the problem, the government has taken steps that make it harder, rather than easier, to prevent and punish incidents of domestic violence. On 7 February 2017 a law came into force in Russia that amended Article 116 of the Criminal Procedure Code to exempt certain physical assaults on family members from criminal prosecution (including beatings of a spouse or child resulting in bruising or bleeding but not broken bones and as long as the incident has occurred only once in a year), rendering these offenses “administrative”. Additionally, under Article 20 of the Criminal Procedure Code, a multitude of domestic violence offenses remain classified under the law as suitable for only private prosecution (subject to very narrowly interpreted exceptions), requiring victims to investigate and prosecute offenses themselves.ⁱⁱⁱ
5. These provisions run counter to the recommendations made by the Human Rights Council in both of its reviews of the Russian Federation. Both times, the Council recommended that the Russian Federation strengthen its laws on domestic violence and pass comprehensive legislation to deal with the issue.^{iv} The Human Rights Committee and the Committees on the Elimination of Discrimination against Women (CEDAW) and against Torture (CAT) have also made similar recommendations, asking the Russian Federation to strengthen its laws on domestic violence.^v

Rape and Sexual Assault

6. The Russian Federation must ensure that its laws on rape and sexual assault work to prevent future violence and provide justice to survivors by effectively deterring and appropriately punishing the commission of crimes. This effort must include, but is not limited to, reviewing and where necessary reforming laws on rape and sexual assault to ensure that they do not promote violence or revictimize survivors.

7. Equality Now is greatly concerned by provisions in the Russian Criminal Code that appear to allow perpetrators of rape or sexual assault to escape punishment upon marriage to or settlement with their victim. For example, Article 76 of the Criminal Code appears to allow perpetrators of sexual assault to escape punishment upon settlement with their victims if their crime is one of first offense and is classified under the Code as one of little or average gravity. This includes the offenses of “sexual coercion”, “sexual intercourse and other actions of a sexual character with a person who has not reached the age of sixteen years” and “depraved actions”. Equality Now is particularly concerned by Article 134 of the Criminal Code, which provides that a perpetrator over the age of 18 who has sexual intercourse with a child between fourteen and sixteen years of age can escape punishment under the law by marriage to the victim if the court deems that the perpetrator ceases to be “socially dangerous” as a consequence of such marriage. The Russian Family Code permits the adoption of regional laws allowing marriage under the age of 16. Most regions have set the age of marriage at 14.^{vi}
8. The HRC has made recommendations to the government of the Russian Federation to strengthen measures to combat violence against women, which includes sexual violence.^{vii} Though these recommendations were accepted by the government,^{viii} the Russian Federation is failing to adequately prevent and punish instances of sexual assault due to the continued existence of such laws on its statute books.

Discriminatory Labor Laws

9. Equality Now is concerned that the list of as many as 456 occupations and 36 branches of labor from which women are barred under Article 253 of Russia’s Labor Code and Government Regulation No. 162 restricts women’s equal rights to work. Laws that discriminate on the basis of sex demonstrate the clear disrespect of a government for the fundamental right of women and girls to equality and signify an official endorsement of women and girls as people of lesser worth. Indeed, the CEDAW Committee recently held that the list “contradicts the State party’s obligations under the [CEDAW Convention] because it treats men and women differently, it in no way promotes the employment of women and it is based on discriminatory stereotypes”.^{ix}
10. Only following a complete revocation of labor laws that discriminate against women on the basis of sex, while simultaneously ensuring that pregnant women and breastfeeding mothers are afforded the latitude to work safely and comfortably at their reasonable request without penalty or hindering their access to employment and their remuneration on the basis of gender stereotypes, can the Russian government fulfill its international obligations to eliminate discrimination against women. To the extent that the State wishes to provide benefits and protections to pregnant women and new mothers, these benefits and protections should be electable at the mother’s discretion and developed within a context where employers simultaneously facilitate women’s maximum entry and participation in the labor force by adopting non-restrictive, evidence-based measures to protect both men’s and women’s health. Equality Now is also concerned by those labor laws that restrict the employability of pregnant women and women with children under the age of three years old, and those restrictions on women’s working hours in rural areas.

11. Conducting a review and necessary repeal of all labor laws that discriminate against women would also be in line with the 2030 Agenda for Sustainable Development adopted in September 2015 by the UN General Assembly. This includes, inter alia, under Goal 5 to “[e]liminate all forms of violence against all women and girls in the public and private spheres” (Target 5.2), “[e]nsure women’s full and effective participation and equal opportunities for leadership in all levels of decision making in political, economic and public life” (Target 5.5), “[u]ndertake reforms to give women equal rights to economic resources” (Target 5.a) and “[a]dopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels” (Target 5.c), as well as Targets 8.8 and 10.3, which call on States to “[p]rotect labor rights and promote safe and secure working environments for all workers” and “[e]nsure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws....”, respectively.

NGO Laws

12. Equality Now also wishes to draw attention to Federal Law No. 121-FZ on Non-Commercial Organizations, which requires non-profit organizations receiving foreign funding and engaging in “political activities” to register as “foreign agents”, and the more recent Federal Law of 23 May 2015 No. 129-FZ “On amendments of some legislative acts of the Russian Federation”, which allows prosecutors to extrajudicially shut down NGOs found to be “undesirable”.
13. Both of these laws have been criticized by the Human Rights Committee, who in 2015 recommended that the Russian Federation repeal, or at least significantly revise, such legislation.^x The Human Rights Council has also made recommendations in its 2013 review for the government of the Russian Federation to repeal the 2012 amendments to Law No. 121-FZ (which required non-profit organizations receiving foreign funding to register as “foreign agents”); however, this recommendation was rejected by the Russian Federation.^{xi}
14. Civil society plays an important role in the promotion and protection of all human rights and fundamental freedoms. It follows that restricting this role jeopardizes human rights and fundamental freedoms. With respect to women’s rights organizations, such restrictions create an environment of disrespect for women and their rights in which violence and discrimination is easily perpetrated and effectively condoned by the State. This inculcates a culture of impunity, as the State is not held to account. Such restrictions also remove from women subjected to domestic violence and other gender-based abuses the support they might have received from women’s organizations in the absence of any State support (including with regard to prosecuting incidents of domestic violence). Indeed, the CEDAW Committee has noted with concern “the suspension or closure of some such organizations working in the field of women’s rights” as a result of these restrictions.^{xii}
15. By both perpetuating a culture of disregard for women’s rights and hindering the work of women’s rights organizations, these laws thwart Russia’s ability to comply with its international obligations to prevent discrimination and ensure equal rights for men and

women. By restricting the work of women's rights organizations and turning what they do into a threat, rather than a valued partnership in collaboration with which the State could more successfully achieve better status for and protection of women, the Russian Federation cannot meet its obligations under international law to protect the human rights of woman and girls.

Recommendations for Action by the Government of the Russian Federation

Equality Now respectfully urges the Human Rights Council to call on the government of the Russian Federation to:

Law on Domestic Violence

1. Revoke those amendments to the Criminal Code that allow for some acts of domestic violence to fall under the category of administrative offenses.
2. Amend those provisions in the Code of Criminal Procedure that require victims of domestic violence to pursue private prosecution.
3. Ultimately put in place and effectively implement comprehensive legislation criminalizing domestic violence and providing for prosecution by the state for all forms of domestic violence.

Law on Rape and Sexual Assault

4. Fully revoke Article 134, and review and amend as necessary Article 76 of the Criminal Code, as well as any other provision that allows exemption from punishment for perpetrators of rape and sexual assault upon any sort settlement with the victim.
5. Comprehensively review and amend as necessary all other laws, policies and procedures relating to rape and sexual assault as needed to better prevent rape and sexual assault, provide access to justice for victims and effectively punish sexual violence crimes.

Sex Discriminatory Labor Laws

6. Fully revoke all labor laws and any others that discriminate on the basis of sex or maternity and ensure that pregnant women and breastfeeding mothers are afforded the right to work safely and comfortably at their reasonable request without penalty or hindering their access to employment and remuneration on the basis of gender stereotypes.

NGO laws

7. Repeal the 2012 Amendments to Federal Law No. 121-FZ on Non-Commercial Organizations and Federal Law of 23 May 2015 No. 129-FZ and remove any other restrictions that unjustly constrain the activities of civil society.

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- ⁱ ANNA National Centre for the Prevention of Violence, *Violence Against Women in the Russian Federation: Alternative Report to the United Nations Committee on the Elimination of Discrimination Against Women (CEDAW)*, (2010), p.6, available at http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/ANNANCPV_RussianFederation46.pdf.
- ⁱⁱ UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Russian Federation, Addendum: Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review*, 5 Jun. 2009, A/HRC/11/19/Add.1/Rev.1 at ¶10.
- ⁱⁱⁱ Evidence shared by our partners in Russia make clear that these amendments have made it even more difficult for victims of domestic violence to pursue and achieve justice and protection from further victimization, ultimately creating a culture of impunity for perpetrators. Very often, when incidents of domestic violence are filed with the courts through the administrative procedure, the courts simply return the filings to the police on procedural grounds without holding a trial. Even if the court does adjudicate the case, a very low penalty is commonly imposed in the form of a fine.
- ^{iv} UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Russian Federation*, 5 Oct. 2009, A/HRC/11/19 at No. 32; UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Russian Federation*, 8 Jul. 2013, A/HRC/24/14 at ¶¶ 140.23, 140.106-108.
- ^v Committee on Economic, Social and Cultural Rights, *Consideration of reports submitted by States parties under articles 16 and 17 of the Covenant: Russia*, 1 June 2011, E/C.12/RUS/CO/5 at ¶ 22(a); Committee Against Torture, *Concluding observations on the fifth periodic report of the Russian Federation*, 11 December 2012, CAT/C/RUS/CO/5 at ¶ 14 (2012); Committee on the Elimination of Discrimination against Women, *Concluding observations on the eighth periodic report of the Russian Federation*, 20 November 2015, CEDAW/C/RUS/CO/8 at ¶ 22(a); Committee Against Torture, *Concluding observations on the fifth periodic report of the Russian Federation*, 11 December 2012, CAT/C/RUS/CO/5 at ¶ 14 (2012).
- ^{vi} Equality Now highlighted this finding in our recent report on rape laws around the globe entitled *The World's Shame. The Global Rape Epidemic: How Laws Around the World are Failing to Protect Women and Girls* (2017), available at <https://www.equalitynow.org/campaigns/rape-laws-report>.
- ^{vii} UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Russian Federation*, 6 Feb. 2009, A/HRC/WG.6/4/L.5 at ¶ 32; UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Russian Federation*, 8 Jul. 2013, A/HRC/24/14 at ¶¶ 140.109-110.
- ^{viii} UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Russian Federation, Addendum: Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review*, 5 Jun. 2009, A/HRC/11/19/Add.1/Rev.1 at p. 6; UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Russian Federation, Addendum: Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review*, 2 Sept. 2013, A/HRC/24/14/Add.1 at ¶¶ 7, 23.
- ^{ix} *Medvedeva v. Russia*, Communication No. 60/2013, 5 May 2013, CEDAW/C/63/D/60/2013 at ¶ 11.7.
- ^x Human Rights Committee, *Concluding observations on the seventh periodic report of the Russian Federation*, 28 Apr. 2015, CCPR/C/RUS/CO/7 at ¶ 22.
- ^{xi} UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Russian Federation, Addendum: Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review*, 2 Sept. 2013, A/HRC/24/14/Add.1 at ¶30.
- ^{xii} Committee on the Elimination of Discrimination against Women, *Concluding observations on the eighth periodic report of the Russian Federation*, 20 November 2015, CEDAW/C/RUS/CO/8 at ¶ 15.