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## **Information on the List of Issues for the Russian Federation for Consideration by the Human Rights Committee at its 129th Session (29 June - 24 July 2020)**

### **Introduction**

1. We present the following submission in advance of the 129th session of the Human Rights Committee ('the Committee'), taking place between 29 June - 24 July 2020, for consideration of the List of Issues on the Russian Federation's eighth periodic report for review. Equality Now, the Consortium of women's non-governmental organisations, and Centre "Sisters" are writing to express our concern about sexual violence laws and procedures in Russia that deny justice to survivors and constitute a violation of the obligations under the International Covenant on Civil and Political Rights (ICCPR). We are recommending the questions to be asked to the Russian Federation by the Committee and the legal and practice change required to make sure that perpetrators of sexual violence are brought to justice and that survivors access justice.

### **Information about the authors of the submission**

2. Equality Now is an international human rights NGO with the mission to achieve legal and systemic change that addresses violence and discrimination against women and girls around the world. Founded in 1992, Equality Now has offices in London, New York, Nairobi and Beirut, as well as consultants based in various parts of the world. Ending sexual violence, ending sex trafficking, ending harmful practices and achieving legal equality are the main areas of Equality Now's work. This submission is in reference to Equality Now's 2019 report, "Roadblocks to Justice: How the Law is Failing Survivors of Sexual Violence in Eurasia"<sup>1</sup> which identified gaps in the law, thereby allowing for actual and potential impunity for perpetrators of sexual violence crimes. This report also relies on the Third

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<sup>1</sup> [https://www.equalitynow.org/roadblocks\\_to\\_justice](https://www.equalitynow.org/roadblocks_to_justice)

Party Intervention to the European Court of Human Rights, in the case of T.V. v. Russia, submitted by the European Human Rights Advocacy Centre, Equal Rights Trust and Equality Now on 29 January 2020, outlining the issues raised in the present submission.<sup>2</sup> This submission is also in reference to Equality Now's 2020 report, "Female Genital Mutilation/Cutting: A Call for a Global Response",<sup>3</sup> which identifies Russia as one of the 41 countries globally where there is evidence of female genital mutilation (FGM) taking place, but which has no specific law against the practice.

The Consortium of women's non-governmental organisations has worked since 1993 on defending the rights and interests of women throughout Russia, and works with authorities to improve legislation and monitor the observance of the constitutional right to equal opportunities. In 2018, the Consortium launched the project "Centre for Assistance to Victims of Domestic Violence" and managed to help thousands of women. The Consortium's lawyers specialise in cases of domestic violence, and litigated the famous cases of Margarita Gracheva, Galina Katorova and Anna Verba. Currently, the Consortium is one of the few organisations at the federal level that unites equal and equally responsible partners. The Consortium includes 85 non-governmental organisations across the country.

Centre "Sisters" (full name Independent Charity Centre for Assistance to Sexual Violence survivors "Sisters") is a Russian regional organisation established in Moscow in 1994 with the goal of providing support and assistance to survivors of sexual violence, especially women and children. The goals of the organisation's activities include providing direct assistance to survivors of sexual violence (the "Sisters" Centre has a helpline and crisis email, provides individual psychological counseling), assisting survivors of sexual violence in receiving any other assistance they need, and promoting the establishment of favourable legal, psychological and social conditions for the rehabilitation of survivors of sexual violence. "Sisters" Centre works directly with the negative consequences of violence, and monitors how inadequate legislation and the insufficiency of measures taken by the state affect the psychological and physical condition of survivors of sexual violence and their well-being, who find it difficult to obtain the necessary help and rehabilitation. The Centre provides assistance to people from all over Russia.

3. The legal provisions and practices detailed in this submission highlight the failure of the State to comply with its obligations under Article 2 (non-discrimination), Article 3 (equality for men and women) Article 7 (prohibition of inhuman treatment) and Article 26 (equality before the law).

4. We reiterate the Concluding Observations on the seventh periodic report of the Russian Federation<sup>4</sup> and underline, in particular, the recommendations urging the government of Russia to step up its efforts to prevent and combat all forms of domestic violence and ensure that "cases are thoroughly investigated, that perpetrators are prosecuted and, if convicted, punished with appropriate sanctions, and that victims are adequately compensated." The Committee has not made any specific recommendations on sexual violence. With this submission, we urge the Committee to encourage the Russian Federation to report on laws and practices on sexual violence and bring them into compliance with the above requirements of ICCPR.

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[https://d3n8a8pro7vhm.cloudfront.net/equalitynow/pages/2219/attachments/original/1580340080/202901T.V\\_Intervention\\_submission\\_%281%29.pdf?1580340080](https://d3n8a8pro7vhm.cloudfront.net/equalitynow/pages/2219/attachments/original/1580340080/202901T.V_Intervention_submission_%281%29.pdf?1580340080)

<sup>3</sup> [https://www.equalitynow.org/fgmc\\_a\\_call\\_for\\_a\\_global\\_response\\_report](https://www.equalitynow.org/fgmc_a_call_for_a_global_response_report)

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[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fRUS%2fCO%2f7&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fRUS%2fCO%2f7&Lang=en)

**A: Definitions of sexual violence crimes, including rape, enable impunity for perpetrators**

5. Russia's legislation fails to ensure justice for sexual violence survivors, since the legal provisions in force effectively fall short of the standards developed by international human rights instruments and jurisprudence, in particular, the Istanbul Convention,<sup>5</sup> the European Court of Human Rights,<sup>6</sup> the Committee on the Elimination of Discrimination against Women (CEDAW),<sup>7</sup> the International Criminal Court (ICC),<sup>8</sup> the Inter-American Court,<sup>9</sup> the International Criminal Tribunal for Rwanda (ICTR)<sup>10</sup>, the International Criminal Tribunal for the Former Yugoslavia (ICTY),<sup>11</sup> the Mechanism to Follow Up on the Implementation of the Convention on the Prevention, Punishment and Eradication of Violence against Women (MESECVI),<sup>12</sup> and the Declaration on Violence Against Women, Girls and Adolescents and their Sexual and Reproductive Rights.<sup>13</sup> UN Women guidelines also underscore that rape and sexual assault laws should not require evidence of additional force as rape itself is a violent act and that additional violence should be considered an aggravating factor.<sup>14</sup>

6. Articles 131-135 of the Criminal Code of Russia criminalise various forms of sexual violence, including rape,<sup>15</sup> violent actions of a sexual character,<sup>16</sup> compulsion to perform sexual actions,<sup>17</sup> and statutory rape.<sup>18</sup> These provisions fail to apply the international and regional human rights standard of requiring lack of consent as a proper element of crimes of sexual violence and denoting that any consent must be given voluntarily as the result of the person's free will. In addition, the crime of rape currently defined requires additional violence, rather than identifying additional violence as an aggravating circumstance of rape. Moreover, by failing to appropriately criminalize sexual violence in both law and in practice in line with its international obligations, Russia is failing in its obligations to ensure all its citizens are protected from torture, cruel, inhuman or degrading treatment, according to Article 7 of the ICCPR, and in ensuring women are able to enjoy all the civil and political rights set forth in the ICCPR, as required by Article 3.

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<sup>5</sup> Article 36 of the Istanbul Convention.

<sup>6</sup> M.C. v Bulgaria (No. 39272/98) para. 181

<sup>7</sup> CEDAW Committee, General recommendation No. 35. CEDAW Committee, Vertido v Philippines, Merits, Communication No. 18/2008, UN Doc CEDAW/C/46/D/18/2008 (2010); R.P.B. v Philippines, Communication No. 34/2011, UN Doc. CEDAW/C/57/D/34/2011 (2014).

<sup>8</sup> ICC Rules of Procedure and Evidence; Articles 7(2) and 8(2) of the ICC Elements of the Offences; Article 7 (1) (g)-1, Elements of Crimes, International Criminal Court, 2011; Katanga ICC-01/04-01/07, Decision on the Confirmation of Charges, 30 September 2008, § 440; Bemba ICC-01/05-01/08-3343, 21 March 2016, §§ 105-106

<sup>9</sup> Case of Fernandez Ortega et al v Mexico, Judgment of May 15 2011, Interpretation of judgment on preliminary objection, merits, reparations and costs.

<sup>10</sup> The Prosecutor v. Jean-Paul Akayesu, ICTR-96-4-T, Trial Chamber 1, 2 September 1998 7 Prosecutor v Kunarac, Kovac and Vukovic (No. IT-96-23& IT-96-23/1-A)

<sup>11</sup> Prosecutor v Kunarac, Kovac and Vukovic (No. IT-96-23& IT-96-23/1-A), ICTY, 12 June 2002

<sup>12</sup> Second Hemispheric Report on the Implementation of the Belém do Pará Convention (Apr. 2012)

<sup>13</sup> OEA/Ser.L/11.710 MESECVI/CEVI/DEC.4/14 (19 Sept. 2014).

<sup>14</sup> UN Women, 'Handbook for legislation on violence against women', 2012, p. 24

<sup>15</sup> Article 131: Rape, that is, a sexual intercourse with the use of violence or of a threat thereof, with respect to the victim [female] or to other persons or with the use of a helpless state of the victim...

<sup>16</sup> Article 132.1. Pederasty, lesbianism or other actions of sexual character with the use of violence or with a threat thereof with respect to a male (or female) victim or to others...

<sup>17</sup> Article 133.1. Compulsion of a person to enter into sexual relation, pederasty, lesbianism, or the commission of other sexual actions by means of blackmail, threat of destruction, damage, or taking of property, or with the use of material or any other dependence of the victim.

<sup>18</sup> Article 134(1) Sexual intercourse with a person who has not reached the age of sixteen years committed by a person who has reached the age of eighteen years...

7. In cases where rape is reported but there is no additional serious physical harm, law enforcement often fails to conduct an investigation or bring charges, or the cases are dismissed by the court because of the lack of evidence on additional physical violence and of biological material (sperm, sweat, saliva) indicative of a sexual act. It is a common practice that nobody, including law enforcement and the courts, will believe that a rape was committed when there is no shouting, witnesses, resistance or additional injuries.

8. According to the jurisprudence of the European Court of Human Rights, where there is a contradictory dispute as to the facts of a case, this requires a “context-sensitive assessment of the credibility of the statements made and for the verification of all the surrounding circumstances”<sup>19</sup> and there should not be an undue emphasis on the absence of proof of resistance by the complainant.<sup>20</sup>

9. The “helpless state of the victim” is included in the law as an alternative element to the requirement for additional violence on the part of the perpetrator, but there is no definition or explanation in the law as to what this entails. In practice, this element has often been applied in cases where the victim has a physical disability or compromised mental faculties (for example, if she has dementia, a mental disorder, or is unconscious). The court will, in these cases, question whether the victim had the ability to understand the situation enough to be able to resist the perpetrator. In these cases, the perpetrator has the responsibility to be aware of her “helpless state”. Therefore, “helpless state” has very limited application and does not cover situations where the perpetrator could overcome the will of the victim (e.g. perpetrator subjecting victim to systematic rape within the context of domestic violence and making her helpless, or taking her to a deserted area where it is not possible to resist sexual violence).

10. As well as neglecting the importance of willing consent, the reviewed sexual violence provisions do not enumerate a wide range of coercive circumstances that can paralyse the will and the actions of the victim, such as abuse of trust and authority and situations of dependence, including within a violent domestic relationship. This in practice means that the prosecution of rape is overwhelmingly limited to situations where the victim has the physical evidence of injuries and can prove physical resistance to sexual intercourse. When such evidence cannot be secured, or when sexual violence was committed without using physical force, there is very little chance that the perpetrator will be brought to justice.

11. Moreover, there is no recognition of the concept of gender-based violence in the laws or practice, and there is a lack of understanding of gender-based violence as a separate form of violence which can have a significant impact on the life, health and well-being of women and girls. There is also no awareness or understanding by law enforcement or the criminal justice system of the gendered nature of sexual violence. This results in a range of offences not being criminalised at the state level which would protect victims from different forms of gender-based violence, such as sexual harassment, sextortion, image-based sexual abuse, and non-consensual image/video sharing. As a consequence, they are also not perceived by society as violence against women resulting in a general acceptance and perpetuation of these forms of gender-based violence.

12. The lack of an effective legislative structure and criminal justice response to survivors of sexual violence effectively result in women’s rights under Article 7 of the Convention being violated as the state has failed to institute appropriate and effective measures of protection, including legal remedies, for women survivors of sexual violence. As gender-based violence is a form of discrimination against women, the state party would also be failing in its obligations under Articles 2, 3

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<sup>19</sup> *E.B v Romania*, (No. 49089/10, 19 March 2019), § 58.

<sup>20</sup> *Ibid.* § 63.

and 26 of the Convention.

### ***Marital rape***

13. Marital rape is neither explicitly criminalised in a separate provision, nor included as an aggravating factor of sexual violence crimes. International human rights standards highlight the obligation of States to pay specific attention when it comes to crimes committed in a domestic setting, including marital rape. The Council of Europe’s Istanbul Convention suggests that in cases of violence against women, it should be an aggravating circumstance if “the offence was committed against a former or current spouse or partner as recognised by internal law, by a member of the family, a person cohabiting with the victim or a person having abused her or his authority”.<sup>21</sup> The Council of Europe’s Group of Experts on Action Against Violence Against Women and Domestic Violence (“GREVIO”) also recognises that sexual violence and rape are a “common form of exerting power and control in abusive relationships and are likely to occur during the relationship and after its break-up. It is crucial to ensure that there are no exceptions to the criminalisation and prosecution of such acts when committed against a current or former spouse or partner.”<sup>22</sup> To ensure compliance with the ICCPR, and in particular the rights provided for under Article 7 and Article 23, we urge the Committee to call on the state party to criminalize marital rape in its Criminal Code.

14. A presumption of ongoing consent in a marital relationship, particularly where domestic violence has been established, violates a woman’s right to her autonomy, security and bodily integrity. In light of the existence of unequal power dynamics in relationships, particularly when the wife has been experiencing ongoing threats and demonstrations of violence, the State should ensure that the assessment of genuine consent is informed by these coercive contexts.

### ***Impunity for statutory rape of adolescent girls***

15. Article 134 of the Criminal Code of Russia expressly provides that if an adult person (over the age of 18) marries a girl below 16 with whom he has had sexual relations with her supposed consent, he will not be punished for the statutory rape. Although marriage under the age of 18 (16 in exceptional circumstances) cannot be legally registered in Russia, the autonomous regions of Russia have the authority to lower the age to as low as 14. Permitting marriage under the age of 18 is usually justified as a result of pregnancy or if the adolescents officially reach the age of legal capacity and have a permanent job that provides for them. Not only does the exemption provision exonerate the perpetrator from punishment if the marriage is registered, it also fails to protect the girl as a minor. In addition, the court can and does recognise cohabitation without registration as being a married state, as long as the parties have reached the permitted age of marriage. Again, this would allow a perpetrator of statutory rape to escape punishment.

16. The Russian Government recently declared it will further submit amendments to the Family Code and the Law on Civil Status Acts which would change the age of marriage to allow persons under the age of 18 to enter into marriage. It is expected to be discussed and approved in the State Duma in February 2021.

### ***B: Failure to ensure ex officio/public prosecution for sexual violence***

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<sup>21</sup> Article 46.a.

<sup>22</sup> GREVIO Baseline Evaluation Report: Montenegro §§ 179 and 182

17. The criminal legislation of Russia fails to ensure ex officio/public prosecution for sexual violence crimes, classifying these crimes as the ones prosecuted under private-public prosecution procedures. Article 20.3 of the Criminal Procedure Code of Russia, which is applicable to rape and violent actions of a sexual character, provides that “criminal cases of private-public prosecution are initiated only upon application from the victim, or from their legal representative, but are not subject to termination due to the victim’s reconciliation with the accused.”

18. This provision implies and is effectively interpreted as the victim having to file a specific complaint for rape for the crime to be prosecuted. This omits situations where the victim includes facts relating to the alleged rape while filing a complaint on domestic violence or on any other crime and, among other issues, even if medical professionals report evidence of rape of their patients to the police, specific individual charges will not be filed unless the patient is proactively willing to do so. Consequently, as a result of the fact that there is no legal obligation for law enforcement to investigate cases ex officio, rape is not prosecuted in many situations. Furthermore, women are not able or willing to file a complaint because they fear the perpetrator which further demonstrates the need for investigations to be conducted ex officio. Effectively, such provisions deny justice to survivors because the survivor, rather than the state, is required to bear the burden of the criminal proceeding, including when it comes to presenting the evidence required to prove the circumstances of the crime.

19. The fact that Russian law fails to ensure the public prosecution of sexual violence further results in reports made by victims not being taken seriously by law enforcement officials. Victims are faced with many obstacles, including the reluctance of law enforcement to register their allegations, verify their testimony and initiate criminal proceedings. The authors note that since the offence of ‘beatings’ was excluded from the Criminal Code due to recent legislative amendments and instead categorised as an administrative offence, there have been cases of rape where law enforcement qualify the case as a beating instead of registering it as rape. This carries a lesser penalty and does not reflect the experience of the survivor of sexual violence.

20. International and regional standards<sup>23</sup>, including the jurisprudence of this Committee, are clear in requiring that State authorities should remove all obstacles that frustrate the filing of complaints and effective access to justice for victims of sexual violence, including through prosecution ex officio, and ensuring the confidentiality and protection of victims during the filing of a complaint, investigation and proceedings.<sup>24</sup> As sexual violence is particularly traumatising, the aim of such standards is to make sure that survivors do not carry the burden of lengthy criminal proceedings and that perpetrators are brought to justice.

### **C. Experience of reporting sexual violence to law enforcement and lack of support programs for survivors**

21. Further compounding their experience, survivors of sexual violence are not provided with free legal aid which makes it even more difficult to access justice, including being able to protect and exercise their full rights during the verification of statements and investigative actions.

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<sup>23</sup> See *inter alia* *Opuz v Turkey* (No. 33401/02), §§ 138-139, and Article 55 of the Istanbul Convention. For further information, please see: [https://d3n8a8pro7vhmx.cloudfront.net/equalitynow/pages/2219/attachments/original/1580340080/202901T.V\\_Intervention\\_submission\\_%281%29.pdf?1580340080](https://d3n8a8pro7vhmx.cloudfront.net/equalitynow/pages/2219/attachments/original/1580340080/202901T.V_Intervention_submission_%281%29.pdf?1580340080)

<sup>24</sup> Views adopted by the Committee under article 5(4) of the Optional Protocol, concerning communication No. 2245/2013, *Purna Maya v Nepal* (2012), CCPR/C/119/D/2245/2013

22. Victims of sexual violence further report the humiliation they experience when they contact the police, which exacerbates their psychological trauma and is a frequently reported reason for why victims do not contact the police to make a statement about the commission of a crime of sexual violence.

23. There are also no state programmes for the rehabilitation of victims of sexual violence in the Russian Federation. The cooperation of public authorities with the few NGOs involved in the rehabilitation of victims of sexual violence is hampered by the threat of being designated with the status of “foreign agent”, which exists with respect to all NGOs due to the selectivity and unpredictability of the application of legislation on foreign agents.

24. In accordance with international good practice and experience, comprehensive sexuality education is considered to be one of the ways sexual and gender-based violence can be prevented.<sup>25</sup> Currently, sexual education in schools of the Russian Federation is not included in the state school curricula in any form.

#### **D. Action to address Female Genital Mutilation (FGM)**

25. FGM is not specifically prohibited by law in the Russian Federation. It is estimated that at least 1240 girls in the North Caucasus region of Russia are at risk of being subjected to FGM every year.<sup>26</sup> This estimate is based on a 2016 sociological study by the Russian Justice Initiative in the Republics of Dagestan, Ingushetia and Chechnya which included interviews with 25 survivors of FGM and 17 experts with knowledge of the practice. The report estimates that the prevalence of FGM varies in different districts, ranging from 90-100% in the Botlikhsky and Tsuntinsky regions to 50% in the Tlyaratinsky region, to an estimated 25% of women and girls who have been subjected to FGM or who are at risk in the Tsyumadinsky and Kizlyarsky regions.<sup>27</sup>

26. In 2016, following the Russian Justice Initiative’s qualitative study of FGM in the North Caucasus, the State Duma initiated a draft law to introduce criminal punishment (up to 10 years’ imprisonment) for carrying out FGM for religious motives.<sup>28</sup> Changes were proposed to Article 136 of the Russian Criminal Code to include the following offences in relation to FGM:

*“Part 2: Discrimination carried out against women for religious motives and manifested in partial or complete removal of the external genitalia, explained by the goals of a religious cult, is punished by imprisonment from a period of 5 to 7 years.”*

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<sup>25</sup> International technical guidance on sexuality education: an evidence-informed approach, Paris: UNFPA, 2018: <https://www.unfpa.org/publications/international-technical-guidance-sexuality-education>

<sup>26</sup> Yu. A. Antonova, S.V. Siradzhudinova (Russia Justice Initiative, 2018), *The practice of female genital mutilation in Dagestan: strategies for its elimination*.

<sup>27</sup> Yu. A. Antonova & S. V. Siradzhudinova, *Female Genital Mutilation of Girls in Dagestan (Russian Federation)*, 2016. Available at [http://www.srji.org/upload/iblock/52c/fgm\\_dagestan\\_2016\\_eng\\_final\\_edited\\_2017.pdf](http://www.srji.org/upload/iblock/52c/fgm_dagestan_2016_eng_final_edited_2017.pdf)

<sup>28</sup> О внесении изменений в статью 136 УК РФ. Вносится депутатом Государственной Думы М.П. Макаковой-Игенбергс. Проект №1153660-6 [On amendments to article 136 of the RF Criminal Code. Submitted by State Duma deputy M.P. Maksakova-Igenbergs, Project №1153660-6] [http://asozd2.duma.gov.ru/addwork/scans.nsf/ID/3D22C9D2ECAB4FEE4325801400324CB3/\\$File/1153660-6.PDF?OpenElement](http://asozd2.duma.gov.ru/addwork/scans.nsf/ID/3D22C9D2ECAB4FEE4325801400324CB3/$File/1153660-6.PDF?OpenElement)

*“Part 3: Discrimination carried out against underage girls and manifested in the partial or complete removal of the external genitalia, explained by the goals of a religious cult, is punished by imprisonment from a period of 7 to 10 years.”*

27. There are some concerns regarding the compatibility of these proposed provisions with Article 38<sup>29</sup> of the Istanbul Convention which provides that all intentional conducts should be criminalised, and not necessarily those which have been carried out solely for ‘religious motives’ or ‘explained by the goals of a religious cult’. The law was not adopted and there have been no other efforts since then to pass a law against FGM in the Russian Federation.

28. The investigation of the first criminal case of FGM on a nine-year-old girl in Ingushetia is currently ongoing. The NGO the Russian Justice Initiative (RJI) appealed to the Directorate of the Investigative Committee for Ingushetia with a request to check the activities of the management and doctors of the Aybolit clinic in Magas, where FGM was performed in June 2019. A criminal case has been initiated under Article 115 of the Criminal Code (causing minor harm to health), the first such case in Russia considered in court. The accused in the case is the children's gynecologist Izanya Nalgieva. However, no case has been filed against the clinic’s leadership, father or stepmother of the girl who initiated the procedure, which demonstrates the need for a specific law against FGM. The Russian Federation ought to thoroughly investigate and prosecute in this case, including by initiating a wider investigation into the persons who may be involved in such harmful procedures.

***Suggested Questions to be Asked to the Russian Federation and Recommendations:***

We would respectfully urge the Committee to ask the following questions to the Russian Federation and recommend as follows with regard to violations of the ICCPR addressed in this letter:

**a) What measures has the Russian Federation undertaken to amend its criminal law provisions and introduce a consent-based definition of rape and other forms of sexual violence and introduce sanctions based on the gravity of the crime?**

We submit that Articles 131, 132 and 133 of the Criminal Code of Russia need to be amended to ensure that the definitions of rape and other sexual violence crimes are in compliance with standards developed by international law and cover all forms of sexual violence acts committed without the victim’s voluntary, genuine and willing consent; ensuring that sanctions for these crimes correspond to the gravity of the crimes. We urge the Committee to develop these standards and find that definitions of rape and other sexual violence crimes which are not in line with international law, will also be in violation of Articles 2 and 7 of the ICCPR.

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<sup>29</sup> Article 38 – Female genital mutilation: Parties shall take the necessary legislative or other measures to ensure that the following intentional conducts are criminalised:

- a) excising, infibulating or performing any other mutilation to the whole or any part of a woman’s labia majora, labia minora or clitoris;
- b) coercing or procuring a woman to undergo any of the acts listed in point a;
- c) inciting, coercing or procuring a girl to undergo any of the acts listed in point a.

**b) What measures has the Russian Federation taken to ensure mandatory (ex officio) prosecution of sexual violence crimes?**

We submit that the criminal legislation of Russia should be amended to introduce public (ex officio) prosecution of sexual violence crimes and abolish private-public prosecution, which requires the victim to initiate criminal proceedings. We urge the Committee to develop its jurisprudence in line with this standard and any legislation which does not provide public prosecution of sexual violence crimes to be found in violation of Articles 2 and 7 of the ICCPR.

**c) What measures has the Russian Federation taken to make sure that marriage is no exception for punishing statutory rape against adolescent girls?**

We submit that the provision in Article 134 of the Criminal Code of Russia should be abolished, which expressly provides that if an adult person (over the age of 18) marries a girl below 16 with whom he has had sexual relations with her supposed consent, he will not be punished for the statutory rape. We urge the Committee to develop its jurisprudence for Articles 7 and 24 of the ICCPR and call on states to abolish any exceptions for punishing statutory rape against adolescent girls.

**d) What measures has the Russian Federation taken to make sure that sexual violence investigations and trials are conducted in compliance with human rights standards?**

We submit that the Russian Federation needs to adopt a specific, gender-sensitive methodology for investigating sexual violence and ensure that investigators, prosecutors and judges are trained; that sanctions to perpetrators and deterrent sanctions and effective remedies are provided for survivors. We urge the Committee to develop its jurisprudence with respect to Articles 2, 3 and 7 of the ICCPR to ensure that sexual violence investigations and trials are conducted in accordance with international human rights standards.

**e) What measures has the Russian Federation taken to raise public awareness of the unacceptability of sexual violence under any circumstances?**

We submit that the Russian Federation needs to ensure awareness raising campaigns, including among law-enforcement, about the criminal nature of all forms of sexual violence (including marital rape and statutory rape) and that violence is not justified in any circumstances. Comprehensive sexuality education should be introduced into state educational programmes at various levels, aimed at empowering and protecting women and girls from gender-based and sexual violence. We urge the Committee to develop its jurisprudence under Articles 2, 3 and 7 of the ICCPR to ensure that states undertake public awareness and introduce comprehensive sexuality education to raise awareness of the unacceptability of all forms of sexual violence.

**f) What measures has the Russian Federation taken to make sure that the age of marriage is fixed as 18 without exceptions?**

We submit that the undertaking of the Russian Government to amend the Family Code and the Law on Civil Status Acts by February 2021 to change the age of marriage allowing persons under the age of 18 to enter into marriage are contrary to international law and are not justified in any circumstances. Russia should amend the laws in force to make sure that the age of marriage is fixed as 18 without exceptions. We urge the Committee to develop its jurisprudence under Article 24 of the ICCPR to call on states to set the age of marriage at 18, with no exceptions.

- g) What measures has the Russian Federation taken to raise public awareness of the unacceptability of FGM under any circumstances?**
- h) What are the Government's plans and timeframe for enacting and enforcing a comprehensive law that prohibits FGM and guarantees the protection of women and girls who are at risk of undergoing FGM?**
- i) What measures has the government taken to generate statistical and other relevant data to demonstrate the extent of the practice and impact of FGM in the Russian Federation?**