

# RESEARCH ON PREVENTING AND COMBATING VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE INCLUDING IN SITUATIONS OF SOCIAL DISADVANTAGE IN THE RUSSIAN FEDERATION

Based on analysis of the Russian framework and  
compilation of good practices



Co-operation on the implementation of the  
Russian Federation National Action Strategy for Women (2017–2022)

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# **RESEARCH ON PREVENTING AND COMBATING VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE INCLUDING IN SITUATIONS OF SOCIAL DISADVANTAGE IN THE RUSSIAN FEDERATION**

BASED ON ANALYSIS OF THE RUSSIAN  
FRAMEWORK AND COMPILATION  
OF GOOD PRACTICES

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In course of development of the Russian Federation National strategy for women (2017-2022) consultations with the Council of Europe experts were carried out. These consultations were considered in frames of the Strategy's development.

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# ACRONYMS

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CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CEDAW Committee	Committee on the Elimination of Discrimination against Women
DV	Domestic violence
ECHR	Convention for the Protection on Human Rights and Fundamental Freedoms
ECtHR	European Court of Human Rights
EIGE	European Institute for Gender Equality
EU	European Union
GREVIO	Group of experts on Action against Violence against Women and Domestic Violence
IPV	Intimate partner violence
NGO	Non-governmental organisation
NASW	National Action Strategy for Women 2017-2022
NHRI	National human rights institution
RCAO	Russian Code of Administrative Offences
RCC	Russian Criminal Code
ToT	Training of trainers
UNFPA	United Nations Population Fund
UNDP	United Nations Development Programme
UNODC	United Nations Office on Drugs and Crime
VAW	Violence against Women
WHO	World Health Organisation

# 1. INTRODUCTION

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Violence against women is one of the most pervasive human rights violations as it takes multiple forms (physical, sexual, psychological, economic violence), is perpetrated against girls and women of all ages, is not limited to any socio-economic or educational group and occurs in all countries. Despite its prevalence, violence against women (VAW) remains in the shadows, with efforts still needed to increase awareness and understanding of the problem in order to combat it more effectively.

Although VAW is the most common violation of women's human rights in Council of Europe member states, progress in legal and policy reform has been slow. The organisation-wide Gender Equality Strategy for 2018-2023 identifies several actions under Strategic objective 2 (Prevent and combat violence against women and domestic violence), including supporting member states to implement relevant international instruments that prohibit violence against women, building knowledge about the subject and providing technical and legal expertise<sup>1</sup>.

Within its commitments under the Gender Equality Strategy, the Council of Europe is conducting the "Co-operation on the implementation of the Russian Federation National Action Strategy for Women (2017-2022)" project. The project, implemented by the Council of Europe, the Ministry of Labour and Social Protection of the Russian Federation, the Office of the High Commissioner for Human Rights in the Russian Federation and the Ministry of Foreign Affairs of the Russian Federation and funded by the EU and the Council of Europe, has an 18-month duration, from November 2018 to May 2020.

The project focuses on developing knowledge and skills in two areas of the National Action Strategy for Women (NASW) that were identified jointly by Russian authorities and the Council of Europe: (i) prevention of social disadvantage of women and violence against women and (ii) women's participation in public and political life. In area (i) the aim is to share knowledge and create capacity among the relevant stakeholders in order to pave the way for future actions to advance equality between women and men, combat violence against women (VAW) and domestic violence (DV) including in situations of social disadvantage and to deliver on the NASW and other international commitments.

## 1.1. Methodology

The study was conducted primarily through desk research, consisting of a review of available administrative data and studies conducted in Russia. Legislation and policy documents were consulted to understand the system in place to respond to cases of VAW generally and DV specifically. Relevant judgments of the European Court of Human Rights (ECtHR) as well as the views and recommendations of the Committee on the Elimination of Discrimination Against Women (CEDAW Committee) concerning Russia were also consulted.

Additionally, meetings with several experts were conducted in Moscow in August 2019, including with representatives of ministries, human rights institutions, victim services and legal practitioners<sup>2</sup>. The purpose of the expert meetings was to gain additional insights into common challenges in responding to VAW, from the point of view of practitioners, and to develop an understanding of which responses developed in other countries may be relevant to the Russian context.

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<sup>1</sup> Committee of Ministers of the Council of Europe (2018), Council of Europe Gender Equality Strategy 2018-2023.

<sup>2</sup> A list of the institutions that participated in expert meetings is included as Annex 1 to this report.



## 1.2. Scope of the study

This study uses the internationally-accepted conception of “violence against women” that the Council of Europe adheres to in its work, which is that VAW is a human rights violation and also a form of discrimination that impairs or nullifies the enjoyment of human rights and fundamental freedoms<sup>3</sup>. Violence against women refers to any act of gender-based violence that is directed against a woman because she is a woman or that affects women disproportionately<sup>4</sup>. Because gender-based violence stems from discrimination, it is an obstacle to achieving substantive equality between women and men. VAW is a social problem that is deeply rooted in historical and unequal power relations between women and men; it is not merely a problem of individuals’ criminal behaviour.

This study focuses on the most commonly-occurring form of violence against women- domestic violence (DV). Domestic violence refers to violence occurring between spouses, regular or occasional partners and cohabitants<sup>5</sup>; this form of violence is sometimes referred to specifically as intimate partner violence (IPV). This report uses the terms DV and IPV interchangeably.

Like violence against women generally, domestic violence includes physical, sexual, psychological and economic violence as well as threats of violence. In fact, a perpetrator may use several forms of violence at the same time to exert control over a spouse or partner. Rape, and other forms of sexual violence, occurring in a relationship are forms of domestic violence, as is harassment or stalking of a partner or former partner.

The analysis presented in this report is organised around the core areas of policy development, the criminal justice response, prevention and protection. These categories reflect commitments elaborated under international treaties and reflected in the ECtHR’s case law.

Each section of the report comprises three sub-sections: (i) an overview of relevant international obligations, principles and standards; (ii) information on current legislation, policy and practice in the Russian Federation pertaining to VAW and DV<sup>6</sup>; and (iii) sample practices of Council of Europe member states that are seen to be particularly effective and promising.

The report includes information about positive initiatives in Russia, including at federal, regional and municipal levels, but it was not within the scope of this project to conduct more than a limited assessment.

The sample state practices included in this study are those that have been recognised as good examples through Council of Europe stocktaking and monitoring exercises to its member states. The European Institute for Gender Equality (EIGE) research into good practices of EU Member States, as well as expert recommendations of various UN bodies, including those that monitor treaty implementation (the CEDAW Committee, the Special Rapporteur on violence against women) and UN agencies that develop guidance and standards were also consulted for information about innovative efforts.

3 Among others, Committee of Ministers (2002), Recommendation (2002)5 of the Committee of Ministers to member states on the protection of women against violence; and Committee of Ministers (2007), Recommendation CM/Rec(2007)17 on gender equality standards and mechanisms.

4 Committee on the Elimination of Discrimination against Women (1992), General Recommendation No. 19 on violence against women.

5 Recommendation (2002)5.

6 The present report is not intended to be a full situational analysis. Selected Russian-language resources that address law, policy and practice in the Russian Federation are included as Annex 2 to this report.

Many state practices in preventing and combating VAW and DV have developed over years of work. These practices reflect differing approaches to challenges that are common for most countries and are also similar to those in the Russian Federation. This study cannot cover all such state practices in detail. Rather, the purpose is to focus on how national law and policy can adequately support effective responses to VAW and DV. While this report captures information about promising practices at a specific moment in time, a hallmark of an effective state response is that it recognises and adapts to new challenges.

The state practices selected for this study illustrate a variety of approaches that are in line with international standards, but the authors have not independently evaluated the effectiveness of the initiatives described in this report. Neither the authors nor the Council of Europe endorse any single state's national response.

Lastly, a note about terminology: this study uses the word "victim" to refer to a person who is subject to domestic violence or violence against women. In many contexts, DV experts prefer to use the alternative term "survivor" because it is more empowering. This study follows the practice of referring to the injured party, in law enforcement and legal contexts, as the "victim" (whether they have survived the violence or not). When protection and social services are concerned, the word "survivor" is used.

When referring to the person who has committed DV, the general term "perpetrator" (incl. alleged) is used, meaning either a person who is alleged to have committed violence or a defendant involved in criminal proceedings.

## 2. BACKGROUND

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### 2.1. Prevalence of violence against women and domestic violence

Like VAW generally, DV tends to be underreported, and therefore, the true scope of the problem is not entirely clear. However, the most recent global survey conducted by the World Health Organisation (WHO) indicates that around one in three women worldwide has experienced some form of intimate partner violence during their lifetimes (a 30% lifetime prevalence of intimate partner violence among women who had ever been in partnerships (2013)<sup>7</sup>.

The global pattern is largely replicated in Europe. The WHO estimates the lifetime prevalence of IPV for the European region as 25% of women<sup>8</sup>. According to a European Union-wide survey on VAW, one of three women has experienced some form of physical and/or sexual violence since the age of 15. Concerning intimate partner violence specifically, 22% of women in the EU who have ever been in a relationship with a man has suffered violence or abuse<sup>9</sup>. The pattern of VAW in non-EU countries in Europe is essentially the same. Namely, 70% of women have experienced some form of violence since the age of 15, and almost a quarter (23%) have been subjected to physical and/or sexual violence by an intimate partner specifically<sup>10</sup>.

Globally, the WHO estimates the lifetime prevalence of IPV among women who have ever been in partnerships to be 30%. The equivalent figure for Europe is closer to every fourth woman.

### 2.2. The Russian Federation: country context

Over the last decades, the government and citizens of the Russian Federation have deepened their understanding of VAW and DV and have increasingly become aware of the lasting harm these forms of violence cause to women, their children, other family members, and society as a whole.

Federal authorities, at varying degrees, have begun to tackle the question and are advancing in developing a response in terms of legislation and policy development as shown in this report. The Russian Federation recognises that improving the response to VAW is necessary in order to reach objectives on enhancing the status of women overall, as evidenced in its commitments to international human rights conventions, to which it remains committed, and in national policy. The state has prioritised and elaborated various measures to address VAW in both the National Action Strategy for Women 2017-2022 and the Action Plan to implement the strategy.

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7 World Health Organization (2013), *Global and regional estimates of violence against women: prevalence and health effects of intimate partner violence and non-partner sexual violence*, Geneva, p. 16.

8 In this survey, the European region included ten countries: Albania, Azerbaijan, Georgia, Lithuania, Republic of Moldova, Romania, Russian Federation, Serbia, Turkey and Ukraine. Ibid, p. 17.

9 The study covered the 28 EU Member States. European Union Agency for Fundamental Rights (2014), *Violence against women: an EU-wide survey. Results at a glance*, Luxembourg, p. 9.

10 The study covered seven countries: Albania, Bosnia and Herzegovina, Montenegro, North Macedonia and Serbia, Moldova and Ukraine. Kosovo\* was also included in the survey (\*All references to Kosovo, whether to the territory, institutions or population, shall be understood in full compliance with UN Security Council Resolution 1244 and without prejudice to the status of Kosovo.). Organisation for Security and Co-operation in Europe (2019), *OSCE-led survey on violence against women: Main report*, Vienna, p. 32.

In the area of legislation, a draft federal law on combating and preventing violence within the family was introduced in the State Duma in November 2019. At the time of conducting this analysis, the law has not been adopted but is being actively discussed. Further information about current legal efforts to address VAW are covered in section 5.1 of this report.

One of the key areas of promising work in Russia for addressing VAW and DV including in situations of social disadvantage are the efforts of non-governmental organisations (NGOs), mainly to support and protect DV victims/survivors. There are also positive examples of collaborative work between NGOs and the authorities that are responsible for addressing VAW and DV, in order to improve knowledge and skills.

### 2.2.1. Prevalence of violence against women and domestic violence

There are two main sources of data about VAW in the Russian Federation: official statistics (administrative data) and social surveys conducted among the public. In Russia, estimating the prevalence of VAW, and domestic violence specifically, is greatly complicated by the fact that there are limitations to both sources of data. Administrative data are fragmented, missing or outdated. Social surveys have been used to gather information about public perceptions and personal experiences of VAW and DV. Due to varied methodologies and approaches, the data such surveys produce are not directly comparable nor do they show the true scale of the problem. Thus, available data give only a suggestion of the scope of the problem of VAW in the Russian Federation.

Regarding administrative data, in 2019, the Ministry of Internal Affairs of the Russian Federation reported that according to their statistics, “around a third of all murders take place in the area of family or domestic relations in Russia, and every fourth family experiences other forms of violent acts”<sup>11</sup>. In 2018, the police registered more than 34 000 crimes “related to family-domestic violence”<sup>12</sup> across the country.

Law enforcement data for 2012-2018 suggest that when crimes are committed against family members, women are the primary victims. During this period, women consistently represented more than 70% of all victims of violent criminal acts committed against a family member (ranging from as few as 72.4% of victims in 2015 to as many as 76.7% in 2016)<sup>13</sup>. In most of the cases, the victim was the wife of the perpetrator. In 2018, the pattern of violence committed against a family member in Russia was as follows:

2018	Total number of victims	Number of women victims	Proportion of women victims
Individual victims of crime	33 378	24 478	73.3%
including in relationship to the perpetrator:			
spouse	15 859	13 442	84.7%
son/daughter	5 675	2 972	--

Source: Data from the Ministry of Internal Affairs of the Russian Federation, accessed from the Federal State Statistics Service.

11 Valyaev Y. (2019), *Родственные отношения – дело государственной важности* [Family relations are a matter of national importance], Police of Russia, Journal of the Ministry of Internal Affairs of the Russian Federation, May 2019, p. 11.

12 In Russian, семейно-бытовое насилие.

13 Data from the Ministry of Internal Affairs of the Russian Federation from 15 August 2019, available from the Federal State Statistics Service (Rosstat), Table 7.25, *Number of crimes involving violent acts committed against a family member*.

Law enforcement records indicate that the police have registered over 224 000 administrative offenses of “battery” since 2016<sup>14</sup>. While cases of domestic violence that come to the police are frequently dealt with as battery, it could not be confirmed that this figure concerns DV cases only. However, the Ministry of Internal Affairs of the Russian Federation also reported that in January 2019, as a prevention measure, the police had registered more than 88 000 persons who had committed some form of domestic violence<sup>15</sup>.

The statistics produced by the Ministry of Internal Affairs of the Russian Federation are the most comprehensive official data available on DV in Russia, but there are limitations to their use in determining prevalence of the problem. Several methodological gaps pertaining to data collection are discussed in section 4.3 of this report.

Secondly, surveys and opinion polls carried out in Russia on the topic of VAW can help to build a picture of the occurrence of domestic violence, based on respondents’ personal experiences. The data suggest that VAW is no less a problem in Russia than it is in other Council of Europe member states.

Research conducted from 2002-2003 indicated that more than half of all surveyed women (58%) had experienced some form of aggression from a man with whom they had a close relationship (e.g. current or former husband, fiancé or lover)<sup>16</sup>. Among married women, over 40% had experienced physical violence from their husbands at least once. Approximately half of the women who had been subjected to physical violence were attacked while pregnant, breastfeeding or had a young child. Almost one in every five women (18%) reported that they experienced systematic physical abuse from their male partners.

According to a 2012 study of reproductive health indicators that included interviews with 10 000 women aged 15 to 44 from across Russia, over one third (38%) of women had been verbally abused by their partners. In terms of lifetime experience of IPV, one in five women (20%) reported that they had been subjected to physical violence, and 4% of women said there had been incidents in which their current or former partners forced them to engage in sexual activities against their will<sup>17</sup>.

General opinion polls suggest that around a third of people knows of families in which violence is used, but a smaller number (10%) admit to personally having experienced domestic violence<sup>18</sup>. Asked about their knowledge of DV, 24% of respondents to a 2019 opinion poll said that they were aware of families in which physical violence was used, while 7% stated that they had personally witnessed domestic violence in the family in which they grew up; 5% responded that they either perpetrated or were a victim of domestic violence in their own families

When survey responses are disaggregated by sex, women’s reported experiences of DV suggest that the incidence is high. In two separate polls conducted in 2019, more than half of surveyed women reported that they had been subjected to domestic violence by a family member (52% in one poll and

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14 Valyaev Y. (2019), *Родственные отношения – дело государственной важности* [Family relations are a matter of national importance], p. 12.

15 Ibid.

16 Gorshkova I. and Shurigina I. (2003), *Насилие над женами в современных российских семьях* [Violence against women in contemporary Russian families], MAKSS Press, Moscow, p. 136.

17 Federal State Statistics Service and Ministry of Health of the Russian Federation Rosstat Russia. (2012), *Репродуктивное здоровье населения России* [Report on Reproductive Health of the Russian Population], Moscow, p. 52.

18 Public Opinion Fund (2016), *Рукоприкладство в семье. Насколько распространено в России семейное насилие, и правильно ли смягчать ответственность за него?* [Assault in the Family: How widespread is domestic violence in Russia and is it right to lessen responsibility for it?], available at <https://fom.ru/posts/13124> and Russian Public Opinion Research Centre (2017), *Бьет - значит любит? Или россияне о декриминализации побоев в семье* [To beat means to love? Russians on decriminalization of domestic violence], available at <https://wciom.ru/index.php?id=236&uid=512>.

56% in another)<sup>19</sup>. For most women, the perpetrator of physical violence was their husband, followed by their partner or co-habitant (39% and 16%, respectively)<sup>20</sup>.

### 2.2.2. Societal perceptions

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For the past several years, the issues of VAW and DV have been some of the most widely discussed social problems in Russian society. The number of times that the topic has been mentioned in news articles, including mainstream national media, increased almost three-fold from 2012 to 2018. An even larger jump was seen in articles specifically on the subject of domestic violence (from 1 373 news articles in 2012 to 6 903 articles in 2018)<sup>21</sup>.

Despite the fact that the topic has been brought into public discussions, the prevailing societal attitudes towards both VAW and DV remain ambiguous. While most of society acknowledges that VAW and DV are serious problems, there is no consensus about the measures that are needed to resolve them. Furthermore, stereotyped notions about the roles of women and men, as well as tolerance towards VAW remain deeply entrenched. The public is also divided between those who consider it unacceptable for the state to intervene in what are perceived as private or family matters and those who believe that it is vital to develop a system of state protection for women who experience violence.

There are clear divisions between the fairly sizable segment of the population that does not tolerate DV (e.g. in one survey 77% of respondents stated that there is no justification for the use of physical force between spouses<sup>22</sup>; 79% of respondents to another survey condemned any form of violence in the family<sup>23</sup>) and others who believe that violence is justifiable in some circumstances (e.g. in one survey, 68% of men and 60% of women held the view that women provoke male violence through their appearance or behaviour<sup>24</sup>). A minority of men, but nevertheless a not insignificant proportion (14%), responded to another poll that they believe all men have the right to use physical violence in order to “correct” or “educate” their wives<sup>25</sup>.

The population is largely ambivalent about whether VAW is an issue of public concern that warrants a systematic state response. Around half of respondents to various polls hold the opinion that domestic violence is a private issue to be resolved in the family (55% of men and 40% of women in one survey<sup>26</sup>). A similar representation (50%) feels that making cases of violence public “goes against

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- 19 Public Opinion Institute Anketolog (2019), *Терпеть нельзя уйти. Россияне - о домашнем насилии* [To tolerate and can't leave. Russians talk about domestic violence] available at <https://iom.anketolog.ru/2019/07/02/domashnee-nasilie> and TASS (2019), *Опрос: 86% женщин из стран бывшего СССР не рвет отношения, несмотря на домашнее насилие* [Survey: 86% of women from countries of the former USSR do not end relationships despite domestic violence], available at <https://tass.ru/obschestvo/6657314>.
  - 20 Public Opinion Institute Anketolog (2019), *Терпеть нельзя уйти. Россияне - о домашнем насилии* [To tolerate and can't leave. Russians talk about domestic violence].
  - 21 Data on the number of hits that were received with the assistance of the Yandex news aggregator for searches on “violence against women” and “domestic violence” each year from 2012 through 2018.
  - 22 Public Opinion Fund (2016), *Рукоприкладство в семье. Насколько распространено в России семейное насилие, и правильно ли смягчать ответственность за него?* [Assault in the Family: How widespread is domestic violence in Russia and is it right to lessen responsibility for it?].
  - 23 Russian Public Opinion Research Centre (2017), *Бьет - значит любит? Или россияне о декриминализации побоев в семье* [To beat means to love? Russians on decriminalization of domestic violence].
  - 24 TASS (2019), *Опрос: россияне считают, что проблемы неравенства полов и харассмента неактуальны в стране* [Survey: Russians believe that gender inequality and harassment issues are irrelevant in the country], available at <https://tass.ru/obschestvo/6460479>.
  - 25 Public Opinion Institute Anketolog (2019), *Терпеть нельзя уйти. Россияне - о домашнем насилии* [To tolerate and can't leave. Russians talk about domestic violence].
  - 26 TASS (2019), *Опрос: россияне считают, что проблемы неравенства полов и харассмента неактуальны в стране* [Survey: Russians believe that gender inequality and harassment issues are irrelevant in the country].

traditional values such as family, fidelity, and love<sup>27</sup>. Russians remain sceptical about the role of the state in addressing domestic violence. However, there are also clear differences between how women and men view the problem, with women expressing a stronger desire for government intervention. In one poll, for example, 38% of women, but only 23% of men, expressed the opinion that the state must resolve domestic violence incidents<sup>28</sup>. The results of a different survey showed that only 12% of women felt that domestic violence is a matter to be dealt with privately, while this opinion was held by 35% of men<sup>29</sup>.

While there appears to be consensus about whether some forms of violence constitute DV (e.g. severe forms of physical battery), women's and men's opinions diverge about other forms, especially concerning sexual and psychological violence and control. For instance, whereas 77% and 72% of women and men, respectively, recognised physical violence as DV, 56% of women but 43% of men considered non-consensual sexual acts with a spouse or partner to be domestic violence<sup>30</sup>. Locking someone in a room or the home was considered DV by 51% of female respondents but only 36% of male respondents, while 48% of women considered verbal threats of physical abuse to be domestic violence, as compared to 35% of male respondents<sup>31</sup>.

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27 Russian Public Opinion Research Centre (2016), *Насилие. Безнаказанность. Возмездие?* [Violence, Impunity, Retribution?], available at <https://wciom.ru/index.php?id=236&uid=413>.

28 TASS (2019), *Опрос: россияне считают, что проблемы неравенства полов и харассмента неактуальны в стране* [Survey: Russians believe that gender inequality and harassment issues are irrelevant in the country].

29 Public Opinion Institute Anketolog (2019), *Терпеть нельзя уйти. Россияне - о домашнем насилии* [To tolerate and can't leave. Russians talk about domestic violence].

30 Levada Centre (2019), *Домашнее насилие* [Domestic Violence], available at <https://www.levada.ru/2019/09/13/domashnee-nasilie/?fromtg=1>.

31 Ibid.

### 3. INTERNATIONAL OBLIGATIONS, PRINCIPLES AND STANDARDS

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The analysis of the Russian framework, as well as the selection of good practices and areas for further action contained in this report are framed by the human rights conventions to which the Russian Federation is a party and the obligations and principles that they set forth.

For Council of Europe member states, the European Convention on Human Rights (ECHR) protects fundamental human rights. The ECtHR case law establishes that the Convention's obligations extend to the protection from VAW and DV. Indeed, the ECtHR has recognised VAW as a form of discrimination against women, in violation of Article 14 of the ECHR, a violation of the right to life (Article 2) and a violation of the prohibition of torture and inhuman or degrading treatment (Article 3). In 2019, the Court found violations of Article 3 and of Article 14, taken in conjunction with Article 3, of the ECHR in a case in which Russian authorities failed to protect a woman from domestic violence (*Volodina v. Russia*)<sup>32</sup>. In deciding cases concerning state inaction to adequately protect the rights of victims of VAW and DV, the ECtHR has also found violations of the right to respect for private and family life (Article 8)<sup>33</sup>.

Council of Europe recommendations enumerate the measures that are required of member states to prevent and combat VAW and DV (e.g. Recommendation (2002)5 of the Committee of Ministers to member states on the protection of women against violence and Recommendation CM/Rec (2007)17 of the Committee of Ministers to member states on gender equality standards and mechanisms). The Congress of Local and Regional Authorities adopted Resolution 279 (2009) and Recommendation 260 (2009) on combating domestic violence against women, both of which recommends the development of strategies and measures at the local level to prevent and combat VAW.

The Convention on the Elimination of All forms of Discrimination against Women and General Recommendations to the Convention— No. 19 on violence against women, No. 33 on women's access to justice and No. 35 on gender-based violence against women (updating general recommendation No. 19)— are all sources of guidance for Russia in these fields.

Although the Beijing Declaration does not create legally binding obligations, the Russian Federation has undertaken commitments to address violence against women as identified as a critical area of concern in the Platform for Action. Likewise, in determining national goals and targets toward the Sustainable Development Goals, Russia has included three indicators on gender equality (Goal 5) that pertain to VAW (on intimate partner violence, sexual violence committed by someone other than an intimate partner and female genital mutilation), as well as indicators that address improvements to the justice systems' treatment of cases of violence (under Goal 16 on access to justice and effective, accountable and inclusive institutions).

Taken together, the international treaties, consensus documents and jurisprudence of the ECtHR set forth the obligations and principles that underpin states' responsibility to prevent and combat VAW, specifically:

Non-discrimination and addressing inequality between women and men as a root cause of VAW. States not only have an obligation to eliminate discrimination in all forms, but in developing comprehensive responses to VAW they should also recognise that such violence impacts women and girls

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<sup>32</sup> *Volodina v. Russia*, Application no. 41261/17, judgment of 9 July 2019.

<sup>33</sup> See, e.g. *Bevacqua and S. v. Bulgaria* (2008); *A. v. Croatia* (2010); *Eremia and Others v. the Republic of Moldova* (2013).



disproportionately and stems from existing inequalities. In addition, the effects of VAW are often more severe for women who belong to minority groups that have particular vulnerabilities. The principle of non-discrimination also means that intersectional and compounded forms of discrimination must be addressed.

**Due diligence.** The due diligence principle refers to the state's positive obligation to adopt measures to address VAW that results from acts or omissions of the state or by non-state actors.

The totality of measures that states must undertake to meet the due diligence standard have come to be known as the "4Ps" (meaning, adopt comprehensive and integrated policies, prevent, investigate and punish acts of violence, and provide protection to victims/survivors).

**Human-rights based and victim-centred approaches.** All measures undertaken by the state to prevent and combat VAW must adhere to principles of protecting the rights of victims/survivors. This means that the state response (especially criminal processes) should include strategies and safeguards to support the victim to access justice, ensure her safety and prevent re-victimisation or secondary victimisation.

## 4. COMPREHENSIVE AND INTEGRATED LEGAL AND POLICY FRAMEWORKS

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As the understanding of violence against women has improved, so too has recognition that the problem requires comprehensive and tailored responses, beyond reacting to specific incidents or individual perpetrators, victims and survivors<sup>34</sup>. Integrated measures are required to effectively prevent and eliminate VAW<sup>35</sup>. Measures should take into account the needs of victims holistically, apply a human rights-based approach, encompass all levels of the state administration in a co-ordinated manner and be based on available evidence.

### 4.1. Gender equality approach

#### (i) *International instruments and ensuing principles*

The Council of Europe and the CEDAW Committee are explicit that VAW cannot be eradicated without also ensuring the elimination of discrimination against women. In this way, law and policy specifically dedicated to VAW and DV should at the same time be part of a larger framework of laws and other measures that aim to achieve *de facto* equality between women and men.

An essential characteristic of comprehensive law and policy concerning VAW is that they are formulated with a recognition that women and girls are disproportionately affected by gender-based violence. This is especially important when addressing domestic violence. All laws and policies should take into account the dynamic of power and control in the relationship between the perpetrator and the victim. Other approaches, such as those that focus only on prevention via alcohol abuse treatment or that address DV as an issue of family conflicts that is perpetrated equally by men and women, fail to acknowledge inequalities between women and men as the root cause of such violence. They also do not take women's specific needs into consideration.

The Beijing Platform for Action encourages governments to “[p]romote an active and visible policy of mainstreaming a gender perspective in all policies and programmes related to violence against women and ... develop strategies to ensure that the re-victimisation of women victims of violence does not occur because of gender-insensitive laws or judicial or enforcement practices”<sup>36</sup>.

#### (ii) *The situation in Russia*

In Russia, the National Action Strategy for Women 2017-2022 and the Action Plan to implement the strategy are the two policy documents that explicitly address the issue of violence against women, with special attention to domestic (“family”) violence and sexual violence. While the policy documents conceptualise domestic violence as a form of violence that has a particular impact on women, they do not elaborate on how VAW stems from inequality and discrimination. The NASW describes VAW as an indication of social disadvantage and characterises it as a problem stemming from substance abuse. This approach is narrow and overlooks the fact that VAW reflects inequalities that take

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34 Committee on the Elimination of Discrimination against Women (2017), General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19.

35 Beijing Platform for Action, Strategic objective D.1.

36 Ibid.

many forms (beyond those listed in the strategy document- unemployment, poverty and alcoholism) and, furthermore, that VAW perpetuates discrimination against women.

Neither the NASW nor the Action Plan provide definitions of the terms “violence against women” or “domestic violence” that would indicate a recognition of the context in which VAW is perpetrated or take into consideration the experiences of victims/survivors. There is no state policy dedicated exclusively to VAW or to DV. Furthermore, while a draft law is pending approval, there are no definitions of VAW or DV in Russian legislation. In fact, the phrase “domestic violence” only appears in a federal law on the provision of social services, but without a definition of the term.

The ECtHR has raised the issue of the lack of a gender-sensitive approach to domestic violence in the case of *Volodina v. Russia* (2019). The Court noted that despite the high prevalence of domestic violence, the Russian authorities had not adopted any legislation sufficient to address the problem or to provide protection to women who have been disproportionately affected by DV, ultimately finding violations of the ECHR<sup>37</sup>.

The CEDAW Committee has drawn attention to several cases in which the Russian state did not protect women from repeated and severe acts of DV. It noted that the failure of authorities to address cases of DV in a gender-sensitive manner amounted to a violation of obligations under CEDAW<sup>38</sup>.

### (iii) *Sample practices of member states*

In 2018, the Portuguese<sup>39</sup> government adopted a National Strategy for Equality and Non-Discrimination 2018-2030 (ENIND) Two of the pillars of the strategy cover: (i) equality between women and men; and (ii) violence against women, gender violence and domestic violence. The strategy also acknowledges the specific intersectional needs of women and girls, stemming from discrimination based on various factors (e.g. sex with age, disability, race, national or ethnic origin). Separate action plans for 2018-2021 were developed to implement each pillar of the strategy. The joint action plan on ENIND and preventing and combating all forms of VAW and DV consists of six strategic goals. The action plan calls for establishing co-operation protocols between the national commission responsible for co-ordinating all VAW-related policies (the Commission for Citizenship and Gender Equality) and other entities, such as the police, General Prosecutor’s Office, Directorate General for Justice Administration, and the Centre for Judicial Studies that trains magistrates.

The Portuguese approach is a good example of how the state has linked intersecting forms of inequality to develop one systemic and comprehensive public policy.

The Violence Protection Act, enacted in Austria<sup>40</sup> in 1997, demonstrates how gender sensitive legislation can have an important impact in terms of changing an entire approach to VAW. The law includes several ground-breaking provisions that prioritise support for victims/survivors (such as the introduction of emergency barring and restraining orders, training for law enforcement agencies on the gendered nature of domestic violence and supporting violence protection centres that co-ordinate policing and social services). The law and additional legislative and policy measures benefited from the fact that “Austrian lawmakers were ... fully aware of the gendered nature of domestic violence and prescribed an exclusive role to the nine violence protection centres across Austria – which, while they

37 In a separate concurring opinion, Judges Pinto de Albuquerque and Dedov expand on the concept of a gender-sensitive interpretation and application of the ECHR in the context of domestic violence.

38 See *O.G. v. the Russian Federation*, Communication No. 91/2015, 6 November 2017, §7.6. See also *S.T. v. the Russian Federation*, Communication No. 64/2014, 25 February 2019, §9.9; and *X. and Y. v. the Russian Federation*, Communication No. 100/2016, 16 July 2019, §9.9.

39 Source: Commission for Citizenship and Gender Equality (2019), National-level reviews – Portugal for Twenty-fifth anniversary of the Fourth World Conference on Women and adoption of the Beijing Declaration and Platform for Action (1995).

40 Source: GREVIO (2017), *Baseline Evaluation Report Austria*, Council of Europe.

provide counselling to all victims of domestic violence, are also renowned for their gender perspective and feminist background". Since its adoption, the Austrian government has continued to refine and improve the law to respond to recognised gaps and challenges in its implementation.

## 4.2. Comprehensive policies and co-ordination at the policy level

### (i) *International instruments and ensuing principles*

Due to the complexity of VAW, a holistic and comprehensive approach is required. This approach entails co-ordination and co-operation between multiple stakeholders, in government (e.g. the legislature, the law enforcement and justice sectors, social protection services, the health care and education sectors, etc.) in the non-governmental sector and, potentially, also the private sector, especially the media. All measures to prevent and combat VAW and DV should be "co-ordinated nation-wide and focused on the needs of the victims"<sup>41</sup>.

At the policy-making level, establishing a governmental co-ordinating body with the responsibility for developing and monitoring legislation, strategies and programmes dedicated to VAW and DV is "an important indicator for the political will to prevent and combat violence against women broadly"<sup>42</sup>.

A Council of Europe analysis of national co-ordination bodies on VAW and of challenges and lessons learned outline several essential features of effective co-ordination mechanisms<sup>43</sup>:

- ▶ All relevant state bodies should be involved. Generally, co-ordination bodies include several ministerial departments or take the form of inter-ministerial working groups, committees or commissions headed by state officials that are dedicated to the issue of VAW. A position of co-ordinator is crucial to ensure that all government bodies are integrated. It is also a good practice to have dedicated staff, and budget, within these government bodies.
- ▶ The co-ordination function must be placed at a high administrative level that steers the work. This approach ensures that the co-ordinating body is not merely a "hub" for communication and information-sharing. Likewise, the members of inter-ministerial working groups must be at a high decision-making level and have sufficient authority to drive change.
- ▶ The topic of VAW should be embedded into the mandates of political decision-making structures.
- ▶ High-level co-ordination bodies tend to be removed from routine work preventing and combating VAW. For this reason, specialist advice for both the co-ordination and implementation of measures should be sought from NGOs in order to ensure that the concrete needs of victims/survivors are addressed.
- ▶ Co-ordination and co-operation should be done at various levels (federal, regional, local). National and regional co-ordination is necessary to translate state policy into specific actions.

41 Recommendation Rec (2002)5.

42 Gender Equality Commission (2014), *Analytical study of the results of the 4<sup>th</sup> round of monitoring the implementation of Recommendation Rec(2002)5 – 2014*, Council of Europe, p. 11.

43 Rabe, H. and Ünsal, N. (2016), *Implementing Article 10 of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence – Establishing National Co-ordinating Bodies*.

### *(ii) The situation in Russia*

In Russia, in order to implement the National Action Strategy for Women and in particular to improve legislation on the prevention of domestic violence, a Co-ordination Council was established. The Co-ordination Council includes representatives of various ministries and federal departments as well as from NGOs. The Council is responsible for implementation of the NASW in its entirety, through the identification of priorities for state policy on improving the status of women. It does not have a specific mandate pertaining to VAW or DV, such as developing nation-wide policy or strategic guidance on VAW prevention. In the two years of its existence, the Council has met only once.

Two of the activities in the Action Plan for the implementation of the NASW that address VAW (preparing proposals for the prevention of violence against women and developing informational and methodological materials for training law enforcement officials, employees of healthcare organisations and psychologists assisting women in crisis) are to be implemented by both federal bodies (i.e. relevant ministries, the Prosecutor General's Office) and regional authorities. However, the Action Plan does not explicitly require multi-agency co-operation in its implementation, either between the federal, regional and local levels or among all relevant stakeholders at any level.

### *(iii) Sample practices of member states*

Since the late 1990s, Sweden<sup>44</sup> has been improving the response to VAW in several directions, including the adoption of a national action plan in 2007. The national plan prioritised increasing co-operation and co-ordination at the regional and local level to combat VAW. While previous attempts had been made to co-ordinate various agencies from the national to the local level, analysis conducted by four government committees (2013-2015) identified a number of gaps and indicated that a new specialised agency was needed to perform a co-ordination function. Thus, the National Strategy for Preventing and Combating Men's Violence against Women (2017-2026) was adopted with four cross-sectoral objectives, all of which are governed by the key principle of improved co-ordination and management at all levels. The aim of the strategy is to provide well-co-ordinated services and interventions for individuals at the local level (victims/survivors, children, other family members, perpetrators). A central change of approach was the creation of a new government agency— the Division for Gender Equality— that is mandated to support all the relevant ministries (e.g. Ministry of Justice, Ministry of Health and Social Affairs, Ministry of Education, Ministry of Employment and Ministry of Culture) and other government agencies to implement the strategy. National level bodies co-operate with the regional level (e.g. county administration) and local level stakeholders (e.g. police, prison and probation services, NGOs).

The Swedish experience indicates several prerequisites for effective co-operation: long-term commitment in order to establish inter-agency co-operation that functions smoothly; clearly specified purposes of co-ordination and co-operation; collaboration as a means to improve the situation for people impacted by VAW and not an objective in itself. National level collaboration should be oriented toward creating the best conditions for inter-agency co-operation and service provision at the local level; special attention is given to co-operation between stakeholders at the local level, particularly between the police and municipal social services, and between municipalities and NGOs/women's shelters.

Spain provides an example of co-ordination and collaboration between federal level entities, regional government and civil society in a country with a highly decentralised government (Spain has a central government and 17 autonomous communities). The federal-level Observatory on

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<sup>44</sup> Source: Information provided by Florin O., Deputy Director of the Department of Gender Equality, Ministry of Health and Social Affairs of Sweden. Presentations from the Council of Europe seminar on "Inter-agency co-operation: models for preventing and combating violence against women in the regions", Astrakhan, 10 April 2019.

Violence against Women is an inter-ministerial body that is chaired by the State Secretary for Equality, who is assisted by two vice chairs. The positions of vice chair rotate; one position is reserved for representatives of Spain's autonomous communities and the other for NGO representatives.

### 4.3. Multi-agency co-operation

#### (i) *International instruments and ensuing principles*

Measures to prevent VAW and DV, protect victims/survivors and ensure that justice is served all require multidisciplinary co-ordinated efforts. Thus, models for co-operation should be developed among local level stakeholders where referrals, case tracking, risk assessment and safety determinations take place. Multisectoral referral mechanisms, a recognised best practice, are based on co-operation "between the police, health and social services and the judiciary system" and also include collaboration with NGOs<sup>45</sup>.

International practice shows that co-ordination mechanisms should be established by law or, otherwise, set forth in mutual agreements, protocols or action plans that outline the responsibilities of each agency. All agencies must also be held accountable for their actions/inactions.

#### (ii) *The situation in Russia*

In Russia, there are some positive examples of co-ordination being promoted at the regional and local levels among authorities and between state agencies (e.g. the police) and NGOs that provide services to women survivors of violence. Some brief examples of co-operative work include the development of guidelines on providing social services to women and children in situations of DV (collaboration between regional and municipal authorities and NGOs in Tyumen, Ural region). The guidelines "emphasise the importance of co-operation among state institutions and organisations related to prevention with nongovernmental groups, the media, and the public"<sup>46</sup>. Other examples are a system for inter-agency co-operation to assist families experiencing DV (initiated by the municipal government of Izhevsk<sup>47</sup>) and collaboration between an NGO and the regional Ministry of Social Policy to establish a shelter for women survivors of violence (Nizhny Novgorod region)<sup>48</sup>.

However, no standardised model for multi-agency co-operation to address VAW or DV has been developed at the federal level or adopted for the country as a whole, although there are examples of such cooperation in the field of social assistance to citizens<sup>49</sup>. When multi-agency co-operation occurs, it tends to be *ad hoc* and on the basis of personal connections, rather than formalised. This situation leaves women with very limited protection and, often, with no access to information about which services are available to them.

45 Recommendation Rec (2002)5 and General recommendation No. 35.

46 Human Rights Watch (2018), *'I Could Kill You and No One Would Stop Me' Weak State Response to Domestic Violence in Russia*, pp. 76-77.

47 Pislakova- Parker, M and Sinelnikov, A, eds. (2016), *Хроники тишины: Насилие в отношении женщин в России* [Chronicles of Silence. Violence against Women in Russia], Moscow, pp. 52-53.

48 Ibid. p. 53.

49 Федеральным законом Российской Федерации от 28 декабря 2013 г. № 442-ФЗ «Об основах социального обслуживания граждан Российской Федерации» устанавливается регламент межведомственного взаимодействия при оказании социального сопровождения граждан.

### (iii) *Sample practices of member states*

Poland<sup>50</sup> provides an example of a system for multi-agency intervention to facilitate local-level policing and service provision in cases of DV. In Poland, each municipality is required by law to establish an interdisciplinary team to combat DV and co-ordinate assistance to victims. The Blue Card Procedure was first introduced to standardise police intervention in DV cases and later extended to improve co-operation of all relevant services. When there is a reasonable suspicion of DV, the police or any other competent services (social services, healthcare providers [doctors, nurses, paramedics], the education system, and local government committees for the prevention of alcohol abuse) can initiate the procedure.

The first stage is the completion of Card A, a record of basic information about the incident (e.g. forms of violence, circumstances, health conditions, actions taken by police, etc.). The initiation of Card A does not require the consent of the victim. Card A is transferred to the interdisciplinary team within a period of no more than 10 days.

Once the procedure is initiated, Card B is given to the victim; it contains basic information about DV, the obligations of the police, relevant criminal law and available support services. The victim is requested to meet with a case manager and the interdisciplinary team, at which time Card C is used to record additional information about the victim (e.g. family, professional, economic and health situation) in order to develop an individualised assistance plan with the victim. The perpetrator is also called to meet with the interdisciplinary team, and Card D is used to record additional information and to determine appropriate actions regarding the perpetrator. A Council of Ministers' regulation sets forth the rules for co-ordinating information exchange and interventions under the Blue Card Procedure, and each interdisciplinary team documents their decision-making process.

The Blue Card system was an important innovation because it created a platform for multi-agency co-ordination and a framework for comprehensive protection of DV victims. Systematising the information collected by police (Card A) has proved to be helpful in prosecuting DV cases; even though the cards do not meet all the requirements of a criminal procedure, they may still be used as evidence. However, some weaknesses in the Blue Card Procedure have also been identified, namely that they have not been very effective when rapid responses are needed in emergency situations. The fact that the victim meets with both a case manager and the interdisciplinary team increases the risk of secondary victimisation. Also, perpetrators are not obliged to meet with the interdisciplinary team under the Blue Card Procedure.

## 4.4. Data collection and research

### (i) *International instruments and ensuing principles*

Co-ordination is a prerequisite for effective monitoring and data collection. International instruments require states to promote research, collect data and compile statistics on the various forms of VAW<sup>51</sup>. Research should include surveys and studies relating to the prevalence of all forms of VAW, their causes and consequences, the effectiveness of measures implemented to prevent and redress these forms of violence, and the social or cultural beliefs that exacerbate violence. The quality of research is improved when it includes the perspectives of victims/survivors and especially where they have encountered

<sup>50</sup> Sources: Information provided by Wiesława Kostrzewa-Zorbas, Counsellor to the Head of the Chancellery of the Prime Minister of Poland and Krizsan, A. and Pap, E. (2016), *Implementing a Comprehensive and Co-Ordinated Approach. An assessment of Poland's response to prevent and combat gender-based violence*, Council of Europe).

<sup>51</sup> See Recommendation Rec(2002)5, Congress of Local and Regional Authorities, Recommendation 260 (2009)1 on Combating domestic violence against women, General recommendation No. 35 and the Beijing Platform for Action.

difficulties and obstacles in accessing justice and/or social services, with the caveat that all research involving victims/survivors must adhere to ethical standards and the protection of human rights.

A system for the collection of comprehensive data must allow for disaggregation not only by sex of the victim and perpetrator but also by “type of violence, relationship between the victim and the perpetrator, as well as in relation to intersecting forms of discrimination against women and other relevant socio-demographic characteristics, including the age of the victim”<sup>52</sup>.

Other important indicators to be included in administrative datasets are:

- ▶ the number of complaints about all forms of VAW
- ▶ the number and types of protection orders issued
- ▶ the rates of dismissal and withdrawal of complaints, prosecution and conviction rates as well as time taken for disposal of cases
- ▶ information on the sentences imposed on perpetrators
- ▶ information on reparations, including compensation, provided for victims.

Research, analysis and monitoring form the groundwork that allows for the identification of gaps in the state response and facilitate the development of a system for preventing and combating VAW. Administrative data (particularly data from the law enforcement and justice sectors) are critical for policymakers as they “can assist with forecasting and modelling, monitoring policy implementation, evaluating policy impact... and performance analysis and benchmarking. The evidence can fortify every stage of the policy cycle, including the viability of policies or changes, and legitimise choices”<sup>53</sup>.

## (ii) *The situation in Russia*

The Ministry of Internal Affairs of the Russian Federation routinely collects information about perpetrators and victims of registered crimes (i.e. sex, age, nature of the injury) as well as the relationship between the victim and the perpetrator (i.e. stranger, known person, spouse, partner, family member, including mother, father, son, daughter or other relative)<sup>54</sup>. In the area of state-supported research, one of the most recent efforts is the analytical project commissioned by the State Duma in 2019, focusing on the prevention of family violence in Russia, as compared to other countries.

There are several shortcomings in the data collection methodology and process used by the Ministry of Internal Affairs of the Russian Federation. First, there is a lack of consistent terminology. Law enforcement statistics that were reviewed for this study use terms that broadly refer to violence occurring in families and between family members or narrowly to mean violence between spouses; both the terms “violence” and “brawls/quarrels” are used<sup>55</sup>. Metadata were not available to distinguish precisely which datasets would correspond to DV or IPV as defined in international treaties. Therefore, the statistics from the Ministry of Internal Affairs of the Russian Federation on crimes committed within families (as cited in section 2.2 of this report) are only approximations of the prevalence of a specific category of violence that may include DV and IPV.

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52 General recommendation No. 35, §49.

53 The European Institute for Gender Equality (EIGE) (2019), *Understanding intimate partner violence in the EU: the role of data*, Vilnius, p. 16.

54 Statistical cards (Appendix N 4.), Order of the General Prosecutor’s Office of the Russian Federation, Ministry of Internal Affairs of the Russian Federation, Ministry of Emergencies of the Russian Federation, Ministry of Justice of the Russian Federation, Federal Security Service of the Russian Federation, Ministry of Economic Development of the Russian Federation and Federal Drug Control Service of the Russian Federation of December 29, 2005 N 39/1070/1021/253 / 780/353/399 “On the unified recording of crimes” (as amended).

55 The following terms were encountered: семейно-бытовое насилие; семейное насилие; супружеское насилие; семейный дебошир (referring to a person who engages in family brawls).



Second, law enforcement data on DV includes only people who are legally considered “family members” (limited to parents, children, siblings, other blood relatives and spouses) and they exclude non-married partners or former spouses.

Third, law enforcement statistics refer only to criminal proceedings, omitting complaints of victims of domestic violence that did not result in criminal proceedings and all administrative offences. Data from other sectors (e.g. victim/survivor admissions to healthcare facilities, emergency medical response records, contact with social services) either do not exist or were not accessible for this study. It is the case, however, that statistics about victims and perpetrators generated by the police registry are not systematically analysed or cross-referenced against other administrative data, such as cases sent to prosecution, prosecuted cases, judgements or even hospital admissions.

The data pertaining to VAW and DV that are currently collected in Russia are neither centralised (they are not compiled from various government authorities into a single database) nor disaggregated (either by type of violence, region, year, etc.). Furthermore, a uniform methodology for statistical reporting pertaining to VAW and DV could not be determined when completing this analysis. The lack of legislation regulating VAW and DV also has a direct impact on the availability of data and the quality of statistical reporting of VAW and DV cases.

### *(iii) Sample practices of member states*

Denmark<sup>56</sup> is an example of good practices in both the collection of crime-related data and of data concerning how DV victims/survivors use social services. The Danish police collect nation-wide data for all police-reported criminal offenses of an inter-personal nature. The police administrative system (POLSAS) combines information about the crime (cross-referenced to penal code article), the perpetrator (including age, sex) and the victim (including age, sex) under one personal ID-number of the victim and perpetrator. Using this ID-number, the data are updated with information about changes to the criminal charge, appearances during the investigation, court procedures and verdicts. The data can also be linked to information about residence (to identify the relationship between the victim and perpetrator) and combined with other registers to gain information about the social profiles of the individuals involved (e.g. family status, employment status, social allowances, educational levels, etc.). The system allows the data to be used for several purposes; the Ministry of Justice of Denmark conducts analysis based on criminal statistics, researchers can access encrypted versions of the data, and the public can view summary tables published by the Danish office of statistics. Most importantly, experts can review the data for trends and then plan appropriate responses.

The Danish Ministry of Social Affairs and the Interior is responsible for collecting data about all women who contact shelters for assistance (this covers 41 shelters operated by the National Organisation of Shelters for Battered Women and their Children [LOKK] and 6 centres not organised by LOKK). The data include a substantial amount of information about DV survivors (e.g. forms of violence, frequency of violence, possible injuries, previous contact with shelters, socio-economic status, children, relationship with the perpetrator, etc.). The data collected by the shelters can be linked to other population registers and administrative data (including criminal statistics) which allows for the collection of more detailed information about the phenomenon of VAW, if the victim provides a national ID number. The data also facilitate evaluations on the outcome of the stay in the shelter, counselling services and other support received.

Because of privacy issues around data concerning DV victims, several safety features are in place. First, a victim is not required to provide shelter staff with her personal ID number. In fact, most women

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<sup>56</sup> Sources: EIGE database of good practices: <https://eige.europa.eu/gender-based-violence/good-practices/denmark/police-report-cases> and <https://eige.europa.eu/gender-based-violence/good-practices/denmark/nationwide-registration-women-shelters>.

(around 60%) do not give the number or the shelters do not request it. When the ID number is included, all statistical analyses are conducted using encrypted and anonymous datasets. Shelter staff inform women about the purposes behind data collection and the encryption process, so that they can make an informed choice about whether to disclose the ID number.

#### 4.5. Areas for consideration by the Russian authorities on legal and policy frameworks

##### Comprehensive and integrated legal and policy frameworks

- ▶ In light of recent ECtHR case law, Russian authorities are encouraged to adopt legislation sufficient to address the problem of VAW and DV and to provide protection to women who have been disproportionately affected by DV.

##### Comprehensive policies and co-ordination at the policy level

- ▶ A national strategy and action plan dedicated to the problem of VAW and DV, as forms of gender-based violence, that addresses the justice system response, prevention of violence and protection for victims/survivors would be beneficial. In parallel, it would also be beneficial to develop monitoring plans for implementation of a national strategy and actions plan..
- ▶ Creating a single state body for the co-ordination of policy relevant to VAW and DV would be a positive step. The co-ordination body should include all relevant state authorities and NGOs. It is important that the federal-level co-ordination mechanism be linked to regional and local level co-ordination systems.

##### Multi-agency co-operation

- ▶ A system for multi-agency co-operation (a referral mechanism) that includes at least law enforcement, public prosecution services, the judiciary, probation services, social service providers, healthcare providers, victim services and NGOs and a binding procedure or protocol for co-operation. would enhance the Russian response to VAW and DV

##### Data collection and research

- ▶ A unified and comprehensive set of indicators pertaining to VAW and DV and a system for administrative data collection would allow to measure the prevalence and forms of VAW and DV in the Russian Federation.
- ▶ Targeted research, supported by the government, on VAW and DV would facilitate policy-making. Important areas for study are a national statistical survey to establish baseline information about the problem and a detailed stocktaking exercise to identify good practices in Russia for replication or scale-up. Regular monitoring on the prevalence of VAW and DV and its impacts is also needed.
- ▶ Sufficient sustained and earmarked funding for preventing and combating VAW and DV and ensuring protection of victims within relevant federal and regional budgets would enhance the Russian response to VAW and DV.

## 5. JUSTICE SYSTEM RESPONSE

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The role of the justice system in preventing and combating VAW and DV is paramount, not only in preventing violence, protecting citizens from violence and punishing perpetrators, but also in ensuring that victims have access to a range of remedies that redress all violations of their rights.

### 5.1. Legislation on domestic violence

#### (i) *International instruments and ensuing principles*

One of the primary obligations of states is the adoption of legislation prohibiting all forms of VAW and harmonising domestic law with international instruments. Legislation is the first step to ensuring justice for victims and ending impunity for perpetrators of VAW.

Legal frameworks should “make effective use of a range of areas of the law, including civil, criminal, administrative and constitutional law, and address prevention of violence, and protection and support of survivors” as well as adequate punishment of perpetrators<sup>57</sup>. International practice has shown that a criminal justice response is vital to demonstrating that the state protects its citizens from violence and punishes perpetrators. Criminal law alone, however, is not sufficient to provide for the safety and empowerment of DV victims (i.e. the criminal process may ignore the needs of victims or may inadvertently re-victimise women in the pursuit of justice). Additional legal remedies are also needed to ensure victims’ access to justice.

Legislation on VAW and DV should “consider women victims/survivors as right holders and include age and gender-sensitive provisions and effective legal protection, including sanctions and reparation in cases of such violence”<sup>58</sup>. The legislative framework should include a broad range of justice options to victims/survivors, encompassing, at minimum, criminal law, civil law, family law and administrative law.

In parallel, states must repeal all laws that “constitute discrimination against women, including those which cause, promote or justify gender-based violence or perpetuate impunity for these acts”<sup>59</sup>.

#### (ii) *The situation in Russia*

In the Russian legal system, there is no stand-alone law on violence against women or domestic violence. Instead, general criminal and administrative law is applied.

Work on drafting a federal law that would address prevention of domestic violence and close some of the gaps that exist in current legislation has been on-going for a number of years. Several versions of a draft law on the prevention of domestic violence were discussed, by both the government and civil society during the 1990s, but no law was adopted. In 2006, the UN Special Rapporteur on violence against women raised the issue that the lack of a specific DV law is a major obstacle to combating this form of violence. At the time, the Committee on Women, Children and Family of the State Duma

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57 UN Women (2012), *Handbook for Legislation on Violence against Women*, New York, p. 11.

58 General Recommendation No. 35 § 26(a).

59 Ibid.

“indicated that violence against women [was] not a priority for the State and that most opponents of the [draft] bill claim it would duplicate existing legal provisions”<sup>60</sup>.

From 2012-2014, members of the Co-ordination Committee on Gender Issues of the Ministry of Labour (Координационный совет по гендерным проблемам при Министерстве труда и социальной защиты Российской Федерации) drafted a new version of a federal law on preventing domestic violence, with contributions from civil society. This draft law received the support of the Presidential Council for Civil Society and Human Rights<sup>61</sup>. It included a definition of domestic violence and its forms, set forth the rights of victims, a mechanism for interagency co-operation, protective measures (e.g. police-issued and judicial protection orders), and a system for providing social assistance and rehabilitation to victims. The law also foresaw the transfer of domestic violence offenses from private to public prosecution.

In November 2016, after preliminary consideration, the draft law “On the Prevention of Domestic Violence” («О профилактике семейно-бытового насилия») was officially returned to the parliamentarians that had introduced it to the State Duma<sup>62</sup>. In September 2019, a working group convened by the Federation Council (consisting of members of the Council, the State Duma, the Ministry of Internal Affairs of the Russian Federation, the Office of the Prosecutor General, the Supreme Court of the Russian Federation and NGO representatives) met to discuss the draft law “On the foundations of a system for the prevention of domestic violence”<sup>63</sup>.

A new draft law “on prevention of domestic violence” was published on 29 November 2019 in the Russian Federation Council website for public comments. A deadline (15 December) was set to provide them. The draft sets out an obligation for several relevant statutory agencies (social services, law enforcement etc.) to take a range of preventive measures and introduces protection orders for victims of domestic violence, which is an important step towards their protection from further violence. However, the definition of “domestic violence” provided in Article 2 of the draft law makes it unclear which acts this draft law is intended to cover. It seems reasonable to consider that it intends to cover all acts which do not qualify as administrative or criminal offences; thus, it seems to cover those situations that benefit from the partial de-criminalisation of domestic violence introduced in 2017. If this interpretation is correct, the draft law and the preventive measures contained therein are to be intended as providing a non-criminal law response to “low-level” domestic violence, which would also mean that impunity for such acts will not be impacted. The draft does not seem to go as far as criminalising all forms of domestic violence, in fact, it does not seem to change the status quo after the reforms in 2016 and 2017.

### (iii) *Sample practices of member states*

Spain’s<sup>64</sup> Organic Act on Integrated Protection Measures against Gender-based Violence 1/2004 provides an example of a comprehensive law that establishes a legal framework covering prevention, protection and prosecution of all forms of domestic violence or intimate partner violence perpetrated by men against women. An important impact of the Organic Act was that it initiated far-reaching reform of the Spanish judicial system, including amendment of other laws, such as the Criminal Code, the Criminal Procedure Act, the Organic Judiciary Act (creating Violence Against Women Courts

60 Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Erturk, Mission to the Russian Federation, 26 January 2006, Annex II-7, §36.

61 Garant.ru (2014), СПЧ подготовил рекомендации по профилактике домашнего насилия [Human Right Council makes recommendations on preventing domestic violence], available at <http://www.garant.ru/news/555478/>.

62 State Duma archive website, available at <https://sozd.duma.gov.ru/bill/1183390-6>.

63 Federation Council website (2019), СФ обсудили вопросы совершенствования законодательства в сфере предупреждения и профилактики домашнего насилия [Federation Council discussed issues of improving legislation in the field of preventing domestic violence], available at <http://council.gov.ru/events/news/107815/>.

64 Organic Act 1/2004 of 28 December on Integrated Protection Measures against Gender Violence.

and Violence against Women Judges), the General Social Security Act and Workers' Statute Act (protecting the employment rights of women workers who are victims of gender-based violence). The Organic Act 1/2004 emphasises prevention of VAW through awareness-raising, education and training. Thus, the Organic Act not only lead to changes to the laws governing education and advertising, but it also created new responsibilities for official bodies, such as the National Health Service and National Schools Council, to undertake professional training aimed at improving early detection and promoting values of equality between women and men, respect, tolerance and peace.

## 5.2. Criminal and administrative law

### 5.2.1. Substantive and procedural law

#### (i) International instruments and ensuing principles

Within commitments to take legislative measures to address VAW, it is of paramount importance that "all forms of gender-based violence against women in all spheres, which amount to a violation of their physical, sexual, or psychological integrity, are criminalised"<sup>65</sup>. Council of Europe Recommendation Rec(2002)5 is explicit that member states should ensure that criminal law addresses "any act of violence against a person, in particular physical or sexual violence, and national legislation should "provide for appropriate measures and sanctions in national legislation" that will facilitate "swift and effective action against perpetrators of violence and redress the wrong done to women who are victims of violence"<sup>66</sup>. The ECtHR has reiterated that member states are recommended to "classify all forms of violence within the family as criminal offences", and additional to criminal law also consider adopting civil or administrative measures, for instance that would "enable the judiciary to adopt interim measures aimed at protecting victims, to ban the perpetrator from contacting, communicating with or approaching the victim, or residing in or entering defined areas..."<sup>67</sup>.

The choice of legislative approach (i.e. a stand-alone law, a set of criminal provisions, and/or modification of current criminal law) is at the discretion of each state, but the following elements are considered necessary components of effective legislation that criminalises VAW and DV:

- ▶ Effective prevention, protection, prosecution, adjudication and provision of remedies in accordance with international law<sup>68</sup>;
- ▶ Applicability to individuals who are or have been in an intimate relationship, regardless of their marital status, and to individuals with family relationships and individuals in the same household;
- ▶ Timely and expeditious legal proceedings in VAW cases (such as fast-tracking);
- ▶ Provisions to safeguard against re-victimisation and secondary victimisation and to guarantee the rights of victims to make certain decisions about participation in criminal processes;
- ▶ Legal sanctions, and sentencing policies, are commensurate with the gravity of the offense and meet at least the following goals: to denounce and deter VAW, to prevent violent behaviour, to promote victim safety;

65 General Recommendation No. 35 §29.

66 Recommendation Rec (2002)5.

67 *Bevacqua and S. v. Bulgaria* (2008) §51, explaining Recommendation Rec(2002)5 of the Committee of Ministers.

68 UN Women, UNFPA, WHO, UNDP and UNODC (2015), *Essential Services Package for Women and Girls Subject to Violence. Core Elements and Quality Guidelines. Module 3 Justice and Policing*. p. 13.

- ▶ Aggravating factors are considered during sentencing (e.g. repeated violent acts; particular vulnerabilities of the victim);
- ▶ Violation of protection orders is criminalised;
- ▶ Victims' right to restitution and compensation in which victims do not bear the financial burden of compensation (i.e. damages should not be paid from the family budget);
- ▶ Prohibition on obligatory mediation in all cases of VAW including in divorce proceedings when there is evidence of VAW or DV<sup>69</sup>.

## (ii) *The situation in Russia*

Acts of violence committed within the family are prosecuted under general provisions of the Russian Criminal Code (RCC) or the Russian Code of Administrative Offences (RCAO). There is no specific criminal offence of domestic violence in Russian legislation, nor is DV or IPV recognised as an aggravating factor for any other offense. As the ECtHR points out, "Russian law does not contain any penalty-enhancing provisions relating to acts of domestic violence or make a distinction between domestic violence and violence inflicted by strangers"<sup>70</sup>.

Regarding criminal law, the following forms of physical violence, which could be present in a case of domestic violence, are criminalised under the RCC. The severity of the crime is based on the degree of physical harm.

<b>Russian Criminal Code articles on physical violence</b>	
Intentional infliction of grave injury	Article 111
Intentional infliction of moderate (average) injury	Article 112
Infliction of grave or moderate (average) injury while in a state of affect	Article 113
Intentional infliction of grave or moderate (average) injury in excess of the limits of self-defence	Article 114
Intentional infliction of light injury	Article 115
Repeated battery	Article 116.1
Torture (defined as systematic battery or other violent acts) <i>*also includes psychological violence</i>	Article 117
Infliction of grave injury by negligence	Article 118
Infection with a sexually transmitted disease	Article 121
Transmission of HIV	Article 122

Of the domestic violence cases that go to criminal prosecution, most are charged under articles concerning intentional infliction of light injury (Article 115) or repeated battery (Article 116.1). Procedurally, both of these articles are treated as "private prosecutions," a subject that is discussed below. Further, recent changes in how the law addresses the crime of battery, and its transformation to an administrative penalty, are covered in section 5.3 of this report.

The RCC criminalises psychological violence, namely the infliction of "systematic psychological suffering" (included within the charge of "torture" under Article 117) and the threat of murder or infliction of grave injury (Article 119).

<b>Russian Criminal Code articles on psychological violence</b>	
Torture (defined as systematic battery or other violent acts) <i>*also includes physical violence</i>	Article 117
Threat of murder or grave injury	Article 119

<sup>69</sup> This topic is discussed in more detail in section 5.4 of this report.

<sup>70</sup> *Barsova v. Russia*, Application no. 20289/10, judgment of 22 October 2019, §31.

Article 117 describes criminal acts that could be characteristic of the cycle of abuse and violence that occurs in most DV cases- that is, repeated acts of violence that encompass physical abuse, psychological abuse or both forms of violence occurring in tandem. The prosecution of domestic violence as “torture” under Article 117 is very rare, however.

In spite of its apparent comprehensiveness, this legal framework does not address the complex power and control dynamics of DV cases, the particular circumstances in which domestic violence is perpetrated, the varied forms of physical, psychological, sexual or economic violence that are inflicted on spouses or intimate partners over a long period, or the fact that the perpetrator and victim typically have had a shared life together, that often includes children and common living space. These deficiencies and the failure of criminal law to address inequalities between women and men as a root cause of VAW pose serious obstacles to DV victims receiving justice.

For example, repeated abuse, that takes varied forms and escalates and diminishes in a repeated cycle, is typical for domestic violence. However, prosecuting DV as repeated battery (RCC Article 116.1) is problematic for several reasons. First, victims very rarely report the first incident of violence (to law enforcement) and may not ever seek help for non-physical abuse. According to NGO research and social surveys, no more than 10% of women who have experienced violence turn to the police in Russia. Monitoring of calls to a national DV helpline in 2018 (31 190 calls from women who had experienced violence) revealed that over 66% of the women had never sought the assistance of the police<sup>71</sup>. A quarter of women (26%) who had experienced at least one incident of DV did not tell anyone about it. Only 4.9% of the women reached out for support of any kind after the first incident of violence— most often to relatives or friends.

As a result, typically neither police nor medical records include a complete history of the injuries that a victim of DV has sustained, or the reported information is not comprehensive enough to establish the full picture of the trauma. The legal definition of repeated battery covers injuries that are not harmful to one’s health<sup>72</sup>. However, domestic violence has a very specific dynamic in that continued abuse that may be formally classified as “non-harmful” injuries has a serious undermining effect that results in long-term physical and emotional suffering to the victim. In fact, the phenomenon of repeated abuse is generally a clear indication that there is a high risk to women’s safety including the risk of death.

Russian Criminal Code Article 117 requires a demonstration of a “systematic” pattern of violence and proof that all acts of violence are based on a single intent. There is no clear guidance on how many acts constitute “systematic violence,” nor about the evidence required to establish that there was a single motive/intent behind the acts. In addition, as described above, victims of DV are often reluctant to report domestic violence to the police. Thus, all or at least the majority of instances of violence will not have been documented by law enforcement, and this further complicates the process of legally establishing systematic abuse.

Even when cases are reported, police are often guided by myths and misconceptions about what constitutes domestic violence and to what extent it poses a danger to the victim. Thus, even well-substantiated complaints about continuous domestic violence are not given the proper consideration as evidence of a systematic form of abuse. Indeed, the ECtHR found that Russian authorities failed in their duty to take reasonable measures to protect a victim of DV after she had informed the police on at least seven occasions about continued violence or threats of violence. The ECtHR noted that “officials were aware, or ought to have been aware, of the violence ... and of the real and immediate risk

71 Centre ANNA, *Отчет о работе Всероссийского телефона доверия для женщин за 2018 год* [Report on the work of the All-Russian telephone helpline for women for 2018], available at <http://anna-center.ru/>

72 Order of the Ministry of Health, “On the approval of medical criteria for determining the severity of harm caused to human health”, No. 194n, 24 April 2008, (registered by the Ministry of Justice of the Russian Federation on 13 August 2008, registration No. 12118).

that violence might recur<sup>73</sup>. The limited reliance on Article 117 means that the nature of domestic violence is *de facto* not recognised by the law, and therefore there is little (or no) deterrent effect on perpetrators.

Article 119 of the RCC applies only to threats of murder or infliction of grave injury. In order to prosecute a perpetrator for a threat of murder, the police must establish that the threat was “real”, meaning that the victim believed that the perpetrator would act upon his threats. In practice, this requires either demonstration of a weapon or any other dangerous act to establish the perpetrator’s intent. Even in DV cases where threats are continuous or in which the perpetrator acts upon his threats the threat is often described as subjective, and the perpetrator is not prosecuted. This scenario was highlighted by the ECtHR in the *Volodina* case, in which the perpetrator threatened the life of the applicant and then disabled the brakes on her car; the police dealt with the incident as property damage. The ECtHR found this to be evidence that the authorities failed to consider the act within the context of the full history of violence. Forms of threat that are typical in DV cases, other than the threat or murder (i.e. threats to take custody of children, distribute intimate photos, withhold household money, or any threats of physical violence that would not result in grave injury), would not be punishable under the Russian Criminal Code.

Russian criminal law does not address the serious nature of domestic violence as an aggravating circumstance. The commission of a crime against an adult family member (other than a dependent) or an intimate partner is not among the aggravating circumstances listed in Article 63 of the RCC. This article includes only circumstances of specific vulnerability (pregnancy) or dependency (minors or other unprotected persons).

Finally, Russian criminal law does not contain legal definitions or liability for stalking or harassment of which women are disproportionately victims, and which are also characteristic of DV cases, especially when victims have separated from or have initiated proceedings against the abuser.

One of the most significant changes to how the Russian legal system deals with DV was the amendment of the RCC (specifically, decriminalisation of the crime of battery) and the introduction of an administrative offense of battery.

In 2016, the Supreme Court of the Russian Federation proposed abolishing criminal liability for battery and re-classifying it as an administrative offense. This proposal was met with criticism from civil society and women’s rights activists. At that time, battery was partially decriminalised. Battery became an administrative offense and criminal liability was introduced for a new form of aggravated battery committed against “close persons”. This form of aggravated battery created a new obligation to prosecute such cases *ex officio* (private-public prosecution).

These changes were the first attempt to acknowledge in the law the need for specific protection for victims of violence committed within the family. The amendments could have conceivably aided in the detection and prosecution of domestic violence<sup>74</sup>. However, the concept of “close persons” was narrowly defined, and the list of protected categories did not include former spouses, former partners or partners who do not reside in a common household, thus limiting the statutory protection.

In February 2017, the “close persons” element was removed from Article 116 of RCC. This step effectively ended criminal liability for the offense of battery within the family. The proponents of the change equated DV to “minor conflicts” and stated that the amendment was intended to strengthen Russian

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73 *Volodina v. Russia*, §87.

74 Human Rights Watch (2018), *‘I Could Kill You and No One Would Stop Me’ Weak State Response to Domestic Violence in Russia*, p. 27.



families and prevent the state's intrusion into private family matters<sup>75</sup>. The amendment has been widely described as the *de facto* "decriminalisation of domestic violence".

Since 2017, battery is defined as the commission of violent acts that cause physical pain to the victim but do not result in substantial injuries (RCC Article 116 and RAO Article 6.1.1). The law does not differentiate between battery committed against a family member or a stranger. Nonetheless, battery is one of the most common forms of physical violence committed within the family, and women are far more likely to be physically attacked by a husband/partner than by a stranger. The fact that the victim and perpetrator have a relationship increases the risk of continued use of physical violence, and this situation is entirely different from one in which battery is committed by other individuals. Before the process of "decriminalisation," Criminal Code Article 116 was one of the more commonly-applied crimes in DV cases.

According to Russian law enforcement, the legal amendments were followed by an increase in the number of reported DV cases<sup>76</sup>. At the same time, the number of registered cases of the crime of battery decreased dramatically from 43 917 cases in 2016 to 3 281 in 2017 (a 92.5% decrease)<sup>77</sup>. However, in 2018 there was again an increase to 7 800 registered crimes of battery. Without comparable data for the administrative offense of battery, it is not possible to conclude whether there has been a decrease in the incidence of DV in Russia or merely a shift to addressing DV cases through administrative, rather than criminal, law. The Ministry of Internal Affairs of the Russian Federation maintains, however, that after 2016, "the majority" of cases of battery committed in a domestic violence context have been classified as administrative offenses<sup>78</sup>.

The Ministry of Internal Affairs of the Russian Federation has characterised the introduction of RAO Article 6.1.1 as having had a positive effect on the prevention work of law enforcement, presumably referring to the police power to monitor a suspected perpetrator. As is discussed in more detail in sections 6.1, 7.2 and 7.3 of this report, police prevention work with DV perpetrators is not focused on victim safety but, rather, on controlling the person who has been violent. Russian law does not include systems for victim protection or risk assessment that should accompany police interventions with domestic abusers.

Other officials of the Ministry of Internal Affairs of the Russian Federation contend that the legal system creates challenges for police officers in terms of enforcing sanctions for battery as an administrative offense<sup>79</sup>. Namely, administrative sanctions include monetary fines, which the police say do not deter perpetrators from committing further violence and, moreover, they financially burden the family, especially women and children. Some police officers have expressed the opinion that administrative sanctions do not protect victims from a recurrence of violence (e.g. 76% of police in a sample of 70 officers gave this answer to a questionnaire) and hold the view that the responsibility for the investigation of DV crimes must be borne by the police and not the victims (71% of police officers answering the questionnaire agreed that criminal liability for battery must be reinstated as a publicly or private-publicly prosecuted offense)<sup>80</sup>.

75 Rossiskaya Gazeta (2017), *Володин объяснил, почему Госдума декриминализует семейные побои* [Volodin explained why State Duma decriminalizes family beatings], available at <https://rg.ru/2017/01/24/volodin-obiasnil-pochemu-gos-duma-dekriminalizuet-semejnye-poboi.html>

76 Komersant.ru (2018), *Бастрыкин связал рост домашнего насилия с декриминализацией побоев* [Bastrykin linked the rise in domestic violence with decriminalization of beatings], available at <https://www.kommersant.ru/doc/3642937>

77 Valyaev Y. (2019), *Родственные отношения – дело государственной важности* [Family relations are a matter of national importance], Police of Russia, Journal of the Ministry of Internal Affairs of the Russian Federation, May 2019, p. 12.

78 Ibid.

79 Rossiskaya Gazeta (2017), *Владимир Колокольцев рассказал о декриминализации побоев в семье* [Vladimir Kolokolcev spoke about decriminalization of beatings in the family], available at <https://rg.ru/2017/12/20/vladimir-kolokolcev-rasskazal-o-dekriminalizacii-poboev-v-seme.html>

80 The survey was conducted among district police officers who were attending training at the Russian National Institute for the Advancement of Training for Staff at the Russian Ministry of Internal Affairs in 2019. Seventy police staff from 38 regions of Russia took part in the survey. The survey was conducted as part of a round table organised by the Consortium of Women's NGOs.

Concern over the 2016-2017 legal changes has been voiced by Russian experts as well as international organisations, including the Council of Europe and the UN, as a blow to global efforts to eradicate domestic violence<sup>81</sup> and a measure leading to impunity for perpetrators<sup>82</sup>.

In addition to battery, Russian administrative law also punishes non-physical violence, such as insulting a person (that is, humiliating the honour or dignity of another person under RCAO Article 5.61). Previously, insult was a crime and subject to private prosecution. In 2011, it became an administrative offense. Article 5.61 is very rarely invoked in DV cases due to the fact that it does not redress the kinds of abuse that victims suffer. Insult is defined narrowly in the law (only insults that are deemed obscene are punishable) and, furthermore, a successful complaint results in an administrative sanction in the form of a monetary fine (from 1 000 – 3 000 roubles)—a result that may, effectively, punish the victim (if there is one household budget or bank account).

### *(iii) Sample practices of member states*

In 1998, Sweden<sup>83</sup> undertook reform of its Penal Code to amend the state response to VAW. Underpinning the reform process was the government's recognition that improving the criminal justice system response was a priority area. The package of reforms was extensive, covering various forms of VAW and reforming the functions of law enforcement, prosecutors, social service providers, etc. One of the key changes was the introduction of a new offense of "gross violation of a woman's integrity". As reformed, the Penal Code contains a neutral offence of "gross violation of integrity" (committing repeated violations, such as physical or sexual abuse, against a person with whom the perpetrator has, or has had, a close relationship) as well as the gender-specific offence of "gross violation of a woman's integrity" (the elements of the crime are the same but the violations are committed by a man against a woman). The gender-specific provision addresses situations in which a man has repeatedly committed certain crimes against a woman with whom he is or has been married or cohabitating. The repeated acts are charged as a single offense that carries a sentence of imprisonment of a minimum of six months and up to six years.

Developing the criminal offense of "gross violation of a woman's integrity" has enabled courts to take into consideration the fuller context to recognise the continuum of violence encompassing psychological, physical and sexual violence that women victims of DV typically face, and to impose higher sentences in situations of systematic violations. The new provision does not exclude the possibility of multiple charges being brought against the same perpetrator, such as aggravated assault or rape. In fact, in practice sexual offenses committed within marriage or intimate relationships, are usually prosecuted separately from other incidents of DV, in order to impose criminal sentences that are commensurate with these offenses. More recent criminal law amendments have broadened the offense of insulting behaviour (to cover a wider range of behaviours perpetrated in situations of DV) as well as the offense of stalking, which now includes a greater number of behaviours that are considered threatening to victims (e.g. recognising silent phone calls and online content).

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81 Council of Europe (201), *Russia: decriminalising domestic violence would be a clear sign of regression, says Secretary General Jagland*, available at <https://www.coe.int/en/web/children/-/russia-decriminalising-domestic-violence-would-be-a-clear-sign-of-regression-says-secretary-general-jagland>

82 *O.G. v. the Russian Federation* (Communication No. 91/2015, 6 November 2017), §7.7.

83 Source: UN Women (2012), *Handbook for Legislation on Violence against Women*, New York, pp. 12, 50; GREVIO (2019), *Baseline Evaluation Report Sweden*, Council of Europe, pp. 44-45.

## 5.2.2. Investigation (police-prosecutor co-operation)

### (i) International instruments and ensuing principles

It is a recognised good practice for all criminal justice agencies that deal with VAW and DV to act in a co-ordinated manner, within their own mandates. Close co-operation and consultation between police and prosecutors are especially vital when domestic violence cases are concerned. An effective co-operation model between the police and prosecutors should be “based on common goals about the investigation, the use of joint guidelines about types of evidence (especially corroborating evidence) and also following agreed protocols for action”<sup>84</sup>. Prosecutors and police should maintain open communication to ensure that there is mutual understanding about how to handle the case and especially concerning assessment of risk to the victim. Criminal justice actors should be working under a set of common principles that reinforce the duty to put victim safety at the centre of the criminal justice response.

### (ii) The situation in Russia

In terms of investigation, domestic violence complaints are handled under a general instruction that regulates the receipt and registration of reports on crimes and administrative violations<sup>85</sup>. This instruction contains no specific protocols for how to deal with complaints of domestic violence or other forms of VAW. The text provides no instruction on immediate protection of DV victims or risk assessment.

The ECtHR has noted that investigations of DV complaints in Russia often fall short of being effective in practice and thus do not comply with obligations under the ECHR. An investigation must be prompt and thorough, and authorities must take “all reasonable steps to secure evidence concerning the incident.... Special diligence is required in dealing with domestic violence cases, and the specific nature of the domestic violence must be taken into account in the course of the domestic proceedings”<sup>86</sup>.

The lack of standardised co-operation between the police and supervising prosecutors, as well as the lack of effective disciplinary measures are further problematic areas. It is typical in DV cases for the police officer to issue successive decisions not to initiate criminal proceedings, whereas the prosecutor follows with repeated instructions to conduct certain investigative actions. Police officers may fulfil only some of the actions or ignore the prosecutor’s instructions, both of which render the investigation ineffective; the prosecutor has no recourse as they exercise only nominal control over law enforcement. The result is that, *de facto*, victims of DV have no remedy for the violation of their rights.

### (iii) Practices of member states

In 2014, the Crown Prosecution Service of England and Wales<sup>87</sup> launched new Domestic Abuse Guidelines for Prosecutors, following a public consultation. The guidelines outline prosecutors’ responsibilities from the time of identifying DV cases (and properly flagging case files to indicate that the victim is “vulnerable/intimidated”) to court proceedings, bail and sentencing. The guidelines pay attention

84 Baldry, A. and Duban, E. (2016), *Improving the effectiveness of law-enforcement and justice officers in combating violence against women and domestic violence*, Council of Europe, p. 51.

85 Instruction on the procedure for receiving, registering and authorizing, in the territorial bodies of the Ministry of Internal Affairs of the Russian Federation, applications and reports on crimes, administrative offenses, and incidents, approved by Order of the Ministry of Internal Affairs No. 736, 29 August 2014.

86 *Volodina v. Russia*, §92.

87 Sources: Crown Prosecution Service, Domestic Abuse Guidelines for Prosecutors, available at <https://www.cps.gov.uk/legal-guidance/domestic-abuse-guidelines-prosecutors>; Crown Prosecution Services, Service Level Agreement between the Crown Prosecution Service London and the Metropolitan Police Service for domestic violence cases, available at <https://www.cps.gov.uk/publication/service-level-agreement-between-crown-prosecution-service-london-and-metropolitan>; and Joint protocol between Police Scotland and the Crown Office & Procurator Fiscal Service, available at [https://www.scotland.police.uk/assets/pdf/keep\\_safe/175573?view=Standard](https://www.scotland.police.uk/assets/pdf/keep_safe/175573?view=Standard).

to several topics that are specific to DV cases, such as avoiding assumptions, conducting risk assessment, how to proceed without the victim's live evidence, multi-agency co-ordination, and civil and family proceedings.

The Crown Prosecution Service and the London Metropolitan Police have also established a service level agreement that reflects national policy on how DV cases are to be handled and promotes consistency in how the agencies manage individual cases. An analogous arrangement is in place between the Scottish Police Service and the Crown Office and Procurator Fiscal Service under a joint protocol that governs the procedures and practices for investigation, reporting and prosecution of allegations involving an element of domestic abuse.

### 5.2.3. Prosecution

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#### (i) *International instruments and ensuing principles*

The state due diligence standard makes clear that the primary responsibility for investigating and prosecuting cases of VAW rests with the police and prosecution authorities and not with the victim herself. States must ensure that that authorities “adequately respond to all cases of gender-based violence against women, including by applying criminal law and as appropriate *ex officio* prosecution to bring the alleged perpetrators to trial in a fair, impartial, timely and expeditious manner and imposing adequate penalties”<sup>88</sup>.

*Ex officio* proceedings refer to the fact that prosecution should be duly exercised and proceedings continue even when a victim withdraws her complaint. The CEDAW Committee and the ECtHR have urged the Russian Federation to ensure that criminal cases concerning DV be “opened in the name of the State, irrespective of the readiness of the victim to initiate a private prosecution, and for perpetrators to be prosecuted and sanctioned”<sup>89</sup>.

Like all other professionals in the justice chain, prosecutors should take measures to ensure a victim-centred approach, “acknowledging women as subjects of rights and promoting their agency and autonomy, ... these measures should be designed and implemented with the participation of women and taking into account the particular situation of women affected by intersecting forms of discrimination”<sup>90</sup>.

#### (ii) *The situation in Russia*

The Russian legal system classifies the crimes of intentional infliction of light injury and repeated battery (Articles 115 and 116.1 of RCC, respectively) as private prosecution cases. These criminal offenses are among the most commonly charged in DV cases, and the classification of private prosecution places a very heavy burden on the victim. Not only must she act as her own legal counsel and prosecutor during the criminal proceeding, but the police do not conduct an investigation, nor does the prosecutor initiate charges against the perpetrator. The victim must independently draft a petition to initiate the criminal proceeding that documents her case and meets all procedural requirements and submit it to a justice of the peace. She must then summon and question possible witnesses for the prosecution in court, file a motion to request and obtain medical records and expert evidence, question the witnesses for the defence and the defendant himself, and suggest a possible sentence.

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88 General Recommendation No. 35 §44.

89 See *X and Y v. the Russian Federation* (Communication No. 100/2016) §§7.5 and 11(b)(ii), *O.G. v. the Russian Federation* (Communication No. 91/2015) §9(b)(i), and *Volodina v. Russia* §84. See also the Court's judgements in *M.C. v. Bulgaria* (2003), *Bevacqua and S. v. Bulgaria* (2008); *Opuz v. Turkey* (2009).

90 General Recommendation No. 35 §28.

Procedurally, the victim must appear at every hearing, since her failure to be present is treated as a withdrawal of the charges, causing her case to be dismissed. Even in cases where the victim is represented by counsel, she is still required to appear in court in person. The average number of hearings for a single case in Moscow or Saint Petersburg can reach up to 20, and the entire judicial review can last for up to a year. Adding to the time and administrative burden of the process, women are obliged to retell and re-live the episode(s) of domestic violence many times, which can cause secondary victimisation.

The evidentiary burden is also very high: the victim must prove that the defendant is guilty beyond a reasonable doubt. This standard of evidence fails to recognise the inherent difficulties in securing evidence and proof in domestic violence cases where there are usually few or no witnesses, an incomplete record of past violence (either from law enforcement or healthcare facilities) and perpetrators often use forms of violence that are difficult to document as evidence or to prove in court.

Furthermore, private prosecutions are oriented towards reconciliation of the parties. The victim has the right to reconcile with the defendant—a process that ends the criminal procedure. According to the law, the justice of peace is obliged to inform the parties of this option. In practice, justices actively use this opportunity to reiterate the right to reconciliation to the parties in order to dispense with such cases more quickly. Thus, the victim not only faces possible intense psychological pressure from the defendant to withdraw proceedings but is also vulnerable to pressure from the side of the authorities to end the case.

There are no provisions for a victim's safety during criminal trials or other legal proceedings (see section 7 of this report for more detail). Usually a victim will continue to live with her aggressor during the course of a private prosecution because of the lack of other options, such as temporary shelters or protection orders that would remove the alleged perpetrator (defendant) from the home. In this situation, the victim is at high risk for repeated violence, threats, coercion and other forms of intimidation. Moreover, even if the trial results in a guilty verdict, the victim is still not provided with protection, such as a restraining order.

The rationale for using private prosecution as a legal remedy for domestic violence is based on the misconception that DV is a 'private' matter and does not represent the kind of danger to the victim or public security that would warrant the full involvement of the law enforcement or justice systems. This approach fails to take into consideration the complex power and control dynamics that are present in cases of domestic violence, the suffering of victims or the potential for DV cases to escalate, even leading to fatalities, if intervention is insufficient or non-existent.

The practice of treating most forms of domestic violence as private prosecution cases has been consistently criticised by international bodies, such as the Council of Europe, the ECtHR and the CEDAW Committee, as contrary to international human rights obligations. The Russian state has been urged to introduce *ex officio* prosecution of domestic violence cases in order to ensure that survivors have access to immediate means of redress and protection and that perpetrators are prosecuted and adequately punished<sup>91</sup>.

### (iii) *Sample practices of member states*

In Belgium<sup>92</sup>, law enforcement and prosecutor co-ordination in cases of domestic violence is strengthened through a joint circular. Joint circular COL 4/2006 of the Ministry of Justice and the Association of General Prosecutors (adopted in 2006 and revised in 2015) sets forth criminal policy guidelines for police and prosecutors on dealing with intimate partner violence.

91 See, e.g., CEDAW Committee, (2015), Concluding observation on the eight periodic report of the Russian Federation, §§21 and 22; X and Y v. the Russian Federation (Communication No. 100/2016); *Volodina v. Russia*.

92 Sources: Council of Europe Gender Equality Commission (2015), *Compilation of good practices to reduce existing obstacles and facilitate women's access to justice*, Strasbourg, pp. 24-26 and GREVIO/Inf (2019)4 2019. Report submitted by Belgium pursuant to Article 68, paragraph 1 of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Baseline Report).

The joint circular has four objectives: (i) establishing guidelines for criminal policy; (ii) developing a uniform system for identification and registration of IPV cases by the police and public prosecution services; (iii) establishing minimum measures to be applied in all districts; and (iv) providing the police and judiciary with reference tools to facilitate their work. The circular is part of a multi-disciplinary approach that is not limited to criminal intervention. It is based on a conception that early and targeted intervention by the legal authorities will break the cycle of violence.

Special actions outlined in the circular include registration of all incidents (even if not charged as offenses); drafting action plans for prosecuting DV/IPV cases by the district police and prosecution services; and the appointment of specialised reference persons (a police officer and magistrate) in each district who co-ordinate the justice system response.

The circular also incorporates a victim-centred perspective that includes procedures for informing victims of their rights, making referrals to support services, and ensuring that the victim is not subjected to secondary victimisation (e.g. by minimising repeated interviews).

Areas in which the implementation of joint circular COL 4/2006 have been particularly effective are preventing reoffending by perpetrators and increasing the professional response of police and prosecutors (who began to consistently record IPV incidents and to treat the cases with greater seriousness).

#### 5.2.4. Self-defence

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##### (i) *International instruments and ensuing principles*

Studies conducted in various countries indicate that there is a high correlation between women offenders and those who have experienced VAW in their childhoods and as adults. Although they are small in number, the majority of women who kill their male partner are also victims of DV or IPV. Most importantly, such women are generally charged with premeditated murder because they are seen to have planned the act and chosen a weapon. This is because “existing concepts of self-defence are ill-equipped to capture the reality of women who have been subjected to physical, sexual and psychological violence for years and simply do not dare to directly confront their abuser without a weapon”<sup>93</sup>.

It is a recognised good practice for criminal procedure to take into account “[c]laims of self-defence by women who have been victims of violence ... in investigations, prosecutions and sentences against them”<sup>94</sup>. Therefore, a component of a gender-sensitive justice system is recognition of the fact that the incremental nature of DV or IVP contributes to a specific phenomenon (which is sometimes characterised as “battered women’s syndrome<sup>95</sup>” or a “slow-burn reaction” to violence).

In jurisdictions that consider a defendant’s prior history as a victim of DV, this information is used to “assist decision-maker better to understand the circumstances preceding a woman’s eruption into lethal violence, it may remove sources of misunderstanding that might make decision-makers inappropriately suspicious of a woman’s account of her relationship and it may give some insight into what was happening in the woman’s thought processes when she had resort to lethal force”<sup>96</sup>. Such information is not treated as a defence. Generally expert testimony is used to give the court insights into the impact that long-term and repeated violence had on the defendant/victim and is used to support the defences of provocation, self-defence or acting under duress.

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93 Council of Europe Gender Equality Commission (2013), *Feasibility Study: Equal Access to Justice for Women*, §33.

94 UN General Assembly Resolution on Strengthening crime prevention and criminal justice responses to violence against women, 65/228 (2011), §15(k).

95 Increasingly, the conception of battered women syndrome has been recognised as a sub-category of posttraumatic stress disorder (PTSD).

96 Judicial Commission of New South Wales (2016), *Equality Before the Law Benchbook. Section 7- Women*, p. 7308.

## (ii) *The situation in Russia*

Article 37 of the RCC (“self-defence”) provides a justifiable defence for the person who is attacking in several circumstances (the defendant is protecting his/her own person or rights, protecting those of other persons or protecting the interests of society or the state from a socially-dangerous attack if the attack involves violence that threatens the life of the defendant or another person or there is an immediate threat of such violence).

Self-defence may also be used against an attack that does not involve life threatening violence to the defendant or another person or does not involve an immediate threat of such violence, if the limits of justifiable defence have not been surpassed (i.e. no deliberate actions were committed that were disproportionate to the nature and danger of the attack). Article 108 of RCC punishes murder committed in excess of the requirements of a justifiable defence with up to two years imprisonment. Article 114 of RCC criminalizes intentional infliction of grave or moderate (average) injury in excess of the limits of self-defence, with punishment of up to one year imprisonment. Sanctions for these crimes are less severe than for similar intentional actions (Articles 105, 111 and 112 of RCC respectively).

These provisions of Russian criminal law do not adequately take into account the specific nature of prolonged exposure to DV. In fact, a review of criminal cases in which women were convicted of murder (under Article 105.1 of the RCC) from 2016-2018 found that of the roughly 2 500 convictions, 80% of the cases had elements of domestic violence against the women. In a majority of the cases, the murder victims were their partners or close relatives<sup>97</sup>. Similarly, case review of women convicted of homicide committed in excess to the requirements of a justifiable defence (Article 108.1 of the RCC) found that in 83% of the cases the accused was defending herself from her partner at the time of the crime<sup>98</sup>. More than a third (38%) of sentences concerning female defendants mention that the cohabitant regularly beat the woman prior to the incident.

Experts maintain that although the law sufficiently establishes the right to self-defence, in practice it is difficult to invoke this argument in the context of domestic violence. Stereotypes about what constitutes a “rational” response to DV and to what extent the violence presents a danger can prevent women from accessing justice. A further obstacle is the restrictive interpretation of the right to self-defence. According to the Supreme Court of the Russian Federation, the state of self-defence is invoked in a continuous situation (i.e. unlawful deprivation of liberty, torture). In such cases, the victim has the right to exercise self-defence until the situation ends<sup>99</sup>. However, law enforcement, prosecutors and judges are often reluctant to acknowledge the right to self-defence when the victim has defended herself against prolonged violence, as is typical in DV cases, as opposed to reacting to an immediate attack.

## (iii) *Sample practices of member states*

Within the context of introducing a Domestic Abuse Bill for England and Wales<sup>100</sup>, the government has developed new legislation and a number of strategy documents. One such document is the Female Offender Strategy (2018) that sets out a programme that aims to reduce the number of women in

97 Novaya Gazeta hackathon research (2019), *Как связаны убийства, совершенные женщинами, с домашним насилием* [How murders committed by women are connected to domestic violence], available at <http://women105.tilda.ws/>.

98 Novaya Gazeta hackathon research (2019), *Семейные обстоятельства: от кого защищались женщины и мужчины, осужденные за убийство при превышении пределов самообороны* [Family circumstances: from whom are women and men defending themselves when convicted for murder for exceeding the limits of self defence], available at <http://108st.tilda.ws>

99 Resolution of the Plenum of the Supreme Court of the Russian Federation No. 19, from 27 September 2012.

100 Sources: Ministry of Justice (2018), *Female Offender Strategy* and Criminal Bar Association of England and Wales (2017) briefing note, available at <http://www.prisonreformtrust.org.uk/Portals/0/Documents/CBA%20domestic%20violence%20briefing.pdf>

custody. The Female Offender Strategy includes several measures that respond to the high incidence of DV in the lives of female offenders, including: early identification and intervention in DV cases in order to break the cycle of violence; funding to communities explicitly for female offenders who have experienced domestic abuse and are at risk of reoffending; and ensuring that courts have “better and more comprehensive information about female offenders to inform sentencing decisions” [e.g. improving pre-sentence reports so that they include information about DV and developing more “gender-informed community sentencing options”].

The Criminal Bar Association of England and Wales has prepared a briefing on the defences available for women defendants who are also victims of DV, as well as gaps in the current law.

### 5.3. Civil law

In the context of VAW, the availability of civil law remedies to victims are often as vital as criminal prosecution— although, of course, they serve a different purpose. Remedies, such as protection orders (which can fall under civil or administrative law), are discussed in section 7.2 of this report. This section concerns the availability of non-criminal remedies for victims of DV and IPV.

#### 5.3.1. Family law

##### (i) *International instruments and ensuing principles*

Women who are victims of domestic violence from their spouse, often prefer divorce, over criminal proceedings, as a way to escape the violence. Therefore, measures to ensure the safety of victims and their children, or other family members, are equally important in family law matters as they are in criminal cases. Legal experts recommend that “[p]rotection from domestic violence and the right to a life free from violence should be a principle not only in legislation on violence against women but also in all relevant areas of family and divorce law”<sup>101</sup>.

Even if there is no concurrent criminal case against the perpetrator of violence, judicial decisions about child custody awards and visitation arrangements should be assessed in light of the possibility that the perpetrator will abuse the victim or the child if they have continued contact or will use contact with the child as an opportunity for further violence against the ex-wife or child.

International good practice and legal instruments suggest that non-voluntary mediation or alternative dispute resolution is inappropriate in cases involving VAW, especially intimate partner violence. The primary reason to avoid mediation in such cases is the unequal power relationship between the victim/survivor and the perpetrator that “is often further perpetuated and exploited in such processes”<sup>102</sup>. Other forms of mediation or conciliation, for instance in separation or divorce hearings, should only be used if safeguards are in place, including that proper care and measures are taken that consider the dynamics of DV, issues of power and control by the perpetrator over the victim and safety of the victim, children or other dependent family members.

101 UN Women (2012), *Handbook for Legislation on Violence against Women*, New York, p. 54.

102 UN Women, UNFPA, WHO, UNDP and UNODC (2015), *Essential Services Package for Women and Girls Subject to Violence. Core Elements and Quality Guidelines. Module 3 Justice and Policing*. p. 35.



### *(ii) The situation in Russia*

In Russia, there are no specific legal mechanisms, law or procedure, for considering DV in divorce or child custody proceedings. In fact, some practices may unintentionally put DV victims at risk. For example, in divorce proceedings, the judge has the authority to give the parties a period of up to three months for “reconciliation”<sup>103</sup>, even when there is an indication of prolonged violence within the family. In custody cases, judges often refuse to accept and analyse evidence of DV unless there is a final verdict finding the perpetrator guilty of a violent crime against a family member. Since the latter is a statutory ground for deprivation of parental rights<sup>104</sup>, it is believed to be the only sufficient evidence of DV in the context of family law proceedings. Therefore, alternative evidence such as a victim’s repeated complaints to the police and police decisions not to initiate criminal proceedings are not considered sufficient evidence or a relevant indication of domestic violence in child custody proceedings. However, the law does not preclude judges from imposing certain limitations on parental rights in DV cases even when there is no guilty verdict against the perpetrator<sup>105</sup>. In practice, judges rarely exercise their discretion for this purpose.

Insufficient regulation of parental visitation rights in DV cases poses another serious danger. Due to the underdeveloped system for protection of DV victims and their children in Russia (see section 7 of this report), there are very limited mechanisms to ensure the safety of woman and their child/children during visits with the non-custodial violent parent. Moreover, there is no official mechanism of supervised visits (in which child welfare authorities or psychologists would be present).

### *(iii) Sample practices of member states*

In Spain<sup>106</sup>, the Organic Act on Integrated Protection Measures against Gender Violence 1/2004 has several features to deal with DV and IPV in legal cases concerning family or inter-personal relations. First, the law applies to a broad range of victims of gender-based violence- not only spouses and ex-spouses- but also any other person who has had a similar relationship with the perpetrator, whether or not they have ever cohabitated.

Second, the law establishes specialised Gender Violence Courts of joint jurisdiction (civil and criminal). In these courts, the same judge examines criminal cases concerning VAW and also any related civil cases, which includes family law hearings. Specialised public prosecutors for cases of gender violence take cases to the Gender Violence Courts and can also intervene in civil process of “annulment, separation and divorce, or hearings for the guardianship and custody of minors in cases of alleged abuse of wife or children”. An advantage of this system is that it ensures co-ordination by avoiding the possibility of contradictory decisions by different judges. Justice and fairness are enhanced because a single judge considers the full history of violence. Furthermore, the burden on the victim of attending multiple hearings in different courts is removed.

Lastly, the Spanish system has several procedures to ensure that women victims and their children are protected during child visitation. In cases in which there is a previous history of DV, when ruling on visitation and communication arrangements between children and the perpetrator of violence, the judge also outlines safety measures and a plan for regular monitoring of developments. Special Family Meeting Points have been established that allow children to be dropped off and picked up without any contact between the parents. Furthermore, child visitation can take place in a Family Meeting Point under the supervision of specialised staff.

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103 Family Code of the Russian Federation, Article 22(2)

104 Ibid, Article 69.

105 Ibid, Article 73.

106 Source: GREVIO/Inf (2019)5 (2019), Report submitted by Spain pursuant to Article 68, paragraph 1 of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Baseline Report).

### 5.3.2. Compensation

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#### (i) *International instruments and ensuing principles*

Victims/survivors of DV should have access to reparations that encompass a variety of measures covering “appropriate compensation for any pecuniary, physical, psychological, moral and social damage suffered, corresponding to the degree of gravity, including legal costs incurred”<sup>107</sup>. Reparation should include monetary compensation, and all reparations should be “adequate, promptly attributed, holistic and proportionate to the gravity of the harm suffered”<sup>108</sup>. Member states should establish specific financing systems/funds for reparation or include allocations for victims of VAW and DV within other funds.

#### (ii) *The situation in Russia*

Russian law guarantees victims of crimes the right to compensation for harm suffered and for specific failings of the legal system (enshrined in the Constitution of the Russian Federation and the Federal Law on Compensation for Violation of the Right to a Judicial Procedure within a Reasonable Time or the Right to Enforce a Judicial Act within a Reasonable Time<sup>109</sup>). There is no special provision for victims of VAW or DV in the federal law. Moreover, the process to initiate proceedings for compensation under the above-mentioned federal law are complex and require the payment of a state fee. Victims of DV very rarely use the law as a means to receive compensation because of the costs involved (such as the need to hire a lawyer and time required).

In several claims brought against the Russian state, DV victims have argued that due to failures by the authorities they were denied an effective remedy and, therefore, access to compensation and rehabilitation<sup>110</sup>. The state has maintained that the right to compensation demonstrates that there are effective remedies for human rights violations, such as discrimination or DV, in Russian law. Both the and the CEDAW Committee have reiterated that the obligation to fully investigate and prosecute DV cases is additional to the requirement of reparation and comprehensive compensation<sup>111</sup>. As stated by the ECtHR, a civil action for the payment of compensation (rather than punishment of the perpetrator of DV), “would not have been conducive to the State discharging its procedural obligation under Article 3 [of the ECHR] in respect of the prosecution of acts of ill-treatment”<sup>112</sup>.

#### (iii) *Sample practices of member states*

The compensation mechanism available to crime victims in Sweden<sup>113</sup> has been recognised as a good practice because it is available and accessible to victims of IPV. There are several mechanisms by which a victim of IPV in can access compensation: the victim may bring a claim against the perpetrator for compensation for the criminal acts, either during criminal proceedings or as a separate civil suit. Compensation can also be granted as a result of a case brought to the Equality Ombuds office. When compensation cannot be obtained from the perpetrator or through insurance, victims can apply to the Victim Compensation and Support Authority. This procedure is free of charge and efficient, with payments generally being issued within two months of registering an application. There is no threshold

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107 Recommendation Rec (2002)5.

108 General Recommendation No. 35.

109 Federal Law No. 68.

110 See, e.g., O.G. v. the Russian Federation (Communication No. 91/2015, 6 November 2017).

111 X and Y v. the Russian Federation (Communication No. 100/2016) §§9.3 and 11(2).

112 *Barsova v. Russia* §40.

113 Sources: GREVIO (2019), *Baseline Evaluation Report Sweden*, Council of Europe, p. 42 and Comments submitted by Sweden on GREVIO’s final report on the implementation of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Baseline Report), 2019, p. 5.

of severity of the crime for the payment of compensation, and compensation is awarded for physical and/or psychological suffering.

Women victims of IPV frequently apply for compensation, an estimated 500-700 women annually. The compensation (in Euro equivalent) ranges from around €233 for every month of being subjected to violence to lump sum payments of between approximately €1 000 and €10 000. The amount is determined by an individual assessment of the criminal act as well as the extent of the violence suffered.

Children who have witnessed violence against a parent by an intimate partner have special entitlements to compensation from the state, if the child's confidence and trust in the person with whom s/he had a close relationship has been harmed. Around 300 children in Sweden receive such compensation annually.

## 5.4. Women's access to justice

### (i) *International instruments and ensuing principles*

Access to justice for victims of VAW and DV entails more than the existence of legal frameworks and processes but requires removing specific obstacles that women face. These barriers include discrimination, gaps in legislation and gender-blind legislation, limited legal aid, decision-making by legal professionals based on stereotypes, women's lack of knowledge about legal processes and available assistance and feelings of fear and shame that deter them from addressing the legal system. Barriers such as these "are serious obstacles to obtaining justice for women survivors of violence and lead to victims' and potential victims' reduced trust, or a complete lack of trust, in the justice system. They lead to high attrition rates"<sup>114</sup>.

Increasing women's access to justice hinges on ensuring that all components of the justice system respond to the needs of victims of VAW and DV. There are many concrete ways to increase the accessibility of justice systems for DV victims, a number of which have been compiled by the Council of Europe<sup>115</sup> and are also discussed throughout this report. Some of the areas that are recognised as preconditions for a justice system that is gender-sensitive and accessible to victims of VAW and DV include the following:

Specialised VAW/DV units that operate within "law enforcement, penal and prosecution systems"<sup>116</sup> allow for VAW and DV cases to be handled by dedicated staff; they minimise the occurrence of secondary victimisation and allow cases to be handled in a timely manner.

Integrated justice centres for women can act as "one-stop centres" and are often part of referral mechanisms. Such centres include "a range of legal and social services, in order to reduce the number of steps that a woman has to take to access justice. Such centres could provide legal advice and aid, start the legal proceedings and co-ordinate support services for women across such areas as violence against women, family matters, health, social security, employment, property and immigration"<sup>117</sup>.

Specific gender-sensitive court procedures and case management can address the issue of legal processes that do not adequately respond to the specific needs of women as victims or as litigants. When legal professionals are aware of and understand the perspectives of DV victims encountering the

114 Council of Europe (2016), *Factsheet on Guaranteeing Equal Access of Women to Justice*, p. 4.

115 See Council of Europe (2015), *Compilation of good practices to reduce existing obstacles and facilitate women's access to justice*.

116 Committee on the Elimination of Discrimination against Women (2015), General recommendation No. 33 on women's access to justice, §51(c).

117 Ibid. §17(f).

justice system, they can adopt practical measures to ensure their safety and dignity throughout legal proceedings<sup>118</sup>.

Discrimination against women, based on harmful or wrongful gender stereotypes can adversely impact their ability to access justice. Victims of VAW and DV, much more so than other victims of crime, face tremendous mistrust and reproach, based on widespread stereotypes and misconceptions. The justice system can inadvertently reinforce such myths and harmful stereotypes. Therefore, all law enforcement and judicial authorities are required to refrain from engaging in any form of discrimination and ensure that all legal procedures concerning VAW and DV are “impartial and fair, and unaffected by gender stereotypes or discriminatory interpretation of legal provisions, including international law”<sup>119</sup>.

### (ii) *The situation in Russia*

Official statistics from the Judicial Department of the Supreme Court of the Russian Federation indicate that there is high attrition rate in VAW and DV cases, based on a review of private prosecution cases. From 2017-2018, less than 1% of all criminal cases heard by courts of general jurisdiction ended in acquittals. However, around 46-48% of all acquittals were privately prosecuted cases. It is noteworthy that the number of privately prosecuted cases among all criminal cases considered by courts was no more than 1% each year. In 2017 and 2018, more than 72% of all private prosecution cases were discontinued. These data suggest that privately prosecuted cases are almost four times more likely to be discontinued in comparison to publicly prosecuted cases (77% and 72% in comparison to 21% and 22%, in 2017 and 2018)<sup>120</sup>.

While the data are not able to indicate precisely where women who are victims of DV are encountering barriers in the justice system, the low numbers of adjudicated cases suggest that victims are not able to access justice for the violation of their rights. Indeed, the practice of Russian lawyers and recent ECtHR case law concerning Russia shed light on the primary areas in which the justice system, at present, is not responsive to the needs of DV victims.

### (iii) *Sample practices of member states*

The Republic of Moldova<sup>121</sup> has undertaken legal and policy reform to improve access to justice for women who have experienced VAW. Some of these changes were introduced by the Ministry of Labour, Social Protection and Family in order to implement ECtHR judgements in a group of cases concerning DV<sup>122</sup>. Other reforms are in preparation for ratification of the Istanbul Convention.

The Moldovan approach demonstrates the value of enacting national strategy/action plans as a framework for reforms. State actions are guided by the National Strategy on Preventing and Combating Violence Against Women and Domestic Violence for 2018–2023 and the 2018–2020 Action Plan for its implementation. One pillar of the national strategy concerns improving the legal and regulatory frameworks “by aligning them to international standards”.

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118 See Council of Europe (2017), *Training Manual for Judges and Prosecutors on Ensuring Women's Access to Justice. General Part*.

119 General Recommendation No. 35, §26(c).

120 Statistical data of the courts of general jurisdiction for 2017 available at <http://www.cdep.ru/index.php?id=79&item=4572>; Statistical data of the courts of general jurisdiction and justices of the peace for 2018 available at <http://www.cdep.ru/index.php?id=79&item=4891>.

121 Sources: Government of the Republic of Moldova/ Ministry of Health, Labour and Social Protection (2019), *National Level Review on the Fulfilment of Commitments taken under the Beijing Declaration and Platform for Action*, p. 19; Government of the Republic of Moldova (2019), *Sixth periodic report submitted by the Republic of Moldova under article 18 of the Convention*, §§ 172-175 and Council of Europe Gender Equality Commission (2015), *Compilation of good practices to reduce existing obstacles and facilitate women's access to justice*, pp. 88-93.

122 *Eremia v. the Republic of Moldova*, as the leading case for three other cases.

Some of the key measures taken to improve the legal framework for preventing and combating DV are: Introduction of an emergency restraining order for victims of DV and expansion of police powers; amendment of the Criminal Code, including redefining DV in accordance with international norms, establishing liability for psychological and economic violence, and adding criminal liability for violation of an emergency restraining order; amendments to the Contravention Code- adding articles on DV and sanctions for failures to execute an emergency restraining order; addition of provisions to the Civil Procedure Code for situations when a victim (adult or child) cannot file a complaint about DV; expansion of the rights of victims of DV (access to free primary and qualified legal aid and to free assistance for “physical and psycho-social recovery”); and elaboration of the right of victims to claim compensation from the perpetrator of the state for pecuniary and non-pecuniary damages.

Other measures to increase women’s access to justice are the training of police officers and dissemination of manuals on effective law enforcement intervention in DV cases (by the Police Academy and General Police Inspectorate of the Ministry of Internal Affairs), training of prosecutors, judges, legal aid and private lawyers and paralegals (by the National Institute of Justice), and the development of a system for trial monitoring.

## 5.5. Areas for consideration by the Russian authorities on the justice system response

### Comprehensive legislation on domestic violence

- ▶ A federal law that addresses prevention of VAW and DV, protection for victims and commensurate punishment for perpetrators of violence is necessary in Russia. Such a law should cover DV in all forms (physical, psychological, sexual, economic violence as well as threats of such violence) and apply to any victim who is or has been in an intimate partner relationship with the perpetrator. The enactment of a federal law would necessitate amendment of existing legislation to bring it in line with international standards.

### Criminal law

- ▶ The law should outline a mechanism for interagency co-operation between law enforcement, public prosecutors, the judiciary, social services and any other agencies that are part of a comprehensive criminal justice response.
- ▶ All forms of VAW and DV (physical, psychological, sexual and economic) should be criminalised. Potential amendments to the RCC could cover specific forms of VAW that are not currently addressed in the law (e.g. stalking and harassment) and expansion of aggravating circumstances to address situations related VAW and DV, such as prolonged and especially severe violence.
- ▶ Victims should not bear the entire responsibility for criminal prosecution of VAW and DV. Rather, prosecution of VAW and DV is the primary responsibility of the state.
- ▶ Mandatory training for law enforcement and legal professionals is necessary to ensure that police investigations and judicial proceedings are not affected by discrimination and stereotypes that impede women’s access to justice.
- ▶ In order to reduce the number of women who are in custody, specific measures could be adopted to improve early detection and intervention by the justice system into DV cases. Other measures could include guidelines on how courts should consider information about a past history of DV in sentencing decisions.

## Family Law

- ▶ The practice of ordering a reconciliation period in cases of divorce in which there is evidence of DV should be reconsidered. Judges should be trained and sensitised about the risk of repeated violence that such a requirement imposes on victims, as well as on how to weigh information about a past history of DV when making child custody and visitation determinations.

## 6. PREVENTION OF VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE

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Taking all appropriate measures to prevent VAW and DV from occurring, or from reoccurring or escalating, is one of the core components of the state's due diligence obligation. Prevention work is an area where issues such as gender inequality, tolerance of violence and stereotypes—all of which perpetuate VAW—can be addressed both among specialists and society in general.

Preventive measures that are both strategic and long-term are needed in order to challenge misconceptions and change mind-sets that condone violence against women and domestic violence.

### 6.1. Role of law enforcement

#### (i) *International instruments and ensuing principles*

The police are the foremost public security institution and are the frontline responders in cases of domestic violence. As such, they play an important role in preventing the escalation of violence and recidivism. Early intervention by the police in DV cases not only decreases the likelihood of further violence, but it is also crucial for referring victims/survivors to appropriate services and for demonstrating to potential perpetrators, and the public at large, that the justice system has a zero-tolerance policy towards violence.

Many different models for an effective police response in DV cases have been developed. They include the use of standardised incident response protocols, creating dedicated police units, or police officers, that deal exclusively with DV, and improving community-based policing. Recommendations from both the Council of Europe –taken from the EU Resolution on violence against women, 1986- suggest that there should be at minimum one officer specialised in domestic violence per police unit<sup>123</sup>. Of prime importance, police services must be accessible and responsive to the needs of the victim.

Jurisprudence of the ECtHR makes clear that Article 3 of the ECHR requires that authorities actively intervene in cases of DV in order to protect the victim and prevent the recurrence of violence. The police should be proactive, not waiting for specific requests from a victim<sup>124</sup>, and they must take measures to prevent violence that are effective in practice<sup>125</sup>.

#### (ii) *The situation in Russia*

In Russia, district police officers (участковый) are a community police force that are most often engaged in dealing with DV cases. They are not specialised in dealing with DV, but one of their specific duties is to conduct “preventive work” with persons who have committed offenses or crimes in the family sphere (it was not possible to verify precisely how these types of offenses are defined). The district police have the authority to register people who are considered disorderly, which includes perpetrators of DV, under prevention control measures (профилактический учет) for the duration of

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123 See Kelly, L. (2008). *Combating violence against women: minimum standards for support services*, Council of Europe, p. 20.

124 See, e.g. *Opuz v. Turkey* (2009).

125 See also *Eremia and Others v. the Republic of Moldova* (2013); *Mudric v. the Republic of Moldova* (2013); *Talpis v. Italy* (2017).

one year<sup>126</sup>. The perpetrator is included in a database, and the officer is obliged to conduct prevention interviews/conversations (профилактическая беседа) with the registered person, supervise his/her behaviour and contacts, interview his/her relatives or neighbours, and employ administrative sanctions in case of further violation of the law<sup>127</sup>. If there are no further complaints and the police officer determines that the registered person is no longer a threat, they are removed from the list. If the person does not comply, a criminal process may be initiated.

This system is characterised as preventive work, and the focus of police action is on the behaviour of the perpetrator. There is no regulation pertaining to how police are to assess or manage the victim's safety in the context of DV. No analysis was found to determine the effectiveness of this measure in preventing repeated violence or reducing DV, such as studies of recidivism. According to a Ministry of Internal Affairs of the Russian Federation spokesperson, while some perpetrators who are under administrative control correct their own behaviour, others do not necessarily become law-abiding<sup>128</sup>.

Experts point out that police officers are typically not very active in carrying out this type of prevention work, neither registering offenders nor maintaining contact with those who have been registered. The reasons for police inaction are said to be the heavy caseload of many district officers combined with the low priority assigned to DV cases, or due to personal biases. The lack of attention to the safety of the victim is especially concerning in light of the fact that international practice has demonstrated that the specific actions of initiating or being involved in legal proceedings tend to trigger further and more intensive violence.

Aside from procedural inadequacies in the law enforcement system to prevent escalation of domestic violence, it has been widely documented that the police systematically fail to initiate proceedings in DV cases<sup>129</sup>. Due to commonly-held misconceptions and gender stereotypes present throughout the law enforcement and justice systems, police often do not see the need to intervene in what they consider "private matters" and do not recognise domestic violence as meriting preventive measures or investigation. Lawyers who represent survivors of DV report that police, in fact, frequently blame women for the violence or try to dissuade them from making formal complaints.

When police services fail to respond to incidents of domestic violence, this creates a high level of distrust among victims. A very small percentage of women in Russia who have experienced DV ever contact the police. A survey conducted among women who contacted a national DV telephone helpline (discussed in section 5.2, above) revealed that less than a third of victims ever went to the police. Of the minority of women who had turned to the police, 97% reported that they were unsatisfied with the support they received<sup>130</sup>. The majority of the victims (75%) revealed that the violence had lasted from one to ten years.

### (iii) *Sample practices of member states*

In Portugal<sup>131</sup>, the police response to DV is part of a larger initiative under the Integrated Model of Proximity Policing (MIPP) that aims to improve crime prevention in several areas. The Ministry of the

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126 Order of the Ministry of Internal Affairs of the Russian Federation, No. 1166 of 31 December 2012.

127 Ibid.

128 Valyaev Y. (2019), *Родственные отношения – дело государственной важности* [Family relations are a matter of national importance], Police of Russia, Journal of the Ministry of Internal Affairs of the Russian Federation, May 2019, p. 12.

129 For example, both the *Volodina* case (European Court) and *X and Y v. Russia* (communication to the CEDAW Committee) concerned failures of the Russian police to initiate criminal proceedings in cases of repeated DV.

130 Centre ANNA, *Отчет о работе Всероссийского телефона доверия для женщин за 2018 год* [Report on the work of the All-Russian telephone helpline for women for 2018], available at <http://anna-center.ru/>

131 Sources: Material provided by Fernandes, T. Chief-Superintendent of the Public Security Police (2019), Domestic Violence. The GAIV Project, 24-25 September 2019, Strasbourg and official website of the Polícia de Segurança Pública available at <https://www.psp.pt/Pages/atividades/MIPP.aspx>.



Interior operates under a joint strategy with the Ministry of Justice that standardises the process for dealing with DV complaints.

There are two important bodies within the Public Security Police that deal with DV: (i) the Assistance and Information Victim Office (GAIV) within the uniformed police service, and (ii) Domestic Violence Special Teams (EEVD) that are part of the Criminal Investigation Structure. Officers in the GAIV deal only with victims (but not limited to victims of DV or IPV) and operate 24 hours a day/seven days a week. The police in the EEVD receive specialised training in intervention tactics and are responsible for criminal investigations concerning DV; they also work with perpetrators.

The police teams that work with victims and those that work with perpetrators are interconnected and also co-ordinate their work with the public prosecutor. This approach allows for expedited procedures and rapid enforcement measures that improve victims' safety and sense of security. Some weaknesses have been identified, however, specifically that there is a need for further victim empowerment, and the police force and public prosecutor do not always have sufficient staff to dedicate exclusively to DV cases.

## 6.2. Capacity-building and professional training

### (i) *International instruments and ensuing principles*

International standards make clear that “mandatory, recurrent and effective capacity-building, education and training” is required for a broad range of professionals who are in a position to prevent VAW and DV if they recognise the problem and know how to respond appropriately<sup>132</sup>. In terms of professional training, critical groups include: law enforcement officers (including forensic medical personnel), the judiciary (judges and prosecutors), legislators, health-care professionals, educators, and social and welfare personnel.

Training programs should be comprehensive, encompassing basic training (e.g. on such topics as the characteristics of VAW and DV, causes and consequences, stereotypes), initial vocational training (e.g. providing professionals with the capacity and tools to detect and manage crisis situations, and to improve the manner in which victims/survivors are received, listened to and counselled), and specialised training for specific professional groups (e.g. the functions of a referral system, how to avoid secondary victimisation)<sup>133</sup>.

### (ii) *The situation in Russia*

The action plan for implementing the Russian Federation NASW calls for the development of informational and training materials for various professional groups. However, to date there have been no national-level initiatives to create comprehensive curricula or training programmes for professionals on DV.

This means that there is no standardised curriculum for educational institutions of the Ministry of Internal Affairs of the Russian Federation, the Prosecutor General's Office of the Russian Federation or for judicial training academies. To the extent that they offer any training on the topics of VAW or DV, each educational institution independently develops its own curriculum.

The Ministry of Internal Affairs of the Russian Federation reports that the topic of “family violence” is included within regular police training in the context of prevention work. New recruits also receive some information on the topic. At the same time, the Ministry has not developed any guidelines (an

<sup>132</sup> General recommendation No. 35, §38.

<sup>133</sup> Recommendation Rec (2002)5.

“algorithm”) on the police response to DV cases. In general, the curricula of other justice institutions do not consistently include components on VAW or DV, and thus graduates of the relevant universities typically do not receive specialised knowledge about these issues. No government body has developed or mandated any training that includes a multi-agency approach.

On the other hand, Russian NGOs have been conducting training and educational events for social workers, lawyers, representatives of law enforcement bodies and other stakeholders for many years, mainly to sensitise the audience about the prevalence and impact of VAW and DV and to encourage them to adopt practices that are in-line with international standards. Particularly promising practices are joint events conducted by NGOs and representatives of the Ministry of Internal Affairs of the Russian Federation (e.g. round tables and training for district police officers) and the development of guidance and protocols to improve the response in DV cases<sup>134</sup>. However, NGOs have limited capacity and cannot systematically train all required professionals. Furthermore, NGOs are not in the position to make capacity-building mandatory within the relevant structures, nor can they issue internal policies or regulations that should accompany training activities in order to ensure that the capacity-building is sustainable.

### (iii) *Sample practices of member states*

Luxembourg<sup>135</sup> adopted a law on domestic violence (2003) that created new police powers to temporarily remove perpetrators from the home. In order to ensure appropriate and effective implementation of the law (especially police powers concerning perpetrators), a mandatory training course for police officers was developed. The course is part of the two-year training program for police recruits<sup>136</sup>. The course content, created by two victims’ support organisations, covers: (i) the nature and characteristics of DV; (ii) police interventions under the law and how to work with victims/survivors; and (iii) how to properly record incidents and interventions on DV in reports to the public prosecutor (particularly to deal with the issue of perpetrator evictions). In parallel with the training, several tools were designed to facilitate the work of the police, such as checklists, intervention protocols, crime reports and information cards for victims and perpetrators. Further efforts to build the capacity of Luxembourgish police include annual visits with the German police forces to exchange good operational practices and address common challenges.

Training and capacity-development can be enhanced when written tools that assist professionals in dealing with cases of VAW are drafted. For instance, in Bosnia and Herzegovina (BiH)<sup>137</sup>, two working groups were convened to critically examine how DV cases were being managed. The first working group of prosecutors from both the Federation of BiH and the Republika Srpska conducted an analysis of prosecutors’ practices in DV cases and then wrote a *Prosecutors’ Domestic Violence Handbook*. Likewise, a panel of judges conducted several reviews related to DV and produced two resources: a judicial benchbook (*Considerations for Domestic Violence Case Evaluation for Bosnia and Herzegovina*) and a practice guide. Both publications contain practical recommendations for judges to use in the courtroom. The recommendations were reviewed by legal scholars, practitioners and the institutions responsible for educating judges and prosecutors. An important feature of this good practice is that the guidance materials were developed by practitioners for other practitioners, and thus they contain advice that is tailored to their practices.

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134 Examples include events organised by the Consortium of Women’s NGOs and the Russian National Institute for the Advancement of Training for Staff at the Russian Ministry of Internal Affairs, by the Saint Petersburg-based NGO Doctors for Children and representatives of the Investigative Committee, and both the Pskov Independent Social Women’s Centre and the Nizhny Novgorod Women’s Crisis Centre (capacity building for police and other stakeholders).

135 Source: EIGE (2015), *Preventing domestic violence. Good practices*, pp. 56-58.

136 When the domestic violence law was adopted, the police training was also offered to working police.

137 Source: Geneva Centre for Security Sector Governance (DCAF), all materials available from <https://www.dcaf.ch>.

### 6.3. Perpetrators' programmes

#### (i) *International instruments and ensuing principles*

Council of Europe Recommendation (2002)<sup>5</sup> recommends member states to develop programmes for perpetrators of VAW. These programmes are characterised as interventions that aim to prevent further violence and recidivism. Such programmes are generally offered to perpetrators on a voluntary basis, but they should not be used as an alternative to criminal or other sanctions. While there is no single model for how programmes for perpetrators should be conducted, the Council of Europe notes that “minimum standards for work with perpetrators mean that family counselling, mediation or reconciliation and anger management are not appropriate responses in domestic violence services in general and work with perpetrators in particular”. Likewise, treatment for substance abuse is a separate service and not a substitute for a perpetrator programme<sup>138</sup>.

Perpetrators' programmes that conform to best practices have the following characteristics: they are designed to encourage perpetrators of violence to become aware of their actions, to take responsibility for them, and to adopt non-violent patterns of behaviour; they are an additional measure for the prevention of violence, and participation should be offered on a voluntary basis; the state can establish models of specialised intervention centres, and the government should also support NGO-initiated centres for perpetrators; and there must be co-operation and co-ordination “between intervention programmes directed towards men and those dealing with the protection of women”<sup>139</sup> in order to prioritise the safety of women and children.

#### (ii) *The situation in Russia*

Programmes for perpetrators of domestic violence are only nascent in Russia. National or regional standards for how such programmes should be implemented have not yet been developed. The Moscow-based Crisis Centre for Assistance to Women and Children works with men in several contexts: (i) a self-help group for men who recognise that they are at risk of committing violence or are dealing with related problems (e.g. depression, alcohol abuse), (ii) family therapy that includes men who have committed DV and (iii) special groups to prepare men for fatherhood that are seen as a type of violence prevention activity. However, these programmes would not meet the internationally-accepted criteria and methodologies for working with VAW and DV perpetrators. During analysis for this report, it could not be established to what extent such programmes are replicated in other state-managed crisis centres.

An NGO, Alternative to Violence Counselling Centre (Saint Petersburg), operates one of the few programmes for DV perpetrators in Russia—“Men of the 21<sup>st</sup> Century” (M21). The programme is based on Norwegian and Swedish therapeutic models for working with men who commit violence and is run by a team of psychologists and psychotherapists who also work in partnership with local women's crisis centres.

#### (iii) *Sample practices of member states*

In Germany<sup>140</sup>, after many years of specialised work with perpetrators of DV, it became clear that there was a need to professionalise the work and adopt uniform quality standards. In 2007, 37 organisations that work with perpetrators came together under the umbrella organisation, the Federal Association for Work with Perpetrators of Domestic Violence (BAG TäHG), in order to develop a common approach and methodology.

<sup>138</sup> Council of Europe (2008), *Combating Violence against Women: Minimum Standards for Support Services*, p. 19.

<sup>139</sup> Recommendation Rec (2002)5.

<sup>140</sup> Sources: Official website of the Federal Association for Work with Perpetrators of Domestic Violence available at <https://www.bag-taeterarbeit.de> and EIGE database of good practices <https://eige.europa.eu/gender-based-violence/good-practices/germany/standards-work-perpetrators>

Over a three-year period, the BAG TäHG developed standards through consultations and monitoring and evaluation of what had proven effective. The draft standards were vetted by key stakeholders, such as the federation of women's shelters and the federation of helplines, in order to include the perspectives of victims/survivors. The process of developing the standards was facilitated and supported by the Federal Ministry for Women, Senior Citizens, Family and Youth.

Today, the BAG TäHG serves as the national contact point for work with perpetrators, and it trains other professionals in how to apply the standards through a 21-day (fee-based) training course. The BAG TäHG has developed a certification process for member institutions as well as a uniform procedure for diagnostics, documentation and evaluation of work with perpetrators.

The process of developing and disseminating the standards has shown that perpetrators' programmes can have a positive impact on changing behaviour if they are supported by judicial requirements and they share a "focused and structured approach to acts of violence by men towards their partners or ex-partners".

## 6.4. Awareness-raising

### (i) *International instruments and ensuing principles*

Awareness-raising serves multiple purposes, one of the most crucial being to dispel the stereotypes and myths surrounding VAW and DV. Here, awareness-raising refers to campaigns aimed at the general public. Of course, other forms of educational initiatives should be planned that target particular audiences including society generally, children and youth, relevant professionals involved in prevention and protection, traditional and religious leaders, and perpetrators of VAW- the latter, in order to prevent recidivism<sup>141</sup>. Special messages should be aimed at hard-to-reach women who are vulnerable to certain forms of VAW given their status or background (e.g. women with disabilities, female migrants).

As part of prevention work, the CEDAW Committee recommends that states support awareness-raising programmes that have the following objectives: (i) to promote an understanding that VAW is unacceptable and harmful, as well as provide information about legal recourses, encourage the reporting of VAW and intervention by witnesses; (ii) to address the stigma experienced by survivors; and (iii) to dismantle "victim-blaming beliefs that make women responsible for their own safety and for the violence they suffer"<sup>142</sup>. The Council of Europe Committee of Ministers Recommendation Rec (2002)5 adds another very important objective: (iv) to stress to men that they should be responsible for their actions and encouraging them to "analyse and dismantle mechanisms of violence and to adopt different behaviour".

It is important that campaigns supported by the government are integrated into national action plans or strategies, thus ensuring that they are long-term and sustainable. They should have clear messages against VAW and DV, and it is also important to collaborate with NGOs and other stakeholders that have relevant experience, especially in assisting victims/survivors. Images and messaging should be carefully selected as they could inadvertently reinforce stereotypes (e.g. that women deserve or provoke violence). Positive and empowering messages about survivors of DV are recommended.

<sup>141</sup> General recommendation No. 35, § 35(b).

<sup>142</sup> Ibid.

## (ii) *The situation in Russia*

Awareness-raising initiatives have been conducted on an *ad hoc* basis, by both state agencies and, more frequently, by NGOs. For instance, local police offices in various Russian cities have conducted or taken part in campaigns against domestic violence. The Crisis Centre for Assistance to Women and Children as well as other state institutions, carries out actions during the global 16 Days of Activism Against Gender-Based Violence<sup>143</sup>. However, there is no sustained support (either organisational or financial) for government-led campaigns conducted on a nation-wide basis. Neither the National Action Strategy for Women nor the Action Plan to implement the strategy specify that awareness-raising be conducted among citizens generally, as outreach to potential victims of violence or as a deterrent to perpetrators<sup>144</sup>.

Non-governmental organisations and human rights activists have used social media for awareness-raising particularly effectively. Experts credit a change in public opinion about VAW from indifference and victim blaming to a more engaged discussion of the phenomenon to several highly visible internet campaigns during 2016-2019. For instance, the 2019 campaign organised around the hashtag “#I didn’t want to die” (#ЯНеХотелаУмирать) raised the issue of the lack of specific legislation on DV in Russia and urged the public to speak out and to sign a petition in support of legal reform. With the participation of a large number of women in the campaign, the subject of VAW became an important social problem for public debate and is less and less regarded as an issue that only concerns marginalised groups.

Despite these efforts, the lack of awareness of and misinformation about domestic violence on the part of the public, sometimes combined with the stereotypes to blame the victim for the incident remain critical issues in Russia. Women themselves often are unaware of the unlawfulness of domestic violence or where they can seek assistance.

## (iii) *Sample practices of member states*

The government of France launched its first awareness-raising campaign (Break the Silence) on VAW in 2001 following a large-scale national survey on the issue. France has had successive campaigns each year since 2006. The campaign themes change annually, and messages are conveyed through print and video public service announcements in the media, leaflets, posters, brochures, and a website dedicated to the topic<sup>145</sup>. The campaigns address various forms of VAW and promote the national telephone helpline number, provide information about protection that victims can seek under French law as well as contacts for professionals and NGOs that offer assistance.

The 2018 campaign (Réagir peut tout changer - “Reacting can change everything”) had a particular emphasis on encouraging people who are close to survivors of VAW, or witnesses, to speak out and, moreover, to take personal actions to end the violence. The campaign corresponded to legal and policy changes (specifically, the creation of a new crime for sexist behaviour/harassment on the street and an online reporting platform through which victims will be able to upload complaints while also interacting with specially trained personnel).

The fact that all the French campaigns are linked to national action plans preventing and combating VAW ensures their continuity from year to year.

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143 Government of the Russian Federation (2019), *Доклад Российской Федерации о достигнутых успехах и возникших проблемах в деле осуществления Пекинской декларации и Платформы действий*, [Russian Federation report on the progress made and problems encountered in the implementation of the Beijing Declaration and Platform for Action], p. 24.

144 The National Action Strategy foresees awareness-raising activities targeting specific professional groups (e.g. law enforcement, judges, health care professionals, social workers, etc.), and the Action Plan assigns the responsibility for developing informational materials for these groups to various ministries.

145 <https://www.stop-violences-femmes.gouv.fr>

## 6.5. Role of national human rights institutions

### (i) *International standards and principles*

National human rights institutions (meaning, Human Rights Commissioners or Ombuds offices) have a role to play in preventing VAW because they are “a mechanism for accountability which allows both the redressing of individual experiences of injustice as well as addressing systemic systems and structures to ensure a more effective and equitable access to state actions and resources”<sup>146</sup>.

In terms of its functions addressing the complaints of victims of human rights violations and overseeing security and justice sector institutions, NHRIs face the challenge that victims of VAW very often lack confidence in law enforcement and public prosecution services and therefore never approach them. In turn, NHRIs receive very few complaints about VAW, making it difficult for them to establish the magnitude of the problem or identify patterns of inaction by the authorities. “[I]f women rarely report domestic violence to the police, there is even less chance that such incidents will be reported to an NHRI, owing to the poor handling of domestic violence cases by the police”<sup>147</sup>.

NHRIs can take measures to alleviate barriers that prevent victims of VAW from making complaints and to remedy failures of law enforcement and justice sector institutions to provide victims with an adequate response, such as the following: implement outreach programmes to encourage and empower women to file complaints; build partnerships with NGOs to help bring forward the concerns of victims/survivors; if there is evidence that victims/survivors are still not coming forward with complaints, the NHRI “might consider amending their procedures by accepting cases that have not first been presented to police or prosecutors, by setting up internal complaints systems and/or by admitting complaints filed by a witness to [police/prosecutor] misconduct<sup>148</sup>; develop internal protocols for handling complaints of VAW; ensure that trained investigators/case workers deal with complaints about this form of violence; if relevant, site visits and inspections by NHRIs should cover “facilities and equipment for receiving and investigating complaints of domestic violence ... (such as waiting rooms, interview rooms, rape kits and other materials for collecting evidence, and forensic facilities), and [a review of] casebooks, investigation records and shift records”<sup>149</sup>.

### (ii) *The situation in Russia*

The High Commissioner of Human Rights in the Russian Federation (Ombuds office) has consistently drawn attention to the issue of VAW as a violation of women’s rights and a “systemic problem” for Russia. She has expressed her support for adopting a comprehensive federal law on combating domestic violence<sup>150</sup>. Nevertheless, the High Commissioner reports that it seldom receives complaints from women who have experienced domestic violence.

Regional Commissioners for Human Rights, which are independent from the High Commissioner, are also actively participating in the discussion about the lack of legal protection for victims of domestic violence. For instance, in 2018, Ombuds offices from 12 Russian regions took part in an international

146. Clarke, R. (2012), The Role of the Ombudsman in Ending Impunity for Gender-based Violence, presentation at the 10th World Conference of the International Ombudsman Institute, available at <https://www.theioi.org/publications/wellington-2012-conference-papers>.

147. Bastick, M. (2014), *Integrating a Gender Perspective into Oversight of the Security Sector by Ombuds Institutions & National Human Rights Institutions*. Gender and SSR Guidance Note. DCAF/OSCE/ODIHR, p. 27.

148. Ibid. p. 29.

149. Ibid. p. 30.

150. Ежегодный Доклад о деятельности Уполномоченного по правам человека в Российской Федерации за 2018. 2019. pp. 203- 204. <http://ombudsmanrf.org/upload/files/docs/lib/ltog1.pdf>

round table on DV as a form of discrimination against women. The Human Rights Commissioner of Saint Petersburg devoted a chapter of its annual report to DV and outlined recommendations for the federal government, specific ministries and Saint Petersburg authorities<sup>151</sup>. In 2019, the Human Rights Commissioner for Moscow published a special report that included administrative data on DV, the availability of social services in Moscow, and gaps in the current state response<sup>152</sup>. The report offers several recommended actions for DV prevention, including further scientific study, a unified law enforcement reporting system (at the federal level), and specialised professional training<sup>153</sup>. The Human Rights Commissioner for Perm Oblast has underlined the urgency of the DV problem in Russia and drawn attention to critical gaps: police inaction and the absence of multi-agency co-operation and dedicated legislation<sup>154</sup>.

### (iii) *Sample practices of member states*

The Human Rights Defender of the Republic of Armenia<sup>155</sup> has supported law and policy changes concerning VAW. For instance, the office collaborated with the Council of Europe to produce a gap analysis of Armenian criminal law, as compared to standards established by the The Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)<sup>156</sup> and has conducted trainings on DV for Armenian investigators, prosecutors and lawyers.

Following the adoption of national legislation on the prevention of and protection from DV (2017), the Human Rights Defender launched a multiplatform campaign to raise awareness of the law and to disseminate information about how citizens can access assistance provided by the office (including via a telephone hotline). The campaign messages were disseminated through a video clip, hashtag and Facebook page, posters, a booklet (in four languages and Braille), brochures and a pocket guide.

In order to increase staff capacity, the Human Rights Defender developed and published two written guides on managing complaints about DV: a *Guide on Domestic Violence Issues for the Staff of the Human Rights Defender* and *Information Guide on Handling Hotline by the Staff of the Human Rights Defender's Office* (2019). The guides explain the purposes of the services provided by the Human Rights Defender, key issues to keep in mind when answering hotline calls, phrases that should and should not be used when speaking to victims/survivors, how to assess risk/plan for safety, making referrals and the process for emergency intervention orders.

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151 Ежегодный доклад Уполномоченного по правам человека в Санкт-Петербурге за 2018 год. 2019. pp. 153-162. [http://ombudsmanspb.ru/ru/doklad\\_zh\\_2018\\_god](http://ombudsmanspb.ru/ru/doklad_zh_2018_god).

152 Гендерный профиль социально-экономических проблем столичного региона. 2019. <http://ombudsman.mos.ru/user/user/Гендерный%20профиль%20социально-экономических%20проблем%20столичного%20региона.pdf>.

153 Ibid. p. 71.

154 Ежегодный Доклад о деятельности Уполномоченного по правам человека в Пермском крае за 2018. 2019. p. 97. <http://ombudsman.perm.ru/docs/dok/annual/>

155 Sources: Website of the Human Rights Defender of the Republic of Armenia available at <http://www.ombuds.am/en/home.html> and UNFPA Armenia (2019), *The Human Rights Defender starts awareness-raising campaign on prevention of domestic violence and violence against women* available at <https://armenia.unfpa.org/en/news/human-rights-defender-starts-awareness-raising-campaign-prevention-domestic-violence-and>

156 The Russian Federation has not joined the Council of Europe Convention on preventing and combating violence against women and domestic violence as, according to the position of the Russian Federation, no consensus has been reached on this document.

## 6.6. Areas for consideration by the Russian authorities on the prevention of violence against women and domestic violence

### Role of law enforcement

- ▶ The capacity of law enforcement to effectively prevent the occurrence, reoccurrence and escalation of DV through measures that focus on victim safety and well-being should be strengthened.

### Capacity building and professional training

- ▶ Training programmes for government officials, judicial and law enforcement officials, medical workers, social services providers and other professionals working with victims/survivors of DV would greatly enhance prevention efforts. Training should be based on international standards for addressing DV and should encompass both basic training to increase knowledge about DV as well as advanced trainings that aim to improve the professional response. Co-operation between law enforcement and NGOs should be strengthened, especially in the areas of joint training and referral systems.

### Perpetrators programmes

- ▶ Models for programmes that work with perpetrators of DV that are oriented toward accountability for the use of violence could be expanded. Perpetrator programmes should be offered on a voluntary basis and also made mandatory (i.e. as a condition of bail, sentencing), and they should be linked to police work with perpetrators who are under preventative control. They should not be used as an alternative to criminal sanctions.

### Awareness raising

- ▶ Regular/long-term and visible nation-wide media campaigns that promote a zero tolerance for DV and non-violent family relationships would reinforce all other efforts to prevent VAW and DV.

### Role of national human rights institutions

- ▶ For NHRIs, public outreach on the role of human rights commissions and the mechanisms for submitting complaint can be enhanced; NHRI staff should be trained to deal with complaints of DV and other forms of VAW. Protocols for monitoring and oversight of key institutions that are responsible for dealing with DV could be developed.



## 7. PROTECTION OF VICTIMS

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The due diligence obligation to provide assistance to and protection of victims/survivors of VAW requires states to ensure that victims “without any discrimination, receive immediate and comprehensive assistance provided by a co-ordinated, multidisciplinary and professional effort, whether or not they lodge a complaint ... this should be provided on a confidential basis, free of charge and be available around the clock”<sup>157</sup>.

The state should ensure that services, including shelters, medical, psychological, and counselling services (including legal aid) are sufficient (and sufficiently funded) to meet the needs of the population. Such protection services should be accessible to all survivors of VAW, including women from minority groups. Assistance and protection should be provided before, during and after legal proceedings. Within the overall duty of protection, Council of Europe member states must also take all necessary measures to ensure that victims do not “suffer secondary (re)victimisation or any gender-insensitive treatment”, including by police, judiciary personnel and any health and social personnel responsible for assistance<sup>158</sup>.

### 7.1. Specialised support services

#### (i) *International instruments and ensuing principles*

While victims of VAW may turn to any service-providing organisations for assistance, which themselves must have the capacity to respond sensitively and appropriately, general services (i.e. legal aid centres, hospitals, housing services) alone are not sufficient. They “cannot be expected to meet the multiple needs of victims of gender-based violence in an integrated way, as specialist services are tailored to do”<sup>159</sup>.

Specialised services for DV victims, and their children or other family members, can encompass telephone hotlines that provide information and referrals, emergency assistance and temporary shelter. Due to the nature of VAW and DV and its profound impact on the lives of survivors, the forms of assistance that survivors need can be extensive. Therefore, services should encompass: health care (including sexual and reproductive health services), psychological and legal counselling, financial assistance, affordable housing, child care, education and training and employment assistance. A multisectoral referral mechanism must be in place to ensure that all victims/survivors have access to the full range of specialised services they require<sup>160</sup>. Furthermore, a system to facilitate co-operation between the multiple agencies involved in offering support to victims/survivors is also required.

There are many models under which support can be provided to survivors of VAW and, as noted above, the state has important functions in co-ordination and funding. Co-operation between state agencies and women’s NGOs is especially crucial because women often prefer to seek help from non-governmental organisations even when state services are available. Regardless of whether protection and support are provided by state or non-state agencies, all institutions must adhere to common principles and quality standards.

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157 Recommendation Rec (2002)5.

158 Ibid.

159 Gender Equality Commission (2014), *Analytical study of the results of the 4th round of monitoring the implementation of Recommendation Rec (2002)5 – 2014*, p. 23.

160 General recommendation No. 35, §40.

## (ii) *The situation in Russia*

Under the federal law “On the Basics of Social Services for Citizens of the Russian Federation” (2013)<sup>161</sup>, DV is recognised as a ground for the provision of social services by both governmental and non-governmental organisations. The law identifies “intra-family conflicts”, which includes domestic violence, as a condition that creates a need for social services (Article 15). Victims/survivors of domestic violence have the right to receive medical, psychological, legal and other forms of social assistance (Article 20), and they may also access emergency services (which include temporary housing) (Article 21). The law does not, however, recognise that temporary housing for victims/survivors of DV and their children is a specialised service and must comply with specific standards, including on confidentiality, safety, referrals and crisis support.

The availability and quality of social services are dependent on the region in which the victim/survivor lives. Regional authorities are responsible for setting priorities and determining the number of municipal crisis centres, their equipment and the services that they provide. There are no federal standards on the number of shelters that are required for the resident population, nor are there uniform guidelines about the operation of shelters or crisis centres for women.

Determining the breadth of services currently available in the Russian Federation for DV victims/survivors is complicated by the fact that the Ministry of Labour and Social Protection of the Russian Federation does not maintain a comprehensive or open list of crisis centres and shelters for women currently in operation. Non-governmental organisations have, however, partially addressed this gap by providing their own online mapping and contact lists of assistance centres throughout Russia- both non-governmental and governmental<sup>162</sup>.

The following is an overview of available information about state institutions that operate in the Russian Federation that could provide some type of support for victims/survivors of DV. This information is provided by the Ministry of Labour and Social Protection of the Russian Federation and is based on the calculation of territorial organisations providing social services for families and children,<sup>163</sup> as of the date of publication of this study (April 2020).

However, the majority of the state institutions listed below are not specialised departments for victims of VAW.

Institution	Number
State institutions that provide assistance to families and children, covering a wide range of needs	2 752
Crisis centres for women that are part of state institutions and provide specialised social services to families in crisis	103
State-run women’s crisis centres that provide temporary housing/shelter services	14

A 2014-2015 assessment conducted in 53 regions of Russia found that there were 95 shelters for women (a combination of both governmental and non-governmental), with a total of 1 349 available spaces. However, only 434 of the shelter spaces were reserved for women in crisis situations, including, but not limited to, domestic violence<sup>164</sup>.

The Council of Europe standard for temporary shelter assumes that housing authorities provide adequate shelter spaces for victims of VAW in a minimum proportion of one family place per 10 000 of the

161 Federal Law No. 442.

162 One example are the lists maintained by Centre ANNA (<http://www.anna-center.ru/index.php/ru/#> and <http://www.anna-center.ru/index.php/ru/2-pages/52-kuda-obratitsya>); another is the mapping done by the online platform “Violence.net” (<https://nasiliu.net/karta-pomoshhi/>).

163 As reported to the Ministry in accordance with Form number 1-СД.

164 Pislakova- Parker, M and Sinelnikov, A, eds. (2016), *Хроники тишины: Насилие в отношении женщин в России* [Chronicles of Silence. Violence against Women in Russia], Moscow, p. 41.

population. A “family space” requires a bed for the mother and child/children, based on the average number of children in the country. There should be “at least one specialist violence against women shelter in every province/region,” and a range of services should be offered that accommodate women with additional needs, such as migrant and minority women, women with disabilities, women with mental health and/or substance misuse issues, etc.<sup>165</sup>.

Given that the current population of the Russian Federation is 146.8 million<sup>166</sup>, the minimum requirement is almost 14 700 shelter places. To give an example, the Crisis Centre for Assistance to Women and Children is the only governmental organisation that provides free or partially free medical, psychological and legal assistance, individual rehabilitation programs and temporary shelter to women living in Moscow who have suffered domestic violence. At present, the crisis centre has 102 places (for women and children). The population of Moscow is over 12.5 million<sup>167</sup>, meaning that shelter spaces in Moscow would have to be increased over 12 times in order to meet the minimum requirement.

Thus, the number of institutions that could provide assistance to victims of DV are far too few to meet the actual needs of the population and not all regions of the country have crisis centres or shelters. Furthermore, because of the country’s vast size, residents of many regions cannot access crisis centres that are only located in larger cities. Even when they do exist, local service-providing centres are often not known to either professionals (i.e. police officers may not be aware of the existence of a crisis centre in their district) or survivors themselves.

Concerning other forms of informational and support services, Russia does not have a state-supported telephone hotline dedicated to domestic violence that could provide referrals to victims/survivors. However, the all-Russia Hotline for Children, Adolescents and Parents (initiated in 2010) offers confidential psychological support around the clock<sup>168</sup>. While survivors of DV, or children witnessing DV, can contact this hotline, there is no indication that it offers any specialised advice or referrals related to domestic violence. Similar regional hotlines are operated by the municipal governments of Saint Petersburg<sup>169</sup>, Moscow<sup>170</sup> and other cities. Some individual centres, such as the above-mentioned Crisis Centre for Assistance to Women and Children, also run telephone trust lines, available to local callers.

Over the past decades, NGOs have filled many gaps in providing support to survivors of domestic violence. There are more than one hundred NGOs throughout Russia that address DV, and one of their primary activities is the provision of social, psychological and legal aid to victims/survivors. NGOs, working in collaboration with state social and health services in 14 regions of Russia, have also developed standards concerning services for DV survivors. The standards include instructions for service providers, a methodology and principles that should underpin the work. They encompass the following services: temporary shelter, legal assistance, health services, social support, urgent psychological support and rehabilitation<sup>171</sup>.

The only national helpline for victims of domestic violence (8 800 7000 600) is operated by Centre ANNA, an NGO. This helpline is accessible toll-free from anywhere in Russia, and it is staffed by counsellors specially trained on the issue of DV. Its operation is, however, limited to specific times and days.

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165 Council of Europe (2008), *Combating Violence against Women: Minimum Standards for Support Services*, p. 28.

166 Federal State Statistics Service (2019).

167 Federal State Statistics Service (2018).

168 See website of the hotline, available at <https://telefon-doveria.ru/about/>

169 St. Petersburg Administration (2017), *Телефон доверия для детей и подростков работает в Петербурге круглосуточно* [Helpline for children and adolescents works in St. Petersburg around the clock] available at <https://www.gov.spb.ru/gov/otrasl/kpmp/news/108910/>

170 See website of the Moscow Service for Psychological Assistance, available at <https://msph.ru>

171 Information provided by Centre ANNA.

Despite their long history in service provision, NGO work is seriously complicated by financial constraints, including accessing funding. Also, authorities rarely approach NGOs as experts and partners for preventing and combating VAW.

Lastly, neither state nor non-governmental organisations are currently meeting the assistance needs of especially vulnerable survivors of DV. This group could include, but is not limited to, women with disabilities, women who are living with HIV, women who are addicted to alcohol or drugs, ethnic minority and migrant women.

### *(iii) Sample practices of member states*

In the Netherlands<sup>172</sup>, the first shelter for women was established in 1974. Today, there is a national system of shelter and assistance for victims/survivors of VAW (comprising 26 organisations that serve around 16 500 clients each year). Within the national system, there are also specialised services, for instance for girls and young women, in cases of serious threat (safe houses with secret locations) and follow up shelters and outpatient programmes.

There are several good practices within the Dutch approach to providing specialised services for women. First, the women's shelters are joined within one national network (the Dutch Federation of Shelters). This network facilitates national co-ordination between all shelters which is essential to ensure that shelter spaces are accessible to any victim/survivor who needs them. The members of the network have binding agreements with each other to ensure the provision of immediate shelter and other assistance on a 24/7 basis, and they work collaboratively on security screenings, intake processes, data-collection and advocacy at the national level. In 2019, the network began developing quality standards on security and co-operation (against which the shelters can be audited in the future). The network also collaborates with national authorities, namely with the Ministry of Welfare, Ministry of Justice and members of Parliament.

The provision of social services is decentralised, and each municipality is responsible for its own policy and action plans concerning DV. The municipalities receive structural funds from the national government; the funds allocated to women's shelter and preventing DV are approximately €118 million per year. The law does not stipulate which proportion of the municipal budget be spent on shelters, and in fact, the network of shelters plays an important role in defining municipal priorities and strategic budgeting (i.e. prevention work is less costly than supporting shelters for DV victims).

## **7.2. Protection orders**

### *(i) International instruments and ensuing principles*

Within the state's due diligence obligation to protect women from VAW and DV, international legal instruments and case law are increasingly recognising the importance of protection orders<sup>173</sup>. Here, "protection orders" is used to refer generally to a legal mechanism that restrains the actions of the perpetrator of violence and regulates the contact the perpetrator has with the victim. Protection orders can require a perpetrator to vacate the family home, stay away from particular places (the victim's work,

<sup>172</sup> Sources: Information provided by Gortworst J., Senior Policy Advisor, Netherlands (2019), Presentation from the Council of Europe seminar on "Inter-agency co-operation: models for preventing and combating violence against women in the regions", Astrakhan, 10 April 2019 and GREVIO/Inf (2018)11. Report submitted by the Netherlands pursuant to Article 68, paragraph 1 of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Baseline Report).

<sup>173</sup> For example, *Volodina v. Russia*, § 88.

the children's school) and/or refrain from contacting the victim or other person at risk for a specific period of time<sup>174</sup>.

The CEDAW Committee elaborates the requirement that states issue and monitor "eviction, protection, restraining or emergency barring orders against alleged perpetrators, including adequate sanctions for non-compliance"<sup>175</sup>. Orders for protection are especially vital in emergency situations and reflect the state's obligation to protect individuals in imminent danger ("real and immediate risk")<sup>176</sup>.

The use of protection orders requires states to balance the rights of the victim (right to life, right to physical integrity, right to private and family life) against the rights of the perpetrator who is temporarily removed from his/her home (the right to private and family life, right to personal property). Under international standards, VAW is a matter of public safety, not a private concern, and thus the balance should be shifted in order to protect the person/s at risk. Indeed, the ECtHR has noted that in cases of DV, "interference by the authorities with the private and family life may become necessary in order to protect the health and rights of a person or to prevent criminal acts in certain circumstances"<sup>177</sup>. Concerning DV cases specifically, the CEDAW Committee has reiterated that "the perpetrator's rights cannot supersede women's human rights to life and to physical and mental integrity"<sup>178</sup>.

International practice and case law have defined several standards for how protection measures should be implemented. First, "[p]rotection measures should avoid imposing an undue financial, bureaucratic or personal burden on women victims/survivors"<sup>179</sup>. The burden of proof required to obtain a protection order should be "eased" in line with anti-discrimination standards that apply to DV cases<sup>180</sup>. For this reason, the procedure to issue a protection order is usually regulated by civil law (but such orders should be available in both civil and criminal proceedings).

Second, when determining the scope of a protection order, the perpetrator's rights or claims "during and after judicial proceedings, including with respect to property, privacy, child custody, access, contact and visitation, should be determined in the light of women's and children's human rights to life and physical, sexual and psychological integrity, and guided by the principle of the best interests of the child"<sup>181</sup>.

Third, legal safeguards and the principle of proportionality are essential components of implementing protective orders<sup>182</sup>. Thus, the protective order mechanism should be clearly articulated in law, with a system for judicial review and protection of the perpetrator's due process rights. The authorities that are competent to issue protective orders (e.g. police, prosecutors, judges) should receive specialised training that includes guidance for issuing such orders and a standardised process for assessing immediate risks of danger to the victim, children or other relevant family members.

Jurisprudence of the ECtHR and the CEDAW Committee, as well as analysis conducted by the Special Rapporteur on violence against women, highlight some common gaps in the use of protection orders<sup>183</sup>. These gaps help to elaborate good practices for implementing protective order mechanisms:

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174 See Report of the Special Rapporteur on violence against women, its causes and consequences, A human rights-based approach to integrated services and protection measures on violence against women, with a focus on shelters and protection orders, A/HRC/35/30, 13 June 2017.

175 Ibid. and General recommendation No. 35, § 40(b).

176 See judgment of the European Court in *Branko Tomašić and Others v. Croatia* (2009).

177 See *B. v. the Republic of Moldova* (2013) as well as *Opuz v. Turkey* (2009).

178 See, e.g. *Yildirim v. Austria*, Communication No. 6/2005 (2007).

179 General recommendation No. 35, § 40(b).

180 See *V.K. v. Bulgaria*, Communication No. 20/2008 (2011).

181 General recommendation No. 35, § 31 (a) (ii).

182 Logar, R and Niemi, J. (2017), *Emergency Barring Orders in Situations of Domestic Violence: Article 52 of the Istanbul Convention*, Council of Europe.

183 Report of the Special Rapporteur on violence against women, its causes and consequences, A human rights-based approach to integrated services and protection measures on violence against women, with a focus on shelters and protection orders, A/HRC/35/30, 13 June 2017.

- ▶ Protection order mechanisms should allow for immediate issuance, on an emergency basis or on an *ex parte* basis;
- ▶ Authorities, especially law enforcement, should inform DV victims about their right to apply for a protection order;
- ▶ Protection orders should be effectively enforced, and perpetrators should be held criminally accountable for breaches of protection orders;
- ▶ Protection orders should focus on the safety and security of victims, rather than treatment for perpetrators;
- ▶ Protection orders should be sufficient in duration and include clear and enforceable directives that provide for maximum safety;
- ▶ Justice sector authorities should co-ordinate and share information about the issuance of protection orders (co-ordination is especially important between criminal courts and family courts).

### (ii) *The situation in Russia*

The draft law “On preventing domestic violence,” presented on 29 November 2019, includes a provision on protection orders. Russian legislation that is in force does not have a protection order mechanism for victims of domestic violence that meets international standards. In *Volodina v. Russia*, the ECtHR pointed out that Russian legislation “does not provide victims of domestic violence with any comparable measures of protection”<sup>184</sup>. In fact, the Court’s judgement was largely based on its finding that “the absence of any form of restraining or protection orders clearly demonstrate that the authorities’ actions in the present case were not a simple failure or delay in dealing with violence against the applicant, but flowed from their reluctance to acknowledge the seriousness and extent of the problem of domestic violence in Russia and its discriminatory effect on women”<sup>185</sup>.

Both the ECtHR and the CEDAW Committee have stated that general legal protection measures that are available in Russia are inadequate to address the specific risks and safety issues for DV victims and thus fall short of the obligations for protection. For instance, the Law “On State protection of victims, witnesses and other participants of criminal proceedings”<sup>186</sup> was designed for the protection of victims and witnesses of organised crime or other “particularly serious crimes”. This measure is intended to protect witnesses from attempts to suppress their testimony by potentially unknown attackers, and it typically requires extensive state intervention that is “highly disruptive and costly”<sup>187</sup>. The specific risks that DV victims face are entirely different. Victims know the identity of the perpetrator, have been in a long-term or intimate relationship with him and, when no protection orders are available, they may even continue living with him. Victims of DV need immediate measures that ensure their safety without requiring them to dramatically change their personal lives, employment or identities. Moreover, the threshold under the law is high— in order to receive witness protection, the victim must present sufficient evidence of real and immediate risk to her life or safety, or her property, exclusively in connection with her participation in criminal proceedings. All other risks (i.e. further violence by the perpetrator within the cycle of violence typical of DV cases that cannot be shown to be directly linked to her participation in criminal proceedings) are not taken into account. Experts report that for these reasons, the law is not invoked in DV cases, including in private prosecutions. Indeed, DV cases are more typically addressed as administrative offences, and so this witness protection scheme would not be applicable.

<sup>184</sup> *Volodina v. Russia*, § 89.

<sup>185</sup> *Ibid.* § 132.

<sup>186</sup> Federal Law No. 119.

<sup>187</sup> *Volodina v. Russia*, § 89.

In 2018, the Russian Code of Criminal Procedure was amended to include a new preventive measure, a “prohibition of certain actions” (Article 105.1). A judge has the authority to impose certain obligations on a suspect or accused. Prohibited actions could include, for example, leaving the place of residence at certain hours, visiting certain places, attending/participating in certain events; the suspect or accused might be obliged to keep a certain distance from some locations or may have only limited/no communication with certain people. This preventive measure can theoretically be applied in all criminal cases, including private prosecution cases. As of yet, there has been no practice of judicial discretion being used to limit the actions of a perpetrator of domestic violence. Additionally, the “prohibition of certain actions” is a preventive measure that is inapplicable outside of criminal proceedings.

After a criminal conviction is secured, the Russian Criminal Code allows for “restriction of liberty” (Article 53), and this sanction could theoretically be applied to perpetrators of DV. The convicted person can be prohibited from leaving his place of residence at certain hours, visiting certain places, attending/participating in certain events, or changing his place of residence, job or educational institution without permission from the authorities. However, this sanction is not applicable to cases of “battery” or “intentional infliction of minor bodily injury”, the most common charges in domestic violence cases.

As described in section 6.1 of this report, the prevention control measures used by the district police are a means to exercise oversight of people who have committed offenses or crimes in the family sphere. However, this mechanism is one-sided in its approach. It works to monitor the actions of offenders, while simultaneously offering no mechanism to protect victims or other people at risk.

### *(iii) Sample practices of member states*

Austria<sup>188</sup> was the first European country to introduce a procedure for emergency barring orders in cases of DV, and the Austrian model has been adapted and implemented in other Council of Europe member states (the Netherlands, for example).

When the Austrian Domestic Violence Act came into force (1997), it created three core protective measures: (i) the emergency barring order issued by the police; (ii) DV intervention centres to provide support to all victims/survivors and (iii) a civil law (judicial) protective order that a victim can request (either independently or after the expiry of a police emergency barring order). Since 1997, the regulations for issuing emergency barring orders have been modified to respond to lessons learned.

Procedurally, in cases of imminent danger, the police may issue an emergency barring order, and the order must then undergo legal review within 48 hours (with the possibility of the order being reversed). A police emergency barring order has a two-week duration, but it can be prolonged up to four weeks if the victim applies for a civil protection order. The emergency barring order applies to the victim’s home, immediate surroundings, the children’s school (if they are in danger), and even a woman’s shelter in stalking cases. Under the law, the police are required to monitor compliance with the emergency barring order. If the perpetrator violates the order, an administrative fine is imposed for each offence, and if there are repeated breaches, the perpetrator can be arrested. Perpetrators are also given information about their rights (including about emergency accommodation and other assistance), and they also have the right to appeal the police decision to issue the order.

One of the most important aspects of the Austrian model for protection is that the procedure for emergency barring orders is integrated into a multi-agency and co-ordinated response system. The police are required to send information about such orders to the DV intervention centres within the first 24 hours; they must also send a report to the relevant family court. The court must also inform the police if the victim applies for a civil protection order, as the police are responsible for enforcing such orders.

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<sup>188</sup> Gender Equality Commission (2014), *Analytical study of the results of the 4<sup>th</sup> round of monitoring the implementation of Recommendation Rec(2002)5 – 2014*, Council of Europe, p. 21.

### 7.3. Risk assessment and management

#### (i) *International instruments and ensuing principles*

Risk assessment refers to a process of evaluating the level of risk for a victim of VAW, her children and/or any other at-risk family members, in order to determine the appropriate protection measures. Risk assessment is a critical part of a comprehensive state response. It is all the more important when DV violence is concerned, as the perpetrator and victim are in, or have had, an intimate relationship, may have children in common, and typically continue to live together even after official complaints have been made or a divorce has been initiated.

In DV cases, risk assessment aims at “identifying and evaluating possible risks of recidivism and future violence, escalation of violence or even lethal violence”; the assumption behind risk assessment is that the violent behaviours are likely to be recurrent<sup>189</sup>. Risk assessment is a core tool of law enforcement who operate at the front line of victim protection, but it is not limited to the police. In fact, good practice dictates that a standard risk assessment procedure be used by all professionals who can intervene and prevent the recurrence of violence, the escalation of violence, or lethality (e.g. women’s crisis centres and shelters, social workers, healthcare professionals, prosecutors, judges, probation/prison services, etc.). Risk assessment is “not a procedure that allows for future prediction. However, it provides a systematic approach to understand what possible future outcomes can emerge in cases of violence between partners”<sup>190</sup>.

There are several professionally validated and widely-used risk assessment methodologies that combine guidance and risk factors (related to the perpetrator of violence) and sometimes also “vulnerability” factors (related to the victim). These methods include: DASH (the Domestic Abuse Stalking and Harassment questionnaire) used by police across the United Kingdom; SARA (the Spousal Assault Risk Assessment) which was developed in Canada and has been adapted and used in several countries, including Sweden (SARA:SV6 -the Spousal Assault Risk Assessment and Management Short Version) and Italy (which uses a screening version- SARA-S). The E-MARIA project (European Manual for Risk Assessment) includes instruments and tools to increase efficiency in the protection and safety of victims/survivors of IPV and reduce victimisation<sup>191</sup>.

In parallel with risk assessment, individual or personal safety planning is a tool used directly with victims/survivors. Generally, specialists who work in crisis centres or shelters assist a victims/survivor to develop a personal safety plan. In countries that have law enforcement officers dedicated to dealing with DV cases, the police also advise victims in safety planning. It is also a good practice for other justice sector professionals (e.g. prosecutors, judges, legal aid lawyers) to have an understanding of and competencies to discuss safety planning directly with a victim/survivor.

#### (ii) *The situation in Russia*

While law enforcement officers may receive training on general information about risk factors relevant to cases of domestic violence (e.g. the presence of firearms in the home) or might rely on personal experience, there is no uniform methodology for risk assessment used by law enforcement or other stakeholders in Russia. Under the prevention control mechanism used with perpetrators, described in section 6.1, the police assess whether the person who has been registered continues to pose a threat after one year. However, it could not be determined, when conducting this study, which criteria or guidelines police officers are applying when making this determination, nor how they are (re)evaluating risk during the preceding year.

189 Baldry, A. and Duban, E. (2016), *Improving the effectiveness of law-enforcement and justice officers in combating violence against women and domestic violence*, Council of Europe, p. 42.

190 Ibid. p. 43.

191 Website of the E-MARIA project, available at [https://e-maria.eu/?page\\_id=257](https://e-maria.eu/?page_id=257)



The CEDAW Committee has called for the Russian state, and particularly law enforcement, to develop a standardised response for DV cases that takes into consideration risk factors. The Committee recommends that Russia put in place “a protocol for handling domestic violence complaints in a gender-sensitive manner at the level of police stations to ensure that no urgent or genuine complaint of domestic violence is summarily set aside and that victims are given adequate protection in a timely manner”<sup>192</sup>. In its follow-up observation on implementation of the recommendations, the Russian government noted that all domestic violence complaints are handled under a general instruction of the Ministry of Internal Affairs of the Russian Federation concerning reports on crimes and administrative offenses<sup>193</sup>. This particular instruction, however, contains no specific provisions on dealing with complaints of DV or any other forms of VAW. The instruction provides no guidance on immediate protection of the victim or a system for conducting risk assessment.

Even if law enforcement is making use of internal guidance to assess risk, there is no indication that there is a system for sharing information about risk factors between government agencies dealing with cases of VAW and DV. This element of multi-agency co-operation, which is a prerequisite for effective risk assessment, is missing in Russia.

Likewise, although staff of governmental and non-governmental crisis centres may assist individual victims/survivors with safety planning, the practice does not appear to be widespread or standardised. Article 16 of the federal law “On the Basics of Social Services for Citizens of the Russian Federation” requires that state social services providers draw up an “individual programme” for recipients that outlines their needs, recommended services and a plan for review. Although the law recognises DV victims as eligible for social services, provisions about the individual programme are generic and do not contain specific provisions about evaluating risk or safety planning.

### (iii) *Sample practices of member states*

The Home Office of the United Kingdom<sup>194</sup> has promoted a number of policies to improve protection of victims of domestic violence (e.g. pro-arrest policies, improved evidence gathering by the police, perpetrators’ programmes and specialist DV courts). The issue of high-risk victims, defined as those who are in danger of being killed by their partner or ex-partner, is an area of particular focus. The Home Office built on initiatives originally taken by NGOs and introduced the multi-agency risk assessment conference (MARAC) model in 2003. The aim of the model is to systematise information sharing about victims who are experiencing very serious levels of domestic abuse so that the relevant agencies can produce a co-ordinated action plan to increase victim safety.

The MARAC meetings are attended by both governmental and non-governmental organisations and typically include the police, probation service, an independent domestic violence adviser (a specialist who serves as the victim’s primary point of contact) or domestic abuse support provider, health and housing services, as well as other adult or child-focused services. Any agency may refer a case to a MARAC, based on its own assessment of risk that is done using a standard tool. Meetings are brief and use a focused information-sharing process, which is followed by putting into place a multi-agency action plan for the victim’s safety. An important feature of the MARAC model is its efficiency. For instance, in 2012, the 260 MARACs that were operating in England and Wales discussed around 56 500 cases (including repeat cases). On average “45% of cases result in a total cessation of abuse and an additional 20% of cases result in a reduction in the number of repeat police incidents”.

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192 X and Y v. the Russian Federation § 11.b.iv and O.G. v. the Russian Federation § 9.b.iii.

193 Instruction on the procedure for receiving, registering and authorizing, in the territorial bodies of the Ministry of Internal Affairs of the Russian Federation, applications and reports on crimes, administrative offenses, and incidents, approved by Order of the Ministry of Internal Affairs No. 736, 29 August 2014.

194 Source: EIGE (2015), *Preventing domestic violence. Good practices*, Vilnius, pp. 80-83.

The workings of the MARAC are governed by shared principles, and equally important to their effectiveness are strong leadership from the chair (to ensure the correct agencies attend and that the meetings are used efficiently for safety planning) and a competent co-ordinator (who can ensure sufficient time for the agencies to prepare, follow up on proposed actions and monitor that confidentiality is always maintained). The Home Office has supported some of the work of the MARACs through funding for administrator/co-ordinator posts, training and quality assurance.

## 7.4. Legal aid

### (i) *International instruments and ensuing principles*

One of the barriers for women to obtain justice is their lack of access to “quality, gender-competent legal advice, including legal aid”<sup>195</sup>. Legal aid is an essential component of the measures that states must undertake to ensure the protection of victims/survivors of VAW. Legal aid should be of a high quality and free or, at least, low-cost. Ideally, legal advice and aid are provided through “one-stop centres” that co-ordinate legal assistance with other forms of support that women need. Legal aid and assistance should be offered for both civil and criminal matters.

### (ii) *The situation in Russia*

The federal law “On Free Legal Aid in the Russian Federation” (2011)<sup>196</sup> aims to improve access to justice for vulnerable and disadvantaged people. The law stipulates the categories of people who are eligible for legal aid (based on such factors as income below a minimum subsistence level, disability, age) and covers legal advice, assistance with legal documents and representation in court. There is no uniform system to deliver legal aid; the Russian regions can set up government bureaus, which may operate in conjunction with university-based legal clinics or lawyers working for NGOs.

In theory, DV victims can access such state-funded legal aid, provided that they also meet the other criteria<sup>197</sup>. There is no legal recognition of victims of VAW or DV as special categories of people who are entitled to legal aid based on this factor alone. However, the categories of citizens who have a right to free legal aid can be expanded by regional laws. The law “On free legal aid in Ulyanovsk Oblast,” for instance, provides victims of domestic violence with the right to free legal aid<sup>198</sup>. Unfortunately, this is the only Russian region in which DV victims’ right to free legal aid is enshrined in law.

In practice, state-run crisis centres and NGOs provide free legal assistance to survivors of domestic violence as part of the services they offer to women. Generally, municipal centres for women offer legal advice and assistance with legal documents, while NGOs and *pro bono* lawyers provide legal representation to victims of DV who otherwise could not afford such services<sup>199</sup>.

The very limited availability of free legal aid for victims of DV should be understood in the context of the Russian legal system, in which the majority of cases of domestic violence are privately prosecuted<sup>200</sup>. Private prosecution places a heavy burden on the victim/survivor to gather evidence and, in effect, act as her own counsel during a criminal proceeding. For women who do not have access to legal aid or advice, the private prosecution requirement means that they are unable to access justice in practice.

195 General recommendation No. 33.

196 Federal Law No. 324.

197 Federal Law on Free Legal Aid, Article 20, §§ 2 and 3.

198 Law “On free legal aid in Ulyanovsk Oblast”, 27 September 2012.

199 Two examples are the Consortium of Women’s Non-Governmental Associations and the Stitching Justice Initiative.

200 Consortium of Women’s Non-Governmental Associations (2015), *Shadow Report. Implementation by the Russian Federation of the Convention on Elimination of All Forms of Discrimination against Women (2010-2014)*, pp. 5-6.

### (iii) *Sample practices of member states*

In Georgia<sup>201</sup>, the law “On Legal Aid” provides for two types of services: legal consultations and legal aid. The law stipulates that free legal services (primary legal aid) are available to all victims/survivors of DV (as well as other categories of person) regardless of their income. DV victims may also access more complex legal aid (drafting of legal documents and representation in court) provided they also meet the criteria of insolvency.

The Legal Aid Service, under the Ministry for Corrections and Legal Assistance, operates legal aid bureaux and consultation centres throughout the country and also works with a pool of *pro bono* attorneys. The Legal Aid Service conducts trainings and has established professional standards to ensure high quality legal aid. It also undertakes activities to raise awareness of legal aid among the public.

## 7.5. Areas for consideration by the Russian authorities on the protection of victims

### Specialised support services

- ▶ Comprehensive support and rehabilitation services that are designed to prevent re-victimisation and to empower all victims/survivors of DV should be provided. Sufficient funds should be granted from state/local budgets so that all victims, especially those who are in vulnerable situations, can access the services they need.
- ▶ Support services should be specialised and address the complex needs of victims/survivors of DV and at minimum include medical and psychological assistance, free legal aid, temporary housing/shelter, and can also include education and employment assistance. Service providers should receive regular training.
- ▶ Sufficient shelters/crisis centres that meet accepted standards on temporary housing for DV victims and their children should be established.
- ▶ The creation and maintenance of a publicly-accessible unified online platform where information about all services (municipal social service providers, crisis centres, shelters) in Russia would greatly facilitate protection efforts.
- ▶ A national state-funded VAW and DV telephone hotline, accessible 24/7 for free on the territory of the Russian Federation, that provides information and referrals to assistance would be a positive development. Hotline operators would need to be trained and awareness-raising initiatives to make the hotline known to citizens should be conducted.
- ▶ Co-operation and involvement of relevant stakeholders (including NGOs with expertise in combating VAW and DV) would be necessary to develop a comprehensive model of support for victims/survivors.

### Protection orders

- ▶ A legal mechanism for the protection of DV victims, their children and other at-risk persons, by temporarily removing perpetrators from the residence and/or restricting their contact with the victim, children and/or at-risk persons should be introduced in Russia. Such a mechanism should be available in emergency situations and applicable in criminal and civil cases.

<sup>201</sup> Sources: Website of the Legal Aid Service, available at <http://www.legalaid.ge/en/services/181/violence-against-women> and UNDP Regional Centre for Europe and the CIS (2013), *Widening Access to Justice: Quality of Legal Aid and New UN Principles and Guidelines on Access to Legal Aid*, p. 17.

- ▶ Trainings for law enforcement and justice sector professionals on how to implement and enforce a system of protection/emergency orders would be needed.

#### Risk assessment and management

- ▶ A unified and multi-agency system for risk assessment, with common indicators, questions and guidance would enhance all protection measures. Trainings for relevant professionals on how to implement the risk assessment system in a multi-agency setting would then be needed.

#### Legal aid

- ▶ Victims of VAW and DV who request it should have access to free legal aid and legal assistance.

## 8. CONCLUSION

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The experiences of Council of Europe member states demonstrate that developing a comprehensive model to address issues as complex as VAW and DV requires dedicated resources, including human and financial resources, and many years of work that involves testing, monitoring, analysis and adapting new approaches. One of the common threads that connects all good practices is that they are supported by the political will to make change. A comprehensive, and effective system must be based on solid legal and policy frameworks that recognise the importance of putting victims' needs at the forefront.

## 9. ANNEXES

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### Annex 1

### **List of Institutions that Participated in Expert Meetings**

August 2019, Moscow

Ministry of Internal Affairs of the Russian Federation

Ministry of Justice of the Russian Federation

Office of the High Commissioner for Human Rights in the Russian Federation

Office of the Human Rights Commissioner for the city of Moscow

Crisis Centre for Assistance to Women and Children (Moscow)

Non-governmental organisations/ Legal aid lawyers:

Centre ANNA

Kitezh Women's Crisis Centre

Stichting Justice Initiative

St. Petersburg Women's Club

W Project

## Annex 2

# Selected Russian-Language Resources

### Statistics

Портал правовой статистики Генеральной прокуратуры РФ //  
Portal of legal statistics of the General Prosecutor's Office of the Russian Federation  
<http://crimestat.ru>

Официальная статистика Росстат России //  
Official statistics of the Federal State Statistics Service of Russia.  
[http://www.gks.ru/wps/wcm/connect/rosstat\\_main/rosstat/ru/statistics/population/infraction/#](http://www.gks.ru/wps/wcm/connect/rosstat_main/rosstat/ru/statistics/population/infraction/#)

Сводные статистические сведения о деятельности федеральных судов общей юрисдикции и мировых судей // Верховный суд РФ // Summary statistics on the activities of federal courts of general jurisdiction and justices of the peace // Supreme Court of the Russian Federation  
<http://www.cdep.ru/index.php?id=79&item=4476>

### European Court of Human Rights (*judgements only available in English*)

Постановление Европейского суда по правам человека по делу *Барсова против России* от 22 октября 2019 // Judgement of the European Court of Human Rights. *Barsova v. Russia*, Judgement of 22 October 2019, app. №20289/10.  
[https://hudoc.echr.coe.int/eng#{"fulltext":\["barsova"\],"itemid":\["001-196880"\]}](https://hudoc.echr.coe.int/eng#{)

Постановление Европейского суда по правам человека по делу *Володина против России* от 09 июля 2019 года // Judgement of the European Court of Human Rights. *Volodina v. Russia*, Judgement of 9 July 2019, app. №41261/17.  
[https://hudoc.echr.coe.int/eng#{"itemid":\["001-194321"\]}](https://hudoc.echr.coe.int/eng#{)

### Committee on the Elimination of Discrimination against Women

Мнения Комитета по ликвидации всех форм дискриминации в отношении женщин по коммуникации *X. и Y. против России* // Views of Committee on the Elimination of Discrimination against Women. *X. and Y. v. the Russian Federation* (Communication No. 100/2016, 16 July 2019)  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2f73%2fD%2f100%2f2016&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2f73%2fD%2f100%2f2016&Lang=en)

Мнения Комитета по ликвидации всех форм дискриминации в отношении женщин по коммуникации *S.T. против России* // Views of Committee on the Elimination of Discrimination against Women. *S.T. v. the Russian Federation* (Communication No. 65/2014, 25 February 2019).  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2f72%2fD%2f65%2f2014&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2f72%2fD%2f65%2f2014&Lang=en)

Мнения Комитета по ликвидации всех форм дискриминации в отношении женщин по коммуникации *O.G. против России* // Views of Committee on the Elimination of Discrimination against Women. *O.G. v. the Russian Federation* (Communication No. 91/2015, 6 November 2017)  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2f68%2fD%2f91%2f2015&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2f68%2fD%2f91%2f2015&Lang=en)

Комитет по ликвидации дискриминации в отношении женщин. Заключительные замечания по восьмому периодическому докладу РФ. CEDAW/C/RUS/CO/8, 20 ноября 2015 г // Committee on the Elimination of Discrimination against Women. Concluding observations on the eighth periodic report of the Russian Federation. CEDAW/C/RUS/CO/8, November 20, 2015

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2f68%2fD%2f91%2f2015&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2f68%2fD%2f91%2f2015&Lang=en)

Общая рекомендация № 35 о гендерном насилии в отношении женщин, предназначенная для обновления общей рекомендации № 19 (2017 г) // General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19 (2017)

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/35&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/35&Lang=en)

Общая рекомендация № 33, касающаяся доступа женщин к правосудию (2015 г) // General recommendation No. 33 on women's access to justice (2015)

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/33&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/33&Lang=en)

Заключительные замечания по восьмому периодическому докладу РФ (2015) //

Concluding observations on the eighth periodic report of the Russian Federation (2015)

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fRUS%2fCO%2f8&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fRUS%2fCO%2f8&Lang=en)

## Research

Исследование «Как связаны убийства, совершенные женщинами, с домашним насилием» // II хакатон Новой Газеты по дата-журналистике «Дискриминатор: Большие данные о маленьких людях»? Москва, 2019 год // Study. *How murders committed by women are connected to domestic violence*. Novaya Gazeta 2<sup>nd</sup> Hackathon on data journalism, Discrimination: Big data about small people? Moscow, 2019

<http://women105.tilda.ws/>

Исследование «Семейные обстоятельства. От кого защищались женщины и мужчины, осужденные за убийство при превышении пределов самообороны» // II хакатон Новой Газеты по дата-журналистике «Дискриминатор: Большие данные о маленьких людях»? Москва, 2019 год // Research. *Family circumstances: from whom are women and men defending themselves when convicted for murder for exceeding the limits of self defence*. Novaya Gazeta 2<sup>nd</sup> Hackathon on data journalism, Discrimination: Big data about small people? Moscow, 2019

<http://108st.tilda.ws>

Human Rights Watch. 2018. «Я могу тебя убить, и никто меня не остановит» проблема домашнего насилия в России и реакция государства. // Human Rights Watch. 2018. 'I Could Kill You and No One Would Stop Me' Weak State Response to Domestic Violence in Russia

<https://www.hrw.org/ru/report/2018/10/25/323648>

Правовая инициатива. Насилие в отношении женщин в Российской Федерации. Правовой анализ ситуации. Ю.А.Антонова. 2016 // Legal Initiative. *Violence against Women in the Russian Federation. Legal analysis of the situation*. Antonova, Yu. A. 2016

<https://www.srji.org/resources/search/otchet-pravovoy-initsiativy-po-teme-nasilie-v-otnoshenii-zhenshchin-v-rossiyskoy-federatsii/>



Отчет «Репродуктивное здоровье населения России» // Росстат России, М., 2012г. //

Rosstat Russia. 2012. Report on Reproductive Health of the Russian Population.

[http://www.gks.ru/free\\_doc/new\\_site/population/zdrav/zdravo-2011.pdf?fbclid=IwAR3o7Y-fpXXvSG-Ktd\\_RDwVUAs4-NDIzH9yWvWd-oZ-lwIVFGZ1y82NXznkw](http://www.gks.ru/free_doc/new_site/population/zdrav/zdravo-2011.pdf?fbclid=IwAR3o7Y-fpXXvSG-Ktd_RDwVUAs4-NDIzH9yWvWd-oZ-lwIVFGZ1y82NXznkw)

Исследование Совета женщин МГУ им. М.В.Ломоносова. Насилие над женами в современных российских семьях // И.Д.Горшкова, И.И.Шурыгина. // Research conducted by the Moscow State University Women's Council. Gorshkova, I.D. and I.I. Shurigina. 2003. Violence against women in contemporary Russian families.

<http://www.womenmsu.msu.ru>

## **NGOs**

Официальный сайт РОО «Информационно методического центра «Анна» //

Official site of the NGO "Information and Methodological Centre "Anna"

<http://anna-center.ru>

Официальный сайт Консорциум женских неправительственных объединений //

Official website of the Consortium of Women's NGOs

<http://wcons.net>

Официальный сайт НОФ «Правовая инициатива» //

Official website of Stitching Justice Initiative Project

<https://www.srji.org>

Официальный сайт АНО «Центр по работе с проблемой насилия "НАСИЛИЮ.НЕТ" и библиотека профессиональной литературы // Official website of the "No to Violence" centre and library of professional literature

<https://nasiliu.net>

<https://nasiliu.net/biblioteka/professionalnaya-literatura/>

Официальный сайт Центра «Альтернатива насилию» и АНО «Мужчины 21 века» //

Alternative to Violence Counselling Centre and "Men of the 21<sup>st</sup> Century" (M21).

<http://www.men21.ru/ru>

The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, 27 of which are members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

[www.coe.int](http://www.coe.int)

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