

# **RUSSIAN FEDERATION**

**BRIEFING TO THE  
COMMITTEE ON THE  
ELIMINATION OF  
DISCRIMINATION AGAINST  
WOMEN**

46<sup>th</sup> session July 2010

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# Russian Federation

## Briefing to the UN Committee on the Elimination of Discrimination against Women

### INTRODUCTION

Amnesty International submits the following information for consideration by the UN Committee on the Elimination of Discrimination Against Women (the CEDAW) in advance of its examination of the Russian Federation's combined sixth and seventh periodic report under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women (the Convention).

This briefing is based on Amnesty International's research on the Russian Federation and identifies issues, which, in the view of Amnesty International, raise concerns about the Russian Federation's compliance with its obligations under the Convention. It highlights in particular concerns in relation to the following articles:

- Article 1 (as interpreted by General Recommendation 19): Discrimination against women, including violence against women
- Article 2: Condemnation of discrimination against women
- Article 3: Guarantee of basic human rights and fundamental freedoms
- Article 5: Gender role stereotyping and prejudice
- Article 7: Political and public life
- Article 16: Marriage and family life

### 1. NORTH CAUCASUS: VIOLENCE AGAINST WOMEN IN THE CONTEXT OF THE CONFLICT (ARTICLES 3, 5, 7 AND 16)

The North Caucasus remains the most volatile region in the Russian Federation. In his report

to the Parliamentary Assembly of the Council of Europe, adopted by the Assembly's Committee on Legal Affairs and Human Rights on 31 May 2010 Mr Dick Marty stated: "The impressive battery of [European Court of Human Rights] judgments [some 150] highlighting glaring cases of infringements of the right to life and of the prohibition of torture also points to the fact that the North Caucasus has for many years been the European region where the worst and most massive violations of human rights take place."<sup>1</sup>

While the so-called counter-terrorism operation in Chechnya was declared to be over in April 2009, Amnesty International continues to document grave human rights abuses in the region committed by state and non-state actors, including enforced disappearances, abductions, acts of torture, including rape, and extrajudicial executions and the targeting of civilians by armed groups. The region is also characterized by an almost complete impunity for human rights violation, coupled with reprisals against those who seek justice for the human rights violations they have been subjected to, including before the European Court of Human Rights. Lawyers, human rights defenders and journalists who have spoken out against human rights abuses and against impunity have also faced persecution. Today, there is an increasing fear and reluctance of victims of human rights violations and their families to seek justice or even to report violations. Women have been both the direct and indirect victims in the armed conflict in Chechnya and its aftermath and have suffered abuses of their rights by military and law enforcement officials as well as by non-state actors. In the overwhelming majority of such cases no one has been brought to justice.

#### 1.1 ENFORCED DISAPPEARANCE

On 31 October 2009, Zarema Gaisanova, a 40-year-old woman from Grozny, was abducted during a special operation conducted by law enforcement officials in her neighbourhood. Her fate and whereabouts are still unknown. According to official information, on that day law enforcement officials under the command of Chechen President Ramzan Kadyrov were conducting an operation against an armed fighter in the area.<sup>2</sup> Zarema Gaisanova, who used to work for a humanitarian organization, was seen being taken out of her house and driven away. Several human rights organizations, researching the case, have found that the investigation into her enforced disappearance was being hampered by officials and no serious attempt has been made to question those officials, including President Kadyrov, who were reportedly present at the scene of her abduction.

The above-mentioned case is just one of many monitored by Amnesty International over the last years. It is representative of a number of obstacles that women in the North Caucasus face in enjoying their human rights. Russian and international human rights organizations have collected a large number of cases of violence against women committed by Russian soldiers and law enforcement officials in the North Caucasus. According to information available to Amnesty International, only one official, Colonel Yuri Budanov, has been held to

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<sup>1</sup> Report by Senator Dick Marty, Rapporteur of the Parliamentary Assembly of the Council of Europe's Committee on Legal Affairs and Human Rights "Legal remedies for human rights violations in the North Caucasus Region", at para 46, [http://www.assembly.coe.int/CommitteeDocs/2010/20100531\\_caucasus\\_E.pdf](http://www.assembly.coe.int/CommitteeDocs/2010/20100531_caucasus_E.pdf)

<sup>2</sup> <http://www.mvdchr.ru/page.php?r=10&id=1372>

account by the Russian authorities for violence against women during the armed conflict.<sup>3</sup> He was sentenced in 2003 to 10 years' imprisonment on charges of abduction and murder of Kheda Kungaeva, a young Chechen woman he had abducted in 2000 from her home in Tangi-Shu in Chechnya and had reportedly raped<sup>4</sup> and killed. Yuri Budanov was released in January 2009, just a few days before the murder of the lawyer who represented the family of Kheda Kungaeva, Stanislav Markelov. Among other things, on behalf of the family, Stanislav Markelov had contested the early release of Yuri Budanov.<sup>5</sup> The court at that time claimed that Yuri Budanov had shown remorse and had paid compensation to the family of Kheda Kungaeva. In contrast to the Russian government's claim in its report to CEDAW identifying this case as an "example of the strict observance of the law with regards to crimes committed by Russian military personnel in the Chechen Republic":<sup>6</sup>

- Amnesty International spoke to the family after the release of Yuri Budanov and was told that they had not received any compensation or apology from the perpetrator of their daughter's murder; and
- Amnesty International is aware of only a handful of cases in which a member of the Russian military has been brought to justice for crimes against the civilian population in the context of the Chechen conflict, while the European Court of Human Rights has found Russia responsible in nearly 150 cases from Chechnya for violations against the civilian population.

## 1.2 WOMEN TARGETED FOR SEEKING JUSTICE FOR HUMAN RIGHTS ABUSES

Amnesty International has spoken to many women who have organized demonstrations against enforced disappearances in the North Caucasus, travelled to sites of mass graves to see if they were able to identify bodies and filed numerous complaints with the authorities about human rights violations they and their relatives had been subjected to. Many reported that they had faced threats and intimidation when seeking information and demanding an investigation. Amnesty International is in contact with several women from the North Caucasus who fled the Russian Federation after being threatened when seeking justice for human rights violations committed against their relatives. The mother of a young man who had been killed in detention was reportedly told in 2005 that her other children might be killed as well, if she did not stop demanding an independent forensic examination of her son's body. On another occasion in 2006, when she visited the prosecutor, he allegedly tried to coerce her to withdraw her complaint, implying she might disappear if she did not stop her complaints. Another woman reported that she was told she risked her children becoming fully orphaned if she continued to look for those who took her husband away. Both these women have since left Russia and sought asylum in a different country.

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<sup>3</sup> In another case, four military officials were sentenced to imprisonment for the murder of six civilians, including one pregnant woman. Three of the four were sentenced in absentia. Statistics of the number of crimes committed against women during the armed conflict are not yet available.

<sup>4</sup> While a first autopsy report confirmed that Kheda Kungaeva had been raped before her death, another one, done later by the same medical expert – did not confirm this. Yuri Budanov was not charged with rape.

<sup>5</sup> Stanislav Markelov submitted an appeal against the early release of Yuri Budanov. It was later claimed that this appeal had not reached the court in time.

<sup>6</sup> Combined sixth and seventh periodic reports of States parties: Russian Federation, CEDAW/C/USR/7, para 12.

Over the past years, the European Court of Human Rights has concluded in numerous judgments that Russia was responsible not only for the presumed death of a victim of enforced disappearance, but also for the inhuman or degrading treatment of the relatives of those who died or disappeared in the course of the Chechen conflict, at the hands of the authorities when searching for information about their loved ones.

For example, in 2008, the European Court of Human Rights concluded that the Russian authorities were responsible for the presumed death of 15-year-old Aminat Dugayeva (Dugaeva) and her cousin, Kurbika Zinabdieyva (Zinabdieva), who had not been seen since they were taken from Kurbika Zinabdieyva's home by Russian soldiers in May 2003.<sup>7</sup> The Court expressed regret that the Russian authorities had not disclosed documents relating to the investigation and concluded that the treatment of the relatives at the time of the abduction of the two cousins, as well as during the investigation amounted to inhuman treatment. The cousins were abducted on the night of 16 May 2003 in Ulus-Kert, in Chechnya, by a group of 20 soldiers. Kurbika Zinabdieva, who had a brain tumour and epilepsy, needed constant care. Initially the authorities claimed that the two cousins, suspected of involvement in hostage-taking, had been detained that night. Later the authorities denied having arrested anyone in Ulus-Kert on that date. The mothers of the cousins, both widows, have for years dedicated most of their time to the search for their daughters but have had no news of them since their enforced disappearance.<sup>8</sup> In their response to the communication from the Court the Russian authorities denied that the authority's failure to investigate the case could have caused suffering to the mothers.

In its judgment, which became final in 2008, the European Court of Human Rights ruled that the detention of Chechen peace activist Zura Bitieva (Bitiyeva), who was tortured in 2000 in the so-called Chernokozovo "filtration camp" and was killed in 2003 along with three members of her family, had been in a "total disregard of the requirement of lawfulness"; that her and her relatives' killing could be attributed to the state; and that there had been no effective, prompt and thorough investigation into the killings.<sup>9</sup>

In April 2010 the European Court of Human Rights ruled that Russia was responsible for the presumed death of Luiza Mutaeva (Mutaeva), a 20-year-old woman from Assinovskaia in Chechnya, who had been taken away from her home in January 2004 by Russian servicemen. Reportedly, Luiza Mutaeva's older sister had been involved in the hostage-taking in a Moscow theatre in October 2002. The Court concluded that Russian authorities were responsible for a "particularly grave violation of the right to liberty and security"<sup>10</sup> of Luiza Mutayeva by

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<sup>7</sup> *Gekhayeva and others v Russia*, judgment of the European Court of Human Rights, 29 May 2008, paras 117-121, <http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=835908&portal=hbkm&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649>

<sup>8</sup> For more details see *Russian Federation: What justice for Chechnya's disappeared?* AI Index: EUR 46/026/2007, 1 July 2007, <http://www.amnesty.org/en/library/info/EUR46/026/2007/en>

<sup>9</sup> *Case of Bitiyeva and X v Russia*, judgement of the European Court of Human Rights, 21 June 2007, <http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=819060&portal=hbkm&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649>

<sup>10</sup> *Mutayeva v. Russia*, judgment of the European Court of Human Rights, 22 April 2010, para 108. The judgment will become final three months after its issuance unless the Grand Chamber takes jurisdiction

holding her in unacknowledged detention without any safeguards. It also concluded that the authorities violated the right to life of Luiza Mutaeva and failed to conduct an effective investigation into the circumstances of her enforced disappearance. The Court considered that Luiza Mutayeva's mother, the applicant, suffered distress and anguish as a result of the disappearance of Luiza Mutayeva and her inability to find out what had happened to her. It ruled that the manner in which the mother's complaints were dealt with by the authorities constitutes inhuman and degrading treatment contrary to Article 3 of the European Convention on Human Rights.<sup>11</sup>

In each of these cases, following the judgment of the European Court of Human Rights, the Russian Federation paid financial compensation to the victims of the human rights violations. However, as far as Amnesty International is aware, in these cases, like so many others on which the European Court of Human Rights has ruled, no further steps have been taken to bring to justice those responsible for the respective human rights violations, nor have measures been taken to ensure that such violations are not repeated<sup>12</sup>.

The non-governmental organization (NGO) *Mothers of Dagestan for Human Rights*, founded in 2007 by relatives of victims of enforced disappearances, investigates allegations of enforced disappearances and campaigns to bring those responsible to justice. Since the start of their human rights work, the NGO has faced numerous threats by officials and non-state actors. In November 2008, at a conference on combating extremism, the then-Minister of Interior of Dagestan reportedly suggested publicly that extremists should be shot. The same Minister reportedly also said that members of the *Mothers of Dagestan for Human Rights* should receive "a bullet to the head".<sup>13</sup> In August 2009 the office of the NGO was destroyed in an arson attack and in the same month leaflets were distributed in Makhachkala, the capital of Dagestan, calling for a blood feud against members of the NGO, who were accused of supporting members of armed groups.

## 2 STEREOTYPING OF GENDER ROLES (ARTICLES 2 AND 5)

The two armed conflicts and a high level of violence in the Chechen Republic over the last

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at the request of one of the parties.

<http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=866808&portal=hbkm&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649>

<sup>11</sup> *Mutayeva v. Russia*, judgment of the European Court of Human Rights, 22 April 2010, para 99. The judgment will become final three months after its issuance unless the Grand Chamber takes jurisdiction at the request of one of the parties.

<http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=866808&portal=hbkm&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649>

<sup>12</sup> Report by Senator Dick Marty, Rapporteur of the Parliamentary Assembly of the Council of Europe's Committee on Legal Affairs and Human Rights "Legal remedies for human rights violations in the North Caucasus Region", para 30 -32,

[http://www.assembly.coe.int/CommitteeDocs/2010/20100531\\_caucasus\\_E.pdf](http://www.assembly.coe.int/CommitteeDocs/2010/20100531_caucasus_E.pdf)

<sup>13</sup> <http://www.rg.ru/2008/11/21/reg-iugrossii/rasstrel-anons.html>, Amnesty International learned from different sources that the Minister, when questioned what to do about the complaints of the Mothers of Dagestan allegedly suggested "a bullet to the head".

15 years have had serious impact on traditions and social norms and existing patterns of gender discrimination have become more acute. In recent years, the authorities in the Chechen Republic have conducted a campaign reportedly aimed to encourage the spiritual and moral upbringing of the Chechen population. Some aspects of this campaign may constitute an interference with women's human rights.

## 2.1 HEADSCARVES

Since 2007, Chechen President Ramzan Kadyrov has called repeatedly for women and girls to dress modestly, in line with Chechen traditions, and to wear a headscarf. Following such pronouncements, it became mandatory for school girls over the age of 10 and female students at higher educational establishments to wear headscarves (article 10). Also since 2007, teachers at Chechen institutes of higher education are obliged to wear headscarves. Those refusing to wear headscarves risked expulsion.<sup>14</sup> A head of a department of Grozny University, who was too afraid to be named, told human rights organizations that more than once young men had stormed into her office to see if she and other female staff were wearing headscarves. In June 2010, a Spanish newspaper reported that 17 women had been shot at with paint-ball guns for not wearing headscarves.<sup>15</sup>

Signs outside official buildings in Grozny only permit women wearing a headscarf to enter and security guards are reportedly enforcing this policy. Human rights defender Natalia Estemirova, criticized these rules on the Russian TV channel REN TV in March 2008, saying that it was not the prerogative of a political leader, such as the President, to tell women to wear headscarves. After this interview, Natalia Estemirova was expelled from the Human Rights Council of Grozny, which had just been set up and which she had joined. She reported that in a meeting with President Ramzan Kadyrov he threatened her in such a way that she decided to leave Chechnya for some months for her own safety.<sup>16</sup>

In an interview given in September 2008 to the Russian newspaper *Komsomolskaya Pravda*, President Ramzan Kadyrov told the journalist that he supported polygamy, that a wife was not allowed to criticize her husband, although a husband does have a right to criticize his wife, as she is his property. "Here, if a woman goes naked, if she behaves improperly, her husband, father and brother are responsible. According to our traditions, if a woman is unfaithful, her relatives will kill her. It does not matter what I think as a man, as a president I cannot allow murder. That is why women should not wear shorts."<sup>17</sup>

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<sup>14</sup> Amnesty International is aware of women who decided to leave Chechnya in order to continue their studies without having to submit to the rules in Chechnya, but has no information about any women being excluded from university.

<sup>15</sup> Las autoridades chechenas impiden informar de las agresiones a mujeres que no se cubren la cabeza. El País 11 June 2010.  
[http://www.elpais.com/articulo/internacional/autoridades/chechenas/impiden/informar/agresiones/mujeres/cubren/cabeza/elpepuint/20100611elpepuint\\_1/Tes](http://www.elpais.com/articulo/internacional/autoridades/chechenas/impiden/informar/agresiones/mujeres/cubren/cabeza/elpepuint/20100611elpepuint_1/Tes)

<sup>16</sup> <http://www.memo.ru/2009/07/17/1707093p.pdf> Natalia Estemirova informed Amnesty International about this incident in April 2008.

<sup>17</sup> *Komsomolskaya Gazeta*: Ramzan Kadyrov: Russia is my motherland. 24.8.2008  
<http://www.kp.ru/daily/24169/380743/>

Several months after her return to Chechnya, in December 2008, Natalia Estemirova met with foreign journalists, who were visiting Chechnya for a few days. The meeting took place in a government building. Natalia Estemirova was not wearing a headscarf on this occasion. Journalists, who were present at this incident, told Amnesty International that officials who recognized her became extremely hostile to her and forced her to leave the building.

## 2.2 BRIDE-KIDNAPPING

Women's rights organizations which collect information about polygamy and bride-kidnapping in the North Caucasus have reported that girls as young as 12 are being kidnapped, with their families often too afraid to act.<sup>18</sup> In some cases it has been reported to Amnesty International that young girls have been returned to their families some months later, after having been raped and abused by their "husbands".

Bride-kidnapping has been a phenomenon in the North Caucasus for generations. While in some cases the woman might agree to being "kidnapped", different women who spoke to Amnesty International highlighted that nowadays, in contrast to the situation 10 or 20 years ago, women and their families are often afraid of resisting the kidnapping or reporting it to the police or prosecutor's office if the man has a close connection with the authorities or is himself a member of the law enforcement bodies.

## 2.3 PROPERTY AND PARENTAL RIGHTS

Women's rights activists have told Amnesty International about several cases where widows had been denied their right to the property of their deceased husband. The families of the deceased husbands invoked Sharia law to justify this denial. In some cases they also used this justification to take the children of the marriage away from the widow. To find justice for these women in courts in Chechnya has been extremely difficult as – Amnesty International was told – judges may be in support of the use of Sharia law.<sup>19</sup>

## 2.4 "HONOUR-KILLINGS" AND PUBLIC RESPONSES TO THEM

On 27 November 2008, the bodies of six women<sup>20</sup> were discovered in different parts of Chechnya. Each had been shot at point blank range in the head and chest. In line with the statement that he had made in September 2008 (see para 2.1 above) shortly after the discovery of the women's bodies, Chechen President Ramzan Kadyrov said that he did not exclude the possibility that the women had been killed by their relatives as punishment for "immoral behaviour".<sup>21</sup> While condemning the killing, the Chechen Ombudsman for human

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<sup>18</sup> Amnesty International has seen the yet unpublished results of a study into violence against women in the North Caucasus, which confirms the impression received from talking to women's rights activists in the North Caucasus.

<sup>19</sup> See also, Report by Dick Marty, Rapporteur of the Parliamentary Assembly of the Council of Europe's Committee on Legal Affairs and Human Rights, *Legal remedies for human rights violations in the North Caucasus Region*, May 2010, para 10.

<sup>20</sup> Some media reported the bodies of eight women had been found around that time.

<sup>21</sup> Press statement of the President and government of the Chechen Republic, 28 Nov. 2008, <http://www.chechnya.gov.ru/page.php?r=126&id=4547>; see also statement of the Chechen President.

rights, Nurdi Nukhazhiev, justified the Chechen government's increased attention to issues concerning moral behaviour, regretting that "some women have forgotten how to behave".<sup>22</sup> According to information received from the human rights organization Memorial, two of the women whose bodies were found in November 2008 had been married with two children each, and their husbands held large funerals and buried them in the family plot, which it is alleged would not have happened if the women had brought "shame" on their families. While federal prosecutors in Moscow concluded that relatives had not been involved, there has been no result of the investigation yet and as far as Amnesty International is aware, no arrests have been made.

### 3. VIOLENCE AGAINST WOMEN IN THE FAMILY (ARTICLE 1, AS INTERPRETED BY GENERAL RECOMMENDATION 19)

In its previous report to CEDAW, covering the period from 1994 to 1998, the authorities of the Russian Federation stated that about 14,000 women a year had been killed by their husbands, partners or close family members. Since then, different government authorities have stated in different media that between 9,000 and 14,000 women per year are being killed by their partners or close family members.<sup>23</sup> Given the fact that the authorities do not maintain centralized disaggregated statistics on domestic violence, the true scale of domestic violence against women in Russia remains unknown.

#### 3.1 COLLECTION OF STATISTICS ON VIOLENCE AGAINST WOMEN

Amnesty International has repeatedly raised concern that the authorities do not maintain centralized disaggregated statistics on domestic violence, and has called on them to do so and to make the figures public.<sup>24</sup>

The Ministry of Interior of the Russian Federation does, however, publish detailed statistics about other crimes, for example crimes committed in public places, on public transport, by individuals under the influence of alcohol, by minors or by foreigners.<sup>25</sup> Looking at these statistics it appears that mechanisms to maintain disaggregated statistics do exist, but they are not collected and/or published for crimes involving violence in the family.

#### 3.2 CONTINUED GOVERNMENT INACTION

In 2005 Amnesty International published a report of its findings regarding violence in the family in the Russian Federation, *Nowhere to Turn to: Violence against Women in the Family*.

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<sup>22</sup> *V Chechne kaznili zhenshin*. <http://www.kommersant.ru/daily/?date=20081127>

<sup>23</sup> See for example an interview with Mikhail Artamoshkin, head of the department for protection of public order, published on 24 January 2008 on the website of the Russian Ministry of Interior: <http://www.mvd.ru/news/14047>

<sup>24</sup> Amnesty International and the Russia Association of Crisis Centres for Women 'Stop Violence urge the authorities to take action now', AI Index: EUR 46/037/2003, press release 19th May 2003 <http://www.amnesty.org/en/library/asset/EUR46/037/2003/en/2c8c8528-d6ee-11dd-b0cc-1f0860013475/eur460372003en.html>

<sup>25</sup> <http://www.mvd.ru/stats/10000231/>

(AI Index: EUR 46/056/2005). The report highlights Amnesty International's concerns that few steps had been taken by the federal, regional and local government to prevent domestic violence, to provide protection to victims and to punish perpetrators. Women interviewed by Amnesty International in the course of its research described their repeated attempts to obtain protection from the police or other authorities which were often met with inadequate or no action despite evidence of violence having taken place. Prosecutors, judges and the police often blamed the women themselves for having been subjected to violence.

Amnesty International's monitoring of legal developments since this report was published suggests that the situation has not changed substantially. The Russian Federation still has not introduced specific legislation addressing domestic violence and has not established an action plan to tackle this violation of women's rights. The problem has been recognized by individual officials but has not been addressed, despite initiatives such as the "Year of the family" in 2008, which would have presented a timely opportunity to do so. The absence of such legislation and an action plan remains a key concern of Amnesty International.

Some NGOs, in cooperation with police training academies in some parts of Russia including in Saratov Region and in the Republic of Mari El, have run training for police officers on working with victims of domestic violence; in other places, such as the Altai Region, the local administration has supported NGOs setting up shelters and telephone hotlines.<sup>26</sup> These are positive steps, but they are few and far between. For those initiatives to have a real effect on crime prevention and prosecution, Amnesty International considers that they need to be part of a more comprehensive programme by the authorities, aimed at addressing domestic violence in a human rights framework.

In 2006 the Council of Europe launched a campaign to combat domestic violence. Member states of the Council of Europe were asked to set up contact points for this campaign and to develop national plans for action and national campaigns. The Russian Federation was the only country whose active participation was notably absent in this campaign. The government did not identify any contact point for the campaign, as all other 46 member states of the Council of Europe did.

The provision of services for women experiencing domestic violence remains wholly inadequate. As mentioned, there is still no coherent governmental plan in place to address domestic violence; government support for crisis centres and hotlines remains inadequate. There are only 21 shelters for women who have experienced domestic violence in the entire country with a population of 142 million people, while a large research project conducted in 2003 suggests that 18 per cent of Russian women are being subjected regularly to violence from their partners while 70 per cent claimed they had at least once experienced violence in the home.<sup>27</sup> Moreover, many of the shelters are open solely to those who are officially

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<sup>26</sup> Amnesty International spoke to staff at one independent women's crisis centre, who reported that after many years of cooperation with and lobbying of the local administration, their independent women's centre was given state funding. However, the bureaucracy involved soon made it impossible to work as effectively as the centre had been working when it was operating independently. Several women therefore decided to leave the state funded centre and returned to work as an independent NGO.

<sup>27</sup> Gorshkova, I., Shurygina, I. *Nasilie nad zhenami v sovremennikh rossiskikh semiakh*. Moscow 2003.

registered as residing in the local region,<sup>28</sup> meaning that for the most part only those women who are officially registered to live in the local region can access their services.<sup>29</sup> This restriction applies to Moscow's only shelter which, in a city with a population of 10.5 million inhabitants, provides space for only 10 women.

#### 4. VIOLATIONS OF THE RIGHTS OF WOMEN HUMAN RIGHTS DEFENDERS AND JOURNALISTS (ARTICLES 3 AND 7)

Women are among those working with local NGOs and journalists who have become victims of abuses, for their peaceful and lawful work promoting and defending the human rights of others, particularly when working on issues related to human rights violations in the North Caucasus.<sup>30</sup> Some of those who have been harassed have left the region. Others have been killed.

Amnesty International is concerned by what appears to be a lack of political will to take measures to stop the harassment and to identify and to bring to justice those responsible for the killings.

##### 4.1 IMPUNITY FOR HUMAN RIGHTS VIOLATIONS AGAINST WOMEN

Amnesty International has researched a number of cases of harassment and intimidation against women human rights defenders, several of them working in the North Caucasus. Women taking up cases of torture, ill-treatment, enforced disappearance and forced confessions of alleged members of armed groups, have faced allegations that they were "supporting terrorists".

In 2009 alone, six human rights activists and journalists, including three women, mainly working on or in the North Caucasus, were killed, most likely for their work in defence of the rights of others. Several of them had been threatened before. Others were forced to leave the country for fear of their lives. They faced harassment and intimidation before their departures and had been branded as traitors and enemies of Russia by non-state actors and government officials alike.

To date those responsible have not been brought to justice. Relatives and colleagues of those murdered in the North Caucasus fear that those who ordered the killings, as well as the direct perpetrators of the crimes might go unpunished.

This fear is perpetuated by the fact that the murderers of other human rights defenders and journalists, who were killed in previous years, have not been brought to justice, nor have the authorities identified individuals who may have ordered these allegedly politically motivated

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<sup>28</sup> Women's rights group in different regions of the Russian Federation reported that sometimes they can agree with the head of a shelter to take on a woman without a registration.

<sup>29</sup> The registration system in Russia has wide-ranging effects on people's ability to access services in a region where they are not officially registered. To change one's place of registration is extremely difficult.

<sup>30</sup> The number of men subjected to enforced disappearance or abduction exceeds that of women.

killings.

The murder of a Member of Parliament, Galina Starovoitova, as well as the murder of journalist Larisa Yudina from Kalmykia, both shot in 1998, are just two examples of cases in which, amidst allegations of involvement of high ranking government officials, those ordering the killings have not been identified, despite the investigation being given priority and conducted over a period of 12 years.

On 15 July 2009, human rights defender Natalia Estemirova was abducted outside her apartment block in Grozny, Chechen Republic. Later that day her body was found in the neighbouring Republic of Ingushetia; she had been shot from close range. The day before her killing she reportedly had accepted an invitation to attend a hearing organized by the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe. The hearing contributed to the research for Dick Marty's recently published report on *Legal Remedies for Human Rights Violations in the North Caucasus Region* and the Rapporteur's report on implementation of the judgments of the European Court of Human Rights, referred to above.<sup>31</sup> The Prosecutor General of the Russian Federation has taken charge of the investigation into her murder as a case of high importance.

Prior to her killing, Natalia Estemirova had reported about a public extrajudicial execution in a village in Chechnya and about recent abductions and the burning of houses of relatives of alleged armed fighters. Natalia Estemirova had sharply criticized the Chechen government, including Chechen President Ramzan Kadyrov, alleging that responsibility for such human rights abuses lay with the authorities. On 16 July 2009, Russian President Medvedev told journalists that Natalia Estemirova had been murdered because of the work she did.<sup>32</sup> In August 2009 an interview with Chechen President Ramzan Kadyrov was broadcasted in which he said Natalia Estemirova had been a woman "without honour or shame".<sup>33</sup>

Media in Russia repeatedly reported that the investigation into her murder was nearly finalized and perpetrators had been identified.<sup>34</sup> However, Amnesty International has received information that the investigation group has not been able to investigate the case fully, as witnesses are too afraid to speak to the investigators while some officials refuse to talk to the investigation team. Amnesty International has repeatedly urged the authorities to conduct thorough investigations, summoning all witnesses and those reasonably suspected of

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<sup>31</sup> Report by Senator Dick Marty, Rapporteur of the Parliamentary Assembly of the Council of Europe's Committee on Legal Affairs and Human Rights "Legal remedies for human rights violations in the North Caucasus Region", at para 30, [http://www.assembly.coe.int/CommitteeDocs/2010/20100531\\_caucasus\\_E.pdf](http://www.assembly.coe.int/CommitteeDocs/2010/20100531_caucasus_E.pdf)

<sup>32</sup> At a press conference with German chancellor Angela Merkel at his Black Sea residence. <http://www.kremlin.ru/transcripts/4820>

<sup>33</sup> [http://www.rferl.org/content/Chechen\\_Leader\\_Kadyrov\\_Denies\\_Blame\\_For\\_Killings\\_Accuses\\_West\\_Of\\_Violence/1795686.html](http://www.rferl.org/content/Chechen_Leader_Kadyrov_Denies_Blame_For_Killings_Accuses_West_Of_Violence/1795686.html)

<sup>34</sup> Interfax for example reported on 25 February 2010 that the investigation committed had identified the perpetrator. <http://www.interfax.ru/politics/txt.asp?id=125176&sw=%DD%F1%F2%E5%EC%E8%F0%EE%E2%E0&bd=1&bm=1&by=2010&ed=9&em=6&ey=2010&secid=0&mp=0&p=1>

involvement in Natalia Estemirova's murder in order to establish who might have ordered the killing.

In the case of the murder of human rights journalist Anna Politkovskaya, neither the person or persons who killed her nor those potentially ordering her killing have been identified. Anna Politkovskaya had faced intimidation and harassment from Russian authorities, including the authorities in Chechnya, due to her outspoken criticism of government policy and action. After she had started to write about the armed conflict in Chechnya and the North Caucasus in 1999, she was detained and threatened with serious reprisals, including death threats, on several occasions. Following a worldwide outcry against her murder, the investigation was directly overseen by the Prosecutor General of the Russian Federation. The trial of three people accused in connection with her killing ended on 19 February 2009 with the acquittal of all of the accused.

Amnesty International is concerned that the first trial into her murder pointed to serious gaps in the investigation. On 3 September 2009, the Supreme Court of the Russian Federation ruled that the case should be referred back to the Investigative Committee of the Office of the Prosecutor General for further investigation. Currently, the period of further investigation is set to end in September 2010.

Two individuals have been detained, however, in connection with the murder of human rights lawyer Stanislav Markelov and journalist Anastasia Baburova on 19 January 2009 in Moscow.

## 5. LEGISLATIVE AMENDMENTS POTENTIALLY AFFECTING THE RIGHTS OF WOMEN AND GIRLS (ARTICLE 16)

On 27 July 2009, amendments to the Russian Criminal Code were adopted which were mainly designed to protect children from sexual abuse. Amnesty International is concerned that some of the provisions have the potential to increase the risk for girls to be forced into marriage and facilitate impunity for those responsible for the sexual abuse of minors, in particular of girls.

Article 134 (4) of the Criminal Code of the Russian Federation exempts first-time offenders from criminal liability for having sex with a minor in certain circumstances:

*"First-time offenders of crimes under part 1 of this article [sexual contact, homosexual or lesbian act of a person over 18 with a person under 16] can be exempted from criminal liability if it can be demonstrated that the person/perpetrator and the crime committed cease to constitute a danger to the public by him/her entering into marriage with the victim."*

Amnesty International is not aware of cases in which this new law has been applied. However, the organization is gravely concerned about the potential implications of this amendment as it might even further reduce the possibility of young girls being protected from forced marriage and bride-kidnapping and compromise accountability for the perpetrators.

## 6. SUMMARY OF RECOMMENDATIONS AMNESTY INTERNATIONAL HAS MADE TO THE AUTHORITIES OF THE RUSSIAN FEDERATION AIMED AT ADDRESSING ABUSES, INCLUDING DISCRIMINATION, AGAINST WOMEN:

With a view to ensuring enhanced respect for the rights of women, including to be free from discrimination, Amnesty International has called on the Russian authorities to:

- End impunity for violence against women and girls in the North Caucasus by ensuring that cases of enforced disappearances, extrajudicial execution, allegations of rape and torture are fully and promptly investigated and that perpetrators are brought to justice, regardless of whether they are state or non-state actors. The authorities must ensure adequate reparation to the surviving victims, including the families of those deceased, and send a clear message that human rights abuses will not be tolerated and will be addressed through human rights compliant, thorough investigations and fair trials.
- No person shall be held in unacknowledged detention or in unofficial places of detention. The authorities should ratify and implement the International Convention on the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- Amend regulations to protect women and girls from discrimination, including discrimination based on their religious beliefs. International human rights law guarantees the right to freedom of expression and freedom to manifest their religion or beliefs; these freedoms extend to the way in which people choose to dress. States must refrain from imposing generally applicable requirements that women dress or do not dress in a certain way, and they must protect women from the imposition of such requirements by third parties, including families and communities.
- Set up a national comprehensive and sustainable programme aimed at eradicating violence against women. Introduce a law which makes domestic violence a specific crime. Allocate adequate funds for the establishment of temporary shelters, housing and help lines and other necessary support and assistance for victims of violence in the family. Any barriers to access, such as registration or residency requirements, should be removed. Witnesses and others at risk of intimidation or reprisals during investigation – and subsequent to prosecution – must be protected. Police and other relevant government bodies and authorities must receive training on assisting victims of domestic violence. The government must collect and publish disaggregated statistics on domestic violence to facilitate a better understanding of the scale and causes of the problem. Local and regional authorities should be encouraged to cooperate with NGOs and civil society activists to protect women from violence in the family.
- Fully and promptly investigate threats and attacks against human rights defenders and journalists. Send a clear message and act in a manner that makes it clear that these crimes will not be tolerated. Promote and facilitate federally and regionally the work of human rights defenders, by creating an enabling environment in line with the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.
- Amend laws to protect girls from sexual abuse and to prevent impunity for such violations.

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