



Photo credit: Russian woman holds a sign that says "I don't need flowers, I need a law that will protect me from domestic violence" at a feminist rally in St. Petersburg, Russia: Farhad Sadykov, Shutterstock, March 2017

Domestic Violence in Russia: Existing and Proposed Legislation

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The Convention on the Elimination of All Forms of Discrimination against Women entered into force in 1981, and as of 2021, 189 United Nations (UN) member states are parties to this international agreement. One can hardly overestimate the importance of its adoption, as it was the first international document to acknowledge the problem of domestic violence and suggest ways to solve it. The Soviet Union was one of the first countries to ratify the agreement, but soon afterward, a group of Leningrad feminists, who were exploring women's issues in the USSR, were expelled from the country.

That alone was good reason to wonder whether the publicly professed readiness of the Soviet leadership to protect women and prioritize their safety was nothing but rhetoric. That did indeed prove to be the case. Now Russia is the only member state of the Council of Europe not to have a law on domestic violence,¹ and it is the last post-Soviet country that does not have dedicated legal mechanisms to protect women from violence in the family.

Why is a separate specialized law protecting the victims of domestic violence so important? After all, one will often hear its opponents claim that the Criminal

About the Series

Gender-based violence (GBV) affects one in three women worldwide, making it an urgent and important policy challenge. Many countries around the world have passed laws intended to protect women from violence, yet violence persists. Over the past year, the COVID-19 pandemic has raised awareness of the perils women face from gender-based violence—what has come to be known as the “shadow pandemic”—but it has also aggravated risk factors while increasing barriers to protection, support, and justice.

This publication aims to focus on the intersection of gender-based violence and the rule of law by examining how legal frameworks, judicial system responses, and public policy contribute to the ways in which gender-based violence is—and is not—addressed around the world. Each piece addresses the complicated challenge of gender-based violence and the successes and failures of various public policy responses globally, and offers recommendations for a path forward.

Code in its current version is successful in dealing with the problem.

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First, in the absence of a dedicated law, Russian legislation does not have a definition of what constitutes domestic violence. For that reason, Russia lacks comprehensive and up-to-date statistics that would show the scale of the problem. The number of domestic violence cases has gone up drastically in many parts of the world during the global COVID-19 pandemic, requiring additional steps to protect the victims.² Meanwhile, according to spokespeople for the Russian Ministry of Internal Affairs, the number of domestic violence cases reported to the police in Russia in 2020 went down compared to 2019.³ At the same time, Russian human rights organizations directly working with victims and survivors have registered a rise in the number of people turning to them for help. Police figures are not false, but one should keep in mind that Russian women were penalized for violating the so-called self-isolation regime if they went to the police when facing a life-threatening situation.

Second, the police are not the people whom Russian women tend to seek help from when facing domestic violence. According to Kommersant newspaper,⁴ only 10 percent of domestic violence victims in Russia seek police assistance after beatings. And such assistance is not very efficient, especially after the so-called decriminalization of domestic violence, when in winter of 2017 battery against a close relative was moved from the Criminal Code (Article 116) to the Code of Administrative Offenses (Article 6.1.1). After the reclassification, battery now incurs a fine of 5,000 to 30,000 rubles (or, much more rarely, other penalties, namely administrative arrest for a

period of 10 to 15 days or compulsory community service for a sum of 60 to 120 hours). According to the Zona Prava human rights project, in the first six months of 2020, the average fine for family violence in Russia was 5,323 rubles⁵ (approximately US \$70).

One of the grave consequences of decriminalizing battery against close relatives is that a person who beats up a family member faces criminal liability only in the case of repeated offenses and only if the second offense occurs within a year. In basic terms, this works as follows: If a man beats up his wife only once a year and avoids breaking her bones, then he does not face a criminal charge. To make things worse, criminal liability for the second instance of battery is followed by administrative liability for the third instance, thus making the penalty for the third offense lighter than for the second.

It wasn't until April 9, 2021, that the Russian Constitutional Court ruled this norm unconstitutional. It happened following the complaint of Liudmila Sakova, who asked the Constitutional Court to clarify the provision on repeated battery⁶ (Article 116.1 of the Russian Criminal Code). In 2018, her brother was fined for beating her up; in spring of 2019, he was sentenced to corrective labor under the Criminal Code for a second beating, but in October 2019, he assaulted her again and was only sentenced to a fine under the Administrative Code, because more than a year had already passed since the first fine. The Constitutional Court ruled that the wording in the current legislation does not ensure the right of aggrieved parties to protection and instructed the Russian lawmakers to make this provision more specific.

There has been no follow-up by the Russian authorities so far, and at present, the ruling of the Constitutional Court is the only positive news that gives at least some hope that the members of the Russian parliament will undertake steps to rectify the situation soon. This is much better than staying on the sidelines watching the violence that millions of

Russian women face within the family, yet leaving them entirely unprotected.

“Lawmakers take one step forward and 10 steps back—barely improving the situation and not letting the new practices settle before quickly rolling them back.”

Since emergence on the world map of the new state called the Russian Federation, different people and initiatives have put forward more than 40 draft bills against domestic violence, but not a single one of them was reviewed by the parliament even in the first reading.⁷ Every new electoral cycle sees its own initiatives and new actors, but no law is adopted. If the Human Rights Council presents a draft to President Putin and submits it for parliamentary consideration, but the parliament votes for a fine as a penalty for battery, it fails to translate into new legislation—despite the intense public debate and 80 percent support for new laws on domestic violence. In the 7th State Duma, there was only one among 450 members of parliament who had been working hard in the course of six years to improve the situation: Oksana Pushkina. The most recent parliamentary election took place in September 2021, and there is serious doubt that in the new Duma there will be even one voice speaking on behalf of the millions of fellow citizens who live in fear of their family members.

Violence against weaker family members is one of the most frequent offenses in the world, and sociologists point out that Russians may face violence in the family regardless of age, income, education, or place of residence. People in Russia do acknowledge the importance of solving the problem of domestic violence, with 79 percent of respondents to a 2019 survey⁸ believing that there is a need for

a law protecting women from violent spouses, partners, or family members. But the lawmakers take one step forward and 10 steps back—barely improving the situation and not letting the new practices settle before quickly rolling them back.

NOTES

1. Utopia interview with Anna Rivina, founder and director of Nasiliu.Net, Moscow, October 9, 2019.
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3. "The Ministry of Internal Affairs Reported a Decrease in the Number of Crimes with Domestic Violence by 7%," *Kommersant*, May 13, 2020, <https://www.kommersant.ru/doc/4342735>.
4. *Kommersant* interview with Oksana Pushkina, deputy chairman of the State Duma Committee on Family, Women and Children, Moscow, February 5, 2018.
5. "In 2020, the Average Fine for Domestic Violence in Russia Amounted to 5323 rubles," Utopia, October 28, 2020, <https://mediautopia.ru/v-2020-godu-srednij-shtraf-za-domashnee-nasilie-v-rossii-sostavil-5323-rublya/>.
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7. "The Russian Authorities Are Not Confronting the Epidemic of Domestic Violence. These Women Are Fighting Instead," Utopia, March 12, 2021, <https://mediautopia.ru/story/rossijskie-vlasti-ne-protivostoyat-epidemii-domashnego-nasiliya-vmesto-nix-boryutsya-eti-zhenshhiny/>.
8. The Levada Center, press release, September 13, 2019, <https://www.levada.ru/2019/09/13/domashnee-nasilie/>.



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