

# DIFFERENT FORMS OF GENDER DISCRIMINATION IN RUSSIA:

FROM THE PROFESSIONS  
FORBIDDEN FOR WOMEN BY THE STATE  
TO HARMFUL TRADITIONAL PRACTICES



The Anti-Discrimination Centre Memorial has spent many years defending the rights of people suffering from discrimination, and in particular the rights of the representatives of vulnerable minorities, women from traditional societies, and the victims of multiple discrimination and transgender discrimination. This report looks at the remaining forms of state discrimination against women, instances where insufficient efforts have been taken against traditional practices and domestic violence, and violations of the rights of women and girls to education and their own choice of family or sexual relations (this refers to both forced marriages and the rights of sexual minorities). Additionally, for ADC Memorial, an important area of focus continues to be the protection of the rights of human rights defenders and civil activists and the rights of NPOs, including independent women's organizations. The latter topic is cause for special concern due to the sharp deterioration in the situation of all the independent NPOs in Russia, including women's organizations, and an increase in repressions against civil society, including against female activists.

ADC Memorial is thankful to Alexandra Demenkova for the photograph on the cover of this report

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## **STATE DISCRIMINATION OF WOMEN RELATING TO PROFESSION AND PLACE OF EMPLOYMENT**

When it comes to the choice of profession or employment in Russia, women continue to be openly and directly discriminated against in the form of a list of prohibited professions for women (RF Government Resolution of February 25, 2000 No. 162 “On the approval of a list of difficult, harmful, or hazardous occupations prohibited for women”).

This ban on a number of interesting and prestigious professions has been rightly criticized on numerous occasions, but the government’s response has always been the same: these restrictions cannot be deemed discrimination, since they are meant to protect the health of women, and additional measures to protect a person’s health cannot be considered discrimination (this was the exact argument contained in Russia’s responses to questions from CEDAW). However, the very belief that a woman’s reproductive health must be safeguarded is based on the idea that the primary purpose of women is procreation, which is offensive to many women who want to realize their potential professionally and not in the role of a mother.

The list of prohibited professions includes various activities that in no way pose any threat to the health of women who are not expecting a baby. For example, one reason for the ban is noise (women cannot work in the engine room of a ship or operate a subway train), while noise is in no way harmful to a woman’s overall state of health and may only possibly harm the health of the fetus (and even this is not necessarily true from a scientific standpoint).

Instead of warning women that it is not desirable to work in certain areas during pregnancy and give them the chance to decide if they want a healthy pregnancy or an interesting profession, the state prohibits all women from holding jobs in these areas regardless of age (after all, many able-bodied women are beyond an age where they can have children), how many children they have (at the same time as a woman may legally refuse to have more children if she already has two or more children and, for example, undergo sterilization), or her ability or desire to have any children at all. Without a doubt, to explain this prohibition for all women as a concern about their health is to take a highly subjective and incorrect view of the entire range of possible circumstances of a woman’s professional life.

The government’s second argument objecting to accusations of the discriminatory nature of this “list” is also absolutely absurd: women may be allowed into the professions on the list if the employer eliminates the factors that are harmful to a woman’s health. These words sound wonderful, but the reality is that an employer cannot and will not want to eliminate noise in an engine room (never mind that this is technically impossible). Also, considering that a woman’s desire to take a job in an area where men traditionally work is always hampered by prejudicial treatment, employers are doubly uninterested in women workers. Thus, the state is, in essence, excluding the possibility of such employment for all women in Russia.

The existence of a list of banned professions violates the rights not just of women who want and are able to realize their potential in these professions, but it is also a barrier to finding work and receiving a specialized education even in “safe” areas of employment, for example in connection with the inability to complete required practical training. ADC Memorial lawyers handled the case of Svetlana Medvedeva, a ship deck officer from Samara, who completed a full course of study in the specialization “piloting river ships,” but was not able to receive her diploma and become a ship captain only because, in order to complete her practical training, she had to work on a ship and spend part of her time in the engine room, which is a banned profession. Svetlana viewed her inability to complete the practical training as discrimination

and filed a lawsuit, but the first instance court and the court of cassation denied her claim, citing those same arguments about protecting health and the employer's inability to improve the work conditions. In court, Medvedeva tried to obligate her employer to create acceptable work conditions on the ship, since otherwise the law would prevent her from being able to receive her diploma and work in her area of specialization, but these claims of hers were also denied<sup>1</sup>. Recently, ADC Memorial received a request for help from Viktoria T., a former worker with a commercial fleet who was fired from the ship where she worked successfully for two years because women are prohibited from this kind of work. Her employer thought highly of her experience and professionalism and did not want to lose such a valued worker, but was not able to improve work conditions or violate the ban on profession. As a result, this young woman, who had completed a higher nautical education, was left without a job<sup>2</sup>.

A similar case was previously considered by the RF Constitutional Court. In this case, the Saint Petersburg metro system refused to hire a woman as a subway train operator. All courts, including the Constitutional Court, found this refusal to be legal and justified by concern for a woman's reproductive health<sup>3</sup>. Meanwhile, Russia does not have a list of professions that are banned for men, even though there is a whole range of activities (such as working on a nuclear submarine or at a nuclear power station) that can certainly cause harm to a man's reproductive health. It is clear that the government gives men complete freedom to select their professions regardless of harm to the health of offspring, but that it does not do this for women.

## **ATTEMPTS TO RESTRICT A WOMAN'S RIGHT TO CONTROL OVER FAMILY PLANNING**

In recent years, attempts to restrict a woman's right to decide on her own whether or not to have children has been cause for increasing concern. At all levels of government, authorities are constantly issuing calls to improve the country's demographic situation and promoting having many children as a patriotic duty. Several measures are being taken to support multiple-child families, including allocating free land plots to families with many children and providing "federal subsidies" to families that have decided to have a second child. However, these measures are not just insufficient for resolving the problem of poverty in large families (there is a growing number of poor people in Russia – already more than 20 percent, and these are primarily families with children), but are also being poorly implemented, since low-income families are offered land far from their homes (frequently several hundred kilometers away) that have no communication lines, roads, electricity, water, or ability to build a house, and the federal subsidies can only be invested in housing (the size of these subsidies is paltry for improving housing conditions), education, or pensions, when what people really need are essential items.

Nevertheless, in 2013 – 2014, the birth rate exceeded the death rate in Russia for the first time<sup>4</sup>. However, the worsening economic situation and poor medical care for the population led to a rise in the death rate in 2015, which had 25,000 more deaths than in 2014. Instead of fighting the rise in the death rate and the impoverishment of the population, the authorities are trying to improve the country's demographics by banning abortions and even criticizing other tried-and-true contraception methods.

For example, a possible ban on the import of condoms has been discussed. In August 2015, the Ministry of Industry and Trade proposed restricting state procurement of imported condoms (this measure was allowed for along with other bans on the import of foreign goods as

counter sanctions against countries that adopted sanctions in relation to Russia when Russian troops were brought into Crimea). Gennady Onishchenko, who is currently an assistant to the RF president and was the s top sanitary official in Russia, provided his expert opinion when he stated that a restriction on the state procurement of condoms would not only not threaten the population's health, but would also help resolve the country's demographic problems and make people choose an intimate partner more carefully.<sup>5</sup>

Clearly, a ban on imported condoms (condoms produced in Russia are of far lesser quality and insufficient quantity to replace imports, since demand far outweighs supply) will inevitably lead to a worsening in the situation for women in the form of a rise in the number of abortions and an increase in STDs, which—among other things—will lead to infertility, which is already quite common in Russia, is extremely expensive, and is accessible only to a few. Apparently, a country that appears to care so much about reproductive health is not actually striving to look after women's health by providing them with safe and effective contraception or the chance to treat infertility with the most up-to-date methods (artificial insemination, etc.) at no cost.

Unfortunately, for many women in Russia, the most accessible family planning method remains abortion. This is particularly true of the most vulnerable groups of women: the poor and the uneducated, whose partners are not prepared to take measures to prevent pregnancy, and women from patriarchal societies. There is no doubt that attempts should be made to reduce the still very high indicators of abortion, which is harmful both to a woman's physical health (especially for those who frequently terminate their pregnancies) and psychological state. However, it is obvious that these women are only harmed by the constant condemnations of abortion from religious / moralistic and demographic / patriotic standpoints that can be heard in the statements of doctors who are officials with government authorities and various public officials. It would be much more effective to help the people most at risk get complete information on safe methods for avoiding unwanted pregnancies, but sex education has been all but cancelled in schools, and family planning and youth assistance centers, many of which many of which have been closed or are under the threat of closure, are subjected to endless attacks by champions of "juvenile justice."

Meanwhile, at the legislative level there are ongoing attempts to criminalize medical abortions. In May 2015, a group of deputies, which included Elena Mizulina, introduced a bill in the State Duma to ban abortions and medically-induced termination of pregnancy. The first bill proposed imposing fines of several thousand rubles on women having an abortion and on doctors performing abortions (for legal entities these sums may reach several million rubles) and suspension of activities.<sup>6</sup> However, according to the bill, an abortion may be performed outside of state institutions only if "medical or social grounds" are present. A different legislative initiative establishes a ban on the retail sale of medications for the artificial termination of pregnancy.<sup>7</sup> The third proposed draft law obligates women to have an ultrasound and listen to the baby's heartbeat before being sent for an abortion. In the opinion of deputies, this will help decrease the number of decisions to have an abortion.<sup>8</sup> Previously, in April 2015, Deputy E. Fedorov introduced a bill for consideration instituting criminal liability and sentences of up to one year of detention for having an abortion for a woman and her partner and for the doctor who performed the abortion.<sup>9</sup> Even though these bills were rejected, their authors plan to improve them and submit then for re-consideration by the Duma.

Practice shows that a ban on abortions does not always lead to an increase in the birth rate, but it does unequivocally lead to a rise in the death rate of women (sometimes this indicator doubles from the time abortions are banned).<sup>10</sup> During an illegal abortion, the risk of death is very high, but, according to ADC Memorial polls<sup>11</sup>, this practice remains widespread despite its danger, especially

among minorities. A ban on abortions only leads to an increase in the number of illegal abortions and also to a rise in the abandonment of infants. Data collected by ADC Memorial confirms that in recent years a growth in the number of children abandoned belonging to a minority has been observed (a similar conclusion could be reached on the basis of data from adoption sites).

At the same time, abortion continues to be forced upon women, even when they want to have a child and do not want to terminate their pregnancies. This primarily concerns women in specialized institutions. For example, in August 2015, Elvira Slpechenko, a patient at a neuropsychiatric care facility in Leningrad Oblast was placed by the administration of this facility in a maternity hospital for an abortion.<sup>12</sup> This pregnant woman was placed in a confinement cell because she did not want to have an abortion and then taken to the hospital, from which she escaped the next day. In spite of her mental illness, this woman was competent and, accordingly, she alone had the right to make a decision about whether or not to have an abortion. Elvira reported that the practice of forced abortion is applied to all the women in the care facility.

## **TRADITIONAL PRACTICES AND DISCRIMINATION AGAINST WOMEN AND GIRLS IN THE NORTH CAUCASUS**

In the republics of the North Caucasus the practices of polygamy and marriage to minor girls are becoming more and more widespread. Both of these practices contradict the RF Constitution and the RF Family Code, but they take place openly and are supported by local authorities and some religious leaders<sup>13</sup>.

For example, in the spring of 2015 the marriage of Nazhud Guchigov, head of the District Department of Internal Affairs, to 17-year-old Kheda caused great public debate<sup>14</sup>. Guchigov did not divorce his first wife, and Kheda, a minor, became his second wife. Kheda was forced to agree to this wedding, even though her family was against it, but the silver lining was that the guests included R. Kadyrov, head of the republic and that the bride was taken to the Bureau of Vital Statistics by M. Daudov, Kadyrov's "right-hand man." The "wedding" ceremony was transmitted live on the main Russian television channels. In his comments on the situation, P. Astakhov, the children's rights ombudsman, stated that previous marriages do not contradict Russian law and explained that "in the Caucasus, emancipation and sexual maturity occur at an earlier age... There are places where women are already wrinkled at the age of 27, when by our measures they look like they are almost 50."<sup>15</sup>

After this, M. Daudov, the head of Chechnya's presidential administration, put forward a proposal to legalize polygamy. Representatives of the RF President's office and State Duma deputies declined to comment on this initiative, citing the fact that changes to existing laws had not been submitted at an official level.<sup>16</sup> However, when amendments stipulating criminal liability for polygamy were submitted for consideration, this proposal was rejected<sup>17</sup> due to the "lack of men," as Deputy E. Mizulina put it, while the chairman of the State Duma Committee on Families, Women, and Children added that the mechanism of criminal liability is not the best option for these kinds of issues.

The practice of previously forced marriages is frequently connected with the so-called "custom" of bride kidnapping, which is usually accompanied by violence and the abduction of a girl against her will for marriage or for being a concubine to a person who wants to gain possession of this woman. The majority of these crimes remain unsolved.

At the same time, the harsh killings of women, known as honor killings<sup>18</sup>, continue in Chechnya, Dagestan, and Ingushetia. These killings are frequently justified by the population and by some representatives of local authorities. Typically, one of the victim's relatives (husband, father, brother, uncle) kills a woman suspected of violating the norms of behavior, be it suspicion of speaking with an outside man or other imagined offences.

Women or girls who are the victims of Internet manipulation have repeatedly appealed to ADC Memorial for help. In one case, a boy in the mountain village in Dagestan blackmailed a young woman for years with the threat that he would show her relatives a montage from her photographs and porn, and forced her to bring him money. The girl was scared that her family would seek vengeance, and thus could not object. When her parents learned what had happened, an armed fight took place between the fathers of these adolescents. Both fathers were killed, and, in the opinion of the community, all the blame lay with the daughter and her mother, who "did not raise her daughter well." Mother and daughter had to flee Dagestan, without achieving any real protection or investigation of the actual circumstances of the case. The father's murder remains unpunished<sup>19</sup>.

In another case, the victim of a montage posted on the Internet was an adult woman in Ingushetia. As a result of this, she was forced to flee, her three children were taken from her, her husband divorced her, and her family rejected her. Even people who did not believe that the edited video was true could not go against public opinion, which doomed this woman to isolation and persecution<sup>20</sup>.

The problem of the forced circumcision of girls is again relevant in Dagestan: the promotion of female circumcision, which was actively led by official mosque leaders through the local press, led to the popularization of this idea.<sup>21</sup> Circumcision is being performed with greater frequency on little girls, and in this case it is done forcibly. Adult women may do this under pressure from relatives, generally men, and also under the influence of information published in the religious press. However, it cannot be said that women undergo circumcision voluntarily.<sup>22</sup>

## **WOMEN FROM ROMA COMMUNITIES: THE VICTIMS OF MULTIPLE DISCRIMINATION**

Roma women, especially young women, have a low status in the hierarchy of traditional societies: they are subordinate to men and older women and are frequently subjected to humiliation and violence from men. In some communities, they are forced to steal, leading to their frequent arrest<sup>23</sup>. It is virtually impossible for them to find protection outside of their community due to the xenophobic attitude towards Roma displayed by representatives of the police and state authorities, the low literacy of women, and the absence of social service organizations where these women—who speak Russian poorly and generally lack documents or Russian citizenship—could apply for help (there are very few shelters and crisis centers in Russia, and they only accept Russian citizens who have identification; also, it is generally not possible to be with children in these shelters and crisis centers). An example of a typical ordeal that a victim of sexual violence from a Roma community has to deal with is the case of Anna L., which was documented by ADC Memorial<sup>24</sup>. The Russian Red Cross, which has its own shelter

for victims of violence, refused to admit Anna L., specifically because she looked like a homeless Roma woman. Later she was able to spend one night in a shelter run by the Order of Malta, but then she was forced to return to the place where she faced the direct threat of violence — her settlement on the outskirts of Saint Petersburg.

Young Roma women cannot expect to find fairness in court and become the victims of the more authoritative members of their communities, who shift all the blame for the crimes they have committed onto women, and of the prejudice of the judges, who have a hostile attitude towards Roma and their way of life. The dramatic story of Zhanna Lakatosh<sup>25</sup>, whose defense was supported by ADC Memorial, shows how innocent women are sometimes jailed for a crime committed by a man.

In January 2013, the body of a one-year-old child was found in a Magyar Roma tent city on the outskirts of Saint Petersburg. At this time, Zhanna was in jail, having been arrested earlier for theft (which young women in these communities are forced into by their husbands, who live off the income they receive from exploiting women and children). Investigators found footprints from men's boots on the child's clothes and body, but they decided not to investigate the case and to take the accusation against Zhanna in good faith: the child's actual killer and his mother—the official head of the community—testified against her. Zhanna was accused of child abuse resulting in death and sentenced to 10.5 years in prison. She was deprived of her parental rights, and her young daughter was sent to an orphanage for adoption. The court did not take into account the obvious interest that the witnesses (who did not appear in court and were in hiding abroad) had in the case, or the testimony of the only true witness to the crime—12-year-old A., who saw Zhanna's partner beating the child and hitting him on the head with a hammer when the child was left without supervision after Zhanna was arrested for theft.

Monitoring by ADC Memorial<sup>26</sup> has shown that the police's discriminatory approaches to Roma women have not changed. In fact, Roma women frequently suffer and even die due to the fault of police officers. A typical example is the tragic story of Oksana K.<sup>27</sup>, a resident of Pskov. As far back as 2004, ADC Memorial documented the torture that she was subjected to at the police precinct. Not long before that, Fatima Aleksandrovich died at the Pskov police department after being thrown from a window in the precinct. Before this, she had clearly been beaten and raped (the police stated that this was suicide and the ECHR later found that the case had not been investigated). In December 2014, Oksana disappeared after the police tried to arrest her for selling drugs. She was found dead in a greenbelt not far from the city several days later. She had been suffocated, and a bag of drugs was found in her mouth. Police officers did not call for an ambulance and simply disposed of the body. They were only prosecuted for abuse of power.<sup>28</sup>

The vulnerable position of Roma women in traditional societies is well-known to Russian police officers and is frequently used by them for blackmail. ADC Memorial has documented numerous cases<sup>29</sup> where police officers have cut off the braids of detained Roma women, knowing full well that, in the minds of the Roma, this is a visible sign of disgrace and exclusion from the community, which only causes additional suffering for these women. There is detailed documentation of the persecution of Roma women from the settlement of Dyagilevo in Ryazan Oblast<sup>30</sup>. In 2011, these women were detained and taken to a police precinct, where they were blackmailed, beaten, and shorn of their braids, all while being videotaped by police officers. By threatening and blackmailing these women, police officers forced them to first make a payment for their release and then sign a document stating that they declined to make any complaints about poor treatment.

## **LACK OF ACCESS TO EDUCATION FOR ROMA GIRLS LIVING IN COMPACT SETTLEMENTS**

Roma girls from compact settlements are put under tremendous pressure by their traditional community in regards to their mandatory dress code, requirements for modest behavior and obedience, and the widespread practice of forced arranged marriages at an early age (girls are married off from the ages of 12 – 16). Many Roma parents do not believe that education is necessary for girls, so girls complete even elementary school less frequently than boys (the practice of segregation in schools and, as a result, a substandard education that does not allow progression to high school means that the absolute majority of children from compact Roma settlements drop out of school after several years of study).<sup>31</sup>

Unfortunately, these notions of “the Roma tradition of not going to school” are readily embraced by education officials and some school principals, who do not put any effort whatsoever into increasing the involvement of girls in the educational process. According to the teacher of a segregated “Roma class” at Oselkov School in Leningrad Oblast, she “does not take” girls in her class because they will stop coming to school in a year or two and get married<sup>32</sup>. Tamara Litvinova, the children’s rights ombudsman for Leningrad Oblast, is familiar with the practice of segregation and obstructed access to education, but she did not find that the school had committed any violations of children’s rights when she visited it in May 2013<sup>33</sup>. Thus, girls who want to receive an education do not find any support from their families or from the schools and state authorities that are supposed to protect their rights. This kind of attitude forms the basis for further discrimination against girls in the Roma community. Its repercussions include marriage at an early age, birth at an early age, and exploitation.

## **MIGRANT WOMEN – THE VICTIMS OF MULTIPLE DISCRIMINATION**

Female labor migrants from Central Asian countries experience discrimination frequently within traditional Muslim communities, as female labor migrants (it is harder for them to find work and they are more often deceived by employers and middlemen), and as representatives of ethnic minorities whose ethnicity is visible. ADC Memorial has documented numerous cases of domestic violence against women, cases where these women have been deceived and have not been paid their salaries, and cases of illegal actions taken by police and migration service officers (threats, insults, blackmail, violence<sup>34</sup>). Women almost never appeal to the police because they do not trust them, feel shame imbued in them by their traditional upbringings, and fear that they themselves will be prosecuted for violating migration rules. Therefore, incidents of violence and other crimes against migrant women, including within their migrant communities, generally remain “invisible” and are not investigated.

It was only in 2012 that a criminal case was initiated against criminals terrorizing female labor migrants from Kyrgyzstan (a clip showing women being beaten, insulted, and accused of “lewd” behavior unworthy of Kyrgyz women was uploaded to the Internet), even though, according to Tursunbek Akun, Kyrgyzstan’s ombudsman, this band had been operating since 2006.<sup>35</sup>

Crimes committed by police officers, even serious crimes like the rape of pregnant women, do not elicit the proper reaction: the top brass tries to shield its subordinates<sup>36</sup> and victims end up spending many years trying to achieve justice.<sup>37</sup>

## **LACK OF PROTECTION FOR FEMALE TRAFFICKING VICTIMS**

Women who have been taken from their countries of origin and become the victims of human trafficking are viewed by the police not as trafficking victims, but as violators of the migration regime subject to expulsion. Instead of providing assistance and support to these victims and instead of investigating the crimes committed by the traffickers, law enforcement bodies prosecute the victims.

Veronica Mandje<sup>38</sup>, a citizen of Cameroon and a victim of human trafficking, spent almost four years in the Foreign National Detention Center in Saint Petersburg beginning in 2010. She was placed there for the purpose of expulsion, but this process was not started for years. Thanks to the efforts of her attorneys, Veronica was released from the center several times, but she was always immediately sent back there (at least four decisions were adopted to place Veronica in the center for expulsion). These “revolving-door” detentions essentially turned into an illegal extended period of detention.

## **HOLDING FEMALE MIGRANTS WHO ARE PREGNANT OR THE MOTHERS OF YOUNG CHILDREN IN DEPORTATION CENTERS FOR FOREIGN NATIONALS AND STATELESS PERSONS**

Foreign nationals and stateless persons who have been found to have violated the migration regime are placed in specialized institutions for the detention of foreign nationals (SITDFNs) until the execution of the court resolution. Placement in a SITDFN is tantamount to deprivation of freedom in connection with an administrative violation, and pregnant women, the mothers of children up to the age of 14, and the elderly are not allowed to be held for administrative reasons if they are Russian citizens (decision of the Plenum of the RF Supreme Court of December 19, 2013).

Meanwhile, pregnant female migrants are placed in SITDFNs that lack the conditions that even strong and healthy people need for an extended period (up to two years under the law) without judicial control over this period or the necessity of depriving this person of her freedom, which is classified by the European Court as inhuman treatment and a violation of articles 3 and 5 of the European Convention (judgment in the case of *Kim v. Russia*, 2014). SITDFNs do not provide proper nutrition, do not have general practitioners or specialist doctors, do not have pharmacies, do not provide the opportunity for walks, make it difficult to use a shower and sometimes even the toilet, do not provide a place to wash or dry clothes, do not provide soap or feminine hygiene items or offer a place to purchase them, and keep prisoners in total information isolation without access to legal assistance.

The work performed by ADC “Memorial,” which has repeatedly defended the rights of pregnant women and the mothers of young children placed in the Saint Petersburg SITDFN, reports from the Saint Petersburg ombudsman on the unacceptable detention conditions for women, and the documented evidence of human rights defenders and members of watchdog commissions and community advisory boards under Federal Migration Service offices in various RF regions show that even when courts know that women are pregnant or that they have young children, they continue to place them in SITDFNs throughout the entire country.<sup>39</sup>

## **VIOLATION OF THE RIGHTS OF WOMEN TO EXPRESS THEIR OWN OPINIONS AND TO SELF-IDENTITY**

One of the most vulnerable groups of women in Russian continues to be members of the LGBT community—lesbians, transgender women, and bisexuals.

This primarily concerns members of these minorities that can be visually identified as such and activists in the LGBT movement. Human rights organizations (human rights LGBT groups) are constantly filing complaints regarding discrimination, the denial to hold peaceful actions and even cultural events, and hate speech and hate attacks with federal and local ombudsmen (the RF government’s assertion in its response to a question from CEDAW that such complaints have never been received is untrue). In 2014, in Saint Petersburg alone there were a number of attacks on women in the metro, when other passengers expressed their dissatisfaction with the women’s “untraditional” appearance and suggested that they were members of the LGBT community<sup>40</sup>. One time a passenger attacked two women screaming “Where are your skirts?” Another time, the attackers yelled “No to LGBT propaganda” as they beat women and recorded this beating on camera.

LGBT female activists who attend protest actions or organize queerfests and other similar events (film screenings, concerts, exhibits) are also subject to great risks. In recent years, attempts to hold the film festival Side By Side and the Saint Petersburg QueerFest have met with opposition. Activists were refused places for holding their meetings, anonymous calls about bomb threats interrupted film screenings and concerts, and aggressive homophobes appeared at the actions and festivals themselves and attacked organizers and participants<sup>41</sup>.

During street actions against homophobia in Moscow, the activists Elena Kostiuchenko, Reida Linn, and others were attacked repeatedly. They had eggs thrown at them and were beaten and insulted, but the police did not detain the attackers. Instead, the activists themselves were detained, even though they were guilty only of holding rainbow flags or kissing in order to draw attention to the existence of gays and lesbians exposed to discrimination<sup>42</sup>.

Even in their personal lives, LGBT activists are persecuted by ill-wishers. For example, in May 2015<sup>43</sup> Violetta Grudina from the Murmansk LGBT NPO Maximum was led out of a bar against her will and insulted (the ill-wishers shouted “Lesbo,” etc. at her). When the police arrived, instead of protecting her from her aggressors, the policemen supported the homophobes and even hit Violetta. Then they arrested her under false pretenses and took her into the precinct. An activist from the Arkhangelsk LGBT organization Rakurs was subjected to persecution at the university where she was an accomplished teacher. Attempts were made to accuse her of spreading gay propaganda among minor students. She was fired and had no success disputing her dismissal in court<sup>44</sup>.

The active rejection of xenophobia and participation in protests carry high risks for other female activists as well. On March 22, 2015, three girls who were part of a samba band were detained by Saint Petersburg police for a protest action that was held during the International Russian Conservative Forum, which included nationalists<sup>45</sup>. These women chanted anti-fascist slogans and banged on drums. Law enforcement officers decided that these actions were not acceptable and took the women into the precinct. As part of their “search” procedures, they forced the detained women to undress fully right in the hotel corridor, under camera that were transmitting this recording to an office filled with male police officers. A female officer who was present said: “There’s nothing to be embarrassed about. Undress! It’s not like they haven’t seen it before—they watch it every day.”<sup>46</sup> After this humiliating procedure, the women spent the night in cells at the police precinct, where the conditions violated the required norms, as they do in the majority of cases<sup>47</sup>.

In early 2015, the activists Maria R. and Leda G. organized the campaign “Right to Abortion”<sup>48</sup>, during which video clips were filmed calling for a woman’s right to abortion to be enshrined in the law. Various public actions, lectures, and discussions were organized. The campaign elicited an immediate reaction from the pro-life movement: these activists started to receive threats, and 50 statements to the police were written complaining of the “propaganda of pornography” and the “advertising of abortion.” As a result, both of these activists were summoned to the Center for Combatting Extremism for questioning. The investigator demanded that they make this information inaccessible to a wide circle of readers by limiting access to social network pages. One piece of material was sent for an expert opinion as to whether or not it contained signs of extremism<sup>49</sup>.

Women who campaign for the rights of women and children also risk being subjected to repressions. For example, Ekaterina Maldon<sup>50</sup> and Irina Kalmykova<sup>51</sup>, who were part of a protest movement whose agenda was the defense of the right of multiple-child families to a separate apartment, have been repeatedly tried under charges of administrative violations. A criminal case was also initiated against Kalmykova under a new article of the Criminal Code that violates the right of citizens to participate in peaceful actions. Under this article, anyone who has been convicted more than twice of violating “the rules for holding mass events” (which could mean participating in any meeting that has not been approved by the authorities) faces years in prison<sup>52</sup>.

In September 2015, a woman was detained in Chita who was preparing to take part in a one-person picket in support of mothers with multiple children<sup>53</sup>. A series of one-person pickets<sup>54</sup> was to have taken place at the same time as a concert dedicated to the celebration of the end of World War II and the completion of the all-Russian patriotic military game “Zarnitsa.” Before the start of the picket, police officers asked the women to show them her sign. When they saw the inscription “There’s no money for children, but there’s millions for ‘stars,’” the officers decided that her intention was to disrupt the concert, so they detained her. Other women were also unable to participate in the picket because they received threats that they would lose their social benefits and be fired from their jobs if they decided to protest.

In 2014 – 2015, it became fashionable for girls to twerk in public<sup>55</sup>. Some girls were subjected to repressions for this, like detention on charges of disorderly conduct, high fines, and administrative arrest. In Krasnoyarsk Krai and Bryansk Oblast, some young women even received the maximum possible term: some were given 15 days of detention for twerking near war memorials and others were given 10 days of detention. Their parents were fined and the girls themselves were registered as violators of the public order.

Another risk for women who are mothers is connected with the expression of their opinions and postings about extremism, separatism, or “overthrowing the Russian government.” Many women began to be charged in these cases just for writing on their personal social

network pages about the problems of current policies and expressing criticism of the RF government regarding events in Ukraine in 2014 – 2015. Convictions under this article result not just in high fines and, in some cases, imprisonment (which is what happened, for example, to the Krasnodar activist Daria Polyudova<sup>56</sup>, who was prosecuted solely for political reasons), but also a life-long ban on the use of any bank account or credit card. This measure violates the rights of both the convicted women and their children: mothers have no way to receive benefits for their children, including benefits for give birthing, retirement or disability pensions (their own or their child's), or benefits for multiple-children mothers, since the state will only transfer money to bank accounts and does not offer any other way to receive these benefits. A pregnant anti-fascist from Ivanov was convicted for reposting a recording of “An Appeal to the People of Russia from Ukrainians”<sup>57</sup>, which the court found to be a public call for extremism (part 1 of Article 280 of the RF Criminal Code) and fined 10,000 rubles. In addition, her bank account was blocked, which made it impossible for her to receive money for her child in the future.

Prior to this, Svetlana Davydova<sup>58</sup>, a multiple-child mother, was arrested under charges of treason. Svetlana had seven children, the youngest of whom—Cassandra—was a nursing two-month-old. Davydova was only accused of calling the Ukrainian Embassy and warning them that soldiers from her city were apparently being sent to fight in Eastern Ukraine (she happened to overhear a conversation about this on a city bus). Several months later, a court found Davydova innocent, but no one was held accountable for the groundless search of this multiple-child family or the arrest of a nursing mother and her week-long stay in a Moscow prison<sup>59</sup>.

In 2012, Tolokonnikova and Alekhina, members of the punk group Pussy Riot<sup>60</sup>, were subjected to political repressions and sentenced to two years of deprivation of freedom for their artistic protest performance in an Orthodox church. Both of these young women were raising small children (ages 4 and 5), but this was not taken into consideration by the court when it issued the punishment or during their attorneys' attempts to gain parole for them. In all of these cases, innocent women and their children suffered for criticizing the government.

A number of social organizations, including organizations to protect the rights of women, were subjected to repressions in 2013 – 2014. ADC Memorial welcomes the fact that in its responses to questions from CEDAW, the RF government honestly admits that even though the law on NPO foreign agents implies the combination of foreign financing with a certain “political activity,” in actuality organizations can be prosecuted just for receiving money from abroad (including for grants from the UN, the EU, and other international organizations). Numerous attempts to prove exactly this (that NPOs are found to be foreign agents for any activity if they receive foreign financing) has yet to result in anything. Courts have based their decisions on the opinion of the public prosecutor's office that human rights work (for example, writing a report for the UN Committee against Torture, which is why ADC Memorial was found to be a foreign agent) is a “political activity.” Due to the undesirability of this kind of stigmatization, many NPOs in Russia that protect women's rights were forced to abandon their legal entities, formally shut down, and continue work as groups of activists. This fate has already been attained by the Saint Petersburg LGBT Vykход [Coming Out], the LGBT Film Festival Side By Side, the Anti-Discrimination Centre Memorial, and many other human rights, environmental, and social NPOs. Meanwhile, the Ministry of Justice will remove NPOs from its registry of foreign agents for only one reason—an end to foreign financing. There is never any reconsideration of the matter that none of these NPOs are engaged in a “political activity” but are instead protecting women and other groups from discrimination.

All of this makes the work of human rights defenders and other independent experts extremely complicated and sometimes even impossible.

There is no longer any possibility that the law on NPOs may be applied in such a way that it does not harm social organizations, and there are in fact plans to tighten this law in the near future by including even bar associations in the category of NPOs, which directly contradicts the law on the bar and attorney – client privilege (since attorneys will have to report on the sources of their financing).

The important acknowledgement made by the Russian government in its response to CEDAW should be the basis for revising the law on NPOs and existing practices and recognizing the country's utter hypocrisy and flouting of international law and the need to abolish the existing law (from 2012) and return to previous legal norms.

## **RECOMMENDATIONS TO THE RUSSIAN FEDERATION TO IMPROVE THE SITUATION BY TAKING THE FOLLOWING MEASURES TO PROTECT WOMEN FROM DISCRIMINATION:**

- Adopt the law drafted in 2003 entitled “On state guarantees of equal rights and freedoms for men and women and equal opportunities for their realisation”, including a specific right of non-discrimination on the grounds of sex.
- Sign and ratify the 2011 Council of Europe Convention on preventing and combating violence against women and domestic violence.
- Revoke Governmental Resolution N°162 of 25/02/2000 establishing a “List of difficult, harmful, and hazardous occupations prohibited for women” and ensure equal opportunities for women in the labour market and protection against discrimination.
- Set up a national comprehensive and sustainable programme aimed at eradicating violence against women. Adopt legislation specifically criminalising domestic violence marital rape, sexual violence, sexual harassment, institutional violence and crimes committed in the name of honour. Increase the numbers and capacity of special temporary shelters, housing, help lines and assistance mechanisms for victims of domestic violence and remove any barriers to access. Ensure the protection of persons at risk of intimidation or reprisals during investigation and prosecution. Provide training to police and other relevant judicial and governmental bodies on assisting victims of domestic violence. Publish disaggregated statistics on domestic violence in order to facilitate better understanding of the issue and adapt responses accordingly. Encourage local and regional authorities to cooperate with NGOs and other civil society representatives in order to protect women from domestic violence.
- Amend regulations to protect women and girls from discrimination, including discrimination based on their religious beliefs. The right to freedom of expression and freedom to manifest one’s religion or beliefs extend to the way people choose to dress. State authorities must protect women from the imposition of restrictive dress codes by third parties, including families and communities.
- End impunity for violence against women and girls in the North Caucasus by ensuring that allegations of rape and domestic violence 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 send a clear message that human rights abuses will not be tolerated and will be addressed through thorough and prompt investigations and fair trials. They must make it clear that traditional morals and norms do not prevail over international and Russian legislation, and that no public authority is entitled to tolerate or push for the implementation of traditional laws.
- Ensure that girls belonging to ethnic or religious minorities have full access to education. Provide training to teachers aimed at raising their awareness of minority rights and non-discriminatory behaviour.
- Ensure women belonging to sexual or ethnic minorities have access to thorough and prompt investigations and fair trials.
- Adopt a law clearly prohibiting pregnant women and women with children under the age of 14 from being detained in Detention Centres for Aliens.

- End political persecution of women political opponents and human rights defenders, avoid the separation of mothers from young children caused by detention of these women.
- End prosecution of NGOs working on women's rights, including under the "Law on Foreign Agents". State representatives must prevent any attempt to impair the work of NGOs and must create the conditions for NGOs to conduct their activities freely and safely.

## ENDNOTES

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- <sup>32</sup> Archive of ADC Memorial

- <sup>33</sup> <http://adcmemorial.org/www/7121.html>
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