

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	533
Land:	Rusland
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Titel:	Social Institutions & Gender Index: Country profile on discrimination of women and girls (laws, social norms and practices)
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Country	Russian Federation
SIGI 2019 Category	Low
SIGI Value 2019	21%

Discrimination in the family		23%
	Legal framework on child marriage	0.5
	Percentage of girls under 18 married	8%
	Legal framework on household responsibilities	0.5
	Proportion of the population declaring that children will suffer if mothers are working outside home for a pay	39%
	Female to male ratio of time spent on unpaid care work	-
	Legal framework on inheritance	0
	Legal framework on divorce	0

Restricted physical integrity		15%
	Legal framework on violence against women	1
	Proportion of the female population justifying domestic violence	23%
	Prevalence of domestic violence against women (lifetime)	20%
	Sex ratio at birth (natural =105)	105.6
	Legal framework on reproductive rights	0
	Female population with unmet needs for family planning	10%

Restricted access to productive and financial resources		15%
	Legal framework on working rights	1
	Proportion of the population declaring this is not acceptable for a woman in their family to work outside home for a pay	5%
	Share of managers (male)	59%
	Legal framework on access to non-land assets	0
	Share of house owners (male)	-
	Legal framework on access to land assets	0
	Share of agricultural land holders (male)	0
	Legal framework on access to financial services	0
	Share of account holders (male)	46%

Restricted civil liberties		32%
	Legal framework on civil rights	0
	Legal framework on freedom of movement	0
	Percentage of women in the total number of persons not feeling safe walking alone at night	77%
	Legal framework on political participation	0.5
	Share of the population that believes men are better political leaders than women	57%
	Percentage of male MP's	84%
	Legal framework on access to justice	0.25
	Share of women declaring lack of confidence in the justice system	65%

Note: Higher values indicate higher inequality. Percentages range from 0 to 100, while legal variables are categorised as 0, 0.25, 0.5, 0.75 or 1.

Source: OECD (2019), Gender, Institutions and Development Database, <https://oe.cd/ds/GIDDB2019>.

Russian Federation

1. Discrimination in the family

a) Overarching legal framework for marriage

The law provides women with the same rights as men to enter into marriage and the law is based on consent of both spouses (Family Code, art. 10 & 12). Forced marriage is prohibited under the legal framework as lack of consent from one spouse is a ground for requesting an annulment (Family Code, art. 27 & 28). The law does not provide for official registration of all marriages and partnerships including customary/religious marriages or informal or de-facto unions. Additionally, informal or de-facto unions are not regulated by law.

The CEDAW Committee (2015) highlights the prevalence of harmful practices against women in the region of North Caucasus, such as forced marriages, abduction for forced marriages, crimes in the name of so-called honour, female genital mutilation and polygamy, despite prohibition of the federal legislation. Polygamy is rather common in Dagestan and Chechnya, in particular in the upper class, and appears to be socially accepted (RJI & Chechnya Advocacy Network, 2015).

b) Child marriage

The legal age of marriage for women and men is 18 years old (Family Code, art. 13). The bodies of local self-government may permit a marriage below the legal age but only to persons who have reached 16 years (Family Code, art. 13). Under the legal framework, child marriage is void (Family Code, art. 27 & 28). There are no public measures to generate social support for the enforcement of laws on the minimum age of marriage and there are no sanctions for those facilitating a marriage of an individual who is under the minimum age of marriage.

The Anti-Discrimination Centre (2015) notes that there is a recrudescence of the practice of early marriage in North Caucasus.

c) Household responsibilities

The law does not contain specific stipulations on women's and men's right to be recognised as the head of household (Family Code, art. 31). The law provides women with the same rights as men to be the legal guardians of their children during marriage and in informal unions (Family Code, art. 61 & 64). Women are provided with the same rights and responsibilities as men with regards to their children during marriage (Family Code, art. 63). Furthermore, the law provides married and unmarried women with the same rights as married and unmarried men to choose where to live (Family Code, art. 31; Constitution, art. 27).

The CEDAW Committee (2015) stresses that the roles and responsibilities expected of women and men within the family and society remain entrenched in patriarchal and stereotypical attitudes and social norms which reinforce the status of women as mothers and caregivers and their submission within family relations. In particular, the 2014 Family Policy Concept of the Russian Federation until 2025 aims to renew and increase traditional family values and focuses specifically on women as

mothers, which conveys a traditional view on women's roles and responsibilities within the family and society.

d) Divorce

The law provides women with the same rights as men to initiate divorce, by mutual request or upon the request of one spouse, and women have the same requirements as men to finalise a divorce or annulment (Family Code, art. 19, 21 & 28). Additionally, the law provides women with the same rights as men to be the legal guardians of their children after divorce and with the same rights and responsibilities as men with regards to their children after divorce (Family Code, art. 65 & 66).

The CEDAW Committee (2015) notes that women in de-facto relationships have no protection in terms of their economic rights upon the dissolution of their relationships. Additionally, the CEDAW Committee (2015) stresses that in the region of North Caucasus, the principle of father's ownership of the children continues to be applied which may lead to women being deprived of their right to see their children after divorce. The Russian Justice Initiative and the Chechnya Advocacy Network (2015) report similarly that in North Caucasus, according to customary law which follows the paternal line, women are denied custody and visitation rights of their children after divorce. Women are also denied most rights after divorce as most marriages in North Caucasus are celebrated according to custom/religion and are not registered (RJI & Chechnya Advocacy Network, 2015). Additionally, women after divorce are expected to return to their own family and are dependent on a male family member (father, uncle, brother) (RJI & Chechnya Advocacy Network, 2015). In North Caucasus, reports show that women who seek custody of their children may not be supported by their own family and may face threats and pressure from their own family members (RJI & Chechnya Advocacy Network, 2015).

e) Inheritance

The law provides daughters with the same rights as sons to inherit land and non-land assets (Civil Code, art. 1142). Additionally, the law provides female surviving spouses with the same rights as male surviving spouses to inherit land and non-land assets (Civil Code, art. 1142). Disinheritance of the surviving spouse is prohibited by law as article 1150 of the Civil Code protects the spouse's right to the portion of property gained during the period of marriage with the testator and deemed their common property. The law provides women with the same rights as men to make a will (Civil Code, art. 1118).

The Russian Justice Initiative and the Chechnya Advocacy Network (2015) report on the situation of women in North Caucasus where customary law tends to be applied and by which property and inheritance rights are denied to women. The inheritance customary system is patrilineal (RJI & Chechnya Advocacy Network, 2015).

2. Restricted Physical integrity

a) Violence against women

There is no law addressing violence against women including specific provisions for investigation, prosecution and punishment of the perpetrator and protection and support services for victims.

Violence against women is prevalent in the Russian Federation, in particular domestic and sexual violence (CEDAW, 2015). The CEDAW Committee (2015) further notes that cases of violence against women are seldom reported and that services for survivors such as crisis centres and shelters are lacking.

Killings of women in the name of so-called honour occur reportedly in Chechnya, Dagestan and Ingushetia (Anti-Discrimination Centre, 2015). It is reported that those killings are often condoned by the population and local authorities (Anti-Discrimination Centre, 2015).

The Anti-Discrimination Centre (2015) reports that Roma women are particularly vulnerable to multiple discrimination and to violence, including from police forces. Additionally, female labour migrants from Central Asia often face discrimination and violence in their workplace as well as from official representatives (Anti-Discrimination Centre, 2015). Women members from the LGBT community (lesbians, transgender women and bisexuals) are also highly exposed to discrimination, hate speech and violence (Anti-Discrimination Centre, 2015).

b) Domestic violence

There is no law addressing domestic violence and there is no policy or action plan addressing domestic violence. The CEDAW Committee (2015) stresses that there is a lack of services available to victims of domestic violence, including emergency shelters, health services and hotline for victims.

In 2017, a law was passed to decriminalize domestic violence, notably through the removal from the list of criminal offenses of the provision regarding battery of close persons that resulted in physical pain but did not inflict harm or other consequences (Law Library of Congress, 2017). It is asserted that the amendment came from pressure from conservative groups in Russian society which disapproved the differences in treatment of non-aggravated battery committed within the family versus outside the family and the Russian Orthodox Church, which argued that “the law [was] lacking moral justification and legal grounds” (Law Library of Congress, 2017).

The Centre for the Prevention of Violence reports on the prevalence of domestic violence, notably the high level of violence against women committed by their partner/husband, the number of murdered women and the latency of sexual violence (ANNA, 2015). Social services are the main institutional response women survivors of domestic violence turn to (ANNA, 2015). The Centre for the Prevention of Violence notes that while social services include as part of their mandate to support survivors of domestic violence, there is no specific institutional response solely dedicated to domestic violence survivors (ANNA, 2015). Furthermore, the Centre stresses that under the legislation, domestic violence is prosecuted as a private prosecution which means it is dependent completely on the victim’s will to prosecute (ANNA, 2015). According to the Centre, this leads to impunity for perpetrators as victims are reluctant, not only to report but also to prosecute, for fear of retaliation, stigma and shame (ANNA, 2015). It appears that the “majority of cases of private complaint (90%) are terminated for two reasons: (1) the failure to fulfil the court’s requirements to resolve the shortcomings of the complaint; (2) the reconciliation of the parties” (ANNA, 2015). Furthermore, the Human Rights Committee (2015) reports on the lack of attention in responding and investigating cases of domestic violence by law enforcement officials. The Committee against Torture (2012) additionally notes that

there is a common practice by law enforcement officers to encourage women victims of domestic violence to participate in reconciliation processes and that law enforcement officers are reluctant to file domestic violence complaints as criminal charges.

c) Rape

The Criminal Code addresses sexual violence under article 132 and 133. Rape is a criminal offense and is punishable of imprisonment of three to six years (Criminal Code, art. 131). The legal definition of rape does not include marital rape, nonetheless a wife can file a complaint (Criminal Code, art. 131). The legal definition of rape is not based on lack of consent. The law provides for increased penalties for aggravated forms of rape and sexual violence, notably if it is committed by a group of persons, with special cruelty or if it relates to a threat of homicide, if it causes the infection of the victim with a venereal disease, if the victim is a minor, or if it causes a grave injury or the death of the victim (Criminal Code, art. 131).

However, article 134 of the Criminal Code which prohibits sexual intercourse committed by a person who has reached the age of 18 with a person who has not reached the age of 16 and sexual maturity, stipulates that a person who for the first time has committed this crime shall be relieved of punishment by court if it is established that such person and the action committed are no longer socially dangerous in connection with his/her entry into marriage with the victim.

There are no reliable statistics on the occurrence of rape and sexual violence in the Russian Federation (The Advocates for Human Rights, 2014). Victims seldom report the crime to police authorities; estimations show that 10% of women victims of sexual violence report it (The Advocates for Human Rights, 2014). Additionally, victims reportedly face social pressure to drop a complaint (The Advocates for Human Rights, 2014). Furthermore, it is reported that police forces or judicial staff often display a suspicious and hostile attitude towards sexual violence victims, reinforcing the wider social attitude to blame and stigmatize victims (The Advocates for Human Rights, 2014).

d) Sexual harassment

The legal framework does not specifically cover sexual harassment. Victims of sexual harassment may pursue general civil damages in courts, however it is reported that only two women have won their case on the basis of sexual harassment (The Advocates for Human Rights, 2014).

Sexual harassment is reportedly common (The Advocates for Human Rights, 2014). It appears that sexual harassment in the workplace is prevalent and its form ranges from inappropriate comments and proposals to sexual assault (The Advocates for Human Rights, 2014). Additionally, reports show that the perception that a woman has to engage in sexual relations with her male superior to get a promotion persists (The Advocates for Human Rights, 2014).

e) Female genital mutilation

There is no specific criminal law addressing female genital mutilation (FGM) as a harmful practice in the Russian Federation. However, cases of FGM may be prosecuted under article 111 of the Criminal Code on intentional infliction of a grave injury.

In Dagestan's mountain villages, occurrences of FGM have been reported (RJI & Chechnya Advocacy Network, 2015). Additionally, it appears that articles promoting the practice are widespread in local religious publications (RJI & Chechnya Advocacy Network, 2015). The report from the Russian Justice Initiative (2017) shows that perceptions in the region that FGM is a mandatory traditional/religious practice and an initiation ritual for girls are strong. Additionally, there is a belief that "the practice protects a woman from sin and helps to prevent divorces and debauchery in society (...) by regulating female sexuality and preventing sexual liaisons considered sinful (RJI, 2017).

f) Abortion

Abortion on request is legal in the Russian Federation up to 12 weeks of pregnancy, without any restrictions (Law on Fundamentals of Russian Federation Legislation on Public Health Care, art. 36). Abortion up to 28 weeks of pregnancy is legal for medical, social or economic reasons, including (but not limited to) the death of the husband during pregnancy, divorce during pregnancy, the husband or wife's unemployment, the woman's lack of housing, etc. (United Nations Population Division, 2002). Until 16 years old, girls need the permission of a parent or a guardian to seek a legal abortion (AngloInfo, n. d.).

The Anti-Discrimination Centre (2015) reports that women who undergo abortion are vulnerable to stigma and feelings of shame. Since 2015, several legislative efforts to criminalize, ban or limit abortion rights have been attempted (Anti-Discrimination Centre, 2015). While they have been rejected, it reveals the presence of a strong anti-abortion movement which puts at risk women's rights to access abortion services (Anti-Discrimination Centre, 2015).

More

The CEDAW Committee (2015) highlights that women engaged in prostitution are highly vulnerable to violence and discrimination, including extortion, beatings, rape and murder.

Additionally, the CEDAW Committee (2015) reports on discrimination, harassment and hate speech faced by lesbian, bisexual, transgender and intersex (LBTI) women from society at large including state officials.

3. Restricted Access to productive and financial resources

a) Secure access to land and assets

Regarding land, property and other non-land assets, the law provides married and unmarried women with the same rights as married and unmarried men to own, use, make decisions and use as collateral (Civil Code, art. 260, 209 & Family Code, art. 36; Constitution, art. 36). The law provides women and men with the same rights after divorce or separation to own, use, make decisions and use as collateral land, property and other non-land assets (Civil Code, art. 257, 258 & Family Code, art. 38, 39).

Furthermore, a married woman has the same rights as a married man to administer marital property (Family Code, art. 35). The law provides for joint land titling for land used or acquired by married couples and informal unions (Civil Code, art. 257).

The CEDAW Committee (2015) highlights that rural women face barriers in accessing income-generating opportunities and microcredit, ownership and use of land and their participation in decision-making processes at the community level. Furthermore, it is reported that Indigenous women face restrictions with regards to access to traditional lands and livelihoods (CEDAW, 2015).

b) Secure access to formal financial resources

The law provides married women with the same rights as married men to open a bank account at a formal financial institution (Civil Code, art. 845). The law provides married/unmarried women with the same rights as married/unmarried men to obtain credit (Civil Code, art. 819). The Government funds a Maternity (Family) Capital which is distributed to families to improve housing conditions (CEDAW, 2014). The fund is used by families either to pay interest on credit or loans or to directly acquire housing (CEDAW, 2014). Moreover, the TransKapitalBank has led gender-sensitive finance programmes which provide women with capital as well as management training and business advice (IFC, n. d.). There is no legal discrimination regarding women's right to access formal financial services and it appears that there are no practices that may restrict these rights.

c) Workplace rights

The Labour Code mandates non-discrimination on the basis of sex in employment (art. 3). However, the law does not specifically cover non-discrimination in job advertisements, selection criteria, recruitment, hiring, terms and conditions, promotions, training, assignments and termination. Additionally, the law does not mandate equal remuneration for work of equal value, but stipulates nonetheless that any discrimination when establishing and changing the amount of wages and other terms of remuneration of labour is banned (Labour Code, art. 132 & Constitution, art. 37).

The law prohibits women from entering certain professions, notably professions that are deemed hard, dangerous and unhealthy or underground working (Labour Code, art. 253). The law allows women to work the same night hours as men (Labour Code, art. 96).

Paid maternity leave is mandated by law for 20 weeks with 100% of wages paid by the Government (Labour Code, art. 255). The law does not mandate paid paternity leave. Parental leave of 156 weeks is available and can be transferred partially or totally between parents as well as to grandparents and other relatives (Labour Code, art. 256). Persons who take up a parental leave are entitled to 40% of their wages paid by the Government (ILO, 2014). The law protects women's employment security when they are on maternity leave (Labour Code, art. 261).

The law does not require women to have permission from their husband or legal guardian to choose a profession or to register a business (Family Code, art. 31). Furthermore, the right to use freely his/her abilities and property for entrepreneurial and other economic activity as well as the right to choose a profession freely are enshrined in the Constitution (art. 34 & 37).

Victims of discrimination in the workplace may petition the federal labour inspectorate bodies and courts applying for restoration of their violated rights, compensation of the material loss and redress of the moral damage (Labour Code, art. 3).

The CEDAW Committee (2015) stresses the persistence of the gender pay gap in the Russian Federation, as well as the horizontal and vertical segregation of women in the labour market, and the concentration of women in low-paid jobs. The Anti-Discrimination Centre (2015) reports that the list of prohibited professions for women is discriminatory as its justification is that those professions may allegedly hold a threat to women's reproductive health which perpetuates the notion that women only hold social value in relation to their reproductive abilities. The Consortium of Women's Non-Governmental Associations (2015) notes that there is a current feminization of poverty. Additionally, traditional perceptions of women's duty to conduct domestic work and to care for the children and the elderly constitute an impediment to the development of women's careers (Consortium of Women's Non-Governmental Associations, 2015). Discrimination towards women in relation to their reproductive age and marital status is reportedly common (Consortium of Women's Non-Governmental Associations, 2015).

4. Restricted Civil liberties

a) Citizenship rights

The law provides married/unmarried women with the same rights as married/unmarried men to acquire, change and retain their nationality (Law on Citizenship, art. 8-19). The law provides the same rights to women and men to confer nationality to their foreign spouse (Law on Citizenship, art. 13). Additionally, married/unmarried women are provided with the same rights as married/unmarried men to confer nationality to their children (Law on Citizenship, art. 12).

The law provides married/unmarried women with the same rights as married/unmarried men to register the birth of their children (Civil Code, art. 47). The Constitution does not recognise multiple or intersectional discrimination but establishes that women and men shall enjoy equal rights and freedoms (art. 19).

The law provides married/unmarried women with the same rights as married/unmarried men to apply for identity cards (Immigration and Refugee Board of Canada, 2011). Additionally, the law provides married/unmarried women with the same rights as married/unmarried men to apply for passports (Law on the Procedure for Exiting and Entering the Russian Federation, art. 9). Furthermore, the law provides women with the same rights as men to acquire passports and other travel documents for their minor children (Law on the Procedure for Exiting and Entering the Russian Federation, art. 20). Married/unmarried women are granted with the same rights as married/unmarried men to travel outside the country (Constitution, art. 27).

There is no legal discrimination regarding citizenship rights and the right to apply for passports/identity cards and there are no practices which may restrict those rights.

b) Voting

The law provides married/unmarried women with the same rights as married/unmarried men to vote (Law on Basic Guarantees of Electoral Rights and the Right of Citizens of the Russian Federation to Participate in a Referendum, art. 3, 4 & Constitution, art. 32). There is no legal discrimination regarding voting rights and there are no practices which may restrict those rights.

c) Political voice

The law provides women with the same rights as men to hold public and political office, including within the legislature, the executive and the judiciary (Constitution, art. 97, 81 & 119). There are no legal quotas in place to promote women's political participation at the national or local level and there are no special measures other than quotas to promote women's political participation at the national or local level.

The CEDAW Committee (2015) notes the underrepresentation of women in several state bodies, including the State Duma and the Federal Council, as a result of persistent traditional and patriarchal attitudes towards women and their expected stereotypical roles and responsibilities within society. The Consortium of Women's Non-Governmental Associations (2015) reports that the inequality of financial and administrative resources available to women and men has an incidence on women's participation in political and public life. Additionally, women are under-represented in higher decision-making positions at government level, which reveals the glass ceiling most women face (Consortium of Women's Non-Governmental Associations, 2015).

Furthermore, the CEDAW Committee (2015) highlights the limited representation of Indigenous women in local, regional and federal decision-making bodies.

d) Access to justice

The law provides married/unmarried women with the same capacity as married/unmarried men to be sued and to sue (Constitution, art. 19). Additionally, a married/unmarried woman's testimony carries the evidentiary weight in court as a married/unmarried man's in all types of court cases such as civil, criminal, family court and tribunal (Constitution, art. 19).

Furthermore, the Constitution guarantees legal assistance free of charge in relevant cases and stipulates victim's rights to justice and compensation (art. 48 & 52). The federal law on free legal assistance regulates the cases for which free of charge legal aid may be provided (CEDAW, 2015). The Criminal Procedure Code ensures that the judicial proceedings shall be conducted in closed session in case of a criminal case related to sexual offense (art. 241).

Three bodies at state level deal with gender equality, namely the Office of the Ombudsman, the State Duma Committee for Family, Women and Children and the Coordination Council under the Ministry of Labour and Social Protection (CEDAW, 2015). The Office of the Ombudsman has the power to receive and resolve complaints of gender-based discrimination, however, the CEDAW Committee (2015) notes that no complaints of gender-based discrimination have been received by the Office. The Coordination Council under the Ministry of Labour and Social Protection coordinates the promotion of gender equality by other mechanisms and civil society (CEDAW, 2015).

The CEDAW Committee (2015) reports on "barriers that women are facing when they seek justice, including social stigma and negative stereotypes [and] lack of awareness of their rights".

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