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Updated Submission to the Committee on the Elimination of Discrimination against Women on Russia September 8, 2021

We write in advance of the 80th session of the Committee on the Elimination of Discrimination against Women (or “this Committee”) relating to the Russian Federation’s compliance with the Convention on the Elimination of All Forms of Discrimination against Women (“CEDAW” or “the Convention”). This submission focuses on Russia’s inadequate efforts to address pervasive domestic violence, its continued crackdown on civil society organizations, including women’s rights groups, its practices that deny or delay safe abortion during the Covid-19 pandemic, the adverse consequences of its anti-gay “propaganda” laws, and its failure to protect education during armed conflict.

Domestic Violence

Domestic violence is prevalent throughout Russia, and services for survivors are inadequate. Russia’s failure to criminalize domestic violence, to effectively investigate, prosecute, and punish violence within families or by intimate partners, to provide adequate assistance and protection to domestic violence survivors, and to collect disaggregated data on domestic and sexual violence is in violation of its obligations under CEDAW.

The concerns raised previously by this Committee, other UN treaty bodies, and the UN special rapporteur on violence against women remain relevant.¹ The lack of adequate data—a shortcoming this Committee called on Russia to address²—makes it difficult to assess the scope of domestic violence, but available indicators suggest it is pervasive, with at least one out of five women in Russia experiencing physical violence at the hands of a partner.³

¹ Committee on the Elimination of Discrimination against Women (CEDAW Committee), Concluding Observations: Russian Federation, U.N. Doc. CEDAW/C/RUS/CO/8 (November 20, 2015), paras. 21-22; CEDAW Committee, Concluding Observations: Russian Federation, U.N. Doc. CEDAW/C/USR/CO/7 (August 16, 2010), paras. 22-23; CEDAW Committee, Fifth Periodic Report: Russian Federation, in Report of the Committee on the Elimination of Discrimination against Women on its Twenty-Sixth Session, paras. 389-390, U.N. GOAR, 57th sess., Supp. No. 38, U.N. Doc. A/57/38 (2002); Committee on Economic, Social and Cultural Rights, Concluding Observations: Russian Federation, U.N. Doc. E/C.12/RUS/CO/6 (October 16, 2017), para. 38; Committee on Economic, Social and Cultural Rights, Concluding Observations: Russian Federation, U.N. Doc. E/C.12/RUS/CO/5 (June 1, 2011), para. 22; Committee against Torture, Concluding Observations: Russian Federation, U.N. Doc. CAT/C/RUS/CO/6 (August 28, 2018), paras. 30-31; Committee against Torture, Concluding Observations: Russian Federation, U.N. Doc. CAT/C/RUS/CO/5 (November 22, 2012), para. 14; Human Rights Committee, Concluding Observations: Russian Federation, U.N. Doc. CCPR/C/RUS/CO/7 (April 28, 2015), para. 12; UN Commission on Human Rights, Integration of the Human Rights of Women and a Gender Perspective: Violence against Women, Addendum: Mission to the Russian Federation, U.N. Doc. E/CN.4/2006/61/Add.2 (January 26, 2006).

² CEDAW Committee, Concluding Observations: Russia, U.N. Doc. CEDAW/C/RUS/CO/8, para. 22(d); CEDAW Committee, Concluding Observations: Russian Federation, U.N. Doc. CEDAW/C/USR/CO/7, para. 23.

³ Federal State Statistics Service and Ministry of Health, “Reproductive Health Among Russia’s Population 2011: Summary Report” [Репродуктивное здоровье населения России 2011: Резюме отчета], pp. 52-53. http://www.gks.ru/free_doc/new_site/population/zdrav/zdravo-2011.pdf (viewed May 21, 2020) (the most recent, comprehensive representative study based on research in 60 Russian regions). See also Home Committee, Roundtable Recommendations, Resolution Round Table on the Topic: “The Effect of Domestic Violence on the Health of Women and Children” [Резолюция круглого стола на тему: “Влияние насилия в семье на здоровье женщин и детей”], October 23, 2012, <http://www.komitet2-2.km.duma.gov.ru/Novosti-Komiteta/item/14998> (viewed May 21, 2020) (up to 40 percent of all grave violent crimes in Russia are committed within the family, and every fourth family in Russia experiences violence); M. Propastina, “Sociological Research of the Problem of Violence Against Women of Magnitogorsk” [Социологическое исследование актуальности проблемы насилия женщин г. Магнитогорска], cited in Marina Pisklakova-Parker and Andrey Sinelnikov, eds., *Chronicles of Silence: Violence Against Women in Russia* [Хроники тишины: насилие в отношении женщин в России] (Moscow, 2016), p. 18 (women in Russia are three times more likely to be subjected to violence in the family than from

A study by Russian legal experts, based on analysis of court rulings between 2011 and 2019, concluded that 66% of women killed in Russia during that period were victims of domestic violence. Of those concluded to have been victims, 80% died at the hands of their partner and 20% were killed by a family member.⁴

Russian law does not recognize domestic violence as a stand-alone offense.⁵ Legislative amendments adopted in February 2017 decriminalized first battery offenses among family members, a serious setback.⁶

The Duma has not discussed the bill “On Prevention of Family Violence,” introduced in November 2019 and tabled in 2020.⁷ If adopted, the bill would be Russia’s first stand-alone law addressing domestic violence but it falls short of introducing measures that would help Russia fulfill its CEDAW obligations. It does not contain a comprehensive definition of domestic violence which should incorporate physical, sexual, economic, and emotional abuse. It does not include close relatives, extended family, and current or former spouses and partners in the list of people who may be perpetrators of domestic violence, and does not provide adequate measures on protection and access to justice for victims of domestic violence at every stage of the process.⁸

Domestic violence survivors face significant hurdles in reporting abuse and getting support.⁹ Police often treat survivors of domestic violence with hostility and refuse to register or investigate their complaints, instead directing them to the private prosecution process, in which the survivor bears the burden of proof as well as all costs. Survivors have found private prosecution overwhelming and ineffective and have instead foregone prosecution altogether.¹⁰ As this Committee has recognized, “the fact that a victim of domestic violence must resort to private prosecution, where the burden of proof is placed entirely on the victim, denies the victim access to justice.”¹¹

strangers). See also Volodina v. Russia, App. No. 41261/17 (Eur. Ct. H.R. July 9, 2019), paras 41-45 (summarizing statistical information and research on gender-based violence in Russia); Commission on Human Rights, Mission to the Russian Federation, paras. 26-28.

⁴ “Алгоритм света,” Readymag, <https://readymag.com/u3045877410/algoritmsveta/>.

⁵ Human Rights Watch, “I Could Kill You and No One Would Stop Me”: Weak State Response to Domestic Violence in Russia (New York: Human Rights Watch, October 2018), pp. 21-22.

⁶ Human Rights Watch, “Russia: Bill to Decriminalize Domestic Violence,” news release, January 23, 2017, <https://www.hrw.org/news/2017/01/23/russia-bill-decriminalize-domestic-violence> (updated February 7, 2017, to note that President Putin signed the bill into law).

⁷ Gwendolyn Sasse, “Russia: Constitutional Reform as Both Safeguard and Risk,” Carnegie Europe, March 11, 2020, <https://carnegieeurope.eu/2020/03/11/russia-constitutional-reform-as-both-safeguard-and-risk-pub-81301> (viewed June 4, 2020).

⁸ Letter from Human Rights Watch to Chairwoman of the Federation Council of the Russian Federation, Matvienko Valentina Ivanovna, December 6, 2019,

https://www.hrw.org/sites/default/files/supporting_resources/hrw_publictr_dv_fedcouncil_06122019.pdf; Human Rights Watch, “Russia: Domestic Violence Bill Falls Short,” news release, December 9, 2019, <https://www.hrw.org/news/2019/12/09/russia-domestic-violence-bill-falls-short>.

⁹ Yulia Gorbunova, “Russia’s Deadly Negligence of Domestic Violence,” Human Rights Watch, March 8, 2021, <https://www.hrw.org/news/2021/03/08/russias-deadly-negligence-domestic-violence>.

¹⁰ Human Rights Watch, “I Could Kill You and No One Would Stop Me,” pp. 41-55, 59-60; Yulia Gorbunova (Human Rights Watch), “The Chilling Inaction on Domestic Violence in Russia Is Endangering Women’s Lives,” Euronews, July 29, 2019, <https://www.hrw.org/news/2019/07/29/chilling-inaction-domestic-violence-russia-endangering-womens-lives>.

¹¹ X. and Y. v. Russian Federation, Communication No. 100/2016, CEDAW Committee, U.N. Doc. CEDAW/C/73/D/100/2016 (August 9, 2019), para. 9.5. See also *ibid.*, para. 9.4 (“by adjudicating acts of domestic violence through a system of private prosecution, the State party cannot fulfil its due diligence obligation to prevent and punish acts of violence”).

Some survivors face barriers to accessing support because state services demand extensive documentation to obtain emergency shelter, including local registration. Showing proof of local residence can be problematic for some women if, for instance, they lose ownership of their home after a divorce or must flee a long distance to escape abuse. Victims must often wait weeks for a decision, and then in some cases are denied access to shelter.¹²

Self-isolation regulations adopted in Moscow and other regions in spring 2020 during the Covid-19 pandemic effectively left women locked in with their abusers for months.¹³ On May 5, 2020, Russia's ombudsman alerted the press to a dramatic rise in domestic violence reports the previous month.¹⁴

The North Caucasus region has seen a sharp increase in cases of violence against women, especially in Ingushetia, Dagestan, and Chechnya where law enforcement authorities often perpetuate domestic violence, including by capturing women fleeing domestic violence and handing them over to their relatives, putting them at risk of so-called 'honor killings'.¹⁵ Lesbian, bisexual, and transgender women in the Northern Caucasus region are particularly vulnerable, due to high risk of violence at the hands of their male relatives.¹⁶

On June 10, 2021, Dagestani police raided a shelter for domestic violence victims in Makhachkala.¹⁷ At the time, the shelter was providing refuge to 22-year-old Kh.T., who fled Chechnya for Dagestan with a friend after her family beat and verbally abused her, kept her under lock and key for several months, and forced her to undergo "conversion therapy." Kh.T. identifies as bisexual.

The police detained the activists who were in the shelter at the time. Then a man, who introduced himself as a neighbor, offered to take Kh. T and her friend to safety, but instead drove them to a police station. The next morning, they were handed over to Chechen police who forcibly took Kh.T. to Grozny.¹⁸

Several days later, Chechnya's broadcaster ran a story, in which Kh.T. said on camera that her family was taking good care of her. Chechen authorities' frequently engage in forcing victims of abuses or their relatives to "recant" on camera.¹⁹

On June 12, 2020, a 23-year-old Chechen woman, M.U, died in Gudermes under suspicious circumstances and was hastily buried by her husband and his relatives.²⁰ Her mother stated that U.M. had repeatedly suffered beatings by her husband. When U.M.'s body was exhumed on 20 June for

¹² Human Rights Watch, "I Could Kill You and No One Would Stop Me," pp. 64-75.

¹³ "Victims Have Been Locked Up Together with the Abusers—Experts on the Spike in Domestic Violence as a Result of Self-Isolation" [Жертвы оказались заперты с насильниками] – эксперты о всплеске домашнего насилия из-за самоизоляции], The Insider, April 4, 2020, <https://theins.ru/news/211330>.

¹⁴ "In Russia, Domestic Violence Has Seen a 2.5 Increase" [В России отмечен рост домашнего насилия в апреле в 2,5 раза], RIA Novosti, May 5, 2020, <https://ria.ru/20200505/1570971794.html> (noting just over 6,000 domestic violence reports in March 2020 and more than 13,000 in April 2020).

¹⁵ See, for example, <https://freedomhouse.org/article/russia-raid-and-abduction-womens-shelter-violates-fundamental-rights>.

¹⁶ Russian LGBT Network, https://lgbtnet.org/sites/default/files/doklad_web.pdf.

¹⁷ Tanya Lokshina, "Police 'Kidnap' Chechen Woman Who Escaped Abuse," Human Rights Watch, June 15, 2021, <https://www.hrw.org/news/2021/06/15/police-kidnap-chechen-woman-who-escaped-abuse>.

¹⁸ Ibid.

¹⁹ Human Rights Watch, "'Like Walking a Minefield': Vicious Crackdown on Critics in Russia's Chechen Republic," August 31, 2016, <https://www.hrw.org/report/2016/08/31/walking-minefield/vicious-crackdown-critics-russias-chechen-republic>.

²⁰ Letter to the Chairman of the Investigation Committee of the Russian Federation A.I. Bastyркин, July 5, 2020.

forensic examination, her mother told the media that there was a “scar or wound and blood” on the body. Authorities invited the mother for a “talk,” during which Ramzan Kadyrov, Chechnya’s governor, berated her on camera for requesting an investigation and justified domestic violence saying, “When a woman is married, there are arguments, and fights, and sometimes her husband beats her.” The mother was forced to apologize to Kadyrov and the apology was shown by Chechnya’s broadcaster.²¹

In a July 2019 ruling, the European Court of Human Rights (ECHR) observed that domestic violence can entail a level of physical violence and threatening conduct such that it amounts to prohibited ill-treatment and concluded that Russia was in breach of its obligations to establish an adequate legal framework to protect against domestic violence, to take effective measures to prevent domestic violence when it is a known risk, and to investigate allegations of domestic violence.²²

As this Committee has emphasized, gender-based violence is a form of discrimination,²³ and the prohibition of gender-based violence is a principle of customary international law.²⁴ Russia has an obligation to exercise due diligence to prevent domestic violence, to effectively investigate, prosecute, and punish acts of domestic violence that are committed, and to take other appropriate measures to assist survivors of domestic violence, including the issuance of protection orders without delay and the provision of adequate shelters.²⁵

The Committee has criticized practices and policies that result from “the preconceived notion that domestic violence is ... a private matter falling within the private sphere” and “stereotyped and overly narrow concept[s] of what constitutes domestic violence.”²⁶ Its recommendations in earlier concluding observations and in the case of *X and Y v. Russian Federation* remain pertinent.²⁷

Russia’s continuing failure to address widespread domestic violence puts it in breach of its obligations to eliminate discrimination in all its forms (CEDAW arts. 2 and 3),²⁸ to work to overcome traditional

²¹ Ibid.

²² *Volodina v. Russia*, paras. 74-102.

²³ CEDAW Committee, General Recommendation No. 19: Violence against Women (1992), paras. 1, 6-7, in *Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies*, U.N. Doc. HRI/GEN/1/Rev.1 (July 29, 1994), pp. 84-85.

²⁴ CEDAW Committee, General Recommendation No. 35 on Gender-Based Violence against Women, U.N. Doc. CEDAW/C/GC/35 (July 26, 2017), para. 2.

²⁵ See CEDAW Committee, General Recommendation No. 28 on the Core Obligations of States Parties, U.N. Doc. CEDAW/C/GC/28 (December 16, 2010), para. 9. See also CEDAW Committee, General Recommendation No. 35, para. 24(b); CEDAW Committee, General Recommendation No. 33 on Women’s Access to Justice, U.N. Doc. CEDAW/C/GC/33 (August 3, 2015), para. 51(j); *V.K. v. Bulgaria*, Communication No. 20/2008, CEDAW Committee, U.N. Doc. CEDAW/C/49/D/20/2008 (August 17, 2001), para. 9.13.

²⁶ *V.K. v. Bulgaria*, Communication No. 20/2008, para. 9.12.

²⁷ See CEDAW Committee, Concluding Observations: Russian Federation, U.N. Doc. CEDAW/C/RUS/CO/8, para. 22; CEDAW Committee, Concluding Observations: Russian Federation, U.N. Doc. CEDAW/C/USR/CO/7, para. 23; *X and Y v. Russian Federation*, Communication No. 100/2016, para. 11.

²⁸ See *O.G. v. Russian Federation*, Communication No. 91/2015, CEDAW Committee, U.N. Doc. CEDAW/C/68/D/91/2015 (November 20, 2017), para. 7.7.

attitudes by which women are regarded as subordinate to men (art. 5),²⁹ to ensure equality before the law and women's right to access to justice (art. 15),³⁰ and to ensure other women's human rights.

Russia remains one of only two of the 47 Council of Europe member states that has neither signed nor ratified the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention).³¹

The Committee should call on Russia to take the following steps:

- Parliament should promptly adopt a separate law on domestic violence that defines, prohibits, and criminalizes violence in the family and provides for accountability for perpetrators.
- Parliament should amend the Criminal Procedure Code to transfer all domestic violence offenses to the sphere of private-public or public prosecution and to provide for protection orders to provide victims with immediate protection from abuse.
- Authorities should diligently investigate, prosecute, and punish acts of domestic violence.
- Authorities should take special measures to protect victims of domestic violence during the Covid-19 pandemic countrywide, including but not limited to classifying domestic violence services as "essential," establishing a governmental hotline and ensuring provision of accommodation for those in need of refuge.
- Interior Ministry and relevant law enforcement agencies should gather statistics on domestic violence, disaggregated by age, region, type of violence, and relationship between the victim and the perpetrator.
- Interior Ministry should implement mandatory, ongoing training for police on responding to domestic violence complaints and introduce and enforce disciplinary sanctions for police officers who fail to register or investigate domestic violence complaints or respond appropriately to victims attempting to register complaints.
- Ministry of Labor and Social Protection should ensure that survivors of domestic violence, including in rural areas, have access to adequate services and support, including shelter, health, psychosocial, and legal services.
- Justice Ministry should provide regular training for judges on handling domestic violence cases.
- Russia should become a party to the Istanbul Convention.

Using "Foreign Agents" and "Undesirables" Legislation to Suppress the Work of Civil Society, including Women's Rights Groups

Russian authorities continued their efforts to stigmatize criticism of government policy as disloyal, foreign-sponsored or traitorous, including by rigorously applying the legislation requiring NGOs to

²⁹ See CEDAW Committee, General Recommendation No. 28, para. 9; X. and Y. v. Russian Federation, Communication No. 100/2016, para. 9.9; S.T. v. Russian Federation, Communication No. 65/2014, CEDAW Committee, U.N. Doc. CEDAW/C/72/D/65/2014 (April 8, 2019), paras. 9.4, 9.5, 9.11; O.G. v. Russian Federation, Communication No. 91/2015, paras. 7.2, 7.5, 7.8.

³⁰ See CEDAW Committee, General Recommendation No. 33, paras. 8, 10, 51(i), (j). See also Committee on Economic, Social and Cultural Rights, General Comment No. 16: The Equal Right of Men and Women to the Enjoyment of All Economic, Social and Cultural Rights, U.N. Doc. E/C.12/2005/4 (August 11, 2005), para. 27 (the ICESCR's provision on gender equality "requires States parties...to provide victims of domestic violence, who are primarily female, with access to safe housing, remedies and redress for physical, mental and emotional damage").

³¹ Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, May 11, 2011, CETS No. 210, 3011 U.N.T.S. __ (entered into force August 1, 2014). Azerbaijan is the other Council of Europe member state not a signatory to the convention. See Council of Europe, Chart of Signatures and Ratifications of Treaty 210, status as of May 21, 2020, <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/signatures> (viewed May 21, 2020).

register as “foreign agents” if they receive any foreign funding and engage in broadly defined “political activity.”³² Organizations targeted include groups that work on violence against women. ANNA Centre, a leading Russian women’s rights group, was designated a “foreign agent,” in 2016. In December 2020, Russia’s Ministry of Justice also designated Nasiliu.Net, an awareness-raising group that assists domestic violence survivors, as a “foreign agent.”³³

Under Russia’s legislation on “undesirable” organizations, the prosecutor’s office can designate as “undesirable” any foreign or international organization that allegedly undermines Russia’s security, defense, or constitutional order. Once blacklisted, any such organization must cease all activities in Russia. Other organizations and individuals that engage in “continued involvement” with these organizations may be subject to administrative and criminal sanctions.³⁴ In 2021, Russia’s parliament further toughened the legislation, including by expanding the ban on all engagement in activities of an undesirable organization beyond Russia’s borders.³⁵ The legislation also puts at risk of prosecution and imprisonment any person making donations or providing unspecified “financial services” to the blacklisted organizations.

The Committee should call on the Russian government to take the following steps:

- Repeal repressive legislation on “foreign agents” and “undesirable organizations,” stop harassing groups and activists

Access to Safe Abortion Care

As this Committee and other international authorities have recognized, denial or delay of safe abortion and/or post-abortion care and forced continuation of pregnancy represent a form of discriminatory gender stereotyping³⁶ and may violate the prohibition on torture and other ill-treatment.³⁷

Russian law stipulates that an abortion may be performed during the first 12 weeks of pregnancy for any reason. However, access to safe abortion care in Moscow and beyond became a serious issue in March 2020, after the Health Minister declared that due to Covid-19 “non-urgent” procedures would be postponed to avoid overcrowding of hospitals.³⁸ This led to hospitals turning down women seeking abortion procedures.

³² Human Rights Watch, “Russia: Government vs. Rights Groups, June 18, 2018, <https://www.hrw.org/russia-government-against-rights-groups-battle-chronicle>.

³³ Yulia Gorbunova, “Combating Domestic Violence is Dangerous Work in Russia,” Human Rights Watch, December 16, 2020, <https://www.hrw.org/news/2020/12/16/combating-domestic-violence-dangerous-work-russia>.

³⁴ Damelya Aitkhozhina, “New ‘Undesirables’ Law Expands Activists’ Danger Zone,” Human Rights Watch, June 17, 2021, <https://www.hrw.org/news/2021/06/17/new-undesirables-law-expands-activists-danger-zone>.

³⁵ Ibid.

³⁶ See, for example, L.C. v. Peru, Communication No. 22/2009, CEDAW Committee, U.N. Doc. CEDAW/C/50/D/22/2009 (November 25, 2011), paras. 8.15, 8.11; Whelan v. Ireland, Communication No. 2425/2014, Human Rights Committee, U.N. Doc. CCPR/C/119/D/2425/2014 (July 11, 2017), para. 7.12; Mellet v. Ireland, Communication No. 2324/2013, Human Rights Committee, U.N. Doc. CCPR/C/116/D/2324/2013 (November 17, 2016), para. 7.11.

³⁷ See, for example, CEDAW Committee, General Recommendation No. 35, para. 18; Whelan v. Ireland, Communication No. 2425/2014, paras. 7.4-7.7; Mellet v. Ireland, Communication No. 2324/2013, paras. 7.4-7.6; Human Rights Council, Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, U.N. Doc. A/HRC/31/57 (January 5, 2016), para. 44.

³⁸ “Murashko: Russia Will Postpone Non-Urgent Scheduled Operations” [Мурашко: в России будут откладывать несрочные плановые операции], Ria Novosti, March 30, 2020, <https://ria.ru/20200330/1569331584.html> (viewed June 2, 2020).

According to a by Nasiliyu.Net, many hospitals in Moscow told women that absent a “direct threat to life and health,” abortion procedures would not be carried out during the pandemic.³⁹

Media reports showed this persisted through summer 2020 and was not only limited to Moscow. Women seeking abortion reported being forcibly referred to psychologists in Arkhangelsk and St. Petersburg – which is not required by law in Russia.⁴⁰ As a result, fewer women had access to safe abortion care.⁴¹ In early May, the Russian Orthodox Church called on the government to suspend abortions during the pandemic.⁴²

Timely access to safe abortion is part of essential health care, including during public health and other emergencies. During such emergencies, the need might be greater due to potential increases in unplanned and crises pregnancies, including as a result of sexual violence. Restricting women’s access to abortion care forces them to seek other means by which to perform these procedures, which may put their lives and health at risk.⁴³

The Committee should call on the Russian government to take the following steps:

- Recognize that abortion care is essential healthcare and take measures to ensure that women and girls can access it in a timely manner, including during the Covid-19 pandemic or other emergencies
- Instruct healthcare providers, including those at facilities restricted to providing care for Covid-19 patients, to inform women where they can access safe abortion.

The “Gay Propaganda” Laws

Lesbian, gay, bisexual, and transgender (LGBT) people—including lesbian, bisexual, and transgender women and girls—in Russia face formidable barriers to enjoying their human rights.

The “gay propaganda” law has increased that social hostility and has had a stifling effect on access to affirming education and health services, with harmful consequences for girls who are lesbian, bisexual, and transgender as well as other LGBT youth. It has also been a vehicle to suppress free expression and association.

³⁹ Tanya Lokshina (Human Rights Watch), “Denying Women Abortion Access in Moscow,” commentary, April 28, 2020, <https://www.hrw.org/news/2020/04/28/denying-women-abortion-access-moscow>.

⁴⁰ Karina Merkuryeva, “‘Improving the Demographics’: Hospitals Refuse to Provide Abortion,” [“Поднимают демографию”. В больницах отказываются делать аборт], Radio Svoboda, May 25, 2020, <https://www.svoboda.org/a/30630592.html> (viewed June 2, 2020).

⁴¹ Anna Ryzhkova, “‘If You Want the Truth, Miss All the Deadlines’: How Women Are Denied Abortions During the Pandemic” [“Будете добиваться правды — все сроки пропустите.” Как женщинам отказывают в абортах во время пандемии], <https://www.codastory.com/ru/abortions-pandemic/> (viewed June 2, 2020).

⁴² “The Russian Orthodox Church Advocated the Introduction of a Moratorium on Abortion During the Pandemic” [В РПЦ выступили за введение моратория на аборты на время пандемии], RBC, May 3, 2020, <https://www.rbc.ru/society/03/05/2020/5eae2bfb9a79477f6fa63c9b> (viewed June 2, 2020).

⁴³ Human Rights Watch, “Europe: Abortion Curbs Endanger Women, Girls in Pandemic,” news release, April 8, 2020, <https://www.hrw.org/news/2020/04/08/europe-abortion-curbs-endanger-women-girls-pandemic>.

Federal Law No. 135-FZ “aimed at protecting children from information promoting the denial of traditional family values”⁴⁴ remains in effect despite calls by this Committee and other UN treaty bodies for its repeal or revision.⁴⁵

Prosecutions under the “gay propaganda” legislation have included:

- In January 2020, Yu.Ts., a feminist and LGBT activist, faced charges after she posted a drawing depicting two same-sex couples with children and the caption “Family is where love is. Support LGBT+ families!”⁴⁶ In December 2019, on separate charges relating to other social media posts, a court in Komsomolsk-on-Amur fined her 50,000 rubles (approximately US\$700).⁴⁷ In November 2019, she was placed under house arrest on pornography charges over a social media group she manages that features artwork depicting vulvas and calls for an end to taboos around vaginal anatomy and menstruation.⁴⁸ As of September 2021, her trial on pornography charges is pending.
- E.R., a women’s and LGBT rights activist, was found guilty on October 18, 2017, of spreading “propaganda of non-traditional sexual relationships among minors using the internet” and fined 50,000 rubles (US\$700) over two Facebook posts she had authored in 2015 and 2016, including one about the Youth Coalition for Sexual and Reproductive Rights which advocates for access to information about health and sexuality.⁴⁹
- E.K., founder of the LGBT youth support group Deti-404, was twice found guilty in 2015 of violating the law after the state media and communications watchdog claimed that the group’s activities contained “propaganda of nontraditional sexual relationships.”⁵⁰ Since a 2016 court decision, the group’s website has been blocked in Russia.⁵¹

⁴⁴ Federal Law of June 29, 2013, No. 135-FZ, “On Amendments to Article 5 of the Federal Law ‘On Protecting Children from Information Harmful to their Health and Development’” [Федеральный закон от 29 июня 2013 г. N 135-ФЗ г. Москва “О внесении изменений в статью 5 Федерального закона ‘О защите детей от информации, причиняющей вред их здоровью и развитию’ и отдельные законодательные акты Российской Федерации в целях защиты детей от информации, пропагандирующей отрицание традиционных семейных ценностей”], Rossiiskaia Gazeta, July 2, 2013, <http://www.rg.ru/2013/06/30/deti-site-dok.html> (viewed May 21, 2020). In addition to the federal “gay propaganda” law, several regions, including Arkhangelsk, Ryazan, and St. Petersburg, have their own “gay propaganda” laws. See generally Expression Abridged: A Legal Analysis of Anti-LGBT Propaganda Laws (London: Thompson Reuters Foundation and IGLYO, 2018).

⁴⁵ CEDAW Committee, Concluding Observations: Russian Federation, U.N. Doc. CEDAW/C/RUS/CO/8, para. 42(a); Committee on Economic, Social and Cultural Rights, Concluding Observations: Russian Federation, U.N. Doc. E/C.12/RUS/CO/6, para. 23(a); Committee on the Rights of the Child, Concluding Observations: Russian Federation, U.N. Doc. CRC/C/RUS/CO/4-5 (February 25, 2014), paras. 24-25; Committee against Torture, Concluding Observations: Russian Federation, U.N. Doc. CAT/C/RUS/CO/6, para. 33(b); Human Rights Committee, Concluding Observations: Russian Federation, U.N. Doc. CCPR/C/RUS/CO/7, para. 10.

⁴⁶ Nicola Habersetzer (Human Rights Watch), “Russian LGBT Activist Under House Arrest Is Facing New Charges,” commentary, January 22, 2020, <https://www.hrw.org/news/2020/01/22/russian-lgbt-activist-under-house-arrest-facing-new-charges>. The drawing is available at https://m.vk.com/wall-145815855_359 (viewed May 20, 2020).

⁴⁷ “A Court in Komsomolsk-on-Amur Fined an LGBT Activist Because of Publications on Vkontakte” [Суд в Комсомольске-на-Амуре оштрафовал ЛГБТ-активистку из-за публикаций во «ВКонтакте»], Ovid-Info, December 11, 2019, <https://ovdinfo.org/express-news/2019/12/11/sud-v-komsomolske-na-amure-oshtrafoval-lgbt-aktivistku-iz-za-publikaciy-vo> (viewed May 22, 2020). In May 2020, one US dollar was equivalent to approximately 72 Russian rubles.

⁴⁸ Nicola Habersetzer (Human Rights Watch), “Russian Activist Faces Unfounded Pornography Charges,” commentary, December 3, 2019, <https://www.hrw.org/news/2019/12/03/russian-activist-faces-unfounded-pornography-charges>. The social media group, titled “Vagina Monologues,” is available at https://vk.com/vagina_monologues (viewed May 22, 2020).

⁴⁹ Kyle Knight (Human Rights Watch), “Russian Activist in Court on ‘Gay Propaganda’ Charge,” commentary, September 19, 2017, <https://www.hrw.org/news/2017/09/19/russian-activist-court-gay-propaganda-charge> (updated on October 27, 2017, to note her conviction).

⁵⁰ Human Rights Watch, No Support: Russia’s “Gay Propaganda” Law Imperils LGBT Youth (New York: Human Rights Watch, 2018), pp. 16-17.

⁵¹ Ibid., p. 5.

In other cases, the “gay propaganda” legislation has opened the door to police harassment without necessarily leading to charges. For instance, in August 2019, police detained A.P., the director of the play *Coming Out of the Closet*.⁵² In November 2018, police confiscated several student drawings submitted to a contest held in Yekaterinburg in honor of International Tolerance Day. One of the drawings showed three couples—a man and a woman, two men, and two women—with the caption “We don’t choose our appearance, orientation, or race. We are all unique in our own ways.” Police told reporters the drawings would be examined for signs of “homosexual propaganda.”⁵³

Russian authorities have used the “gay propaganda” legislation to block LGBT online groups, to target peaceful public demonstrations, to deny registration to at least two LGBT groups, to target a gay couple and social workers in the name of “child protection,” to deny a transgender woman visitation with her children, and to censor music performances.⁵⁴ The legislation affects mental health professionals, who have curtailed what they say and what support they give to children. Mental health providers told Human Rights Watch (HRW) the legislation interfered with their ability to offer honest, scientifically accurate, and open counseling services, leading some to censor themselves or set out explicit disclaimers at the start of sessions to avoid running afoul of the law.⁵⁵

As ECHR concluded in 2017, the gay propaganda legislation reflects and reinforces “predisposed bias, unambiguously highlighted by [their] domestic interpretation and enforcement.”⁵⁶ Its purpose and effect are directly contrary to Russia’s obligations to eliminate prejudices and other practices based on stereotyped gender roles, as required under CEDAW arts. 5(a) and 10(c); to eliminate discrimination in education and health care, as required under arts. 10 and 12; and to eliminate violence against women and girls.

The Committee should call on Russia to address these serious concerns by taking the following steps:

⁵² Kristina Safonova, “‘It Can’t Be That Every Instance of the Word ‘Gay’ Is Propaganda,’” *Meduza*, August 29, 2019, <https://meduza.io/en/feature/2019/08/29/it-can-t-be-that-every-instance-of-the-word-gay-is-propaganda> (viewed May 22, 2020).

⁵³ Olga Korelina, “Police Seize ‘International Tolerance Day’ Drawings from Russian Grade School, After News Outlet Called Them ‘Gay Propaganda,’” *Meduza*, November 29, 2018, <https://meduza.io/en/feature/2018/11/29/police-seize-international-tolerance-day-drawings-from-russian-grade-school-after-news-outlet-calls-them-gay-propaganda> (viewed May 22, 2020).

⁵⁴ Kyle Knight (Human Rights Watch), “Russia Censors LGBT Online Groups,” commentary, October 8, 2019, <https://www.hrw.org/news/2019/10/08/russia-censors-lgbt-online-groups>; Joyce Kuaovi (Human Rights Watch), “Life Unravelling for Russian Same-Sex Couple and Their Kids,” commentary, July 24, 2019, <https://www.hrw.org/news/2019/07/24/life-unraveling-russian-same-sex-couple-and-their-kids>; Kyle Knight (Human Rights Watch), “Russia Fined for Anti-LGBT Actions,” commentary, July 17, 2019, <https://www.hrw.org/news/2019/07/17/russia-fined-anti-lgbt-actions>; Kyle Knight (Human Rights Watch), “Russia’s ‘Gay Propaganda’ Censor Attacks Health Website,” commentary, May 10, 2018, <https://www.hrw.org/news/2018/05/10/russias-gay-propaganda-censor-attacks-health-website>; “European Court of Human Rights Accepts Russian Case on Transgender Parenting That Will Set Precedent for 47 Countries,” *Meduza*, December 16, 2019, <https://meduza.io/en/feature/2019/12/16/european-court-of-human-rights-accepts-russian-case-on-transgender-parenting-that-will-set-precedent-for-47-countries> (viewed May 26, 2020); Human Rights Watch, “Russia: Censorship of Younger Generation’s Music,” February 28, 2019, <https://www.hrw.org/news/2019/02/28/russia-censorship-younger-generations-music>. See also Human Rights Watch, “Russia: Criminal Charges for Gay-Friendly Chat Show,” news release, November 15, 2019, <https://www.hrw.org/news/2019/11/15/russia-criminal-charges-gay-friendly-chat-show>; Nicole Habersetzer (Human Rights Watch), “Russian Criminal Investigation Launched over Video of a Gay Man Talking to Children,” November 6, 2019, <https://www.hrw.org/news/2019/11/06/russian-criminal-investigation-launched-over-video-gay-man-talking-children>.

⁵⁵ Human Rights Watch, No Support, pp. 57-61.

⁵⁶ *Bayev v. Russia*, App. No.67667/09 (Eur. Ct. H.R. June 20, 2017), para. 69.

- Repeal Federal Law No. 135-FZ and regional “gay propaganda” legislation.
- Introduce legislation to protect the rights of all LGBT people, including children, such as legislation to explicitly proscribe discrimination against them in public services and to make sexual orientation and gender identity protected categories against discrimination in relevant provisions of Russia’s criminal and civil laws.
- Include information about sexual orientation and gender identity in the national curriculum based on guidelines set forth by the United Nations Educational, Scientific and Cultural Organization and the United Nations Population Fund.
- President and Government should condemn and end rhetoric by members of the government that stigmatizes LGBT people and allows Russian authorities to explicitly or tacitly deem anti-LGBT sentiments and violence as permissible.
- Government should ensure that judgments of ECHR (including Bayev v. Russia, Alekseyev v. Russia, and Alekseyev and Others v. Russia) on freedom of expression, assembly, and association are complied with through national laws and policies.

Protection of Education from Attack

Even when attacks on students and schools and the military use of schools do not necessarily affect girls disproportionately, their adverse impact on education for all children disrupts a critical pathway to gender equality, the enjoyment of other human rights, and the empowerment of women.⁵⁷

The Safe Schools Declaration is an inter-governmental political commitment that provides countries the opportunity to express political support for the protection of students, teachers, and schools during times of armed conflict; accountability for such attacks; the importance of the continuation of education during armed conflict;⁵⁸ and the implementation of the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict.⁵⁹ As of June 2020, 104 countries have endorsed the Safe Schools Declaration, but not yet Russia.

HRW has documented repeated attacks on education by the joint Syrian-Russian coalition as well as by opposing armed groups. As part of a military alliance, Russia is jointly responsible for the use of prohibited weapons and any violations of the laws of war committed by the Coalition in Syria.

On October 26, 2016, airstrikes by the joint Russian-Syrian military operation killed dozens of civilians, mostly schoolchildren (14 children, including nine girls), in the town of Haas in Idlib governorate.⁶⁰

On November 24, 2018, an attack by Syrian government forces with a Russian-made 240mm mortar system near an elementary school killed eight civilians, including a student’s mother, a pregnant schoolteacher, and a three-year-old girl who was also on the premises.⁶¹

⁵⁷ CEDAW Committee, General Recommendation No. 36 on the Right of Girls and Women to Education, U.N. Doc. CEDAW/C/GC/36 (November 27, 2017), paras. 1, 3, 9, 15, 17.

⁵⁸ Safe Schools Declaration, May 28, 2015, https://www.regjeringen.no/globalassets/departementene/ud/vedlegg/utvikling/safe_schools_declaration.pdf (viewed June 2, 2020).

⁵⁹ Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict, March 18, 2014, http://protectingeducation.org/sites/default/files/documents/guidelines_en.pdf (viewed June 2, 2020).

⁶⁰ Human Rights Watch, “Syria/Russia: School Attack a Possible War Crime: 39th Reported Attack on Schools in Syria This Year,” news release, November 6, 2016, <https://www.hrw.org/news/2016/11/06/syria/russia-school-attack-possible-war-crime>.

⁶¹ Human Rights Watch, “Syria: Deadly School Attack Was Unlawful: Idlib Attacks Reaffirm Need for Civilian Protection,” news release, January 11, 2019, <https://www.hrw.org/news/2019/01/11/syria-deadly-school-attack-was-unlawful>.

On January 1, 2020, a ballistic missile equipped with a banned cluster munition warhead hit a girls' school in the town of Sarmin, Idlib governorate, and killed 12 civilians, including five children.⁶²

The Committee should call on Russia to:

- Endorse the Safe Schools Declaration.
- Bring the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict into domestic military policy and operational frameworks.

⁶² Human Rights Watch, "Syria: Cluster Munition Attack on School: 12 Killed on First Day of New Decade," news release, January 22, 2020, <https://www.hrw.org/news/2020/01/22/syria-cluster-munition-attack-school>.