

RUSSIAN FEDERATION

1. Discriminatory family code

The **minimum legal age for marriage** is 18 years for both men and women, but local authorities can authorise marriage from the age of 16 years if it is considered to be justified.¹ While the Family Code does not expand on the reasons why and when the marriage under 18 can be justified, regional laws established by local authorities define conditions when it could be authorized. For example, the minimum age is 14 in Moscow, Volgograd, Kaluga, Tambov, Novgorod, Nizhny Novgorod, Oryol, Belgorod oblast; and 15 in Murmansk, Ryazan, Chelyabinsk. Typically, local level legislation stipulates the following reasons as sufficient for an underage marriage: pregnancy, birth of a child, army draft of a groom, danger to life of one of the parties, in the case a pregnant underage girl is in difficult financial circumstances (e.g. orphan, single parent family, etc.) and marriage would provide her and the child with more favourable living conditions.² Customary and religious laws are not considered valid sources of law under the constitution, in regard to marriage or any other matters.³ Only marriages registered with a state registry office are legally recognised.⁴

In 2002, a draft law was approved by the Russian Parliament, the Duma, that would have reduced the age at which marriage could be authorised in exceptional circumstances to 14.⁵ It does not appear that this draft law was adopted, and no further evidence was found to indicate any planned legislation to change the minimum age of marriage.

In its Concluding Observations in 2010, the CEDAW Committee expressed concern at the persistence of **early marriage** practices, for example in the North Caucasus, and lack of state action to protect adolescent girls from early marriage.⁶

Article 31 of the Russian Family Code provides for shared **parental authority**; mothers and fathers have equal rights and responsibilities within the family.^{7 8}

Parents continue to enjoy equal decision-making authority over children after **divorce**.⁹

Customary and religious laws are not considered valid sources of law under the constitution, in regard to parental rights or any other matters.¹⁰

¹ Family Code, Article 13

² Article 2 of the Moscow Region law of 30/04/2008 n. 61/2008 OZ "on procedure and conditions of marriage of citizens who have not reached 16 years of age <http://www.regionz.ru/index.php?ds=249510>, [accessed 16/06/2014] (in Russian)

³ International Bank for Reconstruction and Development / World Bank (2011), p.124

⁴ Family Code, Article 1

⁵ BBC (2002)

⁶ CEDAW (2010), p.13

⁷ Family Code, Article 61

⁸ International Bank for Reconstruction and Development / World Bank (2011). p.124

⁹ Family Code, Article 66

Stereotypes regarding acceptable gender roles are very strong in Russia, including in regard to family relationships.¹¹ While many women in Russia work, they are still held responsible for the bulk of childcare and domestic labour and are seen as mothers and homemakers first and foremost; men are seen as the head of the family, with the 'right' to assert control over wives and children. Such views are reinforced by pronouncements made by many politicians promoting 'traditional' family values.^{12, 13}

One report from 2000 notes that in the event of divorce, the vast majority of cases see custody awarded to the mother. If a father fails to pay child support, a court can order it to be deducted directly from his salary.¹⁴

Russian women and men have the same legal **inheritance** rights, both as spouses and descendants.¹⁵

Customary and religious laws are not considered valid sources of law under the constitution, in regard to inheritance or any other matters.¹⁶

2. Restricted physical integrity

The Russian Federation has neither signed nor ratified the Council of Europe 'Convention on preventing and combating violence against women and domestic violence'.¹⁷

There is no specific legislation in Russia to penalise **domestic violence**, or to provide any form of protection and support to victims.^{18, 19, 20} Charges can be brought under articles addressing crimes against the person in the Criminal Code,²¹ but no allowance is made to include the relationship between the perpetrator and the victim as an aggravating factor.²² As with sexual harassment, women wishing to pursue domestic violence cases have to do so 'privately'; i.e. they are responsible to collecting evidence and building a case, rather than the state prosecutor.^{23, 24}

As mentioned above, while there is a National Action Plan in place to address violence against women, including domestic violence, in its Concluding Observations, the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) committee notes the lack of a holistic approach to addressing violence against women in Russia, and calls on the state to develop a 'coherent and multi-sectoral action plan to combat violence against

¹⁰ International Bank for Reconstruction and Development / World Bank (2011), p.124

¹¹ CEDAW (2009), p.14

¹² All-Russian Association of Women's Nongovernmental Organizations / Consortium of Women's Non-Governmental Associations (2010), p.4, 6

¹³ CEDAW (2010) Concluding observations of the Committee on the Elimination of Discrimination against Women Russian Federation, CEDAW /C/USR/CO/7, CEDAW, New York, p.6

¹⁴ International Helsinki Federation for Human Rights (2000), p.376

¹⁵ CEDAW (2009), p.43

¹⁶ International Bank for Reconstruction and Development / World Bank (2011), p.124

¹⁷ Council of Europe Treaty Office (2013)

¹⁸ Amnesty International (2010), p. 13

¹⁹ ANNA Nation Centre for the Prevention of Violence (2010), p.9

²⁰ CEDAW (2010), p.6

²¹ Criminal Code, Articles 112, 115, 115, 119

²² ANNA Nation Centre for the Prevention of Violence (2010), p.10

²³ ANNA Nation Centre for the Prevention of Violence (2010), p.10

²⁴ Advocates for Human Rights (2009)

women'.²⁵ Shadow reports by ANNA Nation Centre for the Prevention of Violence (ANNA) and Amnesty International make similar points, noting the absence of clear guidelines for law enforcement bodies and support services in domestic violence cases.^{26, 27}

According to WAVE, 28,100 cases of violence perpetrated by a male partner or ex-partner were registered in 2009; it is not clear how many of these resulted in a conviction.²⁸

It appears that domestic violence is still widely regarded as a 'private' matter in Russia. Police often refuse to intervene in cases, telling the victim that she should go home and reconcile with the abuser or that she is responsible for bringing the abuse on herself.^{29, 30} There is also a high social stigma attached to domestic violence, making many women reluctant to report abuse.³¹ Lack of trust in law enforcement bodies stops women from reporting violence; this is particularly an issue in the North Caucasus, where police brutality has led to a general lack of trust between the local populations and the police.³²

In regard to prosecutions, ANNA reports that the fact that prosecutions must be brought privately results in most cases being abandoned, either because the victim cannot gather enough evidence, or because the couple reconciles.^{33, 34}

Rape is a criminal offence in Russia, punishable by between three and twenty years imprisonment, depending on the severity of the attack, the number of perpetrators, and the age of the victim.³⁵ Prosecutors will only initiate an investigation in a rape case at the request of the victim or her lawyer.³⁶

The Criminal Code does not specifically criminalise spousal rape.³⁷

There do not appear to be any clauses in the Criminal Code allowing the perpetrator to escape prosecution by marrying the victim.³⁸ However, as the CEDAW Committee noted in its Concluding Observations, amendments to Article 134 of the Criminal Code appear to exempt a first-time offender from criminal liability for having sex with a minor (i.e. statutory rape) if he marries the victim.³⁹

As noted above, while there is a National Action Plan in place to address violence against women, including domestic violence, in its Concluding Observations, the CEDAW committee notes the lack of a holistic approach to addressing violence against women in Russia,

²⁵ CEDAW (2010), p.6

²⁶ Amnesty International (2010), p. 13

²⁷ ANNA Nation Centre for the Prevention of Violence (2010), p.9

²⁸ WAVE (2011)

²⁹ ANNA Nation Centre for the Prevention of Violence (2010), 18-19

³⁰ All-Russian Association of Women's Nongovernmental Organizations / Consortium of Women's Non-Governmental Associations (2010), p.4

³¹ CEDAW (2010), p.6

³² Front Line (2011), p.6

³³ ANNA Nation Centre for the Prevention of Violence (2010), p.11

³⁴ All-Russian Association of Women's Nongovernmental Organizations / Consortium of Women's Non-Governmental Associations (2010), p.4

³⁵ Criminal Code, Article 131

³⁶ ANNA Nation Centre for the Prevention of Violence (2010), p.23

³⁷ CEDAW (2010), p.6

³⁸ Criminal Code

³⁹ CEDAW (2010), p.6

including sexual violence.⁴⁰ The Advocates for Human Rights note that Russian police departments rarely have units with the equipment and expertise able to investigate cases of rape and sexual violence.⁴¹

According to the UN Office on Drugs and Crime, in 2010, 4907 cases of rape were registered with the police; it is unclear how many of these resulted in a conviction.⁴² The Women Against Violence Europe (WAVE) network notes that overall, there were 4429 convicted cases of male sexual violence against women and girls in 2010.⁴³ The shadow report by ANNA notes the lack of reliable statistics on sexual violence cases and convictions in Russia.⁴⁴

Police attitudes towards victims of sexual violence often place the blame on the victim, alleging that she 'provoked' the attack and dissuading her from registering a case. Rape victims must have their complaints recorded by the police, from whom they must obtain authorisation to be examined by a doctor. In many cases, police often obstruct complaints' procedures by postponing authorisation for so long that medical examination becomes useless in terms of collecting evidence.⁴⁵ According to data collected by sexual violence helplines run by women's rights NGOs, very few women (10-14%) who had been raped and had contacted the helplines also contacted police.⁴⁶

It is difficult to assess the incidence of rape as victims are often reticent to speak out and many withdraw their complaints under the threat of reprisals. Rape also carries a high social stigma, again meaning few women are willing to speak out.^{47, 48}

There is no specific law addressing **sexual harassment** in Russia. Under the Criminal Code (Article 133), prosecutions can be brought for the crime of compelling someone to perform a sexual act, but this can only be used in a very narrow set of circumstances, and prosecutions are extremely rare. In addition, only 'private' prosecutions can be brought, i.e. at the initiation of the victim rather than of the prosecutor. There do not appear to be any clauses addressing sexual harassment in the Labour Code.^{49, 50, 51}

As of September 2012, a draft law on sexual harassment was under discussion in the Duma (the Russian parliament), which would see fines of up to 50,000 roubles;⁵² it is unclear whether any progress on adoption of this law has been made.

While there is a National Action Plan in place to address violence against women generally, no evidence was found to suggest any dedicated measures in place to address sexual harassment.⁵³ In its Concluding Observations, the CEDAW Committee called on the

⁴⁰ CEDAW (2010) p.6

⁴¹ Advocates for Human Rights (2009)

⁴² United Nations Office on Drugs and Crime (2010)

⁴³ WAVE (2011)

⁴⁴ ANNA Nation Centre for the Prevention of Violence (2010), p.20

⁴⁵ ANNA Nation Centre for the Prevention of Violence (2010), p.26-28

⁴⁶ ANNA Nation Centre for the Prevention of Violence (2010), p.21

⁴⁷ American Bar Association Central European and Eurasian Law Initiative (2006), p. 105-106.

⁴⁸ CEDAW (2010), p.6

⁴⁹ CEDAW (2010), p.6, 10

⁵⁰ Advocates for Human Rights (2009)

⁵¹ Voice of Russia (2012)

⁵² Voice of Russia (2012)

⁵³ WAVE (2011)

Russian state to adopt concrete measures to address sexual harassment, including in the work place.⁵⁴

According to the Advocates for Human Rights, sexual harassment is widespread in Russia, in work places, law enforcement, and educational institutions, while other sources also point to high levels of street harassment. The problem is not widely acknowledged; indeed, it is widely accepted as 'normal'. Police and prosecutors do not take reports of sexual harassment seriously, and in one infamous case from 2008, a judge in St Petersburg dismissed a woman's claim of sexual harassment against her boss on the grounds that in attempting to coerce her to have sex, he had acted 'gallantly', and that if there was no sexual harassment, there would be no children.^{55, 56}

Survey data reported by the Advocates for Human Rights found that 32% of women professionals who responded had had sex with their boss, and 7% had been raped.⁵⁷

More

Abortion is available on demand in the Russian Federation.⁵⁸

'Honour' crimes are not included in the Criminal Code as a separate crime, and attempts in 2008 to amend the criminal code to specifically recognise abduction for **forced marriage** failed.⁵⁹

In the North Caucasus, a shadow report to the CEDAW committee prepared by ANNA notes cases of abduction for forced marriage (bride kidnapping) in Dagestan and Ingushetia. The report also states that 'honour' crimes may affect dozens of women in Chechnya, Dagestan and Ingushetia each year; such crimes are rarely registered or investigated by the police.⁶⁰ Chechen President Ramzan Kadyrov has publicly stated that in some cases, 'honour' violence is justified.⁶¹

3. Son bias

The male/female **sex ratio** for the working age population in 2013 is 0.91 while the sex ratio at birth is 1.06.⁶² Based on this information, there is no evidence to suggest that Russia is a country of concern in relation to **missing women**.

4. Restricted resources and assets

There is no discrimination against women in the Russian Land Code, in regard to ownership and management of, and **access to land**.⁶³

⁵⁴ CEDAW (2010), p.10

⁵⁵ Advocates for Human Rights (2009)

⁵⁶ Voice of Russia (2012)

⁵⁷ Advocates for Human Rights (2009)

⁵⁸ United Nations Department of Economic and Social Affairs, Population Division (2013)

⁵⁹ ANNA Nation Centre for the Prevention of Violence (2010), p.37-41

⁶⁰ ANNA Nation Centre for the Prevention of Violence (2010), p.37-41

Examination of the 6th and 7th reports submitted by the Russian Federation

⁶¹ Front Line (2011) p.6

⁶² CIA

⁶³ CEDAW (2009), p.43

Customary and religious laws are not considered valid sources of law under the constitution, in regard to land rights or any other matters.⁶⁴

The 1999 Convention on the Elimination of all forms of Discrimination against Women (CEDAW) report notes that during the process of land privatisation that took place in Russia in the 1990s, women often lost out (presumably to male heads of household, although this is not specified).⁶⁵

Women and men have the same rights to **own and access property other than land**. In particular, under the Housing Code (2004), women and men have the same rights of ownership, use, and disposal of residential property.⁶⁶

Women's property rights do not depend on their marital status or type of marriage. All property acquired during a marriage is the couple's joint property, and unless their marriage contract states otherwise, it is split into two equal shares in the event of divorce.⁶⁷

Customary and religious laws are not considered valid sources of law under the constitution, in regard to property rights or any other matters.⁶⁸

Men and women have equal rights to obtain **access to bank loans**.⁶⁹

According to data held by the World Bank, 48% of adult women in the Russian Federation had a bank account in 2011, as did 48% of men. In the same year, 8% of adults had taken out a loan with a financial institution (defined as a bank, credit union, microfinance institution, or another financial institution such as a cooperative).⁷⁰ According to the World Bank Enterprise Surveys, out of the firms that identified access to finance as a major constraint, there were 22.8% of firms led by a female and 29.3% of firms led by a male.⁷¹

State support is in place for the development of small-scale business, including access to micro-credit. Women represent between 25% and 30% of small business owners in Russia.⁷²

According to the microfinance exchange initiative, women accounted for 69.71% of recipients of micro-credit in 2012.⁷³

5. Restricted civil liberties

Women and men enjoy the same rights to free **access to public space** and freedom of movement in Russia, under the Constitution and other legislation.⁷⁴

According to Human Rights Watch, women in Chechnya face official pressure to wear headscarves in all public places, including state buildings.⁷⁵ Discrimination against minority groups is widespread and largely unchecked in Russia, considerably impacting on the free

⁶⁴ International Bank for Reconstruction and Development / World Bank (2011), p.124

⁶⁵ CEDAW (1999), p.38

⁶⁶ CEDAW (2009), p.43

⁶⁷ Family Code, Article 34

⁶⁸ International Bank for Reconstruction and Development / World Bank (2011) p.124

⁶⁹ CEDAW (2009), p.43

⁷⁰ World Bank (n.d)

⁷¹ World Bank Enterprise Surveys (2012)

⁷² CEDAW (2009), p. 43

⁷³ Microfinance Information Exchange (2013)

⁷⁴ CEDAW (2009), p.44

⁷⁵ Human Rights Watch (2013), p.466

access to public space of women belonging to certain groups. In particular, migrants from Central Asia, people from the North Caucasus, and Roma face violence and hostility from extremist groups, and discrimination in access to employment, housing, healthcare facilities, and education. There is no comprehensive anti-discrimination legislation in place in Russia, and police and prosecutors often fail to investigate attacks.⁷⁶

Lesbian, bisexual, transgender, and intersex women also face violence and discrimination, and homophobic attacks are rarely investigated by the police.⁷⁷ Some commentators state that the new homosexual propaganda legislation has already led to an increase in homophobic attacks.⁷⁸ Legislation introduced in June 2013 at the federal level bans 'propaganda of non-traditional sexual relations', i.e. the provision of any information on homosexuality to anyone under 18. The law effectively makes it illegal to equate homosexual and heterosexual relationships, and introduces fines for individuals and organisations that 'promote' homosexuality.^{79, 80, 81} This legislation will inevitably impact negatively on the free access to public space of LGBTI women.

While no concrete information on this matter was found, it appears that there are currently no **quotas** in place to promote women's political participation at national or sub-national level.

In 2013 the share of females in municipal councils and other local bodies in Russia was 52.3% and 47.7% for males.⁸²

More

Most **media** in Russia are under government control.⁸³ According to research by the International Women's Media Foundation, women are well represented as journalists and editors in the Russian media, and make up almost 50% of top managers and around 33% of governance positions in media organisations.⁸⁴ The official CEDAW report (2009) states that the (state-controlled) media are playing an active role in challenging gender stereotypes.⁸⁵ However, the shadow report by ANNA notes that media outlets rarely report on women's rights issues.⁸⁶

Concerning **workplace rights**, discrimination on the basis of gender in employment is prohibited under the Russian Labour Code.⁸⁷ In 2013 there has been a change made to the Federal Law of the Russian Federation (N 162-ФЗ) on the introduction of the changes to the Law on Employment of the population of the Russian Federation establishing administrative sanctions for those organisations distributing information of their vacancies containing

⁷⁶ Kulaeva,Stephania, Olga Abramenko, Alexander Verkhovsky and Simon Papuashvili (2013), p.7-8

⁷⁷ Amnesty International (2013), p.219

⁷⁸ Elder, Miriam (2013)

⁷⁹ BBC (2013)

⁸⁰ Elder, Miriam (2013)

⁸¹ Elder, Miriam (2013)

⁸² UNECE (2013)

⁸³ Amnesty International (2013), p.219

⁸⁴ Byerly, Carolyn M. (2011), p.12

⁸⁵ CEDAW (2009), p.35

⁸⁶ ANNA Nation Centre for the Prevention of Violence (2010), p.35

⁸⁷ CEDAW (2009), p.25

information of any restriction or discriminatory character (i.e. specifying gender, age, nationality, race, language, marital status, place of living, etc.).⁸⁸

The Labour Code of the country establishes a lengthy list of as many as 456 jobs including that of truck drivers, train conductors or wood workers that are prohibited for women (non-pregnant and non-nursing) to carry out mainly because of health and safety concerns. Restrictions on working hours, sectors and occupations limit the range of jobs that women can have and may lead to occupational segregation. Most of these regulations are often more associated to labour regulations made during Soviet times than to different capacities men and women have to do the job.⁸⁹

Pregnant women are entitled to 140 days of paid **maternity leave** at 100% of their wage, paid by the national social insurance fund.^{90, 91}

⁸⁸ Federal Law of July 2, 2013 N 162-FZ (in Russian) <http://www.rg.ru/2013/07/05/zanyatost-dok.html> [accessed 177/06/2014]

⁸⁹ FC/WB (2013)

⁹⁰ Labour Code, Article 255. Act on State benefits to citizens with children, Article 4. Federal Act on Compulsory Social Insurance in case of temporary disablement and maternity, Articles 10, 11, 14

⁹¹ ILO (2011)

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