Family or State’s Matter: Anti-Women Domestic Violence Law in the Russian Federation

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Summary

In July 2019, thousands of Russian women tagged their pictures of bruised faces with a hashtag #янехотелаумирать (“I didn’t want to die”). Their objective was to cast light on what has grown to be an epidemic of abuse against women in the Russian Federation over the last 3 years. Following the adoption of the new provision that reduced the legal ramifications of domestic violence to a simple administrative offense, women have found themselves in a situation with no escape: trapped between the State’s inertia and society claiming domestic violence to be a private matter.
Background

As a term, “domestic violence” has always struggled to be incorporated into the criminal code of the Russian Federation. Before 2016, there was no mention of abuse between relatives or companions in the criminal code (ANNA, 2010). What the UN Convention calls “domestic violence”, Russian criminal law simply classifies as “battery,” which is punishable with up to 3 months in jail if prosecuted (Russian Penal Code, 1996). In July 2016, the new domestic violence law was promulgated, which criminalized battery between “close persons” (Human Rights Watch, 2018), but lasted for only a year and a half. At the beginning of 2017, there was one more modification made to Article 116 and this time it was here to stay.

The current version of the provision classifies all battery cases that happen not more than once a year as administrative offenses, which are only punishable by fines of up to 30,000 rubles or 15 days in jail (Russian Penal Code, 2019). In simple words, this modification made it practically legal for a family member to beat another one with no serious consequences. In a society where one in four women experience domestic violence in her lifetime (Litvinova, 2016), lack of protection against domestic battery puts the lives of mothers, wives and sisters at the mercy of their male family members. Since 2017, the State’s non-interference has been effective in lowering the number of cases, but only because women have become afraid of reporting cases of abuse (Spring, 2018).

Russian women rising up

The shift in understanding regarding what constitutes “battery” did not come abruptly. It reflects the state of gender dynamics in the society, which went from a heavily controlled Soviet creation to a newly capitalist economy. For both men and women, it meant leaving behind the order imposed by the Soviet Union and embracing traditional gender roles (Ashwin, 2000). Not only did it lead to a glorification of the family unit, but also to its closure. From then on, the sphere of domesticity and public life were impregnable, while their participants were separated. This is why the calls of Yelena Mizulina, member of the Duma and legal advocate, to decriminalize battery between family members fell on a fertile ground of “traditional values” (Walker, 2017). Despite using rationale of “family life,” the ultimate reason for the legal modification was the alienation of women from society. Once physically abused, women do not have the right of rallying around an issue that is presumably considered to be a domestic matter.

The untapped digital sources of activism

Despite these developments and by leveraging social media, Russian women found a way to open the doors to their private lives and showcase the extent of violence that they are subjected to. Thousands took to the feeds of Twitter and Instagram (Shah et al., 2019), where their photos were liked, shared and commented on by followers who expressed their anger over State’s compliance in the overwhelmingly women-targeted abuse (Johnson, 2001). The bruised faces also sent a strong message to the authorities that what happens behind closed doors is as much a matter of the State as it is theirs.
Policy recommendations

The State ignoring its responsibility to protect women is one thing, but society’s obligation to respond is another. In order to effectively combat the high levels of domestic abuse, it is necessary to foster political support for change. It is necessary that both men and women understand that no act of aggression can be seen as a foundation for a stable family life, because women’s physical security matters for the entire family unit as much as all the other women’s rights that they are entitled to. With up to 36,000 reported cases of women beaten up every year by their partners and up to 14,000 women dying every year at the hands of their perpetrators (Kozlova, 2017), the epidemic of violence calls for a comprehensive and multidimensional response sending a message to the society that women are not domestic objects.

To this end it is recommended that the Government of Russian Federation:

- Abide by the international human rights obligations that are enshrined in treaties that it is party of (i.e Convention of the Elimination of All Forms Of Discrimination against Women);
- Withdraw the current version of the Article 112 and recognise the intrinsically gender-unequal nature of the domestic abuse in all new legal reforms;
- Launch a nation-wide campaign on domestic violence and encourage women to take the matter to the courts;
- Simplify victims’ access to justice with women-friendly reporting systems;
- Increase the number of state-supported facilities (i.e women shelters) and channel funding into women’s rights organisations;
- Implement sexual education classes at school with a particular focus on violence and its repercussions.
References


