July 13, 2022

Memorandum

To: Devin Chatterton (Sanctuary for Families)

From: Covington & Burling LLP

Re: Russia Country Conditions Summary

The below memorandum on the country conditions in Russia is divided into two parts: first, addressing the domestic violence risks in Russia and how government corruption and state surveillance exacerbate these risks for women in Russia; and second, risks to LGBTQ people in Russia. The threats to LGBTQ people in Russia are also exacerbated by the government corruption, law enforcement violence, and state surveillance detailed in Part I. We would be happy to reorganize these themes in the manner most useful to you. In addition, we have not strictly blue-booked the sources referenced throughout, but please let us know if that would be helpful.

**COUNTRY CONDITIONS FOR LGBTQ PEOPLE AND DOMESTIC ABUSE VICTIMS IN RUSSIA**

Domestic violence threatens the safety and well-being of Russian women. This issue is compounded and exacerbated by other factors, such as organized crime, government corruption, and intersectionality with LGBTQ issues, among others. We discuss these issues in two parts; first, the risk of domestic violence as it intersects with other risk factors, and second, the persecution of LGBTQ individuals.

**I. Women in Russia are at great risk of domestic violence, with few protections.**

The most recent Amnesty International report on the Russian Federation cites a study finding that “66% of women murdered from 2011 to 2019 had been victims of domestic violence.”[[1]](#footnote-2) According to a study by the Russian Consortium of Women's Non-Governmental Organizations, “over two-thirds of women killed in Russia in the past decade were murdered by their partners or relatives.”[[2]](#footnote-3) The study found that “the most dangerous place for a woman in Russia is at home.”[[3]](#footnote-4) A higher percentage of women are killed by their partners in Russia than in any other country surveyed: “of the over 18,000 women killed in Russia between 2011 and 2019, 9,868 were killed by their partners, accounting for 53% of all publicly available murder sentences.”[[4]](#footnote-5) In Russia, 65.8% of women-murders were perpetrated by family members or a domestic partner of the victim, which is far above the global average.[[5]](#footnote-6) A staggering portion of the population of Russian women are victims of domestic violence. Recent research commissioned by the Russian State Duma found that “domestic violence takes place in approximately one out of ten Russian families. Seventy percent of those surveyed report that they have experienced or are experiencing domestic violence: 80% are women, with children and elderly people coming behind, and the effects of domestic violence are often coupled with psychological and economic violence.[[6]](#footnote-7)

Even though domestic violence is extremely prevalent in Russia,[[7]](#footnote-8) Russia does not have adequate laws and legal enforcement mechanisms to discourage, prevent, and protect against domestic violence. In April 2020, the Kremlin “denied that domestic violence was a problem and claimed it had decreased, even as Russian organizations reported they were struggling to keep up with a spike in calls for help.”[[8]](#footnote-9) The law does not provide for protection orders for victims of domestic violence.[[9]](#footnote-10) Threats, assault, battery, and murder are criminalized,[[10]](#footnote-11) but there is no stand-alone offense, or definition, of domestic violence in Russian legislation.[[11]](#footnote-12) There is no law enabling protection orders for victims of potentially life-threatening violence.[[12]](#footnote-13) Even repeated acts of violence against the same victim are not specifically criminalized in Russian law.[[13]](#footnote-14) In 2017, the Russian Parliament passed a “law making any domestic violence that does not cause ‘significant injury’—defined as requiring hospital treatment—an administrative rather than criminal offense. First-time offenders can walk away with fines as low as 5,000 rubles ($88).”[[14]](#footnote-15) Since 1991 when the Soviet Union fell, the Russian Government has “failed to pass more than 40 draft laws to protect victims of violence at home.”[[15]](#footnote-16) According to one journalist, “The dearth of legislation not only allows abusers to go unpunished but also leaves women without access to legal protection.”[[16]](#footnote-17) While domestic abuse is rarely prosecuted, there are reports of women being charged with crimes for their actions to defended themselves from domestic abuse.[[17]](#footnote-18)

Not only do the laws fail to protect victims of domestic violence, but also police and law enforcement often fail to investigate reports of domestic violence. The lack of legal recourse for domestic violence victims may indicate to law enforcement personnel and prosecutors that they do not need to “consider spousal or acquaintance rape a priority.”[[18]](#footnote-19) According to one journalist, “police often refuse to respond to or investigate cases, typically dismissing violence at home as a private matter.”[[19]](#footnote-20)

Sources indicate that domestic violence increased over the last several years, without evidence of a proportionate government response to the situation. The ANNA Center, an antidomestic violence and women’s group NGO based in Russia, reported that “70 percent of the women that called its hotline stated the situation at home worsened during the COVID-19 lockdown. In 2021, Russia’s Justice Ministry added Nasiliu.net, a Russian antidomestic violence group that provides psychological and legal support for women in dangerous situations, to the register of foreign agents; the Anna center was designated a foreign agent in 2016 after Marina Pisklakova-Parker advocated for stronger domestic violence legislation.[[20]](#footnote-21) A 2012 law permits any politically active organization that accepts funds from international donors to be labeled a foreign agent, and requires NGOs on the list to label their websites and printed materials with a foreign agent designation and prevents them from posting resources publically.[[21]](#footnote-22) Labeling the activists as foreign agents also discredits the organizations among the public.[[22]](#footnote-23) Many victims noted they could not leave their homes due to fear of being punished for violating the stay-at-home order.”[[23]](#footnote-24) Calls for help from abuse victims tripled during the COVID pandemic, and many shelters for domestic abuse victims closed because of the pandemic.[[24]](#footnote-25) Despite the dearth of resources for survivors of domestic violence, Russia still drastically “cut funding for anti-domestic violence initiatives following years of dwindling financing in favor of non-government organizations that promote conservative values.”[[25]](#footnote-26) All but one of a dozen domestic violence crisis centers were rejected funding in 2021.

Lack of enforcement is particularly egregious for victims whose perpetrators are connected to the Russian government. Already, more than 35% of victims did not go to the police for assistance, citing shame, fear and mistrust.”[[26]](#footnote-27) Because victims of domestic violence bear the burden of collecting evidence against their alleged perpetrators, they are less likely to bring allegations to the police.[[27]](#footnote-28) If the perpetrator is a government or law enforcement official, however, the victim may be even less likely to seek protection from government authorities for fear of retaliation. For example, Elena Verba had reported domestic violence to police, but “the police took no action because her husband worked in law enforcement,” and six months later, in 2018, “Elena Verba was stabbed 57 times by her husband, who went to work and left the mutilated body for their seven-year-old son to discover.”[[28]](#footnote-29) Because of the corruption in law enforcement agencies, and their reported attempts to commit arbitrary or unlawful killings,[[29]](#footnote-30) victims whose perpetrators are government employees may put themselves in additional danger if they seek protection from enforcement agencies if the victim’s perpetrator uses state violence to punish the victim for seeking help.

Not only may victims of domestic violence face heightened risk if their perpetrator has ties to the Russian government, but general government corruption may also deter or endanger those individuals seeking recourse through law enforcement. Individuals may be deterred or endangered by seeking protection from law enforcement because of widespread police violence and government corruption in Russia. A U.S. Department of State Human Rights Report found that Russian authorities engaged in arbitrary arrests and detention with impunity.[[30]](#footnote-31) Although citizens have a legal right to challenge unlawful arrests, the report found that such claims were rarely successful.[[31]](#footnote-32) The report found that “corruption was widespread throughout the executive branch,” and “its manifestations included bribery of officials, misuse of budgetary resources, theft of government property,” and other financial crimes.[[32]](#footnote-33) Corruption and bribery undermine the integrity of law enforcement investigations, and are further obstacles to women seeking protection from domestic violence. Transparency International, a global NGO, published a 2021 Corruption Perception Index which scores countries and territories by their perceived levels of public sector corruption according to experts and business people, with 0 representing a highly corrupt country.[[33]](#footnote-34) The average score in the 2021 report is 43, and Russia received a score of 29, which is below both the average regional scores for Eastern Europe & Central Asia (36) and Western Europe & EU (66).[[34]](#footnote-35) According to GAN Integrity, a human rights advocacy organization that publishes a Business Anti-Corruption Portal which is endorsed and sponsored by the European Commission,[[35]](#footnote-36) “corruption is endemic in Russia’s law enforcement.”[[36]](#footnote-37) Corruption and lack of accountability facilitate violence in police departments. Rights groups have reported that excessive force is widespread in police departments, and “law enforcement agents who carry out such abuses have deliberately employed electric shocks, suffocation, and the stretching of a detainee’s body so as to avoid leaving visible injuries.”[[37]](#footnote-38) The threat of physical abuse and the potential for bribery and corruption to obfuscate investigations are further obstacles to domestic violence victims seeking protection from the state.

The capacity for government employee perpetrators to deploy state violence and the high levels of government corruption in Russia facilitate government employees ability to intrude into the private lives of Russian residents and exacerbate the extant risks for domestic violence victims. Law enforcement agencies have “required telecommunications providers to grant the Ministry of Internal Affairs and the FSB, the Russian Federal Security Service, continuous remote access to client databases, including telephone and electronic communications, enabling them to track private communications and monitor internet activity without the provider’s knowledge.”[[38]](#footnote-39) FSB is not required to show proof of a court order to access the information upon request.[[39]](#footnote-40) Furthermore, the Russian “government monitored all internet communications . . . The law requires internet providers to install equipment to route web traffic through servers in the country.”[[40]](#footnote-41) In conjunction with the corruption and abuses of power by state officials, the access to individuals personal searches enables government actors to track and monitor citizens with impunity. Some observers even believe that Russia’s “security services were able to intercept and decode encrypted messages on at least some messaging platforms. The law requires telecommunications providers to provide authorities with ‘backdoors’ around encryption technologies.” In addition to using private corporations to survey the population, the Russian government has been expanding its use of facial recognition technology, without any over sight or data protection practices.[[41]](#footnote-42) Several digital rights groups have expressed concern about the human rights implications of Russia’s facial recognition practices.[[42]](#footnote-43)

**II. LGBTQ+ people in Russia are at great risk of state-sponsored violence.**

LGBTQ individuals both in Chechnya and outside are at significant risk of state sponsored violence and discrimination. Recent legal changes have deprived LGBTQ people of the right to marry and increased anti LGBTQ discrimination, including “constitutional amendments that were approved in the 2020 referendum and enacted in April 2021 formally defined marriage as a union between a man and a woman, both reflecting and deepening the systemic challenges LGBT+ people face in pursuing their political interests.”[[43]](#footnote-44) Public discussion of homosexuality has been illegal in Russia since a 2013 federal law in banning the dissemination of information on “nontraditional sexual relationships,” was enacted.[[44]](#footnote-45) In 2013, LGBTI activist and artist Yuliya Tsvetkova was fined “for social media posts and drawings depicting same sex couples with their children, rainbow colored cats, and matryoshka dolls holding hands.”[[45]](#footnote-46) Journalist and Russian LGBTQ activist Maha Gessen said that LGBTQ Russians are “living through an all-out hatred campaign that’s been unleashed by the Kremlin,” following the 2013 law.[[46]](#footnote-47) In 2015, Moscow city officials refused to authorize a gay rights rally for the tenth consecutive year, then forcibly detained activists at the unauthorized rally.[[47]](#footnote-48)

The Russian government has violated its duty to protect individuals against private violence by siding with perpetrators of anti LGBTQ violence in Chechnya.[[48]](#footnote-49) An Open Letter by Human Rights Watch, Amnesty International, and Front Line Defenders addressed to the President of the Russia Federation criticized reported ceremonies of handing illegally arrested LGBTI people to their families and “asking them to wash away the shame which in a number of cases resulted in honor killings.”[[49]](#footnote-50) In November 2018, 16 participating states of the Organization for Security and Co-Operation in Europe (OSCE) issued a report which concluded that “Chechen authorities persecute LGBT people, attack human rights defenders, and carry out torture and other blatant abuses, while the Russian government ‘appears to support the perpetrators rather than the victims’ in Chechnya.”[[50]](#footnote-51)

1. Amnesty International, Amnesty International Report 2021-22, p. 312 available at https://www.amnesty.org/en/location/europe-and-central-asia/russian-federation/report-russian-federation/. [↑](#footnote-ref-2)
2. 65% of Women Murdered in Russia Killed By Partners or Relatives – Study, The Moscow Times (Aug. 18, 2021), available at https://www.themoscowtimes.com/2021/08/18/65-of-women-murdered-in-russia-killed-by-partners-or-relatives-study-a74825. [↑](#footnote-ref-3)
3. *Id.*  [↑](#footnote-ref-4)
4. “In comparison, the share of women killed by their partners is 29% in Europe, 38% in Africa 38% and 42% in Oceania.” *Id.* [↑](#footnote-ref-5)
5. *Id.* (“Another 2,341 women in Russia, or 13% of women killed, died at the hands of family members. The 65.8% rate of murders at the hands of loved ones is well above the global average and places Russia among countries like Iran, Yemen, Liberia and the United Arab Emiates, the study said.”) [↑](#footnote-ref-6)
6. Alexey Yurtaev, *Inside the fight over Russia’s domestic violence law*, Open Democracy (Feb. 17, 2020), available at https://www.opendemocracy.net/en/odr/russia-domestic-violence-law/. [↑](#footnote-ref-7)
7. Madeline Roache, *Russia’s Leaders Won’t Deal With a Domestic Violence Epidemic. These Women Stepped Up Instead*, Time (March 3, 2021), p. 3-4 available at https://time.com/5942127/russia-domestic-violence-women/ [hereinafter Roache, *Russia’s Leaders Won’t Deal*] (“A fifth of all Russian women have been physically abused by a partner, and an estimated 14,000 women in the country die as a result of domestic violence each year—more than nine times the number of deaths in the U.S., though Russia’s population is less than half the size.”) [↑](#footnote-ref-8)
8. *Id.* [↑](#footnote-ref-9)
9. U.S. Dep’t of State, Russia 2020 Human Rights Report, at 57, (Mar. 30, 2021), available at https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/russia/ [hereinafter U.S. State Dep’t 2020 Human Rights Report]. [↑](#footnote-ref-10)
10. *Id.* [↑](#footnote-ref-11)
11. Yulia Gorbunova, *Russia’s Deadly Negligence of Domestic Violence*, Human Rights Watch (Mar. 8, 2021), available at https://www.hrw.org/news/2021/03/08/russias-deadly-negligence-domestic-violence. [↑](#footnote-ref-12)
12. *Id.* [↑](#footnote-ref-13)
13. ANNA – Centre for the Prevention of Violence, Domestic Violence Against Women in the Russian Federation, p. 5, (Oct. 2015), available at https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/RUS/INT\_CEDAW\_NGO\_RUS\_21870\_E.pdf. [↑](#footnote-ref-14)
14. *Id.* [↑](#footnote-ref-15)
15. Roache, *Russia’s Leaders Won’t Deal*. [↑](#footnote-ref-16)
16. *Id.* [↑](#footnote-ref-17)
17. U.S. State Dep’t 2020 Human Rights Report, at 57-58, (“There were reports that women defending themselves from domestic violence were charged with crimes. According to a MediaZona study, approximately 80 percent of women sentenced for murder between 2016 and 2018 killed a domestic abuser in self-defense.”) [↑](#footnote-ref-18)
18. *Id.* at 57. [↑](#footnote-ref-19)
19. Roache, *Russia’s Leaders Won’t Deal* at 4. [↑](#footnote-ref-20)
20. Samantha Berkhead, Uliana Pavlova, *Branded Foreign Agents, Russia’s Domestic Violence Groups Fear for the Future*, The Moscow Times (Mar. 11, 2021 ), https://www.themoscowtimes.com/2021/03/11/branded-foreign-agents-russias-domestic-violence-groups-fear-for-the-future-a73212. [↑](#footnote-ref-21)
21. *Id.* [↑](#footnote-ref-22)
22. *Id.* [↑](#footnote-ref-23)
23. U.S. State Dep’t 2020 Human Rights Report at 57. [↑](#footnote-ref-24)
24. *Id.* [↑](#footnote-ref-25)
25. *Russia Cuts Funding for Domestic Violence Initiatives – Reports*, The Moscow Times at 2, (Jan. 21, 2021), available at https://www.themoscowtimes.com/2021/01/21/russia-cuts-funding-for-domestic-violence-initiatives-reports-a72680. [↑](#footnote-ref-26)
26. U.S. State Dep’t 2020 Human Rights Report. [↑](#footnote-ref-27)
27. *Id.* [↑](#footnote-ref-28)
28. Olimpiada Usanova, Kennan Cable No. 53: *Russia’s “Traditional Values” and Domestic Violence*, Kennan Institute, available at https://www.wilsoncenter.org/publication/kennan-cable-no-53-russias-traditional-values-and-domestic-violence. [↑](#footnote-ref-29)
29. U.S. State Dep’t 2020 Human Rights Report. [↑](#footnote-ref-30)
30. *Id.* [↑](#footnote-ref-31)
31. *Id.* [↑](#footnote-ref-32)
32. *Id.* [↑](#footnote-ref-33)
33. Transparency International, Corruption Perceptions Index, at p.4-5 (2021), available at https://images.transparencycdn.org/images/CPI2021\_Report\_EN-web.pdf. [↑](#footnote-ref-34)
34. *Id.* at 3, 11. [↑](#footnote-ref-35)
35. *5 Things You Should Know about GAN Integrity*, GANIntegrity (2020) https://learn.ganintegrity.com/resources/5-things-you-should-know-gan-integrity?utm\_source=resources&utm\_medium=website&utm\_campaign=5-5hings-ebk. [↑](#footnote-ref-36)
36. GAN Integrity, Russia Corruption Report, available at https://www.ganintegrity.com/portal/country-profiles/russia/. [↑](#footnote-ref-37)
37. Freedom House, Freedom in the World 2022, Russia, available at https://freedomhouse.org/country/russia/freedom-world/2022. [↑](#footnote-ref-38)
38. U.S. State Dep’t 2020 Human Rights Report at 57. [↑](#footnote-ref-39)
39. *Id.*  [↑](#footnote-ref-40)
40. *Id.* [↑](#footnote-ref-41)
41. Human Rights Watch, *Russia: Broad Facial Recognition Use Undermines Rights*, (Sept. 15, 2021), available at https://www.hrw.org/news/2021/09/15/russia-broad-facial-recognition-use-undermines-rights. [↑](#footnote-ref-42)
42. *Id.* [↑](#footnote-ref-43)
43. Freedom House, *Freedom in the World 2022, Russia*, at 8, available at https://freedomhouse.org/country/russia/freedom-world/2022. [↑](#footnote-ref-44)
44. U.S. State Dep’t 2020 Human Rights Report at 25-26. [↑](#footnote-ref-45)
45. *Id.* [↑](#footnote-ref-46)
46. *Russian Gay Activist’s Plea: ‘Get Us the Hell Out of Here’*, Huffington Post, (Feb. 2, 2016) https://www.huffpost.com/entry/russian-gay-activists-plea-get-us-the-hell-out-of-here\_b\_3881059. [↑](#footnote-ref-47)
47. *Russian Gay Activists Detained After Unsanctioned LGBT Rights Rally in Moscow,* Huffington Post, (May 30, 2015), https://www.huffpost.com/entry/russia-gay-rights-rally-\_n\_7475404. [↑](#footnote-ref-48)
48. *Open Letter by Human Rights Watch, Amnesty International and Front Line Defenders to the President of the Russian Federation, Vladimir Putin*, Human Rights Watch (Aug. 28, 2018), at 19, https://www.hrw.org/news/2018/08/28/open-letter-human-rights-watch-amnesty-international-and-front-line-defenders. [↑](#footnote-ref-49)
49. *Id.* [↑](#footnote-ref-50)
50. *Russia: New Wave of Anti-LGBT Persecution*, Human Rights Watch (Feb. 15, 2019), https://www.hrw.org/news/2019/02/15/russia-new-wave-anti-lgbt-persecution. [↑](#footnote-ref-51)