

# JUSTICE FOR RUSSIAN WOMEN? RUSSIA BEGINS TO FACE ITS DOMESTIC VIOLENCE PROBLEM

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## INTRODUCTION

As a member of the U.S.-Russia Social Expertise Exchange Gender Equity Working Group, I traveled to Russia in March 2014 to share experiences and approaches in addressing violence against women. Over the course of the month-long trip, I met with dozens of representatives from nonprofits, college and graduate students, faith-based organizations, municipally funded and private shelters, and officials from local and regional government structures in Rostov-on-Don, Moscow, and Nizhny Novgorod.

While meeting directly with community leaders, several themes emerged regarding Russia's response to domestic violence. First, the Russian government is keenly aware of the horrifying shortcomings in the response of law enforcement and government bodies to domestic violence. Second, despite these shortcomings, the issue of violence against women is gaining public attention and, as a result, resources are being devoted to combating domestic violence. Finally, the approach to assisting victims of domestic violence is not explicitly women-centered and, in fact, does little to acknowledge or address the misogyny and patriarchy underlying violence against women. As such, feminism is a dirty word in Russia to a far greater extent than in the United States, and even women's rights advocates frequently conceptualize women who identify as

feminists as actively man-hating. Such a resistance to the idea of equality between genders has made protecting survivors of domestic violence a serious challenge in Russia.

The measures that Russian advocates and policymakers are taking toward addressing domestic violence must be seen in the context of the existing systems of response—or lack thereof. They must also be seen in the context of Russia's existing obligations under international human rights law. Domestic violence infringes on the dignity and human rights of the individual, leaving devastating physical, psychological, and social effects on its victims and their families. The right to life and to bodily integrity are core fundamental human rights protected under international law, and international human rights law recognizes that states are obligated to undertake both negative and positive measures to combat domestic violence within the private realm to ensure that the safety and dignity of women are always respected, protected, and fulfilled.<sup>2</sup>

Russia is a signatory to both the Convention on the Elimination of All Forms of Discrimination Against Women (“CEDAW”) and its Optional Protocol. As a result of its signature, Russia is legally obligated to refrain from acts that would defeat the object and purpose of the treaty per Article 18 of Vienna Convention on the Law of Treaties. Under Article 2 of CEDAW, states must condemn and eliminate discrimination perpetrated by private individuals as well as the government. Furthermore, in General Recommendation No. 19 adopted by the Committee on the Elimination of Discrimination against Women, gender-based violence was defined as a serious form of discrimination. Article 3 of CEDAW encapsulates these obligations, mandating that States Parties take “all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.”<sup>3</sup> In addition, Article 5 holds States Parties accountable for any social and cultural patterns that discriminate or are prejudicial against women and requires the states take all appropriate

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<sup>2</sup> See, e.g., COLUMBIA LAW SCH., HUMAN RIGHTS CLINIC & SEXUALITY & GEND. LAW CLINIC, Human Rights & Domestic Violence: An Advocacy Manual 36, 59-60 (2010).

<sup>3</sup> Convention on the Elimination of All Forms of Discrimination Against Women, *opened for signature* Mar. 1, 1980, 1249 U.N.T.S. 14.

measures to modify such practices. Thus, Russia is required under its international legal obligations to protect women not only in the public sphere, but also in the private sphere, where domestic violence is found to be pervasive.

## PERVASIVENESS OF THE PROBLEM

The Russian government does not gather comprehensive data on domestic violence in Russia; therefore, it is difficult to gather exact data on the number of Russian women who suffer physical and sexual abuse from a partner. However, although statistics are incomplete, the Interior Ministry of Russia has published data showing that violence in at least one of its forms is found in nearly one in four Russian families.<sup>4</sup> Other studies place the numbers much higher. In a study of 2,200 people conducted in fifty towns and cities across Russia, seventy percent of women said they had been subjected to at least one form of violence (physical, sexual, economic, or psychological) by their husbands, and thirty-six percent experienced both physical and psychological violence.<sup>5</sup> Furthermore, around 14,000 women are murdered annually by their husbands or other intimate partners, accounting for approximately two thirds of all intentional homicides.<sup>6</sup> Up to forty percent of serious violent crimes take place within the family.<sup>7</sup> Approximately 36,000 women are beaten every day in Russia by their husbands.<sup>8</sup> Russian women are 2.5 times more likely than American women and 5 times more likely than Western European women to be killed by their husband or

partner.<sup>9</sup> Russia was ranked the seventh worst country in which to be a woman in Thompson Reuters Foundation's 2012 report on G20 nations, worse than Turkey and just above China.<sup>10</sup>

Victims of domestic violence report that they face extreme difficulty obtaining any sort of assistance from the police. The police frequently refuse to take complaints from victims, refuse to investigate complaints, or issue baseless refusals to bring charges even when a crime clearly took place.<sup>11</sup> Police are reluctant to intervene in what they perceive to be internal family matters<sup>12</sup> and will often refuse to take reports or discourage victims from filing reports.<sup>13</sup> The UN Committee against Torture observed that many law enforcement officers who receive survivors seeking to file criminal complaints of domestic violence are instead compelling victims to participate in "reconciliation processes" with their abuser.<sup>14</sup> If a victim reconciles—or appears to reconcile—with her abuser, the case must be dropped.<sup>15</sup> Placing the decision to prosecute on victims allows the suspect to abuse and pressure the victim into withdrawing a report and refusing to prosecute. In addition to direct intimidation from the abuser, women are frequently economically

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<sup>4</sup> *Influence of Family Violence on Women's and Children's Health*, STATE DUMA HEALTH SERVS. COMM. (Sept. 20, 2012), <http://www.komitet2-2.km.duma.gov.ru/site.xp/052057124049049057050.html> (citing 2008 interview by General Lieutenant of the Police Mikhail Artamoshkin, acting head of the Department for the Preservation of Public Order of the Interior Ministry of Russia) (noting that this title, and later titles also in Russian, have been translated into English).

<sup>5</sup> Amnesty Int'l, *Russian Federation: Nowhere to turn to: Violence against women in the family*, AI Index EUR 46/056/2005 (Dec. 14, 2005).

<sup>6</sup> *Id.* (comparing this with Interior Ministry statistics which state that 12,000 women are murdered annually); see also *Domestic Violence in Russia: Statistics on Violence in Russian Families*, RIA NOVOSTI, Jan. 29, 2013, <http://ria.ru/infografika/20130129/920211298.html>.

<sup>7</sup> *Domestic Violence in Russia: Statistics on Violence in Russian Families*, *supra* note 6.

<sup>8</sup> *Id.*

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<sup>9</sup> Ivan Egorov, *A Beaten Woman: Only 3% of Domestic Violence Cases Make It To Court*, ROSSIISKAIA GAZETA, Apr. 17, 2012, <http://www.rg.ru/2012/04/17/nasilie.html>.

<sup>10</sup> Katherine Baldwin, *Canada best G20 country to be a woman, India worst*, REUTERS, June 13, 2012, <http://in.reuters.com/article/2012/06/13/g20-women-idINDEE85C00420120613>.

<sup>11</sup> U.S. Dep't of State, Bureau of Democracy, Human Rights and Labor [hereinafter "U.S. Dep't of State"], *Russia 2012 Human Rights Report*, 43 (2012); U.N. Comm. against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, *Concluding observations of the Fifth Periodic Report of the Russian Federation*, CAT/C/RUS/CO/5 (Dec. 11, 2010); *Russian Federation: Nowhere to turn to: Violence against women in the family*, *supra* note 5, at 30-32.

<sup>12</sup> ANNA NAT'L CTR. FOR THE PREVENTION OF VIOLENCE, *VIOLENCE AGAINST WOMEN IN THE RUSSIAN FEDERATION* 7 (July, 2010) ("Women victims of domestic violence repeatedly stressed the fact that they face extreme difficulty in obtaining a response to their appeal for help from the police").

<sup>13</sup> *Nowhere to turn to: Violence against women in the family*, *supra* note 5, at 32-33.

<sup>14</sup> U.N. Comm. against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, *supra* note 11, at 7.

<sup>15</sup> ANNA NAT'L CTR. FOR THE PREVENTION OF VIOLENCE, *supra* note 12, at 11.

dependent upon their abusers, have nowhere else to go, and feel immense cultural pressure to preserve the family at any cost. As a result, nine out of ten cases are terminated because of the ostensible reconciliation of the parties.<sup>16</sup>

Although protective orders have been effective around the world in preventing violent crimes, Russian law contains no provision by which a civil or criminal court can issue a restraining order or protective order.<sup>17</sup> Perhaps the lack of protective orders can be attributed to the fact that there is no law in Russia defining or specifically criminalizing domestic violence.<sup>18</sup> Instead, acts of domestic violence must be prosecuted under criminal provisions for assault, battery, and other crimes. Furthermore, most acts of domestic violence do not fall within the jurisdiction of the Prosecutor's Office. This is in part because acts of domestic violence are often classified as crimes under Article 112 (intentional infliction of moderate harm); Article 115 (intentional infliction of minor harm); and Article 116 (battery) of the Russian Criminal Code.<sup>19</sup> Offenses charged under these articles must generally be privately prosecuted. Private prosecution cases may only be initiated on the basis of the statement of the injured party who must file a complaint in the magistrate court. The injured party must then act as prosecutor and observe all legal procedural requirements, regardless of education and without a right to appointed counsel.<sup>20</sup> As a result, the number

of complaints, investigations, and prosecutions of acts of domestic violence is very small.<sup>21</sup> According to statistics of the Russian Interior Ministry, ninety-seven percent of domestic violence cases do not make it to court.<sup>22</sup>



Moscow Crisis Center Entrance—note the total lack of security. This is a brand-new center that opened in March 2014. Staff are enthusiastic but many seem to lack basic knowledge of dynamics of DV. Photo credit: Joy Ziegeweid

In Russia, there are around forty crisis shelters for women, funded largely by local governments. However, about ninety percent of those shelters are municipally funded and thus are required by municipal regulations to only serve women who have a local *propiska*, or residence registration stamp.<sup>23</sup> Furthermore, few of these shelters are exclusively for victims of domestic violence, and few have staff trained in domestic violence issues. These shelters, which provide only a few hundred beds—for a population of 140 million—are woefully insufficient. As a point of comparison, New York

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<sup>16</sup> *Id.*

<sup>17</sup> ANNA NAT'L CTR. FOR THE PREVENTION OF VIOLENCE, *supra* note 12, at 13; *Nowhere to turn to: Violence against women in the family*, *supra* note 3, at 35-36.

<sup>18</sup> U.S. Dep't of State, *supra* note 11, at 38; U.N. Comm. against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, *supra* note 11, at 7; ANNA NAT'L CTR. FOR THE PREVENTION OF VIOLENCE, *supra* note 12, at 9; *Nowhere to turn to: Violence against women in the family*, *supra* note 3, at 11; Amnesty Int'l, *Human Rights in Russian Federation* (2010) (providing the unindexed report at <http://www.amnesty.org/en/region/russia/report-2010>).

<sup>19</sup> ANNA NAT'L CTR. FOR THE PREVENTION OF VIOLENCE, *supra* note 12, at 10; *Nowhere to turn to: Violence against women in the family*, *supra* note 3, at 12-13.

<sup>20</sup> ANNA NAT'L CTR. FOR THE PREVENTION OF VIOLENCE, *supra* note 12, at 11, 14 ("To serve as a prosecutor assumes knowledge of the prosecution process, the foundations of criminal law, the rules of gathering and presenting evidence. It is obvious that ordinary citizens do not possess such knowledge, and therefore are unable to properly present their case in court").

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<sup>21</sup> U.N. Comm. against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, *supra* note 11, at 7.

<sup>22</sup> Egorov, *supra* note 9.

<sup>23</sup> *Human Rights in Russian Federation*, *supra* note 18 (explaining how Russian citizens—as well as foreigners—are only legally present if they are registered, whether temporarily or permanently, in that region. Access to education and health care, as well as many other services, is predicated upon valid registration. Therefore, it is not surprising that a municipal service like a shelter would also require valid registration, although such a requirement illustrates the low level of understanding of dynamics of domestic violence among public officials in Russia.).

City has approximately 2,200 shelter beds for a population of eight million, and they are full every night.<sup>24</sup> While staff members at some Russian shelters will look the other way and briefly house a woman without a local residence stamp, that is utterly dependent on staff willingness to bend the rules—which may endanger local municipal funding.<sup>25</sup>

The Russian government itself acknowledges that it has no coordinated, formal, nation-wide programs to address the scourge of domestic violence and acknowledges that the few specific domestic violence programs and initiatives that exist are spearheaded by civic organizations, not the government.<sup>26</sup> Services are extremely limited and underfunded, and existing civic organizations rely heavily on volunteer and *pro bono* services.

## TENTATIVE STEPS TOWARD CHANGE

Despite the overall grim picture, there are some rays of hope. There has been a slight increase in services—particularly shelters—for victims of domestic violence in recent years. Although the approximately forty shelters available for victims of domestic violence are still far too few for a country with a population of 140 million, it is a vast improvement from just a few years ago when there were only twenty-three shelters.<sup>27</sup> The country's largest crisis center for women and children, with an 80-bed shelter, opened in Moscow in March 2014. Also in March, the Regional Ministry of Social Policy of the Nizhegorodsky Region announced that it had allocated funds for a three-bedroom shelter to

open in Nizhny Novgorod, the regional capital, in summer 2014—the first domestic violence shelter ever in Nizhny Novgorod, Russia's fifth-largest city.

There is increasing media attention paid to the issue, including in state-run media outlets.<sup>28</sup> While in Nizhny Novgorod and Rostov-on-Don, our delegation and the local advocates hosting us were interviewed multiple times by local print and television media about domestic violence response in the United States and Russia. Most of the news articles and TV segments have a sympathetic tone and seem to be aimed at informing the community about a serious issue that must be addressed. The increasing attention is in large part thanks to the efforts of activists who have continued efforts at education and service provision despite huge obstacles. As in the United States and elsewhere, high-profile intimate-partner murders in recent years have drawn attention to the issue.<sup>29</sup>

Perhaps most significant, through 2013, a working group chaired by attorneys Alexei Parshin and Mari Davtyan met to draft a new federal law addressing domestic violence. In addition to Parshin and Davtyan, attorneys who have extensive experience litigating private prosecutions and family law cases *pro bono* for domestic violence victims, the working group was composed of other attorneys, State Duma deputies (legislators), representatives from the Ministry of Labor, and representatives from the police.

The draft law places its primary focus on prevention, rather than punitive measures, and it is concerned with civil remedies, not criminal prosecution. For the first time, protective orders would be available to victims for up to eighteen months and would include provisions forbidding the abuser from contacting the victim, revoking an abuser's gun license, mandating that the abuser return any possessions taken from the victim, and compensating the victim for expenses like rent if she

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<sup>24</sup> N.Y.C. Mayor's Office to Combat Domestic Violence, *Domestic Violence Annual Fact Sheet 2013* (2013), [http://www.nyc.gov/html/ocdv/downloads/pdf/Statistics\\_Annual\\_Fact\\_Sheet\\_2013.pdf](http://www.nyc.gov/html/ocdv/downloads/pdf/Statistics_Annual_Fact_Sheet_2013.pdf).

<sup>25</sup> Kirill Chagin & Raymond J. Struyk, *Russian Nonprofits as Contracted Providers of Municipal Social Services: Initial Experience*, THE URBAN INSTITUTE 3-5 (2001), <http://www.urban.org/UploadedPDF/410467.pdf>

(explaining how the government is responsible for funding social service providers, making the government capable of revoking this same funding).

<sup>26</sup> Statement of M.A. Topilin, Chairman of the Del. of the Russ. Fed'n at the 46th Session of the Comm. on the Elimination of Discrimination Against Women 4, 8-9 (July 15, 2010) (transcript available at [http://www2.ohchr.org/english/bodies/cedaw/docs/statement/Russian\\_Federation46-statement.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/statement/Russian_Federation46-statement.pdf)).

<sup>27</sup> U.S. Dep't of State, *supra* note 11; *Influence of Family Violence on Women's and Children's Health*, *supra* note 4; ANNA NAT'L CTR. FOR THE PREVENTION OF VIOLENCE, *supra* note 12, at 8, 16.

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<sup>28</sup> See, e.g. Egorov *supra* note 9; see also *Domestic Violence in Russia: Statistics on Violence in Russian Families*, *supra* note 6.

<sup>29</sup> See generally *Project O.G.I. Co-Founder Charged With Wife's Murder*, MOSCOW TIMES (Jan. 13, 2013), <http://www.themoscowtimes.com/news/article/project-ogi-co-founder-charged-with-wifes-murder/473837.html>

(showing an instance of domestic violence where a well-known Moscovn restaurateur and opposition activist was charged with the murder of his wife, a journalist. The case brought a flurry of attention to the issue of domestic violence.).



had to leave a joint residence. Abusers would be encouraged to enter corrective programs—like batterers intervention programs—voluntarily, and if they refuse or if they continue to abuse victims, programs would become mandatory. At present, there are no batterers intervention programs, and they would need to be established nationwide. Every region would be required to have shelter space available for victims.

The draft law would eliminate private prosecution for domestic violence crimes that fall under Articles 115 and 116 of the Criminal Code and mandate that state prosecutors have jurisdiction for such crimes. The draft law was submitted to the Ministry of Labor in early 2014. On July 8, 2014, the Presidential Council on Human Rights held a special session at which the council heard several presentations on the topic of the legal and social response to domestic violence. Parshinand Davtyan presented the draft law for discussion.<sup>30</sup> Following the session, the Council formally recommended that the State Duma pass the law. It also recommended that the Ministry of Labor improve the functioning of social services for domestic violence victims and create additional crisis centers.<sup>31</sup> The Duma has not yet taken action on the law, however.

The draft law would begin to make progress toward meeting Russia's obligations to respect the provisions of CEDAW, particularly Articles 2 and 3. The passage of a new law alone, however, is not enough to bring Russia into full compliance with CEDAW. Under Articles 2(f) and 5(a), Russia must also modify or abolish customs and social and cultural patterns that are prejudicial or discriminate against women in order to address the present impunity for domestic violence.

At the time of Russia's last statement to the 46th session of the Committee on the Elimination of Discrimination Against Women ("CEDAW Committee") in 2010, Russia was sharply criticized for its inadequate response to the problem of violence against women and strongly encouraged to pass a

comprehensive law on domestic violence.<sup>32</sup> Several Russian NGOs, including the Anna Centre for the Prevention of Violence, the Novgorod Gender Center, the LGBT Network, and the Consortium of Women's Non-Governmental Organizations, submitted shadow reports.<sup>33</sup> Russia was due to submit another report to the CEDAW Committee this year. After preparation of the draft, the report was discussed among NGOs and government actors in Russia.<sup>34</sup> The report was submitted to the Committee in August 2014.<sup>35</sup> It includes one paragraph that briefly discusses the draft law. It states only that the draft was examined by the executive branch and discussed at Duma hearings and at a special session of the Human Rights Council, and is presently being further refined, taking into account comments and feedback.<sup>36</sup>

In addition to the 2010 report, in February 2014, the CEDAW Committee made its first-ever communication to the Russian government of a complaint about inadequate domestic violence response in the Russian Federation, which may be further stimulus to action by the government.<sup>37</sup> This communication is highly significant, as Russia is a signatory to the CEDAW Optional Protocol, which provides procedures by which individuals and groups can submit complaints to the CEDAW Committee about violations of women's human rights in signatory countries. Under Article 6.2 of the Protocol, the Russian government has six months upon receipt of the Committee's communication to respond to the allegations, and if the Committee finds

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<sup>30</sup> *The International Convention and Draft Law on Prevention of Domestic Violence Discussed at a Special Session of the HRC [Human Rights Council]*, PRESIDENTIAL COUNCIL (Russ.) (July 8, 2014), <http://www.president-sovet.ru/news/6542/>.

<sup>31</sup> *HRC Prepared Recommendations for the Prevention of Domestic Violence*, GARANT LEGAL PORTAL, July 25, 2014, <http://www.garant.ru/news/555478/>.

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<sup>32</sup> U.N. CEDAW, July 12-30, 2010, concluding observations, CEDAW/C/USR/CO/7 (July 15, 2010), available at <http://www2.ohchr.org/english/bodies/cedaw/cedaws46.htm>.

<sup>33</sup> *Id.*

<sup>34</sup> Correspondence from author (Sept. 8, 2014) (on file with author).

<sup>35</sup> U.N. Comm. on the Elimination of All Forms of Discrimination against Women, *Eighth Periodic Report of the Russian Federation*, CEDAW/C/RUS/8 (Aug. 15, 2014).

<sup>36</sup> *Id.* ¶ 105, at 21.

<sup>37</sup> *UN Women's Rights Committee will Consider the First Case on Domestic Violence from Chechnya Previously Rejected by the European Court*, STITCHING RUSSIAN JUSTICE INITIATIVE (Feb. 21, 2014), <http://www.srji.org/en/news/2014/02/un-women-s-rights-the-first-case-on-domestic-violence-from-chechnya/>.

that Russia has violated its obligations under CEDAW, the Committee will communicate its views and recommendations to the parties. Then, under Article 7.4, Russia has another six months in which to respond in writing, “including information on any action taken in the light of the views and recommendations of the Committee.” The Committee may invite Russia to submit further information in its obligatory reports under Article 18 of the Convention.

## WOMEN, OR... WOMEN AND CHILDREN, OR... JUST CHILDREN?

While Russia’s overall systemic response to domestic violence is not well developed, there are some interesting and effective models already in place in the child welfare system that employ interagency cooperation, shelters and transitional housing, and a holistic services approach—very similar to holistic models for domestic violence service provision in the United States.

For example, in Nizhny Novgorod, there is a children’s shelter called Ulybka (Smile) that is run under the auspices of the municipal authorities as part of their child welfare and social services agencies. The shelter is for children whose parents are currently being investigated by child welfare authorities or whose families are otherwise in crisis. The shelter has psychologists, art therapy, a nurse, transport to take the children to their regular schools, playrooms, playground equipment, homework tutoring, etc. The shelter works in tandem with child welfare authorities, schools, courts, families, and nonprofits, including the Nizhegorodsky Women’s Crisis Center, Nizhny Novgorod’s only nonprofit devoted to serving domestic violence victims.



Roundtable in Nizhny Novgorod held on March 14, 2014. The Regional Ministry of Social Policy announced that it had purchased a three-bedroom apartment to open a shelter, jointly run with the Women’s Crisis Center, the only nonprofit dealing with domestic violence in Nizhny Novgorod. The author is sixth from the left. Photo credit: Tatyana Bondarchuk.

However, although shelter staff say that intimate partner violence is present in the majority of the families they work with, they do not specifically address domestic violence with the children nor do they work with the parents on these issues. In fact, they offer few resources or referrals to parents (victims or batterers).

While it was heartening to observe the strong programs for children who have been victims of or witnesses to family violence, it was troubling to observe the limited framework devoted to the core issue of domestic violence. For example, on this international exchange devoted to issues of gender equity and violence against women, we met more often with child welfare specialists than domestic violence specialists. As the founder of the Rostov Regional Resource Center for the Prevention of Violence in Rostov-on-Don said bluntly, she realized a few years ago that it was impossible to win any governmental or private grants by talking about women, so she has taken the approach of talking about children as an indirect route to talking about domestic violence. As a short-term strategy it makes sense and is better than nothing, but a woman’s parental status should not determine whether she is able to receive help to escape violence in the home.

## CONCLUSION

In order for real progress to be made, domestic violence in Russia must be discussed as a freestanding issue—not just an adjunct to child abuse or child welfare—and as a women’s issue. Although Russian advocates have been reluctant to frame domestic violence as a feminist issue, it has been shown that the most effective long-term societal and policy changes around violence against women take place in the context of strong mobilization of explicitly feminist movements in a vibrant civil society.<sup>38</sup> With the draft law submitted to the Duma, and the first case before the CEDAW Committee on the basis of Russia’s assent to CEDAW’s Optional Protocol, Russia is facing increased pressure to modify its approach to domestic violence and take violence against women more seriously.

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<sup>38</sup> Mala Htun & S. Lauren Weldon, *The Civic Origins of Progressive Policy Change: Combating Violence against Women in Global Perspective, 1975–2005*, 106 AM. POL. SCI. REV. (Aug. 2012).