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**Domestic Violence from an Interdisciplinary
Perspective: a case of Russia**

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Abstract

This thesis explores Domestic Violence from an interdisciplinary approach, from both a social and legal perspective, to provide a holistic analysis of Domestic Violence in its entirety, as well as for its case study: the Russian Federation. The thesis examines the importance of discourse as to how Domestic Violence is understood and the dominant narratives that this enlists, whilst also providing a legal focus on how Domestic Violence has been approached at both the International and European level, with particular attention awarded to the role of the European Court of Human Rights. In relation to the thesis' case study, Russia, the various factors contributing to why Domestic Violence is such a pressing issue are discussed at depth, as well as Russia's deeply problematic legal approach towards Domestic Violence. Finally, attention is awarded to how both Russian and International media have portrayed specific high profile Domestic Violence incidents within Russia.

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List of Abbreviations

CAT – Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

CEDAW – Convention on the Elimination of All Forms of Discrimination Against Women

CoE – Council of Europe

DV – Domestic Violence

ECHR – European Convention of Human Rights

ECtHR – European Court of Human Rights

EU – European Union

GREVIO – Group of Experts on Action against Violence against Women and Domestic Violence

ICCPR – International Covenant on Civil and Political Rights

ICESCR – International Covenant on Economic, Social and Cultural Rights

UN – United Nations

UDHR – Universal Declaration of Human Rights

VAW – Violence Against Women

Introduction

Since January of this year, 2020, the world has been trying to grapple with the emergence and spread of the coronavirus, which has become a global pandemic. However, what has received scarce attention in comparison is that within the same timeline, the occurrence and prevalence of Domestic Violence (hereafter, DV) has soared, transforming DV into what the UN refers to as the world's 'Shadow Pandemic'¹. At one point 3.9 billion people, half the world's population, had been ordered to stay at home by their governments², meaning that half the globe were confined within their homes, and therefore families, including both DV victims and perpetrators, have been spending prolonged periods of time confined to just their domestic setting. The unintended albeit unsurprising consequence of this has been a drastic rise in incidents of DV, reflected by countries across the world reporting a dramatic increase in calls to DV helplines³. It has been estimated that during their respective lockdowns a 20% increase in DV has occurred in all UN member States, which is most likely an underestimation⁴. Alongside the lockdowns increasing the incidence of violence itself, the coronavirus has also had an adverse impact through leading to a reduction in global and national prevention and protection efforts and services for victims of DV⁵. Therefore, whilst lockdowns have led to violence within the home becoming "more frequent, more severe and more dangerous"⁶, the much-needed essential support services are in more limited supply. Indeed, a tentative argument could be made that our collective vulnerability to DV has never been higher, and neither has the actual prevalence of DV. Hence, now is a time when

¹ Mlambo-Ngcuka, Statement by Executive Director of UN Women, <<https://www.unwomen.org/en/news/stories/2020/4/statement-ed-phumzile-violence-against-women-during-pandemic>> Accessed 12 June 2020.

² Sanford, A. (2020) 'Coronavirus: Half of humanity now on lockdown as 90 countries call for confinement', euronews, <<https://www.euronews.com/2020/04/02/coronavirus-in-europe-spain-s-death-toll-hits-10-000-after-record-950-new-deaths-in-24-hou>> Accessed 22 May 2020.

³ Wagers, 'Domestic violence growing in wake of coronavirus outbreak', The Conversation, <<https://theconversation.com/domestic-violence-growing-in-wake-of-coronavirus-outbreak-135598>> Accessed 12 June 2020.

⁴ UNFPA, 'Impact of the COVID-19 Pandemic on Family Planning and Ending Gender-based Violence, Female Genital Mutilation and Child Marriage'

⁵ Ibid.

⁶ Taub, 'A New Covid-19 Crisis: Domestic Abuse Rises Worldwide', NY Times, <<https://www.nytimes.com/2020/04/06/world/coronavirus-domestic-violence.html>> Accessed 12 June 2020.

research on DV is as needed and necessary as ever, to shine a spotlight on how the phenomenon remains a pressing issue that warrants both attention and action.

This thesis will provide a critical assessment of DV from both a social and legal perspective, including for the case study of this thesis: the Russian Federation. As discussed, now is a pertinent time for DV due to the coronavirus, however, it is also a pertinent time in relation to the situation in Russia. DV has always been a deep-seated and pressing issue in Russia, a country which is notorious for being far behind in terms of international norms and standards for how it addresses DV, as well as a range of other human rights violations. However, Russia is now retrogressing even further, with the most notable and disturbing of its recent retrogressive measures being the introduction of the ‘Slapping Law’. This law, implemented in 2017, has decriminalised DV, prescribing that first time offenders no longer face a jail sentence, which has been widely interpreted as legitimising DV⁷. This change in law, and the following surge in DV incidents in Russia, sparked the initial decision to focus this thesis on DV in Russia, because of the need for research on this pressing and ever-evolving issue. The use of one national case study throughout the thesis has also been chosen as a means to exemplify how fittingly a legal and social approach can be combined, with the hope that this will contribute to the current deficit of work which utilises an interdisciplinary approach towards DV.

This thesis provides a segue between both the legal and social sciences, whilst providing a particular focus on the situation within Russia. DV does not neatly fit within the domain of just one discipline – its complicated nature and the broad range of interconnected issues associated with it simply make that impossible. Instead, it is a phenomenon with an inherent interdisciplinary nature, meaning that its themes transcend many disciplines⁸. These disciplines include, but are not limited to, sociology, history, law, criminology and psychology⁹. These varying disciplines all

⁷ Denejkina, ‘In Russia, feminist memes can land people in jail. But beating women won’t’ <https://www.businessinsider.com/in-russia-feminist-memes-land-people-in-jail-but-beating-women-wont-2018-11/?utm_source=reddit.com&r=AU&IR=T> accessed 5 March 2019.

⁸ Davis, 1995 in Feder, 1999 ‘Domestic Violence, Women & Criminal Justice’

⁹ Feder, 1999 ‘Domestic Violence, Women & Criminal Justice’

provide a nuanced and equally pertinent perspective, ranging from assessing the background and history of DV, providing a theoretical underpinning, to providing accounts on how DV should be dealt with in the most appropriate manner. However, there has been a tendency for individual disciplines to approach DV in isolation, especially within the legal discipline, meaning that the law develops only as a result of legal analysis, processes and procedures¹⁰. This is deeply problematic because it means that the stance and approach towards DV can differ across different disciplines, whilst also meaning that the valuable approaches and research that other disciplines offer are largely ignored. This thesis intends to contribute to the much-needed interdisciplinary research on DV, through combining a legal and social approach, which in turn provides a more holistic narrative on DV as a human rights abuse.

Therefore, the overarching aims of this dissertation are:

- To explore the discourses surrounding DV on an interdisciplinary level
- To clarify the universal and regional law relevant for this topic
- To examine and critically assess the context surrounding DV in Russia
- To analyse the jurisprudence of the ECtHR in relation to DV cases
- To explore the discourses surrounding DV within both international and Russian media

In regard to the methodology, this thesis employs a discourse analysis of the language used to discuss DV, especially within the media. Both Russian and international media are evaluated to consider the prevalent rhetoric and discourse surrounding DV. This was undertaken through selecting several high profile DV cases and comparing how they were depicted across Russian and international media. It is worth noting that the author not speaking Russian posed a potential setback for the analysis of Russian media, however, a range of Russian newspapers also publish in English¹¹, whilst other Russian sources could be translated.

¹⁰ Hilder and Bettinson, 'Domestic Violence Interdisciplinary Perspectives on Protection, Prevention and Intervention' (Palgrave Macmillan, 2016)

¹¹ Such as TASS, Interfax, The Moscow Times and Sputnik.

This thesis aims to provide a holistic view of the context surrounding DV, however, it is worth noting that not all regions could be considered due to the limited scope of this thesis. For example, whilst the international and European legal situations are considered, other regions, such as the African and Inter-American systems are not.

This thesis consists of five chapters. Chapter 1 explores how DV itself is understood, as well as other similar terms, the existing theoretical background for DV, before then turning to the particular language and discourse that is used to discuss DV. Chapter 2 also approaches DV in general, but from a legal perspective, providing a consideration of how DV was first taken up and then evolved at both the international level and regional level within Europe. The three following chapters all focus on the case study of this thesis: the Russian Federation. Chapter 3 explores the context in Russia, both socially and legally, to assess why the situation in Russia is so problematic in relation to DV. Chapter 4 focuses on the cases pertaining to DV that have been taken up by the European Court of Human Rights, with a particular focus on the cases against Russia. Chapter 5 turns back towards a more social approach, providing an analysis of the particular DV cases in Russia that have received substantial attention in Russian, as well as international, media. The conclusion then sums up the main findings of this thesis, and also points to potential topics that should be awarded attention in subsequent work.

Chapter 1: Making sense of ‘Domestic Violence’

This chapter seeks to define the core term of this thesis: ‘Domestic Violence’ within a social framework that enables analysis of the term itself, its connotations, the existence of similar terms, the conflicting theoretical underpinnings of DV, and finally, the language and phrasing which contribute to the concerning discourses surrounding DV. The next chapter will also seek to analyse DV at depth, but from a legal perspective. Both chapters will situate DV generally, before the focus of this thesis’ case study, the Russian Federation, will commence in Chapter 3.

Defining DV

DV is a term which dates back to the 1990s¹², and for which the author, after considering a range of existing definitions, from a range of disciplines, proposes the following definition: the abuse between one or more family (or ex-family) members by another family member, which can take a range of forms, including emotional, physical, sexual and economic abuse, occurring within a domestic context and of a repetitive nature. There are many important elements of DV that this definition has attempted to incorporate. Firstly, that DV encompasses a range of forms of violence, not just physical as is commonly misconceived. Secondly, it establishes that the perpetrator is a member of the family, or ex-family – the majority of perpetrators are husbands (or ex-husbands), or boyfriends (or ex-boyfriends), but it is important to recognise that DV is not bound only to these family members. Thirdly, the place of the abuse matters¹³, DV is associated with the home and its wider domestic context; that DV occurs within the private and not the public sphere is particularly notable, especially because of the legal implications of this, which will be discussed in the next chapter. Fourthly, this definition recognises that DV involves repetition, whereby the abuse, in whichever form it takes, is part of a larger pattern which enables the perpetrator to attempt to gain control over the victim’s thoughts, beliefs and

¹² Kelly and Westmorland, *Naming and defining ‘domestic violence’: Lessons from research with violent men* (Feminist Review 2016).

¹³ Long, Lee and Coles. *Family violence: an illustrated guide to the terminology* (2017)

behaviours¹⁴. The repetitive nature of DV, rather than it being a standalone act, is key to understanding it in its entirety because it is commonly theorised that it is the imbalance of power within the relationship between the perpetrator and victim that result in DV, and this is manifested in its repetitive nature¹⁵.

It is worth considering the forms of abuse that DV incorporates in greater depth; Ganley contends that there are three forms: physical assaults, sexual assaults and psychological assaults¹⁶. Physical and sexual assaults both include the perpetrator having direct contact with the victim's body, in contrast to psychological assaults, for which there is no direct contact but the victim is still the target of the abuse¹⁷.

Psychological abuse includes: threats of violence and harm to either the victim or other individuals who are important to the victim, acts of intimidation such as attacks against property or pets, emotional abuse which involves recurring verbal attacks to diminish the victim's self-worth, isolation, whereby the perpetrator controls the victim's activities and contact with others, and finally, psychological abuse can occur through the use of children, where some of the abusive acts are against children in order to punish or control the adult victim¹⁸. This broad range of abuse that all falls under DV demonstrates how extensive it is, and goes against the common misconception that DV just involves physical violence.

There is a widespread social construction of violence occurring inside the home as being less horrific and less problematic than violence that occurs in public amongst strangers¹⁹. Indeed, it is partially due to this perception that violence within the home still often remains "private and hidden"²⁰. McGregor goes to the extent of arguing that whilst violence perpetrated by strangers results in "outrage", the response to violence

¹⁴ Ashcraft (2000) 'Naming knowledge: A language for reconstructing domestic violence and systemic gender inequity' [2000] 23(1) *Women and Language*

¹⁵ McGregor, *Domestic violence: alcohol and other distractions—a grassroots perspective* (1990)

¹⁶ Ganley, 'Understanding Domestic Violence' in *Improving the Health Care Response to Domestic Violence: A Trainer's Manual for Health Care Providers* (1995)

¹⁷ *Ibid.*

¹⁸ *Ibid.*

¹⁹ McGregor (n 15).

²⁰ Collis, *Hearing young people talk about witnessing domestic violence: exploring feelings, coping strategies and pathways to recovery* (2012) p. 7.

in the home is far more subdued, regularly leading to the judgment that ‘she must have deserved it’²¹. Moreover, it is perhaps largely because the victims of DV are overwhelmingly women that this type of violence is not taken seriously²². Although attitudes have significantly changed, with people ‘hardening’ towards DV, its prevalence remains²³.

The ‘domestic’ in ‘domestic violence’, because of its warm connotations with the home, serves to soften the following word: ‘violence’, which in turn trivialises the whole issue²⁴. This association with the home also makes it difficult for the public to associate DV with a criminal offence²⁵. The second part of the term, ‘violence’, has also received criticism, for emphasizing the violent aspect of DV, which has been perceived as obscuring the other forms of violence that are not physical²⁶. Indeed, that DV exists amongst a whole host of related terms, which will now be discussed, demonstrates the issue with simply finding the appropriate terminology, because all terms have their own host of connotations.

‘Marital violence’ and ‘spouse abuse’ are terms that pre-existed and were largely replaced by ‘domestic violence’, because they fail to acknowledge the violence that falls outside of a marriage, which is especially important in modern society. Contemporary terms that exist alongside DV, and are defined in Figure 1., are: Domestic Abuse, Intimate Partner Violence (IPV), Intimate Terrorism, Family Violence, and Domestic and Family Violence (DFV).

²¹ McGregor (n 15) n.p.

²² Ibid.

²³ Meyer and Frost, *Domestic and Family Violence: A Critical Introduction to Knowledge and Practice* (Routledge 2019).

²⁴ McGregor (n 15).

²⁵ Ibid.

²⁶ Stark and Flitcraft (1996) in Holt, Buckley and Whelan, *The impact of exposure to domestic violence on children and young people: A review of the literature*. (2008)

Domestic Abuse	“An incident or pattern of incidents of controlling, coercive, threatening, degrading and violent behaviour, including sexual violence, in the majority of cases by a partner or ex-partner, but also by a family member or carer” ²⁷ .
Intimate Partner Violence (IPV)	“Violence between family members and intimates, and violence between acquaintances and strangers that is not intended to further the aims of any formally defined group or cause” ²⁸
Intimate Terrorism	“Violence embedded in a general pattern of coercive control” ²⁹ .
Family Violence	An umbrella term within this field because it incorporates any kind of violence within the family, and so it encompasses DV, intimate partner violence and sibling violence ³⁰ .
Domestic and Family Violence (DFV)	“Any behaviour, in an intimate or family relationship, which is violent, threatening, coercive or controlling, causing a person to live in fear. It is usually manifested as a part of a pattern of controlling or coercive behaviour” ³¹ .

Figure 1. Terminology Related to DV

It is worth noting that an issue with DV, as with many of the other terms, such as Domestic Abuse, ‘Family Violence’, Intimate Partner Violence, ‘marital violence’ and ‘spouse abuse’, is that the gendered dimension is not evident – that the perpetrator is usually a man, and the victim is usually a woman, is hidden³². Therefore, these terms imply that there is an equal occurrence of both men and women committing and

²⁷ women’s aid, *What is domestic abuse?* 2019 <<https://www.womensaid.org.uk/information-support/what-is-domestic-abuse/>>, accessed 30 March 2020.

²⁸ Waters and others, *The costs of interpersonal violence—an international review* (2005).

²⁹ Johnson, *A typology of domestic violence: Intimate terrorism, violent resistance, and situational couple violence* (2010) p. 3.

³⁰ Long (n 13).

³¹ NSW Government in Tayton, Kaspiw, Moore and Campo, *Groups and communities at risk of domestic and family violence* (2014) p. 14.

³² McGregor (n 15).

facing the violence³³, which as will be discussed under the theoretical underpinning, is problematic.

Considering the existence of this range of similar terms all surrounding violence in the home, which are frequently used interchangeably, any of them could have been chosen for the focus of this thesis. Although they all have slight distinctions and differing emphases, they all are part of a broader phenomenon³⁴. ‘Domestic Violence’ was chosen simply because it is the most commonly used and widely accepted term, both in the everyday and professionally³⁵. However, because of the interlinked nature of all these terms, any relevant research that happens to fall under a term other than DV will still be considered.

Theoretical Underpinning for DV

The theoretical underpinnings for DV have significantly changed and evolved over time, with different disciplines providing the dominant theoretical perspective. This reinforces this thesis’ recurring argument over the importance of several disciplines to DV, and that DV should be approached from an interdisciplinary perspective. The first theoretical perspective came from psychology in the mid-twentieth century³⁶. This perspective placed all the responsibility for the occurrence of DV firmly on the perpetrator’s personality traits, with “abnormal personality and dysfunctional relationships” being the key factor, whilst socio-economic factors were of secondhand importance³⁷. This psychological perspective received widespread criticism for ‘privatizing’ DV as merely a family issue, ignoring the role of gender, and promoting “victim blaming”³⁸. Within a couple of decades the dominance of this psychological

³³ Pelton, *Ideology, Terminology and the Politics of Family Violence* (1991).

³⁴ Johnson (n 29).

³⁵ Holt, Buckley and Whelan *The impact of exposure to domestic violence on children and young people: A review of the literature* (2008).

³⁶ Houston, How Feminist Theory Became (Criminal) Law: Tracing the Path to Mandatory Criminal Intervention in Domestic Violence Cases, 21 Mich. J. Gender & L. 217 (2014).

³⁷ Ibid, p. 222.

³⁸ Ibid.

theory diminished and two new and conflicting schools of theorists for DV emerged: feminist theorists and sociologist theorists³⁹. Feminists argued that DV is rooted in gender and its resultant unequal power distribution, and so patriarchy is the principal issue⁴⁰. On the other hand, sociologists, with their new field of study ‘family violence’⁴¹, contended that the violence is linked with social forces that lead to structural inequalities, such as wealth and education, meaning that patriarchy can merely act as one of these variables⁴². Whilst feminists use the severe and repetitive nature of DV to argue that it is a manifestation of men maintaining their power and control over women, family violence theorists argue that, based on national survey techniques, there are strong relationships between DV and multiple factors, such as age, unemployment, socioeconomic status and whether or not the individuals are cohabiting⁴³.

It is worth noting that there is one shared commonality: both sets of theorists see DV as a ‘learned’ behaviour rather than something caused by genetics or illness⁴⁴, however there are numerous discordances. Perhaps the biggest divergence between the two sets of theories is regarding ‘gender symmetry’⁴⁵, which considers the gender of the perpetrators and whether it is symmetrical or asymmetrical amongst men and women⁴⁶. Feminist theorists argue that there is extreme asymmetry, with violent acts being conducted disproportionately, and even overwhelmingly, by men⁴⁷. In contrast, family violence theorists argue that there is gender symmetry, arguing that women are just as frequently the perpetrators⁴⁸. Kimmel argues that this belief in ‘gender symmetry’ is inherently problematic because it ignores that gender plays a role, both in terms of gender identity and ideology⁴⁹. Furthermore, there are two statistical anomalies that undermine the gender symmetry argument: firstly, that it is largely

³⁹ Ibid.

⁴⁰ Anderson, ‘Gender, Status, and Domestic Violence: An Integration of Feminist and Family Violence Approaches’ [1997] 59(3) *Journal of Marriage and Family*.

⁴¹ Houston (n 36).

⁴² Ibid.

⁴³ Ibid.

⁴⁴ Ganley (n 16).

⁴⁵ Johnson (n 29).

⁴⁶ Kimmel, “Gender Symmetry” in *Domestic Violence: A Substantive and Methodological Research Review* [2002] 59(3) *Journal of Marriage and Family*.

⁴⁷ Johnson (n 29).

⁴⁸ Ibid.

⁴⁹ Kimmel (n 46).

women who need hospital care and use shelters, and secondly, that men are empirically proven to use far more violence in all other areas of social life, and so it is highly unlikely that this would be any different within domestic settings⁵⁰. As will be discussed in the following chapter, gender is perceived to be paramount to how DV is legally defined, as it falls under Violence Against Women (VAW). Indeed, feminist theory directly affected the legal approach towards DV, because the law's system of criminalization, demonstrated through pro-arrest, mandatory arrest and prosecutorial follow-through, "reflects a distinctly feminist interpretation of domestic violence as a patriarchal force"⁵¹. Thus, the law has favoured the feminist understanding of DV over the discussed psychological and family violence theories.

Despite the differences between the two approaches, Anderson argues that they can successfully be combined to provide a more holistic perception of DV, through using an intersectional approach that does consider gender, but also race, sexuality and socioeconomic status⁵². For example, when considering why women may stay in violent relationships, feminist understandings of women's femininity pushing them to stay and 'nurture' their partners should also be combined with an understanding of the economic and social conditions that may restrict women's ability to leave⁵³. One factor cannot be fully distinguished and separated from another, and so it is this interdisciplinary perspective that provides the most holistic approach for making sense of DV.

Through incorporating the sociological perspective, a broader approach also recognises the variation and diversity in the lived experiences of DV, whereby the importance of intersectionality is considered⁵⁴. It follows the principle that every person, across differing races, sexualities, classes and nationalities, simply cannot experience DV in the same way. This goes against the traditional feminist approach

⁵⁰ Ibid.

⁵¹ Houston (n 36) p. 271.

⁵² Anderson (n 40).

⁵³ Ibid.

⁵⁴ Sokoloff and Dupont, 'Domestic violence at the intersections of race, class, and gender: Challenges and contributions to understanding violence against marginalized women in diverse communities' [2005] 11(1) Violence against women.

that sought to emphasise the shared, even monolithic, experience of female victims⁵⁵, in an attempt to highlight the common vulnerability women face because of their gender⁵⁶. The author fully supports this more contemporary and diverse way of viewing the victims of DV, because it is simply illogical to assume that all women, regardless, of race, ethnicity, class, age and so on, could possibly experience DV in the same way. Furthermore, the idea of a common experience undermines the agency of victims because their experiences are assumed to always be the same, which silences their individual voice.

Beyond the typical case of DV: same-sex couples

Although the focus of this thesis will be on the most common case of DV, between a male perpetrator and a female victim, it is important to acknowledge that this is not the only gender dynamic in which DV occurs. In same-sex relationships, DV occurs with the same or even greater frequency than in heterosexual couples⁵⁷. Like the discourses and myths surrounding DV for heterosexual couples, myths are also damaging for same-sex couples; for example, there is a common perception amongst lesbian communities that women are not abusive, and so there is the resultant belief that lesbians cannot be DV perpetrators⁵⁸ which makes it much more difficult for victims to recognise if they are being abused, speak out and seek help. Similarly, myths are damaging for male victims in homosexual relationships, because of the belief that men can never be the victims since this would feminise them⁵⁹. Walkate even argues that feminist theory itself serves to marginalise male victims, through perpetuating the misconception that men can never be the victims⁶⁰. Furthermore, DV in same-sex relationships is largely ignored and avoided by governments, law

⁵⁵ Ibid.

⁵⁶ Chernyak and Barrett, 'A Chicken is Not a Bird, Is a Woman a Human Being? Intimate Partner Violence and the Russian Orthodox Church' [2011] 10(1) Currents: Scholarship in the Human Services.

⁵⁷ Peterman and Dixon, 'Domestic violence between same-sex partners: Implications for counseling' [2003] 81(1) Journal of counseling & development.

⁵⁸ Chung 1995 in Ibid.

⁵⁹ Island and Letellier, *Men who beat the men who love them: Battered gay men and domestic violence* (Psychology Press 1991).

⁶⁰ Walkate [2004] in Javaid (2015) 'The role of alcohol in intimate partner violence: Causal behaviour or excusing behaviour?' [2015] 13(1) Journal of Community Justice.

enforcement and society⁶¹. For example, there is a lack of adequate support groups, and particularly for male victims, there is a severe deficit of shelters⁶². Therefore, it is important to recognise that the traditional male/female power dynamic in DV⁶³ is not the only one that exists and warrants attention.

Language and Phrasing

DV exists within a realm full of terminology with a whole host of connotations. The importance of the language and phrasing used when discussing DV, whether by journalists, academics or the general public, cannot be overstated because it all feeds into the existing ‘discourse’ on DV. ‘Discourse’ can be defined as “a set of ways of thinking about, speaking of and acting towards particular people or places”⁶⁴, discourses exist and can therefore be analysed for all phenomena, including DV. Analysing a discourse revolves around analysing “language and other forms of expression that circulate widely and consistently throughout a society”⁶⁵. This section will consider how particular language and even sentence structure directly affects the discourse surrounding DV. The wording and sentence structure chosen to discuss DV matters, because from it one can infer the author or speaker’s beliefs about the matter, such as whether it is the perpetrator or victim in the wrong⁶⁶. Furthermore, discourse has material consequences, through affecting a victim’s ability to leave a violent relationship and the available social and legal help.

Katz discusses how the precise sentence structure that is commonly used to discuss DV conspires to keep the attention off the perpetrator – or rather, off men⁶⁷. He

⁶¹ Island and Letellier (n 59).

⁶² Ibid.

⁶³ Ibid.

⁶⁴ Hubbard and Kitchin, *Key Thinkers on Space and Place* (SAGE 2011) p. 493.

⁶⁵ Thiesmeyer, *Discourse and silencing: Representation and the language of displacement* (John Benjamins Publishing 2003) p. 1.

⁶⁶ Frazer and Miller, ‘Double standards in sentence structure: Passive voice in narratives describing domestic violence’ [2008] 28(1) *Journal of language and social psychology*.

⁶⁷ Katz ‘Violence against women – it’s a men’s issue’ (May 2013)

<https://www.ted.com/talks/jackson_katz_violence_against_women_it_s_a_men_s_issue?language=en> accessed 8 March 2020.

exemplifies this by using the work of the feminist linguist, Julia Penelope, through continually diminishing the role of the attacker in each successive statement⁶⁸:

John beat Mary
Mary was beaten by John
Mary was beaten
Mary was battered
Mary is a battered woman

Figure 2: Varying sentence structure used to describe DV.

Simply flipping the sentence from “John beat Mary” to “Mary was beaten by John” completely shifts the focus from John to Mary, which is then compounded in the following three statements, whereby the role of John is ignored, and he is therefore largely forgotten. Journalists use this passive rather than active vocabulary the majority of the time, thereby reducing the salience of DV to its readers⁶⁹. Katz uses this predominance of passive language to fuel his argument that in contemporary society there is a tendency to focus on the woman being abused, rather than the man doing the abuse, which is inherently problematic because it suggests that it is to whom the injustice is being perpetrated that needs to change, rather than the perpetrator⁷⁰. It is this discourse that leads to question such as: “Why doesn’t she leave?”⁷¹, “Why is she attracted to him?”⁷², and “What was she wearing?”⁷³, which all place the entire focus on the woman. Since it is framed as the fault of women, men do not need to be involved in addressing DV. The author suggests that even the focus of researchers and academics on interviewing female victims, rather than male perpetrators⁷⁴, demonstrates how the role of men is also minimised academically, just as it is within the wider public discourse.

⁶⁸ Ibid.

⁶⁹ Frazer and Miller (n 66).

⁷⁰ Katz (n 67).

⁷¹ Steiner ‘Why domestic violence victims don’t leave’ (November 2012)

<https://www.ted.com/talks/leslie_morgan_steiner_why_domestic_violence_victims_don_t_leave?language=en> accessed 8 March 2020.

⁷² Katz (n 67).

⁷³ Ibid.

⁷⁴ Kelly and Westmorland, (n 12).

The predominant use of passive language to describe male violence against women encourages “victim-blaming”⁷⁵, whereby the person to whom something was done is blamed, rather than the person who did it⁷⁶, which effectively “exonerates the perpetrator”⁷⁷. This is a widespread cognitive issue which one does not notice because it is relatively subtle⁷⁸. Whilst people are unlikely to directly legitimise DV and blame all victims, Valor-Segura *et al.*, found that there is still a tendency, when there is no specific cause given for the violence, to blame the victim⁷⁹. Thus, in the face of any “uncertainty” or “doubt”, it is the victim who is treated suspiciously whilst the violator is assumed to have credibility and is largely absolved of guilt⁸⁰. It has been argued that this is because DV that occurs for no clear reason threatens peoples’ ‘just-world belief’, and so, because there is an overriding willingness to still believe that the world is good and just, and that bad things do not happen to good people, victim-blaming occurs⁸¹. Acknowledging the widespread existence of victim-blaming is crucial to further understanding the discourses surrounding DV.

The use of particular language also surfaced in Kelly and Westmorland’s study in which they awarded often neglected attention to the accounts of male perpetrators, whom they found use their own ‘vocabulary of explanation’⁸². For example, they found that the perpetrators frequently referred to ‘the incident’, making their actions seem like a one-off, rather than part of a pattern of violent behaviour⁸³. Furthermore, they found that men often diffused responsibility, by using “we” instead of “I”, insinuating that they and their victims’ actions were intertwined, and cannot neatly be separated into victim and perpetrator⁸⁴. The author contends that this finding could be seen to add to the finding regarding passive sentence structure, which also leads to the

⁷⁵ Frazer and Miller (n 66).

⁷⁶ Katz (n 67).

⁷⁷ Valor-Segura, Expósito and Moya ‘Victim blaming and exoneration of the perpetrator in domestic violence: The role of beliefs in a just world and ambivalent sexism’ [2011] 14(1) *The Spanish Journal of Psychology*, p. 203.

⁷⁸ Katz (n 67).

⁷⁹ Valor-Segura (n 77).

⁸⁰ *Ibid* p. 203.

⁸¹ *Ibid*.

⁸² Kelly and Westmorland, (n 12) p. 119.

⁸³ *Ibid*.

⁸⁴ *Ibid*.

responsibility of the male perpetrator being diminished. Therefore, the conclusion can be drawn that both language and sentence structure enable the distancing of male perpetrators from the abuse they have committed, which can at least partially account for why so few men earn the label of ‘domestic violence perpetrator’⁸⁵.

In the phrasing and language used in the opposite situation, where women are violent to men, a contradiction is found. In direct contrast to the passive sentence structure used to discuss women who have been beaten by men, in cases where men have been beaten by women an active sentence structure is more common⁸⁶. Therefore, there is a ‘double standard’ in how violence is discussed, depending on the gender of the violator and the victim⁸⁷. Consequently, women are presented as being more responsible in cases of female violence against men than vice versa. Thus, this proves that it is not that passivity is ascribed to violent events in general, which may have been used as an excuse for why passive sentence structure is used for violence committed by men, but it instead demonstrates that gender plays a key role in the phrasing used⁸⁸. That gender has surfaced once again serves to further exemplify the pivotal importance of gender in how DV is understood and made sense of. Furthermore, the invisibility of how the typical male gender of the perpetrator and female gender of the victim directly affects how the issue is understood and framed is inherently problematic because one is completely unaware that both the vocabulary they hear but also the vocabulary they themselves use has what the author would refer to as a ‘gendered bias’.

All of this terminology and phrasing contributes to the ‘silencing’ discourse that exists surrounding DV, which occurs in a two-fold manner⁸⁹. Firstly, suspected violence is effectively ‘silenced’ through the victim and perpetrator’s friends, family and neighbours failing to discuss or report the believed violence to an authority with

⁸⁵ Ibid p. 117.

⁸⁶ Frazer and Miller (n 66).

⁸⁷ Ibid.

⁸⁸ Ibid.

⁸⁹ Thiesmeyer (n 65).

the power to intervene, and so it ‘silences’ the existence of the violence itself⁹⁰. Secondly, society’s norms surrounding gender and violence feed into this same discourse that ‘silences’ DV as a private matter, through expressions such as “it’s nobody’s business” or “she asked for it”⁹¹. This discourse serves to normalise and minimise the gravity to which DV is then seen at a higher level, and so it prevents intervention, enabling the violence to continue which perpetuates this ‘silencing’ discourse. It is worth noting that even those who are advocates for DV victims, such as feminists, and those attempting to help DV victims, such as policymakers, are frequently forced to engage within the existent discourses surrounding DV⁹², and therefore, in their attempt to help can actually contribute to the ‘silencing’ discourse. Through having little option but to communicate within the existent dialogue surrounding DV, their portrayal leaves dominant representations unchallenged, and can easily lead to the distortion of the accounts of the victims, usually through ‘softening’ or omitting the most violent aspects⁹³. Expanding the existent vocabulary in a way that gives more agency to DV victims, despite being inherently challenging, is essential to changing the discourse⁹⁴.

Conclusion

This chapter has attempted to explore DV in a thorough and extensive manner from the social sciences, paving the way for Chapter 2, which will consider DV from a legal approach. This chapter firstly situated DV as a complicated term, existing alongside a host of other terms, which all have their own host of connotations. The issues associated with how DV is discussed and framed through language, and the resultant concerning discourses was also discussed. The predominant theoretical frameworks and their differing positions in relation to the importance of gender were considered, resulting in a conclusion supporting ‘gender asymmetry’, whereby gender is seen as critical to DV, due to the far higher proportion of men compared to women who are the perpetrators, and that both perpetrators and victims are perceived

⁹⁰ Ibid.

⁹¹ Ibid.

⁹² Ashcraft, Naming knowledge: A language for reconstructing domestic violence and systemic gender inequity. *Women and Language*, 23(1), 3.

⁹³ Ibid.

⁹⁴ Ibid.

differently, depending on their gender. This provides a segue into the following chapter which awards gender a weighty role in how violence has been legally constructed within a range of legal instruments, at both the international and regional level.

Chapter 2: Legal Framework on DV at the International and Regional Level

This chapter will examine the international and regional legal frameworks in relation to DV. The three main ways that DV can be interpreted to violate human rights will be addressed: as a violation of basic freedoms including to the life and security of a person, as a violation of the right to equality, and as a violation of the prohibition against torture. The chapter will firstly consider how DV has been addressed at the international level, in relation to the United Nations (hereafter, UN), with the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women (hereafter, CEDAW) and the Convention Against Torture (hereafter, CAT), and their relevant General Comments. In the second half of the chapter the European regional level will be considered: the Council of Europe and the European Union.

The International Bill of Human Rights

The Universal Declaration of Human Rights⁹⁵ (hereafter, UDHR) acts as the foundation of human rights law.⁹⁶ It establishes 30 fundamental and inalienable rights to which every human being is entitled. Despite it not being legally binding, it has largely been accepted at the international level, and it has been incorporated into numerous national constitutions and legal frameworks⁹⁷. In relation to women, in the preamble, affirmation is given to “the dignity and worth of the human person and in the equal rights of men and women”⁹⁸, an idea which was subsequently focused upon by CEDAW⁹⁹, as will be discussed. However, it is Article 3 that is most pertinent for

⁹⁵ Universal Declaration of Human Rights (adopted 10 December 1948) UNGA Res 217 A(III) (UDHR).

⁹⁶ UN, ‘Human Rights Law’ <<https://www.un.org/en/sections/universal-declaration/human-rights-law/index.html>> accessed April 2 2020.

⁹⁷ Amnesty International, ‘UNIVERSAL DECLARATION OF HUMAN RIGHTS’ <<https://www.amnesty.org/en/what-we-do/universal-declaration-of-human-rights/>> Accessed 12 March 2020.

⁹⁸ UDHR (n 95).

⁹⁹ UN Convention for the Elimination of Discrimination Against Women (adopted 18 December 1979) (CEDAW).

this thesis: Everyone has the right to life, liberty and security of person¹⁰⁰. DV challenges this Article in its entirety as a victim's life itself is threatened by DV, and so is their freedom and security. Article 3 of the UDHR is further reinforced by the legally binding International Covenant on Civil and Political Rights (hereafter, ICCPR)¹⁰¹: "Every human being has the inherent right to life"¹⁰² and "Everyone has the right to liberty and security of person"¹⁰³. Furthermore, indirect references to DV can also be inferred from the International Covenant on Social, Economic and Cultural Rights (hereafter, ICESCR)¹⁰⁴, such as the "right of everyone to the enjoyment of the highest attainable standard of physical and mental health"¹⁰⁵. DV can violate this right because it can compromise the victim's physical and/or mental health. Therefore, the three components of the International Bill of Human Rights¹⁰⁶: the UDHR, the ICCPR and the ICESCR, and their protocols, can all be interpreted as being against DV, even though it is not directly referenced¹⁰⁷, which is the same with CEDAW, as will now be discussed.

The Convention on the Elimination of All Forms of Discrimination against Women

Since it is focused on women, the UN treaty which is perhaps the most logical to first consider is CEDAW. It is widely viewed as "an international bill of rights for women"¹⁰⁸; throughout its 30 Articles it establishes all States who ratify its' obligations for avoiding discrimination against women in a variety of areas, which are legally binding for all States that ratify it. This can once again be indirectly linked with DV, because its focus on eliminating discrimination has been interpreted as

¹⁰⁰ UDHR (n 95).

¹⁰¹ International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR).

¹⁰² ICCPR Article 6(1).

¹⁰³ ICCPR Article 9(1).

¹⁰⁴ International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3 (ICESCR).

¹⁰⁵ ICESCR Article 12(1).

¹⁰⁶ International Bill of Human Rights (adopted 10 December 1948) A/RES/217(III)A-E.

¹⁰⁷ The Advocates for Human Rights, 'UN Treaties on Domestic Violence' (2018)

<http://www.stopvaw.org/un_treaties_and_conventions> accessed 1 April 2020.

¹⁰⁸ UN WOMEN 'Text of the Convention' <<https://www.un.org/womenwatch/daw/cedaw/cedaw.htm>> accessed 17 April 2020.

including violence against women (hereafter, VAW)¹⁰⁹. Therefore, because DV is interpreted as a form of violence that is gendered, because it is predominately women who are victims of DV, it is indirectly covered by CEDAW, but only as a form of discrimination. This “anti-discrimination framework”¹¹⁰, is arguably not the most obvious or substantive way to cover violence against women, and the omission of the Right to life, the Right to be free from torture and inhuman and degrading treatment are notable¹¹¹. However, this is simply not the goal of CEDAW, it is focused on discrimination. Furthermore, it is important to recognise that at the time of the drafting of the treaty, VAW lacked awareness and discussion¹¹², and it was not considered an issue that should be tackled legally¹¹³.

None of the UN treaties specifically refer to VAW¹¹⁴, let alone DV, it has only been General Comments published subsequently that have done so, as will now be discussed. Although General Comments are not legally binding they provide “authoritative guidance” on how the Convention, which is legally binding for State parties, should be read and enforced¹¹⁵.

CEDAW’s General Recommendation No. 12 (1989)

In General Recommendation No. 12¹¹⁶, CEDAW made the first direct reference to VAW, because in reference to five of the Convention’s Articles (2, 5, 11, 12 and 16), it requires “the States parties to act to protect women against violence of any kind occurring within the family, at the work place or in any other area of social life”¹¹⁷. This is a very significant and progressive step because it is the first time that violence within the family is mentioned, which can directly rather than indirectly be inferred as

¹⁰⁹ Ibid.

¹¹⁰ McQuigg, ‘Is it time for a UN treaty on violence against women?’ (2018) *The International Journal of Human Rights* p. 306.

¹¹¹ Ibid.

¹¹² Ibid.

¹¹³ Burton, *Legal responses to domestic violence* (2008 Routledge-Cavendish).

¹¹⁴ McQuigg (n 110).

¹¹⁵ Simonovic, ‘Convention on the Elimination of All Forms of Discrimination Against Women’ <<https://legal.un.org/avl/ha/cedaw/cedaw.html>> accessed 3 April 2020 n.p.

¹¹⁶ *CEDAW General Recommendation No. 12: Violence against women*, 1989.

¹¹⁷ Ibid.

DV, and it means that no place is removed from the State's ability to intervene, even the home.

The General Recommendation also lists the different areas in which States should take legislative as well as administrative action, which should then be included within their periodic reports:

1. The legislation in force to protect women against the incidence of all kinds of violence in everyday life (including sexual violence, abuses in the family, sexual harassment at the workplace, etc.)¹¹⁸
2. Other measures adopted to eradicate this violence¹¹⁹
3. The existence of support services for women who are the victims of aggression or abuses¹²⁰
4. Statistical data on the incidence of violence of all kinds against women, and on women who are the victims of violence¹²¹

Although this is a positive step, the statement is vague considering that none of the Articles in the Convention actually mention violence¹²².

CEDAW's General Recommendation No. 19 (1992)

The next notable General Recommendation is No.19¹²³, issued just three years later, and also titled 'Violence against women'. It is far more precise, and for the first time 'gender-based violence' is defined, as: "Violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty."¹²⁴ Furthermore, it reduced any existing uncertainty regarding whether violence against women could be a violation of the Convention,

¹¹⁸ Ibid.

¹¹⁹ Ibid.

¹²⁰ Ibid.

¹²¹ Ibid.

¹²² McQuigg (n 110).

¹²³ *CEDAW General Recommendation No. 19: Violence against women*, 1992.

¹²⁴ Ibid.

stating that: “Gender-based violence may breach specific provisions of the Convention, regardless of whether those provisions expressly mention violence”¹²⁵. This contrasts with the uncertainty mentioned regarding the previous General Recommendation No. 12 because none of the Articles mention violence; instead in this General Recommendation no uncertainty is left, countries are explicitly told that violations of the Convention can occur, regardless of whether they mention violence¹²⁶. Therefore, this is a positive step in broadening the scope under which VAW, and in turn DV, can be put forward as violations under CEDAW.

Another notable and valuable feature of the General Recommendation is that it covered all three of the areas through which DV can be seen to violate human rights. Firstly, it includes VAW being a form of discrimination¹²⁷, as is to be expected with CEDAW’s focus on discrimination. Secondly, it explicitly includes how VAW can violate fundamental rights for women, such as ‘The Right to Life’¹²⁸. Thirdly, and finally, it also includes VAW as a form of torture: ‘The right not to be subject to torture or to cruel, inhuman or degrading treatment or punishment’¹²⁹. Therefore, although not through the Convention itself, but through its General Recommendations, CEDAW does provide a concrete and expansive framework for VAW.

Whilst the General Recommendation focuses on VAW, there is one particular point that has direct reference to DV, although it is not referred to as this, but as ‘family violence’:

“Family violence is one of the most insidious forms of violence against women. It is prevalent in all societies. Within family relationships women of all ages are subjected to violence of all kinds, including battering, rape, other forms of sexual assault, mental and other forms of violence, which are

¹²⁵ Ibid.

¹²⁶ Ibid.

¹²⁷ Ibid.

¹²⁸ Ibid.

¹²⁹ Ibid.

perpetuated by traditional attitudes. Lack of economic independence forces many women to stay in violent relationships. The abrogation of their family responsibilities by men can be a form of violence, and coercion. These forms of violence put women's health at risk and impair their ability to participate in family life and public life on a basis of equality.”¹³⁰

Specifically referring to ‘family violence’ renders the home and any other private spaces open to State responsibility under certain circumstances, awarding a greater level of responsibility to the State. Indeed, this recommendation “unequivocally brought violence outside of the private sphere and into the realm of human rights”¹³¹. It is also noteworthy because it directly lists the broad range of forms that ‘family violence’ can take, which ensures that there can be no misunderstanding that it just pertains to physical violence because examples such as ‘lack of economic independence’ and ‘mental and other forms of violence’ are given. However, despite the value of this General Recommendation, it is important to recognise that all that it calls upon States to do falls under ‘soft law’ – it can only be viewed as a non-binding interpretation of CEDAW, meaning that it has no legally binding obligations for any State¹³².

General Recommendation No.35 on gender-based violence against women, updating General Recommendations No.19

It is worth noting that General Recommendation No.19 has since been updated, in 2017, by General Recommendation No.35¹³³, which was issued to mark its 25th anniversary, and to celebrate that since its issuance the prohibition of violence against women has been incorporated within international customary law¹³⁴. In addition, it

¹³⁰ Ibid, point 23.

¹³¹ OHCHR ‘Launch of CEDAW General Recommendation No. 35 on gender-based violence against women, updating General Recommendation No. 19’
<<https://www.ohchr.org/en/hrbodies/cedaw/pages/gr35.aspx>> accessed 3 April 2020.

¹³² McQuigg (n 110).

¹³³ *CEDAW General Recommendation No 35’ on gender-based violence against women, updating general recommendation No.19* (2017).

¹³⁴ OHCHR (n 131).

provides States with further guidance because it recognises that: “Despite these advances, gender-based violence against women, whether committed by States, Intergovernmental organisations or non-state actors, including private persons and armed groups, remains pervasive in all countries of the world, with high levels of impunity”¹³⁵. Therefore, CEDAW is reaffirming the importance of the issue, decades later, and bringing it back to the attention of States, stating that: “legislation addressing gender-based violence against women remains non-existent, inadequate and/or poorly implemented”¹³⁶. Therefore, this General Comment highlights how VAW still remains a highly salient issue that still requires action on the part of State parties, especially regarding legislation at the State level.

Other UN Mechanisms

Whilst the steps CEDAW has taken have been positive and notable for women, it also compartmentalises VAW as an issue only related to women’s rights, and thus had the potential to limit the extent to which it is seen as part of mainstream human rights law¹³⁷. Therefore, it is salient to consider which other treaties cover VAW at the international level, which has the potential to mainstream VAW and in turn, DV.

Declaration of Elimination of Violence Against Women (1993)

It is important to stress that CEDAW is not the only UN mechanism that considers VAW¹³⁸. The 1993 World Conference on Human Rights in Vienna was a turning point for women’s rights being taken seriously because it was the first time that gender-specific human rights violations were considered¹³⁹. The final document of the

¹³⁵ CEDAW (n 133) point 6.

¹³⁶ Ibid point 7.

¹³⁷ OMCT ‘Thematic briefing: Protecting women from violence through the UN Convention Against Torture’ <https://www.omct.org/files/2018/11/25161/concept_note__thematic_briefing_vaw.pdf> accessed 3 April 2020.

¹³⁸ McQuigg (n 110).

¹³⁹ Sullivan, ‘Women’s Human Rights and the 1993 World Conference on Human Rights’ (1994) 88(1) *The American Journal of International Law*.

Conference, the Vienna Declaration and Programme of Action¹⁴⁰, is a milestone because it makes specific reference to gender-based violence, stating that it is “incompatible with the dignity and worth of the human person, and must be eliminated”¹⁴¹. Furthermore, the Conference endorsed the draft Declaration on the Elimination of Violence against Women¹⁴², and welcomed the Commission of Human Rights consideration of appointing a Special Rapporteur on Violence against Women¹⁴³. Indeed, that this position still exists today is a testament to the importance to which it is given by the UN.

Despite all of this work at the UN level, some have argued that it is not enough, largely because the majority of it is not legally binding, but instead only constitutes as ‘soft law’. Indeed Rashida Manjoo, who held the office of the UN Special Rapporteur on Violence Against Women, strongly believes that a UN treaty on Violence against Women is the only mechanism that would be adequate to deal with the issue¹⁴⁴, however, it is beyond the scope of this thesis to further consider the merit of this.

Convention against Torture

As mentioned, DV can violate human rights through being constituted as torture, or inhuman or degrading treatment, and therefore, it is important that the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment¹⁴⁵ (hereafter, CAT), “being the only legally-binding instrument at the international level concerned exclusively with the eradication of torture or other ill-treatment...covers acts of violence against women when it amounts to torture or other ill-treatment”¹⁴⁶.

¹⁴⁰ UN General Assembly, *Vienna Declaration and Programme of Action*, 12 July 1993, A/CONF.157/23

¹⁴¹ Ibid, point 18.

¹⁴² UN General Assembly, *Declaration on the Elimination of Violence against Women*, 20 December 1993, A/RES/48/104.

¹⁴³ Sullivan (n 139).

¹⁴⁴ McQuigg (n 110).

¹⁴⁵ UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (adopted 10 December 1984) (CAT)

¹⁴⁶ OMCT (n 137) p. 1.

Although the Convention does have an undifferentiated application of its provisions, this does not necessarily result in women actually enjoying equal use of these rights¹⁴⁷.

Torture and degrading treatment have historically been seen as violations which are committed by a state-actor, which is problematic because VAW, and in turn DV, often occur at the hands of non-state actors¹⁴⁸. However, subsequent to its entry into force in 1987, CAT has progressively increased the scope of the culpable actors, and General Comment No. 2¹⁴⁹ is particularly notable, because it clarified that:

“where State authorities or others acting in official capacity or under colour of law, know or have reasonable grounds to believe that acts of torture or ill-treatment are being committed by non-State officials or private actors and they fail to exercise due diligence to prevent, investigate, prosecute and punish such non-State officials or private actors consistently with the Convention, the State bears responsibility and its officials should be considered as authors, complicit or otherwise responsible under the Convention for consenting to or acquiescing in such impermissible acts.”¹⁵⁰

Therefore, in certain circumstances States can directly bear the responsibility for acts that amount to torture or ill-treatment, even when the act has not been committed by the State itself.

In relation to DV, the first time the Committee against Torture directly addressed and included DV within its scope was in its concluding observations and recommendations to Zambia¹⁵¹. The Committee expressed concern regarding: “The

¹⁴⁷ Ibid.

¹⁴⁸ Ibid.

¹⁴⁹ UN Committee Against Torture (CAT), *General Comment No. 2: Implementation of Article 2 by States Parties*, 24 January 2008, CAT/C/GC/2

¹⁵⁰ Ibid, point 18.

¹⁵¹ UN Committee Against Torture (CAT), *Report of the UN Committee Against Torture: Twenty-seventh Session (12 to 23 November 2001) and Twenty-eighth Session (29 April to 17 May 2002)*, 1 November 2002, A/57/44

incidence of violence against women in society, which is illustrated by reported incidents of violence in prisons and domestic violence”¹⁵², and in turn, under its recommendations, the Committee recommended that States “Establish programmes to prevent and combat violence against women, including domestic violence; and...Ensure the early and effective operation of the Police Public Complaints Authority”¹⁵³. Whilst CAT follows the same approach of CEDAW, of subsequently making VAW and DV fall under its scope, through means that are not legally binding, it is still notable because it expands the international Conventions that indirectly incorporate the issues, aiding them in becoming part of mainstream human rights law.

The Regional Level

Thus far, this chapter has examined the legal provisions at the UN level for VAW and DV and it will now turn to the regional legal mechanisms within Europe, and the effectiveness of these regional systems. The Council of Europe – including the European Convention of Human Rights¹⁵⁴ (hereafter, ECHR) and the Convention on preventing and combating violence against women and domestic violence¹⁵⁵ (commonly known as the Istanbul Convention) – and the European Union will be considered.

The Council of Europe:

The European Convention of Human Rights

The ECHR is the most notable regional human rights mechanism in Europe. It opened for signature in 1950 and entered into force in 1953, and it is important because it made certain provisions of the UDHR legally binding, whilst also establishing a

¹⁵² Ibid point 65(c).

¹⁵³ Ibid point 65 (h).

¹⁵⁴ Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) (ECHR).

¹⁵⁵ *Council of Europe Convention on preventing and combating violence against women and domestic violence*, 11 May 2011, (Istanbul Convention).

judicial organ, the European Court of Human Rights (hereafter, ECtHR) which can take action against any member State of the Council of Europe (hereafter, CoE), which violated one of the provisions¹⁵⁶. The CoE currently has 47 member States across Europe. Over time 16 additional protocols have been added to the Convention, but they are only legally binding for States that choose to both sign and ratify them¹⁵⁷.

DV has the potential to violate the following Articles of the ECHR:

Article 2: Right to Life: “Everyone’s right to life shall be protected by law”¹⁵⁸

Article 3: Prohibition of torture: “No one shall be subjected to torture or to inhuman or degrading treatment or punishment”¹⁵⁹

Article 6: Right to a fair trial: “Everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law”¹⁶⁰

Article 8: Right to respect for private and family life: “Everyone has the right to respect for his private and family life, his home and his correspondence”¹⁶¹

Article 13: Right to an effective remedy: “Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority”¹⁶²

Article 14: Prohibition of discrimination: “The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority,

¹⁵⁶ Council of Europe ‘The ECHR in 50 Questions’
<https://www.echr.coe.int/Documents/50Questions_ENG.pdf> accessed 4 April 2020.

¹⁵⁷ Ibid.

¹⁵⁸ Convention (n 155).

¹⁵⁹ Ibid.

¹⁶⁰ Ibid.

¹⁶¹ Ibid.

¹⁶² Ibid.

property, birth or other status”¹⁶³

Specific cases of how the EctHR has found these articles to have been violated will be discussed subsequently, in Chapter 4.

Istanbul Convention

The Council of Europe Convention on preventing and combating violence against women and domestic violence¹⁶⁴, commonly referred to as the Istanbul Convention, was opened for signature in 2011 and entered into force in 2014¹⁶⁵. It can be ratified by both the CoE’s Member States and Non-Members¹⁶⁶, and it has currently been ratified by 34 States, whilst 12 States have signed but not ratified it¹⁶⁷. It is a ‘landmark treaty’ because it “opens the path for creating a legal framework at pan-European level to protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence”¹⁶⁸. Furthermore, it is the first legally binding international instrument specifically focused on violence against women and girls¹⁶⁹.

Unlike many of the legal Conventions discussed thus far, where DV is only ever mentioned under the umbrella of VAW, in this Convention equal attention is given to DV, as demonstrated by it being included in the Convention’s title, and that the Convention seeks to “protect” women, and to “prevent, prosecute and eliminate

¹⁶³ Ibid.

¹⁶⁴ *Council of Europe Convention on preventing and combating violence against women and domestic violence*, 11 May 2011, (Istanbul Convention).

¹⁶⁵ Council of Europe, ‘Details of Treaty No.210’ <<https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210>> accessed 28 March 2020.

¹⁶⁶ World Future Council, ‘Istanbul Convention: Check how your country is doing in our map’ <<https://www.worldfuturecouncil.org/istanbul-convention-check-country-map/>> accessed 28 March 2020.

¹⁶⁷ Council of Europe, ‘Chart of signatures and ratifications of Treaty 210’ <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/signatures?p_auth=nckCGPr8> accessed 4 April 2020.

¹⁶⁸ Council (n 165).

¹⁶⁹ European Parliament ‘EU Accession to the Council of Europe Convention on Preventing and Combating Violence Against Women’ <<https://www.europarl.europa.eu/legislative-train/theme-area-of-justice-and-fundamental-rights/file-eu-accession-to-the-istanbul-convention>> accessed 28 March 2020.

violence against women and domestic violence”¹⁷⁰. A detailed definition of DV is provided, as “acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim”¹⁷¹.

The Convention outlines how the State must ensure that it does not engage in VAW on two fronts: firstly, through ensuring that the State itself, including State authorities, officials, agents and institutions, “refrain from engaging in any act of violence against women”¹⁷² – a negative obligation placed upon the State. Secondly, the State must ensure that it takes “the necessary legislative and other measures to exercise due diligence to prevent, investigate, punish and provide reparation for acts of violence covered by the scope of this Convention that are perpetrated by non-State actors”¹⁷³ – the positive obligation placed upon the State. Therefore, as in CAT’s General Comment 2¹⁷⁴, the liability of the State is expanded because the State can be held responsible for failing to exercise due diligence, even when the State did not commit the violence itself.

The Istanbul Convention also established a specific monitoring mechanism, called the Group of Experts on Action against Violence against Women and Domestic Violence (hereafter, GREVIO), to ensure the effective implementation of its provisions¹⁷⁵. Parties have to submit a report on legislative and other measures giving effect to the provisions of the Convention, which GREVIO then considers¹⁷⁶. GREVIO in turn publishes reports on the measures taken by the Parties, the ambition being that its legislative and policy feedback can lead to “the strengthening of national efforts to combat violence against women”¹⁷⁷. Alongside aiding the specific Party the report is about, it can also provide more general guidance for all other countries,

¹⁷⁰ Istanbul Convention (n 164) Article 1a.

¹⁷¹ Ibid Article 3.

¹⁷² Ibid Article 5(1).

¹⁷³ Ibid Article 5(2).

¹⁷⁴ CAT (n 145).

¹⁷⁵ Council (n 165).

¹⁷⁶ Istanbul Convention (n 164) Article 68 (1).

¹⁷⁷ Council of Europe, ‘General Reports on GREVIO’s activities’, <<https://www.coe.int/en/web/istanbul-convention/grevio-annual-reports>> accessed 18 June 2020.

regardless of whether they have yet become a party to the Istanbul Convention¹⁷⁸. Furthermore, GREVIO can launch a special inquiry procedure in cases where action is needed to stop serious acts of violence which violate the Convention¹⁷⁹, which involves urgent dialogue between GREVIO and the respective country, and often a country visit; then the findings of the inquiry, including recommendations, are relayed to the Party, and when appropriate, to the Committee of Ministers of the CoE¹⁸⁰.

The European Union

The final regional mechanism to be discussed in this chapter is the European Union (hereafter, EU). It is worth noting that because all of its Member States are also State parties to the CoE, it is bound by the ECHR and under the jurisdiction of the ECtHR. In regard to the Istanbul Convention, all EU Member States have signed it, and 21 have also ratified it¹⁸¹. Furthermore, there are discussions over whether the EU itself should sign and ratify the Istanbul Convention, which would make the treaty legally binding for all EU Member States¹⁸².

Alongside the role of the ECHR, the key treaty that the EU is bound by is the Charter of Fundamental Rights of the European Union¹⁸³, which has been legally binding for all EU Member States since the Treaty of Lisbon entered into force in 2009¹⁸⁴. Whilst this Charter does overlap with some of the Human Rights provisions of the ECHR, they operate as separate legal frameworks, and whilst the ECHR is interpreted by the

¹⁷⁸ Ibid.

¹⁷⁹ Council of Europe, 'GREVIO' <<https://www.coe.int/en/web/istanbul-convention/grevio>> accessed 28 March 2020.

¹⁸⁰ Council of Europe, 'About Monitoring', <<https://www.coe.int/en/web/istanbul-convention/about-monitoring1>> accessed 18 June 2020.

¹⁸¹ European Parliament (n 169).

¹⁸² European Parliament Press Release 'Istanbul Convention: All member states must ratify it without delay, say MEPs' <<https://www.europarl.europa.eu/news/en/press-room/20191121IPR67113/istanbul-convention-all-member-states-must-ratify-it-without-delay-say-meps>> accessed 29 March 2020.

¹⁸³ Charter of Fundamental Rights of the European Union, 26 October 2012, 2012/C 326/02

¹⁸⁴ Equality and Human Rights Commission, 'What is the Charter of Fundamental Rights of the European Union?' <[https://www.equalityhumanrights.com/en/what-are-human-rights/how-are-your-rights-protected/what-charter-fundamental-rights-european-union#:~:text=The%20Charter%20of%20Fundamental%20Rights%20of%20the%20European%20Union%20\(the,in%20individual%20EU%20Member%20States.>](https://www.equalityhumanrights.com/en/what-are-human-rights/how-are-your-rights-protected/what-charter-fundamental-rights-european-union#:~:text=The%20Charter%20of%20Fundamental%20Rights%20of%20the%20European%20Union%20(the,in%20individual%20EU%20Member%20States.>)> accessed 18 June 2020.

ECtHR the Charter is interpreted by the Court of Justice of the European Union (CJEU)¹⁸⁵. Like many of the treaties discussed throughout this chapter, the Charter does not directly refer to either VAW or DV, but it too contains many provisions that can be linked with DV. For example, Articles such as ‘Right to Life’¹⁸⁶, ‘Prohibition of torture and inhuman or degrading treatment or punishment’¹⁸⁷, ‘Right to Liberty and Security’¹⁸⁸ and ‘Non-discrimination’¹⁸⁹ all have the same indirect connotations with VAW and DV, as discussed previously in this chapter. Additionally, the Charter introduces one element that the other treaties do not, through the Articles ‘Human Dignity: Human dignity is inviolable. It must be respected and protected’¹⁹⁰ and ‘Right to the Integrity of the Person: Everyone has the right to respect for his or her physical and mental integrity’¹⁹¹. These two Articles both revolve around how the ‘dignity’ and ‘worth’ of a person should not be violated, something which it could most definitely be argued that DV violates, especially in relation to violating the respect for ‘physical and mental wellbeing’, which the various forms of DV, such as mental, physical and economic abuse, can all cause. Therefore, this provides another indirect means through which the Charter, despite never explicitly mentioning either VAW or DV, can be interpreted as pertaining to both.

The European Parliament has issued a few resolutions that relate to VAW, including: a resolution on the Elimination of Violence against Women¹⁹² and its resolution priorities and outline of a new EU policy framework to fight VAW¹⁹³. However, it is important to stress that these are not legally binding – they simply express the EU’s political position¹⁹⁴. Another initiative of the EU which has no legal value, but provides a useful contribution and upon which legal frameworks have been extended, is the Fundamental Rights Agency’s comprehensive study of violence against women

¹⁸⁵ Ibid.

¹⁸⁶ Charter (n 183) Article 2.

¹⁸⁷ Ibid, Article 4.

¹⁸⁸ Ibid, Article 6.

¹⁸⁹ Ibid, Article 21.

¹⁹⁰ Ibid, Article 1.

¹⁹¹ Ibid, Article 3.

¹⁹² European Parliament Resolution of 26 November 2009 on the Elimination of Violence against Women (P7-TA (2009) 0098).

¹⁹³ EU policy framework to fight violence against women (5 April 2011) (2010/2209(INI).

¹⁹⁴ European Council, Council conclusions and resolutions, <<https://www.consilium.europa.eu/en/council-eu/conclusions-resolutions/>> accessed 30 March 2020.

in all EU member States¹⁹⁵. It is notable because the study is the first of its kind across the EU, and because of its scale, as it was the result of 42,000 interviews¹⁹⁶. Alongside demonstrating how widespread violence against women is, it also demonstrated the very low percentage of women who report it – just 14% of women report their most serious instances of inter-partner violence to the police¹⁹⁷. Furthermore, the findings of this study increase the EU's support to ratify the Istanbul Convention¹⁹⁸.

Conclusion

This chapter has considered the legal mechanisms that can be used for VAW and DV. The initial absence of DV in Conventions reinforced the finding of the previous chapter, that DV was not initially seen as a legal issue. It can be concluded that in relation to the international level there is a failure to address VAW and DV within the initial Conventions, principally CEDAW and CAT, however, they can be indirectly inferred to be against both VAW and DV. Furthermore, subsequent 'soft-law', such as General Comments, have broadened their scope to directly include VAW and DV, and although these subsequent provisions are not legally binding they still reflect that DV has been taken more seriously at the international level. The broad range of instruments that relate to DV, either directly or indirectly, further demonstrate that it has become a 'mainstream' human rights issue, rather than being marginalised as just a women's rights issue. The second half of this chapter, which focused on regional mechanisms, emphasised the importance of the jurisprudence of the ECHR and ECtHR, and also found the CoE's Istanbul Convention to be a particularly notable development because it is directly focused on both VAW and DV.

¹⁹⁵ FRA 'Violence against women: an EU-wide survey' (3 March 2014) <https://fra.europa.eu/sites/default/files/fra_uploads/fra-2014-vaw-survey-main-results-apr14_en.pdf> accessed 27 March 2020.

¹⁹⁶ Ibid.

¹⁹⁷ Ibid.

¹⁹⁸ Ibid.

Like the previous chapter, this chapter has also focused on DV from a general perspective, and the thesis will now turn to its case study of DV in the Russian Federation.

Chapter 3: The context surrounding DV in the Russian Federation

There is no reliable data regarding the extent of DV in Russia¹⁹⁹, which in itself is part of the problem. The lack of data dates back to the Soviet Union, when DV did not ‘officially’ occur – no data was collected because it would have meant that crime existed under a communist regime²⁰⁰. Today there remains a lack of data, the Russian government does not separate crime according to gender, except for homicides, and there is no separate category for DV²⁰¹. Even the UN database on the Prevalence of Violence Against Women has no official statistics available for Russia²⁰². However, independent studies have been conducted and shed some light on the extensive scale of the problem in Russia. One notable and widely cited study is one by a representative of the Russian Ministry of Internal Affairs in 2008²⁰³, which revealed that:

- Violence, in one form or another, is observed in every fourth family²⁰⁴
- Two-thirds of homicides are attributable to household/domestic motives²⁰⁵
- Up to 40% of all serious violent crimes are committed within families²⁰⁶
- Every year around 14,000 women die at the hands of husbands or other close relatives²⁰⁷

Russia faces unique challenges, accounting for both why the prevalence of DV is so high, and for why it is so difficult to reduce the rate²⁰⁸. The most pressing factors will be discussed in this chapter as follows: gender stereotypes, the role of ‘family values’

¹⁹⁹ European Human Rights Advocacy Bulletin (2014).

²⁰⁰ Semenoff, (1997) in Horne *Domestic Violence in Russia* (American Psychologist 1999).

²⁰¹ UNFPA, ‘A House Divided: Domestic Violence in the Russian Federation’ [2007]
<<https://www.unfpa.org/news/house-divided-domestic-violence-russian-federation>> accessed 8 March 2020.

²⁰² UN WOMEN, ‘Global Database on Violence against Women: Russian Federation’ [2016]
<<https://evaw-global-database.unwomen.org/en/countries/europe/russian-federation>> accessed 22 March 2020.

²⁰³ ANNA ‘Violence Against Women in the Russian Federation’ (2010)
<https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/RUS/INT_CEDAW_NGO_RUS_46_9974_E.pdf>.

²⁰⁴ Ibid.

²⁰⁵ Ibid.

²⁰⁶ Ibid.

²⁰⁷ Ibid.

²⁰⁸ Horne *Domestic Violence in Russia* (American Psychologist 1999).

in making DV a private matter, the Russian Orthodox Church, alcohol, and the issues associated with housing and shelters.

Gender Stereotypes

For centuries Russian society has had a highly patriarchal structure; it emerged in Russian folklore and religious literatures, which later culminated in the creation of the “Domostroi”, a household manual with instructions on how women should confine themselves to their household duties, whilst men have a responsibility to discipline them²⁰⁹. For example, it instructed that a wife’s blouse should be removed before she is lashed, to ensure that the lashing remained a private matter²¹⁰. Strong discrepancies for men and women also existed legally; in the 17th Century a wife who had killed her husband would be killed by being buried alive, whilst a husband who killed his wife received no punishment²¹¹. The situation partially improved in the mid-19th Century when a law was passed which forbade a husband from beating his wife, however it was not universally applicable because it did not apply for the peasantry²¹².

Women did not have the right to be issued their own passport, live separately to their husbands, or work without their permission, until the formation of the Soviet Union²¹³. Women were legally and politically proclaimed to be equal to men in 1917, and throughout the duration of the Soviet Union, Marxist and Leninist theory followed the principle that the “status of women defined a country’s cultural and economic progress”²¹⁴. Despite this ‘liberation’, women were still expected to conduct all the housework and were the first to be fired during economic downturns²¹⁵. Since the fall of the Soviet Union gender division and discrimination have at the very least become more evident, and at the worst, have increased. In the

²⁰⁹ Ibid.

²¹⁰ Atkinson (1977) in Horne (n 208).

²¹¹ Ibid.

²¹² Ibid.

²¹³ Ibid.

²¹⁴ Ibid p. 56.

²¹⁵ Lapidus, *Women in Soviet society: Equality, development, and social change*. (Univ of California Press 1978).

International Labor Organisation's 2018/19 report it revealed that women earn an average of 33.9% less than men in hourly wages in Russia²¹⁶.

Today there is still scarce recognition that gender is socially constructed and not biologically defined, and VAW and DV are to some extent normalised in Russia, rather than viewed as crimes²¹⁷. The feminist conception of DV identifies sexism to be the root cause of DV, reflecting the power dynamics of society and its resultant "gender roles based on unequal power"²¹⁸. Russian men are indeed socialised to believe and are widely aware that they hold greater social, economic and political power than women²¹⁹. Additionally, there has traditionally been a widespread belief, held by both men and women, that violence is part of a normal loving relationship²²⁰. Furthermore, there is a deep-seated belief that DV is the woman's fault, a husband would not hit his wife unless she had done something wrong²²¹, and what is most problematic is that this view is not only believed by men, but also by many women²²². Sayings such as: "The one he beats is the one he loves"²²³ and "Beat the wife for better cabbage soup"²²⁴ demonstrate the normalisation of DV, and are not harmless sayings but instead contribute to Russia's "cultural background that perpetuates the belief that men are entitled to control and dominate the family through any means"²²⁵.

²¹⁶ International Labor Organisation, 'Global Wage Report 2018/19: What lies behind gender pay gaps' <https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_650553.pdf> accessed 24 March 2020.

²¹⁷ Amnesty International, 'Russian Federation: Nowhere to turn to Violence against women in the family' (2005) <https://www.amnesty.be/IMG/pdf/russia20051214_svaw_report.pdf> accessed 7 March 2020.

²¹⁸ Voigt and Thornton 'A Global View' in Summers and Michael (2002) p. 105.

²¹⁹ Ibid.

²²⁰ Katalin, *Domestic violence in postcommunist states: Local activism, national policies, and global forces*, (Indiana University Press 2010).

²²¹ Human Rights Watch, 'I Could Kill You and No One Would Stop Me' (2018) <https://www.hrw.org/sites/default/files/report_pdf/russia1018_web3.pdf> accessed 3 March 2020.

²²² Ibid.

²²³ Voigt (n 218) p. 97.

²²⁴ Cubbins and Vannoy, 'Socioeconomic resources, gender traditionalism, and wife abuse in urban Russian couples' [2005] 67(1) *Journal of marriage and family*.

²²⁵ Horne (n 208) p. 56.

The role of family values and DV being perceived as a private matter

There is a historical tendency for many social phenomena in Russia to be perceived as private matters²²⁶, and to this day many still see DV as a purely private issue - a 'Family Matter'²²⁷. Human Rights Watch found that not only did law enforcement, politicians, psychologists and judges believe that DV is private, but so did DV survivors and staff working in shelters and crisis centres²²⁸, which demonstrates how extensive and pervasive this concerning discourse surrounding DV is. Furthermore, the importance of "reconciliation and preservation of the family unit" was perceived to be the key priority, whilst women who successfully keep their children when they leave their abuser are accused of destroying the family and denying their children a father²²⁹. Authoritative marital and family relationships are crucial in Russia, whilst the concept of individualism is not accepted to the same extent that it is in the West, and so, the family is prioritised and held above all else²³⁰.

Religion

The Russian Orthodox Church also supports and contributes to these discourses surrounding DV being a private family matter and given the strong role that faith plays in many Russians' lives, it is important to consider its role. Since the end of the Soviet Union and its "atheist regime", there has been a strong movement back to religion, resulting in the Church being awarded a "privileged position"²³¹. According to the Russian Public Opinion Research Center, 79% of Russian women and 66% of Russian men identify as followers of Russian Orthodoxy²³², revealing the importance of religion as a marker of identity. The Russian Orthodox Church is the dominant

²²⁶ Voigt (n 218).

²²⁷ Equality Now, 'Russia is failing in its obligations to protect women from domestic and sexual violence' (2019) <https://www.equalitynow.org/russia_domestic_and_sexual_violence> accessed 3 March 2020.

²²⁸ Human Rights Watch (n 221).

²²⁹ Ibid p. 42.

²³⁰ Cubbins and Vannoy (n 224).

²³¹ Knox, *Russian society and the Orthodox church: Religion in Russia after communism* (Routledge 2004).

²³² Chernyak and Barrett (n 56).

religion in Russia and it is closely aligned with and endorsed by Putin's government. As a result it is trusted more than any other public institution²³³, and so due to this high level of trust, the way it approaches and refers to DV has substantial influence across the Russian population.

The Church has contributed to the previously discussed gender stereotypes and the promotion of the patriarchal family. Vsevolod Chaplin, a Russian Orthodox priest, believes that the family has its own rights as a unit, and that economic, psychological and other 'ordinary' disputes should not disrupt the sanctity of the family²³⁴. Biblical passages are interpreted strictly, such as: "Wives should be subordinate to their husbands as to the Lord"²³⁵ and "But I want you to know that Christ is the head of every man, and a husband the head of his wife"²³⁶. Women are thereby awarded a subservient position both in the Church and the family²³⁷. Furthermore, women are dehumanised as mere objects to be owned and controlled by men, as demonstrated by the Russian proverb: "Chicken is not a bird, and the woman is not a human being"²³⁸.

Alongside the ideology promoted by the Church, it also directly affects whether or not women are likely to take action if they are victims of DV. The Russian Orthodox Church is strongly against divorce, meaning that ending a violent marriage is simply not a viable option for many religious women²³⁹. Therefore, it can be inferred that the Church both makes women less likely to see any violence they suffer as 'wrong' because this would place the family at risk, and it also reduces the likelihood that women then seek help²⁴⁰, thus further exacerbating the problem.

²³³ Knox (n 231).

²³⁴ Tiounine, 'Why Russia is divided over domestic violence' [Video] (2020) <<https://www.ft.com/video/67ee39e4-4b43-485e-bf07-ad36afef1d73>> accessed 24 March 2020.

²³⁵ Eph. 5:22 New American Bible, in Chernyak and Barrett (n 56)

²³⁶ I Cor.11: 3, in Chernyak and Barrett (n 56)

²³⁷ Chernyak and Barrett (n 56)

²³⁸ Ibid p. 7.

²³⁹ Ibid.

²⁴⁰ Ibid.

Although the role of the Church is arguably detrimental, it also holds the capability to be a positive force that could be harnessed. For example, the clergy could be trained to act as “first responders” in helping women, and framing violence within the home as unacceptable but in a way that would still conform to Russian Orthodoxy²⁴¹. Simply informing women that they will receive God’s forgiveness could be very powerful in enabling them to leave a violent home and marriage²⁴². Furthermore, the Clergy could act as a powerful agent in lobbying the government to address DV as a serious public issue²⁴³. However, the Church is yet to take on the positive role that it could, and has thus far played a concerning role regarding the discourse it has engaged in surrounding DV in Russia.

Alcohol

Like with DV, there is little to no data on alcohol consumption during the Soviet Union²⁴⁴. However, since its dissolution in the 1990s, it is believed that the subsequent social, political and economic changes caused a serious rise of alcohol consumption in Russia²⁴⁵, making the level of alcohol consumption in Russia among the highest in the world²⁴⁶. The World Health Organization estimated that on average a Russian adult consumes 20.1L of pure ethanol per year, but when only males are considered, the average consumption is an even higher 30.5L²⁴⁷ per person. Whilst societies with high levels of alcohol consumption do not always exhibit high levels of violence, indicating that a society’s cultural and structural characteristics matter²⁴⁸, in Russia’s case it has been found that there is a strong connection between alcohol consumption and the number of homicides²⁴⁹. Unique characteristics of Russian

²⁴¹ Ibid p. 17.

²⁴² Ibid.

²⁴³ Ibid.

²⁴⁴ Treml, ‘Soviet and Russian Statistics on Alcohol Consumption and Abuse’ in Bobadilla, Costello and Mitchell, *Premature death in the new independent states* (1997).

²⁴⁵ Pridemore, ‘Weekend effects on binge drinking and homicide: the social connection between alcohol and violence in Russia’ (2004) 99(8) *Addiction*.

²⁴⁶ Ibid.

²⁴⁷ World Health Organization, ‘Russian Federation’ (2018)

<https://www.who.int/substance_abuse/publications/global_alcohol_report/profiles/rus.pdf> accessed 25 March 2020.

²⁴⁸ Wells and Graham, ‘Aggression involving alcohol: relationship to drinking patterns and social context’ (2003) 98(1) *Addiction*.

²⁴⁹ Pridemore (n 245).

society include a high tolerance for and occurrence of both binge and heavy drinking, usually of spirits such as vodka²⁵⁰. The resultant “quicker and deeper” intoxication that this leads to has been connected with violent outcomes²⁵¹. A concerning factor in relation to DV is that in contrast to Western countries where pubs and bars are widespread, in Russia a large proportion of drinking occurs in private or semiprivate settings, such as the home, putting women at direct risk, especially as there is far less surveillance and control by police and security forces²⁵².

A study on alcohol misuse and intimate partner violence in St. Petersburg found that there is a direct correlation between the two, with participants who were classified as misusing alcohol being over 3 times as likely to have committed intimate partner violence²⁵³. This is particularly pertinent and concerning given that studies have found that in certain regions up to 75% of males in Russia have been classified as misusing alcohol²⁵⁴. Stickley’s study also found that alcohol consumption had a statistical correlation with intimate partner violence, and so did witnessing parental violence as a child²⁵⁵.

The exact relationship between alcohol and violence in relation to DV is hard to precisely define, but Stickley and Carlson have distinguished three key ways that alcohol can be linked²⁵⁶:

- Alcohol as a factor which can help provoke arguments that lead to violence²⁵⁷
- As a mechanism that helps aggravate arguments to a level at which violence occurs²⁵⁸
- As a disinhibitor that allows violence to happen²⁵⁹

²⁵⁰ Trembl (n 244).

²⁵¹ Nordstrom, 1998 in Pridemore (n 245).

²⁵² Pridemore (n 245).

²⁵³ Zhan and others ‘Alcohol misuse, drinking contexts and intimate partner violence in St. Petersburg, Russia: results from a cross-sectional study’ (2011) 11(1) BMC public health.

²⁵⁴ Nilssen and others, ‘Alcohol consumption and its relation to risk factors for cardiovascular disease in the north-west of Russia: the Arkhangelsk study’ (2005) 34(4) International Journal of Epidemiology.

²⁵⁵ Stickley, Timofeeva and Sparén ‘Risk Factors for Intimate Partner Violence Against Women in St. Petersburg, Russia’ (2008) 14(4) Violence Against Women.

²⁵⁶ Stickley and Carlson (2005) in *ibid*.

²⁵⁷ *Ibid*.

²⁵⁸ *Ibid*.

Another important role that alcohol can play regarding DV is as a scapegoat, whereby perpetrators blame the alcohol for their behaviour²⁶⁰, and it can act as deterrent for women thinking of leaving a violent home because it is the husband's resolvable 'drinking problem' which is the problem, rather than fault lying with the husband himself²⁶¹. Although this is an issue in every country, given the extensive issue with alcohol consumption in Russia, the author proposes that the occurrence of alcohol as a scapegoat is far more prevalent within Russia.

Although, as demonstrated in the discussion above, there is a widely supported and statistical correlation between alcohol and DV in Russia, and indeed the Russian authorities often use alcohol misuse as a sole explanation for DV, Amnesty International argues that this is inherently problematic because it ignores the underlying sexism, gender stereotypes and violence itself²⁶². Furthermore, alcohol is used to justify DV, even though in interviews conducted by Amnesty International, in long-term relationships the men were often violent when sober²⁶³. This reinforces the notion that, as in all contexts, "alcohol consumption is neither a necessary nor sufficient condition for domestic violence to occur"²⁶⁴. Therefore, whilst acknowledging the importance of alcohol to the situation in Russia, it is also important to stress that alcohol should not be considered as a sole cause of DV, but that the gender inequality within society, which in turn normalises DV, is the more deep-rooted problem. Therefore, on the whole, alcohol must be viewed as a "facilitator", rather than an "instigator", of DV²⁶⁵.

²⁵⁹ Ibid.

²⁶⁰ McGregor (n 15)

²⁶¹ Javaid (2015) 'The role of alcohol in intimate partner violence: Causal behaviour or excusing behaviour?' [2015] 13(1) Journal of Community Justice.

²⁶² Amnesty International Press Release, 'Russia: One woman an hour being killed through domestic violence - new report calls for action' (2005)
<https://www.amnesty.be/IMG/pdf/russia20051214_svaw_report.pdf> accessed 7 March 2020.

²⁶³ Amnesty International (n 217).

²⁶⁴ McGregor (n 15).

²⁶⁵ Javaid (n 261) p. 84.

Housing and shelters

There is a common assumption that common living spaces within Russia can make women more susceptible to DV. Indeed, the Special Rapporteur on VAW said: “Inadequate housing provides living conditions that are conducive to violence... Moreover, overcrowded housing conditions, where stress levels are high and tolerance is low – added to unemployment or poverty and the resulting financial anxieties – exacerbate the risk of domestic violence”²⁶⁶. This reinforces the common portrayal of the ‘kommunalka’, a communal apartment, being a place that can entrap women in violent relationships. However, others contest this, finding instead that being within a shared living space notably decreases the risk of DV, because the presence of outsiders acts as a policing force, and should thus be seen as a protective mechanism²⁶⁷.

It is arguably housing shortages, rather than the existence of communal living spaces, which is the more pressing issue because it makes it very difficult for a woman to find an alternative place to live when trying to leave an abusive relationship. It is common for ex-spouses to be forced to continue to live together after the dissolution of a relationship²⁶⁸, and in some cases even in the same room²⁶⁹. Thus, the lack of both available and affordable housing create strong structural barriers for women, in many cases they simply have nowhere to go to escape a violent relationship²⁷⁰.

Due to the critical role that housing plays, it is important to consider the role of shelters because they can provide a key route out of violent relationships by providing victims with a safe place to stay. Moscow, with its 12 million inhabitants, has only one State funded shelter²⁷¹. Similarly, nationwide, with Russia’s population of 145

²⁶⁶ Amnesty International (n 217) p. 24.

²⁶⁷ Stickley and others (n 255).

²⁶⁸ Chernyak and Barrett (n 56).

²⁶⁹ Amnesty International (n 217).

²⁷⁰ Chernyak and Barrett (n 56).

²⁷¹ BBC ‘The silent nightmare of domestic violence in Russia’ (2013)

<<https://www.bbc.co.uk/news/world-europe-21474931>> accessed 26 March 2020.

million²⁷², there are only 42 shelters that provide specialised assistance to DV victims²⁷³. Given that Russia has neither signed nor ratified the Istanbul Convention, which stipulates that governments must provide specialised support services, including shelters for DV victims²⁷⁴, it is under no legally binding obligation to provide any shelters, and so whilst this severe lack of shelters is most definitely concerning, it is not unsurprising. This deficit of shelters is further compounded by the fact that women can only seek help from a given shelter if they live in that region²⁷⁵, and that the other criteria to enter a shelter are stringent and can result in weeks of paperwork to determine whether a woman can stay²⁷⁶. There are also issues over how the shelters are run, with many, particularly state-run shelters, promoting the preservation of the family above all else, including the safety of women²⁷⁷. The non-governmental sector does also play a role, with five non-governmental shelters being opened between 2012-15²⁷⁸, but given the scale of the issue this is nowhere near enough²⁷⁹. Alongside shelters, hotlines have existed since 1993, after the ANNA Centre for the Prevention of Violence opened the first telephone line for victims of DV, and it now runs at the national level²⁸⁰. There has also been a rise in specialised centres providing legal and psychological help but they very rarely also function as shelters²⁸¹.

The Legal Situation in the Russian Federation

This first half of the chapter has considered the overriding factors that are important to DV in Russia from a social approach, and the second half of the chapter will consider Russia's situation from a legal point of view. It is important to stress that it is

²⁷² Worldometer, 'Russian Population' (2020) <<https://www.worldometers.info/world-population/russia-population/>> accessed 26 March 2020.

²⁷³ ANNA, Alternative Report (2015) <https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/RUS/INT_CEDAW_NGO_RUS_21870_E.pdf> accessed 7 March 2020.

²⁷⁴ Council of Europe, 'The Convention in brief', <<https://www.coe.int/en/web/istanbul-convention/the-convention-in-brief>> accessed 18 June 2020.

²⁷⁵ ANNA (n 273).

²⁷⁶ Human Rights Watch (n 221).

²⁷⁷ Ibid.

²⁷⁸ ANNA (n 273).

²⁷⁹ Human Rights Watch (n 221).

²⁸⁰ Ibid.

²⁸¹ Ibid.

all interconnected and areas previously discussed will resurface, such as how gender stereotypes have affected legislation.

In relation to Russia's international obligations, and how it compares to other countries, regarding the legal instruments discussed in the previous chapter, Russia has signed and ratified CEDAW²⁸², CAT²⁸³, ICCPR²⁸⁴ and ICESCR²⁸⁵. However, at the regional European level, Russia is one of the few members of the CoE that has neither signed nor ratified the Istanbul Convention, which is notable considering that, as discussed, this is the first and only European treaty that directly defines and addresses DV. Whether or not a State commits to international treaties matters, because as 'norm socialization' literature contends, this commitment leads to the norms and practices within a State changing, through changing laws and adopting policies to support the legal changes²⁸⁶. In Russia's case the author suggests that its failure to sign and ratify the Istanbul Convention has contributed towards its failure to implement any adequate measures towards addressing DV, as will be demonstrated throughout the remainder of this chapter.

A State can criminalise DV through stand-alone laws and/or amendments to the criminal code²⁸⁷, and 140 States worldwide have criminalised DV through one or both of these means²⁸⁸. Russian law does not consider DV to be a standalone offence²⁸⁹, it is neither specifically criminalised nor defined anywhere in Russian legislation²⁹⁰. Instead, it can only be tried as violence against another person²⁹¹. Russia only

²⁸² Signed on 17 July 1980 and ratified on 23 January 1981.

²⁸³ Signed on 10 December 1985 and ratified on 3 March 1987.

²⁸⁴ Signed 1968, ratified 1973.

²⁸⁵ Signed 1968, ratified 1973.

²⁸⁶ Rise, Ropp and Sikkink 1999 in Boer and Ertan, 'Explaining Cross-National Variation in Domestic Violence Legislation', 2017.

²⁸⁷ Boer and Ertan, 'Explaining Cross-National Variation in Domestic Violence Legislation', 2017.

²⁸⁸ World Bank, 2016 in Ibid.

²⁸⁹ Gorbunova 'The chilling inaction on domestic violence in Russia is endangering women's lives' <https://www.euronews.com/2019/07/29/the-chilling-inaction-on-domestic-violence-in-russia-is-endangering-women-s-lives-view?utm_medium=Social&utm_source=Twitter#Echobox=1564419588> accessed 12 April 2020.

²⁹⁰ European Human Rights Advocacy Bulletin (n 199).

²⁹¹ Gorbunova (n 289).

indirectly criminalises DV through its Criminal Code²⁹², in which the relevant Articles which incorporate this violence against another person are:

Article 112 – Intentional Infliction of Injury to Health of Average Gravity, which obtains a maximum penalty of three years detention²⁹³.

Article 115 – Intentional Infliction of Light Injury, which obtains a maximum penalty of four months detention²⁹⁴.

Article 116 – Battery, which obtains a maximum penalty of three months detention²⁹⁵.

Article 119 - Threat of Murder or Infliction of Grave Injury to Health²⁹⁶. This is the only Article for which threatening behaviour, which is not accompanied by physical violence, can be prosecuted²⁹⁷. However, it means that only extremely serious threats that amount to a threat of ‘murder’ or ‘grave injury’ can be prosecuted²⁹⁸.

It is important to stress that none of the Articles above (112, 115, 116 and 119) give any mention to the relationship between the perpetrator and the victim²⁹⁹, despite as discussed in previous chapters, this being a key element of DV.

Article 18 – Recidivism; this is the only Article that stipulates that penalties should be greater for repeat offenders³⁰⁰, however, the wording “convictions for intentional crimes of little gravity” shall not be taken into account for the

²⁹² The Criminal Code of the Russian Federation 1996.

²⁹³ Ibid.

²⁹⁴ Ibid.

²⁹⁵ Ibid.

²⁹⁶ Ibid.

²⁹⁷ European Human Rights Advocacy Bulletin (n 199).

²⁹⁸ Ibid.

²⁹⁹ ANNA (n 203).

³⁰⁰ European Human Rights Advocacy Bulletin (n 199).

recidivism of crime³⁰¹ essentially means that a stricter penalty cannot be imposed on DV perpetrators who repeatedly offend³⁰².

Article 117 – Torture: “The infliction of physical or mental suffering by means of systematic beating or by any other violence actions”³⁰³. This Article has the potential to address two distinct, but often mutually occurring, forms of DV: physical and mental abuse. Furthermore, it actually takes aggravating factors into account³⁰⁴, such as “in material or any other dependence on the convicted person”³⁰⁵. Whilst this is potentially the most promising Article because of its greater potential to be tied with DV, unfortunately it is “rarely invoked”³⁰⁶.

Article 20 of the Criminal Procedural Code – Kinds of the Criminal Prosecution; this Article specifies that “Depending on the character and on the gravity of the committed crime, the criminal prosecution, including the charge at the trial, shall be carried out in public, private-public or private procedure”³⁰⁷, meaning that these crimes do not necessitate State investigation or prosecution. The Article stipulates that Article 115 (Intentional Infliction of Light Injury) and 116 (Battery) of the Criminal Code should be carried out privately³⁰⁸. This was declared through the amendments to the Penal Code of the Russian federation in 2003 and it has significantly changed how cases of DV are conducted because the majority of them now fall under the category of private prosecution cases³⁰⁹. The supposed justification for this change was that these crimes affect specific citizens, and so it is up to these citizens to decide whether criminal proceedings should be instigated against the perpetrator³¹⁰. Essentially, it means that DV is legally viewed as an

³⁰¹ Criminal Code (n 292) Article 18, point 4(a).

³⁰² European Human Rights Advocacy Bulletin (n 199).

³⁰³ Criminal Code (n 292).

³⁰⁴ ANNA (n 203).

³⁰⁵ Criminal Code (n 292) Article 117, point 2(d).

³⁰⁶ ANNA (n 203) p. 10.

³⁰⁷ Criminal Procedural Code of the Russian Federation (2001) Article 20(1).

³⁰⁸ Ibid.

³⁰⁹ ANNA (n 203).

³¹⁰ Ibid.

“interpersonal” rather than societal issue³¹¹. In reality this is a major disadvantage for victims of DV because it means that they are left without the protection of the State which is in turn reflected by the subsequent reduction in the total number of court cases³¹². All of the responsibility is placed upon the victim, to open the case, present all the information and formulate the charges.³¹³ The victim is expected to repeatedly face the perpetrator in court despite their vulnerability and that they may still be going through the psychological, social and economic consequences of the abuse³¹⁴. Indeed, it is also highly possible that the victim is still living with the abuser because restraining orders, or an equivalent, do not exist in the Russian legal system³¹⁵. Furthermore, even if the victim is successful the penalties are minimal – a fine, but in some cases the State has pushed the victim to pay the fine herself because her husband refused to³¹⁶, something which is a completely unsatisfactory resolution, the victim herself essentially paying off the penalty for the DV she suffered³¹⁷. Due to the “overwhelming and ineffective” process of private prosecutions, many victims of DV have decided to abandon prosecution altogether³¹⁸, which serves to further normalise and perpetuate DV.

One notable consequence of the move away from the State and the rise of “private prosecutions” is that the number of non-governmental crisis centres for women have rapidly grown, to provide the much needed psychological and legal support that the State is failing to provide³¹⁹.

Before moving on to the next section, it is worth considering where Russia stands globally, and as Figure 3. illustrates, as of 2020, Russia is in the worst possible category for the overall adequacy of its DV law, alongside several African and

³¹¹ Chamusco, “‘If He Beats You, It Means He Loves You’: Domestic Violence and Women's Rights in Russia” (2017) p. 6.

³¹² ANNA (n 203).

³¹³ European Human Rights Advocacy Bulletin (n 199).

³¹⁴ Ibid.

³¹⁵ Chamusco (n 311).

³¹⁶ Gorbunova (n 289).

³¹⁷ Ibid.

³¹⁸ Williamson, ‘Re: Draft Law “On Prevention of Domestic Violence”’ (6 December 2019) p. 2.

³¹⁹ Johnson, ‘Privatizing Pain: The Problem of Woman Battery in Russia’ (2001) 13(3) NWSA Journal.

Middle Eastern countries. Given the absence of a standalone law on DV, as well as the very tenuous links to DV within the Criminal Code, this is unsurprising. However, it is still worth emphasising that Russia's position is atypical in contemporary society, it is amongst a minority of countries that fall this far behind in their legal provisions for DV.

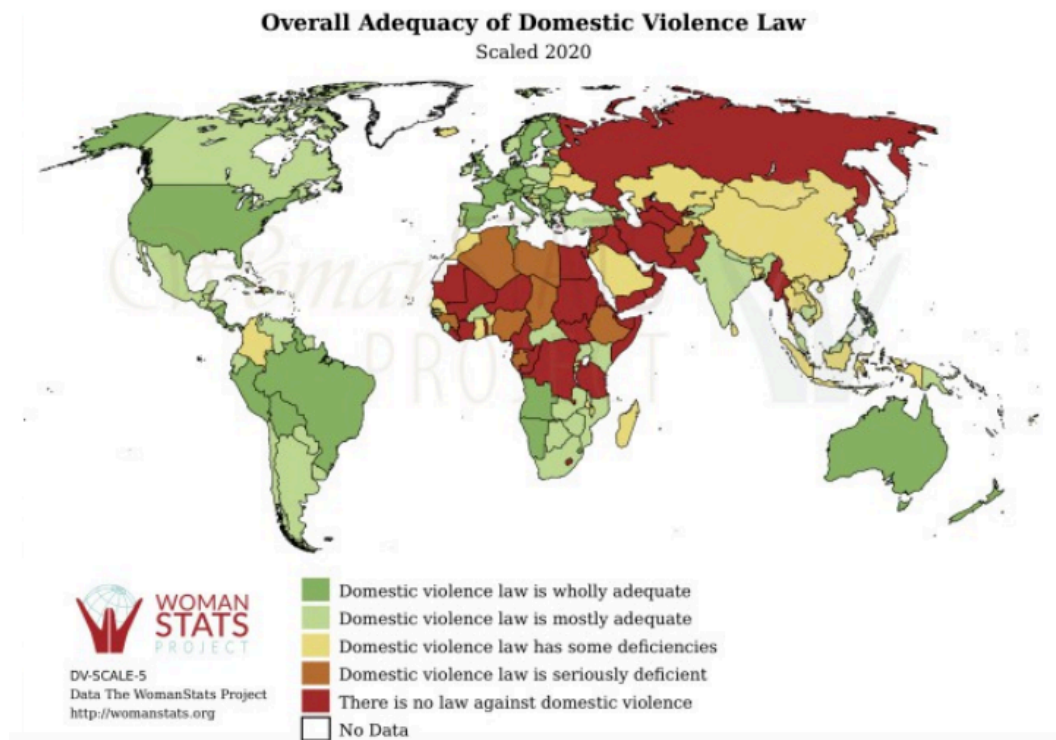


Figure 3: Global rating of every country's DV law³²⁰

Recent Developments in Russian Law:

a. Drafting the law on "Prevention of domestic violence"

Between 2012-14 a working group discussed and drafted a federal law on combating and preventing violence within the family³²¹. The draft was a progressive step because it included a definition of violence within the family, proposed measures to prevent DV, including protection orders, and very notably, the transfer of prosecutions from

³²⁰ Woman Stats, 2020, 'Overall Adequacy of Domestic Violence Law'
<<http://www.womanstats.org/maps.html>> accessed 19 June.

³²¹ Human Rights Watch (n 221).

the private to the public sphere³²². The bill also guaranteed that judicial and psychological help would be provided for victims³²³. The draft law received widespread support during the process of evaluation by each Ministry, and the NGO community, which collected 150,000 signatures in favour of the law being adopted³²⁴. However, the draft law was then proposed to the State Duma, which rejected it because of so called “errors” in the text, although one of the drafters argued that the pushback was really because the law was seen to compromise “traditional values”³²⁵. Thus, this demonstrates how the role of traditional family and gender stereotypes, discussed earlier in the chapter, directly hinder the possibility of far more progressive laws being successfully adopted.

b. The ‘Slapping’ Law

In January 2017, Russian lawmakers voted by an overwhelming majority of 380-3 to decriminalize some forms of DV³²⁶ and Putin then signed the Bill into law on February 7th 2017³²⁷. The law amends Article 116 (Battery) of the Russian Criminal Code, stipulating that: “battery of close persons that resulted in physical pain but did not inflict harm or other consequences is no longer a crime”³²⁸. First time offences that do not result in “serious bodily harm” had previously resulted in up to a two-year prison sentence³²⁹ but under the new law the punishment was reduced to a maximum fine of 30,000 rubles (\$500), a maximum administrative arrest of 120 hours of community service, or 15 days of administrative arrest³³⁰. Furthermore, the law removed battery against a family from the Criminal Code and it was instead included in the Administrative Code, which is subject to much lower sanctions³³¹.

³²² Ibid.

³²³ Yurtaev, ‘Inside the fight over Russia’s domestic violence law’
<<https://www.opendemocracy.net/en/odr/russia-domestic-violence-law/>> accessed 30 March 2020.

³²⁴ ANNA (n 273).

³²⁵ Human Rights Watch (n 221).

³²⁶ Chamusco (n 311).

³²⁷ Denejkina (n 7).

³²⁸ Law No.8-FZ, Feb. 7, 2017 in Advocates for Human Rights (n 107).

³²⁹ Chamusco (n 311).

³³⁰ Human Rights Watch (n 221).

³³¹ Chamusco (n 311).

Essentially, the decriminalisation brought about by the 2017 law has meant that first time offenders of DV no longer face a prison sentence as they did before but instead face just a fine³³², and so it is seen to legitimise DV, which is why it is commonly referred to as the ‘slapping law’. Yulia Gorbunova believes that the law adds to the already significant obstacles that victims of DV face in Russia and puts their lives at “even greater risk”³³³. The law sparked widespread criticism from women, human rights activists, DV survivors’ advocates and the broader international community³³⁴. The impact of the law is already evident, due to a rapid increase in the number of persons convicted for criminal (non-aggravated) battery, from 16,198 and 17,808 persons respectively in 2015 and 2016, to 113,437 people sentenced for battery as an administrative offence in 2017³³⁵.

In June 2016 Putin had signed a law that decriminalised certain kinds of “simple battery”, but it had an exception clause for close family members which sparked a backlash amongst conservatives because parents could face up to two years in jail for smacking their child³³⁶. Therefore, the 2017 “slapping law” was issued as way to resolve this, and it was therefore framed as an anti-discrimination measure³³⁷, so that parents were no longer facing a risk of higher sanctions for physically disciplining their child/children than a stranger would³³⁸. The 2017 ‘slapping law’ was therefore presented as protecting the family institution³³⁹, and it had the support of the Russian Orthodox Church, which has a long history of advocating for less government

³³² Denejkina (n 7).

³³³ Human Rights Watch ‘Russia: Bill to Decriminalize Domestic Violence’ (23 January 2013) <<https://www.hrw.org/news/2017/01/23/russia-bill-decriminalize-domestic-violence>> accessed 5 March 2020.

³³⁴ Graca, ‘Russia changes the law on domestic violence – why should it concern the UK?’ <<http://slsblog.co.uk/blog/blog-posts/russia-changes-the-law-on-domestic-violence-why-should-it-concern-the-uk/>> accessed 05 March 2019.

³³⁵ Human Rights Watch (n 221).

³³⁶ Zhenlkeyev, ‘Putin Signs Law Decriminalizing Domestic Abuse’ <<https://www.themoscowtimes.com/2017/02/07/putin-signs-law-decriminalizing-domestic-abuse-a57070>> accessed 5 March 2019.

³³⁷ Chamusco (n 311).

³³⁸ Graca (n 334).

³³⁹ Human Rights Watch (n 221).

interference in the home³⁴⁰. The law means Russia is yet again ignoring the repetitive nature of DV, and the role of interpersonal relationships, because there is only focus on physical incidents³⁴¹. The psychological, emotional and verbal abuse and manipulation associated with DV is completely ignored³⁴².

c. Draft Law “On Prevention of Family Violence”

A new draft law on the Prevention of Family Violence has recently been proposed, in November 2019, something that sounds positive given Russia’s notable absence of a law specifically addressing DV. The rhetoric surrounding this draft law in Russia was that “existing legislation does not provide protection from family violence”³⁴³.

However, there have been many criticisms made of the proposed law. The positions of the critics are polarised, for some the bill is too extreme and radical, such as for the Russian Orthodox Church, who are against it due to the bill’s “obvious anti-family orientation”³⁴⁴. Similarly, 180 ‘traditional values’ organisations have signed an open letter that condemns the proposed bill because they believe it seeks to alter the foundation of Russian society, the family³⁴⁵. In stark contrast, for other critics the bill is too weak, such as for Human Rights Watch, who have written an open letter to the Russian Council, strongly encouraging them to bring about significant modifications to bring the law into line with international standards³⁴⁶. These recommendations include:

- To include a definition of DV, preferably the definition used in the Istanbul Convention, and to make it a standalone offence³⁴⁷

³⁴⁰ Denejkina (n 7).

³⁴¹ Graca (n 334).

³⁴² Human Rights Watch (n 221).

³⁴³ Galina Karelova, Vice-Speaker of Russia’s Federation Council, in Yurtaev (n 323).

³⁴⁴ Yurtaev (n 323) n.p.

³⁴⁵ Karnaukh and Coalson ‘Law Angers Russia’s ‘Traditional Values’ Conservatives’

<<https://www.rferl.org/a/russia-domestic-violence-law-traditional-values-conservatives/30283060.html>> accessed 5 March 2019.

³⁴⁶ Human Rights Watch ‘Russia: Domestic violence bill falls short’

<<https://www.hrw.org/news/2019/12/09/russia-domestic-violence-bill-falls-short>> accessed 3 March 2020.

³⁴⁷ Williamson (n 318).

- To widen the scope of the draft law so that alongside spouses and family it also includes partners who are not officially married and also former partners³⁴⁸
- To clarify what sanctions apply when the perpetrator violates the protection order³⁴⁹
- To reinstate criminal liability for the first offense of battery³⁵⁰ (thereby reversing the 2017 ‘slapping law’)
- To provide concrete support for victims, including a specified minimum number of spaces in specialized shelters, which are geographically spread out so that they are accessible to all victims³⁵¹
- To transfer all DV offences to private-public or public prosecution.
- To introduce sanctions for law enforcement officials who are negligent in how they respond to DV complaints if the negligence leads to any harm to someone’s health, or their death³⁵²

At the time of writing this thesis the proposed draft law has still not been voted on. Given the concerning nature of this bill, which is supposedly for the ‘prevention of family violence’, the author would argue that it will be more retrogressive if this draft law is passed, than if the current legal situation continues.

Police Inaction

Alongside the weakness of the laws in addressing DV in Russia, another crucial issue is the reluctance of law enforcement officials, especially police, to act appropriately in reported cases of DV. Firstly, often police do not respond to disturbance calls, and when they do there is frequent victim-blaming³⁵³. To ‘prove’ how the women “provoked” the violence themselves, police often focus on how the victim had consented to spending time with the suspect, had dressed provocatively and did not

³⁴⁸ Ibid.

³⁴⁹ Ibid.

³⁵⁰ Ibid.

³⁵¹ Ibid.

³⁵² Ibid.

³⁵³ Chamusco (n 311).

strongly resist during the attack³⁵⁴. These supposed ‘facts’ are then used as justification to not prosecute³⁵⁵. Furthermore, police often refuse to even write up a report of the incident, and another notable issue is that in order to save effort and time for themselves, the police often push for reconciliation between the perpetrator and the victim³⁵⁶. In some cases, the UN Committee Against Torture has even recorded instances of coercive reconciliation³⁵⁷.

ANNA argue this inaction partially stems from the pervasive attitude that DV is a private family matter, and so the State, including State actors, such as the police, should not intervene³⁵⁸. Furthermore, there is a widespread myth amongst officials that women have something to gain through these cases and so this makes them suspicious, to the extent that they argue that the complaints are entirely fabricated³⁵⁹. To successfully capture the attention of the police cases usually have to be very severe, to the extent that they include homicide³⁶⁰. One lawyer argued that the police response to victims often follows the rhetoric of: “Call us if you’re murdered” or “If there is any dead body, we will come”³⁶¹.

This whole process of police inaction results in a spiral whereby because women find the police response to be inadequate, and in some cases harmful, they lose trust and then do not report subsequent cases of abuse³⁶². This is reflected by only 10% of DV survivors having reported incidents of violence to the police in Russia³⁶³. Inadequate police action is so widespread because there are currently no consequences for the actions they choose to take. Therefore, Human Rights Watch’s proposal for negligent police officers to be held accountable and face sanctions if their inaction leads to further harm to the victim, or even death, is a crucial step needed to improve the

³⁵⁴ ANNA (n 203).

³⁵⁵ Ibid.

³⁵⁶ Chamusco (n 311).

³⁵⁷ Ibid.

³⁵⁸ ANNA (n 203)

³⁵⁹ Ibid.

³⁶⁰ Advocates for Human Rights (n 107).

³⁶¹ Ibid p. 5.

³⁶² Chamusco (n 311).

³⁶³ Report by the Federal State Statistics and the Ministry of Health, in Human Rights Watch (n 221).

situation in Russia. However, it is arguably more complex than this because the police officers are part of the much broader system within Russia that enables and even promotes the continued occurrence of DV, and so challenging the entire rhetoric surrounding DV, as well as the criminal code, is more essential than merely removing the particularly obvious ‘bad apples’ within the police force.

Alongside the police it is worth noting that medical professionals, including sexual health specialists, gynaecologists and forensic experts, can also act as impediments during DV cases³⁶⁴. Some doctors refuse to examine or help victims, and this is sometimes because they do not want to have to write a report or testify in court³⁶⁵. This in turn means that victims then lack the necessary evidence for the case to proceed. This also demonstrates how victims can face stigma and barriers from other officials that work for the State, reinforcing the author’s argument that the Russian attitude and approach towards DV must be viewed as a pervasive and cross-cutting issue within Russia, rather than something that only stems from isolated sources, such as the police force.

Conclusion

This chapter, with both its social and legal approach, has evaluated the particular context in Russia in relation to DV, the key factors that affect it, and the recent developments in law. The interconnected nature of all of this has repeatedly been demonstrated, for example that gender stereotypes and the beliefs about the role of the family directly affect which laws have successfully been supported and passed. Furthermore, none of the discussed factors should be considered in isolation, but instead it must be recognised that they all intersect, whether it be alcohol consumption and religious ideas intersecting with the prevalence of the Russian patriarchal system, or the inaction of the police intersecting with the severely limited criminal system that they can utilise against DV perpetrators.

³⁶⁴ ANNA (n 273).

³⁶⁵ Ibid.

This chapter has laid the groundwork by exploring the general context within Russia, enabling the following two chapters to focus on specific cases of DV within Russia. The next chapter will adopt a legal approach to consider how DV has been approached in cases with the ECtHR, both in Russia and across Europe.

Chapter 4: DV Cases heard by the European Court of Justice

This chapter will analyse how DV cases have been taken up and approached by the ECtHR through considering the first cases that emerged and how they have since developed. Particular attention will be given to the inconsistencies in judgments and the role the Court has awarded gender in its judgments. The chapter will then focus on the one concluded ECtHR case against Russia: *Volodina v Russia*³⁶⁶.

Emerging case-law on DV

The first DV case heard by the ECtHR was in 2007³⁶⁷, despite the court being created in 1959 and made permanent in 1998³⁶⁸. As discussed previously, it took a long time for DV to be openly discussed and even longer for it to be seen as an issue that could be approached legally. The public/private dichotomy that historically exists in international human rights law has been particularly problematic for DV³⁶⁹. The private sphere has traditionally been seen as an arena in which regulation is inappropriate, and furthermore, the private sphere is associated with non-State activities whilst international human rights were designed in such a way that they bind States, and therefore only State activities³⁷⁰. Furthermore, States were initially only seen to have a negative obligation, where they only had to refrain from violating rights rather than also including the positive obligation to ensure that the rights of the individual were not violated³⁷¹. Therefore the State could not be held accountable for cases of DV where the victim's rights had been violated by a private party or individual³⁷². However, principles such as 'State responsibility' and 'due diligence' have emerged, wearing down the public/private dichotomy and enabling DV, as well as a range of other issues, to fall under international human rights and in turn the

³⁶⁶ *Volodina v. Russia*, no. 41261/17, 2019.

³⁶⁷ *Kontrova v. Slovakia*, no. 7510/04, 2007.

³⁶⁸ Bates, *The evolution of the European Convention on Human Rights: from its inception to the creation of a permanent court of human rights* (Oxford University Press 2010).

³⁶⁹ Hasselbacher 'State obligations regarding domestic violence: The European Court of Human Rights, due diligence, and international legal minimums of protection' (2010) Nw. J. Hum. Rts.

³⁷⁰ Cook in McQuigg, 'The European Court of Human Rights and domestic violence: Valiuliene v. Lithuania' (2014) *The International Journal of Human Rights*.

³⁷¹ McQuigg, 'The European Court of Human Rights and domestic violence: Valiuliene v. Lithuania' (2014) *The International Journal of Human Rights*.

³⁷² *Ibid.*

ECtHR's jurisdiction³⁷³. This has resulted in DV now being “viewed as a human rights violation that states have a responsibility to address”³⁷⁴. The ECtHR has now repeatedly been called to assess whether a State's actions in relation to DV fell under its positive obligations, as will be discussed.

The first substantive case of DV that was dealt with by the ECtHR was *Kontrova v. Slovakia*³⁷⁵ in 2007 and although throughout the case ‘domestic violence’ was never mentioned, it is still seen as the first case on DV because of the nature of the case. The applicant had filed a complaint against her husband for beating and assaulting her, which she later amended to make more minor whilst accompanied by her husband; her husband subsequently shot and killed their two children. The assault, forcing his wife to amend her statement and the violence of killing the children are all acts that can clearly be seen as DV due to the nature of his relationship with the victims, and that the actions are not standalone acts, but form a pattern. The court found that there had been a violation of Article 2 (right to life) and Article 13 (right to an effective remedy)³⁷⁶.

It was a subsequent case, *Opuz v. Turkey*³⁷⁷, which is seen as the landmark ECtHR case on DV³⁷⁸, partially because it was the first case in which the court directly addressed DV as an issue, and acknowledged that it “*cannot be confined to the circumstances of the present case. It is a general problem which concerns all member States*”³⁷⁹. This statement is significant because it defines DV as a systemic problem across the CoE which awards gravity to DV as an issue and opens the gateway for further alleged violations to be sent to the Court. The substantial succession of cases since then have demonstrated the Court's success in broadening its scope to include

³⁷³ Ibid.

³⁷⁴ Hasselbacher (n 369) p. 8.

³⁷⁵ *Kontrova v. Slovakia*, no. 7510/04, 2007.

³⁷⁶ Ibid.

³⁷⁷ *Opuz v. Turkey*, no. 33401/02, 2009.

³⁷⁸ Abdel-Monem, ‘Opuz v. Turkey: Europe's Landmark Judgment on Violence against Women’ (2009) 17(1) Human Rights Brief.

³⁷⁹ *Opuz v. Turkey*, no. 33401/02, 2009. para. 132.

DV and has meant “that it has now been established beyond doubt that domestic violence constitutes a human rights issue”³⁸⁰.

Opuz v. Turkey was also progressive because it gave a holistic definition of DV, through recognising that DV “*can take various forms ranging from physical to psychological violence or verbal abuse*”³⁸¹. This demonstrates how the Court set a broad understanding of what can constitute DV as the legal precedent, avoiding the previously discussed issue of using a narrow understanding of DV that only includes physical violence. The judgement also acknowledges that men and children, and not just women, can be victims, further demonstrating the Court’s far-reaching understanding of what DV can encompass.

Opuz v. Turkey involved the applicant and her mother who had been threatened and assaulted by the applicant’s husband repeatedly, sometimes to the extent that both women had life threatening injuries³⁸². The husband was only prosecuted once, on the grounds that the women had withdrawn their complaints, even though they had told the authorities that he was forcing them to do so³⁸³. The husband then stabbed the applicant seven times and despite the complaints issued, he was questioned and released, and was just issued a small fine that he could pay in instalments³⁸⁴. The husband subsequently shot his mother-in-law dead and was sentenced to life imprisonment but he was released upon appeal, whereupon he continued to threaten his wife³⁸⁵. The court found there to be a violation of Article 2 (right to life) because of the death of the applicant’s mother³⁸⁶. It also found a violation of Article 3 (prohibition of inhuman or degrading treatment) because of “*the State authorities’ failure to take protective measures in the form of effective deterrence against serious breaches of the applicant’s personal integrity by her husband.*”³⁸⁷ Therefore, the case

³⁸⁰ McQuigg (n 371) p. 760.

³⁸¹ *Opuz v. Turkey*, no. 33401/02, 2009. para. 132.

³⁸² *Opuz v. Turkey*, no. 33401/02, 2009.

³⁸³ Ibid.

³⁸⁴ Ibid.

³⁸⁵ Ibid.

³⁸⁶ Ibid.

³⁸⁷ Ibid para. 176.

is also a landmark because it established that States have a positive obligation regarding DV³⁸⁸, with this case even establishing that a State should have a framework enabling criminal proceedings even if the complaints have been withdrawn, which had been Turkey's excuse in this case.

The applicant had also argued that she and her mother had been discriminated against on the basis of gender, and the court also found a violation of Article 14 (prohibition of discrimination), in conjunction with Article 2 and 3³⁸⁹. The court's reasoning was that because "*the general and discriminatory judicial passivity in Turkey, albeit unintentional, mainly affected women, the Court considers that the violence suffered by the applicant and her mother may be regarded as gender-based violence which is a form of discrimination against women*"³⁹⁰. Therefore, this case proved that a member State can violate the ECHR through Article 14, in conjunction with other Articles, meaning DV can be perceived as a form of discrimination.

Due to the range of violations that were found in this case, as well as it being the first case that directly mentioned and defined DV, it can be seen as a landmark case. However, it is worth noting that the victim had also alleged a violation of Article 6 (right to a fair trial) and 13 (right to an effective remedy) but that the court decided that it "*does not find it necessary to examine the same facts also in the context of Articles 6 and 13*"³⁹¹. Therefore, although the ruling was progressive, it did not consider all the Articles that were put forward, which has been a recurring issue that will be discussed further.

Between the first case and the present day, cases involving DV have found violations of the following six Articles: Article 2: Right to Life³⁹², Article 3: Prohibition of

³⁸⁸ Abdel-Monem (n 378).

³⁸⁹ *Opuz v. Turkey*, no. 33401/02, 2009.

³⁹⁰ *Ibid* para. 200.

³⁹¹ *Ibid* para. 205.

³⁹² such as *Branko Tomašić and Others v. Croatia*, no. 46598/06, 2009 and *Durmaz v. Turkey*, no. 3621/07, 2014.

torture³⁹³, Article 6: Right to a fair trial³⁹⁴, Article 8: Right to respect for private and family life³⁹⁵, Article 13: Right to an effective remedy³⁹⁶, and Article 14: Prohibition of discrimination³⁹⁷.

Inconsistency in ECtHR rulings

There have been some inconsistencies in which Article or Articles the ECtHR have found to be violated, especially in rulings regarding Article 3 (Prohibition of Torture)³⁹⁸. In some of the first cases regarding DV a violation of Article 3 was found³⁹⁹, however, in other cases the court instead found a violation of Article 8, whilst deciding not to also consider Article 3⁴⁰⁰. Nevertheless, the court then did the exact opposite in *Valiulienė v. Lithuania*⁴⁰¹, deciding that because there had been a violation of Article 3, Article 8 did not need to be considered⁴⁰². The court finding violations of Article 8 whilst ignoring potential violations of Article 3 is most likely not because it viewed the severity of DV lightly and that it is better dealt with under the right to respect for private and family life, because the early cases mentioned that do find a violation of Article 3, do not corroborate this explanation⁴⁰³. However, when Article 3 is found to be violated it “sends out a stronger message to states” regarding the stance of the Court because it is a non-derogable right to be free from torture and inhuman or degrading treatment, in contrast to a violation of the right to respect for private and family life⁴⁰⁴.

³⁹³ such as *E.S. and Others v. Slovakia*, no. 8827/04, 2009 and *Valiulienė v. Lithuania*, no. 33234/07, 2013.

³⁹⁴ such as *D.M.D. v. Romania*, no. 23022/13, 2017.

³⁹⁵ such as *Bevacqua and S. v. Bulgaria*, no. 71127/01, 2008 and *A. v. Croatia*, no. 55164/08, 2010.

³⁹⁶ such as *Kontrovà v. Slovakia*, no. 7510/04, 2007.

³⁹⁷ such as *Eremia and Others v. the Republic of Moldova*, no. 3564/11, 2013 and *M.G. v. Turkey*, no. 646/10, 2016.

³⁹⁸ *McQuigg* (n 371).

³⁹⁹ such as *Opuz v. Turkey*, no. 33401/02, 2009 and *E.S. and Others v. Slovakia*, 8227/04, 2009.

⁴⁰⁰ such as *Bevacqua and S v. Bulgaria*, no. 71127/01, 2008, *A v. Croatia*, no. 55164/08, 2010 and *Kalucza v. Hungary*, no. 57693/10, 2012.

⁴⁰¹ *Valiulienė v. Lithuania*, no. 33234/07, 2013.

⁴⁰² *McQuigg* (n 371).

⁴⁰³ *Ibid.*

⁴⁰⁴ *Ibid* p. 770.

There has been a positive development in the findings of the ECtHR since the cases above. Five cases against Moldova, between July 2013 and January 2014, found a violation of Article 3⁴⁰⁵. Furthermore, in a very recent case, *Buturugă v. Romania*⁴⁰⁶, in 2020, a violation of both Article 3 and Article 8 were found, which can be seen as a positive sign that the Court is willing to consider and find a violation of Article 3, regardless of whether Article 8 is also considered.

Discrimination (Article 14) and Gender

Considering the previous consideration and resultant conclusion supporting the importance of gender to DV in earlier chapters, from both the social and legal perspective, it is worth considering the role that the ECtHR has ascribed gender through cases. The court's definition of DV in *Opuz v. Turkey*⁴⁰⁷, as discussed, recognised the various, and not always physical, forms that DV can take.

Additionally, Judge Pinto de Albuquerque recognised that the Court takes into account “*the factual inequalities between men and women and the way they impact on women's lives*”⁴⁰⁸. Therefore, the Court has been trying to adopt an approach that is sensitive towards gender, which is further highlighted by cases in which a violation of Article 14 (prohibition of discrimination) was found.

For the violation of Article 14 that was found in *Opuz v. Turkey*, the ECtHR called upon the findings of CEDAW, the United Nations Commission on Human Rights, the Belém do Pará Convention and the Inter-American Commission, which all supported the finding that VAW can be a form of discrimination⁴⁰⁹. This led to the conclusion that: “*the State's failure to protect women against domestic violence breaches their right to equal protection of the law and that this failure does not need to be intentional*”⁴¹⁰.

⁴⁰⁵ Ibid.

⁴⁰⁶ *Buturugă v. Romania*, no. 56867/15, 2020.

⁴⁰⁷ See (n 342)

⁴⁰⁸ in *McQuigg* (n 371) p. 762.

⁴⁰⁹ *Opuz v. Turkey* (n 342).

⁴¹⁰ Ibid para. 191.

In *Ermenia and Others v. Moldova*⁴¹¹ the court found a violation of Article 14 in conjunction with Article 3, finding that “*the violence was gender-based and amounted to discrimination contrary to Article 14 of the Convention*”⁴¹², and called upon a CEDAW General Comment finding that “*States parties have a due diligence obligation to prevent, investigate, prosecute and punish ... acts of gender based violence*”⁴¹³, and as the State was aware of the violence, it amounted to a violation of Article 14. Likewise, in *M.G. v. Turkey*⁴¹⁴, *Bălşan v. Romania*⁴¹⁵, and *Volodina v. Russia*⁴¹⁶ the court also found this same violation of Article 14 when read in conjunction with Article 3. Article 14 has also been found in conjunction with Article 2 (right to life)⁴¹⁷; but the court has twice found there to be no violation in conjunction with Article 1 (protection of property)⁴¹⁸.

In some cases a violation of Article 14 was found in conjunction with more than one Article, such as *Talpis v. Italy*⁴¹⁹ where a violation of Article 14 was found in conjunction with both Article 2 and 3. Similarly, in *Mudric v. The Republic of Moldova*⁴²⁰ a violation of Article 14 was found in conjunction with Article 3 and 8. This demonstrates the ECtHR is willing to find a violation of discrimination in conjunction with several Articles, rather than only deeming it necessary to find one violation and then omitting the consideration of the other contended Articles.

Although this all demonstrates that the court is willing to find a violation of Article 14 in conjunction with a range of Articles, and indeed there has been an increase in the

⁴¹¹ *Ermenia and Others v. Moldova*, no. 3564/11, 2013.

⁴¹² *Ibid*, para 82.

⁴¹³ UN Committee on the Elimination of Discrimination Against Women (CEDAW) *General Recommendation No. 28 on the Core Obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women*, 2010, para. 19.

⁴¹⁴ *M.G. v. Turkey*, no. 646/10, 2016.

⁴¹⁵ *Bălşan v. Romania*, no. 49645/09, 2017.

⁴¹⁶ *Volodina v. Russia*, no. 41261/17, 2019.

⁴¹⁷ such as *Halime Kılıç v. Turkey*, no. 63034/11, 2016.

⁴¹⁸ see *J.D. and A v. the United Kingdom*, nos. 32949/17 and 34614/17, 2019.

⁴¹⁹ *Talpis v. Italy*, no. 41237/14, 2017.

⁴²⁰ *Mudric v. The Republic of Moldova*, no. 74839/10, 2013.

use of Article 14⁴²¹, it is not necessarily easy for this to be the case as it is up to the applicant to prove that discrimination has occurred. For example, in *A. v. Croatia*⁴²², whilst the court did find a violation of Article 8, it found the applicant's complaint under Article 14 inadmissible because she had failed to give sufficient evidence, such as reports or statistics, to prove that the measures adopted against DV in Croatia, or their effects, were discriminatory. In *Rumour v. Italy*⁴²³, the court found there had been no violation of any Articles, including Article 14, deciding that the Italian authorities had a successful and effective legislative framework for taking measures against persons accused of DV. This case arguably omitted a gender sensitive interpretation of the ECHR because this would not have deemed it acceptable for the victim's abuser to have been put in a facility located only 15km from her home, nor would it have failed to update the victim on the criminal proceedings against her perpetrator, despite knowing that the victim was living in a state of constant fear⁴²⁴. Therefore, despite the substantial advancements the court has made in relation to its approach to gender, it still has significant room for improving how its approach is translated onto the ground within specific cases.

Future Direction of the ECtHR

Some commentators have associated DV with torture and there have long been calls for a case that finds that DV can amount to torture⁴²⁵. Violations of Article 3 of the ECHR, which states: 'No one shall be subjected to torture or to inhuman or degrading treatment or punishment'⁴²⁶, have already been found regarding DV but only regarding inhuman and degrading treatment, rather than torture. A future landmark case would find that DV amounts to torture, which would emphasise the gravity and

⁴²¹ McQuigg (n 371).

⁴²² *A. v. Croatia*, no. 55164/08, 2010.

⁴²³ *Rumour v. Italy*, no. 72964/10, 2014.

⁴²⁴ McQuigg (n 371).

⁴²⁵ such as Copelon, 'Intimate Terror: Understanding Domestic Violence as Torture', in *Human Rights of Women – National and International Perspectives*, ed. Rebecca Cook (Philadelphia: University of Pennsylvania Press, 1994); and Grdinic, 'Application of the Elements of Torture and Other Forms of Ill-Treatment, as Defined by the European Court and Commission of Human Rights, to the Incidents of Domestic Violence', *Hastings Int'l & Comp. L. Rev.*

⁴²⁶ ECHR, Article 3.

‘deplorable nature’ of DV⁴²⁷. As will be discussed, in *Volodina v. Russia*, even though it was not the finding of the majority, in a separate opinion, one of the judges, Judge Pinto De Albuquerque, argued that the case did amount to torture⁴²⁸. That a judge thought this, suggests that a case which finds that DV does amount to torture is feasible and could be expected in a future case.

Another area which will be notable in seeing how the Court develops is in relation to positive obligation. The Court has shown there are limits to the extent that positive obligation can be stretched, where States’ margin of appreciation takes precedence,⁴²⁹ and where the States were found to have an appropriate legal framework and to have implemented enough measures to satisfy the court, even though the abuse suffered was ‘inhuman and degrading’, and would therefore amount to a violation of Article 3. In cases such as these, where it is essentially private individuals who are found to have violated the applicant’s rights, the case is beyond the jurisdiction of the ECtHR because traditionally, under international human rights law, only States and not private individuals can be held responsible⁴³⁰. However, arguably the court showed ‘judicial creativity’ by even deciding that positive obligation can be found in the ECHR⁴³¹, and through its ability to turn the ECHR into a ‘living instrument’⁴³², suggesting that in the future more creative and progressive judgments regarding positive obligation are feasible.

ECtHR and Russia

This chapter will now turn to consider the ECtHR’s case-law in Russia, which to date consists of just one judgment that is predominantly focused on DV: *Volodina v.*

⁴²⁷ McQuigg (n 371).

⁴²⁸ Judge Pinto De Albuquerque in *Volodina v. Russia*, no. 41261/17, 2019.

⁴²⁹ such as *Rumor v. Italy*, no. 72964/10, 2014 and *Irene Wilson v. The United Kingdom*, no. 10601/09, 2012.

⁴³⁰ McQuigg, ‘Domestic violence: Applying a human rights discourse’ 2016, Palgrave Macmillan 2016.

⁴³¹ Ibid.

⁴³² LSE, ‘European Court of Human Rights, Centre for Women, Peace + Security’ <<https://blogs.lse.ac.uk/vaw/regional/europe/european-court-of-human-rights/>> accessed 8 April, 2020.

*Russia*⁴³³, in 2019. One other case has now also been put forward against Russia, which combines the cases of four applicants, and will also be discussed.

Background of *Volodina v. Russia*

The applicant is a Russian national, previously known as Valeriya Igorevna Volodina, but who, fearing for her safety, changed her name in 2018, which cannot be disclosed for security reasons⁴³⁴. She had begun a relationship with S. and they lived together in Ulyanovsk, and when she then moved out he became abusive and threatened to kill her and her son unless she moved in with him again⁴³⁵. Ms. Volodina reported several episodes of violence or threats of violence to the police, including kidnapping, assault, stalking incidents (one involving placing a GPS tracker in her bag) and death threats⁴³⁶. One incident included S. cutting the brake hose of her car, whilst one of the assaults involved him punching Ms. Volodina in the face and stomach when she was nine weeks pregnant, which led to her needing to undertake a medically-induced abortion⁴³⁷. Ms. Volodina repeatedly attempted to move away, and having moved to Moscow S. managed to track her down via her CV and set up a fake interview, for which another man picked her up in a car, and once they drove off, S. emerged from the back of the car⁴³⁸. He then took her back to Ulyanovsk against her will and took her mobile phone and personal effects⁴³⁹. Following these incidents a number of pre-investigation enquiries were carried out and the police interviewed S. but they refused to open any criminal proceedings against him because no publically prosecutable offence had been committed. S. was simply told to repair any damage he had caused and to return Ms. Volodina's personal effects and no criminal investigation was opened. S. shared photographs of Ms. Volodina on a social network without her consent which led to, in March 2018, the police opening a criminal investigation into interference in her private life⁴⁴⁰. The opening of these proceedings enabled the

⁴³³ *Volodina v. Russia*, no. 41261/17, 2019.

⁴³⁴ Ibid.

⁴³⁵ Ibid.

⁴³⁶ Ibid.

⁴³⁷ Ibid.

⁴³⁸ Ibid.

⁴³⁹ Ibid.

⁴⁴⁰ Ibid.

applicant to apply for State protection measures but she never received any decision on her request⁴⁴¹.

Ms. Volodina lodged an application with the ECtHR on 1 June 2017, alleging that the Russian authorities had failed to prevent, investigate and prosecute repeated acts of DV against her and to put in place a legal framework to stop gender-based discrimination against women⁴⁴². She alleged that three Articles of the ECHR had been violated: Article 3 (prohibition of inhuman or degrading treatment), Article 13 (right to an effective remedy) and Article 14 (prohibition of discrimination)⁴⁴³. By a unanimous decision the Court decided there had been a violation of Article 3 (prohibition of inhuman or degrading treatment) and Article 14 (prohibition of discrimination) in conjunction with Article 3⁴⁴⁴. As the Court had found a violation of Article 3, it stated there was no need to also consider the complaint under Article 13⁴⁴⁵. Additionally, to fulfill Article 41, Just Satisfaction, the Court held, by five votes to two, that Russia had to pay the applicant 20,000 Euros in account of non-pecuniary damage and 5,875.69 Euros in account of costs and expenses⁴⁴⁶.

Article 3

The court found that the physical violence alone the applicant had suffered at the hand of S. reached the required level of severity to amount to ill treatment. Furthermore, the court acknowledged the psychological violence the applicant suffered, “*an important aspect of domestic violence*”⁴⁴⁷, was severe enough to also amount to inhuman treatment under Article 3 because of “*the feelings of fear, anxiety and powerlessness that the applicant must have experienced*”⁴⁴⁸. In a separate opinion,

⁴⁴¹ Ibid.

⁴⁴² Ibid.

⁴⁴³ Ibid.

⁴⁴⁴ Ibid.

⁴⁴⁵ Ibid.

⁴⁴⁶ Ibid.

⁴⁴⁷ Ibid, para. 74.

⁴⁴⁸ Ibid, para. 74.

Judge Pinto De Albuquerque went further, arguing that even though this was not the verdict of the court, he thought this particular case amounted to torture⁴⁴⁹.

Once the Court has decided that the treatment reached the threshold to trigger the protection of Article 3, it then considered whether the authorities had fulfilled their positive obligations under Article 1, read in conjunction with Article 3. Firstly, there is an obligation to establish a legal framework and although the Court emphasised its flexibility in accepting differing forms of legal frameworks, it found that “*Russia has not enacted specific legislation to address violence occurring within the family context*”. Furthermore, the concept of ‘domestic violence’ or its equivalent, is not defined or mentioned in any Russian legislation⁴⁵⁰, and the Court disagreed with the Government’s claim that the existing criminal-law can adequately capture the offence of DV⁴⁵¹. Additionally, the Court took strong issue with the prosecution of charges for “minor harm to health” and “repeat battery” being left to the private initiative of the victim⁴⁵². The private prosecutions, as discussed in the previous chapter, place an undue burden on the victim, and the Court, calling upon previous case-law, argued that domestic law should enable prosecutions to proceed even if the victim withdraws their complaint as a matter of public interest, which is not an option in Russia⁴⁵³. Therefore, the Court found that Russia did not satisfy “*the State’s positive obligation to establish and apply effectively a system punishing all forms of domestic violence and providing sufficient safeguards for victims*”⁴⁵⁴.

The second positive obligation a State faces is the obligation to prevent the known risk of ill-treatment, which, given the nature of DV, should take account of the recurrence of successive episodes of violence within a family⁴⁵⁵. The Court found that the applicant had repeatedly reported episodes of violence or threats of violence

⁴⁴⁹ Ibid.

⁴⁵⁰ Ibid, para. 80.

⁴⁵¹ Ibid, para. 81.

⁴⁵² Ibid, para. 82.

⁴⁵³ Ibid. para. 83.

⁴⁵⁴ Ibid, para. 85.

⁴⁵⁵ Ibid, para. 86.

through emergency calls to the police and lodging formal criminal complaints⁴⁵⁶. Therefore, the Court decided that “*the officials were aware, or ought to have been aware, of the violence to which the applicant had been subjected and of the real and immediate risk that violence might recur*”⁴⁵⁷, and thus found this to be another violation, because Russia’s response was “*manifestly inadequate*”⁴⁵⁸. Furthermore, the Court found Russia to be one of the only member States whose national legislation does not provide DV victims with any measures of protection, such as restraining or protection orders⁴⁵⁹.

The third and final positive obligation of the State is to carry out an effective investigation of ill-treatment, which in the case of DV requires “special diligence”⁴⁶⁰. The Court found that the police only carried out short “*pre-investigation inquiries*” which resulted in a refusal to institute criminal proceedings⁴⁶¹. Furthermore, the police officers’ reluctance to initiate a criminal investigation undermined their ability to secure evidence. The Court could not accept the Government blaming the applicant for failing to lodge, or the subsequent withdrawal of, criminal complaints⁴⁶². Thus, the Court also found that the State had failed in its duty to investigate the ill-treatment that the applicant had endured⁴⁶³. The Court therefore found that Russia had violated all three of its positive obligations under Article 3.

Article 14 in conjunction with Article 3

Using the evidence submitted by the applicant, Ms. Volodina, as well as information from domestic and international sources, the Court found there to be *prima facie* indications that DV disproportionately affects women in Russia⁴⁶⁴. This was because

⁴⁵⁶ Ibid, para. 87.

⁴⁵⁷ Ibid, para. 87.

⁴⁵⁸ Ibid, para. 91.

⁴⁵⁹ Ibid, para 88 and 89.

⁴⁶⁰ Ibid, para 92.

⁴⁶¹ Ibid, para 94.

⁴⁶² Ibid, para. 99.

⁴⁶³ Ibid, para 101.

⁴⁶⁴ Ibid, para. 124.

it found that the majority of crimes committed in a domestic setting, within the family, are against women, that violence against women is largely under-reported and under-recorded in official statistics, and that women have a significantly lower chance of securing prosecution and conviction of their abusers due to the domestic classification of such offences⁴⁶⁵.

The Court also considered whether the Russian authorities have put in place policies to move towards achieving substantive gender equality. The Court found that *“the existing criminal-law provisions are insufficient to offer protection against many forms of violence and discrimination against women, such as harassment, stalking, coercive behaviour, psychological or economic abuse, or a recurrence of similar incidents protracted over a period of time.”*⁴⁶⁶ Furthermore, the Court found that the absence of legislation differentiated this case from cases against other Member States, where legislation had already been in place but had malfunctioned⁴⁶⁷. Therefore, the Court indirectly emphasised that Russia is behind all other Member States of the CoE because of its lack of legislation. The Court did mention the positive development in Russian law in 2016, which reclassified assault on *“close persons”* as a more serious crime⁴⁶⁸. However, the amendment only lasted six months⁴⁶⁹, and the Court concurred with CEDAW’s finding that this decriminalisation proves that Russia is going *“in the wrong direction”* regarding DV⁴⁷⁰. The Court concluded that *“the Russian authorities failed to create conditions for substantive gender equality that would enable women to live free from fear of ill-treatment or attacks on their physical integrity and to benefit from the equal protection of the law”*, and therefore there had been a violation of Article 14 taken in conjunction with Article 3⁴⁷¹.

⁴⁶⁵ Ibid, para. 124.

⁴⁶⁶ Ibid, para. 128.

⁴⁶⁷ Ibid, para. 128.

⁴⁶⁸ Ibid, para. 129.

⁴⁶⁹ Ibid, para. 130.

⁴⁷⁰ Ibid, para. 131.

⁴⁷¹ Ibid, para. 132.

Significance of the case

Volodina v. Russia is undoubtedly a landmark case simply because, as Linos-Alexandra Sicilianos, the President of the ECtHR recognised, it is the first time that the Court found a violation against Russia in relation to DV⁴⁷². In addition, it is also significant because it does not simply consider Ms. Volodina's experience alone but instead establishes DV to be a systemic problem in Russia⁴⁷³, towards which the Russian authorities have shown "*reluctance to acknowledge the seriousness and extent of the problem of domestic violence in Russia and its discriminatory effect on women.*"⁴⁷⁴ Furthermore, the court's findings support those of the many international organisations, particularly the CEDAW committee, which also found Russia's approach towards DV to be inadequate. Consequently, the judgment of this case adds to the existing pressure on Russia to change its approach, or rather, create an approach, to addressing DV. Indeed, the judgment immediately led to calls within Russia for the re-criminalisation of the so-called 'slapping law'⁴⁷⁵. Moreover, it could also be argued that the draft law of the controversial Bill on the 'prevention of family violence', discussed in Chapter 3, was also influenced by *Volodina v. Russia*.

Although there appears to be some progression in Russia in considering implementing laws against DV, it is also worth bearing in mind that Russia has repeatedly failed to listen to the advice and recommendations it has received from the CoE⁴⁷⁶, and thus, there is the real chance that Russia will ignore the case altogether. Russia has had a turbulent relationship with the CoE since it first acceded to it in 1996⁴⁷⁷, with Russia having faced sanctions including having its voting rights suspended for five years due to its annexation of Crimea from Ukraine in 2014⁴⁷⁸. This led to Russia suspending its

⁴⁷² Sicilianos, 'Solemn Hearing on the occasion of the opening of the judicial year' (31 January 2020).

⁴⁷³ Gorbunova (n 289).

⁴⁷⁴ *Volodina v. Russia*, para. 132.

⁴⁷⁵ The Moscow Times, 'Russia Could Re-Criminalize Domestic Violence After European Court Ruling' <<https://www.themoscowtimes.com/2019/07/31/russia-could-re-criminalize-domestic-violence-after-european-court-ruling-senator-says-a66638>> accessed 10 April 2020.

⁴⁷⁶ Casier, 'A Classic Dilemma: Russia's Threat to Withdraw from the Council of Europe' <<https://eu.boell.org/en/2018/02/21/classic-dilemma-russias-threat-withdraw-council-europe#2>> accessed 13 April 2020.

⁴⁷⁷ Ibid.

⁴⁷⁸ Hart, 'Russia Returns to the Council of Europe' <<https://globalriskinsights.com/2019/10/russia-returns-to-the-council-of-europe/>> accessed 12 April 2020.

financial contribution to the CoE in retaliation, which amount to 7% of the CoE's annual budget⁴⁷⁹. Russia's recent controversial return to the CoE was largely to reinstate Russian citizens' ability to appeal to the ECtHR⁴⁸⁰. Indeed, Russia has the most cases filed against it of any Member State, and 10% of all the Court's judgments are against Russia, with almost all finding a violation of at least one Article⁴⁸¹, which is unsurprising given the fragile state of human rights in the country⁴⁸². However, Russia's return to the CoE is also construed as giving the negative message that Russia is able to flout the rules of the CoE whilst facing no concessions⁴⁸³. Unfortunately, this blatant disregard and overall approach to the CoE does not suggest that Russia is likely to adhere to the Court's judgment.

Another outcome of the case is that it has opened the gateway for more DV claims in Russia to make their way to the ECtHR. Indeed, in June 2019, the ECtHR notified the Russian government of four complaints by four separate applicants, all women who argued that the government did not adequately respond to the DV they suffered and reported⁴⁸⁴. The four independent complaints⁴⁸⁵ have been unified in a single case, with the applicants putting forward violations of Articles 3, 13 and 14⁴⁸⁶. The Court has put forward three over-arching questions to the Russian government⁴⁸⁷. Firstly, regarding how the government fulfilled their obligation to protect the applicants against ill-treatment administered by their partners⁴⁸⁸. Secondly, regarding the protection women have against discrimination in the context of DV⁴⁸⁹. Thirdly, the

⁴⁷⁹ Bloomberg, 'Russia Evades Exclusion From Council of Europe' <<https://www.themoscowtimes.com/2019/05/16/russia-evades-exclusion-from-council-of-europe-a65614>> accessed 12 April 2020.

⁴⁸⁰ Mounier, 'Russia's undiplomatic return to the Council of Europe' <<https://www.france24.com/en/20190628-russia-undiplomatic-return-council-europe-ukraine>> accessed 12 April 2020.

⁴⁸¹ Bloomberg (n 479).

⁴⁸² Hart (n 478).

⁴⁸³ Mounier (n 480).

⁴⁸⁴ Zelenskiy 'Russia's Justice Ministry says journalists distorted its argument that domestic violence claims in Russia are exaggerated.' <<https://meduza.io/en/feature/2019/11/19/russia-s-justice-ministry-says-journalists-distorted-its-argument-that-domestic-violence-claims-in-russia-are-exaggerated-fine-here-s-the-full-quote>> accessed 12 April 2020.

⁴⁸⁵ *Tunikova v. Russia* (no 55974/16), *Gershman v. Russia* (no 53118/17), *Petrakova v. Russia* (no 27484/18) and *Gracheva v. Russia* (no 28011/190).

⁴⁸⁶ *Tunikova v. Russia*, no 55974/16, Communicated 28 June 2019.

⁴⁸⁷ *Ibid.*

⁴⁸⁸ *Ibid.*

⁴⁸⁹ *Ibid.*

Court asked whether a systemic problem exists in Russia that requires the triggering of Article 46 of the Convention, and thereby requires a response from the Cabinet of the President of the European Council⁴⁹⁰. Judge Pinto de Albuquerque believed that *Volodina v. Russia* “missed the opportunity to impose Article 46 injunctions in the judgment”⁴⁹¹, and therefore, this final question to Russia, regarding Article 46, demonstrates how the court is already progressing in its approach because it is now seriously considering Article 46. Moreover, the author contends that both the questions and the unification of the cases demonstrates how the Court, following on from its judgment in *Volodina v. Russia*, is refusing to deal with cases as isolated incidents, but rather, is trying to push Russia into enacting legislation because of the systemic nature of the issue.

Conclusion

This chapter has demonstrated how despite DV initially being perceived as a private issue, it has now been successfully taken up by the ECtHR which has now developed substantial case-law on the matter. The chapter then turned to the one judgment concerning DV in Russia, which exemplified the court’s strong disapproval of the situation in Russia, and has further added to the calls from other international bodies for Russia to adopt radical new legislation.

Both *Volodina v. Russia* and the four cases now united against Russia have received attention both within Russia and internationally⁴⁹², which will be discussed in the next chapter, providing a social perspective on how the media has covered DV in Russia.

⁴⁹⁰ Ibid.

⁴⁹¹ *Volodina v. Russia*, Separate Opinion: para. 13.

⁴⁹² Chernykh, Government protects men from women, Kommersant, [translated], Available at: <<https://www.kommersant.ru/doc/4163633>> [Accessed 13 April 2020].

Chapter 5: The media's portrayal of DV in Russia

This chapter will turn back towards a social lens, considering how the media, both within and outside of Russia, has portrayed DV. Throughout this chapter the importance of discourse, and the particular framing used surrounding DV which was discussed at length in Chapter 1, resurfaces and is used to critically analyse the specific framing that is currently being utilised in Russia. The reasoning behind analysing the media is because it provides a crucial insight into the contemporary framing of DV in Russia. Furthermore, the media is important as it shapes public discourse on DV, having the potential to either put pressure on a government to change its approach towards DV, or through a lack of attention or the angle taken, can fail to exert any pressure.

The focus of this chapter will be on specific high profile cases that fall under DV which have broken through the deep-seated 'silencing' discourse surrounding DV and captured the public's attention. The chapter will start off by situating the importance of the media and will then consider how the judgement of *Volodina v. Russia*⁴⁹³ has been approached by the media, before turning to three high profile incidents: Margarita Gracheva, whose hands were chopped off by her husband with an axe, the Khachaturyan sisters who killed their father who had physically and sexually abused them, and Anastasia Yeshchenko, who was murdered and dismembered by her partner, a university professor.

The importance of the media

The role of the media matters, it helps create and influence the discourses surrounding DV, as discussed in Chapter 1. Its influence is so strong because it is seen as one of the major powers in society, the "fourth estate"⁴⁹⁴, which exists alongside the other key societal branches, such as the legislative and judicial systems⁴⁹⁵. The media can

⁴⁹³ *Volodina v. Russia*, no. 41261/17, 2019.

⁴⁹⁴ Bulla, 'Fourth Estate, Media as', (SAGE 2008).

⁴⁹⁵ Ibid.

be seen “as a system that effectively spreads information through all sectors of society”⁴⁹⁶. Furthermore, it is perceived to watch over society and provide a route through which ordinary citizens can express themselves⁴⁹⁷.

Russian media should not be contrasted with the version of ‘free and independent’ media associated with the West, but should instead be considered in its own right.⁴⁹⁸ The media first emerged from a top-down State sponsored approach but this dramatically changed in 1990 when Gorbachev eliminated party control of media outlets, enabling non-party groups and individuals to release their own publications⁴⁹⁹. Thus, an attempt was made to get away from censorship. However, contemporary media still struggles to disassociate itself from the earlier legacy of being dependent upon the State, and as a result media independence is still a problematic notion in Russia today⁵⁰⁰. Indeed, Russian journalists risk being attacked or even murdered if they approach sensitive subjects, including human rights abuses, in an unfavourable manner, and so self-regulation is common⁵⁰¹. It is with this in mind that the Russian media’s portrayal of DV should be considered alongside that of the international media.

The media’s portrayal of *Volodina v. Russia*

“Russia Failed to Protect Woman Who Suffered Years of Domestic Abuse, European Court Says”⁵⁰² was a headline in The Moscow Times directly following the Volodina judgment, whilst “The ECHR awarded 25,000 euros to a Russian woman on the first

⁴⁹⁶ Arutunyan, *The Media in Russia*, (McGraw-Hill Education 2009) p. 2.

⁴⁹⁷ Bulla, (n 494).

⁴⁹⁸ Arutunyan (n 496).

⁴⁹⁹ Ibid.

⁵⁰⁰ Ibid.

⁵⁰¹ BBC ‘Russia profile – Media’ (7 January 2020) <<https://www.bbc.co.uk/news/world-europe-17840134>> accessed 24 April 2020.

⁵⁰² The Moscow Times, ‘Russia Failed to Protect Woman Who Suffered Years of Domestic Abuse, European Court Says’ <<https://www.themoscowtimes.com/2019/07/10/russia-failed-to-protect-woman-who-suffered-years-of-domestic-abuse-european-court-says-a66345>> accessed 25 April 2020.

complaint of domestic violence in Russia”⁵⁰³ was a translated headline of MBK News. The articles gave factual accounts of what happened, with direct quotes from the ECtHR ruling, and are not dismissive of DV as an issue, although they do not stress the systemic nature of DV in Russia. However, what is arguably most notable in the Russian media’s response to this case, is the lack of it. Across a range of Russian media there are simply no articles about the case, and therefore, this startling omission is what is most striking in the media’s coverage of the case.

In a subsequent article in response to the ECtHR’s ruling in *Volodina v. Russia*, The Moscow Times provided quotes from the Justice Ministry on how DV exists but is not a “serious problem” within Russia⁵⁰⁴. Furthermore, it included the Justice Ministry’s contention that there is “no evidence” that the majority of DV victims are women, but that instead the main victims of DV are men, who face discrimination because they are not expected to ask for help⁵⁰⁵. Therefore, the article is serving to delegitimise the verdict of the case by undermining its key finding, that women are disproportionately affected by DV and face deep-rooted discrimination in Russia. However, towards the end of this article there was also an acknowledgement of the “widespread backlash” to the Justice Ministry’s remarks across social media, as well as an inclusion of the statistics used earlier in this thesis, such as the reported 14,000 women who die every year in Russia due to DV⁵⁰⁶. Therefore, it can be acknowledged that The Moscow Times is attempting to give a relatively balanced account of the DV situation, and its neutral language and reliance on outside sources demonstrates how it is not taking an overt stance on the matter, a positive sign given the limits of press freedom in Russia.

⁵⁰³ MBK News ‘The ECHR awarded 25,000 euros to a Russian woman on the first complaint of domestic violence in Russia’ [Translated], <<https://mbk-news.appspot.com/news/espch-prisudil-tysyach/>> accessed 25 April 2020.

⁵⁰⁴ The Moscow Times ‘Russia’s Domestic Violence Problem is ‘Exaggerated’, Justice Ministry Says’, <https://www.themoscowtimes.com/2019/11/19/russias-domestic-violence-problem-is-exaggerated-justice-ministry-says-a68233> accessed 25 April 2020.

⁵⁰⁵ Ibid.

⁵⁰⁶ Ibid.

Across international media there was a stronger covering of the case, and it was openly critical of Russia. International headlines included: “European Court says Russia not facing up to domestic abuse problem”⁵⁰⁷, “High-profile cases turn spotlight on domestic violence in Russia”⁵⁰⁸, “European Court Orders Russia To Compensate Domestic Violence Victim”⁵⁰⁹ and “Europe’s top human rights court rules against Russia in landmark domestic violence case”⁵¹⁰. The international media consistently painted a condemning picture of the situation in Russia, rather than considering the case in isolation as in the Russian media. For example, a New York Times article referred to Russia’s “longstanding blind spot when it comes to domestic violence”⁵¹¹, which demonstrates how international media has a greater tendency to stress the systemic nature of DV in Russia, in contrast to Russian media. However, even amongst the international media this case did not receive extensive coverage, but it has been other incidents that have captured far more attention, as will now be discussed.

High Profile Incidents:

a.) Margarita Gracheva

One case, now in the unified case put forward by the ECtHR against Russia⁵¹², that has received widespread attention both within Russia and abroad is that of Margarita

⁵⁰⁷ Balmforth, ‘European Court says Russia not facing up to domestic abuse problem’, Reuters, <<https://www.reuters.com/article/us-russia-domesticabuse/european-court-says-russia-not-facing-up-to-domestic-abuse-problem-idUSKCN1U41UX>> accessed 25 April 2020.

⁵⁰⁸ France24, ‘High-profile cases turn spotlight on domestic violence in Russia’, <<https://www.france24.com/en/20191019-high-profile-cases-turn-spotlight-on-domestic-violence-in-russia>> accessed 25 April 2020.

⁵⁰⁹ Radio Free Europe ‘European Court Orders Russia To Compensate Domestic Violence Victim’ <<https://www.rferl.org/a/european-court-orders-russia-to-compensate-victim-of-domestic-violence/30045713.html>> accessed 25 April 2020.

⁵¹⁰ Carroll, ‘Europe’s top human rights court rules against Russia in landmark domestic violence case’, The Independent, <<https://www.independent.co.uk/news/world/europe/russia-domestic-violence-case-europe-court-human-rights-a8997236.html>> accessed 25 April 2020.

⁵¹¹ Higgins, ‘Russia’s Police Tolerate Domestic Violence. Where Can Its Victims Turn?’, The New York Times, <<https://www.nytimes.com/2019/07/11/world/europe/russia-domestic-violence-european-court-of-human-rights.html>> accessed 25 April 2020.

⁵¹² *Gracheva v. Russia* (no 28011/190).

Gracheva⁵¹³. Her husband put a knife to her throat and threatened to kill her, in response to which the police did nothing⁵¹⁴. He subsequently drove her to the woods and chopped off both her hands with an axe⁵¹⁵. He then took her to an emergency department and turned himself in to the police⁵¹⁶. Throughout the case against her husband, Dmitri, Margarita found that “the terrible thing is that in order to make sure he got a longer prison sentence, I needed help from the media”⁵¹⁷, and this did successfully lead to Dmitri being given a 14 year prison sentence⁵¹⁸. This in itself exemplifies how crucial the successful harnessing of the media is to cases within Russia.

Russian media provided a much stronger condemnation of this incident in comparison to *Volodina v. Russia*. For example, TASS, a state-owned news agency, called it a “brutal crime”⁵¹⁹, whilst The Moscow Times referred to it as one of “the most shocking horror stories”⁵²⁰. Although this most definitely condemns the incident, referring to it as a ‘horror story’ serves to remove it from reality, it almost sounds as if it is a fictional story, rather than what it could and should have been portrayed as: an example of one of the most extreme cases of DV within Russia – an emblem of a systemic and pressing problem.

It is also worth noting that not all the publicity in Russia was in Gracheva’s favour, she faced some criticism and backlash on social media where she received

⁵¹³ Gorbunova, ‘Law Not on Side of Russia’s Domestic Violence Victims’, Human Rights Watch, <<https://www.hrw.org/news/2018/02/14/law-not-side-russias-domestic-violence-victims>> accessed 25 April 2020.

⁵¹⁴ Ibid.

⁵¹⁵ Ash, ‘Russian domestic violence: Women fight back’, BBC News, <<https://www.bbc.co.uk/news/election-2019-50493758>> accessed 25 April 2020.

⁵¹⁶ Ibid.

⁵¹⁷ Ibid.

⁵¹⁸ Ibid.

⁵¹⁹ TASS, ‘Jealous husband who cut off wife’s hands sentenced to 14 years behind bars’, <<https://tass.com/society/1030966>> accessed 25 April 2020.

⁵²⁰ Berkhead, ‘Russia Faces Up to Its Dark Domestic Violence Problem’, The Moscow Times, <<https://www.themoscowtimes.com/2019/12/06/russia-faces-domestic-violence-a68488>> accessed 25 April 2020.

“accusations of "provoking" her spouse”⁵²¹. Therefore, this illustrates how some Russian people engaged in ‘victim-blaming’, and took the side of Dmitri, the perpetrator. This can be seen as a confirmation of the support for the traditional gender ideals and norms, discussed in Chapter 3, still being existent, because it reinforces the previously discussed notion that a husband has the right to do whatever he so wishes to his wife, including physical abuse. It can thus be argued that there is a polarisation between those in Russia who support Gracheva, and those who still support traditional notions that normalise DV.

Across international media there was also extensive coverage of the case, aptly demonstrated by the number of people from across the world who donated money, raising \$650,000 for Margarita to get a bionic hand⁵²². There were striking commonalities in how Gracheva and her “jealous husband”⁵²³ were depicted in both Russian and international media, and in the broad sensationalisation of the issue, focusing on the gruesome elements of the case. For example, similarly to the Russian media, it has been called a “horrific attack”⁵²⁴ and “barbaric”⁵²⁵ within the international media. Whilst both the Russian and the international media emphasise the grim elements of the case, and both are critical of Russia, international media is to an even greater extent. For example, CBC argued that despite “the savagery of what Margarita Gracheva’s husband did to her...attitudes towards legislating tougher laws on domestic violence remain stuck in another century”⁵²⁶ – that it contends that

⁵²¹ Vasilyeva, ‘Outrage in Russia as abused teen sisters charged with murder’, <<https://www.nwaonline.com/news/2019/jul/05/outrage-in-russia-as-abused-teen-sister/>> accessed 25 April 2020.

⁵²² BBC ‘Russia domestic abuse: 'My husband chopped off my hands' ’ <https://www.bbc.co.uk/news/video_and_audio/headlines/46213534/russia-domestic-abuse-my-husband-chopped-off-my-hands> accessed 25 April 2020.

⁵²³ Such as yahoo! News, ‘an who allegedly cut off wife's hands has parental rights taken away’ <<https://au.news.yahoo.com/man-allegedly-cut-off-wifes-hands-parental-rights-taken-away-064548021.html>>; and The Times ‘Jealous husband Dmitiri Grachev chops off wife Margarita’s hands with axe’ <<https://www.thetimes.co.uk/article/jealous-husband-dmitiri-grachev-chops-off-wife-margaritas-hands-with-axe-lmqd9ch2g>> accessed 25 April 2020.

⁵²⁴ Davidson, ‘Wife recalls horror as Russian husband chopped off her hands with axe’, 7 News, <<https://7news.com.au/news/crime/wife-recalls-horror-as-russian-husband-chopped-her-hands-off-with-axe-c-610183>> accessed 25 April 2020.

⁵²⁵ South China Morning Post ‘Margarita Gracheva’s husband chopped off her hands. Now she’s Russia’s voice against domestic violence’, <<https://www.scmp.com/news/world/russia-central-asia/article/3041045/margarita-grachevas-husband-chopped-her-hands-now>> accessed 25 April 2020.

⁵²⁶ Brown, ‘Russian advocates against domestic violence branded 'enemies of the family', CBC news, <<https://www.cbc.ca/news/world/russia-domestic-violence-1.5437241>> accessed 25 April 2020.

Russia's approach is 'stuck in another century' paints a very condemning and even condescending picture of Russia. Similarly, another international article stated that: "In a country where victims of domestic violence receive scant attention it is rare for one woman's case to stand out – let alone captivate a nation and make her a household name"⁵²⁷, which paints a similarly disapproving picture of Russia as a country where DV is of little concern. This demonstrates how a very critical discourse exists in how international media portrays DV in Russia, a discourse that seems very keen to denounce the whole of Russia. Whilst of course this discourse is not necessarily unfair, it is worth bearing in mind that it exhibits a clear disposition to condemn Russia – just like Russian media, and all media, its portrayal is neither neutral nor objective.

b.) The Khachaturyan sisters

The second incident to be discussed, which received even greater media attention, is that of the Khachaturyan sisters. The three sisters, aged 17, 18 and 19, had been physically and sexually abused by their father for years before they killed him and then handed themselves in to the police⁵²⁸. The three sisters were charged with premeditated murder, meaning that they each faced up to twenty years in prison⁵²⁹. This led to widespread criticism because it failed to acknowledge the sisters had acted in self-defence⁵³⁰, and over 200,000 people signed an online petition calling for prosecutors to drop the murder charges⁵³¹. Public protests, as well as demonstrations in other regions and cities, occurred on a large scale⁵³². Therefore, the incident sparked such an outcry that it has led to direct physical retaliations, alongside the response on social media. This all successfully culminated firstly in the sisters being

⁵²⁷ South China Morning Post (n 525).

⁵²⁸ Shevchenko, 'In the Male State', Tribune, <<https://tribunemag.co.uk/2019/08/in-the-male-state>> accessed 25 April 2020.

⁵²⁹ Ibid.

⁵³⁰ Ibid.

⁵³¹ Vasilyeva, 'Case of Russian sisters charged with killing abusive father draws outrage across country', The Globe and Mail, <<https://www.theglobeandmail.com/world/article-case-of-russian-sisters-charged-with-killing-abusive-father-draws/>> accessed 25 April 2020.

⁵³² Shevchenko (n 528).

released from a pre-trial detention centre⁵³³, and secondly, in the charge against the Khachaturyan sisters being changed from murder to necessary defence, which meant the criminal prosecution was terminated⁵³⁴.

The Russian media has acknowledged there has been a “divided” public response to the case: “some see the killing as self-defence, others see it as murder nonetheless”⁵³⁵. An independent poll within Russia found that 41% of respondents supported the sisters, whilst 29% did not, with women being more likely to support them than men⁵³⁶. Hence, this demonstrates how just as with Gracheva’s case, the public were divided, with some exhibiting the traditional Russian approach towards DV, whilst others adopt a progressive approach in favour of the victims.

Despite the public division regarding the case, the Russian media has overwhelmingly sided in favour of the sisters. The Komsomolskaya Pravda argued that the case should have been reclassified from ‘murder’ to ‘self-defence’⁵³⁷, revealing that this pro-Kremlin Russian tabloid was siding with the sisters. Furthermore, in another of its articles, it stated that there is no doubt regarding the family tyranny that the girls suffered, and that it led to the sisters fearing for their lives⁵³⁸, illustrating a sympathetic undertone. Similarly, Interfax, a private Russian news agency, argued that the sisters’ actions were a “necessary defence”⁵³⁹, whilst another of its articles acknowledged that no case had been opened up against the actions of their father, Mr

⁵³³ Interfax, ‘The court released all three Khachaturian sisters from the pre-trial detention center’, <<https://www.interfax.ru/russia/630948>> accessed 25 April 2020.

⁵³⁴ TASS, ‘Prosecutor’s Office obliges UK to re-qualify Khachaturian sisters for self-defense’, <<https://tass.ru/proisshestiya/7650501>> accessed 25 April 2020.

⁵³⁵ Perera, ‘Keeping the Khachaturyan Sisters’ Case Alive’, The Moscow Times, <<https://www.themoscowtimes.com/2019/08/20/keeping-the-khachaturyan-sisters-case-alive-a66949>> accessed 25 April 2020.

⁵³⁶ The Moscow Times, ‘Khachaturyan Sisters’ Father Abused Them Before They Killed Him, Russian Experts Say’, <<https://www.themoscowtimes.com/2019/10/01/khachaturyan-sisters-father-abused-them-before-they-killed-him-russian-experts-say-a67523>> accessed 25 April 2020.

⁵³⁷ Vardanyan, “‘The third month they cannot add 2 plus 2’: lawyers of the Khachaturian sisters demand the execution of the decision of the prosecutor general”, Komsomolskaya Pravda, <<https://www.kp.ru/daily/27104.7/4177897/>> accessed 25 April 2020.

⁵³⁸ Vardanyan, ‘Experts in the case of the Khachaturian sisters: “They perceived the father’s sexual violence as a real threat to life”’, Komsomolskaya Pravda, <<https://www.kp.ru/daily/27039/4104084/>> accessed 25 April 2020, [translated].

⁵³⁹ Interfax, ‘Prosecutor General’s Office considered Khachaturian sisters actions necessary defense’, <<https://www.interfax.ru/russia/693445>> accessed 25 April 2020.

Khachaturyan, due to both his death and his violence being accepted as an undeniable fact⁵⁴⁰. The full acceptance of the violence the sisters suffered further adds to the sympathetic portrayal of the case that the Russian media has displayed towards the sisters.

Unsurprisingly, the case also received widespread coverage within the international media, which provided just as critical a lens, including under the hashtag #freekhachaturyansisters⁵⁴¹ on Twitter. One Canadian newspaper reported on how the three sisters were “driven to the edge”⁵⁴², whilst NBC News similarly reported on the “extraordinary violent circumstances” the sisters faced⁵⁴³, and the Independent referred to their “slave-like existence”⁵⁴⁴. These quotes demonstrate how international media has imposed its own judgements on the case, reinforcing the overtly sensationalistic and condemning narrative that the international media has repeatedly used regarding Russia.

Across international media there has also been a widespread assertion that the case has changed Russian perceptions for the better in regards to DV. Headlines have included: “Khachaturyan Sisters Who Killed Father Touch Russian Hearts”⁵⁴⁵ and “Murder Trial of 3 Teenage Sisters Changing Russian Minds on Domestic Violence”⁵⁴⁶. However, other sources have alluded to a slightly different situation, acknowledging the divide in public opinion; for example an article in the Independent reflected on how the case “has polarised Russian society. Were the three

⁵⁴⁰ Interfax, ‘SK refused to institute criminal proceedings against father of sisters Khachaturian’, <<https://www.interfax.ru/russia/673428>> accessed 25 April 2020.

⁵⁴¹ Twitter, <<https://twitter.com/hashtag/freekhachaturyansisters?lang=en>> accessed 25 April 2020.

⁵⁴² Vasilyeva (n 531).

⁵⁴³ NBC News, ‘Outrage in Russia as abused teen sisters charged with murdering their father’, <<https://www.nbcnews.com/news/world/outrage-russia-abused-teen-sisters-charged-murdering-their-father-n1026696>> accessed 25 April 2020.

⁵⁴⁴ Carroll, ‘Three sisters: How a bloody patricide and claims of modern day slavery have split Russia’, The Independent, <<https://www.independent.co.uk/news/world/europe/khachaturyan-sisters-father-murder-russia-domestic-abuse-moscow-mafia-a8490751.html>> accessed 25 April 2020.

⁵⁴⁵ 93.1 Real FM, ‘Khachaturyan Sisters Who Killed Father Touch Russian Hearts’ <<https://realfmgy.com/2019/08/22/khachaturyan-sisters-who-killed-father-touch-russian-hearts/>> accessed 25 April 2020.

⁵⁴⁶ Dettmer, ‘Murder Trial of 3 Teenage Sisters Changing Russian Minds on Domestic Violence’, VOA, <<https://www.voanews.com/europe/murder-trial-3-teenage-sisters-changing-russian-minds-domestic-violence>> accessed 25 April 2020.

Khachaturyan sisters cold-blooded murderers or victims of an abusive father?”⁵⁴⁷. However, at the very least, there is a consensus amongst international media that the case has at least put a spotlight on the issue in Russia. Indeed, Nataliya Vasilyeva, a Moscow correspondent has reflected on how “this case is very unusual in many respects. This is probably the first domestic [and] sexual violence case that’s gained prominent attention here in Russia. That’s become a rallying cause. This is the first time we’re seeing something like that. Serious public debate about what’s happening.”⁵⁴⁸

c.) Anastasia Yeshchenko

The final high profile incident to be discussed is that of Anastasia Yeshchenko, a 24 year old who was murdered by her partner, Oleg Sokolov⁵⁴⁹. He was found trying to dispose of her body parts in a river, and the police then found Anastasia’s decapitated body in his apartment⁵⁵⁰. A shotgun, knives, an axe and ammunition were also found at the apartment⁵⁵¹. Having been declared sane following psychiatric examinations, Oleg Sokolov is currently in detention, awaiting trial for the charges of murder and unlawful possession of firearms⁵⁵².

The Russian media has covered Yeshchenko’s death relatively extensively, and the public’s outrage was recognised by the Russian media, with headlines such as: “Brutal Killing Sparks Public Outcry in Russia”⁵⁵³. Yeshchenko has been referred to

⁵⁴⁷ Carroll (n 544).

⁵⁴⁸ Vasilyeva in PRI, ‘Three sisters’ case highlights domestic violence problem in Russia’, <<https://www.pri.org/stories/2019-07-24/three-sisters-case-highlights-domestic-violence-problem-russia-0>> accessed 25 April 2020.

⁵⁴⁹ BBC, ‘Russia professor admits murder after woman's arms found in bag’ <<https://www.bbc.co.uk/news/world-europe-50365124>> accessed 26 April 2020.

⁵⁵⁰ Ibid.

⁵⁵¹ Ibid.

⁵⁵² TASS, ‘Russian historian charged with murder to be transferred to St. Petersburg next week’ <<https://tass.com/society/1136719>> accessed 26 April 2020.

⁵⁵³ Kozin, ‘Murder on the Moika: Brutal Killing Sparks Public Outcry in Russia’, <<https://www.themoscowtimes.com/2019/11/12/murder-on-the-moika-brutal-killing-sparks-public-outcry-in-russia-a68138>>.

as a “victim”⁵⁵⁴, whilst her death has ubiquitously been referred to as “murder”⁵⁵⁵.

The media exhibited further aversion to the Professor through offering no support towards his excuse of the murder being “on grounds of personal conflict”⁵⁵⁶.

Therefore, the media’s avoidance of ‘victim-blaming’, which as previously discussed, frequently occurs in an attempt to maintain people’s faith in a ‘just world’ where bad things cannot happen to good people, is significant because it demonstrates how Russian media is not falling into the typical restrictive narrative in regard to DV, but is willing to fully take the victim’s side. This is both a surprising and positive step that exemplifies how the discourse used to discuss DV is evolving for the better within Russia.

That the professor has been violent in the past was reported on. For example, The Moscow Times reflected on how a former student “accused the professor of beating and bullying her and torturing her with an iron ten years earlier”⁵⁵⁷. The strong words used here: ‘beating’, ‘bullying’ and even ‘torturing’, demonstrates the high level of gravity to which the Moscow Times has decided to award DV, once again illustrating a progressive and positive development in the discourse being used surrounding DV. Similarly, another article criticised the Professor’s university because it ignored “reports that the professor had abusive relationships with young female students and exhibited violent and erratic behaviour in the past”.⁵⁵⁸ However, despite this suggestion that the incidents amount to DV, there was no reference to DV in either of the articles. However, Sputnik, a state-run platform, did recognise that there were reports that “the professor had a bad temper and a record of domestic violence”⁵⁵⁹. Thus, there is at least some incorporation of the issue of DV within Russian coverage of the case.

⁵⁵⁴ TASS, ‘St. Petersburg university lecturer refuses to testify about murder of a young woman’, <<https://tass.com/emergencies/1088137/amp>> accessed 26 April.

⁵⁵⁵ Ibid.

⁵⁵⁶ TASS, ‘Murder charges brought against St. Petersburg university lecturer’, <<https://www.google.co.uk/amp/s/tass.com/emergencies/1088149/amp>> accessed 26 April 2020.

⁵⁵⁷ The Moscow Times, ‘Russian Professor Admits Murder After Woman’s Severed Arms Found in Bag’ <<https://www.themoscowtimes.com/2019/11/10/russian-professor-admits-murder-womans-severed-arms-found-in-bag-a68112>> accessed 26 April.

⁵⁵⁸ Kozin (n 553).

⁵⁵⁹ Sputnik News, ‘St. Petersburg Professor Murders Former Student, Attempts to Dump Remains in River – Reports’, <<https://sputniknews.com/russia/201911091077267709-st-petersburg-professor-murders-former-student-attempts-to-dump-remains-in-river/>> accessed 26 April 2020.

International media has covered Anastasia's death in a far more gruesome way, giving more detail to the way she was killed, as demonstrated by the following extracts: "headless corpse"⁵⁶⁰, "the grisly killing and dismemberment"⁵⁶¹, "beheaded and butchered by her Napoleon-expert professor lover"⁵⁶², and "drunkenly tried to dispose of a rucksack containing his victim's severed arms"⁵⁶³. These quotes contrast with the Russian media which has been more discrete and evasive in how it covered the details. For example, Interfax, a Russian newspaper, stated: "Sokolov dismembered the body and discarded some of the body parts in the Moika River"⁵⁶⁴; Sputnik news stated the professor "attempted to dispose of the young woman's body by dismembering it"⁵⁶⁵; and Izvestia, a pro-Kremlin daily newspaper, referred to how Anastasia Yeschenko's remains were found⁵⁶⁶, rather than going into detail on the decapitated and severed body as international media has. There is no self-evident reason behind this stark difference in approach, however, the author proposes that international media is attempting to draw its readers attention to Russia through the approach of distancing it from the West. Readers are pushed to be fascinated by this shocking story from Russia because of their own assumption that nothing that gory or disturbing would ever happen in their own country. Thus, international media is essentially 'othering' Russia through its depiction of DV within Russia. In contrast, the author proposes that within Russian media, the case has received a less sensationalist covering because this incident has occurred within the readers' own country, and so they do not want to terrify them into thinking that this could also

⁵⁶⁰ CNN, 'Russian professor found with severed arms in his bag appears in court', <<https://edition.cnn.com/2019/11/11/europe/russian-professor-suspect-st-petersburg-court-intl/index.html>> accessed 26 April 2020.

⁵⁶¹ South China Morning Post, (n 525).

⁵⁶² Stewart, 'Severed legs 'belonging to PhD student, 24, beheaded and butchered by her Napoleon-expert professor lover' are found in Russian river', Daily Mail, <<https://www.dailymail.co.uk/news/article-7835225/Severed-legs-belonging-PhD-student-24-beheaded-professor-lover-Russian-river.html>>

⁵⁶³ Bennetts, 'Russian Napoleon expert Oleg Sokolov shot lover 'in self-defence'', The Sunday Times, <<https://www.thetimes.co.uk/article/russian-napoleon-expert-oleg-sokolov-shot-lover-in-self-defence-hg3bhvv6x>> accessed 26 April 2020.

⁵⁶⁴ Interfax, 'Historian Sokolov who killed postgrad found sane – source', <https://www.interfax.com/newsroom/top-stories/17749/?sphrase_id=1359> accessed 26 April 2020.

⁵⁶⁵ Sputnik (n 559).

⁵⁶⁶ Izvestia, 'Associate Professor Sokolov accused of killing graduate student recognized as sane', <<https://iz.ru/969460/2020-01-28/obviniaemyi-v-ubiistve-aspirantki-dotcent-sokolov-priznan-vmeniaemym>> accessed 26 April 2020.

happen to them. Furthermore, due to the discussed close connection between Russian media and the State, another reason could be the media's desire to avoid framing Russia and in turn anything that happens within Russia as too negative, and so less damaging and sensational words are preferable.

Although the approach of the international and State media differ in the stance they take towards the level of shocking and sensational detail given, they do not differ in their clear criticism and outrage towards the incident. Thus, the coverage of this incident adds to the growing criticism that the media is awarding cases that involve DV in Russia.

Conclusion

Throughout this chapter's analysis of media coverage it becomes increasingly evident that Russian media is awarding rising coverage and scrutiny to incidents that involve DV. Indeed, a cautious conclusion could be made that DV has begun to feature in Russian headlines in a way that it never has before, which is particularly notable because of its tendency to side with the victim and not the perpetrator, which, as discussed in Chapter 1, is not always the case regarding DV.

Through considering how the international media has approached the incidents, it is apparent that there are some marked differences between Russian and international media. International media has a greater tendency to highlight how individual cases are emblematic of a pressing and systemic crisis regarding how DV is handled in Russia, in contrast to Russian media which has a greater tendency to focus on the case in isolation. Given Russia's recurring refusal to acknowledge DV as a pervasive issue, let alone an issue that should be solved, this narrative is not surprising. However, it is still deeply problematic because it perpetuates a discourse that frames a high profile incident as a one-off, rather than as part of a systemic problem across Russia that needs to be addressed. However, that Russian media is even covering DV incidents, and in a tone sympathetic to the victim, is in itself a positive sign, given the sway that

the media has and the limits of press freedom in Russia. Furthermore, that international media is critical of Russia is unsurprising, and certainly not unwarranted, however, it must be acknowledged that this fits alongside its general critique of Russia regarding a range of phenomena. Additionally, international media's need to pique its readers' interest, who are of course more distanced from the situation in Russia and perhaps less interested, may account for why it has a tendency to cover the cases in a sensationalising manner that focuses far more on the gruesome details than Russia media does. This framing also 'others' the situation in Russia, by turning the cases into almost unfathomable stories for its Western readers, stories that they are led to believe could never happen within their own countries, even though this is undoubtedly not the case, serious DV incidents can and do happen across the globe. The author would even suggest that this carefully selected discourse enables international media to present DV as an issue that has largely been solved within its readers' own countries, simply by presenting the situation in Russia as being so much more extreme, although in reality this should not detract from the existence of DV within other countries.

Overall, the author contends that the importance being awarded to DV throughout the media contributes to the emergence of a Russian public more sympathetic towards DV, and a government more pressured to change its approach than ever before. Thus, now is a more promising time than ever, a time when genuine, positive and lasting change in Russian discourse surrounding DV and its legal approach, seem attainable.

General Conclusion

This thesis has analysed DV from an integrated approach, to fulfil its overall ambition of understanding DV in its entirety, rather than from the perspective of only one discipline. This was accomplished through attention and weight being given to how various independent disciplines have approached DV. The author strongly believes the importance of using a crosscutting interdisciplinary approach cannot be overstated because it enabled a holistic analysis of the field of DV and its developments to be made. In turn, it is the author's hope that this thesis will contribute to the deficit of work within this field that is from an interdisciplinary perspective, and that future work, whether academic or policy orientated, also adopts this approach.

Through this thesis' interdisciplinary approach, a cross-cutting analysis of the situation in the Russian Federation was made, which included an analysis of the contextual factors, both social and legal, that contribute to the specific and pressing issue of DV within the country. Additionally, the recent judgment of *Volodina v. Russia*, the ECtHR's first and only concluded case against Russia regarding DV, was considered at length, with the author arguing that this judgment adds to the mounting pressure for Russia to address its 'systemic' issue of DV. However, it was also argued that Russia's problematic and contentious relationship with the Council of Europe acts as a severe impediment to Russia imposing the requirements of the judgement. Therefore, it can be concluded that in Russia's case, the ECtHR is not the best means through which Russia will be pressured into adopting substantial, progressive and lasting change. Instead, the author proposes that it is the growth of internal pressure within Russia, as particular incidents have gained large-scale coverage, which is already leading to positive developments in the discourse surrounding DV, and will hopefully also lead to the necessary legal changes, such as a standalone law on DV. It is only through the use of an interdisciplinary approach that the role and importance of various bodies, such as the ECtHR and the media, could be realised, further demonstrating the value of this approach, because the contemporary situation in Russia could be analysed in its entirety.

Regarding the specific aims of this thesis, outlined in the introduction, the first aim was to explore the discourse surrounding DV on an interdisciplinary level, which was achieved in Chapter 1, although it was also a recurring topic throughout the thesis. This was achieved through analysing the term ‘Domestic Violence’ itself, as well as other related terms, and the contribution of different theorists such as psychologists, feminists, sociologists and family violence theorists. Altogether, it can be concluded that the way we as a collective discuss DV genuinely matters, it is neither neutral nor unimportant. There has long been a tendency for DV to be framed in a way that exonerates the perpetrator whilst leading to ‘victim-blaming’ and the silencing of the agency and diversity of the lived experience of the victim. The pervasiveness of this discourse cannot be understated, and this was demonstrated through victims’ advocates being essentially forced to engage in this same damaging narrative as this dominant discourse is the only one their audiences are accustomed to hearing. Additionally, the overriding tendency for academics to research the victim and not the perpetrator also contributes to the perpetuation of the damaging existent discourse surrounding DV, because like the existent discourse, it ignores the role of the perpetrator altogether.

The second aim of this thesis was to clarify the universal and regional level relevant for this topic which was predominantly achieved in Chapter 2, through analysing the relevant international treaties such as CEDAW and CAT, whilst analysing the treaties and initiatives of the CoE and the EU at the European regional level. It can be concluded that at both the international and European level there was a notable absence of both VAW, and in turn DV, and it has only been taken up in subsequent General Comments, which is in itself problematic because they are not legally binding, but instead provide additional clarification on how the original treaties should be interpreted. However, the author contends that there is one notable and progressive exception: the Istanbul Treaty, because this treaty directly and explicitly addresses both VAW and DV. Furthermore, it adds to the growing legal work that awards gender a critical role in how DV is legally understood.

The third aim of this thesis, to examine and critically assess the context surrounding DV in Russia, was fulfilled in Chapter 3, whereby the relevance and importance of various factors specific to Russia were analysed. The problematic role and dominance of the Russian Orthodox Church in contributing to a discourse that proclaims DV as both acceptable and a private family matter, the role of alcohol as both a ‘facilitator’ and a ‘scapegoat’, and the prevalence of highly patriarchal and ‘traditional’ values, all co-exist as inter-related contextual factors that contribute to why the specific situation in Russia is so pressing. In turn, these factors intersect with Russia’s legal approach to DV, or rather, the absence of a legal approach towards DV. Russia is among the most ‘backward’ of countries in relation to its legal approach, and what the author argues is most concerning about Russia’s position is that it is retrogressing even further, something many people would perhaps not have thought possible. The introduction of the 2017 ‘Slapping law’ which decriminalises first-time offences of DV; the spread of private prosecutions which is particularly damaging because it places all responsibility on the victim and not the State; and the recent draft law “On Prevention of Family Violence” which disguises damaging legal developments under a positive heading, are all emblematic of Russia’s downward legal spiral.

The fourth aim of this thesis, to analyse the jurisprudence of the ECtHR, was achieved in Chapter 4, which considered how DV was initially taken up and then developed through considering a range of cases. The author concludes that despite DV not initially being seen as within the remit of the ECtHR because it was seen as a ‘private’ matter, which is in keeping with the general discourse surrounding DV, the Court has since substantially expanded its scope, especially in relation to the positive obligation of the State. Furthermore, the recurring finding of a violation of Article 14 (non-discrimination) reflects the importance to which gender is legally pertained to have, whilst the recurring finding of a violation of Article 2 (Right to Life) and Article 3 (Prohibition of Torture) demonstrates the gravity to which DV is perceived to have, whilst a future landmark case that would find that DV amounts to torture, would further expand the scope and progressiveness of the court.

The fifth and final aim of this thesis, to explore the media's discourse surrounding DV in Russia, fulfilled in Chapter 5, recognises that the media matters, for it has a large role in either perpetuating existing discourses surrounding DV or challenging and changing the dominant discourse. In the case of Russia it can be concluded that the Russian media is perhaps unintentionally and somewhat surprisingly challenging the existent discourse on DV. High profile incidents are capturing prolonged media attention in a way they have not before, whilst using a discourse that actually recognises the incidents as forms of DV, and in a way that does not fall in to the previous tendency to blame the victim, but instead presents a rhetoric of outrage. Whilst the depiction of these events within the international media does recognise the existence of DV as a systemic problem in Russia to a greater extent, the evolution of the discourse within Russia media should cautiously be viewed as a positive sign, especially given the limits of press freedom in Russia.

On balance, the findings of this thesis indicate that Russia could be moving towards a pivotal turning point, whereby its discourse and approach towards DV will substantially change, and for the better. The author contends that the public and in particular the media's discourse is ahead of Russia's legal discourse surrounding DV. This is on account of the public discourse proactively engaging with discourses surrounding DV, especially in relation to specific high profile incidents, in direct contrast to legal discourses within Russia, which on account of Russia's approach being strongly criticised and lamented by the ECtHR and CoE, are largely reactive and defensive. The pressure, both internally and internationally, has never been greater for Russia to finally adopt and enforce a legal strategy against DV, however, unfortunately this still provides no guarantee that Russia will actually yield to the mounting pressure.

Bibliography

Table of Cases

A. v. Croatia, judgment of 14 October 2010, no. 55164/08.

Bălșan v. Romania, judgment of 23 May 2017, no. 49645/09.

Bevacqua and S. v. Bulgaria, judgment of 12 June 2008, no. 71127/01.

Branko Tomašić and Others v. Croatia, judgment of 15 January 2009, no. 46598/06.

Buturugă v. Romania, judgment of 10 February 2020, no. 56867/15.

D.M.D. v. Romania, judgment of 3 October 2017, no. 23022/13.

Durmaz v. Turkey, judgment of 13 November 2014, no. 3621/07.

Eremia and Others v. the Republic of Moldova, judgment of 28 May 2013, no. 3564/11.

E.S. and Others v. Slovakia, judgment of 15 September 2009, no. 8827/04.

Gershman v. Russia, no 53118/17.

Gracheva v. Russia, no 28011/190.

Halime Kılıç v. Turkey, judgment of 28 June 2016, no. 63034/11.

Irene Wilson v. The United Kingdom, judgment of 23 October 2012, no. 10601/09.

J.D. and A v. the United Kingdom, judgment of 24 October 2019, nos. 32949/17 and 34614/17.

Kalucza v. Hungary, judgment of 24 April 2012, no. 57693/10.

Kontrova v. Slovakia, judgment of 31 May 2007, no. 7510/04.

M.G. v. Turkey, judgment of 22 March 2016, no. 646/10.

Mudric v. The Republic of Moldova, judgment of 16 July 2013, no. 74839/10.

Opuz v. Turkey, judgment of 9 June 2009, no. 33401/02.

Petrakova v. Russia, no 27484/18.

Rumor v. Italy, judgment of 27 May 2014, no. 72964/10.

Talpis v. Italy, judgment of 2 March 2017, no. 41237/14.

Tunikova v. Russia, no 55974/16.

Valiulienė v. Lithuania, judgment of 26 March 2013, no 33234/07.

Volodina v. Russia, judgment of 9 July 2019, no. 41261/17.

Conventions:

Charter of Fundamental Rights of the European Union, 26 October 2012, 2012/C 326/02.

Council of Europe, *Council of Europe Convention on preventing and combating violence against women and domestic violence*, 11 May 2011, (Istanbul Convention).

Council of Europe, *European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14*, 4 November 1950.

European Parliament Resolution of 26 November 2009 on the Elimination of Violence against Women (P7-TA (2009) 0098).

EU policy framework to fight violence against women (5 April 2011) (2010/2209).

International Bill of Human Rights (adopted 10 December 1948) A/RES/217(III)A-E.

International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR).

International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3 (ICESCR).

UN Committee Against Torture (CAT), *General Comment No. 2: Implementation of Article 2 by States Parties*, 24 January 2008, CAT/C/GC/2.

UN Committee Against Torture (CAT), *Report of the UN Committee Against Torture: Twenty-seventh Session (12 to 23 November 2001) and Twenty-eighth Session (29 April to 17 May 2002)*, 1 November 2002, A/57/44.

UN Committee on the Elimination of Discrimination Against Women (CEDAW), *CEDAW General Recommendation No. 12: Violence against women*, 1989.

UN Committee on the Elimination of Discrimination Against Women (CEDAW), *CEDAW General Recommendation No. 19: Violence against women*, 1992.

UN Committee on the Elimination of Discrimination Against Women (CEDAW), *General Recommendation No. 28 on the Core Obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women*, 16 December 2010.

UN Committee for the Elimination of All Forms of Discrimination against Women (CEDAW) *General Recommendation No 35' on gender-based violence against women, updating general recommendation No.19*, 2017.

UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (adopted 10 December 1984) (CAT).

UN Convention for the Elimination of Discrimination Against Women (adopted 18 December 1979) (CEDAW).

UN General Assembly, *Declaration on the Elimination of Violence against Women*, 20 December 1993, A/RES/48/104.

UN General Assembly, *Vienna Declaration and Programme of Action*, 12 July 1993, A/CONF.157/23.

Universal Declaration of Human Rights (adopted 10 December 1948) UNGA Res 217 A(III) (UDHR).

References:

Abdel-Monem, T. (2009). Opuz v. Turkey: Europe's Landmark Judgment on Violence against Women. *Human Rights Brief*, 17(1), 5.

Amnesty International (2005) Russian Federation: Nowhere to turn to Violence against women in the family, Available at:
<https://www.amnesty.be/IMG/pdf/russia20051214_svaw_report.pdf> [Accessed 7 March 2020].

Amnesty International (n.d.) UNIVERSAL DECLARATION OF HUMAN RIGHTS, Available at: <<https://www.amnesty.org/en/what-we-do/universal-declaration-of-human-rights/>> [Accessed 12 March 2020].

Amnesty International Press Release (2005) Russia: One woman an hour being killed through domestic violence - new report calls for action, Available at:
<<https://www.amnesty.org.uk/press-releases/russia-one-woman-hour-being-killed-through-domestic-violence-new-report-calls-action>> [Accessed 7 March 2020].

Anderson, K. (1997). Gender, Status, and Domestic Violence: An Integration of Feminist and Family Violence Approaches. *Journal of Marriage and Family*, 59(3): 655-669.

ANNA (2015) Alternative Report, INT_CEDAW_NGO_RUS_21870, Available at:
<https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/RUS/INT_CE_DAW_NGO_RUS_21870_E.pdf> [Accessed 7 March 2020].

ANNA (2010) VIOLENCE AGAINST WOMEN IN THE RUSSIAN FEDERATION, National Centre for the Prevention of Violence – Alternative report to CEDAW, Available at:
<https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/RUS/INT_CE_DAW_NGO_RUS_46_9974_E.pdf>.

Arutunyan, 'The Media in Russia' (McGraw-Hill Education 2009).

Ash, 'Russian domestic violence: Women fight back', BBC News, Available at: <<https://www.bbc.co.uk/news/election-2019-50493758>> [Accessed 25 April 2020].

Ashcraft, C. (2000). Naming knowledge: A language for reconstructing domestic violence and systemic gender inequity. *Women and Language*, 23(1), 3.

Balmforth, 'European Court says Russia not facing up to domestic abuse problem', Reuters, Available at: <<https://www.reuters.com/article/us-russia-domesticabuse/european-court-says-russia-not-facing-up-to-domestic-abuse-problem-idUSKCN1U41UX>> [Accessed 25 April 2020].

Bates, E. (2010). *The evolution of the European Convention on Human Rights: from its inception to the creation of a permanent court of human rights*. Oxford University Press.

BBC (2013) The silent nightmare of domestic violence in Russia, Available at: <<https://www.bbc.co.uk/news/world-europe-21474931>> [Accessed 26 March 2020].

BBC 'Russia domestic abuse: 'My husband chopped off my hands' ' Available at: <https://www.bbc.co.uk/news/video_and_audio/headlines/46213534/russia-domestic-abuse-my-husband-chopped-off-my-hands> [Accessed 25 April 2020].

BBC, 'Russia professor admits murder after woman's arms found in bag', Available at: <<https://www.bbc.co.uk/news/world-europe-50365124>> [Accessed 26 April 2020].

BBC 'Russia profile – Media' (7 January 2020), Available at: <<https://www.bbc.co.uk/news/world-europe-17840134>> [Accessed 24 April 2020].

Bennetts, 'Russian Napoleon expert Oleg Sokolov shot lover 'in self-defence', The Sunday Times, Available at: <<https://www.thetimes.co.uk/article/russian-napoleon-expert-oleg-sokolov-shot-lover-in-self-defence-hg3bhvw6x>> [Accessed 26 April 2020].

Berkhead, 'Russia Faces Up to Its Dark Domestic Violence Problem', The Moscow Times, Available at: <<https://www.themoscowtimes.com/2019/12/06/russia-faces-domestic-violence-a68488>> [Accessed 25 April 2020].

Bloomberg (2019) Russia Evades Exclusion From Council of Europe, The Moscow Times, Available at: <<https://www.themoscowtimes.com/2019/05/16/russia-evades-exclusion-from-council-of-europe-a65614>> [Accessed 12 April 2020].

Boer and Ertan, (2017) 'Explaining Cross-National Variation in Domestic Violence Legislation'.

Brown, 'Russian advocates against domestic violence branded 'enemies of the family'', CBC news, Available at: <<https://www.cbc.ca/news/world/russia-domestic-violence-1.5437241>> [Accessed 25 April 2020].

Bulla, (2008) 'Fourth Estate, Media as', SAGE.

Burton. (2008). *Legal responses to domestic violence*. Routledge-Cavendish.

Carroll, 'Europe's top human rights court rules against Russia in landmark domestic violence case', The Independent, Available at: <<https://www.independent.co.uk/news/world/europe/russia-domestic-violence-case-europe-court-human-rights-a8997236.html>> [Accessed 25 April 2020].

Carroll, 'Three sisters: How a bloody patricide and claims of modern day slavery have split Russia', The Independent, Available at: <<https://www.independent.co.uk/news/world/europe/khachaturyan-sisters-father-murder-russia-domestic-abuse-moscow-mafia-a8490751.html>> [Accessed 25 April 2020].

Casier, T. (2018) A Classic Dilemma: Russia's Threat to Withdraw from the Council of Europe, Heinrich-Böll-Stiftung, Available at:

<<https://eu.boell.org/en/2018/02/21/classic-dilemma-russias-threat-withdraw-council-europe#2>> [Accessed 13 April 2020].

Chamusco, B. (2017) ""If He Beats You, It Means He Loves You" : Domestic Violence and Women's Rights in Russia", International Immersion Program Papers, Available at:
<http://chicagounbound.uchicago.edu/international_immersion_program_papers/44> [Accessed 20 April 2020].

Chernyak, E., and Barrett, B. (2011). A chicken is not a bird, Is a woman a human being? Intimate partner violence and the Russian Orthodox Church. *Currents: Scholarship in the Human Services*, 10(1).

Chernykh, A. (2019) Government protects men from women, Kommersant, [translated], Available at: <<https://www.kommersant.ru/doc/4163633>> [Accessed 13 April 2020].

CNN, 'Russian professor found with severed arms in his bag appears in court', Available at: <<https://edition.cnn.com/2019/11/11/europe/russian-professor-suspect-st-petersburg-court-intl/index.html>> [Accessed 26 April 2020].

Collis, S. (2012). *Hearing young people talk about witnessing domestic violence: exploring feelings, coping strategies and pathways to recovery*. Jessica Kingsley Publishers: 5-12.

Copelon, R. (1994) 'Intimate Terror: Understanding Domestic Violence as Torture', in *Human Rights of Women – National and International Perspectives*, ed. Rebecca Cook, Philadelphia: University of Pennsylvania Press: 116–52.

Council of Europe, 'About Monitoring', Available at:
<<https://www.coe.int/en/web/istanbul-convention/about-monitoring1>> [Accessed 18 June 2020].

Council of Europe (2020) Chart of signatures and ratifications of Treaty 210, Available at: <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/signatures?p_auth=nckCGPr8> [Accessed 4 April 2020].

Council of Europe, 'Details of Treaty No.210', Available at: <<https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210>> [Accessed 28 March 2020].

Council of Europe, 'General Reports on GREVIO's activities', <<https://www.coe.int/en/web/istanbul-convention/grevio-annual-reports>> [Accessed 18 June 2020].

Council of Europe (2020) GREVIO, Available at: <<https://www.coe.int/en/web/istanbul-convention/grevio>> [Accessed 28 March 2020].

Council of Europe, 'The Convention in brief', <<https://www.coe.int/en/web/istanbul-convention/the-convention-in-brief>> [Accessed 18 June 2020].

Council of Europe, 'The ECHR in 50 Questions', Available at: <https://www.echr.coe.int/Documents/50Questions_ENG.pdf> [Accessed 4 April 2020].

Criminal Procedural Code of the Russian Federation (2001), Available at: <<https://www.wipo.int/edocs/lexdocs/laws/en/ru/ru065en.pdf>> [Accessed 26 March 2020].

Cubbins, L. A., & Vannoy, D. (2005). Socioeconomic resources, gender traditionalism, and wife abuse in urban Russian couples. *Journal of marriage and family*, 67(1), 37-52.

Davidson, 'Wife recalls horror as Russian husband chopped off her hands with axe', 7 News, Available at: <<https://7news.com.au/news/crime/wife-recalls-horror-as-russian-husband-chopped-her-hands-off-with-axe-c-610183>> [Accessed 25 April 2020].

Denejkina, (2018) In Russia, 'feminist memes can land people in jail. But beating women won't', Available at: <https://www.businessinsider.com/in-russia-feminist-memes-land-people-in-jail-but-beating-women-wont-2018-11/?utm_source=reddit.com&r=AU&IR=T> [Accessed 5 March 2019].

Dettmer, 'Murder Trial of 3 Teenage Sisters Changing Russian Minds on Domestic Violence', VOA, Available at: <<https://www.voanews.com/europe/murder-trial-3-teenage-sisters-changing-russian-minds-domestic-violence>> [Accessed 25 April 2020].

Equality and Human Rights Commission, 'What is the Charter of Fundamental Rights of the European Union?', Available at: <[https://www.equalityhumanrights.com/en/what-are-human-rights/how-are-your-rights-protected/what-charter-fundamental-rights-european-union#:~:text=The%20Charter%20of%20Fundamental%20Rights%20of%20the%20European%20Union%20\(the,in%20individual%20EU%20Member%20States.>](https://www.equalityhumanrights.com/en/what-are-human-rights/how-are-your-rights-protected/what-charter-fundamental-rights-european-union#:~:text=The%20Charter%20of%20Fundamental%20Rights%20of%20the%20European%20Union%20(the,in%20individual%20EU%20Member%20States.>)> [Accessed 18 June 2020].

Equality Now (2019) Russia is failing in its obligations to protect women from domestic and sexual violence, Available at: <https://www.equalitynow.org/russia_domestic_and_sexual_violence> [Accessed 3 March 2020].

European Council, Council conclusions and resolutions, Available at: <<https://www.consilium.europa.eu/en/council-eu/conclusions-resolutions/>> [Accessed 30 March 2020].

European Human Rights Advocacy Bulletin, 'No.21/Summer 2014', Available at: <<http://ehrac.org.uk/wp-content/uploads/2014/10/EHRAC-Summer-Bulletin-2014-ENG1.pdf>>, [Accessed 28 March 2020].

European Parliament, 'EU Accession to the Council of Europe Convention on Preventing and Combating Violence Against Women', Available at: <<https://www.europarl.europa.eu/legislative-train/theme-area-of-justice-and-fundamental-rights/file-eu-accession-to-the-istanbul-convention>> [Accessed 28 March 2020].

European Parliament Press Release, 'Istanbul Convention: All member states must ratify it without delay, say MEPs', Available at: <<https://www.europarl.europa.eu/news/en/press-room/20191121IPR67113/istanbul-convention-all-member-states-must-ratify-it-without-delay-say-meps>> [Accessed 29 March 2020].

Feder, 1999 'Domestic Violence, Women & Criminal Justice'.

FRA 'Violence against women: an EU-wide survey' (3 March 2014) Available at: <https://fra.europa.eu/sites/default/files/fra_uploads/fra-2014-vaw-survey-main-results-apr14_en.pdf> [Accessed 27 March 2020].

France24, 'High-profile cases turn spotlight on domestic violence in Russia', Available at: <<https://www.france24.com/en/20191019-high-profile-cases-turn-spotlight-on-domestic-violence-in-russia>> [Accessed 25 April 2020].

Frazer, A. K., & Miller, M. D. (2009). Double standards in sentence structure: Passive voice in narratives describing domestic violence. *Journal of language and social psychology*, 28(1), 62-71.

Ganley, A. L. (1995). Understanding domestic violence. *Improving the health care response to domestic violence: A resource manual for health care providers*, 15-42.

Gill, A., Radford, L., Barter, C., Gilchrist, E., Hester, M., Phipps, A., ... & Rummery, K. (2012). *Violence against women: Current theory and practice in domestic abuse, sexual violence and exploitation*, Jessica Kingsley Publishers: 7-

Gorbunova, Y. (2019) The chilling inaction on domestic violence in Russia is endangering women's lives, euronews
[Video] Available at: <<https://www.hrw.org/news/2019/07/29/chilling-inaction-domestic-violence-russia-endangering-womens-lives>> [Accessed 12 April, 2020].

Gorbunova, 'Law Not on Side of Russia's Domestic Violence Victims', Human Rights Watch, Available at: <<https://www.hrw.org/news/2018/02/14/law-not-side-russias-domestic-violence-victims>> [Accessed 25 April 2020].

Graca, S (2017) *Russia changes the law on domestic violence – why should it concern the UK?* Socio-Legal Studies Association. Available at:
<<http://salsablog.co.uk/blog/blog-posts/russia-changes-the-law-on-domestic-violence-why-should-it-concern-the-uk/>> [Accessed 05 March 2019].

Grdinic, E. (1999). 'Application of the Elements of Torture and Other Forms of Ill-Treatment, as Defined by the European Court and Commission of Human Rights, to the Incidents of Domestic Violence', *Hastings Int'l & Comp. L. Rev.*, 23, 217.

Hart, R. (2019) Russia Returns to the Council of Europe, Global Risk Insights, Available at: <<https://globalriskinsights.com/2019/10/russia-returns-to-the-council-of-europe/>> [Accessed 12 April 2020].

Hasselbacher, L. (2009). State obligations regarding domestic violence: The European Court of Human Rights, due diligence, and international legal minimums of protection. *Nw. UJ Int'l Hum. Rts.*, 8, 190.

Hilder and Bettinson, (2016) 'Domestic Violence Interdisciplinary Perspectives on Protection, Prevention and Intervention', Palgrave Macmillan.

Higgins, 'Russia's Police Tolerate Domestic Violence. Where Can Its Victims Turn?', The New York Times, Available at:
<<https://www.nytimes.com/2019/07/11/world/europe/russia-domestic-violence-european-court-of-human-rights.html>> [Accessed 25 April 2020].

Holt, S., Buckley, H., & Whelan, S. (2008) The impact of exposure to domestic violence on children and young people: A review of the literature. *Child abuse & neglect*, 32(8), 797-810.

Horne, S. 1999 Domestic Violence in Russia, University of Memphis, American Psychologist.

Houston, How Feminist Theory Became (Criminal) Law: Tracing the Path to Mandatory Criminal Intervention in Domestic Violence Cases, 21 Mich. J. Gender & L. 217 (2014).

Hubbard, P. and Kitchin, R. (2011) Glossary in *Key Thinkers on Space and Place*, Second Edition, SAGE: 491-500.

Human Rights Watch (2018) “I Could Kill You and No One Would Stop Me” , Available at:
<https://www.hrw.org/sites/default/files/report_pdf/russia1018_web3.pdf> [Accessed 3 March 2020].

Human Rights Watch (2017) ‘Russia: Bill to Decriminalize Domestic Violence’, (23 January 2013) Available at: <<https://www.hrw.org/news/2017/01/23/russia-bill-decriminalize-domestic-violence>> [Accessed 5 March 2019].

Human Rights Watch, (2019) Russia: Domestic violence bill falls short, Available at:
<<https://www.hrw.org/news/2019/12/09/russia-domestic-violence-bill-falls-short>> [Accessed 3 March 2020].

Interfax, ‘Historian Sokolov who killed postgrad found sane – source’, Available at:
<https://www.interfax.com/newsroom/top-stories/17749/?sphrase_id=1359> [Accessed 26 April 2020].

Interfax, ‘Prosecutor General's Office considered Khachaturian sisters actions necessary defense’, Available at: <<https://www.interfax.ru/russia/693445>> [Accessed 25 April 2020].

Interfax, 'SK refused to institute criminal proceedings against father of sisters Khachaturian', Available at: <<https://www.interfax.ru/russia/673428>> [Accessed 25 April 2020].

Interfax, 'The court released all three Khachaturian sisters from the pre-trial detention center', Available at: <<https://www.interfax.ru/russia/630948>> [Accessed 25 April 2020].

International Labor Organisation (2019) Global Wage Report 2018/19: What lies behind gender pay gaps, Available at: < https://www.ilo.org/wcmsp5/groups/public/--dgreports/---dcomm/---publ/documents/publication/wcms_650553.pdf> [Accessed 24 March 2020].

Island, D., & Letellier, P. (1991). *Men who beat the men who love them: Battered gay men and domestic violence*, Psychology Press.

Izvestia, 'Associate Professor Sokolov accused of killing graduate student recognized as sane', Available at: <<https://iz.ru/969460/2020-01-28/obviniaemyi-v-ubiistve-aspirantki-dotcent-sokolov-priznan-vmeniaemym>> [Accessed 26 April 2020].

Javaid, A. (2015). The role of alcohol in intimate partner violence: Causal behaviour or excusing behaviour?. *British Journal of Community Justice*, 13(1), 75-92.

Johnson, J. (2001). Privatizing Pain: The Problem of Woman Battery in Russia. *NWSA Journal*, 13(3), 153-168.

Johnson, M. P. (2010). *A typology of domestic violence: Intimate terrorism, violent resistance, and situational couple violence*, Upne: 1-4.

Karnaukh, M. and Coalson, R. (2019) 'Law Angers Russia's 'Traditional Values' Conservatives', Available at: <<https://www.rferl.org/a/russia-domestic-violence-law-traditional-values-conservatives/30283060.html>> [Accessed 5 March 2019].

Katalin, F. Á. (Ed.). (2010). *Domestic violence in postcommunist states: Local activism, national policies, and global forces*, Indiana University Press.

Katz, J. (2013) 'Violence against women – it's a men's issue', (May 2013) TED, Available at:
<https://www.ted.com/talks/jackson_katz_violence_against_women_it_s_a_men_s_issue?language=en> [Accessed 8 March 2020].

Kelly, L., and Westmorland, N. (2016). Naming and defining 'domestic violence': Lessons from research with violent men. *Feminist review*, 112(1), 113-127.

Kimmel, M. S. (2002). "Gender Symmetry" in Domestic Violence: A Substantive and Methodological Research Review. *Violence Against Women*, 8(11), 1332–1363.

Knox, Z. (2004). *Russian society and the Orthodox church: Religion in Russia after communism*. Routledge: 1-15.

Kozin, 'Murder on the Moika: Brutal Killing Sparks Public Outcry in Russia', The Moscow Times, Available at:
<<https://www.themoscowtimes.com/2019/11/12/murder-on-the-moika-brutal-killing-sparks-public-outcry-in-russia-a68138>>, [Accessed 12 April 2020].

Lapidus, G. W. (1978). *Women in Soviet society: Equality, development, and social change*. Univ of California Press.

Long, D., Lee, S. and Coles, J. Y. (2017) Family violence: an illustrated guide to the terminology, Available at:
<https://www.mja.com.au/system/files/issues/207_06/10.5694mja17.00227.pdf>
[Accessed 8 March 2020].

LSE (n.d.) European Court of Human Rights, Centre for Women, Peace + Security, Available at: <<https://blogs.lse.ac.uk/vaw/regional/europe/european-court-of-human-rights/>> [Accessed 8 April, 2020].

MBK News ‘The ECHR awarded 25,000 euros to a Russian woman on the first complaint of domestic violence in Russia’ [Translated], Available at: <<https://mbk-news.appspot.com/news/espch-prisudil-tysyach/>> [Accessed 25 April 2020].

McGregor, H. (1990). Domestic violence: alcohol and other distractions—a grassroots perspective. *Alcohol and Crime*, 59-66.

McQuigg, R. J. (2014) The European Court of Human Rights and domestic violence: Valiulienė v. Lithuania, *The International Journal of Human Rights*, 18:7-8, 756-773,

McQuigg, R. J. (2015). Domestic Violence as a Human Rights Issue: Rumor v. Italy. *European Journal of International Law*, 26(4), 1009-1025.

McQuigg, R. (2016). Domestic violence: Applying a human rights discourse. In *Domestic Violence*, Palgrave Macmillan, London: 15-35.

McQuigg, R. J. (2018). Is it time for a UN treaty on violence against women?. *The International Journal of Human Rights*, 22(3), 305-324.

Meyer, S., and Frost, A. (2019). *Domestic and Family Violence: A Critical Introduction to Knowledge and Practice*. Routledge.

Mlambo-Ngcuka, Statement by Executive Director of UN Women, Available at: <<https://www.unwomen.org/en/news/stories/2020/4/statement-ed-phumzile-violence-against-women-during-pandemic>> [Accessed 12 June 2020].

Mounier, J. (2019) Russia's undiplomatic return to the Council of Europe, France 24, Available at: <<https://www.france24.com/en/20190628-russia-undiplomatic-return-council-europe-ukraine>> [Accessed 12 April 2020].

NBC News, ‘Outrage in Russia as abused teen sisters charged with murdering their father’, Available at: <<https://www.nbcnews.com/news/world/outrage-russia-abused-teen-sisters-charged-murdering-their-father-n1026696>> [Accessed 25 April 2020].

Nilssen, O., Averina, M., Brenn, T., Brox, J., Kalinin, A., and Archipovski, V. (2005). Alcohol consumption and its relation to risk factors for cardiovascular disease in the north-west of Russia: the Arkhangelsk study. *International Journal of Epidemiology*, 34(4), 781-788.

OHCHR (n.d.) Launch of CEDAW General Recommendation No. 35 on gender-based violence against women, updating General Recommendation No. 19, Available at: <<https://www.ohchr.org/en/hrbodies/cedaw/pages/gr35.aspx>> [Accessed 3 April 2020].

OMCT (2018) Thematic briefing: Protecting women from violence through the UN Convention Against Torture, Available at: <https://www.omct.org/files/2018/11/25161/concept_note_thematic_briefing_vaw.pdf> [Accessed 3 April 2020].

Pelton, L. H. (1991). Ideology, Terminology, and the Politics of Family Violence. *Readings: A Journal of Reviews and Commentary in Mental Health*, 6(3), 12.

Perera, 'Keeping the Khachaturyan Sisters' Case Alive', The Moscow Times, Available at: <<https://www.themoscowtimes.com/2019/08/20/keeping-the-khachaturyan-sisters-case-alive-a66949>> [Accessed 25 April 2020].

Peterman, L. M., and Dixon, C. G. (2003). Domestic violence between same-sex partners: Implications for counseling. *Journal of counseling & development*, 81(1), 40-47.

Pridemore, W. A. (2004). Weekend effects on binge drinking and homicide: the social connection between alcohol and violence in Russia. *Addiction*, 99(8), 1034-1041.

Radio Free Europe, 'European Court Orders Russia To Compensate Domestic Violence Victim', Available at: <<https://www.rferl.org/a/european-court-orders-russia-to-compensate-victim-of-domestic-violence/30045713.html>> [Accessed 25 April 2020].

Sandford, A. (2020) 'Coronavirus: Half of humanity now on lockdown as 90 countries call for confinement', euronews, Available at:
<<https://www.euronews.com/2020/04/02/coronavirus-in-europe-spain-s-death-toll-hits-10-000-after-record-950-new-deaths-in-24-hou>> [Accessed 22 May 2020].

Shevchenko, 'In the Male State', Tribune, Available at:
<<https://tribunemag.co.uk/2019/08/in-the-male-state>> [Accessed 25 April 2020].

Sicilianos, L. M. (2020) Solemn Hearing on the occasion of the opening of the judicial year, 31 January 2020.

Simonovic, D. (1979) Convention on the Elimination of All Forms of Discrimination Against Women, United Nations, Available at:
<<https://legal.un.org/avl/ha/cedaw/cedaw.html>> [Accessed 3 April 2020].

Sokoloff, N. J., & Dupont, I. (2005). Domestic violence at the intersections of race, class, and gender: Challenges and contributions to understanding violence against marginalized women in diverse communities. *Violence against women*, 11(1), 38-64.

South China Morning Post, 'Margarita Gracheva's husband chopped off her hands. Now she's Russia's voice against domestic violence', Available at:
<<https://www.scmp.com/news/world/russia-central-asia/article/3041045/margarita-grachevas-husband-chopped-her-hands-now>> [Accessed 25 April 2020].

Sputnik News, 'St. Petersburg Professor Murders Former Student, Attempts to Dump Remains in River – Reports', Available at:
<<https://sputniknews.com/russia/201911091077267709-st-petersburg-professor-murders-former-student-attempts-to-dump-remains-in-river/>> [Accessed 26 April 2020].

Steiner, L. M. (2012) Why domestic violence victims don't leave, TED, Available at: <https://www.ted.com/talks/leslie_morgan_steiner_why_domestic_violence_victims_don_t_leave?language=en> [Accessed 8 March 2020].

Stewart, 'Severed legs 'belonging to PhD student, 24, beheaded and butchered by her Napoleon-expert professor lover' are found in Russian river', Daily Mail, Available at: <<https://www.dailymail.co.uk/news/article-7835225/Severed-legs-belonging-PhD-student-24-beheaded-professor-lover-Russian-river.html>> [Accessed 22 April 2020].

Stickley, A., Timofeeva, I., & Sparén, P. (2008). Risk Factors for Intimate Partner Violence Against Women in St. Petersburg, Russia. *Violence Against Women*, 14(4), 483–495.

Sullivan, D. (1994). Women's Human Rights and the 1993 World Conference on Human Rights. *The American Journal of International Law*, 88(1), 152-167.

TASS, 'Jealous husband who cut off wife's hands sentenced to 14 years behind bars', Available at: <<https://tass.com/society/1030966>> [Accessed 25 April 2020].

TASS, 'Murder charges brought against St. Petersburg university lecturer', Available at: <<https://www.google.co.uk/amp/s/tass.com/emergencies/1088149/amp>> [Accessed 26 April 2020].

TASS, 'Prosecutor's Office obliges UK to re-qualify Khachaturian sisters for self-defense', Available at: <<https://tass.ru/proisshestviya/7650501>> [Accessed 25 April 2020].

TASS, 'Russian historian charged with murder to be transferred to St. Petersburg next week', Available at: <<https://tass.com/society/1136719>> [Accessed 26 April 2020].

TASS, 'St. Petersburg university lecturer refuses to testify about murder of a young woman', Available at: <<https://tass.com/emergencies/1088137/amp>> [Accessed 26 April].

Taub, 'A New Covid-19 Crisis: Domestic Abuse Rises Worldwide', NY Times, Available at: <<https://www.nytimes.com/2020/04/06/world/coronavirus-domestic-violence.html>> [Accessed 12 June 2020].

Tayton, S., Kaspiw, R., Moore, S. and Campo, M. (2014) Groups and communities at risk of domestic and family violence, Available at: <<https://core.ac.uk/download/pdf/30673375.pdf>> [Accessed 30 March 2020].

The advocates for Human Rights (2018) UN Treaties on Domestic Violence, Available at: <http://www.stopvaw.org/un_treaties_and_conventions> [Accessed 1 April 2020].

The Criminal Code of the Russian Federation Criminal Code Russia – English version (June 13, 1996).

The Moscow Times (2019) Russia Could Re-Criminalize Domestic Violence After European Court Ruling, Senator Says, Available at: <<https://www.themoscowtimes.com/2019/07/31/russia-could-re-criminalize-domestic-violence-after-european-court-ruling-senator-says-a66638>> [Accessed 10 April 2020].

The Moscow Times, 'Khachaturyan Sisters' Father Abused Them Before They Killed Him, Russian Experts Say', Available at: <<https://www.themoscowtimes.com/2019/10/01/khachaturyan-sisters-father-abused-them-before-they-killed-him-russian-experts-say-a67523>> [Accessed 25 April 2020].

The Moscow Times, 'Russia Failed to Protect Woman Who Suffered Years of Domestic Abuse, European Court Says', Available at: <<https://www.themoscowtimes.com/2019/07/10/russia-failed-to-protect-woman-who-suffered-years-of-domestic-abuse-european-court-says-a66345>> [Accessed 25 April 2020].

The Moscow Times 'Russia's Domestic Violence Problem is 'Exaggerated', Justice Ministry Says', Available at: <[https://www.themoscowtimes.com/2019/11/19/russias-](https://www.themoscowtimes.com/2019/11/19/russias-domestic-violence-problem-is-exaggerated-justice-ministry-says)

[domestic-violence-problem-is-exaggerated-justice-ministry-says-a68233](#)> [Accessed 25 April 2020].

The Moscow Times, 'Russian Professor Admits Murder After Woman's Severed Arms Found in Bag', Available at: <<https://www.themoscowtimes.com/2019/11/10/russian-professor-admits-murder-womans-severed-arms-found-in-bag-a68112>> [Accessed 26 April].

Thiesmeyer, L. J. (Ed.). (2003). *Discourse and silencing: Representation and the language of displacement* (Vol. 5). John Benjamins Publishing.

Tiounine, M. (2020) Why Russia is divided over domestic violence, Financial Times, Video, Available at: <<https://www.ft.com/video/67ee39e4-4b43-485e-bf07-ad36afef1d73>> [Accessed 24 March 2020].

Treml, V. G. (1997) 'Soviet and Russian Statistics on Alcohol Consumption and Abuse' in Bobadilla, J. L., Costello, C. A., Mitchell, F., & National Research Council (US) Committee on Population. (1997). *Premature death in the new independent states*. National Academies Press (US): 220-238.

Twitter, <<https://twitter.com/hashtag/freekhachaturyansisters?lang=en>> [Accessed 25 April 2020].

UNFPA (2007) A House Divided: Domestic Violence in the Russian Federation, Available at: <<https://www.unfpa.org/news/house-divided-domestic-violence-russian-federation>> [Accessed 8 March 2020].

UNFPA, 'Impact of the COVID-19 Pandemic on Family Planning and Ending Gender-based Violence, Female Genital Mutilation and Child Marriage', Available at: <<https://www.unfpa.org/resources/impact-covid-19-pandemic-family-planning-and-ending-gender-based-violence-female-genital>> [Accessed 10 May 2020].

UN (n.d.) Human Rights Law, Available at:
<<https://www.un.org/en/sections/universal-declaration/human-rights-law/index.html>>
[Accessed April 2 2020].

UN WOMEN (2016) Global Database on Violence against Women: Russian Federation, Available at: <<https://evaw-global-database.unwomen.org/en/countries/europe/russian-federation>> [Accessed 22 March 2020].

UN WOMEN (2000-2009) Text of the Convention, Available at:
<<https://www.un.org/womenwatch/daw/cedaw/cedaw.htm>> [Accessed 17 April 2020].

Valor-Segura, I., Expósito, F., & Moya, M. (2011). Victim blaming and exoneration of the perpetrator in domestic violence: The role of beliefs in a just world and ambivalent sexism. *The Spanish Journal of Psychology*, 14(1), 195-206.

Vardanyan, ‘Experts in the case of the Khachaturian sisters: “They perceived the father’s sexual violence as a real threat to life” ’, Komsomolskaya Pravada, [translated], Available at: <<https://www.kp.ru/daily/27039/4104084/>> [Accessed 25 April 2020].

Vardanyan, ““The third month they cannot add 2 plus 2”: lawyers of the Khachaturian sisters demand the execution of the decision of the prosecutor general’, Komsomolskaya Pravada, Available at:
<<https://www.kp.ru/daily/27104.7/4177897/>> [Accessed 25 April 2020].

Vasilyeva, ‘Case of Russian sisters charged with killing abusive father draws outrage across country’, The Globe and Mail, Available at:
<<https://www.theglobeandmail.com/world/article-case-of-russian-sisters-charged-with-killing-abusive-father-draws/>> [Accessed 25 April 2020].

Vasilyeva, ‘Outrage in Russia as abused teen sisters charged with murder’, Available at: <<https://www.nwaonline.com/news/2019/jul/05/outrage-in-russia-as-abused-teen-sister/>> [Accessed 25 April 2020].

Vasilyeva in PRI, 'Three sisters' case highlights domestic violence problem in Russia', <<https://www.pri.org/stories/2019-07-24/three-sisters-case-highlights-domestic-violence-problem-russia-0>> accessed 25 April 2020.

Voigt and Thornton (2002) in Summers and Micheal 'Domestic Violence: A Global View', (2002).

Wagers, 'Domestic violence growing in wake of coronavirus outbreak', The Conversation, Available at: <<https://theconversation.com/domestic-violence-growing-in-wake-of-coronavirus-outbreak-135598>> [Accessed 12 June 2020].

Waters, H. R., Hyder, A. A., Rajkotia, Y., Basu, S., & Butchart, A. (2005). The costs of interpersonal violence—an international review. *Health Policy*, 73(3), 303-315.

Wells, S., & Graham, K. (2003). Aggression involving alcohol: relationship to drinking patterns and social context. *Addiction*, 98(1), 33-42.

Williamson, 2019 H - Re: Draft Law "On Prevention of Domestic Violence" – Available at: <https://www.hrw.org/sites/default/files/supporting_resources/hrw_publicltr_dv_fedcouncil_06122019.pdf> [Accessed 3 March 2020].

Woman Stats, 2020, 'Overall Adequacy of Domestic Violence Law', Available at: <<http://www.womanstats.org/maps.html>> [Accessed 19 June].

women's aid, (2019) What is domestic abuse?, Available at: <<https://www.womensaid.org.uk/information-support/what-is-domestic-abuse/>> [Accessed 30 March 2020].

World Future Council (2016) *Istanbul Convention: Check how your country is doing in our map*, Available at: <<https://www.worldfuturecouncil.org/istanbul-convention-check-country-map/>> [Accessed 28 March 2020].

World Health Organization (2018) Russian Federation, Available at: <https://www.who.int/substance_abuse/publications/global_alcohol_report/profiles/russ.pdf> [Accessed 25 March 2020].

Worldometer (2020) Russian Population, Available at: <<https://www.worldometers.info/world-population/russia-population/>> [Accessed 26 March 2020].

Yurtaev, A. (2020) Inside the fight over Russia's domestic violence law, openDemocracy, Available at: <<https://www.opendemocracy.net/en/odr/russia-domestic-violence-law/>> [Accessed 30 March 2020].

Zelenskiy, M. (2019) Russia's Justice Ministry says journalists distorted its argument that domestic violence claims in Russia are exaggerated. Fine, here's the full quote, Meduza, Available at: <<https://meduza.io/en/feature/2019/11/19/russia-s-justice-ministry-says-journalists-distorted-its-argument-that-domestic-violence-claims-in-russia-are-exaggerated-fine-here-s-the-full-quote>> [Accessed 12 April 2020].

Zhan, W., Shaboltas, A. V., Skochilov, R. V., Kozlov, A. P., Krasnoselskikh, T. V., and Abdala, N. (2011). Alcohol misuse, drinking contexts and intimate partner violence in St. Petersburg, Russia: results from a cross-sectional study. *BMC public health*, 11(1), 629.

ZhenIkeyev, A. (2017). Putin Signs Law Decriminalizing Domestic Abuse, Available at: <<https://www.themoscowtimes.com/2017/02/07/putin-signs-law-decriminalizing-domestic-abuse-a57070>> [Accessed 05 March 2019].

93.1 Real FM, 'Khachaturyan Sisters Who Killed Father Touch Russian Hearts' <<https://realfmgy.com/2019/08/22/khachaturyan-sisters-who-killed-father-touch-russian-hearts/>> accessed 25 April 2020.