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NGOs represented by speaker:

- Harm reduction civil society organizations
- Regional Public Organization “Novgorod Gender Center”
- Inter-Regional Social Movement “Russian LGBT Network”

Extended Oral Statement

Thank you Madam Chair,

I speak on behalf of three groups of women. Our statement highlights problems faced by rural women, lesbian, bisexual women and transgender people, as well as women who use drugs and sell sex.

There is no anti-discrimination law in Russia. The absence of such a law negatively affects situation of women in general and special groups in particular. In addition, there is still no law on domestic violence. The Russian government argues that the criminal code's provisions against assault are adequate but this is not true because there is no legal definition of domestic violence and no special measures to eliminate or prevent it.

All efforts by the government to improve the status of women fail to recognize the needs and vulnerabilities of specific groups of women—especially those who, due to their status, are already subject to targeted discrimination and stigma. In particular, this includes female drug users and sex workers as well as lesbian, bisexual and transgender individuals.

Pervasive stereotypes often render existing legal protections unenforceable and they limit women's access to their rights. Stereotypes also prevent women from accessing services that are supposedly guaranteed by the state.

Such stereotypes lead to the violations of the human rights of LBT individuals. For example, in 2010 the Region Office of the Ministry of Justice refused the state registration of the amendments to the charter of NGO “Rakurs” stated that the organization “plans to carry out activities aimed at propaganda of non-traditional sexual orientation and at the negation of the role of a family in society ... It is impossible to create a family, as well as to conclude a marriage between persons of non-traditional sexual orientation. Family is a social institution, and at the same time is a social mechanism of human reproduction. Furthermore, in terms of reproductive biology, the natural sexual orientation is heterosexual one, which is inherent for the overwhelming majority of people. Consequently, the NGO’s purposes aimed at inciting social hatred between heterosexual and homosexual people, which is contrary to the Law on Countering Extremist Activity.”

Rural women

Thirty percent of Russia's population lives in rural areas.

According to the official information as of 2002, 73 % of Russian Federation citizens are city habitants, 27 % are rural. **The number of rural women reached 20 282,0 thousand people in 2002, at the end of 2006 it was 20 064,0 thousand people only.**

State policies have led to decreasing resources for these communities. While this affects all rural dwellers, rural women suffer disproportionately. For rural women, there is no social infrastructure to help address discriminatory life circumstances. Domestic violence, for example, is endemic in rural areas but there are no services to address it. Furthermore, there are no statistics about the prevalence of the problem.

In cases of domestic violence where a woman is able to call the police, the police fail to respond the vast majority of the time. The police value the price of gas over protecting women's lives: this is one place where we can see that a logic about financial resources supersedes that of women's and children's rights. This same logic prevails in cases of medical emergency. While the law requires ambulances to respond to every call, the price of gas is seen as more valuable than rural women's lives and so they choose not to respond.

One of the biggest problems is that rural women live according to traditions, instead of laws. In each district, private life is regulated by tradition, which also informs public opinion. Traditionally, domestic violence is seen as internal family affair, and a husband and a wife are supposed to solve all situations inside their family. This view is widely shared by police who refuse to intervene, and often ignore the calls from women, if they get to call the police at all. The only available support structures for an abused woman in rural areas are their neighbors and relatives, who frequently will force her to return to the abusive husband. The absence of adequate police response and other social services perpetuates the situation.

It is almost impossible for a rural woman to report that she has survived sexual violence. Public opinion in overwhelming majority of cases will support the man's party. **Absence of trust to state structures which are called to defend fundamental laws and freedoms of women in rural areas is a consequence of a policy of "passive discrimination" of the women held by state structures concerning rural women.**

Health services is the most acute problem of villages. In rural areas, the negative consequences of shrinking governmental expenditures on public health services are especially dire. It leads to closures of specialized clinics and to loss of such professionals as OB/GYNs. The majority of polyclinics and hospitals are closed and replaced by nurse and obstetric stations, which usually have no supplies of medicines, and the majority of services should be paid for. There are no first aid services. In case of emergency rural dwellers may have no opportunities to nearby cities.

These are only two examples but the same rationale prevails in all areas: social, cultural, education, and employment. Rural women are marginalized in all areas of life.

In spite of the fact that the Russian Federation has undertaken a lot of measures directed on eradication of all forms of discrimination of women, discriminative actions continue to exist towards specific groups of women, in particular, towards women living in rural areas. It is so-called **"passive" discrimination which means the neglect and formal declaration of defense of women's rights, but not executing legislative defense of the rights.**

Recognition, observance and defence of the human rights and freedoms declared in the Constitution of the Russian Federation is a formal sign of observance of the article 1 of this Convention. However, having formulated **the basic problems of rural women - social vulnerability and legal illiteracy; decreasing possibilities for career growth; low wages, poverty; bad criminal conditions; absence of opportunities to enjoy the right to inviolability of one's private life, personal and family secret, advocacy of the honor and a reputation, restricted access to medical services – we can see the obvious infringements or absence of defense of fundamental rights of rural women.**

Injecting Drug Users and Sex Workers

According to expert estimates there are just under one million women who inject drugs in Russian Federation. Women drug users, who are often engaged in sex work, face systematic rights abuses, perpetrated by the state actors.

Even though drug use and sex work are not classified as criminal offences, both facts are punished by extraction of a fine. The police often use this as justification to harass and abuse women who use drugs or are engaged in sex work. They extort money from them and force them to sex. This violence goes unpunished, since women drug users lack the means to defend themselves, including in court.

According to one woman sex worker, police invited her to their car to check her documents, but instead, threatening that they will plant drugs on her, forced her to have sex . Given that women in this group are particularly vulnerable to other forms of violence, including domestic violence, harassment at the hand of police discourages women from seeking protection and redress in court, reduces their ability and willingness to access health care and social services, and contributes to their further marginalization, as well as their children and other family members.

Women drug users are denied access to reproductive and maternal health care, despite the state's guarantee of universal access to such services. WHO protocols of treatment for opioid using pregnant women recommend substitution therapy, but it is banned by law in Russia. The only available options are extremely dangerous for both mother and her fetus, or lead to child abandonment after birth. The current approach is based on repressive and punitive measure, while what is really needed is infrastructure to provide adequate care, treatment and support, including access to family planning, and envision training for relevant service providers.

The stigma and discrimination against women who use drugs is rooted in the persistent stereotype that women who use drugs cannot and should not mother children. This stereotype is anchored in the family law. It explicitly states that "addiction to alcohol or narcotic drugs" can be used as grounds for terminating parental rights. As a result, women drug users are frequently informally pressured by health care providers to abandon their infants in the care of the state right after delivery, without giving the mother a chance to bond with her infant, and without providing women with proper counseling and support.

This stigma is directly linked to lack of awareness of hospital staff that drug using women can give birth to healthy babies provided the mother has access to adequate support and care, and ignorance about what support and care these women need¹. Discriminatory practices in maternity setting are commonplace. Once the drug user status becomes known, women are expelled from the maternity ward and given a place in a common hallway, saying that their pres-

¹ Helena Zabina, a Dmitry Kissin, et al, *Abandonment of infants by HIV-positive women in Russia and prevention measures*, *Reproductive Health Matters* 2009; 17(33):162–170

ence in the ward is against sanitary norms, especially if the women is HIV positive. The staff frequently publicly shame women in front of other patients and staff, calling them addicts unfit to be mothers. Women frequently suffer from inadequate pain relieve during surgical procedures including during C-section. Women are often discharged from inpatient care before their medical condition has sufficiently improved.

Lesbian and Bisexual Women and Transgender People

Homosexual and bisexual women, as well as transgender people are constantly exposed to violence and discrimination associated with their sexual orientation or gender identity at the individual, institutional and structural level.

Despite social status being one of the grounds on which discrimination is prohibited, the state has refused to accord equality and non-discrimination to lesbian and bisexual women and transgender people. It has refused to acknowledge our problems and ensure our rights. This has led to impunity for the human rights violations suffered by the community.

Thus, according to the Russian Criminal Code, the motive of hatred against a social group was considered as aggravating circumstance, a similar motive for a crime was introduced as a qualifying feature in a series of the crimes. However, there have not been any cases of prosecutions for crimes committed on the grounds of homophobia or transphobia. For example, in the case on the governor of Tambov oblast Oleg Betin's statement "Tolerance?! To hell! Faggots must be torn apart and their pieces should be thrown to the wind!... This rotten nest must be wiped out!" the court did not recognize persons of homosexual orientation as a social group despite provided opinion of a famous Russian sociologists and sexologists, Prof. Igor Kon.

The General Prosecutor's Office replied to a special request that "the General Prosecutor's Office have no statistical or other data on crimes... related to hatred or enmity toward people of non-traditional sexual orientation." The All-Russian Scientific Research Institute of the Ministry of Internal Affairs of the Russian Federation (VNII MVD RF) replied to the request by the Russian LGBT Network in 2009, that "the issue [concerning discrimination on the ground of sexual orientation or gender identity] remains open in the sphere of the law-enforcement activity of the internal affairs bodies of the Russian Federation and any cardinal measures to solve it have not been developed so far."

Transgender people are in a very vulnerable position. Legal regulation in the field of gender reassignment is underdeveloped and unsystematic. Therefore, in practice administrative authorities and courts arbitrarily interpret this procedure and demand from transgender people conditions not required by the law. Special medical services in most cases are not available, due to regional and fiscal reasons.

According to the Law on Acts of Civil Status, changing name, gender marker and corresponding documents for transgender people should be made on the basis of "a standard document confirming gender reassignment." However, the Russian state has failed for 12 years for provide a template for the cited standard form.

No legislation or regulation requires surgery for changing the vital records. However, it is common practice that civil registry offices override their competencies and make the successfulness of an application depended on the "completeness" of the applicant's gender reassignment – accordingly, surgical intervention is required and one surgical procedure is regarded as not sufficient.

Average prices for the medical treatments considered by many transgender people as minimum necessary are far beyond average Russian income. Thus, monthly costs of life-long adverse hormone treatment of a person might amount to 2.000–3.000RUR (64–97\$). In St. Petersburg a mastectomy costs between 60.000–90.000RUR (1.900\$–2.900\$) a vaginoplasty on average 200.000RUR (6.400\$).

On the other hand, the state is averse to recognizing and registering LBT organizations, which could support the community in accessing rights and fundamental freedoms. Cultural events, meetings and/or demonstrations in support of LBT rights are not allowed by the state authorities, and those held are often disrupted.

There were many cases of refusing to register LGBT organizations, for example:

1) **Omsk regional public organization of gays and lesbians Club “Parus” (2000):** state authorities refused to register this organization stating that “the activity of the organization does not meet the moral and ethical standards established in society, and in this connection many citizens and public associations will perceive the registration of the organization as an insult to society in general and the violation of moral principles.”;

2) **Tyumen LGBT organizations “Rainbow House” (2007):** the administrative bodies and the courts also refused to register this organization indicating that the activity of the organization bears the signs of extremism because it creates a “prerequisite for incitement of social and religious hatred and enmity, and violates the family and marriage foundations.”;

3) **NGO “For Marriage Equality” (2010):** the state authorities refused to register the organization with reference to the art. 12 of the Russian Family Code which states that “to enter into a marriage, the voluntary consent of the man and of the woman entering into it, and their reaching the marriageable age, shall be necessary”;

4) **Arkhangelsk NGO “Rakurs” (2010):** see above.

Until today all public events in support of human rights of LGBT people were prohibited by Russian authorities and sufficient protection from homophobic motivated violence has not been provided by law enforcement agencies.

The state itself openly uses the discourse of the “propaganda of homosexuality” to justify homophobic and transphobic behaviour in the society, which is also reflected in its own actions towards the community.

Thus, for example, in the abovementioned case of “Rainbow House” one of the courts stated that the aim of “protecting the rights and freedoms of individuals including those of non-traditional sexual orientation, promoting education of these individuals as equal citizens of society” declared in the organization’s charter means “propaganda of homosexuality”, which can lead to “undermining the security of the Russian state and society, undermining the moral values of society, undermining the sovereignty and territorial integrity of the Russian Federation by virtue of depopulation.”