

## **Joint NGO Submission**

**Special Rapporteur on Violence Against Women  
Berlin / Moscow / New York, October 2012**

---

**Submission on the due diligence obligations of the Russian Federation with respect to its failure to effectively investigate violence against women in Chechnya**

Submitted by:

European Center for Constitutional  
and Human Rights e.V. (ECCHR)  
Zossener Str. 55-58, Aufgang D  
D-10961 BERLIN  
Tel: + 49 - 030 - 40 04 85 90  
Fax: + 49 - 030 - 40 04 85 92  
E-Mail: [info@ECCHR.eu](mailto:info@ECCHR.eu)  
Web: [www.ECCHR.eu](http://www.ECCHR.eu)

Human Rights Watch  
350 Fifth Avenue, 34th floor  
New York, NY 10118-3299 USA  
Tel: + 1 212 290 4700  
Fax: + 1 212 736 1300  
Email: [hrwnyc@hrw.org](mailto:hrwnyc@hrw.org)  
[www.hrw.org](http://www.hrw.org)

## Executive summary

ECCHR and Human Rights Watch submit this joint report to the Special Rapporteur on violence against women, its causes and consequences, Ms Rashida Manjoo,<sup>1</sup> (Special Rapporteur) in order to bring to her attention the discrepancies between the current situation of women's human rights in the Chechen Republic, and the Russian Federation's obligations to respond to, protect against and provide remedies for acts of violence against women whether such acts are committed by State or non-State actors.<sup>2</sup>

We respectfully request that the Special Rapporteur include the following country-specific information on the Russian Federation in her 2013 study on the "*State responsibility for eliminating violence against women*."<sup>3</sup> We further respectfully request that an investigation be opened in relation to the allegations of pattern of violence against women outlined in this communication. This include requesting the government of the Russian Federation to provide information in relation to all policies, measures and/or programs it is implementing in relation to eliminating all forms of violence against women in the Chechen Republic; to provide details of how it is fulfilling its obligations to investigate, prosecute and punish serious violations of women's human rights particularly in response to allegations of violence, sexual assault or harassment perpetrated by members of its law enforcement authorities; and to consent to a visit by the Special Rapporteur to the Chechen Republic of the Russian Federation, to enable her to further investigate the violence and harassment, and the subsequent impunity as documented in our research below.

### I. Introduction

The European Center for Constitutional and Human Rights (ECCHR) is an independent non-profit human rights organization based in Berlin (Germany). ECCHR is devoted to protecting individuals and groups whose human rights have been or are at risk of being violated by state or private agents. ECCHR's programs are designed to address violations of internationally recognized crimes, such as war crimes and crimes against humanity, using legal means to hold the perpetrators accountable and to compensate the victims of these crimes. In particular, ECCHR looks for ways to pursue gender equality. Since 2010, it has explored strategies to combat impunity for gender based violence,<sup>4</sup> utilizing the United Nations (UN) Human Rights System.<sup>5</sup> ECCHR has remained abreast of the situation of ongoing gender-based violence against women<sup>6</sup> in the Northern Caucasus and is seeking to ways to pursue legal avenues for holding perpetrators accountable for their actions in the hope of reducing the number of grave human rights violations against women in the region.

Human Rights Watch is a nongovernmental organization that monitors and reports on human rights in more than 90 countries worldwide. Human Rights Watch conducts in-situ research to collect information about human rights abuses through interviews with victims of abuse, local human rights advocates, country experts, and government officials, and reports on these violations in news releases, reports and other documents. For more than 20 years Human Rights Watch's representative office in Russia has closely

---

<sup>1</sup> The mandate of the Special Rapporteur on violence against women, its causes and consequences was established by the Commission on Human Rights, 1994/45 and was most recently renewed by its successor the Human Rights Council in 2011 pursuant to Resolution 16/7.

<sup>2</sup> Report of the Special Rapporteur on violence against women, its causes and consequences, *The Due Diligence Standard As A Tool For The Elimination Of Violence Against Women*, E/CN.4/2006/61, 20 January 2006 (Special Rapporteur, Due Diligence report 2006) para. 30.

<sup>3</sup> See the website of the Special Rapporteur, <http://www.ohchr.org/EN/Issues/Women/SRWomen/Pages/VAW.aspx>.

<sup>4</sup> See ECCHR at: [www.ecchr.de/index.php/gender-based\\_crimes.html](http://www.ecchr.de/index.php/gender-based_crimes.html).

<sup>5</sup> ECCHR submitted reports *inter alia* to various Special Rapporteurs and to the Committee on the Elimination of All Forms of Discrimination Against Women on women and conflict in Sri Lanka. See, for example: [www.ecchr.de/index.php/gender-based\\_crimes/articles/the-un-committee-on-the-elimination-of-discrimination-against-women-urges-promptly-investigations-acts-of-sexual-violence.html](http://www.ecchr.de/index.php/gender-based_crimes/articles/the-un-committee-on-the-elimination-of-discrimination-against-women-urges-promptly-investigations-acts-of-sexual-violence.html).

<sup>6</sup> In this report we use the term "gender-based violence" to refer to "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" as defined in the CEDAW Committee, General Recommendation No. 19, Violence Against Women, 1992, A/47/38 (CEDAW Committee, General Recommendation No.19), para. 6.

monitored the human rights situation in the country and providing detailed reporting and policy recommendations on such issues as human rights violations in the context of counter-insurgency operations in the North Caucasus, police torture, human rights violations in the armed forces, harassment and intimidation against civil society and the like.

## II. Background to the attacks

In March 2011, Human Rights Watch published “*You Dress According to Their Rules*”- *Enforcement of an Islamic Dress Code for Women in Chechnya*, a report detailing numerous paintball attacks against women and other incidents of harassment which took place on the streets of Grozny from June through September 2010. For this report Human Rights Watch interviewed, in particular, 35 individuals, mostly female, who had experienced or witnessed general attacks and/or harassment aimed at forcing women to comply with a compulsory Islamic dress code. It was during this period that the leader of the Chechen Republic Ramzan Kadyrov’s so called “virtue campaign,” aimed specifically at women, intensified.<sup>7</sup> This campaign started to unfold in Chechnya, a federal republic of the Russian Federation, in 2006 and *inter alia* forces women and girls to wear headscarves and other “modest” dress in public places, and especially in public buildings, at work and at school.

Victim and witness reports indicate that it was unknown men, mostly dressed as law enforcement officials, who shot at women in central Grozny, Chechnya’s capital, with paintball guns for failing to cover their hair with headscarves, in accordance with Kadyrov’s quasi-official Islamic dress code. All of the women interviewed by Human Rights Watch on the issue interpreted these attacks as a threat to use real weapons instead of paintball guns.<sup>8</sup> As of the date of this submission, neither the Government of the Russian Federation nor any other federal authority has publicly condemned the enforcement of Kadyrov’s “virtue campaign”, the operation of which is apparently overseen by Kadyrov himself along with law enforcement servicemen, State officials, religious ministers, education authorities and private citizens in Chechnya.<sup>9</sup> Moreover, none of the perpetrators of the paintball attacks have been held criminally accountable for their actions and the State has failed to conduct effective investigations into these violations.<sup>10</sup>

ECCHR and Human Rights Watch submit this joint report to the Special Rapporteur on violence against women, its causes and consequences, Ms Rashida Manjoo,<sup>11</sup> (Special Rapporteur) in order to bring to her attention the discrepancies between the current situation of women’s human rights in the Chechen Republic, and the Russian Federation’s obligations to respond to, protect against and provide remedies for acts of violence against women whether such acts are committed by State or non-State actors.<sup>12</sup>

We provide information regarding the *de facto* impunity afforded to perpetrators of violence against women in Chechnya.<sup>13</sup> Specifically, we submit that the Russian Federation has violated, and continues to

---

<sup>7</sup> Human Rights Watch, „*You Dress According to Their Rules*” - *Enforcement of an Islamic Dress Code for Women in Chechnya*, 2011 (Human Rights Watch report 2011), [www.hrw.org/sites/default/files/reports/chechnya0311webwcover.pdf](http://www.hrw.org/sites/default/files/reports/chechnya0311webwcover.pdf).

<sup>8</sup> Human Rights Watch report 2011, p. 19-21.

<sup>9</sup> Human Rights Watch report 2011, p. 19-21.

<sup>10</sup> Tanya Lokshina, Human Rights Watch, “*Virtue Campaign on Women in Chechnya under Ramzan Kadyrov*,” Presentation at the Conference “Tchéchénie – Logiques de Violence et Expérience de Guerre”, Paris, 22-23 October 2012, (Virtue Campaign 2012), p. 8.

<sup>11</sup> The mandate of the Special Rapporteur on violence against women, its causes and consequences was established by the Commission on Human Rights, 1994/45 and was most recently renewed by its successor the Human Rights Council in 2011 pursuant to Resolution 16/7.

<sup>12</sup> Report of the Special Rapporteur on violence against women, its causes and consequences, *The Due Diligence Standard As A Tool For The Elimination Of Violence Against Women*, E/CN.4/2006/61, 20 January 2006 (Special Rapporteur, Due Diligence report 2006) para. 30.

<sup>13</sup> As to the facts provided herein, we rely, in the most part, on the contents of the Human Rights Watch report 2010 and other NGO reports such as the Amnesty International briefing and the Frontline and International Commission of Jurists joint submission to the CEDAW Committee in relation to its periodic review of the Russian Federation during its 46th Session in July 2010, [http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/AI\\_RussianFederation46.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/AI_RussianFederation46.pdf) and [http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/FL\\_ICJ\\_RussianFederation46.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/FL_ICJ_RussianFederation46.pdf). We also rely on a variety of newspaper articles from various European sources and reports of UN human rights treaty bodies together with the Human Rights Committee’s Concluding Observations to the Russian Federation following its periodic review in November 2009: CCPR/C/RUS/CO/6, 24 November 2009; the Russian Federation’s follow-up response to that report regarding the implementation of their Concluding Observations: CCPR/C/RUS/CO/6/Add.2, 8 November 2010; and Yakin Ertürk, Special Rapporteur on Violence against Women and its Causes and Consequences, Mission to the Russian Federation, E/CN.4/2006/61/Add.2, 26 January 2006 (Yakin Ertürk, Special Rapporteur’s report, 2006).

violate, the concept of due diligence in violations of the Russian Federation's obligations arising from United Nations (UN) Conventions it has ratified, including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),<sup>14</sup> the International Covenant on Political and Civil Rights (ICCPR)<sup>15</sup> and from the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR).<sup>16</sup> This submission further endorses the recommendations of several UN entities as well as the Council of Europe, which all have previously reported on the impunity of violence against women in parts of the Russian Federation.

### III. Previous work of the Special Rapporteur

We welcome the Special Rapporteur's dedication to a study on the "*State responsibility for eliminating violence against women*" due for release in 2013.<sup>17</sup> We also note that the Special Rapporteur conducted her last country visit to the Russian Federation in 2004,<sup>18</sup> dedicating a significant portion of her subsequent report to the plight of women in the Northern Caucasus. She recommended, *inter alia*, that the Russian Federation take measures to prevent and protect women's human rights by ensuring that discrimination against women is not legitimized in legislation; establish an ombudsman in the Republic of Chechnya empowered to receive and act upon individual complaints; and investigate all allegations of human rights violations and prosecute the perpetrators.<sup>19</sup> The Russian Federation has failed to adequately address the recommendations made by the CEDAW Committee, during its periodic review of the State in 2010. The Committee recommended that Russia provide it with written information regarding the steps it has taken to ensure the end of impunity for violence against women in the Northern Caucasus. In particular, it wanted assurances that cases of violence against women were fully and promptly investigated and that (State and non-State) perpetrators were brought to justice.<sup>20</sup> The Russian Federation's response to the CEDAW Committee's report was published in September of this year. However, the State's only response was to note that the overall number of registered violent crimes against women in Chechnya had fallen during the past year, with no details provided as to the steps the government had taken or would undertake to prevent, protect and punish perpetrators of gender-based violence.<sup>21</sup> Whilst a Chechen Ombudsman office has been indeed created, it has taken no steps to protect women from discriminatory treatment and violent attacks. Quite to the opposite, Nurdi Nukhazhiev, the ombudsman for Chechnya, was one of the local officials who made eloquent statements in support of the headscarf policy and even justified violent attacks against women.<sup>22</sup>

### IV. Women's Rights Violation in the Chechen Republic and the failure to investigate

We are particularly concerned that the needs of women in the Northern Caucasus continue to be marginalized in the Russian Federation's process of implementation of its obligations set out in the various international human rights instruments it has ratified. We are also concerned about the lack of accountability for the violation of women's human rights in Chechnya. Of particular concern to us in

---

<sup>14</sup> The Russian Federation signed CEDAW on 17 July 1980 and ratified on 23 January 1981, [http://treaties.un.org/pages/ViewDetails.aspx?src=UNTS&tabid=3&mtdsg\\_no=IV-8&chapter=4&lang=en#Participants](http://treaties.un.org/pages/ViewDetails.aspx?src=UNTS&tabid=3&mtdsg_no=IV-8&chapter=4&lang=en#Participants).

<sup>15</sup> The Russian Federation signed the ICCPR on 18 Mar 1968 and ratified it on 16 October 1973: [http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-4&chapter=4&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&lang=en).

<sup>16</sup> The Russian Federation signed the ECHR on 28 February 1996 and ratified it on 5 May 1998: <http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=005&CM=8&DF=24/10/2012&CL=ENG>.

<sup>17</sup> See the website of the Special Rapporteur, <http://www.ohchr.org/EN/Issues/Women/SRWomen/Pages/VAW.aspx>.

<sup>18</sup> Yakin Ertürk, Special Rapporteur's report, 2006.

<sup>19</sup> *Ibid.*, para. 86.

<sup>20</sup> CEDAW Committee, *Concluding observations of the Committee on the Elimination of Discrimination against Women: Russian Federation*, CEDAW/C/USR/CO/7, 16 August 2010 (CEDAW Committee, Russian Federation) paras. 25 and 55.

<sup>21</sup> Information provided by the Government of the Russian Federation on the follow-up to the concluding observations of the Committee, 3 September 2012, CEDAW/C/USR/CO/7/Add.1.

<sup>22</sup> See, for example, *The reason for the close-range shooting of six Chechen women may have been vigilantism*, (Причиной расстрела вупоршестиченокмогутбытьсамосуд), Postimees, 27 November 2008.

connection with the given submission is the failure of the authorities to effectively investigate various complaints regarding the paintball attacks on women in Chechnya during 2010.

Although there have been no reports of paintball attacks against women since 2010, the unofficial headscarf rule continues to apply in Chechnya, which forces female students, public sector employees and those working in governmental sectors to cover their hair and observe other elements of “modest dress.”<sup>23</sup> Many other Chechen women have also begun wearing headscarves and have asked their daughters to do the same due to concerns about their personal security.<sup>24</sup> The failure of law enforcement officials to investigate these attacks not only denies women access to justice but silences their voices.

## 1. Background information – the climate of fear in the Chechen Republic

Chechnya is a republic of the Russian Federation with a predominately Muslim population. Since the collapse of the Soviet Union it has been embroiled in two armed conflicts aimed at separating from Moscow. While the federal authorities defeated the rebels in the second conflict, the rebellion itself has transformed from having a Chechen nationalist to an Islamist agenda, and continues in the form of an underground insurgency, not only in Chechnya but throughout the North Caucasus. Chechnya’s current leader, Ramzan Kadyrov, rose to power through siding with pro-Moscow forces fighting the insurgency. The “virtue campaign” for women in Chechnya has been a key project for Kadyrov since he consolidated power in Chechnya and is part of the “Islamic-nationalist state” ideology he has developed for the republic.<sup>25</sup>

In 2008, Kadyrov firmly established himself as the only real power figure in Chechnya (though in 2010 his title was changed from “president” to “head” of the Chechen Republic, this has had no impact on the scope of this authority). There have been persistent, credible allegations that law enforcement and security agencies under Kadyrov’s full de facto control have been involved in abductions, enforced disappearances, acts of torture, extrajudicial executions, and collective punishment practices, mostly against alleged insurgents, their relatives, and suspected collaborators.<sup>26</sup> Numerous experts on the North Caucasus, including those in international organizations, have described Kadyrov’s rule over Chechnya as a “personality cult” regime and stressed that Kadyrov’s orders have become, in essence, the only law in the republic. The Chechen society appears paralyzed by fear and victims of human rights violations for the most part refrain from speaking about violations and seeking justice due to well-justified fear of repercussions from local authorities.<sup>27</sup>

Women in the Chechen Republic have been subjected to threats and violence regarding adherence to a campaign to enforce an Islamic dress code for several years. This is despite the fact that such a

---

<sup>23</sup> Tanya Lokshina, *Virtue Campaign 2012*, p. 8; Human Rights Watch World Report 2012, *Russia Chapter*, [www.hrw.org/world-report-2012/world-report-2012-russia](http://www.hrw.org/world-report-2012/world-report-2012-russia).

<sup>24</sup> Human Rights Watch report 2011, p. 21.

<sup>25</sup> See, Crisis Group, *The North Caucasus: The Challenges of Integration (I), Ethnicity and Conflict*, 19 October 2012, p. 15, <http://www.crisisgroup.org/~media/Files/europe/caucasus/220-the-north-caucasus-the-challenges-of-integration-i-ethnicity-and-conflict> (accessed 27 October, 2012). With his political influence growing dramatically in 2005, Kadyrov became prime minister of the republic in 2006. In April 2007, he was sworn in as president of the Chechen Republic in April 2007, following his nomination to the post by Russia’s then-President Vladimir Putin. See, for example, Center Demos, *Chechnya. Life at War*, 2007, Moscow, p. 150. See also New York Times, *Ramzan Kadyrov, Chechnya strongman, installed as president*, 5 April, 2007: <http://www.nytimes.com/2007/04/05/world/europe/05iht-web0405-chech.5161439.html?scp=6&sq=kadyrov&st=cse> (accessed 19 October 2012); and Marcus Bensmann, *The Idi Amin of the Caucasus?*, Quantara.de, 2007, [http://www.quantara.de/webcom/show\\_article.php/\\_c-476/\\_nr-746/i.html](http://www.quantara.de/webcom/show_article.php/_c-476/_nr-746/i.html) (accessed 19 October 2012).

<sup>26</sup> For more information, see the following reports by Human Rights Watch: *Human Rights Watch, Widespread Torture in the Chechen Republic*, 13 November, 2006: <http://www.hrw.org/en/reports/2006/11/13/widespread-torture-chechen-republic>; Human Rights Watch, *What Your Children Do Will Touch Upon You*, 2 July, 2009, <http://www.hrw.org/en/reports/2009/07/02/what-your-children-do-will-touch-upon-you>. See also Memorial Human Rights Center, *Impunity Mechanisms in the Northern Caucasus (2009-2010) – How They Work*, (Механизмы безнаказанности в Северном Кавказе (2009-2010 гг.) – как они работают), 18 June 2010: [http://www.memo.ru/2010/06/18/1806103.htm#\\_Toc272763120](http://www.memo.ru/2010/06/18/1806103.htm#_Toc272763120) (accessed 19 October 2012) and other recent reports by Memorial.

<sup>27</sup> See, for example, the November 2010 testimonies at the trial in Vienna (Austria) on the murder of a Chechen refugee, Umar Israilov, by Dick Marty, member of the Parliamentary Assembly of the Council of Europe and former rapporteur on human rights in the North Caucasus, and Lord Judd, member of the UK Parliament and former rapporteur on Chechnya for the Parliamentary Assembly of the Council of Europe, as quoted in *Novaya Gazeta – Anna Shpitzer and Elena Milashina, Vienna Process*, (Венский процесс), 1 December 2010, <http://www.novayagazeta.ru/data/2010/135/22.html> (accessed 19 October 2012). See also, Rosbalt, *Soldatov: In Chechnya there are no laws besides the will of Kadyrov*, (Солдатов: «В Чеченетникаких законов, кроме воли Кадарова»), 18 November 2010, <http://www.rosbalt.ru/2010/11/18/791437.html> (accessed 19 October 2012).

requirement is contrary to Chechen law<sup>28</sup> and Russian law<sup>29</sup> and further violates several international human rights treaties.<sup>30</sup>

## 2. Paintball attacks during the summer of 2010

Human Rights Watch and ECCHR have been informed that several women were attacked by men resembling law enforcement officials with paintball guns whilst walking on the streets of the Chechen capital, Grozny, during the summer of 2010. While the attacks were on-going, threatening leaflets appeared in the center of Grozny explaining that the paintball shootings were a preventative measure aimed at making them cover their hair. Failure to cooperate – the leaflets emphasized – would result in more “persuasive” means being used against women.<sup>31</sup> All of the women interviewed by Human Rights Watch for its report unanimously interpreted this as a threat to use real weapons instead of paintball guns.<sup>32</sup> Human Rights Watch provides concrete details several incidents of paintball attacks in its 2011 report.<sup>33</sup>

The women were informed by their attackers that they were targeted for not wearing headscarves, a requirement under President Kadyrov’s unofficial “virtue campaign.” Many of the women attacked suffered from bruising and psychological effects and one woman is even reported to have lost an eye.<sup>34</sup> As such, the attacks themselves could be a violation of a number of fundamental human rights: the prohibition of torture, cruel, inhuman and degrading treatment and punishment; the prohibition of discrimination; the rights to freedom of expression, thought, conscience and religion; the guarantee of equality and the right to privacy and personal autonomy.<sup>35</sup>

With regard to investigative measures after the occurrence of these incidents, reports indicate that federal authorities made several official communications to Chechen authorities following the paintball attacks. A criminal investigation into the attacks was begun but was suspended on the basis that the investigation supposedly could not establish the identities of either victims or perpetrators involved in the attacks.

A letter sent by Ivan Sydoruk, the Deputy General Prosecutor of the Russian Federation to Vladimir Lukin, the Human Rights Ombudsman of the Russian Federation dated 14 October 2010,<sup>36</sup> specifically refers to “*three communications from citizens about women without traditional Islamic headdresses being shot at by unknown men with paintballs.*” Lukin called for the Federal Prosecutor’s Office to open an

---

<sup>28</sup> See for example Article 16 of the Constitution of the Chechen Republic which states that men and women have equal rights and liberties and the same opportunities for their realization; Article 30 which states that citizens of the Chechen Republic have the right to personally petition, as well as send individual or collective petitions, to state bodies and bodies of local self-government in accordance with Article 42 which states that everyone is entitled to defend his/her rights and liberties by any means not prohibited by the law; Article 43 also states that everyone is guaranteed judicial protection of his rights and liberties in a court of law; Article 44 which guarantees everyone the right to have his/her case heard in court; Article 49 which affords victims the right to compensation for damages which under Article 50 includes unlawful actions (or inactions) of state organs of the Chechen Republic or their officials.

<sup>29</sup> See for example Article 17 which states that fundamental human rights and freedoms are inalienable and shall be enjoyed by everyone (including women) and Article 46 which guarantee the judicial protection of these rights and freedoms.

<sup>30</sup> For example, it potentially violates a woman’s right to private life, personal autonomy, freedom of expression, and freedom of religion, thought, and conscience. However, it is beyond the scope of this paper to provide a comprehensive legal analysis of these particular violations, although further details can be found within the Human Rights Watch report 2011.

<sup>31</sup> Example of one of the threatening leaflets, shown to Human Rights Watch, that were handed to women following the paint ball attacks:

“Dear Sisters!

We want to remind you that, in accordance with the rules and customs of Islam, every Chechen woman is **OBLIGED TO WEAR A HEADSCARF.**

Are you not disgusted when you hear the indecent “compliments” and proposals that are addressed to you because you have dressed so provocatively and have not covered your head? **THINK ABOUT IT!!** Today we have sprayed you with paint, but this is only a **WARNING!!! DON’T COMPEL US TO RESORT TO MORE PERSUASIVE MEASURES!!!**”, Human Rights Watch report 2011, p. 21.

<sup>32</sup> Human Rights Watch report 2011, p. 3-4.

<sup>33</sup> Human Rights Watch report 2011, p. 19-21.

<sup>34</sup> See Caucasian Knot, *Chechen women tell Spanish paper about “hunting” for women without headscarves*, 11 June 2010 (Caucasian Knot, Chechen women tell Spanish paper, 2010), <http://www.eng.kavkaz-uzel.ru/articles/13503/> and Caucasian Knot, *Chechen Prosecutor’s Office orders militia to investigate attacks on women without headscarves* (Прокуратура Чечниобязала милицию расследовать нападения на женщины без платков), 14 October 2010, <http://www.kavkaz-uzel.ru/articles/17525> (accessed 19 October 2012).

<sup>35</sup> It is beyond the scope of this paper to provide a further legal analysis, as this reports focus on the state’s failure to effectively investigate such attacks.

<sup>36</sup> Letter from the Deputy General Prosecutor of the Russian Federation I.I. Sydoruk to Human Rights Ombudsman of the Russian Federation V.P. Lukin, published on 14 October 2010, (Letter to V.P. Lukin 2010), [http://www.ombudsmanf.ru/index.php?option=com\\_content&view=article&id=3489:2010-10-14-08-41-14&catid=5:2009-11-02-08-40-24&Itemid=30](http://www.ombudsmanf.ru/index.php?option=com_content&view=article&id=3489:2010-10-14-08-41-14&catid=5:2009-11-02-08-40-24&Itemid=30) (accessed 19 October 2012).

inquiry into the Chechen officials' decision not to proceed with investigation.<sup>37</sup> Sydoruk responded<sup>38</sup> by explaining that the Chechen enforcement officers who inspected these complaints (and who had also viewed a video depicting one of the paintball attacks) decided not to pursue criminal proceedings into hooliganism,<sup>39</sup> in accordance with the procedural law.<sup>40</sup> This letter from the Federal Deputy Prosecutor General shows that the Chechen Ministry of Internal Affairs was instructed to review the handling of the complaints yet Human Rights Watch and ECCHR have received no information as to whether any of the officials involved were disciplined as a result of the inquiry. We are also not aware of the investigation having been re-opened.

Within the Ministry of Interior of the Russian Federation there exists two specialized police units, one investigating allegations of police misconduct (which primarily focuses on combating corruption) and one investigating violence against women. It is the Department for the Organization of Inquiries that is responsible for developing policy and legal regulation regarding the prevention, identification, detection and investigation of crimes against women. It has the power to implement its own investigations and can refer criminal cases to the courts. The department is responsible for approximately 50% of the preliminary investigations into 100 different criminal offenses including disorderly conduct, torture and beatings. An investigator has the power to open a criminal investigation and can refuse to do so if s/he decides that the actions of the accused do not constitute a crime. More serious cases such as murder are referred to the Department of Criminal Investigation.<sup>41</sup> Adequate investigation infrastructure therefore appears to be in place.

However, at the time of writing neither Human Rights Watch nor ECCHR has received any evidence that federal authorities have responded in any way to Kadyrov's public statement on the television station *Grozny* on 3 July 2010 that he approved of the paintball attacks, claiming he was ready to "give a reward to" the men who carried them out.<sup>42</sup>

Neither have federal authorities reacted to the fact that other high-level Chechen officials justified paintball attacks and even condoned honour killings. For example, the local ombudsman clearly echoed Kadyrov in his assessment of the situation without suggesting that such "traditions" should be changed. "Unfortunately, we have some women who started to forget about the behavioral code of highland women. And their relatives—the men who consider themselves offended [by the behavior of those women]—do lynch them sometimes," stated Nukhazhiev.<sup>43</sup> He also denied the attacks had even occurred and stressed that his office had not receive any complaints on the matter,<sup>44</sup> although he did later state that he was ready to defend the rights of affected girls.<sup>45</sup>

Ilias Matsiev, who at the time was head of the Grozny mayor's press service, also denied any knowledge of the attacks.<sup>46</sup> According to *Caucasian Knot*, the authorities forbade local mass media to cover these events.<sup>47</sup> However, an article in the *Novaya Gazeta* from 2010 mentions two victims bringing official complaints but Human Rights Watch has not been able to confirm whether or not such complaints were indeed lodged. In addition, none of the 35 people Human Rights Watch interviewed in 2010 had

---

<sup>37</sup> Andrei Kozenko and Ivan Tyazhlov, *Vladimir Lukin is challenging the headscarf* (Владимир Лукин замахнулся на платок), *on*: Kommersant, 27 September 2010, <http://www.kommersant.ru/doc.aspx?DocsID=1511536> (accessed 19 October 2012), see also Human Rights Watch report 2011, p. 26.

<sup>38</sup> I.I. Sydoruk, Letter to V.P. Lukin 2010.

<sup>39</sup> See Article 213 (Hooliganism) of the Criminal Code of the Russian Federation No. 63-FZ of 13 June 1996.

<sup>40</sup> See Articles 37(2) and 144-145 of the Criminal Procedural Code of the Russian Federation No. 174-FZ of 18 December 2001.

<sup>41</sup> See the website for the Ministry of the Interior of the Russian Federation: [www.mvd.ru](http://www.mvd.ru).

<sup>42</sup> Human Rights Watch report 2011, p. 22.

<sup>43</sup> See, for example, *The reason for the close-range shooting of six Chechen women may have been vigilantism*, (Причиной расстрела в Чечне шести женщин может быть самосуд), Postimees, 27 November 2008, [http://rus.postimees.ee/281108/glavnaja/za\\_rubezhom/44765.php](http://rus.postimees.ee/281108/glavnaja/za_rubezhom/44765.php) (accessed 19 October 2012).

<sup>44</sup> See *Caucasian Knot*, *Lukin asks GPO to check data about attacks on women without headscarves in Chechnya* (Лукин просит Генпрокуратуру проверить информацию о нападениях в Чечне на женщин без платков), 24 September 2010, <http://www.kavkaz-uzel.ru/articles/174679/> (accessed 19 October 2012), see also Human Rights Watch report 2011, p. 26.

<sup>45</sup> See *Caucasian Knot*, *Chechen women tell Spanish paper about "hunting" for women without headscarves*, 2010; and Human Rights Watch report 2011, p. 26. To date, the Chechen Ombudsman's Office has taken no steps towards protecting women victims of violent attacks.

<sup>46</sup> *Ibid.*

<sup>47</sup> *Ibid.*

submitted any official complaints due to what they described as fear of possible repercussions for themselves and their families.

As such, the Chechen authorities have failed to effectively investigate those communications that it did receive regarding the very public and systematic attacks against women on the streets of Grozny during the summer of 2010. This results in impunity for the perpetrators and those that command them. Victims remain without reparations for the injuries they sustained. Furthermore, Kadyrov's support for the attacks and the Russian State's failure to condemn his support is a failure of the State to prevent future attacks. Additionally, the failure of the Federal Prosecutor's Office to hold the Chechen authorities to account in any way for (i) prematurely closing the complaints, (ii) failing to discipline the investigators for their mishandling of the complaints and (iii) failing to re-open the complaints amounts to the Kremlin's tolerance of, and acquiescence in, policies and practices of the Chechen authorities which discriminate against women.<sup>48</sup>

### 3. Dress code becoming more rigid

Public statements by NGOs calling for accountability for the attacks on women in summer and autumn of 2010 prompted broad media attention to the issue in Russia and internationally. In the past two years there has been no repeat of the paintball attacks and other concerted physical harassment, possibly as a result of the flood of criticism and exposure of the issue. However, the headscarf rule continues to be applied to students, public sector employees and those working in governmental offices.<sup>49</sup>

Dress code requirements in Chechen schools are apparently becoming more rigid. According to teachers' reports, new uniforms were scheduled to be introduced, with below-the-knee skirts and kerchiefs for girls in elementary school and "[clothes] in full compliance with Islamic norms" for girls in high school. The schools appear concerned about numerous protests by parents, including those who oppose the new uniforms simply because they cannot afford to buy them, especially if there are several children in the family. However, they seem to have no choice, as the new "uniform has been ordered from the top [authorities]."<sup>50</sup>

At least one district department for education also demanded that its female employees and teachers strictly adhere to Islamic dress code, with hair, neck, arms, and legs completely covered up. In spring 2012, a staff member of a district department for education told the BBC about almost getting fired for coming to the office with her neck exposed.<sup>51</sup>

There is also a continuing public campaign to encourage compliance with the official dress code beyond government institutions, to all public places. In summer 2012, posters with slogans, "Headscarf is a Chechen woman's Pride" were reported to be widespread in Chechnya, especially in the capital.<sup>52</sup> Also, in August 2012 staff members of the Ministry for Youth Affairs distributed headscarves to women in the streets of Grozny, as well as in the Sunzha and Shali districts of Chechnya. According to the director of the Ministry's social policy department, Luisa Dzhabrailova, the approximately 1,200 headscarves were handed out within the framework of that project.<sup>53</sup>

### 4. Reported Increase of "honor killings"

---

<sup>48</sup> See Human Rights Watch report 2011, p. 4.

<sup>49</sup> Human Rights Watch World Report 2012.

<sup>50</sup> Suryana Asueva, *Chechen school kids will be dressed according to Sharia law* (Чеченских школьников воденут «пошариату»), BBC, 25 May 2012, [http://www.bbc.co.uk/russian/russia/2012/05/120524\\_chechen\\_school\\_sharia.shtml](http://www.bbc.co.uk/russian/russia/2012/05/120524_chechen_school_sharia.shtml) (accessed 19 October 2012).

<sup>51</sup> Ibid.

<sup>52</sup> Anastasia Kirilenko, *Chechnya is curious about Bolotnaya Square* (Чечня интересуется Болотной), Svobodanews.Ru, 4 July 2012, <http://www.svobodanews.ru/content/article/24634560.html> (accessed 19 October 2012).

<sup>53</sup> "Action, *Sister, put on a headscarf*" took place in Grozny (ВГрозном состоялась акция «Сестра, надень платок»), Grozny-Inform, 17 August 2012, <http://www.grozny-inform.ru/main.mhtml?Part=11&PubID=35825> (accessed 19 October 2012).



Finally, women's rights activists in Chechnya across the board have told Human Rights Watch that with the evolution of Kadyrov's virtue campaign, they believe that so-called honor killings have become more frequent in Chechnya. They attribute this to the fact that such crimes are not only largely unpunished by the authorities, but tend to be welcomed and encouraged.<sup>54</sup>

Two cases reported to Human Rights Watch in the summer of 2012 also suggest that a woman's mere refusal to adhere to the prescribed dress code and wear a headscarf may trigger violence or even an "honor" killing. In one case, a Chechen man living abroad hired men to kill his female cousin after seeing some photographs of her wearing a tight knee-length dress, and with her hair loose. Two unknown men attacked the woman in the center of Grozny late one evening and attempted to drag her into their car.

Luckily, two of her acquaintances coincidentally showed up at the location and started screaming at the men and grabbing on to the victim, forcing the men to flee. The woman, who suffered multiple bruises as a result of the attack, was able to immediately flee Chechnya with the help of friends.<sup>55</sup>

Human Rights Watch and ECCHR do not find it surprising that "honor" killings are becoming more common in light of the fact that Chechnya's leader has openly and uncritically acknowledged them as part of Chechen tradition. In 2008 he stated, for example,

*A woman should know her place... She would be [man's] property. And the man is the owner. Here, if a woman does not behave properly, her husband, father, and brother are responsible. According to our tradition, if a woman fools around, her family members kill her... That's how it happens, a brother kills his sister or a husband kills his wife... As a president, I cannot allow for them to kill. So, let women not wear shorts...*<sup>56</sup>

In light of the fact that the federal authorities have failed to intervene to counter such remarks publicly, the perpetrators can be certain of their impunity, which only inspires future crimes and leaves the women in Chechnya particularly vulnerable to lawless practices ranging from humiliation and harassment to violent attacks and even murder.

## V. The Russian Federation's Due Diligence obligations under international law

As mentioned above, we submit that the Russian Federation has failed in its due diligence obligations to prevent, protect and punish those responsible for paintball attacks against women in Grozny, cumulating in de-facto impunity for the perpetrators and has further failed to provide the victims with effective remedy/reparations for the injuries suffered.

Under international law, the State is obliged to act with due diligence to prevent, investigate, punish and provide remedies for acts of violence committed by State or non-State actors.<sup>57</sup> In summary, the failure of State authorities to act with due diligence to protect, respect, and fulfill the human rights of those within

---

<sup>54</sup> Throughout the past four years, Human Rights Watch has been receiving increasingly frequent reports of "honor" killings or attempted "honor" killings in Chechnya. Most of these reports could not be verified through interviews with family members of the victims and direct witnesses due to their extreme fear of repercussions. However, it is important to note that in some of the cases reported to Human Rights Watch the perpetrators were identified as the women's distant male relatives (second or third cousins) working for law enforcement agencies. A prominent rights activist told Human Rights Watch in September 2012 that up to 10 young women were victims of "honor" killings in Kadyrov's native village, Tsenteroi, in the course of the past year alone. Human Rights Watch telephone interview with XX (name withheld), 9 September 2012. Also see: Liana Nalbandyan, *Lynch law or "honor killing" Caucasus-style*. Several activists from Chechnya reported to Human Rights Watch that in most of the cases that came to their attention women were killed not because of actually committing adultery or being unmarried and sexually available to men but rather because they had been photographed when holding hands with a man, or discovered as a recipient of susceptible SMS and phone calls, or simply based on rumors. Sobesednik (Самосудили «убийствочести» по-кавказски) 20 January 2012, <http://sobesednik.ru/scandals/samosud-i-ubiistvo-chesti-po-kavkazski> (accessed 19 October 2012).

<sup>55</sup> Human Rights Watch interview with ZZ (name withheld), Moscow, 3 July 2012.

<sup>56</sup> Interview with Ramzan Kadyrov, *Komsomolskaya Pravda*, 24 September, 2008, <http://www.kp.ru/daily/24169/380743/> (accessed 19 October 2012).

<sup>57</sup> For an historical overview of the due diligence standard in international law, see Special Rapporteur, Due diligence report 2006; Joanna Bourke-Martignoni, *The History and Development of the Due Diligence Standard in International Law and Its Role in the Protection of Women against Violence*, in: Carin Benninger-Budel (ed.), *Due Dilligence and its Application to Protect Women from Violence*, 2008 (Bourke-Martignoni, History and Development of the Due Diligence Standard).

their jurisdiction results in the attachment of State responsibility.<sup>58</sup> Numerous international and regional human rights courts have followed and enhanced this due diligence standard in the last years.<sup>59</sup> Following up on the former Special Rapporteur's comprehensive study on the State responsibility for eliminating violence against women we want to remind the Special Rapporteur of recent developments. First, the CEDAW Committee states in its General Recommendation No. 28 that the ending of impunity for perpetrators of violence is a central tenet of Article 2, which all State parties must promote.<sup>60</sup> Second, the European Court of Human Rights found in its recent judgments that the lack of an effective investigation into ill-treatment, particularly involving racism, sexual violence and rape, violates the right to be free from cruel, inhumane and degrading treatment set out in Article 3 ECHR.<sup>61</sup> Third, an analysis of further European Court of Human Rights jurisprudence also reveals that there are positive obligations on States to conduct effective official investigations into alleged human rights violations.<sup>62</sup>

Under international human rights law the Russian Federation is obliged to act with due diligence by effectively investigating and prosecuting violence against women. The text and interpretations of various international human rights instruments clearly indicate that the Russian Federation is not only responsible for the acts of its agents and representatives but shall also be held responsible for failing to protect women from violations perpetrated by non-State actors and for failing to effectively investigate and punish those responsible.

## **VI. Recommendations and findings of international human rights bodies on the Russian Federation regarding the impunity of violence against women**

ECCHR and Human Rights Watch are aware that the issue of gender-based violence in Russia has been the subject of, or at least included within, a number of reports written by various human rights treaty bodies over the past 15 years. Whilst our report focuses on the failure of Russian authorities to effectively investigate the paintball attacks against women in Chechnya in 2010 we also respect the findings of these earlier treaty bodies. However, we submit that the Russian Federation has failed to respect the findings contained in the reports described below.

### **1. CEDAW**

Various aspects of gender discrimination in Russia, and particularly in Chechnya, were discussed by the CEDAW Committee in its concluding observations in 2010.<sup>63</sup> For example, the Committee was deeply concerned that the two military operations in Chechnya over the past 15 years have *“had a serious impact on traditions and social norms and that existing patterns of discrimination against women have become more acute. In this regard, the Committee is particularly concerned at the increasing rate of violence against women.... The Committee also notes with concern that such cases of violence and killings are rarely documented, prosecuted and punished.”*<sup>64</sup> As such, the Committee recommended that *“the State party [...] take immediate action to ensure the protection of the human rights of women in the northern Caucasus, including the Chechen Republic [and] take all necessary measures to end the impunity for violence against and killings of women and girls [...] by ensuring that such cases are fully and promptly investigated and that perpetrators are brought to justice, regardless of whether they are State or non-State actors. The Committee calls on the State party to ensure the provision of adequate reparation to the surviving victims, including the families of the deceased, and to send a clear message that human rights*

---

<sup>58</sup> Bourke-Martignoni, History and Development of the Due Diligence Standard, p. 49.

<sup>59</sup> Inter-American Court of Human Rights (IACtHR), *Velásquez Rodríguez v. Honduras*, 29 July 1988; IACtHR, *Case of González et al. (“Cotton Field”) v. Mexico*, 16 November 2009; Inter-American Commission on Human Rights (IACommHR), *Maria da Penha v. Brazil*, Case 12.051, Report No. 54/01, 16 April 2001; European Court of Human Rights (ECtHR), *Bevacqua vs. Bulgaria*, App. No. 71127/01, 12 June 2008; ECtHR, *Opuz vs. Turkey*, App. No. 3401/02, 9 June 2009.

<sup>60</sup> CEDAW General recommendation No. 28, para. 32.

<sup>61</sup> ECtHR, *Affaire B.S. vs. Spain*, App. No. 47159/08, 24 July 2012; ECtHR, *I.G. vs. Republic of Moldova*, App. No. 53519/07, 15 May 2012.

<sup>62</sup> ECtHR, *McCann v UK*, App. No. 18984/91, 27 September 1995.

<sup>63</sup> CEDAW Committee, Russian Federation

<sup>64</sup> *Ibid.*, para. 24.

*abuses will not be tolerated and will be addressed through human rights complaints, thorough investigations, fair trials and punishment of the perpetrators.*”<sup>65</sup>

The CEDAW Committee recommended that the Russian Federation provide written information on the steps undertaken to ensure the end of impunity for violence against women in the Northern Caucasus. In particular, it wanted assurances that such cases were fully and promptly investigated and that (State and non-State) perpetrators were brought to justice.<sup>66</sup>

The Committee’s report was issued in August 2010, and whilst the paintball attacks began in June of that same year, there would not have been time for it to consider evidence on this issue. As such, the recommendations do not specifically relate to the attacks in issue in this submission however it is clear from the concluding observations and from the information provided by the Russian government in 2012 that gender discrimination is rife in Chechnya and that there is a pattern of neglect when it comes to investigating violence against women. The Committee also noted that *“violence against women in all its forms has increased, both in the private and public spheres.”*<sup>67</sup> As such, it urged the State *“to give priority attention to combating violence against women and girls and to adopting comprehensive measures to address such violence, in accordance with its general recommendation No. 19.”*<sup>68</sup> In particular, the Committee was concerned about the situation of ethnic minority women in the Federation, including women in Chechnya where it noted *“that traditional female stereotypes are most prevalent.”*<sup>69</sup>

The Russian Federation’s response to the CEDAW Committee’s report was published in September of this year. However, it failed to adequately address the concern raised therein. The only details provided regarding violence against women in Chechnya related to a reported overall drop in the number of registered violent crimes against women during the past year. No details were provided as to the steps the government had taken or would undertake to prevent, protect and punish perpetrators of gender-based violence, except in connection with bridal kidnappings.<sup>70</sup> In particular this official submission makes no specific mention of the headscarves situation. The paintball attacks and other attacks against women for failing to comply with the headscarf requirement in Chechen Republic are not referred to even once, including in context of mentioning *“crimes linked to local practices.”* Instead, the report elaborates in detail on different projects and programs by the Chechen authorities’ concerning the role of women in Chechen society, where woman is honored as wife and mother and guardian of family values.<sup>71</sup> Russia effectively denies that discrimination of women is an issue, including in Chechnya, and argues that women across the country enjoy sufficient protection.<sup>72</sup>

## **2. CCPR**

The Russian Federation’s last periodic review with the CCPR took place in 2009, before the paint ball attacks occurred. However, the Human Rights Committee still recommended that the State should focus its *“efforts to combat violence against women...[and to] promptly investigate complaints related to domestic violence and other acts of violence against women, including honour killings, and ensure that those responsible are prosecuted and adequately punished”*.<sup>73</sup>

## **3. Council of Europe**

---

<sup>65</sup> Ibid, para. 25.

<sup>66</sup> Ibid, paras. 25 and 55.

<sup>67</sup> Ibid, para. 22.

<sup>68</sup> Ibid, para 23.

<sup>69</sup> Ibid, para 44.

<sup>70</sup> Information provided by the Government of the Russian Federation on the follow-up to the concluding observations of the Committee, 3 September 2012, CEDAW/C/USR/CO/7/Add.1.

<sup>71</sup> Ibid.

<sup>72</sup> Ibid.

<sup>73</sup> Concluding observations of the Human Rights Committee, Russian Federation, CCPR/C/RUS/CO/6, 24 November 2009, para. 10.

The then-Rapporteur on Human Rights Violations in the Northern Caucasus for the Parliamentary Assembly of the Council of Europe (PACE) Committee for Legal Affairs and Human Rights, Dick Marty, made a country visit to Chechnya, Ingushetia and Dagestan in the spring of 2010. His report noted the overwhelming failure of State officials to investigate and prosecute human rights violations. He also mentioned that unwritten rules requiring women to wear headscarves and other violations of women's rights were being enforced in Chechnya:<sup>74</sup>

*“Where the relationship between religious practices and the rights of women is concerned, we heard reports of degrading treatment suffered by women following the introduction of rules directly dictated by the regime run by the current president of the Chechen Republic. Women caught without headscarves in the street have been publicly humiliated on local television. The Chechen courts now apply rules drawn from Sharia law, in contravention of Russian law. As a result, for example, a woman who is widowed may have any children over 12 years of age and her property taken away from her by her deceased husband's family. The prevailing attitudes towards women cannot be justified by putting them down to tradition and culture. This is an intolerable situation, often exacerbated by the behaviour and statements of the local authorities (...).”*<sup>75</sup> He further unambiguously criticized the Russian State for affording “*de facto impunity*” to the “*perpetrators of grave human rights violations*” by failing to investigate complaints effectively.<sup>76</sup>

The European Court of Human Rights has likewise found, on many occasions, that the Russian State has committed violations of certain Convention rights for failing to fulfill the obligation to carry out official, effective and efficient investigations into alleged human rights abuses.<sup>77</sup> Furthermore, the Court has held that the lack of an effective investigation into cases of enforced disappearances and the refusal to give a substantial response to requests from family members constitutes inhuman treatment of the family members.<sup>78</sup>

#### **4. Special Rapporteur on the independence of judges and lawyers**

In 2009, the former Special Rapporteur on the independence of judges and lawyers, Leandro Despouy, raised concerns about the lack of effective investigations and remedies in the North Caucasus. In relation to Chechnya, he received “*disturbing information and testimonies of trials short of the most basic due process guarantees, and where, according to the European Court of Human Rights, a situation of serious impunity persists.*”<sup>79</sup> He then noted the more than 40 (at the time) rulings of the European Court for Human Rights where it had found the Russian Federation responsible for serious human rights violations in the Chechen Republic. Furthermore, the Court frequently detected the country's failure to conduct effective investigations into the alleged violations and the lack of effective domestic remedies.<sup>80</sup> He then recommended that “*relevant Special Procedures of the Human Rights Council be invited to the country to analyse the situation, including in the Northern Caucasus, and to make appropriate recommendations.*”<sup>81</sup> However, neither he nor his replacement, Gabriela Knaul have been invited to undertake a follow-up country visit to the region.

#### **5. Conclusion**

---

<sup>74</sup> Human Rights Watch report 2011, p. 15.

<sup>75</sup> Dick Marty, *Legal Remedies for human rights violations in the North-Caucasus region*, Doc. 12276, Committee on Legal Affairs and Human Rights, PACE, 4 June 2010: [http://www.assembly.coe.int/CommitteeDocs/2010/20100531\\_caucasus\\_E.pdf](http://www.assembly.coe.int/CommitteeDocs/2010/20100531_caucasus_E.pdf) (accessed 19 October 2012) as adopted on 31 May 2010 per Human Rights Watch report 2011, p.16.

<sup>76</sup> *Ibid.*, para. 23.

<sup>77</sup> *Ibid.*, para. 21.

<sup>78</sup> See ECtHR, *Bazorkina v Russia*, App.No. 69481/01, 27 July 2006, para. 141; ECtHR, *Imakayeva v Russia*, App.No. 7615/02, 9 November 2006, para. 166.

<sup>79</sup> Report of the Special Rapporteur on the independence of judges and lawyers, Leandro Despouy, Mission to the Russian Federation, A/HRC/11/41/Add. 2, 23 March 2009, para.91.

<sup>80</sup> *Ibid.*, para. 22. At this writing the European Court has handed down more than 200 rulings on human rights violations in Chechnya.

<sup>81</sup> *Ibid.*, para. 102.

In summary, the Russian Federation is obliged by international law to exercise due diligence to prevent, investigate and hold accountable those responsible for conduct which impairs human rights.<sup>82</sup> These obligations apply in respect of conduct by both State authorities and private actors as “*under general international law...States may be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence.*”<sup>83</sup> As such, it is irrelevant to the due diligence standard whether the paintball attacks were committed by law enforcement officials or any other actor, as it is not only the substantive breaches of human rights obligations which are of concern, but the failure of the Russian Federation to uphold its procedural obligations to effectively investigate the attacks in a way that can lead to successful prosecution of the perpetrators. The various reports and recommendations included above indicate a continuous failure by the Russian Federation to investigate and prosecute severe violations of human rights.

## V. Conclusion/Recommendation

With great concern ECCHR and Human Rights Watch emphasize the ongoing climate of fear and persistent failure to protect the rights of women in the Chechen Republic in violation of the Russian Federation’s obligation under international law. The lack of accountability for the perpetrators of the paintball attacks in 2010 illustrates the low priority given to protection of women from abuse and the harm of prevailing gender-relations and gender stereotypes within the social structures and attitudes in the Russian Federation. This submission contributes to evidence of the grave failure by authorities to appropriately investigate and punish violence against women in Chechnya. This failure discourages women from filing complaints, which additionally leads to *de facto* impunity.

Furthermore, the Russian Federation has not adequately addressed recommendations and findings of international human rights bodies regarding the rights of women in Chechnya. No comprehensive information on statistics of violence against women in the Chechen Republic has been provided to the CEDAW Committee, nor has the Russian Federation provided information on concrete plans to develop and implement effective measures to combat violence against women, end impunity and to strengthen its obligation to guarantee women’s ability to enjoy their human rights.<sup>84</sup>

Therefore, we respectfully request consideration of this report within the Special Rapporteur’s 2013 study on state responsibility for eliminating violence against women. In accordance with the mandate of the Special Rapporteur, we further respectfully request that an investigation be opened in relation to the allegations of pattern of violence against women outlines in this communication.

***Request that the government of the Russian Federation provides information in relation to all policies, measures and/or programs it is implementing in relation to eliminating all forms of violence against women, particularly in the Chechen Republic.***

***Request that the government of the Russian Federation provide details of how it is fulfilling its obligations outlined in Article 2 CEDAW, in particular with respect to any investigations, prosecutions and punishments of serious violations of women’s human rights particularly in response to allegations of violence, sexual assault or***

---

<sup>82</sup> In the recent judgment of ECtHR, *B.S. v Spain*, 24 July 2012, App. No. 47159/08, the 3<sup>rd</sup> Chamber clarifies that States not only have a duty to investigate cases of police brutality (i.e. breaches of Article 3) but they must also take all reasonable measures to uncover whether discriminative motives existed behind the attacks (i.e. Article 14 plus Article 3); See also ECtHR, *LCB v UK*, App. No. 23413/94, 9 June 1998; ECtHR, *Osman v UK*, App. No. 23452/94, 28 October 1998; ECtHR, *E and others v UK*, App. No. 33218/96, 26 November 2002; IACtHR, *Velásquez Rodríguez v. Honduras*, 29 July 1988.

<sup>83</sup> CEDAW General Recommendation No. 19.

<sup>84</sup> In the concluding observations of the CEDAW Committee in 2010 CEDAW/C/USR/CO/7, para. 55, the Russian Federation was requested to provide written information on the measures to end the impunity of violence against and killings of women and girls in the Northern Caucasus, “by ensuring that such cases are fully investigated (...).” However the Russian Federation did submit information on the decrease of registered cases of violence against women, but did not provide any further detailed information on concrete measures or investigation mechanism. See: Information provided by the Government of the Russian Federation on the follow-up to the concluding observations of the Committee, 3 September 2012, CEDAW/C/USR/CO/7/Add.1.

harassment, especially as regards crimes perpetrated by members of its law enforcement authorities.

***Request*** that the government of the Russian Federation provide detailed information on effective and practically available remedies for victims of gender based violence and the ability of women to access independent and impartial law enforcement agencies.

***Request***, that the Special Rapporteur requests a country visit to the Chechen Republic of the Russian Federation, to enable the Special Rapporteur to further investigate the violence and harassment, and the subsequent impunity as documented in our research.