

WOMEN'S UNION OF RUSSIA

**INTERAGENCY COOPERATION
IN PREVENTING DOMESTIC VIOLENCE.
STATE AND NGOS**

From materials of the Round table
(February 26, 2019)

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Round table in the Women’s Union of Russia on February 26, 2019, addressed the problem of interagency cooperation in preventing domestic violence, and the role of the state and non-governmental organizations in this process. The Round table was attended by representatives of several ministries of the Russian Federation: Ministry of Internal Affairs, Education, Labor and social protection of the population, Healthcare, Justice, Public Chamber of the Russian Federation, researchers, public figures, lawyers and advocates. T.A. Potyaeva, Commissioner for Human Rights of the City of Moscow, also made a statement at the round table.

E. F. Lakhova,

Ph. D. (Political sciences), Chair of the Women’s Union of Russia (public organization), member of the Coordinating Council under the Government of the Russian Federation for the implementation of the National Strategy of Actions for Women for 2017–2022.

NATIONAL STRATEGY OF ACTIONS FOR WOMEN FOR 2017–2022. ON PROBLEMS OF FAMILY VIOLENCE: LEGAL DIMENSION

The National Strategy of Actions for Women for 2017–2022 highlights the problems of eliminating women’s social disadvantages and family violence against them.

Let me note that official statistics do not reflect the full picture of crimes against women, as victims do not often contact law enforcement agencies or medical institutions. At that, every year about 60 thousand women and over 10 thousand girls – victims of violence receive assistance in women’s crisis centers in various subjects of the Russian Federation.

However, crisis centers and crisis departments providing assistance to victims of violence do not operate in all subjects of the Russian Federation. Public organizations and associations are not fully involved in providing assistance to women -victims of violence. Therefore, today we will consider practical aspects of resolving the problems

of preventing family violence and increasing the role of public organizations in these processes. But first, let us see how issues of equality are addressed in our country. First of all, Russia actively participates in the work of one of the most respected world institutions in the area of women's rights – the **Commission on the Status of Women**, one of subsidiary structures of the UN Economic and Social Council. The Commission is a unique forum for an equal dialogue among all states of the world on crucial issues of gender equality and the advancement of women. Our country's constructive contribution to the Commission was recognized by the fact that in April 2015, Russia was re-elected to this body for the period 2016–2019.

The submission by the Russian Federation of the **Eighth periodic report on the implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women**, which noted stable positive trends in solving women's problems, served as an impetus for increasing attention to women's issues in our country.

Curtailing crimes related to violence against women is an important area of work towards ensuring genuine gender equality. Current Russian legislation – the Criminal Code and the Code of Criminal Procedure, as well as the Family Code and other regulatory acts – provides the necessary legal framework for the implementation of relevant measures in this sphere. The National Strategy of Actions for Women for 2017–2022, approved by the Government of the Russian Federation, is another important pillar, which,

inter alia, contains a provision about the prophylaxis and prevention of women's social disadvantages and violence against women.

Being committed to enhancing the protection of women's rights, Russia participated in the development of the Council of Europe **Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention)**. We envisioned an effective and universally supported Council of Europe instrument aimed at opposing domestic violence.

However, the process of harmonizing the Convention was artificially accelerated without taking into account fundamental proposals submitted by a number of delegations, including the Russian one.

As a result, the Istanbul Convention contains a significant number of provisions that differ from the current norms of the criminal and criminal procedure legislation of the Russian Federation, the Housing Code of the Russian Federation, the Family Code of the Russian Federation, the migration legislation of the Russian Federation and a number of other legislative acts. Moreover, certain provisions of this agreement contradict fundamental approaches of the Russian Federation to the protection and promotion of traditional moral and family values and the Concept of State Family Policy of the Russian Federation until 2025.

Despite the active participation of Russian experts in developing this treaty, many of our essential proposals to a number of articles of the Convention were not taken into account.

In our country, achievements in the area of improving the status of women have become possible thanks to the implementation of **state programs and priority national projects** in the areas of education, healthcare and social support for citizens. Among them, the Concept of state demographic policy until 2025¹, the Concept of state family policy in the Russian Federation until 2025, the National Strategy of Actions for Children for 2012–2017, and the Strategy of Actions in the interests of senior citizens in the Russian Federation until 2025. Let me reiterate that in March 2017, the Government approved the National Strategy of Actions for Women for 2017–2022. The purpose of this document was to create conditions for women’s full and equal participation in political, economic, social and cultural life of society.

The implementation of the Strategy is entrusted to the Coordinating Council established under the Government of the Russian Federation², which includes representatives of the executive and legislative branches and civil society.

It is obvious that in order to achieve genuine gender equality, it is important to promote women’s **economic and social activity** and create conditions for them to successfully combine professional and family life.

Currently, there are 78.6 million women in the Russian Federation³ more than half of the country’s popula-

¹ See: Instruction by the RF Government dated 25 August, 2014. No. 1618-p.

² See: Decision by the RF Government dated 28 December, 2016. No. 1520 «On Coordinating Council under the Government of the Russian Federation towards the implementation of the National Strategy of Actions for Women for 2017–2022».

³ Data by the Federal State Statistics Service for 2016.

tion. Russian women are highly educated and represent 49% of the total labor force. The level of economic activity of working age women is 77%. Russian women are oriented towards full employment, career growth, and at the same time they do not reject family and children.

Such results became possible thanks to the consistent implementation of a range of measures, among them:

- creating favorable conditions for combining family responsibilities and raising children with labor activities (expanding the scope and spheres of application of flexible work status, including remote employment, as well as ensuring the availability of preschool education for children aged three to seven years old);
- increasing women’s competitiveness in the labor market through adoption of anti-discrimination measures (prohibition of vacancy announcements containing requirements for gender, age and marital status), organization of vocational training (re-training) of women on maternal leave;
- gradual increase in wages in the public sector, where women are predominantly employed;
- significant increase of maternity benefits and child allowances from February 1, 2019.

One may note that thanks to consistent implementation of the National Strategy of Actions for Women, in recent years their competitiveness in the labor market has increased, and the level of inclusion in entrepreneurial

activity has grown. Women's business has truly become its significant segment.

Our country holds the 1st place in the world in the number of women leaders, but only 56th place as far as the development of **women's entrepreneurship**. However, during a quarter of a century, the number of Russians confident in women's ability to make a successful career in business has increased 1.5 times. Women entrepreneurs are an important part of the creative class. 85% of women entrepreneurs have university education, many of them even two.

In 2015 and 2018, two **Eurasian women's forums** were held in St. Petersburg under the auspices of the Federation Council and the Inter-Parliamentary Assembly of the CIS member states. Despite the name "Eurasian", the forum attracted women from all over the world and twice gathered representatives from all continents of the planet. The forum pulled together the women's community of Russia and other countries, stimulated women's broader inclusion in international cooperation.

In Russia, a large role is attributed to women's economic activity in order to overcome their social disadvantages (economic activity of men is 71%, and of women – 56.6%). Another problem is the gender gap in wages – 28.3% in 2017 (in the European Union – 16%). These problems require certain managerial decisions and integrated efforts to ensure equal rights and equal opportunities for men and women in the economic sphere and to overcome women's social disadvantages.

Let me dwell on another problem of social ill-being – violence against women. The existing statistics of crimes against women linked to domestic violence in Russia are fragmented, difficult to access, and sometimes contradictory: different sources provide different numbers in response to same questions. Nevertheless, according to the research, statements of representatives of law enforcement agencies, data from the Ministry of Internal Affairs and the Prosecutor's office of the Russian Federation, one can imagine the scope of this problem.

In Russia, the issue of adopting a special law on preventing violence against women is raised more and more actively, although there is an opinion that basic issues are already regulated by the social legislation, the Criminal Code and the Code of Criminal Procedure. What else can be done in this direction? Mainstreaming this problem requires more adequate measures to prevent violence. After all, there are latent, hidden forms of violence.

Considering social tension around the issue of violence and decriminalization of beatings, it is nevertheless necessary to return to the issue of developing a special law, as is customary in international conventions and common practice in many countries.

I assume that the law on prevention of domestic violence, including violence against women, should first of all provide a conceptual framework: "violence", "types of violence", "victim of violence", etc. It is very important, in my opinion, to create a system of prophylaxis and protection

of victims of violence. I would like to support the opinion of many experts, including lawyers, who several years ago participated in discussing this issue in the Public Chamber of the Russian Federation.

In addition, as reflected in the National Strategy of Actions for women (of the Russian Federation) for 2017–2022, it is time to develop and implement training programs on preventing violence against women and the family for all professional groups dealing with cases of violence: police, prosecutors, judges, medical workers, forensic experts, teachers, social workers, as well as students of socially oriented higher and secondary special educational institutions.

For many years we have been talking about expanding the network of specialized institutions to provide psychological rehabilitation and integration assistance to women, children, and men – victims of domestic violence, including NGOs. It is necessary to ensure financial and methodological support of their activities.

The main thing is to awaken in people, in society, the desire to oppose violence, prevent it, and create a healthy moral climate in society and in every family.

During the Round table, it is necessary to make concrete proposals that can be used in developing the law on preventing domestic violence.

G. I. Klimantova,

Doctor of political sciences, Professor, Head of the Resource Center of the Women's Union of Russia.

OVERVIEW OF INTERNATIONAL LEGISLATIVE PRACTICES

A new aspect of the problem of domestic violence is women's social and economic dependence on their husbands during pregnancy and care for the baby, which husbands often use to exercise their power. Women note that family relations often worsen during this period. Women in low-income families also feel the same dependence and "second-ratedness". The combination of these two factors often results in that women resume work quite early, leaving the baby in the care of relatives. Most often, in this case, the care of the child falls upon grandmothers, whose work in the family is little appreciated – the age aspect also adds to the gender aspect of inequality. "Older people also often find themselves subjected to domestic violence, especially to violence against mothers by young, alcohol-drinking sons. But even if physical abuse does not occur, older women who willingly take on themselves all household chores experience psychological abuse and sometimes become the most powerless family members". On the contrary, women's economic independence helps them decrease the possibility of becoming targets of their husbands' violence.

According to numerous surveys and studies, women – victims of violence – expect help **primarily from the state**. At that, it should be noted that sometimes people oppose the involvement of the police in solving the problem of domestic violence. The establishment of crisis centers and helplines, which are currently gaining popularity, turned out to be very popular. Such centers are really necessary, and the experience of Moscow clearly confirms this.

Another peculiarity of Russia is a high level of tolerance to violence. For example, many people believe that there can be no rape in the family. One reason for this is gender inequality, the perception by males of themselves as dominant subjects that have the right to subordinate others.

The Women’s Union of Russia notes that it is important to eliminate inequality between genders and to reject the idea of male dominance as a prerequisite for violence against women. It is impossible to ignore peculiarities in the perception of violence by representatives of different cultures, but this does not cancel the severity of the problem.

In the 90s of the XX century, many countries adopted special laws on domestic violence, which contain different but clear provisions on this issue. Some countries limit themselves by civil law, providing protection to victims only for the start (for example, England, Spain), or in the context of domestic violence limit contacts with children (New Zealand).

Other countries have expanded protection paths through protection orders and police powers (Austria, Ireland).

Some countries link civil and criminal cases (for example, Cyprus, Mexico, Nicaragua, some US states).

Many countries have introduced new criminal offenses or changed the status of attacks taking place at home (for example, Belgium, France, Spain, Sweden).

Some countries have chosen the way of “integrating laws”, which state that the legislature and government agencies are responsible for establishing social services and organizing programs to monitor/prevent domestic violence within the system of statutory state funding (for example, Cyprus, Austria, Denmark, Finland, Sweden).

Definition of the term “domestic violence”. The definition of domestic violence is present in many laws, but the laws of Latin America, in which much is regulated, including the definition of psychological violence, are of most interest.

Advantages of adopting the definition:

- availability of the definition allows making a statement that “domestic violence is a crime.” It indicates behavioral characteristics consistent with domestic violence;
- availability of the definition closes the discussion about the “definition”, as it is already specified in the law;
- availability of the definition ensures the collection of statistics on one base area.

Extended protection in civil law. The Austrian law gives the police the power to isolate the offender from home for 10 days or until the time he is charged. A woman may apply to court to extend this period. In Austria, ap-

proximately 10,000 cases were considered during three years. Many civil servants believe that in order to expedite procedures, it is necessary to establish a special court dealing with cases of domestic violence; it is also necessary to streamline civil and criminal legislation in order to bring the offender to justice as soon as possible.

The New Zealand law uses a model related to contacts with children. This model provides that there should be no contact with the offender until the court is confident that the child and mother will be safe.

Advantages of protection in the civil law:

- provides the police with an argument for immediate protection of women, which coincides with what many women want when they call the police, and with the measures the police can take immediately;
- the status of custody of a child means that women and children are not dependent on the mercy of the judges.

New corpus delicti, new statuses. In a number of European countries laws establish that violence in the family and (or) in relations between partners is an aggravating circumstance at the sentencing stage (this rule was introduced in Belgium in 1997, in France in 1994, in Spain in 1999). This is an attempt to revise outdated approaches and practices where domestic violence was seen as less significant than an attack in public places.

However, there is a contradiction here. This contradiction is contained in the assertion that domestic violence is “a crime, just like any other”. In fact, this crime is commit-

ted in the private sphere, between people who have (or had) an intimate relationship and may be connected by various ties (joint ownership of the house, children, dependence upon immigrant resettlement, etc.), which makes these cases different from “other similar crimes”. It is also true that domestic violence, as a rule, is not an isolated case, but a “forced control pattern”. Often the situation that forces a woman (or others) to call the police is not so “serious” in legal terms and may even not be a criminal offense at all. In accordance with this conception, the new Law in Sweden identifies a new corpus delicti related to the inviolability of a woman’s personality. This allows to start the proceedings according to the “line of conduct”.

In some U.S. and Latin American countries, legislation defines domestic violence as a criminal offense, which differs significantly from the definition of a simple assault. It takes a lot of effort to give a correct definition and description of the term that may have a significant impact on practices.

Advantages of introducing a new corpus delicti and new statuses:

- The law recognizes that repeated violence in the private sphere should be regarded more seriously than an isolated attack in a public place;
- provides an opportunity to obtain clear statistics on these crimes;
- there is a definition of the concept of “domestic violence”, and the corpus delicti is defined in the criminal law.

A. V. Parshin,

Deputy Head of the “Verdict” Bar.

ON LEGISLATIVE DECISIONS IN PREVENTING FAMILY AND DOMESTIC VIOLENCE

Since 2005, I have been involved in the legal protection of women – victims of domestic violence. As a practicing lawyer, I face the following problems every day: currently, the existing administrative, criminal and criminal procedure legislation does not apply to the restraint or prevention of violence and work with potential offenders. Existing standards can be applied only after the wrongdoing or the crime.

Existing victims’ protective tools (psychological and legal assistance, a network of shelters, rehabilitation centers, etc.) are not sufficiently developed.

Police officers in fact do not have any tools to influence the **family brawler**, who may cause constant scandals at home until he commits violence. The police cannot detain the family brawler, bring him to the police, hold him accountable for petty hooliganism, since hooliganism may only be committed in a public place, which the house (apartment) is not.

There are no measures to prevent the victim from being prosecuted. Harassment is a very big problem...

Let me give examples of harassment cases...

There are no restraining (protection) orders (warrants). There are no rehabilitation programs for both victims and criminals. Access to justice is difficult.

Decriminalization (Administrative Code punishments – fines in 80% of cases), Art. 115 of the Criminal Code – private prosecution.

Is it possible to limit ourselves with amending the current legislation or is a special law necessary?

A package of laws is needed. First, a federal law is needed, and second, amendments to the Criminal Code, Code of Administrative Offenses, Code of Administrative Procedure, etc. Thus, a comprehensive amendment of the legislation is necessary.

What federal law is needed? Let me list necessary requirements for it.

1. A federal law is needed that creates a systemic approach to the problem of domestic violence in Russia. The bill is meant to:

- create a separate mechanism for prevention and control of domestic violence;
- regulate relations derived from creating a system for preventing violence in the domestic sphere, provision of services to victims of violence in the territory of the Russian Federation and in the territories under the jurisdiction of the Russian Federation;
- envisage a special procedure for examining allegations of violence in the domestic sphere and for ap-

plying measures to protect victims and witnesses from such violence.

2. We need a federal law that will allow us to **introduce the concepts** “family and domestic violator”, “family and domestic violence”, “physical violence”, “psychological violence”, “sexual violence”, “economic violence”, “victim”, “persecution”, etc. in order to create a unified law enforcement practice and unambiguous interpretation, given the specifics of the problem.

3. A law is needed that will consolidate the rights of victims of domestic violence, including the right to free legal assistance.

4. There is a need for a federal law that will determine the powers of federal authorities and state authorities of the subjects of the Russian Federation.

5. A federal law is needed to determine the competence, powers and procedures for law enforcement agencies and courts in situations of domestic violence. It should contain ***a mechanism of interagency cooperation*** in order to avert and prevent domestic violence, which includes a set of social, economic, legal and other measures aimed at eliminating domestic violence, as well as to limit its causes and prerequisites, prevention of domestic offenses, restoration of rights and support in the rehabilitation of both victims and offenders.

6. There is a need for a federal law that contains individual preventive measures for domestic violence, such as:

- judicial and extrajudicial protection orders;

- imposing an obligation on the family violator to attend specialized psychological programs;
- establishing specific requirements for the offender’s behavior.

7. A federal law is needed that will determine a simplified procedure for issuing extrajudicial short-term police protection orders in order to protect victims and relatives. These orders shall be issued by police officers who have received a complaint (telephone call) about domestic violence, including at the place of the wrongdoing. According to the extrajudicial order, the offender may be prohibited to:

- commit acts of domestic violence against the victim, relatives or other persons close to the victim;
- search, prosecute, visit, conduct oral or telephone conversations or enter into contact with the victim in other ways;
- obtain and use any kind of weapons.

8. The new law should provide for judicial protection orders in which the court, in addition to the above, has the right, at the request of the victim or on its own initiative, if there are sufficient grounds for this, to:

- oblige the offender to transfer to the victim personal assets, documents, if they are held by the offender;
- pay the victim’s expenses for treatment, counseling or stay in a social hotel (shelter), a temporary shelter, or pay the victim’s expenses for hiring a dwelling in a reasonable amount if it is impossible for the victim and the violator to live together;

- participate in specialized psychological counseling programs in the order prescribed by this law.

The protection order and the judicial protection order are not punishments for the offense, but are temporary preventive measures in order to avert new or more serious offenses, as well as to protect victims. The law should envisage liability for violation of the orders.

9. The new federal law should determine the organization of social and legal protection against domestic violence (types of assistance, competence, powers and procedures for social service organizations, rehabilitation programs for victims and offenders). The social and legal protection of victims of violence shall be included in the social services system of the Russian Federation.

10. The new federal law shall envisage the supervision and control in the field of preventing family and domestic violence. The supervision over precise and uniform implementation of the law shall be carried out by prosecution authorities in accordance with the laws of the Russian Federation. It will also provide for public oversight of the implementation of this law.

11. A law is needed that establishes the rules of confidentiality, interaction with NGOs, and their financial support. It will envisage the obligation of the Government of the Russian Federation to develop a state report on the prophylaxis and prevention of domestic violence in the Russian Federation every four years.

Such a law will meet modern requirements and public demands, as well as international standards, including the conventions that the Russian Federation has ratified.

World practice in the sphere of opposing domestic violence has proved that a special law on preventing domestic violence is more effective than isolated articles in the criminal, civil and administrative legislation. Currently, 125 states have legislative provisions directly aimed at opposing domestic violence. Some states have adopted comprehensive laws on violence against women, providing for various types of legal protection, which has resulted in the reduction in domestic violence by 20–30%. Some of the former Soviet republics – Kazakhstan, Azerbaijan, Belarus, Ukraine, Kyrgyzstan, Moldova, Georgia – have also adopted laws aimed at combating violence against women. Recently, a similar law came into force in China.

It is also necessary to submit amendments to the Code of Administrative Offenses:

- Introduce responsibility for domestic debauchery;
- introduce responsibility for failure to comply with the protection order.

The following amendments must also be made to the Criminal Code of the Russian Federation:

- remove private charges;
- introduce liability for repeated violation of the protection order.

N. B. Zavyalova,

Director, State Budgetary Institution “Crisis Center for Women and Children”, Moscow.

CRISIS CENTER EXPERIENCE IN PREVENTING FAMILY VIOLENCE

The crisis center for assistance to women and children under the Department of Labor and Social Protection of the City of Moscow is the only state institution in the capital that provides shelter to women and women with children – victims of domestic violence. Towards this, there are inpatient care units for 70 beds in the Crisis Center.

The institution also conducts activities in such areas as:

- Assistance to minors affected by abuse;
- prevention of violence against women and children;
- work with underage pregnant women over 14 and underage mothers with children under the age of three;
- socio-psychological work with men.

The Crisis Center focuses on preventive work, which is carried out at all levels. Let’s consider them in more detail.

Primary prevention (information) includes preventive actions in the framework of the National Strategy of Actions for Women for 2017–2022, which have covered over three thousand people from 45 regions and over 70 cities of Russia (St. Petersburg, Nizhny Novgorod, Krasnodar, Oren-

burg, Volgodonsk, Arkhangelsk, Armavir, Taganrog, Rostov-on-Don, Izhevsk, Yekaterinburg, etc.). The largest preventive activity is the annual socially important event “Do not be silent!”, aimed at preventing domestic violence. The event includes master classes in self-defense, psychological training, and a flash mob “**If you want to fight, fight in the ring!**”. Famous public figures and activists speak about dealing with the problem of domestic violence using their own experience.

Special attention is paid to informing residents of Moscow about the problem of domestic violence through electronic and journalistic media, participation in television programs and projects on federal and municipal television channels, cooperation with printed and electronic media, and creation of the official website with the electronic counselling service.

Let me mention the information and reference web portal “**You Are Not Alone**”, which was launched in 2018 on the website of the Crisis Center for people facing the problem of violence.

In addition, the Crisis Center provides information on the problem of domestic violence in the framework of interagency cooperation, which covers over one thousand people a year.

Secondary prevention (correction) includes individual psychological consultations, group trainings and help lines. Between 2014 and 2018, the institution received 43,251 face-to-face complaints and 23,496 calls to help lines for psychological help due to the following reasons:

- violence (all types of violence, mostly psychological) – 43 %;
- suicide (pre-suicidal and post-suicidal conditions) – 11 %;
- family crisis (divorce, violation of intergenerational interaction) – 33 %;
- death of the loved ones (parents, children) – 7 %;
- addictions (computer addiction of children, co-dependent behavior of relatives and friends) – 6 %.

Tertiary prevention (rehabilitation), which is conducted in the semi-hospital and hospital settings. *In the semi-hospital setting*, this includes individual and group correctional classes with families aimed at restoring parent-child relationships, overcoming difficulties with social adaptation (transferring a child to home schooling, getting disability, losing a job, changing the place of residence). More than two thousand women and children attend rehabilitation courses annually.

In the hospital setting, we apply a gradual algorithm to get the family out of the crisis by using an integrated approach to providing assistance to women and children affected by domestic violence:

- 1) isolation of the woman and the child from the aggressor by providing a temporary shelter;
- 2) diagnostics of conditions in order to identify a crisis situation, attract resources and set goals for psychological and correctional work and rehabilitation assistance;

3) comprehensive assistance involving specialists in social and rehabilitation work, psychologists, clinical psychologists, legal consultants, psychotherapists, physiotherapists, massage therapists and ultrasound specialists;

4) interdepartmental consultations on the results of repeated diagnostics in order to decide on the extension or closure of the case.

Since 2014, 1383 persons have received shelter in the Crisis Center and taken rehabilitation courses, among them 625 women and 758 children. Speaking about difficult life situations, which women bring to the Crisis Center, one may mention domestic violence – 97 % (physical – 62 %; economic and psychological – 35 %) and other circumstances – 3 %.

Main results of the specialists' efforts to resolve crisis situations of women – victims of psychophysical violence are as follows:

- restoration of women's economic independence (assistance in job placement, award of alimony);
- solving the issue of subsequent safe residence for women and children;
- improvement in one's health and psycho-emotional state;
- formation of a motivated refusal in male offenders to use violence against women and children.

The Crisis Center actively develops prevention programs aimed at increasing parental responsibility and competence in men ("**Dad on paternity leave**", "**School for dads**"), formation of sustainable motivation among

men to reject violent forms of behavior (“**What men are silent about**”). Key objectives of these programs are:

- **increasing the level of parental competence in fathers;**
- **improving parent-child relations, namely, “father – child”;**
- decreasing the male offenders’ level of aggression, internal tension and anxiety;
- developing a stable motivation in men to stop violent behavior.

One needs to note that prevention and detection of violence, prosecution of the aggressor, assistance to and rehabilitation of victims are at the core of competencies of various departments, and coordination of their work is necessary for overall success in solving the problem of abusive treatment.

In this regard, the Crisis Center has established close interaction with the executive authorities and institutions of the city of Moscow belonging to various departments.

In 2016, Agreement on cooperation was signed between the Main Directorate of the Ministry of Internal Affairs of the Russian Federation for the city of Moscow and the Department of Labor and Social Protection of the City of Moscow on preventing offenses in the family and in domestic relations.

In February 2017, Agreement on cooperation for preventing all forms of violence against students and their families was signed with the Moscow City Pedagogical University.

In March 2018, Agreement was signed with the State Budgetary Institution “Women’s Business Center” on assistance in job placement.

From mid-2016 to the present, 14 cooperation agreements have been signed with Moscow medical institutions on cooperation for preventing the abandonment of newborns. Every month, the Center’s specialists travel 8–10 times following signals from maternity homes’ staff.

Despite the fact that in recent years a lot has been done in Russia to oppose violence against women, there are serious gaps in the legislation. The absence of the institution of protection orders and inadequate responses from law enforcement and judicial authorities actually leave women who were subjected to physical violence unprotected.

Noting the importance of the problem of domestic violence, we consider expedient to support the working group to promote the draft law “On Preventing Domestic Violence”. In addition, in our opinion, it is necessary to make the following changes to the bill:

- 1) adjust the **conceptual framework** of the bill:
 - supplement the bill with the concept of “family”, taking into account all requirements of the current legislation;
 - bring the conceptual framework in line with the acting legislation of the Russian Federation, for example, the Criminal Code of the Russian Federation (definition of domestic violence);

- submit changes to the concept “sexual violence” in terms of expanding objects in relation to whom sexual acts may be committed (in this bill, emphasis is placed on minors);

2) in Art. 31, it is necessary to take into account the requirement of Federal Law No. 442-Φ3 “On the Basics of Social Services for Citizens in the Russian Federation”, which recognizes the citizens’ need for social services, in order to provide accommodation in an institution. This applies to all regions of Russia;

3) in our opinion, it is essential to use the mediation procedure prior to the act of violence, when the level of crisis in the family allows to resolve relations between family members. This, in our opinion, will help minimize manifestations of domestic violence.

M. P. Pisklakova-Parker,

Ph. D. (Social Sciences), Senior researcher at the Institute of socio-economic problems of the population, RAS.

FAMILY VIOLENCE: PECULIARITIES, RESPONSE METHODS AND MODES

Domestic violence is a destructive social process, which, according to the official data of the Federal State Statistics Service, in one form or another, in 2017, more than 36 thousand families were registered! Statistics testifies that the victims are primarily women and children. According to the UN-Women and the World Health Organization, one in three women in the world is subjected to violence. In a Russian family, violence is a common phenomenon, on the one hand, and highly latent, on the other hand, since victims usually conceal facts of violence, and the incidence of appeals to government bodies for help is rather low, mainly due to the lack of an effective response system in most regions of the Russian Federation.

Over the past 20 years, awareness of consequences of violence for victims and families has grown, both among citizens and in the state as a whole. As for the consequences at the level of society, they are not so obvious for state institutions, as the extent of violence is not fully understood. That is why the attitude towards this phenomenon as a private family business prevails, although it is a serious social

problem prone with consequences both for the individual, for social institutions and society as a whole.

Victims of violence most often face the following **consequences**:

- violations of physical and mental health as a result of physical injuries and of the post-traumatic stress syndrome, which, in turn, may lead to panic attacks, memory problems, and ultimately to chronic diseases;
- difficulties in interaction with society, which may manifest themselves as problems in building relationships with others due to depression or loss of confidence, and in decreasing work productivity, which often results in the loss of the job.

Consequences for the family may come out in:

- the disintegration of the family (divorce, death of one or more family members);
- the risk of violation of the physical, psychic and mental health of children – witnesses of violence;
- the disruption of family's links with the outside world, as the offender usually seeks isolation, keeping his behavior secret.

The consequences for the society manifest themselves in:

- a negative impact on the quality of the population, its ability to fully participate in the labor market, worsening health, and increasing social frustration;
- increased economic costs, among them the costs of responding to cases of violence (expenses of the police, courts, social, medical institutions, orphanag-

es and boarding houses for orphans or children of parents deprived of parental rights, elderly parents left without support);

- “side effects” (children's deviant behavior, risks of alcohol and (or) drug addictions, both for those who are abused and for children – witnesses of violence).

Social consequences of domestic violence increase instability in society and social dissatisfaction of the population. Insufficient understanding of these serious consequences is reflected in the current fragmented system of preventing, overcoming and regulating domestic violence, including at the state level, which impedes its institutionalization. On the one hand, during the past 25 years, public organizations and social services in Russia have been actively working in this direction; many social hotels (shelters) for women and children in difficult life situations have emerged; law enforcement response to domestic violence has improved; in some regions, interagency commissions have been set up to respond to cases of domestic violence. On the other hand, in most cases, the institutions – members of the existing response system to domestic violence – still operate in isolation, which significantly reduces their effectiveness and increases the risk of recurrence of violence.

In order to build an effective system for responding and preventing family violence, it is necessary to thoroughly know and understand the specifics of this phenomenon and not to confuse it with domestic conflicts and quarrels.

The term “family violence,” or “domestic violence,” emerged in the Russian society in the early 1990s. Awareness of serious consequences of this phenomenon grows relatively slow against the backdrop of serious transitions in society and expanding social problems, such as demographic decline, poverty, unemployment, child homelessness, migration, human trafficking, crime and corruption, alcohol abuse and drug addiction. One of the main characteristics of domestic violence is its regular repetitive actions, which distinguishes domestic violence from conflicts or domestic quarrels. Conflicts usually have at their basis some specific problem that can be resolved. Domestic violence aims at gaining full power and control over the affected party. Most important characteristics of this phenomenon, which impede both research and opposition to violence, are high latency and stereotypes, combined with a number of reasons, both social (lack of legislation, shortage of shelters) and cultural (patriarchal and outdated traditions). All of this creates conditions for maintaining a high level of domestic violence and is extremely dangerous for the social system and each individual.

One of the main characteristics of domestic violence is its systemic nature, which shows in the mode of operation: multiple types of violence are repeated regularly, “chronically”. The offender’s goal is to establish control and to manage the victim’s behavior. In addition to this, contrary to other aggressive acts, domestic violence reveals specific relationships between the victim and the violator. Contrary

to violent acts against a stranger on the street, domestic violence happens among relatives – husbands, wives, partners, former spouses, children, relatives, parents, etc.

In addition, there is a gender aspect to this problem: in most cases it is women who become victims of domestic violence.

All this testifies that domestic violence is a specific problem with its dynamics, typical scenarios and rules. Thus, we may conclude that **domestic violence** is a model of behavior adopted in the process of family socialization. It is similar to an epidemic, spreading from generation to generation. Family relations in which violence is present set an extremely negative behavioral pattern for the younger generation, which poses a serious threat to the physical, sexual, mental health and future well-being of their own families.

Domestic violence, like an epidemic, does not select its victims from a particular social or ethnic group – it happens in families belonging to different layers of the population. It may happen in relationships: spouses or close partners; former spouses; parents; children grandchildren; other relatives; relatives by spouses; people who live together; people who were engaged or are about to get married; disabled people and their guardians.

There are some indications of domestic violence. If there is one type of violence in a relationship, then there is a high probability of other types of violence due to the desire to establish control by the person committing violence, psychological, sociocultural factors that support the cycle of violence, psychological trauma, etc.

The current system of state response to domestic violence is more oriented to legal measures, to punishment; there are practically no accessible and effective preventive measures; it is unstable and fragmented. When representatives of various professional groups – if they have not received prior special training in dealing with the problem of domestic violence – meet injured women, they respond to the situation proceeding from culturally familiar and common everyday ideas about the problem and relationships in families, between spouses and partners where domestic violence occurs. This, in turn, prevents the victims from receiving the necessary professional assistance, and the cycle of violence continues to reproduce itself and pass from one generation to another. Tens of thousands of children who watch the torture of their mothers suffer from post-traumatic stress, and then, as adults, may spend years trying to cope with the consequences of terrible childhood memories.

It is quite obvious that coordinated activities of various bodies and structures defined by law are necessary to effectively respond to cases of domestic violence. The interdepartmental response system includes internal affairs agencies, social protection institutions, medical and public organizations at the local level (for example, on the district level). As a rule, such interaction is determined by agreements concluded between the participants, and is organized in accordance with the protocol of interagency cooperation.

The protocol of interagency cooperation to provide assistance to victims of violence is a document that de-

scribes the system and procedure of interaction of officials, the distribution of responsibility among agencies and organizations, as well as procedures for the staff of departments, organizations and institutions in responding to cases of domestic violence. The goal of interagency cooperation is to provide integrated coordinated assistance to victims of violence.

The following organizations and structures may be part of the interagency cooperation:

- state institutions for social protection of the population, including centers for social assistance to families and children, crisis centers for women and children, social hotels (shelters);
- state medical institutions, including trauma centers, women's consultations, outpatient clinics, forensic medical examination bureaus, private family clinics;
- police;
- prosecutor's office;
- courts;
- juvenile commissions;
- public organizations.

The functions of members of the interagency cooperation may be defined as follows:

- identification of cases of domestic violence against women and children and notification of other members of the interagency cooperation through the framework defined by the legislation of the Russian Federation and the protocol of the interagency cooperation;

- development of a unified system of assistance to victims of violence and encouragement of victims of violence to seek help, development of the action and safety plan, referral to specialized institutions and accompanied visits to these institutions;
- prevention of violence against women and children, for example, by organizing awareness-raising campaigns aimed at understanding the problem of domestic violence and its consequences for all, and reducing discrimination against women.

It is also necessary to develop a system for identifying domestic violence in its early stages and motivating victims to complain precisely at these stages.

The role of public organizations addressing the issue of domestic violence is extremely important, primarily from the viewpoint of drawing attention to the problem, as well as conducting educational activities, providing assistance to victims as members of the system of interagency response, contributing to establishment of specialized institutions for support of victims of domestic violence and implementing measures for their social adaptation and social rehabilitation, also working with offenders.

Another important area of statutory regulation on eliminating domestic violence is development of legal tools for providing social services to this category of the population.

Domestic violence is a major social issue that leads to negative consequences, both social and economic. Given the danger of domestic violence and its dimensions, one

needs to understand that each case affects all family members, even when the actions are directed against an individual – the so-called effect of the “secondary victimization”.

When speaking about the bill on preventing domestic violence, let me make the following *recommendations*:

- in order to build an effective system of early recognition and prevention of domestic violence, one needs to take into account the cycle of violence, consisting of three main phases: increased tension, act of violence, truce. Each phase needs effective tools that will not operate in other phases;
- for the purposes of early recognition, the bill should define all types of violence: emotional (humiliation, insult), psychological (isolation, threats, manipulation, etc.), economic, physical, sexualized;
- international experience shows that protection orders issued by the police and the court are an effective relapse measure in such crimes, especially at an early stage of physical violence, therefore, it is necessary to introduce a system of protection orders/warrants;
- interdepartmental cooperation of the state and public institutions is an important condition for building an effective prevention and response system;
- development of programs of working with violators (offenders) is also a major element of the prevention and response system. Referral to such programs should be carried out by the court, and preferably at an early stage of violence, when there

may be a chance to preserve the family and family safety. Such measures are usually carried out in combination with protection orders;

- programs targeted at victims of violence should include the provision of accommodation (shelter) regardless of their income level, as this often saves lives, various forms of rehabilitation and support (accompaniment) in the process of interaction with other state institutions. Another important issue is working with children – witnesses of violence, as they are subject to the same level of post-traumatic stress as direct victims;
- in order to raise the victims' confidence, educational activities should be carried out targeting various groups, including society as a whole;
- part of the response system is the training of representatives of relevant professional groups.

Thus, our society needs to take the same road of understanding the problem of domestic violence as many societies have passed in their development. The key issue of this process is the perception of domestic violence as a stand-alone social phenomenon that requires a special approach, legislative definition and development of individual tools for responding and preventing domestic violence. The most important issue in the current situation is the endorsement of the legislation that defines this phenomenon, which will formalize the country's extensive experience of addressing the problem of domestic violence.

From the proposals of the Expert Council of the Resource Center of the Women's Union of Russia ON SOME METHODS OF ELIMINATING FAMILY-AND DOMESTIC VIOLENCE AGAINST WOMEN

Currently, a legislative framework designed to prevent violence against citizens of the Russian Federation regardless of gender, race, religion and ethnic origin, is in place in Russia.

According to the “Convention on the Elimination of All Forms of Discrimination against Women”, ratified by the Russian Federation, the state is obliged to take all appropriate measures to eliminate discrimination against women by any person, organization, or enterprise, take appropriate measures, including legislative, to amend or repeal existing laws, regulations, customs and practices that constitute discrimination against women⁴. In addition,

⁴ See: Convention on the Elimination of All Forms of Discrimination against Women (New York, 18 December, 1979)//Vedomosti Verkhovnogo Soveta SSSR. – 1982. – No. 25 (2151). – P. 464.

The USSR signed the Convention July 17, 1980. The USSR ratified the Convention by Decree of the Presidium of the USSR Supreme Council of December 19, 1980 No. 3565-X, with a reservation made on signature. The USSR instrument of ratification was deposited with the UN Secretary General on January 23, 1981. It entered into force for the USSR on September 3, 1981. By the Decree of the Presidium of the USSR Supreme Council dated February 10, 1989 No. 10125-XI, the USSR reservation under clause 1 of Art. 29 on the non-recognition of the mandatory jurisdiction of the International Court of Justice of the United Nations, made upon ratification on December 19, 1980, was withdrawn. A statement was made upon notification about withdrawal of reservations.

the Convention requires the state to change social and cultural patterns of behavior of men and women in order to eradicate prejudice and eliminate social customs and other practices that are based on the idea of inferiority or superiority of one of the sexes or stereotypical roles of men and women, and according to Art. 16.1, the Convention obliges States – parties to take appropriate measures to eliminate discrimination against women in all issues relating to marriage and family relations⁵.

According to the Constitution of the Russian Federation, no one shall be subjected to torture, violence, other cruel or degrading treatment or punishment, and everyone has the right to liberty and personal safety⁶.

The **Family Code** of the Russian Federation is a major legislative act protecting the rights of women; it regulates the termination of marriage⁷, rights and obligations of spouses, legal regulation of their property, and explains what a marriage contract is⁸. In addition, the Family Code allows depriving parents of parental rights⁹, if necessary, as well as regulates alimentary obligations of parents and children, spouses and former spouses, other family members¹⁰.

⁵ Ibid.

⁶ See: RF Constitution. – M.: Yuridicheskaya Literatura, 2018. – Ch. 21.1, 21.2.

⁷ See: Family Code of the RF dated 29 December 1995. № 223 (as in force on 18 March 2019. № 35)//Collection of legislation of the Russian Federation. – 1996. – No. 1. – Art. 6.

⁸ Ibid. – Ch. 6–8.

⁹ Ibid. – Ch. 12. Rights and obligations of parents.

¹⁰ Ibid. – Ch. 13–15.

The **Housing Code** of the Russian Federation is designed to promote the solution of one of the most pressing human problems by regulating the right to use the premises, and by regulating the issues of housing exchange.

The Civil Code of the Russian Federation provides the right to compensation for the injury to life, health, property, and formoral harm¹¹. **The Criminal Code** defines physical violence as inflicting actual or potential physical harm to a person. Undoubtedly, the “**National Strategy of Actions for Women for 2017–2022**” is a major mechanism for preventing domestic violence.

However, despite legislative measures that contribute to the advancement of women, at present women continue to be subjected to violence and, primarily, to domestic violence, which manifests itself in various forms:

- coercion to cohabitation and prostitution;
- rape;
- domestic violence and homicide due to alcoholism;
- addiction;
- sadism;
- psychological and economic violence.

It should be noted that not all women, due to fear for their own lives, turn to law enforcement agencies or medical institutions. Most of them, unfortunately, choose the path of silence and patience

¹¹ See: resolution of the State Duma of the RF Federal Assembly dated 22 December, 1995. No. 1492–1 ГД «On the Federal Law “On enactment of part 2 of the Civil Code of the Russian Federation”. – URL: <http://www.consultant.ru/cons/cg>. – Ch. 59.

Currently, crisis centers for women have been set up in many subjects of the Russian Federation and work to rehabilitate women who have faced violence, by involving various state bodies and public associations in resolving issues of social assistance to women in difficult situations and coordinating their activities in this area.

However, one needs to mention that crisis centers cannot fully satisfy the needs of women in need who have faced domestic violence, which forces us to look for other ways to solve this problem– an acute problem for modern society.

On preventing domestic violence against children.

The social policy of the Russian Federation addresses problems of family safety, child protection and support of the institute of the family (both birth family and substitute family). A special issue is preventing violations of the educational function of the family and identifying risks of ill-treatment of minors.

In the last decade, ensuring a safe and secure childhood has become one of the main national priorities of Russia. The message of the President of the Russian Federation to the Federal Assembly of the Russian Federation sets the goal to develop a modern and effective state policy in the sphere of childhood. The problems related to childhood and ways of resolving them were stated in the Concept for the Long-Term Socio-Economic Development of the Russian Federation until 2020, and the Concept for the Demographic Policy of the Russian Federation until 2025.

The core principle of activities for preventing early troubles in families with minor children is an interdepartmental approach in identifying and assisting such families at the stage of early family troubles.

In order to identify the level of ill-being in Russia, a list of risk factors has been developed for eight main areas of children's life. Risk factors include difficult life situations, lack of parents' motivation to perform their educational functions, family structures, low pedagogical competence, problems of interpersonal relationships, personal and social reasons. Many of them are interconnected and are the result, for example, of a difficult life situation or personal characteristics of parents.

Identification of families with minor children at an early stage of family troubles is conducted by specialists of social services institutions, medical and educational organizations, staff of other organizations and the public.

Thus, according to Russian experts, child abuse must be considered in a socio-cultural and psychological context, and it should be taken into account in the prevention, identification and intervention.

In Russia, the following ***socio-pedagogical techniques*** are used in ***working with families at the risk of abuse***:

- *informing* (on importance and possibility of constructive interaction between parents and children in the family; on children's development; on children's correct upbringing);

- *counseling* (on legislation; on interpersonal interaction in the family; on safe parenthood; on creation of necessary conditions for children’s normal development and family upbringing);
- *protecting* (in case one has to deal with complete inadequacy and degradation of the parent’s personality, the parent’s antisocial and dangerous behavior).

In Russia, the unifying principle for all social techniques of working with families with children is integrated, interdepartmental and interdisciplinary approaches, as well as intro-social and extra-social approaches.

Experts mention several possible *preventive techniques* of *opposing family violence*.

It is necessary to enhance the propaganda of a healthy, highly moral family, since family is a traditional national value.

First, it is necessary to introduce the compulsory course “Family Studies” in educational institutions. *Second*, it is necessary to enhance the work of social assistance centers for families and children.

The bill – the federal law “On Prophylaxis and Prevention of Domestic Violence” may improve the situation and help eliminate domestic violence against women.

The bill was discussed more than once in the State Duma of several convocations, but was rejected for various reasons.

It appears that this work needs to continue. The law may be called “On Prophylaxis and Prevention of Domestic Violence”, i. e. it will tentatively consist of two parts: the

first part will describe measures necessary to eliminate the aftermaths of the committed violence; the second part will describe preventive measures.

In the expert opinion, the following concepts should be defined in a special section:

- **family** is a union of a man and a woman based on marriage, love, respect, joint management of the household, and entailing procreation (this definition is not present in the Family Code or the Concept of State Family Policy in the Russian Federation until 2025¹²;
- **prophylaxis of violence** (“prophylaxis”, Greek πρόφύλακτικός “protective”) is a set of measures aimed at preventing some event, i.e. prevention does not include elimination or struggle against something, but specifically prevention;
- **subjects of prevention of domestic violence** should include not only government organizations, but also non-profit organizations, socially oriented businesses engaged in socially useful labor¹³;
- **“interagency cooperation”**, its rules and procedures (federal level, the level of the subject of the Russian Federation);

¹² See: Family Code of RF dated 29 December, 1995. No. 223 (as in force on 18 March, 2019. No. 35)//Collection of legislation of the Russian Federation.– 1996.– No. 1.– Art. 15; Instruction of the RF Government dated 25 August, 2014. No. 1618-p «Concept of State Family Policy in the Russian Federation until 2015».– URL: [http://: www.garant.ru](http://www.garant.ru).

¹³ See: Decree of the President of the Russian Federation of August 8, 2016 No. 398 (as amended on July 1, 2017 No. 299) “On approval of priority areas of activity in provision of socially useful services”//Collection of legislation of the Russian Federation.– 2016.– No. 33.– Ch.. 5164.

- speaking about **principles of preventing domestic violence**, it is necessary to highlight humanism, confidentiality, targeted orientation, etc.;
- the Expert Council notes that the **machinery for preventing domestic violence** includes a set of socio-economic, legal, psychological, pedagogical, ethical measures aimed at curbing prerequisites and reasons leading to violence;
- **public control** is carried out by public councils, consisting of representatives of independent organizations, with the purpose of monitoring the implementation of legislation related to eliminating domestic violence.

This problem remains relevant and requires systemic work, on the one hand, and introduction of serious amendments to the legislation, on the other, namely, the adoption of the draft law “On the Prophylaxis and Prevention of Domestic Violence”.

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