



Eurasian Harm Reduction Network

Submission to the UN Women under Communications Procedure

**Police violence against Women who Use Drugs
In
Russia**

July 2014

This report will analyse thematic issues of violence against women who use drugs as well as provide case studies from Russia. Cases provided in the report are taken from online platform designed and run by EHRN under the campaign of [WOMEN AGAINST VIOLENCE](#) (Russian language) - tool that serves to reach out thousands of women who use drugs and/or are sex workers.

After analysing thematic aspects of police violence against women who use drugs and/or are sex workers, this paper will also provide Russia policy analysis in relation to human rights, drug policies, women's rights and criminal justice.

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Gender equality

Russian constitution provides foundation for equality of people before law and the court. Article 19 of the constitution specifies that 'all people shall be equal before the law and court'¹; and that 'the state shall guarantee the equality of rights and freedoms of man and citizen, regardless of sex, race, nationality, language, origin, property and official status, place of residence, religion, convictions, membership of public associations, and also of other circumstances. All forms of limitations of human rights on social, racial, national, linguistic or religious grounds shall be banned'². Specific provision of the same document notes that 'man and woman shall enjoy equal rights and freedoms and have equal possibilities to exercise them'³.

Discrimination is a crime foreseen by the Criminal Code of the Russian Federation⁴. Criminal Code guarantees that violation of a person's human and civil rights, freedoms and lawful interests on the grounds of his/her sex, race, nationality, language, origins, property or official status, place of residence, religious beliefs, convictions or affiliation to any social groups or public associations is deemed discrimination.⁵ However the definition as to what discrimination means is not provided by the law.⁶

In the state report submitted to the UN CEDAW for the periodic review, the government of Russia highlighted that 'equal rights and liberties for men and women are obligatory for the State' – however in the same report, government failed to provide an overall policy on the promotion and protection of the rights of women.

No comprehensive strategy on women's rights exists in Russia. Few policy documents have been put in place to address women's rights in general terms including the National Action Plan for improving the status of women and for promoting their role in society (for 2001-2005)⁷ which ended in 2005. Also, number of institutions such as, the Commission on Women, as well as the Commission on Women, Family and Demographics under the auspices of the President of the Russian Federation in the Federation Council was all abolished.⁸

A law 'on State Guarantees of Equal Rights and Liberties for Men and Women in the Russian Federation and Equal Opportunities for their Realization' was developed and has been since debated in the parliament since 2003⁹.

Provisions on women in conflict with law and more specifically women affected by drug policies are hardly found in any of the national policy documents. This may have become a reason for the UN CEDAW Committee to specifically ask the government to provide information on the issues of women in the places of detention in 2010. In this regard Russian government gently avoiding direct reply stated that 'norms of criminal and administrative criminal legislation with regard to women have been significantly relaxed'¹⁰ giving no more specifications.

Russian government has been questioned in the state review processes in the treaty bodies, specifically in the Committee on Economic Social Cultural Rights as well as the Committee on the Elimination of Discrimination against Women on the ways of various policies including drug policies impact upon human rights. More specifically, the Committee on Economic Social Cultural Rights recommended that Russian government shall 'continue its efforts to promote gender equality and to adopt the

¹ The Constitution of Russian Federation: Article 19; accessed on 29 July 2013 on <http://www.constitution.ru/en/10003000-03.htm>

² *Ibid*

³ *Ibid*

⁴ Criminal Code, Russia, Article 136, May 24, 1996

⁵ Responses to the list of issues and questions with regard to; the consideration of the combined sixth and seventh; periodic report Russian Federation; CEDAW/C/USR/Q/7/Add.1, 22 May 2010.; <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N10/278/11/PDF/N1027811.pdf?OpenElement>; accessed on 20 May 2014

⁶ All-Russian Association women's nongovernmental organizations Consortium of Women's Non-Governmental Associations, Implementation by the Russian Federation of UN Convention on Elimination of All Forms of Discrimination against Women, March 2010

⁷ Issues highlighted in the National Action Plan for improving the status of women and for promoting their role in society addressed: position of women on the labour market, improving the working conditions and labour protection for women, protecting their health, developing systems of social welfare for families, women, and children, providing assistance to women who have suffered rape, and for strengthening family relationships.

⁸ Violence against Women in the Russian Federation, Alternative Report to the UN CEDAW 46th session, July 2010; examination of the 6th and 7th reports submitted by the Russian Federation, ANNA National Centre for the Prevention of Violence, p. 15

⁹ Draft Federal Law No. 284965-3 "On state guarantees of equal rights and freedoms for men and women and of equal opportunities for their attainment" submitted to the State Duma on 16 January 2003 by deputies to the State Duma

¹⁰ Russian Federation state report to CEDAW, CEDAW/C/USR/7, 2009, page 7; <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/258/60/PDF/N0925860.pdf?OpenElement>, accessed on 2 July 2014

draft federal law on State guarantees of equal rights and freedoms, and equal opportunities, for men and women in the Russian Federation. The Committee urges the State party to allocate all necessary resources for the implementation of its National Strategy on Equal Rights and Equal Opportunities for Men and Women in the Russian Federation.¹¹

These recommendations as well as Russia's international obligations to uphold the equality between men and women in all spheres of life including the law enforcement such as criminal justice and drug policies are yet to be fulfilled.

Women who inject drugs

Russian drug legislation completely ignores a gender dimension including absence of mitigating factors specifically addressing the needs of women affected by drug policies. Even more, current 'Drug Strategy of Russian Federation' that has been designed from 2010 to 2020 to address variety of drug policy related issues, completely misses the element of gender.¹²

Women's rights and the impact of drug policies on human rights has also become a discussion topic in the recent report by UN Special Rapporteur on Violence against Women. Special Rapporteur writes: 'the Russian Federation has a high rate of incarceration for drug-related offences. It is argued that Russian drug policies are severe; that police violence against female drug users is common; that the acquittal rate in drug cases is less than 5 per cent; that in about 70 % of cases the accused are sentenced without trial; and that the courts do not take into account the conditions that make women vulnerable to drug use. It is also said that the global "war" on drugs has led to numerous violations of women's human rights.'¹³ This indeed further highlights the impact of criminal justice and drug policies on women.

Surveys show that half of the women convicted for drug offences in Russian prisons are themselves people who use drugs, and are often imprisoned for the drugs they had in their possession for personal use although charged either for possession or supply.¹⁴ The deputy director of the Russian Federal Agency for Prisons noted in his interview in 2011 that drug offences are of the highest number among women (20%) whereas the same types of crime amongst men constitute about 8-10%¹⁵. The absence of treatment programmes specifically tailored to the needs of women including women who use drugs in prisons as well as widespread discrimination against women as regards the accessibility of substance abuse programmes was also reported by the UN Special Rapporteur on Violence against Women in her recent report to the UN General Assembly.¹⁶

Problem of drug dependency is no less of a problem than drug arrests in Russia either in relation to women or generally. Recent estimates show that total number of people who inject drugs is over 1.8million¹⁷ with approximately 30% of women among them¹⁸. This proportion varies from city to city, with women making up 19.9% of the injection drug using population in Moscow, 17.6% in Oryol, 27% in Omsk, and 35.5% in Yekaterinburg¹⁹. Discrepancy occurs in official registration numbers for women who use drugs: only 16% of registered injection drug users in Russia are women²⁰. Treatment services are scarcely

¹¹ UN Committee on Economic, Social and Cultural Rights: Concluding observations to Russian Federation, 1 June 2011, Para 12,

¹² State Anti-Drug Policy Strategy, 2010, Russia; http://fskn.gov.ru/pages/gak_eng/7395/index.shtml, accessed on 20 July 2014

¹³ UN General Assembly: Report of the Special Rapporteur on Violence against Women, Its Causes and Consequences, Thematic report: Pathways to, conditions and consequences of incarceration for women, 21 August 2013 (A/68/340), para 24; <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N13/436/43/PDF/N1343643.pdf?OpenElement> accessed on 4 November 2013

¹⁴ В.А. Казаковар.; Под научной редакцией профессора В.И.Селиверстова, 'Женщины, отбывающие лишение свободы (характеристика отдельных категорий): по материалам специальной переписи осужденных и лиц, содержащихся под стражей,' 12 – 18 ноября 2009 г.

¹⁵ Почти половину заключенных в тюрьму привел алкоголь, - отмечает замдиректора ФСИН России Алексей Величко: http://www.fsin.ru/news/index.php?ELEMENT_ID=15640

¹⁶ UN General Assembly: Report of the Special Rapporteur on Violence against Women, Its Causes and Consequences, Thematic report: Pathways to, conditions and consequences of incarceration for women, 21 August 2013 (A/68/340), para 49; <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N13/436/43/PDF/N1343643.pdf?OpenElement> accessed on 4 November 2013

¹⁷ Mathers B et al. (2008) Global epidemiology of injecting drug use and HIV among people who inject drugs: a systematic review, Lancet, 372:1733–1745

¹⁸ Needle R., Zhao L. (2010). HIV Prevention among Injection Drug Users. Strengthening U.S. support for Core Interventions. A Report of the CSIS Global Health Policy Center

¹⁹ NP ESVERO (2011). Study of the HIV and Hepatitis C Prevalence and High-Risk Behavior Among Injection Drug Users in the Cities of Moscow, Yekaterinburg, Omsk and Oryol, 2011

²⁰ National Research Center of Narcology (2012), Russia

available for drug dependency treatment generally in Russian Federation and recent estimates show that 34% of injection drug users who access Needle and Syringe Exchange services are women – a positive indicator, as this matches the estimated proportion of drug users who are women²¹. However, Opioid Substitution Therapy is entirely unavailable in Russia, due to federal regulations that prohibit these services, thus limiting the efficacy that existing interventions are able to achieve. Such ban is stipulated in the legislation as well as Drug Strategy for 2010-2020.

Complications happen when women try to have access to treatment services including access to medical health for reproductive and sexual health and or try to have access to the social welfare institutions in the country. The Ministry of Health representative Valentina Kirzhanova who spoke about the problems related to injecting drug use in Russia highlighted that 'as a rule they [women who use drugs] only seek medical assistance after years of drug abuse. They do not have medical insurance, and often have difficulty accessing medical assistance during pregnancy and birth'.²² In many cases endeavours to access to the health services and/or justice have resulted in direct abuse and discrimination of these women banning them from seeking the medical advice and/or legal consultation on their respective problems.

Violence against women who inject drugs

Russian legislation does not foresee measures to prevent violence against women - interpersonal or state. Protection from gender discrimination is guaranteed in Russia de jure in the constitution and so the criminal legislation (though no legal definition of domestic violence in the Russian criminal code), however, in reality, discrimination pertains in all spheres of Russian public life²³. At the same time, non-governmental organization (NGO) and academic sources indicate that the Russian government has not initiated any new legislation in the past few years to help combat domestic violence²⁴.

Research conducted by civil society organisations show that beating, ill treatment, threat and demand for sexual favours are everyday life for women who use drugs.²⁵ Research from St Petersburg undertaken among 570 women who use drugs showed that every fourth woman was a victim of sexual violence from the side of police.²⁶ Even more, women who use drugs are involved in commercial sex work experience higher level of violence both interpersonal and state. Some civil society groups argue that police violence is deeply rooted in the system is has become structural especially in relation to women who use drugs and/or are engaged in sex work. And even though police violence has been an active topic for the discussion for many years no reforms are taking or planned in the system. Corruption, absence of accountability and impunity further encourages police brutality and violence in Russia and one of the most vulnerable groups who experience such lawlessness is women who use drugs as well as women who are engaged in sex work.²⁷ In addition a specifically commissioned research revealed multiple cases of sexual violence against women committed by police and other law enforcement representatives.²⁸

²¹ Open health Institute (2013) – http://www.ohi.ru/e_index.php accessed b 29 May 2014

²² http://www.bearr.org/en/news_items/view/689/increase_in_hiv-positive_russian_women; accessed on 20 July 2014

²³ All-Russian Association women's nongovernmental organizations Consortium of Women's Non Governmental Associations, Implementation by the Russian Federation of UN Convention on Elimination of All Forms of Discrimination against Women, March 2010

²⁴ ANNA Center 20 Nov. 2009; Associate Professor 19 Nov. 2009; Post Doctoral Researcher 17 Nov. 2009

²⁵ A. Sarang et al., Policing Drug Users in Russia: Risk, Fear, and Structural Violence. *Substance Use & Misuse* 2010, 45:813-864.

²⁶ Карстен Лунзе (2012). Персональная коммуникация посредством электронной почты о предварительных результатах исследования: «Женщины потребительницы инъекционных наркотиков в Санкт-Петербурге часто сообщают о сексуальном насилии со стороны полиции, которое ассоциируется с большей частотой инъекционного употребления».

²⁷ Саранг А., Акулова В., Наркополитика и насилие в отношении женщин в России, Отчет об исследовании и рекомендации, 2013 (неопубликованный отчет)

²⁸ Ни закона, ни справедливости: насилие в отношении женщин в России. С. 71–73.

Cases collected within the framework of the regional campaign "Women against Violence" through the online platform: <https://waveeca.crowdmap.com/>

Case #1

*We were standing with my friends near the kiosk at the station when police officers approached and asked to go with them. They took us to the office and suddenly they pull out of the pocket of my friend a syringe containing some transparent liquid (like water just poured). They said that if we won't find money right now, they put us to the jail as it is enough drug in the syringe. We were crying, one of us was only 15 years old. They kept her as well even though she said that she was 15. We were sitting there for 4 hours...Then we were offered to wash the floor. **13 June 2014***

Case #2

*I was detained in the morning because of drug possession for personal use. I needed to take ART (.antiretroviral therapy). Well, actually I didn't have a paper from AIDS Center, and ART tablets were in a pillbox. They told me that this is also drugs, took the tablets and send them for expertise. I missed my therapy then and only on the second day my mother brought me pills. I went to the AIDS Center after that and got tested. I was told that my viral load has been increased and possible drug resistance developed..So now I need to change treatment scheme. **15 June 2014***

Case #3

*They broke into the house and started searching (they showed some documents supposedly allowing searching). Everyone was detained and kept in police station for two days without water and possibility to use the toilet and get medical assistance. After a while they explained that in syringes they took from the house they found traces of drugs. They detained the house holder named Julia and made her responsible for manufacturing and providing drugs. All of us were released. But we were put on drug users register and referred to drug treatment center. We didn't go there of course. But we were told that if in case we will be detained next time and if they'll check that we are not on the drug users register, they will put us to jail or send to compulsory treatment. **4 July 2014***

Case #4

*Last time when I was detained, I was severely beaten, and beaten by police women. I was detained during the night with an empty syringe. They, as it seemed, were very drunk and they beat me plastic bottles of water on my head without any traces left. I couldn't understand why they are acting like this, it seemed that just for fun. In the morning came the other shift and I was released. I went to the doctors but they didn't find anything, though I have a headache the whole week...**19 April 2014***

Recommendations:

- The Commission on the Status of Women along with the Committee on the Elimination of Discrimination against Women should provide a recommendation to the State in order to protect women who use drugs and/or are involved in sex work from violence from representative of law enforcement bodies;
- The Commission on the Status of Women along with the Committee on the Elimination of Discrimination against Women States should require the State to monitor abuses of power by representative of law enforcement bodies and design and implement policies ensuring the effectiveness of mechanism of redressing justice;
- The State should take all necessary measures in order to protect women who use drugs from violence from law enforcement bodies and ensure that women who use drugs and/or are involved in sex work are not excluded from the existing human rights protection mechanisms and that special mechanisms aimed to assist them in documenting fact of abuse of their rights and violence and to facilitate their access to justice are designed and implemented on the country level;
- The State should ensure that women who use drugs who experienced violence have adequate access to necessary healthcare and social support, including shelters/housing, and are not discriminated on the grounds of their drug use or drug addiction status;
- The State should foresee measures aimed to prevent violence against women who use drugs; such measures should include revision of drug policies, which enhance criminalization and social exclusion of people who use drugs and/or involved in sex work.
- The Commission on the Status of Women should require the State to remove the ban on the opioid substitution treatment and immediately start provision of methadone and/or buprenorphine with the purpose of drug dependence treatment, HIV prevention and adherence to HIV treatment.

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