

Russia changes the law on domestic violence – why should it concern the UK?

Last week, President Putin signed a new law that introduced changes to existing legislation on family violence in Russia. The new law has drawn wide international criticism from women, human rights and domestic violence survivors' support groups. The UK and the international community also condemned the new legislation, but the response seems to have been more muted. A reliance on secondary sources makes the ability to engage with the debate limited; this does not mean that its wider implications and whether a more robust international response is warranted, cannot be considered.

The change in law has been reported in the media as a '[decriminalisation](#)', '[partial decriminalisation](#)' or simply '[softening](#)' of certain forms of behaviour. It is claimed that it was approved to redress an imbalance in existing Russian legislation in which parents would risk a higher sanctions for physically disciplining their children than strangers would. A person now apparently risks two years imprisonment only if their behaviour towards a family member is repetitive (i.e., occurs more than once in a year) and leaves bruises or lacerations on the victim of certain a level of seriousness. The process for addressing behaviour that does not meet these criteria is now an administrative, rather than a criminal one ([Moscow Times, 2017](#)).

The debate on how far the state should intervene on family life is not a new one. An example is the heated discussion of whether smacking a child should be banned in the UK (see [section 58 of Children Act 2004](#)). However, in the wake of recent progress raising awareness regarding domestic abuse, it comes as a shock for the international community that a country would be taking retrograde steps in this area.

Part of the problem might stem from a lack of understanding of what is domestic violence. By focusing on one or more physical incidents, Russian law is apparently ignoring its repetitive and controlling nature, which will often consists of a range of behaviour, including verbal abuse or controlling one's finances or communications. It is for this reason that the UK has opted instead to use the term 'domestic abuse' instead of domestic violence in its policies to tackle this form of behaviour. The focus on one incident of physical violence, as the Russian law seems to operate, is wholly inadequate to address the hidden nature of domestic abuse, and the difficulties victims have coming forward and being taken seriously by those who can provide them with protection.

Moreover, the use of an administrative procedure to deal with domestic violence should, by nature, add expedience to the process; however, by not using the criminal procedure, the Duma is making a judgement about its seriousness. Administrative sanctions are commonly used for behaviour for which imprisonment is deemed excessive and possibly counter-productive. This is why motoring offences are dealt with administratively in many countries, but murder or sexual offences are not. The symbolic power of criminal law should not be underestimated and indeed was part of the debate leading up to the creating of a

crime of [controlling and coercive behaviour](#) in the UK. The argument that this change would lead to speedier punishment does not sit well with those who have been raising awareness for the severity of domestic abuse and the devastating impact on its victims and society more widely.

This is partly why it is important for the international community to take on a more robust stance towards the new Russian legislation. First and foremost, there is a humanitarian argument. There are minimum standards set by international conventions regarding the protection of rights considered basic and intrinsic to every human being. The [European Convention for the Protection of Human Rights and Fundamental Freedoms](#) (ECHR) requires that states provide their citizens with adequate protection for the right to life (article 2) and family life (article 8), freedom from torture and inhuman or degrading treatment (article 3), and the prohibition of discrimination (article 14).

The formal configuration of domestic violence as a violation of human rights is a relatively recent development, dating back to 2009, when the European Court of Human Rights convicted Turkey for not providing adequate protection for women in situations of domestic violence in [Opuz v Turkey](#). More recently, in 2014, the [Istanbul Convention](#) (formally, the Council of Europe Convention on preventing and combating violence against women and domestic violence) reinforced the notion that domestic violence is primarily gendered and that violence against women and girls requires specific, coordinated attention from states, NGOs and law enforcement agencies to be effectively dealt with.

Of course, Russia is neither a member of the EU or ratified either of these treaties. It therefore cannot be sanctioned for potentially lessening the protection of women and endangering their fundamental rights, even though it was part of the preparatory negotiations of the Istanbul convention (<http://www.coe.int/en/web/istanbul-convention/cahvio>).

However, the UK is a signatory to both the ECHR and the Istanbul convention. In its most recent policy on gendered violence ([Ending Violence Against Women and Girls Strategy 2016-2020](#)), the UK sets itself as an international leader on protecting women from gendered forms of violence. Surely a law that dramatically softens the punishment for domestic abuse and seems to ignore the problematic nature of such behaviour by focusing on physical acts of violence is not in accordance with the principles that UK-led policy in this area espouses. Regardless of the current political climate and whether the UK leaves the EU and the ECHR, one would hope that it would not renegade on the work that have kept it at the forefront of the plight to enhance women's rights and protections domestically and internationally.

If a humanitarian point of view were not sufficient to persuade the UK, and the international community more widely, to pressure Russia to provide adequate support for victims of domestic violence, a rather more selfish and pressing issue should add weight to a more assertive stance on this issue. Migrant women tend to bring with them the knowledge and experience of the law and legal system from their home countries as a frame of reference for how they act in the country

of destination. Women who do not see a role for the state in providing protection in situations of domestic violence, or who see the support provided by the state as tokenistic or useless are less likely to seek help in the country of destination. The inability to seek help has, therefore, clear potential detrimental consequences for women's physical and mental health and that of their children. This is a situation with inherent social and economic costs that will not be effectively addressed without considerable effort from support services to engage with these communities. The social and financial implications of a less protective law in the country of origin on services in the UK should, therefore, not be taken lightly. If the lack of a minimum international level of protection for women in abusive situations does not speak to those in power on a humanitarian basis, then it should, at least, do so from a pragmatic point of view.