

Mandates of the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on violence against women, its causes and consequences

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Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; and Special Rapporteur on violence against women, its causes and consequences, pursuant to Human Rights Council resolutions 43/16, and 41/17.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the alleged raid on a women's shelter run by volunteer initiative group Marem, located in the apartment of woman human rights defender Ms. Ekaterina Neroznikova**, as well as **the alleged physical attack and detention of women human rights defenders Ms. Maysarat Kilyaskhanova and Ms. Svetlana Amirova from Marem**, which appear to be related to their legitimate human rights activities, promoting and protecting women's rights.

Marem is a volunteer initiative group helping women from the North Caucasus region who face the threat of domestic and other gender-based violence or death. The group helps them to arrange evacuation, find temporary accommodation, pay for transport, and provides legal and psychological support.

Ms. **Ekaterina Neroznikova** is a woman human rights defender, coordinator and volunteer of Marem.

Ms. **Maysarat Kilyaskhanova** is a woman human rights defender and volunteer of Marem.

Ms. **Svetlana Amirova (also known as Svetlana Anokhina)** is a woman human rights defender and journalist. She is the co-founder of Marem and the editor-in-chief of Daptar, the online media outlet focusing on women's rights.

According to the information received:

Marem ran a women's shelter for gender-based violence survivors in Makhachkala, the Republic of Dagestan. The shelter was located in an apartment rented by woman human rights defender Ms. Ekaterina Neroznikova.

On 10 June 2021, women human rights defenders Ms. Maysarat Kilyaskhanova and Ms. Svetlana Amirova were in the shelter together with four domestic violence survivors. One of the survivors was an adult woman who had fled her home in the Chechen Republic because of domestic violence.

During the day, Ms. Svetlana Amirova noticed a group of unidentified men, allegedly from the Chechen Republic, near the shelter. She reached out to her

contact at the press service of the Ministry of Internal Affairs of Dagestan and asked for protection measures. In the evening, a police officer contacted Ms. Svetlana Amirova to confirm that the police would guard the shelter and asked for permission to enter the shelter in order to protect them.

When Ms. Svetlana Amirova opened the door, a group of about 20 police officers and unidentified men, allegedly from the Chechen Republic, entered the shelter. Some of the men had guns and wore body armour. The police allegedly forced the Chechen woman, who was staying in the shelter, to return to her family without considering her at-risk situation as a victim of domestic violence.

The police officers detained Ms. Maysarat Kilyaskhanova and Ms. Svetlana Amirova. Upon their arrest, the police officers reportedly pushed and dragged them by their legs and arms down a stair and dropped them, all of which caused them extensive bruises. Ms. Svetlana Amirova reportedly suffered severe breathing difficulties while being dragged, due to a recent heart attack. As a result of this excessive use of force, an ambulance had to be called to assist her. The police officers also reportedly threatened Ms. Svetlana Amirova to leave her with the unknown men if she did not agree to go to the police station.

The police officers took Ms. Maysarat Kilyaskhanova and Ms. Svetlana Amirova to the Police Department in the Leninsky District of Makhachkala and accused them of “disobedience to a lawful order of a police officer” under Article 19.3 (1) of the Administrative Code. According to the accusations, they resisted arrest, grabbed the officers by their clothes, scratched and bit them. The police officers also tested them for alcohol and narcotics, as a form of pressure and an attempt meant to discredit them. On 11 June 2021, the Leninsky District Court of Makhachkala dropped the cases “in the absence of an offence event,” and both women human rights defenders were released.

The women human rights defenders filed two crime reports with the Investigation Department of the Investigative Committee of the Russian Federation for the Republic of Dagestan and the Investigation Department for the Leninsky District of Makhachkala. They alleged abuse of authority by the police officers and violation of their privacy. At the time this communication is sent, the status of the investigation is unclear.

On 12 June 2021, the Chechen Republic’s Minister for National Politics, External Relations, and Information stated in a public broadcast that “well-coordinated and professional efforts of police in the Chechen Republic and Dagestan had prevented an attempt to abduct” the Chechen woman by the “fifth column in Russia,” reportedly referring to Marem.

On 14 June 2021, the state television in the Chechen Republic aired an interview with the Chechen woman forced to return, where broadcasters declared that she “was used to strike a blow against the traditional values of the Chechen people”. The Chechen authorities claimed that the woman was “mentally unstable”, that no domestic violence took place and that she didn’t need any help. Thus, the authorities claimed that the women human rights defenders working with Marem deceived, abducted and held her in shelter.

Without wishing to prejudge the accuracy of the information received, we wish to express concern on the reported raid on the women's shelter. We are further concerned at the reported physical attack and detention of women human rights defenders Ms. Maysarat Kilyaskhanova and Ms. Svetlana Amirova from the Marem group, who appear to have been targeted for their legitimate human rights activities, promoting and protecting women's rights and protecting women and girls from gender-based violence. Additionally, we are also concerned at the chilling effect that this might have on other human rights defenders in the Russian Federation working on gender-based violence, especially in the North Caucasus. Such intimidation may discourage them from exercising their rights for fear of retaliation or harassment.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and comments you may have on the above-mentioned allegations.
2. Please provide full details of any protective measures put in place to ensure the physical and psychological security and integrity of Ms. Ekaterina Neroznikova, Ms. Maysarat Kilyaskhanova, Ms. Svetlana Amirova, as well as any other Marem's volunteers.
3. Please provide information on the legal basis for the raid on women's shelter, the detention of women human rights defenders, the accusations against them, as well as the legal justification for the alcohol and toxicology tests, and explain how these measures are compatible with the Russian Federation's obligations under international human rights law.
4. Please provide the details, and where available the results, of any investigation, which may have been carried out in relation to the allegations of abuse of official powers by law enforcement officers and the violation of the privacy of home.
5. Please indicate what measures have been taken regarding to prevent domestic and other gender-based violence against women and to protect women survivors of gender-based violence, as well as to ensure that human rights defenders working on gender-based violence, especially in the North Caucasus region, are able to carry out their legitimate work in the Russian Federation in a safe and enabling environment without fear of harassment, threats or acts of intimidation of any kind towards them and the people whose rights they defend.

We would appreciate receiving a response within 60 days. Passed this delay, this communication and any response received from your Excellency's Government

will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please accept, Excellency, the assurances of our highest consideration.

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Dubravka Šimonovic
Special Rapporteur on violence against women, its causes and consequences

Annex

Reference to international human rights law

In connection with the above-alleged facts and concerns, we would like to remind your Excellency's Government of its obligations under the International Covenant on Civil and Political Rights (ICCPR), ratified by the Russian Federation on 16 October 1973, in particular, Articles 9, 12, 17 and 19, which guarantee to all persons the right to liberty and security of person, the right to liberty of movement and freedom to choose their residence, the right not to be subjected to arbitrary or unlawful interference with their privacy, family, home or correspondence, as well as to unlawful attacks on their honour and reputation, and the right to freedom of opinion and expression.

We would also like to refer your Excellency's Government to the absolute and non-derogable prohibition of torture and other cruel, inhuman, or degrading treatment or punishment, as enshrined in Article 7 of the ICCPR and Articles 2 and 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified by the Russian Federation on 3 March 1987.

We would also like to remind your Excellency's Government of its obligations under the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by the Russian Federation on 16 October 1973, in particular, Articles 11 and 12, which guarantee the rights of everyone to an adequate standard of living and to the enjoyment of the highest attainable standard of physical and mental health.

Both the ICCPR in Article 3 and the ICESCR in Article 3 require the States to ensure the equal rights of men and women.

As interpreted by the Committee on Economic, Social and Cultural Rights in its General Comment No. 16 (E/C.12/2005/4), the implementation of Article 3 of the ICESCR requires States, *inter alia*, to provide victims of domestic violence, who are primarily female, with access to safe housing, remedies and redress of physical, mental and emotional damage (Paragraph 27). Gender-based violence is a form of discrimination that inhibits the ability to enjoy rights and freedoms, including economic, social and cultural rights, on a basis of equality, and States must take appropriate measures to eliminate it and act with due diligence to prevent, investigate, mediate, punish and redress acts of violence against them by private actors (Id.).

In addition, we would like to remind your Excellency's Government of its obligations under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified by the Russian Federation on 23 January 1981, in particular Article 2, which calls on States to eliminate discrimination against women.

The Committee on the Elimination of Discrimination against Women in its General Recommendation No. 35 (CEDAW/C/GC/35) stated that the States must adopt and implement diverse measures to tackle gender-based violence against women committed by non-State actors, including having laws, institutions and a system in place to address such violence and ensuring that they function effectively in practice and are supported by all State agents and bodies who diligently enforce the laws (Paragraph

24). The Committee also stated that discrimination against women is inextricably linked to other factors that affect their lives, such as the stigmatisation of women who fight for their rights, including human rights defenders (Paragraph 12).

Additionally, CEDAW stated in its Concluding Observations (CEDAW/C/USR/CO/7) on the Russian Federation that the Committee was particularly concerned that, due to strong patriarchal values, husbands are generally considered superior to their wives with the right to assert control over them, legitimizing the general opinion that domestic violence is a private issue. Furthermore, social stigma is connected to sexual and domestic violence, pressuring victims to keep silent and resolve any conflicts within the family. CEDAW urged the State party to 'give priority attention to combating violence against women and girls and to adopting comprehensive measures to address such violence' (CEDAW/C/CO/7, para 23), The Committee further called upon the State party to 'increase, in a significant manner, the number of shelters and the capacity thereof, ensure an adequate geographical distribution of such shelters and remove any barriers to access, such as registration or residency requirements' (ibid).

Furthermore, we would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms, adopted on 9 December 1998 (also known as the UN Declaration on Human Rights Defenders). Articles 1 and 2 of the Declaration state that everyone has the right to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

Likewise, we would like to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders:

- Article 5 (b), which provides for the right to form, join and participate in non-governmental organisations, associations or groups for the purpose of promoting and protecting human rights and fundamental freedoms;
- Article 6 (a), which provides for the right to know, seek, obtain, receive, and hold information about all human rights and fundamental freedoms;
- Article 6 (b) and (c), which provides for the right to freely publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; and to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and to draw public attention to those matters;
- Article 9 (1), which establishes that in the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights, everyone has the right to benefit from an effective remedy and to be protected in the event of the violation of those rights; and

- Article 12 (2) and (3), which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, *de facto* or *de jure* adverse discrimination, pressure, or any other arbitrary action as a consequence of their legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities, and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, and acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

Both the General Assembly and the Human Rights Council repeatedly urged the States to create and maintain a safe and enabling environment in which human rights defenders can operate free from hindrance, reprisals, and insecurity (e.g., the General Assembly resolutions 74/146 (A/RES/74/146) and 70/161 (A/RES/70/161), and the Human Rights Council resolutions 22/6 (A/HRC/RES/22/6) and 13/13 (A/HRC/RES/13/13)).

They also strongly condemned the violence against and the targeting, intimidation, and torture of human rights defenders and stressed the need to combat impunity by ensuring that those responsible for violations and abuses against human rights defenders, including against their legal representatives, associates and family members, are promptly brought to justice through impartial investigations (e.g., the General Assembly resolutions 72/247 (A/RES/72/247), 70/161 (A/RES/70/161), and the Human Rights Council resolution 31/32 (A/HRC/RES/31/32)).

The General Assembly in resolutions 74/146 (A/RES/74/146), 72/247 (A/RES/72/247) and 70/161 (A/RES/70/161) specifically called upon the States to take concrete steps to prevent and put an end to the arbitrary arrest and detention of human rights defenders.

The need to investigate such violations, eliminate impunity, and as far as possible, to report publicly on investigations and proceedings was further repeatedly emphasised in the General Assembly resolutions 74/146 (A/RES/74/146) and 66/164 (A/RES/66/164), as well as the Human Rights Council resolution 31/32 (A/HRC/RES/31/32) and 13/13 (A/HRC/RES/13/13).

Furthermore, the General Assembly in its resolutions 74/146 (A/RES/74/146), 72/247 (A/RES/72/247), 70/161 (A/RES/70/161) and 68/181 (A/RES/68/181), as well as the Human Rights Council in resolutions 31/32 (A/HRC/RES/31/32) and 22/6 (A/HRC/RES/22/6) expressed their particular concerns about systemic and structural discrimination, violence and harassment faced by women human rights defenders.

In the report on the situation of women human rights defenders (A/HRC/40/60), the Special Rapporteur on the situation of human rights defenders recognised and celebrated the significance of women defenders in the promotion and protection of human rights worldwide, and noted that they continue to face systematic discrimination, marginalisation and repression (Paragraph 107). The Special Rapporteur recommended the States, *inter alia*, to:

- Protect the rights of women defenders, including by taking a public stand against all State and non-State actors who violate these rights, ceasing all attacks and threats against women defenders and investigating all that occur, ensuring that impunity does not prevail;
- Ensure that women defenders enjoy a safe and enabling environment to exercise their rights, considering their specific and diverse needs; and
- Assess protection practices for women defenders against the seven principles underpinning good protection practices and examine ways of strengthening those practices (Paragraph 108).