Fighting Domestic Violence
Pro Bono Initiative
Europe
Russia

Domestic Violence Legislation

“"In domestic violence cases, generally, any physical, psychological or economic harm is a potential cause of action."
1 Legal provisions

1.1 What are the relevant statutes and codes?

The following relevant laws and codes exist in Russia:

- Federal Law No. 324-FZ of 21 November 2011 "On Free Legal Aid in the Russian Federation"

1.2 What is the controlling case law?

No controlling case law has been found.

1.3 What are the specific parts of the court system that address domestic violence?

Russian law does not provide a specific part of the court system to address domestic violence. Consideration of cases related to domestic violence is carried out by courts of general jurisdiction.
Here we provide the system of the courts of general jurisdiction:

- magistrates' courts
- district courts
- courts of the constituent entities of the Russian Federation
- Supreme Court

The most common domestic violence offense "battery" (see Section 5.5) is carried out by the magistrates' courts as an administrative offense.

The following legislation is relevant in this regard:

- Chapter 23 of the Code of Administrative Offenses

1.4 What are potential causes of action?

Any physical, psychological or economic harm can cause an action in court. Under Russian law, a person whose rights were violated can file an application to a court or ask police officials to commence an administrative or criminal case. In domestic violence cases, generally, any physical, psychological or economic harm is a potential cause of action.

The following legislation is relevant in this regard:

- Civil Procedure Code
- Criminal Procedure Code
2 Introduction: framework guiding domestic violence law

2.1 Are there civil and criminal legal remedies for domestic violence victims?

Only the common criminal remedies are used for all victims. Administrative detention, that is, a short-term restriction of the freedom of an individual, can be applied in exceptional cases if it is necessary to ensure the correct and timely consideration of a case on an administrative offense.

Under certain circumstances, a person may be detained on suspicion of committing a crime, for which a sentence of imprisonment may be imposed.

In case of the criminal prosecution of a person who has committed an act of domestic violence, the following may serve as legal remedies for domestic violence victims:

- granting personal protection, protection of residence and property
- issuing special personal protective equipment, communications and hazard alerts
- relocating to another place of residence
- replacing documents with changes in personal data
- altering the appearance of the person to be protected
- changing the place of work or study
- temporary placement in a safe place

The following legislation is relevant in this regard:

- Article 27.3 of the Code of Administrative Offenses
- Article 91 of the Criminal Procedure Code
- Federal Law of 20 August 2004 No. 119-FZ "On State Protection of Victims, Witnesses and Other Participants in Criminal Proceedings"

2.2 Is protection from domestic violence identified in national law as a human right (noting that at a European level protection from domestic violence has not been explicitly identified as a human right but is indirectly captured by the other provisions)?

No.

2.3 Has your country signed and ratified the conventions?

Yes. Russia has signed the following conventions into national law:

- Convention on the Elimination of all Forms of Discrimination Against Women of 18 December 1979
- Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women of 6 October 1999
The Federal Law of 19 June 2004 No. 52-FZ is relevant in this regard.

2.4 If it has ratified the Maputo Protocol, how has it been implemented into national law (African Union member states only)?

N/A

2.5 If it has ratified the 1979 Convention, how has the recommendations part of General Comment No. 35 been implemented into national law?

There is no special implementation of General Comment No. 35 in Russian law. The issue of personal liberty and deprivation is generally regulated by Russian law, including the Criminal Procedure Code. The Criminal Procedure Code is relevant in this regard.

2.6 If the conventions have not been ratified or signed, is it envisaged that your country will do so?

N/A

3 Similarities and differences in terminology

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
</table>
| Domestic violence | There is no legal definition of domestic violence. The proposed definition in the Draft Law is as follows: intentional action doing physical or psychological harm, and/or property damages, or the threat of such action, provided that such action or threat does not qualify as a crime or administrative offense.  
As a matter of Draft Law development, the term was discussed regarding whether to specify the separation of a parent from a child committed by the other parent as an act of domestic violence.  
| Stalking       | There is no legal definition of stalking. Depending on the circumstances, there might be a possibility to prosecute stalking as the threat of murder, insult, defamation or a breach of privacy. |
| Harassment     | There is no legal definition of harassment.  
As a matter of Draft Law development, there are suggestions to introduce this term to be defined as "repeated threatening actions aimed at the victim contrary to his/her volition, such as seeking the victim, talking to him/her directly or via telephone, contacting him/her indirectly, visiting the victim's workplace or educational institution or the place or residence, if the victim does not reside together with the abuser." |
<p>| Victim         | There is no specific legal definition of a victim of domestic violence.                                                                    |</p>
<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pursuant to the Draft Law, the &quot;persons affected by domestic violence&quot; are as follows:</td>
<td></td>
</tr>
<tr>
<td>▪ spouses</td>
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<tr>
<td>▪ former spouses</td>
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<tr>
<td>▪ persons having a common child or common children</td>
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<tr>
<td>▪ close relatives</td>
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<tr>
<td>▪ persons bound by kinship (connected via the marriage of their relatives) residing together or having common household</td>
<td></td>
</tr>
<tr>
<td>▪ persons who have suffered or may suffer physically or psychologically, or who have borne or may bear property damages as a result of domestic violence</td>
<td></td>
</tr>
<tr>
<td>Abuser</td>
<td>There is no specific legal definition for an abuser who commits domestic violence.</td>
</tr>
<tr>
<td>Pursuant to the Draft Law, an abuser is defined as a person above 18 years old who has committed or who is committing an act of domestic violence.</td>
<td></td>
</tr>
<tr>
<td>Civil protection order</td>
<td>Russian law does not provide for civil protection orders as a means of preventing domestic violence.</td>
</tr>
<tr>
<td>Pursuant to the Draft Law, the following definitions apply:</td>
<td></td>
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<tr>
<td>▪ A protection order means a document formalized by an internal affairs official, to determine protective measures for domestic violence victims.</td>
<td></td>
</tr>
<tr>
<td>▪ A court protection order means a judicial act to determine protective measures for domestic violence victims.</td>
<td></td>
</tr>
<tr>
<td>Causes of action</td>
<td>There is no specific legal definition of the causes of action in terms of domestic violence.</td>
</tr>
<tr>
<td>Marital rape</td>
<td>There is no legal definition of marital rape under Russian law. In practice, there is no well-established understanding of marital rape as a crime.</td>
</tr>
</tbody>
</table>

### 3.1 Are there any other important domestic violence terms defined in relevant domestic violence statutes and codes?

No.
4 Protection for domestic violence victims and relief granted

4.1 Civil protection orders

4.1.1 Are there civil protection orders available to victims of domestic abuse?

Russian law does not provide for civil protection orders as a means of preventing domestic violence. Pursuant to the Draft Law, a protection order (Защитное предписание) means a document formalized by the police official to determine protective measures for domestic violence victims.

A court civil protection order is also available by the request of a victim or a police official.


4.1.2 Who can petition for civil protection orders?

Russian law does not provide for civil protection orders as a means of preventing domestic violence. Pursuant to the Draft Law, any victim or other person having witnessed an act of domestic violence can report it to police officials. If the act of domestic violence is confirmed, a civil protection order is granted.


4.1.3 Is there temporary custody of a child or child support orders?

The Draft Law does not provide for these measures.

Articles 24-25 of the Draft Law "On the Prevention of Family and Household Violence in the Russian Federation" are relevant in this regard.

4.1.4 Is there a provision to order the abuser to move out or stay away from places that the victims frequent?

Russian law does not provide for civil protection orders as a means of preventing domestic violence.

Pursuant to the Draft Law, under an administrative civil protection order, the offender may be restricted from contacting the victim in any form while the civil protection order is effective.

Pursuant to the Draft Law, under a court civil protection order, the offender, in addition to the above, may be ordered to leave the place of common residence of the victim, if they have another place to live.
4.1.5 Are there any other types of emergency, preventive and civil protection orders?

Russian law does not provide for civil protection orders as a means of preventing domestic violence. Pursuant to the Draft Law, there are no other types of civil protection orders other than an administrative civil protection order and a court civil protection order.

However, in criminal and civil procedures, other restrictive measures can be applied. The Criminal Procedure Code provides for general restrictive measures where there are accusations of a crime having been committed or if a criminal case is initiated. This includes detention through home arrest, being taken into custody and the prohibition of certain actions.

According to the Civil Procedure Code, interim measures are applicable, for example, prohibiting the defendant from performing certain actions.

The following legislation is relevant in this regard:

- Draft Law "On the Prevention of Family and Household Violence in the Russian Federation"
- Articles 10, 98 of the Criminal Procedure Code
- Article 140 of the Civil Procedure Code

4.1.6 Can these orders be requested by direct or indirect victims or legal representatives in children's cases?

Russian law does not provide for civil protection orders as a means of preventing domestic violence. Pursuant to the Draft Law, indirect victims or legal representatives in children’s cases can request civil protection orders.

Articles 24-25 of the Draft Law "On the Prevention of Family and Household Violence in the Russian Federation" are relevant in this regard.

4.1.7 Are there different types of civil protection orders, e.g., for a short-term period?

Russian law does not provide for civil protection orders as a means of preventing domestic violence. Pursuant to the Draft Law, administrative civil protection orders last 30 days and they can be extended to 60 days.

Articles 24-25 of the Draft Law "On the Prevention of Family and Household Violence in the Russian Federation" are relevant in this regard.

4.1.8 Are ex parte orders permitted without the aggressor being present?

Russian law does not provide for civil protection orders as a means of preventing domestic violence. There is no concrete provision on this issue in the Draft Law. As this is not required, a police official may confirm that an act of domestic violence took place even without the aggressor being present (especially where physical harm to a victim is evident).

Articles 24-25 of the Draft Law "On the Prevention of Family and Household Violence in the Russian Federation" are relevant in this regard.
4.1.9 Do emergency orders also extend protection for abuse and intimidation to family members of the victim?

Russian law does not provide for civil protection orders as a means of preventing domestic violence. Pursuant to the Draft Law, civil protection orders, among other measures, may restrict an aggressor from "committing domestic violence." As this is not restricted to a victim only, we believe that it may be applicable to other family members.

Articles 24-25 of the Draft Law "On the Prevention of Family and Household Violence in the Russian Federation" are relevant in this regard.

4.1.10 How long do the orders last?

Russian law does not provide for civil protection orders as a means of preventing domestic violence. Pursuant to the Draft Law, administrative civil protection orders can last from 30 to 60 days. Court civil protection orders last from 30 days to one year.

Articles 24-25 of the Draft Law "On the Prevention of Family and Household Violence in the Russian Federation" are relevant in this regard.

4.1.11 Please provide any resources or hyperlinks to websites displaying data on how often civil protection orders are granted, and any demographic information from the last two to four years, e.g., police complaints related to domestic violence, prosecutions of domestic violence, and convictions on domestic and sexual violence.

<table>
<thead>
<tr>
<th>Data</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>In the period from January to June 2020, there was a 10.6% decrease in the number of domestic violence offenses.</td>
<td></td>
</tr>
<tr>
<td>According to Rosstat, the number of victims of crimes involving violent actions against a family member in 2017 was, by sex, 25,700 women and 10,400 men.</td>
<td><a href="https://rosstat.gov.ru/free_doc/doc_2018/wo-man18.pdf">https://rosstat.gov.ru/free_doc/doc_2018/wo-man18.pdf</a></td>
</tr>
<tr>
<td>Rosstat, with reference to the Ministry of Internal Affairs, provides data for 2012 to 2019 on crimes involving violent acts committed against a family member.</td>
<td><a href="https://rosstat.gov.ru/storage/mediabank/7-25.xls">https://rosstat.gov.ru/storage/mediabank/7-25.xls</a></td>
</tr>
<tr>
<td>RBC, citing data from the Ministry of Internal Affairs, states that from January to September 2019, 15,381 crimes were committed in Russia against women in the area of family and domestic relations.</td>
<td><a href="https://www.rbc.ru/rbcfreenews/5dd6844f9a794787117e082d">https://www.rbc.ru/rbcfreenews/5dd6844f9a794787117e082d</a></td>
</tr>
</tbody>
</table>
4.2 Steps for receiving a protective order

4.2.1 What documentation is needed to obtain a civil protection order?

Russian law does not provide for civil protection orders as a means of preventing domestic violence. Pursuant to the Draft Law, the only required documents are a report of domestic violence and a victim consent. The report and the consent can be presented in oral or written form.


4.2.2 Does the victim need to attend a hearing?

Russian law does not provide for civil protection orders as a means of preventing domestic violence. Pursuant to the Draft Law and procedural legislation, the victim's attendance is not necessary.

The following legislation is relevant in this regard:

- Draft Law "On the Prevention of Family and Household Violence in the Russian Federation"
- the Draft Law
- Article 167 of the Civil Procedure Code

4.2.3 Can you request remedies?

Russian law does not provide for civil protection orders as a means of preventing domestic violence. Russian legislation provides protective measures such as personal security, home and property security; the issuance of special personal protective equipment, communications and hazard alerts; and temporary placement in a safe place.

Federal Law of 20 August 2004 No. 119-FZ "On State Protection of Victims, Witnesses and Other Participants in Criminal Proceedings" is relevant in this regard.

4.2.4 Are there time limits?

Russian law does not provide for civil protection orders as a means of preventing domestic violence. The Draft Law does not impose any time limits for the issuance of a civil protection order.

The Draft Law "On the Prevention of Family and Household Violence in the Russian Federation" is relevant in this regard.

4.2.5 Are there different rules in emergencies?

Russian law does not provide for civil protection orders as a means of preventing domestic violence. The Draft Law does not establish any different rules for emergencies.

The Draft Law "On the Prevention of Family and Household Violence in the Russian Federation" is relevant in this regard.
4.3 Judicial discretion

4.3.1 What discretion does a judge have in granting a civil protection order or other protective orders?

Russian law does not provide for civil protection orders as a means of preventing domestic violence. Pursuant to the Draft Law, a judge grants a court civil protection order at the request of a victim. The offender can be ordered to (the list is exhaustive): (a) receive psychological training; (b) give back the victim's property and documents; or (c) leave the victim's place of living.

Articles 1, 25 of the Draft Law "On the Prevention of Family and Household Violence in the Russian Federation" is relevant in this regard.

4.3.2 Are there age limits on who can obtain orders?

Russian law does not provide for civil protection orders as a means of preventing domestic violence. Pursuant to the Draft Law, to obtain an administrative civil protection orders or a court civil protection order, a person must be more than 18 years old. Children will be represented by their legal representatives.

The Draft Law "On the Prevention of Family and Household Violence in the Russian Federation" is relevant in this regard.

4.3.3 What discretion do internal affairs bodies have in granting a civil protection order or other protective orders?

Russian law does not provide for civil protection orders as a means of preventing domestic violence. Pursuant to the Draft Law, police officials grant administrative civil protection orders after confirming that there was an act of domestic violence. Subsequently, the offender is not allowed to commit another act of domestic violence, to search the victim's place of living or to make contact with the victim in any form. Only these restrictions can be applied to the offender under the Draft Law.

Articles 1, 24 of the Draft Law "On the Prevention of Family and Household Violence in the Russian Federation" is relevant in this regard.

4.4 Restitution and remedies available to victims

4.4.1 Can victims obtain reimbursement for costs and restitution paid?

Yes, under general provisions (there are no specific regulations regarding domestic violence cases). The Draft Law is silent about specific provisions regarding the possibility of asking for costs or restitution. Therefore, it can be recovered only due to the common civil provisions (only if a victim has any losses, damages or moral damage).

Property damage caused to the protected person in connection with their participation in criminal proceedings is subject to compensation.

The victim can also rely on the common provisions of the procedural legislation of the Russian Federation. Accordingly, property damage, loss of earnings and transport costs can be claimed.
The following legislation is relevant in this regard:

- Draft Law "On the Prevention of Family and Household Violence in the Russian Federation"
- Civil Procedure Code
- Code of Administrative Offenses
- Criminal Procedure Code

4.4.2 Can they recover wages and profits lost?

Yes, under general provisions (there are no specific regulations regarding domestic violence cases). The Draft Law is silent about specific provisions regarding the possibility of recovering wages and lost profits. Lost wages and profits can be recovered only due to the common provisions.

The following legislation is relevant in this regard:

- Civil Procedure Code
- Code of Administrative Offenses
- Criminal Procedure Code

4.4.3 Is a separate civil process required?

Damages may be recovered whether in a criminal or civil process under general rules (there are no specific regulations regarding domestic violence cases).

According to the provisions from the Draft Law, it depends on the type of civil protection order.

An administrative civil protection order does not entail any rights to ask for costs or restitutions. These can be claimed only if there is damage or loss. Therefore, any costs or restitutions can only be requested in a separate civil judicial way.

A court civil protection order can only be issued by the court. Therefore, it seems that wage recovery and costs and restitution compensation can be made through an application in the court proceedings.

The following legislation is relevant in this regard:

- Draft Law "On the Prevention of Family and Household Violence in the Russian Federation"
- Civil Procedure Code
- Code of Administrative Offenses
- Criminal Procedure Code
5 Prosecutorial considerations

5.1 Police procedures

5.1.1 When do the police get involved in domestic disputes or legal actions?

The police become involved upon receipt of information about acts of domestic violence. The police are authorized to do so under both the current legislation and the Draft Law.

A criminal case can only be instituted based on a crime report filed by, among others, an offender, a victim or a witness.

The following legislation is relevant in this regard:

- Article 140 of the Criminal Procedure Code (as amended)
- Article 28.1 of the Code of Administrative Offenses (as amended)
- Article 17 of the Draft Law

5.1.2 What circumstances affect law firm involvement?

Suspects have the right to a lawyer from the moment of their actual detention by the police. Law firms may also provide legal support in domestic violence cases at the victim's request.

Both the suspect and the accused have the right to a free-of-charge legal counsel. Upon the request of the suspect or the accused, the prosecutor appoints a legal counsel.

The fees of the free-of-charge legal counsel are paid by the Russian federal budget. The prosecutor appoints the legal counsel and the suspect or the accused has no right to choose who will represent them.

The following legislation is relevant in this regard:

- Article 2 of Federal Law No. 324-FZ "On Free Legal Aid in the Russian Federation" dated 21 November 2011 (as amended)
- Article 16 of the Criminal Procedure Code (as amended)

5.2 Standard of proof

5.2.1 Is proof required by any legal means?

Yes. There is a fundamental principle of the presumption of innocence. A person is innocent until proven guilty in a manner prescribed by law. A guilty verdict may not be based on suppositions. Articles 14 and 86 of the Criminal Procedure Code (as amended) are relevant in this regard.
5.2.2 Are there any requirements regarding evidence and documents?

Yes, there are rules of evidence evaluation. Only lawfully acquired evidence is admissible in court.

Articles 75 and 88 of the Criminal Procedure Code (as amended) are relevant in this regard.

5.2.3 Is proof "beyond a reasonable doubt" required?

Yes. Any doubts are to be interpreted in favor of the defendant; proof "beyond reasonable doubt" must be presented.

Articles 14 and 86 of the Criminal Procedure Code (as amended) are relevant in this regard.

5.2.4 Is the standard of proof different for ex parte orders?

As of the date of this publication, civil protection orders are not available in Russia.

5.3 Affirmative defenses

5.3.1 Are affirmative defenses available to the accused?

Yes. The accused has the right to provide explanations and evidence or to refuse to provide explanations or evidence.

Articles 46 and 47 of the Criminal Procedure Code (as amended) are relevant in this regard.

5.3.2 Is willful intent required?

Yes, in both the current legislation and the Draft Law. According to the Draft Law, domestic violence is intentional physical or mental harm, property damage or a threat of such action.

The following legislation is relevant in this regard:

- Articles 5 and 24-27 of the Criminal Code (as amended)
- Article 2 of the Draft Law

5.3.3 Are false accusations punishable for the victim?

Yes, false accusations are a criminal offense. False accusations are punishable by a fine in the amount of up to RUB 120,000 or in the amount of a wage/salary or any other income of the offender for a period of up to one year; or by obligatory labor for a term of up to 480 hours; or by corrective labor for a term of up to two years; or by compulsory labor for a term of up to two years; or by arrest for a term of up to six months; or by deprivation of liberty for a term of up to two years.

The Draft Law does not establish any additional sanctions for false accusations.

Article 306 of the Criminal Code (as amended) is relevant in this regard.

5.3.4 How is consent discussed in the law?

Consent is not discussed in the law. There is no definition of consent in connection with domestic violence in the current legislation or the Draft Law. Any act of domestic violence is presupposed to occur without the victim's consent.
The Draft Law is relevant in this regard.

5.3.5 **Is self-defense or insanity a defense?**

Yes, both are a defense. Self-defense is a circumstance that excludes the criminality of the offense. Offenders who use insanity as a defense cannot be subject to criminal liability.

The following legislation is relevant in this regard:

- Articles 21, 37 and 39 of the Criminal Code (as amended)
- Article 4.1 of the Code of Administrative Offenses (as amended)

**5.4 Witness status**

5.4.1 **What is a witness's duty to testify honestly and completely?**

A witness is obligated to testify honestly and completely. A witness is obligated to perform the following:

- appear when summoned by an inquiry officer, investigator, prosecutor or court
- testify honestly and completely

Failure to comply with these obligations results in preventive measures and liability.

Article 56 of the Criminal Procedure Code (as amended) is relevant in this regard. Articles 7.7, 17.9 and 25.6 of the Code of Administrative Offenses (as amended) are also relevant in this regard.

5.4.2 **Who may abstain from testifying in certain situations?**

Close relatives and the spouse of the accused may abstain from testifying. Witnesses have the right to refuse to testify against themselves, their spouses and other close relatives (including parents, children, adoptive parents, adopted children, brothers and sisters, grandfathers, grandmothers, and grandchildren).

Article 25.6 of the Code of Administrative Offenses (as amended) is relevant in this regard.

5.4.3 **What potential "excuses" can a witness raise to refuse to testify in a domestic violence action?**

Witnesses can raise a kinship "excuse." Witnesses have the right to refuse to testify against themselves, their spouses and other close relatives (including parents, children, adoptive parents, adopted children, brothers and sisters, grandfathers, grandmothers and grandchildren).

The following legislation is relevant in this regard:

- Article 56 of the Criminal Procedure Code (as amended)
- Article 25.6 of the Code of Administrative Offenses (as amended)

5.4.4 **What is the impact of domestic violence on witnesses who are children?**

Russian law has no provisions on the impact of domestic violence on witnesses who are children.
5.4.5 Can children be called upon to testify?

Yes, children can be called upon to testify. Children can only be called upon to testify in the presence of their parents or legal representatives and a social worker/psychologist.

Articles 113, 191 and 280 of the Criminal Procedure Code (as amended) are relevant in this regard.

5.4.6 What is the effect of a child victim on the charges against the offender?

Domestic violence against a child results in more severe liability.

- A crime against a minor is an aggravating circumstance. Article 63 of the Criminal Code (as amended) is relevant in this regard.
- Physical or mental violence by means of systematic beating or any other violent actions against a minor is punishable by imprisonment of three to seven years. Section 2 of Article 117 of the Criminal Code (as amended) is relevant in this regard.
- Illegal deprivation of a minor's liberty not related to an abduction is punishable by compulsory labor for a term of up to five years or by deprivation of liberty for a term of three to five years (compared to imprisonment for up to two years in cases not involving minors). Article 127 of the Criminal Code (as amended) is relevant in this regard.

5.5 Penalties and sentencing; penalty enhancements

5.5.1 What are the penalties and sentencing laws for first-time domestic violence offenses?

There is neither a definition of domestic violence nor a special domestic violence regulation in Russian law. General rules of punishment apply to domestic violence cases.

Below we provide a list of crimes related to domestic violence and penalties corresponding to them.

<table>
<thead>
<tr>
<th>Offense</th>
<th>Legal Provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Battery or the commission of similar violent actions causing physical pain but not involving any short-term health disorder or minor persistent general disability is punishable by:</td>
<td>Article 6.1.1 of the Code of Administrative Offenses (as amended) is relevant in this regard.</td>
</tr>
<tr>
<td>- an administrative fine in an amount from RUB 5,000 to RUB 30,000</td>
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<tr>
<td>- administrative arrest for a period of 10 to 15 days</td>
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<tr>
<td>- compulsory labor for a period of 60 to 120 hours</td>
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<tr>
<td>The decriminalization of this offense has led to an increase in the number of domestic violence offenses.</td>
<td></td>
</tr>
<tr>
<td>Beatings or other violent actions causing physical pain but not involving short-term health disorders or minor persistent general disabilities committed out of hooligan motives and</td>
<td>Article 116 of the Criminal Code (as amended) is relevant in this regard.</td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>Offense</th>
<th>Legal Provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>political, ideological, racial, national or religious hatred or enmity is punishable by:</td>
<td>▪ compulsory labor for a term of up to 360 hours</td>
</tr>
<tr>
<td>▪ corrective labor for up to one year with a restriction of liberty for up to two years</td>
<td>▪ arrest for up to six months</td>
</tr>
<tr>
<td>▪ imprisonment for up to two years</td>
<td></td>
</tr>
<tr>
<td>Beatings or other violent actions causing physical pain but not involving any short-term health disorders or minor persistent general disabilities and not containing signs of <em>corpus delicti</em> provided for in Article 116 (see the previous section) by a person subjected to an administrative punishment for a similar act (see the first described domestic violence offense) is punishable by:</td>
<td>▪ a fine of up to RUB 40,000, or in the amount of the wage or salary or any other income of the convicted person for a period of up to three months</td>
</tr>
<tr>
<td>▪ compulsory labor for a term of up to 240 hours</td>
<td>▪ corrective labor for up to six months</td>
</tr>
<tr>
<td>▪ arrest for up to three months</td>
<td></td>
</tr>
<tr>
<td>Intentional minor injury that temporarily damages health or causes an insignificant but stable loss of general capacity to work is punishable by:</td>
<td>▪ a fine of up to RUB 40,000, or in the amount of the wage or salary or any other income of the criminal for a period of up to three months</td>
</tr>
<tr>
<td>▪ compulsory works for up to 480 hours</td>
<td>▪ corrective labor for up to one year</td>
</tr>
<tr>
<td>▪ arrest for up to four months</td>
<td></td>
</tr>
<tr>
<td>Intentional injury of medium gravity that is not life-threatening but causes a protracted health injury or a considerable stable loss of general capacity to work by no less than one-third is punishable by:</td>
<td>▪ restriction of liberty for a term of up to three years</td>
</tr>
<tr>
<td>▪ compulsory labor for a term of up to three years</td>
<td>▪ arrest for a term of up to six months</td>
</tr>
<tr>
<td>▪ imprisonment for up to three years</td>
<td></td>
</tr>
</tbody>
</table>

Article 115 of the Criminal Code (as amended) is relevant in this regard.

Article 112 of the Criminal Code (as amended) is relevant in this regard.
<table>
<thead>
<tr>
<th>Offense</th>
<th>Legal Provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Physical or mental violence by means of systematic beating or any other violent action is punishable by:</td>
<td>Article 117 of the Criminal Code (as amended) is relevant in this regard.</td>
</tr>
<tr>
<td>- restriction of liberty for up to three years</td>
<td></td>
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<tr>
<td>- compulsory labor for up to three years</td>
<td></td>
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<tr>
<td>- imprisonment for up to three years</td>
<td></td>
</tr>
<tr>
<td>Threat of murder or infliction of severe bodily harm in case of real grounds to fear the threat is punishable by:</td>
<td>Article 119 of the Criminal Code (as amended) is relevant in this regard.</td>
</tr>
<tr>
<td>- restriction of liberty for up to two years</td>
<td></td>
</tr>
<tr>
<td>- compulsory labor for up to 480 hours</td>
<td></td>
</tr>
<tr>
<td>- forced labor for up to two years</td>
<td></td>
</tr>
<tr>
<td>- arrest for up to six months</td>
<td></td>
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<tr>
<td>- imprisonment for up to two years</td>
<td></td>
</tr>
<tr>
<td>Rape, i.e., sexual intercourse using violence or threats of its use or using the victim's helpless state, is punishable by imprisonment for up to six years.</td>
<td>Article 131 of the Criminal Code (as amended) is relevant in this regard.</td>
</tr>
<tr>
<td>Rape of a minor over the age of 14 is punishable by imprisonment for up to six years.</td>
<td></td>
</tr>
<tr>
<td>Rape of a minor under the age of 14 is punishable by imprisonment for up to 20 years.</td>
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</tr>
<tr>
<td>Sodomy, lesbianism or other actions of a sexual nature using violence or threats of its use or using the victim's helpless state is punishable by imprisonment for up to six years.</td>
<td>Article 132 of the Criminal Code (as amended) is relevant in this regard.</td>
</tr>
<tr>
<td>The same violation in relation to a minor over the age of 14 is punishable by imprisonment for up to 15 years.</td>
<td></td>
</tr>
<tr>
<td>The same violation in relation to a minor under the age of 14 is punishable by an imprisonment up to 20 years.</td>
<td></td>
</tr>
<tr>
<td>Forcing sexual intercourse, sodomy, lesbianism or other acts of a sexual nature by means of blackmail, threat of destruction, damage or confiscation of property, or using material or other necessities of the victim is punishable by:</td>
<td>Article 133 of the Criminal Code (as amended) is relevant in this regard.</td>
</tr>
<tr>
<td>- a fine of up to RUB 120,000, or in the amount of the wage or salary or any other income of the convicted person for a period of up to one year</td>
<td></td>
</tr>
<tr>
<td>- compulsory works for up to 480 hours</td>
<td></td>
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<tr>
<td>- corrective labor for up to two years</td>
<td></td>
</tr>
<tr>
<td>- forced labor for up to one year</td>
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<tr>
<td>Offense</td>
<td>Legal Provision</td>
</tr>
<tr>
<td>--------------------------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>Sexual intercourse with a person under the age of 16 committed by a person who has reached the age of 18 is punishable by:</td>
<td>Article 134 of the Criminal Code (as amended) is relevant in this regard.</td>
</tr>
<tr>
<td>▪ compulsory works for up to 480 hours</td>
<td></td>
</tr>
<tr>
<td>▪ restriction of liberty for up to four years</td>
<td></td>
</tr>
<tr>
<td>▪ forced labor for up to four years</td>
<td></td>
</tr>
<tr>
<td>▪ imprisonment for up to four years</td>
<td></td>
</tr>
<tr>
<td>Nonviolent indecent assault of a person who has not reached the age of 16 by a person who has reached the age of 18 is punishable by:</td>
<td>Article 135 of the Criminal Code (as amended) is relevant in this regard.</td>
</tr>
<tr>
<td>▪ compulsory works for up to 440 hours</td>
<td></td>
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<tr>
<td>▪ restriction of liberty for up to three years</td>
<td></td>
</tr>
<tr>
<td>▪ forced labor for up to five years</td>
<td></td>
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<tr>
<td>▪ imprisonment for up to three years</td>
<td></td>
</tr>
<tr>
<td>Negligent murder, i.e., causing death due to levity or negligence, is punishable by:</td>
<td>Article 109 of the Criminal Code (as amended) is relevant in this regard.</td>
</tr>
<tr>
<td>▪ corrective labor for up to two years</td>
<td></td>
</tr>
<tr>
<td>▪ restriction of liberty for up to two years</td>
<td></td>
</tr>
<tr>
<td>▪ compulsory labor for up to two years</td>
<td></td>
</tr>
<tr>
<td>▪ imprisonment for up to two years</td>
<td></td>
</tr>
<tr>
<td>Driving a victim to suicide or driving a victim to attempted suicide by means of threats, cruel treatment or systematic humiliation of the victim's human dignity is punishable by:</td>
<td>Article 110 of the Criminal Code (as amended) is relevant in this regard.</td>
</tr>
<tr>
<td>▪ corrective labor for up to five years</td>
<td></td>
</tr>
<tr>
<td>▪ restriction of liberty for up to six years</td>
<td></td>
</tr>
<tr>
<td>The same violation in relation to a minor or a person knowingly in a helpless state or in material or other dependence of the guilty person is punishable by a restriction of liberty for up to 15 years.</td>
<td></td>
</tr>
<tr>
<td>Murder is punishable by imprisonment for between six and 15 years.</td>
<td>Article 105 of the Criminal Code (as amended) is relevant in this regard.</td>
</tr>
<tr>
<td>Pursuant to the Draft Law, a domestic violence act (which is not a criminal or an administrative offense) results in protection measures imposable by protection orders, including an order to leave the victim's place of living or restriction of any contact with the victim.</td>
<td>Articles 24 and 25 of the Draft Law are relevant in this regard.</td>
</tr>
</tbody>
</table>
Nonaggravated battery is punishable by:
- a fine from RUB 5,000 to RUB 30,000
- arrest for up to 15 days
- compulsory labor for up to 120 hours

This is a reasonably new clause introduced in 2016. The clause decriminalized certain types of domestic violence that led to a drastic increase in the number of cases and it was condemned by the European Court of Human Rights in *Volodina v. Russia*.

Article 6.1.1 of the Code of Administrative Offenses is relevant in this regard, including the case *Volodina v. Russia* of the European Court of Human Rights — https://hudoc.echr.coe.int/fre#%22itemid%22:[%22001-194321%22].

5.5.2 Are there criminal penalties?

Yes, as described above.

5.5.3 What is the result of a violation of an existing order for protection?

As of the date of this publication, there is no procedure for issuing orders for protection in Russia.

According to the Draft Law, a violation of a court protection order is punishable by:
- compulsory works for up to 50 hours
- administrative arrest for up to 15 days
- a fine from RUB 15,000 to RUB 30,000

According to the Draft Law, a violation of or noncompliance with a protective order is punishable by:
- compulsory works for up to 40 hours
- a fine from RUB 10,000 to RUB 20,000.

A repeat violation is punishable by:
- compulsory works for up to 50 hours
- administrative arrest for up to 15 days
- a fine from RUB 15,000 to RUB 30,000

The Draft Law is relevant in this regard.
5.5.4 What fines and other penalties are imposed besides incarceration and liberty restriction?

Fines depend on the convicted person's salary. There are also compulsory works and corrective labor. For example, battery is punishable by:

- a fine of up to RUB 40,000 or in the amount of income of the convicted person for three months
- compulsory works for up to 360 hours
- corrective labor for up to six months or arrest for up to three months

Article 116.1 of the Criminal Code (as amended) is relevant in this regard.

5.5.5 What domestic violence offenses are provided for by the Draft Law?

<table>
<thead>
<tr>
<th>Offense</th>
<th>Legal Provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>A violation of civil protection orders is provided for in the Draft Law. See the section entitled &quot;What is the result of a violation of an existing order for protection?&quot; above.</td>
<td>Article 1 of the Draft Law is relevant in this regard.</td>
</tr>
<tr>
<td>A domestic brawl is provided for in the Draft Law. A domestic brawl is a violation of the rights of family members or individuals living with the offender, to their health, honor or dignity and to rest in a residential building, including accompanied by obscene language, as well as destruction and/or property damage or noise. This entails the imposition of an administrative fine in the amount of RUB 500 to RUB 1,000. A repeat violation is punishable by:</td>
<td>Article 1 of the Draft Law is relevant in this regard.</td>
</tr>
<tr>
<td>- an administrative fine in the amount of RUB 1,000 to RUB 2,000</td>
<td></td>
</tr>
<tr>
<td>- compulsory works for up to 50 hours</td>
<td></td>
</tr>
<tr>
<td>- administrative arrest for up to 15 days</td>
<td></td>
</tr>
</tbody>
</table>

5.6 Post-release restrictions

5.6.1 Does the law notify the victim of the offender's release from custody?

No.
6 Special issues

6.1 Battered woman syndrome

6.1.1 Can lawyers present evidence of battered woman syndrome or other domestic abuse as an affirmative defense to crimes that the battered woman has committed? (Note: Battered woman syndrome is accepted by courts in certain jurisdictions to show that battered women can use force to defend themselves and sometimes kill their abusers due to abusive and life-threatening situations.)

Battered woman syndrome is unknown in Russian judicial practice. Such evidence can be presented only in order to prove self-defense in its common meaning. There is no separate law on self-defense in Russia. Therefore, self-defense as an institution is considered in the traditional way and it is extremely difficult to prove.

Articles 37, 108 and 114 of the Criminal Code are relevant in this regard.

6.2 Domestic violence in the workplace

6.2.1 Can courts issue orders to protect employees suffering from domestic violence?

No special provisions have been found.

6.2.2 Can departure be deemed "for good cause" if related to domestic violence?

We assume that an employee's departure due to domestic violence may be deemed "for good cause." Russian labor legislation does not have a list of "good causes" for the departure of an employee. Therefore, employers should individually decide whether the reason for departure is justifiable or not based on an employee's explanations, as well as other documents confirming the reason for their absence.

The Labor Code of the Russian Federation of 30 December 2001 No. 197-FZ is relevant in this regard.

6.2.3 Can family members of domestic violence victims take reasonable leave to help the victim seek treatment or obtain help and services?

Due to family circumstances, an employee may be granted (at the employer's discretion) unpaid leave for the period agreed between the employer and the employee or they may ask for annual paid leave.

Russian labor legislation does not provide for a special type of leave for victims of domestic violence or their family members. Therefore, in this situation, an employee may apply either for annual paid leave or for unpaid leave.
Annual paid leave

Under the Russian Labor Code, the dates of the annual vacation of each employee are to be planned in advance and indicated in the vacation schedule for the calendar year (to be adopted not later than two weeks before the new year). The employer may plan the vacation schedule at their own discretion; however, it is possible to ask the employees to provide the preferred dates. The employer may (but it is not obliged to) amend the vacation schedule if the employee files the relevant application.

Some categories of employees (for example, employees who are under 18 years old or employees whose spouse is on maternity leave) are entitled to annual main paid leave at a time convenient for them.

Unpaid leave

Due to family circumstances and for other justifiable reasons, an employee may be granted (at the employer's discretion) unpaid leave for the period agreed between the employer and the employee.

The employer is obliged to provide unpaid leave to certain categories of employees, including:

- pensioners — up to 14 calendar days per year
- disabled employees — up to 60 calendar days per year
- all employees in cases of childbirth, registration of a marriage or the death of close relatives — up to five calendar days

Articles 114-128 of the Labor Code of the Russian Federation of 30 December 2001 No. 197-FZ are relevant in this regard.

6.3 Immigration

6.3.1 Does the law include provisions that are intended to prevent abusers who are citizens or permanent residents of your country from using immigration laws to perpetrate domestic violence against their spouse?

N/A

6.3.2 If battered immigrants cooperate with law enforcement in domestic violence, can they obtain immigration remedies?

The following legislation is relevant in this regard:


6.3.3 Does domestic violence law discuss asylum accessibility?

No.
6.4 **Armed forces**

6.4.1 Can a victim seek a military protective order if the abuser is in active military?

No. There is no such thing as a military protective order in Russia.

6.5 **Child custody and child/spousal support**

6.5.1 Do judges follow special rules to determine custody or visitation of children in domestic violence cases?

There are no special provisions. The issues of determining custody or visitation of children in domestic violence cases are decided in accordance with the general procedure provided for by the Family Code of the Russian Federation.

If parents get divorced and decide to live separately, the place of residence of a minor child may be established by:

- by agreement of the parents
- by the court’s decision (if the parents of the child fail to come to an agreement or their agreement contradicts the child’s interests)

The custody of the child when their parents live separately (regardless of whether they are married) is determined based on the following:

- the child’s interests (taking into account the personal qualities of the parents, the relationship between each parent and the child and other circumstances characterizing the situation that has developed in the place of residence of each of the parents)
- the child’s opinion if the child has reached the age of 10, provided that this does not contradict their interests

The court may determine the procedure for visitation of a child by the parent living separately (the time, place, duration of visitation, etc.). However, in exceptional cases, when the visitation of the child by the parent living separately may harm the child’s physical and mental health, the court may refuse the parent’s claim to determine the procedure for their participation in the process of the upbringing of the child, setting out the reasons for such decision.

In some cases, parents may be deprived of their parental rights, including in case of the following:

- the cruel treatment of the children (including physical or mental violence against them, or the violation of their sexual integrity)
- committing a deliberate crime against the life or health of the children, another parent of the children, a spouse, including those who are not the parents of the children, or against the life or health of another family member

As a result, such parents lose all parental rights based on the fact of the relationship with the child in respect of whom they have been deprived of parental rights, and such parent may not communicate with that child or participate in the process of the upbringing of that child.

Cases concerning the deprivation of parental rights are considered pursuant to an application of one of the child’s parents or persons replacing them, the application of the prosecutor and the
application of the bodies or organizations entrusted with the duties of protecting the rights of minors (guardianship bodies, commissions for minors, organizations for orphans and children left without parental care, etc.).

Articles 57, 65, 66, 69 and 70 of the Family Code of the Russian Federation of 29 December 1995 No. 223-FZ are relevant in this regard.

6.5.2 Can the judge consider the testimonies of the other spouse and the children when determining custody?

The judge can only consider the testimonies of the child. Taking into account the opinion of a child who has reached the age of 10 is mandatory unless it is contrary to their interests.

Article 57 of the Family Code of the Russian Federation of 29 December 1995 No. 223-FZ is relevant in this regard.

6.6 Housing rights of domestic violence victims

6.6.1 Does the law include any barriers to prevent landlords from forcing a tenant to move out because they are victims of domestic violence?

No special provisions have been found.

6.6.2 Does the law allow a tenant to terminate his/her lease early due to domestic violence?

No special provisions have been found.

6.6.3 Can an order exclude the abuser from the residence?

There is no special order allowing the abuser to be excluded from the residence.

However, according to the Housing Code of the Russian Federation, if a family member or a former family member (except for minor children) of the owner of the residence misuses or systematically violates the rights and interests of their neighbors, such person may be evicted from the residence by a court decision pursuant to an application of the owner of the residence. However, the eviction from the residence is an exceptional measure and it involves a formal procedure. In particular, the owner of the residence must first warn the person subject to eviction from the residence about the need to eliminate the violations. Only after that may such person be evicted from the residence by a court decision.

Articles 7, 35 of the Housing Code of the Russian Federation of 29 December 2004 No. 188-FZ.

6.6.4 Can abusers be forbidden by court orders to alienate or mortgage the property in his/her name if it is the family domicile?

There are no special provisions. The only way to prevent the alienation of the family domicile that is the abuser's property is to sue and demand the restriction of the abuser's legal capacity (if the abuser's propensity for gambling, or abuse of alcohol or drug addiction plunges their family into a precarious financial position) or the deprivation of the abuser's legal capacity (if the abuser, as a result of a mental derangement, can neither realize the meaning of their actions nor control them).

Articles 29-30 of the Civil Code of the Russian Federation of 30 November 1994 No. 51-FZ are relevant in this regard.
Endnotes

1 These circumstances are as follows: (i) when this person is caught in the act; (ii) when the victims or eyewitnesses point to this person as having committed a crime; and (iii) when clear traces of a crime are found on this person or their clothes, with them or in their home. The person can also be detained upon other circumstances giving grounds to suspect the person of a crime if this person tried to hide, or if they do not have a permanent place of residence or if their identity has not been established.
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