

## **Discrimination against certain categories of citizens and the experience of combating its manifestations in Russia**

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All-Russian Parent's Resistance

In our address we would like to direct your attention to the growing discrimination over the recent years against certain categories of citizens and social groups residing in OSCE member states. The traditional family has become one such category of citizens, against whom we see more and more discriminatory practices and principles.

Violence against women and children, without a doubt, is a serious issue, and we all must work to resolve it. However, we see that with increasing frequency, discussions on violence against women and children very quickly become redirected into discussions on so-called domestic or family violence, with the fight against family violence inevitably turning into a crackdown on the family as such. More and more often, we hear officials say that it is family that is the main source of violence against an individual. The image of family becomes discredited and undermined.

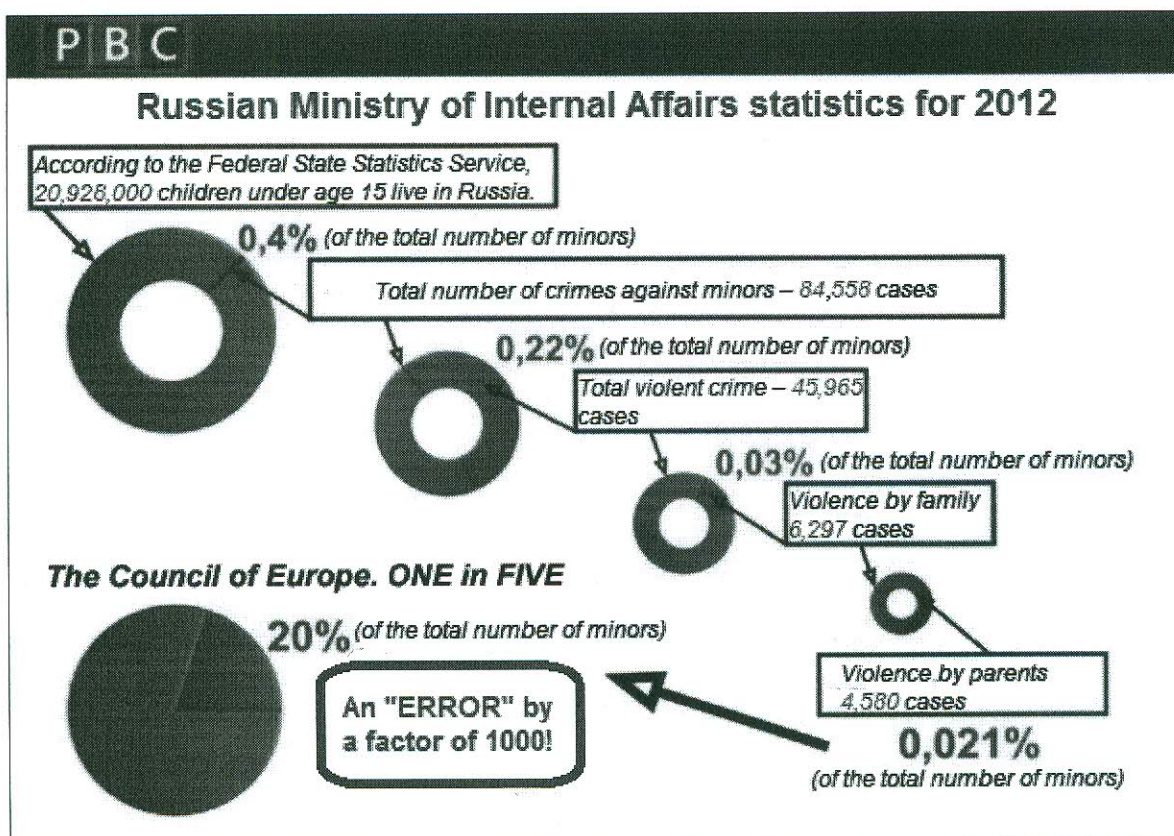
Aggressively pushing the topic of family violence has become the pretext for unjustified intrusion into the affairs of the family and violation of children's and parents' rights, with the establishment of a tight and total control over them. For the most part, this is being put into action in several ways.

1) The data on violence in families is being exaggerated manyfold, which creates a distorted picture that nudges the authorities of one country or another to modify legislation in the direction of tightening control over families. Statistical data on violence against women and children, both in Russia and in other countries, are often contradictory and contain gross distortions.

For example, children's rights activists in Russia can often be heard saying that "one in five children are victims of sexual abuse." It is amazing, but absolutely identical figures are being observed in the United States, Israel, Kazakhstan, etc.; in countries located on different ends of the Earth, which have different cultural and family traditions. However, people who claim that 20% of children in Russia are also victims of sexual abuse provide no in-depth research of their own done specifically in Russia.

The source of data for Russian, Kazakhstani, French, and other children's rights activists is one and the same: they simply reproduce the figures once articulated before the Parliamentary Assembly of the Council of Europe, and they implement the "ONE in FIVE" informational campaign to stop sexual violence against children, which was recommended by the Council of Europe. Not only did this informational campaign have a large influence on public opinion, but it resulted in major changes to family policy in many countries. The essence of the informational campaign was to convince the world that one in five children are victims of sexual violence.

However, Russian civil society decided not to trust informational propaganda campaigns, but to verify to what extent this picture of violence against children reflects the real situation in Russia.



When we researched the national statistics data, we discovered that the figures "recommended" by the Council of Europe (absolutely staggering, by the way) are one thousand times higher than the real statistical data on violence in Russia.

For example, a total of 84,558 crimes were committed against minors in Russia in 2012. In other words, this includes not only sexual crimes, but **all** of the crimes committed against minors: children robbed of their cellphones on the streets, a beating inflicted by a bully in high school, unpaid child support money; all of these are crimes against minors. This is only 0.4% of the total



number of minors in Russia. Please make note! Not 20%, but 0.4%. Moreover, only 45,965 of these crimes were committed with the use of violence. This is 0.22% of all minors. In 13.7% of these cases, the violence came from family members (any relative), which means that 0.03% of the total number of minors were hurt in their families.

And so, 0.03% of Russian children were exposed to violence in their families. Please note that these figures represent violence in general, not just sexual violence. 99.07% of violence against children takes place outside of the family. Then where does this multitude of powerful informational campaigns claiming a supposedly high rate of violence against women and children in families come from and for what purpose?

Someone might say that statistics do not take so-called latent violence into account, but then this begs the question: where does the number of one in five come from, if latent violence cannot be calculated? Then it is all the more dangerous to change the the entire legislation and family policy based on certain mythical figures, which cannot be verified. It is reasonable, in our opinion, to proceed from the fact that a propensity towards sexual violence against children is a severe pathology, which, like any severe pathology, is quite rare. Instead of this, we see a broad informational campaign dedicated to sexual violence and a complete change of family policy in the direction of a presumption of guilt for the family, and treating every family as potentially having a severe pathology.

2) No less antidemocratic is the process of the unjustified extension of the term “violence”. New terms for different kinds of violence are being introduced into the legal field: “economic violence”, “psychological violence”, “harsh treatment”, etc. This way, any action by the parents that leads to the child’s displeasure can be categorized as “psychological violence”, according to the current interpretation of this term. For example, it can be a demanding that the child do his or her homework, or depriving the child of sweets prior to dinner. Children's rights activists equate parents spanking their child to sexual violence or to battery with bodily injuries, and it can become a pretext for seizing the child from his or her family forever.

The extended interpretation of the terms “harsh treatment” and “psychological violence” means, in essence, a ban on parenting. The state now dictates to parents how they must bring up their children, and any dissent is being brutally persecuted. For example, according to data from French social services tens of thousands children are taken away from their parents in France every year. Furthermore, as the investigation by the head of the General Inspection for Social Services (IGAS) showed, it was not necessary to take away those children in half of the cases. The separation of a child from his or her parents deals severe psychological trauma not only to the parents, but also the children, and here we are practically dealing with mass repressions against families, though we will not hear about these forms of violence committed by state officials against children and their parents neither from the media, nor through international human rights forums.

Please note that such an extension of the term “violence” cannot be recognized as legitimate from a legal standpoint, since it is often based on subjective judgment, and it does not contain in itself the possibility of objectively proving that violence took place.

We also see that, along with the manipulation of statistics, the extended interpretation of the term “violence” is a powerful tool to influence public opinion.

Even one child suffering from violence is horrible. Both the Russian community and the international community must fight to reduce the rate of violence against children. But we cannot ignore the horrible exaggeration of the threat of violence against children posed by their families. We have uncovered the same sort of crude exaggerations in relation to violence against women.

In 2016 Russia came under the spotlight of international human rights activists due to introducing a law on decriminalizing battery. Russian authorities were accused of misunderstanding “the very serious and specific nature of violence against women.” The urge to separate women into a special category, assigning them the label of eternal victims raises many questions. Is such a view of women not discriminatory? Let alone that, for example, according to Russian statistics, men die from violent crime twice as often as women.

Russian civil society actively fights for the true, not imaginary, equality of citizens before the law. For example, in 2016 it was the parents of Russia who managed to stop the implementation of discriminatory norms in relation to close relatives and to protect the rights of the family by securing amendments to the law on decriminalization of battery. In its original form the law contained norms, according to which close relatives (spouses or parents) were separated into a special category of “close persons”, to whom the punishment under Article 116 of the Criminal Code of Russian Federation (physical violence without infliction of injury) was made more severe. A person who was a relative to the victim could have been punished by up to two years in prison, while other categories of citizens could only be fined for such an offense.

Outraged by such discrimination, parental NGOs, in particular the All-Russian Parents' Resistance (RVS), took to the streets in protest. Activists gathered over 200 thousand signatures of people demanding to cancel the norm, according to which domestic violence is for some reason put into a separate category and kinship becomes an aggravating factor. The voice of the society was heard and the discrimination of spouses and parents was annulled.



It is surprising, but for some reason doing away with discrimination against family members caused an uproar by the international community and media, who claimed that Russia had supposedly legalized domestic violence. Russian authorities were required to “*reverse this law and to respect the international human rights standards.*” The informational campaign that was launched in the media was astonishing with its emotional intensity and bias. Stories on legalization of family violence were accompanied by pictures of severely beaten women. This way the public was being led to believe that beating and torture are now legal in Russia. However, in reality this is entirely not the case. Women and children in Russia are protected from brutal and systematic physical abuse by other articles of the Criminal Code. For example, by Article 115 of the Criminal Code: intentional infliction of light injury leading to mild damage of health. There is also infliction of injuries of moderate severity, and Article 111 – infliction of grave injury.

Again, the goal of amending the law on the decriminalization of battery was only to reject its discriminatory part and to revert to the principle of equality of all citizens before the law. However, international media and individual representatives of the European community continue to accuse Russia of supposedly doing a poor job combating family violence, and that it is necessary to combat it more intensively and more harshly. Might this be because the propaganda campaigns on family violence have already stigmatized the family so much and created such an unflattering image for it, that discrimination against the family has become not only something ordinary, but also desirable?

We consider such a tendency to be extremely dangerous. In our opinion, the international community needs to restore the real picture of violence in society; we recommend that all European states attentively and critically examine the facts of such crude distortion of statistics, to not accept unverified figures at face value, and to conduct their own statistical research, which would not be subject to influence by propaganda myths.

The real statistical data and common sense suggest obvious conclusions: the overwhelming number of crimes against children and women are not committed in the family. On the contrary, the family is the safest place for them. It is the guarantee of an individual’s successful and well-rounded development.

**RECOMMENDATIONS:** In our opinion, the protection of family, parental rights, and prevention of discrimination against close relatives must become high priority goals in the protection of human rights. We also recommend the European community to carefully analyze key legal papers and conventions, regulating the subject of family violence and examine their compliance with the key principles of law and democracy and to withdraw from these papers the items that violate these principles.