

**COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST
WOMEN (CEDAW)
62nd session**

**Communication within CEDAW on violations committed by the Russian Federation
on the parts of Donetsk and Luhansk regions of Ukraine, controlled by the anti-government armed
groups which are under the effective control of the Russian Federation**

Submitting NGOs:

*Center for Civil Liberties
Luhansk Human Rights Defender Group
Human Rights Information Center*

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Introduction

The violence against women, which disables the enjoyment of human rights and fundamental freedoms in accordance with international law, constitutes discrimination within the meaning of Article 1 of the Convention on the Elimination of All Forms of Discrimination against Women (hereafter – “the Convention”). The violations of the international humanitarian law during the international and non-international armed conflicts in relation to women only reinforce the direct, intentional, multiple discrimination and constitute a direct violation of Article 1 of the Convention and General Recommendations #30 and #19 of the Committee on the Elimination of Discrimination against Women. In areas controlled by armed groups, known as the “Donetsk People’s Republic” (“DPR”) and “Luhansk People’s Republic” (“LPR”) there is a widespread practice of torture and other forms of ill-treatment of the illegally held civilian women. These actions are carefully organized, interconnected and occur in unofficial places of the deprivation of liberty. They occur in the context of a widespread and systematic attack on civilians, indicating the existence of the policy, an integral part of which is the ill-treatment of detainees, including torture as the most severe form of ill-treatment.

In the areas controlled by the “DPR” and “LPR” the right to life cannot be guaranteed as well as the right not to be subjected to torture and cruel, inhuman and degrading treatment that is not only a violation of the international humanitarian law and the International Covenant on Civil and Political Rights (many of which also entail the responsibility of the guilty individuals according to the international criminal law), but also a violation of the underlying and fundamental principles of the Convention.

The presented below (par. 1 - 16) testimony is a direct evidence of ill-treatment of civilian women in the territory which is temporarily outside the control of the Ukrainian government. Given the implementation by the Russian Federation of effective control over the armed groups “DPR” and “LPR” in the sense of judgments of the International Court of Justice in cases of Nicaragua v. United States (1986) and Bosnia and Herzegovina v. Serbia and Montenegro (2007), the liability for the breach of obligations under the Convention by the “DPR” and “LPR” is borne by the Russian Federation.

The coalition of NGOs “Justice for Peace in Donbas” was created to document human rights violations during the armed conflict in Donbas. Civic activists of these NGOs directly communicate with victims and

witnesses of violations, questioning them and documenting their statements. Later on, the unified database of human rights violations builds on such cases.

Whereas Ukrainian human rights defendants have no access to other sources of information about events in the so-called “DPR” and “LPR” this statement is first and foremost based on the reports of victims of violations documented by the Coalition.

This statement also builds on the information from open Internet sources upon the validity check.

Victims of violations let NGOs use the information about their cases in this statement, however requesting not to make their real names public. If the Committee requests so, the confidential information about the persons referred to in the statement can be furnished to the Committee members confidentially to prove that such victims are real.

Violence against women

1. Ms. A., a student and volunteer, was detained in June 2015 by “DPR” armed group upon speculative suspicion in espionage in favour of the Armed Forces of Ukraine. She has some physical disability and was pregnant at the day of detention (week 20-22) – it was both obvious and reported by her. Notwithstanding, she had to stay in custody for 41 days where she was suffering torture, abuse, humiliation and inhumane conditions. During the first two days, she has been detained in a ward with two men. Her guards were instructed not to give her food, water and not to force her to work. Her opportunity to use toilet was limited (in fact, she was deprived of it). In five days, she was transferred to a ward reconstructed from a bathroom (about 1 m to 1.80 m) – without windows, air ventilation. The size of the ward did not let her to lie down. She has been detained for one week without water. They took her outdoor to beat her by metal and wooden stick, then waffled and beat again – up to five times a night. During the next 10 days she was staying in other room without windows and being strictly prohibited to use toilet. If she eased herself in a ward, she was beaten and brought to a ward to Chechen men. A woman claims that she was given spoiled food once a day, and sometimes every second day. For two weeks, she actually did not receive food, and the bread given to her was so stale that two her teeth were broken. The perpetrators felt pleasure and enjoyment while torturing her, and they never tried to hide it. She was forced to give numerous fake interviews to Russian journalists to get released. According to a woman, the journalists pretended not to notice armed men around her during the interview and tried to shot her in a way that her pregnancy was not recorded. She was allowed to make basic hygiene procedures only once during her detention, before meeting a journalist. Likewise, the health care was out of question.
2. Torture and ill-treatment are applied to women irrespective of their condition. Another victim, Ms. V. who was pregnant during illegal apprehension and forceful detention reports that she lost her child due to torture and beating. “I asked them not to beat me, pointing out that I was pregnant”. “It is very good that ‘Ukrop’ child would die”, they replied. They beat me by everything possible – clubs, feet, life jackets they seized from us. They beat all parts of my body, extinguished cigarette butts against me“. A woman was at 12th week of pregnancy. As a result of beating, she started bleeding, she fainted, and eventually she lost her child.
3. Women get captured also when they are unwanted witness or for blackmail purposes. Ms. K. who was captured in Luhansk upon suspicion in espionage did not suffer from torture, but she witnessed numerous humiliations against other captives, which caused severe mental trauma. Having survived four interrogations (one of her interrogators was Mr. O.P., another one was a person with nickname “Voron” from Moscow, others were her guards) and several weeks in captivity, Ms. K. assures that she and other captives have being detained in totally inappropriate conditions being leashed by chains. A chain was long enough for captives to make forced job (cleaning, washing, etc.). Beating by a stick

twice a day was “obligatory routine”. The woman also confirms sexual harassment on the side of guards and forcing her to humiliating actions, such as changing clothes or hygiene procedures with the guards looking at her.

4. Using force, humiliations, torture against women, using women to put additional pressure on the detained men and blackmailing with humiliations against women in order to put pressure on their husbands became widespread practices on the territories of the so-called “Donetsk People’s Republic” and “Luhansk People’s Republic”: “During the first interrogation, they were intimidating me, telling how they would decorticate young women that I saw in a basement (they showed me these women by intention)”, as M., a detainee, reports. “I was told that they would commit mass rape of O. (a female civil person captured together with him – note by author of the statement)...”
5. The cases of interrogation of women with their underage children were documented. It was the case of Ms. V., who was being interrogated with her 6 y.o. child and captured for one day. She was taken directly from her home without any explanations (Alchevsk town, Luhansk region). Insults, intimidations and threats are the “minimum set” of tools used during such interrogations.
6. At the check-points of the terrorists, rapes and murders take place regularly. According to a member of terrorist organization detained in Artemivsk, “Young women were raped at the checkpoints and killed. They were brought from a city by a man, R.Sh. They were raped by everyone, they offered me to join, but I refused. The raped young women were shot down, and their bodies were taken away by a truck, they weren’t buried on-site”.
7. Statements of another captive – Ms. O, a wife of serviceman A.S. who was engaged into military defense of Donetsk airport (the so-called “cyborg”) – prove that the fighters demonstrate extreme cruelty towards the female captives. Not having any information about her husband, Oksana went to search for him. Having learnt that he had been captured, she decided to free him by herself. “At the check-point, the separatists started to check every our item, and they found photos from Maidan in my cell phone. I was honest that I went to a captured husband. “Who is your husband”, they asked, “a cyborg?” And then it started... The fighters tightened our arms by scotch tape and brought us to interrogation. As you can understand, they handled us without gloves there. You are a woman or man, for separatists it doesn’t matter. As they say, there are no women at war. Thus, I was beaten to the same extent as men”.
8. There are tens and hundreds reports about such crimes. It is the most awful that even underage girls were raped by these criminals.
9. Using civil population as shields during shelling is a form of violence (and a war crime). In one of such cases, these were elderly women, mothers of newborns and health professionals in a maternity clinic. “I saw it firsthand: the “fighters” deployed their weapons close to residential buildings, in the yards. People were used as a shield. “Grad” rockets were deployed throughout all the Shcherbakova Street. A howitzer weapon was deployed by a maternity clinic. A friend of mine works in a maternity clinic, she said: three women gave pre-mature delivery because of explosions...”, as a female resident tells.

Discriminatory cultural practices

10. The efforts to imbed the principles of the “Russian world” in Donbas go along with numerous human rights violations. Such violations with regard to women are justified by the intention to promote “ethical principles”, “traditional values” and “order” that are “based” on extreme Orthodoxy. However, the armed groups of “DPR” and “LPR” virtually introduce and entrench the humiliating social and cultural behaviour patterns for women, making them subordinate towards men and letting men to

demonstrate their power, domination and supremacy. These principles are embedded only by the use of terror against civil population and violent implementation of the “Russian world” vision.

11. A statement by Mr. O.M., chief of illegal armed group “Prizrak” (“Ghost”), when carrying out a “people’s court trial” of a rapist, is a perfect illustration of violent enforcement of the role of women. He issued an order instructing to apprehend all women and girls whom his minions will see in coffee shops, restaurants, clubs and “taverns”. He justified his order as follows: “A woman should manage house chores and be a mother [...] If you want to be honest and faithful wife, you’d better sit home and do hemstitch”. When his colleague said “They all should be raped”, Mr. O.M. did not object while replying that “It is partially right”. Later on, a video of exemplary punishment of a young woman was uploaded on the Internet. According to the information to be checked, it was a violation of the order above that resulted in a punishment by birching. The video shows how a young woman with her arms and feet tightened to a bed, her mouth closed and her buttocks naked is birched by a man in camouflage with covered face. No information is available about the future of this woman.
12. Being inspired by xenophobia, fighters in Donbas demonstrate extreme cruelty towards the captives caught with Ukrainian flags or other national Ukrainian symbols. Be it women, it does not matter for them. Iryna (video of humiliations against her was shared all over the world) was one of such victims of public torture and abuse. Both the men and women who were lucky to get released from the captivity, along with civic activists and human rights defenders confirm that the captive women are tortured to the same extent as men.
13. Considering these actions as the elements of hybrid war of the Russian Federation on the territory of Ukraine, we deem the Government of Russia responsible for violation of Articles 3 and 5 of the Convention and non-compliance with special international resolutions (such as Resolution 1325, General Recommendations 30, 19, etc.) on the protection of women during the armed conflicts. Promoting discriminatory behaviour patterns, ideas of inferiority and dependence of women is a proof of the failure of the Russian Federation to comply with its obligations under the Convention, whereas these obligations should be implemented and applied both with regard to the citizens and non-citizens within the area of *de facto* control of a particular state, even if such area is beyond the state borders of this state (which fully corresponds to the presence of the Russian Federation on Ukrainian territory of Donbas).