

## Summary of Points

### EIN online briefing to the Committee of Ministers on 23<sup>rd</sup> November 2020

The following recommendations were presented at the briefing by:

- 1) Vanessa Kogan, Stichting Justice Initiative (SJI), on the [Volodina v Russian Federation](#) case
- 2) Gennadiy Tokarev, Kharkiv Human Rights Protection Group (KHPG), and Hugues de Suremain, European Prison Litigation Network (EPLN), on the [Nevmerzhitsky v Ukraine case](#)

For further details, you can watch the following videos:

#### **On the Volodina case:**

- The Volodina case, by Vanessa Kogan, SJI: <https://youtu.be/Miwx9MQ1LAK>
- And also:
  - o Video by Human Rights Watch about domestic violence in Russia: [https://youtu.be/y\\_TihBQoteE](https://youtu.be/y_TihBQoteE)
  - o The interview with Ms Tunikova (with subtitles): <https://youtu.be/LaWGKD9Bafs>

#### **On the Nevmerzhitsky case:**

- Video by Hugues de Suremain, EPLN, and Gennadiy Tokarev, KHPG, on the Nevmerzhitsky case: [https://youtu.be/Z\\_iqArizKkc](https://youtu.be/Z_iqArizKkc)

<b>Volodina v Russia</b>
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Stichting Justice Initiative submits the following recommendations to the Committee of Ministers:

#### **Procedural recommendations**

- The *Volodina* group should be examined under the enhanced procedure, at least every six months

#### **Substantial recommendations**

With regard to the individual measures:

- There is a need to focus on effective *ex officio* criminal investigations

With regard to general measures, Stichting Justice Initiative invites the Committee of Ministers to call upon the Russian authorities to eliminate the current specific shortcomings in its legal framework:

- There is no **definition of “domestic violence”** nor any legal consensus as to the scope of the acts that can fall under it;
- Several forms of domestic violence such as **stalking/persecution, economic and psychological violence are not punishable under any legislative provisions**;
- There is no specific criminal provision aiming to protect victims of domestic violence and prosecute offenders that adequately takes into account the **specific features and dynamics of domestic violence**;
- Existing criminal law provisions provide for public prosecution for violence in the public sphere, while relegating violence in the family sphere (minor harm to health, repeat battery and the first instance of battery) **to a lesser category of private prosecution, which imposes an excessive burden on victims and often leads to repetitive psychological traumatization of the victim**;

- Russian law establishes a **minimum threshold of gravity of physical injuries required for launching a public prosecution**;
- Victims cannot be provided with **protective or restraining orders owing to the absence** of such measures under Russian legislation.

### **Nevmerzhitsky v Ukraine**

EPLN and KHPG call on the Committee of Ministers to request the Government of Ukraine to:

- urgently fill the vacancies for health care workers and the need for equipment and medicines;
- clarify as soon as possible the chain of responsibility within the medical units and designate those responsible for the quality of care;
- initiate, possibly in the form of a consensus conference, a transparent process for the transfer of prison medicine to the Ministry of Health, comprising a national debate including civil society and international organizations.

In addition, EPLN and KHPG also call on the Committee of Ministers, to:

- separate the examination of groups of cases concerning health care in prison from those concerning material conditions of detention, as the necessary reforms involve distinct responses, actors and timeframes;
- act with the Directorate General for Human Rights to ensure that prison health issues are given greater priority in cooperation programmes and find synergies with relevant EU instruments.