



EASO Country of Origin Information Report

Chechnya

Women, Marriage, Divorce and Child Custody

September 2014

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Disclaimer

This report was written according to the EASO COI Report Methodology (2012)⁽¹⁾. The report is based on carefully selected sources of information. All sources used are referenced. To the extent possible and unless otherwise stated, all information presented, except for undisputed or obvious facts, has been cross-checked.

While the information contained in this report has been researched, evaluated and analysed with utmost care, this document does not claim to be exhaustive. If a particular event, person or organisation is not mentioned in the report, this does not mean that the event has not taken place or that the person or organisation does not exist.

Furthermore, this report is not conclusive as to the determination or merit of any particular claim to refugee status or asylum. Terminology used should not be regarded as indicative of a particular legal position.

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The target audience are caseworkers, COI researchers, policymakers, and decision making authorities.

This research for this report was finalised in August 2014. Any event taking place after this date is not included in this report.

⁽¹⁾ The EASO methodology is largely based on the Common EU Guidelines for processing Country of Origin Information (COI), 2008.

Executive Summary

In recent years, president Ramzan Kadyrov has run a so-called virtue campaign in Chechnya. He has made several statements and introduced informal decrees. A so-called 'proper' dress code for women has been one of the pillars of Kadyrov's campaign to strengthen female virtue in Chechnya. This has contributed to a setback for women's independence and their position in society, not least because of the attitudes Kadyrov conveys as a standard to other men. The influence of Adat and also partly the Islamisation of Chechnya during the regime of president Ramzan Kadyrov seems to have worsened the situation for Chechen women.

Violence against women is widespread in Chechnya. Domestic violence is a problem. Honour killings still take place and there are reasons to believe that the number of honour killings have increased during the last years. Bride-kidnapping is an old tradition that still occurs. In general very few women seek protection from the authorities after being victims of violence. In the rare cases where women do seek assistance, they do not receive the protection they need.

Most marriages are performed by an Imam. Such marriages are not legal under Russian law. However, many register their marriage later for practical reasons. Typically, families agree that a marriage will take place and the young bride and groom are involved to a greater or lesser degree in the decision. The degree of coercion varies. Divorce is not very common in Chechnya. Women in general fear divorce because they know that children traditionally stay with the father and his family after a divorce. Some women bring cases of access rights to court to be able to spend time with their children. Even though some women do win their cases, the decisions are often subsequently ignored.

Introduction

This report gives an account of the situation of women in Chechnya and of how their situation has changed since Ramzan Kadyrov became president in 2007. According to the sources consulted, the situation of women in Chechnya has taken a negative turn. This report endeavours to describe the situation of women and the effects of the changes that have occurred.

The report starts with a brief account of the legal instruments used in Chechnya and the likelihood for women there to be granted protection by the authorities in connection with abuse and whether cases relating to women can be successfully prosecuted within the judiciary.

Next, the report looks at rules for entering into marriage in Chechnya, and looks into differences between registered and unregistered marriages. It briefly deals with forced marriage and polygamy.

The discussion then turns to how the strengthening of Chechen values under Kadyrov's rule, through Adat⁽²⁾ and partly through Islam, has affected women's situation.

Finally, the report investigates rules for divorce and child custody. Child custody is a complex theme in Chechen society. Many women are reluctant to initiate divorce because they know they are in a weak position with regard to access rights within divorce judgements. It is difficult for a Chechen woman who initiates a divorce to be granted access rights.

Much of the information presented here has been obtained on fact-finding missions performed by Landinfo to the North Caucasus and to Moscow, most recently in October 2013. Information provided by some sources dates as far back as 2009 and 2010. The information is included, however, because it remains as relevant today as it was at the time it was first conveyed. The information concerns "static" themes, norms or trends which remain relatively constant over time. Also, and partly because of this constancy, no new or additional sources have been found to provide further insight into these particular themes.

For some topics, such as child custody, some information may stem from a single source only. Corroboration with other sources has been made difficult by the general lack of publicly-available sources, or sources who are willing to communicate on a specific issue. The choice to include information from single (uncorroborated) sources, is based on a thorough evaluation of the reliability of the source in question and of the relevance of the information that has been conveyed.

Although the report is about the situation in Chechnya, many of the circumstances described also apply to Ingushetia.

⁽²⁾ Adat is a type of common law, detailed rules for social habits and customs. Adat arose in Chechnya in the absence of a central government authority in the form of functioning legal system. For various reasons, religion did not gain a firm foothold in Chechnya, and Adat has therefore been used as a framework for relations within the society: Souleimanov, E., Chechen Society and Mentality, *Prague Watchdog*, 25 May 2003 (<http://www.watchdog.cz/index.php?show=000000-000015-000006-000006&lang=1&bold=chechen%20society%20and%20mentality>), accessed 24 June 2013.

1. The relationship between Russian law, Adat and Sharia law

Russian federal law applies to the whole Russian Federation, including Chechnya. In addition to Russian federal law, both Adat and Sharia play important roles in Chechnya. President Ramzan Kadyrov emphasises the importance of observing Russian law, while also referring to the importance of Islam and Chechen tradition ⁽³⁾.

Adat is a type of customary law codifying social norms and rules. Adat plays a key role in the Chechen way of life. In general, Adat is common to all Chechen people, regardless of clan affiliation. Adat exists for almost all social situations in Chechnya and regulates relationships between people. Through the centuries, these everyday rules have been passed on from generation to generation ⁽⁴⁾. Adat arose in Chechnya in the absence of a central government authority or functioning legislation. Religion did not gain a firm foothold in Chechnya, for various reasons. Adat has therefore been used as a framework for relations within society ⁽⁵⁾.

However, Sharia law has also been important in Chechen society. The majority of Chechen people are Sunni Muslim and belong to the Sufi branch of Sunni Islam. Among other things, Sufism contains elements of mysticism. A very small minority of the Chechen people are Salafis ⁽⁶⁾.

Formally speaking, Russian federal laws take precedence over Adat and Sharia, but both Adat and Sharia are in fact just as important as Russian legislation in Chechnya. Iwona Kaliszewska, an Assistant Professor at the Institute for ethnology and anthropology at the University of Warsaw ⁽⁷⁾, points out that the Chechen republic is in reality outside the jurisdiction of the Russian legal system, although in theory it falls under it. This suggests that both Sharia and Adat are used and that there are different views on which of them has a greater influence on society ⁽⁸⁾.

Kaliszewska also emphasises the influence of many years of Soviet rule on society, and refers to the fact that this influence remains an important aspect of the relationship between women and men, even 20 years after the collapse of the Soviet Union ⁽⁹⁾. However, according to two sources, the development of the legal system and the rule of law has been reversed since the end of the Soviet Union. Under Soviet rule, Chechen women were protected by Russian legislation. People were punished for practices like polygamy, bride kidnapping and honour killings. But the influence of Soviet rule came later to North-Caucasus than to other parts of Russia and women experienced these rights for only a short period before the collapse of the Soviet Union ⁽¹⁰⁾. After the break up of the Soviet Union the protection of Russian law has gradually disintegrated with the increasing influence of Adat and Sharia ⁽¹¹⁾.

An NGO in Moscow engaged in health and family-related work in Chechnya stated that Chechen society has become much more traditional under Kadyrov. The organisation expressed the opinion that Chechnya is seeking its own identity ⁽¹²⁾.

⁽³⁾ Kaliszewska, I., *Everyday Life in North Caucasus*, COI Unit of the Polish office for foreigners, December 2010, (http://www.udsc.gov.pl/files/WIKP/info_pdf/Binder1_Kaukaz_ang.pdf) accessed 11 February 2014.

⁽⁴⁾ Landinfo, *Tsjetsjenia – ekteskap og kvinnens stilling (Chechnya – marriage and the status of women)*, 1 October 2008, restricted access.

⁽⁵⁾ Souleimanov, E., *Chechen Society and Mentality, Prague Watchdog*, 25 May 2003 (<http://www.watchdog.cz/index.php?show=000000-000015-000006-000006&lang=1&bold=chechen%20society%20and%20mentality>), accessed 24 June 2013.

⁽⁶⁾ The Salafis in Sunni Islam seek a form of Islam as practiced in Muhammad's time, uninfluenced by external factors. The Salafis believe that the Sufi school of Sunni Islam has contaminated Islam by bringing in mystical customs. Publicly, Chechen rebels profess their adherence to the Salafi branch: Akaev, V., 'The Conflict between Traditional Islam and Wahabism in the North Caucasus: Origins, Dynamics and the Means for its Resolution', in: Wilhelmsen, J. & Fatland, E. (Red.), *Chechen Scholars on Chechnya*, 13 December 2010 (<http://www.nupi.no/Publikasjoner/Boeker-Rapporter/2010/Chechen-Scholars-on-Chechnya>), accessed 11 February 2014.

⁽⁷⁾ Iwona Kaliszewska has conducted fieldwork in Dagestan and Chechnya in recent years.

⁽⁸⁾ Kaliszewska, I., *Everyday Life in North Caucasus*, COI Unit of the Polish office for foreigners, December 2010, (http://www.udsc.gov.pl/files/WIKP/info_pdf/Binder1_Kaukaz_ang.pdf) accessed 11 February 2014, p. 77.

⁽⁹⁾ Kaliszewska, I., *Everyday Life in North Caucasus*, COI Unit of the Polish office for foreigners, December 2010, (http://www.udsc.gov.pl/files/WIKP/info_pdf/Binder1_Kaukaz_ang.pdf) accessed 11 February 2014, p. 90.

⁽¹⁰⁾ Markosian, D., Chechen women in mortal fear as president backs Islamic honor killings. *The Washington Times*, 29. April 2012 (<http://www.washingtontimes.com/news/2012/apr/29/chechen-women-in-mortal-fear-as-president-backs-ho/?page=all#!>) accessed 17 September 2014.

⁽¹¹⁾ International humanitarian organisation in Grozny, meeting November 2011; NGO in Grozny, meeting, June 2009.

⁽¹²⁾ NGO in Moscow (a), meeting, 30 October 2012.

Svetlana Gannushkina of the Civic Assistance Committee stated that Chechnya, according to the authorities, is reverting to its traditions. However, Gannushkina was of the opinion that the treatment of women as it exists in Chechnya today has never been a tradition⁽¹³⁾. According to a Chechen lawyer, women are highly valued both under Islamic law and Adat. However, the reality in Chechnya today is that violence against women is widespread and that the situation for women is very difficult⁽¹⁴⁾.

Two sources stated that ‘medieval conditions’ have come to prevail in Chechnya and it is both unnatural and strange for young Chechen women to adapt to the Islamisation that has taken place. The sources referred to the fact that Chechen women used to have much in common with European women. The sources were of the opinion that the advance of religion has been a setback for women and put them in an inferior position to men, and that this development has taken place in recent years⁽¹⁵⁾.

It seems somewhat unclear whether it is Islam or only local traditions that have been strengthened under president Ramzan Kadyrov’s rule. Much suggests that it could be both, and different sources give different weight to the importance of Sharia compared with local traditions. The Finnish-Swedish author and journalist Anna-Lena Laurén⁽¹⁶⁾ writes that the authorities are using Islam to suppress women. However, she does not see any in-depth Islamisation of Chechnya. On the contrary, she believes that the changes to the situation of women are Ramzan Kadyrov’s way of building a national identity⁽¹⁷⁾.

The difference between Adat and Sharia is described as follows:

Chechen society is patriarchal and traditional; the norms of the common law (Adat) coexist with the adopted Islamic norms of the Shariah. Together they form the backbone of society⁽¹⁸⁾.

According to an NGO in Grozny, it is not clear what is more important to Chechen society – Sharia or Adat. However, the organisation stated that Russian law is the only thing that can protect women⁽¹⁹⁾. A well-informed source in the North Caucasus believes that Sharia has become more and more influential in Chechnya and that Adat has been forced to yield to Sharia, but that particularly wedding traditions are dominated by Adat⁽²⁰⁾. According to Mairbek Vachagaev, an analyst who writes for Jamestown Foundation, Kadyrov publicly emphasises the importance of both Sharia and Adat, but in recent times has referred more to Sharia⁽²¹⁾. Elena Milashina, a Russian journalist for Novaya Gazeta who covers Chechnya in her work, stated in a meeting with Landinfo that the development of the situation of women in Chechnya is primarily a result of a greater focus on Chechen traditions⁽²²⁾.

⁽¹³⁾ Civic Assistance Committee, Svetlana Gannushkina, meeting in Moscow, 31 October 2012.

⁽¹⁴⁾ Chechen lawyer (a), meeting in Moscow, 29 October 2013.

⁽¹⁵⁾ International humanitarian organisation in Vladikavkaz, meeting June 2009; International organisation in North Caucasus, meeting in North Caucasus, June 2009.

⁽¹⁶⁾ Anna-Lena Laurén is a correspondent for the Finnish newspaper Hovudstadsbladet in Moscow and author of the book “I Bergen finns inga herrar” (*There are no masters in the mountains. On Caucasus and its people*).

⁽¹⁷⁾ Laurén, A-L., *I bergen finns inga herrar. Om Kaukasien och dess folk (There are no masters in the mountains. On Caucasus and its people)*, Söderströms, Helsinki, 2009, p. 44.

⁽¹⁸⁾ Khalmukhamedov, A., ‘How to return to normality in Chechnya’, Jonson, L. & Esenov, M. (Red.), Chechnya: The International Community and Strategies for Peace and Stability. CA&CC Press, Stockholm, 2000, (<http://www.ca-c.org/dataeng/bk02.03.khalm.shtml>) accessed 11 February 2014.

⁽¹⁹⁾ NGO in Grozny, meeting, June 2009.

⁽²⁰⁾ Well-informed source, e-mail correspondence, 7 June 2010.

⁽²¹⁾ Vachagaev, M., meeting in Oslo, 8 March 2013.

⁽²²⁾ Milashina, E., meeting in Moscow, 30 October 2012.

2. Islamisation and the strengthening of traditional values

2.1. President Kadyrov's virtue campaign

Since 2006, Ramzan Kadyrov, who was Prime Minister before becoming President, has run a so-called virtue campaign in Chechnya. Kadyrov's first initiative in the virtue campaign, which took place when he was Prime Minister, was to make a public statement saying that mobile phones had a negative impact on female morals. Mobile phones could be used for flirting and arranging secret dates ⁽²³⁾. Another aspect of Kadyrov's campaign ⁽²⁴⁾ has been to advocate that women cover themselves up. On several occasions, Kadyrov has made public statements advocating virtuous conduct and attire for women and urging them to assume their traditional role. According to several sources that Landinfo has been in contact with during fact-finding missions in recent years (which includes international organisations and local NGOs ⁽²⁵⁾), Kadyrov's statements have contributed to a setback for women's independence and their position in society, in part because of the attitudes that Kadyrov conveys as a standard to other men.

2.2. Education and jobs

There is a wide gap in the level of education between the older and younger generations in the North Caucasus region. People aged 50–60 grew up in the Soviet era; they are generally well-educated and many have travelled extensively in connection with their profession and jobs. In Soviet times, the majority of women had paid work. Today however, young people between the ages of 18 and 25 rarely leave their villages, in particular women. Many have not completed upper secondary school and many are without jobs. According to Kaliszewska, only rarely do girls from rural areas and small towns study at university ⁽²⁶⁾.

A representative of an international organisation in the North Caucasus region used an example to illustrate how women in Chechnya are discouraged from having an education. Scholarships were to be awarded to 60 students from the University of Grozny, including a period of study in England and France. Of the 60 students, only two were women. According to the source, this example shows how men and women are treated differently ⁽²⁷⁾. According to Kaliszewska, a high value is ascribed to a woman who is dedicated to work within the home ⁽²⁸⁾.

According to an NGO in Grozny, there is a general lack of job opportunities throughout the North Caucasus region. Educated women have difficulties finding jobs that correspond to their education. A very small minority of women hold high positions and in order to attain these positions, women need to be especially resourceful ⁽²⁹⁾. According to tradition, men are the bread-winners ⁽³⁰⁾. In reality, however, women are often the bread-winners, often through work in the unofficial employment sector ⁽³¹⁾.

⁽²³⁾ HRW (Human Rights Watch), *Virtue Campaign on Women in Chechnya under Ramzan Kadyrov*, pp. 9-15, 29 October 2009, (<http://www.hrw.org/news/2012/10/29/virtue-campaign-women-chechnya-under-ramzan-kadyrov>) accessed 11 February 2014.

⁽²⁴⁾ HRW, "You Dress According to Their Rules" *Enforcement of an Islamic Dress Code for Women in Chechnya*, 10 March 2011, (<http://www.hrw.org/reports/2011/03/10/you-dress-according-their-rules-0>) accessed 4 September 2014.

⁽²⁵⁾ FFMs conducted in June 2009 to Chechnya and Moscow, February 2010 to Moscow, November 2011 to Chechnya and Moscow, October 2012 to Moscow and October 2013 to Moscow.

⁽²⁶⁾ Kaliszewska, I., *Everyday Life in North Caucasus*, COI Unit of the Polish office for foreigners, p. 94, December 2010, (http://www.udsc.gov.pl/files/WIKP/info_pdf/Binder1_Kaukaz_ang.pdf) accessed 11 February 2014.

⁽²⁷⁾ International organisation in North Caucasus, meeting in North Caucasus, June 2009.

⁽²⁸⁾ Kaliszewska, I., *Everyday Life in North Caucasus*, COI Unit of the Polish office for foreigners, p. 96, December 2010, (http://www.udsc.gov.pl/files/WIKP/info_pdf/Binder1_Kaukaz_ang.pdf) accessed 11 February 2014.

⁽²⁹⁾ NGO in Grozny, meeting, June 2009.

⁽³⁰⁾ International humanitarian organisation in Grozny, meeting November 2011.

⁽³¹⁾ International organisation in North Caucasus, e-mail correspondence, February 2009.

2.3. Clothing

It is important to Chechen people to dress nicely and elegantly⁽³²⁾. Clothes, jewellery and polished shoes are symbols of a high social status in the Caucasus. Chechen women wear skirts of different lengths, but rarely miniskirts. It is very uncommon to see a Chechen woman wearing trousers.

A so-called ‘proper’ dress code for women has been one of the pillars of president Kadyrov’s campaign to strengthen female virtue in Chechnya⁽³³⁾. In his book ‘Den usynlige krigen’ (‘The invisible war’), author Aage Storm Borchgrevink writes of a visit to Grozny in 2005, two years before Ramzan Kadyrov became president⁽³⁴⁾. He describes women in Grozny wearing short jackets and high-heeled boots, being more reminiscent of young people from Mediterranean countries than their veiled sisters from Arab countries.

In autumn 2007, Kadyrov proclaimed, through among other things a public announcement on television, that all women working for state institutions must wear headscarves and that this should take effect immediately⁽³⁵⁾. Kadyrov’s orders concerning clothing are frequently mentioned by sources to provide examples of how life for Chechen women has changed since he came to power⁽³⁶⁾. There is no official dress code for women generally in Chechnya, but Kadyrov’s statements have led to the authorities implementing his dress code in the educational institutions and in public buildings. In 2007, school uniforms, including headscarves for female students, were introduced by Chechen schools and the university. Those who disobeyed these orders were denied access to the educational institutions. This happened despite the fact that there was no formal legal ruling issued. By the end of 2007, all women employed by a public body wore a headscarf to work. In 2007, the Russian online newspaper, Caucasian Knot, wrote about a Russian teacher and a student who had to leave the classroom at the Chechen State University after an inspector discovered that not everyone there was wearing a headscarf⁽³⁷⁾.

In 2008 and 2009, the use of headscarves gradually spread to other public places such as cinemas and outdoor areas⁽³⁸⁾. Laurén writes about women not normally wearing headscarves who put them on when entering a public building⁽³⁹⁾. Landinfo also observed this when visiting Grozny on an official assignment in November 2011.

During Ramadan in August/September 2010, some women refused to wear headscarves in public. They were subjected to public criticism and eventually also physical attacks (paintball attacks) from a group of men wearing traditional Islamic clothing (short, baggy trousers and loose collarless shirts) and from younger men who eventually joined them. The harassment against the women lasted for a whole month before it calmed down⁽⁴⁰⁾. According to Human Rights Watch (hereinafter, HRW), who Landinfo spoke with in Moscow in October 2013, there has not been other paintball attacks against women in Chechnya since 2010.

Kaliszewska, points out that Kadyrov’s dress code can be seen as a way of reintroducing Chechen traditions in Chechnya. She refers to the Chechen traditions that have been lost as a result of the two Chechen wars and states that women in Chechnya have become the first victims of a ‘return’ to Chechen traditions⁽⁴¹⁾.

⁽³²⁾ Kaliszewska, I., *Everyday Life in North Caucasus*, COI Unit of the Polish office for foreigners, December 2010, (http://www.udsc.gov.pl/files/WIKP/info_pdf/Binder1_Kaukaz_ang.pdf) accessed 11 February 2014, p. 92; Laurén, A.-L., *I bergen finns inga herrar. Om Kaukasien och dess folk (There are no masters in the mountains. On Caucasus and its people)*, Söderströms, Helsinki, 2009, p. 35.

⁽³³⁾ Human Rights Watch (HRW), “You Dress According to Their Rules” Enforcement of an Islamic Dress Code for Women in Chechnya, pp. 9-15, 10 March 2011, (<http://www.hrw.org/reports/2011/03/10/you-dress-according-their-rules-0>) accessed 4 September 2014.

⁽³⁴⁾ Borchgrevink, S. Aa., *Den usynlige krigen. Reiser i Tsjetsjenia, Ingusjetia og Dagestan [The invisible war. Travels in Chechnya, Ingushetia and Dagestan]*, Cappelen Damm, Oslo, 2009, p. 102.

⁽³⁵⁾ HRW, “You Dress According to Their Rules” Enforcement of an Islamic Dress Code for Women in Chechnya, 10 March 2011, (<http://www.hrw.org/reports/2011/03/10/you-dress-according-their-rules-0>) accessed 4 September 2014.

⁽³⁶⁾ The order has not been written down in the form of a law. It is an unwritten rule: HRW (Human Rights Watch), “You Dress According to Their Rules” Enforcement of an Islamic Dress Code for Women in Chechnya, 10 March 2011, (<http://www.hrw.org/reports/2011/03/10/you-dress-according-their-rules-0>) accessed 4 September 2014.

⁽³⁷⁾ Abubakarov, S., ‘Teachers and girl-students without headscarves are expelled from Chechen higher schools’, Caucasian Knot, 21 November 2007 (<http://www.eng.kavkaz-uzel.ru/articles/6671>), accessed 11 February 2014.

⁽³⁸⁾ HRW, “You Dress According to Their Rules” Enforcement of an Islamic Dress Code for Women in Chechnya, p. 14, 10 March 2011, (<http://www.hrw.org/reports/2011/03/10/you-dress-according-their-rules-0>) accessed 4 September 2014.

⁽³⁹⁾ Laurén, A.-L., *I bergen finns inga herrar. Om Kaukasien och dess folk (There are no masters in the mountains. On Caucasus and its people)*, Söderströms, Helsinki, 2009, p. 44.

⁽⁴⁰⁾ HRW, Virtue Campaign on Women in Chechnya under Ramzan Kadyrov, 29 October 2009, (<http://www.hrw.org/news/2012/10/29/virtue-campaign-women-chechnya-under-ramzan-kadyrov>) accessed 11 February 2014.

⁽⁴¹⁾ Kaliszewska, I., *Everyday Life in North Caucasus*, COI Unit of the Polish office for foreigners, December 2010, (http://www.udsc.gov.pl/files/WIKP/info_pdf/Binder1_Kaukaz_ang.pdf) accessed 11 February 2014, p. 93.

After HRW published the report ‘You dress according to their rules’ in 2011 ⁽⁴²⁾, Kadyrov had to announce on television that there was no ‘hijab enforcement’ in Chechnya. At the same time, however, he encouraged women to uphold Chechen culture and asked men to ensure that their wives, daughters and sisters behaved virtuously ⁽⁴³⁾.

According to a well-informed source from the North Caucasus region, many women have traditionally worn a thin headband or headscarf (kerchief). Bigger headscarves were normally only worn by older women, whereas younger, unmarried women normally did not wear one ⁽⁴⁴⁾. The Finnish-Swedish author Anna-Lena Laurén confirms this and writes that there has been a change in the way Chechen women dress. She refers to the fact that until recent years, many Chechen women did not wear any form of headdress ⁽⁴⁵⁾.

‘Ramzanka’ is the new name for the type of headscarf worn by many women in Chechnya. Sources that Landinfo has spoken with stated that the word ‘ramzanka’ is used to placate the president. The scarf is arranged as the letter ‘P’ (which is the Russian letter ‘R’, here signifying ‘Ramzan’) ⁽⁴⁶⁾. According to a representative of an NGO, it is easier for women to get a job if they wear a ramzanka. By wearing a ramzanka, women show that they conform, which gives them advantages ⁽⁴⁷⁾.

The scarf worn by Chechen women should not be confused with the more conservative Salafi hijab, which is tighter and completely covers the hair and neck. A few women wear hijabs, but it is not especially common in Chechnya. Wearing a hijab may arouse suspicion that a woman belongs to the Salafi branch of Sunni Islam.

Based on conversations with Chechen women in Chechnya, it appears that the use of headscarves is not in itself seen as problematic. According to them, it is a problem that other people, i.e. president Kadyrov, decide that women should wear headscarves. This is seen as offensive. There also seems to be a difference between the attitudes of younger and older women. For women who were young in Soviet times, wearing a headscarf seems to be very problematic. These women feel forced to do something they do not find natural. The younger women, however, seem to be of a different opinion, and many stated that wearing a headscarf was a natural part of belonging to an Islamic society ⁽⁴⁸⁾.

2.4. Murders and honour killings

2.4.1. Honour killings in general

HRW ⁽⁴⁹⁾ defines honour killing as:

... acts of violence usually murder, committed by male family members against female family members, who are held to have brought dishonour upon the family. A woman can be targeted by (individuals within) her family for a variety of reasons, including: refusing to enter into an arranged marriage, being the victim of a sexual assault, seeking a divorce – even from an abusive husband – or (allegedly) committing adultery. The mere perception that a woman has behaved in a way that ‘dishonors’ her family is sufficient to trigger an attack on her life.

⁽⁴²⁾ HRW, “You Dress According to Their Rules” Enforcement of an Islamic Dress Code for Women in Chechnya, 10 March 2011, (<http://www.hrw.org/reports/2011/03/10/you-dress-according-their-rules-0>) accessed 4 September 2014.

⁽⁴³⁾ HRW, *Virtue Campaign on Women in Chechnya under Ramzan Kadyrov*, 29 October 2009, (<http://www.hrw.org/news/2012/10/29/virtue-campaign-women-chechnya-under-ramzan-kadyrov>) accessed 11 February 2014.

⁽⁴⁴⁾ Well-informed source, e-mail correspondence, April 2011.

⁽⁴⁵⁾ Laurén, A-L., *I bergen finns inga herrar. Om Kaukasien och dess folk (There are no masters in the mountains. On Caucasus and its people)*, Söderströms, Helsinki, 2009, p. 43.

⁽⁴⁶⁾ Representatives of an International humanitarian organisation in Grozny, meeting November 2011.

⁽⁴⁷⁾ NGO in Grozny, meeting, November 2011.

⁽⁴⁸⁾ International humanitarian organisation in Grozny, meeting November 2011.

⁽⁴⁹⁾ As quoted in: UD, *Jordan, Irak, Syria og Libanon. Sammenlignende rapport om æresdrap (Jordan, Iraq, Syria and Lebanon. Comparative report on honor killings)*, 2009, restricted access.

Unni Wikan, professor of social anthropology and expert on honour-related violence, has the following definition of honour killing:

... is a form of organised crime; it is a matter of execution made systematic by non-government organisations, families, relatives, clans, sects, that operate on the basis of their own notions of law and justice. (50)

Abuse of women is held in bad repute in Chechnya. Women are seen as virtuous and must therefore not be harmed. Nevertheless, honour killings do take place in Chechnya. In a UN report from 2012, concern is expressed about reports of violence against women in the North Caucasus region, including murders and honour killings⁽⁵¹⁾.

According to two different sources, persons who commit honour killings in Chechnya are not prosecuted⁽⁵²⁾. One source with thorough knowledge on this topic is of the opinion that honour killings can occur in all types of families, regardless of rank or financial situation⁽⁵³⁾.

2.4.2. Scope

There are no statistics on honour killings in Chechnya. Honour killing is in general not talked about and is considered a taboo subject⁽⁵⁴⁾.

Female human rights activists in Chechnya who were interviewed by HRW believe that the number of honour killings in Chechnya has increased as a result of Kadyrov's virtue campaign. They refer to the fact that people who commit honour killings are not punished and that the authorities tend to applaud the fact that honour killings take place. However, several of these reports have been impossible to verify through interviews with members of the victims' families, due to fear of reprisals. In September 2012, a prominent human rights activist told HRW that up to ten young women had been the victims of honour killings in Kadyrov's village Tsenteroi in the course of the previous year⁽⁵⁵⁾.

The sources Landinfo spoke with during the official assignment to Moscow in October/November 2013 also stated that the number of honour killings has increased. However, the sources could not provide any details regarding the alleged increase, and it is therefore difficult to say anything specific about the scope⁽⁵⁶⁾. A Chechen lawyer claimed to have heard about one honour killing every six months⁽⁵⁷⁾. The U.S. Department of State, based on statements made by local human rights associations, also refers to the fact that the number of honour killings in the North Caucasus region has increased⁽⁵⁸⁾.

Another Chechen lawyer explained that the presumed increase in honour killings is due to the Chechen population having moved extensively as a result of the two wars. Hence, the situation in the republic is not as transparent as it used to be. People no longer know everything about each other, which means that the individual citizen is less fearful of his/her surroundings and what other people think or believe. This has led to the population in general becoming more violent. In principle, honour killings are not talked about, take place behind the scenes and are not something people want to bring to light⁽⁵⁹⁾.

⁽⁵⁰⁾ Khazaleh, L., Unni Wikan med ny bok om æresdrap (Unni Wikan releases new book on honor killings), *Antropologi.info* [weblog], 9 September 2008 (http://www.antropologi.info/blog/nyheter/2008/unni_wikan_med_ny_bok_om_aresdrap), accessed 11 February 2014.

⁽⁵¹⁾ UN Committee against Torture, *Concluding observations on the fifth periodic report of the Russian Federation, adopted by the Committee at its forty-ninth session (29 October -23 November 2012)*, p. 7, 11 December 2012 (http://www.europarl.europa.eu/meetdocs/2009_2014/documents/droi/dv/83_unconcluding2_/83_unconcluding2_en.pdf), accessed 13 February 2014.

⁽⁵²⁾ NGO in Grozny, meeting, November 2011; Chechen lawyer (a), meeting in Moscow, 29 October 2013.

⁽⁵³⁾ Chechen lawyer (a), meeting in Moscow, 29 October 2013.

⁽⁵⁴⁾ NGO in Grozny, meeting, November 2011; Markosian, D., Chechen women in mortal fear as president backs Islamic honor killings. *The Washington Times*, 29 April 2012 (<http://www.washingtontimes.com/news/2012/apr/29/chechen-women-in-mortal-fear-as-president-backs-ho/?page=all#!>) accessed 17 September 2014.

⁽⁵⁵⁾ HRW, *Virtue Campaign on Women in Chechnya under Ramzan Kadyrov*, 29 October 2009, (<http://www.hrw.org/news/2012/10/29/virtue-campaign-women-chechnya-under-ramzan-kadyrov>) accessed 11 February 2014.

⁽⁵⁶⁾ Svetlana Gannushkina, meeting in Moscow, October 2013; ICG, meeting in Moscow, October 2013; HRW, meeting in Moscow, October 2013; Chechen lawyer (a), meeting October 2013.

⁽⁵⁷⁾ Chechen lawyer (a), meeting in Moscow, 29 October 2013.

⁽⁵⁸⁾ US DOS, 2013. *Human rights report: Russia*, 27 February 2014 (<http://www.refworld.org/publisher,USDOS,ANNUALREPORT,RUS,53284a815,0.html>), accessed 15 July 2014.

⁽⁵⁹⁾ Chechen lawyer (b), meeting in Moscow, 29 October 2013.

2.4.3. Reasons for honour killings

The two most common stated reasons for honour killings are infidelity and women having lost their virginity before marriage. However, it is not always easy for outsiders to know much about the circumstances of an honour killing⁽⁶⁰⁾.

Infidelity does not necessarily have to be of a sexual nature to trigger an honour killing. According to a Chechen lawyer, a woman cannot be alone with a man. A woman and a man who are not a couple must maintain a physical distance. If anyone takes a photo of a woman and a man in an inappropriate situation and sends it to her family, this may be enough to cause suspicion of infidelity⁽⁶¹⁾. Flirting via SMS can also constitute a risk of honour killing, according to HRW⁽⁶²⁾.

Bride kidnapping (please see also Chapter 6) has not been emphasised by Landinfo's sources as a circumstance which would typically trigger an honour killing. However, according to Civic Assistance, bride kidnapping can lead to honour killings, although it is not a common reason⁽⁶³⁾. The fact that a bride-kidnapped woman has spent the night in the kidnapper's house to then be returned home, brings shame to her family⁽⁶⁴⁾.

The ANNA Centre in Moscow, whose primary task is to report violence against women, mentions in its report several situations that may lead to honour killing. The report mentions that refusal to marry someone selected by the family (arranged marriage) can lead to honour killing and that also divorce, if initiated by the woman, can lead to honour killing⁽⁶⁵⁾.

Other sources have stated to Landinfo that divorce and disputes about access rights to children do not in principle lead to honour killings⁽⁶⁶⁾.

The ANNA Centre also mentions rape as a reason for honour killings and refers to the fact that women are often considered as the guilty party in such situations⁽⁶⁷⁾. However, Landinfo's sources have not mentioned rape as a typical reason for honour killings⁽⁶⁸⁾. According to a Chechen lawyer, rape does usually not lead to honour killing, but it depends more on whether the woman is actually believed to have been raped or whether she is regarded as "guilty"⁽⁶⁹⁾. It is a common belief that women themselves are responsible for being raped⁽⁷⁰⁾. In a meeting with Landinfo, the International Crisis Group stated that it cannot rule out that rape can lead to honour killing, but it could not refer to any specific incidents. Being raped is so shameful that it is kept secret, even from the victim's family⁽⁷¹⁾.

The Russian online newspaper, *Caucasian Knot*, has reported several cases of honour killings. In June 2011, the father of two girls of 15 and 19 years was detained by the police on suspicion of having killed them. The girls were found dead in the courtyard outside their home. It was said that the girls were murdered because they refused to become suicide bombers. Later, the killings were described as honour killings committed by their father⁽⁷²⁾.

⁽⁶⁰⁾ Chechen lawyer (a), meeting in Moscow, 29 October 2013; Chechen lawyer (b), meeting in Moscow, 29 October 2013; Memorial, meeting in Moscow, 28 October 2013; Markosian, D., Chechen women in mortal fear as president backs Islamic honor killings. *The Washington Times*, 29 April 2012 (<http://www.washingtontimes.com/news/2012/apr/29/chechen-women-in-mortal-fear-as-president-backs-ho/?page=all#!>) accessed 17 September 2014.

⁽⁶¹⁾ Chechen lawyer (a), meeting in Moscow, 29 October 2013.

⁽⁶²⁾ HRW, meeting in Moscow, 28 October 2013.

⁽⁶³⁾ Civic Assistance Committee, Svetlana Gannushkina, meeting in Moscow, 28 October 2013.

⁽⁶⁴⁾ NGO, meeting in Groznyj, November 2011.

⁽⁶⁵⁾ ANNA National Centre for the Prevention of Violence, *Violence against women in the Russian Federation. Alternative Report to the United Nations Committee on the Elimination of Discrimination Against Women*, p. 39, July 2010 (http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/ANNANCPV_RussianFederation46.pdf) accessed 11 February 2014.

⁽⁶⁶⁾ HRW, meeting in Moscow, October 2013; Chechen lawyer (a), meeting in Moscow, 29 October 2013; Chechen lawyer (b), meeting in Moscow, 29 October 2013; Memorial, meeting in Moscow, 28 October 2013.

⁽⁶⁷⁾ ANNA National Centre for the Prevention of Violence, *Violence against women in the Russian Federation. Alternative Report to the United Nations Committee on the Elimination of Discrimination Against Women*, July 2010 (http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/ANNANCPV_RussianFederation46.pdf) accessed 11 February 2014.

⁽⁶⁸⁾ HRW, meeting in Moscow, 28 October 2013; ICG, meeting in Moscow, 28 October 2013; Chechen lawyer (a), meeting in Moscow, 29 October.

⁽⁶⁹⁾ Chechen lawyer (a), meeting in Moscow, 29 October 2013.

⁽⁷⁰⁾ Civic Assistance Committee, Svetlana Gannushkina, meeting in Moscow, 28 October 2013.

⁽⁷¹⁾ ICG, meeting in Oslo, 28 March 2014.

⁽⁷²⁾ Ibragimov, M., 'A father of two girls detained in Chechnya for suspicion of their murder', *Caucasian Knot*, 29 June 2011, (<http://www.eng.kavkaz-uzel.ru/articles/17602/>) accessed 11 February 2014.

In September 2011, a man from the Kurchaloi District, south-east of Grozny, came to the police to confess to having killed a close female relative because of her immoral behaviour. The murder had allegedly taken place in April that year, and the 21-year-old woman was on the authorities' list of missing persons. The article states that extrajudicial executions of women and girls suspected of immoral behaviour and extra-marital relationships have long been regarded as an acceptable form of punishment in Chechnya. According to the article, through the honour killing of a woman who is caught behaving immorally, the family rids themselves of the shame. In such cases, no funeral is organised and the explanation given for the woman's disappearance is often that she has gone to visit distant relatives.

Although there seems to be a tradition for honour killings in Chechnya, a resident told the *Caucasian Knot* that infidelity had been punished in other ways in the past. Reference was made to the fact that there were strict requirements for evidence of infidelity, and, even then, the common punishment was physical abuse, not killing. Nowadays, according to the same source, it does not take much before relatives commit murder to "wipe out disgrace" (73). For example, in November 2013, a 19-year-old girl was allegedly killed by her brother because of immoral behaviour (74).

2.4.4. Recent developments relating to who commits honour killings

Traditionally, honour killings are committed by close relatives such as the father or a brother. A mother cannot be killed by a son in the name of honour. It has to be done by a father or a brother. If a woman does not have a father or a brother, the killing can be done by other relatives on her father's side (75).

However, several sources have stated that, recently (76), women in Chechnya have been killed by people other than their closest relatives. The sources spoke of these killings as honour killings, but not in the traditional sense of the term (77). The Civic Assistance Committee, represented by Svetlana Gannushkina, stated that a killing committed by an uncle is also a killing to restore the family's honour if he believes the woman to have behaved immorally. Gannushkina interpreted this to mean that everything is permitted in regards to women who do not act in line with Ramzan Kadyrov's moral order that women must behave virtuously (78).

The International Crisis Group and Human Rights Watch referred to the fact that several women have recently been killed by more distant relatives who work in the government administration. They regard themselves as part of a culture that must safeguard traditions. The agreement of the closest relatives (the woman's parents) is not a condition for the honour killing (79). The Civic Assistance Committee was aware of cases where a woman's parents had attempted to protect their daughter, but where more distant relatives had committed the honour killing against her parents' wishes. They referred to an incident where two uncles with positions in the police killed their niece because of her behaviour (80). Landinfo has no further information about about the motivations behind the killing.

According to the Civic Assistance Committee, the abuse of women takes place under the call for a 'restoration of traditions'. The organisation was aware of another case where two divorced sisters who lived with their children started a car wash business together with a female cousin in order to make a living. All three women were shot and killed and their bodies were hidden. According to the Civic Assistance Committee, these killings were not committed by relatives and the women were killed because of their independent lifestyle and for breaking Chechen traditions. No public investigation was initiated in the case (81).

The Civic Assistance Committee, who keeps close contact with organisations who work with vulnerable women in Chechnya, had been informed about cases where men in the government administration had raped women,

(73) Ibragimov, M., 'In Chechnya, local resident confesses of murdering his female relative', *Caucasian Knot*, 19 September 2011, (<http://www.eng.kavkaz-uzel.ru/articles/18419/>) accessed 11 February 2014.

(74) Ibragimov, M., 'In Chechnya, local resident is suspected of "honour killing"', *Caucasian Knot*, 25 November 2013, (<http://eng.kavkaz-uzel.ru/articles/26471/>) accessed 11 February 2014.

(75) Chechen lawyer (a), meeting in Moscow, 29 October 2013; Svetlana Gannushkina, meeting in Moscow, 28 October 2013.

(76) The sources did not specify what they meant by 'recently', but the examples they mentioned have taken place in the past two years.

(77) HRW, meeting in Moscow, October 2013; Civic Assistance Committee, Svetlana Gannushkina, meeting in Moscow, 28 October 2013; ICG, meeting in Moscow, 28 October 2013.

(78) Civic Assistance Committee, Svetlana Gannushkina, meeting in Moscow, 28 October 2013.

(79) HRW, meeting in Moscow, October 2013; ICG, meeting in Moscow, 28 October 2013.

(80) Civic Assistance Committee, Svetlana Gannushkina, meeting in Moscow, 28 October 2013.

(81) Civic Assistance Committee, Svetlana Gannushkina, meeting in Moscow, 28 October 2013.

recording it on video tape and then sending the tape to the woman's family members, telling them that the woman must be killed ⁽⁸²⁾. In 2011, Landinfo was also informed by a lawyer in Chechnya that a kind of moral police had filmed couples in intimate situations and threatened to distribute the video tapes in order to harm the women. According to the lawyer he was familiar with around 10 such cases ⁽⁸³⁾.

No government officials have suggested that the 'tradition' of honour killing should be changed ⁽⁸⁴⁾.

2.5. The position of single women in society

Traditionally, family ties are strong both in Chechnya and Ingushetia. The core family includes uncles, aunts and cousins. Family members are collectively responsible for each other. Siblings are traditionally closer than cousins, and cousins on the father's side have closer relationships than cousins on the mother's side ⁽⁸⁵⁾

Despite the generally close family ties, some women live alone. There is a culture of extended families, but the ties between family members are no longer as strong as they used to be. Wars have weakened and split family ties. No longer is it necessarily a function of the family unit to take responsibility for everyone. Not all families are as willing to take care of single family members, i.e. single women, as they used to be. Chechen society has become somewhat more individualistic, and the population is suffering from war fatigue. Many men have either left the country, been killed or have disappeared, and many women are left alone without a support network. Many have lost their relatives ⁽⁸⁶⁾.

According to two sources, single women in the North Caucasus region are vulnerable and lack protection. The family unit is strong as long as it is headed by a man. There are many families without men, and women in such families carry a great burden and find themselves in a vulnerable situation ⁽⁸⁷⁾. It is very important to Chechen women to be married and have a man to protect them. Women who are not married are more vulnerable than their married counterparts. Single women can be more exposed than other women, for example, if they have family members who are rebels ⁽⁸⁸⁾.

An international organisation in the North Caucasus region stated that it can be crucial for the situation of a woman without a husband whether she has brothers who can protect her. If a woman has a bad reputation, however, she is without protection and can more easily become a victim ⁽⁸⁹⁾.

As an example of the importance of having a husband or brother to protect them, two sources explained that if a woman is going to study outside Chechnya, she will either be accompanied by her brother or stay with relatives in the place of study. Even in highly-educated families, there is a tradition that women who leave their home region are accompanied by a close male relative ⁽⁹⁰⁾.

Women who are considered to be the least exposed to violence are: women who have many brothers; women with money; and women who have better access to resources in general ⁽⁹¹⁾.

According to HRW, a single, widowed woman must be able to prove that she was married in order to be socially respected. If not, she will find herself in a vulnerable situation and will have low social status ⁽⁹²⁾.

⁽⁸²⁾ Civic Assistance Committee, Svetlana Gannushkina, meeting in Moscow, 28 October 2013.

⁽⁸³⁾ Chechen lawyer (c), meeting in Groznyj, November 2011.

⁽⁸⁴⁾ HRW, *Virtue Campaign on Women in Chechnya under Ramzan Kadyrov*, 29 October 2012, (<http://www.hrw.org/news/2012/10/29/virtue-campaign-women-chechnya-under-ramzan-kadyrov>) accessed 11 February 2014.

⁽⁸⁵⁾ NGO in Grozny, meeting, June 2009.

⁽⁸⁶⁾ Representative of an International organisation in North Caucasus, meeting in North Caucasus, June 2009; NGO in Grozny, meeting, June 2009.

⁽⁸⁷⁾ HRW, Moscow, telephone interview, February 2009; International organisation in North Caucasus, meeting in North Caucasus, June 2009.

⁽⁸⁸⁾ Human rights organisation in North Caucasus, meeting in Vladikavkaz, June 2009. The following Landinfo publication provides more information on Chechen women who may be subject to abuse because of an affiliation to the rebel movement, either through their own activity or as a family member of a rebel: Landinfo, *Situasjonen for tsjetsjenske opprøreres familiemedlemmer (Situation for family members of chechen rebels)*, 21 May 2012, (http://www.landinfo.no/asset/2079/1/2079_1.pdf), accessed 11 February 2014.

⁽⁸⁹⁾ International organisation in North Caucasus, meeting in North Caucasus, June 2009.

⁽⁹⁰⁾ NGO in Moscow (c), meeting in Moscow, February 2010; Chechen lawyer (a), meeting in Moscow, 29 October 2013.

⁽⁹¹⁾ International organisation in North Caucasus, e-mail correspondance, February 2009.

⁽⁹²⁾ HRW, Moscow, telephone interview, February 2009.

3. Domestic violence

3.1. The scope of domestic violence

Domestic violence is not included as a concept in the Russian Criminal Code ⁽⁹³⁾ and therefore there is no definition in law of what constitutes domestic violence ⁽⁹⁴⁾. Draft legislation has been developed to address domestic violence, with both judicial and non-judicial measures ⁽⁹⁵⁾. However, Landinfo has not been able to find information that any such legislation has been adopted. Since domestic violence is not cited in criminal statutes, the victims have to provide evidence for prosecution under statutes covering other crimes ⁽⁹⁶⁾. The police often file the complaints under “hooliganism”, “beating” or “causing physical damage” ⁽⁹⁷⁾.

There is little data available on the scope of domestic violence, especially concerning the past three years ⁽⁹⁸⁾. According to statistics from the police, 40 % of all violent crimes in Russia take place within the family ⁽⁹⁹⁾. A 2010 report stated that every year, 14 000 women in Russia were killed by their husbands or other relatives ⁽¹⁰⁰⁾. According to the United States Department of State, which refers to figures from the Russian Federal State Statistics Service, 21 400 women in Russia were victims of domestic violence in 2011. It is difficult to obtain reliable figures, since the police are generally reluctant to register reports of domestic violence. It is seen within the Russian context as an internal family matter that should be resolved between spouses. Furthermore, many people refrain from reporting incidents of this type.

According to a representative of an international organisation in the North Caucasus region, a survey on gender-based violence in Chechnya, Ingushetia and Dagestan, in which both women and men were interviewed, showed that violence carried out by a spouse/cohabitant is the most common form of violence, followed by bride kidnapping ⁽¹⁰¹⁾.

The Russian NGO named Women of the Don Region carried out a questionnaire survey in 2011 about domestic violence in Chechnya. A total of 179 people were surveyed (80 % women and 20 % men). From the survey, it was concluded that domestic violence is widespread in Chechnya. All those who took part in the survey had experienced violence of some form. All responses included comments on cases of domestic violence in the family. It was also clear that the topic of forced sexualised violence in Chechnya is closed to discussion and consideration, and that it is particularly difficult to talk about sexual violence committed by a spouse ⁽¹⁰²⁾.

Domestic violence in Chechnya is believed to have increased in the past few decades ⁽¹⁰³⁾. According to Landinfo’s knowledge accumulated on this topic, the reasons for this increase are multiple. One of the most important reasons seems to be that the general attitude towards women has changed. This attitude is influenced by public statements from the authorities where women are described as the property of their husbands and where violence against women with ‘loose morals’ is encouraged ⁽¹⁰⁴⁾.

⁽⁹³⁾ Russian Federation, *The Criminal Code of the Russian Federation*, 13 June 1996 (<https://www.unodc.org/tldb/showDocument.do?documentUid=8546>) accessed 3 September 2014.

⁽⁹⁴⁾ US DOS, 2013. *Country Report on Human Rights Practices for 2013: Russia*, 27 February 2014 (<http://www.refworld.org/publisher/USDOS/ANNUALREPORT,RUS,53284a815,0.html>), accessed 15 July 2014, p. 44.

⁽⁹⁵⁾ IRB (Immigration and Refugee Board of Canada). *Russia: Domestic violence; recourse and protection available to victims of domestic violence; support services and availability of shelters (2010-2013)*. 15. November 2013. (http://www.ecoi.net/local_link/264540/378302_en.html) accessed 27 August 2014.

⁽⁹⁶⁾ Baczynska, G. Victims of domestic violence face uphill battle for protection in Russia. *Reuters*. 20 August 2013 (<http://www.reuters.com/article/2013/08/20/us-russia-women-violence-idUSBRE97JOCX20130820>) accessed 16 September 2014.

⁽⁹⁷⁾ CORI, dvs. Country of Origin Research and Information (2010, oktober). *CORI Country Report: Russian Federation*, p. 87. London: CORI (<http://www.refworld.org/docid/4dc900a62.html>) accessed 16 September 2014.

⁽⁹⁸⁾ IRB (Immigration and Refugee Board of Canada). *Russia: Domestic violence; recourse and protection available to victims of domestic violence; support services and availability of shelters (2010-2013)*. 15. November 2013. (http://www.ecoi.net/local_link/264540/378302_en.html) accessed 27 August 2014.

⁽⁹⁹⁾ Baczynska, G. Victims of domestic violence face uphill battle for protection in Russia. *Reuters*. 20 August 2013 (<http://www.reuters.com/article/2013/08/20/us-russia-women-violence-idUSBRE97JOCX20130820>) accessed 16 September 2014.

⁽¹⁰⁰⁾ ANNA National Centre for the Prevention of Violence, *Violence against women in the Russian Federation. Alternative Report to the United Nations Committee on the Elimination of Discrimination Against Women*, July 2010 (http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/ANNANCPV_RussianFederation46.pdf) accessed 11 February 2014.

⁽¹⁰¹⁾ International organisation in North Caucasus, e-mail correspondence, May 2009.

⁽¹⁰²⁾ Diplomatic source, 26 October 2012, restricted access to report.

⁽¹⁰³⁾ Khatueva, Z., *The Chechen Mentality, Open Democracy*, 19 July 2012 (<https://www.opendemocracy.net/od-russia/zura-khatueva/%E2%80%98-chechen-mentality%E2%80%99>) accessed 16 September 2014; Chechen lawyer (a), meeting in Moscow, 29 October 2013.

⁽¹⁰⁴⁾ Markosian, D., Chechen women in mortal fear as president backs Islamic honor killings. *The Washington Times*, 29. April 2012 (<http://www.washingtontimes.com/news/2012/apr/29/chechen-women-in-mortal-fear-as-president-backs-ho/?page=all#!>) accessed 17 September 2014.

3.2. Reporting to the police

It is a general problem in Russia that cases of domestic violence are seldom reported and that the perpetrators are rarely prosecuted. The United States Department of State informs that the police often influence victims of violence not to report offences. The majority of cases in which reports are submitted are dropped on technical grounds, or the person who reports the offence is referred to a reconciliation process with a view to keeping the peace in the family. Women's reluctance to report offences is associated with a distrust of the police and the judiciary, their financial situation, threats from their husbands and the social stigma related to being a victim of their husbands' violence⁽¹⁰⁵⁾.

One UN report expressed great concern about the fact that domestic violence is considered a private matter in Russia and that the victims themselves are expected to resolve such situations⁽¹⁰⁶⁾. Another UN report from 2012 expressed concern that only a small number of offences concerning domestic violence and violence against women, including marital rape, are reported. The committee also addresses the absence of a definition for domestic violence in Russian legislation. The report addresses conditions in Russia in general, not the North Caucasus region in particular⁽¹⁰⁷⁾.

The abovementioned survey (in subchapter 3.1) on gender-based violence in the North Caucasus region revealed that the majority of the women surveyed believe that in most cases women will not report violence carried out by a spouse/cohabitant for fear of divorce and of losing their children⁽¹⁰⁸⁾. This situation is confirmed by two sources⁽¹⁰⁹⁾. If a woman were to address the courts with an issue of domestic violence, it would fissure relations with her husband's family and thereby constitute a risk of losing her children. Women reporting domestic violence will maintain contact with those members of their own family who stood by them, but contact with their husbands' families will be broken. If her own family does not support her, a victimised woman will find it hard to report an offence. However, most families will be opposed to reporting violence. The family knows that reporting the offence will lead to a lot of problems and will try to avoid it⁽¹¹⁰⁾. Several sources have also stated that domestic violence in general is a taboo topic and a matter to be kept within the family⁽¹¹¹⁾.

A representative of an international organisation also stated that a victimised woman in Chechnya would not report an offence even if she is entitled to do so. Her family would stop her and find ways of preventing the case from becoming known. The representative elaborated on this by saying that if the woman actually did report the offence, the police would in any case do nothing. It would not be easy for a Russian woman to report such an offence either, but it would be far worse for a Chechen or Ingush woman⁽¹¹²⁾. This information is confirmed by an NGO in Moscow. Very few women in the North Caucasus region report abuse. The tradition is for families to resolve such conflicts, not the police⁽¹¹³⁾.

An NGO in Grozny engaged in protection of women's rights through psychological and legal counselling stated that if a woman contacts the police due to violence in the home, the spouse will put pressure on her to get a divorce. The organisation also stated that women have no real option to contact the authorities in connection with domestic violence. Society in Chechnya and Ingushetia prevent it⁽¹¹⁴⁾.

⁽¹⁰⁵⁾ US DOS, 2011 *Human rights report: Russia*, 24 May 2012 (<http://www.refworld.org/docid/4fc75a6b73.html>), accessed 11 February 2014, p. 43.

⁽¹⁰⁶⁾ UN CEDAW, *Concluding observations of the Committee on the Elimination of Discrimination against Women. Russian Federation*, 16 August 2010 (<http://www2.ohchr.org/english/bodies/cedaw/cedaws46.htm>), accessed 13 February 2014.

⁽¹⁰⁷⁾ UN Committee against Torture, *Concluding observations on the fifth periodic report of the Russian Federation, adopted by the Committee at its forty-ninth session (29 October -23 November 2012)*, 11 December 2012 (http://www.europarl.europa.eu/meetdocs/2009_2014/documents/droi/dv/83_unconcluding2_/83_unconcluding2_en.pdf), accessed 13 February 2014.

⁽¹⁰⁸⁾ International organisation in North Caucasus, e-mail correspondence, February 2009.

⁽¹⁰⁹⁾ NGO in Moscow (a), meeting, 30 October 2012; Chechen lawyer (a), meeting in Moscow, 29 October 2013.

⁽¹¹⁰⁾ Chechen lawyer (a), meeting in Moscow, 29 October 2013.

⁽¹¹¹⁾ Civic Assistance Committee, Svetlana Gannushkina, meeting in Moscow, 31 October 2012; International organisation in North Caucasus, e-mail correspondence, February 2009; NGO in Moscow (a), meeting, 30 October 2012.

⁽¹¹²⁾ International organisation in North Caucasus, meeting in North Caucasus, June 2009.

⁽¹¹³⁾ NGO in Moscow (a), meeting, November 2011.

⁽¹¹⁴⁾ NGO in Grozny, meeting, June 2009.

3.3. Prosecution and possibility of assistance

Women in Chechnya very rarely bring cases of domestic violence to the courts⁽¹¹⁵⁾. A Chechen lawyer stated in a meeting in Moscow in October 2013 that in the few cases where women have brought cases of domestic violence before the courts, they concern aggravated violence⁽¹¹⁶⁾. The lawyer referred to one case where a husband was given a suspended prison sentence of eight months for abusing his spouse. In another abuse case, the husband was sentenced to immediate imprisonment for nine months. In a third case concerning violence, a husband was ordered to pay a fine of 8 000 roubles. In all these cases, the women ended up living alone once the case had been brought before the court. The children were sent to live with their father or their father's relatives. All contact with the husband's family was broken, while the women remained in contact with their own families. The lawyer stated that it is very uncommon for men to be convicted of such offences and that these cases are exceptions. In the very few cases in which men have been convicted of violence against women, the punishment is more lenient than in other cases of violence.

The lawyer was also familiar with suicides among women who had been abused by their husbands and who could no longer cope with their situation. However, suicides are not registered by the police, and it is impossible to know the number of such incidents.

There are a total of 23 shelters run by the government in the Russian Federation that care for victims of violence, particularly women. As these shelters are funded by local authorities for local inhabitants, places there are only offered to registered residents⁽¹¹⁷⁾. None of these shelters are in the North Caucasus region. According to an NGO in Grozny, it would be very bad for a woman's reputation if it were known that they had contacted such a centre⁽¹¹⁸⁾.

According to Landinfo's knowledge there are hardly any NGOs in the Russian Federation that run protection shelters. This was confirmed by the ANNA Centre in a report from 2010 and also by an Associate Professor in Brooklyn College at the University of New York in 2013, who has been researching violence against women in the Russian Federation⁽¹¹⁹⁾.

⁽¹¹⁵⁾ Khatueva, Z., The Chechen Mentality, *Open Democracy*, 19 July 2012 (<https://www.opendemocracy.net/od-russia/zura-khatueva/%E2%80%98-chechen-mentality%E2%80%99>) accessed 16 September 2014; Chechen lawyer (a), meeting in Moscow, 29 October 2013.

⁽¹¹⁶⁾ Chechen lawyer (a), meeting in Moscow, 29 October 2013.

⁽¹¹⁷⁾ IRB Canada, *Russia: Domestic violence; recourse and protection available to victims of domestic violence; support services and availability of shelters (2010-2013)*. 15 November 2013, (<http://www.irb-cisr.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=454905&pls=1>) accessed 4 September 2014.

⁽¹¹⁸⁾ NGO in Grozny, meeting, June 2009.

⁽¹¹⁹⁾ ANNA National Centre for the Prevention of Violence, *Violence against women in the Russian Federation. Alternative Report to the United Nations Committee on the Elimination of Discrimination Against Women*, July 2010 (http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/ANNANCPV_RussianFederation46.pdf) accessed 11 February 2014; IRB Canada, *Russia: Domestic violence; recourse and protection available to victims of domestic violence; support services and availability of shelters (2010-2013)*. 15 November 2013, (<http://www.irb-cisr.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=454905&pls=1>) accessed 4 September 2014.

4. Rape

According to the Russian Criminal Code article 131 rape is a criminal offence ⁽¹²⁰⁾. The extent of rape in Chechnya and other parts of the region is not known since the abuse is generally not reported. However, according to Gannushkina, rape is widespread in Chechnya and the rest of the North Caucasus region, and for many girls their initial sexual experience is a rape ⁽¹²¹⁾. According to a Chechen lawyer, rape also occurs in police interrogation situations. The lawyer stated that he himself had heard police officers talking about this. Information about rape is kept secret, however ⁽¹²²⁾.

Rape is taboo and not talked about in Chechnya. A woman who has been raped will be stigmatised and be cast to the margins of society if the rape becomes known. According to a representative of an international organisation, if a woman in Chechnya is raped, it is unlikely she will receive any form of help. It is not uncommon for women who have been raped to be sent away by their families, as if it were to be known, the family would be stigmatised and isolated. There is somewhat more openness about rape of minors. A minor will not be regarded as a guilty part in the same way as an adult woman could be, and the situation for the child's family would therefore be less shameful ⁽¹²³⁾. However, the prevailing attitude is that a raped woman is herself responsible for her own rape. In many cases of rape, a woman will also regard herself as guilty ⁽¹²⁴⁾.

According to an NGO in Moscow, it is very uncommon for anyone to report rape in Chechnya. Marital rape is not even deemed to constitute rape ⁽¹²⁵⁾. Svetlana Gannushkina from the Civic Assistance Committee is not aware of rape having been reported by anyone in Chechnya, but does not rule out that it may have happened.

In Russia as a whole, 3 642 cases of rape were brought before the courts in 2011, according to the United States Department of State. In 2010, there were 4 221 cases. No data are available for 2012. In a Department of State report, fear of social stigma and the lack of support from the authorities are given as reasons for the low number of reported cases. The report does not provide any overall analysis of the outcome of the cases ⁽¹²⁶⁾. The report does not give the number of rape cases brought before the courts in the Russian Federation in all of 2013, but indicates that the total number of rape cases reported in the first six months of 2013 dropped by 6% compared with 2012. The source of the figures is the Russian Federal State Statistics Service. No separate figures are provided for Chechnya or the North Caucasus region ⁽¹²⁷⁾.

⁽¹²⁰⁾ [Criminal Code]. *The Criminal Code of the Russian Federation No. 63-FZ of June 13 1996*. (<http://cis-legislation.com/document.fwx?rgn=1747>) accessed 16 September 2014.

⁽¹²¹⁾ Civic Assistance Committee, Svetlana Gannushkina, meeting in Moscow, 31 October 2012.

⁽¹²²⁾ Chechen lawyer (b), meeting in Moscow, 29 October 2013.

⁽¹²³⁾ International organisation in North Caucasus, meeting in North Caucasus, June 2009.

⁽¹²⁴⁾ Civic Assistance Committee, Svetlana Gannushkina, meeting in Moscow, 31 October 2012.

⁽¹²⁵⁾ NGO in Moscow (b), meeting, 30 October 2012.

⁽¹²⁶⁾ US DOS, 2012. *Human rights report: Russia*. Washington, 19 April 2013 (<http://www.refworld.org/country,,USDOS,,RUS,,517e6de89,0.html>), accessed 11 February 2014.

⁽¹²⁷⁾ US DOS, 2013. *Human rights report: Russia*, 27 February 2014 (<http://www.refworld.org/publisher,USDOS,ANNUALREPORT,RUS,53284a815,0.html>), accessed 15 July 2014. For more information about rape in Chechnya, see: Landinfo *Tsjetsjenia: Voldtekt [Chechnya: Rape]*, 13 September 2013, (http://www.landinfo.no/asset/2499/1/2499_1.pdf), accessed 11 February 2014.

5. Bride kidnapping

5.1. Bride kidnapping as part of Adat

Bride kidnapping is a historical tradition practised in Ingushetia and Chechnya that still occurs. Bride kidnapping is part of Adat, but not of Sharia ⁽¹²⁸⁾.

Bride kidnapping is when a man, with the help of others, kidnaps a woman for the purpose of getting her to marry him. A common way of organising bride kidnapping is for the groom's accomplices to force the woman into a car and drive off with her. The woman (the bride-to-be) is then brought to the groom's relatives or friends. Here, they try to persuade her, or she is forced, to give her consent to marriage. A delegation of elders contacts the woman's family and tries to formalise an agreement through negotiations ⁽¹²⁹⁾. This often takes place by paying the bride's family or resolving the situation internally. If the woman is unable to escape and if she is not released by the following morning, her chances of not being forced to marry are slim. The reason for this is that if an unmarried woman spends the night at a man's house, she is deemed to be his wife ⁽¹³⁰⁾.

In 2008, Jane Armstrong wrote that there were no reliable statistics on the number of bride kidnappings in Ingushetia and Chechnya, but that at the time it was assumed that about half of the marriages start with a bride kidnapping ⁽¹³¹⁾.

In 2009, an NGO in Grozny that offers women psychological and legal assistance stated that of 200 enquiries received by the organisation in 2008–2009, 41 cases concerned forced marriage and bride kidnapping ⁽¹³²⁾.

In 2010, Ramzan Kadyrov passed a resolution that bride kidnapping should no longer take place. This resolution allegedly led to a slight drop in the number of bride kidnappings. According to the same NGO mentioned above, bride kidnappings still occur in Chechnya, but are now more concealed ⁽¹³³⁾.

According to the abovementioned NGO in Grozny, it would be very difficult for a woman who has been subjected to bride kidnapping and spent the night in a man's house to refuse marriage and subsequently marry someone else ⁽¹³⁴⁾. The woman's family may accept her back into their house, but a confrontation is likely to take place between the families of the young woman and the young man. If the woman escapes immediately and does not spend the night at the man's house, she will not bring shame to her family. Bride kidnapping usually ends with the woman marrying the man because she has no other option ⁽¹³⁵⁾.

The NGO in Grozny stated that bride kidnapping may lead to a very dangerous situation if the woman refuses to get married and returns to her own family. This is particularly true if the 'groom' is employed by a security organisation ⁽¹³⁶⁾.

HRW states that bride kidnapping does not always take place by force. Very often, bride kidnapping occurs in cases where both the woman and the man want to get married and where the respective families are opposed to the marriage. The bride kidnapping is thus 'organised' by the parties themselves and does not happen against the bride's will, but as a symbolic kidnapping ⁽¹³⁷⁾. Many sources claim that bride kidnappings can be a part of a joint agreement between the parties to avoid the expense of hosting a big wedding party, as many do not organise a

⁽¹²⁸⁾ Kaliszewska, I., *Everyday Life in North Caucasus*, COI Unit of the Polish office for foreigners, p. 82, December 2010, (http://www.udsc.gov.pl/files/WIKP/info_pdf/Binder1_Kaukaz_ang.pdf) accessed 11 February 2014.

⁽¹²⁹⁾ Vazayeva, A., *Chechen bride snatching on the rise*, Institute for War and Peace Reporting, 4 July 2003 (<http://iwpr.net/report-news/chechen-bride-snatching-rise>), accessed 11 February 2014.

⁽¹³⁰⁾ Armstrong, J., 'Rage or Romance?', *Globe and Mail update*, 26 April 2008 (<http://www.theglobeandmail.com/news/world/rage-or-romance/article959083/?page=all>), accessed 3 September 2014.

⁽¹³¹⁾ Armstrong, J., 'Rage or Romance?', *Globe and Mail update*, 26 April 2008 (<http://www.theglobeandmail.com/news/world/rage-or-romance/article959083/?page=all>), accessed 3 September 2014.

⁽¹³²⁾ NGO in Grozny, meeting, November 2009.

⁽¹³³⁾ NGO in Grozny, meeting, November 2011.

⁽¹³⁴⁾ NGO in Grozny, meeting, November 2011.

⁽¹³⁵⁾ International organisation in North Caucasus, e-mail correspondence, February 2009; and meeting in North Caucasus, June 2009.

⁽¹³⁶⁾ NGO in Grozny, meeting, June 2009.

⁽¹³⁷⁾ HRW, Moscow, e-mail correspondence February 2009.

wedding party when the marriage is a result of a bride kidnapping⁽¹³⁸⁾. In Chechnya, weddings typically include big wedding parties for the whole family and the village, but individual circumstances like money decide the number of people invited⁽¹³⁹⁾.

5.2. Reporting bride kidnapping

Bride kidnapping is not included as a concept in the Russian Criminal Code, but is punishable according to Article 126 of the Federal Criminal Code on abduction. The Criminal Code states that if the kidnapper releases the victim voluntarily and he has committed no other criminal act, he will not be prosecuted⁽¹⁴⁰⁾.

In practice, bride kidnappers are not punished in accordance with the law. According to a representative of an international organisation contacted in February 2009, in the North Caucasus region the police are never or very rarely contacted in cases that concern bride kidnapping or forced marriage, as such incidents are a family matter⁽¹⁴¹⁾.

With Ramzan Kadyrov's resolution in 2010, it was assumed that the situation might change and that it might become easier to report cases of bride kidnapping to the authorities⁽¹⁴²⁾. According to Svetlana Gannushkina from the Civic Assistance Committee and HRW, there are now several examples of men having been convicted after having committed bride kidnapping⁽¹⁴³⁾. HRW stated that even if the courts were to rule in favour of a woman who brings a case of bride kidnapping before them, she would nevertheless have difficulties marrying another man⁽¹⁴⁴⁾. Gannushkina stated that bride kidnapping is still considered legitimate if carried out by one of Kadyrov's employees, despite Kadyrov's resolution⁽¹⁴⁵⁾.

⁽¹³⁸⁾ Kaliszewska, I., *Everyday Life in North Caucasus*, COI Unit of the Polish office for foreigners, December 2010, (http://www.udsc.gov.pl/files/WIKP/info_pdf/Binder1_Kaukaz_ang.pdf) accessed 11 February 2014; NGO in Moscow (a), meeting, 30 October 2012.

⁽¹³⁹⁾ Kaliszewska, I., *Everyday Life in North Caucasus*, COI Unit of the Polish office for foreigners, December 2010, (http://www.udsc.gov.pl/files/WIKP/info_pdf/Binder1_Kaukaz_ang.pdf) accessed 11 February 2014; well-informed source, e-mail correspondence, March 2012.

⁽¹⁴⁰⁾ Russian Federation, *The Criminal Code of the Russian Federation*, 13 June 1996 (<https://www.unodc.org/tldb/showDocument.do?documentUid=8546>) accessed 3 September 2014.

⁽¹⁴¹⁾ International organisation in North Caucasus, e-mail correspondence, February 2009.

⁽¹⁴²⁾ HRW, Moscow, meeting in Moscow, November 2011; NGO in Grozny, meeting, November 2011.

⁽¹⁴³⁾ Civic Assistance Committee, Svetlana Gannushkina, meetings in Moscow, 31 October 2012 and 28 October 2013; HRW, meeting in Moscow, October 2013.

⁽¹⁴⁴⁾ HRW, meeting in Moscow, November 2011.

⁽¹⁴⁵⁾ Civic Assistance Committee, Svetlana Gannushkina, meeting in Moscow, 28 October 2013.

6. Marriage

6.1. Registered marriage

In Russia cohabitation between unmarried couples exists and is generally accepted, but is of no legal consequence⁽¹⁴⁶⁾. Registered marriage is the only legal form of cohabitation in Russia, and it is regulated by law⁽¹⁴⁷⁾. Entering into marriage takes place through registration in ZAGS (Bureau of Acts of Civil Status/the population register). ZAGS is a government agency for the registration of marital status, and it also registers births, deaths and adoption, among other things⁽¹⁴⁸⁾.

People who wish to get married are required by ZAGS to present valid internal passports, a divorce certificate (if applicable), a completed application and are required to pay a separate marriage fee. In Chechnya, the parties must also present a health certificate that documents that they do not have tuberculosis or HIV/AIDS. This certificate requirement was introduced in Chechnya on 25 December 2010⁽¹⁴⁹⁾, and is not laid down in Russian law, but is a local regulation in Chechnya⁽¹⁵⁰⁾.

As in the rest of Russia, the minimum age for entering into marriage in Chechnya is 18 years. People can get married at the age of 16 if there are good reasons for doing so and the local authorities grant their approval. In exceptional cases, the local authorities in Chechnya can grant approval for marriage from the age of 14, in which case, the authorities normally require the consent of the parents. An example of such an exceptional case could be that the girl is pregnant⁽¹⁵¹⁾.

According to Iwona Kaliszewska, it is relatively common for girls in Chechnya to get married when they are 15 or 16 years old⁽¹⁵²⁾. According to a representative of an NGO in Moscow, girls in the North Caucasus region are sometimes married off when they are between 13 and 14⁽¹⁵³⁾. Economic factors often play a part since it is the groom's family that must pay a dowry to the bride's family⁽¹⁵⁴⁾. The average age of marriage for girls from the North Caucasus region is 19–20, however. Women over the age of 25 are under pressure to marry from their family.

Marriage between cousins and second cousins is common in Dagestan, but not in Chechnya and Ingushetia, where marriage between relatives is not looked upon favourably⁽¹⁵⁵⁾. According to a representative of Memorial in the North Caucasus region, marriage between cousins was not uncommon in rural areas of Chechnya in the 1980s. Some of those who practised this tradition moved to the bigger cities or to refugee camps in other places during the two Chechen wars, and this type of marriage became less common as a result of increased mobility. Marriage between second cousins may occur, but is not very common in Chechnya⁽¹⁵⁶⁾.

In Ingushetia, marriage between cousins is very rare. One exception is in the Islamic school/brotherhood Batal Khadzji, which, in relation to other schools of Islam, represents 7–10% of the republic's inhabitants. They only marry people within the same brotherhood. Other Muslim brotherhoods in Ingushetia do not follow this practice⁽¹⁵⁷⁾.

⁽¹⁴⁶⁾ Diplomatic source, e-mail correspondence, August 2008.

⁽¹⁴⁷⁾ Diplomatic source, e-mail correspondence, August 2008.

⁽¹⁴⁸⁾ Landinfo, *Tsjetsjenia – ekteskap og kvinnens stilling (Chechnya – marriage and the status of women)*, 1 October 2008, restricted access.

⁽¹⁴⁹⁾ Ibragimov, M., 'Chechnya introduces tougher marriage regulations', *Caucasian Knot*, 27 December 2010, (<http://eng.kavkaz-uzel.ru/articles/15650/>) accessed 25 February 2014.

⁽¹⁵⁰⁾ International humanitarian organisation in Grozny, meeting November 2011; Vachagaev, M., meeting in Oslo, 8 March 2013.

⁽¹⁵¹⁾ Landinfo, *Tsjetsjenia – ekteskap og kvinnens stilling (Chechnya – marriage and the status of women)*, 1 October 2008, restricted access.

⁽¹⁵²⁾ Kaliszewska, I., *Everyday Life in North Caucasus*, COI Unit of the Polish office for foreigners, p. 98, December 2010, (http://www.udsc.gov.pl/files/WIKP/info_pdf/Binder1_Kaukaz_ang.pdf) accessed 11 February 2014.

⁽¹⁵³⁾ NGO in Moscow (b), meeting, 30 October 2012.

⁽¹⁵⁴⁾ Source in North Caucasus, e-mail correspondence, 26 February 2014.

⁽¹⁵⁵⁾ Kaliszewska, I., *Everyday Life in North Caucasus*, COI Unit of the Polish office for foreigners, December 2010, (http://www.udsc.gov.pl/files/WIKP/info_pdf/Binder1_Kaukaz_ang.pdf) accessed 11 February 2014.

⁽¹⁵⁶⁾ Memorial in North Caucasus, e-mail correspondence, 14-15 August 2013.

⁽¹⁵⁷⁾ Memorial in North Caucasus, e-mail correspondence, 14-15 August 2013.

6.2. Muslim marriage

In Chechnya, it is very common to get married in the Muslim way, i.e. for the marriage ceremony to be performed by an imam. It is not socially acceptable to live together without first having been married by an imam. Such a marriage is not legal under Russian law, since it has not been entered into before a state official and is not registered in ZAGS ⁽¹⁵⁸⁾.

Many marriages in the North Caucasus are not registered in ZAGS. Registering your marriage in ZAGS is often seen as a laborious affair, and it also makes divorce more difficult ⁽¹⁵⁹⁾. Marriages are commonly not registered. Many choose to register their marriage in ZAGS only when they find it necessary for practical reasons ⁽¹⁶⁰⁾. According to a representative of Memorial in the North Caucasus, 90% of those marriages that are officially registered in the North Caucasus are done so in connection with the couple's first child ⁽¹⁶¹⁾.

A representative of an international organisation in the North Caucasus says that an imam can perform the marriage ceremony even if the groom is not present. According to Sharia law, the woman must be present when the marriage is entered into ⁽¹⁶²⁾.

According to Adat, an ethnic Chechen woman should marry an ethnic Chechen man who is a Muslim. Marriages between ethnic Chechen women and ethnic Ingush men are not entirely uncommon, as both are Muslim and they are close in ethnicity. Marriages between ethnic Chechen women and ethnic Russian men are very uncommon and are condemned by the community. An ethnic Chechen man is somewhat freer to marry a non-Muslim woman but they largely keep to 'their own' ⁽¹⁶³⁾. Religion is less important in such cases, but the woman must not be an atheist.

6.3. Place of residence after marriage

Normally, young, married couples do not live by themselves. The couple usually move in with the husband's parents, at least for a period until they get their own place to live. The youngest son in the family usually continues to live with his parents together with his spouse, while the elder brothers move out as they find their own place to live ⁽¹⁶⁴⁾.

Young brides undertake a number of obligations on entering into marriage, both in relation to their husband and, not least, in relation to his family. They are assigned a lot of work in the family and must obey the orders of their mothers-in-law ⁽¹⁶⁵⁾.

6.4. Forced marriage

Usually, the families agree that a marriage will take place and the bride and groom are involved to a greater or lesser degree in the decision. The degree of coercion varies. Where coercion takes place, it is often the bride's family that takes the leading role in arranging the marriage. There may also be cases where the groom's parents and his family are responsible for selecting a future wife. Forced marriages occur both in urban and rural areas but are more frequent among those with lower education. Many people from rural areas have moved to Grozny recently and the composition of the population of Grozny has changed. Many urban, well-educated people left Grozny several years ago ⁽¹⁶⁶⁾.

⁽¹⁵⁸⁾ Memorial in North Caucasus, e-mail correspondence, 14-15 August 2013.

⁽¹⁵⁹⁾ Kaliszewska, I., *Everyday Life in North Caucasus*, COI Unit of the Polish office for foreigners, December 2010, (http://www.udsc.gov.pl/files/WIKP/info_pdf/Binder1_Kaukaz_ang.pdf) accessed 11 February 2014.

⁽¹⁶⁰⁾ NGO in Moscow (a), meeting, 30 October 2012.

⁽¹⁶¹⁾ Memorial in North Caucasus, e-mail correspondence, 14-15 August 2013.

⁽¹⁶²⁾ International organisation in North Caucasus, e-mail correspondence, May 2009.

⁽¹⁶³⁾ Information gathered through interviews with with local NGOs on fact-finding missions from 2009 -2013.

⁽¹⁶⁴⁾ Information gathered through interviews with with local NGOs on fact-finding missions from 2009 -2013.

⁽¹⁶⁵⁾ Kaliszewska, I., *Everyday Life in North Caucasus*, COI Unit of the Polish office for foreigners, December 2010, (http://www.udsc.gov.pl/files/WIKP/info_pdf/Binder1_Kaukaz_ang.pdf) accessed 16 September 2014.

⁽¹⁶⁶⁾ International organisation in North Caucasus, e-mail correspondence, February 2009.

According to Svetlana Gannushkina of Civic Assistance, far more forced marriages have taken place in the North Caucasus since the dissolution of the Soviet Union. She says the reason is that men want to be in control of their wives and daughters. In general, men exercise more coercive power over women than they used to ⁽¹⁶⁷⁾.

6.5. Polygamy

According to Iwona Kaliszewska, polygamy is a relatively recent phenomenon in Chechnya. Kaliszewska refers to how polygamy became widespread in connection with the deportation of Chechen and Ingush people to Central Asia in 1944, during the Stalin period. It was said that the men were encouraged to marry as many women as possible to ensure the nation's survival ⁽¹⁶⁸⁾.

Originally, polygamy was the prerogative of wealthy men who could afford to provide for several spouses. According to Kaliszewska, many men from the North Caucasus region have one spouse at home and another where they work, which is often in another part of Russia. These women normally do not know about each other. For a man, however, being unfaithful is generally accepted by society in the North Caucasus, even by the women ⁽¹⁶⁹⁾.

According to HRW, polygamy is socially acceptable in Chechnya. Ramzan Kadyrov encourages the Chechen population to practise polygamy. There are far fewer men than women in the population, and Kadyrov claims that polygamy solves this problem. Kadyrov holds the view that a man can have up to four wives. In particular, Kadyrov encourages members of the police and security forces to have several spouses. Polygamy is practised in both urban and rural areas. According to HRW, women who have the position of 'second wife' are very vulnerable. If they are expelled from the marriage, they have no rights due to the fact that the marriage was not registered. They have no rights in relation to the division of property and are often left penniless ⁽¹⁷⁰⁾.

In general, women in Chechnya do not favour polygamy, but polygamy provides opportunities to women who would otherwise have less chance of getting married, so there are mixed feelings on the subject. Women who are widows, who have been left by their husbands, women with children or women over the age of 35 may find the practice acceptable ⁽¹⁷¹⁾.

⁽¹⁶⁷⁾ Civic Assistance Committee, Svetlana Gannushkina, meeting in Moscow, 28 October 2013.

⁽¹⁶⁸⁾ Kaliszewska, I., *Everyday Life in North Caucasus*, COI Unit of the Polish office for foreigners, December 2010, (http://www.udsc.gov.pl/files/WIKP/info_pdf/Binder1_Kaukaz_ang.pdf) accessed 11 February 2014.

⁽¹⁶⁹⁾ Kaliszewska, I., *Everyday Life in North Caucasus*, COI Unit of the Polish office for foreigners, December 2010, (http://www.udsc.gov.pl/files/WIKP/info_pdf/Binder1_Kaukaz_ang.pdf) accessed 11 February 2014.

⁽¹⁷⁰⁾ HRW, Moscow, telephone interview, February 2009; and meetings in Moscow, November 2011 and October 2013.

⁽¹⁷¹⁾ Kaliszewska, I., *Everyday Life in North Caucasus*, COI Unit of the Polish office for foreigners, December 2010, (http://www.udsc.gov.pl/files/WIKP/info_pdf/Binder1_Kaukaz_ang.pdf) accessed 11 February 2014.

7. Divorce

Statistical data on divorce in the North Caucasus region is not representative, since many marriages are not registered in the population register (ZAGS). In 2012, 8,868 marriages were registered in Chechnya. The number of divorces in the same year was 1,184. This translates to a rate of 6.8 marriages per 1,000 inhabitants and 0.9 divorces. In Russia as a whole, the divorce rate is more than 50% ⁽¹⁷²⁾. People who get divorced in Chechnya usually do so during the first year of marriage ⁽¹⁷³⁾.

Couples who have registered their marriage in ZAGS must also have their divorce registered in ZAGS in order for the marriage to be legally dissolved. If a woman remarries in a ceremony performed by an imam, however, it is of no consequence whether or not the woman has been legally divorced. The important thing for an imam is that the divorce was carried out in accordance with Islam and that the norms were adhered to. For example, a woman may not remarry until 90 days after the date of the divorce, and she must live with her parents for this period of 90 days. The imam can register the woman's new marriage if her previous marriage was dissolved in accordance with Sharia ⁽¹⁷⁴⁾.

The general perception is that less people get divorced in Chechnya than in Russia as a whole. This is due to the importance of the traditional family pattern in Chechen society. Corresponding family values are found in Ingushetia and Dagestan. If a relationship ends or a divorce happens, women are fortunate if they have someone to protect them. It is often the woman's father or brother who must ask for a divorce on her behalf. In such situations, animosity can easily arise between families ⁽¹⁷⁵⁾. As noted in Chapters 3 and 8 many women are reluctant to get a divorce because they are afraid that they will lose contact with their children ⁽¹⁷⁶⁾.

A representative of an international organisation in the North Caucasus said that many men do not wish to marry a woman who has been married before and thus women who are divorced have difficulties finding a new man who will marry them. The source described these women as 'marked'. If the woman has children living with her, she will find it more difficult to get married again. It is easier for a divorced woman with no children to remarry ⁽¹⁷⁷⁾. According to Kaliszewska, the husband should also have been married before if a divorced woman is to be married to him ⁽¹⁷⁸⁾. Individual circumstances seem to have a bearing on whether a divorced woman is able to remarry.

According to Kaliszewska, divorced women have a special position in the North Caucasus region. A divorced woman normally moves back to her own family after the divorce. A divorced woman enjoys greater freedom than other women, also sexually ⁽¹⁷⁹⁾.

During Landinfo's visit to Chechnya in November 2011, they met 8 to 10 Chechen women who worked for a foreign NGO, amongst them a few who noted that they were divorced. None of the women Landinfo spoke with said that divorced women are unable to find work. It might be, however, that their situation was special because they worked for a foreign NGO.

⁽¹⁷²⁾ GKS (Federal'naja Sluzhba Gosudarstvennoj Statistiki – The Federal Service for State Statistics), 1.12. *Braki i razvody po subbektam Rossijskoj Federatsii [Marriages and divorces according to regions in the Russian Federation]*, 2013 (http://www.gks.ru/bgd/regl/B13_16/Main.htm) 24 February 2014.

⁽¹⁷³⁾ Kaliszewska, I., *Everyday Life in North Caucasus*, COI Unit of the Polish office for foreigners, December 2010, (http://www.udsc.gov.pl/files/WIKP/info_pdf/Binder1_Kaukaz_ang.pdf) accessed 11 February 2014.

⁽¹⁷⁴⁾ Memorial in North Caucasus, e-mail correspondence, January 2013.

⁽¹⁷⁵⁾ Diplomatic source, 26 October 2012, restricted access to report.

⁽¹⁷⁶⁾ Chechen lawyer (a), meeting in Moscow, 29 October 2013.

⁽¹⁷⁷⁾ International organisation in North Caucasus, meeting in North Caucasus, June 2009.

⁽¹⁷⁸⁾ Kaliszewska, I., *Everyday Life in North Caucasus*, COI Unit of the Polish office for foreigners, December 2010, (http://www.udsc.gov.pl/files/WIKP/info_pdf/Binder1_Kaukaz_ang.pdf) accessed 11 February 2014, p. 103.

⁽¹⁷⁹⁾ Kaliszewska, I., *Everyday Life in North Caucasus*, COI Unit of the Polish office for foreigners, December 2010, (http://www.udsc.gov.pl/files/WIKP/info_pdf/Binder1_Kaukaz_ang.pdf) accessed 11 February 2014, p. 104.

8. Child custody following divorce and death

Traditionally, it is the man who is responsible for the daily care and parental authority over the children after a divorce ⁽¹⁸⁰⁾. This is in line with Adat, which states that children should live with their father's family and that the children are the 'property' of the father and his family ⁽¹⁸¹⁾.

According to Sharia law, small children should live with their mother until the age of seven, and then with their father when they are older. President Kadyrov has requested that this law be observed in Chechnya as well. Despite this, people follow Adat, which dictates that children should live with their father and his family ⁽¹⁸²⁾.

However, representatives of an international humanitarian organisation in Grozny stated that different families find different solutions for the children following the termination of a relationship or death. It is common that the father or his family is in charge of the daily care and parental authority, but the mother sometimes gets access rights to the children, and, in special circumstances, the children live with their mother. Different circumstances, such as family financial resources or resourceful relatives have a bearing on each family's arrangements. In cases where there are no grandparents on the father's side, and the father is incapable of caring for the children, the children can stay with their mother. It is nonetheless the father's family that has principal responsibility for the children. If a child does something wrong, responsibility rests with the father even if the child lives with his/her mother. In principle, it is important for women to maintain a good relationship with their husband's family ⁽¹⁸³⁾.

Many Chechen men die at a young age, especially if they work in the police or in the building industry. In such situations, the father's family often take over care and authority over the children, since a woman has a hard time remarrying if she has these responsibilities ⁽¹⁸⁴⁾. A Chechen lawyer told Landinfo that if a widow who lives alone with her children has any contact with men, the children's father's family will most likely demand that the children come and live with them, and deny the mother contact with her children ⁽¹⁸⁵⁾.

In a few cases, agreement may be reached between the former spouses so that the woman can have regular contact with her children. This only happens in a small number of cases, however ⁽¹⁸⁶⁾. According to a Chechen lawyer, women only take their case to court in exceptional cases when all other options are exhausted, including contact with the father's relatives through the elders and attempts at negotiations through a mullah. Taking family issues to court is the last resort. It means breaking all ties, and is equivalent to declaring war on the husband's family. Many receive threats from the husband's family ⁽¹⁸⁷⁾. An NGO in Moscow told Landinfo about a Chechen woman who was attacked in the street by relatives of her late husband after she had won her court case and been granted custody of her daughter ⁽¹⁸⁸⁾.

According to the above-mentioned Chechen lawyer, family cases that are brought before the courts usually concern questions of access arrangements (i.e. whether the mother can have access to her children). In very few cases, the case concerns granting the mother full custody. Full custody for a mother is difficult, among other things because of poverty and the lack of a job. Many women do not want full custody because of the great responsibility it involves ⁽¹⁸⁹⁾.

According to the lawyer, women who are educated and have a job have a better chance of reaching some form of arrangement concerning the children and are in less need of legal assistance. If a woman is to succeed in establishing an access arrangement, she needs help from her parents and family ⁽¹⁹⁰⁾.

⁽¹⁸⁰⁾ Armstrong, J., 'Rage or Romance?', *Globe and Mail update*, 26 April 2008 (<http://www.theglobeandmail.com/news/world/rage-or-romance/article959083/?page=all>), accessed 3 September 2014.

⁽¹⁸¹⁾ International humanitarian organisation in Grozny, meeting November 2011; Chechen lawyer, meeting in Moscow in November 2012.

⁽¹⁸²⁾ NGO in Moscow (b), meeting, 30 October 2012.

⁽¹⁸³⁾ International humanitarian organisation in Grozny, meeting November 2011.

⁽¹⁸⁴⁾ NGO in Grozny, meetings in June 2009 and November 2011.

⁽¹⁸⁵⁾ Chechen lawyer, meeting in Moscow in November 2012.

⁽¹⁸⁶⁾ HRW, meeting in Moscow, November 2011; NGO in Grozny, meeting, November 2011.

⁽¹⁸⁷⁾ Chechen lawyer, meeting in Moscow in November 2012.

⁽¹⁸⁸⁾ NGO in Moscow (b), meeting, 30 October 2012.

⁽¹⁸⁹⁾ Chechen lawyer, meeting in Moscow in November 2012.

⁽¹⁹⁰⁾ Chechen lawyer, meeting in Moscow in November 2012.

Most of the cases brought before the Court by the Chechen lawyer on behalf of women have been won. The Chechen lawyer informed that both Islamic law, Chechen traditions and Russian law are used when bringing cases concerning child custody and access rights before the courts ⁽¹⁹¹⁾.

It is after judgment has been pronounced and is to be enforced that the challenges arise, however. The children's father's family often obstructs enforcement, among other things by pointing out ambiguities in the judgment. It may also be that agreed times for contact with the child are not respected. If, in addition, someone in the father's family works for the government, the family will be powerful and difficult to stand up to. The honour of the father's family is violated if the mother is granted too extensive rights ⁽¹⁹²⁾.

An NGO in Moscow also stated that widows with children have a higher status than divorced women in Chechnya and Ingushetia. A widow will immediately be asked by her late husband's relatives whether she wishes to stay with the children in her family-in-law's house or whether she wishes to start 'a new life' without children. She may then get a chance to remarry. If the mother stays with her parents-in-law, she is expected to honour the memory of her late husband and not get married again. Getting remarried is not forbidden, but she will normally lose contact with her children ⁽¹⁹³⁾. According to the International Crisis Group, daughters sometimes stay with their mother after she has become a widow, while sons tend to stay with their father's family ⁽¹⁹⁴⁾.

⁽¹⁹¹⁾ Chechen lawyer, meeting in Moscow in November 2012.

⁽¹⁹²⁾ Chechen lawyer, meeting in Moscow in November 2012.

⁽¹⁹³⁾ NGO in Moscow (a), meeting, November 2011.

⁽¹⁹⁴⁾ ICG, meeting in Oslo, 28 March 2014.

9. Orphanages

In situations where children are left on their own after both their parents have died, they will be taken care of by their father's family in line with tradition. If the grandparents cannot take care of the children, they will be taken care of by their mother's family. If there is no one to take care of the children, they will be placed in an orphanage. In Chechnya and the rest of the North Caucasus region, families make great efforts to avoid having the children placed in an orphanage. It is not common to place children in orphanages, and typically only children who have lost their entire family live in orphanages ⁽¹⁹⁵⁾.

In general, the authorities are of the opinion that there should be no orphanages in Chechnya, since it is the family's responsibility to take care of the children ⁽¹⁹⁶⁾. In 2009, president Kadyrov ordered all orphanages in Chechnya to be closed and the children to be reunited with their relatives. According to a representative of an international organisation in the North Caucasus, this initiative by Kadyrov was based on a wish to show that families are strong units and that they take care of their own. Very few wanted to take in remote relatives they had hardly had any contact with, however. The lack of housing and financial constraints made people reluctant to include and support yet another member of the household. Kadyrov wishes to give the impression that family ties are as strong as before, but, according to the organisation, this is not the case ⁽¹⁹⁷⁾.

Landinfo has no overview of the number of orphanages in Chechnya, but, according to a Chechen lawyer, there is one in Grozny and one in the Nadterechny district ⁽¹⁹⁸⁾. According to an NGO in Moscow, there are five or six orphanages in Chechnya. The biggest sleeps 200–300 children. The orphanages are public institutions ⁽¹⁹⁹⁾.

⁽¹⁹⁵⁾ International organisation in North Caucasus, meeting in North Caucasus, June 2009; NGO in Moscow (b), meeting, 30 October 2012.

⁽¹⁹⁶⁾ Chechen lawyer, meeting in Moscow in November 2012.

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