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CEDAW ASSESSMENT TOOL REPORT
FOR
**THE RUSSIAN
FEDERATION**

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INTRODUCTION

This report examines the situation of women's rights in the Russian Federation through an analysis of Russia's compliance with the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

CEDAW, adopted by the United Nations in 1979, is a comprehensive articulation of women's human rights and the principal international instrument that addresses gender discrimination. In ratifying CEDAW, States Parties commit themselves not only to establish formal legal parity between men and women but also to take action to ensure women's real enjoyment of their rights on an equal basis with men. To date, CEDAW has been ratified by 180 countries, almost all the UN Member States. The Russian Federation assumed the obligations arising from CEDAW without reservations as the successor State to the Union of Soviet Socialist Republics, which ratified the Convention in 1981. The Russian Constitution states that international agreements are an integral part of the legal system of the country¹ and therefore, CEDAW, including its definition of discrimination against women, has the force of law in Russia.

The treaty defines discrimination against women broadly and calls for equality in virtually all spheres of life including political participation, education, health care, employment, economic activities, cultural life and family and marital relations.

CEDAW remains unique among UN conventions for its three-part perspective on improving the status of women. First, the focus of the treaty is undoubtedly on civil rights and protecting women's fundamental freedoms under the law. States are obligated not only to abolish discriminatory laws but also to legislate against gender discrimination and ensure that competent tribunals exist to remedy violations of the law in public and private life. Second, the Convention includes an important articulation of the interplay between women's unique reproductive rights and other basic rights. Throughout the text, CEDAW refers not only to a woman's right to make choices about reproduction but also establishes that measures that protect maternity shall not be considered discriminatory. In fact, CEDAW recommends that States Parties adopt the aforementioned measures, as well as measures that allow women and men to combine family life with obligations in the public sphere. The treaty additionally requires State's to provide information on family planning. Lastly, the Convention is unique for its description of the interconnectedness of culture and women's human rights. Inequalities in the law, in politics or in the economic sphere can be traced to traditions, stereotypes, prejudices and norms which are deeply rooted in society. CEDAW directly challenges the notion of "traditional roles" of men and women and obligates State parties to work toward the "elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes."

The reporting process, by which State parties submit national reports at least every four years documenting compliance with the provisions of the treaty to the Committee on the

¹ Constitution of the Russian Federation, Article 15, part 4.

Elimination of Discrimination against Women, can put pressure on national governments to amend legislation and policies and also serves to educate the UN and the international community about the status of women worldwide. The Committee on the Elimination of Discrimination against Women presents specific comments and recommendations upon reviewing the State party report. The reporting process has also been used by non-governmental organizations (NGOs) at the local level to draw attention to urgent matters and to advocate for further government action. NGOs may submit comprehensive alternative reports that “shadow” the official State Party report or can provide specialized information to the Committee in other forms.

Since becoming an independent State, the Russian Federation has submitted two periodic reports under CEDAW.² The most recent report to date was reviewed by the Committee in 2002 during its 26th Session. The Committee also received several shadow reports drafted by women’s organizations in Russia at this time.

Since the adoption of CEDAW, the Committee on the Elimination of Discrimination against Women has further defined and expanded upon the meaning of discrimination through 25 General Recommendations. The General Recommendations describe the Committee’s understanding of the obligations under the Convention and offer guidance to States Parties concerning specific areas of concern, such as violence against women (General Recommendation 19), women and AIDS (General Recommendation 15) and the treatment of disabled women (General Recommendation 18). Recently, the adoption of an Optional Protocol to CEDAW created two significant procedures: the communications procedure, by which individual complaints of violations of the treaty may be submitted to the Committee and the inquiry procedure, under which the Committee can initiate an independent inquiry into situations of serious or systemic violations of women’s rights. The Russian Federation ratified the Optional Protocol to CEDAW in July 2004.

The following report is the result of an analysis of Russia’s compliance with CEDAW using an assessment tool developed by the American Bar Association’s Central European and Eurasian Law Initiative (ABA/CEELI) in 2002. The report is divided into 16 sections, corresponding to the 16 substantive provisions of the treaty. Each section of the report includes *de jure* analysis (a review of Russian laws relevant to women’s rights and how they comply with CEDAW) and *de facto* analysis (an assessment of the extent to which women actually enjoy the rights and protections set forth in CEDAW). Additionally, each section highlights specific areas of concern that refer to issues that should be addressed with greater urgency in order to improve Russia’s overall compliance with its treaty obligations.

Finally, it is our hope that this report will prove useful to the Russian government, NGOs, international organizations, donor organizations, legal professionals, academics and individual citizens in their efforts to assess and improve equality between men and women in Russia and ensure compliance with Russia’s international legal obligations.

² The Fourth and Fifth Periodic Reports of the Russian Federation.

METHODOLOGY

This study was conducted in 2004- 2005 using the CEDAW Assessment Tool developed by the American Bar Association Central European and Eurasian Law Initiative (ABA/CEELI) in Washington, D.C., to measure a signatory country's compliance with the UN Convention for the Elimination of All Forms of Discrimination against Women (CEDAW). ABA/CEELI has used this methodology to conduct similar research in Armenia, Georgia, Moldova and Serbia.

The assessment tool measures the status of women in a given country as reflected in its laws and based on the degree to which women, in practice, enjoy the rights and protections guaranteed by CEDAW. The assessment tool is divided into two sections: a *de jure* assessment and a *de facto* analysis. More difficult than identifying legislative (or *de jure*) deficiencies is the task of determining the degree to which women, *in practice*, are accorded the rights guaranteed to them under the Convention. A major focus of the methodology is on the *de facto* or "real life" impediments to equality. Such impediments are not necessarily the product of poorly drafted or non-existent legislation but result from procedural failures to implement the law and are also connected to deeply-held cultural beliefs about the roles of men and women.

Carrying out the CEDAW assessment in Russia presented a set of unique challenges during both the *de jure* and *de facto* phases of the project. The Russian Federation is the largest country in the world in terms of area and currently has a population of over 143 million. The Russian Federation is divided into 89 subjects, which include republics, *oblasts*, *krais*, autonomous regions (*okrugs* and an *oblast*) and two federal cities. Furthermore, the subjects are grouped administratively into seven federal districts. Under the federal system, legal authority is divided between federal legislation, regional legislation and areas of joint competence.³ The later sphere includes, *inter alia*, "the protection of human and civil rights and freedoms," "coordination of health care issues, protection of the family, maternity, fatherhood and childhood, social protection," and "labor, family, housing legislation."⁴ Subjects have the power to draft their own legislation in areas of joint jurisdiction only as long as such laws do not contravene federal norms. Because the areas of joint jurisdiction potentially touch upon many issues of women's rights, to the extent possible, subject laws were included in the present assessment.

The people of Russia are ethnically diverse and the country encompasses more than 160 distinct ethnicities. The majority are Russian (79.8%), but the population includes significant numbers of Tatars, Ukrainians, Bashkirs, Chuvash, Chechens and Armenians. Russia is diverse in terms of language and religion with practitioners of Orthodox Christianity, Islam, Judaism and Buddhism as well as other faiths. Finally, the country varies greatly in terms of economic and infrastructure development.

³ Constitution of the Russian Federation, Articles 71-73.

⁴ Constitution of the Russian Federation, Article 72.

A working group of attorneys from ABA/CEELI-Moscow, the Gender Studies Center of Samara State University and a gender specialist in St. Petersburg conducted the *de jure* assessment. The working group followed a template, consisting of 66 questions, to review all binding legal authorities, including the Constitution of the Russian Federation, federal law, Presidential decrees and Government resolutions and implementing legislation, to assess Russia's *de jure* compliance with CEDAW. As mentioned above, the working group evaluated regional constitutions and charters as well as applicable local legislation. Much of the analysis of local laws, however, was conducted during the *de facto* phase of the project as access to information was facilitated by travel to specific regions and conversations with experts.

From January to May 2005, the working group, in cooperation with women's NGOs throughout the Russian Federation conducted the *de facto* analysis of CEDAW. Women's NGOs and other local experts were instrumental in the process of selecting interviewees, facilitating meetings and highlighting areas of special concern in their regions. The working group conducted in-person interviews in each of Russia's federal districts, with a particular emphasis on the Volga and Far Eastern Federal Districts.⁵ In total, the working group interviewed more than 180 individual experts in 32 cities and towns of Russia,⁶ including representatives of women's NGOs and human rights NGOs, individuals from diverse ethnic groups and various religions as well as migrants, disabled women and women from rural regions. Interviews were also conducted with members of local legislative bodies, ministries, law enforcement organs, healthcare facilities, employment services, social service agencies, crisis centers and local ombudsman's offices.⁷ In addition, the working group conducted seven focus groups (comprising a total of 45 individuals), dedicated to the status of women in certain regions and to specific topics of women's rights.⁸

An ancillary goal of the assessment project was to promote knowledge of the treaty itself as well as of Russian government declarations on improving women's rights. Therefore, all interviewees and focus group participants were given copies of CEDAW and the

⁵ Additionally, the working group conducted a small number of telephone interviews.

⁶ Chelyabinsk, Irkutsk, Kazan, Moscow, Murmansk, Naberezhniye Chelny, Neftegorsk, Novochoerkassk, Novokuibyshevsk, Oktyabrsk, Orenburg, Penza Oblast (Lermontovo), Perm and Perm Oblast (Oryol), Petrozavodsk, Rostov-on-Don, St. Petersburg, Samara and Samara Oblast (Borskoe and Krasnyi Yar), Saransk, Saratov, Severomorsk, Syzran, Syktyvkar, Togliatti, Tver, Ufa, Ulyanovsk, Vladivostok, Yekaterinburg and Yuzhno-Sakhalinsk.

⁷ Although experts from within the State structure were interviewed for this assessment, it is worth noting that the Russian government, particularly at the federal level, was at times closed to communication with ABA/CEELI. On more than one occasion, ABA/CEELI's requests for permission to conduct interviews with specific individuals were declined, sometimes with the statement that the topic (discrimination against women) was not within their competence. At other times, ABA/CEELI simply received no response. Ultimately the results of the study were not compromised by these refusals, but the resulting report would only have been strengthened had the State allowed greater access to official information.

⁸ Three of the focus groups were dedicated to reviewing the status of women and fulfillment of CEDAW obligations in the following regions: the Republic of Karelia, the Republic of Komi and Sakhalinsk Oblast. The remaining focus groups addressed the following specific topics: Sexual Harassment in the Workplace and Educational Institutions; Gender Stereotypes and the Societal Role of Men and Women in the Family; The Specifics of Protecting the Rights of Men and Women in the Russian Federation; Protecting the Rights of Women and the Possibility of Adopting Rights-Protecting Strategies by Russian NGOs.

Optional Protocol to CEDAW, as well as the Conception for the Improvement of the Status of Women in the Russian Federation and Russia's draft Gender Strategy. A complete list of respondents and focus group participants is included as Appendix 4 to this report.

Much has been written about women's rights in Russia on such diverse issues as women's political participation, domestic violence, human trafficking, stereotypes in textbooks, the prevalence of HIV/AIDS and conditions in women's prisons, for example. This assessment is not intended as a document review. However, the working group consulted a range of secondary sources, including official government statistics, academic sources, human rights reports, NGO studies and reports of UN bodies, to gain further information about the current situation of discrimination against women.

The final report was written by ABA/CEELI-Moscow. A committee, consisting of 11 experts from women's organizations, academic research centers, the federal Office of the Ombudsman and the President's Council on Advancing Civil Society and Human Rights, as well as the original working group members and ABA/CEELI reviewed and offered comments on the final version of the assessment before publication. English and Russian language versions of this report are available on the website of ABA/CEELI-Washington: <http://www.abanet.org/ceeli/publications/cedaw/home.html>.

EXECUTIVE SUMMARY

Making human rights a reality for individual women requires political will at all levels. International law also requires States to ensure that women are aware of their human rights. It is essential that society, as a whole, recognize its role in fostering respect for women's human rights. States must take all appropriate measures to modify cultural and social patterns that discriminate against women. . . . States are also obliged to exercise due diligence in investigating, prosecuting and punishing violations of women's rights even when perpetrated by private actors. Women must have access to justice and receive equal treatment before the law.⁹

The Russian Federation has undergone tremendous structural changes in the last decade as old economic, social and political systems have been dismantled. While the population as a whole has had to adapt to the new conditions, men and women face some unique difficulties. The World Bank describes some of the characteristic problems for women in Russia during the transition process as “the deterioration of women’s social and economic position, the reduced possibility of women’s participation in decision making, and the feminization of poverty.”¹⁰ Although Russia has experienced positive economic growth in recent years and human rights are a part of the political agenda, the country is nevertheless characterized by widespread gender inequalities. It is precisely the collapse of communism that has fostered discussion of whether gender equality was ever achieved in fact.

Women’s emancipation was considered an essential component of socialism, and therefore, the first Constitution of the new Soviet State (the Russian Socialist Federative Soviet Republic) of 1918 declared that “women have equal rights to men.” The State adopted a formal policy of equality but did not create the conditions that would result in true equality between women and men. A one scholar put it, “real equality on the basis of sex in [this] peasant, proletarian and patriarchal country was unattainable.”¹¹ Thus, while equality was “presented as an accomplished fact, [it] was simultaneously a myth and the embodiment of the victory of the proletariat over the past.”¹²

Although women’s lives changed dramatically in the Soviet era- their functions were shifted from the private domain to the public- there was no accompanying “redefinition

⁹ Louise Arbour, United Nations High Commissioner for Human Rights, Statement issued on the occasion of International Women's Day, 8 March 2005 at <http://www.unhchr.ch/hurricane/hurricane.nsf/view01/0AE059B6BEB68FE2C1256FBE00620C71?opendocument>.

¹⁰ GENDER IN RUSSIA: A REVIEW OF LITERATURE (based on domestic publications 1993-2003), World Bank, April 2004 at 19.

¹¹ Liudmila Zavadskaya, *The Road to Equality: Issues of Discrimination on the Basis of Sex in DISCRIMINATION AGAINST WOMEN IN CONTEMPORARY RUSSIA*, Moscow Helsinki Group (T. Lokshina, ed., 2003) at <http://www.mhg.ru/publications/2039961>.

¹² *Id.*

of male and female roles" in society.¹³ Instead, when addressing, "women's issues," the Soviet State evolved a theory of social protectionism which reflected the view that women fulfilled two roles in society- a "maternal function and a role in production."¹⁴ Women became the objects of State policy based on a notion that women's specific traits, in comparison to men, required specific measures.¹⁵ Thus, the State approached inherent inequalities by creating a system of positive discrimination (for example, awarding social assistance to women) but not by eliminating the underlying causes of discrimination against women.¹⁶ As a result, Russian women made advances in such fields as labor, education and politics at a significantly earlier date than their compatriots in Western Europe or the United States. For example, Russian women were among the first in the world to achieve the right to vote, in 1917, a mere 12 years after men in Russia. Yet deeper analysis shows that women in fact experienced a "double burden," taking primary responsibility for raising children and maintaining the household as well as fulfilling a duty to the State as a worker outside the home.

After the Revolution, women entered the workforce in large numbers yet remained concentrated in non-managerial and low-salaried positions. Likewise, quotas ensured that women were represented in political office. Thus, on average women made up 26% of party lists, but they did not occupy positions of real authority. For example, very few women were members of the Central Committee of the Communist Party, and women were elected to the Politburo only three times from 1917-1990.¹⁷ Women's representation in the Supreme Soviet had a "decorative character" as female deputies tended to be young textile or collective farm workers who were not active and generally only served one term. Thus, the inclusion of women among people's deputies "simultaneously resolved the problem of representation of workers and collective farmers."¹⁸

The women's movement in Russia today is very much influenced by how the Soviet State framed issues of women's rights. Namely, the schism between legal, or *de jure*, equality and women's ability of fully realize their human rights still exists to a great extent. Furthermore, the inclusion of gender equality as a tenet of official government policy has resulted in a certain complacency among the population that equality has been achieved and therefore there is no need to take additional measures. Finally, the use of "positive discrimination"- benefits granted to women only- as a solution to entrenched inequalities remains a guiding principle in State social reform programs.

¹³ Gail Warshofsky Lapidus, *Gender and Restructuring: the Impact of Perestroika and its Aftermath on Soviet Women in DEMOCRATIC REFORM AND THE POSITION OF WOMEN IN TRANSITIONAL ECONOMIES* 138 (V. Moghadam ed., 1993).

¹⁴ Annette Hulan, *Western standards for post-communist women*, EUMAP at <http://www.eumap.org/journal/features/2001/dec/westernst>.

¹⁵ O. A. Khasbulatova, *Review of the Experience of Soviet State Policies toward Women in GENDER RECONSTRUCTION OF THE POLITICAL SYSTEM* 403 (N. Stepanova and E. Kochkina eds., 2004).

¹⁶ Liudmila Zavadskaya, *The Road to Equality: Issues of Discrimination on the Basis of Sex*, *supra*.

¹⁷ O. A. Khasbulatova, *Review of the Experience of Soviet State Policies toward Women* at 407.

¹⁸ E. V. Kochkina, *The Political System Preference for Male Citizens in Russia, 1917-2002 in GENDER RECONSTRUCTION OF THE POLITICAL SYSTEM* 482 (N. Stepanova and E. Kochkina eds., 2004).

Overview of *De Jure* Compliance

Legal equality has long existed in Russia. Early declarations that women have rights equal to those of men, in the 1918 and 1936 Soviet-era Constitutions, gave way to the modern formulation that “the State guarantees the equality of human and civil rights and freedoms regardless of sex . . . Men and women shall enjoy equal rights and freedoms and equal opportunities to exercise them.”¹⁹ While the principle of gender equality is widely incorporated in Russian law, this assessment reveals that, in reality, women suffer many forms of discrimination and are unable to realize their right to equal opportunities.

The principle of equal rights set forth in the Constitution of the Russian Federation is repeated in regional charters and constitutions and reiterated in other provisions of Russian law. Sex-based discrimination in employment is prohibited,²⁰ political parties must include men and women²¹ and spouses have equal rights in family relations.²² Legal experts are generally familiar with such provisions and other guarantees of equality, but the laws are largely considered declarative in nature. The Constitutional Court has heard few cases of discrimination of any kind. In fact, the Court’s rulings make clear that the Russian Constitution states a general principle of law but does not create a separate right to be free from discrimination.²³

Discrimination on the basis of sex, as well as other immutable characteristics, is criminalized in Russia.²⁴ However, only a handful of legal challenges to discriminatory practices in Russia have been initiated under this provision, in part a result of a low level of awareness among legal professionals about the existence of the law.

There are virtually no overly discriminatory provisions in Russian legislation- the vast majority of laws refer neutrally to the rights of each “citizen,” “all,” or “everyone”- with two notable exceptions. First, in the spheres of employment and education, women are restricted by law from performing certain jobs that are considered harmful to the health or dangerous and the internal regulations of specific military and defense-related institutions permit only male applicants. Second, specific legislation grants women special treatment or benefits in connection to their reproductive functions and role in childcare.²⁵ The lack of specialized legislation to address problems to which women are vulnerable, for example domestic violence or sexual harassment, indicates that the State has not given priority to improvement of women’s rights generally. Additionally, the omission of needed gender-specific laws in spheres outside of family life and child-rearing, reflect a general lack of awareness of what constitutes gender discrimination.

¹⁹ Constitution of the Russian Federation of 1993, Article 19, part 1.

²⁰ Labor Code, Articles 3, 64.

²¹ Article 8, Federal Law “On Political Parties.”

²² Article 1, Family Code.

²³ GENDER IN RUSSIA: A REVIEW OF LITERATURE (based on domestic publications 1993-2003), World Bank, April 2004 at 37.

²⁴ Article 136, Criminal Code.

²⁵ It should be noted that recent revision of the Family Code resulted in the extension of many such benefits related to child rearing to fathers, as well as other relatives and guardians.

One legal expert explains that the “main defect” of Russia legislation is precisely its “gender neutrality, the lack of any norms ensuring the equalization of men’s and women’s opportunities in the realization of their rights and freedoms [as] proclaimed by the [Russian] Constitution.”²⁶ Russian law clearly guarantees equal rights, but legislation that would enable women to realize *equal opportunities* is lacking in many spheres. Thus, an important provision of the Russian Constitution has not been realized in the law.

Overview of *De Facto* Compliance

Russia’s participation in the Fourth World Conference on Women, held in Beijing in 1995, led to considerable efforts being taken to address the status of women. The government adopted a National Action Plan on Improving the Status of Women in the Russian Federation and Promoting their Role in Society as well as a Conception for the Improvement of the Status of Women in the Russian Federation. Later, the Ministry of Labor and Social Development drafted a Gender Strategy of the Russian Federation, but it has not been officially adopted by the Russian government. A number of specialized councils, commissions and departments were created within the structure of the federal government and analogous bodies appeared at the subject-level.

In the last few years, however, the issue of women’s rights has been disappearing from the political agenda. The National Action Plan, arguably the most broad-based document on women’s rights, is slated to expire in 2005. Without the support of the center, it is unclear whether regional-level governments will take the initiative to re-draft local action plans. In fact, a number of such regional-level plans, which were adopted in the late 1990’s and up to 2001, have already lost force.

Administrative reform in 2004 resulted in the reorganization of government agencies at both the federal and regional level. An unintended consequence has been the dissolution of many of the institutions that were once dedicated to the advancement of women. In the same year, the President initiated a process by which direct elections of regional governors would be replaced by presidential appointments. Other amendments to election law, not yet in force, will result in the elimination of single-party seats to the State Duma (elections will be based on party lists) and restriction of the requirements for political party registration. While it is premature to speculate on how such changes will effect women’s political participation, the declining numbers of women in office generally is cause for concern.

Women are politically active in Russia, but they are vastly underrepresented in the political life of the country. One expert characterized the results of the 2003-2004 electoral cycle (both State Duma and Presidential elections) as “a slight increase in the number of women in federal legislative bodies, an almost absolute exit of women from the top echelon of executive power . . .”²⁷ Currently just under 10% of parliamentarians

²⁶ S. Polenina, *Problems of Gender Equality*, in HUMAN RIGHTS IN RUSSIAN REGIONS: 2004 159 (Moscow Helsinki Group, 2005).

²⁷ SVETLANA AIVAZOVA and GRIGORY KERTMAN, WE ELECT AND ARE ELECTED 39 (2004).

in the State Duma are women. In local elections, women achieve greater representation than at the federal level, but on average women still account for approximately 10% of local legislators. Few women are appointed to political office in Russia. There are no female ministers at the federal level and where women do head ministries, they tend to be appointed to offices that are concerned with social protection. Of all the Russian regions, only one is governed by a female leader.

The reasons for women's unequal representation in politics are many, but most experts point to specific and related factors. While women are members of the prominent political parties, they tend to occupy low places on party lists and non-leadership positions, which restrict their ability to obtain political office. In individual campaigns, women are at a distinct financial disadvantage as they are disproportionately underrepresented in management positions of large enterprises, which is the hallmark of a successful candidate in Russia today. Finally, strongly-held stereotypes that women are unsuited for politics, due to their natures and major role in childcare, both discourage women themselves from running for office and the electorate from voting for them.

In his 2004 Annual Report, the Ombudsman stated "despite limited positive changes in the recent years, overall the socio-economic situation of women has worsened."²⁸ The feminization of poverty in Russia has been well-documented. Some studies indicate that among the poor, 43.3% are women, in comparison to men, who are 29.4% of the poor.²⁹ Additionally, in the majority of single-parent households, women are the sole wage earners and are among the extremely poor in the country.³⁰

Recently the Russian government has initiated restructuring of the social sphere, but without recourse to a Gender Strategy and without analysis of the gender impact of its reform programs.³¹ For example, after recent legislative changes monetized benefits and amended the system of their distribution, various segments of the population, including pensioners and the disabled, were undeniably affected for the worse. Many respondents to this assessment, however, specifically noted the negative impact these legal changes have had on single mothers and mothers of many children.

Women's low economic status is directly related to widespread employment discrimination. Despite provisions in the Labor Code that prohibit unequal treatment on the basis of sex, women face discrimination in the hiring process, promotion and in remuneration. Women encounter difficulties in obtaining work as employers are often reluctant to hire them, based on the notion that women's family responsibilities will interfere with their labor. By law, women can receive pregnancy, maternity and childcare benefits. In reality, however, women report numerous violations of their

²⁸ Report on the Activities of the Ombudsman for Human Rights of the Russian Federation for 2004 (2005) at <http://www.ombudsman.gov.ru/doc/ezdoc/04.shtml>.

²⁹ GENDER IN RUSSIA: A REVIEW OF LITERATURE (based on domestic publications 1993-2003), World Bank, April 2004 at 16.

³⁰ *Id.*

³¹ RUSSIA IN 2015: DEVELOPMENT GOALS AND POLICY PRIORITIES, UNDP Human Development Report 68 (2005).

rights in this sphere, from requirements to sign “contracts” that they will not become pregnant for certain period of time, non-payment of benefits for maternity leave and improper dismissal related to pregnancy and maternity.³² Although there are mechanisms to protect women’s rights in such cases, through the Federal Labor Inspectorate or courts, women seldom use these bodies, either because they are unaware of their rights or simply out of fear of losing their jobs.

Labor in Russia remains highly segregated, both across occupational spheres and within the employment hierarchy. Certain spheres which are female-dominated, such as education, healthcare and accounting, also have the lowest wage levels. Within the same profession, women are concentrated at lower levels of the hierarchy, which is reflected in lower salaries.³³ Additionally, large numbers of women, especially young women without education, are employed in the informal sector, which leaves them at risk for violations of their labor rights.

Despite regional variations, women’s unemployment rates are high across the country. More women than men seek work through Federal Employment Centers, but it was reported that the vacancies included in center databases are generally oriented to men. The numbers of women who enter the commercial sex industry or who fall victim to human trafficking schemes is directly related to limited employment opportunities for women, especially those from rural regions.

In contrast to women’s employment, at first glance it appears that women face little discrimination in the field of education. Certainly, women now account for more than half of students of higher education. The fact that more women than men attain high levels of education (“every fourth working Russian woman has a university diploma, compared with every fifth man”³⁴) is directly related to discrimination in employment, as discussed above. Specifically, women must obtain higher levels of education in order to secure higher-paying work while “men obtain sufficient economic gains from their education even in blue-collar jobs, which require only secondary specialized education. . . . [Thus] the labor market devalues the high level of female education.”³⁵ The teaching profession is highly “feminized” but undervalued in terms of salaries. While women are the majority of teaching staff at both the level of compulsory education and universities, few occupy the position of director or dean.

While there appears to be no dissimilarity in the treatment of girls and boys at the level of compulsory education, educational materials often reinforce stereotypes about men’s and women’s roles. Such ingrained stereotypes also lead to gender segregation, in which specific courses and disciplines are considered “suitable” for girls and women.

³² See generally, DISCRIMINATION AGAINST WOMEN IN CONTEMPORARY RUSSIA, Moscow Helsinki Group (T. Lokshina, ed., 2003) at <http://www.mhg.ru/publications/2039961>.

³³ See generally, GENDER IN RUSSIA: A REVIEW OF LITERATURE (based on domestic publications 1993-2003), World Bank, April 2004 and RUSSIA IN 2015: DEVELOPMENT GOALS AND POLICY PRIORITIES, UNDP Human Development Report (2005).

³⁴ RUSSIA IN 2015: DEVELOPMENT GOALS AND POLICY PRIORITIES, UNDP Human Development Report 64 (2005).

³⁵ *Id.* at 65.

While there are virtually no legal barriers that would prevent women from entering any institute of higher education, it was reported that women are discouraged from pursuing non-traditional studies.

Stereotypes are pervasive in Russian society, resulting in strongly-held views about the traditional roles of men and women. Women are considered primarily responsible for childcare and family responsibilities, which has a profound impact on their ability to advance in the public sphere,- in politics, government postings and leadership positions at work, for example. Gender-role stereotypes are reinforced in schools, by the mass media and even by government-led initiatives which focus on women's reproductive functions to the exclusion of other pressing issues.

Women's reproductive health is one of the few areas that has received government attention due to growing concern over what is characterized as a "demographic crisis" in Russia- a fall in life expectancy combined with a low birthrate. While improvements to maternal healthcare have resulted in a decrease in the maternal mortality rate, other indicators of women's reproductive health are less positive. Abortion remains the most common form of contraception, family planning is not a part of the required school curriculum and women often receive little information about childbirth. The costs associated with childbirth can be high, as only the most basic procedures are covered by the State.

In contrast to an official policy to strengthen the family, many report that the government has not created the necessary conditions that would encourage women to have children. Affordable childcare facilities, which once were connected to one's place of work, are widely closing or being transferred to the commercial sphere. In rural areas, the impact of county-wide reductions in public spending on health care is particularly acute. The result has been the closing of specialized medical intuitions and the loss of such specialists as gynecologists and obstetricians. A system of Family Planning Centers that was created by the government in the mid-1990's no longer receives support from the federal budget. As discussed in connection to women's labor rights, employers frequently violate the law that provides special treatment to pregnant women and women with young children. Child benefits, paid by the State, are insufficient in today's economy and, furthermore, are frequently delayed or not paid at all.

Other critical women's health concerns have received less government attention. HIV/AIDS rates are increasing in Russia, in particular among the female population. Programs to routinely test pregnant women has lead to a dramatic increase in the reported numbers of HIV-positive women in this group, but the number of women undergoing antiretroviral treatment to prevent mother-to-child transmission remains low.

Gender-based violence is a painful problem for Russian women. Violence, in the form of domestic violence, rape and sexual harassment, is widespread yet has elicited minimal State attention. Surveys indicate that psychological and physical violence in marriage is not uncommon. One study reported that 56% of women had been threatened with

physical acts or were victims of violence at least once by their husbands.³⁶ Almost a quarter of the same women had experienced sexual violence, and approximately 80% encountered psychological violence.³⁷ It is well-known that rape is underreported in Russia, in part due to the stigmatization that victims face when they come forward. Women report that sexual harassment in the workplace is so common that it is almost perceived of as the “norm.” Aside from a lack of legislation that would address the specifics of gender-based violence, the notion that violence against women is a “private” matter is widespread in the law enforcement structure, the justice system and among the general population.

Women’s participation in civil society is one of the most positive forces in the country. Women’s non-governmental organizations (NGOs) in Russia are diverse and widespread, and serve as an important catalyst for social change. Many of the developments in the recent years that have improved women’s lives are directly connected to the efforts of NGOs, either alone or in cooperation with the government. The future of civil society in Russia, however, remains unclear. Where once the State may have been unsure of the role of NGOs, it now approaches civil society with wariness and, in some cases, suspicion. A trend in this direction could result in significant curtailing of the activities of women’s groups in Russia.

³⁶ I. D. Gorshkova and I. I. Shuryigina, *VIOLENCE AGAINST WIVES IN CONTEMPORARY RUSSIAN FAMILIES* 13-19 (2003).

³⁷ *Id.*

Article 1

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Areas of Concern

- The government has not undertaken adequate steps to eliminate discrimination against women.
- On the whole, there is little understanding of the concept of "discrimination" as defined by the Convention, among the general public or among lawyers and government officials. Therefore, the Convention's provisions have not been sufficiently incorporated into national law. The State has also not undertaken measures to promote awareness of the Convention.

De Jure Compliance

There is no law in Russia that defines "discrimination against women" as comprehensively as Article 1 of CEDAW. The Union of Soviet Socialist Republics ratified CEDAW in 1981 with one reservation which was subsequently withdrawn. The Constitution of the Russian Federation states that the "principles and norms . . . of international agreements of the Russian Federation are an integral part of its legal system"³⁸ and, further, that human rights will be guaranteed according to both the Constitution and to "universally recognized principles and norms of international law."³⁹ Therefore, CEDAW, including the definition of discrimination against women from Article 1, has the force of law in Russia.

The Constitution of the Russian Federation sets forth general guarantees of equality of both sexes.⁴⁰ Significantly, when the Criminal Code was amended in November 2003, the term "discrimination" was added to the provision on violations of Constitutional rights. Thus, the Criminal Code imposes liability for the "infringement of the right to equality" on the basis of certain immutable characteristics, including sex.⁴¹

³⁸ Constitution of the Russian Federation, Article 15, part 4.

³⁹ Constitution of the Russian Federation, Article 17, part 1.

⁴⁰ See Constitution of the Russian Federation, Article 19, part 2, "The State guarantees the equality of human and civil rights and freedoms regardless of sex, race, nationality, language, origin, material and official status, place of residence, attitude to religion, convictions, membership in public organizations, or of other circumstances. Constitution of the Russian Federation, Article 19, part 3, "Men and women shall enjoy equal rights and freedoms and equal opportunities to exercise them."

⁴¹ The Criminal Code of the Russian Federation punishes the violation of a person's equal rights and freedoms. Article 136 states, "discrimination, meaning a violation of the rights, freedoms and legal interests of any person or citizen based on sex, race, nationality, language, origin, material and official status, place of residence, attitude to religion, convictions, membership in public organizations or any other social group . . . shall be punished by a fine . . ."

In its 26th session, the CEDAW Committee expressed concern that the Russian Constitution “does not contain a definition of discrimination or expressly prohibit discrimination on the ground of sex” and, further that the Constitution is “not . . . an effective instrument to prevent discrimination.”⁴² It remains the case that the State has not taken adequate measures to harmonize Russian law with the Convention’s definition of discrimination. Significantly, the concept of discriminatory *effect* (versus discriminatory *purpose*) is undeveloped in Russian law. (See Article 2 for further discussion).

The draft bill, “On State Guarantees of Equal Rights and Freedoms for Men and Women and Equal Opportunities for their Realization,” which was drafted since the submission of the last State Party report to the CEDAW Committee, includes definitions of the terms “discrimination on the basis of sex,” “equal opportunities,” and “gender equality,” which are defined in no other Russian law. In 2003, the State Duma reviewed the draft law, but to date the law has not been adopted. A further discussion of the draft law on equal rights can be found under Article 2 of this report.

De Facto Compliance

The concept of discrimination against women is not well understood in Russia. Gender experts have noted,⁴³ and the present research has confirmed, that women generally maintain that their rights are realized equally to those of men. Yet, they also agree that discrimination against women exists in a number of spheres. An explanation for this apparent paradox is the lasting influence of Soviet-era declarations that the State was committed to equality between men and women. Many continue to feel that equal rights have been achieved despite evidence that, at best, gender equality exists at the theoretical level but often not in practice. Fifty-six percent of respondents to an opinion poll conducted in 2003 agreed that equality between the sexes exists. However, 35% felt that men have an advantage and 5% felt women are advantaged.⁴⁴

Public dialogue about gender discrimination, and in fact discrimination of other kinds, is almost nonexistent, in part because the population gives low priority to the principle of equality. For example, when respondents to a survey were asked to rank a list of rights according to value, both men and women placed equality in the lowest place; only 8.5% of men and 8.1% of women ranked equality as “important.”⁴⁵

The State, in turn, gives only minimal attention to issues of gender equality. As noted by the Moscow Helsinki Group, “the majority of representatives of authority do not

⁴² Report of the U.N. Committee on the Elimination of Discrimination Against Women, Session 26, 2002 (U.N. Doc. A/57/38 (Part I)), para. 373.

⁴³ Interview, Elena Ershova, December 27, 2004, Moscow.

⁴⁴ Public opinion poll conducted March 8, 2003 by Russian Public Opinion and Market Research (ROMIR), “Oh, those women...”, at <http://www.romir.ru/socpolit/socio/2003/03/march-8.htm>.

⁴⁵ GENDER IN RUSSIA: A REVIEW OF LITERATURE (based on domestic publications 1993-2003), World Bank, April 2004 at 44.

consider the prohibition of discrimination as a core principle of their work.”⁴⁶ Instead, most legislators, at both the federal and regional levels, view protection of women as “social protection of motherhood and reproductive rights” rather than the advancement of women and provision of equal opportunities.⁴⁷

Although a number of interviewees, including government officials, confirmed their knowledge of CEDAW, very few made use of the Convention in their work, participated in the reporting process or were familiar with either the content of the State Party report or the Committee’s concluding comments. In contrast, most subject governments do participate in the CEDAW reporting process by preparing reports for the Ministry of Health and Social Development, which compiles this data when drafting the official State report. During this assessment, however, it was discovered that such reports are rarely publicized or distributed at the regional level and are generally not available to the public. In addition, the CEDAW reporting process seems to have little influence on the compilation of data on the fulfillment of regional action plans. *See* Article 3 of this report for a discussion of national and regional machinery.

Information about CEDAW, including the definition of discrimination, the scope of the treaty or even the text of the document itself, has not been widely publicized in Russia.

Despite limited articulation of the issue of gender discrimination as described in the provisions of the Convention, discrimination against women exists in Russia. Russia’s only female candidate in the 2004 presidential election explained, “Hidden discrimination [against women] exists as part of the environment. We live in [a situation of] hidden discrimination.”⁴⁸ When conducting the present analysis, 96% of those asked about discrimination against women agreed that it exists in Russia. Respondents noted the following areas in which women face the most discrimination: employment (salaries, hiring practices, firing, non-payments of benefits), domestic violence, politics and decision-making, issues for rural women and economic issues (poverty and lack of women in business).

⁴⁶ DISCRIMINATION AGAINST WOMEN IN CONTEMPORARY RUSSIA, Moscow Helsinki Group (T. Lokshina, ed., 2003) at <http://www.mhg.ru/publications/2039961>.

⁴⁷ Alternative NGO Report on Russian Federation Compliance with the International Covenant on Economic, Social and Cultural Rights (2003) at <http://www.mhg.ru/publications/2CE6933>.

⁴⁸ Interview, Irina Khakamada, March 24, 2005, Moscow.

Article 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;*
- (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;*
- (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;*
- (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;*
- (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;*
- (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;*
- (g) To repeal all national penal provisions which constitute discrimination against women.*

Areas of Concern

- The legal theory of discrimination is not well developed. Existing provisions of the law on equality on the basis of sex are largely declarative in nature.
- Government officials, legislators and legal professionals are often unaware of anti-discrimination provisions in national and international law.
- The lack of effective mechanisms for hearing sex-based discrimination claims prevents the laws from being fully implemented.
- The government has not taken sufficient measures to eliminate discriminatory practices in the public or private sector.

De Jure Compliance

(a, b) The Constitution and Other Legislation

The Constitution of the Russian Federation contains provisions that explicitly guarantee equality on the basis of sex. At the same time, however, the Constitution does not preclude the possibility of some sex-based limitations on human rights.⁴⁹ Article 19 of the Constitution of the Russian Federation states:

- 1. All persons shall be equal before the law and the court.*
- 2. The State guarantees the equality of human and civil rights and freedoms regardless of sex, race, nationality, language, origin, material and official status, place of residence, attitude to religion, convictions, membership in public*

⁴⁹ See discussion of temporary special measures and protective legislation in Article 4 of this report.

organizations, or of other circumstances. All forms of limitations of human rights on social, racial, national, language or religious grounds shall be prohibited.

3. Men and women shall enjoy equal rights and freedoms and equal opportunities to exercise them."

The Criminal Code provides for specific sanctions for "discrimination," meaning the violation of rights based on immutable characteristics, including sex (Article 136). Likewise, other Russian federal laws contain provisions guaranteeing equal rights in specific spheres. For example, the Family Code sets forth the principle of equal rights of each spouse (Article 1), and the Labor Code specifically prohibits discrimination in employment (Article 3) and prohibits direct and indirect limitations on labor rights, regardless of the sex of the worker (Article 64).

At the regional level, the principal of equality between men and women is stated in the founding documents of 35 of the 89 subjects of the Russian Federation (specifically, in constitutions of 19 of the 21 Russian Federation republics and in the charters of three of the six *krais*, seven of the 49 *oblasts* and six of the 10 autonomous regions (*okrugs* and an *oblast*)). Additionally, recent directives have required that all regional-level constitutions and charters be brought into conformity with the provisions of the Constitution of the Russian Federation.

(c) National Tribunals and Public Institutions

There is no specialized tribunal or agency in Russia that is responsible for protecting women from discrimination. The Russian judicial system consists of Federal courts, Constitutional (or charter-based) courts and justices of the peace within the subjects of the Federation. Judicial authority is exercised through constitutional, civil, administrative and criminal proceedings.

Russian legislation makes no distinction between men and women but uses gender neutral terms, such as "citizen", "all", "everyone" or "no one." The Constitution and implementing legislation⁵⁰ permits individuals to address the court or other State institutions to protect their rights, without distinction based on sex. In addition, specific federal laws guarantee equal access to the law. For example, the law "On the Judicial System of the Russian Federation" states, "the court will not give preference to any organ, individual . . . on the basis of their government, social status, sex, race, nationality, language . . ." ⁵¹

The Russian Constitution guarantees the right to address international tribunals for the protection of human rights.⁵² In July 2004, Russia ratified the Optional Protocol to

⁵⁰ Constitution of the Russian Federation, Article 19, part 1, Article 33 and Article 46. *See also*, Civil Procedure Code, Criminal Procedure Code and Administrative Code.

⁵¹ Article 7, Federal Constitutional law "On the Judicial System of the Russian Federation" No. 1-FKZ, from December 31, 1996. *See also*, Federal law "On Addressing the Court on Actions and Decisions in Violation of the Rights and Freedoms of Citizens" No. 4866-1, from April 27, 1993.

⁵² Constitution of the Russian Federation, Article 46, part 3.

CEDAW, thus enabling individuals and groups of women to submit communications about violations of the provisions of the Convention directly to the Committee.

The Office of the Ombudsman for Human Rights in the Russian Federation (Office of the Human Rights Commissioner) monitors the human rights situation in the country, considers complaints from individuals and has the power to investigate human rights violations. The Office of the Ombudsman is mandated to consider communications alleging actions or inactions by State organs, organs of local governance, public servants and State services that violate human rights.⁵³ At the regional level, 31 subjects have also created Ombudsman's offices that accept individual complaints.⁵⁴

A Council on the Development of Civil Society and Human Rights exists at the federal level, under the Office of the President. Among the Council's main tasks are the formulation of policies on human rights and civil society, consideration of complaints of gross human rights violations and analysis of draft laws. Commissions on Human Rights exist at the regional level in 53 subjects of the Russian Federation. The Commissions act as advisory and consultative bodies situated under the office of the Executive of the subject. Their function is to promote observation of human rights and freedoms of citizens by analyzing information on the human rights situation in the region, considering complaints from citizens and initiating assessments of how human rights obligations are observed.

(d) Prohibition of Discrimination by Public Authorities and Institutions

The Russian Constitution states that human rights principles shall determine the functioning of the legislative and executive authority and of local self-government⁵⁵ and obligates state and local government bodies, as well as government officials, to observe its terms and laws.⁵⁶ Federal legislation also requires that the activities of the government apparatus be directed by human rights principles.⁵⁷ Article 136 of the Criminal Code provides for stricter penalties when discrimination is practiced by a person in his official capacity.

As mentioned above, the Office of the Ombudsman has the authority to monitor compliance by public authorities and institutions with human rights standards, including the prohibition on gender-based discrimination.

⁵³ Law "On the Ombudsman for Human Rights in the RF" No. 1-FKZ, from February 26, 1997.

⁵⁴ Data from the website of the Office of the Ombudsman for Human Rights in the Russian Federation at <http://www.ombudsman.gov.ru/links/a-sub.shtml>.

⁵⁵ Constitution of the Russian Federation, Article 18.

⁵⁶ Constitution of the Russian Federation, Article 15, part 2.

⁵⁷ Law "On the Basic Principles of State Service of the Russian Federation" No. 119-FZ, from July 31, 1995.

(e) Prohibition of Discrimination by Private Actors, Organizations and Enterprises

In the private sphere, citizens and their associations are obliged to observe the rights guaranteed by the Constitution and laws of the Russian Federation.⁵⁸ The federal law “On the Office of the Prosecutor of the Russian Federation,” likewise, grants prosecutors the right to oversee how administrators and managers of commercial and noncommercial organizations observe human rights principles.⁵⁹

(f) Modification of Discriminatory Laws

As noted above, the Russian Constitution sets forth the principles of equal rights and the equal opportunity to realize these rights, but it also does not prohibit the possibility of legal limitations on human rights which are based on sex. In fact, Russian law contains provisions that provide for differential treatment of men and women, primarily in the area of employment. For example, the Labor Code both includes the principle of equality and suggests *restrictions*⁶⁰ on women of childbearing age from holding certain jobs that are considered physically difficult, harmful or dangerous and a prohibition on work that requires heavy lifting⁶¹. The Labor Code refers to an “Index of Heavy Work and Work in Harmful or Dangerous Labor Conditions which are Forbidden to be Fulfilled by Women” that presently lists 456 specific types of work to which women’s access is limited or prohibited. This list, which has existed since Soviet times, was renewed and reduced in 2000 but since then it has remained unchanged.⁶²

(g) Repeal of Discriminatory Penal Provisions

Russian penal law does not contain any provisions that adversely affect women. In fact, pregnancy and childbirth are considered circumstances that mitigate punishment.⁶³ See discussion in Article 4.

De Facto Compliance

(a, b) The Constitution and Other Legislation

The Constitutional Court of the Russian Federation has heard relatively few cases under Article 19⁶⁴ and only a single case of sex-based discrimination (brought by a father

⁵⁸ Constitution of the Russian Federation, Article 15, part 2.

⁵⁹ Article 1, part 2, Federal Law “On the Office of the Prosecutor of the Russian Federation” No. 2202-I, from January 17, 1992.

⁶⁰ Labor Code, Article 253. Prior to 2001, the Labor Code *prohibited* women from undertaking certain types of work.

⁶¹ See also, Federal Law “On the Basis of Protecting Labor in the Russian Federation” No. 181-FZ, from July 17, 1999.

⁶² Index of Heavy Work and Work in Harmful or Dangerous Labor Conditions which are Forbidden to be Fulfilled by Women, adopted by RF Government Resolution No. 162, from February 25, 2000.

⁶³ For example, Criminal Code Article 106 “Murder of a Newborn Child by its Mother” takes into account the specific physical and psychological state of a woman during and immediately after childbirth. This provision is considered to grant a “privilege,” meaning it provides a lowered sentence.

seeking early retirement to care for a disabled child on the same terms as mothers).⁶⁵ In those cases in which the Court has ruled, however, it has interpreted Article 19 of the Constitution as a general principle of law that does not create a cause of action under which individuals can protect their right to be free from discrimination. In the opinion of the Constitutional Court, the principle of legal equality means the impermissibility of arbitrary and unfounded distinctions.⁶⁶ The Chief Justice of the Constitutional Court of the Republic of Bashkortostan reported that the court does not review cases of direct discrimination against women because they do not receive such complaints, although latent forms of discrimination do exist.⁶⁷ A number of experts confirm that lower courts also do not hear discrimination cases⁶⁸ since judges consistently refuse to accept these cases or require the reformulation of claims to name a particular rights violation rather than discrimination.⁶⁹ Therefore, even when elements of discrimination exist, cases are rarely framed as such.

Article 19 of the Russian Constitution not only guarantees equal rights and freedoms before the law but also states that men and women shall enjoy “equal opportunities” to realize their rights. Legal scholars point out that it is precisely the guarantee of equal opportunities that has not been realized in the law or in practice: “Whereas equal rights are laid down in the Russian Constitution . . . and legislative acts, equal opportunities as procedures for achievement of equal rights have merely been declared . . .”⁷⁰ Equality of the sexes cannot be fully achieved until “the State ensures the two-side standard of ‘equal rights and opportunities’ through a system of anti-discrimination measures, including legislative measures.”⁷¹ The present assessment aims to point out those spheres where women’s opportunities are not equal to men’s, despite the existence of formal legal equality between the sexes.

Although discrimination is prohibited under the Criminal Code, Article 136 is very rarely invoked. One legal commentator even considers that as a legal norm Article 136 is “dead.”⁷² From 1997-2002, for example, only 17 cases were charged under this

⁶⁴ GENDER IN RUSSIA: A REVIEW OF LITERATURE (based on domestic publications 1993-2003), World Bank, April 2004 at 37.

⁶⁵ Interview, Elena Mizulina, September 12, 2005, Moscow.

⁶⁶ GENDER IN RUSSIA: A REVIEW OF LITERATURE at 37.

⁶⁷ Interview, Ildus Adigamov, February 18, 2005, Ufa.

⁶⁸ No civil cases claiming gender discrimination have been examined by courts of general jurisdiction. GENDER IN RUSSIA: A REVIEW OF LITERATURE at 38. Interviews, Galina Klimantova, December 14, 2004, Moscow; Elena Semirneva, March 1, 2005, Yekaterinburg; Natalia Kivokurtseva, March 18, 2005, Naberezhniye Chelny; Liudmila Zaikina, March 21, 2005, Murmansk; Elvira Bonareva, May 18, 2005, Irkutsk.

⁶⁹ Alternative NGO Report on Russian Federation Compliance with the International Covenant on Economic, Social and Cultural Rights (2003) at <http://www.mhg.ru/publications/2CE6933>.

⁷⁰ Liudmila Zavadskaya, *The Road to Equality: Issues of Discrimination on the Basis of Sex in DISCRIMINATION AGAINST WOMEN IN CONTEMPORARY RUSSIA*, Moscow Helsinki Group (T. Lokshina, ed., 2003) at <http://www.mhg.ru/publications/2039961>.

⁷¹ *Id.*

⁷² N.A. LOPASHENKO, *Russian Criminal Legislation: An Evaluation of the Impact on the Situation of Criminality in Russia (Rossiiskoye ugovnoye zakonodatelstvo: otsenka vliyaniya na sostoyaniye Possiiskoi prestupnosti)* in *CRIMINAL LAW: STRATEGIES FOR DEVELOPMENT IN THE 21ST CENTURY (Ugovnoye pravo: strategiya pasvitiya v XXI veke)* 44-50 (2004).

article.⁷³ The Office of the Prosecutor pays little attention to the issue of discrimination, neither initiating investigation or prosecution of such cases.⁷⁴ Instructors at an institute of advanced studies for prosecutors confirmed that the Office of the Prosecutor General selects the courses that will be taught, and instruction on how to qualify cases under Article 136 has never been included. In fact, it was reported that this provision of the Criminal Code was “of no interest to prosecutors.”⁷⁵

Not surprisingly, legal professionals, including lawyers, prosecutors and judges, are unfamiliar with antidiscrimination provisions in the law. Legal professionals exhibit confusion over issues such as the evidence necessary to support a claim of discrimination. At the same time, there appears to be consensus that the evidentiary burden is high- requiring direct proof of discrimination, through audio or video recordings or in print, for example. As a legal norm, the plaintiff must prove the existence of discrimination, and this is a significant procedural obstacle. In fact, a draft law on equal opportunities (discussed below) recognized this specific problem and proposed that the burden of proof be shifted to the employer in cases of labor discrimination.⁷⁶ This would have required the employer to prove that his actions were not motivated by discrimination. In the judiciary, there is no conceptual framework within which to judge specific cases of gender discrimination. Because the legal concept of discrimination has not been properly articulated, the possibility of initiating a claim of non-intentional discrimination (discriminatory impact) remains remote.

In 2003, a draft bill, “On State Guarantees of Equal Rights and Freedoms for Men and Women and Equal Opportunities for their Realization” was introduced to the State Duma.⁷⁷ This bill is currently before a working committee of the State Duma after having passed the first reading in April 2003. If adopted, this law would, *inter alia*, provide a definition of discrimination based on CEDAW, clarify the governmental obligation to eliminate discrimination, provide a framework for implementing gender equality and establish that the burden of proof in cases of employment discrimination lies with the employer. The law, however, has made little progress, and the general consensus is that it will not be adopted due to lack of political will and no support from high levels of government.

Legal professionals are well aware that international law becomes a part of the Russian legal system once a treaty has been ratified, but judges, advocates and other lawyers are generally unfamiliar with international standards on human rights.⁷⁸ There is little awareness of CEDAW or its potential applicability to Russian cases, and therefore anti-discrimination provisions from the treaty are virtually never invoked in legal proceedings.

⁷³ *Id.* During the specified period, only 17 cases alleging any form of discrimination were initiated under Article 136. It is not known how many, if any, alleged gender discrimination.

⁷⁴ GENDER IN RUSSIA: A REVIEW OF LITERATURE at 39.

⁷⁵ Interview, Svetlana Parhomenko, May 19, 2005, Irkutsk.

⁷⁶ Article 9, Draft Federal Law No. 284965-3, “On State Guarantees of Equal Rights and Freedoms for Men and Women and Equal Opportunities for their Realization.”

⁷⁷ *Id.*

⁷⁸ Focus Group, March 29, 2005, Samara.

(c) *National Tribunals and Public Institutions*

There is no single structure in Russia which is responsible for monitoring equality provisions and complaints of discrimination, such as a commission on equal opportunities. The Council on the Promotion and Development of Civil Society and Human Rights does not review individual complaints. Regional-level human rights commissions appear to be ineffective in protecting women from discrimination.

Despite noting that women have not fully realized equal rights and opportunities in the government or in society,⁷⁹ the federal Office of the Ombudsman for Human Rights has not responded with a specialized department to address such inequalities. However, within the structure of the Ombudsman's office, special attention has been given to the human rights of certain social groups- for example, there is a division on the rights of the child and a department for the protection of the rights of military personnel and their families. The Ombudsman addresses problems of women in his annual report, but the most recent such reports have dedicated relatively little attention to violations of women's rights. While the 2004 report highlighted such areas of concern as domestic violence, labor discrimination and trafficking in women and children, only a small portion of the entire report was devoted to a section entitled "The Rights of Children and Women."⁸⁰ Presently, however, the Office of the Ombudsman is preparing a special report to the State Duma on the situation of women in Russia, which is scheduled to be completed in 2006.⁸¹

Regional Ombudsman's offices likewise do not have a specific focus on gender equality.⁸² The Ombudsman of Sverdlovsk Oblast, however, reported that the office will soon be organizing a specific section devoted to women's rights.⁸³ Reports from regional Ombudsman's offices indicate that the majority of applicants are women. In the case of the Komi Republic, however, the regional Ombudsman did not find any cases of sex-based discrimination.⁸⁴ Furthermore, it is not uncommon for women to address ombudsman's offices concerning the rights of family members and not themselves.⁸⁵ When they do submit complaints about their concerns, women identify the following issues: housing, non-payment of salary, pension and social benefits.⁸⁶ Although the office of the Ombudsman remains a potential mechanism for protecting

⁷⁹ Report on the Activities of the Ombudsman for Human Rights of the Russian Federation for 2004 (2005) at <http://www.ombudsman.gov.ru/doc/ezdoc/04.shtml>.

⁸⁰ *Id.*

⁸¹ *Ombudsman for Human Rights in RF prepares Special Report on the Status of Women in Russia*, AGENCY FOR SOCIAL INFORMATION, July 28, 2005 at http://www.owl.ru/cgi/Content/runbroker.cgi?broker=Brokers::Showcontent&action=printversion&id_new_s=56864.

⁸² Data from the website of the Office of the Ombudsman for Human Rights in the Russian Federation at <http://www.ombudsman.gov.ru/links/a-sub.shtml>.

⁸³ Interview, Tatiana Merzlyakova, February 28, 2005, Yekaterinburg.

⁸⁴ Focus group, April 19, 2005, Syktyvkar.

⁸⁵ Interview, Tatiana Merzlyakova, February 28, 2005, Yekaterinburg and *Report on the Situation of Discrimination Against Women in the Kaliningrad Oblast for 2003*, League of Voters of the Kaliningrad Oblast, at <http://www.liga-f.ru/html/regions/kaliningrad/kaliningrad39-1.htm>.

⁸⁶ Focus group, April 19, 2005, Syktyvkar.

women's rights, on the whole the structure has not given priority to this issue nor investigated widespread discriminatory practices that exist in Russia.

Although the Presidential Council on the Development of Civil Society and Human Rights and regional-level Human Rights Commissions possess broad authority to strengthen human rights guarantees and have significant latitude in carrying out this function, the present assessment was unable to confirm that these institutions dedicate particular attention to the protection of women's rights or issues of sex-based discrimination.

(d) Prohibition of Discrimination by Public Authorities and Institutions

There are several areas in which public institutions continue to practice discrimination in Russia, for example specific higher educational institutions are closed to women, federal employment centers post job advertisements specifying the sex of the applicant and very few women occupy appointed positions within the government. These issues are discussed in detail elsewhere in this report, but it is important to note that the State has done little to eliminate entrenched discrimination or to educate public sector workers about non-discrimination provisions in the law.

(e) Prohibition of Discrimination by Private Actors, Organizations and Enterprises

The equality provisions of the Constitution and those contained in the Labor Code appear to be rarely applied to private sector enterprises. This phenomenon may be due to a prevailing notion that labor and social legislation apply only to State structures.⁸⁷ Another possibility is simply that because legal professionals receive no specialized training in discrimination law, they fail to recognize cases as such. This is typically illustrated in the area of labor disputes. For example, one judge explained that a recent case in which a private company refused to pay an employee the required benefits when she became pregnant was "not connected to her being a women [and] not discrimination."⁸⁸

Thus, despite the existence of equality provisions that exist in Russian law, women receive little real protection from discrimination.

(f) Modification of Discriminatory Laws

In its comments to Russia's last report, the CEDAW Committee expressed concern that restricting women from taking certain jobs, which are listed in an Index to the Labor Code, could result in "the effective exclusion of women from certain employment sectors."⁸⁹

⁸⁷ GENDER IN RUSSIA: A REVIEW OF LITERATURE (based on domestic publications 1993-2003), World Bank, April 2004 at 44.

⁸⁸ Interview, Elena Semirneva, March 1, 2005, Yekaterinburg.

⁸⁹ Report of the U.N. Committee on the Elimination of Discrimination Against Women, Session 26, 2002 (U.N. Doc. A/57/38 (Part I)), para. 385.

Such restrictions placed on women's labor are generally viewed in Russia as a type of "positive discrimination" or *benefit* which serve the purpose of protecting women and, specifically, maternity. The Convention itself foresees the possibility of using special measures to improve *de facto* equality between men and women. It is important, however, to carefully distinguish between measures that respond to women's inherent biological differences and those which are used temporarily to address areas in which women's progress has been hindered. A broader discussion of the distinction between discriminatory legislation and special measures is included in Article 4 of this report.

(g) *Repeal of Discriminatory Penal Provisions*

An expert on issues concerning women prisoners states that "women are never held in conditions that are specifically designed for them; women's prisons are always governed by custom and practice, but not by a reasoned strategy."⁹⁰ Female prisoners face distinct and different treatment from the male prison population. For example, due to the small number of women's institutions, women are generally held farther from their homes and families. This type of isolation results in a form of "additional punishment."⁹¹ Women prisoners complain that the hygiene standards do not meet their specific needs. Prisoners are allowed to bathe and wash their clothing once a week and bed linens are laundered every 10-14 days.⁹² A study of the treatment of prisoners showed that women are more often punished for infractions of prison rules than men. In the opinion of one expert, this phenomenon is based on the expectation that women are obedient and behave passively. Men, in contrast, are expected to be more aggressive and impulsive.⁹³

It is estimated that 80% of female prisoners have children and around 1% are imprisoned while pregnant and give birth there.⁹⁴ Although penal law provides for special treatment of female prisoners who have children, such measures are discretionary and not often used in reality. Even in cases when women are pregnant or have had a child while in prison, courts do not generally grant early parole.⁹⁵ The law does not prohibit children from living with their mothers while in prison, but as is more often the case, children live in a children's home on the prison territory where their mothers are only allowed to spend time with them a few hours each day. Only one of the ten women's colonies in Russia operates a children's home which allows mothers and children to live together though an "experimental" program, in large part the result of a grant from a humanitarian fund.⁹⁶

⁹⁰ LIUDMILA ALPERN, *THE MYTH AND REALITY OF WOMEN'S PRISONS (Son i Yav Zhenskoi Tiurmyi)* 41 (2004).

⁹¹ *Id.* at 42.

⁹² *Id.* at 48.

⁹³ *Id.* at 42.

⁹⁴ *Id.* at 68.

⁹⁵ *Id.* at 65.

⁹⁶ *Id.* at 68-69.

Article 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Areas of Concern

- At the federal level, the government has not fully implemented the National Action Plan on Improving the Status of Women or other such measures.
- Regional Action Plans on Improving the Status of Women do not exist in every subject of the Federation. Existing plans often focus on issues of maternity and family.
- Specialized structures that were created to ensure the full development and advancement of women have been eliminated, and their functions have not been assigned to new government organs.
- Regional-level commissions on improving the status of women exist in less than half of the subjects of the Russian Federation.

De Jure Compliance

Starting in the 1990's, the Russian government undertook broad measures aimed at ensuring the development and advancement of women in a number of fields. These measures took the form of plans and strategies for improving the status of women as well as mechanisms, such as commissions and committees, at the national and local level to implement the Convention.

Conceptions, Gender Strategies and Action Plans

In 1996, the government adopted by resolution the "Conception for the Improvement of the Status of Women in the Russian Federation"⁹⁷ which describes areas of concern and enumerates a number of objectives. In 1997, a detailed "Conception on Legislative Activities for the Promotion of Equal Rights and Equal Opportunities of Men and Women" was drafted, the goal of which was to define a general strategy and priorities directed to legislative activity on providing for equal rights for men and women.⁹⁸ In 2001, the Ministry of Labor and Social Development drafted a "Gender Strategy of the Russian Federation." According to a legal expert on gender issues, this document was discussed within the government but has never been officially adopted.⁹⁹ In contrast, the "National Action Plan on Improving the Status of Women in the Russian Federation

⁹⁷ Resolution of the Government No. 6, from January 8, 1996.

⁹⁸ Resolution of the State Duma of the RF Federal Assembly No. 1929-II GD "On the Conception on Legislative Activities for the Promotion of Equal Rights and Equal Opportunities of Men and Women," from November 20, 1997.

⁹⁹ Interview, Svetlana Polenina, January 17, 2005, Moscow.

and Promoting their Role in Society”¹⁰⁰ adopted initially in 1996 and redrafted in 2001, outlines concrete actions to be undertaken, the implementing bodies responsible and the term in which the activities are to be completed.

The Russian subjects share in the implementation of CEDAW. The National Action Plan recommends that each subject of the Russian Federation adopt analogous measures to ensure development and advancement of women. From 2002-2003, the former Ministry of Labor found that about two-thirds of the subjects (56 of 89) have local-level action plans on improving the status of women, presumably modeled after the National Action Plan.¹⁰¹

National Machinery

After the 1995 UN Fourth World Conference on Women in Beijing, the Russian Federation took steps to consolidate the national machinery necessary to implement the Convention. In 2004, however, reorganization of the Russian government resulted in the dissolution of a number of the State structures that were previously devoted to women’s rights. For example, when the Ministry of Labor and Social Development was restructured, its Department on Women, Family and Children was disbanded and the Permanent Round Table of Women’s Non-governmental Organizations (NGOs), which functioned within the Ministry, ceased to exist. In May 2005, a new Coordinating Council on Gender Issues was formed under the Ministry of Health and Social Development, which will undertake an analysis of the status of gender equality in Russia.

Additionally, the Commission for Women, Family and Demography, under the Executive and created by Presidential decree in 1993¹⁰², was dissolved in 2000.¹⁰³ The Governmental Commission on the Advancement of Women, headed by the Vice Premier for Social Affairs, was dissolved in 2004.

At present, the legislative branch of the Russian government, the Federal Assembly, includes the Expert Council on Equal Rights and Opportunities of Men and Women in Russia, under the Federation Council, and the Committee on Women, Family and Children of the State Duma. See Appendix 1 for a chart of former and existing federal-level machinery for the Advancement of Women.

According to the Ministry of Labor, from 1996-2000, Committees on Issues of Women, Children and the Family were founded in each of the 89 subjects. Such committees, or

¹⁰⁰ National Action Plan on Improving the Status of Women in the Russian Federation and Promoting their Role in Society to 2000, Resolution of the Government No. 1032, from August 29, 1996; National Action Plan on Improving the Status of Women in the Russian Federation and Promoting their Role in Society from 2001-2005, Instruction of the Government, No. 855-r, from June 28, 2001.

¹⁰¹ E.g., Amur Oblast “Plan of Actions for Improving the Status of Women and Advancing their Role in Society for 2000-2005,” adopted by Resolution No. 656, from November 14, 2004. Interview, Tatiana Melnikova, February 17, 2005, Moscow.

¹⁰² Presidential Decree No 1908, from November 15, 1993.

¹⁰³ Presidential Decree No 1604, from September 1, 2000.

departments, are located in local-level administrations, social protection organs or in ministries.¹⁰⁴

De Facto Compliance

Conceptions, Gender Strategies and Action Plans

While the “Conception for the Improvement of the Status of Women in the Russian Federation,” mentioned above, includes specific strategies to be achieved, it neither assigns the tasks to responsible agencies nor sets forth any plan for their completion. Although the document remains in force, it is not clear to what extent, if any, it influences political decision-making. Likewise, the “Gender Strategy of the Russian Federation” is largely aspirational in content without implementing provisions. Finally, the “National Action Plan on Improving the Status of Women in the Russian Federation and Promoting their Role in Society,” is the most concrete articulation of actions to be undertaken by the State. There does not exist, however, any mechanism by which progress under the National Action Plan can be reviewed. Nor does it have specific financing for its activities. Furthermore, due to restructuring of the federal government in 2004, some of the National Plan’s implementing agencies no longer exist. It is presently unclear which bodies are responsible for carrying out the activities outlined in the National Action Plan.

Knowledge of mechanisms aimed at improving the status of women in Russia is low, both among the general population and government officials. In 2004, a Russian NGO surveyed State Duma deputies to determine their knowledge of such national and regional mechanisms; of 450 who received a questionnaire, approximately 40 responded.¹⁰⁵ Among the respondents, none had ever seen a copy of the Gender Strategy; half answered that they had heard of the document and half knew nothing about it.¹⁰⁶ Apparently, at the time of its preparation, the Ministry of Labor sent only one copy of the Gender Strategy to State Duma Committee on Women, Family and Youth.¹⁰⁷ The unofficial status of the Gender Strategy may explain why the document is unfamiliar and why even women’s NGOs report difficulties finding copies of the text.¹⁰⁸ A gender expert in Moscow stated that when the “Conception on Legislative Activities for the Promotion of Equal Rights and Equal Opportunities of Men and Women” was adopted, the text was never published in full, which is the usual procedure.¹⁰⁹

¹⁰⁴ THE DEVELOPMENT OF INSTITUTIONAL MECHANISMS AND THE ADVANCEMENT OF A GENDER APPROACH IN THE PRACTICAL ACTIVITIES OF GOVERNMENT ORGANS OF THE SUBJECTS OF THE RUSSIAN FEDERATION, Department on Issues of Children, Women and Family, Ministry of Labor of the RF (2002).

¹⁰⁵ The survey was conducted by the Moscow-based NGO “Women’s Leadership and Partnership.” See, presentation of E. A. Kozyir, conference transcript from “Reform of Election Law in Russia: Opportunities and Limitations of Women’s Political Representation in Organs of Power,” December 23, 2004, Moscow.

¹⁰⁶ *Id.*

¹⁰⁷ *Id.*

¹⁰⁸ Focus group, February 10, 2005, Petrozavodsk.

¹⁰⁹ Interview, Svetlana Polenina, January 17, 2005, Moscow.

Adoption of local-level action plans for advancing women's rights has not been consistent. As mentioned above, some subjects have no action plans. A great many regional-level plans have ceased to function or will expire in 2005, concurrent with the National Action Plan. A gender expert with the Ministry of Health and Social Development stated that if the National Plan is renewed in 2005 then regional governments will most likely follow suit.¹¹⁰

Action plans also vary widely in scope. The "Women of Karelia" program, for example, is far-reaching and had been renewed four times since 1995.¹¹¹ Based on the Beijing Platform for Action, it addresses 13 priority areas and is more extensive than the federal-level National Action Plan.¹¹² The program continues to function, with tasks allocated to appropriate government and non-governmental structures and including periodic review and monitoring. "Women of Bashkortostan" is another example of a program that refers to international standards on women's rights. Specifically, the program included analysis of how the Republic-level mechanisms for compliance with CEDAW, as well as other international instruments, functioned.¹¹³

Some subjects, however, have action plans that only address specific issues, such as employment or protection of health.¹¹⁴ Several plans and programs, while purporting to address the improvement of women's lives generally, give undue attention to issues of reproductive health and maternity. For example, two of the six sections of the Regional Action Plan on Improving the Status of Women and Advancing their Role in Society of Irkutsk Oblast are dedicated to "Advancing the reproductive health of society/increasing the birth rate" and "The Creation of conditions for the strengthening of family ties."¹¹⁵ A number of regions have programs devoted generally to women, family and children,¹¹⁶ either as alternatives to or concurrent with local action plans.

Some plans appear to have been adopted in a *pro forma* manner, either with little participation by the local NGO community, as was the case in Rostov Oblast,¹¹⁷ or without being fully implemented by local governing bodies, as has happened in Sakhalinsk¹¹⁸ and Ulyanovsk¹¹⁹ Oblasts. Respondents in the latter two regions stated

¹¹⁰ Interview, Tatiana Melnikova, February 17, 2005, Moscow.

¹¹¹ Resolution of the Government of the Republic of Karelia, November 23, 2000, No. 305-P.

¹¹² Focus group, February 10, 2005, Petrozavodsk.

¹¹³ Republic Program "Women of Bashkortostan for 1999-2002," adopted by Resolution No. 307, from September 27, 1999.

¹¹⁴ E.g., "Action Plan of the Government on Advancing the Role and Social Status of Women in Economic and Social Development of the Republic of Buryatia for 2002-2005," adopted by Resolution No. 37, from February 5, 2002.

¹¹⁵ Adopted by Resolution of the Governor No. 301-P, from April 27, 2002.

¹¹⁶ E.g., the "Regional Program on Safe Maternity for 2001-2005," adopted by resolution of the Murmansk Oblast Government, No. 244-P, June 20, 2004 and the "Comprehensive Regional Program on Protecting the Health of Women and Children and Decreasing Child Mortality in Tver Oblast to 2010," adopted by Resolution No. 700 P-2., from March 29, 2001.

¹¹⁷ Interview, Nina Kurasova, March 28, 2005, Rostov-on-Don.

¹¹⁸ Action Plan on Improving the Status of Women in Sakhalinsk Oblast and Advancing their Role in Society for 2001- 2005.

¹¹⁹ Action Plan on Improving the Status of Women in Ulyanovsk Oblast and Advancing their Role in Society for 2001- 2005.

that government officials have little information about their regional action plans.¹²⁰ NGO representatives stated that they were unfamiliar with the programs that exist under such local action plans or generally saw no results in their regions.¹²¹ Finally, it was found that regional plans may consist of single events used for publicity purposes, typically receive insufficient funding and are not consistently monitored.

National Machinery

NGO experts expressed concern that the reorganization of federal-level ministries and agencies resulted in the dissolution of significant national machinery for discussing the status of women's rights. As one respondent noted, "all parts of the national mechanism resulted from personal decisions"¹²² which explains why they can be liquidated in the same manner.

As mentioned above, data compiled by the former Ministry of Labor suggests that Committees on Women, Children and the Family exist in each subject. It is not clear, however, what role, if any, such organs play in advancing women's rights, separate from issues of social protection. Additionally, a process has been undertaken to create interdepartmental commissions that would presumably coordinate the work of these committees with other relevant government bodies. As of 2002-2003, governmental data showed that they exist in only 31 subjects, concentrated in the European part of Russia.¹²³

Regional-level commissions do not appear to function as part of a national mechanism as defined by Article 3 of CEDAW. With the dissolution of both the federal-level Commission on the Status of Women and the Department on Children, Women and Family, formerly within the Ministry of Labor, the extent to which regional governments are receiving any directives on fulfilling the National Action Plan is unknown. Likewise, it is not clear whether the functions of such committees are connected to regional action plans, with the CEDAW reporting process, or with advancing women's rights in all spheres. This assessment indicated that NGOs generally lack knowledge of the work of local commissions.

¹²⁰ Focus group, May 17, 2005, Yuzhno-Sakhalinsk; Interview, Tatiana Sergeeva, March 14, 2005, Ulyanovsk.

¹²¹ Interviews, Valentina Uspenskaya, April 26, 2005, Tver; Venera Ibragimova, February 10, 2005, Kazan.

¹²² Interview, Elena Ershova, December 27, 2004, Moscow.

¹²³ THE DEVELOPMENT OF INSTITUTIONAL MECHANISMS AND THE ADVANCEMENT OF A GENDER APPROACH IN THE PRACTICAL ACTIVITIES OF GOVERNMENT ORGANS OF THE SUBJECTS OF THE RUSSIAN FEDERATION, Department on Issues of Children, Women and Family, Ministry of Labor of the RF (2002).

Article 4

1. *Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.*
2. *Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.*

Area of Concern

- The Russian government has not undertaken any temporary special measures aimed at promoting *de facto* equality between men and women.

De Jure Compliance

The government has not adopted legislation at the federal level aimed at improving *de facto* equality between men and women, such as quotas, affirmative action schemes or setting targets. The Russian Federation has given some attention to improving women's representation in politics by requiring that political parties include men and women. Although quotas for women and other specific social categories existed during the Soviet era, they ceased to exist after independence. There have, however, been some limited attempts to promote *de facto* equality between men and women, for example by Presidential decree on "Urgent Measures of Governmental Policies in Relation to Women,"¹²⁴ and by women politicians and NGOs through the introduction of a norm on gender representation in political party lists to the draft law "On the Election of Deputies of the State Duma of the Federal Assembly." (see Article 7, below for a fuller discussion).

Temporary measures aimed at improving women's political participation may still be possible, however, at the local level. At least one subject, the Republic of Mordoviya, amended their election law to include the requirement of at least 30% representation of either sex in candidate lists from political parties.¹²⁵

Both the Russian Labor Code and the Criminal Code contain provisions that provide pregnant women, women with young children and mothers of many children with special treatment. (see Article 11, below, for a fuller discussion). These norms are aimed primarily at protecting maternity and thus have limited application to improving *de facto* equality between men and women as a whole.

¹²⁴ Presidential Decree "On Urgent Measures of Governmental Policies in Relation to Women" No. 337, from March 4, 1993.

¹²⁵ Interview, Tamara Tiurina, March 3, 2005, Saransk.

De Facto Compliance

The Russian Federation has not enacted temporary special measures to address gender-based discrimination.

In its most recent report to the CEDAW Committee, the Russian government elaborated on measures undertaken under Article 4 of the Convention. According to the report, such measures fall into two categories: (1) a National Action Plan and ancillary programs aimed at improving the status of women and (2) “privileges” granted to pregnant women and mothers in the labor sphere and for incarcerated women.¹²⁶ Specifically, Russian labor law forbids the termination of pregnant women and women with young children and prohibits employers from refusing to hire women based on the same circumstances. The Labor Code also obliges the employer to provide modified work and to limit travel, overtime and night work at the request of a pregnant women or mother of a child under age three. The Criminal Code grants women who have been sentenced to less serious crimes and who are pregnant, breastfeeding or have children the possibility of deferring the sentence until the child is 14.¹²⁷ Additionally, the law provides pregnant women and women with children under age three improved living conditions and the possibility of having their children live in specialized housing on prison territory.¹²⁸

According to the Convention and as further explained by General Recommendations, the above-mentioned measures are not those foreseen by Article 4. First, the Committee urges States to distinguish between temporary special measures aimed at achieving a concrete goal and broad social policies that improve the situation of women as a whole. “The provision of general conditions in order to guarantee the civil, political, economic, social and cultural rights of women and the girl child, designed to ensure for them a life of dignity and non-discrimination, cannot be called temporary special measures.”¹²⁹ Second, as mentioned in reference to Article 2, above, laws and policies aimed at protecting maternity are not considered discriminatory. They are also considered neither “temporary” nor “special” measures but are of a “permanent nature” and provide for non-identical treatment of women and men based on their biological differences.¹³⁰

The only example of a recent attempt to introduce a temporary special measure in Russia took the form of a proposed norm on equal representation in political parties that would have required representation of no less than 30% of either sex in political party lists during election campaigns. Most experts, when interviewed for this assessment, expressed support for the proposed temporary quota. According to a public opinion poll conducted around the time of the legislative debates, 60% of respondents supported

¹²⁶ Fifth Period Report of State Parties, Russian Federation, March 1999, CEDAW/C/USR/5 at 16.

¹²⁷ Article 82, Criminal Code.

¹²⁸ Articles 88, 100, Criminal Executive (Penal) Code.

¹²⁹ General Recommendation No. 25, on Article 4, Paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women, on temporary special measures, 13th session, 2004.

¹³⁰ *Id.*

the ideas of the introduction of a gender quota.¹³¹ The initiative was ultimately rejected by the State Duma in April 2005. Interviewees pointed out that the use of quotas is closely associated with Soviet-era requirements,¹³² when women had reserved places in the legislature but no real functions. Thus, one reason for the failure of this initiative could be connected to a perception that a woman should ultimately be able to achieve office on her own merit.¹³³ Observers at the legislative hearing reported that a common concern expressed by male deputies was the loss of their seats if the norm were enacted.¹³⁴

¹³¹ Poll conducted by the Levada Center of 1,600 respondents. *See*, <http://www.levada.ru/press/2005050401.html> and *The Majority of Russians Support the Idea of Gender Quota*, RUSSIAN AGENCY FOR INTERNATIONAL INFORMATION (RIA-Novosti), May 11, 2005 at <http://www.rian.ru/politics/parties/20050511/39966279.html>.

¹³² Interview, Galina Klimantova, December 14, 2004, Moscow.

¹³³ Interview, Veronica Ilina, May 13, 2005, Vladivostok.

¹³⁴ Expert Group meeting, November 23, 2005, Moscow.

Article 5

States Parties shall take all appropriate measures:

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

Areas of Concern

- Gender stereotypes are widespread in Russian society and the government has failed to take affirmative steps (laws or programs) to alter gender role stereotypes.
- The government supports the stereotyped notion that a woman's primary role is in the area of childrearing, which impedes full implementation of the Convention.
- The media and advertising agencies portray women using stereotyped and sexist images.

De Jure Compliance

The government has not comprehensively addressed the gender role stereotypes that exist in Russian society. In fact, certain legislation in the labor sphere appears to perpetuate stereotyped notions of the roles of men and women. For example, the Labor Code refers to an "Index of Heavy Work and Work in Harmful or Dangerous Labor Conditions which are Forbidden to be Fulfilled by Women," which restricts women's employment choices.¹³⁵ Although labor legislation has been modified to merely suggest restrictions on women's employment, the existence of the Index nevertheless demonstrates an attitude that women, specifically women of reproductive age, should be protected from "unsuitable" work based solely on their sex.

The Constitution states that the care and upbringing of children is the equal right of each parent and protects both "maternity" and "fatherhood"¹³⁶ yet Russian law includes a number of provisions aimed at protecting women's maternity only. (See Article 13, below). It can be argued that women currently receive greater legal protection and benefits than a male parent. The "positive discrimination" afforded women with children can itself be viewed as reinforcing a stereotyped notion that a women's value stems from her role as a mother.

Russian law does, however, proscribe the use of stereotyped images in advertising. The Federal Law "On Advertising" specifically prohibits "unethical" advertising; that is, the use of information and images that are considered offensive on the basis of "race,

¹³⁵ Adopted by Government resolution of February 25, 2000, No. 162.

¹³⁶ Constitution of the Russian Federation, Article 38, part 2 and Article 7, part 2.

nationality, profession, social category, age, *sex*, language, or the religious, philosophical, political or other beliefs of physical persons. [emphasis added].”¹³⁷

De Facto Compliance

*The key to resolving many social problems [in Russia], to establish equality between the sexes is overcoming gender stereotypes. . . . The root of inequality, or more precisely of the imbalance in the public sphere, is that which takes place in the private sphere, in the family sphere and in intimate relations. . . . What is happening in the family? Here, cultural stereotypes are very fixed. These are stereotypes of a traditional society, a peculiar type of patriarchy when the woman is responsible for the main part of the household work, for raising the children and the organization of family life.*¹³⁸

Traditional notions about the role of men and women predominate in Russia, primarily that a woman is responsible for childcare and family duties. Such stereotypes were evident in the comments of numerous respondents who, while pointing out women’s under-representation in such areas as politics, diplomatic postings and leadership positions in business, nevertheless justified the inequality based on a woman’s need to give priority to her family responsibilities. Furthermore, the majority of interviewees, from both civil society and the government sector, when asked about actions undertaken to eliminate discrimination against women, frequently cited programs for children and families. As one respondent stated, “Who is a woman? First of all, she is family and children. . . . These are all connected to women, to protecting the rights of women and eliminating discrimination against women.”¹³⁹

While the gender stereotypes mentioned above cut across society, there are also important regional variations in views of the role of men and women. For example, research in the three subjects in the North Caucasus revealed that certain regions hold very strict notions of the types of work acceptable for women. When male and female respondents were asked the following questions, they responded thus:

Do you approve of women having a career in— ?¹⁴⁰

	Ingushetia		Karachaevo-Cherkessaya		Rostov Oblast	
	Men	Women	Men	Women	Men	Women
Business	83.3% - no	9.6% - no	33.3% - no	12% - no	26.1% - no	6.5% - no
Politics	92.5% - no	31.9% - no	45% - no	19.3% - no	65.2% - no	17.4% - no
Law Enforcement	92.1% - no	65.7% - no	65% - no	57.1% - no	56.5% - no	31.1% - no
Medicine and Education	72.3% - yes	90.9% - yes	85% - yes	95.2% - yes	82.6% - yes	91.1% - yes

¹³⁷ Article 8, Federal Law “On Advertising” from July 18, 1995, No. 108-FZ.

¹³⁸ Interview, Elena Zdravomyislova, May 5, 2005, St. Petersburg.

¹³⁹ Interview, Tatiana Levi, May 20, 2005, Irkutsk.

¹⁴⁰ Data compiled from: G. S. DENISOVA, L. V. KLIMENKO, *Deconstruction of the Traditional Model of Gender Interrelations in the Context of the Transformation of the Social Sphere in North Caucasus Society in THE SOCIETAL SYSTEM: THEORY AND RESEARCH METHODS* (2004).

Rural communities throughout Russia adhere to gender stereotypes more closely than those in urban areas. As one expert reported, a woman's status in rural society is very closely connected to her marital status and whether or not she has children.¹⁴¹

Gender-role stereotypes persist throughout Russia because they are enforced at many levels. Not only has the government not undertaken educational or informational campaigns to eliminate prejudice, it can be argued that the State perpetuates stereotyped views of women.

For example, stereotypes are reinforced from a young age, beginning in educational institutions. According to research conducted by the Center of Women's History and Gender Studies in Tver, kindergarten teachers divide play rooms into areas for girls and boys with toys that are considered appropriate for each sex.¹⁴² Analysis of school textbooks revealed that women are much more frequently mentioned in connection with the family sphere and that examples using male characters are generally connected to the public sphere and outdoor activities.¹⁴³ The prevalence of the notion that women are primarily responsible for raising children may be one reason why fathers rarely make use of provisions in the law which provide for family members, other than the mother, to take leave from work for childcare.

In 2002, the State-run television channel "Kultura," which is supported by the Ministry of Culture, aired a program entitled "Masterpieces can only be created by men." The program, part of a larger series, was hosted by the Minister of Culture at the time. As noted by members of creative arts organizations and NGOs, who appealed to the Union of Russian Journalists with a claim to review the program, "a State representative of a high rank in essence supported the idea of discrimination on the basis of sex, which contravenes not only the Constitution . . . but also principles of civilized society."¹⁴⁴

The mass media also plays a role in perpetuating gender-based stereotypes in Russia. Several interviewees noted that print media often uses disrespectful language when describing women, for example "broads" (*babi*) or "chicks" (*tyolki*), or uses an ironic tone when reporting on women's activities or achievements.¹⁴⁵ For example, a headline to a story about a local NGO that conducted a publicity campaign on domestic violence read "Amazons on a rage."¹⁴⁶ A typical headline appearing on March 8, International Women's Day, may read "Russia is lucky. It has oil, forests and women."¹⁴⁷ According to a five-year analysis of national newspapers conducted by the Association of Women Journalists, the media is dominated by two images of women: as a sexual object or as a

¹⁴¹ Interview, Larisa Baranova, April 12, 2005, Lermontovo, Penza Oblast.

¹⁴² Interview, Valentina Uspenskaya, April 26, 2005, Tver.

¹⁴³ ANNA SMIRNOVA, *WE LEARN HOW TO LIVE IN SOCIETY: A GENDER ANALYSIS OF SCHOOL TEXTBOOKS* (2005), available at http://www.wcons.org.ru/ru/publication.php?pub_id=29. For a fuller discussion of gender stereotypes in the educational sphere, see Article 10, below.

¹⁴⁴ *Application to the Grand Jury of the Russian Union of Journalists*, OPEN WOMEN LINE (OWL), June 7, 2002 at <http://www.owl.ru/content/news/vestnik/p37553.shtml>.

¹⁴⁵ Interview, Igor Sazhin, April 19, 2005, Syktyvkar.

¹⁴⁶ Interview, Svetlana Yakimenko, April 6, 2005, Moscow.

¹⁴⁷ Alina Ilina, *Sexism Non-Stop?*, *The Women's Dialog*, 20/36 2003 at 29.

“happy housewife.”¹⁴⁸ An assessment cited in Russia’s last State Party report to CEDAW found only 2% of articles in Russian publications aimed at women deal “with the determination of the role and place of women in society and the altering of stereotyped ideas about women” and the majority report on domestic violence and housekeeping tips.¹⁴⁹

In the commercial sphere, advertisers frequently depict women as sexual objects in order to sell a variety of products. See Appendix 2 for samples of such advertisements found in Russia. Commenting on a campaign against sexist images of women in the media organized by the St. Petersburg Center for Gender Studies, the center’s director noted, “Society does not notice at all how women are humiliated, not just in advertisements or the press or T.V. but also in the culture- in fairy tales, jokes, proverbs- it’s all been there from the beginning.”¹⁵⁰ Other than the case described below, there has been virtually no protest against sexist advertising, either from the community at large or government authorities.

Unethical Advertising

As mentioned above, Russia law forbids advertising that makes use of images that are “offensive” on the basis of sex. This law has been rarely invoked, but in December 2004 on the basis of a complaint initiated by two NGOs,¹⁵¹ the Federal Antimonopoly Authority heard a claim that the depiction of a woman in a television commercial violated the law. The commercial for a fabric softener, produced by Procter & Gamble, opened with the lines “What do women think about in the office? About work? Or that there is a mountain of ironing to do after the weekend?” On the screen, a female employee was depicted sitting at her computer. As she placed a stack of files on her desk, they were transformed into a pile of laundry. The woman stopped working to worry about her family and their clothes. After she remembered the fabric softener, the commercial ended with the same question- “what do women think about at work?” while on screen the woman was shown circling an ad for family holidays in a magazine. The Authority concluded that the advertisement was unethical, stating “using the image of a woman at work who thinks only of her family, housework and holiday plans and not of her professional activities gives the impression that female employees do not fulfill their responsibilities . . . In this way . . . the advertisement discredits women and raises doubts about their work qualifications.” At the Authority’s request, this particular advertisement is no longer being aired.¹⁵²

¹⁴⁸ DICTIONARY OF GENDER TERMINOLOGY (*Slovar’ gendernyikh terminov*) (A.A. Denisova, ed.) 66 (2002).

¹⁴⁹ Fifth Period Report of State Parties, Russian Federation, March 1999, CEDAW/C/USR/5 at 17.

¹⁵⁰ Alina Ilina, *Sexism Non-Stop?*, The Women’s Dialog, 20/36 2003 at 31.

¹⁵¹ The complaint to the Federal Antimonopoly Authority was made by the Moscow-based International Confederation of Consumer Groups (KonfOP), with a conclusion drafted by the Samara Center for Gender Studies.

¹⁵² Sources: Decision of the Commission of the Federal Antimonopoly Authority on the Case of the Violation of the Law on Advertising by the company Procter & Gamble, from December 20, 2004 at http://fas.gov.ru/adcontrol/adm_practice/a_2516.shtml; Elena Vinogradova, Gleb Krampets, Kirill Koriukin, *What Women Think About*, VEDOMOSTI, December 22, 2004.

Several experts noted that the mentality of young women is changing.¹⁵³ Research conducted by an NGO in Chelyabinsk, for example, indicated that when asked about their priorities, young women put “career, studies, happiness and free time” before “family,” whereas both “family” and “children” once occupied the top places.¹⁵⁴ Such shifts in attitude, however, are not widespread and do not appear to be the result of any government-led efforts to modify social and cultural patterns.

No laws in the Russian Federation limit a Muslim woman’s choice to wear a headscarf (*hijab*). According to a 2003 decision of the Appellate Division of the Supreme Court of the Russian Federation, instructions issued by the Ministry of Internal Affairs (MVD), prohibiting citizens from taking official identification photographs wearing head coverings, were found not in compliance with federal law. There has been a recent increase in reports of Muslim women who wear a headscarf being the subject of discrimination in both the North Caucasus region and major cities. A university in Kabardino-Balkaria has started to enforce provisions of their charter that forbid female students to wear clothes that indicate their religion.¹⁵⁵ In Moscow, women who wear the *hijab* are frequently stopped by the police for questioning.¹⁵⁶

¹⁵³ Interview, Olga, Kozlovskaya, March 1, 2005, Yekaterinburg.

¹⁵⁴ Interview, Natalia Baskova, February 25, 2005, Chelyabinsk.

¹⁵⁵ Fatima Tlisova, *Hijab Discrimination in the North Caucasus*, May 19, 2005, Institute for War and Peace Reporting, at http://www.iwpr.net/index.pl?archive/wp/wp_001_03_eng.txt.

¹⁵⁶ Natalia Granina, *Appearing in a hijab in Moscow-it's the same as going out naked (Poyavitsya v hidzhabe v Moskve- vse ravno chto vyiti na ulitsy goloi)*, September 29, 2004, Human Rights in Russia at <http://www.hro.org/actions/nazi/2004/09/29-1.php>.

Article 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

Areas of Concern

- Laws on human trafficking are not being fully realized nor has comprehensive legislation on providing services for victims of this crime been adopted.
- The government has not created a mechanism to facilitate cooperation and coordination of law enforcement in combating human trafficking, investigating cases, monitoring and gathering statistical information.
- There is currently no federal program on the prevention of human trafficking.
- State and societal ambivalence about prostitution result in ineffective law enforcement efforts.
- Sex tourism, as well as the involvement of minors in commercial sex work, is on the rise, but the government is not addressing these problems.
- Discrimination in employment and education place women at risk for being trafficked or exploited in prostitution.

De Jure Compliance

Trafficking in Women

Russia is a state party to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.¹⁵⁷ In December 2003, the Russian government amended its Criminal Code to include provisions that criminalize human trafficking and the use of slave labor.¹⁵⁸ Both trafficking in persons and the use of slave labor are punishable by imprisonment for up to five years and, if aggravating circumstances are present (the victim is a minor, force or threats of force are used, false documents are used, if there is abuse of an official office or the act is committed by an organized group), by up to ten years' imprisonment.

Jurisdiction for pre-trial investigation of human trafficking cases depends on whether the crime is classified as medium or serious, based on the severity of punishment. Thus, when aggravating circumstances are present, the Office of the Prosecutor is responsible for pre-trial investigation. Otherwise, human trafficking cases are investigated by the police.¹⁵⁹

¹⁵⁷ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, UN Doc. A/55/383, ratified by the Russian Federation May 26, 2004.

¹⁵⁸ Federal Law "On the Adoption of Amendments and Additions to the Criminal Code of the Russian Federation" No. 162-FZ, from December 16, 2003, adding article 127¹ -human trafficking- (*torgovlya liud'mi*) and article 127² -slave labor- (*ispol'zovanie rabskogo truda*).

¹⁵⁹ See Article 151, Criminal Procedure Code.

On January 1, 2005, a new Federal law “On Government Protection of Victims, Witnesses and other Participants of Criminal Proceedings”¹⁶⁰ went into effect in the Russian Federation. This law establishes a victim-witness protection scheme that includes various forms of social assistance and protective measures, such as relocation, housing, employment, and personal and material security, with no distinction between crime victims. An expert confirmed that the law applies to victims of the crime of human trafficking but that such victims generally require specialized services which are currently not mandated by any law.¹⁶¹

Tour, modeling and matchmaking agencies (marriage brokerages) can be closely connected with the problem of trafficking in women and girls. There have been instances for example, in which “mail-order brides” were, in fact, trafficked abroad. The law “On Licensing of Certain Types of Activity”¹⁶² requires that tour agencies, tour companies and organizations that provide overseas employment services for Russian citizens be licensed. Thus, such organizations are theoretically monitored by the State.

The Russian Federation has not adopted a National Action Plan on human trafficking, considered necessary by NGO representatives.

Exploitation of Prostitution

The act of prostitution is not criminalized in the Russian Federation but is dealt with as an administrative offense, subject to a fine.¹⁶³ The law does, however, criminalize recruitment into prostitution¹⁶⁴ and the organization of the activities of prostitution,¹⁶⁵ including the provision of premises for such activities. In both cases, the crimes carry more severe punishment when aggravating circumstances are present (the victim is a minor, force or threats of force are used, the victim is transported over a border, the act is committed by an organized group or with prior agreement of there is abuse of an official office). The solicitation of the services of a prostitute is not punished under Russian law.

In the past few years, attempts to legalize prostitution have been made at both the federal and regional level but without result. In 2002, a draft law to legalize and regulate prostitution was authored by deputies of the State Duma,¹⁶⁶ and consequently a number of similar projects were initiated by subject-level deputies, all of which were voted down.¹⁶⁷ In contrast, 2004 saw efforts to introduce amendments to the Russian Criminal

¹⁶⁰ No. 119-FZ, from August 20, 2004.

¹⁶¹ Interview, Elena Mizulina, September 12, 2005, Moscow.

¹⁶² Article 17, Federal law No. 128-FZ, from August 8, 2001.

¹⁶³ Article 6.11, Administrative Code.

¹⁶⁴ Article 240, Criminal Code.

¹⁶⁵ Article 241, Criminal Code.

¹⁶⁶ See, e.g., *Preparation of a Draft Law on the Legalization of Prostitution*, Federal Post, October 14, 2002, at http://www.federalpost.ru/social/issue_1914.html#vote.

¹⁶⁷ For example, Arkhangelsk Oblast, Irkutsk Oblast, Sakhalin Oblast, Volgograd Oblast, Krasnoyarsk Krai and the Udmurtia Republic.

Code that would criminalize the act of working as a prostitute, at both the federal and subject level.¹⁶⁸ To date, none of these initiatives have succeeded.

De Facto Compliance

Trafficking in Women

The government does not compile official statistics on the scope of the problem of human trafficking. Experts agree that Russia is a source country, a transit country and a destination for women victims of trafficking, primarily for the purpose of sexual exploitation. However, in some cases women are trafficked for purposes of labor exploitation. Respondents from Karelia, for example, point out that a significant number of women agree to travel for seasonal agricultural work, namely to Scandinavian countries, without knowing precisely where they are going or that the work is illegal, and there fall victim to trafficking schemes.¹⁶⁹

Women are trafficked both from and to neighboring CIS countries and from Russia to the Middle East (United Arab Emirates, Israel), Europe (Belgium, Germany, the Netherlands), Turkey, Asia (China, Japan, South Korea) and North America.¹⁷⁰ Additionally, women are also trafficked internally, from rural to urban areas. Approximately a third of the victims in trafficking cases from 2004 were adolescent girls.¹⁷¹

Russia has made positive efforts in recognizing the problem of human trafficking, ratifying the UN Trafficking Protocol and adopting the criminal law provisions mentioned above. Still, full enforcement of the law and compliance with international standards has not yet occurred. Criminal groups, both large-scale and small numbers of individuals, undertake human trafficking and trafficking-related activities in Russia. Such criminals are aided by widespread corruption of law enforcement officials and, thus, "it is possible to get needed documents to move women abroad, and traffickers can bribe border guards and custom officials if they are suspected of trafficking."¹⁷² Governmental reform that is aimed at combating "extensive levels of corruption in the state" has had little impact on the problem of trafficking in women, in part because it has not encouraged locally-led initiatives to combat trafficking nor has it improved society's low level of trust in law enforcement.¹⁷³

¹⁶⁸ See, e.g., *Prostitution in Russia Remains Criminally Punishable*, Liga -Press, November 19, 2004, at <http://liga-press.ru/news/rosuwan/prostituticia/>.

¹⁶⁹ Interview, Maria Shtyileva, March 19, 2005, Murmansk.

¹⁷⁰ Trafficking in Persons Report 2005, U.S. Department of State, at <http://www.state.gov/g/tip/rls/tiprpt/2005/>.

¹⁷¹ Interview, Elena Mizulina, September 12, 2005, Moscow.

¹⁷² Louise I. Shelley and Robert W. Orttung, *Russia's Efforts to Combat Human Trafficking in RULING RUSSIA: LAW, CRIME, AND JUSTICE IN A CHANGING SOCIETY* 172 (William A. Pridemore, ed., 2005).

¹⁷³ *Id.* at 179.

There have been few human trafficking prosecutions, a direct result of “corruption, lack of organization and scarce resources of Russian law enforcement”¹⁷⁴ as well as the complex nature of these cases. During 2004, 25 cases were investigated under the two new Criminal Code articles, most of which involved human trafficking.¹⁷⁵ Of these, 19 cases of trafficking were referred to prosecution. As of August 2005, almost all of the cases have been heard in court but only seven have resulted in guilty verdicts. Nine people have been sentenced under Article 127¹, four in cases with aggravating circumstances. Some criminal law experts advocate for increasing the level of punishment for human trafficking so that the Office of the Prosecutor would participate at the pre-trial investigation stage¹⁷⁶ which should theoretically lead to more prosecutions.

Another reason for the under application of the criminal law to human trafficking cases is that Russian law enforcement lacks specialized training and methods on how to investigate, gather evidence and qualify such crimes.¹⁷⁷ Coordination of law enforcement efforts also remains insufficient, in part because there is no unified body directing this work. It was reported that local Prosecutor’s offices are often unaware of trafficking cases in their region,¹⁷⁸ partly due to lack of prosecutorial involvement in such cases but also due to limited availability of statistics and lack of mechanisms to coordinate the sharing of information. NGO experts pointed out that at the local level law enforcement organs often do not acknowledge the problem of trafficking¹⁷⁹ and police generally do not pay sufficient attention to related violations of the law, such as prostitution and the operation of illegal employment or tourism firms.¹⁸⁰

The present assessment also revealed that it is not uncommon for law enforcement organs and government officials to believe that women who “voluntarily” agree to travel abroad and work illegally, often in the commercial sex industry, simply “should know better” and are not, therefore, victims of human trafficking,¹⁸¹ despite the existence of attendant human rights abuses. In this case, law enforcement officials are making a distinction between victims who are perceived as “innocent” (they applied for legal work but are forced into prostitution) and those who are “willing” (they had prior knowledge that they would be working in the commercial sex industry but are nevertheless exploited). Such a distinction does not exist in the law, however, it has been reported that “if there is any indication that the woman was involved in the sex industry prior to leaving Russia, she is characterized as a ‘professional prostitute.’”¹⁸²

¹⁷⁴ *Id.* at 173.

¹⁷⁵ Interview, Elena Mizulina, September 12, 2005, Moscow; Trafficking in Persons Report 2005, U.S. Department of State, at <http://www.state.gov/g/tip/rls/tiprpt/2005/>.

¹⁷⁶ Interview, Elena Mizulina, September 12, 2005, Moscow.

¹⁷⁷ Interview, Anna Repetskaya, May 19, 2005, Irkutsk.

¹⁷⁸ Interview, Elena Mizulina, September 12, 2005, Moscow.

¹⁷⁹ Interview, Liudmila Ermakova, February 28, 2005, Yekaterinburg.

¹⁸⁰ Interviews, Nina Kurasova, March 28, 2005, Rostov-on-Don; Svetlana Bazhenova, May 11, 2005, Vladivostok.

¹⁸¹ Interviews, Olga Shvets, March 1, 2005, Yekaterinburg; Nikolai Morozov, May 13, 2005, Vladivostok.

¹⁸² *Trafficking for Sexual Exploitation: The Case of the Russian Federation*, International Organization for Migration (IOM), IOM Research Series No. 7, 33-34 (2002) at <http://www.iom.int/documents/publication/en/mrs%5F7%5F2002.pdf>.

This notion directly impacts the number of cases that are opened. In reality, many women who are seeking ways to support their family do consent to work in prostitution in a foreign country but are unaware that they may be deprived of a salary or abused at work. The Ministry of Foreign Affairs has estimated that more than half of the women engaged in prostitution abroad knew they would be undertaking commercial sex work before they left Russia.¹⁸³

Despite the existence of a victim/witness protection law and funds dedicated from the federal budget for its implementation, victim protection has not been achieved. An expert noted that the government has not drafted instructions on the implementation of the law and therefore, because “the law does not work . . . protection of victims does not work.”¹⁸⁴ A significant piece of legislation that prescribes measures to protect victims of trafficking, the Federal law “On Countering Trafficking in Persons and Measures to Protect Victims of Trafficking in Persons” was drafted concurrently with amendments to the Russian Criminal Code, but it was not adopted. If passed, this law would have defined the federal authorities responsible for countering human trafficking and create an interdepartmental commission to comprehensively address the problem, including services for victims. At present, there is also no National Referral Mechanism that would coordinate the work of law enforcement and service-providing agencies for victims.

The Inter-agency Working Group on Issues of the Prevention and Suppression of Human Trafficking,¹⁸⁵ consisting of representatives of various ministries, international organizations and experts, however, exists at the level of the federal government. The working group meets regularly to gather information about the problem of human trafficking, monitor implementation of current legislation improve coordination between the government and NGOs and foster awareness of the issue.

Because the Russian government has not taken sufficient steps to address the issues of protection of and assistance to human trafficking victims, potential witnesses are often unwilling to cooperate with law enforcement. NGOs reported cases in which returned victims required extensive psychological therapy and rehabilitation. Another had worked with three victims who, after making a complaint with law enforcement, received threats from a recruiter whose office was located close to the police station.¹⁸⁶ Additionally, the media does not always responsibly report on such cases, which can compromise open investigations. A journalist explained that when local media published the name of an adolescent victim, she refused to cooperate further with investigators or NGOs.¹⁸⁷

Presently NGOs in Russia play an important role in providing victim services, offering temporary shelter, psychological counseling and some legal services. Because such NGOs are filling in where there is no State-provided assistance, they have a limited

¹⁸³ *Id.* at 35.

¹⁸⁴ Interview, Elena Mizulina, September 12, 2005, Moscow.

¹⁸⁵ Under the State Duma Committee on Civil, Criminal, Arbitrage and Procedural Legislation.

¹⁸⁶ Interview, Larisa Vasileva, February 24, 2005, Chelyabinsk.

¹⁸⁷ Interview, Irina Mardar, March 28, 2005, Rostov-on-Don.

capacity to offer the kind of comprehensive services needed by victims. NGOs generally do not receive financial support from the government for this work and some report that they are concerned for their own safety as well as that of their clients. In speaking about her work raising awareness about the issue, an NGO director explained, “Everyone in the city knows each other . . . We did not want to raise the issue too openly because of our own safety- we are absolutely unprotected. The criminals are better protected, so no one in the oblast works on [human trafficking].”¹⁸⁸

As is the case with victim protection, there is no federal program on prevention of trafficking. The NGO sector is largely responsible for prevention efforts in Russia. The Russian government has organized some high-level events that earned media attention and, at the local level, has cooperated in some NGO-led initiatives. It is women’s organizations, however, that primarily conduct awareness-raising campaigns among risk-groups in rural regions, at schools and universities and within employment centers, as well as producing educational materials that have been distributed at passport services. Many NGOs report a common difficulty: they are able to cooperate with local government bodies only as long they initiate the project and are responsible for its implementation. For example, an NGO in Rostov Oblast created an informational pamphlet that the regional police department now includes in all newly-issued foreign passports. The police department, however, has no financial means to print such materials itself¹⁸⁹ and, thus, the project will likely continue only so long as the NGO is involved.

Exploitation of Prostitution

There are significant numbers of women working in prostitution and in other commercial sex services in Russia. One expert noted that prostitution takes a number of forms, including street prostitution, salon services or “call-girls” in hotels. Some women work as prostitutes on a temporary basis, for example, as students or only when they have financial difficulties.¹⁹⁰ Respondents to the present assessment noted that prostitution is widespread, including child prostitution in the Northwest region of the county. For example, a lawyer in Murmansk identified child prostitution as a particular problem in the city and an NGO respondent from Petrozavodsk explained that adolescent girls work in prostitution on the roadside near the Finnish border.¹⁹¹ Discrimination, particularly in the areas of employment and education, plays a significant role in why women find themselves in prostitution. An expert explained, “many think that prostitution is a woman’s individual problem, that it’s her free choice. But it’s not that at all. . . . First and foremost, it is connected to economic reasons: poverty, unemployment, difficulties in receiving a free education. These factors push

¹⁸⁸ Focus Group, May 17, 2005, Yuzhno-Sakhalinsk.

¹⁸⁹ Interview, Irina Mardar, March 28, 2005, Rostov-on-Don.

¹⁹⁰ Interviews, Interview, Larisa Gareyeva, March 15, 2005, St. Petersburg; Alexander Muravets, March 31, 2005, Samara.

¹⁹¹ Interviews, Marina Simonova, March 21, 2005, Murmansk; Larisa Boichenko, February 11, 2005, Petrozavodsk.

many women into working in prostitution."¹⁹² Other research has shown that many prostitutes formerly experienced domestic violence.¹⁹³

As discussed above, the legal treatment of prostitution reflects a general societal tolerance of the problem. Interviewees expressed concern about the growth of the sex industry as evidenced in an increasing number and visibility of advertisements for sex services, the emergence of sex tourism to parts of Russia and the prevalence of prostitution taking place in private apartments.¹⁹⁴ Many respondents stated that places of prostitution are well-known in their cities, both to police and the general public.

Although both recruiting into prostitution and organizing a brothel are crimes in Russia, police action is typically limited to fining prostitutes themselves. One police chief explained that the lack of investigative work into organized prostitution was due to the high degree of proof required to make a criminal case and procedural barriers to introducing evidence in court.¹⁹⁵ Others reported that police take bribes from prostitutes or generally do not view fighting prostitution as a priority. There have been some reports that police officers use such services themselves or commit violence against women working in prostitution.¹⁹⁶ An expert reported that there has been an increase in rape cases among prostitutes but law enforcement rarely reacts to or initiates a criminal investigation.¹⁹⁷

It is widely known that women from rural and economically disadvantaged areas are at the greatest risk for exploitation through prostitution,¹⁹⁸ yet there are no State programs to specifically educate girls and young women about the risks associated with prostitution or to offer alternative employment. Experts pointed out that there is a very high incidence of drug use among street prostitutes; sometimes as many as 95% are drug addicts.¹⁹⁹ Such women require specialized rehabilitation and treatment, which is not currently provided through government programs. Some NGOs have raised the issue of prostitution in the context of their preventative work on human trafficking or have helped women in prostitution access medical services.

¹⁹² Interview, Larisa Gareyeva, March 15, 2005, St. Petersburg.

¹⁹³ *Id.*

¹⁹⁴ Interviews, Konstantin Potnin, February 21, 2005, Ufa; Larisa Vasileva, February 24, 2005, Chelyabinsk; Svetlana Bazhenova, May 11, 2005, Vladivostok. Focus Group, May 17, 2005, Yuzhno-Sakhalinsk.

¹⁹⁵ Interview, Sergei Mochalin, March 1, 2005, Yekaterinburg.

¹⁹⁶ Interview, Larisa Gareyeva, March 15, 2005, St. Petersburg.

¹⁹⁷ *Id.*

¹⁹⁸ Interview, Marina Akulova, May 18, 2005, Irkutsk.

¹⁹⁹ Interviews, Larisa Gareyeva, March 15, 2005, St. Petersburg; Marina Akulova, May 18, 2005, Irkutsk.

Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;*
- (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;*
- (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.*

Areas of Concern

- Women are underrepresented in political office in Russia.
- Women's unequal opportunities, such as lack of access to financial and administrative resources as well as gender stereotypes, disadvantage women running for elected office
- Few women have been appointed to high levels of office in the governance of the country.
- The government has not implemented temporary special measures to ensure equal representation of men and women in the political life of the country.
- Military and defense institutions place limits on women's entrance and career advancement.

De Jure Compliance

(a) Political Participation

The Russian Constitution ensures all "citizens," regardless of sex, the right to participate in managing the governance of the country, to elect and be elected to governing bodies, to hold public office and to participate in referenda.²⁰⁰ Implementing legislation guaranteeing the right to elect and be elected to public office is gender neutral, conferring rights to citizens who have reached the age of majority.²⁰¹ There are only two instances in which citizens can be denied the right to vote: by a judicial determination of incompetence and during imprisonment.²⁰²

While the laws addressing the right to be elected to public office are gender neutral, the Federal Law "On Political Parties" includes an important provision that states that as a fundamental principle of their activities, political parties must include both men and women.²⁰³ Furthermore, the law requires "equal opportunities" for men and women to

²⁰⁰ Constitution of the Russian Federation, Article 32.

²⁰¹ For example, Federal Law "On Elections of the President of the Russian Federation" No. 19-FZ; Federal Law "On the Guarantee of the Constitutional Right of Citizens of the Russian Federation to Elect and be Elected to Organs of Local Authority" No. 138-FZ.

²⁰² Constitution of the Russian Federation, Article 32, part 3.

²⁰³ See, Article 8, Federal Law "On Political Parties" No. 95-FZ, from July 11, 2001.

be represented in the governing bodies of political parties and candidate lists for elected positions.²⁰⁴

The State Duma of the Russian Federation consists of 450 seats, half of which are filled from federal lists submitted by political parties or blocs while the remaining half are filled by direct elections. The upper chamber of Parliament, the Council of Federations, is made up of two representatives of each Federation Subject.

Recently, electoral law has been amended in two significant ways: First, beginning in December 2006, single-seat electoral districts will be abolished and elections to the State Duma will be based only on party lists.²⁰⁵ Second, the requirements for political party registration became more strict when the minimum necessary membership was increased.²⁰⁶

(b) Public Office and Formulation of Government Policy

The Russian Constitution creates two levels of public offices: State and municipal. According to the Federal Law "On the System of Public Service of The Russian Federation"²⁰⁷ public service is divided into federal civil servants, civil servants of the regional level, military personnel and law enforcement personnel. Russian law grants citizens equal rights to be appointed to public service. The aforementioned law does not differentiate between men and women, and the law "On State Civil Service of the Russian Federation"²⁰⁸ states that there will be neither direct or indirect limitations or advantages granted on the basis of sex.

Political participation at the municipal level is regulated by the Federal Law "On the General Principles of Organizing Local Self-Governance in the Russian Federation"²⁰⁹ which guarantees all citizens the right to govern themselves regardless of sex. Likewise, the law on public offices at the municipal level allows participation by any citizen who has reached the age of majority.²¹⁰

Military Service

In the sphere of military service, the law treats men and women differently. The Constitution states that defense of the Fatherland shall be the duty and obligation of citizens of the Russian Federation. Additional federal legislation states that "citizens of

²⁰⁴ *Id.*

²⁰⁵ Federal law "On Elections of Members of the State Duma of the Federal Council of the Russian Federation" No. 51-FZ, from May 18, 2005.

²⁰⁶ Federal law "On the Adoption of Amendments to the Federal Law 'On Political Parties'" No. 168-FZ, from December 20, 2004.

²⁰⁷ Article 2, Federal Law "On the System of Public Service of the Russian Federation" No. 58-FZ, from May 27, 2003.

²⁰⁸ Federal Law "On State Civil Service of the Russian Federation" No 79- FZ, from July 27, 2004.

²⁰⁹ Article 3, Federal Law No. 131-FZ, from October 6, 2003.

²¹⁰ Article 5, Federal Law "On the Basic Principles of Municipal Service in the Russian Federation" No. 8-FZ from January 1, 1998.

the female sex” without a military profession (specialization) are exempted from this duty.²¹¹ Women do, however, have the right to join the military on a contractual basis.²¹²

(c) Participation in Non-Governmental Organizations

There are no legal limitations on women’s participation in non-governmental organizations (NGOs). The Russian Constitution and the Federal Law “On Public Organizations”²¹³ guarantee the right of citizens to found non-governmental organizations as well as participate in their activities and the laws provide that such organizations will be independent and equal before the law. Under Russian law, political parties are considered public organizations created to enable citizens to participate in the political life of the country and to represent the interests of citizens in organs of State power and within local self-governing bodies. As mentioned above, the law governing political party membership contains a positive declaration of the principle of gender parity.

De Facto Compliance

Women’s severe under-representation in the political and public life of the country was one of the areas of discrimination most often noted by respondents to the present assessment. Although women make up more than 50% of the population of Russia, on the whole their numbers in public office have significantly decreased during the years of transition. Several important tendencies can presently be seen: women’s representation in high-level positions within the three branches of government, executive, legislative and judicial is very low; women in government tend to occupy administrative and assisting positions and not decision-making posts; gender asymmetries in elected positions are more dramatic at the federal than local level; and although active in political campaigns, women are under-represented in political party lists.

(a) Political Participation

The Russian Federation held parliamentary and presidential elections in 2003 and 2004, respectively. Analysis of voter behavior showed that, as in previous elections, women participated more actively than men, although the gap appears to be narrowing (58% of women and 55% of men voted in the 2003 election).²¹⁴ On the whole, in the parliamentary elections, women more often voted for parties which did not obtain seats in the State Duma.

Participation by women’s organizations in elections remains limited. In 1993, the movement “Women of Russia” was formed to represent the political interests of women. This bloc gained some success in politics but ultimately failed to achieve the necessary

²¹¹ Federal Law “On Military Duty and Military Service” No. 53-FZ, from March 28, 1998.

²¹² Presidential Decree No. 1237 “Issues of Military Service,” from September 16, 1999.

²¹³ Federal Law No. 82-FZ, from May 19, 1995.

²¹⁴ SVETLANA AIVAZOVA and GRIGORY KERTMAN, WE ELECT AND ARE ELECTED 42 (2004).

votes to form a parliamentary faction in 1999. No women's organizations ran for seats in the 2003 election.²¹⁵

There is no legal barrier to women running for public office. However, experts allege that multiple violations of the equal participation provision of the law "On Political Parties" occurred during the 2003 Duma elections, yet they were not addressed by the Central Electoral Commission.²¹⁶ In response, women's groups have lobbied for the inclusion of stronger measures into the law, in the form a norm that would mandate that no more than 70% of candidates included in the party list should be of one gender.²¹⁷ Despite the fact that during the debate over the proposed norms, the majority of legislators agreed that special measures were required to improve women's political participation,²¹⁸ the proposal was voted down in April 2005.

An analysis of political party lists shows that in the dominant political parties, women made up between 8%-15% of the candidates.²¹⁹ Nomination to single-seat electoral districts showed a similar trend. In addition, women rarely appeared within the top positions of party lists, which further limited their chances of winning. Recent changes to election law that abolishes the system of single-seat candidates, may well restrict women's chances in future State Duma elections.

At present, the State Duma consists of 90.2% men (403 deputies) and 9.8% women (44 deputies).²²⁰ Of the 29 State Duma committees, four are chaired by women.²²¹ Only 5.6% of the Council of Federations deputies are women. While there is greater variation at the regional level, (of the 89 subjects, seven oblasts have no female deputies and in only three regions do women make up close to 40% of legislators)²²² on average, however, women still account for approximately 10% of local legislators. Women head around 14% of the total legislative committees at the regional level.²²³

Experts present a number of underlying reasons for the lack of women's representation in politics. As mentioned above, despite actively taking part in election campaigns, women generally do not receive support from their parties in the form of nominations or leadership positions. When running for single-seats, women lack access to the financial and campaign resources of male candidates. According to figures gathered by the Election Commission from Stravropol Krai during the 1999 Duma election, a male

²¹⁵ *Id.* at 10.

²¹⁶ Interview, Elena Ershova, December 27, 2004, Moscow; SVETLANA AIVAZOVA at 13.

²¹⁷ Such proposals to limit the number of candidates of each gender have been raised during debates over amendments to the Federal Laws "On Basic Guarantees of Electoral Rights and the Right of Citizens of the Russian Federation to Take Part in Referendums" and "On Elections of Deputies to the State Duma of the Federal Assembly of the Russian Federation."

²¹⁸ SVETLANA AIVAZOVA at 9.

²¹⁹ *Id.* at 14.

²²⁰ WOMEN AND MEN IN RUSSIA, Federal Service of Government Statistics 179 (2004).

²²¹ Information available from the official website of the State Duma at <http://www.duma.gov.ru/>.

²²² 43% of local deputies of the Jewish Autonomous Oblast are women. In the Nenetsk and Chukotka Autonomous Okrugs, the proportion of female deputies is 40% and 39%, respectively. *Id.* at 180-183.

²²³ Interview, Zinaida Suslova, September 19, 2005, Moscow.

candidate's election fund was six times larger than that of his female opponent.²²⁴ A candidate explained that the majority of male deputies in the Legislative Committee of her region are the heads of large enterprises and she knew of no such women.²²⁵ An Election Commission representative from Rostov-on-Don confirmed that most politicians are businessmen.²²⁶ Indeed, the 2003 Duma elections showed an increase in the number of directors and vice-directors of State and private enterprises included in political party lists; the vast majority of them male candidates.²²⁷

As discussed in more detail in Article 5, above, widespread gender stereotypes account for the perception that women are "unsuited" for politics. For example, it was reported that during local elections in St. Petersburg, one party campaigned against the present Governor (Valentina Matvienko) with the slogan "Being Governor is Not a Woman's Business."²²⁸ When a newspaper recently asked prominent women "Can a women ever become the President of Russia?", most answered that the country was not yet ready.²²⁹ A number of interviewees pointed out that female politicians must be prepared to sacrifice their family responsibilities for a political career.²³⁰ Others mentioned that having children is often used against women candidates: "If a women has three children and goes into politics, they ask- what kind of a mother is she? If it's a man, they say-how great."²³¹ When women are accepted as politicians, it is because they are viewed as more capable of addressing certain issues, generally social problems, such as distribution of benefits or working with vulnerable populations, than men.²³²

Women politicians are seen as less innovative than men and better at administrative or "housekeeping" functions²³³ which may explain why women have had more success in local elections than at the federal level. Respondents identified other factors that explain why women are more readily accepted for local political office than at higher levels: there is less competition from men for such jobs because the work is very hard, and pay and prestige are low. Furthermore, local governments have small budgets but "the problems are many."²³⁴

²²⁴ DISCRIMINATION AGAINST WOMEN IN CONTEMPORARY RUSSIA, Moscow Helsinki Group (T. Lokshina, ed., 2003) at <http://www.mhg.ru/publications/2039961>.

²²⁵ Interview, Natalia Baskova, February 25, 2005, Chelyabinsk.

²²⁶ Interview, Natalia Tatsenko, March 31, 2005, Rostov-on-Don.

²²⁷ SVETLANA AIVAZOVA at 18.

²²⁸ Interview, Irina Khakamada, March 24, 2005, Moscow.

²²⁹ *Can a women ever become the President of Russia?*, IZVESTIYA, March 4, 2005 at 9.

²³⁰ Focus Group, May 17, 2005, Yuzhno-Sakhalinsk.

²³¹ Interview, Natalia Borodina, March 24, 2005, Moscow.

²³² Interview, Zinaida Samsonova, April 21, 2005, Saratov. DISCRIMINATION AGAINST WOMEN IN CONTEMPORARY RUSSIA, Moscow Helsinki Group (T. Lokshina, ed., 2003) at <http://www.mhg.ru/publications/2039961>.

²³³ Focus Group, May 17, 2005, Yuzhno-Sakhalinsk.

²³⁴ Interviews, Svetlana Parshkova, March 21, 2005, Murmansk; Elena Mizulina, September 12, 2005, Moscow.

Negative Political Campaigns

During this assessment, a number of people mentioned incidents in which negative campaigns, based on sexist images of women, were used against female candidates. For example, a male deputy in Chelyabinsk reportedly asked if the women who were entering politics were “preparing to breastfeed the electorate.” In Tver, during his campaign a male candidate for the Oblast Duma asked voters, “Why do you support women? They’ll bring in their silly housewives’ things. What can she give you?- she’s old and ugly.” In other cases, such negative campaigning is carried out through the media. A respondent who ran for local office recalled that a newspaper ran an extensive article discrediting her and depicting her as a “loose woman” with the message “Dear voters, think who you are voting for. She has 24 lovers and can drink two liters of vodka.” Another female candidate, in Novocherkassk, was the target of an article in the local newspaper, paid for by her opponent’s campaign fund. The headline “Why am I not voting for the lady in the mink coat?” was accompanied by a picture of the candidate being covered in mud and an article containing false information. Of note, in the last two cases, both candidates made legal claims against the newspapers involved, one to court and the other to the Office of the Prosecutor, with some success. The first candidate won moral damages for slander and the second was given the opportunity to publish an article providing accurate information.²³⁵

Even when women do occupy political office, they are rarely perceived as prominent figures. In the last five years, an average of only three women have been included annually on a list of the top 100 most influential politicians in Russia, and female politicians have never been included in the top third of the list.²³⁶

The State does not sponsor programs aimed specifically at providing women with leadership or campaign skills. While some local-level Electoral Commissions support competitions, clubs and model parliaments for youth, they generally do not give specific attention to girls or women.²³⁷ Likewise, the government has not taken action to eliminate stereotypes that prevent women from advancing in politics. *See* fuller discussion of gender role stereotypes in Article 5, above.

(b) Public Office and Formulation of Government Policy

While general statistics show that women are represented in the three branches of government, for the most part they do not occupy high-level decision-making positions. As discussed above, women make up a very small portion of parliamentarians at the federal and local level.

The number of women participating in executive levels of government is even more limited. There are 17 ministries at the federal level, all of which are headed by male

²³⁵ Sources: Interviews, Irina Gekht, February 26, 2005, Chelyabinsk; Tamara Karyakina, April 26, 2005, Tver; Focus Group, May 17, 2005, Yuzhno-Sakhalinsk; F. Burlakova, *DO WE VOTE?! ARE THEY VOTING ON OUR BEHALF?! THE CHRONICLE OF THE CAMPAIGN OF A WOMAN CANDIDATE*, 29-40 (2004).

²³⁶ Data from an annual survey of Moscow and regional experts conducted by the research agency Voice of the People (*Glas naroda*). *See, e.g.*, http://www.ng.ru/ideas/2005-11-01/1_politiki.html.

²³⁷ Interview, Natalia Tatsenko, March 31, 2005, Rostov-on-Don.

ministers, and only two deputy ministers are women.²³⁸ The numbers of women in local government posts is higher than at the federal level, but experts, nevertheless, pointed out that women's participation is still limited to subordinate positions and to ministries and agencies that address social issues. For example, according to a Deputy Minister of Justice of Bashkortostan, most ministers in the Republic are men and most deputies are women.²³⁹ In Chelyabinsk Oblast, of 18 ministers, one is a woman- the head of the Ministry of Social Protection.²⁴⁰ Of the 89 subjects, one, St. Petersburg, is governed by a woman, and only eight women occupy the positions of first deputy heads of government.²⁴¹

Women are represented in the judicial branch, but, again, they tend to occupy lower positions than men. In the Supreme Court of the Russian Federation, 17.6% of the justices are women.²⁴² Of the 19 Constitutional Court judges, only three are women,²⁴³ approximately 16% of the total. The majority of justices of the peace are women, as are most federal judges. However, the overwhelming majority of chief judges are men. In Tver Oblast, for example, of 18 justices of the peace, 15 are women.²⁴⁴ In Bashkortostan, over 70% of justices of the peace are women.²⁴⁵ While some experts stated that women are better suited to the kind of day-to-day disputes adjudicated by justices of the peace, others mentioned that these jobs are less prestigious because of the heavy work load.

Women in the Military and Law Enforcement

Few women serve in the armed forces but those who do are employed by contract. In fact, since the introduction of voluntary contractual positions in 1980, the numbers of women have steadily increased. Today, approximately 10% of military personnel are women. Of these, 1.5% are officers and 20% occupy the lower ranks (ensign and midshipman).²⁴⁶ In general, women in the military work in assistant positions, mostly as teachers, interpreters, lawyers, medical professionals, psychologists, journalists, cooks and in warehouses.²⁴⁷ Under contracts, women retire at age 40, but may work longer if they are needed. Although the pension for military service is higher than for civilian jobs, the fact that women retire at such an early age is problematic. There are some programs, through Employment Centers that offer re-training for such women before they reach pension age, but after pension age, they are not eligible for monetary unemployment benefits. Due to the early retirement age, women in the military often

²³⁸ Information available from official government website at http://www.government.ru/government/officials/index.html?he_id=4. Interview, Zinaida Suslova, September 19, 2005, Moscow.

²³⁹ Interview, Svetlana Parfenova, February 18, 2005, Ufa.

²⁴⁰ Interview, Tatiana Kalugina, February 25, 2005, Chelyabinsk.

²⁴¹ Interview, Zinaida Suslova, September 19, 2005, Moscow.

²⁴² See official website of the Supreme Court of the RF at http://www.vsrp.ru/vs_index.php.

²⁴³ See official website of the Constitutional Court of the RF at <http://www.ksrf.ru/about/judge/ks/index.htm>.

²⁴⁴ Interview, Natalia Turutkina, April 25, 2005, Tver.

²⁴⁵ Interview, Nailya Galeeva, February 18, 2005, Ufa.

²⁴⁶ Zarina Vashurina, *Military Service of Women in the Russian Armed Forces*, Women's Rights in Russia: Legislation and Practice, No. 2-3 (17), 2004 at 31.

²⁴⁷ *Id.* and interview, Valentina Fedorova, May 12, 2005, Vladivostok.

face difficulties attaining high rank, which also limits the amount they will receive as a pension.

While there are no legal restrictions to their promotion, women in law enforcement also occupy lower ranked positions than men. As one expert explained, “The movement from rank to rank is really prolonged for women. As a rule, men receive a higher rank after the minimum required service. Women, though, if the minimum time to move up in rank is three years, receive it only after five or eight years.”²⁴⁸ Women in law enforcement are also concentrated in specific spheres, for example in units dealing with adolescents, and rarely in criminal investigation. An increase in women applicants to the police has been observed, however it appears to result from the fact that salaries are very low prompting men to choose other professions, thereby creating vacancies in the police force.²⁴⁹

Respondents also described the prevalence of sexual harassment of women in both the military and law enforcement.²⁵⁰ According to research conducted in the army in 2002, 25% of woman experience sexual harassment.²⁵¹ A second study of over 1,000 women working in four military commands found that every second woman had experienced harassment two or more times in the last year.²⁵² The author of the research noted that women who work in the army are frequently single mothers and fear termination if they do not respond to sexual proposals. “The situation [in the military] is very different from a commercial firm. It is sort of expected, like an order from a superior. It is a very real problem in the military.”²⁵³

(c) Participation in Non-Governmental Organizations

There are currently 350,000 non-commercial organizations registered with the Ministry of Justice, a figure which has remained steady in recent years.²⁵⁴ The non-governmental (NGO) sector is thus well-developed in Russia, and women are especially active in civil society. Although there is no official data on the characteristics of Russian civil society, experts estimate that approximately 60-70% of non-governmental organizations are run by women. Of all NGOs, around 3,000 are dedicated specifically to women’s issues.²⁵⁵ Women from many professional backgrounds work for NGOs, but one of the unfortunate reasons for their dominance in this sector is the discrimination they face in finding employment, particularly after the age of 35 (discussed in more detail in Article 11, below).

²⁴⁸ Interview, Olga Bakalinskaya, February 25, 2005, St. Petersburg.

²⁴⁹ *Id.*

²⁵⁰ *Id.*

²⁵¹ Sergei Ryikov, *Sexual Harassment of Women in the Armed Forces*, Women’s Rights in Russia, No. 2-3 (17), 2004 at 47.

²⁵² *Id.* at 49.

²⁵³ Focus group, comment by Sergei Ryikov, January 25, 2005, Moscow.

²⁵⁴ Olga Alekseeva, *Myths of the Third Sector (Mifyi tret’ego sektora)*, KOMMERSANT, June 26, 2005, No. 117.

²⁵⁵ Expert Group meeting, November 23, 2005, Moscow.

Women lead organizations across the country that address a wide range of issues that affect women, children and other groups. NGOs that are dedicated specifically to women's issues are equally diverse, offering direct services to victims of violence, conducting training and educational campaigns for a range of audiences, undertaking research, running clubs and organizing charitable programs. In general, women's organizations tend to focus on the provision of services (primarily social and psychological help) to families, mothers and other vulnerable groups. Approximately 10% of women's NGOs can be characterized as "emancipators,"²⁵⁶ meaning those which undertake political activism, human rights advocacy or legal reform.

Notably, most human rights NGOs have only minimally incorporated women's issues into their activities, although some have carried out specialized monitoring projects. The lack of gender mainstreaming results, in part, from a prevailing notion that women's rights are subsumed within the larger human rights dialogue and, therefore, do not merit specific attention. As a prominent member of the women's movement noted about the inclusion of a woman in the former Human Rights Commission, "finally, they recognized that women's rights are an integral part of human rights. Before that even . . . human rights defenders . . . did not speak seriously about women's rights."²⁵⁷

Women's NGOs are supported largely by international donors and therefore face competition for limited funding. While the State has not impeded women's participation in the NGO sector, it has also not supported their activities in a meaningful way. Interviews conducted for the present assessment showed that NGOs have won grants from federal and local government sources, but the funds tend to be directed to projects supporting social assistance to families and children. It also appears that women's councils (see below), a particular type of NGO with former government connections, more consistently receive State support than other types of women's organizations.

At the federal level, the government has evidenced growing suspicion of NGOs, generally aimed at organizations that receive foreign funding and deal with political issues. Some government officials view civil society as responsible for social issues related to women, childhood and maternity. In fact, women's NGOs do undertake many social functions that are not being currently carried out by the State. However, they are typically not viewed as partners and receive minimal support from government agencies.

At the local level, however, NGOs consistently report that they have forged positive cooperative relationships with government structures, primarily in law enforcement, but that they are usually based on personal contacts and not formalized or long-lasting. The lack of consistency in partners and funding means that many NGOs find it difficult to carry out long-term projects or to maintain permanent offices and telephone lines.

²⁵⁶ *Id.*

²⁵⁷ Alena Zhukova, *Women "Dilute" the Male Club: an Interview with Elena Ershova*, in *RUSSIAN NEWS*, No. 8 (1765) (2005) at http://www.wcons.org.ru/ru/news.php?type=cons&news_id=330.

Women's Councils of Russia

Women's councils (*zhensoveti*) were formed in the 1930's to promote women's participation in the labor market and maintain employers' compliance with labor law provisions on women. Although they played an important role in rebuilding the country after World War II, women's councils virtually ceased to exist by the 1960's. In the 1980's, the Communist Party revived the institution but also expanded their numbers and function, opening offices within the city and regional government, to advance women's participation in politics and social life. Often working with municipal government, women's councils began to address social issues more broadly, including cultural and sporting events, pre-school education and children's holidays. After 1991, many women's councils disbanded. Others were given the opportunity to register as NGOs, and they now exist as independent or quasi-independent organizations with governmental support.

It is difficult to characterize the activities of women's councils today, but on the whole their main goal is to provide social support and work with disadvantaged and vulnerable groups of society. Their focus tends to be on competitions and events that promote families and children, conferences and charitable work. Due to their former role, many such women's councils retain close ties with local government and, as a group, have better access to State support, such as rent-free office space in municipal buildings and sustained direct financing.

In many ways, NGOs have been responsible for initiating and carrying out some of the more significant projects in Russia that aim to improve the status of women.

Article 8

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

Area of Concern

- Very few women represent the Russian Federation in diplomatic missions or international delegations.

De Jure Compliance

As mentioned in the discussion of Article 7, above, the Russian Constitution grants citizens equal rights to posts of public service, which includes diplomatic and consular positions.²⁵⁸ Any citizen of the Russian Federation who meets the professional requirements set forth in the law can be appointed by the Ministry of Foreign Affairs to a diplomatic post without regard to sex.

According to the Constitution, only the President of the Russian Federation has the right to appoint and recall diplomats and representatives of international organizations, after consultation with the appropriate committees and commissions of the chambers of the Federal Assembly.²⁵⁹

De Facto Compliance

Women are not able to realize their right to participate equally in international affairs. No measures have been taken to promote women as diplomatic representatives or their participation generally in international delegations. As is the case in national politics, few women occupy posts representing the Russian Federation at the international level. According to data collected by the Ministry of Foreign Affairs of the Russian Federation, of 452 diplomatic posts, two are currently held by women.²⁶⁰ Of a total of 142 countries to which Russia has diplomatic missions, there is one female ambassador.²⁶¹

The Russian Federation maintains permanent missions to the UN in New York and Geneva, both of which are headed by male ambassadors. Russia's permanent mission to the OSCE currently includes 19 men and five women.

²⁵⁸ See Article 32, Constitution of the Russian Federation and Federal Law "On the Basic Principles of State Service of the Russian Federation" No. 119-FZ, from July 31, 1995.

²⁵⁹ Article 83, part 1.

²⁶⁰ The list of 452 positions include diplomats of the highest rank and assistants to ambassadors as well as those of the first and second class, all of which are currently serving in diplomatic posts in representatives of the Ministry of Foreign Affairs in the Russian subjects or aboard. See website of the Ministry of Foreign Affairs at <http://www.ln.mid.ru/nsite-sv.nsf/mnsdoc/03.048.01>.

²⁶¹ Olga Ivanova serves as the Ambassador to the Republic of Mauritius. See website of the Ministry of Foreign Affairs at http://www.ln.mid.ru/zu_r.nsf/stra.

The Russian Federation is represented in the Council of Europe in the Committee of Ministers and the Parliamentary Assembly. Of the combined 38 posts, four are presently held by women.²⁶²

Gender stereotypes appear to play a role in limiting women's access to international posts. One gender expert explained that although male and female students are equally represented in the Moscow State Institute for International Relations (MGIMO), "girls leave to get married and don't become diplomats."²⁶³ She further elaborated that, within the diplomatic corps, it is very difficult to find a "golden couple" where both spouses have jobs. "It is harder when the husband has no job It is easier for the wife to find work, like teaching Russian, or she does not have to work."²⁶⁴

²⁶² See website of the Council of Europe at http://www.coe.int/T/E/Com/About_Coe/Member_states/e_ru.asp#TopOfPage.

²⁶³ Interview, Tatiana Melnikova, February 17, 2005, Moscow.

²⁶⁴ *Id.*

Article 9

- 1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.*
- 2. States Parties shall grant women equal rights with men with respect to the nationality of their children.*

Area of Concern

- The large number of female refugees with claims to Russian citizenship who face bureaucratic obstacles in obtaining proof of nationality may indicate a situation of discriminatory impact.

De Jure Compliance

The Russian Constitution²⁶⁵ and the Federal Law “On Citizenship of the Russian Federation”²⁶⁶ set forth the basis for individuals to obtain, change or terminate their citizenship. The law treats men and women equally with respect to issues of Russian citizenship.

Marriage to a Russian citizen does not confer citizenship, nor does a change in one spouse’s citizenship affect the other’s nationality. Dual citizenship, however, is recognized by Russia. Children acquire nationality based on the citizenship of the parents. If both parents are Russian citizens, the child acquires the same citizenship at birth. If only one parent holds Russian citizenship and the child is born in the Russian Federation, the child acquires Russian citizenship. Even if the child is born outside of Russia, either Russian citizen parent may confer citizenship to the minor child. Men and women have equal rights in determining the nationality of their children. Divorce does not affect the citizenship conferred to children born during the marriage.

De Facto Compliance

Women in Russia are not precluded from enjoying the right to nationality. Experts noted only one circumstance in which women in particular face difficulties in obtaining passports and proof of nationality. A representative of an NGO that deals with refugees explained that most of her clients are women with children from former Soviet countries who have claims to Russian citizenship but encounter bureaucratic obstacles in having their status legalized.²⁶⁷ Further research, however, is needed to determine whether the cases mentioned above result from bureaucratic inefficiencies that affect men and women equally, or whether this is actually a case of unintentional discrimination.

²⁶⁵ Russian Constitution, Articles 6, 71.

²⁶⁶ Federal Law No. 62-FZ, from May 31, 2002.

²⁶⁷ Interview, Liudmila Lukasheva, February 28, 2005, Yekaterinburg

There is some societal concern about the increasing number of Russian women who marry foreign citizens and emigrate. In response, a group of State Duma deputies drafted a law that would strip Russians of their citizenship if they marry foreigners. One of the bill's authors, a member of the nationalist Liberal Democratic Party of Russia (LDPR) explained, "our women, the most beautiful and best in the world, are going abroad. By doing this, they are wasting the most valuable thing we have—the gene pool of our nation."²⁶⁸ In a hearing held in October 2005, the State Duma voted down the bill.

²⁶⁸ Transcript of news broadcast, *Ekho Moskvi*, June 5, 2005, at <http://echo.msk.ru/news/252026.phtml>.

Article 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

- (a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;*
- (b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;*
- (c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programs and the adaptation of teaching methods;*
- (d) The same opportunities to benefit from scholarships and other study grants;*
- (e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;*
- (f) The reduction of female student dropout rates and the organization of programmes for girls and women who have left school prematurely;*
- (g) The same opportunities to participate actively in sports and physical education;*
- (h) Access to specific educational information to help to ensure the health and well being of families, including information and advice on family planning.*

Areas of Concern

- Women's choices in education are limited by laws and gender stereotypes about which professions are suitable for women.
- Education and teaching is a field in which women predominate, yet in this sphere salaries are low and women rarely occupy leadership positions as compared to men.
- School textbooks and practices reinforce gender stereotypes.
- The non-proportional increase in fee-based higher education in disciplines in which the majority of students are female limits women's access to education.
- Rural women, disabled women and female ethnic minorities face obstacles in realizing their rights to education.
- The government does not require that information about reproductive health or family planning be taught in State educational institutions.

De Jure Compliance

(a, b) Equal Access to Education, Same Curricula and Facilities

The Russian Constitution guarantees to all the right to education, which includes the right to free pre-school and secondary education and the right to free higher education on a competitive basis.²⁶⁹ The Federal Law "On Education" reiterates that "citizens of

²⁶⁹ Constitution of the Russian Federation, Article 43.

the Russian Federation are guaranteed the opportunity to receive an education, regardless of sex, . . .”²⁷⁰

Nevertheless, the law “On Education” permits some sex-based limitations on access to professional education, if they are enacted through federal law.²⁷¹ For example, women’s access to vocational training in certain fields and for specific jobs that are outlined in an Index to the Labor Code is limited.²⁷² Legally, women can also be prevented from entering other professions on the same basis as men. For example, military academies,²⁷³ flight training courses, the academy of the Federal Safety Service (FSB),²⁷⁴ the Academy of the State Fire Prevention Service²⁷⁵ and the higher professional educational institutions of the Ministry of Internal Affairs²⁷⁶ all limit entrance of women.

The Ministry of Education and Science is responsible for formulating standards and policies in the educational sphere. Based on a review of the Ministry’s program for primary and secondary education, basic required subjects and professional standards for teachers, the State educational standards make no distinction between the education of boys and girls.

The Federal Program on the Development of Education²⁷⁷ places a priority on developing and supporting general education in rural regions, with special attention to the far Northern regions, the Far East and Siberia. The program does not, however, differentiate between the education of men and women in rural areas.

(c) Gender-Role Stereotypes in Education

The Ministry of Education and Science has taken some steps to integrate a gender approach into the educational system. For example, the Ministry issued an order, “On Developing Measures for the Realization of a Gender Policy in the Educational System for 2003,”²⁷⁸ which discusses the possibility of adding the discipline of gender studies to the State educational standards for higher professional education and specialized courses on such topics as “gender issues in the educational system.” A resolution, “On

²⁷⁰ Article 5, Federal Law “On Education” No. 3266-1, from July 10, 1992.

²⁷¹ *Id.*

²⁷² Index of Heavy Work and Work in Harmful or Dangerous Labor Conditions which are Forbidden to be Fulfilled by Women, adopted by RF Government Resolution No. 162, from February 25, 2000. *See* discussion in Article 11, below.

²⁷³ *See* Decree of the Ministry of Defense of the RF “On Suvorov Military, Nakhimov Naval, Military-Musical Academies and Cadet Corps,” from January 15, 2001, limiting entrance to “adolescent male citizens.”

²⁷⁴ *See* Regulations on Entrance to the FSB Academy, No. 9-23012003-7, limiting women applicants to the translation department.

²⁷⁵ *See* entrance requirements of the Academy of the State Fire Prevention Service, limiting entrance to “male citizens over the age of 17,” at <http://www.mchs.gov.ru/article.html?id=17>.

²⁷⁶ *See* Decree of the Ministry of Internal Affairs (MVD) of the RF “On Affirming the Regulations of Acceptance to Educational Institutions of Higher and Middle Professional Education of the MVD of Russia” No. 185, from May 17, 1995, accepting women only to “specially developed divisions and under the necessary social and sanitary-hygienic conditions.”

²⁷⁷ Enacted by Federal Law No. 51-FZ, from April 10, 2000.

²⁷⁸ Order of the Ministry of Education and Science of the RF No. 480-15, from April 22, 2003.

the Study of Questions related to Gender Knowledge and Gender Issues in the Educational System,”²⁷⁹ confirmed the decision to add special courses on gender policies and gender methodologies to the curriculum for professional teacher training.

(d) Equal Access to Scholarships

The State allocates funds, in the form of small stipends, to all students of State institutions of higher education for the period of their studies. Additionally, the State offers scholarships to exceptional students, making no distinction between women and men.

(e, f) Elimination of Gaps in Educational Levels

According to the Russian Constitution, basic general education is compulsory.²⁸⁰ Russian law provides women additional guarantees, presumably to enable them to pursue their education when pregnant or as young mothers. Specifically, women studying in professional courses are entitled to monetary benefits during pregnancy and childbirth, on the same level as working women, and to academic leave.²⁸¹

(g) Equal Access to and Participation in Sports

The law “On Physical Culture and Sport in the Russian Federation” supports the organization of physical educational and sporting events for girls and women “with consideration to the specifics of their activities and corresponding to scientific-methodological recommendations.”²⁸² The State educational standards make no distinction between the education of boys and girls in the area of physical education.

(h) Education on Health and Family Planning

The standardized State curriculum includes a course on “the basics of a safe lifestyle” (*Osnovi Bezopasnosti Zhiznedeyatelnosti- OBZh*), which addresses some elements of basic health but does not include any material on family planning or sexual education.

Sexual Harassment in Educational Institutions

There is no law in the Russian Federation that prohibits sexual harassment in educational institutions. The Criminal Code contains a provision that outlaws compelled acts of a sexual nature,²⁸³ but it is virtually never used in connection with sexual harassment cases.

²⁷⁹ Order of the Ministry of Education, “On the Study of Issues Related to Gender Knowledge and Gender Issues in the Educational System,” from July, 9, 2003.

²⁸⁰ Article 43, part 4.

²⁸¹ Federal Law “On State Benefits to Citizens with Children” No. 81-FZ, from May 19, 1995 and Order of the Ministry of Education of the Russian Federation “On the Order of Granting Academic Leave” No. 2782, from November 5, 1998.

²⁸² Article 4.7, Federal Law No. 80-FZ, from April 29, 1999.

²⁸³ Article 133, Criminal Code.

De Facto Compliance

An important tenet of Soviet ideology was that education should be free and available to all. Historically, therefore, women have been well educated in Russia and they continue to occupy an important place in the field of education. Indeed, women's educational levels have tended to be slightly higher than men's in recent years. Women also make up a majority of educators, particularly at the level of compulsory schooling. Despite these achievements, however, elements of discrimination persist in the field of education. For example, some educational institutions remain closed to women, and specific groups of women face obstacles receiving even basic education. Gender stereotypes also play a significant role in delineating the choices women have in their education.

(a, b) Equal Access to Education, Same Curricula and Facilities

At the level of compulsory education, the numbers of girls and boys in school are virtually equal (grades 1-9), but by grade 10, just over half the students are girls.²⁸⁴ Women are well represented in the area of higher education- 57% of university students are female²⁸⁵- but their access to certain professional and vocational training is restricted. As mentioned above, the law itself limits women from entering some vocational training courses, military academies and institutes connected with law enforcement and defense.

Stereotypes about gender roles also account for gender segregation. As one expert noted, "traditional women's disciplines are in the humanities- history, philology, psychology, pedagogy. Men's are mathematics, physics and exact sciences."²⁸⁶ A deputy Minister of Education in Chelyabinsk confirmed that while women are not prevented from entering "non-traditional" areas of study, institutes are often reluctant to accept them for fields in which they are not expected to be able to find work.²⁸⁷ Statistics confirm that in 2003-2004, fewer than 10% of students in technological-mechanical institutes were women, but women made up over 70% of students in institutes for education, health, services and the arts.²⁸⁸ Furthermore, it has been reported that sometimes institutions give preference to male students by lowering entrance standards for boys in order to "save" them from compulsory military service.²⁸⁹

Minority women in Russia face limited access to education. Most disabled children are educated in separate and specialized schools, in part, because other schools lack the necessary accommodations (i.e. lack of wheelchair access). One interviewee explained the children may also be educated at home, but in this case they lack access to the same

²⁸⁴ RUSSIA IN 2015: DEVELOPMENT GOALS AND POLICY PRIORITIES, UNDP Human Development Report 65 (2005).

²⁸⁵ M. E. BASKAKOVA, THE ECONOMIC EFFECTIVENESS OF INVESTING IN HIGHER EDUCATION: THE GENDER ASPECT (*Ekonomicheskaya effektivnost' investitsii v vyshniye obrazovaniye: gendernyi aspekt*) 32 (2002).

²⁸⁶ Interview, Boris Proskurnin, March 4, 2005, Perm.

²⁸⁷ Interview, Tatiana Kalugina, February 25, 2005, Chelyabinsk.

²⁸⁸ WOMEN AND MEN IN RUSSIA, Federal Service of Government Statistics 76-77 (2004).

²⁸⁹ *Regional Report from the Project Monitoring of the Situation of Discrimination Against Women in Russia*, Moscow, The Center for the Study of Contemporary Politics, (2002), available at <http://mhg64.valuehost.ru/publications/2517407>.

quality of education because they are isolated.²⁹⁰ This problem may be compounded by societal attitudes toward the disabled and women: “there is a problem that sometimes parents don’t want to educate children, especially a girl because they see no future [for her]. So why educate her?”²⁹¹ There does not appear to be a comprehensive program to provide specialized education for disabled people, yet at the local level vocational training has been offered. For example, in Vladivostok, the city financed a course on massage for visually impaired men and women. The course has since been discontinued. However, it was reported that there is still interest among female students in continuing such training even on a fee basis.²⁹² A leader of a Roma organization explained that the majority of their children do not go to school in part due to the segregation of Roma children and negative stereotypes that they encounter at school.²⁹³ Roma girls generally marry and have children at young ages (as young as 13) and thus are further hindered from attaining primary education.

Inhabitants of rural areas in general have less access to educational facilities. A number of interviewees noted that schools are closing in many villages and, in the case of remote regions, such as those in the Caucasus, girls are further disadvantaged in receiving higher education. Research suggests that in some North Caucasus communities, preference may be given to boys when the family must choose which child to educate.²⁹⁴

Women constitute a large number of teaching staff nationwide, but they generally do not occupy positions of authority. Approximately 60-70% of teachers in schools and lyceums are female; likewise there are large numbers of women on the teaching staff of universities.²⁹⁵ As is the case in other spheres of work, however, the numbers of women decline at higher levels of the institutional hierarchy. For example, an analysis of the staff of Moscow State University (MGU) found that of all professors from age 38 to retirement, 68% were men (to age 60 and over) and 21% were women (to age 55 and over) and of all heads of departments in this same age range, 29% were men and only 6% were women.²⁹⁶

Of all the State universities in the country, only three are headed by female rectors. A number of interviewees noted that women dominate the sphere of teaching because the salaries are low and it is seen as an “appropriate” job for women.²⁹⁷ Even in cases when salaries are theoretically equal, one interviewee explained, “they try to give men more teaching hours, motivated by the idea that he is feeding a family- as if women don’t need to feed their family.”²⁹⁸

²⁹⁰ Interview, Natalia Lobanova, April 20, 2005, Syktyvkar.

²⁹¹ *Id.*

²⁹² Interview, Liudmila Cherezova, May 13, 2005, Vladivostok.

²⁹³ Interview, Pavel Limanski, March 31, 2005, Rostov-on-Don.

²⁹⁴ Interviews, Liudmila Klimenko, March 28, 2005, Rostov-on-Don; Liudmila Kabanova, March 15, 2005, Moscow.

²⁹⁵ Interview, Vera Ramih, March 30, 2005, Rostov-on-Don.

²⁹⁶ G. F. BELYAEVA AND I. D. GORSHKOVA, UNIVERSITY WOMEN: A SOCIOLOGICAL SELF-PORTRAIT 62 (2000).

²⁹⁷ Interview, Aiup Bibarsov, February 21, 2005, Ufa.

²⁹⁸ Interview, Svetlana Parshkova, March 21, 2005, Murmansk.

The standard State curricula does not distinguish between male and female students, but in practice girls and boys often take different courses based on commonly-held beliefs about gender roles, discussed in more detail below.

(c) Gender-Role Stereotypes in Education

The Russian educational system has not sufficiently eliminated gender-role stereotypes, which has resulted in different treatment for female and male students. Researchers have noted that, starting in kindergartens, teachers divide play rooms into areas for girls and boys with toys that are considered appropriate for each sex.²⁹⁹ Textbooks reinforce stereotyped views of women. An analysis of junior and high school textbooks in the subjects of Russian language and mathematics showed that the image of women as responsible for housework and family duties, with such traits as caring, showing emotions and passivity, dominates.³⁰⁰ For example, the text below appeared in a Russian Language exercise book for fifth grade students:

Read the text. Find the words with verifiable unstressed vowels in the root. . . .

Here's your mother. . . . What a lot of different tasks she manages to do in just one day! She prepares breakfast in the morning. She clears the table. She takes you to school. Mama spends many hours at work. But she still manages to go to the shop and cook dinner. She puts the house in order. She reads a book and plays with you. She bathes you and puts you to bed. Then she does laundry, some sewing or knitting and watches a little television. Not a single fairy tale magician would be able to finish so much in one day!³⁰¹

In junior school textbooks, men's occupations were mentioned six times more frequently than women's; 92% of manual labor and 80% of intellectual work were presented as male professions. Female professions were mostly limited to service provision. At the high school level, the number of cited employment spheres in which women dominate decreased even further.³⁰²

The achievements of Russian women are underrepresented in other textbooks, such as history and science. Gender studies centers are responding to this problem by holding conferences and independently publishing little-known texts by and about women in an attempt to "return women's voice to history."³⁰³

²⁹⁹ Interview, Valentina Uspenskaya, April 26, 2005, Tver.

³⁰⁰ ANNA SMIRNOVA, WE LEARN HOW TO LIVE IN SOCIETY: A GENDER ANALYSIS OF SCHOOL TEXTBOOKS (2005), available at http://www.wcons.org.ru/publication.php?pub_id=29.

³⁰¹ Source: ANNA SMIRNOVA, WE LEARN HOW TO LIVE IN SOCIETY: A GENDER ANALYSIS OF SCHOOL TEXTBOOKS (2005), available at http://www.wcons.org.ru/publication.php?pub_id=29.

³⁰² *Id.*

³⁰³ Interview, Valentina Uspenskaya, April 26, 2005, Tver.

School administrators usually assign courses for boys and girls based on stereotyped notions of male and female roles. For example, in "Technology," a required subject, boys are directed to courses such as woodwork, metalwork and car repair while girls are sent to classes on housework, cooking, sewing, flower arranging and etiquette.³⁰⁴ The State has not undertaken a review of official textbooks or its unofficial policies to eliminate gender stereotypes.

As discussed above, Russian law confirms certain limits on women's opportunities to enter some higher educational institutions, for example, military education and training for work in extreme or dangerous conditions. These limitations appear to be based, in part, on stereotyped notions of the roles of men and women. The government has not undertaken measures to review entrance requirements for these institutions.

Courses in gender studies, as proposed by the Ministry of Education and Science, have not been widely adopted. A number of professors have added an optional class on Gender Politics to such fields of study as Sociology and Psychology, but the course is only a required part of the Social Work curriculum.³⁰⁵ Gender Studies Centers which are located within universities also offer courses on an optional basis- on such topics as The History and Theory of Feminism, Gender and Culture and Women in Pre-Revolutionary Russia.³⁰⁶

(d) Equal Access to Scholarships

With an increase in the number of private institutes of higher education in Russia, one notable trend can be seen: "fiscal spending on education is . . . increasingly gender-biased, with females . . . at a disadvantage."³⁰⁷ Half of the students in the humanities, social and economic specialties (where women make up 67-71% of the student body) pay for their education. In contrast, in polytechnics where the majority of students are male, the incidence of paid education is five to ten times lower.³⁰⁸ State-provided student stipends do not take this difference into account.

(e, f) Elimination of Gaps in Educational Levels

Based on entrance rates, there do not appear to be significant gaps in educational levels between men and women in Russia, in part a legacy of Soviet efforts to educate the population as a whole. Still, evidence suggests that State initiatives to assist female students with children are not entirely effective. Interviews with experts confirmed that the following issues resulted in women having less access to continuing educational

³⁰⁴ Interviews, Tatiana Kalugina, February 25, 2005, Chelyabinsk; Svetlana Yakimenko, April 6, 2005, Moscow.

³⁰⁵ Interview, Elena Makhmutova, February 21, 2005, Ufa.

³⁰⁶ Gender Studies Centers in Russia may either be registered as NGOs, as in the case of the Karelia Center for Gender Studies and the Ivanovo Center for Gender Studies, or exist within State universities, for example the Center for Gender Studies of Samara State University and the Center for Gender Studies of the Vladivostok State University of Economics and Service.

³⁰⁷ GENDER IN RUSSIA: A REVIEW OF LITERATURE (based on domestic publications 1993-2003), World Bank, April 2004 at 56.

³⁰⁸ *Id.*

programs than men: financial difficulties, parental responsibilities and being occupied with housework.³⁰⁹

(g) Equal Access to and Participation in Sports

Girls and boys have equal access to participate in sports and physical education. An assessment of the Irkutsk Oblast budget, carried out by an independent youth group, revealed a significant disparity in the spending on men's and women's sports; most of the funds were dedicated to the development of "male" sports, such as wrestling, with little for traditionally female sports.³¹⁰

(h) Education on Health and Family Planning

Family planning courses are not a required part of the State curriculum. Many experts noted that the standard secondary school course, on health and safety (*Osnovi Bezopasnosti Zhiznedeyatelnosti- OBZh*), can sometimes include lessons on "family life" and the "roles of men and women," but typically does not include sex education. Apparently, some school administrators have faced resistance from the Orthodox Church and parents to the inclusion of sex education in the curriculum. However, at the local level, NGOs and Family Planning Centers³¹¹ have been successful in cooperating with some schools to offer such lessons, sometimes within the larger OBZh class or independently. In order to teach these lessons, which can include the topics of contraception, safe sex and HIV/AIDS, specialists must obtain the permission of the school director. Nevertheless, knowledge about contraception remains low in Russia. Only one fifth of men and one third of women know where to obtain information on contraceptive use and family planning.³¹²

Sexual Harassment in Educational Institutions

A number of interviewees raised the issue of sexual harassment in institutions of higher education in Russia. Female students are not uncommonly the recipients of unwanted attention of a sexual nature, and some have reported male professors proposing sex in exchange for higher grades and degrees. There are no laws that specifically address this problem, and this assessment did not reveal any guidelines within the Ministry of Education and Science or individual university charters that articulate a policy on sexual harassment.

Although students are apparently reluctant to speak about such incidents, when cases are brought to the attention to the administration, interviewees explained that an internal committee is formed to investigate. Respondents uniformly condemned sexual harassment in educational settings but also reported that harassers were seldom fired

³⁰⁹ *Id.*; Interview, Elena Tretyakova, March 21, 2005, Murmansk.

³¹⁰ Interview, Oksana Krivoschekova, May 19, 2005, Irkutsk.

³¹¹ The work of Family Planning Centers in Russia is discussed in more detail in Article 12, below.

³¹² GENDER IN RUSSIA: A REVIEW OF LITERATURE (based on domestic publications 1993-2003), World Bank, April 2004 at 75.

even after committee reviews. In some cases, the professor left voluntarily, in others, staff and students simply tried to avoid the person.

Article 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to work as an inalienable right of all human beings;

(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;

(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

Areas of Concern

- Gender discrimination is pervasive in the hiring and promotion processes in both private and State enterprises.
- Gender segregation in employment results in women, on average, receiving smaller salaries than men.
- The rate of registered unemployment among women is high, but there is no comprehensive federal-level program to address this problem.
- The government does not address the problem of sexual harassment in the workplace, as an issue of workplace safety, sex-based discrimination or as a form of violence against women.
- Violations of women's labor rights connected to pregnancy and childcare leave are common, particularly in private enterprises.
- The State has not encouraged the creation of a system of affordable (preschool) childcare that would allow women to combine family obligations with work responsibilities.

De Jure Compliance

(1a, b, c, d) Right to Work, Equal Employment Opportunities, Equal Criteria for Promotion, Equal Remuneration

Russia's Constitution³¹³ and Labor Code guarantee the right to work freely, to choose one's profession and to enjoy safe working conditions; additionally the Labor Code³¹⁴ forbids discrimination on the basis of sex and age in the sphere of employment. At same time, however, the Labor Code allows for certain types of limitations on the right to work when they are proscribed in federal legislation.³¹⁵ Currently, Russian law includes a list of specific jobs that are restricted for women. (Discussed in more detail below.)

Article 197 of the Russian Labor Code confirms the right of workers to professional training, to improve their qualifications and to learn new specialties. The right to equal remuneration is enshrined in the Russian Constitution,³¹⁶ and a minimum wage is established by federal law. Russia is also a State Party to the ILO Convention on Equal Remuneration³¹⁷ which states that men and women shall receive equal pay for work of equal value.

The law "On Social Protection of Disabled People in the Russian Federation" includes a quota system for the hiring of disabled workers.³¹⁸ This quota, however, was essentially reduced when the law was amended in August 2004. Now, enterprises of more than 100 employees are subject to a quota of no fewer than 2% and not more than 4% workers with disabilities. The quota provision formerly applied to enterprises of more than 30 employees. The law makes no distinction between disabled men and women.

(1e) Unemployment and Pension

The Constitution guarantees the equal right of protection against unemployment.³¹⁹ According to the law, any citizen who is out of work, not receiving a salary, has officially registered as unemployed, is searching for employment and ready to start working is entitled to specific benefits for 12-months out of any 18-month period.³²⁰ Russian law also provides for the right to paid leave for rest.³²¹

There are several pension schemes in the Russian Federation that are based on the status of the recipient. The most common of these is the labor pension, paid to employees at retirement who have at least five years of qualifying work experience. The amount of

³¹³ Constitution of the Russian Federation, Article 37.

³¹⁴ Articles 2, 3, Labor Code.

³¹⁵ *Id.* at Articles 3, 64.

³¹⁶ Constitution of the Russian Federation, Article 37, part 3.

³¹⁷ C100, ratified April 30, 1956.

³¹⁸ Article, 21, Federal Law "On Social Protection of Disabled People in the Russian Federation" No. 188-FZ, from December 29, 2001.

³¹⁹ Constitution of the Russian Federation, Article 37, part 3.

³²⁰ Federal Law "On the Employment of the Population of the Russian Federation" No 1032-1, from April 19, 1991.

³²¹ Article 37, part 5, Constitution of the Russian Federation and Section 5, Labor Code.

the labor pension is calculated based on the number of years of work for which the employer paid into the Pension Fund.³²² Citizens can receive other types of pensions that are not connected to the length of qualifying employment. These types of pensions are paid to Federal civil servants, retired military personnel, veterans of the Second World War, citizens who are victims of radiation or technological accidents and those who do not qualify for a work-based pension (known collectively as “social pensions”).³²³

Women in Russia have the right to receive a labor pension at the age of 55, five years earlier than men.³²⁴ The law grants mothers of five or more children, or disabled children, the right to retire at age 50 if they have worked at least 15 years.³²⁵

A woman’s employment leave for childbirth and childcare is taken into account when factoring the term of employment for the calculation of her labor pension. Significantly, however, the law limits the period for which she will accrue pension to 1½ years for each child, with a maximum possible period of three years.³²⁶

(1f) Protection of Health and Safety in the Workplace

All citizens have the right to work in conditions that meet health and safety requirements.³²⁷ The Labor Code provides additional protection to women of childbearing age by limiting their access to jobs that are considered physically difficult, harmful or dangerous.³²⁸ Currently there are 456 jobs and professions in this category.³²⁹ Women are also prohibited from work that requires lifting and moving heavy objects above a proscribed limit. This provision appears to be compatible with Article 5 of the ILO Discrimination (Employment and Occupation) Convention, to which Russia is a State Party.³³⁰

Pregnant women and women with children up to the age of 1½ have the right to be transferred from their normal employment to jobs that are compatible with their physical restrictions and health requirements, without a change in salary.³³¹

Sexual Harassment in the Workplace

There is no law in Russia that specifically prohibits sexual harassment in the workplace, as either a violation of safety standards or as a form of discrimination. Forcing someone

³²² Federal Law “On the Labor Pension in the Russian Federation” No. 173-FZ, from December 17, 2001.

³²³ Article 4, Federal Law “On the Provision of State Pension in the Russian Federation” No. 166-FZ, from December 15, 2001.

³²⁴ Federal Law “On the Labor Pension in the Russian Federation” No. 173-FZ, from December 17, 2001.

³²⁵ *Id.* at Article 28.

³²⁶ *Id.* at Article 11, part 1(2).

³²⁷ Article 37, part 3, Constitution of the Russian Federation and Chapter 36, Labor Code.

³²⁸ Article 253, Labor Code.

³²⁹ *See* Index of Heavy Work and Work in Harmful or Dangerous Labor Conditions which are Forbidden to be Fulfilled by Women, adopted by RF Government resolution of February 25, 2000, No. 162.

³³⁰ C111, ratified May 4, 1961.

³³¹ Article 254, Labor Code.

to perform sexual acts through the use of treats, blackmail or by taking advantage of the dependant status of the victim, however, is criminalized³³² and, theoretically, applies to some forms of sexual harassment in the workplace. There are no legal requirements that employers take measures to prevent the occurrence of sexual harassment at work.

(2) *Pregnancy and Maternity Leave*

The Labor Code expressly states that it is illegal to refuse to hire a woman based on the fact that she is pregnant or has children³³³ or to fire her for the same reasons.³³⁴ Likewise, a refusal to hire or dismissal of an employee based solely on the fact that she is pregnant or has children up to the age of three, carries a criminal penalty in the form of a fine.³³⁵

Women in Russia are entitled to 70 days leave before and 70 days after the birth of a child and can receive monetary benefits during this time.³³⁶ Labor law also allows the mother, or other caretaker, to take up to 1½ years for childcare while receiving benefits from the State³³⁷ and up to three years leave while her job is held.³³⁸

In addition to child benefits received directly from the State, Russian law provides for a number of other measures aimed to enable parents to combine family obligations with work responsibilities. For example, under the Labor Code, women with children under 1½ years may be granted additional time off to feed the child.³³⁹ Employers are obliged to provide pregnant women and workers with children up to age 14 shortened work days or work weeks without loss of wages.³⁴⁰ Employees with two or more children up to age 14, with disabled children up to age 18, and single mothers and fathers can receive up to 14 additional unpaid days off,³⁴¹ and pregnant women or those with children under age three cannot be required to work overtime hours, at night or travel for work without their written agreement.³⁴² Russia is additionally a State Party to the ILO Convention on Workers with Family Responsibilities,³⁴³ which states that men and women workers shall have equal rights to engage in employment compatible with family responsibilities.

While both men and women now have an equal right to almost all of the special allowances listed above, there still remain areas in which any mother of young children, but only *single* fathers, are entitled to benefits (for example, limits on overtime, night

³³² Article 133, Criminal Code.

³³³ Article 64, Labor Code.

³³⁴ *Id.* at Article 261.

³³⁵ Article 145, Criminal Code.

³³⁶ Article 255, Labor Code. Women who are pregnant with more than one child are entitled to additional maternity leave.

³³⁷ Article 14, Federal Law “On State Benefits to Citizens with Children” No. 81-FZ, from May 19, 1995.

³³⁸ Article 256, Labor Code.

³³⁹ Article 258, Labor Code.

³⁴⁰ Article 93, Labor Code.

³⁴¹ Article 263, Labor Code.

³⁴² Articles 96, 259, Labor Code.

³⁴³ C156, ratified February 13, 1998.

work and work-related travel).³⁴⁴ Presumably, this is reflective of the prevailing notion that in complete families, women are responsible for childcare.

(3) Legislative Review and Protective Measures

As mentioned above, a number of laws and regulations provide additional protection to working women while pregnant, including limits on work considered harmful and the creation of conditions that facilitate work while pregnant. In 2001, the Labor Code was modified to restrict women of childbearing age from holding certain jobs considered harmful or dangerous (formerly, they were prohibited from such work),³⁴⁵ and the Index of restricted jobs was renewed in 2000 but has not been amended since.

De Facto Compliance

When asked in what spheres discrimination against women exists in Russia, the majority of respondents to this assessment indicated that the field of employment is where women most often encounter unequal treatment. During the last decade, a decline in the economic activity rates of both women and men could be observed, but some researchers also maintain that “the gender gap in economic activity that existed in the Soviet period has been widening.”³⁴⁶ Interviewees noted that a number of enterprises that employed women in the past have become redundant during the transition period, resulting in more dismissals of women. According to official statistics, women are less economically active than men; in 2003, 61% of women and 71% of men (ages 15-72) were economically active.³⁴⁷ This difference can be partly explained by the fact that there are more women pensioners and significantly more women than men take time from work to raise children. Regional figures also indicate that unemployment generally has a “woman’s face” in Russia.

Although women continue to occupy the majority of positions in the public sector, or “budget sphere,” women are more and more employed in the private and informal spheres, which are characterized by lack of job security, less protection from illegal actions and lack of benefits. Women are also the “last hired and first fired” and are under-represented in management positions generally.

(1a, b) Right to Work, Equal Employment Opportunities

Although the Labor Code of the Russian Federation prohibits discrimination on the basis of sex and age, employment discrimination is widespread. Beginning with the hiring process, interviewees report that women are often asked about marital status and children while men are not.³⁴⁸ Many employers are reluctant to hire women who are perceived to have family obligations, and women report that they have been specifically

³⁴⁴ See Articles 96, 99, 259, Labor Code.

³⁴⁵ Article 253, Labor Code.

³⁴⁶ GENDER IN RUSSIA: A REVIEW OF LITERATURE (based on domestic publications 1993-2003), World Bank, April 2004 at 81.

³⁴⁷ WOMEN AND MEN IN RUSSIA, Federal Service of Government Statistics 92 (2004).

³⁴⁸ Interview, Lilya Shatrova, February 9, 2005, Kazan.

asked during interviews if they are married, have children or intend to have children.³⁴⁹ In some cases, women are asked to sign purported employment contracts stating that they will not become pregnant for a specific period of time.³⁵⁰

Both men and women in Russia face illegal limitations in the hiring process based on their age. A review of job advertisements in newspapers and postings to databases of government-run Employment Centers confirmed that jobs are generally listed by sex and a range of ages is specified. For women, however, difficulties in obtaining work stem from a combination of age and sex-based discrimination. A survey conducted in Moscow by the Federal Service of Labor and Employment found that “in hiring, every second Muscovite encounters discrimination”- most frequently on the basis of age and sex.³⁵¹ In interviews for this assessment, it was widely reported that women over the age of 35 find obtaining work extremely difficult since younger applicants are preferred. The research, cited above by the Federal Service of Labor and Employment, revealed that the typical unemployed person in Moscow is a woman between the ages of 45-50 with higher or technical education.³⁵² Respondents also noted a paradoxical situation in the hiring process; employers tend to seek young women but also require a minimum of ten years professional experience.³⁵³

Numerous interviewees also drew attention to specific language that appears in job ads aimed at young women, which often refer to qualities not related to the position. For example, a review of classified advertisements in one of Russia’s largest newspapers revealed such language as “Personal secretary to the Director. Young woman, attractive, slender . . .” and “Secretary, young woman from 19-35, attractive, good figure, with attractive features, pleasant voice . . .”³⁵⁴ Such advertisements appear to be unregulated and, as mentioned above, even Federal Employment Centers classify job openings in their databases by sex and age.

Disabled women report that they face additional hurdles in finding employment as disabled people are rarely hired³⁵⁵ and, even under an existing quota system, employers give preference to disabled men.³⁵⁶ Women who become disabled while employed are usually fired.³⁵⁷ Women with vision impairments in Vladivostok reported that several young women from their group who have received higher education have not been able to find work in their fields.³⁵⁸

³⁴⁹ DISCRIMINATION AGAINST WOMEN IN CONTEMPORARY RUSSIA, Moscow Helsinki Group (T. Lokshina, ed., 2003) at <http://www.mhg.ru/publications/2039961>.

³⁵⁰ Interviews, Olga Bakalinskaya, February 25, 2005, St. Petersburg; Natalia Kivokurtseva, March 18, 2005, Nabereshnyie Chelny.

³⁵¹ Elena Domcheva, *We don't hire women with higher [education]*, RUSSIAN GAZETTE, November 10, 2005 at <http://www.rostrud.info/10/45/1065>.

³⁵² *Id.*

³⁵³ Focus Group, May 17, 2005, Yuzhno-Sakhalinsk.

³⁵⁴ *Iz ruk v ruki*, March 23, 2005.

³⁵⁵ Interview, Elena Leontieva, March 2, 2005, Yekaterinburg.

³⁵⁶ Interview, Natalia Lobanova, April 20, 2005, Syktyvkar.

³⁵⁷ *Id.*

³⁵⁸ Interview, Liudmila Cherezova, May 13, 2005, Vladivostok.

(1c) Equal Criteria for Promotion

Despite high levels of education and professional training, women in Russia face the phenomenon of the “glass ceiling” in which they are unable to advance to leadership positions. Interviewees frequently noted that women generally hold subordinate positions but few are promoted to heads of organizations. One respondent explained a commonly-held view, “a woman boss is good, but she’s always worse than a man, because she is emotional and has more difficulty adapting to a male style of relations.”³⁵⁹

(1d) Equal Remuneration

According to recent figures, women’s salaries are on average 64% of men’s.³⁶⁰ Salary differentials are especially great for female employees aged 20-40, which is precisely the age when women “have to shoulder the main burden of child care and domestic responsibilities.”³⁶¹ Wage differentials can be explained by high levels of gender segregation in the work place. A 2005 UNDP report explains that such segregation exists on three axes: (1) sector-related segregation (spheres in which the majority of employees are women have lower average wages) (2) occupational segregation (“female” professions are considered less prestigious and are among the least well paid) and (3) vertical segregation (within the same profession, women are concentrated at lower levels of the hierarchy in lower-paying positions).³⁶² As mentioned above, vertical segregation occurs because women are less frequently promoted than men. Women themselves, however, also accept jobs with lower pay or for which they are overqualified. There is also a prevailing notion in Russia that even for the *same* work it is acceptable for women to earn less. “The man is the father. He feeds the family and has harder work, so it’s fine that he earns more than her. . . . Of course, a man will work better. It’s natural, since women’s place is the home,” is how one respondent explained the situation.³⁶³

(1e) Unemployment and Pension

Data on unemployment in Russia is contradictory. Official statistics calculate the unemployment rate based on the number of unemployed who register at Federal Employment Centers. Because women officially register their status more often than men, official data indicate that women make up the majority of the unemployed. “Real unemployment,” however, when calculated in accordance with ILO methodology that takes into consideration all job seekers, consistently shows more unemployed men in Russia. Nevertheless, there is clear variation in employment rates for women by region. As of September 1, 2005, the Employment Center in Irkutsk, reported that 74.7% of the registered unemployed in the city were women.³⁶⁴ In Kaliningrad in 2003, women made

³⁵⁹ Interview, Boris Proskurnin, March 4, 2005, Perm.

³⁶⁰ WOMEN AND MEN IN RUSSIA, Federal Service of Government Statistics 108 (2004).

³⁶¹ RUSSIA IN 2015: DEVELOPMENT GOALS AND POLICY PRIORITIES, UNDP Human Development Report 63 (2005).

³⁶² *Id.*

³⁶³ Interview, Liudmila Poleyaya, May 20, 2005, Irkutsk.

³⁶⁴ Interview, Liudmila Savinikh, May 19, 2005, Irkutsk. Information updated by telephone inquiry, October 17, 2005.

up 74.4% of the registered unemployed.³⁶⁵ In contrast, in Voronezh Oblast, the unemployment rate for women is 45%.³⁶⁶

The reasons that women and men become unemployed also vary. Women most frequently lose work due to job cuts, downsizing and dissolution of enterprises (52% in 2003), while most men (61%) leave jobs voluntarily.³⁶⁷ Although experts from employment centers confirmed that women are generally more active than men in seeking work, women are unemployed for longer periods.³⁶⁸ As a result, women often are compelled to agree to take low-paying jobs for which they are overqualified. One reason for this may be that there are fewer jobs offered to women. In the Vladivostok Employment Center, for example, "the vacancies are oriented toward men."³⁶⁹ The deputy director of the Irkutsk city Employment Center explained that of the current job openings, 79% require the kinds of work specializations usually held by men (for example, electrician or plumber). Of all the vacancies, only 26.9% are specifically seeking women (for example, nurse, cook or coat-check attendant).³⁷⁰

Employment Centers

In Russia, the Department of Federal State Employment Services operates a network of employment centers at the regional, city and local level. These centers register the unemployed, assist with distribution of unemployment benefits, maintain databases of job openings, offer re-training and consultative services to job-seekers and instruct employers in the law. It does not appear that the State has articulated an overall policy on women's unemployment, but individual centers generally recognize the fact that women face particular difficulties in this area and have responded with specific initiatives. In the case of Irkutsk, for example, the City Employment Center plans its activities in reference to the oblast Action Plan on Improving the Status of Women. In Tver, the Oblast Employment Center publishes a newsletter on women's employment.

Interviewees from employment centers noted that the majority of participants in their training courses are women. Nevertheless, some NGOs critique these courses as not responding to real market conditions and retraining women for fields in which the pay is low. Some of the retraining courses that employment centers mentioned include accounting, sales management, dog-grooming, cooking and massage. Employment centers also offer courses on opening small businesses, which are popular among women. After such training, it was reported that women primarily start businesses in service-provision, such as private kindergartens, hair salons, real estate, or the making of handicrafts, for example souvenirs or knitted goods. Finally, some employment centers described a specific federally-funded employment program that assists vulnerable groups, which includes single-mothers. Under a system of temporary work, the

³⁶⁵ *Report on the Situation of Discrimination Against Women in Kaliningrad Oblast for 2003*, League of Women Voters of Kaliningrad Oblast, at <http://www.liga-rf.ru/html/regions/kaliningrad/kaliningrad39-1.htm>.

³⁶⁶ *Regional Report from the Project Monitoring of the Situation of Discrimination Against Women in Russia*, Voronezh Oblast (2002) at <http://mhg64.valuehost.ru/publications/2517407>.

³⁶⁷ WOMEN AND MEN IN RUSSIA, Federal Service of Government Statistics 128 (2004).

³⁶⁸ Interview, Liudmila Savinikh, May 19, 2005, Irkutsk

³⁶⁹ Interview, Natalia Balakireva, May 14, 2005, Vladivostok.

³⁷⁰ Interview, Liudmila Savinikh, May 19, 2005, Irkutsk. Information updated by telephone inquiry, October 17, 2005.

employment service subsidizes an employee's salary for several months, giving the employer an opportunity to review job performance before making an offer. Many noted that this scheme, which is available to both sexes, assists women in particular by giving them a chance to try a new job.

A number of employment centers also noted plans to work with local employers to hold jobs for specific socially-disadvantaged groups, such as disabled people, mothers of many children, single mothers and youth.³⁷¹

There are certain restrictions on receiving unemployment benefits from the State, which, because they are the majority of registered unemployed, further impact a woman's economic status. To receive full unemployment benefits, the applicant must produce documentation of past employment and salary history. Otherwise, the applicant is only entitled to the minimum payment. Workers in the informal sector are unable to meet these requirements, and generally more women than men are employed informally. In fact, an analysis of Voronezh Oblast found that the number of women working in the informal sector was five times higher than men. Young women and women with low education were at the greatest risk. "Of fully employed women, every eighth works in the informal sector and among women under age 22, it is every third."³⁷²

Unemployment benefits are given on a temporary basis, contingent on finding new employment. One director of an oblast Employment Center reported that some women, especially those with higher education, find it psychologically difficult to accept work for which they are overqualified.³⁷³

Studies show that the period of retirement for Russian women is among the longest in the world. On average, a woman spends 40% of her adult life on her pension (an average of 22.6 years which is nine years longer than for men).³⁷⁴ Experts reported that women are disadvantaged under the State pension system to which civil servants are entitled.³⁷⁵ Civil servants with at least 15 years of service and depending on the level of their position receive a higher pension. Women are underrepresented in the highest posts of civil service, and this impacts the amount of pension they receive. According to experts, in State service there are disproportionately few women in positions that carry a high pension and disproportionately many women where pension rates are low.³⁷⁶ The work of women in the informal sector is not factored into the calculation of pension. Additionally, pensioners are not eligible for assistance through employment centers.

³⁷¹ Sources: Interviews, Liudmila Savinikh, May 19, 2005, Irkutsk; Nina Kurasova, March 28, 2005, Rostov-on-Don; Tamara Karyakina, April 26, 2005, Tver.

³⁷² *Regional Report from the Project Monitoring of the Situation of Discrimination Against Women in Russia*, Voronezh Oblast (2002) at <http://mhg64.valuehost.ru/publications/2517407>.

³⁷³ Interview, Tamara Karyakina, April 26, 2005, Tver.

³⁷⁴ M. E. Baskakova, V. N. Baskakov and A. L. Lelchuk, *Gender Aspects of the New Russian Pension Reform in GENDER EQUALITY: THE SEARCH FOR A SOLUTION TO OLD PROBLEMS*, International Labor Organization (ILO), 129-150 (2003).

³⁷⁵ Federal Law "On the Provision of State Pension in the Russian Federation" No. 166-FZ, from December 15, 2001 and Federal Law "On State Civil Service in the Russian Federation" No. 79-FZ, from July 27, 2004.

³⁷⁶ Expert Group meeting, November 23, 2005, Moscow.

(1f) Protection of Health and Safety in the Workplace

Government efforts have been made to reduce the numbers of women working in dangerous conditions in Russia. The analysis of unsafe and dangerous work conditions, however, is mainly oriented toward protecting women's reproductive functions and not to general protection of the health of all workers. As mentioned in Article 2, above, the Index of jobs from which women can be restricted has not been reduced since 2000.

According to research conducted in women's prisons, female prisoners frequently work in situations that violate labor laws, for example 12-hour days and without required time off.³⁷⁷

Sexual Harassment in the Workplace

Sexual harassment in the workplace is a widespread but little acknowledged problem in Russia. Because no official data on the problem exist, it is difficult to determine the extent to which women experience sexual harassment. NGOs which operate telephone hotlines and offer crisis services report that women call to talk about this issue, but often don't recognize the problem as sexual harassment *per se*.³⁷⁸ However, an NGO which temporarily operated a hotline devoted to the problem received up to 100 calls a month from women about sexual harassment.³⁷⁹

Although sexual harassment seriously effects the workplace environment, it is not conceived of as an issue of employee safety. For example, the Labor Inspectorate does not include the issue of sexual harassment in its work although it does monitor such issues as maternity leave and benefits which primarily concern women.

Respondents described incidents of sexual harassment, ranging from inappropriate comments, to proposals of sex and even sexual assault, but many noted that the problem itself is little understood, even by victims. A number of myths about sexual harassment prevail, for example, that women should enjoy such attention, that this is normal male behavior, that sexual services may be unofficially included among one's job duties and that women use sex as a way to advance in their careers. The lack of a legal definition for sexual harassment, combined with a lack of media attention (or occasional press reports that are sensationalized or inaccurate), means that very few cases of sexual harassment are ever litigated.

Victims themselves are often reluctant to pursue legal recourse, due to lack of awareness about their rights, the difficulty of proving a case and fear of losing their job. In fact, many women simply leave their place of employment if sexual harassment occurs.³⁸⁰

(2) Pregnancy, Maternity Leave and Childcare Obligations

³⁷⁷ Interview, Liudmila Alpern, March 9, 2005, Moscow.

³⁷⁸ Focus Group, January 25, 2005, Moscow.

³⁷⁹ Interview, Nina Kurasova, March 28, 2005, Rostov-on-Don.

³⁸⁰ Focus Group, May 17, 2005, Yuzhno-Sakhalinsk.

Russian legislation provides additional protection to women who are pregnant or have children. As mentioned above, in reality, some employers discriminate against women who have or may have children precisely because it is thought that their family obligations will interfere with work. It was also reported that many employers, primarily in the private commercial sphere, violate Russian labor laws by not providing pregnant women the accommodations and benefits to which they are entitled. In some cases, women are fired when they become pregnant or after having taken maternity leave.³⁸¹ The State Labor Inspectorate routinely includes issues of pregnancy and maternity in its monitoring of women's labor conditions, but it was also reported that many women do not know that they have the right to appeal to this agency in cases of labor violations. For example, in 2003 the State Labor Inspectorate of Kaliningrad Oblast received only three complaints from women.³⁸² Although courts and the Labor Inspectorate do respond to violations of women's rights, such cases are rare. While women have been successful in court with such claims, such cases are uncommon. Many women simply do not complain for fear of losing their jobs.

Subsidized nurseries and kindergartens that were once connected to one's place of work no longer exist in Russia.³⁸³ An NGO in Voronezh reported that in recent years, over 70 pre-school facilities have closed.³⁸⁴ From 1990-2000, 43% of pre-schools in Smolensk Oblast were shut.³⁸⁵ The cost of private kindergartens varies by region, but one interviewee stated that in her city the fees can range from 2,500- 5,000 rubles a month. Thus, "if a teacher earns 2,000 rubles a month, how can she pay for it?"³⁸⁶ As a result, many women must choose between working and caring for children.

One respondent pointed out that the State offers no specialized assistance to reintegrate women, who have returned from childcare leave, into the job market.³⁸⁷

³⁸¹ DISCRIMINATION AGAINST WOMEN IN CONTEMPORARY RUSSIA, Moscow Helsinki Group (T. Lokshina, ed., 2003) at <http://www.mhg.ru/publications/2039961>.

³⁸² *Report on the Situation of Discrimination Against Women in Kaliningrad Oblast for 2003*, League of Women Voters of Kaliningrad Oblast, at <http://www.liga-rf.ru/html/regions/kaliningrad/kaliningrad39-1.htm>.

³⁸³ See further discussion of family benefits under Article 13, below.

³⁸⁴ *Regional Report from the Project Monitoring of the Situation of Discrimination Against Women in Russia*, Voronezh Oblast (2002) at <http://mhg64.valuehost.ru/publications/2517407>.

³⁸⁵ *Status of Women in Smolensk Oblast in the Context of Observing Human Rights and the Convention on the Elimination of All Forms of Discrimination Against Women*, (2002) available at <http://mhg64.valuehost.ru/publications/2517407>.

³⁸⁶ Interview, Liudmila Mazurok, March 28, 2005, Rostov-on-Don.

³⁸⁷ Interview, Nina Kurasova, March 28, 2005, Rostov-on-Don.

Article 12

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.
2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Areas of Concern

- Disabled women face difficulties receiving adequate and specialized healthcare due to the lack of accommodations and specialized equipment as well negative attitudes of medical professionals.
- Despite specific government attention to women's reproductive health, maternal mortality rates remain high and women's reproductive health is worsening.
- Abortion remains a common form of contraception, in part due to insufficient knowledge of safer birth control options and lack of affordable alternatives.
- Representatives of law enforcement organs, legislators, government officials, the medical community and the general public largely perceive domestic violence as a family matter.
- Russian legislation does not provide sufficient remedies in cases of domestic violence. The State has not provided training to educate judicial or law enforcement officers or other public officials about their obligations to respond to domestic violence under the law.
- The government does not provide sufficient services for victims of gender-based violence and does not offer the comprehensive assistance that is required.
- HIV rates are on the rise among women, but the number of women receiving treatment remains low.

De Jure Compliance

The right to health and to medical care for all are guaranteed by the Russian Constitution.³⁸⁸ The "Basic Law on Protecting the Health of Citizens" elaborates that the State ensures the protection of the health of citizens regardless of sex and, further, "the State guarantees citizens protection from any form of discrimination in connection with illness."³⁸⁹ This law also grants men and women a number of subsidiary rights related to healthcare, for example, the right to free and accessible medical care within State or municipal healthcare systems,³⁹⁰ the right to medical-social assistance (including, *inter*

³⁸⁸ Constitution of the Russian Federation, Articles 7, 41.

³⁸⁹ Article 17, No. 5487-1 from 22 July 1993.

³⁹⁰ *Id.*, Article 20.

alia, preventative treatment, diagnostic services and rehabilitation);³⁹¹ and the right to information about factors that affect one's health.³⁹²

Reproductive Health and Family Planning

Every Russian citizen has the right to free consultations on the issue of family planning, which also includes such areas as communicable diseases, medical-psychological aspects of family relations and medical-hygiene issues.³⁹³ Article 36 of the "Basic Law of the Russian Federation On Protecting the Health of Citizens" grants women the right to "independently decide issues of maternity" which includes both the decision to use artificial means of conception and to end a pregnancy.

Abortions are legal in Russia, and the procedure can be preformed at a woman's request up to the 12th week of pregnancy. After this period, the law lists a number of situations in which women are permitted to have an abortion. Significantly, in 2003, the government reduced the number of permissible categories from 13 to four.³⁹⁴ After 22 weeks, an abortion is only permitted if the woman's health is at risk. Performing an illegal abortion carries a criminal penalty.³⁹⁵

The protection of maternity and reproductive health has been given special attention in the Russian Federation. For example, the "Basic Law of the Russian Federation On Protecting the Health of Citizens" includes measures on protecting maternity, paternity and childhood.³⁹⁶ Likewise, a Conception on the Protection of the Reproductive Health of the Population of Russia from 2000-2004³⁹⁷ outlines a number of initiatives connected to improving reproductive health that are aimed at women, men and adolescents. Regional equivalents of the Federal program exist in a number of subjects, for example the "Program on Protecting the Health of Women, Children and Adolescents of Khabarovsk Krai from 2001-2005" and the "Comprehensive Regional Program on Protecting the Health of Women, Children and Lowering Child Mortality in Tver Oblast to 2010."

Women with HIV/AIDS

The State guarantees access to medical care for persons who are HIV-positive under the federal law "On Preventing the Spread of Illnesses in the Russian Federation, Caused by the Human Immunodeficiency Virus (HIV)."³⁹⁸ Russian women and men can receive free and anonymous consultations, free qualified medical assistance and a protocol of

³⁹¹ *Id.*

³⁹² *Id.*, Article 19.

³⁹³ *Id.*, Article 22.

³⁹⁴ Governmental Resolution "On the List of Social Circumstances Allowing for Artificial Termination of Pregnancy" No. 485, from August 11, 2003.

³⁹⁵ Article 123, Criminal Code.

³⁹⁶ Article 38, No. 5487-1 from July 22, 1993.

³⁹⁷ Adopted by the Ministry of Health (April 17, 2000), Ministry of Education and Science (5 May 2000) and the Ministry of Labor (May 10, 2000).

³⁹⁸ Federal Law "O predyprzhdenii rasprostraneniya v Rossiiskoi Federatsii zabolovaniya vyizyiveamogo virusom immunodefitsita cheloveka (VICH-infektsii)" No. 38-FZ, from March 30, 1995.

treatment. Citizens who are HIV-positive are granted all the rights of the Russian Constitution, Russian federal legislation and subject-level laws, including the right to work, to be hired, to receive medical care and to housing. However, the law does leave open the possibility that the right to freedom of an HIV-positive person could be limited, but only by federal law.³⁹⁹

Violence Against Women

The Russian Constitution enshrines the right to life,⁴⁰⁰ the right to be free from torture or other forms of violence⁴⁰¹ and the right to equality before the law,⁴⁰² Russian laws, however, inadequately addresses the problem of violence against women.

For example, there are no laws specifically prohibiting domestic violence.⁴⁰³ The very term “domestic violence” (*domashnee nasilie*), while widely used by NGOs, is not common among law enforcement. The Ministry of Internal Affairs classifies domestic violence within crimes that occur in the family or domestic sphere (*na semeino-byitovoi pochve*). Incidents of domestic violence may be prosecuted under Criminal Code provisions on assault, bodily injury, threats or murder. In some circumstances, family violence may be addressed administratively as a form of “minor hooliganism.” Setting aside a discussion of the implementation of the law, the laws that can be applied to domestic violence fail to protect victims and do not incorporate the measures recommended by the CEDAW Committee. In General Recommendation 19, the Committee urges States parties to “ensure that laws against family violence and abuse, rape, sexual assault and other forms gender-based violence give adequate protection to all women, and respect their integrity and dignity.”⁴⁰⁴ Further, States should review their laws on violence against women and adopt “effective legal measures, including penal sanctions, civil remedies and compensatory provisions.”⁴⁰⁵

Criminal procedure significantly limits State involvement in cases of family violence. Violent acts and beating which cause “physical pain,”⁴⁰⁶ “light injury” or “short-term impairment of health”⁴⁰⁷ (types of injuries and health effects characteristic of domestic violence) are crimes to which the State gives only minimal attention. While the police are required to conduct a basic investigation, which should include a referral to a forensic medical expert if injuries are present, such cases are not within the jurisdiction of the Office of the Prosecutor. Instead, victims must prosecute these cases themselves, “privately.”⁴⁰⁸ Private prosecution cases can be halted if there is “reconciliation”

³⁹⁹ *Id.* Article 5.

⁴⁰⁰ Article 20.

⁴⁰¹ Article 22.

⁴⁰² Article 46.

⁴⁰³ A draft law “On the Basis of Socio-Legal Protection from Family Violence” (*Ob osnovah sozial’no-pravovoi zashiti ot nasiliya v sem’e*) was introduced in the State Duma in March 11, 1997 but was never adopted. In 1999, the bill was withdrawn.

⁴⁰⁴ See General Recommendation No. 19 (11th session, 1992), paragraph 24(b).

⁴⁰⁵ *Id.* at paragraph 24(i).

⁴⁰⁶ Article 116, Criminal Code.

⁴⁰⁷ Article 115, Criminal Code.

⁴⁰⁸ See Articles 20, 318, Criminal Procedure Code.

between the victim and the accused. When asked what the State should do to address violence against women, an official of the Ministry of Internal Affairs (MVD) specifically suggested amending the private prosecution procedure.⁴⁰⁹

The Constitutional Court recently handed down a significant decision declaring the lack of involvement by prosecutors, investigators and inquiry officers in private prosecution cases unconstitutional, but supported the victim's ability to initiate and dismiss a case as an additional procedural right.⁴¹⁰ This decision suggests the possibility that there could be more State involvement in private prosecution cases in the future.

The Criminal Code includes several other articles that address more serious crimes that may be present in domestic violence cases: "torture or systematic beating,"⁴¹¹ "intentional medium injury,"⁴¹² "threat of murder,"⁴¹³ and "murder."⁴¹⁴

Russian law contains minimal civil remedies for domestic violence, but practitioners point out that they are also inadequate. For example, Russian law does not contain a civil remedy that would allow temporary removal of a batterer from the home. The Administrative Code forbids "minor hooliganism"⁴¹⁵ which is sometimes applied in cases of family violence. Because the act is defined as a violation of public order, however, it is rarely applied to events that occurred solely in the home, and is therefore largely ineffective.⁴¹⁶ According to a Deputy Police Chief, if the event has occurred in the home and the officer has not witnessed the violence, the most the police can do is request that the batterer accompany them to give a statement, but they cannot make an administrative arrest.⁴¹⁷ Of note, at least two republics have recently modified their local laws on administrative offenses⁴¹⁸ to better address family violence through the introduction of articles on "domestic rowdyism" (*bytovoye deboshirstvo*). These articles are intended to address the void in existing legislation described above and punish unruly behavior, creating a disturbance, making noise, swearing and assaults on a person's dignity carried out in a residence. The fact that administrative punishment can take the form of a monetary fine presents a burden on the family budget.

⁴⁰⁹ *Expert Opinions on Issues of Violence in BREAKING THE CIRCLE OF SILENCE . . . ON VIOLENCE AGAINST WOMEN*, Moscow Center for Gender Studies, (N. M. Rimashevskaya, ed., 2005) at 113.

⁴¹⁰ See Decision of the Constitutional Court of the Russian Federation from June 27, 2005, No. 7-P (*Po delu o proverke konstitutsionnosti polozhenii chastei vtoroi i chetvertoi stati 20, chasti shestoi stati 114, punkta 3 chasti pervoi stati 145, chasti tretei stati 318, chastei pervoi i vtoroi stati 319 Ugolovno-protsessualnogo kodeksa Rossiiskoi Federatsii v svyazi c zaprosami Zakonodatel'nogo Sobraniya Respubliki Kareliya i Oktyabrskogo raionnogo suda goroda Murmanska*).

⁴¹¹ Defined as three or more incidents of violence, resulting in injury. Article 117, Criminal Code.

⁴¹² Article 112, Criminal Code.

⁴¹³ Article 119, Criminal Code.

⁴¹⁴ Article 105, Criminal Code.

⁴¹⁵ Article 20.1, Administrative Code, No. 195-FZ, from December 30, 2001.

⁴¹⁶ *Id.*

⁴¹⁷ Interview, Arthur Damert, February 25, 2005, Chelyabinsk. Article 27.3, Administrative Code.

⁴¹⁸ The Republic of Chuvashiya in 2003 and the Republic of Mordoviya in 2004.

The Family Code permits divorce initiated by either spouse, without requiring specific grounds.⁴¹⁹ Family law, however, does not contain any provisions that prescribe a specific legal response when one spouse is abusive (for example, in the determination of child custody or child visitation).

Russian law prohibits rape⁴²⁰ and sexual assault,⁴²¹ regardless of the relationship between the victim and perpetrator. In the case of sexual violence and domestic violence, victims are required by law to obtain specific documentation of injuries from a forensic-medical expert before the case can proceed.⁴²²

The issue of the legal treatment of sexual harassment in the workplace and educational institutions is discussed in this report under Article 11 and Article 10, respectively. Trafficking in women is discussed under Article 6.

De Facto Compliance

There are significant dissonances between men and women in the area of health and perhaps none so dramatic as the life expectancy- presently 71 years for women and 58 years for men.⁴²³ However, a number of studies have shown that across almost all age groups women's longevity is matched with a lower individual health potential as a result of high social and biological pressures in the family and workplace. On average, women's individual health potential is approximately 10% lower than men's in Russia.⁴²⁴ The fall in life expectancies combined with low birthrates in Russia have resulted in what is perceived as a "demographic crisis." The State has responded to the problem of the declining population by increasing attention to women's reproductive health. Indeed, while the issue of discrimination against women generally is not part of the political agenda, the government has undertaken some programs and other measures in areas that concern women's childbearing functions. Other health concerns, such as the pervasive problem of violence against women and increasing rate of the HIV infection among young women, have received significantly less government attention.

Access to Healthcare Services

In theory, free healthcare services are available to all who hold a health insurance policy connected to one's place of employment or residence. In reality, there are a number of significant barriers to women's enjoyment of the right to health. While basic services are theoretically free of charge to all citizens, the level of care a patient receives depends on the ability to pay for such things as additional diagnostic tests or treatment and the use of modern equipment. Urban areas are generally better-equipped than rural areas, where it is reported that there are few medical specialists and healthcare facilities are

⁴¹⁹ See discussion in Article 16, below.

⁴²⁰ Article 131, Criminal Code.

⁴²¹ Article 132, Criminal Code.

⁴²² Articles 195-196, Criminal Procedure Code.

⁴²³ WOMEN AND MEN IN RUSSIA, Federal Service of Government Statistics 28 (2004).

⁴²⁴ GENDER IN RUSSIA: A REVIEW OF LITERATURE (based on domestic publications 1993-2003), World Bank, April 2004 at 70.

closing.⁴²⁵ Of course, both men and women in Russia are impacted by insufficient expenditures on the public healthcare system, but as a group, the lack of free health care has a significant impact on women. Women make more intensive use of health services due to biological differences connected to maternity. They live longer, and old age brings an increased need for healthcare. Women are disproportionately impoverished leaving them with few opportunities to seek paid treatment.⁴²⁶ Finally, as noted in Article 11 above, even when employed, women are more likely to work in the informal sector, which leaves them without health insurance policies. This means that in the event that they are unable to take out a limited temporary policy, health services are only available for fees.

In addition, several specific populations face difficulties accessing healthcare services. Disabled women report that they are often physically unable to enter clinics and hospitals and that specialized equipment, such as gynecological examination chairs, are lacking.⁴²⁷ Others explained that no accommodations are made so that women with disabilities do not have to wait in long lines to make an appointment with a physician.⁴²⁸ Roma women and migrant women do not have the official residency registration (*propiska*), which means that they are often denied medical services.⁴²⁹ Likewise, commercial sex workers, a high percentage of whom are also drug users, are frequently refused medical attention because they lack a *propiska*, have no medical insurance or have the appearance of addicts.⁴³⁰ Finally, a complaint of female prisoners is the poor hygienic conditions and lack of medicine. Women prisoners have reported that this is particularly difficult during menstruation because of standard limitations on bathing and laundering and because the prison administration does not provide sufficient sanitary supplies.⁴³¹

In general, the healthcare system in Russia is oriented toward diagnosis and treatment, with little attention paid to the prevention of health problems. Some NGOs have initiated joint projects with local health authorities, for example on raising awareness of breast cancer and the importance of self exams,⁴³² but these programs are not widespread. Respondents also expressed concern about an increase in alcoholism among women in recent years, particularly in rural areas, which has not been addressed through preventive programs.⁴³³

⁴²⁵ See discussion in Article 14, below.

⁴²⁶ GENDER IN RUSSIA: A REVIEW OF LITERATURE (based on domestic publications 1993-2003), World Bank, April 2004 at 68.

⁴²⁷ Interview, Elena Leontieva, March 2, 2005, Yekaterinburg.

⁴²⁸ Interview, Liudmila Podlozhnik, May 15, 2003, Vladivostok.

⁴²⁹ See Article 15 for information about the *propiska* system.

⁴³⁰ Interview, Marina Akulova, May 18, 2005, Irkutsk.

⁴³¹ Interview, Liudmila Alpern, March 9, 2005, Moscow.

⁴³² Interviews, Olga Ivanova, May 17, 2005, Yuzhno-Sakhalinsk; Oksana Krivoschekova, May 19, 2005, Irkutsk.

⁴³³ Interviews, Svetlana Demyanova, February 19, 2005, Ufa; Irina Trigub, March 18, 2005, Severomorsk; Tatiana Dolgintseva, April 26, 2005, Tver.

Reproductive Health and Family Planning

The State has undertaken measures to improve the reproductive health of women in Russia. Respondents to this assessment frequently cited attention to reproductive health as evidence of fulfillment of CEDAW. Initiatives taken to improve reproductive health include the one-time creation of a network of Family Planning Centers, opening Prenatal Centers, creating specialized maternity hospitals, including some that focus on difficult pregnancies, and granting additional benefits to women who register for medical assistance early in their pregnancy.

However, official statistics indicate that the maternal mortality rate in Russia (32 deaths per 100,000 live births) remains high. While the figure has decreased in recent years, it is higher than most developed European countries⁴³⁴ and specific women, such as the unemployed, refugees, forced migrants and residents of rural areas, face higher risk for maternal mortality.⁴³⁵ Experts note that health indicators for pregnant women have declined in the last 10 years.⁴³⁶ In the past five years, the incidence of disease of the reproductive health system has increased across all groups of women.⁴³⁷ At present, every third man and every second woman suffers from reproductive health problems.⁴³⁸ According to a majority of researchers, the leading factor that prevents women from realizing their reproductive rights is “intolerable financial and housing conditions.”⁴³⁹

At the same time, a number of women reported inadequacies in the way the healthcare system generally treats pregnancy and childbirth. As one NGO representative explained, women speak of the experience of giving birth with words such as “fear, stress, pain, shock.”⁴⁴⁰ It was reported that physicians often hold conservative views about giving birth and provide little information about the process itself to their patients. Procedures such as vertical births and partnership births are unconventional, although NGOs and individual physicians have initiated programs to introduce such options to both physicians and pregnant women.⁴⁴¹ When such services are available, they require additional payment. Women also receive minimal preparation for the birth, since there are few such courses available, and the subject of reproductive health is not generally covered in the school curriculum. (See Article 10, above). Experts interviewed for this assessment also noted that “milk kitchens,” a State program which once provided women with subsidized infant formula, are being closed or transferred to the private sector.⁴⁴²

⁴³⁴ WOMEN AND MEN IN RUSSIA, Federal Service of Government Statistics 35 (2004).

⁴³⁵ GENDER IN RUSSIA: A REVIEW OF LITERATURE (based on domestic publications 1993-2003), World Bank, April 2004 at 73.

⁴³⁶ *Id.* at 74.

⁴³⁷ *Id.*

⁴³⁸ *Id.* at 76.

⁴³⁹ *Id.* at 77.

⁴⁴⁰ Interview, Larisa Leonova, March 1, 2005, Yekaterinburg.

⁴⁴¹ Interviews, Larisa Leonova, March 1, 2005, Yekaterinburg; Olga Ivanova, May 17, 2005, Yuzhno-Sakhalinsk.

⁴⁴² Interview, Valentina Uspenskaya, February 26, 2005, Tver.

According to a survey of disabled women in the Republic of Komi, 78% reported that lack of access to gynecologists and obstetricians was their most pressing concern.⁴⁴³ Additionally, there is a pervasive tendency among healthcare professionals to discourage disabled women, but not disabled men, from having children at all.⁴⁴⁴ The attitude of physicians appears to result from lack of training on how to work with disabled women who wish to become pregnant and a common perception that disabled women will not be able to properly care for their children.

Family Planning Centers

In the mid-1990's the federal government created a network of Family Planning Centers throughout the country, located at the oblast, city and local level. While the program was at one time fully-funded from the center, it ceased to exist in 1998. For a number of years, many such regional family planning centers continued to operate supported by local funds. The present assessment found that such centers are still operating in some regions, such as Karelia and Yuzhno-Sakhalinsk, generally when they have been transferred to state hospitals or able to register as NGOs. In other areas, however, such as Rostov oblast, they have been closed by local authorities.

The family planning centers that remain operational provide needed services that are not available elsewhere, such as counseling on safe sex, instructions on contraceptive use, information about sexually-transmitted diseases and HIV/AIDS as well as help with infertility. Staff of the centers have also undertaken to teach sexual education classes in schools and provide training to healthcare providers on new technology and practices in reproductive health.⁴⁴⁵

Abortion rates have decreased in recent years⁴⁴⁶ but abortion remains the most widely-used method of birth control.⁴⁴⁷ The present assessment suggested an important correlation between the services of Family Planning Centers and abortion rates. Doctors from both Petrozavodsk and Yuzhno-Sakhalinsk noted that the number of abortions decreased when Family Planning Centers offered programs on reproductive health and provided free contraception, but now that such centers are no longer receiving State support, the abortion rates in both regions have slightly increased.⁴⁴⁸ Abortion rates have also been found to be significantly higher among women who are also victims of domestic violence.⁴⁴⁹

⁴⁴³ Interview, Natalia Lobanova, April 20, 2005, Syktyvkar.

⁴⁴⁴ Interviews, Elena Leontieva, March 2, 2005, Yekaterinburg; Natalia Lobanova, April 20, 2005, Syktyvkar; Galina Sormovskaya, May 13, 2005, Vladivostok.

⁴⁴⁵ Interviews, Zhanna Hohlova, February 11, 2005, Petrozavodsk; Liudmila Mazurok, March 28, 2005, Rostov-on-Don; Olga Ivanova, May 17, 2005, Yuzhno-Sakhalinsk.

⁴⁴⁶ WOMEN AND MEN IN RUSSIA, Federal Service of Government Statistics 70 (2004).

⁴⁴⁷ GENDER IN RUSSIA: A REVIEW OF LITERATURE (based on domestic publications 1993-2003), World Bank, April 2004 at 75; Interview, Rimma Utyasheva, February 18, 2005, Ufa.

⁴⁴⁸ Interviews, Zhanna Hohlova, February 11, 2005, Petrozavodsk; Olga Ivanova, May 17, 2004, Yuzhno-Sakhalinsk.

⁴⁴⁹ I. D. Gorshkova, *Patriarchal Patterns, Contraception and Abortions in the Russian Family*, seminar materials from "Issues of Reproductive Health in Eastern Europe and the Former Soviet Countries," 16-20 October, 2004, Bucharest.

Despite the availability of a range of contraceptives in Russia, one study suggests that only around 25% of women of reproductive age make use of them.⁴⁵⁰ Likewise, during this assessment, it was reported that knowledge and use of contraceptives is increasing among young women, but respondents in some regions expressed concern about increasing numbers of adolescent pregnancies.⁴⁵¹ Many women simply do not have access to certain methods of contraception, such as hormonal birth control (the pill or patch). This method of contraception requires a medical examination and is only imported from abroad, which renders it unaffordable to many women.⁴⁵² In families in which the woman is economically dependent on her husband, she may require his permission to purchase oral contraceptives.⁴⁵³

Women with HIV/AIDS

Russia is currently facing an HIV/AIDS epidemic, particularly among the young; 80% of the population with the illness is under age 30. The incidence of HIV has risen dramatically among women between the ages of 15 and 29, who primarily become infected through heterosexual sex. As of 2003, women account for one third of registered people living with HIV/AIDS in Russia, up from one fifth in 2000.⁴⁵⁴ Medical professionals report that the profile of HIV-positive women is changing and that growing numbers can be characterized as “socially adapted” (meaning they have a job, family and stable home life).⁴⁵⁵ Since 2000, there has been a significant increase in the testing of pregnant women for HIV. As a result, one of the largest increases in people found to be HIV positive is within the population of pregnant women- a five-fold increase.⁴⁵⁶ Experts, however, point out that significant populations are under-tested, including commercial sex workers, patients with sexually-transmitted diseases and intravenous drug users.

The government has responded with the creation, at the federal level, of a program directed specifically to fighting and preventing the illness. Through this program, the State has organized specific Centers for the Prevention and Fight Against AIDS (AIDS Centers) in every region, which primarily provide diagnosis and treatment, but may also undertake a variety of preventative activities, such as public awareness campaigns, lessons in schools and out-reach to risk groups. With the exception of specific work with

⁴⁵⁰ *Id.*

⁴⁵¹ Interviews, Rimma Utyasheva, February 18, 2005, Ufa; Tatiana Nesterova, April 18, 2005, Syktyvkar.

⁴⁵² Interviews, Ilmira Larinbaeva, February 21, 2005, Ufa; Natalia Golybinchaya, May 13, 2005, Vladivostok. According to price lists in Vladivostok, the average cost range for a month’s prescription of the pill is around 420-540 rubles (approximately \$15-\$19 USD). According to official statistics, in August 2005 the average employee’s salary was equivalent to \$302 USD per month.

⁴⁵³ I. D. Gorshkova, *Patriarchal Patterns, Contraception and Abortions in the Russian Family*, seminar materials from “Issues of Reproductive Health in Eastern Europe and the Former Soviet Countries,” 16-20 October, 2004, Bucharest.

⁴⁵⁴ Murray Feshbach and Cristina M. Galvin, *HIV/AIDS in Russia – An Analysis of Statistics*, Woodrow Wilson International Center for Scholars, January 2005 at 36.

⁴⁵⁵ *Positively Abandoned: Stigma and Discrimination Against HIV-positive Mothers and their Children in Russia*, Human Rights Watch 13 (2005) at <http://hrw.org/reports/2005/russia0605/>.

⁴⁵⁶ Murray Feshbach and Cristina M. Galvin at 11.

pregnant women who are HIV positive, prevention efforts are not presently targeting the specific and growing population of young women at risk for the infection.

The number of children born to infected women in Russia has increased almost 15 times since 2000.⁴⁵⁷ Treatment to prevent mother-to-child transmission of HIV is provided free, financed by the federal budget. Staff from AIDS Centers reported that a number of pregnant women have undergone antiretroviral treatment which prevented transmission of the virus to the child, but this population is relatively small. For example, in Karelia in 1999, 24 women underwent the antiretroviral regime.⁴⁵⁸ A recent Human Rights Watch report found that one in four HIV-positive women receives no prenatal care,⁴⁵⁹ thus greatly limiting her chances of receiving antiretroviral treatment. Specialists explained that the numbers of people generally receiving treatment are very small, often due to lack of awareness of the right to free treatment.⁴⁶⁰

Funding has been insufficient to provide long-term antiretroviral therapy to all who need it, and therefore pregnant women and mothers of young children are given priority. Funding rates for 2005 were estimated at approximately 0.45 USD per HIV positive person in Russia.⁴⁶¹ Recently, President Putin announced an increase in the 2006 federal AIDS budget of 20-30 times more than previous expenditures. While seen as a positive development, some experts, such as the head of the Federal AIDS Center, have criticized the government for lack of a clear strategy on fighting the disease.⁴⁶²

Women who do not have local residency permits (*propiska*) cannot apply to AIDS Centers in the city where they are living but are directed to their city of origin for treatment. HIV-positive mothers who are active drug users, may not be given treatment after the birth of their child.⁴⁶³ Finally, female prisoners are also among those with a high HIV infection rate, often transmitted through drug use. One NGO representative reported that treatment for this group is inconsistent, and AIDS Centers do not always work with prison populations.⁴⁶⁴

The law guarantees that an HIV-infected person has the right to receive healthcare. Generally, discrimination against people living with HIV persists in Russia, even among healthcare professionals. A recent report documents the fact that HIV-positive women encounter discrimination in receiving healthcare as well as specific problems, such as a lack of confidentiality concerning medical information, refusal of treatment, lack of information on HIV and pregnancy and pressure to have abortions.⁴⁶⁵ An expert noted

⁴⁵⁷ *Id.* at 17.

⁴⁵⁸ Interview, Inna Rozhkova, Petrozavodsk, February 12, 2005.

⁴⁵⁹ *Positively Abandoned: Stigma and Discrimination Against HIV-positive Mothers and their Children in Russia*, Human Rights Watch at 14.

⁴⁶⁰ Interviews, Anatoli Nikitin, February 12, 2005, Petrozavodsk; Marina Akulova, May 18, 2005, Irkutsk.

⁴⁶¹ Stephen Boykewich, *AIDS at Last Gaining a Public Face*, THE MOSCOW TIMES, December 1, 2005 at 4.

⁴⁶² *Id.*

⁴⁶³ *Positively Abandoned: Stigma and Discrimination Against HIV-positive Mothers and their Children in Russia*, Human Rights Watch at 15.

⁴⁶⁴ Interview, Liudmila Alpern, March 9, 2005, Moscow.

⁴⁶⁵ *See, generally Positively Abandoned: Stigma and Discrimination Against HIV-positive Mothers and their Children in Russia*, Human Rights Watch (2005).

that many medical personnel are unaware of the laws, and therefore NGOs are conducting trainings on tolerance and awareness-raising about the risks of transmission.⁴⁶⁶ It was also reported that when an NGO addressed the Ministry of Health about cases when medical professionals had refused treatment to women with HIV, an internal hearing was held and the personnel instructed about their obligations, rights and how properly to act in these situations.⁴⁶⁷

Violence Against Women

Domestic Violence

*In getting married, a woman enters a cage with a tiger.*⁴⁶⁸

There is very little official information on the extent of the problem of violence against women in Russia. While a 2001 decree of the Ministry of Internal Affairs apparently added a specific “gender indicator” to the methodology for gathering statistics on victims of violent crime,⁴⁶⁹ official data on such issues as domestic violence and rape are virtually unknown or unavailable to the public. The deplorable statistic that every year 14,000 Russian women are killed by their husbands or other relatives, originally quoted in 1997,⁴⁷⁰ is frequently cited and reprinted.⁴⁷¹ According to Ministry of Internal Affairs data, 9,000 women were killed in 2003 as a result of “family or domestic” crimes (*na semeino-byitovoi pochve*), which constituted 32% of all murders in Russia.⁴⁷²

The lack of specific legislation on domestic violence hinders the gathering of official statistics.

Women’s organizations have, however, compiled data based on their work with victims of domestic violence and contend that “every day around 36,000 women in Russia are beaten by their husbands or partners.”⁴⁷³ Eighty-six percent of callers to telephone hotlines about violence are women, and the majority (64.3%) call specifically about domestic violence.⁴⁷⁴ A country-wide study of over 2,200 people (1,076 women and 1,058

⁴⁶⁶ Interview, Marina Akulova, May 18, 2005, Irkutsk.

⁴⁶⁷ *Id.*

⁴⁶⁸ Interview, Nina Sokolskaya, March 30, 2005, Rostov-on-Don.

⁴⁶⁹ See Russian Federation Reply to the United Nations Secretariat on the Implementation of the Beijing Platform for Action (2004) at <http://www.un.org/womenwatch/daw/Review/english/responses.htm>.

⁴⁷⁰ See, e.g. 1999 Country Reports on Human Rights Practices, U.S. Department of State, (2000) at http://www.state.gov/www/global/human_rights/1999_hrp_report/russia.html, citing Human Rights Watch interview with State Duma Deputy Yekaterina Lakhova.

⁴⁷¹ See, e.g., Fifth Period Report of State Parties, Russian Federation, March 1999, CEDAW/C/USR/5 at 16, Ombudsman for Human Rights of the Russian Federation, PROTECTION OF HUMAN RIGHTS: A COLLECTION OF DOCUMENTS, 2001-2003 47 (2003).

⁴⁷² Svetlana Polenina, *Problems of Gender Equality*, in HUMAN RIGHTS IN RUSSIAN REGIONS 164 (Moscow Helsinki Group, 2004).

⁴⁷³ Russia's Hidden Shame, Amnesty International, EUR 46/029/2003 (2003) at <http://web.amnesty.org/library/index/ENGEUR460292003>.

⁴⁷⁴ *Expert Opinions on Issues of Violence in* BREAKING THE CIRCLE OF SILENCE . . . ON VIOLENCE AGAINST WOMEN, Moscow Center for Gender Studies, (N. M. Rimashvskaya, ed., 2005) at 166.

men) in cities and rural areas revealed the following: 56% of women had either been threatened with physical violence or been victims of violent acts at least once by their husbands (of these, 50% suffered at least one incident of physical violence by their husbands and 3% reported that their husbands beat them once a month or more); 23% of women were victims of sex through pressure or sexual violence by their husbands; and almost 80% of women had encountered at least one incident of psychological violence by their husbands (including humiliation, criticism, forbidding them from certain activities, forms of control or threats).⁴⁷⁵

The present assessment and particularly interviews with government and NGO-organized crisis centers confirm that women from various socio-economic classes, educational, ethnic and religious backgrounds are victims of domestic violence that can take a variety of the forms mentioned above. It was widely reported that women suffer violence at the hands of abusive husbands, but not infrequently boyfriends and adult sons are also batterers. In fact, it was pointed out that women who are abused by their sons need specific attention, as they are especially reluctant to seek help, and this form of violence is seldom discussed.⁴⁷⁶ Many respondents also noted that levels of domestic violence are often higher in rural areas, where it is more likely to be accepted as a normal part of life.⁴⁷⁷ However, because fewer resources (including law enforcement and medical services) are allocated to rural areas, it is even more likely that violence will go unaddressed. Women who are victims of domestic violence are at much higher risk of later becoming involved in criminal activity or of becoming victims of trafficking. In fact, one expert noted that from 65% to 80% of female prisoners were also victims of violence.⁴⁷⁸ This fact appears not to be recognized by State institutions that are responsible for the prevention of family violence. Additionally, the myth that alcohol causes domestic violence, rather than contributes to this behavior, is common in Russia.⁴⁷⁹

Law enforcement response to domestic violence

The State has not provided an effective remedy to women who are victims of domestic violence. Aside from the legal barriers that are inherent in the laws themselves, law enforcement broadly fails to prevent, investigate and punish domestic violence, due to such factors as entrenched prejudice, lack of training about the issue and the fact that the State has not made addressing violence against women a priority.

It is widely reported that the police do not adequately respond to cases of domestic violence due to a prevailing attitude that “family scandals” are of low priority and, in fact, it is not appropriate for the State to become involved in them. As one NGO activist put it, “in a case of domestic violence, if a woman calls the police, they tell her ‘take care of it

⁴⁷⁵ I. D. Gorshkova and I. I. Shuryigina, VIOLENCE AGAINST WIVES IN CONTEMPORARY RUSSIAN FAMILIES (*Nasilie nad zhenami v sovremennykh rossiiskikh semyakh*) 13-19 (2003).

⁴⁷⁶ Interview, Valentina Cherevatenko, March 29, 2005, Novocherkassk.

⁴⁷⁷ Interview, Tatiana Dolgintseva, April 26, 2005, Tver.

⁴⁷⁸ Interview, Liudmila Alpern, March 9, 2005, Moscow.

⁴⁷⁹ See STATE REPORT ON THE STATUS OF WOMEN IN THE REPUBLIC OF KOMI, Ministry of Labor and Social Development of the Republic of Komi (2004) at 30.

yourself. It's your problem."⁴⁸⁰ Others explained that police will not respond out of a sense of "male solidarity." Local police inspectors (*uchastkovii inspektor*) are evaluated based on the number of solved crimes in their district. Therefore officers frequently discourage victims from submitting complaints in order not to have un-resolved cases on their records.⁴⁸¹ It was also reported that police will sometimes deliberately exploit a victim's emotional state, telling her to return in a few days when she is calm, by which time crucial evidence will have been lost.⁴⁸² Police officers may themselves be batterers, leading to a situation in which the victim has virtually no access to the law enforcement system.⁴⁸³ Whatever the motivation, the police consistently breach their duties to respond to violations of the law without regard to the type of crime or sex of the victim.

As mentioned above, the law itself gives law enforcement few tools to respond to domestic violence. The police do not operate specialized units to respond to domestic violence, and none are planned.⁴⁸⁴ Neither the Ministry of Internal Affairs nor law schools provide instruction related to violence against women.⁴⁸⁵ Nor has the State instituted any other gender-sensitive training for law enforcement aimed at eliminating attitudes and practices that perpetuate domestic violence, as described in General Recommendation 19. In fact, the few efforts to educate law enforcement about the dynamics of domestic violence have been led by NGOs who have successfully partnered with police at the local level.

To proceed with any criminal case, a victim's injuries must be documented by a forensic medical expert, whose legal opinion can be used in court. Other types of physicians cannot issue such an opinion. Victims must have referrals from a law enforcement organ to a forensic expert for an official opinion, but they can also pay for documentation of injuries in any case. The process of forensic expertise can itself be difficult for victims of violence, especially considering the need to have a police referral, the distance to forensic medical offices and the working hours.

It is widely understood that women are reluctant to bring criminal charges against abusive partners. For example, a report from the Federal Ombudsman states that only 5-10% of women victims of domestic violence make applications to the police.⁴⁸⁶ In the above-mentioned study of male and female attitudes to domestic violence, when asked "if a woman is beaten by her husband, to whom should she go for help?", only 26.7% of women and 23.3% men replied "to the police." In contrast, 43.7% of women and 51.9% of men answered that a woman should not seek help (the majority agreeing with the response "it's better if she thinks about how she is to blame").⁴⁸⁷

⁴⁸⁰ Interview, Liudmila Dreitser, May 11, 2005, Vladivostok.

⁴⁸¹ *Expert Opinions on Issues of Violence in BREAKING THE CIRCLE OF SILENCE . . . ON VIOLENCE AGAINST WOMEN*, Moscow Center for Gender Studies, (N. M. Rimashevskaya, ed., 2005) at 105.

⁴⁸² *Id.* at 204.

⁴⁸³ STATE REPORT ON THE STATUS OF WOMEN IN THE REPUBLIC OF KOMI at 33.

⁴⁸⁴ *Experts Opinions on Issues of Violence in BREAKING THE CIRCLE OF SILENCE . . . ON VIOLENCE AGAINST WOMEN*, Moscow Center for Gender Studies, (N. M. Rimashevskaya, ed., 2005) at 105.

⁴⁸⁵ *Id.* at 108.

⁴⁸⁶ PROTECTION OF HUMAN RIGHTS: A COLLECTION OF DOCUMENTS, *supra*, at 49.

⁴⁸⁷ VIOLENCE AGAINST WIVES IN CONTEMPORARY RUSSIAN FAMILIES, *supra*, at 82.

As discussed above, the Office of the Prosecutor is rarely involved in cases of domestic violence, since the majority go forward as “private prosecutions.” In reality, the process of prosecuting a case privately is sufficiently complex, time-consuming and costly that it discourages many women from seeking justice. One police official estimated that due to these burdens “70% of women will refuse [private prosecution].”⁴⁸⁸ Additionally, with no temporary legal protection from the batterer, the victim often finds herself in the dangerous situation of living with the accused while waiting for her case to be heard. A Yekaterinburg police official estimated that it can take from one month to two years for a private prosecution application to be reviewed by the court, in part since justices of the peace refuse the documents if the application is incorrectly written.⁴⁸⁹ The present assessment also revealed that even in criminal cases in which a domestic violence victim has received serious injuries, it is not uncommon for prosecutors to refuse to open a case or to drop cases at the victim’s request. For example, a psychologist in Vladivostok worked with a client who was hospitalized for 14 days after being beaten by her boyfriend, but who was then pressured by a local prosecutor to abandon her case.⁴⁹⁰ In a second case, a man poured gasoline on his wife and set it on fire. Because she did not want a criminal case to be initiated, she stated that her injuries were caused by an accidental gas leak. Neither the investigator nor prosecutor initiated a criminal case, despite the apparent severity of the injuries which should have triggered a State-led prosecution.⁴⁹¹

The few domestic violence cases that reach the court are heard by justices of the peace whose jurisdiction covers misdemeanors, family and divorce cases. In reality, a very small number of such cases actually receive a judicial ruling. According to a police chief, of all the private prosecution cases for beating or light injury in Sverdlovsk Oblast, only 58% were reviewed by a justice of the peace. Of these cases, approximately 80% ended with “reconciliation” between the spouses, meaning the case was essentially closed.⁴⁹² A justice of the peace from Tver reported that she receives about 15 to 20 applications each month under the same Criminal Code articles. Of 15 applications, for example, only two or three are opened as criminal cases, often because the complaint is not well written or the victim withdraws it.⁴⁹³ From the handful of cases that are heard by a justice of the peace, virtually all end in reconciliation. “Generally, the spouses take back the applications. In my three years of work, none of these cases has gone to the end.”⁴⁹⁴ The Federal Ombudsman confirms that on the whole, about 3% of domestic violence cases are heard by a judge.⁴⁹⁵

Certainly, some victims do withdraw applications as NGO activists have described, often from a realization that the only possible punishment would be a monetary fine that would come from the family budget or due to pressure or increased violence by the

⁴⁸⁸ Interview, Arthur Damert, February 25, 2005, Chelyabinsk.

⁴⁸⁹ Interview, Sergei Mochalin, March 1, 2005, Yekaterinburg.

⁴⁹⁰ Interview, Anna Zubritskaya, May 11, 2005, Vladivostok.

⁴⁹¹ Interview, Nina Kurasova, March 28, 2005, Rostov-on-Don.

⁴⁹² Interview, Sergei Mochalin, March 1, 2005, Yekaterinburg.

⁴⁹³ Interview, Natalia Turutkina, April 25, 2005, Tver.

⁴⁹⁴ *Id.*

⁴⁹⁵ PROTECTION OF HUMAN RIGHTS: A COLLECTION OF DOCUMENTS, *supra*, at 49.

abusive partner. Significantly, however, the justice of the peace system is oriented not toward adjudication of domestic violence cases but to reconciling couples and preserving families. The judicial system itself tries to dissuade victims from prosecution. As one justice of the peace put it “there are very many such cases [of reconciliation]. He knows he is wrong or does not want to be punished. He tries to make up with his wife. I have never seen such cases where he is in court again.”⁴⁹⁶

Divorce is commonly used as a remedy for domestic violence. For example, in a district in Tver, a justice of the peace reported that 70% of her divorce cases involved domestic violence. Justices of the peace also attempt reconciliation in cases of divorce. Typically, the judge will require couples to wait approximately two or three months before a divorce becomes final, on the hope that the couple can continue their lives together. It is important to note, however, that even when domestic violence is the reason for the dissolution of the marriage, many justices of the peace still require such a reconciliation period. As a deputy Minister of Justice of the Republic of Bashkortostan explained, “Justices of the peace are obliged to reconcile. . . ., but there can be exceptions. If both spouses want it quickly and they are already living separately, there is no reason to give them this period. But even with violence, if the husband does not want to get a divorce, the justice of the peace is obliged to give them the reconciliation period.”⁴⁹⁷ Even after divorce, many women continue to live with violent partners, due to financial dependence, lack of residency registration (*propiska*) or housing difficulties.

While conducting the present assessment, the reasoning that women rarely make criminal complaints or, later, withdraw applications from police or from court was used to justify inadequate law enforcement response to the problem as a whole. Unfortunately, there is little acknowledgement that the State has not undertaken efforts to either create a legal system that addresses the real needs of victims or to provide the public with information to change prevailing attitudes about women’s status. Additionally, the State does not conduct training for key legal professionals, such as prosecutors or justices of the peace, to improve their understanding of the problem, confirm their responsibilities under the law or dispel prevalent myths about domestic violence. Although it is recognized that women are often prevented from making a criminal private prosecution case because they are unfamiliar with the required procedures, the State has not undertaken any efforts to inform women of either their right to redress or offered assistance in using legal mechanisms.⁴⁹⁸

Healthcare response to domestic violence

The healthcare system as a whole gives little attention to the problem of domestic violence, generally regarding violence against women as a law enforcement issue and not a health concern.⁴⁹⁹ Physicians in emergency trauma points are apparently required

⁴⁹⁶ Interview, Galiya Chukaeva, February 19, 2005, Ufa.

⁴⁹⁷ Interview, Svetlana Parfenova, February 18, 2005, Ufa.

⁴⁹⁸ See, e.g., Declaration on the Elimination of Violence against Women, UN General Assembly resolution 48/104 of 20 December 1993.

⁴⁹⁹ Interviews, Natalia Koval, February 24, 2005, Chelyabinsk; Natalia Lokhmatkina, May 12, 2005, Vladivostok.

to report all cases of violence-related injuries to the police. This assessment, however, revealed inconsistencies in how this procedure is carried out in practice. The director of an NGO in Yekaterinburg stated that when staff at such emergency centers know that the injury resulted from a “family drama,” they consider it a private affair and will not document the injury. Furthermore, if the patient states that she caused the injuries herself, by falling for example, the doctor will not prepare a report even when he knows this to be untrue.⁵⁰⁰ A forensic medical expert noted that it is not uncommon for doctors working in polyclinics and hospitals to refuse medical treatment for victims of domestic and/or sexual violence, even though this is technically illegal.⁵⁰¹ Out of unwillingness to be involved in legal cases, physicians unnecessarily refer victims to forensic experts, but without an official document from the police, the victim cannot seek expertise herself. As a result, valuable time and evidence can be lost while the victim is sent to various institutions. Doctors face a disincentive in treating domestic violence patients since these services are generally not covered by health insurance companies.⁵⁰²

A physician noted that among healthcare professionals, knowledge about domestic violence is very low and myths are widespread, for example that women provoke violence or that victims are dependant, weak and will never help themselves.⁵⁰³ It is not clear whether the Ministry of Health has given any priority to the issue of domestic violence, but currently the topic is not included in medical school curricula. Some NGOs, however, have independently started training programs for medical professionals on this subject.

Services for victims of domestic violence

State-provided support services are insufficient in number to address the majority of victims of domestic violence and fail to supply the complex help that is needed by victims and recommended in international statements on violence against women. From 1993-1994, the government created a network of institutions devoted to “social services for families and children.”⁵⁰⁴ Within this network, the State now operates a small number of “crisis centers for women.” It is important to note, however, that the main focus of the government program remains assistance to children and the family as a whole. Of a total of 3,371 institutions currently operating in Russia, 23 are exclusively “women’s crisis centers.” Additional to the crisis centers, within the large network of social assistance centers, 97 institutions operate separate “crisis departments for women.” In contrast, there are 689 social rehabilitation centers for adolescents and 550 shelters for adolescents and children.⁵⁰⁵ There are 582 general “centers for social assistance to families and children,” operating at city and regional levels. The status of

⁵⁰⁰ Interview, Liudmila Ermakova, February 28, 2005, Yekaterinburg.

⁵⁰¹ *Expert Opinions on Issues of Violence in BREAKING THE CIRCLE OF SILENCE . . . ON VIOLENCE AGAINST WOMEN*, Moscow Center for Gender Studies, (N. M. Rimashevskaya, ed., 2005) at 119.

⁵⁰² Interview, Natalia Lokhmatkina, May 12, 2005, Vladivostok.

⁵⁰³ *Id.*

⁵⁰⁴ Presidential Decree “On Measures for Realizing the World Declaration on the Survival, Protection and Development of Children in the 1990’s” (*O merakh po realizatsii Vsemirnoi Deklaratsii ob obespechenii Vyizhivaniya, zaschityi i razvitiya detei v 90 godi*) No. 543, from June 1, 1992.

⁵⁰⁵ Data from the website of the Ministry of Health and Social Development of the Russian Federation, at http://mzsrff.newscenter.ru/mon_stat/214.html.

such crisis centers, as municipal bodies, may produce bureaucratic hurdles for victims of violence. Namely, services are available only to those who are officially registered (have a *propiska*) in the city where the center is located. Thus, in areas that are not served by crisis centers, such as the city of Moscow, women cannot easily use the services of a neighboring municipality.

Information gathered during the present assessment indicates that the services offered by such centers vary tremendously. In some cases, staff of NGOs that work on women's issues were unaware even of the existence of State-run centers for social assistance to families and children in their region and had never worked with them on the issue of domestic violence. Some centers receive insufficient support to consistently offer services to victims. The Republic Center for Social Assistance to Families and Children in Petrozavodsk, "Sampo," for example, once operated a crisis department for women, but at the time of this assessment it had been closed due to structural problems with the building. Other regions, however, have taken significant steps to address this problem. For example, Samara Oblast operates a system of centers for social assistance to families and children, with the main center offering shelter services for women and children (up to 25 days) who are in "crisis situations," as well as medical services, psychological counseling and therapy and legal consultation.

Generally, centers for social assistance to families and children are not staffed with specialists trained in domestic violence, nor do they receive training in "best practices" used in Russia or other countries. Rather, they treat the problem within the framework of their "preventative" work with families. This means that the centers focus on psychological counseling for victims but tend not to encourage women to seek redress within the legal system. As one NGO activist explained "there are seven children and family support centers in the city. . . . with full government funding. They have psychological help, a lawyer, a gynecologist, but they don't deal with [domestic violence]. . . . They ask for lots of information about her address, her children, her husband. There is no training for the staff there. The psychologists can be worse than the police, saying she is to blame, how can she put up with this. They have a lot of myths."⁵⁰⁶ A former director of an NGO crisis center in Tver noted that many of her clients left such centers saying social workers there told them "to be patient." She also pointed out that the specialists who work in State centers for families and children are paid little, "if they were highly qualified they would not work there. . . . [our] research . . . found that the workers in such centers in their region . . . were generally single mothers who themselves needed support."⁵⁰⁷ A respondent from Rostov-on-Don confirmed that, despite having high qualifications, staff of such centers have heavy caseloads but receive low salaries.⁵⁰⁸

The director of the Oblast Center for Social Assistance to Families and Children in Rostov-on-Don stated that about three to four women a month come to their center for assistance related to domestic violence. "Our lawyer gives consultations only on

⁵⁰⁶ Interview, Liudmila Ermakova, February 28, 2005, Yekaterinburg.

⁵⁰⁷ Interview, Oktyabrina Cheremovskaya, April 25, 2005, Tver.

⁵⁰⁸ Interview, Nina Kurasova, March 28, 2005, Rostov-on-Don.

questions related to divorce. If she's completed a [private prosecution] application, then the lawyer will explain this process."⁵⁰⁹ In contrast, however, the "Raida" Regional center for social assistance to women in Komi reports that it has been successful in helping clients to write complaints in private prosecution cases.⁵¹⁰ Data from the Ministry of Health and Social Development about the services rendered in 2004 by crisis centers for women, indicates that overall such centers provide "educational" or charitable assistance more often than psychological or legal counseling.⁵¹¹ The lack of involvement by legal professionals generally in cases of domestic violence is discussed in Article 15, below.

While the creation of State-financed institutions is a positive development, the system on the whole does not offer the kind of complex assistance that is required. For example, very few centers offer temporary shelter for women. Amnesty International estimates that there are eight State-run shelters in Russia for women and their children who are victims of domestic violence.⁵¹² The resulting ratio is approximately one place in a shelter for every nine million inhabitants of Russia. Moscow, the largest city in Russia with a population of over ten million, does not operate any shelters for victims of domestic violence.⁵¹³ Existing shelters often have significant limitations on the length of stay or ages of children that are allowed to live there. Additionally, procedural hurdles may render "emergency shelter" for victims meaningless. For example, the Crisis Center for Women in Khimki, requires a referral by the local Committee on Social Protection to stay in the shelter.⁵¹⁴ There are no State-run treatment centers for men who batter.

Sexual Assault and Rape

As is the case with domestic violence, experts describe rape and sexual assault as largely "latent" crimes in Russia.⁵¹⁵ Official statistics reveal that very low numbers of rape cases are registered. For instance such cases accounted for 0.24% of overall registered crimes in Komi Republic and 4% in Stravropol Krai.⁵¹⁶ One women's NGO reported that about 5% of their cases involve rape, but that many more clients have experienced rape in the past, usually by someone familiar to them, but they keep the information hidden.⁵¹⁷ Marital rape is not uncommon in Russia. For example, 52.2% of women polled in the

⁵⁰⁹ Interview, Nina Sokolskaya, March 30, 2005, Rostov-on-Don.

⁵¹⁰ Interview, Elena Soldatkicheva, April 18, 2005, Syktyvkar.

⁵¹¹ Information from the website of the Ministry of Health and Social Development of the Russian Federation, at http://mzsrrf.newscenter.ru/mon_stat/214.html.

⁵¹² RUSSIAN FEDERATION: NOWHERE TO TURN TO: VIOLENCE AGAINST WOMEN IN THE FAMILY, Amnesty International, 47, December 14, 2005, EUR 46/056/2005 at <http://web.amnesty.org/library/Index/ENGEUR460562005>.

⁵¹³ *Id.*

⁵¹⁴ *Expert Opinions on Issues of Violence in BREAKING THE CIRCLE OF SILENCE . . . ON VIOLENCE AGAINST WOMEN*, Moscow Center for Gender Studies, (N. M. Rimashevskaya, ed., 2005) at 177.

⁵¹⁵ Interview, Anna Repetskaya, May 19, 2005, Irkutsk.

⁵¹⁶ DISCRIMINATION AGAINST WOMEN IN CONTEMPORARY RUSSIA, *supra*, at <http://www.mhg.ru/publications/2039961>.

⁵¹⁷ Interview, Liudmila Ermakova, February 28, 2005, Yekaterinburg.

Komi Republic reported that a spouse or partner had forced them to participate in sex against their wishes.⁵¹⁸

Adolescents are also victims of rape and sexual abuse. A forensic psychologist in Rostov-on-Don reported that the victims in most his cases are girls between the age of 12 and 15.⁵¹⁹ A second forensic expert confirmed that girls between the ages of 14 and 22 are most often victims of sexual violence.⁵²⁰

Stigmatization of rape victims and myths about sexual crimes prevail, both in the society at large and within the legal and law enforcement systems. For example, an informal survey of 31 male prosecutors indicated that 81% agreed with the statement “women often voluntarily enter into sex and then falsely accuse their partner of rape.”⁵²¹ Approximately a third of respondents to a survey on attitudes toward sexual violence, conducted by an NGO in Naberezhniye Chelny, were of the opinion that “it is the victims themselves who provoke the offenses (by wearing provocative clothes, flirting, consuming alcohol, smoking).”⁵²² A social survey of both men and women revealed that marital rape is little understood; 60% of men and 50% of women agreed with the statement that “rape within marriage is impossible in principle.”⁵²³ Criminal cases are almost never initiated when the rape victim is a prostitute, due mainly to the belief that she is to blame.⁵²⁴ Women’s fear of public shame is enhanced by the fact that the media not infrequently publishes information about victims of sexual violence.⁵²⁵

The criminal justice system discourages victims from seeking redress and treats them with little sensitivity. As one interviewee explained, “In Russia, it’s not a secret that people are silent about sexual violence, especially law enforcement organs. Police lower or try not to take such applications. They don’t like these crimes because the proof is hard to gather and the expertise is difficult.”⁵²⁶ A much more troubling allegation directed against law enforcement are reports of women being raped by police officers.⁵²⁷

⁵¹⁸ 295 women took part in sociological research conducted by the Republic Centers for Social Assistance to Families and Children. See STATE REPORT ON THE STATUS OF WOMEN IN THE REPUBLIC OF KOMI, Ministry of Labor and Social Development of the Republic of Komi (2004) at 30.

⁵¹⁹ Interview, Sergei Shipshin, March 31, 2005, Rostov-on-Don.

⁵²⁰ *Expert Opinions on Issues of Violence in BREAKING THE CIRCLE OF SILENCE . . . ON VIOLENCE AGAINST WOMEN*, Moscow Center for Gender Studies, (N. M. Rimashevskaya, ed., 2005) at 121.

⁵²¹ Material provided by Yuri Solodun, Professor of Criminalistics, Institute of Advanced Studies for the Prosecutor’s Office, Irkutsk.

⁵²² DISCRIMINATION AGAINST WOMEN IN CONTEMPORARY RUSSIA, *supra*.

⁵²³ I. D. Gorshkova, *Patriarchal Patterns, Contraception and Abortions in the Russian Family*, seminar materials from “Issues of Reproductive Health in Eastern Europe and the Former Soviet Countries,” 16-20 October, 2004, Bucharest.

⁵²⁴ Interview, Larisa Gareyeva, March 15, 2005, St. Petersburg.

⁵²⁵ Interviews, Olga Dmitrieva, May 12, 2005, Vladivostok, Irina Mardar, March 28, 2005, Rostov-on-Don.

⁵²⁶ Interview, Olga Dmitrieva, May 12, 2005, Vladivostok.

⁵²⁷ Interviews, Valentina Cherevatenko, March 29, 2005, Rostov-on-Don; Nina Sokolskaya, March 30, 2005, Rostov-on-Don; *Expert Opinions on Issues of Violence in BREAKING THE CIRCLE OF SILENCE . . . ON VIOLENCE AGAINST WOMEN*, Moscow Center for Gender Studies, (N. M. Rimashevskaya, ed., 2005) at 163; *Violence against Women in Russia: A Report to the Committee on Economic, Social and Cultural Rights*, World Organisation Against Torture (OMCT) (2003) at 311.

Serious bureaucratic hurdles in the medical examination procedure limit a victim's ability to obtain redress. A report on violence against women in Russia notes that "medical examiners reportedly do not conduct exams of rape victims unless they are explicitly responding to questions posed by the judge in the case. This creates grave problems for the victims since the medical evidence will likely be lost by the time the judge issues such questions or instructions."⁵²⁸

A number of experts noted that the process of investigating and prosecuting a case of rape is so traumatic and humiliating for the victim that it discourages women from reporting the crime at all. The director of a government Regional Center for Social Assistance to Families and Children stated that when young women who are victims of sexual violence come, the staff discourages them from going to the police or a forensic expert, "those who went through the process say the trauma was worse than the rape. . . . Male police officers think the woman is at fault, that she provoked it. We recommend that they do not go through the process because it can be so traumatic psychologically."⁵²⁹ Police investigators and prosecutors subject the rape victim to humiliating questions and ask them to repeat their story multiple times, including intimate details. Another expert recounted a case in which a woman was sexually assaulted by a police officer on a train. In court, the prosecutor questioned the victim about why she did not call for help and why it was "so easy" for her to be forced to have intercourse.⁵³⁰ This interviewee also raised a significant point- that law enforcement officers subject both adult women and minor rape victims to the same forms of questioning.⁵³¹

It is not uncommon for rape victims to be subjected to intense pressure by the rapist or his family to change her testimony. "It could take half a year [to get to court]. The woman is called into questioning, terrorized by the rapist and his friends. There is no protection for the victim and lots of procedural delays."⁵³² It was also reported that victims are sometimes paid to testify that the intercourse was, in fact, consensual.⁵³³

Services for victims of rape and sexual assault are inadequate. As described above, existing State-sponsored institutions are largely centered on helping families and children, not violence against women. Even those which offer "crisis" services are ill-equipped to provide the specialized psychological therapy and legal support needed for a victim's rehabilitation and cooperation in prosecution efforts. The government has also not organized programs on the prevention of sexual violence.

⁵²⁸ *Violence against Women in Russia: A Report to the Committee on Economic, Social and Cultural Rights*, World Organisation Against Torture (OMCT) (2003) at 311.

⁵²⁹ Interview, Nina Sokolskaya, March 30, 2005, Rostov-on-Don.

⁵³⁰ Interview, Sergei Shipshin, March 31, 2005, Rostov-on-Don.

⁵³¹ *Id.*

⁵³² Interview, Liudmila Ermakova, February 28, 2005, Yekaterinburg.

⁵³³ DISCRIMINATION AGAINST WOMEN IN CONTEMPORARY RUSSIA, *supra*, at <http://www.mhg.ru/publications/2039961>. Interview, Anna Repetskaya, May 19, 2005, Irkutsk.

Violence Against Women in Situations of Armed Conflict

The present assessment is not intended to fully analyze the extent of violations of women's rights in the North Caucasus, which would require extensive and dedicated research of the subject. It is nevertheless important to make note of the fact that women who live in situations of armed conflict in the North Caucasus or who are forced to leave their homes for the same reason suffer specific forms of violence and discrimination. The plight of women in armed conflict and female internally displaced persons (IDPs) has received virtually no State attention and, in fact, is not even mentioned in either the Fifth State Party report to the CEDAW Committee or in the recent report on progress made in the implementation of the Beijing Platform for Action.⁵³⁴

In December 2004, the UN Special Rapporteur on violence against women visited Ingushetia and Chechnya and issued a statement in which she drew attention to violations of women's rights in the North Caucasus, mainly in the form of arbitrary detention and torture by State security forces in targeted operations.⁵³⁵ Human rights groups, such as Memorial, Human Rights Watch and Amnesty International, have documented many cases of disappearances, abduction, sexual violence and persecution of women, as well as torture and rape in detention in the Chechen Republic.⁵³⁶ Experts have also noted that while women were once treated with some level of caution, recent participation by women in terrorist acts in Russia, namely as suicide bombers, has led to an increase in the targeting of women by both Russian and Chechen security forces.

Little attention has been paid to the ancillary effects of armed conflict on women and girls. An NGO in the North Caucasus mentioned that they saw many cases of domestic violence committed by husbands and sons returning from combat in Chechnya.⁵³⁷ On a positive note, such incidents appear to have lessened somewhat, due to improvements in psychological rehabilitation offered by the military. Both older and young women, however, face other risks as a result of conflict. A survey of 500 women whose sons were killed in armed conflict revealed that 50% of them were living on the edge of poverty due to the loss of financial support⁵³⁸ and that such women often face difficulty receiving State assistance due to procedural barriers in how benefits are distributed to family members.⁵³⁹ Of young women, it was noted that many "have no memory of the

⁵³⁴ Fifth Periodic Reports of States Parties, Russian Federation, March 3, 1999; Russian Federation Replies to the Questionnaire of the United Nations Secretariat on the Implementation of the Beijing Platform for Action at <http://www.un.org/womenwatch/daw/Review/responses/RUSSIAN-FEDERATION-English.pdf>.

⁵³⁵ *UN Women's Rights Expert Concludes Visit to Russian Federation*, United Nations in the Russian Federation, December 24, 2004 at <http://www.unrussia.ru/eng/news/index.php?page=2&news=84>.

⁵³⁶ See e.g., S.A. Gannushkina, *On the Situation of Chechnya Residents in the Russian Federation, June 2003-May 2004*, Memorial Human Rights Center and Migration Rights Network (2004); Russian Federation: Failure to Protect or Punish: Human Rights Violations and Impunity in Chechnya, Amnesty International, EUR 46/004/2002 (2002); Russian Federation: Serious Violations of Women's Human Rights in Chechnya, Human Rights Watch (2002); *Violence against Women in Russia: A Report to the Committee on Economic, Social and Cultural Rights*, World Organisation Against Torture (OMCT) (2003).

⁵³⁷ Interview, Valentina Cherevatenko, March 29, 2005, Novochechensk.

⁵³⁸ *Id.*

⁵³⁹ *Id.* and Interview, Liudmila Morozova, May 16, 2005, Yuzhno-Sakhalinsk.

past or hope for the future. They are very vulnerable and can easily be manipulated. . . . They are more at risk because of their specific upbringing and a lot of attention is paid to boys as future breadwinners. There are no such government programs for girls.”⁵⁴⁰

⁵⁴⁰ Interview, Valentina Cherevatenko, March 29, 2005, Novocherkassk.

Article 13

1. States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to family benefits;

(b) The right to bank loans, mortgages and other forms of financial credit;

(c) The right to participate in recreational activities, sports and all aspects of cultural life.

Areas of Concern

- Many women with children depend on family benefits, but the present payments are not reflective of the current cost of living.
- The State has not created programs directed at providing credit to women.

De Jure Compliance

(a) Family Benefits

The Russian government retains its Soviet- era system of monetary benefits for families with minor children. Women are generally the recipients of such benefits, intended to assist during pregnancy and child-rearing. According to the law “On State Benefits to Citizens with Children,”⁵⁴¹ women are entitled to benefits during pregnancy, a single payment after receiving a medical consultation during the first 12 weeks of the pregnancy, intended to promote early and regular medical care, and a one-time benefit at the time of birth. Either parent or caretaker can receive benefits for the birth of a child, a monthly benefit during leave from work until the child is 1½ years old, additional compensation for the parent who takes a longer leave, until the child is three years old, and a monthly benefit for the child until age 16. In the case of single mothers, child benefits are increased by 100%.⁵⁴² Single fathers, however, do not benefit from this additional assistance. Adolescent parents (age 16-18) are also eligible for benefits for their children. Additionally, the government assesses a regional coefficient for certain remote areas, and benefits are increased by this amount.

(b) Financial Credit

Under Russian law, women and men have equal right to apply for and receive loans or financial credit.⁵⁴³ In order to support development of small businesses, federal and municipal funds can provide small business with low-interest loans and financial credit.⁵⁴⁴ Specific guarantees also exist for receiving credit toward the purchase of

⁵⁴¹ Federal Law No. 81-FZ, from May 19, 1995.

⁵⁴² *Id.*, Article 17.

⁵⁴³ *See* Civil Code, Article 1.

⁵⁴⁴ Federal Law “On State Support of Small Business in the Russian Federation” No. 88-FZ, from June 14, 1995.

housing.⁵⁴⁵ At the regional level, a number of subjects and cities have adopted specific programs that assist young families in obtaining housing. For example, Samara Oblast has a program on “Affordable Housing for Young Families for 2003-2010” that provides such subsidies to young families.

(c) Recreational and Cultural Activities

Women in Russia do not face legal restrictions to their participation in sport, recreational or cultural activities. Although Russian law does not incorporate the specific guarantees described in CEDAW Article 13, the right of every citizen to leisure and to participate in cultural activities is well-defined in the Constitution,⁵⁴⁶ the law “On Protecting the Health of Citizens,”⁵⁴⁷ and a number of laws that address Russia’s cultural heritage,⁵⁴⁸ including historical monuments,⁵⁴⁹ museums,⁵⁵⁰ theaters⁵⁵¹ and sport.⁵⁵²

De Facto Compliance

As discussed elsewhere in this report, the trend toward the “feminization” of poverty in Russia continues. Women are disproportionately raising children alone, yet they face discrimination in employment, for example during the hiring process and in smaller salaries. Many women depend greatly on State-provided child benefits, yet at the present time, the amount is too little to provide meaningful assistance.

(a) Family Benefits

The State provides a number of benefits to women with children, as well as to disabled citizens and veterans. As long as women are able to submit the required documents showing eligibility, there are theoretically no barriers to receiving such benefits. However, respondents to this assessment raised two issues: the insufficiency of the child benefit itself and the changes to the way financial assistance is paid, as a result of legislative changes which monetized benefits in Russia.⁵⁵³ The present monthly benefit for children under the age of 16 is 70 rubles [\$2.45 USD]. For single mothers, the benefit is double. An NGO in Altai Krai noted that many women do not apply for such benefits due to the complexity of the process which requires documents to be gathered from a number of institutions, a task which is especially difficult for mothers of young

⁵⁴⁵ Federal Law “On the Basics of the Federal Housing Policy” No. 4218-I, from December 24, 1992; Presidential Decree “On Housing Credit” No. 1180, from June 10, 1994.

⁵⁴⁶ See Articles 37, 44.

⁵⁴⁷ Article 17, the “Basic Law of the Russian Federation On Protecting the Health of Citizens” No. 5487-1, from July 22, 1993.

⁵⁴⁸ “Basic Law of the Russian Federation On Culture” No. 3612-I, from October 9, 1992.

⁵⁴⁹ Federal Law “On Objects of Cultural Heritage (historical and cultural monuments) of the People of the Russian Federation” No. 73-FZ, from June 25, 2002.

⁵⁵⁰ Federal Law “On the Museum Fund of the Russian Federation and Museums in the Russian Federation” No. 54-FZ, from May 26, 1996.

⁵⁵¹ Resolution of the Government “On State Support for Theatrical Arts in the Russian Federation” No. 329, from March 25, 1999.

⁵⁵² Law “On Physical Culture and Sport in the Russian Federation” No. 80-FZ, from April 29, 1999.

⁵⁵³ See, Federal Law No. 122-FZ, from August 22, 2004.

children.⁵⁵⁴ Participants of focus groups conducted by the Moscow Helsinki Group complained that child benefits to which they are entitled are frequently delayed or not paid at all.⁵⁵⁵

(b) Financial Credit

Despite the lack of legal discrimination between men and women in eligibility for various forms of financial credit, women do face some difficulties in obtaining loans, most often seen in connection with business. Because women generally lack the required collateral and have lower salaries than men, they are perceived as a greater risk for repayment. Interviewees noted that it is especially difficult for single women who are starting a business to obtain credit.⁵⁵⁶

There are no State-sponsored programs aimed specifically at giving credit to women. Regional employment centers have supported small-business programs and report that most of their participants are women. Such programs, however, do not give loans directly, but assist with forming a business plan, obtaining documentation and registration.

Several international or NGO networks, such as the Russian Women's Microfinance Network, also assist women in this area.

(c) Recreational and Cultural Activities

Women play an active role in the cultural life of Russia. In fact, women outnumber men in professions in the cultural sphere (for example, the majority of employees of museums, cultural centers, theaters and libraries are women). Such work, financed by the federal budget, is very low-paying and women make up between 80-85% of such "budget sphere" workers.⁵⁵⁷ As one expert noted about such women, "They are the working poor. They have jobs and are working but earn just the minimum wage- 720 rubles a month [\$25.20 USD]"⁵⁵⁸

⁵⁵⁴ *Regional Report from the Project Monitoring of the Situation of Discrimination Against Women in Russia*, Altai Krai, Altai Krai Women's NGO "Nadezhda" (2002), available at <http://mhg64.valuehost.ru/publications/2517407>.

⁵⁵⁵ DISCRIMINATION AGAINST WOMEN IN CONTEMPORARY RUSSIA, Moscow Helsinki Group (T. Lokshina, ed., 2003) at <http://www.mhg.ru/publications/2039961>.

⁵⁵⁶ Interviews, Svetlana Yakimenko, April 6, 2005, Moscow; Svetlana Bazhenova, May 11, 2005, Vladivostok.

⁵⁵⁷ Focus Group, January 25, 2005, Moscow; Interview, Elena Ershova, December 27, 2004, Moscow.

⁵⁵⁸ Interview, Elena Ershova, December 27, 2004, Moscow.

Article 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetised sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of this Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

(a) To participate in the elaboration and implementation of development planning at all levels;

(b) To have access to adequate health care facilities, including information, counseling and services in family planning;

(c) To benefit directly from social security programmes;

(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;

(e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment;

(f) To participate in all community activities;

(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

Areas of Concern

- There are no special programs on the advancement of rural women. The State primarily addresses the situation of rural women through programs on the protection of maternity, reproductive health and families.
- Health care facilities in rural areas do meet modern standards and the specific health concerns of rural women are not being adequately addressed.
- In some rural regions, the lack of basic infrastructure (for example, lack of water, heating, telephone lines and transportation) contributes to women's workload and isolation from State services.
- A significant portion of rural women's labor is unpaid and therefore does not count towards their pension fund and does not entitle them to healthcare coverage.

De Jure Compliance

The Russian government has recognized the specific problems facing residents of rural areas and has enacted legislation and adopted programs to address some of the inadequacies in living conditions. For the most part, however, the normative documents are broad and, with the exception of attention to maternity, do not make provisions for the specific circumstances of rural women.

Most significantly, in 1990, Russia passed a law “On the Social Development of Rural Areas.”⁵⁵⁹ The law provided for a 25% increase in salaries for medical professionals, teachers, and workers in the spheres of cultural, sports and other services as well as introduced measures on investment and support of rural infrastructure. The law became inactive on January 1, 2005, ending such policies. However, a Governmental resolution “On Benefits for Citizens Moving and Taking Employment in Rural Areas” theoretically remains active and continues to provide benefits for those who move from urban to rural areas for work.⁵⁶⁰

A Federal program, “Social Development of Rural Areas by 2010,”⁵⁶¹ was adopted by resolution in 2002 and recommends that the subject-level governments and organs of local government develop and adopt regional and municipal programs to improve the social and economic conditions as well as the infrastructure of rural municipalities. The program is far-reaching, encompassing such measures as the development of networks of medical facilities, restructuring educational institutions, creating municipal sport programs, formulating financial and credit schemes for the construction of housing, improving telecommunications networks and developing electrical and gas supplies. However, the program is broad and does not identify the distinct problems that rural women face.

A resolution of 1990, “On Urgent Measures on Improving the Situation of Women, Families and Protecting Maternity and Childhood in Rural Areas,”⁵⁶² remains in force and grants rural women a number of specific benefits, such as a monthly payment for each child up to the age of three, with an increased amount for subsequent children, free nutritional supplements for women who are pregnant or breastfeeding, a 30% increase in salary for certain types of shift work and a reduced work week (36 hours) at full salary. Additionally, the government assesses a regional coefficient for certain rural areas and benefits are increased by this amount.

De Facto Compliance

Official statistics indicate that currently 73% of the Russian population (104.7 million) lives in cities while the remaining 27% of the population (38.8 million) lives in rural areas, a proportion which has not changed since 1989.⁵⁶³

The rural regions in Russia are characterized by lack of infrastructure and economic deterioration. Monitoring of social and labor problems in rural areas conducted in 1999 indicated that agrarian reform (meaning, redistribution of land, reforms in farming) has had tremendous costs to rural women, specifically the worsening of their economic

⁵⁵⁹ No 438-1, from December 21, 1991.

⁵⁶⁰ Governmental Resolution “On Benefits for Citizens Moving and Taking Employment in Rural Areas” No. 533, from May 25, 1994.

⁵⁶¹ Governmental Resolution No 858, from December 3, 2002.

⁵⁶² Resolution of the Supreme Council of the RSFSR No. 298/3-I, from November 1, 1990.

⁵⁶³ Data from the Federal Service of Government Statistics, at <http://www.gks.ru/wps/portal>.

status.⁵⁶⁴ Numerous enterprises that once supported rural areas became obsolete or unprofitable after the dissolution of the Soviet Union and have steadily been closing. Respondents also mentioned that public institutions, such as hospitals, schools, libraries and post offices are being shut down in rural areas, resulting not only in the loss of jobs but also limitation of access to basic services.⁵⁶⁵

According to experts, if it can be said that women in urban areas experience the “double burden” of employment and household duties, then rural women have a “triple burden” of employment, housework and childcare as well as subsistence farming.⁵⁶⁶

The population of rural areas also tends to adhere more rigidly to gender stereotypes than those in urban areas. It is important to note, however, that given the size of the territory of the Russian Federation, there are also important differences across rural areas, based on geographical location and ethnic composition.

While the Federal government recognizes the difficulties inherent in rural life and has responded with programs aimed to improve the situation, the programs are not well known and appear to have little effect on improving the lives of women in rural regions.

(2b) Access to Healthcare

Rural areas are under-resourced, both in the number of healthcare specialists available to women, specialized equipment and accessibility of hospitals. Generally, villages have only a medical point (FAP) staffed by a *feldsher* (a medical assistant or paramedic) and midwife who provide basic healthcare. Many villages do not have access to specialists, such as dentists, gynecologists or maternity hospitals; in some remote areas, doctors must travel on horseback.⁵⁶⁷ Studies have found that women from small towns and rural areas spend more time than men traveling to health care points, and thus such women reported the lowest rate of visits to medical institutions.⁵⁶⁸

Women in rural areas face a number of specific health concerns that have not been adequately addressed. A respondent who works in Dagestan reported that women particularly in the mountainous areas age prematurely due to hard physical labor, since they are responsible for all household chores, such as carrying water long distances.⁵⁶⁹

⁵⁶⁴ B. P. Pankov, *Ways to Overcome Poverty and Discrimination Against Rural Women in Light of the Millennium Declaration Goals (Puti preodoleniya bednosti i diskriminatsii selskih zhenshin v svete tselei Deklaratsii tyisyacheletiya)* in INTERNATIONAL LAW IN THE AREA OF EQUALITY BETWEEN MEN AND WOMEN: THE UN MILLENNIUM DECLARATION, THE GOALS AND MEANS OF REALIZING THEM (*Mezhdunarodnoye pravo v oblasti ravnopraviya muzhchin i zhenshin: Deklaratsiya tyisyacheletiya OON, zayavlenyye tseli i sposobyi ih vyipolneniya* 50 (2003).

⁵⁶⁵ Focus groups, February 10, 2005, Petrozavodsk, April 19, 2005, Syktyvkar.

⁵⁶⁶ IRINA KALABIKHINA, GENDER ISSUES IN TRANSITION: URBAN AND RURAL RUSSIA 27 (2004).

⁵⁶⁷ Interviews, Faina Yandukina, February 25, 2005, Orel village, Perm Oblast; Irina Gekht, February 26, 2005, Chelyabinsk; Alshat Magamedova, March 25, 2005, Moscow.

⁵⁶⁸ GENDER IN RUSSIA: A REVIEW OF LITERATURE (based on domestic publications 1993-2003), World Bank, April 2004 at 69.

⁵⁶⁹ Interview, Alshat Magamedova, March 25, 2005, Moscow.

Respondents in other regions stated that alcoholism rates among rural women are increasing, and demographic studies of Russia as a whole corroborate this. Death rates from cirrhosis of the liver have increased in women more than 20 times (from a rate measured in 1965-1984 compared to data taken from 2000-2003). Deaths among Russian women from alcohol poisoning have increased 2.5 times.⁵⁷⁰ In the area of reproductive health, a study of differences in urban and rural life indicated that lack of knowledge about contraception is widespread among rural women, even among younger generations, and many rural women consider abortions safer than using contraceptives.⁵⁷¹ Official statistics show that the maternal mortality rate for rural women is significantly higher than the rate for women who give birth in cities (45 deaths per 10,000 as compared to 27 deaths per 10,000).⁵⁷² One interviewee also pointed out that the State has made slow progress in removing dangerous pesticides from farming regions and that the population, in particular women of reproductive age, are not being taught proper safety precautions.⁵⁷³

Women in rural regions are especially at risk for domestic violence, in part due to more rigid notions about the roles of men and women. The latency level of this type of crime is even higher than in urban centers.⁵⁷⁴ This phenomenon is explained by various factors, such as the lack of law enforcement personnel. Some small towns employ only one local police inspector (*uchastkovii inspektor*) and forensic medical experts, who are the only professionals authorized to document evidence of physical violence, are only located in cities.⁵⁷⁵ Rural women themselves are often reluctant to report domestic violence for the same objective reasons as urban women (for example, the inability to move to a separate apartment after divorce and financial dependence on the abusive husband). Of course, such economic factors and housing issues are more acute in rural regions.

(2d) Access to Education

As mentioned above, many kindergartens and schools have closed in rural areas. For example, from 1990-2000, 43% of pre-schools in Smolensk Oblast were eliminated, 73% of which were located in rural regions.⁵⁷⁶ Schools in rural regions lack specialist teachers and may not offer the full curriculum. It was not reported, however, that rural women face any particular limitations in realizing their right to education. In fact, an interviewee explained that in farming communities, girls continue on to higher education more often than boys who are needed to work and expected to support their

⁵⁷⁰ Evgenii Andreev, Ekaterina Kvasha, Tatiana Kharkova, *Is Female Mortality Becoming More Masculine? (Zhenskaya smertnost maskyliniziruetsya?)*, Demoskop Weekly, May 2-22, 2005 at http://demoscope.ru/weekly/2005/0201/s_map.php#1.

⁵⁷¹ IRINA KALABIKHINA, GENDER ISSUES IN TRANSITION: URBAN AND RURAL RUSSIA 194 (2004).

⁵⁷² WOMEN AND MEN IN RUSSIA, Federal Service of Government Statistics 35 (2004).

⁵⁷³ Interview, Maria Sobol, February 26, 2005, Chelyabinsk.

⁵⁷⁴ Interview, Anna Repetskaya, May 19, 2005, Irkutsk.

⁵⁷⁵ *Id.*

⁵⁷⁶ *Status of Women in Smolensk Oblast in the Context of Observing Human Rights and the Convention on the Elimination of All Forms of Discrimination Against Women*, (2002) available at <http://mhg64.valuehost.ru/publications/2517407>. See Article 11, above, for a general discussion of the impact of the elimination of free pre-schools on women's employment.

families.⁵⁷⁷ Likewise, young women are often encouraged to pursue their education and leave rural areas because of the difficulty of life there.⁵⁷⁸ The exception in this general trend, however, seems to be in areas in which State educational institutions are being replaced by fee-based institutes and universities. In such situations, it was reported that rural families with limited financial means may chose to send a son to university and not a daughter.⁵⁷⁹

(2e) *Equal Access to Economic Opportunities*

There are no programs that specifically support rural women economically. As noted above, many of the enterprises that once supported rural areas have closed, with women more often losing work.⁵⁸⁰ From 1999-2001, the number of employed men rose by 3% and employed women fell by 2.5%, among rural industries.⁵⁸¹ Women face difficulties in finding work in rural areas. As the Ombudsman from Sverdlovsk Oblast explained, “women work in the social and service spheres and these are precisely the areas of cut-backs in rural regions. It’s easier for men to find work.”⁵⁸²

As is true in other spheres, women’s salaries in agriculture are significantly lower than men’s; in 2000, male salaries were 14% higher.⁵⁸³ As mentioned above, rural women undertake supplemental family farming in addition to work outside the home or are expected to take part in the family business of farming. Women do not receive remuneration for such unofficial work⁵⁸⁴ nor is it counted toward pension benefits⁵⁸⁵ or health care coverage.

While the law on private farming grants men and women the equal right to found farms and the right to share equally in the profits of farming, experts state that women often find themselves disadvantaged if they leave the farm, for example in the case of divorce. During divorce, because a farm is considered indivisible property under the law, men most often retain ownership of the farm and women are compelled to leave their share for which they receive compensation. Generally, however, such compensation is not commensurate with the value of the enterprise.⁵⁸⁶

⁵⁷⁷ Interview, Ildus Adigamov, February 18, 2005, Ufa.

⁵⁷⁸ Interview, Vera Ramih, March 30, 2005, Rostov-on-Don.

⁵⁷⁹ Interview, Liudmila Kabanova, March 15, 2005, Moscow.

⁵⁸⁰ *Regional Report from the Project Monitoring of the Situation of Discrimination Against Women in Russia*, Altai Krai, Altai Krai Women’s NGO “Nadezhda” (2002), at <http://mhg64.valuehost.ru/publications/2517407>.

⁵⁸¹ B. P. Pankov, *Ways to Overcome Poverty and Discrimination Against Rural Women in Light of the Millennium Declaration Goals*, *supra*.

⁵⁸² Interview, Tatiana Merzlyakova, February 28, 2005, Yekaterinburg.

⁵⁸³ B. P. Pankov, *Ways to Overcome Poverty and Discrimination Against Rural Women in Light of the Millennium Declaration Goals*, *supra*.

⁵⁸⁴ IRINA KALABIKHINA, GENDER ISSUES IN TRANSITION: URBAN AND RURAL RUSSIA 27 (2004).

⁵⁸⁵ Interview, Roza Klementeva, December 15, 2004, Moscow.

⁵⁸⁶ Article 9, Federal Law “On Private Farming” No. 74-FZ, from June 11, 2003.

Several respondents noted that limited economic opportunities for young women from rural areas put them at increased risk of becoming involved in prostitution⁵⁸⁷ or victims of human trafficking, often domestic. As an NGO activist explained when asked about risk groups, “they are young women from small cities and villages. . . . they are not just going abroad but are sold and resold around [Primorski] Krai, from bordello to bordello. About 90 to 100% of those who work in prostitution in Vladivostok are from rural areas. . . . Recruiters are constantly going to villages for this.”⁵⁸⁸ While many NGOs, some working with local Employment Centers, are reaching out to this risk group, the government has not recognized the need to improve rural women’s economic status as a way to address other forms of discrimination.

(2h) Right to Adequate Living Conditions

According to research conducted in rural areas around Russia, inhabitants were concerned about the lack of basic infrastructure, including irregular natural gas and water supplies, lack of telephone lines and a limited radio network.⁵⁸⁹ As mentioned above, in some remote regions lack of basic necessities, such as fresh water, results in increased work for women. Respondents to the present assessment also noted that rural regions often have limited access to television and newspapers, resulting in a general lack of information. One interviewee noted that this meant women were unable to receive information, prepared by NGOs, on their rights in cases of domestic violence.⁵⁹⁰ Likewise, telephone hotlines created by State and NGO crisis centers are often inaccessible from rural areas. Limited public transportation from rural to urban areas also prevents women from using public services such as AIDS Centers and Family Planning Centers. As mentioned above, the law “On the Social Development of Rural Areas,” became inactive in 2005, apparently without having had much impact on the situation.

⁵⁸⁷ Interview, Marina Akulova, May 18, 2005, Irkutsk.

⁵⁸⁸ Interview, Svetlana Bazhenova, May 11, 2005, Vladivostok.

⁵⁸⁹ IRINA KALABIKHINA, GENDER ISSUES IN TRANSITION: URBAN AND RURAL RUSSIA 195 (2004).

⁵⁹⁰ Interview, Anna Repetskaya, May 19, 2005, Irkutsk.

Article 15

1. States Parties shall accord to women equality with men before the law.
2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.
3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.
4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

Areas of Concern

- The lack of consciousness among women concerning gender discrimination combined with an underdeveloped legal culture limits the use of the legal system as a tool for promoting women's rights.
- Lack of economic independence presents an obstacle to women who seek legal redress.

De Jure Compliance

As discussed in the analysis of Articles 1 and 2 of the Convention above, Russian law guarantees equality of women and men, and sex is considered a protected category, as elaborated by the Constitution⁵⁹¹ and reiterated in basic normative documents.⁵⁹² The principle of equality before the law is the basis of the judicial system in Russia. The Law "On the Judicial System of the Russian Federation" states, "the court will not give preference to any . . . individual . . . on the basis of their government, social status, sex, race, nationality . . ." ⁵⁹³

According to Article 17 of the Civil Code, men and women acquire legal capacity at the age of majority, 18 years, or at the time of marriage. There are no legal restrictions on women's rights to conclude contracts or to own property in their own names.

There are no legal limitations on women's movement. However, the mandatory residency permit (*propiska*) system,⁵⁹⁴ restricts a person to a particular legal place of residence.

⁵⁹¹ Constitution of the Russian Federation, Article 19.

⁵⁹² Civil Code, Civil Procedure Code, Labor Code, Family Code, Criminal Code and Criminal Procedure Code.

⁵⁹³ Article 7, Federal Constitutional Law "On the Judicial System of the Russian Federation" No 1-FKZ, from December 31, 1996.

⁵⁹⁴ In 1993, the *propiska* system was changed by federal law to a system of registration of one's place of residence. The Constitutional Court of the Russian Federation has issued several rulings declaring the *propiska* system and elements of the registration system unconstitutional. Currently, the registration system still functions, requiring Russian citizens and foreigners to register their place of residence, by presenting a passport, application and reason for arrival.

De Facto Compliance

Women and men are technically equal before the law in Russia, and there are no laws that limit women's legal capacity. By the same token, the law does not afford women any special protection in areas in which they are disadvantaged. For example, when asked about the possibility of Russia passing a law on domestic violence, one legal expert stated, "the problems of women are always in last place. I am not optimistic. There are always a few changes to the Family and Labor Codes but no major legal changes or whole laws adopted."⁵⁹⁵

Lack of involvement by legal professionals generally in cases of gender discrimination is problematic, and is especially acute in the area of domestic violence. In such cases, the accused typically has an attorney but the victim does not, because she cannot afford it.⁵⁹⁶ It was estimated that a private attorney would charge between \$300 USD and \$1,000 USD to represent a victim of domestic violence to the conclusion of a case.⁵⁹⁷ This sum is exorbitant for many women. Other than criminal defense attorneys, Russia has not developed a system of free legal services or *pro bono* attorneys. Few NGO-run crisis centers are able to afford full-time lawyers.

As a whole, there is little societal confidence in using the legal system to protect one's rights. Numerous respondents stated that women themselves do not know their rights under the law and therefore seldom turn to courts for protection. In response, NGOs through out the country have undertaken projects to promote "legal literacy" among women on such topics as gender-based violence, family law, housing law and labor law. The State, however, does not generally educate citizens about their rights.

Freedom of Movement

The mandatory residency permit (*propiska*) system, mentioned above, was reported as impeding women's rights in receiving healthcare (particularly in the case of pregnancy) and services for domestic violence, as discussed in Article 12 of this report. When women leave rural areas to find work in larger cities, the lack of a residency permit was cited as the main factor that pushes them into informal employment.⁵⁹⁸ Roma and migrant women generally do not have a *propiska*.

Significantly, there is a considerable population of women and children who have been displaced by armed conflict in Southern Russia (internally displaced persons-IDPs) who are unable to realize their right to choose their residence.

⁵⁹⁵ Interview, Anna Repetskaya, May 19, 2005, Irkutsk.

⁵⁹⁶ *Expert Opinions on Issues of Violence in BREAKING THE CIRCLE OF SILENCE . . . ON VIOLENCE AGAINST WOMEN*, Moscow Center for Gender Studies, (N. M. Rimashevskaya, ed., 2005) at 208.

⁵⁹⁷ Interview, Elena Zolotilova, March 30, 2005, Rostov-on-Don. *Expert Opinions on Issues of Violence in BREAKING THE CIRCLE OF SILENCE . . . ON VIOLENCE AGAINST WOMEN*, Moscow Center for Gender Studies, (N. M. Rimashevskaya, ed., 2005) at 208.

⁵⁹⁸ Interview, Natalia Scherbakova, May 18, 2005, Vladivostok.

Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

(a) The same right to enter into marriage;

(b) The same right freely to choose spouse and to enter into marriage only with their free and full consent;

(c) The same rights and responsibilities during marriage and at its dissolution;

(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights,

(f) The same rights and responsibilities with regard to guardianship, ward ship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

(g) The same personal rights as husband and wife, including the right to choosing a family name, a profession and an occupation;

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

Areas of Concern

- Women bear the main responsibility for household work and child care which impedes their ability to realize other rights, such as the right to education and employment.
- There is no effective mechanism to enforce the payment of child support after divorce.

De Jure Compliance

Competence to regulate issues relating to family life, maternity, paternity and childhood are jointly shared by the Russian Federation and the subjects.⁵⁹⁹

Marriage and Divorce

Women and men in Russia have equal rights to choose a spouse, to enter marriage and to end a marital relationship. According to the Family Code, family relations are founded upon a voluntary marriage between a man and a woman, and spouses are explicitly granted equal rights within the family.⁶⁰⁰ The marital age of both women and men is 18, but may be lowered to age 16 by request of the under-aged person wishing to

⁵⁹⁹ Constitution of the Russian Federation, Article 72, part j.

⁶⁰⁰ Article 1, part 3, Family Code.

enter the marriage.⁶⁰¹ In order to have legal effect, a marriage must be officially registered in the civil registry office (*organ Zapisi Aktov Grazhdanskovo Sostoyaniya-ZAGS*).⁶⁰² Polygamy is illegal in the Russian Federation. There have been periodic attempts, however, to change the legal status of polygamy. For example, a member of the State Duma and leader of the Liberal Democratic Party of Russia (LDPR) that receives consistent support from the electorate, publicly supports legalizing polygamy. Likewise, in 1999 the President of the Republic of Ingushetia introduced a bill that would have made polygamy legal in the Republic. The law was not adopted as it would have contravened federal legislation.

The Family Code sets forth obligations of each spouse to base their relations within the family on principles of mutual respect and assistance, to facilitate the welfare of the family and to care for the well-being and development of their children.⁶⁰³ Limitations on the right to enter marriage and family relations, based on social status, nationality, language or religious affiliation are prohibited.⁶⁰⁴ Each spouse has the same right to freely chose a profession and a place of residence as well as the right to use the surname of the other spouse or to retain one's pre-marriage surname.⁶⁰⁵

The law places no specific restrictions on women with respect to ownership, acquisition or disposition of property related to the marriage. The Family Code grants the spouses the right to retain sole ownership of property acquired before the marriage and assumes that all property acquired during the marriage is joint property.⁶⁰⁶ Spouses may conclude a marriage contract to regulate division of property if the marriage is dissolved.⁶⁰⁷

Each spouse has an equal right to apply for the dissolution of marriage, however the law restricts the husband's right to initiate a claim for divorce without the wife's approval, during her pregnancy and for one year after the birth of the child.⁶⁰⁸ Russian law generally makes no provision for spousal support after a divorce with the exception of specific limited circumstances, one of which is for the ex-wife during her pregnancy and for three years after the birth of the child.⁶⁰⁹

Children

According to the Family Code, paternity is presumed when the parents are married. If the parents are not married, paternity can be established in ZAGS by an application from both parents. In the absence of such an application, paternity can be determined in court with the application of either parent or official guardian. If the father denies paternity, it

⁶⁰¹ *Id.*, Article 13.

⁶⁰² *Id.*, Article 10.

⁶⁰³ *Id.*, Article 31, part 3.

⁶⁰⁴ Article 1, part 4, Family Code.

⁶⁰⁵ *Id.*, Articles 31, 32.

⁶⁰⁶ *Id.*, Articles 34, 36.

⁶⁰⁷ *Id.*, Articles 40 -44.

⁶⁰⁸ *Id.*, Articles 16, 17.

⁶⁰⁹ *Id.*, Article 90.

can be established by court decision. In the absence of a court decision, when the child's birth is registered, the father of the child is indicated with the mother's surname and the first and second name of the father, as named by the mother.⁶¹⁰

Under Russian law, parents have equal rights and equal responsibilities in the raising of children.⁶¹¹ Spouses decide independently issues related to having children, but the law does provide for free medical consultations on family planning.⁶¹² The law treats men and women equally with respect to the adoption of children,⁶¹³ guardianship⁶¹⁴ and foster parenting.⁶¹⁵ Both parents' obligation to support their minor children continues after a divorce; the law provides for alimony to be paid to the child by the non-custodial parent.⁶¹⁶

De Facto Compliance

While women and men have equal rights in marriage, divorce and the raising of children, family relations in Russia are generally governed by gender-role stereotypes, which result in women taking on the greater share of family obligations including household chores and childcare. Indeed, studies indicate that women generally spend twice as much time on these activities as men:

Level of Participation in Various Household Activities and Average Time Spent (hours per week) ⁶¹⁷	Women		Men	
	% doing this type of activity	Average time spent per week	% doing this type of activity	Average time spent per week
Shopping for food	71.5	3.0	38.8	1.4
Cooking	94.5	11.8	44.1	2.2
Cleaning the apartment	85.7	2.7	34.0	2.7
Washing and ironing clothes	77.6	3.0	15.8	0.3
Childcare	37.9	7.2	32.7	4.2
All types of household activities		30.3		14.0

The fact that women have the main responsibility for such household work directly impacts their ability to realize other rights, such as to education and employment.⁶¹⁸ Furthermore, women's unpaid labor is not recognized for the purposes of social benefits (for example, health insurance or pension), thus contributing to women's lack of economic independence.

⁶¹⁰ *Id.*, Articles 47-52.

⁶¹¹ *Id.*, Article 61.

⁶¹² *Id.*, Article 15.

⁶¹³ *Id.*, Article 127.

⁶¹⁴ *Id.*, Article 146.

⁶¹⁵ *Id.*, Article 153.

⁶¹⁶ *Id.*, Chapter 13.

⁶¹⁷ Source: E. B. Mezentseva, *Men and Women in Household Activities: The Logic of Economic Rationale vs. the Logic of Gender Identity? (Muzhchiny i zhenshiny v sfere domashnego truda: logika ekonomicheskoi razionalnosti protiv logiki gendernoi identichnosti?)*, ILO (2003).

⁶¹⁸ *See*, Articles 10 and 11, above.

Marriage and Divorce

Women and men have the same legal rights related to marriage in Russia. An increasing number of couples, however, are choosing to live and raise children without officially registering their marriages, or they marry through religious ceremonies without official State sanction. It was explained that non-registered marriages generally occur between couples in long-term relationships. However, the Roma community reported that girls marry below the legal age and that their marriages are generally not registered due to tradition and cultural beliefs.⁶¹⁹ A recent report from Dagestan highlights a growing trend in which men are “marrying” second or third wives through religious ceremonies.⁶²⁰ Such so-called “Shari’a marriages” have no legal status in Russia, and thus the wives “remain in an illegal or semi-legal position, which does not give them any more stability or social protection. And if the marriage breaks up . . . the woman has no chance to defend her rights.”⁶²¹

Such non-registered marriages confer no rights to either spouse and, theoretically, men and women are affected equally. In reality, however, women are often at a distinct disadvantage when a marriage is not registered since they are the ones who most often have custody of children in the case of divorce. The lack of a registered marriage can prevent women from obtaining alimony for the children since paternity is not presumed when there is no marriage. Instead, paternity must be established through the procedure described above.

Although women in Russia have the right to conclude a marriage contract for additional protection in the case of divorce, interviewees noted that few women take advantage of this possibility. As a judge explained, women are generally aware of marriage contracts and feel that they are already entitled to many benefits under the law. Either do not fully understand their rights or prefer not to think about the possibility of the marriage ending.⁶²²

Children

Each parent bears equal responsibilities for childrearing under the law. As described in Articles 5 and 11 of this assessment, the law grants fathers equal right to employment leave connected to childcare. Very few fathers invoke such rights, however, partly due to lack of knowledge about these provisions and also because of prevailing stereotypes that this is inappropriate. A deputy of the Samara City Duma explained, “Now a father can theoretically take paternity leave. But our society does not perceive this as normal. For us it’s an absurdity.”⁶²³ Research conducted in Irkutsk confirmed that fathers

⁶¹⁹ Interview, Pavel Limanski, March 31, 2005, Rostov-on-Don.

⁶²⁰ Polina Sanayeva, *No Rights for Shari’a Wives*, Institute for War and Peace Reporting, June 2, 2005 at http://www.iwpr.net/index.pl?archive/wp/wp_002_02_eng.txt.

⁶²¹ *Id.*

⁶²² Interview, Elena Semirneva, March 1, 2005, Yekaterinburg.

⁶²³ Interview, Alla Demina, April 5, 2005, Samara.

accounted for only 1% of parents who took childcare leave as guaranteed in the Labor Code.⁶²⁴

Women have custody of the children in the vast majority of divorce cases,⁶²⁵ indicating that there are strong legal and societal presumptions that the mother is the most appropriate parent to raise the child. In fact, NGOs reported that the number of single mothers is rising in Russia.⁶²⁶ This is due, in part, to high divorce rates (in 2004, approximately two out of every three marriages ended in divorce⁶²⁷) and the prevalence of non-registered marriages. As discussed in Article 13, above, single-mothers are entitled to double the standard child allowance but the actual monetary amount remains insufficient compared to the cost of raising a child in Russia today. Justices of the peace report that women frequently approach the court for non-payment of alimony by the father,⁶²⁸ a criminal offense.⁶²⁹ Although the law requires the non-custodial parent to pay child support, employers sometimes agree to underreport salaries, paying men their full salaries unofficially in order to reduce alimony payments. In such cases, it is very difficult for the woman to sufficiently prove the real salary in court without petitioning the Tax Inspectorate for a salary review. There is no specific organ which monitors the workplace for such violations.

⁶²⁴ DISCRIMINATION AGAINST WOMEN IN CONTEMPORARY RUSSIA, Moscow Helsinki Group (T. Lokshina, ed., 2003) at <http://www.mhg.ru/publications/2039961>.

⁶²⁵ Focus Group, March 25, 2005, Samara.

⁶²⁶ A World Bank study from 2000 found that single-parent families represented about a quarter of Russian households; most were headed by women. Almost 40% of single mothers were living below the poverty line. Michael Lokshin, Kathleen Mullan Harris, Barry Popkin, *Single Mothers in Russia - Household Strategies for Coping with Poverty*, World Bank WPS 2300 (2000).

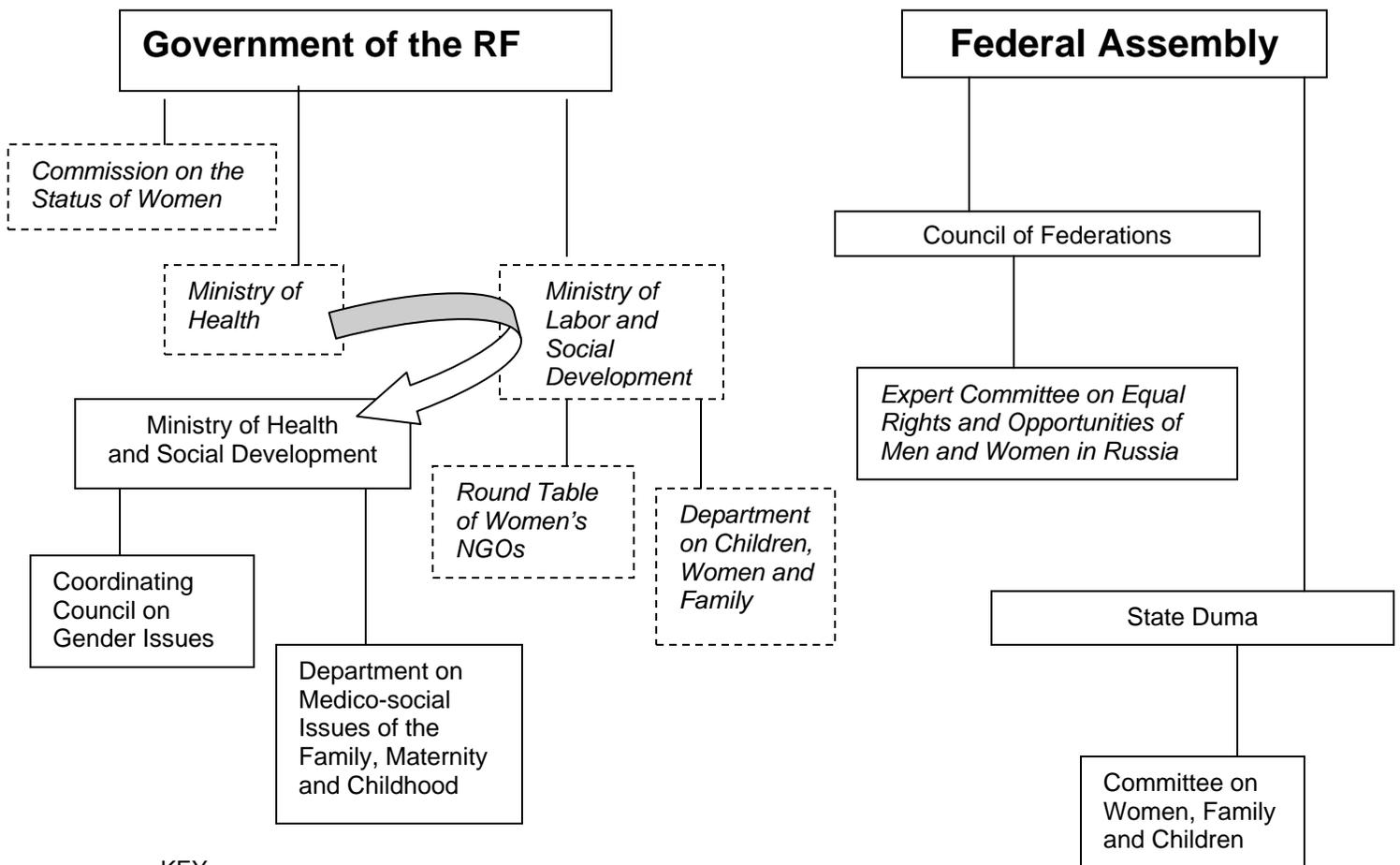
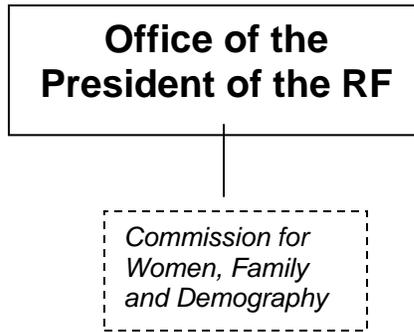
⁶²⁷ Data from the Federal Service of Government Statistics, at <http://www.gks.ru/wps/portal>.

⁶²⁸ Interviews, Galiya Chukaeva, February 19, 2005, Ufa; Natalia Turutkina, April 25, 2005, Tver.

⁶²⁹ Criminal Code, Article 157, on intentional invasion of payment of child support.

APPENDIX 1

Chart of Federal-level Mechanisms for Improving the Status of Women in the Russian Federation



KEY:

----- = former federal level bodies

———— = existing federal level bodies

APPENDIX 2

Sample Depictions of Women in Advertising



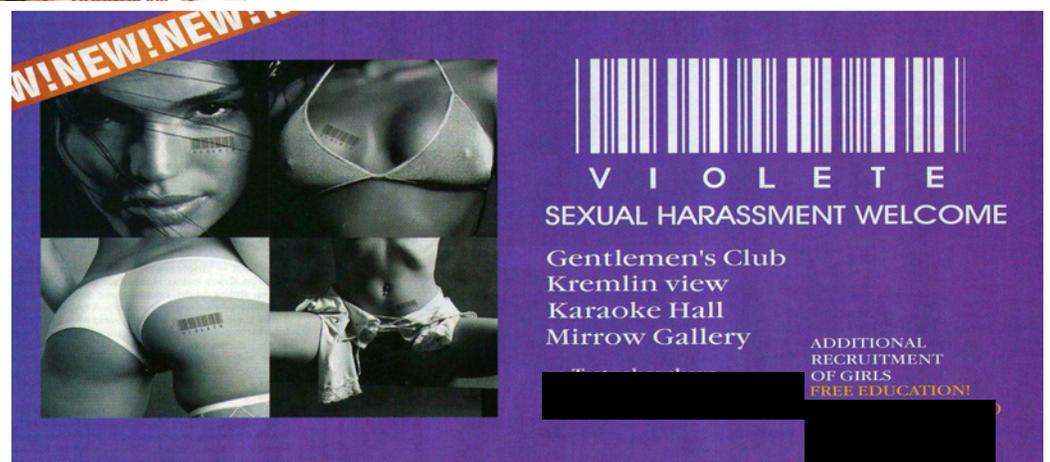
Advertisement for ceiling repair



Telecommunications company catalogue



Advertising for a discount system, stating "Economize beautifully"



Advertisement for a club from a magazine for foreigners

Appendix 3

Complete List of Areas of Concern

- The government has not undertaken adequate steps to eliminate discrimination against women. (Article 1)
- On the whole, there is little understanding of the concept of “discrimination” as defined by the Convention, among the general public as well as among lawyers and government officials. Therefore, the Convention’s provisions have not been sufficiently incorporated into national law. The State has also not undertaken measures to promote awareness of the Convention. (Article 1)
- The legal theory of discrimination is not well developed. Existing provisions of the law on equality on the basis of sex are largely declarative in nature. (Article 2)
- Government officials, legislators and legal professionals are often unaware of anti-discrimination provisions in national and international law. (Article 2)
- The lack of effective mechanisms for hearing sex-based discrimination claims prevents the laws from being fully implemented. (Article 2)
- The government has not taken sufficient measures to eliminate discriminatory practices in the public or private sector. (Article 2)
- At the federal level, the government has not fully implemented the National Action Plan on Improving the Status of Women or other such measures. (Article 3)
- Regional Action Plans on Improving the Status of Women do not exist in every subject of the Federation. Existing plans often focus on issues of maternity and family. (Article 3)
- Specialized structures that were created to ensure the full development and advancement of women have been eliminated, and their functions have not been assigned to new government organs. (Article 3)
- Regional-level commissions on improving the status of women exist in less than half of the subjects of the Russian Federation. (Article 3)
- The Russian government has not undertaken any temporary special measures aimed at promoting *de facto* equality between men and women. (Article 4)
- Gender stereotypes are widespread in Russian society and the government has failed to take affirmative steps (laws or programs) to alter gender role stereotypes. (Article 5)
- The government supports the stereotyped notion that a woman’s primary role is in the area of childrearing and thus impedes full implementation of the Convention. (Article 5)
- The media and advertising agencies portray women using stereotyped and sexist images. (Article 5)
- Laws on human trafficking are not being fully realized nor has comprehensive legislation on providing services for victims of this crime been adopted. (Article 6)

- The government has not created a mechanism to facilitate cooperation and coordination of law enforcement in combating human trafficking, investigating cases, monitoring and gathering statistical information. (Article 6)
- There is currently no federal program on the prevention of human trafficking. (Article 6)
- State and societal ambivalence about prostitution result in ineffective law enforcement efforts. (Article 6)
- Sex tourism, as well as the involvement of minors in commercial sex work, is on the rise, but the government is not addressing these problems. (Article 6)
- Discrimination in employment and education place women at risk for being trafficked or exploited in prostitution. (Article 6)
- Women are underrepresented in political office in Russia. (Article 7)
- Women's unequal opportunities, such as lack of access to financial and administrative resources as well as gender stereotypes, disadvantage women running for elected office. (Article 7)
- Few women have been appointed to high levels of office in the governance of the country. (Article 7)
- The government has not implemented temporary special measures to ensure equal representation of men and women in the political life of the country. (Article 7).
- Military and defense institutions place limits on women's entrance and career advancement. (Article 7).
- Very few women represent the Russian Federation in diplomatic missions or international delegations. (Article 8)
- The large number of female refugees with claims to Russian citizenship who face bureaucratic obstacles in obtaining proof of nationality may indicate a situation of discriminatory impact. (Article 9)
- Women's choices in education are limited by laws and gender stereotypes about which professions are suitable for women. (Article 10)
- Education and teaching is a field in which women predominate, yet in this sphere salaries are low and women rarely occupy leadership positions as compared to men. (Article 10)
- School textbooks and practices reinforce gender stereotypes. (Article 10)

- The non-proportional increase in fee-based higher education in disciplines in which the majority of students are female limits women's access to education. (Article 10)
- Rural women, disabled women and female ethnic minorities face obstacles in realizing their rights to education. (Article 10)
- The government does not require that information about reproductive health or family planning be taught in State educational institutions. (Article 10)
- Gender discrimination is pervasive in the hiring and promotion processes in both private and State enterprises. (Article 11)
- Gender segregation in employment results in women, on average, receiving smaller salaries than men. (Article 11)
- The rate of registered unemployment among women is high, but there is no comprehensive federal-level program to address this problem. (Article 11)
- The government does not address the problem of sexual harassment in the workplace, as an issue of workplace safety, sex-based discrimination or as a form of violence against women. (Article 11)
- Violations of women's labor rights connected to pregnancy and childcare leave are common, particularly in private enterprises. (Article 11)
- The State has not encouraged the creation of a system of affordable (preschool) childcare that would allow women to combine family obligations with work responsibilities. (Article 11)
- Disabled women face difficulties receiving adequate and specialized healthcare due to the lack of accommodations and specialized equipment as well negative attitudes of medical professionals. (Article 12)
- Despite specific government attention to women's reproductive health, maternal mortality rates remain high and women's reproductive health is worsening. (Article 12)
- Abortion remains a common form of contraception, in part due to insufficient knowledge of safer birth control options and lack of affordable alternatives. (Article 12)
- Representatives of law enforcement organs, legislators, government officials, the medical community and the general public largely perceive domestic violence as a family matter. (Article 12)

- Russian legislation does not provide sufficient remedies in cases of domestic violence. The State has not provided training to educate judicial or law enforcement officers or other public officials about their obligations to respond to domestic violence under the law. (Article 12)
- The government does not provide sufficient services for victims of gender-based violence and does not offer the comprehensive assistance that is required. (Article 12)
- HIV rates are on the rise among women, but the number of women receiving treatment remains low. (Article 12)
- Many women with children depend on family benefits, but the present payments are not reflective of the current cost of living. (Article 13)
- The State has not created programs directed at providing credit to women. (Article 13)
- There are no special programs on the advancement of rural women. The State primarily addresses the situation of rural women through programs on the protection of maternity, reproductive health and families. (Article 14)
- Health care facilities in rural areas do not meet modern standards and the specific health concerns of rural women are not being adequately addressed. (Article 14)
- In some rural regions, the lack of basic infrastructure (for example, lack of water, heating, telephone lines and transportation) contributes to women's workload and isolation from State services. (Article 14)
- A significant portion of rural women's labor is unpaid and therefore does not count towards their pension fund and does not entitle them to healthcare coverage. (Article 14)
- The lack of consciousness among women concerning gender discrimination combined with an underdeveloped legal culture limits the use of the legal system as a tool for promoting women's rights. (Article 15)
- Lack of economic independence presents an obstacle to women who seek legal redress. (Article 15)
- Women bear the main responsibility for household work and child care which impedes their ability to realize other rights, such as the right to education and employment. (Article 16)
- There is no effective mechanism to enforce the payment of child support after divorce. (Article 16)

Appendix 4

List of Respondents

Chelyabinsk:

Natalia Baskova, NGO "Sodeistvie"
Arthur Damert, Central Directorate of Internal Affairs (GUVVD), Chelyabinsk Oblast
Irina Gekht, Aide, State Duma of the Russian Federation
Raisa Haritonova, Housewives Club "Dushegreya"
Tatiana Kalugina, Ministry of Education and Science, Chelyabinsk Oblast
Liubov Konareva, Women's Business Center
Natalia Koval, Crisis Center "Liubava"
Natalia Kustova, Ministry of Education and Science, Chelyabinsk Oblast
Maria Sobol, Women's Network of the Urals
Nina Sukhareva, Movement for the Protection of Maternity and Childhood "DOM"
Larisa Vasileva, Women's Partnership

Irkutsk:

Marina Akulova, Russian Red Cross, Irkutsk Oblast Branch
Elvira Belozerova, Women's Council of the Pravoberezhnii Region
Elvira Bondareva, Legislative Assembly, Irkutsk Oblast
Olga Chudinova, Women's Council
Olga Kosova, Institute of Advanced Studies for the Prosecutor's Office
Oksana Krivoschekova, Women's Business Center "Angara Plus"
Tatiana Levi, Irkutsk City Women's Council
Svetlana Parhomenko, Institute of Advanced Studies for the Prosecutor's Office
Liudmila Polevaya, Women's Council
Anna Repetskaya, Baikal State University of Economics and Law
Galina Ryabova, Women's Council
Liudmila Savinikh, Irkutsk City Employment Center
Avguata Smirnova, Women's Council
Yuri Solodun, Institute of Advanced Studies for the Prosecutor's Office
Liudmila Svistunova, Crisis Center for Women
Liudmila Tulubaeva, Chief Division of Social Protection of the Administration of Irkutsk Oblast
Olga Zlobina, Crisis Center for Women

Kazan:

Marina Galitskaya, Social Fund of the Republic of Tatarstan
Venera Ibragimova, Women's Crisis Center "Fatima"
Lilya Shatrova, Institute of Socio-Economics and Law, Republic of Tatarstan

Moscow:

Svetlana Aivazova, Institute of Comparative Political Studies, Russian Academy of Sciences
Liudmila Alpern, Moscow Center for Prison Reform
Marina Belozerova, Center "Family, Gender, Demographics"
Natalia Borodina, Our Choice Party
Elena Ershova, Consortium of Women's Non-Governmental Organizations
Elena Gerasimova, Center for Social and Labor Rights

Zoya Hotkina, Moscow Center for Gender Studies
Wiking Husberg, International Labor Organization (ILO)
Liudmila Kabanova, Heinrich Böll Foundation
Irina Khakamada, Our Choice Party
Roza Klementeva, Association of Farms and Farming Cooperatives of Russia (ACCOR)
Galina Klimantova, Center "Family, Gender, Demographics"
Alshat Magomedova, Women's League of the Caucasus (Dagestan)
Irina Melekh, International Labor Organization (ILO)
Tatiana Melnikova, Ministry of Health and Social Development of the Russian Federation
Elena Mizulina, Inter-Agency Working Group on Issues of the Prevention and Suppression of Human Trafficking
Svetlana Polenina, Institute of State and Law, Russian Academy of Sciences
Larisa Ponarina, National Center for the Prevention of Violence "ANNA"
Sergei Ryikov, Contemporary Humanitarian Academy
Zinaida Suslova, State Duma Committee on Women, Family and Youth
Svetlana Yakimenko, International Jewish Women's Organization "Project Keshet"
Liudmila Zinkova, Federation of Independent Trade Unions of the Russian Federation (FNPR)

Murmansk and Murmansk Oblast:

Rita Abdurahmanova, Regional Organization for Multi-child Families of Disabled Children "Raduga"
Elena Kirillova, Russian Office, "Save the Children"
Liubov Kovaleva, Regional Organization for Multi-child Families of Disabled Children "Raduga"
Svetlana Parshkova, Government of Murmansk Oblast, Congress of Women of the Kola Peninsula
Maria Shtyileva, Women's Crisis Center "Priyut"
Marina Simonova, Murmansk Chamber of Advocates
Elena Tretyakova, Kola Regional Filial of Energogorant Insurance Company
Irina Trigub, Crisis Center "Severyanka"
Liudmila Zaikina, Federal Court of the Pervomaiskii Region, Murmansk

Naberezhniye Chelny:

Natalia Kivokurtseva, Center for Social and Legal Assistance to Victims of Violence "Nika"
Elena Mashkova, Center "Femina"

Orenburg:

Alla Gezima, Committee on Human Rights in the Office of the Governor of Orenburg Oblast
Galina Sheshukova, Orenburg Institute of the Moscow State Law Academy
Tatiana Zhilyaeva, Regional Organization "Union of Women Entrepreneurs of Orenburg"

Penza Oblast:

Larisa Baranova, Committee on Maternity and Childhood, Administration of the Belinskii Region,
Penza Oblast, Lermontovo

Perm and Perm Oblast:

Olga Ilinikh, Oblast Administration Department on Culture and Art
Alina Novikova, Center for Social Assistance "Katerina"

Liubov Okuneva, Central Directorate of Internal Affairs (GUVd), Perm Oblast
Boris Proskurnin, Perm State University
Fedor Sinitsin, Interregional NGO "Center Against Violence and Human Trafficking"
Faina Yandukina, Middle School, Perm oblast, Usol Region, Orel

Petrozavodsk:

Olga Baranova, Commission on Improving the Status of Women
Larisa Boichenko, Karelia Center for Gender Studies
Irina Dubina, City Commission on Improving the Status of Women
Liudmila Evtiukova, Organization "Veterans of the Women's Movement"
Tatiana Garibashvili, Ministry of Internal Affairs of the Republic of Karelia
Vera Hevsurishvili, Association of Women Journalists
Zhanna Hohlova, Center for Family Planning and Reproduction, State Hospital V. A. Baranov
Natalia Ivanova, City Prenatal Center for Maternity and Women's Health
Tatiana Lebedeva, Administration of the Civil Registry Office (ZAGS) of the Republic of Karelia
Viktor Maslennikov, Interregional Union of Migrants and Refugees
Elena Merzova, Crisis Center "Maya"
Anatoli Nikitin, Center for the Prevention and Treatment of AIDS and Infectious Diseases
Irina Petrova, Republic Center for Social Assistance to Families and Children "SAMPO"
Olga Proshutinskaya, Republic Center for Social Assistance to Families and Children "SAMPO"
Inna Rozhkova, Center for the Prevention and Treatment of AIDS and Infectious Diseases
Eva Shubik, Maternity Hospital K. A. Butkin
Lev Valikovskii, Center for the Prevention and Treatment of AIDS and Infectious Diseases
Alexei Zinoviev, Ministry of Health, Social Development and Sports of the Republic of Karelia

Rostov-on-Don and Rostov Oblast:

Valentina Cherevatenko, "Women of Don," Novochoerkassk
Svetlana Dubinina, Don Association of Migrants
Liudmila Klimenko, Rosov State Pedagogical University
Nina Kurasova, Informational Center "Afina"
Pavel Limanski, Roma Organization of Rostov Oblast "Amala"
Irina Mardar, Association of Journalists "Aksinya," Novochoerkassk
Liudmila Mazurok, NGO "Soglasie"
Alexandra Pyatakova, NGO "Vera, Nadezhda, Liubov," Novochoerkassk
Vera Ramih, Gender Studies Center, Don State Technical University
Sergei Shipshin, Southern Regional Center of Forensic Expertise, Ministry of Justice of the Russian Federation
Nina Sokolskaya, Oblast Methodological Center for Social Assistance to Families and Children
Natalia Tatsenko, Review and Inspection Service of the Oblast Election Committee
Elena Zolotilova, NGO "Women and Success in 21st century"

St. Petersburg:

Olga Bakalinskaya, Department of Adolescents, Directorate of Internal Affairs (UVD)
Larisa Gareeva, Social projects NGO "Stellit"
Vera Voronets, Youth Consultation of the Krasnogvardeiskii Region, St. Petersburg
Elena Zdravomyislova, European University

Samara and Samara Oblast:

Evgeniya Astashkina, Committee on the Administration of Municipal Property, Neftegorskii Region, Neftegorsk
Svetlana Batischeva, Organization of for the Disabled "Fakel"
Alla Demina, City Duma, Samara
Roman Devyatov, Organization "Pomogi sovetom"
Nadezhda Dolgova, Department of Social Protection of Borskoe Region, Samara Oblast, Borskoe
Svetlana Erofeeva, Center "Semya," Department of Maternity and Childhood, Samara Oblast, Krasnyi Yar
Nadezhda Fadeeva, Center "Semya," Krasnoglinskii Region, Samara
Galina Frolova, Department of Adolescents, Central Directorate of Internal Affairs (GUVd), Samara Oblast
Natalia Gritsai, Samara Humanitarian Academy
Vladimir Indiryakov, Samara Regional Non-Governmental Human Rights Center
Maria Karelina, Committee on Family Issues of the Samara City Administration
Irina Khursiuk, Center for Social Assistance to Families and Children "Semya," Sizran
Tatiana Klimeshova, Oblast Center for Social Assistance to Families and Children "Semya"
Elena Kurnosikova, Municipal Institution "Center for Social Assistance to Families and Children, Samara Oblast, Novokuibyshevsk
Liudmila Kuzmina, Association of Non-Commercial Organizations "Protecting the Rights of Voters-GOLOS"
Yulia Kuznetsova, Political Party "Yabloko"
Tatiana Makarova, Togliatti City Duma, Department on Issues of Social Policies, Samara Oblast, Togliatti
Inessa Muhortova, Togliatti City Duma, Department on Media Relations, Samara Oblast, Togliatti
Alexander Muravets, Center for Social Development and Information, Samara
Alexei Orlov, Samara Branch of Saratov Law Institute of the Ministry of Internal Affairs
Vladimir Ryazantsev, Art School #1, Oktyabrsk
Olga Scherbakova, Court of Oktyabr Region, Samara
Vadim Shaislamov, Center "Semya," Kuibyshevskii Region, Samara
Yulia Soboleva, Samara Humanitarian Academy
Irina Sorokina, Office of the Ombudsman for Human Rights for Samara Oblast
Liudmila Trofimenko, Center "Semya", Sovetskii Region, Samara
Liudmila Ushakova, Regional NGO "Sinoviya"
Vyacheslav Yablokov, Samara State University

Saransk:

Liudmila Ivanova, Government of the Republic of Mordoviya, Ministry of Labor and Employment
Tamara Tiurina, State Assembly of the Republic of Mordoviya

Saratov:

Zinaida Samsonova, Saratov Oblast Duma, Committee on Social Policies
Svetlana Savochkina, Ministry of Labor and Social Development of Saratov Oblast, Department on Issues of Women, Family and Children

Syktyvkar:

Angelina Belyaeva, Regional Center for Support of Innovation
Natalia Dubova, Public Chamber of the Republic of Komi
Tatiana Eichman, Union of Women of the Republic of Komi
Anatoli Filippov, Office of the Ombudsman for Human Rights, Republic of Komi
Irina Gukova, Ministry of Health and Social Development, Republic of Komi
Tatiana Iziurova, Division of Social Issues, "City of Syktyvkar"
Galina Kiseleva, Ministry of Health and Social Policies
Nina Listarova, Association of Women Entrepreneurs
Natalia Lobanova, Komi Republic Branch of the All-Russian Society of the Disabled (VOI)
Tatiana Nesterova, Regional Center for Social Assistance to Women "Raida"
Zoya Ostapova, Movement of Indigenous Women of the Republic of Komi
Yuliana Prohorova, City Administration on Social Issues
Zhanna Proshutinskaya, Movement of Indigenous Women of the Republic of Komi
Vera Rusanova, Council of Multi-Children Mothers
Igor Sazhin, Committee on Human Rights Protection under the Syktyvkar Branch of "Memorial"
Elena Soldatkicheva, Regional Center for Social Assistance to Women "Raida"
Olga Startseva, Human Rights NGO "Chance"
Elena Ushanova, Department of Employment of the Republic of Komi
Elena Zhitkovich, Ministry of Culture and National Policies

Tver:

Oktyabrina Cheremovskaya, Women's Crisis Center "Gortenzia"
Tatiana Dolgintseva, Prosecutor's Office of the Kalininskii Region, Tver Oblast
Tamara Karyakina, Department of Federal State Employment Services for Tver Oblast
Nadezhda Kruzhkova, Center of Social Rehabilitation for Women "Tak zhivom"
Liudmila Mikhailova, Tver State University, Legal Clinic
Natalia Turutkina, Justice of the Peace, Kalininskii Region, Tver Oblast
Valentina Uspenskaya, Tver Center of Women's History and Gender Studies

Ufa:

Ildus Adigamov, Constitutional Court of the Republic of Bashkortostan
Fliura Arslanova, Department of Family, Maternity and Childhood, Ministry of Labor, Social
Protection of the Population of the Republic of Bashkortostan
Aiup Bibarsov, First Deputy Mufti, Spiritual Directorate of Muslims of the Republic of Bashkortostan
Galiya Chukaeva, Justice of the Peace, Kalininskii Region
Svetlana Demyanova, Movement "Women's Initiative"
Anisa Enikeeva, Union of Women of the Republic of Bashkortostan
Nailya Galeeva, Ministry of Justice of the Republic of Bashkortostan
Father Ilya, St. Sergeev Cathedral
Ilmira Larinbaeva, Law Institute, Bashkir State University
Elena Makhmutova, Association of Women Entrepreneurs of the Republic of Bashkortostan
Svetlana Parfenova, Ministry of Justice of the Republic of Bashkortostan
Konstantin Potnin, Human Rights NGO "International Standard"
Evgenii Slepnev, Constitutional Court of the Republic of Bashkortostan
Rashida Sultanova, State Assembly of the Republic of Bashkortostan
Rimma Utyasheva, Maternity Hospital No. 4

Ulyanovsk:

Vera Markova, Administration of the Zaslavyazhskii Region on Social Issues
Tatiana Sergeeva, Ulyanovsk Oblast Administration

Vladivostok:

Galina Anischenko, Primorskoye Branch of the Russian Union of Naval Women
Natalia Balakireva, Department of Federal State Employment Services for Primorskii Krai
Svetlana Bazhenova, Far East Center
Liudmila Cherezova, Vladivostok Branch of the All-Russian Association for the Blind
Olga Dmitrieva, Bureau of Forensic-Medical Expertise
Liudmila Dreitser, Women's Crisis Center "Guardian Angel"
Valentina Fedorova, Primorskoye Branch of the Russian Union of Naval Women
Natalia Golybinchaya, Diagnostic Department, Vladivostok Clinical Hospital No. 2
Veronica Ilina, Committee on Social Policy and Civil Rights Protection, Legislative Assembly, Primorskii Krai
Elena Kislitsina, Primorskii Krai Library for the Blind
Nikolai Kochetkov, Election Committee, Primorskii Krai
Yevsei Krivelevich, Department of Health, Primorskii Krai
Natalia Lokhmatkina, Medical Center "Anastasia"
Eveniya Merkulova, Association of Blind Women of Vladivostok
Nikolai Morozov, Committee for Regional Policy and Law, Legislative Assembly, Primorskii Krai
Lydia Mukanova, Association of Blind Women of Vladivostok
Nadezhda Murzaeva, Association of Blind Women of Vladivostok
Liudmila Podlozhnik, Association of Blind Women of Vladivostok
Natalia Scherbakova, City Women's Council of Vladivostok
Galina Sormovskaya, NGO "Ritm" All-Russian Society for the Blind
Elena Syslova, Association of Blind Women of Vladivostok
Anna Zubritskaya, Far East Center

Yekaterinburg:

Liudmila Ermakova, Crisis Center "Yekaterina"
Olga Kozlovskaya, Urals State University
Larisa Leonova, Center "Semya Mira"
Elena Leontieva, Organization of Disabled and Wheelchair Users, "Svobodnoye dvizheniye"
Liudmila Lukasheva, Urals Association of Refugees
Tatiana Merzlyakova, Ombudsman for Human Rights for Sverdlovsk Oblast
Sergei Mochalin, Central Directorate of Internal Affairs (GUVd), Sverdlovsk Oblast
Elena Semirneva, Oblast Court
Olga Shvets, Center "Semya Mira"

Yuzhno-Sakhalinsk:

Galina Abramochkina, Department on Relations with Civil Society, City Administration
Tatiana Hahaleva, Department of Federal State Employment Services for Sakhalin Oblast
Olga Ivanova, Association for Family Planning and Prenatal Medicine
Svetlana Ivanova, Sakhalin Oblast Duma
Nina Kapliy, NGO Sakhalin Initiatives, Legal Clinic
Svetlana Karpenko, NGO Sakhalin Initiatives
Natalia Korshunova, Community and Public Relations Department, Administration of Sakhalin Oblast

Liudmila Morozova, Sakhalin Committee of Soldiers' Mothers
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