GENESYS SPECIAL STUDY #10

THE LEGAL STATUS OF WOMEN IN THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

by

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I. INTRODUCTION

1.1 Background and Rationale

This study was conducted at the request of the NIS Program of the United States Agency for International Development (USAID). It is intended to provide an overview of how women and men are affected differently by recent legal reforms accompanying the political, economic, and social changes in the region, and how they might be affected by such reforms now in draft proposals. The study also generates a number of practical recommendations for maximizing the effectiveness of USAID's assistance to the region by striving for gender equity and by engaging both women and men as full contributors to the political and socioeconomic reconstruction of the region.

The reasons for undertaking a study on the legal status of women in the NIS are clear. It is now widely recognized that efforts toward legal equality and social equity for men and women under the communist regime have not had the desired results. Post-communist legislative and regulatory changes already implemented or presently being considered are not expected to do so either. As revealed by this study, in many ways recent legal changes have driven women back into their traditional roles, rather than allowing them to participate as equal partners in the reconstruction of their countries. Yet the full contribution of women, unhampered by restrictive legislation and societal rules, is a precondition for easing the political and economic transition in the region. It is, therefore, important to have an overview of what is happening in the area of new legislation, and to be proactive in anticipating what the impact of such legislation could be on both sexes, in order to make the full contribution of both men and women possible in USAID's support to the reconstruction of the NIS.

1.2 Analytical Framework: Legal Systems and Gender Roles in a Changing Society

Looking at the broad societal changes from the point of view of their different impacts on the sexes leads us to examine the interface between the household and the broader economy, and women's and men's respective roles in and across these two settings. "Gender roles" refer to the common division of labor and rights and responsibilities between men and women in a society. This "gender perspective" provides the context for assessing women's legal status in the NIS. To narrow the focus of the study, two sub-themes were selected: women's status and role in the workplace, and women's position in the family. For both subjects relevant laws and legislation under the communist regime, and their differential effects on the lives of men and women, are taken as a point of departure. The main discussion of each individual theme centers around recent legal reforms, and how these reforms affect the relative status of men and women. Both parts of this study consider questions of equity and equality, by analyzing to what extent the legal system allows women to have their fair share in the societal good as compared to men, and to what extent the law permits women to act as full partners and contributors to societal reconstruction.

1.3 Composition of the Study, Scope and Limitations

The composition of this study reflects its focus on two sub-themes. The first theme is treated in Part I, entitled *The Consequences of NIS Legal Reform on Women's Work and Welfare*. This part provides statistical information on selected economic and demographic characteristics across NIS countries, and illustrates how recent legislative changes may affect women and men differently. Part II, entitled *The Legal Status of Women in Post-Soviet Russia*, is based on current and proposed legislation and its different impacts on men and women. This study provides historical background on the status of women in the former USSR, some interpretation of the apparent direction of change in some of the countries, and guidelines on how and where men and women may be affected differently in changing legal systems.

Most of the information on new legislation and the role of women comes from Russia. The attention given to Russia is appropriate because this legal system was the basis for all of the NIS countries' legal systems. Also, the bulk of the NIS funds from the U.S. are slated to go to Russia. However, the NIS region includes 12 sovereign nations, excluding the Baltic Republics, with diverse economic and social composition and potential. Ethnic and religious differences are increasingly visible as the countries evolve. These differences tend to influence gender relations in a variety of social processes. Thus, it becomes increasingly difficult to speak of "gender relations in the NIS," as if these countries were homogeneous entities with great similarities in gender relations and similar responses to changes in legislation. One clear division is possible, however, between the predominantly Muslim Central Asian countries and the others.

The possibilities for a precise analysis of the legal status of women in the NIS are limited by the current state of flux in the region and the large variations between individual countries. Up-to-date information on the laws and interpretation of the implications for women in 12 countries is beyond the scope of this small study, but complementary information can be gleaned from economic and demographic data now becoming available. A thorough search for such data has been done, revealing that the data remain scarce and of somewhat doubtful reliability. A study of this kind should be updated whenever new, more reliable statistical information becomes available.

The problems in the NIS are not those of the less developed countries of Asia, Africa, and Latin America that are the traditional recipients of USAID assistance. Demographically, at least half of the NIS countries are more like the U.S. and Europe than the less developed countries of the southern hemisphere. Men and women in the NIS are facing the problems of economic and social collapse, rather than underdevelopment. Social services, such as child care, which were once more responsive to family needs than in the Western market system, are disappearing. Gender roles, particularly the status of women, must be interpreted specifically within this context.

II. FINDINGS

2.1 Social Change and the De Jure and De Facto Position of Women

Under socialism, the state ideologies of equality of the sexes and full employment meant that women were educated and employed at the same rate as men. This ideology was combined with a traditional definition of gender roles giving women main responsibility for maintenance of the house and children. Traditional gender roles were reinforced legally under the state pronatalist policy, through restrictions on types of jobs women could hold, and special protection and support for employed mothers.

The conflicting roles of women under the Soviet system led to the "triple burden" of full-time employment, full-time mothering, and full-time home maintenance. Women held political office but were rarely in positions of power within the Communist Party, and discussion of women's issues, gender equality, and the organization of women was prohibited. There was evidence of extensive occupational stratification and pay differences by sex. However, on the surface of the law, women appeared to be treated fairly in the NIS. Women were educated at a rate equal to men and made up more than half of the labor force. A common property law decreed equality of claims to marital property for husbands and wives, and in theory there were no restrictions on access to family planning or abortion, although in reality there were few options available besides the IUD.

The tension between the socialist model of gender roles in the public sphere and the traditional model of men as heads of households and women as homemakers and caregivers, has been magnified with the economic and political breakdown in the NIS countries. The centrally planned and state-controlled system provided guarantees of employment, minimal living standards, and social services that are no longer available. By default, the household is incurring the additional costs of handling these tasks during the transition, and the crisis is placing an additional burden on women, a burden that is magnified by inflation and unemployment.

In addition, the research presented here suggests a shift in the formal legal system away from equality for men and women, and an erosion of women's rights. For example, as stated in Part II of this paper, the Russian Parliament's "Draft Principles of Legislation on the Protection of the Family, Mothers, Fathers, and Children," stipulate that the family (a unit with children) has legal rights and obligations, including a common budget, the right to own property, and the right to decide as a unit about whether to terminate a pregnancy. Under the proposed law, rights currently held by women as individuals would be ceded to the family unit. The law could also be interpreted to mean that a parent leaving the family would have no claim on family property. The primary purpose of the family unit is to raise children, and women are protected as mothers. This protection does not extend to legislation against family violence, sexual harassment, or rape.

As for women's position in the labor market, as indicated in Part I of this paper, labor laws are being revised to abolish some of the entitlements women have had in the past. Although these entitlements have obvious benefits for women, if they are maintained, they may perpetuate discrimination in hiring procedures by employers who prefer to hire male workers for whom they do not have to contribute to these entitlements. This problem might be solved through explicit legislation prohibiting this type of discriminatory practice. However, even in the presence of adequate legal measures against discriminatory hiring practices, employers competing in a capitalist market system, in which a bottom-line orientation is necessary for survival, may be forced to keep costs down by hiring men rather than women. Whether gender-specific entitlements are maintained or abolished, many women are likely to be compelled to remain in their domestic roles, due to the cumulative effects of family law and labor laws intended to "protect" them.

Despite the importance of property law in the transition to a market economy, this law is still relatively incomplete. The law has not defined conventions for ownership titles for housing units--head of household, family unit, common marital property, and so on. The law is unclear about the disposition of earnings from businesses jointly owned by a husband and wife if the business or the marriage dissolves. Experience in the U.S. and other Western democracies suggests areas where this lack of clarity in the law may affect men and women differently. In general, women have less access to property than men because of their inferior position in the labor force, in terms of power, connections, and earnings. There is anecdotal evidence that women may have more difficulty than men in starting new businesses.

2.2. Women's Work and Welfare

Both the depth of the economic crisis and the specific structure of female participation have important implications for the relative disadvantage of women during the restructuring period. The shifts in the NIS economies, with an overall reduction in the number of jobs and disproportionate reductions by sector, have removed the basis for full employment. Privatization, small business development, and the break-up of the large state industries have eroded the foundation of the safety net and subsidies for mothers that were tied to jobs. Women may face different barriers than men in taking advantage of new opportunities in entrepreneurship and employment, such as inappropriate training, more restricted access to resources, and less time because of household responsibilities. As pointed out in Part I of this paper, despite a constitutional mandate of gender equality, the rule of "70 percent parity" applies in the NIS: women earn 70 percent of men's wages, perform 70 percent of household labor, represent 70 percent of the unemployed and 70 percent of pensioners, and men hold 70 percent of political seats.

In Russia, women are becoming unemployed at more than twice the rate of men, and represent over 60 percent of the unemployed population. Want ads are now specifying sex and age in job qualifications. The costs of special benefits and protections for pregnant women and mothers are being used as reasons not to hire women. In Part II of this paper, Granik quotes the Russian Minister of Labor as saying that the limited number of jobs should go to men first and women should give priority to home responsibilities.

2.3 Fertility and the Law

A rapid examination of basic demographic indicators presented in the annex tables at the end of this study reveals two clusters of countries with differential population trends -- the Central Asian Republics, and the other NIS countries. The latter have generally low total fertility rates, ranging from an average of 1.7 children per woman in the Russian Federation to 2.1 in Georgia; while total fertility rates range from 2.8 to 5.3 in the Central Asian Republics. These fertility differentials are significant in the context of a study on the legal status of women, because fertility trends are important indicators of women's options—or the lack thereof—in the public sphere. In high-fertility countries, women's roles in the public domain will by definition be limited. The capacity to control their own decisions about numbers and spacing of children is a necessary, although not sufficient, condition for women's full participation in the socioeconomic and political spheres. This capacity for fertility decisionmaking requires legislative support that facilitates and supports the widespread availability and accessibility of reproductive health and contraceptive services.

The question of appropriate legislation in support of reproductive health and contraceptive services is of prime importance in the NIS. At present, contraceptive prevalence is extremely low in the entire NIS region, although rates vary significantly between individual countries. Despite low contraceptive prevalence, fertility remains at or near replacement level in many NIS countries: there seems to be only a partial relationship between fertility and prevalence of contraceptive use. The apparent divergence between fertility and contraceptive use points to a widespread practice of abortion, instead of fertility prevention. Women's lives would thus obviously be affected by any legislative changes that make abortions more difficult to obtain. A legal system which would facilitate and support availability and accessibility of contraceptives would greatly enhance women's options and their potential to contribute to building their societies, and reduce the health risks and related social and economic costs of abortions. There is some evidence, however, that upcoming legislation may make it more difficult for women to have abortions. Reproductive health and family planning services in the NIS also leave much to be desired. Hence women's reproductive options may be diminished in the present transition period.

III. RECOMMENDED ACTIONS

Three major general recommendations for the USAID NIS program which emerge from this study are the following:

- **During the transition to privatization in the NIS economies, examine new and proposed legislation to assess its likely effects on women, and emphasize the need for the explicit mention of women's individual rights as household members, workers, and property owners. If the effects on women are not examined and controlled for, women may be excluded from the benefits of, or even hurt by, privatization, especially through:**

  -- displacement in the labor force as firms privatize and look to cut costs and numbers of workers;
  -- lack of access or legal right to property (including land) and credit; and
  -- lack of power or legal status in attempting to start up businesses or merely survive on their own (e.g., after divorce).

- **Monitor the drafting and implementation of legislative measures to promote gender equality and provide advice; and**

- **Work to build local capacity in the NIS for women's equal participation in political and economic life, and for social assistance programs which include women-focused services.**

The following specific recommendations, which build on the three mentioned above, fall within the mandate of the NIS program and its realistic limitations and relatively short-term orientation. The recommendations are grouped in two major categories: legal and policy reform, and strengthening local capacity. The latter is subdivided into three areas: political, economic, and social concerns. More extensive explanation and justification for these recommendations is provided in the main body of the text (Chapters 5 and 10). Under each category, a problem and objective are stated, with the relevant recommendations listed underneath. Although what USAID can do in terms of legal reform is somewhat limited (apart from advising and providing U.S. examples), in the area of capacity building, the possibilities for action are virtually unlimited. It should be noted that there is some overlap in the categories, as many recommendations under strengthening local capacity also have legal reform implications.

3.1 Legal and Policy Reform

PROBLEM: Recent legal reforms and draft legislation are unclear on certain points which could affect women's rights as individuals and as labor force participants, and their reproductive rights. Women have been largely excluded from the process of drafting legislation that directly affects their interests, which places women at a considerable disadvantage when economic power is reapportioned by and for those with economic clout.

OBJECTIVE: To make legal reforms less ambiguous and more conducive to legal equality and social equity for men and women as the NIS countries develop and privatize their economies.

RECOMMENDATIONS: A number of legislative measures are of particular importance in promoting or maintaining gender equality. Therefore, it is recommended that USAID monitor the drafting and implementation of these legislative measures and provide advice and relevant examples whenever possible. Of specific relevance are the following:

1) Legislation governing family property (including land, as land is privatized) should be explicit about the use of family property and should grant equal rights to both spouses in decisionmaking about, for example, the use of family property

as collateral for loans and other purposes. Women's names should be included on land titles and other ownership documents relating to private property.

2) Legislation governing individual rights of adults should grant explicit equal status to spouses, and certify that for any legal act both spouses have an equal say.

3) Legislation governing labor should be stated explicitly without leaving room for ambiguous interpretations with regard to hiring and termination practices, and should be completely free of discriminatory employment rules by gender. Elimination of the mandatory retirement ages and institution of a private pension system based on actuarial accounting would substantially remove the market incentives that currently give preference to men. Legislation might also be drafted stating explicitly that there shall be no discrimination against women wishing to start businesses (this also relates to joint property law).

4) Legislation governing reproduction and abortion should grant women the right to decide independently about the use of contraceptives or about termination of pregnancies.

3.2 Strengthening Local Capacity

A) POLITICAL CONCERNS:

PROBLEM: There is a marked gender inequality in the NIS, primarily as a result of the absence of women in the political process, lack of gender awareness in society as a result of long-term patriarchal socialization, and cultural perceptions of women as less capable members of society than men.

OBJECTIVE: Capacity building for participation of women as equal partners with men in social and political life.

RECOMMENDATIONS:

1. USAID should promote activities that raise legal and civic literacy[1] among all levels and sectors of society, including among lawyers.
2. USAID's program should support the establishment of women's centers that provide information and training on women's issues, including economic and legal issues, and a network should be established to educate women on such issues as political participation. USAID's Democratic Pluralism Initiatives could

[1]Legal (and civic) literacy entails understanding how substantive law (and public policy) influence people's lives, and how the legal system (and civic society) can be mobilized to improve the conditions of people's lives.

be enhanced by reinforcing existing women's centers and strengthening their connections to centers of power.

3. To increase gender awareness among a wider audience, USAID could promote mass media campaigns, radio call-in shows, and distribution of short, easy-to-read booklets.

B) ECONOMIC CONCERNS:

PROBLEM: There is a great disparity of income and opportunity between women and men in the economies of the NIS.

OBJECTIVE: Promotion of equal opportunity for women and enhancement of women's potential to participate as equal partners with men in building the NIS economies.

RECOMMENDATIONS:

1. On the micro level, USAID should support the organization of training programs for women in business and management. These programs could be developed as part of USAID's efforts to establish training institutes in banking and finance in the NIS, and they could be coordinated through some of the many new women's business and professional organizations.
2. USAID should support a women's research group, such as the Center for Gender Studies, which could provide the culturally specific theoretical rationale and empirical data on which to base programs to improve women's political and socioeconomic status.
3. USAID should provide education and training programs (e.g. in nontraditional skilled trades, small business management, and other fields where new women entrants to the labor force would face low start-up costs) as well as instructional materials for women of all age groups.
4. USAID should support female entrepreneurship in traditional as well as nontraditional areas.
5. USAID should monitor the role of labor unions.
6. USAID should work toward capacity building for equitable economic "know-how."

C) SOCIAL CONCERNS

PROBLEM: The existing social structure and services are inadequate for addressing violence against women in general and domestic violence in particular; furthermore, the public health services, especially those relating to reproductive health and family planning, are inadequate or not easily available or accessible. This leads to great losses and economic costs in absences from the workplace and lost worker productivity and motivation.

OBJECTIVE: Widespread establishment of high-quality, affordable social assistance, reproductive health, and contraceptive policies and programs.

RECOMMENDATIONS:

1. USAID should support an effective domestic violence program, organized first at the community level, utilizing the energies of those involved in crisis centers and other women's organizations.
2. As an outgrowth of these special seminars on domestic violence, USAID could support the establishment of legal clinics to address issues specific to women.
3. USAID should build capacity for broad-based contraceptive availability and accessibility.
4. USAID should promote gender-sensitive training for reproductive health personnel and contraceptive providers.
5. USAID should promote the establishment of a knowledge base with sex-disaggregated data for use by public health and social services personnel, and other persons involved in activities in the NIS.

PART 1

THE CONSEQUENCES OF NIS LEGAL REFORM ON WOMEN'S WORK AND WELFARE

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Chapter 1

SUMMARY

This part of the report on the Legal Status of Women in the New Independent States describes the conditions of the women's work force and their political assimilation prior to the transition and at the current time. These conditions include a history of low wages, occupational segregation, limited career advancement, and "tokenism" in the political sphere. Effectively, women in the USSR achieved about "70 percent parity" with males prior to the transition. Despite a constitutional mandate of gender equality, women earned 70 percent of men's wages, held only 30 percent of deputy positions to the Soviets, and contributed over 70 percent of home production labor, while still being expected to perform full-time market work.

As the NIS continues its transition to a competitive, market-oriented system, the position of women relative to men continues to deteriorate. Current and future employment opportunities for women are expected to be adversely affected by the preference of firms to hire men. This gender preference is the result of several factors, including the following:

- Women's training and career experience are not well suited for current vacancies, which are largely vocational in nature.

- Entitlements to women, which were developed under communism to protect women (e.g., maternity benefits and early retirement) and may have some immediate benefits for individual women, result in overall and long-term preferences for male employees. As firms undergoing restructuring assume responsibility for their own profitability and for the benefits and pensions paid to employees, the entitlements to women increase the costs of, thus decreasing the incentive for, hiring women.

The extent of gender preference in hiring depends upon the financing schemes for benefits. Gender-neutral benefit schemes, which could reduce gender preference in hiring, are available in the form of money or goods, but benefits in the form of time away from work, for maternity leave and for the mandated early retirement of women, will reinforce the preference of firms to hire men. In the NIS entitlements exist that limit female work and promotion opportunities and reinforce a traditional division of labor. Despite potential benefits of these latter entitlements to individual women, in the current situation these benefits serve to impede women's progress overall, and men continue to derive a greater share of market income.

Both the unemployed and pensioners include a disproportionately large number of women. About 70 percent of the unemployed in countries of the NIS are women, and in Russia 70 percent of the pensioners are women. Unemployment benefits are low and are available to only one-fifth of the registered unemployed in Russia; and pensioners throughout the NIS have been seriously harmed by inflation and ad hoc indexing of benefits, although recent changes in the cash benefit system in Russia have restored some of the income losses of pensioners.

Another factor that has adversely affected women is that wages in sectors such as health and education, traditionally female-dominated sectors, have declined more than wages in other sectors. Deterioration of state-provided social services has also affected women because it has increased the nonmarket demands on their time.

The types of training needed by educated women and by new entrants to the labor market, opportunities for female entrepreneurship in traditional and nontraditional areas, and the use of newly established women's groups to attract participants are discussed in this paper. In particular, the reduction in public sector social services provides opportunities for female entrepreneurship that have low start-up costs. Women's traditional occupational segregation makes them well suited for entrepreneurial work in health, child care, and translation and publishing services.

Chapter 2

THE EFFECT OF THE CURRENT CRISIS ON WOMEN

*". . . we are now holding heated debates . . .
about the question of what we should do for women
to return to their purely womanly mission."*

--Gorbachev (1987)

The current economic crisis in the NIS finds many women concerned first and foremost with basic survival. Loss of work, income, and social services limits their daily lives to fulfilling economic needs. A major issue facing women in the NIS, now and in the future, is the balance between their roles as mothers and home managers, and their public lives. Paternalistic, protective legislation currently in place may have paradoxical consequences for women, in effect protecting them from equal work opportunities, opportunities for promotion, and incentives to invest in marketable skills.

The current crisis was in part a result of a mismanaged planned economy and the radical changes introduced by Gorbachev. Once political and economic transformation was set in motion, the breakup of the Soviet Union into independent republics followed. These forces redefined politics under the concept of *glasnost* (openness) and the operations of industry under *perestroika* (restructuring). Restructuring, in turn, was based on two market concepts, *knozrachet* (economic cost-accounting) and self-financing. Major elements of market capitalism were enforced in an arena of planned production, arbitrary prices, artificial exchange rates, and cross-subsidization between industries and regions. The lives of workers had, until this point, been strictly managed from cradle to grave by rules governing education, work hours, pay scales, benefits, and pension rights. Given these dramatic changes, economic chaos would have occurred in the most politically cohesive and prosperous nation; it is therefore not difficult to see why it occurred in the Soviet Union. The current period of industrial chaos is termed simply the short run. Once the basic market operations are in place and the benefits of competition are realized, the long-run phase set in motion by *perestroika* begins.

Short Run: Economic upheaval may continue for ten to fifteen more years (Galetskaya, 1992). The economic status of women relative to men during this period will depend on: (1) the degree to which women were assimilated into public life and the economy prior to the transition, and the differences in female assimilation in the various republics; (2) the magnitude of the recession; (3) the response of employers to gender-related labor and social legislation; and (4) the ability to target international assistance to the special problems of women.

Long Run: The transition to a market economy is a long and difficult process in which social, economic, and political institutions are being radically transformed. In the long run, the economic status of women will depend crucially upon their ability to acquire new and relevant skills and on the willingness of prospective employers to reward these skills without regard to gender.

A. USAID's Commitment to Women

The Democracy Initiative of USAID is a commitment to support democratic political systems, transparent and accountable governance, and the empowerment of indigenous civic and economic organizations that ensure broad-based participation in political life. Important conditions that are necessary to achieve these goals include a political system based on pluralism and consensus, and an economic system that promotes competition. These conditions do not, however, guarantee all citizens the opportunities for political expression or for attainment of economic goals. Where individuals lack the basic means of subsistence, economic survival takes precedence over political participation. Further, a democratically elected legislature motivated by nationalism, consumer safety, or protection of the less fortunate, routinely restricts activities of certain groups. Examples of these restrictions include limiting employment opportunities for non-citizens, requiring licenses to practice medicine, and instituting child-labor laws. Historically, societies have limited women's choices regarding work, voter participation, and property rights, and USAID's Democracy Initiative recognizes these political and economic realities. The full participation of women in political and economic life is an integral part of USAID's commitment to the democratic process. Facilitating opportunities for women is a critical factor in the design and delivery of various forms of assistance.

Targeting assistance for women requires attention to the special needs of women in the short run, such as poverty and deteriorating health and child-care facilities. In the long run, the incentives for gender-based preferences in the market must be removed if improvements in skills are to result in improved employment opportunities for women.

Consequences of Gender-Based Entitlements

Legislation can affect the extent of gender preferences in the labor force directly and indirectly. If implemented properly, legislation can also create the proper incentives for women to invest in skills that bear the greatest potential returns. Unfortunately, paternalistic provisions of current labor and social insurance regulations in Russia may have adverse consequences for women now and in the future, because such legislation is based on protection of women's reproductive role and traditional family responsibilities. Young and older women are covered by special labor entitlements. In particular, the current labor code includes:

- Younger Pension Age for Women Than Men. Women retire at age 55, and are eligible for pensions at this age. For men, the equivalent age is 60.

- Children's Allowances and Maternity Benefits. A grant and an allowance are paid to all mothers. Paid maternity leave generally lasts six months. Children's allowances now extend through age 15. Children are eligible for allowances independent of the income of the family.

Economic markets operate on principles of benefits and costs. Gender-based entitlements, though benevolent in their intention, will reinforce a traditional division of labor, thereby limiting a woman's choices to dependency on her husband or on the state for her well-being. As female entitlement costs are passed to firms, firms will have financial incentives to hire men over women, even in the absence of prejudice. Evidence suggests that Russian employers are choosing men more readily in the current restructuring phase, as they look for ways to "rationalize" costs of production.

Female entitlements also create a perverse set of incentives for women. Recognizing that opportunities in the job market are limited, a woman's incentive to invest in marketable skills declines. Her husband, by contrast, will experience relatively high wages and promotion opportunities. Thus, for women, investment in marketable skills will pay less than "investment" in marriage. Women will also miss opportunities for on-the-job training because firms will anticipate that women will interrupt their careers to meet family demands.

In the transition period, policy concerns over entitlements for women focus on adequacy or maintaining a minimum standard of living, the extent of compliance by firms, and the ability of governments to enforce legislation. Women live longer than men, earn lower lifetime wages, and pensions are a larger share of women's income than men's. Women are especially vulnerable to inadequate pensions or children's allowances given high rates of inflation at the present time—benefits do not keep up with rapidly rising prices. To complicate matters, maternal leave and benefits are administered by firms, and it is difficult for the government to monitor these firms' compliance.

Now and in the future, profit motives (e.g., self-financing and cost-rationalizing) create job conflicts with gender-based entitlements. As the private sector develops, it will be responsible for the costs of entitlements—including paid maternity leave, earlier retirement (and thus shorter careers) for women, and earlier eligibility for pension benefits—which are higher for women than for men.

B. Organization of this Part of the Report

The mechanisms by which discrimination (rational, based on costs of female entitlements, and irrational, based on prejudice) will be reinforced through female protective legislation in Russia, and the consequences for women's choices, are the major focus areas of this section of the report on the Legal Status of women in the NIS. Chapter 3 provides a brief overview of the economic and social status of women in the NIS. Both the depth of the economic crisis and the specific structure of female participation have important implications for the relative disadvantage of women during the restructuring period. General trends in female poverty, unemployment, and work segregation are described.

In Chapter 4, Russia is given special attention. Legislation that affects women in Russia may be used as a model for new legislation in the former republics. A broad set of economic indicators are analyzed that signal past, present, and future trends of female assimilation into economic life. In analyzing the market, labor force activity rates, wage differentials, unemployment, and the content of work are discussed. Implications for human capital investments by women and for market discrimination against women based on gender-specific labor regulations are derived. These implications are supported by evidence on working conditions, wages, and the unemployment of women in Russia at the present time. Both rational and irrational discrimination are discussed.

Chapter 5 contains conclusions, directions for future research, and preliminary recommendations for targeting assistance to women's needs. This section also discusses data needs, research goals, and possible ways to promote female employment and entrepreneurship. A user's guide containing definitions is found in Annex 1 at the back of the report.

Chapter 3

BACKGROUND: WOMEN OF THE NIS

A. Seventy-Percent Equality

The USSR was the first country to constitutionally ratify the equality of men and women. High labor force activity rates of women and a generous support network (including day care, free health care, and maternal and family benefits) were testaments to the gains of women under socialism. There is no doubt that certain gains were achieved, especially in Central Asian countries. However, the statistics hide the occupational segregation of women, their low involvement in politics, low wages, limited promotion opportunities, and what some experts call the deliberate feminization of work in the two decades preceding the current transition period (Rakovskaya, 1992). Feminization of work refers to the relative importance of full employment over the concerns of productive uses of labor, and to the protection of female reproductive and family status through special work conditions created in female-dominated employment. NIS societies are largely traditional, with women working triple shifts—relatively low-paid market work, unpaid household work and evening and weekend child rearing. To offset home demands, educated women were segregated into low-pay, low-intensity professional jobs. Less-educated women were left with the choice of low-pay employment in industry or more highly paid but dangerous work. Promotion of women in their chosen profession was virtually nonexistent, as was skill development of women beyond the entry level.

A rule-of-thumb that effectively describes the position of women vis-à-vis men is 70 percent parity. As in much of the rest of the world, in the Soviet Union under communism, women earned about 70 percent of the wages of males. Thirty percent of deputy seats in governing Soviets were reserved for women prior to Gorbachev; thus men maintained about 70 percent. Women carried out roughly 70 percent of household management tasks—including cooking, cleaning, budget management, and child rearing—despite the expectation that they perform full-time market work. During the transition, pensioners and those who lose their jobs are likely to suffer most from the economic crisis. Again, "the 70-percent rule" applies; women comprise about 70 percent of pensioners and about 70 percent of the unemployed.

B. Comparative Economic and Social Indicators: The Recent Past

The dissolution of the Soviet Union into independent republics in 1991 accompanied the economic crisis. Differences in the depth and duration of the recession occurred throughout the region depending upon the level of development attained prior to reform and the ability to transform the existing production processes and labor skills into those needed to compete in a global economy. The potential for integrating women into the market economy varied according to women's degree of assimilation into economic life prior to reform.

TABLE 1 NIS: ECONOMIC INDICATORS, 1989-1990

	GDP per capita ($) 1990	Agg. % of material production 1990	Rural popul. (%) 1989 or 1990	Female popul. (%) 1989	Female Employment (%) 1989			
					Work	Coll. farm	Higher educat.	Other special.
Armenia	2,915	17	32	51	48	47	50	60
Azerbaij.	2,056	38	44	51	43	53	44	48
Belarus	3,902	29	34	53	53	43	56	67
Estonia	5,039	20	28	53	55	47	57	63
Georgia	2,731	37	44	53	47	49	52	62
Kazakst.	2,706	40	43	52	49	36	56	66
Kyrgyst.	1,893	43	62	51	49	43	56	62
Latvia	4,542	22	29	53	55	41	60	66
Lithuan.	3,561	33	32	53	53	46	55	64
Moldova	2,920	42	53	53	53	46	56	67
Rus.Fed	4,224	20	26	53	52	39	57	67
Tajikist.	1,341	38	67	50	39	52	38	47
Turmen.	2,002	48	55	51	42	55	45	55
Ukraine	3,177	30	33	54	52	45	55	66
Uzbekis.	1,579	44	59	51	43	54	47	55

Sources: Computed from World Bank, 1992; Ryan, 1992; OECD, 1991.

Notes: Work=workers; Coll. farm=collective farm workers; Higher educat.=specialists with some higher education.

Economic Development and Population Characteristics

Table 1 above provides information about relative income per capita, urbanization, and female participation in the workplace prior to the formation of the NIS. The data in this table reveal that, taken as a whole, one-third of the population resides in rural areas, a high ratio compared with that of developed countries. The 15 republics are diverse, ranging from the low-income, agrarian economies of Central Asia (Kazakhstan, Kyrgystan, Tajikistan, Turkmenistan, Uzbekistan) to the relatively well-off states of Latvia, Lithuania, and Estonia. Women's work force participation is noticeably lower in Central Asia, and even in these countries, the segregation of women's work is evident. Women are overrepresented in professions such as education, public health, and engineering-economic positions. In contrast to Western countries, pay is generally lower for these white-collar occupations than for jobs in production.

Table 2 provides demographic and health indicators in the USSR for the separate republics, now states. Again, the Central Asian republics represent the extremes: higher fertility, higher infant mortality, larger families, and lower life expectancy. The high use of abortion as a method of contraception is indicated; the highest rate is found in Russia, the lowest in Azerbaijan. Central Asian couples are less prone to divorce. In all republics women live longer than men, but the aging differences are more acute in the states with greater economic development. Aging differences translate into greater economic dependency by women. There are more elderly women than men for whom pensions are their major income source. Pensioners have been seriously affected by hyperinflation and ad hoc indexing of pension benefits in the last few years.

The different retirement ages for men (60 years) and women (55 years) established under communism are largely maintained at the present time. Twenty-one percent of the NIS population and 23 percent of Russia's population were pensioners in 1991 (Liu, 1993). The consequences for women in the workplace and for dependency on pension income are shown for the separate republics in Table 3. The population of each republic is divided into young, working-age, and elderly according to the retirement rules. The labor force in the NIS consists roughly of males aged 16-60 and females aged 16-55. The labor reserve, the term used to refer to the labor force in the NIS, consists of all able-bodied working-age persons. In contrast, the labor force in Western economies consists of persons above age 15 who are employed a minimum number of hours per week or who are actively seeking employment and available for work. Thus, the NIS definition of labor reserves is broader than the Western definition of labor force because it includes homemakers, students, and persons not seeking work. Using the NIS definition, elderly females are roughly twice as numerous as elderly males, and female labor reserves are about 10 percent smaller than male reserves. Economic dependency on the state is therefore greater for women, independent of their longer life expectancy. Women have the potential to work longer than men over the life cycle if they so choose, but instead, they work fewer years at relatively low levels of pay.

In the NIS women comprise about 70 percent of all pensioners, and their actual retirement age is slightly lower than the mandated retirement age. In 1988, men who retired with old-age benefits averaged 58.2 years of age, women averaged 54.1 years (Ryan, 1992).

TABLE 2 NIS: COMPARATIVE SOCIAL INDICATORS, 1988

	Infant mortality rate	Birth rate	Death rate	Growth rate (incl. mig.)	Abortion rate	Fertility rate	Life expectancy Female	Life expectancy Male	Divorce rate	Average family size
Armenia	19.7	21.4	6.8	.78	30.2	2.6	62.3	61.6	1.2	4.7
Azerbaijan	25.2	26.2	6.8	1.39	22.4	2.9	73.5	65.7	1.2	4.8
Belarus	12.4	16.1	10.3	.6	54.1	2.2	75.9	67.0	3.2	3.2
Estonia	14.2	15.4	12.3	.66	77.3	2.2	75.0	66.6	3.8	3.1
Georgia	18.9	16.8	9.3	.61	56.5	2.2	75.8	68.0	1.3	4.1
Kazakhstan	25.0	24.5	8.5	1.1	72.2	3.0	74.1	64.8	1.6	4.0
Kyrgystan	31.0	31.9	7.6	1.91	67.7	3.9	71.8	64.2	1.9	4.7
Latvia	10.8	14.3	12.9	.49	76.8	2.0	75.1	66.3	4.1	3.1
Lithuania	10.4	15.2	11.2	.84	38.0	2.0	76.6	67.3	3.2	3.2
Moldova	19.8	21.0	9.6	.82	88.3	3.1	71.3	64.3	2.9	3.4
Russian Fed.	17.2	17.0	10.5	.6	105.2	2.4	73.6	64.8	3.3	3.2
Tajikistan	42.7	41.6	6.8	2.93	38.6	5.1	72.1	66.8	1.5	6.1
Turkmenistan	53.0	37.0	8.0	2.46	43.1	4.4	69.2	62.4	1.4	5.6
Ukraine	12.9	14.6	11.4	.37	61.9	2.1	74.8	66.4	3.9	3.2
Uzbekistan	36.4	36.0	6.9	2.53	50.8	4.3	71.4	65.6	1.6	5.5

Source: World Bank, 1992; Ryan, 1992.

TABLE 3 NIS: MALE AND FEMALE POPULATIONS BY AGE (YOUNG), WORKING AGE, AND RETIREMENT AGE, 1990

		Females				Males			
		F55	F (0-14)	FWP	TOTF	M60	M (0-14)	MWP	TOTM
Armenia	#	296	486	911	1,693	206	514	913	1,633
	%	17	29	54	100	13	31	56	100
Azerbaijan	#	556	1,154	1,942	3,652	260	1,214	2,024	3,498
	%	15	32	53	100	7	35	58	100
Belarus	#	1,513	1,167	2,766	5,446	630	1,211	2,991	4,832
	%	28	21	51	100	13	25	62	100
Estonia	#	227	174	436	837	96	182	469	747
	%	27	21	52	100	13	24	63	100
Georgia	#	707	646	1,510	2,863	333	673	1,594	2,600
	%	25	23	52	100	11	26	63	100
Kazakhstan	#	1,418	2,628	4,560	8,606	577	2,710	4,852	8,139
	%	16	31	52	100	7	33	60	100
Kyrgyzstan	#	311	828	1,102	2,241	143	850	1,161	2,154
	%	14	37	49	100	7	40	53	1,001
Latvia	#	403	287	739	1,429	166	299	792	1,257
	%	28	20	52	100	13	24	63	100
Lithuania	#	498	414	1,048	1,960	221	430	1,120	1,771
	%	25	21	54	100	12	24	64	100
Moldova	#	431	765	1,089	2,285	225	626	1,231	2,082
	%	18	33	49	100	11	30	59	100
Rus. Fed.	#	21,198	17,159	40,135	78,492	8,177	17,785	43,774	69,736
	%	27	22	51	100	12	26	62	100
Tajikistan	#	261	1,166	1,230	2,657	141	1,205	1,298	2,644
	%	10	44	46	100	5	46	49	100

Table 1. NIS Countries: Population size, growth, and composition.

Country	Pop. millions mid 91	Area in 1000 sq. kms	Pop. Density p. sq. km	Pop. Growth Rate	Total Fertility Rate	Prev. of Contra. Use (%)	Dep. Ratio %	Percent Urban
Tajikistan	5.5	143	38	3.0	5.3	15	89	32
Uzbekistan	20.9	447	47	2.4	4.3	19	69	41
Kyrgyzstan	4.5	199	23	1.9	3.9	25	72	38
Georgia	5.5	70	79	0.7	2.1	8	52	56
Azerbaijan	7.1	87	82	1.4	2.8	7	61	54
Turkmenistan	3.8	488	8	2.5	4.5	12	82	45
Armenia	3.4	30	113	0.9	2.7	12	54	68
Moldova	4.4	34	129	0.9	2.5	15	56	47
Ukraine	52.0	604	86	0.4	1.8	15	52	67
Kazakhstan	16.8	2,717	6	1.2	2.8	22	61	57
Belarus	10.3	208	50	0.6	1.9	13	49	66
Russian Fed.	148.7	17,075	9	0.6	1.7	22	49	74
NIS averages:	na	na	na	1.4	3.0	15	62	54
Dvlpg. Nations Avg.	na	na	na	2.0	3.6	49	70	46
Dvlp'd Nations Avg.	na	na	na	0.6	1.8	59	50	77

Sources:

World Development Report 1993

Human Development Report 1993

Table 2. NIS Countries: Socio-economic Indicators

Country	WDR Rank	HDI Rank	GNP p. c. US$	Adj. Real GDP p.c.	Life Exp'cy at birth	Infant Mortality Rate	Literacy Rate	Mean years of Schooling	Pop. per physician
Tajikistan	52	88	$1,050	$2,558	72	50	93	5	350
Uzbekistan	59	80	$1,350	$3,115	73	44	93	5	280
Kyrgyzstan	64	83	$1,550	$3,114	70	40	93	5	280
Georgia	66	49	$1,640	$4,572	77	16	93	5	170
Azerbaijan	67	62	$1,670	$3,977	75	33	93	5	250
Turkmenistan	68	66	$1,700	$4,230	70	56	93	5	290
Armenia	75	47	$2,150	$4,741	75	22	93	5	250
Moldova	78	64	$2,170	$3,896	72	23	95	6	250
Ukraine	79	45	$2,640	$4,878	75	18	95	6	230
Kazakhstan	82	54	$2,470	$4,716	73	32	93	5	250
Belarus	93	38	$3,110	$4,889	76	15	95	7	250
Russian Fed.	94	37	$3,220	$4,941	74	20	94	9	210
NIS Averages	na	na	$2,060	$4,136	74	31	94	6	255
Dvlpg. Nations Avg.	na	na	$1,010	$2,698	64	61	65	3.7	4970
Dvlp'd Nations Avg.	na	na	$21,050	$5,041	77	8	95	10.0	420

Sources:

World Development Report 1993
Human Development Report 1993

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Table 3: NIS Countries: Male-Female Comparisons

Country	Life Expc'y at birth M	Life Expc'y at birth F	Female as a percent of male: LEo	Literacy 1990	Years Schooling	Labor Force	Child Mortality
Tajikistan	67	72	107	na	na	na	91
Uzbekistan	66	73	111	na	na	na	80
Kyrgyzstan	62	70	113	na	na	na	78
Georgia	69	77	112	na	na	na	78
Azerbaijan	67	75	112	na	na	na	76
Turkmenistan	62	70	113	na	na	na	82
Armenia	68	75	110	na	na	na	80
Moldova	65	72	111	na	na	na	75
Ukraine	66	75	114	na	na	na	69
Kazakhstan	64	73	114	na	na	na	75
Belarus	66	76	115	na	na	na	71
Russian Fed.	64	74	116	na	na	na	72
NIS Averages	65.5	73.5	112	na	na	na	77
Dvlpg. Nations Avg.	55	64	107	72	58	52	86
Dvlp'd Nations Avg.	75	80	109	100	99	77	78

Sources:

World Development Report 1993

Human Development Report 1993

For most students, stipends for school were inadequate prior to the transition, and many students worked while attending school. A majority of female students held jobs while attending institutes of higher education, except in Central Asian states (See Table 4). Women in higher education, however, were more likely than men to drop out of school once married, as traditional roles and household demands competed for their time to invest in additional skills (Rimashevskaia, 1988).

Low-paid white-collar employment is the province of educated women in urban areas; less-educated women dominate the light industries such as textiles. In rural areas, women are responsible for the non-mechanized tasks in agriculture, and as technology is introduced, women's participation in the activity declines. Women accounted for 43 percent of agricultural workers in 1989 in the USSR. With mechanized work in agriculture limited, women in agriculture have few alternatives to their work as unskilled field hands or work with livestock (Bridger, 1992). For the USSR, clear gender distinctions were evident in white-collar occupations. Women accounted for 63 percent of all non-manual occupations, 50 percent of engineers and technicians, 73 percent of educators and scientists, 86 percent of medical workers, 88 percent of planners and accountants, and 93 percent of office and secretarial workers in 1989 (Shapiro, 1992).

Senior management jobs are generally not open to women. Although women comprised roughly 40 percent of industry employees in the USSR, they comprised only about 1 percent (in Armenia) to 11 percent (in Russia) of industry top management in 1989 (See Table 5). By contrast, women overwhelmingly dominate education, making up from 38 to 85 percent of all educators. Female representation among educators decreases as the level of education advances (Ryan, 1992).

TABLE 5 NIS: FEMALES AS TOP MANAGERS AND EDUCATORS, 1989

	Females as % of top managers	Females as % of educators (1988/1989)
Armenia	1.2	71.3
Azerbaijan	3.3	57.3
Belarus	9.1	78.1
Estonia	6.5	85.2
Georgia	3.6	73.0
Kazakhstan	9.4	77.0
Kyrgystan	10.1	67.7
Latvia	8.6	84.4
Lithuania	9.1	81.8
Moldova	7.4	74.7
Russian Fed.	10.8	74.4
Tajikistan	6.2	38.3
Turkmenistan	7.3	50.0
Ukraine	8.8	82.3
Uzbekistan	4.2	55.4

Source: Ryan, 1992

C. The Transition Period

In times of economic downturn, the position of less well-off people tends to worsen in absolute and relative terms. They have little wealth to offset job loss, and limited skills make them less desirable to employers when job openings are scarce. Limited statistics and anecdotal evidence suggest that this is the case for women in the NIS. Limited earnings, unemployment, inadequate pensions, and loss of social services, which affect all citizens, are making women's lives particularly difficult.

Wages and Unemployment

Current wage data separated by gender are not readily available, but an indication of wage differences between men and women can be obtained by comparing the wages in the female-dominated field of education with the average wage. The data in Table 6 indicate that parity is never attained; wages in education range from 69 to 91 percent of the average wage. Where women's representation among educators is relatively low, wages in education are somewhat higher. Azerbaijan, one of the poorer countries, has the highest relative pay for educators. In Tajikistan, the only state where women represent a minority of educators, wages in education are relatively high, equaling 88 percent of the average wage.

TABLE 6 NIS: WAGES IN EDUCATION FIELD AS A PERCENTAGE OF AVERAGE WAGE, 1991

	Wages in education as % of average wage	Females educators as % of total (1988-1989)
Armenia	75	71.3
Azerbaijan	91	57.3
Belarus		78.1
Estonia	71	85.2
Georgia		73.0
Kazakhstan	69	77.0
Kyrgystan		67.7
Latvia	67	84.4
Lithuania	86	81.8
Moldova		74.7
Russian Fed.	68	74.4
Tajikistan	88	38.3
Turkmenistan	86	50.0
Ukraine	72	82.3
Uzbekistan		55.4

Source: World Bank, 1992; IMF, 1992; Ryan, 1992.

Turkmenistan is the only country for which current gender differentials in earnings were available (See Table 7). According to official statistics from the Ministry of Labor, women's earnings are close to 95 percent of men's earnings, a difference that has been consistent from 1980 to 1991. Experts, however, view these statistics as problematic, especially given the standardized lower wages in women's work. As noted, a general figure of 70 percent of men's wages has been reported, a difference that was expected to widen during the transition. Thus, this 95 percent number is difficult to reconcile with conventional wisdom.

TABLE 7 TURKMENISTAN: EARNINGS AND EMPLOYMENT OF WOMEN AND MEN, 1980 AND 1991

	Average Annual Wage	
	1980	1991
Female	$684	$920
Male	$713	$951

	Total Number Employed (000s)	
	1980	1991
Female	539	754
Male	601	828

Source: IMF, 1992

Officially, unemployment is not a large problem in the NIS. The official rates are low relative to those in Western countries with market economies. In Russia as of August 1992, only 294,000 persons (0.35 percent of the working-age population) were officially listed as unemployed. Figures are similar for other NIS countries, ranging from 0.3 to 1 percent of the working-age population. However, unemployment is increasing (official statistics indicate a fourfold increase from January to August of 1992—See Table 8), and may continue to increase for several years. Resources for assisting the unemployed are extremely limited.

Official statistics on the unemployment rate in the NIS need to be interpreted with caution because they are not equivalent to the Western measurement of unemployment. In the United States, for example, unemployment is defined as the percentage of persons willing, able, and available to work who are not at work (or temporarily away from work), and who meet job search tests. The statistic is compiled from household surveys. In the NIS, unemployment is defined more narrowly by official registration at an unemployment center, and the labor force is a wider concept covering working-age persons including students and homemakers. In the NIS, pensioners are also not officially unemployed, despite inadequate pension benefits, and mandatory retirement ages. For example, in Moscow, 40 percent of old-age pensioners continued to work in 1991 (Barr, 1992). In the United States, a pensioner who is actively seeking work would generally be included in the number of unemployed persons, as no maximum age is placed on the potential work force.

TABLE 8 NIS: TOTAL UNEMPLOYMENT AND FEMALE UNEMPLOYMENT, 1992

	January 1992 (000s)	August 1992 (000s)	Female (%)
Armenia	4.5	29.3	
Azerbaijan	4.9	6.6	
Belarus	2.6	12.2	
Kazakhstan	4.5	22.4	
Kyrgystan	.2	1.2	
Moldova		1.2	
Lithuania	9.6		68
Russian Fed.	69.2	294.2	70
Tajikistan		5.5	76
Uzbekistan		2.1	

Sources: The Economist, 1992; IMF, 1992; Samorodov, 1992.

Note: Lithuania as of 12/31/91

A related phenomenon, hidden unemployment, is also likely. Hidden unemployment refers to persons who meet the economic, but not the official, criteria to be counted among the unemployed. For example, a person who is unemployed but not currently seeking work (often because of dismal job prospects) is not counted as unemployed. In the NIS, persons ineligible for benefits have little incentive to register with employment services, and registration is a prerequisite for being officially counted among the unemployed. Excess workers in the labor force may also be dealt with through unpaid leaves and early retirement. Thus, despite the official statistics unemployment is a substantial and worsening problem and more layoffs are expected as large state industries become privatized and existing firms are held to standards of self-support.

Kosaev (1992) reports unemployment measures based on a reconciliation of jobs with labor reserves (comparing numbers of jobs with numbers of people available for work). In 1991, such a measure suggested that 8 percent of Armenia's, 9.7 percent of Azerbaijan's, and 8.6 of Tajikistan's work force would be unemployed. Again, these numbers are not especially high by Western standards, but the full extent of job loss is unlikely to be realized at the present time.

A few countries report differences in unemployment between men and women (See Table 8), and from these statistics, unemployment appears to be disproportionately a female phenomenon. Women were often the first to lose their jobs as restructuring occurred. Women have also benefited less from employment services designed to match vacancies with persons seeking jobs because the vacancies require vocational skills, and a large proportion of the women seeking work have educational skills.

The number of young people leaving school after eighth grade without jobs or additional education increased in the late 1980s. The greatest problems were found in Armenia, Azerbaijan, Turkmenistan, and Uzbekistan, where hard-core youth unemployment is increasing as two-thirds of young persons lack vocational skills (Kosaev, 1992). Young women of childbearing age in this group have special problems because their skills are insufficient and firms tend to select men over women, in part because of maternal benefits and the risks of career interruptions by young women.

Women's Dependency on Pension Income

Old-age pensioners are the overwhelming majority of persons receiving pension income. For example, in Armenia there were 655,000 pensioners in 1992, almost 500,000 of whom qualified under old-age benefits. Work force restrictions and longevity mean that proportionately more women than men are dependent upon pensions for their income. Table 3 shows that women 55 and older represented from 10 to 30 percent of the female population of the NIS in 1990, while men 60 and older accounted for only 5 to 14 percent of males. Pensioners are likely to be the most harmed by rapid inflation, even though neither wages nor pensions have kept up with price increases. The decontrol of many prices for basic commodities makes most pension incomes inadequate for purchasing basic necessities. The collapse of the public health care system has also created special problems for pensioners.

Pension income is seldom more than one-third of the average wage in the four countries for which these data were available at the same point in time (See Table 9).[1] (Changes in pension benefits in Russia have altered the status of pensioners vis-a-vis low-wage workers. These changes are discussed in the next section.)

TABLE 9 NIS: PENSION BENEFIT AND AVERAGE WAGE, SELECTED COUNTRIES, 1991

	Pension ((A=average) (M=minimum)	Average Wage
Kyrgystan	100 (A)	275
Latvia	166 (M)	600
Lithuania	85 (M)	410*
Turkmenistan	35 (M)	244

Sources: World Bank, 1992; IMF, 1992.

Note: * approximate, interpolated from 2 dates.

D. Women in Political Life

Prior to *glasnost*, 30 percent of deputy positions to the Soviets were held for women. Women also comprised about one-third of the Communist Party membership, but they made up only 7 percent of Party secretaries. Gorbachev provided citizens with the first major open election based on democratic principles of choice. In 1989 the Congress of People's Deputies was created. A total of 2,250 seats were available, allocated equally among localities, the separate states, and associations such as trade unions (See Table 10). Each citizen could cast a vote in two separate rounds of elections: one for a national deputy and one for a local deputy. By the end of the elections in 1990, women did not have a strong share of seats (See Table 11).

[1] Rapid inflation and varying inflation rates across countries preclude use of data on pensions and wages that are not taken at the same point in time. Unless otherwise stated, all payments are in current amounts (not indexed for inflation).

TABLE 10 STRUCTURE OF OPEN ELECTIONS UNDER GORBACHEV, 1989

Total seats in Congress of People's Deputies	2,250
Seats Allocated:	
To states	750
To local constituency	750
To associations	750

Source: Buckley, 1992

TABLE 11 OPEN ELECTIONS UNDER GORBACHEV: WOMEN'S SHARE OF DEPUTIES' SEATS, 1989 (%)

Women's total share of seats (%)	15.7
By Selected States	
Kazakhstan	30
Latvia	35
Lithuania	34
Russia, Belarus	5
Turkmenistan	25
By Association Memberships Dominated by Women	
Teachers	25
Medical Workers	20

Source: Buckley, 1992.

One important measure of the political activity of women is the proportion of women among registered candidates. In the first-round election, only 16.6 percent of candidates were women, and only 15.7 percent of seats were won by women. Thus, representation of women in political life declined in number if not in fact. (Many authors referred to women deputies under communism as mere tokens. See, for example, Buckley, 1992c).

Russia elected women to only 5 percent of its allotted seats, and even trade groups dominated by women chose a disproportionate number of men to represent their interests (Buckley, 1992c). At the present time, the Congress of People's Deputies remains the governing body in Russia. Since no new election has been held in Russia, female representation remains at about 5 percent, well below the level of female participation mandated by former communist regimes.

A positive outcome of the first-round election (and of *glasnost* in general) was the opportunity to air women's issues in a public forum. The low outcomes for women as candidates in the first round of elections encouraged voter participation and election of women in the second round. Political discussion also included the desirability of reinstating quotas for women as representatives. Although these attempts were unsuccessful, a number of different women's groups have formed in Russia and in some of the states, providing women with a new forum to express their needs, and to affect political outcomes and economic goals. Women's groups are not homogeneous in their interests, however; they are concerned with issues as diverse as military conscription, the environment, traditional family values, feminism, feminist literature, and economic production (Buckley, 1992a).

E. Traditional Values

In the NIS, the social expectation of the traditional role of women is translated into law. The importance of women's roles as homemakers and mothers has been expressed in protective legislation and special benefits, which are conditioned by gender and reproduction. Maternity leave is of longer duration and has fewer pre-work conditions in socialist countries than in Western countries. Prohibitions against women working night shifts or under hazardous conditions may also be viewed as protection of reproductive functions over economic ones. The pre-transition period has been characterized as one in which the workplace became conditioned on the prin iple that women's first responsibility is to the home (Rakovskaya, 1992).

Opinion and rhetoric point to differences in males' and females' "proper" place in society. An opinion poll in Moscow found greater prohibitions on sexual practices for women than for men (Ryan, 1992). Soviet sociologists point to studies that show that men take risks more often and are more impulsive than women; that is, men exhibit stronger characteristics of entrepreneurship (Rakovskaya, 1992). Buckley notes the slogans of young Muscovites in the 1990s: "women are only half women if they do not have children" (1992b, p. 3).

Case Study: Women in Ukraine

Pavlychko (1992) has documented social norms and legal culture that govern women's lives in Ukraine. While each republic is unique, her analysis illustrates the broader problems women face in the NIS. The conflicts between stated equality and traditional values are evident in her presentation, which reveals the mechanisms by which traditional values are institutionalized in the law.

Three constitutions adopted by Ukraine have given women equality in principle only. Laws protecting women and prohibiting them from dangerous work and night shifts were never implemented: "37.5 percent of women are engaged in heavy physical labor. Millions of women work in conditions dangerous to their health. Every third woman [in industry] works nights. For hard physical labor women receive wages from 25 to 30 percent less than the average." (p. 83)

Women in politics were largely tokens, and women were never admitted to the highest ranks of the Ukrainian division of the Communist Party. Under Gorbachev, 38 women (16.3 percent) were elected to the Congress of People's Deputies. In the first free elections in the Ukraine (March 1990) only 13 women were elected to the Supreme Soviet's 450 seats. The newly elected Supreme Soviet formed a special commission to address women's issues, but it was based on the principle that social ills result from any deviations from women's traditional role in the family's well-being. A number of proposals designed to protect women in traditional roles were introduced in the Supreme Soviet, including restricting women's work to four hours per day.

A wide range of political parties formed in 1990, but few women were in the leadership or on their executive boards. Only the Peasant-Democratic Party addressed women's issues. Its declaration expressed the urgency for society to take care of women and children in the Chernobyl area, and the goal to revive the ancient cult of *Berehynia* ("the main goddess of home coziness, . . . keeper of the family and nation") (p. 88).

Independent women's organizations have formed in Ukraine since 1990, but often these organizations' concerns of national identity are tied to protecting traditional values; only a minority believe that women need equal protection in all spheres of activity. All these groups, however, have led to political expression and change. The Organization of Soldiers' Mothers has requested investigations of Ukrainians killed in the Soviet army, and demanded that their sons serve only on Ukrainian territory. Women's groups also participated in general strikes in support of self-government.

Cultural Diversity

Diversity of economies and cultures in the NIS means that assistance must be earmarked for specific situations as they exist in the various republics. It is certain that the differences will widen as countries form their own national identities, and their laws will reflect the unique character of each nation. The unique situation of women in each country must be taken into account, and support bolstered through programs at the local level can be tailored to suit the specific needs of women in each republic.

Despite these differences, however, the Soviet model of women's work assimilation was fulfilled to varying degrees in the separate states; and women continue to work outside the home in large numbers, although they derive a large share of income from entitlements. Workforce assimilation of women was limited prior to the formation of the NIS, despite the stated equality in the law. Traditional society found women working two jobs: low-paid or dangerous market work and unpaid domestic work.

The problems of women in agrarian cultures differ from those of women in urban areas. First, contrary to conventional wisdom, agrarian women, at very low levels of income, may be better off than their urban counterparts. At the least, they have an available food supply. As a group, women in agriculture may be more difficult to reach than urban women. Traditional backlash may also be an issue for agricultural economies, but only in the least developed republics. Once women have achieved a certain degree of assimilation in work and public life, greater obstacles arise when societies attempt to limit their involvement (Interview, Andrews, 1993).

Second, a major limiting factor in all of the states is the conflict between market capitalism and female entitlements based on traditional non-market roles, problems that will grow as the private sector develops. Third, even in the developed states, women remain segregated by occupation. For example, in Estonia, the problems of women are related to the structure of industry, and a culture that limits female opportunities in jobs traditionally held by men. Dr. Raivo Meine, Deputy Minister of Finance, noted the problems women would face in 1993 if the textile industry collapsed. A loan from a donor agency was paying wages of textile workers, but the loan was to be sufficient only until October or November 1993. If unemployed, women were not expected to be able to move into the male-dominated "heavy" industries (Interview, Meine, 1993).

Chapter 4

WOMEN IN RUSSIA: ECONOMIC ACTIVITY AND THE SOCIAL SAFETY NETWORK

Moscow teen-aged girls' most favored career choice: escorting foreigners who pay with hard currency.
--Survey results (1991)

All persons have faced hardships since the transition began. Average calorie intake in Moscow fell to 2,200 from 2,800 by February 1992, and protein intake was 50 grams per day, well below the recommended 80-100 grams per day. Hyperinflation wiped out savings for many, and the pre-transition price of a car now buys only a pair of boots. Inflation was twice the rate of wage increases in 1992 (Liu, 1993). There have been reports of students fainting from hunger in classes (Samorodov, 1992). In 1972, families spent 40 percent of their income on food. In 1992, food expenditures accounted for 70-75 percent of household income (Breev, 1993). Health deterioration has followed from nutritional inadequacy: "Only recently, health potential reached its pinnacle at the age of twenty-five, and today a downward trend begins at the age of sixteen." (Breev, p. 124.)

Under this scenario, the average woman cannot be expected to fare very well. However, evidence suggests she may be faring worse than the average man. The feminization of work and a paternalistic society that viewed a woman's primary function as that of wife and mother have created certain legal entitlements and workplace institutions that may continue under market capitalism. The conditions of women's work in Russia and the consequences of gender-based entitlements in the market period are discussed in this section, and further in Part II of this report.

A. Feminization of Work

In the 1960s the last of the labor reserves, older women, entered work in record numbers in the USSR. During the next two decades the increasing focus on production resulted in a lowered "quality of work" (Rakovskaya, p. 322). Labor was so intensively used relative to capital that equipment became obsolete and ill-maintained. Light industries employing women cross-subsidized the heavy industries, which were largely male provinces. A goal of full employment combined with concerns of women's dual roles led to limited opportunities for women, and created special work conditions for women. Rakovskaya (1992) argued that the inadequacy of men's earnings and the family demands on women led to the creation of special "female jobs" characterized by low labor intensity and low responsibility. "Women with reduced social motivation" were well-suited for the workplace created at this time. "It was designed for extensive economic growth, inefficient and painstaking labor, and low rates of pay. Men sought other ways to apply [themselves] in enterprise, cooperative and business activity and the shadow economy." (p. 323)

Specialists confirm this notion of feminized, low-intensity jobs. Absenteeism is low, officially, but women are allowed to "disappear" as needed on many jobs. An informal mechanism takes the place of formal absenteeism (Interview, Andrews, 1993). Shapiro (1992) notes the presence of informal part-time work for women. The minimum work week for teachers is relatively short. Also, women with children choose a difficult schedule termed *dezhurnaia*, which means they work one full 24-hour shift followed by three days off. A description of women in production notes the convention of "light work" when an employee becomes pregnant (Mandel, 1992).

B. Economic Indicators

". . . of the male from twenty years old unto 60 years,
even thy estimation shall be 50 shekels of silver.
And if it be a female, then thy estimation
shall be thirty shekels."
--Leviticus (circa B.C. 1500)

Earnings

As noted previously, Russian women earned about 70 percent of the wages men earned, primarily as a result of occupational segregation. For decades, Russian women have been concentrated at the bottom of the earnings distribution. At the end of the 1970s, one-third of women workers earned less than 100 rubles per month; only two percent of men earned so little. Modal wages, the most common range of earnings, were 100-140 rubles for women compared with 180-240 for men. Survey results from Taganrog showed that women earned about 66 percent of male earnings in 1967-68. A follow-up survey in Taganrog ten years later revealed that wages of women had fallen a small amount relative to men's earnings (Rimashevskaia, 1988).

Table 12 shows the relative distribution of male and female wages by age in the USSR in 1989. At all low wages, women were overrepresented. Young women (aged 16 to 24) outnumbered their male counterparts 2 to 1 in the lowest wage category of less than 100 rubles per month. By contrast, in the highest category of over 400 rubles, young men outnumbered young women eight to one.

As women age, the inequality worsens. Estimates from the two surveys in Taganrog revealed that at age 20 women earned 15 percent less than men. After age 30, this differential increased to a ratio of 2 to 3. That is, women earned one-third less than men, primarily because of the lack of upward mobility in their chosen occupations (Rimashevskaia, 1988).

TABLE 12 RUSSIA: AGE-ADJUSTED GENDER DISTRIBUTION OF WAGES (R/MONTH), 1989

	% Earning up to 100R/month	% Earning up to 200R/month	% Earning up to 400R/month	% Earning over 400R/month
M16-24	13.5	53.5	29.8	3.2
F16-24	30.1	58.6	10.9	0.4
M25-29	5.7	43.8	42.9	7.6
F25-29	18.9	62.1	18	1
M30-39	3.4	34.2	51.7	10.7
F30-39	13.2	57.8	26.9	2.1
M40-49	3.2	32	54.1	10.7
F40-49	12.5	53.1	31.7	2.7
M50 PLUS	7.6	41.2	44.6	6.6
F50 PLUS	21.1	52.8	24.5	1.6

Source: Computed from Goskomstat, 1992 data

Wages in Women's Jobs are Lower than Men's. As indicated on Table 13 below, women's wages on average equal only about 60 percent of the average wage.

The sectoral wage distribution has changed over time. From 1970 to 1992, wages in the education field fell from 85 percent to two-thirds of the national average. In a single year, between 1991 and 1992, wages among educators fell from just over 80 percent of the average to 66 percent, and wages in the health sector declined from just over three-quarters to two-thirds of the average. The greatest gains in relative wages took place in industry and construction. For example, the wages of miners were ten times the national average in 1992. Thus, sectoral changes in earnings have favored men (See World Bank, 1992b, pp. 152-156 for details).

TABLE 13 RUSSIA. EMPLOYMENT AND AVERAGE WAGES BY PROFESSION, 1992

	Total employment (1000s)	Indus. % of total employment (1989)	Rubles per month (1992)	Rubles per month (1991)
Industry	31,298	33.1	580	311
Construction	7,758	11.8	678	376
Agriculture	5,640	8.6	450	307
Transportation	4,947	7.5	609	349
Communication	890	1.4	570	257
Trade	5,601	8.5	443	258
Other	975	1.5	530	311
Housing and commercial services	3,020	4.6	431	224
Science, research and development	2,917	4.4	558	352
Education	5,679	8.7	407	203
Health, sports	3,922	6	427	203
Culture	865	1.3	377	180
Art	248	0.4	442	215
Banking, finance, credit, insurance	396	0.6	798	410
Government	864	1.3	538	364
Information	176	0.3	530	297
Average wage			530	297
Women's wage/average wage			0.58	

Sources: Computed from World Bank, 1992, Goskomstat, 1990, data.
Note: "Other" and "Information" assigned the average wage.

Relationship of Wages to Marriage and Children

Q. "Are you married?"
A. "Yes, unfortunately."
--Russian auto worker (1991)

Women accounted for half of all workers in Russia in 1992, but were 53 percent of the population. In the late 1980s, the labor force participation rate of women declined as women aged. For men, the rate of decline was substantially slower. Marriage and family demands account for much of the reduction in female market work over the life cycle. One-sixth of Russian women stopped work for an average of four years after the birth of a first child, not counting official maternity leaves (Rimashevskaia, 1988). The highest labor force participation rate peaks at ages 20-25 and declines moderately through age 55.

Wives' wages increase more slowly than their husbands' wages during the first ten years of marriage. After ten to 15 years the trend reverses; women's wages begin to increase more rapidly than men's wages, primarily as a result of women switching occupations. There is little opportunity for women to increase earnings through investment in additional skills or promotions in their early positions. Women move into jobs with physical stress to increase earnings, often as a result of family financial problems. One common reason women switch careers and/or take on additional jobs is that their husbands' drinking problems make them less reliable breadwinners (Rimashevskaia, 1988).

Education and On-the-Job Training

In 1989 slightly more women than men were enrolled in higher education in the Soviet Union: 2.6 million women and 2.55 million men (Goskomstat, 1991; Ryan 1992). Still, as of 1989, there were slightly more males than females with higher education in the population over the age of 10 (See Table 14). Education among employees showed a different scenario: more female than male employees had some higher education or specialized secondary education. To remain employed, women's schooling level had to be higher than men's.

For women, returns on investment in skills beyond entry level were uncommon, and family demands created constraints to continuing education in a formal setting. Women tended to invest less in additional education once employed than men. Eighty-five percent of working women stopped their studies and skill improvement after childbirth (Rakovskaya, 1992). According to Shapiro (1992), a 1992 survey revealed that women fail to receive on-the-job training. When women did receive training at work, few returns were forthcoming: two-thirds did not receive pay increases, increases in grade, or improvements in working conditions after training (Shapiro, 1992).

TABLE 14 RUSSIA: FEMALES AND MALES WITH GRADUATE EDUCATION IN POPULATION AND IN EMPLOYMENT, 1989

	Females	Males
Number with higher education per 1,000 persons aged 10 and over	94	102
Number with specialized secondary education per 1,000 persons aged 10 and over	612	673
Number with higher education per 1,000 employees	148	138
Number with specialized secondary education per 1,000 employees	779	776

Source: Ryan, 1992.

Industry and Occupational Segregation

Women's Work. Women dominate the fields of public health, education, culture, arts, and positions such as economists and accountants in white-collar employment. They are also predominant in low-pay administrative-clerical jobs in Russia. Although women comprise 40 percent of workers in industry, the work and type of industry are distinct for males and females. Women represent nearly 100 percent of workers in certain textile plants, and are the overwhelming majority in unskilled or semi-skilled manual auxiliary operations. Women are the main employees in light industry and in the sections of the engineering industry based on assembly-line production (Smith and Thompson, 1991).

The sectoral distribution of employed women and men as of 1989 is shown in Table 15. The majority of women have been concentrated in manual occupations, although the number has decreased. Within manual occupations, there were disproportionately fewer women out of the total number of employees in metalworking and in construction. Their representation in agriculture was roughly equal to their representation in industry[1] (Shapiro, 1992).

[1] The proportion of women in management reported by Shapiro is inconsistent with the proportions found elsewhere. Generally, the lower figures are provided (e.g., around 11 percent).

The Glass Ceiling. Just as there is a "glass ceiling" in market economies, the same appears to be true in Russia (See Table 16). Women were dramatically underrepresented in top management of enterprises and associations, as department heads, and as deputy managers and heads. By contrast, women were overrepresented in specialized professions, especially economics, accounting, and engineering.

TABLE 15 RUSSIA: WOMEN'S JOBS— MANUAL AND NONMANUAL OCCUPATIONS, 1989

Sector	Female unemployment (%)	Employees who are female (%)
All manual occupations	56.3	
Metal working		15
Chemical industry		58
Textiles		83
Clothing		93
Food		74
Communication		84
Sanitation personnel		97
Construction		21
Trade and catering		89
Service		89
Agriculture		43
All nonmanual occupations	43.7	
Education and science		73
Medicine		86
Planning and accounting		88
Management		49

Source: Shapiro, 1992

Professional stature and recognition are largely male provinces. In the late 1980s, 40 percent of scientists were female, but women accounted for only 13 percent of scientists with doctorates. Management's top staff was male-dominated: almost half of the men with higher and specialized secondary education held such a position, whereas only seven percent of women did. Women were all but absent among high-ranking statesmen and political leaders. Even in industries where female labor overwhelmingly prevails, the percentage of women directors was extremely low. "In light industry, 31 percent of directors were female, in textiles 21 percent, and in the food industry, 24 percent" (Rakovskaya, p. 324). Buckley notes the limited recognition of women by the Academy of Sciences. At the end of the 1980s, only three of 168 candidates nominated to this prestigious society were women. None of the women was selected (1992c).

TABLE 16 RUSSIA: FEMALE REPRESENTATION IN PRESTIGIOUS JOBS AND IN TRADITIONAL SKILLED EMPLOYMENT (% OF JOBS HELD BY WOMEN)

Managers of enterprises and production associations	11
Assistant managers of enterprises and production associations	8
Head engineers and their deputies	9
Head specialists and their deputies	13
Department heads and deputies	12
Heads of shifts, sections, units, department laboratories and their assistants	18
Heads of design, industrial engineering, projections and other bureaus	16
Heads of other sections, services, bureaus, and groups in factory management	32
Heads of nonmanufacturing sections in factories	39
Engineers in industrial production personnel	58
Technicians	84
Engineer-economists and economists	89
Foreman	30
Labor evaluations, accounts payable, and time clerks	85
Chief accountants	77
Accountants	94

Source: Rakovskaya, 1992.

Work-Place Hazards

> *"At a time when we have reached the Moon*
> *we have no machine to replace the worker's*
> *and equip him . . . this applies to women."*
> --Khrushchev (1962)

Women's careers are divided between low-wage opportunities and high-risk employment to improve their material well-being. Prohibitions on women working under certain risks are largely ignored, and Eastern Europe and Russia have been notorious for improper working conditions. The guarantee of full employment diverted budgets to labor rather than the purchase of new capital equipment or maintenance of existing machinery. A paternalistic state employer also offered certain concessions for high-risk work, such as lower retirement ages for miners, generous sick leave, and disability pensions. The cost of rectifying violations of existing labor legislation in Russia was estimated at 30 billion rubles (Shapiro, 1992).

Despite the laws protecting women, a significant amount of data and anecdotal evidence point to the poor work environment confronting female production workers. Although the statistics vary with how the quality of work is defined and measured, estimates suggest that one-fifth to one-quarter of the women who work in production work in substandard conditions. Table 17 provides data on the number of women in physically demanding or hazardous jobs. For example, 38 percent of female blue-collar employees worked on night shifts, 44 percent of women in industry worked in unhealthy conditions, and 20 percent of all women were engaged in hard physical labor.

> *A Russian auto worker provided this grizzly description of the dangers of his wife's job:*
>
> *"[She] works at a very old machine construction shop. Young girls come who had hoped to enter some institution. A few weeks go by, and they lose a finger or a hand . . . because the equipment is in terrible condition."*
> *(Mandel, 1992, p. 161).*

Accidents in textile plants increased elevenfold in the 15 years preceding the formation of the NIS. Forty-five percent of women in industry received either higher earnings or fringe benefits for hazardous work (Shapiro, 1992). In the late 1970s, one-quarter of all Soviet women were employed in physically demanding jobs, and many reported being constantly tired. Only one-quarter of women employed under such conditions reported that they could rest and recover at home after work, because household activities were time-consuming (Rimashevskaia, 1988).

The specific conditions of women in production work have been described through personal observations and illustrative examples. A case study of an auto plant in the Tarter Republic revealed the low status of women and the dangers they face. Fifty-two percent of employees were women, with one half working on the shop floor. Few women were in positions of authority. Women were also more likely to have accidents than men. They accepted hazardous work and shift work more often to offset the earnings gap (ILO, 1992a). The poor conditions of textile plants have been compared to conditions in industries dominated by male workers, but in textiles, work time is almost totally utilized, with few stoppages, as opposed to the considerable breaks in the work routine characteristic of heavy industry. The women work under constant strain, in uncomfortable positions, subject to high noise levels and temperatures that reach 37-40^0 C. Women also work more night shifts than men, despite the fact that night work for women is technically banned. Machines were designed for the average male rather than the average female (Smith and Thompson, 1992, p. 135).

TABLE 17 RUSSIA: WOMEN IN PHYSICALLY DEMANDING OR HAZARDOUS JOBS, 1990

Jobs	% Female
Hard physical labor	20
Industry: "unhealthy conditions"	44
Construction: "unhealthy conditions"	17
Blue collar: night shift	38
Bricklayers	12
Road builders	34
Rail track layers	20
Waterway transport	13
Work with concrete	6
Industry: loaders and transport	8

Source: Ryan, 1992.

Women's vs. Men's Contributions to Work in the Home

Legislation that limits women's roles in the workplace and favors their roles as mothers is not unjustified, given the dual jobs of Russian women. Unfortunately, such paternalism limits market opportunities, and creates economic incentives for women to carry out most of the home responsibilities as well. The time spent in home production activities is equivalent to the average annual work time of nearly 80 million workers, the equivalent of two-thirds of Russian labor reserves. On a regular work day, women spend more than three hours in home production. On holidays, home production duties among women are doubled. Women contribute three-quarters of all home production time (See Table 18).

TABLE 18 RUSSIA: ALLOCATION OF NONMARKET TIME BY WOMEN, 1990

Women's hours in home production, work day	3 hrs. 13 min.
Women's hours in home production, holiday	6 hrs. 18 min.
Total home production hours relative to total employed hours	2:3
Female share of total home production	75%

Sources: Rakovskaya, 1992; Ryan, 1992.

In Western households women still contribute the majority of time to household activities, but they have available numerous products and services that can reduce or lighten this load. This is not true in Russia, given the poor quality and low availability of consumer goods and the relatively low housing standards. For example, laundry services are primitive, as are washing machines for the home. Dry-cleaning requires that buttons be removed first. Fresh vegetables and fruits must be preserved for winter (Shapiro, 1992).

Russian women have higher rates of labor force participation than women in the West, despite poor conditions and low wages. Their leisure time, time for investment in additional skills, and for participation in cultural and political activities is likely to be more limited than that of Western women. Russian women also spend less time sleeping, meet with friends less often, and attend fewer cultural events than Russian men (Buckley, 1992b).

Child Care

Attention to the needs of children, to providing and upgrading child-care services, has declined during the financial crisis. This problem was developing prior to the transition. Table 19 reveals the number of child-care slots per 100 children in urban and rural areas. The relatively large number of slots compared with Western countries belies the crowded conditions, poor quality, and deteriorating care. Estimates during 1989 suggested that 1.9 million children needed places, but only 1 million were available (Ryan, 1992). Many mothers have chosen to stay home because of the poor quality of these and other public services (Rakovskaya, 1992).

A related problem is the large number of children abandoned to orphanages. In 1989 almost 300,000 children (abandoned or orphaned) were in children's homes or boarding schools. An additional quarter million were raised by relatives, not parents. Ninety-five percent of "orphans" had living parents. The low quality of the homes for children became a national shame under *glasnost*; they were poorly furnished and sometimes lacked food and heat. Children were locked in rooms for several weeks or subjected to physical abuse in certain cases. Initially, selfish mothers and caretakers were blamed. The press commented on the number of mothers who refused to allow their children to be adopted because of the perks they received as mothers. The press dubbed these women "cuckoo mothers" (Waters, 1992). In the late 1980s, legislation was proposed to make "cuckoo mothers" pay for the upbringing of their children, to place alimony in trust, or to send such mothers to camps along with alcoholics and prostitutes.

TABLE 19 RUSSIA: AVAILABILITY OF CHILD CARE FOR PRESCHOOLERS, 1988

Total places per 100 children	58
Total urban places per 100 children	66
Total rural places per 100 children	40

Source: Ryan, 1992.

Over time, the rhetoric gave way to understanding. Poverty obliged mothers to give up children. Caretakers were not indifferent, so much as exhausted. Low earnings of workers in the children's homes led to high turnover. Unless access to contraception were improved and economic problems solved, orphans would continue to be a problem. The state was ultimately blamed. However, the economic deterioration of 1990 and 1991 turned officials' attention to all children in poverty, and little was accomplished for orphans (Waters, 1992).

Lack of appropriate services currently creates special problems, and has implications for all children. Unemployed mothers who receive insurance can lose benefits for not accepting an available position. Potentially, unemployed mothers who are offered work may face the choice between a job on the one hand, and the safety of their young children on the other. Some child care has been offered as a fringe benefit by state employers, but as cost-trimming takes place, child services may fall into the category of excludable benefits. The government simply cannot afford expanded child care or investment in orphanages, given other earmarked obligations and declining output.

C. Problems of the Transition

Poverty and the Scale of Misery

It is impossible to describe accurately the extent of poverty in Russia. First, no universally agreed upon definition of poverty exists. Two concepts for poverty are common among former socialist countries: the social minimum and the physiological subsistence level. The social minimum is politically determined as a subjective measure of the lowest acceptable living standard. In 1991, it was about equal to the average wage (Barr, 1992). Clearly, the social minimum is not viable as a target for benefit amounts without a major inflow of foreign assistance. The physiological subsistence level is based on the cost of food and basic necessities of life. Theoretically, subsistence represents that minimum level at which a society can maintain its population size over time. A problem with subsistence as a target is that the target is constantly moving. Once a standard is set, it must be constantly updated for changes in the prices of items on which it depends.

Second, poverty is a household concept rather than an issue of an individual's earnings. Ideally, measurement of poverty should include the earnings, fringe benefits (such as free or subsidized housing), and other income of all household members. The ability to grow crops for personal consumption may also be an important item. No such accounting is possible at this time in Russia.

Pensioners, mostly old-age beneficiaries, have received low benefits that have not kept up with inflation. Many experts rank pensioners first on the scale of relative deprivation, and over 70 percent of pensioners are women. There were 33.8 million retired workers in Russia in 1990; in relative terms this number is equivalent to 46 percent of the employed population (IMF, 1992). Pension income has always been relatively low, and many older persons have routinely supplemented pensions by working. Fewer opportunities now exist for such work. To make matters worse, pension administration is beset with difficulty. In 1992, a financial crisis delayed pension payments (Liu, 1993).

Women who support large families are next in terms of economic hardships, followed by persons who have become unemployed but who are ineligible for benefits. The majority in each group is women.

Recent changes in pension funding may have shifted the scale. As of 1993, the pension was no longer tied to the minimum wage, and exceeded the minimum. Thus, the pension benefit has moved closer to the subsistence minimum but remains below it (Liu, 1993).

Unemployment

Sixteen million persons in Russia may lose their jobs by the year 2000 (Shapiro, 1992). Projections of short-term job loss for 1991 were developed by government statisticians, and were reported by the Minister of Labor, Shokhin. Under a scenario of substantial privatization of state industries in 1991 and increasing labor efficiency of these industries, labor surpluses were expected in the form of 17 million job changers, 1.5 million structurally displaced workers, 2 million entrants due to termination or reduction in force, and 2.7 million new entrants. Of these persons, 19.5 million were projected to be successful (15.2 million would find work on their own, and 4.3 million would be placed by employment centers). Another 0.9 million would become employed in public works, and 0.4 million would be unsuccessful, and therefore become the recipients of unemployment insurance benefits (Shokhin and Kosmarskii, 1992).

By the end of 1992, the official statistics were well below one million unemployed. Slower than expected privatization has postponed rather than prevented the full losses that will accompany restructuring. As yet, the private sector has not developed to the point where it can offset displacement in state industries. Thus, income protection in the form of social insurance is vital in the short run, and unemployment protection will necessarily command greater amounts of the government budget in the near future.

Groups vulnerable to job loss include women, the young, older workers, handicapped, and ethnic minorities. Among the unemployed, women have greater difficulty finding reemployment than men. The greatest problems among women are found among young mothers and women of pre-pension age (50-54). Women with technical qualifications are also at risk, notably scientists and engineers. Women average 70 percent of official unemployment, and females account for up to 80 percent of the unemployed in some areas (Samodarov, 1992). By contrast, in Moscow, women make up 55 percent of the unemployed (ILO, 1992a).

"Since . . . women make up the bulk of the unemployed in Russia . . . it is they who have suffered most from the loss of earnings following redundancy" (Samodorov, 1992, p. 338). Women were the first to be laid off during restructuring, and they are not desired by employers at the current time (Shapiro, 1992). Experts suggest that women are not being selected for jobs, independent of their skills. Young women who are new entrants are also having more trouble than young men in finding jobs (Samodorov, 1992). The problem persists for highly educated women and for the lesser skilled.

Additional benefits to mothers have contributed to the current employment problems of women. In April 1991 women with children were given additional pay to offset inflation, but enterprises were given no funds to cover these costs. The Supreme Soviet's Committee on Women's Affairs responded with a letter declaring that enterprises simply could not afford the pay increases, and thus were releasing large numbers of women (Shapiro, 1992).

D. Government Policy: The Short Run

Barr (1992) has evaluated the major components of the cash benefit system in Russia, and much of this discussion is taken from his monograph. The dynamic structure of legislation that governs social benefits is under constant revision. Benefits for pensioners changed in late 1992 and again in 1993, so that minimum wage workers may now be worse off than pensioners. The scale could very easily change again.

In 1992, Russia devoted 10 percent of GDP to social programs in the form of transfers to pensioners, family allowances, maternal benefits, and unemployment insurance. The largest component (52 percent) was for old-age pensions. Other pensions made up 8 percent, while sick leave and maternal benefits together made up 10 percent of such transfers. Family allowances (children's benefits) accounted for 16 percent, and unemployment benefits were a small fraction at only 0.2 percent of GDP. Social assistance and other miscellaneous benefits comprised the remainder. The Pension Fund paid for both family allowances and retirement benefits. In 1992 the fund was financed primarily through a 31.6-percent payroll contribution by firms, and a 1-percent contribution by workers. Budget transfers comprise the remainder of pension security financing. (See, World Bank, 1992b, pp. 141-144 for financing details.) Table 20 summarizes the major forms of assistance and their characteristics.

TABLE 20 RUSSIA: CHARACTERISTICS OF BENEFIT SYSTEM, 1991

	Funding source and coverage	Characteristics
Unemploymt. insurance	Employment funds of 1% payroll and budget transfers Coverage: 20% of registered unemployed Training and retraining coverage: 1.5% of unsuccessful registered unemployed (Moscow, 1991)	1. Eligible if worked 12 weeks in past year 2. Refusal of 2 jobs results in ineligibility 3. first 3 months—75% of past wage; declines to 45% months 8-12. 4. 10% increase per dependent 5. Services—job centers offer vacancies
Social insurance (sick pay and maternity benefit)	Social insurance funds—5.4% contribution from payroll Coverage: cannot be determined due to administration procedure	Sick pay is 60 to 100% depending on previous service for nonwork-related cause until recovery 3 days to 2 weeks for care of family member Maternity benefit is one-time grant of three times minimum wage Maternity benefit equal to pay for 6 months
Family benefit	Pension fund financed by budget transfer Coverage: complete additional credits for large families	Child under 6—benefit is 45% of minimum wage per child per month Child less than 18 months—benefit is 60% of minimum wage per child per month Single mothers receive additional 45% of minimum wage for child under 6, and 50% of minimum wage for children between 6 and 16 years Additional benefits for inflation

Pensions: Old-age (OA) Loss of breadwinner (L) Invalidity (I)	Pension fund financed by 31.6% payroll contribution in 1992 and 20.6% in 1991 Worker contributes 1% Coverage: complete with exception of new migrants into Russia (e.g. citizens who worked in former states—employment records may be missing)	OA—eligibility is age 60 for men and age 55 for women. 25 years of service required for men; 20 for women. Can continue to work full-time and receive pension Effective benefit is minimum wage due to inflation L—No service requirement if loss is work-related I—Benefit is 2/3 of minimum wage pension until remarriage, age 18 for children

Sources: Barr, 1992; IMF 1992; Samorodov, 1992.

Unemployment

Unemployment did not officially exist until 1991, when the Employment Law was passed. Unemployment still does not exist in the Western sense (i.e., the number of persons available for work, actively seeking work, and who are not currently employed a minimum number of hours per week.) Instead, unemployment is the number of persons registered at employment centers. As noted in Table 21, the level is low, but growing.

Only 20 percent of registered unemployed people have unemployment insurance. Generally, a person must have worked for 36 weeks during the last 12 months to be eligible for unemployment benefits. The level of benefit is low—45 to 75 percent of previous earnings — with a 10-percent increment for each dependent. Under rapid inflation, the benefit is often below subsistence. Persons who fail to find jobs after finishing their education are also eligible for benefits at a special rate of one-half of the minimum wage (Samorodov, 1992). Eligibility is lost if a first-time job seeker refuses any employment, and for dislocated workers it is lost generally by refusing two suitable jobs. A suitable job is defined according to several criteria including being within one hour's commuting time (Samorodov, 1992).

TABLE 21 RUSSIA: REGISTERED UNEMPLOYED AND INSURANCE BENEFICIARIES, 1991-1992

	Number unemployed	Number insured
July 1991	16,104	1,935
December 1991	59,370	11,654
January 1992	69,600	14,000

Source: IMF, 1992.

A state fund for promotion of employment is financed by a tax of 1 percent of payroll and by budgetary transfers. The Employment Law also established the right to free training and vocational guidance from the Employment Service. Breev (1993) notes the growing problems of employment centers. There are some 2,300 centers in Russia, equivalent to one center per 32,000 workers. The majority of jobs available are vocational-technical, so women do not generally benefit from these openings. In the first half of 1991, only 1.5 percent of all persons who failed to find jobs through the Employment Service were offered retraining (Samorodov, 1992). However, a majority of those receiving retraining were women (Breev, 1993). The government has also set a target of providing jobs directly for 400,000 school leavers, 500,000 women with young children, and 200,000 homeless. No information on implementing this program is available (Samorodov, 1992).

Children's Allowances

All children are eligible for transfers from the state, regardless of the income of their parents. Children's allowances are paid from the Pension Fund through a budget transfer, and accounted for 22 percent of Pension Fund expenditures in 1991. If mothers worked for at least one year prior to giving birth, 60 percent of the minimum wage is allocated for the child monthly up to the age of 18 months. Otherwise the rate is 45 percent of the minimum wage. From 18 months to age 6, the benefit is 45 percent of the minimum wage. From age 6 to 16, 25 percent of the minimum wage per month is paid to each child.

As of January 1, 1993, these benefit amounts were 1,250 rubles per month for mothers who had worked for one year, 1,000 rubles for other mothers of children under 18 months, 1,000 rubles per month to mothers of a child between 18 months and 6 years, and 500 rubles per month for older children through age 15. The minimum wage is 2,250 rubles per month (Liu, 1993).

Single mothers (but not single fathers) who are not receiving alimony are entitled to a Pension Fund allocation of 45 percent of the minimum wage for children under 6, and 50 percent for children aged 6 to 16. Mothers or relatives on leave from work to care for children under age 3 also received 750 rubles per month as of January 1, 1993 (Liu, 1993).

Additional allowances equal to the minimum wage exist for disabled children. Supplemental allowances, paid for by local budgets, have been allocated to offset inflation. Table 22 shows the number of children under age 6 receiving benefits of these kinds as of 1992.

TABLE 22 RUSSIA: MATERNAL AND CHILD BENEFITS, 1992

Category	Number of Beneficiaries	Amount (Rubles)
Birth	90,000	500
Child to 1.5 years old	135,000	230
Child 1.5 to 6 years old	310,000	170
Total	535,000	

Source: IMF, 1992.

Sick Pay and Maternal Benefits

Sick pay and maternal benefits are paid from the Social Insurance Fund based on a payroll contribution of 5.4 percent. A person is eligible from the moment a work contract is signed, and the legislation applies to all workers in the public and private sectors. The health benefit ranges from 60 to 100 percent of the individual's wages. Sick pay for work-related illnesses and maternity benefits is 100 percent of the individual's wage. Work-related sick pay is financed by the employer rather than by the Social Insurance Fund.

The maternal benefit is a twofold grant equal to three times the minimum wage at birth and a complicated additional benefit payable from week 30 of pregnancy for about 126 days. The maternity benefit and sick pay are paid out by the enterprise, so the extent of compliance is unknown.

Social Assistance

As of 1992, benefits for the poor, whether cash or in-kind (e.g., food), have been determined at various levels of government, generally local governments. In 1992 there was no coordinated federal system of "welfare benefits," thus the structure cannot be completely described and it is likely that there are major gaps in coverage.

Pensions

The main types of pensions are for old-age, for invalids, and for those who have suffered the loss of a breadwinner (survivors). Social pensions also exist for those without sufficient work to qualify under other pensions. The vast majority of pensioners are older citizens, receiving the largest portion of expenditures from this fund. To qualify, women need 20 years of service, and men need 25. As noted earlier, women are eligible at age 55, men at 60. Certain groups (e.g., airline pilots and ballet dancers) are granted exceptions to this rule. Women with very large families also accrue pension entitlements more rapidly. No work restrictions are placed on pensions, and a number of pensioners are employed.

Prior to the end of 1992, the minimum pension was equal to the minimum wage. The maximum pension benefits depend upon service and previous earnings. However, inflation makes these calculations immaterial for most persons. In October 1992 and again in January 1993, pension benefits were increased. As a result, the minimum pension now exceeds the minimum wage. As of January 1, 1993, the minimum pension equalled 4,275 rubles, compared with a minimum wage of 2,250 (Liu, 1993). Both the minimum pension and the minimum wage are below the subsistence minimum.

Pensions for invalids are based on a three-tier scale denoting the extent of disability, and benefits range accordingly. Group 1 is the greatest level of disability. Both groups 1 and 2 receive two-thirds of the minimum benefit. Persons in group 3 receive 30 percent of the minimum.

Survivor benefits are paid for the loss of a breadwinner. Children, widows, widowers, and sometimes parents and grandparents may qualify. The benefit is 30 percent of the minimum benefit and rises with family size. The social pension is based on age and is two-thirds of the minimum pension benefit. Receipt begins at age 60 for women and 65 for men. No previous work is required.

Use of Children's Allowances and Pensions to Reduce Unemployment

To offset the growing unemployment problem, a number of Russian specialists, including the Minister of Labor, have supported an increase in benefits (Shokhin and Kosmarskii, 1992). Consequently, fewer women will seek work. Also, offering part-time work is advocated as a means of reducing the female labor supply and effectively providing opportunities for women to fulfill their roles as wives and mothers. A number of proposals are based on the assumption that if husbands' wages were higher, women would choose to stay home (Shapiro, 1992).

E. Non-Governmental Organizations (NGOs)

Non-governmental groups are becoming involved with women's issues in the transition period. As an example, the special unemployment problems of women have led to the formation of an independent organization, referred to simply as the Women's Committee. This committee, located in Moscow, facilitates matching of displaced women with job vacancies. Among their activities are job fairs for women, building up databases of vacancies, and suggesting affirmative action legislation for women's problems. The first job fair held by the Women's Committee attracted over 700 women in Moscow. In total, 6,500 women have attended job fairs sponsored by this group, and 25 percent found places in jobs or training programs (ILO, 1992a, 1992b).

F. Short Run: Discrimination Against Women?

"Capitalism is doing women no favours, either."
--ILO (1992)

To evaluate the claim that women in Russia are subject to discrimination, the legal rights of women and their economic status must be evaluated. Discrimination must also be defined carefully, in a manner consistent with empirical verification. In a strict economic sense, discrimination is not present merely when firms do not comply with labor regulations protecting women's jobs or safety. Nor is it present because past segregation has resulted in lower and less appropriate skills possessed by women. The latter is a social problem which firms need not be responsible for solving.

The Russian labor code contains strict antidiscrimination statutes, but laws on paper are not sufficient protection of women's rights. For example, a manager can be jailed for one year if he is found guilty of firing a pregnant woman. However, the labor code is routinely violated. For 70 years women have been prohibited from night work, but large numbers still work at night. Referring to the loss of women's jobs under restructuring, Shapiro quotes an excerpt from Socialist Labor: "The most defenseless are women with children, who have become the first candidates for discharge — because of sick children, or due to the unwillingness of management, or at times the impossibility due to economic difficulties, to grant them the rights and privileges accorded them by the law." (p. 25)

Socialism has created unique problems of women's dependency on the state for job protection and income, at a time when economic forces operate against generous benefits on the one hand, and compliance by employers on the other. Table 23 shows the importance of pensions, wages, stipends, and other income to women relative to the population in total as of 1989. These data are for the former USSR but are illustrative of the extent of women's dependency on budgetary transfers. Twenty-three percent of women's income is derived from pensions, compared with 15 percent for the population in general. Another 29 percent of women's income is in the form of dependency on family income. Since these population totals include young children, the working-age population, and the elderly, dependency by both men and women appears substantial. The overall population (53 percent female) receives just over 50 percent of income from work. All women taken together receive only 45 percent of income as employees. Pensions account for only seven percent of male income; employment accounts for about 60 percent.

Economists define discrimination in earnings as pay differentials that are not based on differences in productivity. Similarly, preferences in hiring and promotion based on non-economic characteristics are considered discrimination. When employers face potential differences in hiring, training, and cost-recovery in the strictest sense, pay differences are justified. Because of maternal leave benefits, other things being equal, the average woman of childbearing age is more expensive to hire than the average man.

Similarly, older women are finding difficulty becoming reemployed. If such women have skills equivalent to males who are successful in reemployment, this phenomenon would indicate discrimination. (The firm does not bear a disproportionate cost of these women's higher retirement benefits, since all firms pay the same percentage of payroll to the Pension Fund, regardless of the gender mix of their workers.) The alternative hypothesis, of course, is that the past segregation of women into female occupations means that they lack the vocational skills required by current employers. There are simply not enough data to determine which hypothesis explains the status of women in Russia on this issue.

TABLE 23 RUSSIA: % DEPENDENCY ON SOURCES OF INCOME, WOMEN AND TOTAL POPULATION, 1989

	Women	Total population
Employment	45.0	51.5
Stipends (students)	2.2	2.5
Pensions	23.0	15.3
Dependents + private part-time work	29.7	30.6
Other	.1	.1
Total	100.0	100.0

Source: Ryan, 1992.

There is, however, evidence of historical discrimination. Firms were not held accountable for rationalizing costs of production in the recent past and the strict occupational segregation of women into lower-wage categories suggests past discrimination.

G. Long-Run Aspects of Policy in a Market Economy

The long run will likely be characterized by increases in the average earnings of Russian workers and a widening of wage differences across the employed population. Whether women in the workplace gain or lose relative to the average worker will depend upon the incentives created by legislation, the ability to ease their home production burdens, and the social perception that women's place is in the home. The extent of compliance with legislation and the ability of the state to monitor and redress noncompliance will also play a role. Ironically, women's employment prospects may be better if noncompliance occurs. Under the worst-case scenario, employers may be expected to bear greater costs of the female-protective legislation now in place. Privatized pensions with concessions to women, and the current maternity benefits paid directly by firms, will adversely affect women. In fact, women may be forced into their traditional roles as wives and mothers. Female role models and mentors for women who choose economic activity will be scarce, which will strengthen women's perceptions that the homemaker role is the only viable choice. Finally, the extent of gender-based "rational" hiring practices depends upon whether entitlements take the form of direct expenditures for services, or the form of time away from work.

In the following paragraphs, consequences of female protective legislation are discussed. First, the presumption that firms are gender-neutral but face differences in hiring costs for women is addressed. Second, the problem of prejudice is examined.

The paternalistic treatment of women and socialist-type legal entitlements do not bode well for women in the future. The private market has no mechanism to offset past economic wrongs. Even if entrepreneurs are so motivated, such behavior is counterproductive. Competition will force firms to produce at the lowest possible cost in order to survive.

Statistical or Rational Discrimination

Even if employers are not prejudiced, they will prefer to hire men rather than women if they are required to bear the extra costs of female benefits. Lacking individual information about a woman's productivity or her likelihood of fertility, an employer will assign a female candidate the average tendency for women. Such an assignment is called statistical discrimination. Firms have no way of knowing which women do not fit the norm. The extent of discrimination will depend on the mechanism that finances benefits, and gender-neutral cash benefit schemes are viable.

<u>Privatization of Pensions</u>. Pay-as-you-go pension systems, in which benefits are based on previous wages and years of service, will be gender neutral. However, women who reduce their work activity over their life span to meet family demands will have substantially lower pension income, especially if earlier retirement is not a choice but a legislative mandate. A major problem with private pensions, even under this scenario, is that they are unlikely to be indexed for inflation; neither sex will be guaranteed adequate retirement income. (See Andrews, 1992, concerning issues of developing a private pension system in Russia.) Legally mandated preferences for women in pension vesting (years of service before eligibility) and benefit amounts, however, will create incentives to hire fewer women.

<u>Child Care and Health Services</u>. In the short run, child care and health benefits are likely to worsen. As markets develop, private high-quality child care may become a viable alternative to firm provision or inadequate public provision of child care. Privatization of health services may improve quality and availability for persons who can afford it. Similarly, private health insurance may develop to offset the decline in public services.

In all Western countries, women use more health services than men, even after accounting for their reproductive needs and their greater longevity. Women's employment prospects depend upon whether these costs are borne by their employers in direct proportion to the number of women they hire. That health benefits are based on families rather than the gender of the employee need not alter this calculation. The reasoning is complicated, based on the lifetime productivity and tenure in a specific job, and is explained by patterns of wage growth in market economies. Essentially, workers must provide a sufficient amount of production to the firm to offset the cost of benefits or they will not be offered such compensation. Lower attachment of women to work over their life cycle, and relatively low-paid employment, mean that firms are less able to recover the costs of benefits provided directly to women.

In the United States, small firms and employers of part-time workers typically do not offer benefits. Women are more likely to be covered under their spouse's insurance than their own. Broader coverage is achieved in many Western European countries by insurance societies that operate at levels higher than the individual firm.

Earnings, Education, and On-the-Job Training. Among educated career workers, earnings increase predictably with age. When men and women enter their jobs, wages are relatively equal. Differences that arise over time are rationalized by greater career attachment and the incentive to bear training costs for workers who will stay with the firm over time. Economic calculations suggest that older workers who change careers will not receive training because of the short time remaining to recover costs. The same argument is applied to women of childbearing age; they are at risk of marriage and leaving work to rear children. Job training and the possibility of higher future benefits create a long-term relationship between employees and firms. If women do not receive training, their career advancement is limited, and loyalty to a specific employer declines. Thus, the prophecy of lower female attachment is self-fulfilling. Firms cannot afford to train women because they might leave; women, lacking promotion opportunities, are indifferent to the choice between the current low-wage job and another offered by a competing employer.

Educated workers also receive more on-the-job training than the less educated. The lifetime returns to initial education are affected by the future employer's willingness to make additional investments in workers. For persons who expect systematic discrimination in the labor market, incentives to acquire education diminish.

Absenteeism, Leaves of Absence, and Job Protection. The complex system of sick leave, informal absenteeism, and protection of jobs for mothers and pregnant women works well only for women who secure employment. Without legislative mandates, employer-provided benefits will be variable and unpredictable. They are likely to be available privately, in well-paid, highly skilled jobs.

The extent of gender-based preferences will depend upon the specific content of a job. Where turnover and retraining costs are low, employers are likely to be gender-neutral. Temporary workers can substitute for persons on leave so long as firms do not bear the direct cost of maternal compensation while they are absent. Unfortunately, such jobs tend to be low-wage jobs with few opportunities for advancement. Parental leave rather than maternal leave is meaningful only if employers reasonably expect equal numbers of men and women to take advantage of such opportunities.

Gender-Neutral Cash and In-Kind Benefit Financing. Rational employers who must bear higher costs of women's entitlements will prefer to hire, train, and promote men. Such behavior will be self-reinforcing. Preferential treatment in pensions, responsibility for child care for employees, and health benefits will limit employment opportunities for women even if employers have no prejudice. Over time, a division of family labor, with men engaged in market work and women engaged in home production, becomes economically rational.

In this case, much of the discrimination against women could be eliminated simply through a financing scheme of women's benefits that is cost-neutral to the firm. Such schemes would need to be based on mandatory contributions by very large groups to spread risks, and would be financed independently of the gender distribution of an individual firm's employees. (Health care financing in Germany, which is based on equal contributions by workers in large societies, operates on this principle.)

Limits to Gender-Neutral Financing Schemes for Benefits in the Form of Time. Financing schemes would not eliminate preferences based on expectations of higher absenteeism or extended job protection for maternal leave. If firms depend on specific workers with specific skills, they cannot replace such workers easily with temporary employees. In this case, special exemptions to mandates would be required for small firms, assuming that large firms rely less heavily on a single individual. Still, the use of liberal leave would mean that firms would select men over women for on-the-job training. Incentives for women to invest in skills, to continue education, and to participate in the workplace would be reduced accordingly. The traditional role of women would be reinforced and their market opportunities limited if employers viewed leaves as excessive or deleterious to their daily operations.

Perhaps the most damaging component of the current system, whether the result of sex bias or rational cost-calculations, is the assumption that women should retire earlier than men. Women live longer than men, and have the potential to provide more productive hours over their life cycle. There is no reason to expect that women cannot begin their careers in earnest after their children are of school age, if they so choose. Elimination of the mandatory retirement age, and a private pension system based on actuarial accounting, would substantially remove market incentives giving men preference.

Irrational Discrimination

Discrimination based on a non-economic value system cannot be overcome by the factors mentioned above. Antidiscrimination legislation, quotas, and strict enforcement and penalties will be needed in this instance. Such remedies will be necessary in educational institutions as well. Special stipends for female students in nontraditional fields will be required to offset economic imbalances caused by discrimination. Legal intervention would be justified on purely economic grounds when employers were prejudiced. An economy cannot afford to systematically limit the productivity of half of its population.

Female entrepreneurship will be limited in any case by the disproportionate demands on women's time by family responsibilities, and lower earnings with which to accumulate capital. If prejudice exists, women may face discrimination by financial institutions. Direct intervention to expand women's choices in business ownership will be required to remedy problems of prejudice.

Recent history reveals a gender-based set of employment institutions. Social values have tended to place women's functions as homemaker and mother first, and marginal worker second. Career woman, political leader, or top manager were unattainable job goals for most women. The current hardships have forced society to acknowledge the dependent position of women in the NIS. Whether the response will be an increase in benefits to improve their traditional positions, or new legislation to promote choice depends largely on the gains women can make during this period. Once legislation is in place, practices will still be difficult to change.

Chapter 5

CONCLUDING REMARKS

A. Summary

After a discussion of the economic status of women in the past and in the current transition period of the NIS and an analysis of the effects of female entitlements on women's work opportunities in a market economy, more pragmatic issues will now be addressed. Will the current social insurance institutions, especially pensions, be economically feasible in the future? What kinds of information are needed, and what forms of assistance can be provided at the current time to encourage female market and political participation?

The economic crisis has disproportionately affected women because of occupational segregation, dependency on pension income, and unemployment problems related to existing skills. In this context, the average woman is presently worse off than the average man in the NIS. Social services have also declined. Problems of substandard housing and nutrition are expected to worsen given budget problems and the large part of budgetary transfers going to pension support. Health care spending in Russia as a proportion of the budget has declined at a time when malnutrition exacerbates the health problems of the population.

Pensioners, predominately women, have been hardest hit by the crisis. Recent upgrading of benefits may alter their relative position, but cannot make up for their past poverty. The lives of many women who support large families are devoted largely to economic survival on inadequate income. The decline in support services and poor quality of services are making this problem worse. Such women who lose jobs face severe deprivation because children's allowances are low and reemployment is more difficult for women.

Many of the problems women now face stem from historical occupational segregation based on gender rather than on productivity. Less-educated women are employed in low-paying jobs in light industries, or in dangerous jobs with adequate pay. Educated women are found in low-paying professional work. Even among agricultural workers, gender divisions are present: women work in the non-mechanized tasks in agriculture.

Skill formation has also been derived along the lines of gender-segregated occupations. There is an absence of demand for many women's skills at the present time. Women account for a disproportionate number of the unemployed, and young women have more trouble than young men obtaining employment.

Job loss is expected to continue in the NIS. Slow rates of privatization of large state industries have postponed rather than avoided this problem. Ensuring a minimal standard of living for families and attending to the special health and child-care needs of women are of the utmost importance at the present time. The private market has not developed sufficiently to absorb redundant labor. Nor can private firms be expected to replace the public sector's role in delivery of health services, child care facilities, or to offset disproportionate demands on women's time in home responsibilities. Direct assistance can strengthen health care and maternal services immediately. Ultimately, however, political stability and economic viability will depend on overcoming the present crisis and instituting a consistent set of laws that encourage business development, foreign investment, and the productive use of time by all members of society.

The long-run characteristics of women's lives will depend in large part on legislation in place at the present time. Paternalistic protection will conflict with capitalist profit motives, even in the absence of prejudice. The main issue is benefits in the form of time, not cash or in-kind benefits, as they could be provided in a gender-neutral manner. The outcome for women in the future of the NIS cannot be predicted, given the divergent cultures and economic conditions in the different countries. However, legislation plays a crucial role in female assimilation, and Russia serves as a test case and a model for legislation in other areas. Private firms have less incentive to hire women as long as associated costs are higher and women receive additional "maternal" concessions. The private sector also does not have any mechanism to make up for historical wrongs against women.

Whether female entitlements remain politically feasible depends upon their costs to society and the extent of society's willingness to redistribute income to "female protection." Again, economic realities may result in creating dependency, but not ensuring adequate financial security.

The largest single social assistance item is pension spending, and the majority of pension benefits are based on age and work experience. Women fully qualify by age 55 if they have worked 20 years. Men must be 60 and have 25 years of experience to have full eligibility. Maintaining the current pension system and encouraging women to retire at age 55 will lead to extremely high dependency rates. Table 24 reveals these statistics for the separate countries of the NIS. Population projections through the year 2020 were estimated by the World Bank (1992c). These projections are used to divide the population into children, working-age people, and retirees in the market period.

Two changes are expected. First, average income should increase under market capitalism. Second, men should experience greater relative gains in life expectancy. Such gains will reduce the ratio of female to male pensioners, but parity will not be achieved. Roughly half of women (children and pensioners) will need to be supported by workers. About 40 percent of men will need to be supported by workers. An undue burden will fall on the working-age population, and may be unfeasible from an economic standpoint.

Major donor institutions have suggested mechanisms for streamlining and replacing current benefit systems. These include development of private pensions and tying children's allowances to income needs. While these changes will ease the total financial burden on the state, they will do little to remove problems created by culture and legislation based on women's primary functions as wives and mothers. Employer response will depend upon gender-neutrality of labor costs and the skills that women possess.

TABLE 24 NIS: PROJECTION OF POPULATION DEPENDENCY IN THE YEAR 2020 (numbers are in 000's)

	DEPF 2020	%	DEP M 2020	%	TF 2020	TM 2020	TPOP 2020	TWP 2020	FP/ WP 2020	MP/ WP 2020	TPWP 2020
Armenia	1,055	49	821	39	2,176	2,092	4,268	2,390	0.25	0.20	0.45
Azerbaijan	2,320	47	1,756	37	5,015	4,789	9,804	5,726	0.22	0.14	0.36
Belarus	3,158	52	2,323	41	6,096	5,606	11,702	6,221	0.32	0.29	0.61
Estonia	481	52	351	40	936	862	1,79[illegible]	966	0.32	0.28	0.59
Georgia	1,685	51	1,218	39	3,322	3,067	6,389	3,486	0.30	0.24	0.54
Kazakhstan	5,258	46	4,022	38	11,373	10,631	22,004	12,724	0.22	0.15	0.37
Kyrgystan	1,486	42	1,219	37	3,503	3,366	6,869	4,164	0.15	0.10	0.25
Latvia	816	52	576	41	1,565	1,417	2,982	1,590	0.34	0.29	0.62
Lithuania	1,164	51	945	45	2,266	2,090	4,356	2,247	0.34	0.35	0.69
Moldova	1,367	46	1,118	42	2,932	2,660	5,592	3,107	0.22	0.19	0.41
Rus. Fed.	45,718	52	33,670	41	87,867	80,606	168,473	89,085	0.33	0.29	0.62
Tajikistan	2,104	41	1,875	37	5,086	5,083	10,169	6,190	0.11	0.06	0.17
Turkmenist.	1,278	41	1,061	35	3,092	2,990	6,082	3,740	0.13	0.08	0.21
Ukraine	15,517	52	11,050	41	29,703	26,917	56,620	30,053	0.34	0.30	0.64
Uzbekistan	7,211		6,122		1,750	17,180	3,468	21,350	0.13	0.08	0.21

Source: Estimated from World Bank data, 1992.
Notes: DEPF(M) = number of dependent females (males); TF(M) = total number of females (males); TPOP = total population; FP/WP (MP/WP) = ratio of female pensioners to working-age population (male pensioners to working-age population); TWP is the total working-age population. Only old-age pensioners at age 55 for women and age 60 for men are included in the calculation of pensioners.

B. Lack of Available Data

Major gaps in knowledge about the effects of the crisis on family income and women's welfare need to be addressed. The major information needs pertaining to women's well-being at the present time include the following items.

- Measurement of poverty. The household is the purchasing unit, and market and nonmarket benefits to the household need to be identified across specific groups. These groups are: elderly pensioners, households with minor children headed by single females, ethnic minorities, and women in rural versus urban centers.

- Child-care and health-care arrangements. As the public system deteriorates, more information about public and private child-care facilities is needed, including the extent of viable informal arrangements. Similarly, basic health services such as preventive care, diagnostic care, and safe methods of family planning are essential elements of women's productivity, whether they choose to allocate their time to the home or to the market. Choice in fertility not limited to abortions is extremely important during the current crisis, as household incomes cannot generally sustain large families and budget transfers do not offset the loss of earnings.

- Causes of women's unemployment problems and retraining opportunities. The sources of female unemployment problems need to be identified. Young women can be retrained. On purely economic grounds, they can work in traditional male occupations. Vocational jobs with the highest short-term prospects are not being filled by women. Also the skill content of training for educated women, the less-educated, and young women may be quite distinct. Women who have received training and retraining should be surveyed to learn about subsequent outcomes: earnings, employment, and entrepreneurship.

- Time use by women. Household production requires time to shop and purchase goods, to carry out tasks including housekeeping, child care, caring for others who are ill, and handling household finances. During the crisis, consumer goods may be scarce or unaffordable, and extra time must be devoted to shopping tasks. Similarly, declining nutrition and public services leads to greater health problems for women and family members. To the extent women are family caretakers, this use of time may increase. Additional costs such as these probably make women worse off than financial statistics indicate. They also take time away from work, retraining, job search, and entrepreneurial endeavors.

- Activities of NIS government agencies, international agencies, and donor agencies. In times of scarcity, international assistance should be geared toward areas of highest returns, and care should be taken that programs be coordinated, not duplicated. In fact, gathering this information is a very difficult task, and depends upon the willingness of other agencies to cooperate. With regard to women's issues, the number of women participating in training, receiving health services, and being employed directly by these agencies should be identified. Similarly, the means of contact—ministries, educational institutions, or commercial establishments—needs to be recorded.

- Activities of women's groups. Women's groups are new to the NIS and provide a range of services to members. An up-to-date census of groups, activities, and membership is warranted, especially among groups whose purposes are primarily economic.

- Compliance. Are women being offered the maternal leaves and benefits to which they are entitled? Is there private sector compliance and small-firm compliance, and are women aware of their rights? Questions such as these need to be answered to assist businesses, and to aid ministries in proposing new legislation.

- Job search activities by unemployed women. Russia does not hold the unemployed to strict job search requirements for insurance eligibility. Thus, we know very little about what efforts and means are expended to locate employment.

- Regional differences. Countries like Estonia are relatively developed and are experiencing a high level of foreign investment, considering their relative position in the NIS. Estonia is a potential area for identifying private sector response to female job applicants, and examining working conditions of women in the private sector. By contrast, women in agrarian countries may face more cultural limitations. Investigation of countries such as Kazakhstan, which are mid-level in development, can provide information on the problems of educated women and rural women engaged in agriculture.

C. Recommendations for Targeting Short-term Assistance to Women

Despite the lack of data and the need for more information about the diversity of NIS economies and cultures, and the specific problems faced by women in each country, some specific suggestions can be made for short-term technical assistance to the region.

1. Provide Education and Training Programs for All Age Groups of Women

Three distinct groups of women should benefit from retraining: young women (new entrants), educated women whose careers have become redundant (e.g., educators, public health workers, engineers, accountants), and production workers in light industries dominated by women. Skills for younger women and for female production workers should be geared toward vocational training and internships that provide experience prior to work entry.

Educated women need to be trained in Western economics, international trade, finance, and accounting methods. Ideally, these courses should be coordinated with intensive training in a Western language. (The box below contains an illustrative example. In this example potential employers were surveyed about the skills desired for new graduates in chemistry.)

TABLE 25: SURVEY OF EMPLOYER NEEDS FOR CHEMISTRY MAJORS IN HIGHER EDUCATION

Percent of Employers who Desired Following Skills

	Bachelors	Masters
Practical experience (conducting experiments in school, etc.)	66	84
Foreign language translation	50	78
Computer operations	60	83
Protection of labor and environ.	36	36
Economics and industrial engineering (production processes)	25	26
Marketing		16
Management Information Systems, computer-aided design and manufacture		15

Employer's Desired Content of Master's in Management Degree

Marketing
Management
Economics-mathematical methods
Economic statistics
Foreign and domestic marketing
Foreign economic operations
Business accounting
Economics and labor law

Source: Braverman, et al., 1992.

In the past, training of accountants and economists in Russia has been different from Western training. Marxist economics is not well-suited to current applications. The shift toward Western-style markets also means that the accounting discipline will change. The assets of the large firms being privatized must be valued according to international standards, and firms must now be held individually accountable for their expenditures and profitability.

Educated women without work may also benefit from legal studies. Corporate, financial, trade, and tax laws affect export and business investment. Certification of specific course content, rather than protracted general law studies, may be useful in the transition.

2. Support Female Entrepreneurship in Traditional Areas

The traditional role of women in NIS society has created hardships at the present time. However, traditional skills may be sources of entrepreneurship as the market develops and the public sector reduces its social support. For example, female pensioners have substantial life experience in child care. Older women need to learn how to advertise their special skills, how to price their services reasonably, and how to provide such services in their home.

Similarly, green agriculture is a viable possibility for pensioners who have access to small amounts of land. Small cooperatives that allow for a division of labor among tasks may result in more efficient production, and the opportunity to sell surplus produce.

Among educated women, certain skills will transfer easily into private business, given adequate capital and business training. The excess supply of women doctors is a case in point. Small business development in pharmacies, health services, family planning, maternity care, and delivery are viable alternatives to public sector job shortages. Loans for start-up and business training will also be required.

Information and services, rather than production, are important areas where small business can develop. Providing tourist information, interpreting, coordinating transportation, and scheduling are areas where natives have an obvious comparative advantage. The importance of services needs to be emphasized because socialist countries have a tradition of valuing physical production over services. Case studies of small businesses of this type may guide new development. This training can be part of business training, or specialized through tourist agencies, private hotels, and the like. Women in Russia have historically provided clerical, low-level administrative and accounting services in disproportionate numbers, and their experience in such positions should make these forms of entrepreneurship viable.

A related information need is for business texts in native languages. Publications of economic and business texts, and new materials pertinent to the business climate in the NIS are likely to have a viable market. Persons under contract in USAID's educational programs could contact Western publishers to obtain permission for translation. The disproportionate representation of women among linguists means that they are likely candidates for these activities.

3. Support Female Entrepreneurship in Nontraditional Areas

Young women and new labor force entrants are candidates for nontraditional skilled trades. Start-up costs are low, and could be supplemented by small loans to purchase initial equipment in areas such as plumbing, electrical work, and masonry. Again, advertising, marketing, pricing, and budgeting are important elements of successful small business, and could be part of this training.

Contacting women in need of training is a priority. However, the use of direct quotas is likely to meet with political resistance, judging from the past segregation of women and the widespread perception that their true role is in the home. (This view was reinforced in meetings with NIS ministry personnel.) Other ways to target women exist. For example, programs that specify eligibility based on economic need will serve women disproportionately. Advertising programs through women's groups will also reach the desired audience. Women's groups and unemployment service registrations are sources of information about potential women candidates. They can advertise programs for USAID as well.

D. Other Issues of Female Productivity in the NIS

In this report, the problems of ethnic minorities have not been addressed. Their problems are likely to worsen with the crisis and the movement toward national identity. Women in mixed marriages, women migrants, and minorities may need special attention as nationalistic character is developed. Legislative developments that deal with ethnic minorities also need to be watched carefully.

Female health disability is also a major problem. Women live longer than men, but are prone to more disabling and chronic illnesses than men. As workplace hazards are reduced, the gender differential in disability is likely to widen. (Men suffer more from work-related problems, but less from debilitating illness.) Special needs such as this will gain attention only after the current crisis ends, and priorities can be redirected toward fewer but more diverse problem areas. Other health needs have not been explored. Family planning options, access to preventive care for children, nutrition and health habits, and environmental and workplace health hazards are high priorities at the present time.

Finally, with regard to female work assimilation, the role of labor unions needs to be monitored. In a number of Western countries wage determination has developed through strong trade unions. The acceptance of women by trade unions may be a crucial factor in their market opportunities. Labor unions are also undergoing dramatic transformations in the NIS, and the participation of women in unions may have consequences for wages, employment, pensions, and work conditions.

The next part of this report (Part II) focuses specifically on the inequalities and legislative barriers faced by women in Post-Soviet Russia.

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PART II
The Legal Status of Women in Post-Soviet Russia

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Chapter 6

INTRODUCTION

In the former Soviet Union, despite proclamations and legislation aimed at promoting gender equality, political, social, and cultural biases against women have prevailed, and the effective inequalities of life remain vivid. Much of the legislation on the books has not been implemented, and other laws have been interpreted through a cultural bias that keeps women marginalized politically and economically. With increased economic and political instability and failure to enforce antidiscrimination labor legislation, unemployment among women is escalating, lowering their living standards and economic power. Women are excluded from legal structures and processes, and therefore have less of a voice in the legislative debates that will determine the legal foundations of post-Soviet Russia. Participatory efforts designed to promote legal literacy, offer business and professional training, and establish legal clinics could assist Russia in educating a society about equality and equal opportunity that is possible to achieve within the existing legal framework.

Since *glasnost*, women in the Soviet Union and successor states have begun to speak freely about their "triple burden" of wage labor, household administration, and child rearing. Women speak highly of the wonderful legal guarantees—while lamenting the lack of implementation. A closer look at legislation in Russia, however, demonstrates that the notion of formal sexual equality is simply a myth. Further, recent legislative trends in democratic Russia illustrate that the government appears unconcerned about both the pretense and reality of gender equality. Focusing on Russia,[1] this report examines the myth of legal equality and the effects of this myth on women, the gendered nature of law, legal structures, and legal culture. In particular, this report considers the legal status of women, examining how family and labor law affects women.

The Soviets declared formal legal equality between the sexes upon seizing power in 1917, and indeed women there had the right to vote before American women did. Today, the legal system in Russia reinforces a false equality, a social reality in which women are subordinated. As the stakes for economic survival increase in the transition

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[1]This report focuses on Russia because Russian legislation has served as a prototype for all the other republics of the former USSR, and current materials offer limited evidence about the other republics. Evidence indicates that the situation outlined in this report is substantially similar in the other Christian republics of the former Soviet Union, with the possible exception of Georgia. Azerbaijan and the Central Asian countries will be examined in another report.

to a market economy, the legal system is evolving away from even a notion of equality, and it contributes to women's economic and political impoverishment.

For a full and accurate understanding of law, it is imperative to understand at the outset that law does not operate in a vacuum. Study of legislation in isolation does not give an accurate picture of a woman's, or any person's, status in society. This is particularly important in Russia, where law regularly has been ignored or contorted, resulting in what may be a markedly different effect from what the law's language seems to indicate. Further, in some areas, such as real property law, formal legislation does not exist, and property transactions take place with undefined legal, but clear economic, consequences. This report will consider law within its social, political, and economic context.

Chapter 7

CULTURAL CONTEXT

While most Americans regard the state as a necessary but dangerous institution that can and should be controlled through voter accountability, checks and balances, and the rule of law, Russians are unfamiliar with these notions and their ramifications. Russians have a much stronger notion of reciprocal rights and duties owed between a state and its citizens. They regard the individual-state relationship as one in which both government and citizens have mutual rights and duties, not as one grounded in limited power granted to the government by the people.

Soviet Russian society was not based on the rule of law, but on the "legal lawlessness" of totalitarian rule. The Communist Party cultivated disdain for law and legal institutions. State institutions had no respect for the law and often only paid lip service to laws and regulations. With rulers using legal institutions to harass, persecute, and terrorize countless individuals, the population came to regard the law and legal institutions with considerable distrust and disdain.

In post-Soviet Russia, women have become visible in the legal profession; however, both lawyers and the law are held in low esteem. The Soviet legacy has resulted in a legal profession that is not respected in Russia. During the Soviet period, citizens associated lawyers with the hated (often feared) regime; moreover, lawyers symbolized the worst of state bureaucratic functionaries. Today, even if they do not see lawyers as toadies of the government, many Russians, like Americans, consider lawyers to be "licensed"[2] versions of liars, connivers, or shady black marketeers.[3]

Historically, with the exception of a few great female leaders, such as Catherine II of Russia, authority in Russia has always had a male cast. Imperial Russia legally excluded women from state service and the legal profession. The Soviet period, during which there were quotas for women in service,[4] saw more women in powerless

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[2]Attorneys are not exactly licensed in Russia as in the United States, in that they do not take a bar examination upon completing their legal education and receive a license to practice law. They do, however, complete a rigorous five-year university education to qualify as legal professionals.

[3]For a more extended discussion of the current state of the Russian legal profession, *see* L. Granik, "Law Teaching in Post-Soviet Russia and Ukraine," *Oregon Law Review* (1993) (forthcoming).

[4]During the Soviet period, one-third of state parliament seats were reserved for women. This did not apply to Communist Party leadership bodies.

institutions of the government; while the powerful Communist Party leadership had no women. The population was not fooled by the presence of women in the shadow government, but neither have they become accustomed to or accepting of the notion of women in positions of public power.[5]

The Party also subordinated women's concerns. Restrictions on free speech and press were all-encompassing and prohibited a public dialogue on women's issues and repressed opinions contrary to the Party line. The writer Tatyana Mamonova, for example, was repressed and exiled when she tried to publish a collection of feminist writings in the 1970s. Throughout the Soviet period, the regime supported issues of equality only in service to Party goals. Women were pushed into the labor force, for example, when economic expansion was a national priority. When massive unemployment was a problem, however, authorities did not enforce legislation prohibiting sex discrimination in employment. Furthermore, as the substantive discussion below illustrates, legislation in these countries has been and remains grounded in a male standard. Stated differently, this means that the individuals affected by laws and regulations are assumed to be male, unless stated otherwise. Rather than incorporate the female experience into labor law, for example, there are laws for "workers," and then special laws for women workers.

Certainly the Communist Party leadership's attitudes toward women, like the attitudes of today's leaders, reflect the gendered nature of general and legal culture in Russia. Famous Slavic proverbs, such as: "a hen is not a chicken and a woman is not a person" and "a woman without a child is an orphan" reveal the lack of identity and subordinate status of women, and of women's biological imperative as perceived by society. The term "feminist" has been used derisively to refer to a few fanatics.[6] Women's issues are not given national prominence, and those who advocate equality are ignored in favor of "more pressing" economic and political issues. The issue of gender equality is marginalized and is not considered vital to societal reform in the NIS.

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[5]*See, e.g.* Nechemias, C. "Transition to Democracy: The Issue of Women's Participation." Paper delivered at the National Convention of the American Association for the Advancement of Slavic Studies, November 20, 1992. Russian social scientist Anastasia Posadskaia reports that women's parliamentary participation is now down to five percent. A. Popkind, "From Russia with Love and Squalor," *The Nation*, January 18, 1993.

[6]For example, in defending the new draft family law legislation which, as explained below, threatens to seriously curtail women's economic and reproductive rights, a (female) member of Parliament commented that the legislation is "in the interests of the overwhelming majority of Russia's residents, not those of a little feminist group of women who are afraid of losing their jobs." T. Khudyakova, "The State Could Suffocate the Family in its Loving Embraces," *Izvestia*, 25 November 1992, p.2.

People of both genders commonly refer to women as "the weaker sex." Women themselves truly believe that they are weaker than men in many ways, and therefore are unsuitable for many professions, including public service. The idea that women occupy the domestic sphere while men occupy the public sphere remains pervasive. These notions appear incongruous with the fact that society is often held together and functions only because of women's work on a triple shift. Women's incomes are necessary for economic survival; women most often bear the burden of household administration and budgeting; and they are responsible for child rearing.

Not unexpectedly, the attitude that women are less competent extends into professional life. Women have been and continue to be relegated to low-prestige, bureaucratic jobs, such as legal consultants to large state enterprises, or legal defenders specializing in family issues. Most of the positions of power in the legal profession continue to be filled by males. Although as many as half of the judges in the USSR were women, they were less powerful than those in the West. There is no history of an independent judiciary, and Soviet judges merely handed down rulings according to Party directives.

Lawyers have regarded criminal law, with its connections to the exercise of state/Communist Party power, to be a "male" domain. Today, women interested in criminal law work in low-level positions; usually in the bureaucratic administration of criminal prosecution rather than as prosecutors.[7] As the remainder of this report demonstrates, in the enactment and enforcement of substantive law, such legal and social hierarchies combine with social and cultural attitudes not only to perpetuate the marginalization and subordination of women, but to make their situation even more precarious as Russia struggles through transition.

[7] M. Bazyler, "Soviet Family Law," 39 *Kansas Law Review* 125, 152 (1990).

Chapter 8

SUBSTANTIVE LAW

A. Constitutional Law

Article 35 of the 1977 Brezhnev constitution states that women and men are guaranteed equal rights. This constitution technically remains in force while Russia drafts a constitution suited to post-Communist government.

The existing constitutional guarantees of equality do not necessarily translate into actual equality. For example, the constitution ensures women and men equal access to education and vocational and professional training, and equal opportunities in employment, remuneration, and promotion. These guarantees, however, are not enforced. Popular notions that women are unfit for many positions of authority or supervision, for example, continue to inhibit women from having the same upward professional mobility as men. Women do not receive equal pay for equal work.[8]

B. Property and Economic Law

The transition to a market economy, which includes property rights and a political system based on the rule of law, has elevated the significance of economic law in Russia. Private economic law was unimportant in the past, when there was little private economic activity among individual citizens. The process of economic restructuring and the development of new substantive law, such as personal property law and the law of real property, is being undertaken largely by former leaders, for only they have the necessary skills and knowledge of the past and present economic systems. This is a group that excludes women, which is a critical problem.

Highly represented among these officials are members of the old Communist Party *nomenklatura*, members of a select group of Party members deemed fit and trustworthy for key posts. Women have been disproportionately underrepresented in this group. The *nomenklatura* operated according to a system of connections and influence--from which women were traditionally excluded. The continued influence of the former *nomenklatura* is reportedly particularly strong outside of Moscow: although new reformers hold elected positions, they have had to turn to old hands for experience. Sometimes former *nomenklatura* members were elected themselves, for they were well-known and appeared experienced. The end result in these circumstances is that

[8] J. Shapiro, "The Industrial Labour Force," in Buckley, Perestroika and Soviet Women (1992).

women are absent or excluded from positions of connection or influence. Thus, women are excluded from drafting new legislation that directly affects their interests, which places women at a considerable disadvantage when economic power is reapportioned by and for those with economic clout.

Furthermore, it is in this economic restructuring/property law dynamic that the complexities of women's disadvantage is most evident. One obviously must have property, or the opportunity to acquire property, to derive maximum benefit from property rights. Women are *ab initio* at a comparative disadvantage when their positions in wage labor are subordinate to and more precarious then men's. Women's exclusion from and limited influence on the legislative process and their unfamiliarity with the rights and privileges available to them compound the problem.

The following discussion of family law provides numerous examples of women's comparative disadvantage.

C. Family Law

Property

The Fundamentals of Family Legislation, the Code of Marriage and the Family (referred to as the Family Law Code) that was effective under Soviet power has begun to be altered. Changes have been made in Article 3 of the Fundamentals and in the Family Law Code that modify the (formal) equality of the man and woman in family relations, specifically in regard to personal and property rights. These changes provide a glimpse of women's current legal status and recent trends in these countries.

Article 25 of the Family Law Code stipulates a mutual obligation of spousal maintenance. All spousal property falls into two categories, similar to the system of community property found in American states. The first is common property, which is acquired by the spouses during their marriage, and belongs to both spouses in equal shares.[9] (This is sometimes referred to as common joint property). It is to be divided into equal shares upon divorce. (The judge does have the prerogative to divide the property unequally, for example, if only one spouse gets custody of the children.[10])

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[9]*Osnovy zakonodatel'stva SSSR* (USSR Fundamentals of Family Legislation), st. 12, *Kodeks o brake i sem'e Rossiiskoi federatsii* (Code of Marriage and the Family), st. 20.

[10]*Id.*, st. 21; *Kommentarii k kodeksu o brake i sem'e RF*, st. 21.

The second category consists of separate (personal) property belonging to each spouse.[11] As of this writing, neither spouse has the right to own real property, as the Russian legislature has not yet passed a law granting citizens the right to own real property. Further, the legal rights of spouses entering business together are unclear. There is no provision on the respective rights of spouses who jointly own a business. If a married couple jointly owns a business and then divorces, it is unclear how the value of the business is to be measured and divided. If the business is owned with other partners, as in the new cooperatives, it is unclear how the divorce of one of the partners affects the business.

Reproductive Rights

The centrality of the woman's role as mother in Russian law is enshrined in Article 5 of both the Fundamentals and the Code of the USSR, (still effective in the Russian Federation), entitled "The Protection and Encouragement of Motherhood." The Code states that in the Russian Federation, maternity shall be held in nationwide respect and esteem and protected and encouraged by the state. There is no reciprocal provision for the encouragement and protection of paternity.

In fact, Russian law on reproductive rights is best characterized by the principle of maternity encouragement. Mothers are entitled to meager state subsidies in Russia upon the birth of a child; the amounts increase with the second and third child. Yet many women are unaware of these benefits and do not take advantage of them.[12] Abortion is legal in throughout the NIS; in fact, it is the primary form of "contraception."[13] In 1989 the government eased the abortion law, extending the time

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[11]*Id.*, st. 22. Separate property includes property belonging to one spouse before the marriage; property acquired through inheritance or devise; gifts and prizes; and property amassed during marriage for personal use, such as clothing. *Id.* Luxury items, like expensive jewelry, are considered the common property of both spouses. *Id.*

[12]Based on interviews with Russian judges, prosecutors, defense attorneys, other family law faculty, and numerous women, conducted by the author in 1990-91. In Yeltsin's recent election campaign, he proposed increasing subsidies to single women with children in order to garner more popular support. It remains to be seen whether these proposals come to fruition, or if they do, whether women become any more cognizant of entitlements. Russian family law experts, such as Moscow University Law Professor O.A. Diuzheva, believe that as long as the economies are in such dire straits, assisting women with children will not be a national priority.

[13] Russian women still average eight abortions while fertile. Anecdotal evidence from Russia and the other republics abounds with reports of women who have quarterly to monthly "cleanings" as a precautionary measure, and of gynecologists who recommend this practice.

for which a doctor can legally perform an abortion from the 12th to the 28th week of pregnancy. One of the reasons for the change was to reduce the number of illegal abortions often ending in the death or sterility of the patient.[14] Abortion has not been a topic of public debate in Russia, unlike in the United States or Poland. Whether abortion will remain available everywhere remains uncertain, however, especially in Muslim areas. In Chechin-Ingushetia, a region of Russia that has declared autonomy, the local leader and parliament issued decrees in late 1991 to make local law more in accordance with Muslim law and custom.[15]

Proposed Legislation

Notwithstanding the proclamations of equal relations in marriage, recent draft legislation in Russia typifies alarming trends in family law. The Russian Federation Parliament is currently considering new Draft Principles of Legislation on the Protection of the Family, Mothers, Fathers, and Children.[16] The fundamental concept underlying the Principles is the notion that the family is a "cell" of the state and has legal rights and obligations. The legislation therefore provides for state regulation of family life, particularly in the economic and reproductive spheres. Specifically, the legislation stipulates that only a "cell" in which there are children, natural or adopted, can be considered a family. It is the family, not the individual members of it, that can own an apartment, a car, real property, a farm, and so on. Further, the personal income of each family member must be put into a common family budget. And it is the family that makes decisions about whether or not to have children. Indeed, the law restricts a woman's right to terminate her pregnancy without agreement from all members of the family cell, and endows the embryo with all rights. The legislation demonstrates that personal autonomy and mutual happiness of the couple are not the basis for the state's notion of the family. Indeed, "the priority of the family is the upbringing of children."

Combined with the popular notion that children are women's special duty, this

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[14]See Bazyler, "Soviet Family Law," 39 *Kansas Law Review* 125, 155 (1990). Abortions are performed under primitive medical conditions in Russia; many are performed without anesthesia. Some assert that every sixth Soviet woman who aborts her first pregnancy is left infertile, and that hundreds of women die annually from abortions. *Id.*

[15]"New Decrees by President of the Chechen Republic," TASS Report, 20 December 1991. This is one illustration of how the resurgence of tribal, religious, or local custom may affect women in areas seeking increased autonomy from Moscow.

[16]*Zakon RF "Ob okhrane sem'i, materinstva, otsovstva, i detstva"* (For the Defense of the Family, Maternity, Paternity and Childhood) (on file with the author).

law can only serve to relegate women to family duties. Failure to comply implies not only disservice to the family, but (as the family is the "cell" of the state) to the state as well.

This draft legislation, hotly debated in Russia over the past year, clearly threatens women's autonomy and legal status. Ceding all rights to the family cell would deny married women the right to abortion currently guaranteed under Russian law. Similarly, an earlier draft of the Principles which passed the first legislative reading, stipulated a mandatory limitation of the work week to 35 hours for women with children under age 14. Such protective legislation echoes past trends of labor legislation for women, with women workers sacrificed as unemployment escalates and the economy deteriorates.[17]

One author of the draft admitted that the Supreme Soviet's Joint Committee on Human Rights objected to the legislation; and legal experts acknowledge that the draft violates norms of the Russian Federation Constitution, international treaties such as the Convention for the Elimination of Discrimination Against Women (CEDAW), and international conventions on children's rights.[18] Like much legislation in Russia that is allegedly for women's benefit, the draft Principles appear more as a political program of declarations, inasmuch as they lack implementation provisions. Nonetheless, they remain dangerous, as judges could rely on them, for example, to prohibit women from obtaining an abortion without their husband's consent. Or, women who chose to leave their husbands and children could be denied any rights in family property. Because the law defines the "family" as a unit comprised of at least one parent with a child, either spouse leaving home would be leaving the family, and have no rights in family property. This would have a greater detrimental impact on women, who earn less than men. As of this writing, the law has been sent back to committee before it is reconsidered by Parliament.

Domestic Violence

To many Western observers, law regarding domestic violence in the NIS countries is woefully inadequate.[19] There is considerable evidence indicating that the

[17]See Dodge, *Women in the Soviet Economy*, Chapter 4, (1966).

[18]T. Khudyakova, "The State Could Suffocate the Family," at 2.

[19]For an excellent history and discussion of domestic violence in the USSR, from which this part of this discussion is an adaptation, *see* V. Sperling, "Rape and Domestic Violence in the USSR," 13 *Response* 16, 1990.

criminal justice system is biased against rape victims.[20] The Soviet judges' handbook states that jurists should be aware that occasionally a woman who agreed to have intercourse with a defendant will later falsely allege that a rape has occurred "because she is ashamed or is influenced by friends or parents or is pursuing certain purposes of her own."[21] A forensic medicine text gives similar advice to doctors who examine rape victims, warning that rape sometimes is "simulated."[22] As a result, doctors are advised to carefully consider all evidence available, including an analysis of the victim's previous sexual experience. These "blame the victim" attitudes apparently have not changed since medieval times. Although the criminal codes do not mention a victim's "provocative" behavior as a mitigating factor in rape sentences, judges seem to find it so, and generally give relatively lenient sentences to rapists. In one criminological study, men convicted of "especially aggravated rape" were sentenced to prison terms of less than eight years (the legal minimum) in 55 percent of the cases and to the maximum term of 13-15 years in only 5 percent of the cases.[23]

Rape and domestic violence are seriously underreported crimes in Russia, with as few as 1 percent of all rapes reported.[24] Before 1991, rape was reported only to the police, perhaps to hospital emergency staff. There are no figures on the number of rapes or incidents of domestic violence that are unreported, reported but not investigated, or investigated but not brought to trial. (There is no plea bargaining in Russia.) A few rape crisis centers and hotlines have appeared in Russia since 1991, but they share facilities with other organizations, which often impedes their operation. A St. Petersburg crisis hotline, for example, is available only four hours per week.

Treatment and cultural attitudes toward domestic violence parallel those toward rape. Medieval Russian history provides examples of traditional influences that encouraged men's domestic violence against women, and may still operate indirectly.[25]

[20] Articles 117-119 of the Russian Federation Criminal Code address rape.

[21] P. Juviler, *Women and Sex in Soviet Law* (1977), *cited in* Sperling at 17.

[22] *Id.*

[23] *Id.*

[24] R. Morgan, *Sisterhood is Global* (1984).

[25] Numerous examples include: (1) The medieval Slavic marriage ceremony included a ritual meeting before the wedding in which the bride's father would present a whip to the groom, as a symbol of the groom's authority over his new wife. The whip, a *durak* [fool], was only for use against the wife; it hung over the couple's bed. (2) A famous proverb advises "beat the wife for better cabbage soup." (3) Medieval family

Marriage was a relationship based on a husband's ability to inspire fear in his wife in order to control her behavior.[26] As of the late 1800s, it was men's "moral duty" to "instruct" their wives by beating them.[27] Current law does not cover domestic violence (other than rape) explicitly, but such acts of violence are classified under the criminal categories of *khuliganstvo* [hooliganism], and light and grave bodily injury. Hooliganism is defined as a premeditated act violating or disrupting public order and demonstrating an obvious disrespect for society. The aspect of hooliganism concerned with disruption of social order is often interpreted legally in the broad sense to include domestic violence.[28] Using statistics on hooliganism and premeditated grave bodily injury published in late 1989, the number of reported domestic violence incidents for that year in the USSR can be estimated at approximately 100,000. If, as in the U.S., only about 10 percent of domestic violence is reported, the actual number of nonfatal assaults could be 10 times higher.[29]

The classification of domestic violence under the criminal categories of light or grave bodily injury appears to focus on the degree of "publicness" involved and the social harm caused by a given incident. The limitations of this law for abused women are clear: as long as the violence is domestic and private, the abuser can escape with impunity.

Cultural attitudes on the part of law enforcement officials allow abuse to continue. Although there is no explicit doctrine of family privacy in the law, an informal one operates to mitigate against official intervention. The idea of family privacy is not grounded in individual autonomy and integrity, but rather in the notion of men's right to control "their women," and in women's duties to obey men. Additionally, law enforcement resources are overwhelmed by organized and violent crime, and traditional cultural attitudes justify subordinating and ignoring reports of domestic

law, the Domostroi, prescribed the relationship between husband and wife as one based on male domination and control. "[I]f a wife refuses to obey, and pays no attention to what her husband . . . tells . . . her, . . . it is advisable . . . to beat her with a whip according to the measure of her guilt, but not in the presence of others, rather alone." Instructions on how to strike her followed. All this also applied to a man's daughters.

[26]S.S. Shashkov, *Isstoria russkoi zhenshchinu* (1879), *cited in* Sperling at 19.

[27]Sperling at 19, citing Kostomarev, *Ocherk domashnei zhizni i nravov velikorusskago naroda v XVI i XVII stoletiuskh* (1860).

[28]Louise Shelley estimates that up to 40 percent of hooliganism is what Americans would classify as domestic violence. Sperling at 19.

[29]Sperling at 20.

"squabbles." Shelley reports that although some incidents of domestic violence are reported, there are long waiting periods between calls to the police and the arrival of the police at the scene of the violence. There is no mandatory arrest policy for batterers, and police do not tend to take domestic violence complaints seriously. Further, in rural areas, law enforcement and social services are effectively unavailable, neighbors may be distant, and women are unlikely to believe they have any recourse or right to object.

Battered women have no legal recourse for seeking a restraining order,[30] which forbids the abuser from contacting or approaching the victim (and/or her children), and, if violated can find the defendant in contempt of court and subject to court sanction.

Society's and/or the legal system's failure to fully recognize, investigate, and prosecute crimes of domestic violence constitutes tacit permission or approval. It implies their presumed unimportance and the insignificance of the abused. Legal remedies such as civil protection orders signify respect for the bodily integrity and worth of all citizens, including women. The state shows its disrespect for women—or an abused person of either gender—when it fails to take steps against such interpersonal violence. Indeed, violence against women implicitly becomes state or socially sanctioned when state authorities (or the community) fail to respond to requests for help. By ignoring the appeals of battered women, the state contributes to their sense of worthlessness. From state inaction, abused women infer that they are not worthy of assistance.

Divorce

It is not difficult to divorce in Russia, either through ex parte divorce or by mutual consent of the spouses.[31] There are some limitations, however, aimed to protect women. A husband cannot divorce his wife if she is pregnant or if they have a child under one year of age.[32] Further, the legal obligation of mutual spousal maintenance during marriage is retained only by the wife should she become pregnant before a marriage is dissolved—only the wife retains the right to maintenance payment

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[30]Also referred to as a civil protection order or a temporary restraining order.

[31]*Kodeks o brake i sem'e RF* (Russian Federation Code of Marriage and the Family), st. 30.

[32]*Id.*, st. 31.

from her husband in these circumstances.[33]

Complexities in divorce law today concern issues of property division and support. Current law stipulates that property acquired before marriage is personal property not subject to division upon divorce[34] but that jointly owned property (acquired during marriage) is divisible upon divorce. Even if one spouse was not engaged in wage labor for the duration of the marriage, that spouse retains equal rights to the property and is entitled to equal shares.[35]

As noted earlier, however, property law remains an unsettled field in Russia. Within this context, women threatened with divorce are at a serious disadvantage. Because of uncertain economic prospects and cloudy property rights, successful entrepreneurs are funnelling many, if not most, of their profits into banks and investments outside Russia. Divorcing husbands can easily shield their assets (if they already shield them for tax purposes) and place them out of the jurisdiction of Russian courts during the court division of property upon divorce. Women's comparative lack of sophistication in these matters, and their lack of political influence, make it unlikely that this problem will be resolved quickly or satisfactorily.[36]

Another question that is especially pertinent to divorce is ownership of residences. Will apartments belong to both spouses as individuals, each with joint and full interest in the living space? Or will it belong to the "family," as discussed above? Alternatively, will the equivalent to a title be registered in the name of the head of household, in most cases the husband, with the exclusive right to alienate the property? These issues currently remain unresolved. Further, most women, even among the intelligentsia, remain wholly unaware of the potential ramifications of new property legislation on their lives.[37]

Divorced mothers are entitled to child support from their former spouses, but awards are notoriously low and inadequate. Mechanisms exist to exact back payments

[33]*Id.*, Art. 26. It should be noted that these maintenance payments are well below the state-determined poverty line and do not keep pace with inflation.

[34]*Id.*, Art.22.

[35]*Id.*, Arts. 20-21.

[36]Based on personal discussions with Russian law faculty and practicing lawyers.

[37]*Id.*; see also Bazyler, 151-156.

from delinquent fathers, but women are largely unaware of them and are not inclined to seek legal counsel or utilize social services to ameliorate their situation.[38]

D. Education

The Soviet Constitution, still in effect in Russia, guarantees persons of both sexes equal access to education and advanced vocational, professional, and technical training. In urban areas and villages, boys and girls receive equivalent primary and secondary education. In rural areas, however, it is not uncommon for girls to remain home to help with chores, receiving little to no schooling at all. Families view education for girls as less important than for boys.

In the institutes and universities, the sex ratio seems to be roughly 50-50. Many disciplines, however, are not evenly divided. (This phenomenon will be explored more closely in Chapter 9 on gender channeling in legal education.) Of particular concern is the increased privatization of education. Sociologist Posadskaia argues that men are more able to afford private education; and with competition for the remaining free spots increasingly intense, women are losing out.

E. Labor Law

Despite the provisions of Article 35 of the Constitution, equal opportunity does not continue on the job. This legislation is not enforced; reports indicate that women who enter industry fail to get the on-the-job training that would give them better jobs later.[39] Women, already less skilled than men in the industrial labor force,[40] have less opportunity for advancement and promotion than legislation indicates.

It is not simply education that has made women less than equal workers. As discussed by Hunt-McCool in Part I of this report, Russian labor legislation regarding women has a protective nature. Protective legislation treats women as subordinate, implying that women need protection to become equal.

Protective Legislation

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[38]Discussions with Russian judges, law faculty, prosecutors, and defense attorneys conducted by the author in 1990-91 and 1993.

[39] J. Shapiro, "The Industrial Labor Force," in M. Buckley, *Perestroika and Soviet Women* 14, 30 (1992).

[40]In engineering and metallurgy, for example, 70 percent of women workers are in skill grades 1-3, with only 1.3 percent in the highest (6th) grade. *Id.*

Russian protective labor legislation for women has several components. Women who tout the virtues of legal protections available to them often refer first to the benefits and privileges provided to pregnant and nursing women. Formally, there are multiple guarantees: all women are guaranteed paid maternity leave of 56 days before and after birth, with the option of additional unpaid leave until the child is one year old; employers may not have pregnant women or women with infants work overtime, and may not send them on business trips without their consent.[41] Women in more taxing jobs must be transferred to lighter work during pregnancy, but must be paid their prior salary. Women who are breastfeeding are guaranteed special workday rest periods, and free vouchers for sanatoria and rest homes.[42] Mothers with children are also given preferences for free or substantially discounted vouchers. Notwithstanding these guarantees, many women are unaware of them and never take advantage of them.

Another major protective component of Russian labor legislation is legal exclusion of women from certain jobs. Women are currently forbidden from as many as 460 jobs and from working at night.[43] Rather than allowing women the choice to determine for themselves whether they wish to engage in certain types of employment, the state has determined that certain jobs are inappropriate for women, or that women are unfit for them. The law "protects" them from work that might harm them. The majority of the jobs considered harmful to women's health often include manual labor and fall largely in the construction, chemical, and mining industries, all of which have received higher remuneration historically than the bureaucratic, white-collar sectors into which women are channeled. In this way, protective labor legislation reinforces the lowering of women's status in the work force, and precludes them from lucrative employment.

Russian law prohibits discrimination on the basis of sex in employment. It also includes specific provisions prohibiting discrimination against pregnant women in both

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[41] *Osnovy zakonodatel'stva RF o trude* (Fundamentals of Labor Legislation of the Russian Federation), Articles 68, 69.

[42] *Kodeks zakonov o trude RF* (Russian Federation Code of Labor Law), st. 169, 171.

[43] Peers, "Workers by Hand and Womb," in *Soviet Sisterhood* 135 (B. Holland, ed. 1985). An extensive list of "industries, professions, and jobs with difficult and harmful work conditions," in which women may not be employed, as passed by the State Committee on Labor and Social Questions on July 25, 1978 is reproduced in *Trud zhenshchin i molodezhi: Sbornik normativnykh aktov*, at 24-61 (1990).

hiring and firing.[44] Since the beginning of *perestroika*, however, employers have flouted these laws with impunity. Sex and age discrimination in all aspects of employment are rampant. Women now account for two out of every three layoffs in Russia.[45] Recently married and pregnant women suffer greater discrimination now. Employers had no problem providing paid leave and other benefits when all benefits and wages came from the state; but with the conversion to the market system and a new requirement that enterprises be self-financing, both mismanaged and well-managed enterprises have found themselves unable to provide a generous benefits package.[46] As a consequence, employers now refuse to hire these women, and target women as the first to be laid off. Women in unemployment offices describe being turned away by employers because they are too old, or being told that their maternal responsibilities make them unreliable employees.[47] As of 1993, officials in the Saratov unemployment offices reported that 90 percent of the newly unemployed were female.[48] There was general agreement among those in unemployment offices that nobody would hire women. Once unemployed, it is more difficult for women to turn to self-employment to support themselves. *Izvestia* recently reported that despite existing legislation, it is harder for women to get involved in medium-sized and small business, and harder for them to get bank credit.[49]

Employment of women differs little in the countryside. Reports indicate that raised productivity, resulting from a 1988 land law allowing peasants to lease land, has brought women few benefits and increased workloads. Introduction of new technology

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[44] *Osnovy zakonodatel'stva SSSR o trude*, Preambul', i st. 73 (Fundamentals of Labor Legislation, preamble and Art. 73); *Kodeks zakonov o trude RF* (Russian Federation Code of Labor Law), st. 170.

[45] J. Shapiro, *supra* note 22, at 24, citing Tatiana Zaslavskaia, a leading Russian social scientist. The Russian periodical *Rabotnitsa* has a column entitled "Unemployment has a Woman's Face." The newly unemployed women are not uneducated; according to Anastasia Posadskaia of the Russian Institute for Gender Studies, 85 percent of unemployed women have higher or specialized educations. A. Popkind, "From Russia with Love and Squalor," *The Nation*, January 18, 1993.

[46] From discussions with Russian labor lawyers, social welfare officials, and unemployment office workers, Professor Kathy Hendley.

[47] Discussion with Kathy J. Hendley, July 1993.

[48] *Id.* Hendley also noted that while nothing was done for the female applicants ("They need time to be with their families," the office workers stated), whenever an unemployed man appeared, they expended great effort to send him on interviews and make inquiries to find him substitute employment.

[49] T. Khudyakova, "Discrimination of Women a Fact," *Izvestia*, 2 October 1992, p.3.

is increasing female unemployment. Working with more sophisticated, mechanized agricultural technology is often regarded as "men's work," even if the manual labor it replaced was performed by women.[50]

Not many in the government are sympathetic to women's plight. In February 1993, for example, the Labor Minister, Gennady Melikyan, asked "why should we employ women when men are unemployed? It's better that men work and women take care of children and do housework . . . I don't think women should work while men are doing nothing."[51]

F. Sexual Harassment

The notion of sexual harassment is unknown in Russia, where behavior that Americans now consider harassment is an accepted part of the culture. It would never occur to women to complain to their employer, much less seek legal redress, for incidents of sexual harassment or for a hostile work environment.[52] Indeed, recent employment want ads do not obscure the roles envisioned for female employees. Numerous ads specify employers seeking attractive women between the ages of 18 and 25 only; and employers stating flatly that "our uniform is the mini-skirt."

[50]S. Bridger, "Women and Agricultural Reform," in Buckley, *Perestroika and Soviet Women* 39-53.

[51] H. Womack, "Why Employ Women When there Are Men Out of Work?" *The Independent*, March 21, 1993, p. 11

[52]Vendors hawk large pin-up-style posters of bikini-clad women in suggestive poses in metro stations and all over the large cities; these posters hang in businesses, offices, and kiosks.

Chapter 9

THE GENDERED NATURE OF LEGAL STRUCTURES

The sex-segregated work force begins with gender channeling in education. We will examine legal education as a model, and consider how this leads to gender divisions within the legal profession and legal structures.

Until the 1970s the legal profession was predominantly male. Since the 1980s the sexes have been roughly equally represented. Although the standard course of study is prescribed for the first two years of the five-year legal (university) education, once students begin to choose their specialties, informal gender channeling becomes more pronounced. The legal profession, students learn, is informally divided between "men's" and "women's" law. Men's law includes criminal law, international law, and now, economic law; women's law includes family law. When the economy was state-controlled, women's law also included civil law. Civil lawyers under the Soviet regime were essentially bureaucratic functionaries. Influenced by the subtle terminology, their own self-perceptions, and faculty advice,[53] female students concentrated in areas of law deemed appropriate for women.

Adding to the self-selection process, until the past two years, the job assignment system itself worked to funnel the sexes into specific areas of practice. Formerly, students submitted bids for jobs and were assigned placement by the state organizations interviewing at the law faculties. Thus, even women who specialized in criminal law would be placed in jobs in the criminal justice system deemed appropriate for women. These jobs were never on the fast track to power.

Throughout Russia, positions of political or economic power or influence are almost always held by men. Within the government, very few legislators are female; there are no women among the leading officials in Yeltsin's Cabinet or the Parliament's leadership. The low-status judiciary had significant female representation in the Soviet period, as judges simply carried out decisions in accordance with directives issued by senior (male) political leaders. The first court to have independent power in Russia, the Russian Federation Constitutional Court, has only one female member out of fifteen. Several court justices commented that they believe one woman is more than enough.[54]

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[53]Women in all walks of life frequently recount how their teachers counsel them into "women's" professions: "I wanted to be a mathematician, then a philosopher, but my professor said, 'I never heard such a silly thing. You should be a teacher, something compatible with having a family.'" A. Popkind, "From Russia with Love and Squalor," *The Nation*, January 18, 1993. *See also* Interview with Moscow University Associate Professor of Law Elena Kulagina (July 1992) (on file with the author).

[54]Personal discussions with members of the Russian Constitutional Court, November 1992.

Chapter 10

RECOMMENDATIONS

Any potential USAID programs need to be pursued with great sensitivity toward the viewpoints of the women the agency seeks to help. This is especially important in Russia, where historic strains of Slavophilism and xenophobia remain in the culture, and converge (or emerge) with fears of American hegemony and neocolonialism and with misunderstandings of Western feminism. Russians today are adamant that they be allowed to "find their own path." Successful initiatives are likely to be those that allow these women to raise their own consciousness and arm them with knowledge they can use as they see fit.[55] The recommendations listed below share one characteristic: they involve Russian women themselves in a communication process. Rather than talking at women, these recommendations entail a collaborative effort in which women in post-Soviet society identify and focus on issues that make a difference in their lives. With this background, USAID-sponsored initiatives can involve women themselves in analyzing their situations and creating strategies to reach desired goals. This process alone is potentially empowering. Ultimately, because they operate within the culture of the women whose autonomy they aim to promote, these initiatives are more likely to develop growing support from women in post-Soviet society, and will be well-situated to advocate the fundamental legal changes necessary to improve women's legal status.

1. **Programs that raise legal and civic literacy[56] among all levels and sectors of society, including among lawyers, are critical to improve women's legal status.**

Programs to improve women's status, particularly their legal status, need to be multifaceted to combat the way in which Russian law and society operate to marginalize women. Control is the crux of the main problem facing women in the former Soviet Union—control of their economic, personal, and social lives. One of the central problems impeding women's taking or exercising control over their lives is the low legal

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[55]It is important to recognize that Russian women firmly believe that women are fundamentally different from men. As one law professor stated, they want to be treated as women, not as human beings. Any program, to be successful, must determine at the outset how it is going to address this issue. Is it going to be considered a question of false consciousness, which will be resolved through consciousness-raising? Or will it be accepted, with the program attempting to assist women within the traditional parameters of wife and mother roles?

[56]Legal (and civic) literacy entails understanding how substantive law (and public policy) influence people's lives, and how the legal system (and civic society) can be mobilized to improve the conditions of people's lives.

and civic consciousness on the part of post-Soviet society and women in general. On the macro level, women need to be more involved in the civic enterprise to ensure that their voices are heard, and that legislation promoting women's rights and equal opportunity is promulgated and implemented. Women need to understand and be involved in the ongoing debates defining property and economic rights, or they risk that new legislation will leave them at a disadvantage.

USAID already supports the development of non-governmental organizations to strengthen and diversify civil society in the NIS, and a new NGO/PVO initiative, aimed specifically at strengthening indigenous NGO capacity, began in Russia this year. Part of this existing program could be focused specifically on women's organizations.

2. **Women's centers that provide information and training on women's issues, including economic and legal issues, should be created, and a network should be established to educate women on such issues as political participation.**

One impediment to women's participation in an emerging civic society is the weak infrastructure that, combined with formal or informal state hostility to women's empowerment, has made coordination and information-sharing among women's organizations difficult or impossible. The first two Women's Fora (held in Dubna, Russia in 1991 and 1992) offered an opportunity for women to network and exchange information and ideas. There have been efforts to establish a Women's Center in Moscow to operate as a clearinghouse, and to coordinate groups and activities, but they are in great need of support.

USAID's Democratic Pluralism Initiatives are already supporting the development of political parties, civic organizations, independent labor organizations and free and fair elections. Tapping into existing women's centers, emerging fora for discussion of democratic ideals, and facilitating the flow of information from centers of power to women's groups, would enhance USAID's current program.

3. **On the micro level, training programs for women in business and management would be particularly helpful. These could be coordinated through some of the many new women's business and professional organizations.**

Basic seminars in management, investment, finance, computers, and accounting, perhaps as part of a workshop on starting and managing a small business, would help many women interested in starting their own businesses. Russians have a limited sense of how capitalism works. Workshops could mobilize women to work through the maze of negotiations and regulations necessary to start and run a business. An increased role for women in the business world would raise their status in the public arena and empower them economically. Their economic interests would impel them to become and remain aware of the legal environment in which they operate; ultimately this could increase their input into the legislative process for issues that concern them.

USAID is in the process of developing a network of training institutes in the NIS to train both government and private sector individuals in key banking and financial services. Women should be included in training programs offered by these institutes, and women should be recruited to be part of the cadre of individuals that builds local capacity for providing services in the future.

4. **An effective domestic violence program, organized first at the community level, utilizing the energies of those involved in crisis centers and other women's organizations, should be supported.**

A USAID-funded project could assist these institutions in holding consciousness-raising and domestic violence legal reform seminars for laypersons, doctors, law enforcement employees, criminal investigators, prosecutors, defense attorneys, judges, and other public officials. Programs to address violence against women serve various functions. They signal that domestic violence is unacceptable; they signal to men and women that women's concerns, especially their concerns for their bodily integrity, are important and worthy of state concern; and they demonstrate that women can use the legal system to help them. In both urban and rural areas, the women's committees (*zhensovety*) of institutions and local governments might be enlisted in this effort. Those who work the hotlines and crisis centers could benefit from seminars in crisis counseling.

5. **As an outgrowth of these special seminars on domestic violence, another effective strategy is to establish legal clinics to address issues specific to women.**

These legal clinics could be affiliated with other programs designed to help women, such as the Center for Gender Studies, or the rape crisis hotlines and centers in Moscow and St. Petersburg. These legal clinics need not be limited in scope to issues of domestic violence, but could offer free or low-cost professional counseling for housing, property, and small business issues as well. The lawyers could also, for example, spearhead a campaign or work with other groups to advocate legislative and judicial reform.

6. **To increase awareness among a wider audience, mass media campaigns, radio call-in shows, and distribution of short, easy-to-read booklets could be used.**

There are now over 90 popular women's magazines and periodicals in the former Soviet Union through which intensive consciousness-raising campaigns could be launched. Weekly newspapers such as *Moskvichka* (Moscow Woman) and *Sem'ya* (Family), magazines such as *Delovaia Zhenshchina* (Businesswoman), and the women's radio station *Nadezhda* offer additional fora for women to publicly consider and discuss issues they could not under the prior regime.

7. **Support of a women's research group such as the Center for Gender Studies could provide the culturally specific theoretical rationale and empirical data on which to base these programs.**

Russia and the other former Soviet states are now in a historic time as they try to establish a *pravovoe gosudarstvo*, a state based on the rule of law. The initiatives set forth in this report would offer women an opportunity to participate in this process. With women's participation it is more likely that these countries will in time transform themselves, in accordance with their constitutions, into societies of equality and equal opportunity.

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The Commentary to the Code of Marriage and the Family provides additional detail on how the Code is to be implemented. It is still followed carefully by lawyers and judges. However, the exact implementation of its broad directives remains subject to the judge's discretion. Available in Russian.

Trud zhenshchin i molodezhi [Labor of Women and Youth] (Moscow, 1990)

This collection of legislation claims to set forth all normative acts specifically regarding women (and youth) still effective under Soviet law up through 1990. There is no accompanying commentary or discussion. Available in Russian.

Bazyler, M. "Soviet Family Law," 39 *Kansas Law Review* 125 (1990)

This article provides a relatively recent overview of statutory black-letter family law. It highlights current problems arising under conversion to a more market-oriented economy. It provides a limited view, however, of how much of this legislation actually operates in the social context.

Buckley, M., ed. *Perestroika and Soviet Women* (1992)

This series of essays portrays different aspects of women's lives as of 1991. Although no explicit discussion of law is included, several of the papers refer to legal issues, namely, J. Shapiro's "The Industrial Labour Force;" S. Bridger's "Women and Agricultural Reform;" and M. Buckley's "Political Reform."

Danimin, V., and Reitov, S. *Uridicheskie fakty v sovetskom semeiinom prave* (1989)

Edmondson, L., ed. *Women and Society in Russia and the Soviet Union* (1992)

This book contains two essays that offer useful social and political analysis of prostitution and domestic violence, abortion and discrimination in late Soviet society, namely, S. Bridger's "Young Women and Perestroika" and M. Buckley's "Glasnost and the Woman Question."

Lapidus, G. *Women in Soviet Society* (1977)

Although not a legal text, this book is most useful for considering the history and roles of women under Soviet rule. It provides some analysis of legislation aimed toward promoting gender equality; however, its scope is limited to the Brezhnev period. It does not consider the political and economic changes since *perestroika* and the collapse of the Soviet Union. It is currently under revision.

Luryi, Y. *Soviet Family Law* (1980)
This provides a simple, black-letter discussion of Soviet family law.

Sperling,V. "Rape and Domestic Violence in the USSR," 13 *Response* 16-22 (1990).
This article provides an excellent review of domestic violence law in the USSR. Although written before the collapse of the Soviet Union, the article remains substantially current.

Strukova, L.G., ed. *Trud, sem'ya,byt sovetskoi zhenshiny* (1990)
This text provides a discussion, with citations, of labor and family law regarding Soviet women. It reviews labor legislation, social provisions regarding women and children, personal property (under socialism), housing law, and health law. It is limited in analysis, given the traditional ideological bias. Available only in Russian.

ANNEX 1
DEFINITIONS

DISCRIMINATION (RATIONAL)	Women are more costly to firms due to gender-based entitlements.
DISCRIMINATION (STATISTICAL)	Use of background characteristics such as gender, age, education to assign an estimate of productivity to a potential employee.
DISCRIMINATION (IRRATIONAL)	Prejudice; preferences based on criteria other than productivity or costs.
GDP	Gross Domestic Product
GENESYS	Gender in Economic and Social Systems Project
GLASNOST	Openness
IMF	International Monetary Fund
LABOR SUPPLY (WESTERN)	Persons of working age (i.e., above 15) at work or unemployed.
LABOR SUPPLY (RUSSIAN)	Able-bodied, working-age population including students, homemakers.
NGO	Non-Governmental Organization
NIS/WID	New Independent States/Women in Development
OECD	Organization for Economic Cooperation and Development
PERESTROIKA	Restructuring
R	Rubles

RUBLES (CURRENT)	Prices not indexed for inflation
UNEMPLOYED (WESTERN)	Working-age person, not at work, available for work, and actively seeking work.
UNEMPLOYED (RUSSIAN)	Registered with employment service, working-age, and not at work.
HIDDEN UNEMPLOYED	Meeting economic criteria but not official criteria
STRUCTURAL UNEMPLOYMENT	Qualifications of unemployed persons do not match skills required in available jobs.
WAGE	Earnings
USAID	United States Agency for International Development
USSR	Union of Soviet Socialist Republics

ANNEX II - TABLES OF INDICATORS