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Shadow report

Implementation by the Russian Federation of the Convention on Elimination of All Forms of Discrimination against Women (2010-2014)

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Introduction

The following shadow report has been prepared by the All-Russian Association of women's non-governmental organizations 'Consortium of women's non-governmental associations' (further—Consortium). The Consortium brings together more than 100 member organizations working in 52 regions throughout Russia.

The Consortium is one of several federal-level organizations that have authority both amongst civil society organizations and within government structures. The Consortium functions as an extensive network of women's rights organizations.

The Russian government is obligated to guarantee that government policies are carried out in such a way as to secure real equality of opportunity for men and women. This is the case, first and foremost, for two legal reasons. First, it is required by the Constitution of the RF, a law of direct application. The Constitution states: 'Man and woman shall enjoy equal rights and freedoms and have equal possibilities to exercise them' (Article 19, Section 3). Second, it is provided for in international agreements on women's rights that have been signed by the Russian Federation, and, according to Article 15 of the RF Constitution, these agreements are considered to be an integral part of the country's legal system. Nonetheless, in our country there is currently a serious discontinuity between legal norms and actual conditions when it comes to the observance of women's rights.

The Consortium has set itself the task of regularly preparing Shadows reports on the RF's implementation of the provisions of the Convention on the Elimination of All Forms of Discrimination against Women, which it views as a resource for overcoming the gap between existing legal norms and the actual position of women in the RF. The most recent report was presented by the Consortium to the UN Committee on the Elimination of Discrimination against Women in 2010.

The present report has been prepared by the Consortium taking into consideration the concluding observations of the UN Committee on the Elimination of Discrimination against Women following the results of its examination of the combined sixth and seventh Periodic report on the implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women in the Russian Federation.

In the present report, a review is given of the Russian Federation's adherence to articles 1-5, 7, and 10-12 of the Convention.

When preparing the report, the experts of the Consortium considered data from government statistics, scientific research and analytical reviews on gender issues, and decrees and resolutions made by various RF state agencies. The draft report was discussed at expert meetings by both the Consortium's activists and the leaders of its member organizations.

The present report has been compiled under the editorship of Mari Davitovna Davtyan, women's rights lawyer and member of the Russian Ministry of Labour and Social Protection Coordination Council for Gender Issues working group to develop the draft law 'On the prevention of family-domestic violence'.

The Report summarizes established discourses and documents the major problems connected with gender inequality in Russia. Based on this, it also presents concurrently formulated recommendations for improving the position of women in the RF.

Article 1

Definition of discrimination against women

The primary shortcoming of the gender aspect of the RF legislative framework is its lack of a definition of ‘discrimination towards women’, despite multiple observations from the Committee on the necessity of changing the current situation to adhere to international norms. According to Art. 15 of the Constitution of the RF, the Convention is considered to be part of the country’s legislative system, and its norms, including a definition of discrimination against women, can be directly applied on a national level. However, this definition is not used in law enforcement because no national legislation in the RF contains a definition of the concept of ‘discrimination against women’ that covers both direct and indirect discrimination in the public and private sectors. Among legal practitioners (government officials, attorneys, and officers of law enforcement bodies and the courts), there is a lack of knowledge about and understanding of this problem.

Recommendations:

- develop and enshrine in legislation a definition of discrimination based on sex. This definition should include the concepts of direct and indirect discrimination in the public and private sectors. In conjunction with this, provide for monetary compensation of victims in a firm, fixed amount;
- devote greater attention to educating government and municipal officials and officers of law enforcement agencies and the courts on the issue of defending women against discrimination so that their law enforcement practices conform to the norms and spirit of the Convention;
- amend the Civil Procedure Code of the RF to make the burden of proof in cases of sex-based discrimination lie with the defendant.

Article 2

Definition of equality.

The Constitution of the RF contains two articles intended to legally guarantee a regime of gender equality. Article 19, Section 3 guarantees enforcement of equal rights and freedoms for men and women by ensuring equal opportunities for exercising these rights and freedoms. Article 15 states that international documents that have been signed and ratified by Russia are considered to be part of its legal system and have priority over the norms of its national laws. The provisions which enshrine the principle of equal rights are also contained in the national Labour, Family, Criminal, and Administrative Codes of the RF. The Russian Federation has signed and ratified a large share of the international rights documents guaranteeing gender equality.

At the same time, comprehensive legislation ensuring practical implementation of the principle of equal rights for women and men is absent. Attempts by women’s non-governmental organizations, in conjunction with the RF State Duma Committee on Women, Family, and Children, to secure passage of the law ‘On governmental guarantees of equal rights and freedoms for men and women and equal opportunities for their exercise in the RF’, which would meaningfully elucidate the core of a policy of equal rights, have not yet achieved the desired results. This draft law has not moved further than a first reading, which took place in 2003.

During this reporting period, the Russian Federation has not taken any actions to further the draft law. Unfortunately, the reason for the freezing of the bill is the emergence of an active, offensive approach from the part of Russian society that views the legislation as a threat to ‘traditional family values’ (p.9 of the State report of the Russian Federation). In our opinion, this is a direct violation of the norms of the Convention, which call for a shift away from the traditional conception of the roles of women and men in the family.

Recommendations:

- pass a law on gender equality that offers definitions for the concepts of ‘gender equality’ and ‘discrimination based on sex’, as well as sanctions for violation of this law and a mechanism for reviewing discrimination claims in court.

Legislation protecting women from violence.

The Russian Federation is lacking specific legislation aimed at protecting women from violence. Violence against women can be considered only within the confines of separate articles of the Criminal Code of the Russian Federation. Thus, neither legislation nor law enforcement regard violence against women as discrimination against women—that is, in the sense laid out by Recommendation No.19 of the Committee. No strategies or action plans to stop violence against women have been adopted.

Domestic violence remains one of the most serious problems in contemporary Russia. The statistics presented by the government about the number of violent crimes carried out against women within families are of questionable objectivity. According to these figures, in 2013, only 17% of crimes took place against women within a family situation¹, while 64% of crimes against women took place in the home². In our opinion, this discrepancy is connected to the fact that when statistics about violence against women are formulated, only data about families in registered marriages are taken into account. Meanwhile, in 2012, the number of couples living in unregistered unions amounted to 24% of the total number of families.³ It also bears noting that this statistic only includes criminal cases where a conviction has been reached. At the same time, according to current research by women's non-governmental unions, because of the difficulty in the private prosecution procedure, only a negligible share of domestic violence cases result in a conviction. This is why we believe that the number of complaints made to law enforcement agencies about this problem should become the objective indicator of the prevalence of domestic violence.

Domestic violence cases are almost never investigated by law enforcement authorities, since domestic violence is most often treated as either Part.1 Art.115 of the Criminal Code of the RF (Intentional Infliction of Light Injury) or Part.1 Art.116 of the Criminal Code of the RF (Battery). These corpus delicti fall into the category of private prosecution cases. These cases are initiated only upon application of the victim to a magistrate court; they are subject to termination in connection with reconciliation between the victim and the accused.

Private prosecution cases differ in that they are not investigated by the police, the charge is not introduced by a prosecutor, and the victim is her own private counsel who must independently investigate the crime, collect evidence, and prosecute the case in court.

The use of a private prosecution procedure in criminal proceedings of cases involving domestic violence makes protection of victims completely ineffective.

In 2012, the working group of the Russian Ministry of Labour and Social Protection's Coordination Council for Gender Issues developed a draft federal law 'On the prevention of family-domestic violence'. The working group was composed of lawyers who practice in the sphere of women's rights defense and representatives of women's NGOs, including the authors of this report. The draft law itself was praised by Russian civil society represented in the bodies of The Civic Chamber of the Russian Federation and the Presidential Council for Civil Society and Human Rights. The bill also found support from the public—a petition published on <http://www.change.org/protivnasiliya> supporting passage of the bill received more than 90,000 signatures in a 2-month period.

Still, to this day, this draft law has not been passed – more than two years have elapsed since overwhelming agreement on its provisions was established in the ministries and departments of the Government of the RF.

Recommendations:

¹ Of the total number of violent crimes against women.

² Of the total number of violent crimes against women.

³ Family Policy Concept of the Russian Federation 2015-2019

- Exclude cases of domestic violence from private prosecution. The primary responsibility for bringing a defendant to criminal liability should be assigned to law enforcement agents, not victims.
- Pass the federal law ‘On the prevention of family-domestic violence’, which will include a definition of family-domestic violence and an interagency mechanism for cooperation between state agencies to prevent domestic violence. This law should stipulate the rights and the responsibilities of both these agencies and public servants in situations of domestic violence, including—statistical reporting and monitoring; measures to protect victims (judicial and extra-judicial regulations for aggressors, including measures such as a ban on committing violence against a family member, a ban on pursuing the victim, a ban on the possession and use of weapons, and eviction of the aggressor from a home shared with the victim regardless of who is considered to be its proprietor); mechanisms for compensation of victims for material and psychological harm; rehabilitation programs for perpetrators of family violence; and training of enforcement, health care, and social services agencies with a focus on the necessity of understanding the particular needs of women.
- Put into place an action plan for protecting women against domestic violence. This plan should include steps for changing approaches to and behavioral norms regarding gender issues via a media campaign on the rights of women, as well as the development of a network of free facilities and organizations offering aid to victims of domestic violence.

Legal mechanisms for submission and consideration of complaints

Although penalties exist for all types of discrimination including discrimination based on sex (Article 136 of the Criminal Code of the Russian Federation and Article 5.62 of the Russian Federation Administrative Offense Code), legal precedent from cases within these categories is practically non-existent.

Lawyers and rights defenders also experience serious difficulties in defending women’s rights against discrimination in civil procedures. The absence of suitable legal regulation, the low level of awareness among judges about the problem of sex-based discrimination, the high burden of proof imposed on a woman during civil procedures, and the overall extremely low level of compensation (with penalties levied only for psychological damage) make the civil procedure extremely ineffective at protecting against sex-based discrimination. All of this leads to the fact that legal precedents that defend the right to nondiscrimination in civil procedure cannot be developed.

This is confirmed by the failure of the State to provide any statistics on the numbers of women who are victims of discrimination based on sex and the numbers of persons held accountable for discrimination against women, as well as on the number and results of civil proceedings on sex-based discrimination.

Recommendations:

- develop and implement procedures for law enforcement agencies to identify, eliminate, and conduct research on instances of discrimination against women;
- devote more attention to educating state and municipal civil servants, law enforcement agencies, and the courts on questions of protecting women from discrimination so that their law enforcement practices are consistent with the norms and spirit of the Convention;
- amend the Civil Procedure Code of the RF so that the burden of proof in cases of sex-based discrimination lies with the accused;
- create an extrajudicial system of government agencies authorized to consider complaints from women, to hold violators liable for sex-based discrimination, and to prescribe compensation to victims.

Article 3.

National machinery

As of the present the Russian government has not created a national machinery for improving the position of women.

By all means recognizing the 2011 government resolution on education from the Coordination Council for Gender Issues of the Russian Ministry of Health and Social Development (now Ministry of Labour of the RF) (p.28 of the State report), it should be mentioned that the current council, as well as councils specified in the State report of similar structure but located in several regions of the RF, cannot be considered sufficient as a machinery for improving the position of women. These councils are advisory bodies to the executive branch and do not have any powers and authority; nor do they have financial or staff support.

The State Duma Committee on Women, Family, and Children specified in p. 26 of the State report of the RF also cannot be considered a machinery for improving the position of women in the context of the Convention. Since 2008, it has not facilitated any draft laws that further women's interests. The Committee offers no real counter to initiatives from neo-traditional forces aimed at entrenching patriarchal gender stereotypes, and in particular, at restricting the right of women to access to free, safe abortions.

Taking into account the distinct role and responsibility the Government of the RF has in the realization of the provisions of the Convention, we feel that a separate agency for improving the status of women should have been created within the system of government bodies on both the federal and regional levels.

The absence of a national machinery for improving the position of women has led to a practical failure to take a gendered approach to public policy, in particular in the implementation of high-priority national projects. National projects in the spheres of health care, education, demography, and agriculture do not incorporate questions of achieving gender equality, and a national plan for bettering the status of women does not exist. In the same way, at present, the problems of guaranteeing gender equality as such, and to the same degree, creating a mechanism for solving this problem, have been removed from the list of national tasks of the RF.

Recommendations:

- in the structures of administrative power on the federal and regional levels, create an authorized agency possessing a clear mandate on the improvement of the status of women; endow it with the necessary personnel, financial, and technical resources;
- develop and implement a National action plan for improving the position of women in the RF, providing for monitoring and regular evaluations of the strategies and measures taken during its realization; create a system of regular reporting by this authorized agency to the government and parliament.

Article 4

Temporary special measures.

No temporary special measures have been taken in the Russian Federation to accelerate the achievement of actual equality between women and men.

Despite the persisting inequality of women in Russian society, as shown in low levels of representation in the high offices of government agencies, a substantial gender gap in salaries, the feminization of poverty, the low level of involvement of men in child-rearing, etc., the State denies the necessity of taking temporary special measures such as quotas or other positive actions.

This is evidenced, in particular, by the lack of information in the RF report on temporary special measures for establishing real equality for women and men.

Recommendations:

- develop and implement temporary special measures for the purpose of creating actual equality between women and men in all spheres of political, economic, social, and family life in accordance with the principle set forth in Recommendation No.25 of the Committee.

Article 5

Stereotypes and Cultural Practice

The State continues to support traditional patriarchal stereotypes with respect to the roles, responsibilities, and identities of women and men in all areas of life. In public policy, women are still treated, first and foremost, as mothers and homemakers, rather than as individuals occupying the same position in society as men.

This position of the government finds a voice in the 2014 Family Policy Concept of the Russian Federation until 2025 (confirmed by 25 August 2014 Decree No.1618-p of the Government of the RF). According to point 93 of the State report, this Concept incorporates the principle of equal rights for men and women in an effort towards a more just allocation of familial responsibilities. Nonetheless, before its adoption, this specific principle was excluded from the text of the Concept under pressure from the State Duma Committee on Women, Family, and Children, despite the objections of the experts who had participated in its development, including one of the authors of this report.⁴ In addition, the most recent edits of the Concept text include the notion of ‘traditional family values’, which to an even larger degree reinforces in the public understanding a stereotypical representation of the roles of women and men in the family and undercuts the value of women’s participation in political and social life.

Gender stereotypes continue to be widely broadcast in media and advertising.⁵ Despite the Federal law ‘On advertising’, which established a ban on unethical advertising, the objectification of women continues to be a widely used advertising device.

Even politicians at the highest level of government permit themselves to make sexist remarks. On 18 April 2014, LDPR political party leader Vladimir Zhirinovskiy, speaking during an interview in the building of the RF State Duma, publicly declared that female journalists have obvious ‘female hysteria’. After making this declaration, he called over his aide, and, pointing to one of the female journalists present, said to him: ‘When I say so, you go over and violently rape her...’⁶ Although this behaviour did stir up public attention, Zhirinovskiy received no punishment in connection with it.

Recommendations:

- develop and implement legal standards that work against sexism, as well as programs and strategies for working with media and the public and mechanisms for holding individuals liable for public statements that are derogatory to the honour and dignity of women.

Article 7

Participation in political and social life

Although women make up the largest and most active part of the Russian electorate, the actual level of their involvement in political and social life continues to remain very low.

This is confirmed, for example, by figures on the representation of women in the federal legislative and executive branches in Russia. According to p. 137 of the Report of the RF, the Federal Assembly of the Russian Federation is made up of only 14% women. In the Federation Council, the upper chamber of the Russian parliament, 14 women hold a seat, meaning they

⁴ Official published text of the Family Policy Concept of the RF until 2025 <http://ips.pravo.gov.ru/?searchres=&bpas=cd00000&textpres=&sort=7&a6=102000066&a3=&a7type=4&a7from=&a7to=&input-date=&a8=1618-%F0&a8type=2&a1=>

⁵ http://www.zafeminizm.ucoz.ru/Presntations/SEXIST_OF_THE_YEAR-RUJ.pdf

⁶ Publication and video recording of Zhirinovskiy’s remarks <http://lenta.ru/news/2014/04/18/jirinovsky>

make up 8% of the 169 members of this legislative body. The State Duma, the lower chamber of parliament, has 62 women (13.8% of the total 450 deputies).

This situation is explained first and foremost by the inequality of the financial and administrative resources available to men and women, as well as by traditional gender stereotypes, which are widespread among both the electorate and elected officials. These stereotypes are also felt in the mechanisms by which the Russian electoral system operates. Until very recently, Russian parliamentary elections were carried out based on a proportional system—that is, based on lists of deputies introduced by the electoral campaigns of the various political parties. In the most recent parliamentary elections in 2011, out of the total number of candidates on these lists, only 15-20% were women, even though the law ‘On political parties’ recommends that equal proportions of men and women be maintained when they are drafted.⁷ Ultimately, the ruling party, United Russia, which received 238 deputy seats in the election, filled 43 of these seats with women (17% of their mandates); the Communist Party of the RF, which received 92 spots – 4 women (5%); Fair Russia, which received 64 seats – 10 women (16% of its mandates); and LDPR, which received 56 seats – 5 women (9% of its mandates). The leadership of the State Duma—its chair and two first deputies—includes only men. Amongst the official leadership of the country’s political parties, no women are present. Of the 29 Committees of the RF State Duma, 4 are led by women.

The same mechanism is at work in presidential elections. In the last elections held in March of 2012, the ballots distributed to voters contained five men’s names.

Although women make up 71.3% of government employees, they are weakly represented in upper-level positions in the executive branch, with only two women present in the Government of the RF. Of these two, one woman holds the office of Deputy Chair of the Government of the RF, and the second, the position of minister of health care. Of the over 80 regional heads in the RF, only three are women. They are the governors of the Vladimir and Murmansk oblasts and the Khanty-Masi autonomous okrug.

A similar situation can be observed in the various agencies of the judicial branch and the prosecutor’s office: 78.5% of civil servants in these areas are women, but only 37.8% of upper-level positions are held by women.

Particularly confusing is the fact that the government refuses to enact temporary special measures to increase the representation of women with reference to public opinion.

In the structures that represent civil society organizations, women are represented in approximately the same proportions. The Civic Chamber of the Russian Federation is made up of 16% women, and only two of its 15 commissions are headed by women. The Presidential Council for Civil Society and Human Rights (PCH) is composed of 61 members; 18 of these members are women, and only 6 of the 20 permanent commissions of the PCH have female leaders.

Since 2007, under the purview of the Federal Government and President of the Russian Federation, a yearly competition has been held to distribute grant funding to NGOs for the implementation of important social projects. Since 2008, the Consortium, among other NGOs, has received grants for educating police personnel about the problem of domestic violence and how to offer support for victims. Having said that, of the hundreds of projects that receive funding from these competitions, very few can be found that work towards bettering the position of women. Projects from women’s NGOs also very rarely receive support from competitions organized by regional governments.

The situation is further complicated by the fact that the majority of women’s NGOs in Russia formerly received grant funding from foundations abroad, but after the passage of the

⁷ Polit.ru website: <http://polit.ru/article/2011/12/01/spiskikandidatov/>

federal law ‘on foreign agents’⁸, have been forced to decline participation in international and foreign funding competitions.

Regardless of the fact that women’s organizations are poorly funded by the State, the prosecutor’s office has investigated many of these groups, and the government actively includes them in its register of so-called ‘foreign agents’. Today, of the 34 organizations on the register, 5 are women’s organizations.⁹ The current list contains the regional non-governmental organization ‘The Union of Don Women’, whose shadow report about the situation of women in the North Caucasus was given consideration by the Committee at its 46th session in 2010, as well as the Saint Petersburg rights organization ‘The League of Women Voters’, which advocates for women’s political rights.

All of this has resulted in a situation where many women’s organizations, particular regional groups, have been left without funding sources and forced to shut down their activities.

Recommendations:

- utilize temporary special measures to achieve balanced representation of men and women in publicly elected bodies;
- implement plans and programs geared towards supporting women who take part in political and social life;
- amend the federal law ‘on foreign agents’ so that women’s organizations are not included in the register of ‘foreign agents’, regardless of their funding sources and the advocacy activities they perform;
- when holding federal and regional competitions for NGO support, separate activities aimed at improving the status of women into their own focus area.

Article 10

Education

Although the situation concerning women’s rights in the education sphere appears positive, a string of restrictions exist which limit women’s access to vocational training for professions that are included in the List of jobs for which hiring women is prohibited.¹⁰

Even to the present, there persists in society a stereotypical viewpoint that women are indisposed to work in science and technology. This notion has a large impact on women’s rejection of professional technical education in favor of studying the humanities.

This stereotype is supported even during primary and secondary school. The practice of dividing boys and girls for their ‘skills training’ classes, solidified during the Soviet period, has resulted in a present-day situation where the vast majority of these school programs differ substantially for boys and girls¹¹. Girls take a ‘Service work’ course (cooking, housekeeping, sewing), while boys are enrolled in an ‘Information technology’ course (computer program modeling, LEGO modeling, website building).¹² These practices violate the right of girls to access to equal education programs, as mandated in Article 10, Clause b of the Convention.

It is clear that these programs entrench stereotypes about the roles of women and men in the family and in society and lead to discrimination against women, especially in the sphere of advanced IT technology.

We may take as an example the situation that has emerged at the Kazan Federal University IT Lyceum for Gifted Students, which was opened for enrollment in 2012. The only

⁸ 20 July 2012 Federal Law No. 121-F3 ‘On amendments made to separate legislative acts of the Russian Federation in the area of regulation of activities of non-governmental organizations, which act as foreign agents’

⁹ Register of foreign agents <http://unro.minjust.ru/NKOForeignAgent.aspx>

¹⁰ 18 April 2013 Decree N 292 of the Russian Ministry of Education and Science

¹¹ 07 July 2005 Letter No.03-1263 from the Department of Education Policy of the Ministry of Education and Science of the RF

¹² Example of a school’s ‘Skills education’ curriculum <http://www.sch948.edusite.ru/DswMedia/obrazovatel-nayaprogrammashkolyi948novaya.pdf>

condition for acceptance into the lyceum was passing the entrance exam, which was made available to both boys and girls. But despite the fact that many girls earned higher scores on these exams than their male counterparts, only male students were accepted into the school. The public prosecutor's office of Tatarstan confirmed that these enrollment practices amounted to gender discrimination, and the school administration promised to admit the girls whose rights had been violated for the 2013 school year. However, this promise was not fulfilled¹³¹⁴, and no member of the lyceum administration was held responsible for these actions.

Recommendations:

- take measures to eliminate stereotype-based approaches to the education of boys and girls; Recommended questions to be addressed by the Russian government:
- include into the school program a course on the rights of women and the inadmissibility of stereotypical and discriminatory relations towards women;
- develop outreach programs for educators to edify them about the importance of equality for boys and girls in education.

Article 11

Employment

In the context of the economic crisis, discrimination against women is deepening. The most serious implications of this discrimination come for most women in the realm of work and employment. It is worth noting that during the period under observation, not a single instance of discrimination in this area has been eliminated. Both vertical and horizontal gender segregation have persisted. Women still remain an underpaid population group, thanks to which the concept of 'the feminization of poverty' has taken root. According to official data, the salaries of women on average equal 60-70% of those of men working in equivalent positions. One of the most serious impediments to the careers of women is the glass ceiling, and additionally, the absence of any means for protecting individuals against sexual harassment.

A 2013 investigation into instances of discrimination in the Moscow labour market revealed concrete cases of discrimination¹⁵ (26 occurrences out of 56 interviews), which can be separated into several categories: 1) discrimination against women in connection with reproductive circumstances and participation in the economy of care (14 cases), 2) statistical discrimination against women based on their sex, 3) sex-based discrimination against men in 'women's' professions and in instances where professional and familial duties overlap, 4) discrimination against women and men on the basis of age (ageism) and health status.

Both in the public consciousness and in practice, the burdens of domestic work and caring for the elderly are placed on women even to the present day. They are therefore more often subject to discrimination in the labour market in connection with being of reproductive age or with their marital status. No measures are being taken on the state level to rectify this situation.

One of the most obvious manifestations of discrimination against women in the labour sphere is the List of heavy occupations and occupations with harmful or dangerous conditions for which hiring women is prohibited. This list was confirmed by 25 February 2000 RF Government Resolution No. 162, and currently, it prohibits 456 professions to women. The government justifies the existence of the List as a measure that protects women's reproductive health. Despite spectacular development in technologies connected to manufacturing, the List has remained almost unchanged since 1974.¹⁶ Concrete research and data have not been revealed

¹³ <http://inkazan.ru/it-litsey-vhod-devochkam-vospreshhen/>

¹⁴ <http://kazanweek.ru/article/6072/>

¹⁵ Discrimination in the Moscow labour market: An academic seminar at the master's of economics faculty of the Moscow State University / I.E. Kalabikhina et al., ed. I.E. Kalabikhina. M.: MAKS Press, 2014. 8th edition. ('Quality research on economics and demography' series.)

¹⁶ 25 July 1978 Resolution N 240/P10-13 of the Government Committee of Labour of the USSR, Presidium ACUPU

to confirm that these professions in their modern conditions have an especially deleterious influence on reproductive health. Evidence that employment in these professions has differing impacts on the reproductive health of women and men is also not available.

Thus, by means of this List, the employment of women to handle almost all heavy machinery used in construction, railroad transport, metallurgy, and mining is banned. For example, according to the List, women are forbidden to work as operators of trains, bulldozers, excavators, etc., but are permitted to be tram drivers (low-paying work). Slaughtering large-horned livestock is another line of work prohibited to women, yet rural women who own their own livestock handle this work in a domestic setting. Any job requiring employees to lift more than 10 kg up to twice per hour is also banned. And yet this is the average weight of a one-year-old child, who can be lifted and moved by his or her mother without restriction from the State. Postal work is also almost never prohibited for women (the absolute majority of these workers are women, owing to the occupation's low salary), even though this job requires repeated lifting of parcels up to 20 kg.

Low-paying professions with similar working conditions do not appear on the list. Because of gender segregation, these professions are predominantly occupied by women.

In summary, we believe that this List is in no way justified by scientific research and that its basis lies in stereotypes about women's opportunities and capabilities.

The State's reference to the fact that the legislation allows for female laborers to be permitted in the specified professions provided safe working conditions are created is irrelevant given that, according to 18 April 2013 Russian Ministry of Education Decree N 292, training women for these occupations is forbidden.

Recommendations:

- draft and pass legislative acts guaranteeing the right of women to equal pay for equal work;
- pass legislation that declares sexual harassment to be gender discrimination and establishes penalties for this offense;
- develop methods for law enforcement agencies to identify, intercept, investigate, and prosecute discrimination in the labor market;
- develop and implement a strategy for overcoming discrimination against women in the labour market with provisions for monitoring and regular assessment of the strategies and measures taken during its execution;
- conduct national campaigns aimed at discrediting stereotypes about women's opportunities and capabilities in the arena of employment;
- repeal 25 February 2000 RF Government Resolution No. 162, which establishes the List of occupations in which the employment of women is prohibited;
- eliminate the unjustified differentiation in the legal statuses of men and women in the labour sphere and determine harmful or dangerous working conditions only using a uniform method based on special evaluation of the conditions themselves.

Article 12

Health Care

In the field of Health Care in the Russian Federation, gender discrimination and unequal treatment of HIV positive women are extremely evident. The reasons for this inequality are flawed legislation and the prevalence of stereotypes of HIV infection, which are widespread, including among medical personnel and officials. As a result, HIV positive women are essentially prohibited from becoming guardians, caregivers, or adopting children.

In the Russian Federation's approved sanitary-epidemiological rules and norms, the motivation for women with a diagnosis of HIV infection to avoid breastfeeding is written as a

measure to prevent HIV transmission. However the government does not provide the necessary conditions to fulfill these recommendations.

Additionally, access to medical support and social services is dependant on registration of permanent residence. Women from vulnerable groups of the population often do not have identity documents such as passports and registration. The lack of registration prevents one from receiving medical insurance and consequently significantly limits access to specialized medical treatment such as reproductive health services or medication.

However, even in the absence of document problems, the opportunity for HIV positive women to receive quality medical services for reproductive and sexual health is not always possible. Situations of refusal to provide assistance are rather widespread, as well as redirection to specialized medical institutions (such as AIDS Centers). Similarly, refusal to perform abortions or surgery or coercion by medical staff to abort based on misinformation about the course of HIV and life expectancy, denying fertility treatment and in vitro fertilization, and HIV positive women's lack of choice in where to give birth are also common issues.

A separate problem is the distribution of HIV infection among pregnant drug addicted women. In Russia from 2011 through 2013 the number of HIV infected women who gave birth increased by 23%. Official Russian statistics do not make note of drug-addicted childbirths yet research from 2007 shows that among HIV infected pregnant women practically one third (32.3%) used injection drugs. These figures show the high dissemination of HIV among drug-addicted women of reproductive age. Still, the country lacks separate standards of medical assistance for pregnant drug-addicts.

Recommendations:

- Develop educational programs for medical personnel and social workers about the social and medical aspects of working with HIV positive mothers.
- Add a section about providing assistance to HIV positive people to the standards of medical support connected with with reproductive health.
- At the legislative level, allow HIV+ people to adopt or have guardianship of children if the medical commission determines that the health condition of the adopter/guardian is satisfactory.
- Develop strategies for governmental and community organizations to monitor the supply of milk formula for children born to women with HIV in regions of the Russian Federation and also mandatory informing all pregnant women about the possibility of receiving free milk formula for up to 6 months.
- Simplification of the procedure to receive federal medical insurance and guarantee that women from vulnerable groups have access to basic health and social services without registration of permanent residence.
- Ensure there are inspections, medical support, and medicine to prevent the transmission of HIV from mother to child during pregnancies of HIV positive women who do not have registration and citizenship.
- Encourage non-governmental organizations to develop and carry out low-threshold programs related to sexual and reproductive health for vulnerable women.¹⁷

¹⁷ Based on materials of N.U. Sidorenko, NP "E.V.A."

Annex 1. Recommended questions to be addressed by the Russian government.

Domestic violence remains one of the most serious problems in contemporary Russia. The statistics presented by the government about the number of violent crimes carried out against women within families are of questionable objectivity. According to these figures, in 2013, only 17% of crimes took place against women within a family situation¹⁸, while 64% of crimes against women took place in the home¹⁹. In our opinion, this discrepancy is connected to the fact that when statistics about violence against women are formulated, only data about families in registered marriages are taken into account. Meanwhile, in 2012, the number of couples living in unregistered unions amounted to 24% of the total number of families.²⁰ It also bears noting that this statistic only includes criminal cases where a conviction has been reached. At the same time, according to current research by women's non-governmental unions, because of the difficulty in the private prosecution procedure, only a negligible share of domestic violence cases result in a conviction. This is why we believe that the number of calls made to law enforcement agencies about this problem should become the objective indicator of the prevalence of domestic violence.

Recommended questions to be addressed by the Russian government:

- Please, provide statistics on the number of complaints of women about violence committed by husbands, partners (including former husbands and partners), and number of guilty verdicts relating to violence against women committed by husbands, partners (including former husbands and partners) for the period 2010-2014.
- Please, provide statistics on the number of women killed by their husbands and partners (including ex-husbands and ex-partners) as a result of murder or intentional infliction of a grave injury resulting in death for the period 2010-2014..

¹⁸ Of the total number of violent crimes against women.

¹⁹ Of the total number of violent crimes against women.

²⁰ Family Policy Concept of the Russian Federation 2015-2019