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State Discrimination Against Women in Russia

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SUMMARY

Economic and political changes in Russia have left many Russians staggering under the burdens of rising unemployment, high rates of inflation, disappearing social services and the encroaching threats of corruption and organized crime. Women in particular are suffering the consequences of such change: they face widespread employment discrimination that is practiced, condoned and tolerated by the government. Government employers have fired women workers in disproportionate numbers—over two-thirds of Russia's unemployed are women¹—and refuse to employ women because of their sex. According to a 1992 report in *The Guardian*, "When factories take on workers they announce that they want men, and when women are rejected it is their sex which is entered on their application forms as the reason."² When women challenge such discrimination, they either are ignored by their employers and by state agencies responsible for enforcing anti-discrimination laws or are told that priority should be given to men seeking jobs.

Far from attacking sex discrimination, the government actively participates in discriminatory actions and fails to enforce laws that prohibit sex discrimination. When asked about the problem of women's unemployment in February 1993, Russia's labor minister, Gennady Melikyan, responded, "Why should we employ women when men are out of work? It's better that men work and women take care of children and do housework. I don't think women should work when men are doing nothing."³

The Russian government, and particularly its law enforcement agencies, also have denied women's right to equal protection of the law by failing to investigate and prosecute violence against women. Law enforcement agencies and police deny women equal protection of the law by refusing to investigate or to prosecute domestic violence and sexual assault. According to victims and activists working on their behalf, local law enforcement officials scoff at reports of violence by domestic partners and refuse to intervene in what they identify as "family matters." In some instances, police themselves mistreat and harass women who report such crimes as a way to intimidate them and stop them from filing complaints.

In March 1994, the Women's Rights Project of Human Rights Watch sent a mission to Russia to investigate government participation in illegal discrimination against women. This is the second report by Human Rights Watch to examine how political and economic changes in Central and Eastern Europe and the former Soviet Union have affected women's ability to exercise their rights.⁴ The assumption that the introduction of democratic processes and a market economy will improve the protection of human rights generally in Russia has in some aspects, such as people's ability to exercise their freedom of association or speech, proven to be true. But women's human rights, far from being better protected in a rapidly changing Russia, are being violated and denied.

¹ Statistics indicate that, until recently, women have made up approximately fifty percent of the Russian workforce. Zoya Khotkina, "Gender Aspects of Unemployment and the System of Social Security" (unpublished article), March 1994.

² Anne Sailas, "No Place for Women," *The Guardian* (London), May 1, 1992, p. 22.

³ H. Womack, "Why Employ Women When there Are Men Out of Work?" *The Independent* (London), March 21, 1993, p. 11.

⁴ See also Helsinki Watch and the Women's Rights Project, "Hidden Victims: Women in Post-Communist Poland" (New York: Human Rights Watch, 1992).

During the Soviet period, equality between the sexes was part of the official ideology and discussion of women's issues was controlled by officially-sponsored women's organizations. Despite official Soviet rhetoric, women and men were not afforded equal rights in practice and, in some areas, the law explicitly curtailed women's rights. Because the state sought to control the issue of women's rights just as it did all other social issues, independent women activists and women's organizations were suppressed and forced underground.⁵ As a consequence, the independent women's movement in Russia has been visible only since the end of the 1980s, and many Russians, both men and women, reject the concept of women's equality as vehemently as they spurn state policies and social programs linked with the Soviet era.⁶ This rejection of the commitment to protect women's rights, combined with new political, economic and social pressures, threatens to undermine the legal protections that do exist for women and to create obstacles to women's participation in the economic and political future of their country.

Discrimination against women in the workplace by Russian state agencies, enterprises and agents violates both international human rights and domestic laws guaranteeing freedom from discrimination.⁷ The Russian government is directly responsible for the discrimination committed by its agents, either as employers or as employees of state unemployment offices, and also is responsible for its failure to enforce laws prohibiting sex discrimination and to sanction employers engaging in discrimination.

Moreover, the failure of the police to investigate violent crimes against women, both at home and in the street, denies women equal protection under law. Under international law, Russian women are entitled to equal protection of the law and to the equal enjoyment of their civil and political rights.⁸ To the extent that agents of the Russian government fail to treat the assault and rape of women in their homes as a crime and subject rape victims to prejudicial treatment, they are discriminating against female victims of violence.

This report focuses on two areas in which women's human rights are adversely affected in the context of Russia's political and economic changes: state involvement in and toleration of overt sex discrimination, and the failure to investigate and prosecute violent crimes against women. During our investigation we interviewed researchers examining the causes and consequences of women's unemployment through individual interviews and statistical analysis as well as over twenty-five unemployed women, all of whom have tried with no success to find new jobs. We also visited state unemployment agencies in Moscow, St. Petersburg and Kaluga. We interviewed several women who had tried unsuccessfully to report domestic or sexual abuse to the police. The counselors of newly established crisis

⁵For nearly half a century, the Soviet Women's Committee, in effect an organ of the Communist Party, was the only women's organization allowed to exist in the Soviet Union. In the early Soviet years, many women's councils were created to promote communist ideas among women, especially in Central Asia and other non-Russian areas. A few of these councils survived into the later Soviet period. From the time of the Bolshevik revolution, women's issues were considered only in the context of the overall class struggle. Thus, the state maintained that women's oppression would be solved with the implementation of a communist society and presented no gender-specific issues. In 1980, the Soviet Union expelled four of six contributors to an underground feminist publication, *Almanac: Women and Russia*. During the late 1970s and early 1980s, other *samizdat* (underground) publications addressing women's issues were officially restricted.

⁶ See, e.g., Isobel Montgomery, "Equality: Union City Blues," *The Guardian* (London), April 23, 1993, p. 10.

⁷ Sex discrimination is prohibited by the Universal Declaration on Human Rights, Articles 2 and 7; the International Covenant on Civil and Political Rights (ICCPR), Article 2; and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Article 2. Russia is a party to both CEDAW and the ICCPR. Russian law explicitly prohibits discrimination on the basis of sex, pregnancy and maternity in hiring and firing decisions (Articles 16 and 170, Code of Labor Laws of the Russian Federation).

⁸Article 26 of the ICCPR provides, "All persons...are entitled without discrimination to the equal protection of the law." Under this article, states are obliged to prohibit discrimination and to guarantee "all persons equal and effective protection against discrimination on any ground such as...sex."

hotlines in Moscow, St. Petersburg and Yekaterinburg provided us with further documentation on both the scale of domestic violence and sexual assault and the police's lack of responsiveness to women's reports of such attacks.

Human Rights Watch calls on the Russian government to end its practice and tolerance of discrimination against women and to enforce its laws guaranteeing equal opportunity in employment. Further, Russia must enforce its criminal laws without discrimination and ensure that women who report domestic violence and sexual assault have their charges recorded, investigated and prosecuted.

Human Rights Watch also is concerned that the enormous resources contributed by foreign governments to support economic reform and military conversion as well as programs to build civil society and democratic institutions in Russia do not adequately address discrimination against women. We call upon the U.S. and the member states of the European Union to ensure that no aid is used to perpetuate violations of women's human rights. In particular, we urge donor governments to uphold international human rights standards and require it of their Russian partners, especially regarding freedom from discrimination on the basis of sex, in the administration of their grant programs.

BACKGROUND

Although equality between the sexes was a central tenet of the Bolshevik revolution, and the Soviet Constitution guaranteed equal rights for women and men, Soviet women's actual experience in no way resembled sexual equality. The Soviet state often sacrificed its commitment to women's equality in the workplace in the name of other government policies and priorities. Women were pushed into the labor force when economic expansion was a national priority, such as during the industrialization in the 1930s and war and reconstruction during the 1940s.⁹ As workers, however, women were denied access to high-paying, prestigious occupations and high-level positions.¹⁰ During periods of economic reform, on the other hand (e.g., after the 1965 Kosygin reforms and in the context of current reforms), women were and are encouraged to focus on their responsibilities to home and family rather than on their work outside the home.¹¹ In the 1970s, the Soviet government, trying to increase low birth rates, promised women a financial bonus for the birth of their first, second and third child, and taxed childless couples.¹²

⁹ Natalia Mirovitskaya, "Women and the Post-Socialist Reversion to Patriarchy," *Surviving Together* (Washington: ISAR), Summer 1993, p. 44.

¹⁰ Under the Soviet system, women also tended to be concentrated in lower-paying industries considered "women's work" such as the textile and food industries. Vocational training schools in the Soviet Union segregated girls and boys in order to provide them with different kinds of training, thus steering them into different sectors and occupations. Women held a disproportionate number of jobs as unskilled laborers and were underrepresented at the upper end of the occupational hierarchy. Women also experienced a lesser degree of upward occupational mobility, even where women made up the majority of workers in a field. Laurie Essig, "Meticulously Observing CEDAW: A Critique of the USSR's Second Periodic Report to the Committee," (unpublished paper), January 1989.

¹¹ Rosalie B. Levinson, "The Meaning of Sexual Equality: A Comparison of the Soviet and American Definitions," 10 *New York Law School Journal of International & Comparative Law* 151, 157 (1990).

¹² *Ibid.*

Despite the government's shifting position regarding women's role in the workplace, state policy and social norms consistently reinforced motherhood as women's primary contribution to Soviet society. In 1981, the twenty-sixth congress of the Communist Party decided "that reinforcement of the traditional maternal role was needed for the betterment of the state."¹³ This emphasis on women's "biological destiny" as mothers shaped women's legal status and undermined efforts to pursue social equality for women.¹⁴ Women struggled under what became known as the "double burden" of working outside the home as well as shouldering most if not all child care and household management responsibilities. As one activist stated, "Our society thinks children are children of women, not children of men."¹⁵

In today's Russia, many women share the view that "we were told for seventy-five years that we were equal, so what good did that do us?"¹⁶ Many Russian women and men spurn the principle of sexual equality as empty Soviet rhetoric. They justify sex discrimination and the differential treatment of women in terms of discarding the legacies of the Soviet era and asserting Russian traditions. After years of state regulation of every aspect of their lives, many Russians regard with suspicion the notion that the state should play a role in protecting women's rights in the workplace or should intervene in an abusive domestic relationship.

In this context, many policy makers have emphasized their desire to protect women's traditional role in the family and, in ways strongly reminiscent of the Soviet state, to relieve women of the burden of working both in and outside the home. In the fall of 1993, members of the Russian Federation parliament introduced a family law that threatened women's rights on a number of fronts. First, the Draft Principles of Legislation on the Protection of the Family, Mothers, Fathers, and Children vested rights with the family unit and not with the individual members of the family. Under this draft law, it was the family, and not its individual members, that could own real and personal property. Further, the personal income of each family member was to be put into a common family budget. The draft law also granted the family the right to decide whether to have children.¹⁷ An early version of the legislation restricted the working hours of mothers with children under age fourteen to thirty-five hours per week.

Russian women's activists expressed concern that if the family were recognized as the fundamental unit of society, women would have no recourse in situations of domestic violence because they would be limited in asserting their individual rights in a way that disrupts family life. Moreover, if women have no individual claim to their earnings or property, their ability to leave an abusive situation would be greatly compromised.

Although the draft family law was discarded, women's rights activists fear that some form of this law, combined with the government's intent to carry out a "progressive demographic policy" to reverse negative population growth, will result in government restrictions on women's access to family planning and abortion services and ability to work. In many parts of Russia, women's ability to practice family planning already is greatly restricted, because family planning services -- including access to contraceptives -- other than abortion are non-existent. And the government has demonstrated its interest in taking steps to limit access to abortion services. In March 1994, the Ministry of Health

¹³ Ibid.

¹⁴ Janet Hunt-McCool and Lisa Granik, *The Legal Status of Women in the New Independent States of the Former Soviet Union* (Washington: USAID) May 1994.

¹⁵ Zoya Khotkina, discussion at Moscow Gender Studies Center, March 18, 1994.

¹⁶ Danny Reuvekamp, "The Urgent Need for Quality Improvement in Russia," International Planned Parenthood Federation newsletter (New York) 1994, pp. 22-23.

¹⁷ The draft law contained provisions recognizing a child's "right to life" from the time of conception and granting men and women "equal rights in deciding all issues of family life, including issues of family planning." "Russia's women face a new reign of fear," *The Financial Times* (London), August 21, 1993. Women's rights advocates fear that such legislation would require women to seek permission from their partners before seeking abortions.

proposed excluding abortion services from the basic medical insurance coverage provided by the state. According to the director of Moscow's Gender Studies Center:

Forcing women to pay for abortion is a direct consequence of the government's desire to increase the Russian population. This isn't the first time we have seen negative population growth as a reason to push women out of their jobs. The nationalists and some other government figures want to limit a woman's right to determine how many children she has.¹⁸

Their fears may well be justified; Russian legislators expressed to Human Rights Watch their intent to adopt some provisions of the law as part of, for example, the draft labor law currently under consideration. The former head of President Boris Yeltsin's Commission on Women, Family and Demography, Yekaterina Lakhova, told Human Rights Watch, "We would like to have the family recognized as a juridical unit. And we want to reduce the marriage age from eighteen to sixteen."¹⁹

Cutbacks in social services traditionally provided by the state add to the pressures on women to leave work to care for their families. Five thousand government daycare centers closed in 1993.²⁰ According to Ludmila Zavadskaya, a member of the Duma (the lower house of parliament), the drastic reduction of social services has helped force women out of the workplace:

Women have to leave work as preschools are closed. In 1993, almost 6,000 preschools were closed and many of their buildings became commercial structures. In 1993, payment for keeping a child in preschool increased twenty to thirty times compared to 1992. Many families cannot afford it. It is especially difficult for single-parent families, which make up 14 percent of the population.²¹

These changes -- both legal and social -- combined with rising unemployment and the backlash against concerns with women's equality threaten to undermine Russian women's ability to maintain in law and to enforce their fundamental rights. The Russian government has given life to this threat by participating in and failing to act against violations of women's human rights. Russian women are pushing their government to meet its international human rights obligations so that Russia's transition to a more democratic society and market-based economy does not deprive women of their rights to freedom from discrimination and equal protection of the law.

EMPLOYMENT DISCRIMINATION

The problem of women's labor is not an abstract problem. It's a question of our survival.

-- Marina Gordeyeva, Administrative Officer (otvets vennyi sekretar), Union of Women of Russia

¹⁸ Interview, Anastasia Posadskaya, director of the Moscow Center for Gender Studies, Moscow, March 17, 1994. Unless otherwise noted, all interviews cited in this report were conducted by Human Rights Watch/Women's Rights Project. Women in Russia are still able to obtain abortions free-of-charge, but, as was the case during the Soviet era, women must pay to have anesthesia during the procedure.

¹⁹ Interview, Yekaterina Lakhova, former head of the Presidential Commission on Women, the Family and Demography, Moscow, March 21, 1994.

²⁰ Interview, Yekaterina Lakhova, Moscow, March 21, 1994.

²¹ Ludmila Zavadskaya, presentation in panel discussion on gender issues in transitional economies, March 1994, [presentation at the World Bank](#).

Women in Russia face widespread employment discrimination that is practiced, condoned and tolerated by the government. Women have been fired in disproportionate numbers by government industries, agencies and ministries that are streamlining their workforces or trying to privatize their operations. Researchers examining the causes of women's unemployment found that when the government defense industry reduced the number of working days per week (and hence the amount of compensation) for a large part of its workforce, it put only women on the new work schedule. In the same factories, men continued to work full-time and to receive their usual wages.²² A news report from May 1992 notes, "The release of women in those branches in which they traditionally constituted a majority of workers is proceeding at a rapid pace. But, in addition, today's employers are trying specifically to cut back and hire fewer women."²³

In contrast to men, women remain chronically unemployed upon losing their jobs. Official statistics indicate that, across Russia, two out of three unemployed Russians are women.²⁴ In many regions, over 85 percent of the unemployed are women.²⁵

²² Khotkina, "Gender Aspects of Unemployment..." The defense industry factories are located in the Alexandrov, Vladimir region and the Dubna, Moscow region.

²³ Mikhail Borodulin and Irina Gulchenko, "The Labor Market: The Fair Half on the Verge of Stress," *Nezavisimaya Gazeta* (Moscow), May 16, 1992, p.2.

²⁴ Until recently, women made up approximately half of Russia's work force. The overall dislocation of the Russian economy has left many Russians unemployed and searching for work in a market that no longer values their skills. Official statistics indicate that 2.3 million people applied to be registered as unemployed in 1993. Of these, 67.3 percent were women. In many regions of Russia, women's unemployment exceeds 80 percent. Scholars monitoring the rates and causes of unemployment maintain that actual unemployment is much higher. Zoya Khotkina, "The Gender Aspects of Unemployment..." (unpublished article). A sociologist in St. Petersburg who interviewed close to seventy unemployed women found that only "a handful" had registered as unemployed. According to the federal Department of Employment, only 25 percent of the unemployed even try to register as unemployed.

Those who do not register cite the extensive requirements of the process and the negligible benefits received as reasons not to bother. To be registered officially as unemployed, an individual must appeal to the local unemployment office. Within ten days, one receives notice of whether one will be registered as unemployed. Then one is issued a card and receives notice of job opportunities. Only after an individual has refused or been turned away from two job opportunities in his/her field, does he/she begin to receive benefits. If the individual used to work, the benefits received are equal to 75 percent of the previous wages for three months, 60 percent for following three months, and 45 percent for six months. After one year, all subsidies cease. If the individual has not worked before registering as unemployed, he/she receives 14,600 rubles per month (roughly equivalent to U.S. \$5.00 as of December 15, 1994). Interview, Tatyana Prokhorova, federal Department of Employment, Moscow, March 14, 1994.

²⁵ Khotkina, "Gender Aspects of Unemployment..." In one-third of the regions of the Russian Federation, the percentage of the unemployed who are women is over 85 percent, and in several regions (Tverskaya, Tumenskaya, Amurskaya, Sahalinskaya, Volgogradskaya regions and the autonomous republics of Adigea and Buriatyaya) women compose over 90 percent of the unemployed.

Women's disproportionately high representation among the unemployed is attributable in significant part to government practices that openly discriminate against women. In numerous instances, employers, many of them government enterprises, have fired women in large numbers and retained male employees. In a number of recorded cases where government enterprises conducted mass dismissals, they fired significantly more women than men. In May 1993, 90 percent of the workers fired by government enterprises in the Alexandrov region were women. The workers were fired not only from the female-dominated textile industry, but also from machine-building plants where men and women make up equal percentages of the workforce.²⁶ In 1993, officials in the Saratov, a large industrial city in southern Russia, unemployment office reported that 90 percent of the newly unemployed were women.²⁷ According to the founder of Women of St. Petersburg, an association that helps unemployed women, "Women are less protected than anyone in this society. In government enterprises, they aren't afraid to fire women because they know women aren't able to defend their rights."²⁸ Government and private employers, openly expressing their preference for hiring men, advertise job vacancies for men only and deny positions to women because of their sex. Women interviewed by Human Rights Watch report that discrimination is on the rise and the government is doing virtually nothing to stop it.

Moreover, the Soviet legacy of occupational segregation left women concentrated in certain industries and levels of employment -- women are underrepresented in supervisory, managerial and mechanized jobs -- that have experienced the most drastic cutbacks.²⁹ According to a St. Petersburg sociologist who researches the causes and consequences of women's unemployment, "Women are being pushed out of the workplace because under the socialist system, women were tracked into superfluous jobs, and these jobs are disappearing as the economy is restructured."³⁰

Women's unemployment in Russia is even more acute than official data suggest given the growing problem of "hidden unemployment." Hidden unemployment refers to those who are in fact without work but not officially registered as unemployed, as well as to those who remain on the roll of workers but have no work to do and receive little or no pay. One researcher asserts that official statistics overlook at least one-third of those actually unemployed, but not officially registered as such.³¹ Some government enterprises do not fire workers, including female workers, outright. Rather, in an attempt to maintain women's access to social services received through the workplace, such employers refrain from firing workers outright and instead require them to take extended holidays without pay or at the minimum wage, which is equal to less than one-quarter the cost of subsistence. These practices are particularly widespread in industries where women make up most of the workforce, such as textile manufacturing and clothing production. As demonstrated above, even in industries that employ both men and women, reports indicate that women

²⁶ Ibid.

²⁷ Lisa Granik, "The Legal Status of Women in Post-Soviet Russia," p. 83, in Hunt-McCool and Granik, *The Legal Status of Women in the New Independent States of the Former Soviet Union*, (Washington: USAID) May 1994.

²⁸ Interview, Lydia Shemaeva, founder of Women of St. Petersburg, St. Petersburg, March 28, 1994.

²⁹ According to different sources, many of the sectors experiencing the most significant reduction in the workforce were "feminized" during the Soviet era. In other words, many workers are being fired from superfluous jobs that were held by women because women workers, even during Soviet era, not viewed as efficient because of the demands of childcare and housework. Elena Zdravomyslova, "Strategies of Unemployed Women..."; Khotkina, "Gender Aspects of Unemployment..."

³⁰ Interview, Elena Zdravomyslova, St. Petersburg, March 28, 1994.

³¹ Khotkina, "Gender Aspects of Unemployment..." Khotkina's research shows that only 73.3 percent of the individuals who contacted the state employment service for job opportunities and who had no job at the time of that contact were registered officially as unemployed.

are more frequently forced off the payroll or onto part-time schedules.³² In 1993, as much as 30 percent of the working population of Russia experienced some form of hidden unemployment.³³

³² Khotkina, "Gender Aspects of Unemployment..."

³³ Khotkina, "Gender Aspects of Unemployment..." For many individuals, the prospect of remaining employed in name only and thus continuing to receive certain benefits and services is more desirable than outright dismissal. Human Rights Watch does not challenge this practice *per se*. Rather, we are concerned that women are disproportionately affected by such practices in part because employers, acting on gender stereotypes, view men's wages as families' primary income and women's income as supplemental.

The consequences of sex discrimination in employment are profound. Women struggling to provide for themselves and their families are prevented, because of their sex, from competing for the shrinking number of available jobs. At the same time, reforms designed to usher in a market economy have resulted in a reduction of the number of social programs available to support families, children and the unemployed.³⁴ Unable to find work and virtually without the safety net of social services, single women, especially those with children, sink into poverty. Figures from 1992 indicate that 55 percent of Russian female-headed households with children under the age of six years live below the poverty line.³⁵

Although women's poverty in Russia is not solely attributable to employment discrimination, such discrimination creates an obstacle to women finding work that men do not face. Many married as well as single women face economic hardship when they lose their jobs, thus causing their families to lose half or more of their income. The women who run the greatest risk of chronic unemployment are young women with small children and women over the age of forty-five. A study conducted by Russia's Central Institute of Labor found that between 30 and 50 percent of the directors of state employment offices regard small children as a major barrier to women finding work.³⁶

The Russian government denies women's constitutionally guaranteed right to equality and freedom from discrimination on the basis of sex, pregnancy and maternity by allowing and participating in blatantly discriminatory employment practices. This failure violates both internationally-guaranteed human rights and Russian prohibitions against sex discrimination. Sex discrimination is prohibited by the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights, and the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW).³⁷ In addition, Article 11 of CEDAW specifically calls upon governments to "take all appropriate measures to eliminate discrimination against women in the field of employment."³⁸

Legislative Restrictions on Women's Employment

³⁴ Khotkina, "Gender Aspects of Unemployment ..."

³⁵ Ibid.

³⁶ Ibid.

³⁷ Universal Declaration, Articles 2 and 7; ICCPR, Article 4; CEDAW, Article 2.

³⁸ Article 11(1) of CEDAW requires that women have, on an equal basis with men, employment opportunities and free choice of profession and employment, and receive vocational training and retraining. Article 11(2) further prohibits discrimination on the basis of pregnancy and motherhood, and requires states party to prohibit dismissal on the grounds of pregnancy or maternity leave.

Labor legislation, held over from the Soviet era, continues to restrict women's participation in the workforce. Soviet and Russian legislation historically prohibited women from working in particularly unhealthy or strenuous posts, such as underground jobs, or in positions that interfered with their responsibilities as mothers, such as night or weekend jobs.³⁹ The Soviet legislature justified such limits on women's labor as necessary to protect women's ability to have and to raise children. The Council of Ministers of the USSR issued numerous decrees barring women from various occupations.⁴⁰ By January 1981, 460 occupations, primarily those requiring physical labor in the construction, chemical and metal industries and driving large vehicles, were closed to women on the ground that such work harmed women's health.⁴¹

In addition to the restrictions on where and when women can work, Russian law extends -- as did Soviet law -- numerous protections and benefits to pregnant and nursing women as well as women with small children.⁴² Such parental benefits are extended only to women because Russian government policies reflect society's expectation that women are and should be primarily responsible for child care. Men are prohibited by statute from taking advantage of these benefits unless they are raising children alone.⁴³ Much of this protective legislation prevents women from competing on an equal basis in the labor market and perpetuates the stereotype of women as unreliable and expensive workers.

Where protective legislation is, by its terms, discriminatory, e.g. mandated for women and forbidden to men, or has a discriminatory effect on women, it clearly violates women's right to freedom from discrimination. Employment practices and laws, regardless of their motivation, that deny or limit women's employment opportunities on the basis of sex violate international and domestic prohibitions against sex discrimination. Similarly, excluding women with childbearing capacity from certain jobs creates a barrier to employment based on gender and thus explicitly discriminates against women on the basis of sex. Although Human Rights Watch does not take a position on protective legislation *per se*, we do condemn such legislation to the extent that it discriminates or promotes discrimination on the basis of sex.

Currently, both gender-specific protective legislation and mandated benefits in Russia deny women the ability to compete for work on equal terms with men. Rather than allow women to choose where to work, the state has determined that women are unfit for certain jobs, or that certain types of employment are inappropriate for women. In

³⁹ The 1922 Labor Code of the Soviet Union listed occupations in which women were not permitted to work, including "heavy and dangerous occupations" such as mining. In 1932, the list of prohibited occupations was extended to include work underground, involving molten metal or requiring contact with dangerous chemicals. In 1978, the State Committee on Labor and Social Questions promulgated the most extensive list of prohibited occupations to date. Miriam B. Gottesfeld, "The Worker's Paradise Lost: The Role and Status of Russian and American Women in the Workplace," 14 *Comparative Labor Law Journal* 68, 86 (1992).

⁴⁰ Granik, "The Legal Status of Women...", p. 82, citing Peers, "Workers by Hand and Womb," *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).

⁴¹ Levinson, "The Meaning of Sex Equality..." p. 167.

⁴² For example, by law, women were and are entitled to special daytime rest periods while nursing and should be transferred to lighter work at the same salary if their jobs required physical exertion. Women receive a paid maternity leave of fifty-six days before and after childbirth and the option of taking a year's unpaid leave before returning to work.

⁴³ In April 1990, the Soviet government extended the benefits granted to women in connection with maternity (restriction on night work and overtime, additional leave, etc.) to fathers raising children without their mothers (due to death, deprivation of parental rights, extended periods of medical treatment, etc.).

theory, the benefits extended to women workers should enhance their ability to bear and raise children while remaining employed, if they so choose, and to support their families. In Russia today, however, many employers use the cost of such gender-specific regulations to rationalize pressuring women to leave the workplace.

According to a Russian lawyer interviewed by Human Rights Watch:

These privileges are bad for women. Privileges given to women should be given to both parents or else employers won't be interested in hiring women. If we have a law limiting the work week for women with children, today they will fire all the women with children, and tomorrow they will fire all the women who might have children.⁴⁴

⁴⁴ Interview, Svetlana Polenina, Union of Russian Jurists, Moscow, March 22, 1994.

With regard to the actual term of pregnancy and childbearing, international standards require that women have protection against being fired for reasons of pregnancy or maternity leave.⁴⁵ The Convention on the Elimination of All Forms of Discrimination Against Women also calls upon states "to provide special protection to women during pregnancy in types of work proved" harmful. Where, however, the state creates statutory protections for women, it must ensure that such protections do not have adverse employment consequences for women, nor should such regulations be used to justify discriminatory labor practices. Women always should be entitled to choose whether to take advantage of such protective legislation and, under no circumstances, should they be punished for utilizing statutory benefits.

Thirty-five-year-old Tatyana Alioshina, a design engineer, lost her job with a government engineering office on January 25, 1994. She went to the unemployment office to look for a new position, "but they offered me nothing in my field. The problem is that I have three children and live far away. They offered me retraining in a speciality in which I would have a hard time finding a job -- hairdressing." Ms. Alioshina told Human Rights Watch,

Having children is the first barrier for a woman in finding a job. If a manager takes a woman for a job and she has children, she will be taking time to care for her children. Plus, women have many benefits, and managers don't want such workers. In our organization, they started two years ago to pay us benefits for children. Then a manager came in who said, "Why should we pay these benefits? It's easier just to fire these workers."⁴⁶

Employers, both government and private, explicitly refuse to hire or retain women employees when they can employ men who are not entitled to parental benefits and special protections. In addition, as highlighted by the above quotation, employers continue to perceive all women as mothers or potential mothers and hence as liabilities they cannot afford in an increasingly competitive economy. Thus, women in unemployment offices have been turned away by placement officers and potential employers who told them that their parental responsibilities make them unreliable employees.⁴⁷

Some Russian officials recognize the problems that protective legislation, combined with the state's failure to enforce anti-discrimination laws, is creating for women. Ludmila Zavadskaya, chair of the Duma subcommittee on human rights and current laws, told Human Rights Watch that she and others are working to draft laws that will guarantee women and men equal opportunities in the workplace and will strengthen enforcement of anti-discrimination provisions.⁴⁸ According to Yekaterina Lakhova, a member of the Duma and former head of President Yeltsin's Commission on Women, Family and Demography,

The supportive measures [protective legislation] that we had are no longer respected. Women are discriminated against in the sphere of employment. When men are trying to find jobs, no one asks them whether they have children. Women should have an equal chance to make decisions. Now we want to create a law that will provide equal opportunities in the job sphere.⁴⁹

⁴⁵ Article 11(2)(a), CEDAW.

⁴⁶ Interview, Kaluga, March 23, 1994.

⁴⁷ Granik, "The Legal Status of Women...", p. 83.

⁴⁸ Interview, Ludmila Zavadskaya, chair of Duma subcommittee on human rights and current laws, Moscow, March 16, 1994.

⁴⁹ Interview, Yekaterina Lakhova, member of the state Duma, former head of President Yeltsin's Commission on Women, Family and Demography, Moscow, March 21, 1994.

Despite the stated commitment by some Russia officials to equal opportunity for women workers, the state has failed to enforce existing prohibitions on sex discrimination and instead clings to protective legislation as the means to women's equality. Thus, for example, Ms. Lakhova simultaneously advocated amending the labor law to abandon protective legislation that hinders women's employment, and increasing women's paid maternity leave to three years. This proposal demonstrates the persistent belief that the way to solve Russian women's problems in reconciling family and work responsibilities is to enable them to stay home full-time. As Kaluga Mayor Vitaly Chernikov stated, "Today we have more unemployed who are women. This is connected to women's nature: they have children and need to be with them. We have some special protections for women, but we need to do a better job of protecting women."⁵⁰

The above proposals virtually ensure that women with young children will not be able to find work. As long as the law mandates that mothers of young children be granted extensive paid leave to stay home with their children and simultaneously fails to enforce prohibitions on sex discrimination, employers will see men as more in need of work and as more desirable employees. The government's failure to enforce anti-discrimination laws allows employers to exercise such discriminatory preferences without sanction.

The government's proposed solution to employment discrimination merely duplicates existing problems. The Ministry of Labor has drafted a new labor law that it asserts will address the problem of women's unemployment. The Labor Ministry's vice minister for social problems further claims, "We want to see equal opportunities for women in the sphere of hiring, especially when they are pregnant or have children."⁵¹ Yet, the revised law retains most of the previous restrictions on women's labor. In fact, the only changes in the draft code *add* to the special protections and benefits for women that -- when combined with government failure to enforce anti-discrimination laws -- undermine women's ability to find work. Nowhere do the proposed reforms confront the need for stricter enforcement of anti-discrimination laws.⁵²

Discriminatory dismissals

I think when employers review the issue of reducing the number of workers in an enterprise and have the choice as to whom to keep, he has practical reasons for firing women. Women often have ill children. They worry about their households and other traditional women's issues. Employers may think it better to hire slightly less-qualified men.

-- Valerii Yanvariov, Vice Minister for Social Problems, Ministry of Labor⁵³

⁵⁰ Meeting with Human Rights Watch and local activists, Kaluga, March 24, 1994.

⁵¹ Interview, Vice Minister for Social Problems Valerii Yanvariov, Ministry of Labor, Moscow, March 25, 1994.

⁵² The Vice Minister stated:

The draft labor law has a chapter that deals with women and guarantees equality in hiring. There are limits on the jobs in which women can work, including jobs on weekends or at night. Pregnant women have a right to maternity leave for seventy working days. If they have problems they can take eighty-six days. Women can take maternity leave for one and a half years and receive one hundred percent of the minimum wage. They may take a leave of an additional one and a half years at fifty percent of the minimum wage which is paid by the enterprise.

⁵³ Interview, Vice Minister for Social Problems Valerii Yanvariov, Ministry of Labor, Moscow, March 25, 1994.

However, Yanvariov also stated that "[e]mployers may decide that they need men rather than women, but this is contrary to the law. It will take some time for employers to understand the importance of societal goals regarding equality."

Overt sex discrimination has prompted many dismissals by government employers. In numerous instances, employers have fired women first because they view them as "more expensive to employ and less reliable" than men.⁵⁴ As described above, these employer biases against women are often grounded in the belief that women with children or of child-bearing age will require expensive benefits and will sacrifice job performance to family responsibilities. One Russian lawyer who has represented a number of women in challenging discriminatory employment practices recalled a court hearing in which the employer stated, "I would fire all women if I could. Women have children who are always getting sick. They take off too much time."⁵⁵

An unemployed electrical engineer from Kaluga, a city south of Moscow, told Human Rights Watch:

I recently lost my job when they reduced the number of employees in our defense plant. They reduced the workforce overall by 30 percent. I worked in a department that was all women, about one hundred of us, and they let go about thirty. It's hard to find work in my field, especially for women. Employers prefer to hire men in these specialties.⁵⁶

The following cases provide evidence of women losing their jobs because of illegal discrimination based on sex, pregnancy, and maternity. Angela Mavrina was fired from her job as an ecological researcher with a government organization when she was pregnant:

I lost my job one and a half years ago. I am still unemployed. When they were reducing the number of workers, they fired me. I told my boss I was pregnant, and he said, "We don't need workers like you." I went to the local [state-run] employment office, but they had nothing for me. They said, "It's impossible for you to find work because you're pregnant and soon will be taking maternity leave. No one wants to hire such workers. There's no point in even trying."⁵⁷

When Ms. Mavrina went to the local department of employment office to ask about unemployment benefits, "They told me I was fired illegally and said they would help me file a complaint. The lawyer who took my case wouldn't pursue it because my employer hired my lawyer's boss. I missed several court hearings because I didn't know when to go." The Kaluga City Court later ruled that Ms. Mavrina's complaint had been filed too late and dismissed her case.⁵⁸

In Moscow, an attorney interviewed by Human Rights Watch related the case of a client whose employer, a government research institute, attempted to force her out of her job while she was on maternity leave.

⁵⁴ Elena Zdravomyslova, "Strategies of Unemployed Women in the Transition to the Market Economy: The Case of Russia," paper presented at the Second Feminist Conference in Graz, Austria, July 1994, p. 4. Zdravomyslova based her comments and paper on sixty-five interviews she conducted with unemployed women in St. Petersburg. Her interview subjects either were or had been unemployed during the recent period of economic reforms. She interviewed women with and without higher education, women of ages ranging from twenty to fifty-three, single and married women, women with and without children and women belonging to different income groups.

⁵⁵ Interview, Lubov' Mikhailova, Kaluga, March 24, 1994.

⁵⁶ Interview, Kaluga, March 24, 1994.

⁵⁷ Interview, Kaluga, Russia, March 23, 1994.

⁵⁸ Angela Mavrina currently is represented by activist and lawyer, Lubov' Mikhailova, who has written an appeal of the lower court decision.

She wasn't paid even the little sum that is required. They called her all the time and told her to come and sign a statement that she wanted to resign. I helped her write a letter complaining of the mistreatment to the directors of her department and of the government institute. We argued that they could be punished for trying to force her to resign while she was on maternity leave. After that, they stopped bothering her.⁵⁹

Also in Moscow, metals engineer looking for work at a state-run employment fair told Human Rights Watch:

⁵⁹ Interview, Karina Moscalenko, attorney, Moscow, March 17, 1994.

I am a metals engineer and have been unemployed for two years. Our plant started to privatize and they fired many people. Most of the people fired were women. I've been looking for work for two years, but I can't find a job in my field.⁶⁰

As the above case illustrates, once women lose their jobs, they become chronically unemployed, going for months and even years without being offered a new job. Men, by contrast, are unemployed for shorter periods of time.⁶¹

Discriminatory Hiring

Everybody is looking for men as workers. When I left my place at the plant, they said I could have my job back if I was a man. They only want men. Women are tied down with children so employers don't want to hire them. I don't know how we will survive.

-- Unemployed woman in Moscow⁶²

Women also confront sex discrimination when they seek new employment. Government employers openly express their preference for hiring men.⁶³ At the request of employers, government employment offices frequently advertise jobs for men only and refuse to refer women to jobs if the employer has indicated a preference for men.⁶⁴ Public sector employers often ask women about children and marital status in job interviews and reject applicants on the basis of their sex, maternity or potential maternity. Female job seekers interviewed by Human Rights Watch in state unemployment offices identified being a woman, and particularly a woman with children, as the greatest barrier to finding work.

A thirty-four-year old engineer and mother of two interviewed in a government unemployment office told us:

I have been unemployed since December 1993 when I lost my job. They reduced the labor force by many. Our plant was mostly women, so most of those fired were women. This is my fifth time in this office. I registered in December, and I have had interviews for jobs as an electric engineer. But I haven't had any job offers because they want to hire men. This is a man's specialty. When I go for the interviews, they ask me if I have children. Children are often ill, and I would have to take time off to care for them.⁶⁵

Another women looking for work in the Kaluga office stated:

⁶⁰ Interview, Moscow, March 17, 1994.

⁶¹ Khotkina, "Gender Aspects of Unemployment..."

⁶² Interview, Moscow, March 18, 1994.

⁶³ According to a 1992 report in *The Guardian*, "When factories take on workers they announce that they want men, and when women are rejected it is their sex which is entered on their application forms as the reason." Anne Sailas, "No Place for Women," *The Guardian*, May 1, 1992, p. 22.

⁶⁴ Russia has established a federal department of employment that maintains local departments by region. The federal office in Moscow documents the rate and causes of unemployment; local offices provide referrals to job opportunities, register the unemployed for state benefits, and refer registered unemployed to job training.

⁶⁵ Interview, Kaluga, March 24, 1994.

I registered one month ago. I haven't found any opportunities. I come here every day. They offered me a job on an assembly line, but it wasn't enough money to support my children. I have two children, ages four and two. Nobody wants to hire me, because I'm young and have children. Employers usually say they don't want women with small children.⁶⁶

Russian officials also acknowledge employers' refusal to hire women, especially women with children. A member of the Duma told Human Rights Watch:

Women are well-qualified. Their unemployment is not due to being uneducated, but to discrimination. Women here are protected. They receive maternity leave, special benefits for children, child care leave. These protections result in discrimination because it's more efficient to hire men. We are facing a situation where women's privileges work against them.⁶⁷

Asked to explain the higher rate of unemployment for women, a representative of the federal Department of Employment asserted that the "special regulations" that are available only to women -- extended paid maternity leave, vacation time when children are small, sick child leave -- make women uncompetitive as employees: "Employers prefer men because women cost so much."⁶⁸

Human Rights Watch gathered evidence to support the official's assertion that employers prefer to hire men during several visits to state-run unemployment offices in Moscow, St. Petersburg and Kaluga. In a government unemployment office in Kaluga, for example, announcements posted on the walls described positions available, salaries and qualifications for jobs that blatantly included the specification that only men need apply. All the positions advertised were in the government sector.

We also visited an employment fair sponsored by the Department of Employment in downtown Moscow where both government and private sector employers had set up booths to meet with prospective employees. Many of the employers specified in printed job announcements that they were seeking male employees for certain jobs and females for others. For example, at a table where two men sat representing a state-supported Moscow machinery factory, job offerings listed on paper were divided by sex. The jobs for women consisted almost entirely of menial, poorly-paid work -- as cleaners, security guards, or assembly line workers. These jobs ranged in monthly salary from 30,000 to 200,000 rubles (US\$10-\$67 in December 1994) per month, and most were at the lower end of the spectrum. The men's jobs were largely in specialized fields and ranged in salary from 80,000 to 400,000 rubles (US\$26 to \$133 in December 1994) per month.

Discrimination in Retraining

Women who try to improve their chances of finding work with retraining have had their opportunities limited because of their sex. Many of the training programs offered by government employment offices direct women into courses that prepare them for work in "women's jobs" that are usually poorly paid. A number of women interviewed by Human Rights Watch stated that the retraining opportunities offered by the state employment office were limited to low-paying, low-skill jobs, such as housekeepers, seamstresses, typists and hairdressers, even for women with higher academic and/or professional backgrounds. In a January 1993 interview, Moscow Employment Department Chief V. Ovsyannikov described the retraining efforts of his agency:

⁶⁶ Interview, Kaluga, March 24, 1994.

⁶⁷ Interview, Galina Klimantova, member of the Duma and chair of the Committee on Women, Family and Youth Affairs, Moscow, March 15, 1994.

⁶⁸ Interview, Tatyana Prokhorova, federal Department of Employment, Moscow, March 14, 1994.

Our department allocated funds to train unemployed women in new occupations in demand on the labor market. Since May, the center has been offering free courses in fabric-cutting and sewing, knitting, hair styling, secretarial work, and in work at children's kindergartens.⁶⁹

In an interview with Human Rights Watch, a spokesperson for the federal Department of Employment confirmed that women continue to receive training primarily to work as governesses or child care providers, housekeepers, seamstresses or bakers.⁷⁰

Five women interviewed by Human Rights Watch in one of Moscow's local unemployment offices all were fired from government enterprises and institutes. The employment office offered the women retraining in secretarial and sewing skills. One woman, a forty-four-year-old widow who spent her career working on engineering projects told us, "My situation is terrible. I have been unemployed for two years. I was trading in the streets to survive. Here they offered me retraining in sewing."⁷¹ Human Rights Watch supports the efforts of the Russian Department of Employment to provide training to unemployed women and men, but is concerned that women are being offered training only in fields considered appropriate for women and thus are being denied the opportunity to receive training for jobs opening up in developing sectors of the economy.

A forty-year-old unemployed electrical engineer explained her difficulty in finding work:

I'm registered at the local unemployment office. They haven't offered me any jobs. They advised me to take a retraining course in hairdressing or sewing. That's all they offer for women. Even to get into those courses, you have to wait for half a year. I won't find a job in my field. Industry is shrinking, and it's especially difficult for women to get these jobs.⁷²

To the extent that state-sponsored training programs for women are limited to certain fields, the Russian government denies women on the basis of their sex the opportunity to acquire the skills that would enable them to pursue new employment opportunities in the fields of their choosing. Further, state efforts to direct women toward such training programs could contribute to the creation of a segregated workforce in which women populate the low-paying, low-skill jobs.

Government Failure to Enforce Anti-Discrimination Laws

⁶⁹ C. Yerisova, "Combatting Unemployment: Incubator for Businessmen," *Moskovskaya Pravda* (Moscow), January 27, 1993, (reported in FBIS 27 February 1993).

⁷⁰ Interview, Tatyana Prokhorova, federal Department of Employment, Moscow, March 14, 1994.

⁷¹ Interview, Moscow, March 18, 1994.

⁷² Interview, Moscow, March 17, 1994.

International standards prohibiting sex discrimination require states to outlaw private discrimination on the basis of sex and to establish adequate remedies for victims of such discrimination. Although Russian law prohibits sex discrimination in employment and creates a process for challenging discriminatory employment actions, Russian authorities are enforcing neither the ban on discrimination nor, generally, the remedy. Since the beginning of *perestroika*, both public and private employers have flouted laws that prohibit discrimination on the basis of sex and maternity with impunity.⁷³ One lawyer told Human Rights Watch, "As privatization started, the owners of businesses indulged openly in discrimination. They don't feel bound by the legal system."⁷⁴ Recently married and pregnant women suffer discrimination by both government and private employers trying to avoid the expense of paid leave and other maternity benefits.⁷⁵

State officials are aware of the causes and degree of women's unemployment, but, to our knowledge, the state is doing almost nothing to enforce anti-discrimination laws and, in some instances, government officials refuse to condemn the state's role in violations. Instead, the Russian government emphasizes the importance of employing men rather than women and "extoll[s] the virtues of a female return to [the] home."⁷⁶

To our knowledge, in only one instance has a government body denounced sex discrimination as illegal and impermissible. In March 1994, a special court reviewed a challenge to the widespread publication by newspapers of job advertisements that specify that men only need apply for certain professional positions. Jobs for women are listed separately and many specify that applicants should be young, blonde, long-legged and "without inhibitions" (willing to have sex with their bosses).⁷⁷ The court ruled that sex-specific job advertisements violated the Russian constitution's guarantee of equal rights and freedoms:

Restrictions by indication of gender constitute an infringement of Article 19 of the Constitution of the Russian Federation establishing that men and women have equal rights and freedoms and equal opportunities for their realization and Article 16 of the Code of Labor Laws of the Russian Federation, which forbids "any kind of direct or indirect restriction of rights, or the establishment of direct or indirect advantages to hiring on the basis of sex."⁷⁸

⁷³ Russian law prohibits sex discrimination in employment. Article 16 of the Code of Labor Laws of the Russian Federation provides, "Any kind of direct or indirect restrictions of rights or establishment of direct or indirect advantages to hiring based on sex...is not permitted." Under the Russian Constitution of 1993, men and women are guaranteed "equal rights and equal freedoms as well as equal opportunities for their realization" (Article 19, para. 3). "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." Granik, "The Legal Status of Women...," p. 72. Russian labor law also includes specific provisions banning discrimination against pregnant women in both hiring and firing. Article 170 of the code states, "It is forbidden to refuse to hire women and take away their pay for reasons connected with pregnancy or the existence of children."

⁷⁴ Interview, Svetlana Polenina, Russian Union of Jurists, Moscow, March 22, 1994.

⁷⁵ Ibid.

⁷⁶ Zdravomyslova, "Strategies of Unemployed Women...," p. 4.

⁷⁷ A 1993 Reuter report told the story of Natasha Belyayeva, an unemployed university graduate looking for work. During an interview for a job as an office secretary, she stated, "The director...looked me up and down and said, 'Okay, you look good, you're sexy enough. But if you want to work as a secretary your salary will be very low.' He said I could earn as much in a day as I would in a month as a secretary, if I offered clients sexual services." Fiona Fleck, "Russian Women Squeezed Out of Job Market into the Home," *Reuter European Business Report*, February 18, 1993.

⁷⁸ The decision that sex-specific jobs advertisements violated the Russian constitution's guarantee of equal rights and opportunities for men and women was reached by the court chamber on informational disputes on March 11, 1994. The case was brought against several newspapers -- *Izvestia*, *Finansovaya Izvestia*, *Ekonomika i Zhizn* -- that had carried

Yet, little has been done to enforce the ruling and to stop such advertisements from being published.

advertisements for specifying that men only need apply for certain professional positions including lawyers, accountants, and securities specialists.

In fact, some government officials applaud the consequences of women's unemployment as creating more jobs for men and encouraging women to have more babies and reverse negative population growth. Official statements encourage women to leave work and stay at home with their children as a way of alleviating the "double burden" of working at their jobs and in their homes. As a Moscow women's rights activist has observed, "The new catch-phrase is: 'Let's return women to their natural destiny.'"⁷⁹

State failure to enforce anti-discrimination laws has particularly deplorable consequences for women compelled by widespread discrimination in the government sector to look for work in the private sector.⁸⁰ Sex discrimination, sexual abuse and harassment are rampant in Russia's developing private sector.⁸¹ In some instances, women have reported being raped when they appeared for job interviews.⁸²

Although the government is not directly responsible for the discriminatory or abusive actions of private employers, its failure to enforce anti-discrimination laws and to punish individuals responsible for sexual abuse violates its international obligations to protect women's rights to freedom from discrimination and to bodily integrity.

Private employers' mistreatment of women ranges widely, from advertising for sexually compliant employees to actual sexual assault. As described above, private companies run newspaper advertisements seeking female employees prepared to have sex with their bosses to keep their jobs. A research fellow at the Center for Independent Social Research who has conducted extensive research into the causes and conditions of women's unemployment in St. Petersburg found that, in some cases, women are offered jobs only if they are willing to perform "intimate services." She stated, "This is a big problem in private businesses, and there is no regulation of this. Sexual abuse is not considered abuse. People think it is a part of our culture."⁸³ One woman who rejected the sexual advances of her employer told Human Rights Watch that she consequently left her job:

I am a single mother. I can't work at night because I don't have a husband to care for my baby. I experienced sexual harassment in the private sector, so I had to leave my job. I was working as an accountant, and, on the second day, my boss wanted me to sleep with him. So I had to leave. This happens to many women.⁸⁴

In a similar incident reported by *The New York Times* in April 1994, a twenty-three-year-old graphic designer quit her job because her employer repeatedly grabbed her and pressured her to have sex with him.⁸⁵

⁷⁹ "Russia's women face a new reign of fear," *The Financial Times*, Aug. 21, 1993, quoting Marina Baskakova [sic] of the Moscow Gender Studies Center.

⁸⁰ Article 18 of the Russian Criminal Code, titled "On Forcing a Woman to Engage in Sexual Relations," prescribes a three-year prison sentence for those convicted of sexual harassment in the workplace.

⁸¹ The Moscow-based Fund for Protection from Sexual Harassment at Work has a list of approximately 300 private businesses where employers regularly abuse or harass their employees. Dmitry Babich, "Workplace Harassment," *Moscow Times*, July 5, 1994. Director of the fund Valery Vikulov told the *Moscow Times* that a number of women in Moscow informed him they were raped by potential or current employers.

⁸² Ibid.

⁸³ Interview, Elena Zdravomyslova, St. Petersburg, March 28, 1994.

⁸⁴ Interview, Moscow, March 18, 1994.

⁸⁵ Alessandra Stanley, "Sexual Harassment Thrives in the New Russian Climate," *The New York Times*, April 17, 1994.

Much as the Russian government has turned a blind eye to sex discrimination in the workplace, it also has, to our knowledge, largely ignored reports of widespread sexual harassment of female employees by both Russian and foreign private companies. According to an April 1994 press report, "Sexual harassment in the workplace is rampant in today's Russia, and the sexism that thrived under the Communists is growing worse, aggravated...by the new lawlessness that rules the business world."⁸⁶ With few exceptions, the Russia government has not acted against such lawlessness by denouncing or investigating allegations of sexual harassment⁸⁷ On the contrary, prohibitions against sexual harassment, like those against sex discrimination, are not enforced even when such incidents are reported. As a consequence, many employers feel free to grope their female employees and demand sex on the job without fear of being held to account for their actions. The Russian government must end the impunity for employers who discriminate against, sexually harass and physically assault their female employees by enforcing provisions in the criminal and labor codes that penalize such behavior.

VIOLENCE AGAINST WOMEN

The law doesn't protect women. If a woman goes to the police and tells them that she is being beaten by her husband or partner, the police say, "But he didn't kill you yet."

-- Marina Pisklakova, coordinator of Moscow Trust Line for battered women

Women's rights activists, lawyers and even government officials recognize that violence against women is prevalent in Russia. Spousal abuse, in particular, is not only widespread but also largely accepted. Official statistics indicate that every fifth person killed in Russia is killed by a spouse, and the majority of those killed by their spouses are women.⁸⁸ Despite recognition of the problem, the state, and particularly its law enforcement agencies, have done little to denounce domestic violence as a crime or to investigate charges of domestic violence. Wanda Dabasevich of the recently established St. Petersburg Human Rights Center told Human Rights Watch about a woman who "complained to the police for one year [about her husband's attacks], and they never even talked to her husband."⁸⁹ In March 1994, the Center was pursuing two cases of victims of domestic violence. According to Ms. Dabasevich, "Both women went to the police. The police said they would talk with their husbands, but they didn't. The police never even wrote out a formal complaint."

⁸⁶ Ibid.

⁸⁷ In early 1994, the first known sexual harassment case in Russia was brought in the southern Siberian city of Barnaul. Thirty-five-year-old Tatyana Smyshlayeva complained that her supervisor at the municipal health clinic threatened to fire her if she did not respond to his repeated groping of her in his office. Prosecutors on the case, which was later dismissed in the February 1994 general amnesty, could find no precedent of such a case being tried. Ibid.

⁸⁸ Statistics cited by a representative from the Ministry of Social Welfare, meeting at the Union of Russian Jurists, the Commission on Women's Issues, March 22, 1994.

⁸⁹ Interview, St. Petersburg, March 27, 1994.

With regard to rape and other forms of sexual assault, Human Rights Watch has gathered evidence based on victims' complaints that police have denied women who have suffered such attacks the opportunity to seek justice and, in some instances, have harassed women who filed charges of rape in order to intimidate them and convince them to drop any complaints filed. According to Natalia Gaidarenko, founder of the independent Moscow Sexual Assault Recovery Center, "One lawyer admitted that the police rarely believe a rape victim."⁹⁰ Counselors who work with victims of sexual assault assert that law enforcement and court officials often blame rape victims for their "provocative behavior," which ranges from "careless evening strolls" to drinking alcohol and listening to music.⁹¹

Russian authorities' failure to investigate and prosecute effectively battery and rape in the home and their biased response to rape victims establish a pattern of discriminatory treatment by the criminal justice system of female victims of domestic violence and sexual assault. Such treatment violates Russia's international obligations to guarantee that its female citizens enjoy equal protection of the law and civil and political rights without discrimination. Article 3 of the International Covenant on Civil and Political Rights provides for "the equal treatment of men and women to the enjoyment of all civil and political rights...." Article 26 further provides that "all persons are equal before the law and are entitled without any discrimination to the equal protection of the law." Furthermore, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) obligates states parties "to pursue a policy of eliminating discrimination...to refrain from engaging in any act of discrimination...[and] to ensure that public authorities and institutions shall act in conformity with this obligation."

Domestic violence and sexual assault and the state's unresponsiveness to such attacks on women are far from new. During the Soviet era, the problem of spousal abuse was ignored by the press and seldom was raised in public fora. Soviet police reflected societal attitudes by refusing to intervene in cases of domestic violence.⁹²

Police refusal to investigate claims of domestic violence persists in today's Russia. As the cases below indicate, police also have failed to investigate claims of sexual assault. As police officials point out, crime in general is on the rise in Russia; police are overwhelmed, and law enforcement in general is lagging. But, women who are turned away by police are not told that investigating their claims may take a long time due to the backlog of work. Rather, they are told by police that the attacks against them are not problems for law enforcement officials at all.

Although officials claim and press reports record that violent crime against both women and men is increasing in Russia,⁹³ the testimonies in this section reveal that the state has refused to protect women from violence because it does not take crimes against them seriously.

Domestic Violence

In most cases, police say this is a family matter. If a woman is beaten and calls the police, they ask who is beating her. If she says her husband, the police tell her it's a private affair. Now that crime is increasing, police say they don't have time for family matters.

-- Natalia Rimashevskaya, director of the Institute for Socio-Economic Population Studies⁹⁴

⁹⁰ Natalia Gaidarenko, "'Moscow Does Not Believe in Tears': Sexual Assault in Russia," *Initiatives in the New Independent States* (newsletter), Spring/Summer 1994.

⁹¹ Tatyana Zabelina and Yevgenia Israelyan, "Crisis Centers Assist Victims of Violence," *Surviving Together*, Winter 1993, pp. 29-31.

⁹² Valerie Sperling, "Rape and Domestic Violence in the USSR," *Response*, Vol. 13, No. 3 (1990).

⁹³ Steven Erlanger, "Russia's New Dictatorship of Crime," *The New York Times*, May 15, 1994; Aleksandr Golov, "Crime and Safety in the Public Consciousness," *Izvestia* (Moscow), July 23, 1993, p.4.

⁹⁴ Interview, Natalia Rimashevskaya, director of the Institute for Socio-Economic Population Studies at the Russian Academy of Sciences, Moscow, March 14, 1994. The Institute houses the Moscow Gender Studies Center and Moscow's first

Despite official acknowledgment that domestic violence affects the lives of thousands of women in Russia, the official and societal response to women's reports of spousal abuse indicate that such assault is considered a "family affair" rather than a problem for law enforcement. Reports gathered by Human Rights Watch indicate that individual police share the widely-held view that spousal abuse is a private matter in which the police should not or need not intervene. As a consequence, police often fail to respond to reports of domestic violence, or, if they do respond, take no action against the abuser. A founder of a St. Petersburg hotline for women told us:

It's traumatizing for women to go to the police. We've been studying the police and their responses to violence against women. They have very sexist attitudes. They think of domestic violence as the problem of women, that women provoke violence with their behavior.⁹⁵

The generally dismissive attitude of the police toward reports of domestic abuse permits men to beat their wives or domestic partners with impunity. Yet, a senior official at the Ministry of the Interior refused to acknowledge police responsibility for the lack of intervention in domestic violence cases. In an interview with Human Rights Watch, Yevgenii Riabtsev, the head of the ministry's public relations section, admitted that domestic violence is a serious problem in Russia and that the police have not treated the problem as one for law enforcement. Rather than accept police responsibility for the failure to investigate such violence, Riabtsev suggested that police are thwarted in their efforts by women's failure to report assault. He thus suggested that women victims of domestic violence, and not the police who disregard and mistreat them, are the main obstacle to police investigations of such assault. Riabtsev also shifted the blame for the violence itself to its victims, stating, "After marriage, many women don't look after themselves. They let themselves go physically, and their husbands lose interest."⁹⁶ Similarly, Acting Minister of Social Security Ludmila Bezlepkina, who is responsible for preparing Russia's report to CEDAW, stated, "Problems of family violence are very urgent for us now." She asserted, however, that abusive family members should not be punished:

I don't agree that police should be used in situations of domestic violence. This is not productive and just makes people more cruel. It depends on the tradition of the country. We should be able to choose how we deal with this problem. Restricting measures involving the police should be the last resort.⁹⁷

Domestic violence is a seriously underreported crime in Russia.⁹⁸ Experts in Russia, as in other countries, attribute women's reluctance to report such attacks to women's awareness that police will not respond to their complaints⁹⁹ and also to societal pressures that encourage women to hide family violence from everyone, even neighbors.¹⁰⁰ In addition, women fear that reporting domestic abuse will provoke their attackers without actually securing protection from the authorities. A counselor for victims of domestic violence in Moscow told us:

⁹⁵ Interview, Natalia Khodireva, psychologist and founder of the St. Petersburg hotline for victims of domestic and sexual violence, St. Petersburg, March 27, 1994. The hotline has ten psychologists trained to offer counseling and hopes to link with other health care providers in order to offer a full range of services to survivors of violence.

⁹⁶ Interview, Yevgenii Mikhailovich Riabtsev, chief of section, Ministry of Internal Affairs, Center for Public Relations, Moscow, March 25, 1994.

⁹⁷ Interview, Ludmila Bezlepkina, Acting Minister, Ministry of Social Security (also called the Ministry of Social Protection of the Population), Moscow, March 25, 1994.

⁹⁸ Sperling, "Rape and Domestic Violence...", pp. 17, 21.

⁹⁹ Russian law does not require mandatory arrest for batterers and "police tend not to take domestic violence complaints seriously." Ibid, p. 21.

¹⁰⁰ See, e.g., Human Rights Watch, *Criminal Injustice: Violence Against Women in Brazil* (New York: Human Rights Watch, 1991) pp. 50-52.

Women don't call the police because they are afraid it will make the situation worse for them and their children. Also, everyone thinks it is shameful to discuss family problems with the police. Some women don't call because they think it's no use. In some cases, they have friends who have contacted the police to no avail.¹⁰¹

A psychologist who works with victims of domestic and sexual violence further stated:

Domestic violence is a huge problem. But no one will talk about it. I have a friend whose husband rapes her, and she can't even cry because her children sleep in the same room. She has never gone to the police.¹⁰²

The government contributes to the lack of information about rates of domestic violence by not keeping statistics about those individuals who do report their assaults to the authorities. The Ministry of the Interior keeps no data about domestic violence separate from general records of hooliganism (disturbing the peace) and physical assault.¹⁰³ The lack of relevant data about violence against women by family members has the effect, whether intended or not, of concealing such abuse.

Human Rights Watch urges the Ministry of Interior to keep statistics on the incidence of domestic violence. Official recognition of the scale of domestic violence in Russia would be a particularly important step toward eliminating the barriers that keep women from reporting such assault.

Currently, the data on violence against women is collected only by the private sexual assault and domestic violence hotlines that have opened in several Russian cities. They keep records of how many women contact them, the reasons for the call or visit, and the details of women's individual problems. Increasingly, they also ask women whether they have sought help or reported attacks against them to the police. The hotline staffs in Moscow, St. Petersburg and Yekaterinburg report a steady volume of calls and visits from women abused by spouses and partners.¹⁰⁴ The testimonies that follow are drawn from reports collected by these hotlines as well as Human Rights Watch interviews.

Svetlana is in her early thirties and lives with her infant son in the Moscow apartment she shared with her former husband. Svetlana divorced her husband in early 1994 after he abused her and threatened to kill her. Svetlana recalls that the first eight months of her marriage were "pretty good," but then he started to threaten her:

¹⁰¹ Interview, Marina Pisklakova, Moscow Trust Line, Moscow, March 14, 1994. Ms. Pisklakova is the sole full-time staff member of the Moscow Trust Line, a hotline for victims of domestic violence. Ms. Pisklakova attempts to provide counseling and services to victims of domestic violence and maintains records of the phone calls and personal visits she receives. The hotline provided Human Rights Watch with its records on numerous cases for the four months preceding our March 1994 visit.

¹⁰² Interview, Natalia Khodireva, St. Petersburg, March 27, 1994.

¹⁰³ Russia has no criminal statute that specifically prohibits domestic violence, but such crimes can readily be prosecuted under statutes prohibiting hooliganism (defined as a disruption of public order) and light or grave bodily injury. Valerie Sperling, "Rape and Domestic Violence in the USSR," *Response*, Vol. 13, No. 3 (1990), p. 19.

¹⁰⁴ The hotline in Yekaterinburg receives between five and fifteen calls per week during "quiet periods" and over twenty calls per week after they advertise their service. About two-thirds of the callers are reporting domestic violence and sexual assault. Telephone interview, Olga Zayarnaya, director of the Yekaterinburg hotline, St. Petersburg, March 28, 1994.

He said that he would break my legs or my teeth so that no one else would want me, so that he could take care of me and I would understand that he really loved me. I was really scared. Once someone threatens to hurt you, one day he will do it.¹⁰⁵

Soon after the threats started, Svetlana discovered that she was pregnant. Her pregnancy was complicated, and she was bedridden, during which time her husband taunted her with the fact that she was under his power and refused to feed her unless she begged. In August 1993, several months after the birth of their son, Svetlana's husband resumed a steady stream of verbal abuse. On one occasion, she told us, he grabbed her by the arm, threw her to the floor and threatened her: "If you say something bad to me again, I'll kill you. You must submit to me completely. You have nothing, no money." Svetlana fled the apartment with her baby, but he followed them, threatening to kill her if she sought a divorce. Svetlana returned to the apartment out of concern for her child's health.

Later that night:

I was in the bathroom. He started banging on the door, screaming that he would beat me and kill me. He broke the handle on the door. I waited about forty minutes before coming out. He was in a terrible state. He said, "I'm going to kill you and no one will do anything to me for it." I was so scared.

After more beatings and death threats, Svetlana called the police. A policeman promised that he would speak with her husband, and he did. But the police took no action against her husband, and Svetlana believes that the police simply told her husband that he had a right to live in the apartment even if she did not want him there. When she returned to the police station, Svetlana says a policeman told her, "As long as you are not divorced, there's nothing for the police to do. That's between a man and wife, it's a family matter."

¹⁰⁵ Interview, Moscow, March 20, 1994.

After their divorce, her husband continued to come to the apartment against Svetlana's wishes and to threaten her.¹⁰⁶ She again sought help from the police:

I went to the police and one said, "What do you want from me?" I asked him to talk to my ex-husband and stop the threats. The policeman said he would talk to him. But later I learned that he never did. Soon after that, my ex-husband and his brother came to the house and moved my things out of my rooms. I went with my baby to the police. Three policemen came to the apartment after one hour, but the men had left. The police shrugged and said, "What you're telling us is just talk. You have no witnesses. Nobody saw what happened; nobody heard anything. You have no proof of what you say. I have talked with your husband, and he is a calm, nice man. He has a right to live here."

I gave him the name and number of my friend who had overheard the threats, but she told me the police never called. I felt defeated. I couldn't expect any help from the police. I am a hostage in my own apartment. I'm afraid to go to the police now. They didn't help me before, and I don't want to provoke my husband's family.¹⁰⁷

The full-time counselor on the Moscow Trust Line emphasized the lack of recourse for female victims of domestic violence with another recently recorded case:

I got a call from a woman who told me that her husband is a policeman and that he beats her all the time. She says he beats her "like a professional." He knows how to do it so that the bruises don't show. She told me that he calls his friends at the police station before he beats her and tells them that she is provoking him with her behavior. He says, "So if something happens to her, you know that she is provoking me with her behavior."

¹⁰⁶ Even though Svetlana divorced her husband in February 1994, by law he still has the right to live in the apartment they shared during their marriage. As a consequence, she cannot deny him access to the apartment and lives in fear that he may return and continue his physical attacks and death threats. Russia's chronic housing shortage, inherited from the Soviet era, forces many couples to continue to live together even after being divorced.

¹⁰⁷ Svetlana reported her husband's attacks to the Aporni Punkt police station in the Perovski district of Moscow, the 102nd precinct.

I asked her if she could call another police station. She said that she can't because they refer the case to the local station, and her husband works there, and all of the police there are his friends. She's still with her husband. We have no way to protect her.¹⁰⁸

In another case reported to the Moscow Trust Line in February 1994, fifty-four-year-old Ludmila called after her husband beat her badly. The hotline counselor told Human Rights Watch,

After he beat her, she left the house and called the police from the street. She met a policeman near her house and told him about the violence. She told me that the policeman responded, "But he didn't kill you yet. You should go home. He's your husband."¹⁰⁹

One twenty-eight-year-old mother of two called the hotline in February 1994 after being beaten repeatedly by her husband. Once, after fleeing her husband's attack, she phoned the police from the street. She asked for help and explained that she could not return to her apartment because her husband was violent. Rather than recording her call or referring her to someone else, the policeman with whom she spoke told her it was not his business because it was not his region.¹¹⁰

When police do respond to a report of a domestic dispute, they seldom arrest the man responsible for spousal assault. One woman who called the Moscow Trust Line for victims of domestic violence said that her neighbors called the police because her husband beat her. On one occasion, the police came to the apartment, but they did not arrest her husband. The fact that police seldom act against the aggressor in a domestic dispute discourages victims from calling the police at all. Domestic violence victims thus are caught in a vicious cycle. Police non-response to allegations of abuse deters women from registering complaints, and their silence is used by the police to excuse official inaction.

Sexual Assault

The Ministry of the Interior does maintain statistics about rape and claims that police vigorously investigate reports of rape and attempted rape.¹¹¹ But such assertions are contradicted by those familiar with the the experience of women who report sexual assault to the police.

¹⁰⁸ Interview, Marina Pisklakova, March 16, 1994.

¹⁰⁹ Ibid.

¹¹⁰ Ibid.

¹¹¹ According to official statistics, in 1992, 13,500 rapes and attempted rapes were reported to the police. In the first eight months of 1993, women reported 10,232 rapes, an increase of 16 percent from the previous year. But the research of Natalia Gaidarenko, the psychologist who founded Moscow's first hotline for victims of sexual assault, indicates that the actual incidence of rape is probably 80 to 90 percent higher than indicated by the Ministry's report.

The staff of a St. Petersburg hotline distributed a questionnaire to one local police station that asked questions regarding police attitudes about rape and rape victims. Most of the police who responded to the questionnaire expressed their beliefs that "women can avoid rape by protesting;" "women are responsible for rape if they wear provocative clothes or if they go to a man's place to listen to music;" "only young, pretty women are raped;" or "women willingly participate in sex and later call it rape." In the same tone, a lawyer from the Ministry of Internal Affairs stated at a human rights conference in St. Petersburg that women do not report sexual assault to the police out of shame because they know it is their fault.¹¹²

Worse still, a study conducted at the end of the Soviet period offers evidence that such attitudes are often shared by members of the judiciary and that the tendency to blame the victim in cases of sexual assault translates into a criminal justice system biased against rape victims.¹¹³ According to one study from the late Soviet period, 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 thirteen to fifteen years in only 5 percent of the cases.¹¹⁴ During this time, the Soviet judges' handbook cautioned that a woman who agrees to have intercourse may later falsely accuse her partner of rape "because she is ashamed or is influenced by friends or parents or is pursuing certain purposes of her own."¹¹⁵ A forensic medicine text similarly advises doctors that alleged rape victims sometimes "simulate" rape.¹¹⁶

The experience of advocates for sexual assault survivors belies official claims that rape is vigorously investigated and seriously punished. A psychologist and one of the founders of the St. Petersburg sexual assault hotline, Natalia Khodireva, told Human Rights Watch that the hotline had received 4,000 calls during its first year from victims of rape and child abuse. Of these cases of assault, Khodireva could recall only four that were prosecuted in court. Khodireva underscored that many police believe women are to blame for rape and, consequently, do not take women's reports of sexual assault seriously. She told us that one woman who contacted the St. Petersburg hotline reported her rape to the police only to have them turn her phone number over to the accused rapist.¹¹⁷

In another case documented by a St. Petersburg counselor for abused teens and women, a twenty-year-old woman in a small town south of St. Petersburg was raped by her ex-boyfriend and went to the police. She said that the police told her she must be a prostitute, because, if she was a "nice girl," such things would not happen to her.¹¹⁸

Women victims of rape who have contacted Moscow's newly-opened Sexual Assault Recovery Center report that police have refused to let them file complaints of assault, mistreated them and demanded bribes to investigate women's allegations. The founder of Moscow's sexual assault hotline told Human Rights Watch about the case of a woman who called her in December 1993:

¹¹² Interview, Natasha Khodireva, St. Petersburg, March 27, 1994. The conference was sponsored by the law institute of the Ministry of Internal Affairs in St. Petersburg on March 1-3, 1994.

¹¹³ Valerie Sperling, "Rape and Domestic Violence...", pp. 16-22.

¹¹⁴ Ibid., citing P. Juviler, "Women and Sex in Soviet Law" in D. Atkinson et al, *Women in Russia* (Stanford, CA: Stanford University Press, 1977).

¹¹⁵ Ibid.

¹¹⁶ Ibid.

¹¹⁷ Interview, Natalia Khodireva, St. Petersburg, March 27, 1994.

¹¹⁸ Interview, Marina Aristova, hotline counselor, St. Petersburg, March 28, 1994.

She had called a private firm to inquire about a job opening. The director [of the firm] made an appointment with her at the end of the day. When she arrived in his office, he locked the door and tried to force her to perform oral sex. He ripped her clothes and hit her.

When she went to the police, they told her it was hopeless to file a complaint because it would be impossible to prove her allegations. Then the police suggested that, if she bribed them, they would conduct an investigation. She didn't file a complaint with the police.¹¹⁹

In 1994, the sexual assault center "received a report of a case in which a middle-aged woman was brutally raped by someone with whom she worked. When she went to report the crime to the police, the perpetrator followed her and bribed the officer on duty not to register the report."¹²⁰

Yelena Morozova, a thirty-five-year-old Muscovite who works in a woodworking enterprise, was attacked on her way home from work in August 1989. As she left the bus stop, a stranger grabbed her, scratching her face.

I hadn't heard his steps. He threw me down on the ground. It was dark, and there was nobody around. I used my bag to try to push him away. I asked, "What do you want?" He said, "You. Let's go into the bushes."¹²¹

Yelena managed to convince her attacker to enter her apartment building. In the corridor outside the elevator on her floor, she spent over an hour trying to persuade him not to rape her. Then he demanded a drink of water. She managed to get into her apartment alone. She does not have a telephone and could not call for help. He stayed outside the apartment, ringing the doorbell over and over again for more than an hour before leaving.

In the morning I had a friend, a lawyer, help me write a statement for the police. They told me to go to a particular clinic. But that clinic turned me away because I was not registered there and told me to go to another clinic. I told them that I had not been raped, but they could see the scratches on my face. Then I returned to the police station. They sent me to another section where an investigating officer wrote up a report, including my description of the man's features and appearance. The policeman told me to come back to him if I had more trouble. I told him I would not leave the station until my statement was formally registered. My lawyer friend had told me to wait until I was given a registration number. The police at the station were rude; one of them snapped at me.

About two weeks later I got a notice to come or phone the investigator in the police station. I said I couldn't come that day. A week or so later, an investigator came to me at the apartment, showed his documents, and, speaking slowly, tried to persuade me to withdraw my statement. He said things like, maybe I was unsteady on my legs and just fell down. Or maybe I was provoking the man; maybe I invented part of the story. He said, "After all the man didn't rape you, so why make a fuss? We could revise the statement and no one would know the difference." I got really angry and said I wasn't going to change anything. He threatened me and told me to think it over, that he would call or come again.¹²²

¹¹⁹ Interview, Natalia Gaidarenko, Moscow, March 22, 1994.

¹²⁰ Natalia Gaidarenko, "Moscow Does Not Believe in Tears: Sexual Assault in Russia," *Initiatives in the New Independent States* (newsletter published by World Learning, Washington) Spring/Summer 1994, p. 11.

¹²¹ Interview, Moscow, March, 1994.

¹²² This incident occurred in the Krasnogvardeisky district in Moscow. Ms. Morozova spoke with an investigating officer in the 50th department.

Human Rights Watch received victims' testimonies of sexual assault primarily from the records of hotlines in Moscow and St. Petersburg. In every instance of sexual assault reported to the police that we reviewed, women were taunted and harassed by police. According to a counselor in St. Petersburg, many women know well the stories of police humiliating victims of rape. She recalled one case of a woman interviewed about her rape in a room full of police who incessantly interrupted her and made jokes about her sexual practices.¹²³ In another case, a seventeen-year-old raped in the fall of 1992 after a party in St. Petersburg went immediately to the police to report the crime, only to be taunted by police who alternately asserted that the rape was her fault and refused to take her word that the assault had occurred. Law enforcement's blatant disregard for and even harassment of women who report sexual assault are powerful deterrents to women seeking to hold their attackers accountable. Rape survivors tell counselors that they prefer not to go to police rather than risk a rough and painful medical examination and police accusations that the rape was their fault.¹²⁴ Rather than face the additional pain of such harassment, women simply do not report sexual assault. A hotline counselor told Human Rights Watch that, of all the women who contact her crisis center, fewer than half attempt to report their assault to the authorities.

RECOMMENDATIONS

Russian Government

The Russian government must end immediately public sector discrimination against women on the basis of sex, pregnancy and maternity and take steps to enforce existing prohibitions on sex discrimination. To this end, Human Rights Watch calls on the Russia government to:

- * Publicly denounce sex discrimination in the workplace and commit itself to addressing women's and men's unemployment with equal vigor.
- * Enforce existing anti-discrimination legislation against public and private sector employers who discriminate on the basis of sex in employment decisions and establish and enforce penalties for employers who discriminate on the basis of sex.
- * Require public sector employers and state employment offices to stop advertising positions for men or women only and to refer all qualified candidates for available positions, regardless of sex. Further, all state-sponsored training programs should be equally available to women and men.
- * Amend labor laws (1) to eliminate any provisions that deny women access to jobs, sectors and occupations on the basis of sex; (2) to remove gender restrictions on parental benefits, with the exception of time off for childbirth; (3) to allow women the ability to choose whether to take advantage of parental benefits.

The Russian government also should itself commit publicly to providing Russian women with equal protection of the law by investigating and prosecuting violent crimes against women, including domestic and sexual assault. In particular, domestic violence should no longer be dismissed as a private matter by Russian police. Human Rights Watch calls on the Russian government to:

- * Denounce domestic violence as a crime and direct law enforcement agents to maintain records, broken down by gender, of all reports of domestic violence and to respond to such allegations with investigation and, where appropriate, arrest and prosecution.

¹²³ Interview, Marina Aristova, St. Petersburg, March 28, 1994.

¹²⁴ Interview, Tatiana Zabelina, a founder of Moscow's sexual assault recovery center, Moscow, March 15, 1994.

* Instruct the Ministry of the Interior to mandate a training program on domestic violence and sexual assault for all existing and incoming police officers. Individuals or organizations with expertise in investigating and working with victims of such crimes should be commissioned by the government to develop a training program and to achieve its national implementation.

* Keep records detailing the nature and degree of violence in the home. The availability of reliable national data—broken down by gender—would greatly enhance the ability of law enforcement and other relevant agencies to respond to domestic abuse in Russia. We recommend that the government first gather all existing statistical information on domestic violence in the country, including the data collected by women's hotlines, as to the incidence of such violence, the rate of prosecution of and the severity of punishment. The Ministry of Interior Affairs should then implement a system for collecting information based on reports filed with the police and those collected by independent hotlines and making it publicly available.

United States

The United States is directing millions of dollars to Russia for economic aid, military conversion and programs designed to develop democratic institutions. Human Rights Watch is concerned that U.S. support for Russian public and private sector initiatives fails to address adequately the consequences of Russian policies for women's human rights and may even compound the problems detailed in this report by not raising human rights concerns where appropriate.

During fiscal year 1993, the U.S. Agency for International Development (USAID) provided approximately \$700 million for technical assistance and training programs in the Newly Independent States (NIS). For fiscal year 1994, Congress appropriated \$1,611.2 million in assistance for Russia alone. The fiscal year 1995 appropriation for Russia is \$379.4 million. USAID manages the largest portion of the programs covered by this aid. In a number of these programs, especially training for professionals, USAID has taken the initiative to ensure women's participation and has implemented guidelines designed to overcome obstacles that might keep women from benefiting from U.S. technical assistance. Thus, for example, the professional exchanges and training program (\$28 million budgeted for fiscal year 1995 to the NIS) requires that 40 percent of the Russian participants be female and that program administrators identify barriers to women's participation in such programs and take steps to overcome them.

However, in a number of other areas, USAID programs targeting economic reform fail to recognize explicitly the significance of widespread discrimination in blocking women's efforts to play a role in the economic future of their country. AID programs provide technical assistance to introduce market-based reforms, to restructure certain sectors of the economy (e.g. energy, defense) and to develop U.S.-modeled operations and management practices. These programs should:

- * ensure that women do not suffer disproportionately the consequences of such reforms due to sex discrimination;
- * emphasize that sex discrimination is not a legitimate basis for employment decisions; and
- * require U.S. and Russian partners to ensure that sex discrimination is not practiced in their workplaces.

In particular, Human Rights Watch urges the Overseas Private Investment Corporation (OPIC), which is using AID funding to conduct investment missions examining opportunities in the health sector, to ensure that it considers respect for women's human rights in the workplace in assessing health sector investment opportunities in Russia. USAID also is addressing the need for legal reform in the wake of the massive Russian privatization program. Such legal reform should address the obvious and desperate need for better protection from sex discrimination for women workers.

USAID also supports efforts in Russia to create and strengthen laws, legal institutions and civic structures to sustain a democratic society. In its programs promoting human rights, judicial independence and reform of criminal laws, USAID must push the Russian government, in particular Russian law enforcement, to address the longstanding problem of gender bias in the legal system. In particular, USAID programs should seek to ensure equal protection of the law for women victims of domestic violence and sexual assault.

European Union

In June 1994, the European Union entered a partnership and cooperation agreement with the Russian Federation that provides substantial economic aid to Russia for the purposes of developing political, commercial, economic and cultural cooperation and support for reform in these areas. The parties to the agreement pledged to strengthen political and economic rights and stressed the importance of the rule of law and human rights as essential elements of the cooperation framework. In January 1995, the European Union, at the urging of Human Rights Watch and others, froze the ratification process for this agreement until the Russian military cease human rights violations being committed in Chechnya and hold those responsible for the violations to account.

When the European Union is in a position to consider lifting the freeze on the agreement's ratification, Human Rights Watch urges it to continue its commitment to human rights in the context of this agreement by raising women's human rights violations in its presidential, ministerial and senior official meetings with Russian officials as a serious concern.

Council of Europe

The Council of Europe recently considered the Russian Federation's application for membership. Human Rights Watch submitted evidence of human rights violations in Russia, including discrimination and violence against women, to the council and has urged that body to recommend conditions for Russia's membership that would ensure greater compliance with international human rights standards. Then, with the outbreak of fighting in Chechnya, Human Rights Watch urged the council to stop considering Russia's application for membership in light of the human rights violations being committed by Russian troops. Responding to these human rights concerns, the council ended its consideration of Russia's application.

If the Council of Europe is in the position to reconsider Russia's application for membership, we urge it to make human rights, including women's human rights, an important element in the council's evaluation of that application. Further, Human Rights Watch urges the council to recommend that Russia take concrete steps to protect women's human rights by committing to do the following:

- * Publicly acknowledge and condemn discrimination against women in the workplace and take steps to eliminate it;
- * Cease discrimination against women by state employment offices and agencies and end the practice of allowing employers to consider men only for job opportunities;
- * Publicly condemn domestic violence as a crime that demands the attention of law enforcement;
- * Require police to be trained in responding to reports of violence against women, particularly domestic violence, and discipline police officers who fail to investigate physical and sexual attacks on women.

This report was written by Regan E. Ralph and edited by Sarah Y. Lai, acting co-directors of the Human Rights Watch Women's Rights Project. The research for the report was carried out during a March 1994 mission to Russia by Regan Ralph and Colette Shulman, consultant to the Women's Rights Project. Invaluable research and editorial input were provided by Colette Shulman, Caroline Lambert, Elena Boukina and Shana Hansell. Evelyn Miah contributed important production assistance.

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Human Rights Watch Women's Rights Project

Human Rights Watch is a nongovernmental organization established in 1978 to monitor and promote the observance of internationally recognized human rights in Africa, the Americas, Asia, the Middle East and among the signatories of the Helsinki accords. Kenneth Roth is the executive director; Cynthia Brown is the program director; Holly J. Burkhalter is the advocacy director; Ann S. Johnson is the development director; Gara LaMarche is the associate director; Juan E. Méndez is general counsel; and Susan Osnos is the communications director. Robert L. Bernstein is the chair of the executive committee and Adrian DeWind is vice chair. Its Women's Rights Project was established in 1990 to monitor violence against women and gender discrimination throughout the world. Dorothy Q. Thomas is the director (on leave through September 1995); Sarah Y. Lai and Regan E. Ralph are acting co-directors; LaShawn Jefferson is research associate; Binaifer Nowrojee is consultant; and Evelyn Miah is associate. Kathleen Peratis is the chair of the advisory committee; Nahid Toubia is the vice chair.