



All-Russian Association women's nongovernmental organizations

**CONSORTIUM OF WOMEN'S NON-GOVERNMENTAL ASSOCIATIONS**

121069 Moscow, Stolovy Pereulok, 6 bld. 2, office 215

Tel./ fax: +7(495) 690-47-08 tel. +7 (495)690-63-48

web-site: <http://www.wcons.org.ru> e-mail: [wcons@wcons.org.ru](mailto:wcons@wcons.org.ru)

**Implementation by the Russian Federation  
of UN Convention on Elimination of All Forms of Discrimination against Women  
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**The Alternative report prepared by the Consortium of Women's Non-Governmental  
Associations**

UN Secretary General Ban Ki-moon highly evaluated the UN Convention on Elimination of All Forms of Discrimination against Women highlighting that it incorporated high standards, belief in the humanity and in the future. Ban Ki-moon linked these values with gender equality, which remains an essential factor for every individual. It is also significant for the public and for the state; evaluation of government decisions should include national commitments related to promoting gender equality and women's rights.

In addition to the CEDAW, other important human rights instruments, among them the Universal Declaration of Human Rights (1948) and the Convention on protection of human rights and basic freedoms (1950) also ban gender discrimination and proclaim individual's right to life and to personal safety. The International Pact on civic and political rights (1966) and the International Pact on economic, social and cultural rights (1966) proclaim equal rights of men and women to enjoy all economic, social, political, civil and cultural rights.

The international community includes "women's rights" into a special, third section of human rights and defines them as "human rights of the third generation". This category of human rights differs from the other two in that they address not individuals, but specific social groups in need of additional guarantees for protection of their rights. This task is entrusted to public organizations, to the state and existing social partnership institutes.

States-signatories to these documents must report on the implementation of their commitments in periodic reports. They should demonstrate legal and practical measures taken during the reported period for implementation of the CEDAW and other international instruments promoting gender equality, which is considered by the humankind as a major goal. Without it, establishment of sustainable democratic society and solution of acute social issues deem impossible.

The periodic report of the Russian Federation for 2008-2009 is noted for detailed and thorough listing of legal instruments adopted during the reported period: laws, decrees, resolutions and by-laws affecting the social status of all categories of the Russian population. However, gender related documents or legal documents with a gender component are missing from the long list. This is quite explicable, as during the reported period gender equality has not been among priority national tasks, and such documents have not been subjected to consideration.

RF Constitution contains two articles promoting gender equality. Art. 19, p. 3 proclaims equal rights and freedoms for men and women and equal opportunities for their implementation. Art.15 reads that international documents signed and ratified by Russia constitute part of its national legislation, and a priority part at that. Provisions of RF Labor, Family, Criminal and Administrative Codes consolidate

the principle of equality. The Russian Federation has signed and ratified most international legal documents promoting gender equality.

However, certain legal norms need either expansion or review, as some issues are not legally regulated (e.g. domestic violence).

The main deficiency of the RF legislation is lack of a definition of discrimination against women, despite directions from the UN Commission on the status of women to change the current state of things. This definition is present in Art.1 of the UN Convention on Elimination of All Forms of Discrimination against Women: “the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field”.

Joint attempts by women’s non-governmental organizations and the RF State Duma Committee on women, family and children to promote the law “On state guarantees of equal rights, freedoms of men and women and equal opportunities for their implementation” containing such a definition did not pass beyond the first hearing in 2003.

In general, with these articles in the RF Constitution and in other laws one may claim the availability of the legal base for elimination of discrimination against women. *De jure*, lack of gender discrimination in Russia is guaranteed. In reality, discrimination pertains in all spheres of Russian public life.

The assessment of practical implementation of these legal acts made in the periodic report contains downright distortions. One of most essential is the description of the RF machinery for promoting the status of women and gender equality and of relevant bodies attached to both chambers of the RF Parliament and to the RF Government. In line with several international commitments, primarily the 1995 Beijing Platform for Action, the Russian Federation must have such machinery in place. This machinery in the form of the government Commission on improvement of the status of women was established in 1996 after the Beijing Conference. Traditionally, the Commission was headed by Vice-Premiers in charge of social affairs: O.Sysuev, V.Matvienko, and G.Karelova. The Commission drafted Guidelines for promoting the status of women for 2002-2005, called to ensure gender approaches both in the legislation and in practical state policies. The Commission was granted the right to control all policy directions, and was provided with budget means to implement these approaches. The Beijing Platform for Action also stipulated for cooperation between such machinery and public organizations. This structure functioned till March 2004. As stated in the report, “in the reported period the national machinery went through radical changes”. In reality, the changes resulted in the liquidation of the machinery.

In addition to the government Commission (from 1996 to 2004), in Russia there functioned the Commission on women, family and demographic issues attached to RF President (disbanded in 2002) and the “Round Table” attached to the RF Ministry of Labor. The latter used to bring together representatives of women’s organizations in the RF Ministry of Labor and served as a channel for sharing information between government agencies and women’s NGOs.

After the liquidation of the RF Ministry of labor the “Round Table” stopped its activities. The newly created Coordination Council attached to the RF Ministry of labor and social development exists only on paper. Neither women’s public organizations nor RF Public Chamber are aware of its activities.

The existing RF State Duma Committee on women, family and demographic issues, unfortunately, has not won the MPs’ support and has not yet succeeded in adopting any major legislation to promote

gender equality. The Public Commission for ensuring equal rights and equal opportunities for men and women in Russia attached to the Chair of the RF Federation Council meets very seldom and does not help change the situation.

In practice, the elimination of the state machinery for promoting the status of women resulted in dropping gender approaches in politics, namely, in implementing national projects. The national projects related to health care, education, demography and agriculture by no means envisage the attainment of gender equality. Currently, RF national priorities do not include gender equality or the mechanism to address this issue. Thus, RF federal authorities demonstrate lack of understanding of the fact that not a single social problem can be resolved without a gender component. The non-existence of consistent gender policies in RF may result in that not a single declared national project will be successfully implemented.

Moreover, under the financial and economic crisis discrimination is on the rise. For women, ramification of discrimination in labor and employment are most grave. One needs to mention that during the reported period not a single manifestation of discrimination in this sphere has been eliminated. Women's vertical and horizontal discrimination continues: they hold primarily low paid jobs, and there are few women in decision-making positions – only three ministers in the federal government and two governors.

Women still belong to the low-paid category of the population, and the term “feminization of poverty” has come into general use. Women's average salaries make up nearly 60% of men's salaries, even by official data. At that, 67% of working women have higher or special secondary education, while among men - only 46%. Moreover, there emerged another term – the “new poor” applied to persons living in poverty despite having jobs, and majority of them are women.

According to surveys conducted in Veliky Novgorod, discrimination is quite visible, also in public advertisements. They directly state that employers need men, if salaries amount to 10 thousand rubles, or women – in this case the salaries do not exceed five thousand rubles, lower than the regional subsistence level.

In addition, in RF there exists the list of professions banned for women under the pretext of protecting their reproductive rights. Their number exceeds 400, including some, in which women used to be most successful. During the war there were female flight crews, women - professional sailors, mechanics, chemists, molders, but now all these jobs are closed for women. Up to now, the decree forbidding women's entry into military academies is still in place. Women's entry into astronauts' teams is impossible. However, no one objects to their work on cold and wet decks of fishing boats, at high altitudes as stewardesses, as sales persons that need to carry hundreds of kilograms of goods during the shift. In other countries women serve as generals, coal miners and astronauts - four women took part in the latest space flight.

The implementation of this ban most seriously affects women in mono-cities, where they have no chances to find other jobs and to provide for their children. The list needs to be annulled or at least radically reduced. Women should be warned about possible aftermaths of taking certain jobs, but they need to make the choice themselves. The unconditioned observance of existing bans results in that women lose the only source of income, which creates additional social problems.

Recently, contrary to the acting laws, the status of pregnant women and mothers of small children has worsened. During debates on labor legislation employers lobbied for a legal norm that would allow them firing women in case they did not provide “exhaustive information” about themselves, i.e. about their pregnancy. The efforts of women's public organizations helped remove this provision from the Labor Code, but in reality it is implemented on a growing scale. Officials from the Federal Service for

supervision of labor conditions state that women submit a growing number of such claims. In violation of the CEDAW, labor inspection services and courts do not consider such cases as manifestations of gender discrimination. In 2009, in St.-Petersburg alone there were registered over 700 cases of dismissal of pregnant women and non-payment of allowances to mothers of small children. As a result, nearly for the first time after 1917 women-protesters took to the streets. "Petersburg Aegis" and Consortium of women's non-governmental associations through the Council for promoting the development of civil society and human rights under RF President managed to pass this data to RF President D.Medvedev, who, in his turn, charged Procurator General of Russia to look into the problem. This example vividly demonstrates the significance of the machinery that could ensure mutual support between women's organizations protecting women's rights, and bodies of power vested with the authority to address gender discrimination problems. The use of such machinery is absolutely necessary; without it, even the existence of laws that *de jure* protect women's interests does not render positive results. Thus, in St.-Petersburg even positive court decisions on such cases in favor of women failed to help them. Court marshals could not ensure their implementation.

These practices contradict official government policies, where overcoming the demographic crisis is on the priority list. One can hardly succeed amid violations of the rights of pregnant women and mothers of small children. The current procedure of payment of allowances needs to be changed so that they be paid directly by state foundations (e.g., social security fund), but not by employers. The latter have to pay both insurance contributions for employees and allowances, and only later receive reimbursement from the tax inspection.

In any case, mass violations of women's right to labor and employment are crude manifestations of gender discrimination that need to be eliminated without delay. It is essential to introduce amendments into the legislation to regulate the realization of these rights. The existing system is not beneficial for employers, and they try every trick to get rid of such payoffs, which decreases the prospects of overcoming the demographic crisis.

RF ratified the ILO Convention No 156 on workers with family responsibilities but does not implement it. As before, fathers do not take parental leaves, as before, women bear most of responsibility for unpaid domestic labour; traditional patriarchal stereotypes are reviving, especially related to family and family relations. Another violation of the ILO Convention is lack of spots in preschool institutions (over two million are missing).

Demographic policy measures aimed at increasing motivation for the birth of second and third children, in essence, enhance gender discrimination, as all of them end up in increasing allowances and payoffs to mothers, but ignore the role of fathers and the lack of pre-school institutions. Thus, these measures consolidate traditional patriarchal stereotypes which assign to women the role of mothers and homemakers.

Another serious problem faced by the Russian society is the spread of domestic violence, its victims being least protected family members, primarily women and children. Sad as it is, these latent crimes do not attract the attention of law-enforcement bodies. Policemen treat cases of domestic violence as "family problems" and do not consider necessary to start criminal proceedings against family aggressors.

The given Alternative report shall not review these problems in detail, as the relevant analysis is provided in the report by Regional Public organization "Anna" Crisis center". In addition to domestic violence, the report addresses violations of women's rights by way of sexual harassment at work, trafficking in people, etc. Consortium fully shares the conclusions of this report.

However, the Consortium deems necessary to outline several legal and organizational measures one needs to take in this sphere. First, there is no law on domestic violence in Russia, and its enactment being a major goal shall help normalize Russian public life. Model UN law on domestic violence may serve as a basis for the draft law. The UN law considers domestic violence a criminal crime and sets norms called to protect its victims, also through establishment of special services and centres.

Domestic violence is most frequently treated as "inflicting slight bodily injury, which caused short-term impairment of health or minor loss of disability (p.1, Art.115, RF Criminal Code) or "Beating" (p.1, Art.116 RF Criminal Code). This corpus delicti relates to private charges cases. Such cases are initiated only upon application from the victim and are subject to termination following reconciliation of the victim and the defendant.

Private charges cases are peculiar in that the charges are filed not by the procurator, but by the victim – a private prosecutor, who must press charges on one's own, i.e. supply evidence, take part in the investigation, etc.

It may be quite difficult for victims to independently collect and investigate into evidence in domestic violence situations. In majority of cases domestic violence happens behind closed doors, without witnesses, quite often the victims and the perpetrator reside together, and it may be unsafe for victims to file petitions about violence, and even more so – to collect evidence.

In addition, the collection of evidence by victims is fraught with serious procedural difficulties: all evidence needs to be collected in line with the RF Criminal and Procedural Code, which is quite difficult for persons without legal education, while not everyone can afford an attorney.

Also, private charges cases are often dropped due to reconciliation of the parties, which raises the danger of aggressor pressurizing the victim.

**Thus, we consider that domestic violence cases should not be treated as private charges.**

Enactment of a special law to protect victims of domestic violence and introduction into the criminal and criminal procedural legislation of certain amendments to change the procedures of protecting these victims by entrusting the responsibility for such cases on judicial bodies is a major task of reforming the legislation in the interests primarily of Russian women.

Unfortunately, the Russian criminal legislation is focused more on the punishment of perpetrators rather than on the restitution of victims' rights. The RF Criminal and Procedural Code states equal rights of the parties, but in fact, the victim enjoys fewer rights than the defendant.

Also, a special qualifying attribute, e.g., "the given doing committed against a family member or a dependant" needs to be introduced into all articles of the RF Criminal Code in order to create responsibility for crimes committed against an individual's life and health. This will help criminalize domestic violence as such.

The Russian legislation does not contain provisions related to "protection orders" (preliminary prescripts against repeated violence, e.g. a ban on approaching the victim/children). Protection orders need to be introduced into the RF Criminal and Procedural Code as a preventive punishment.

In addition to the legal reform, another essential measure is gender education, especially of law-enforcement staff. Currently, they possess quite superficial knowledge about domestic violence and its possible manifestations – sexual, physical, economic, and psychological, about measures for its prevention and suppression. The lack of statistics on these crimes in Russia testifies to the lack of serious attitude to the problem of eradication of domestic violence.

In addition to legal measures, the prevention and eradication of violence should stipulate for organizational measures, such as the expansion and activation of crisis centers. Their establishment and operations should become a matter of close cooperation between the authorities and public organizations.

The alternative report prepared by the “Anna” Crisis center holds data about trafficking in women and their involvement into prostitution. Despite the fact that Russia has ratified the UN Convention against transnational organized crime and has introduced a number of amendments into the RF Criminal Code stipulating punishment for trafficking in people and for prostitution, the existing system of protecting women from these crimes is insufficient. The absence of a single body to resolve the listed problems and to provide assistance to victims of these crimes is a serious deficiency. Also, there are no structures in charge of rehabilitation of the victims.

All indicated problems of implementation of the UN Convention on Elimination of All Forms of Discrimination against Women in the Russian Federation relate to extremely low representation of women in decision making bodies. Even highly professional and educated women with successful careers would not normally get to positions above deputy ministers or heads of departments. Currently, there are three women-ministers and two women-governors in Russia. The share of women among MPs is also low. In fact, in all election campaigns in Russia one sees the violation of women’s passive voting rights. Their share among candidates to parliament is low because not a single political party realizes the importance of gender equality.

The perennial efforts of women’s public organizations to achieve the adoption of quotas that stipulate at least 30% representation of each gender in the parliament have failed.

All parties irrespective of their political views, including those that call themselves democratic, treat negatively the idea of women’s increased representation in the RF State Duma. Not all women-parliamentarians correctly understand the acuteness of elimination of women’s discrimination.

Unfortunately, even the RF State Duma Committee on women, family and children – the only existing structure in charge of implementing policies in line with RF gender-related commitments, share quite traditional views, and calls not upon rejecting old-fashioned stereotypes, but upon reviving and consolidating some of them. Thus, modern Russia not only lacks the machinery in charge of implementing the gender equality policy, but even the special parliamentary committee does not fully promote such policies. Under these conditions one can hardly expect any constructive and operational settlement of the problem of elimination of discrimination against women.

**The Alternative report has been prepared by the All-Russian association of women’s public organizations – “Consortium of women’s non-governmental organizations”.**

«Consortium of women’s non-governmental organizations» (Women’s Consortium”) was established in 1993 as part of unregistered international coalition “CIS-USA Women’s Consortium” including 11 Russian, also Ukrainian and American organizations. In April 1996, the Russian part of the Consortium was registered as a non-profit partnership «Consortium of women’s non-governmental organizations» with 48 member organizations. In 2003, the Consortium acquired the legal status as the All-Russian association of women’s public organizations. At that time, it united over 160 members in 53 regions of Russia.

**Key areas of activities:** protection of women's rights, opposing gender discrimination, promotion of women to decision-making levels, gender expertise of legislation and of decisions made by the authorities, gender education and promotion of gender studies.

**Key target groups:** women’s public organizations, other civil society organizations, regional commissioners for human rights, mass media and public authorities.

**Key activities:** preparation and conduct of seminars, trainings, round tables, conferences, lectures, public surveys, monitoring, gender expertise, expert support of projects related to protection of women's rights and promotion of women to decision-making levels.