ROSA LUXEMBURG STIFTUNG

RUSSIA

AUSTERITY, GENDER INEQUALITY AND FEMINISM AFTER THE CRISIS

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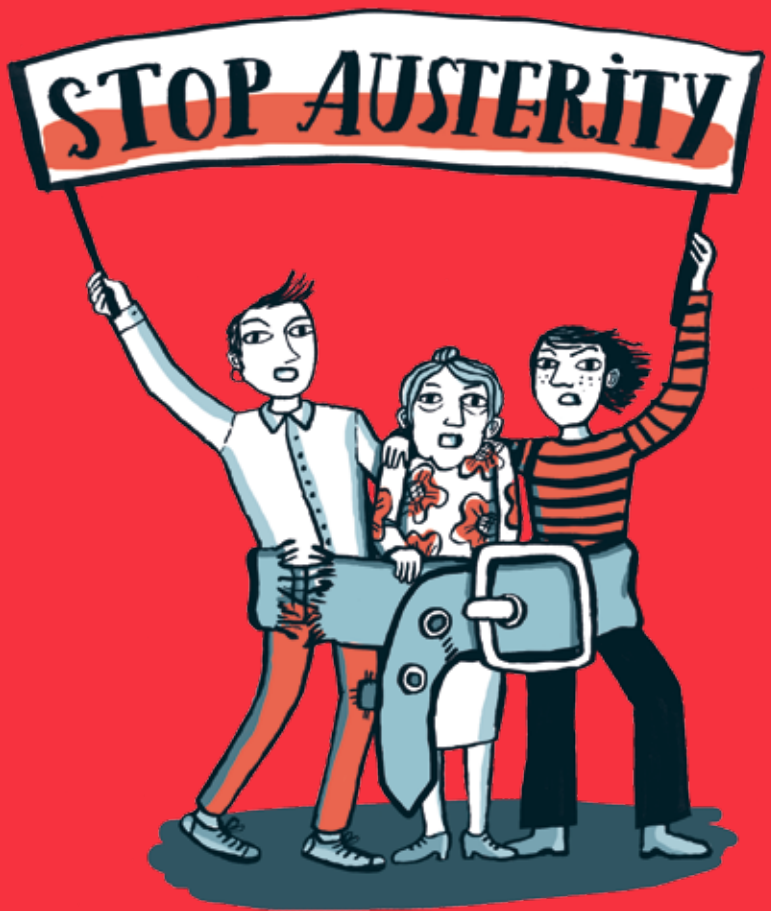
Marianna Muravyeva



# AUSTERITY, GENDER INEQUALITY AND FEMINISM AFTER THE CRISIS

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# “Should women have more rights?” Traditional Values and Austerity in Russia

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# Contents

# *Abstract*

**Russia has been experiencing** the results of an acute economic crisis since 2012. However, the government has not been explicit in its declarations regarding austerity policies. On the contrary, it tends to represent its measures as 'normal' and generally justifies cuts to public expenditure and reduced spending as part of a new understanding of the welfare state and socio-economic relations. Nevertheless, there is a clear connection between the crisis and the introduction of conservative discourse and the 'traditional values' concept that targets gender equality both in public and private domains. The Russian case study is exemplary and didactic. As Russia is new to market economics and has never developed a consistent neoliberal agenda, the shift to conservative ideologies came unexpectedly easily. Gender has become a battleground for the government to fight over social problems and austerity measures. Unlike the EU countries, the Russian government does not hesitate to challenge human rights and gender equality, easily shifting the blame to leftist ideologies – primarily feminism – that are held responsible for family instability and the poor state of demography and health. Using the concept of 'traditional values' as a cover for increasing austerity measures, the government relies on short-term strategies. However, this shift to conservative public discourse has not been readily accepted by the Russian population, least of all by women. There is clear resistance from various social groups, including women. This resistance is not just taking the familiar form of public protests (although they have been taking place as well), but rather in the form of withdrawal from public space to minimise dealings with the state, a strategy familiar from the Soviet experience of resistance. Therefore, on the surface, Russian public discourse seems to be dominated by officially promoted ideologies, but

this does not mean that society just accepts or even implements those ideologies eagerly. At the same time, there is a clear tendency to follow supranational austerity measures by cutting public spending, amending social security policies, privatising care, and forcing women to return to the double-burden situation in the Soviet-type social contract by openly attacking feminist ideologies, gender equality, and human rights. In this situation, Russian NGOs, especially those with a human rights and gender-sensitive agenda, need more subtle strategies to deal with public policies, starting at the local government level.

# 1

# *Neoliberal Economies, Austerity, Gender, and Conservative Politics in Russia*

## 1.1. Neoliberalism and Gender

Since the beginning of the latest economic crisis in 2008, varied policy-makers, critics, lobbyists, and charities have vocalised their concerns about the impact of austerity measures on women's lives across the globe. In some countries these concerns have been more evident than in others. Russia is an example of a genderblind approach to the consequences of the economic crisis.

Austerity is a term used to describe debt-reduction policies, but it can mean radically different things in different contexts. For some people, austerity means adopting a debt-reduction package dominated by tax increases. For others, it means adopting a package mainly involving spending restraint, including the reform of social programmes (De Rugy 2013, p. 245). In this sense, 'austerity' is a term synonymous with the credit crunch rhetoric of 'cuts'. However, as numerous commentators have pointed out, the definition and effects of this term are not necessarily the same. While 'cuts' refer to 'specific budgetary cuts leading to specific cuts in services' and 'austerity' denotes 'a general reduction in government spending' (Davies and O'Callaghan 2014, p. 227), austerity is also, as Bramall (2013, p. 3) argues, 'a complex ideological phenomenon' that produces and enables socio-cultural politics as well as financial policies.

Experts note that the institutions of an economy are bearers of gender. This is often seen as the 'natural' outcome of innate differences between women and men, and the different choices they consequently make. Feminist experts challenge this, pointing to the ways in which choices are shaped and differences created. However, gender norms are not set in stone. In a crisis, existing gender norms may be reinforced

or dismantled, with individual men taking on roles normally associated with women, and vice versa. Furthermore, they may be transformed through deliberate collective action, by civil society groups or governments, to overcome gender stereotypes (Pearson and Elson 2015, pp. 10–11).

Russia has fairly recently joined the global capitalist system, having embarked on a transition to a market economy following the collapse of the Soviet Union, bringing about unprecedented growth in social inequality and profoundly reconfiguring material and symbolic hierarchies. The logic of social differentiation has shifted and the significance of economic capital as a principle of differentiation has grown enormously. This has resulted in the emergence of new super-rich elites, the nouveaux riches, as well as an increase in extreme poverty (Salmenniemi 2012). In addition, the Russian economy has failed to diversify and is thus dependent on oil and natural resources, which has produced more economic instability and recession.

Global pressures have set off political crises, threatening the very survival of political entities, most notably the European Union. Political protests have started in a variety of contexts, bringing both liberal and conservative agendas to the debate. National populism and the conservative political agenda have harshly criticised neoliberalism and the ideology of 'liberalism'. In countries that have been engaged in 'speed-modernisation' and whose populations value stability more than the uncertainty of a neoliberal future – i.e., countries such as Russia – conservatism has become the cementing ideology for reinforcing existing values, including gender norms. Women were the first to feel the economic crisis and recession by losing their jobs (as the majority of public sector jobs are filled by women), struggling with benefit cuts in the name of austerity, and looking at the grim future in terms of retirement as pension reforms progress. In this situation, the Russian case study is instructive and highlights the specificity of gender inequality and gender-based discrimination in the situation of the profound negative effects of neoliberal economics.

## 1.2 Feminism, Gender, and the Anti-Gender Movement(s) in Russia

One way to promote human rights is to bring women into politics. The more women there are among parliamentarians, officials, and politicians, the better are the chances that human rights generally and those of women will be considered a priority. This second-wave feminist understanding of the situation has been proven to work. However, in Russia (as well as in Eastern Europe), the process of democratisation has seen a decreasing number of women in politics compared to Soviet times. Those women who have made it into politics vocally separate themselves from feminism and gender, considering them negative markers. This does not necessarily mean that they do not promote or support gender-sensitive policies or women's rights; they may do so under the pretence of neutrality (that is, gender-blindness) and play down all the achievements of the women's movement.

It is generally agreed that the Russian women's movement is practically non-existent. In the 1990s, Russia received gender studies and gender terminology from American academia, and these ideas quickly made their way into scholarship and activism. This did not mean that gender-sensitive research did not exist before. Soviet scholars, especially sociologists, paid a fair amount of attention to women's issues and even to notions of 'socio-cultural sex', as gender was then called. However, gender studies came as a part of the democratisation and modernisation of both academia and higher education. Together with feminism and the financial support of foreign foundations, they were seen as a part of the Western project within the country, which was a positive thing at the time. At the same time, the contemporary women's movement operated through NGOs without coordination or a cohesive programme, and it had very weak ties to academia (as is still the case). As a result, feminism became part of academic discourse, but not of the women's movement or the only women-oriented political party in the 1990s – 'Women of Russia' (*Zhenshchiny Rossii*). In addition, due to the attractiveness of foreign funding, many NGOs and academics started to use 'gender studies' as a financing strategy; in reality, they were pursuing something completely different, very often meaningless projects without a real agenda, thus producing a number

of 'pseudo-gender' studies (Temkina and Zdravomyslova 2014; Johnson and Saarinen 2013).

All of these problems came to a head in the early and mid-2000s: the Russian political scene shifted dramatically towards a more authoritarian regime with just a veneer of democracy. Women's recruitment into politics fell under the consolidation agenda of the United Russia party. Many female politicians, including the infamous Elena Mizulina, changed their political views from being critical and gender-sensitive to joining United Russia as patriotic conservatives. In the recent anti-gender movements (and the parental movements related to them), women have been very prominent: they speak on behalf of *all* women and often do not meet any vocal resistance from other women, feminists, or activists, often simply because the latter are not given an opportunity to air their views. Putin's authoritarian consolidation has had a major impact on civil society, which had already been weak beforehand. Now there was an open departure from democracy, and the central political discourse shifted towards sovereignty as a new political agenda; civil society ended up being shut down (as in the infamous law on 'foreign agents'). Paradoxically, the majority of this legislation – the legislation that limits human rights and civil society – was initiated and promoted by female politicians. This is due to a very specific way women are recruited as politicians under authoritarian regimes, as scholars have argued (Johnson 2017). In order to make the gender-conservative agenda legitimate, they need women to exercise it.

The same processes took place in civil society. While gender studies have never been popular in Russia or made it into the academic and educational mainstream, Russian conservative groups have been more than vocal in their criticism of gender. The Russian Orthodox Church succeeded in banning sex education in Russian schools at the beginning of the 2000s and tried (rather unsuccessfully) to introduce theology as a school subject. By the 2010s, it firmly concentrated on mobilising 'parents' and 'Orthodox people' against anything they considered gender-inspired: gender equality, sexual rights, divorce, abortion, sex, and even the notion of gender itself. In this case, the Russian Orthodox Church demonstrated an interesting example of solidarity with the Catholic Church, actively fuelling the same movements in

Catholic countries (specifically in Eastern Europe) and among conservative American evangelical groups.

In Russia, the anti-gender movement became especially vocal around the time of presidential elections of 2012, openly supporting Putin and attacking 'liberals' and the West. Apparently, gender as an instrument of Western power was planted by American foundations in the 1990s to unbalance Russian society because it allowed people to choose their gender, leading to homosexuality and other vices (see also Kizenko 2013). The Pussy Riot case (2012) and the consequent sentencing of its female members became a landmark in openly criticising feminism and gender as anti-Russian and anti-patriotic. The Russian Orthodox Church became a 'norm entrepreneur', trying to offer a new, patriotic, Russian, and yet universal system of norms, which were 'all-human' (*obshchechelovecheskie*) but 'traditional' (Stoeckl 2016). Gender has no place in these norms: only men and women do. Under this umbrella, the organised conservatives push for a ban on 'gender', 'feminism', and 'the West'. At the same time, parental movements also campaign against what they see as the 'interference' of the state with family life, mostly against 'juvenile justice', which they confuse with the state's policy on the protection of children's rights (Sherstneva 2014). Therefore, the anti-gender movement's whole project is to make the family autonomous and sovereign – i.e. self-sufficient – which can be seen as an ideological response to the acute need to cut social spending. The state actively supports these groups and ideologies, looking for ways to legitimise changes to welfare policies and reward those loyal to it.

In this very complex situation, with gender studies and feminism being marginalised and demonised, Russia became a willing recipient of post-feminist ideologies. Post-feminism has come to refer to the 'double entanglement' of feminist and anti-feminist ideas, a sort of simultaneous appropriation and disavowal of feminism – engaging with traditional gender norms while partially embracing (liberal) feminist ideas of equal opportunities and female empowerment (Gill 2007). Suvi Salmenniemi (2015) argues that post-feminism in Russia has a contentious relationship with both state-sanctioned equality politics and feminism as an 'exogenous' ideology. The women who par-

ticipate in the anti-gender movement and promote the conservative agenda see themselves as autonomous individuals who automatically have full rights and equal opportunities to pursue a career and their own self-realisation, and from that point of view, they use the nearest available outlet: patriarchal power.

## 1.3 Conclusions and Map of the Study

While Russia chose to re-affirm its national identity by creating sexual and gender sovereignty and homonationalism, it is not a coincidence that this choice has come at a time of economic crisis and the need to cut public spending. Russia has also chosen to sustain economic sanctions and use protectionist policies (anti-sanctions), making the country a type of neoliberal patriarchy in which the state still promotes economic modernisation but tries to shift all possible types of welfare costs onto the individual. This is done by using the ideology of 'traditional values', which is seen as making the strong, sustainable family responsible for its own spending. To do this, the state selectively rewards those whose behaviour conforms to its politics. However, bringing in traditional values clashes with the human rights concepts still very important in Russian society. It also clashes with an essentially modernist understanding of women's roles in both public and private spheres due to the Soviet gender equality project (no matter how formalistic it may have been).

In this study, we will look at how the human rights of women became the site of an economic and political battle for the project of social stability. We will pay attention to ideological, economic, political, and legal challenges to the women's rights agenda to provide an explanatory framework for understanding the situation and making use of it in a variety of civil society institutions.

# 2
# *Russian Women and Austerity*

**The economic, social,** and political status of Russian women has changed over the post-Soviet period. The 1990s brought with them an acute gender gap, making women much poorer than men, since the former held the majority of tertiary and public-sector jobs at the time. While the employment situation changed slightly, the 2000s brought more prosperity but still no gender equality practices to level the situation. On the contrary, many practices involved direct gender discrimination.

Russian women are poorly represented in the Federal parliament: following the 2016 elections, 16% of representatives in the State Duma (the Lower House) and 17% in the Federation Council (Upper House) are women, which is nevertheless an increase compared to the 2012 elections (13% and 8%, respectively) and those before it.[1] However, Russia has only three female ministers out of a possible 32, which makes women's powerlessness in the executive branch especially notable According to the World Economic Forum, Russia is the lowest scorer in the Political Empowerment subindex (number 129 in the world ranking).[2] It is therefore no surprise that the women's rights are not prioritised. At the regional level, women's representation varies from 8% to 22%.

Low political involvement also means that women do not have full participation in budgeting, which creates gender-biased budgets and eliminates any possibility of gender mainstreaming in that area.

1 All the statistical data provided is based on *Rosstat*, the Russian Federal Statistical Service (www.gks.ru), unless otherwise stated.

2 See the Gender Gap Index country reports here: http://reports.weforum.org/global-gender-gap-report-2016/rankings/. Accessed 14 September 2017.

The Federal (and regional) budgets are structurally identical and usually allocate proportionally lower funds to social security and education. Russia has increased its social security budget by 10% for this and the following year, but with the inflation rate (around 5%) this will simply cover the rise in costs. The budget deficit is 3.16% of the GPD: the shortfall will be covered by using the Reserve Fund, but spending will also be cut. The government has also decided to stop indexing the Maternity Capital programme and has completely changed the pension system (see the following section); both measures in effect target women.

The main indicator of gender inequality remains the wage gap index, which in Russia is quite high: 0.648. This gap is smaller at the level of professional and technical workers than for those with low income occupations.[3] There is a visible sectoral gender segregation, especially in a person's first job, which is increasing the wage gap. Women are highly concentrated in the tertiary sectors of the economy and the public sector (health and education, for example); they have lower incomes and are highly dependent on public spending (Kosyakova, Kurakin and Blossfeld 2015). In addition, the absolute majority of people working part-time are women (71%), as are half of those participating in informal economies. During economic crises, these are the first jobs to go, so more women are forced to move into informal sectors of the economy (since 2010, the amount of women in the informal sector increased 30%), which means the absence of benefits and gaps in CVs that further impact their chances of finding another – better – job (see also Klimenko and Posukhova 2017).

Due to the differences in life expectancies between men and women in Russia, women predominate among the officially retired population (the ratio is 1.6:1). Retirement, however, does not mean that they stop working. In fact, the majority of retired people continue to work, since their pensions are very small and the retirement age is quite low. Russian pension law is particularly discriminatory towards women. The age of retirement is 55 for women (compared to 60 for men), and this creates a gap in the pension: as women work five years less than men, they pay less into their pension fund. Such a low retirement age also affects the hiring of women, who have few prospects af-

3 Ibid.

ter the age of 50 (45 in some professions). In 2000, Russia had its first post-Soviet pension reform, which established a hybrid type of pension composed of a basic part (paid by the government), an insurance part, and a private savings part. The new pension system, however, targeted the younger working population at the time (those born after 1966). These people started pension savings accounts that were held either by the state-managed Pension Fund or by private funds.

As a result of the recession of 2009-2010, the further crisis of 2012-13, and the political crisis of 2014-15, the government budget faced a severe revenue shortfall in 2015 that required substantial reductions in expenditure. The government faced unpalatable choices: raising social tax cutting spending, raising the pension age, and cutting pension benefits. The Ministry of Economic Development and the Central Bank pressed for the reestablishment of mandatory private pension savings as a source of long-term investment capital. The Pension Fund was used to cover the deficit in the budget that threatened the retirement wellbeing of the current working population, especially of those planning to (or having to) retire within five years. The solution proposed by the social bloc was to continue through 2016 and 2017 to divert pension savings contributions into the Pension Fund to pay current obligations. Reducing pensions for high-income individuals was also proposed. Putin convened a group of experts to consider the implications of raising the pension age, a measure that is still highly unpopular. However, in his annual online communication with the population, Putin stated that the pension age would increase to 63 for women and 65 for men, which are the average European retirement ages.[1] Despite the unpopularity of such a measure, women will benefit from it in the long term, but currently those women who have already retired or are close to retirement will carry the costs of the economic crisis.

Overall, the absence of women in decision-making positions and the structural economic causes create a situation in which women bear most of the costs of the economic crisis and austerity.

1 See the translation online here: https://rg.ru/2017/06/15/prezident-rf-rasskazal-o-planah-po-povysheniiu-pensionnogo-vozrasta.html. Accessed 13 November 2017.

# 3
# *Austerity and Legal Changes: Conservatism, Traditional values, and Cutting Public Spending*



**Austerity has resulted** not only in cuts to public spending but also in types of legislation that aim to shift certain types of costs from the public sector to private individuals. Conservative legal initiatives, such as the introduction of 'traditional values', were intended to help redistribute public spending by making people take care of each other (fathers of their wives and children, children of their retired parents, etc.) so that the state could help only those in real need (those who had lost their 'breadwinner' (*kormilets*), single mothers, single elderly people, etc.). At the same time, economic growth is still understood as being connected to population increase, so pronatalist measures (limitations on abortion and maternity capital) have been introduced at the same time as conservative ideologies. Those measures have significantly curbed the human rights of women, and this became especially visible when the government officially joined with the far right's and conservatives' attacks on gender theory and women's rights.

## 3.1. Reproductive Rights and Family Planning: Introducing the Conservative Agenda

The Russian government has been concerned with the demographic situation ever since the collapse of the Soviet Union. It is, however, imperative to remember that the USSR conducted essentially pronatalist policies after WWII due to the significant population losses during the war. Nevertheless, although pronatalist, Soviet demographic policy included mostly monetary and in-kind measures to stimulate population growth: the introduction of child benefits, a variety of privileg-

es for families with more than three children, and, at the same time, employment guarantees for pregnant women and women with children, in addition to creating employment conditions enabling women to combine work and motherhood. Post-Soviet demographic policies changed this by trying to accommodate the market economy and stimulate population growth ideologically – that is, by 'strengthening the family' (this agenda had been present since the Soviet period) and stimulating motherhood by assigning the traditional housekeeping role to women. Traditional family values started to act as a framework for new social policies that shifted their focus from the individual to the family.

The first policy package, which was called the 'additional measures to support families with children' or simply 'Maternity capital' (2007), included benefits to support the birth of a second (or a consecutive) child in the hope of boosting birth rates. The second legislative package included first the amendment to the health law in relation to abortion and, finally, the new health law (2011), leading to significant limitations on abortion rights. When this did not work, politicians such as Elena Mizulina started to openly promote traditional family values – that is, multiple children, a strict family hierarchy, restrictions on divorce, limiting access to contraception, and affirming the core heterosexuality of family unions.

### 3.1.1 MATERNITY CAPITAL

In 2006, the government introduced a new law (Federal Law No. 256) 'On Additional Measures of State Support for Families with Children'.[1] The goal of this law, as stated in the preamble, is to provide a decent living for families with children. To do this, the government introduced maternity (family) capital, a lump sum of 250,000 roubles (7,142 euro) at the time, to help women who decided to have a second or third (or more) child. While women were the primary recipients, the law mentioned men if they were the sole parent or guardian of such a child (the mother of the child was dead or deprived of custody, or they adopted a child while unmarried). This money was to be used for investing in

1 See the full text in Russian: http://www.consultant.ru/document/cons_doc_LAW_64872/. Accessed 10 September 2017.

property (improving housing conditions), the child's education, or the mother's pension. In 2015, the law was amended to add that the money should also be used for disabled children, home renovations, and medical insurance. This measure was planned to be temporary and operational until 2016, but the government has prolonged it until 2018.

The measures themselves could be considered positive, as they do intend to provide for families. However, the focus on the second (and consecutive) child and the limitations on how one can use this money places some constraints on its potential. Generally speaking, the maternity capital programme exemplifies the return to a paternalistic and statist trend in Russian family policy. It presumes a recentralisation of the welfare state after the previous stage of neoliberal social policy, increasing the interventionist state's responsibility for the citizens' wellbeing while selectively rewarding citizens who demonstrate behaviour promoted by the authorities (Cook 2011). The results of the programme are somewhat ambivalent. Quantitative analysis shows that the maternity capital programme hardly increased the fertility rates: increased birth rates are due to re-scheduling births rather than a new orientation towards larger families. It also mostly affected those women who had already decided to devote themselves to motherhood and staying at home (Slonimczyk and Yurko 2014). At the same time, the qualitative analysis (interviews with the recipients of the maternity capital) suggests that the measure affects mothers according to social status: the programme design better corresponds to the expectations of low-income families, as low-income parents usually do not have sufficient financial resources to use the money for the designed purposes, or have needs that are not met by the legally defined ways of using the capital investment (e.g. to purchase a small plot of land). This makes middle-class women very critical of the measure, but it corresponds with the original state's idea to support 'deserving' citizens (Borozdina, Rotkirch, Temkina and Zdravomyslova 2016).

Overall, the maternity capital law signalled a new set of measures that indicated the state wanted women to revert to a traditional motherhood role, although the language of the law itself was intended to be gender-neutral.

### 3.1.2 REPRODUCTIVE RIGHTS AND FAMILY PLANNING

One of the most important achievements of Soviet gender equality for women was the ability to control their bodies – that is, access to abortion. In the absence of contraceptives, abortion became the most common family planning method. The Russian government has consistently blamed the decline in fertility rates on abortion, but before the mid-2000s it did not do much about it. Many healthcare practitioners and NGOs advocated using contraceptives over abortion during the 1990s and early 2000s, while the government tried to limit abortion rights by tightening the so-called 'social conditions' for abortion past the 12th week. This list, developed in the 1990s, was extensive. In 2003, it was cut down to four conditions: deprivation of parental rights, pregnancy as a result of rape, incarceration in a penitential institution, and the disability/death of the husband during pregnancy.[2] At the time, major reproductive rights remained untouched: women had a right to use reproductive technologies (*in vitro* and others) and have an abortion without any conditions before the twelfth week of pregnancy (with social conditions between 12 and of 22 weeks of pregnancy and due to medical reasons after 22 weeks). Women and men had the right to sterilisation if they were over 35 years old and had at least two children. However, certain medical conditions allowed sterilisation without any constraints. Abortion was also included in basic medical insurance, which guaranteed that free-of-charge medical services would perform it.[3]

The situation changed by 2011, when the government introduced the new health law (Federal Law No. 323) that targeted access to abortion. While the law was being debated in the State Duma, the Russian Orthodox Church launched a campaign to prohibit abortion altogether. It did not achieve a total ban, but it succeeded in making women feel uncomfortable about going to clinics and hospitals. According to the new law, elective abortion is permitted up to the twelfth week of pregnancy. However, certain conditions should be met before

2 The Decision of the Government of the Russian Federation No. 485, dated 11 August 2003. Available here: http://base.garant.ru/12132071/. Accessed 14 September 2017.

3 The Legal Foundations of the Protection of the Health of Citizens, dated 22 July 1993. Available here: http://www.consultant.ru/document/cons_doc_LAW_2413/. Accessed 14 September 2017.

performing the actual procedure: a 48hour cooling-off period prior to the abortion is mandated before the eighth week of pregnancy, while a cooling-off period of seven days is required if the procedure is requested in the 8-10th week of pregnancy (art. 56). While the law does not state anything about these conditions, sub-normative documents explain that during this period (48 hours to seven days) women must have a consultation with a psychologist to assess her state of mind. This stipulation is intended to send a message to the medical profession regarding the state's policy – a message that was not well received. The only 'social condition' for preforming an abortion between 12 and 22 weeks of pregnancy remained pregnancy as a result of rape.

Since 2012, there have been several attempts to ban both abortion and contraception by conservative groups and the Russian Orthodox Church. In August 2015, the Chief Sanitary Inspector of Russia, Genndiy Onishchenko, proposed a total ban on foreign produced condoms but it was not introduced. In May of 2017, a group of deputies that included Elena Mizulina introduced a bill to the State Duma to ban abortions and the medically induced termination of pregnancy; the bill was rejected, but it generated significant fear among women.[4] The open hostility to abortion and contraception generated by the pro-life movement and supported by some elite officials has created situations in hospitals where women have been refused terminations. The Russian Orthodox Church has also been pressing the medical profession to refuse to perform abortions and – albeit rarely – it has sometimes succeeded.[5]

### 3.1.3 HETERONORMATIVITY AND THE RUSSIAN FAMILY

All the legal initiatives mentioned above reflect the essential heteronormativity of Russian society, which is firmly imbedded in and supported by law. Russian family law, although developed as a modern project in the Soviet and post-Soviet period, still maintains heteronormativity at

4 CEDAW Alternative report of the Anti-Discrimination Centre 'Memorial' (2015). Available here: https://adcmemorial.org/wp-content/uploads/cedaw_ADC_eng_final1.pdf. Accessed 14 September 2017.

5 For example, see the pseudo-scientific material at the webpage 'Orthodoxy and the World' titled 'The Rights of the Doctor to Perform an Abortion', available here: http://www.pravmir.ru/pravo-vracha-na-otkaz-ot-aborta/. Accessed 14 September 2017.

its foundation to cement understanding of the family as a production unit, both economically and demographically. The recent pronatalist rhetoric of the government and the president, who have focused on the family as a source of demographic growth and a potential return to greatness, confirm this approach (Pecherskaya 2012).

Based on Soviet family law, post-Soviet family law defines marriage as a free contract, proclaiming as its central principles the freedom to marry, the equality of the spouses, and the equal rights and responsibilities of the parents towards their children ( Family Code, art. 1).[6] At the same time, the 1995 Family Code explicitly defined marriage as a heterosexual union (a voluntary union between a man and a woman – art. 1.3), thus amending the gender-neutral Soviet definition. The priority of the interests of children, childcare, and the legal protection of minors and dependent family members are also mentioned among the important principles of family law (art 1.3). There is a prohibition against discrimination based on race, class, nationality, language, and religion (art. 1.4). Taken together, these principles represent the modern understanding of the family union as a civil contract between free and equal individuals of different genders. However, two important problems were already part of the 1995 code: the absence of the explicit prohibition against gender discrimination (not mentioned in art. 1.4) and the additional clarification in art. 1.4 stating that there is a possibility of limiting individual rights within the family if there is the need to protect morality, health, or the rights and interests of other family members and citizens (art. 1.4, especially in connection with art. 55 of the Constitution). These two issues originally provided the basis for introducing further protective limitations, such as anything interpreted as a threat to morality or the health and rights of other family members (mostly children) – in other words, they provide a backdoor for the retraditionalisation of the heterosexual union and the understanding of the family as the reproductive unit of society.

In light of the pronatalist policies, one of the main goals of the Russian authorities has been to 'protect' the family. A special policy doc-

6 The Family Code of the Russian Federation (1995) is available here: http://www.consultant.ru/document/cons_doc_LAW_8982/. Accessed 14 September 2017. The English version with the 2008 amendments is available here: http://www.jafbase.fr/docEstEurope/RussianFamilyCode1995.pdf. Accessed 14 September 2017.

ument, 'The Concept of Russian State Family Policy', outlines the main principles of that protection. The preparation of the Concept, which was accepted by the Duma in 2014 as official policy guidelines, created a wide public discussion on 'traditional values' and human rights. It also became a part of the 'traditional values' package, which included anti-gay laws (2012), the 'Dima Yakovle law' (prohibiting foreigners from adopting), and other protectionist measures. However, the draft prepared by Mizulina in line with the 'Christian Family' guidelines (2013) did not make it into law. The official version of 2014 remained secular and continued the modernistic rhetoric of social welfare, strengthening the family, and universal (instead of traditional) human values. At the same time, it reaffirmed marriage as a heterosexual union, sending a clear message as to where the state stands with respect to same-sex relationships (see a detailed analysis in Muravyeva 2014).

Protection of the family has become an important policy issue for the government, both in connection with demography and fears over changes in the value system, which the family has been considered responsible for upholding. The lawmakers have used protective methods to promote the traditional family (as a heterosexual union) via amendments to the Family Code and by including certain measures in other legal sub-normative documents. This method of sneaking unpopular changes into those documents that are already established laws and can be easily amended (such as the Family Code) or into sub-normative documents that are used for other policy issues can be termed the 'indirect amendment technique', a means by which almost any unconstitutional norm can be introduced into law.

The Russian Family Code was initially a document under the shared jurisdiction of the federal level and a subject of the Federation level, which means that the subject can have a say in amendments of the Code. Several subjects over the years have tried to change some norms, such as the age of marriage, with mixed success. The most notable amendment came in 2013 in connection with the ban on the promotion of 'non-traditional sexual relationships': art. 127 and art. 146 on adoption now explicitly state that same-sex couples whose marriage was officially registered cannot adopt children (Federal Law No. 167). These amendments were necessary to prevent adoption by those

whose marriages were registered in countries recognising same-sex marriage. The lawmaker followed art. 166 and art. 167 of the Code, which already had an established case law of not recognising the custody decisions of foreign courts in cases of adopted Russian children over the last decade. These amendments though are based on an often unnoticed amendment dating back to 2008, an amendment of art. 153 on adoptive parents. According to this amendment, only those in a registered marriage can adopt children (Federal Law No. 49). Therefore, the first drive to promote traditional values came with making a registered union the only possible option for adoption. Furthermore, the adopted family was modelled after the family ideal – that is, a heterosexual union – in which adopted children would gain 'the full realisation of their rights', as the authorities put it.

Overall, the authorities' attempts to curb the human rights of women by locking them into heterosexual and 'traditional' families and encouraging them to assume traditional female roles, such as mother and housekeeper, have often been connected.

## 3.2 Gender-based Violence, Art. 116 of the Criminal Code, and Traditional Values

Gender-based violence (GBV) is one of the main indicators of gender inequality. In Russia, GBV levels are assumed to be high, prevention and intervention ineffective, and aftercare almost non-existent.[7] At the same time, GBV is under-researched, as the main focus of the majority of inquiry into family violence has been on child abuse. In section 4, there is an overview of the social policies on domestic (family) violence and the available social services for survivors of domestic abuse in the context of austerity. In this section, we provide an account of legal protection and the changes within it. Russian law does not provide explicit protection from domestic violence; it follows Soviet law in this respect. Women (and men) must use more general articles on assault (art. 109–116), kidnapping, and rape found in the administrative and criminal codes to prosecute their partners and spouses; this

7 See the Alternative Report to the United Nations Committee on the Elimination of Discrimination Against Women submitted by ANNA – National Centre for the Prevention of Violence to the CEDAW Committee in 2015. Available at: http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/ANNANCPV_RussianFederation46.pdf. Accessed 14 September 2017.

has been seen as an obstacle for the proper prosecution of domestic violence. Creating explicit protection measures, including appropriate legislation, falls under the obligations following the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), recommendations 19 and 35 (CEDAW//C/GC/19 and 35). In relation to some forms of GVB, such as rape and trafficking, the legislation is adequate but somewhat traditional. Articles 131 and 132 of the Criminal Code prosecute rape (defined as forced heterosexual intercourse with a female victim only) and 'violent acts of a sexual nature such as lesbianism and homosexuality' – defined as any other sexual act – with a three to six year prison sentence (with a maximum 20-year sentence in aggravating circumstances, when death results from the crime or the victim is a minor). Articles 127.1 and 127.2 introduced to the Criminal Code in 2003 prosecute human trafficking and slavery but without explicit mention of sex trafficking or the special protection of female victims.[8] This gender blind legislation belongs to the 'classic' or modern types of codes that are good for negative – but not positive – protection measures and reflect the state's penal policies.

Table 1. Levels of GVB in Russia, 2015

| All violent crime | Against a family member | % women – 73.2 (N=27,993) | | |
|---|---|---|---|---|
| | | % female spouses (n=13,269) | % (adult) daughters (n=4,077) | % mothers (n=8,647) |
| 379,512 (rate per population 264.75) | 37,531 (9.8% of all violent crime; rate 28.18) | 47.4 | 14.5 | 30.8 |

*Source*: Statistical and Analytical Department of the Ministry of Internal Affairs, coll. 455, book 112, ff. 86–103.

There is a number of problems with GBV in Russia: gender-blind legislation, the absence of explicit prohibition against discrimination, lack of recognition of the links between discrimination and violence

8 The Criminal Code of the Russian Federation (1996, latest revision 2017) is available here: http://www.consultant.ru/document/cons_doc_LAW_10699/. Accessed 14 September 2017. There is an English translation, but for the 2012 version, see: http://legislationline.org/documents/section/criminal-codes/country/7. Accessed 14 September 2017.

against women, the lack of public awareness, and ineffective prevention and intervention programmes and services.

Originally, Russia experienced what was labelled a 'crisis centre' movement in the 1990s, when the major NGOs (such as ANNA – National Centre for the Prevention of Violence), which still work with the survivors of GBV, were founded. In the early 2000s, the Russian regions launched the programme for the Centres for Support for Families and Children, whose primary goal was to work with 'family conflict' and 'problem families'. Typically, such centres employ a social worker, a psychologist, and other (mostly pedagogical) personnel; they might even provide a place to stay in cases of domestic abuse. However, the centres' role quickly shifted to focus on children and the provision of complex social support (help with benefits, disabled children, etc.). The centres did not advertise widely and women rarely learnt about them until it was too late. Moreover, admission to the centres required a long list of medical certificates and other documentation, effectively making them inaccessible (Soldatkin and Jäppinen 2016). NGOs bear the major burden of support for survivors of GBV, which means that state support is minimal in this respect. The centres to support family and children, which originally were created with the goal of helping women in cases of domestic violence, are suffering from budget cuts and bureaucracy, creating a situation in which women may be helpless (Johnson, Kulmala and Jäppinen 2016).

In March 2016, a group of feminist minded lawyers led by Marina Davtyan campaigned for the explicit criminalisation of domestic violence when the State Duma (lower house of the parliament) decided to relegate some types of assault not resulting in injuries or health damage to administrative law, thus making the prosecution of physical assault more effective. This measure came as an attempt to 'save' on criminal prosecutions by invoking 'cheaper' administrative prosecutions without, presumably, endangering the public. Administrative prosecution allows for a type of summary prosecution without lengthy and complicated criminal involvement. Davtyan and other activists insisted that assault against family members should remain within criminal law, since such assaults are predominant and domestic violence discriminates against and endangers women – that is, they resisted

the change in the categorisation of domestic violence from a criminal act to a private matter between spouses. In July, Davtyan's group won their campaign when the amendments to art. 116 included explicit references to assault against family members (coded as '*blizkie litsa*', those closest to someone) with the maximum punishment for such as assault being up to two years imprisonment. This was a hardwon campaign against vocal and furious resistance from Elena Mizulina, the infamous deputy of the Duma who initiated the anti-gay laws in 2013, the Russian Orthodox Church, conservative parents' movements, and others related to them. Mizulina called these changes 'absurd' and 'antifamily', and expressed her anger by saying: 'One gets the impression from this article [116] that such behaviour within the family [assault] is more dangerous to society than that of strangers'.[9] On 27 July 2016, she introduced a bill to reverse these changes. It took six months and a new Duma composition to make it law. This made the criminalisation of domestic violence the shortest-lived act of this type in post-Soviet legal history. The new version of the code from February 2016 excluded family members from the article and assault against any family members not resulting in serious injury was relegated to the status of petty offence punishable under the Administrative Code of the Russian Federation with a fine (60-400 euros) or other administrative punishments (10-15 days of jail or community labour). This has been the biggest blow to the human rights of women in Russia since the early 2000s.

Davtyan and Mizulina, however, meant something different by these amendments. Davtyan was concerned with the levels of domestic violence in Russia. Despite the lack of reliable statistics, everyone agrees it is rather high. Moreover, women have not had any real mechanisms with which to protect themselves: they can file a complaint under existing articles of the Criminal Code (art. 111–116) under various types of assault and bodily harm, but none of them explicitly punishes domestic violence or mentions kinship as an aggravating circumstance. The legislation has worked in this manner since the 1920s, when Soviet lawyers removed family ties from being a significant legal factor. In addition, prosecution under these articles is private – that is, it can only start with a complaint and the investigation can be stopped

9 Available at: https://pravo.ru/news/view/131807/. Accessed 14 September 2017.

at the complainant's request. This has created difficulties for the police, who have often refused to accept complaints anticipating that women would withdraw them in a couple of days. Therefore, ultimately women have felt unprotected.

Mizulina, on the other hand, has not been interested in women, but in children and protecting the family from the state's intervention, systematically following the ideology of what she calls 'traditional values'. Her major concern has been that this law would prosecute parents for spanking their children, thus violating their natural right to 'discipline' a child. Conservative Social Movement Organisations have intentionally shifted the focus of concern from child and spousal abuse to the violation of parents' rights by criticising what they call 'juvenile justice', something completely different from its standard meaning. In their opinion, the state too eagerly intervenes in the private lives of families by telling parents what to do with their children, undermining their authority, and encouraging children to file complaints against their parents (and we all know what children are capable of) thus breaking up the traditional family and ruining the greatness of Russia (Sherstneva 2014). Ironically, what they are trying to protect is privacy in its American interpretation as the sanctity of the home rather than in its European meaning as dignity (Whitman 2004). Both men and *women* are vocal about their resistance to the state, criticising 'liberals' for allowing the state too much power, which, in their opinion, is a Western (or American) way of doing things. In essence, this is an argument about sovereignty, either of the family or of the state. These are two sides of the same coin: both sides argue in favour of the values of human rights, but do not attempt to dialogue or come to an agreement. In this argument, 'conservatives' feel oppressed and subjected to a set of values alien to them, their culture, and identity, while 'liberals' think they are losing the battle against conservatism due to the retrograde politics of the higher echelons of power.

There are two ways of looking at these amendments. From the point of view of overall policy, the state has failed to protect women from domestic abuse and sent an uncomfortable message that violence within the family is no more serious than it is on the streets between strangers. This undermines all the commitments Russia made

by joining international treaties (especially CEDAW) by further denying human rights protection to women and other groups. At the same time, the administrative prosecution of assault not resulting in serious injury becomes much easier if the police are willing and women are ready to complain. There is no need for the police to worry about statistics and unfinished cases, as administrative prosecution allows for something like summary justice: the abuser can be removed from the home and quickly punished upon whoever's complaint (the neighbour's, for instance), but this works only in cases where the police are willing to deal with family violence and this is something that depends on a variety of circumstances.

Overall, domestic violence protection has fallen victim to the state's attempts to 'save' on criminal prosecution by relegating some offences to the Administrative Code, a cheaper way of dealing with crime. Domestic abuse protection was one of the significant losers in this attempt at austerity.

However, the awareness of violence against women was recently demonstrated by the social media flash mob #Imnotafraidtospeakout. Across Ukrainian- and Russian-language social media, hundreds of women responded by sharing the stories of sexual assault from strangers, friends, spouses, cousins, and uncles, as well as harassment from co-workers and bosses. They told stories from childhood and adolescence about their family, revealed personal traumas, and reported sexual harassment in the workplace and public spaces. This generated further legal debate on the situation and even the regeneration of a gender equality law that is currently being discussed in the Duma.

# 4
# *What is to be done?*[1]

**At this stage, Russia** needs a consolidation of civil society and the feminist infiltration of politics and power, which should be connected with the rehabilitation of gender and feminism as important categories for achieving gender equality. While academia and higher education institutions have proved resilient to gender studies and feminist agenda, civil society has embraced some of its ideas and, in fact, feminism has become much more accepted among LGBTQI+ NGOs than among the NGOs dealing with the regular 'women's' agenda.

The state has continued to maintain a certain facade by retaining the position of the ombuds(wo)man for human rights at the level of the Federation and regions, and also by creating so-called Public Chambers, whose sole aim is to have a public discussion on social needs (Ljubownikow, Crotty and Rodgers 2013). Women are very visible in these positions, but these institutions are essentially powerless. As was pointed out earlier, the authorities legitimise the conservative agenda by putting loyal women in charge, as with the Federal Ombudswomen for Human Rights: Ella Pamfilova (2014–2016) and Tatiana Moskal'kova (since 2016) are two of the latest officials (in contrast to three previous very influential men). In a very Soviet form of authoritarian power games, once women are given these positions, the office is reduced to window-dressing, as became painfully obvious in Moskal'kova's case.

As a part of the state's consolidation and authoritarianism, civ-

1 In this section, we use the results of specially commissioned research into the NGOs' agenda and their perception of recent changes by Varvara Bondarenko in 2017. The empirical data was collected from 22 organisations; six activists were interviewed to develop a more nuanced understanding of the current challenges in civil society.

il society has suffered several blows, mostly in the sphere of funding. However, a major setback came from the government with the introduction of so-called 'foreign agent' law in July 2012 as a part of the securitisation package (Federal Law No. 121). According to this law, every NGOs that receives foreign funding and is involved in political activities should register with the Ministry of Justice and go through compulsory auditing. These NGOs must provide the authorities with a detailed report about their activities, their managers' personal data, financial information, and auditing documents. The Ministry can launch an audit at any time. This law put many NGOs, especially those working on human rights and social problems, in a very difficult situation. Some of the organisations were closed down or decided to cease operations. However, many adjusted and re-strategised their activities.

Russian NGOs working on gender-sensitive issues (everything concerning women, sex work, drugs, AIDS, and LGBTQI+) define themselves as grassroots movements, a dynamic but unstable sector of civil society. Almost every organisation, in addition to its specific mission, targets wider public awareness via education, solidarity with other NGOs and international organisations, and cooperation with the local government. Activist NGOs separate themselves from state-sponsored NGOs, saying they exist on paper only, thus defining themselves as responding to social needs rather than the state's agenda.

The NGOs' activities include a variety of programmes for women, LGBTQI+, the disabled, and those who are HIV positive. However, almost all NGOs now see violence against women (especially domestic violence) as the major problem that needs action. For them, it is a question of gender discrimination and inequality, and they consider they need to work with LGBTQI women, Muslim women, HIV positive women, and sex workers, thus embracing a feminist agenda.

NGOs' agendas have clearly changed in view of the economic crisis. Their attention has not only shifted to help those in need (single mothers, HIV positive people, the homeless, etc.), but also to find funds for themselves and help other NGOs. At the same time, due to the 'foreign agent' law, many NGOs have had to withdraw from other sectors, mostly politics, in order to avoid heavy control and auditing. Withdrawing from politics into the 'social' sphere does a lot of damage to

civil society and the feminist agenda. With the threat of closure, many NGOs were warned not to support or lobby for certain candidates. In addition, NGOs state that it has become difficult to work with organisations that have been given a 'foreign agent' status; after the law, applying for funding from foreign foundations became difficult not only because of the government's disapproval, but also because donors no longer trust them. At the same time, some NGOs report positive changes as well. They favourably assess the work of the NGOs in general, insisting that feminism has finally become the main program for the majority of the NGOs dealing with women, even if this has happened from a position of resistance to official state policies.

Responding to the external pressure and state's increasing hostility and control, the NGOs use a variety of strategies to continue their work. One of the first utilised was the extensive use of volunteering, which was a response both to financial difficulties and to the lack of professionals willing to work with the NGOs. Although scholars are sceptical of volunteering and insist it has declined (Kamerāde, Crotty and Ljubownikow 2016), the NGOs, on the other hand, report an increase in volunteering in the past five years. Volunteering brings a large number of women and younger people into civil society and, from this point of view, serves as a recruitment point. Another strategy the NGOs employ quite actively is partnerships and solidarity with other NGOs. This allows for the creation of larger alliances, even with the local government (see also Van der Vet 2017).

Russia is an exemplary case study when it comes to trying to find a way for feminism and the human rights of women to penetrate patriarchal institutions and politics. With a strong heritage in formal equality politics, it uses discrimination as leverage in a neoliberal capitalist economy that is creating a trap for itself. In this situation, civil society and women, dissatisfied with the state's policies, create autonomous spaces to address their needs, thus embracing neoliberal values but discarding the state as a provider of the value system. There is a good chance that the conservative agenda will not last.

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# *Biography*

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# AUSTERITY, GENDER INEQUALITY AND FEMINISM AFTER THE CRISIS

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