

Refugee Review Tribunal

AUSTRALIA

RRT RESEARCH RESPONSE

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This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

Questions

1. Is there government support/housing for the unemployed?
2. Is there discrimination against women by employers?
3. Is there discrimination against married women of child bearing age who are entitled to 3 years maternity leave? If so, where are such women placed?

RESPONSE

1. Is there government support/housing for the unemployed?

Unemployment Benefits

According to the US Social Security Administration, Russian women between 16 and 54 years of age are entitled to unemployment benefits if they are registered at the employment office and are able and willing to work. For those who have 26 weeks full-time employment in the last 12 months, the benefit is a percentage of previous average wages. The benefit is payable for 24 months and decreases over time. For those who do not meet the prior work conditions or who have never worked, the benefit is 30% of the regional minimum subsistence level for the first six months and 20% for the next six months. The benefit increases by 10% of the regional minimum subsistence level for those with a dependent:

Unemployment benefits as a percentage of previous average wages are paid by the local state employment service for 12 months. The benefits decrease over time: 75% of the previous average monthly wage in the first 3 months; 60% for the next 4 months; and 45% for the last 5 months.

The minimum monthly benefit must not be less than 30% of the local minimum subsistence level.

For a second period of 12 months, the monthly benefit is 30% of the local minimum subsistence level.

For unemployed persons who do not meet the prior work conditions or for persons who have never worked, the benefit is 30% of the regional minimum subsistence level for the first 6 months and 20% of the regional minimum subsistence level for the next 6 months.

Dependent supplement: The benefit is increased by 10% of the regional minimum subsistence level, up to a maximum of 30%. If both parents are unemployed, they are both entitled to claim a supplement for the same dependent (US Social Security Administration 2004, *Social Security Programs Throughout the World 2004-2005 – Russia*, September <http://www.ssa.gov/policy/docs/progdesc/ssptw/2004-2005/europe/russia.html> – Accessed 7 March 2006 – Attachment 1).

According to the Mutual Information System on Social Protection of the Council of Europe, Russian citizens who are totally unemployed, registered at an employment office and are able and willing to work are entitled to unemployment benefits in the form of social insurance or social assistance:

	Social insurance	Social assistance
Qualifying period	26 weeks full-time employment in last 12 months (or 26 weeks equivalent for part-time employment).	None.
Benefits	<p>Average gross earnings over the last three months of employment. Upper ceiling: not to exceed regional minimum subsistence level. Lower ceiling: 100 roubles per month.</p> <p>For the first period of 12 months duration unemployment: Paid as a percentage of average wages, benefit decreases over time:</p> <ul style="list-style-type: none"> • first 3 months: 75% • next 4 months: 60% • next 5 months: 45% <p>But no less than 30% of the local minimum subsistence level.</p> <p>For the second period of 12 months duration unemployment 30% of the local minimum subsistence level, but no less than 100 roubles per month.</p>	<p>During the first 6 months of unemployment period 30% of the local (regional) minimum subsistence level, then 20% of the regional minimum subsistence level for the next 6 months but no less than 100 roubles per month.</p>
Duration of payment	<p>Benefits are divided into three kinds according to duration of payments:</p> <ul style="list-style-type: none"> • paid for 6 months in total over a period of 12 calendar months; • 6 months entitlement followed by six months without entitlement followed by six further months of entitlement, thus 12 months payable over an 18 month period. This system is available for those: <ul style="list-style-type: none"> ○ seeking work for the first time, having no profession; 	Paid for 12 consecutive months.

	<ul style="list-style-type: none"> ○ seeking work after prolonged period of unemployment (more than one year); ○ dismissed for disciplinary reasons ○ dismissed from an educational organisation to which they had been sent by employment services. <ul style="list-style-type: none"> ● paid for 12 consecutive months followed by a period of 6 months without entitlement payable to all those dismissed on any ground within 12 months before commencement of unemployment benefit having worked no less than 26 weeks during this period. 	
Family supplements	<p>Increased benefit for dependent relatives under the age of 18 years (24 years for students) who:</p> <ul style="list-style-type: none"> ● are maintained by the unemployed person, ● have no independent sources of income, ● receive no grants, pensions or unemployment benefits; and ● are not maintained by the state eg students in vocational technical training schools or children residing in a state run home. <p>The benefit is increased by 10% of the subsistence minimum (determined regionally) per dependent up to a maximum of 30%. If both parents are unemployed they are both entitled to supplements for the same dependent.</p>	<p>Increased benefit for dependent relatives under the age of 18 years (24 years for students) who:</p> <ul style="list-style-type: none"> ● are maintained by the unemployed person, ● have no independent sources of income, ● receive no grants, pensions or unemployment benefits; and ● are not maintained by the state eg students in vocational technical training schools or children residing in a state run home. <p>The benefit is increased by 10% of the subsistence minimum (determined regionally) per dependent up to a maximum of 30%. If both parents are unemployed they are both entitled to supplements for the same dependent.</p>

(Mutual Information System on Social Protection of the Council of Europe 2004, 'Unemployment', *Comparative tables of social protection systems in 13 member states of the Council of Europe, Australia, Canada and New Zealand 12th edition*, 1 January, pp.505, 509, 517, 521 & 525 http://www.coe.int/T/E/social_cohesion/social_policies/Social_Security/Missceo_E_2004_497-690.pdf – Accessed 7 March 2006 – Attachment 2).

An article dated 20 January 2006 by *Interfax* reports that as of 2006 unemployment benefits in Russia range from 720 to 2880 roubles [per month] ('Russian unemployed to receive 720 to 2,880 roubles' 2006, *Interfax*, 20 January – Attachment 3).

According to the US Department of State's *Country Reports on Human Rights Practices 2005* the "authorities often refused to provide governmental services to individuals without internal passports or the proper registration" (US Department of State 2006, *Country Reports on Human Rights Practices 2005 – Russia*, 8 March, Section 2d – Attachment 4).

A 2003 report on the situation of women in Russia by the Moscow Helsinki Group notes that “[m]any women from among the focus groups participants complain about the fact that social security benefits that they are entitled to are delayed or not paid at all” (Moscow Helsinki Group 2003, *Discrimination against women in contemporary Russia* <http://www.mhg.ru/english/1EBE2C9>; <http://www.mhg.ru/english/1EBEA6A>; <http://www.mhg.ru/english/1EBEDDD>; <http://www.mhg.ru/english/1EBEF57>; <http://www.mhg.ru/english/1EBF2E5>; <http://www.mhg.ru/english/1EBF665>; <http://www.mhg.ru/english/1ECD365>; <http://www.mhg.ru/english/1ECDA41>; <http://www.mhg.ru/english/1ECDFEB>; <http://www.mhg.ru/english/1ECE92D>; <http://www.mhg.ru/english/1ECF122>; <http://www.mhg.ru/english/1ECF567>; <http://www.mhg.ru/english/1ECFC66>; <http://www.mhg.ru/english/1ED0294>; <http://www.mhg.ru/english/1ED06D6> and <http://www.mhg.ru/english/1ED2432> – Accessed 13 March 2006 – Attachment 5).

Child Allowances

According to the US Social Security Administration, child allowances are granted to families with income below the locally determined minimum subsistence level when the child is a Russian resident. The child allowance is 70 roubles for each child from 18 months to 16 years or until general education is completed. The child allowance is 140 roubles for single parents (US Social Security Administration 2004, *Social Security Programs Throughout the World 2004-2005 – Russia*, September <http://www.ssa.gov/policy/docs/progdesc/ssptw/2004-2005/europe/russia.html> – Accessed 7 March 2006 – Attachment 1).

According to the Mutual Information System on Social Protection of the Council of Europe, child allowances are paid to families with an average per capita income lower than the minimum subsistence level when the child is a permanent resident of Russia and where the child and parents live together. The allowance is payable until the child is 16 years or 18 years if undertaking general secondary education. The monthly allowance is 70 roubles or 140 roubles for single parents plus regional supplements (Mutual Information System on Social Protection of the Council of Europe 2004, ‘Family Benefits’, *Comparative tables of social protection systems in 13 member states of the Council of Europe, Australia, Canada and New Zealand 12th edition*, 1 January, pp.459 & 463 http://www.coe.int/T/E/social_cohesion/social_policies/Social_Security/Missceo_E_2004_1-496.pdf – Accessed 7 March 2006 – Attachment 2).

A February 2006 report by the American Bar Association and the Central European and Eurasian Law Initiative examines the situation of women’s rights in Russia through an analysis of Russia’s compliance with the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The report notes that “[m]any women depend greatly on State-provided child benefits, yet at the present time, the amount is too little to provide meaningful assistance”:

The State provides a number of benefits to women with children, as well as to disabled citizens and veterans. As long as women are able to submit the required documents showing eligibility, there are theoretically no barriers to receiving such benefits. However, respondents to this assessment raised two issues: the insufficiency of the child benefit itself and the changes to the way financial assistance is paid, as a result of legislative changes which monetized benefits in Russia. The present monthly benefit for children under the age of 16 is 70 rubles [\$2.45 USD]. For single mothers, the benefit is double. An NGO in Altai Krai noted that many women do not apply for such benefits due to the complexity of the process which requires documents to be

gathered from a number of institutions, a task which is especially difficult for mothers of young children. Participants of focus groups conducted by the Moscow Helsinki Group complained that child benefits to which they are entitled are frequently delayed or not paid at all (American Bar Association & Central European and Eurasian Law Initiative 2006, *CEDAW Assessment Tool Report for the Russian Federation*, February, pp.110-111 http://www.abanet.org/ceeli/publications/cedaw/cedaw_russia.pdf – Accessed 13 March 2006 – Attachment 6).

A 2003 report on the situation of women in Russia by the Moscow Helsinki Group notes that the child subsidy is “extremely small” and “some of the people surveyed note that sometimes even that amount is not always paid in full” (Moscow Helsinki Group 2003, *Discrimination against women in contemporary Russia* <http://www.mhg.ru/english/1EBE2C9>; <http://www.mhg.ru/english/1EBEA6A>; <http://www.mhg.ru/english/1EBEDDD>; <http://www.mhg.ru/english/1EBEF57>; <http://www.mhg.ru/english/1EBF2E5>; <http://www.mhg.ru/english/1EBF665>; <http://www.mhg.ru/english/1ECD365>; <http://www.mhg.ru/english/1ECDA41>; <http://www.mhg.ru/english/1ECDFEB>; <http://www.mhg.ru/english/1ECE92D>; <http://www.mhg.ru/english/1ECF122>; <http://www.mhg.ru/english/1ECF567>; <http://www.mhg.ru/english/1ECFC66>; <http://www.mhg.ru/english/1ED0294>; <http://www.mhg.ru/english/1ED06D6> and <http://www.mhg.ru/english/1ED2432> – Accessed 13 March 2006 – Attachment 5).

- 2. Is there discrimination against women by employers?**
- 3. Is there discrimination against married women of child bearing age who are entitled to 3 years maternity leave? If so, where are such women placed?**

Sources cited below suggest that women experience discrimination by employers and that women of child bearing age and women with small children are the most at risk.

According to the US Department of State’s *Country Reports on Human Rights Practices 2005* “sexual harassment remained widespread”, “credible evidence suggested that women encountered discrimination in employment” and “[e]mployers preferred to hire men, thereby saving on maternity and childcare costs and avoiding perceived unreliability that accompanies hiring women with small children” (US Department of State 2006, *Country Reports on Human Rights Practices 2005 – Russia*, 8 March, Section 5 Women – Attachment 4).

A February 2006 report by the American Bar Association and the Central European and Eurasian Law Initiative examines the situation of women’s rights in Russia through an analysis of Russia’s compliance with CEDAW. The study is based on interviews with more than 180 individual experts in 32 cities and towns in Russia including representatives from women’s NGOs and human rights NGOs, individuals from diverse ethnic groups and various religions, migrants, disabled women, rural women, members of local legislative bodies, ministries, law enforcement organs, healthcare facilities, employment services, social service agencies, crisis centres and local ombudsman’s offices. The report is included as Attachment 6 (American Bar Association & Central European and Eurasian Law Initiative 2006, *CEDAW Assessment Tool Report for the Russian Federation*, February http://www.abanet.org/ceeli/publications/cedaw/cedaw_russia.pdf – Accessed 13 March 2006 – Attachment 6).

The report notes that while Russian law guarantees equal rights for men and women, “legislation that would enable women to realize *equal opportunities* is lacking in many spheres”:

- Article 19(1) of the Constitution of the Russian Federation (1993) states that “the State guarantees the equality of human and civil rights and freedom regardless of sex...Men and women shall enjoy equal rights and freedoms and equal opportunities to exercise them.”
- Articles 3 & 64 of the Labor Code prohibit sex-based discrimination.
- Article 136 of the Criminal Code criminalises discrimination on the basis of sex (American Bar Association & Central European and Eurasian Law Initiative 2006, *CEDAW Assessment Tool Report for the Russian Federation*, February, pp.15-16 http://www.abanet.org/ceeli/publications/cedaw/cedaw_russia.pdf – Accessed 13 March 2006 – Attachment 6).

Article 11 of CEDAW is concerned with eliminating discrimination against women in the field of employment. Pages 76 to 86 of the report provide extensive information on Russia’s de jure and de facto compliance with Article 11 with reference to employment opportunities, remuneration, unemployment, health and safety, sexual harassment, pregnancy, maternity leave and childcare obligations. The report notes the following concerns with Russia’s compliance with Article 11 of CEDAW:

- Gender discrimination is pervasive in the hiring and promotion processes in both private and State enterprises.
- Gender segregation in employment results in women, on average, receiving smaller salaries than men.
- The rate of registered unemployment among women is high, but there is no comprehensive federal-level program to address this problem.
- The government does not address the problem of sexual harassment in the workplace, as an issue of workplace safety, sex-based discrimination or as a form of violence against women.
- Violations of women’s labor rights connected to pregnancy and childcare leave are common, particularly in private enterprises.
- The State has not encouraged the creation of a system of affordable (preschool) childcare that would allow women to combine family obligations with work responsibilities (American Bar Association & Central European and Eurasian Law Initiative 2006, *CEDAW Assessment Tool Report for the Russian Federation*, February, p.76 http://www.abanet.org/ceeli/publications/cedaw/cedaw_russia.pdf – Accessed 13 March 2006 – Attachment 6).

What follows are extracts which summarise Russia’s de facto compliance with CEDAW as it relates to employment:

In his 2004 Annual Report, the Ombudsman stated “despite limited positive changes in the recent years, overall the socio-economic situation of women has worsened.” The feminization of poverty in Russia has been well-documented. Some studies indicate that among the poor, 43.3% are women, in comparison to men, who are 29.4% of the poor. Additionally, in the majority of single-parent households, women are the sole wage earners and are among the extremely poor in the country.

...Women’s low economic status is directly related to widespread employment discrimination. Despite provisions in the Labor Code that prohibit unequal treatment on the basis of sex, women face discrimination in the hiring process, promotion and in remuneration.

Women encounter difficulties in obtaining work as employers are often reluctant to hire them, based on the notion that women's family responsibilities will interfere with their labor. By law, women can receive pregnancy, maternity and childcare benefits. In reality, however, women report numerous violations of their rights in this sphere, from requirements to sign "contracts" that they will not become pregnant for certain period of time, non-payment of benefits for maternity leave and improper dismissal related to pregnancy and maternity. Although there are mechanisms to protect women's rights in such cases, through the Federal Labor Inspectorate or courts, women seldom use of these bodies, either because they are unaware of their rights or simply out of fear of losing their jobs.

Labor in Russia remains highly segregated, both across occupational spheres and within the employment hierarchy. Certain spheres which are female-dominated, such as education, healthcare and accounting, also have the lowest wage levels. Within the same profession, women are concentrated at lower levels of the hierarchy, which is reflected in lower salaries. Additionally, large numbers of women, especially young women without education, are employed in the informal sector, which leaves them at risk for violations of their labor rights.

Despite regional variations, women's unemployment rates are high across the country. More women than men seek work through Federal Employment Centers, but it was reported that the vacancies included in center databases are generally oriented to men. The numbers of women who enter the commercial sex industry or who fall victim to human trafficking schemes is directly related to limited employment opportunities for women, especially those from rural regions.

...Stereotypes are pervasive in Russian society, resulting in strongly-held views about the traditional roles of men and women. Women are considered primarily responsible for childcare and family responsibilities, which has a profound impact on their ability to advance in the public sphere,- in politics, government postings and leadership positions at work for example. Gender-role stereotypes are reinforced in schools, by the mass media and even by government-led initiatives which focus on women's reproductive functions, to the exclusion of other pressing issues.

...As discussed in connection to women's labor rights, employers frequently violate the law that provides special treatment to pregnant women and women with young children. Child benefits, paid by the State, are insufficient in today's economy and, furthermore, are frequently delayed or not paid at all.

...Gender-based violence is a painful problem for Russian women. Violence, in the form of domestic violence, rape and sexual harassment, is widespread yet has elicited minimal State attention. ...Women report that sexual harassment in the workplace is so common that it is almost perceived of as the "norm." Aside from a lack of legislation that would address the specifics of gender-based violence, the notion that violence against women is a "private" matter is widespread in the law enforcement structure, the justice system and among the general population (American Bar Association & Central European and Eurasian Law Initiative 2006, *CEDAW Assessment Tool Report for the Russian Federation*, February, pp.17-20 http://www.abanet.org/ceeli/publications/cedaw/cedaw_russia.pdf – Accessed 13 March 2006 – Attachment 6).

An article dated 2 March 2006 provides a brief but useful summary on the findings of the February 2006 report by the American Bar Association and the Central European and Eurasian Law Initiative. It is included as Attachment 7 (Yablokova, Oksana 2006, 'Women Don't Get Fair Deal, Study Says', *The Moscow Times*, 2 March, Russia Profile website <http://www.russiaprofile.org/culture/2006/3/2/3346.wbp> – Accessed 13 March 2006 – Attachment 7).

The Moscow Helsinki Group and partner organisations in 20 regions of Russia investigated the situation of discrimination against women in Russia in May 2002 to April 2003. The subsequent report provides an overall assessment of the situation with reference to legislation, electoral rights, education, employment, promotion, remuneration, social security, pregnancy and domestic violence. The report notes that discrimination against women occurs and that it is worse for women aged 20 to 30 years and women who have little children. The following extracts relate to the right for equal opportunities for employment. For more information on promotion, remuneration and pregnancy please refer directly to the report which is included as Attachment 5:

Under the new Labor Code of the Russian Federation adopted in 2001, “every person shall have equal opportunities for exercising his or her labor rights. No person may be restricted in his or her labor rights or freedoms or receive any privileges irrespective of sex, race, color, ethnicity, language, origin, property or social status, position, age or any other circumstances unrelated to his or her professional skills.” However, at present even official documents contain evidence of a widely spread practice of discrimination against women in terms of employment, “approximately every third top officer of organizations of various organizational/legal forms and ownership structures points out that for purposes of employment, preference is given to me.”

In the course of interviews conducted in 20 regions of Russia within the given monitoring effort, numerous employers admitted discrimination against women in employment and openly declared that if they had a position opening and more than one competent women claimed it, they would give preference to married women in 30-35 age bracket with children older than five years of age.

...Virtually all female participants in the focus groups conducted in the regions either had faced discrimination in employment themselves or heard about such facts from their female friends or acquaintances, and demonstrated firm conviction in the existence of discrimination pertaining to the sphere of employment:

...Even more significant both from the perspective of impact on women and from the viewpoint of social consequences is discrimination by employers against women under 30 years of age, and also against women who have little children. These categories are the largest groups of women facing discrimination.

Russian laws provide for a range of social benefits and allowances for pregnant women and mothers with small children, with the responsibility for some of them placed on employers. Trying to cut on the costs in the current conditions of economic instability, owners and managers of private businesses deny jobs to women who have little children or are likely have them in the future.

...Employers admit that in order to protect themselves against problems of this kind they ask women to fill in a questionnaire that includes such questions as “married/unmarried,” “children/no children.” Those questions are also asked during job interviews:

...As the public opinion sees the age of 20-30 years as the age when women are the most likely to get married and give birth, all women of this age fall victim to discrimination in connection with employment.

Notably, both employers and working women are sure that private companies are unjustly burdened with social charges, which should be a responsibility of the government and no-one else:

...Pregnant women are most disadvantaged when looking for work:

...Frequent sick leaves, a strong probability of going on a maternity leave, which often may result in a certain loss of professional skills, are the reasons why women are poorly competitive in the labor market. These reasons are listed by interviewed employers among shortcomings of female employees.

As a result, when an employer has to make a choice “between a man and a woman, the man gets the job, because he will not at least take a maternity leave.”

Another consequence of such attitudes is the practice when women are hired without due formalization or get a covenant in their contracts to the effect that “potential pregnancy shall be ruled out” for a certain period of time.

...Thus, women can realistically compete with men in the labor market only in the 30-40 age range, and only provided they are married and have relatively grown-up children:

...The low level of legal awareness leads to a situation when many women actually give up the package of social guarantees granted by law in order to improve their competitiveness on the labor market:

...Virtually all interviewees pointed out that it would be impossible to prove the violation of labor laws, as employers almost never specify the real reasons for denial:

...At present, there is no record of women filing suits against employers because they were denied a job. This has to do with the aforesaid reasons as well as with flaws in effective regulations. Article 64 of the RF Labor Code expressly prohibits denying jobs to women in relation to their pregnancy or having children. In addition, the law requires that, on request of the person who has been denied a job, the employer must state the grounds for denial in writing; and such denial can be contested against in court. However, Article 64 says nothing about the procedure that the job seeker should follow to obtain such a written denial (Moscow Helsinki Group 2003, *Discrimination against women in contemporary Russia* <http://www.mhg.ru/english/1EBE2C9>; <http://www.mhg.ru/english/1EBEA6A>; <http://www.mhg.ru/english/1EBEDDD>; <http://www.mhg.ru/english/1EBEF57>; <http://www.mhg.ru/english/1EBF2E5>; <http://www.mhg.ru/english/1EBF665>; <http://www.mhg.ru/english/1ECD365>; <http://www.mhg.ru/english/1ECDA41>; <http://www.mhg.ru/english/1ECDFEB>; <http://www.mhg.ru/english/1ECE92D>; <http://www.mhg.ru/english/1ECF122>; <http://www.mhg.ru/english/1ECF567>; <http://www.mhg.ru/english/1ECFC66>; <http://www.mhg.ru/english/1ED0294>; <http://www.mhg.ru/english/1ED06D6> and <http://www.mhg.ru/english/1ED2432> – Accessed 13 March 2006 – Attachment 5).

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Council of Europe <http://www.coe.int/DefaultEN.asp>

Immigration & Refugee Board of Canada <http://www.irb.gc.ca/>

UK Home Office <http://www.homeoffice.gov.uk>

US Department of State <http://www.state.gov/>

US Social Security Administration <http://www.ssa.gov/>

United Nations (UN)

UNHCR <http://www.unhchr.ch/>

Non-Government Organisations

Amnesty International <http://www.amnesty.org/>

Central European and Eurasian Law Initiative <http://www.abanet.org/ceeli/>

European Country of Origin Information Network <http://www.ecoi.net/>

Freedom House <http://www.freedomhouse.org/template.cfm?page=1>

Human Rights Watch <http://www.hrw.org/>

International Federation for Human Rights <http://www.fidh.org/>

International Helsinki Federation for Human Rights <http://www.ihf-hr.org/welcome.php>

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Search Engines

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Public	<i>FACTIVA</i>	Reuters Business Briefing
DIMIA	<i>BACIS</i>	Country Information
	<i>REFINFO</i>	IRBDC Research Responses (Canada)
RRT	<i>ISYS</i>	RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State <i>Country Reports on Human Rights Practices</i> .
RRT Library	<i>FIRST</i>	RRT Library Catalogue

List of Attachments

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