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Kelly D. Askin
Dorean M. Koenig



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HUMAN RIGHTS OF WOMEN IN CENTRAL AND EASTERN EUROPE

Julie Mertus

INTRODUCTION*

Recent changes in Central and Eastern Europe (CEE)¹ have jeopardized, rather than enhanced, women's human rights. Most studies of women's human rights in Central and Eastern Europe have treated the region as a generic entity, as if the history and culture of the enormous region could be blended into a single phenomenon—the so-called countries in transition. Yet the nature and degree of the problems faced by women vary significantly from country to country and, within each country, from social group to social group. The elderly and disabled, single mothers and girls, refugee and migrant women, and women from minority ethnic, religious, national, or linguistic groups face the greatest obstacles to full participation in society and realization of human rights. Women living in countries recovering from or in the throes of armed conflict, as well as women in countries facing acute economic crises, have their own sets of issues and, it follows, their own strategies for promoting women's status.

International and regional governmental and non-governmental organizations have interjected their own varied agendas into the region; women advocates for human rights in CEE have shaped their particular responses to foreign interventions in line with their own historical survival tactics and existing opportunities for progress. A unified chapter on women's human rights in Central and Eastern Europe threatens to discount this multi-threaded diversity.

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1. Central and Eastern Europe (CEE) refers to all of Europe other than the area identified as "west"; thus, many parts of the Newly Independent States fall into CEE.

To underscore both continuity and difference, this chapter offers a country-by-country survey of the region, drawing extensively from reports of lawyers, scholars, and activists (not mutually exclusive groups) in the region. Core information, including the selection of topics, has been drawn from the results of a ten-country² survey administered by the author in August 1996. The chapter begins with a survey of the status of women under prior regimes and an analysis of the impact of recent economic, political, and social changes in CEE on the human rights of women. It then turns to a country-by-country analysis, presenting factual information about the law and reality in the three areas identified by women in the region as most pressing: economic conditions and discrimination in employment; domestic violence, rape, and other forms of violence against women (including trafficking in women and forced prostitution); and women's low participation in political life. In addition, the chapter details other issues identified as areas of concern: abortion and women's health; sexual harassment; maternity leave and childcare; family law (with particular reference to divorce); and discrimination against both lesbians and single women.³ By providing detailed information, this chapter seeks to serve as a resource for women, both in the region and elsewhere, who seek to understand the complex nature of change in CEE and its impact on women.

THE LEGACY OF FORMAL EQUALITY

Under the socialist systems of Central and Eastern Europe, women gained equality on formal grounds, including integration into the labor market, access to education, and formal inclusion into governmental structures. If discrimination is defined narrowly as "different treatment" (in other words, treating women and men differently), ideologically speaking women did not experience discrimination. Employment was equated with women's emancipation: Both men and women were workers equally obligated to contribute to their party/state. The gap between ideology and reality in

2. The countries were chosen according to availability of information and in line with a desire to present regional diversity. In each country, at least three people with knowledge of both law and practice were asked about the state of the formal law and the status of women with regard to each of the topics examined below. In addition, they were encouraged to provide information as to actions taken by women's groups. Where the information provided was incomplete, the country was not included in the final report for that question. The information was supported by published sources. For the subjective parts of the survey, a cross section of at least 100 women was surveyed in the region. Although this sample is not scientific, the results were checked against and supported by other published and unpublished sources. Due to space constraints, the entries for Germany were abbreviated. Countries included in whole or in part are: Albania; Bulgaria; the Czech Republic; Croatia; Germany (primarily with respect to the former East Germany); Poland; Romania; Serbia (Yugoslavia); Slovakia; and Ukraine. In addition, the geographic region of Kosovo is considered separately from Serbia as the issues of women's human rights in Kosovo differ significantly from Serbia and as the status of Kosovo has not been resolved.

3. Additional issues identified as sources of concern for women included: discrimination against older women; discrimination against women from particular ethno-national/racial groups; use of culture or religion to oppress women; lack of opportunities for village and rural women; drug and alcohol abuse; lack of opportunities for girls; degradation of the environment; and negative stereotypes of women in the media.

CEE, however, is renowned. As Barbara Einhorn has observed, "State socialism 'emancipated' women not as equal citizens but as worker-mothers."⁴

In order to balance the ideological attachment of full employment with the notion that women should maintain their "natural" role as mothers, the socialist system did in fact treat women differently from men. Protectionist legislation prohibited pregnant women, women with small children, and, in some cases, all women from holding dangerous or taxing jobs; and compensatory legislation granted benefits and allowed exceptions for women's motherhood role, such as maternity benefits, child care, and leave for caring for sick family members.⁵ By further entrenching the patriarchal division of labor and reaffirming that women's primary role was one of reproduction and caretaking, the social benefits system "isolated women and men felt largely relieved from their responsibilities as fathers and husbands."⁶ Ultimately, then, the benefits worked against women's equality.

To supplement the protectionist measures and further promote ideological equality, states enacted a number of so-called "positive" discriminatory measures, all of which had a dark underside for women. Quotas were set to ensure women's participation in the political sphere, but few women had access to positions of leadership or impact over decision-making; the doors of higher education swung open to women, but women's returns on their education were far less than those of men;⁷ and the door to the labor market opened wider,⁸ but women were segregated into lower paid industries and occupations.

Thus, if discrimination is defined more broadly as unequal access to power and resources, discrimination was indeed rampant, despite the formal guarantees.⁹ Men

4. BARBARA EINHORN, CINDERELLA GOES TO MARKET: CITIZENSHIP, GENDER AND WOMEN'S MOVEMENTS IN EAST CENTRAL EUROPE 40 (1993).

5. Although in some countries men as well as women could take child care leave, very few men did so.

6. United Nations Economic and Social Council, High-Level Regional Preparatory Meeting for the Fourth World Conference on Women, *The Role of Women in the Transitional Processes: Facing a Major Challenge*, at para 12, U.N. Doc. E/ECE/RW/HLM 5 (1994) [hereinafter ECOSOC, *The Role of Women in the Transitional Processes*].

7. Ireneusz Bialecki & Barbara Heyns, *Educational Attainment, the Status of Women, and the Private School Movement in Poland*, in DEMOCRATIC REFORM AND THE POSITION OF WOMEN IN TRANSITIONAL ECONOMIES (Valentina M. Moghadam ed., 1993).

8. Women's participation rate in the labor market was extremely high, between 80 and 90 percent.

9. See Belinda Cooper, *The Truth About Superwoman: Women in East Germany*, 5 MICH. FEMINIST STUD. 59 (1990) See also BARBARA JANCAR, WOMEN UNDER COMMUNISM (1978); ALENA HEFLINGER, WOMEN AND STATE SOCIALISM: SEX INEQUALITY IN THE SOVIET UNION AND CZECHOSLOVAKIA (1979); GAIL W. LAPIDUS, WOMEN IN SOVIET SOCIETY: EQUALITY, DEVELOPMENT, AND SOCIAL CHANGE (1978); HILDA SCOTT, DOES SOCIALISM LIBERATE WOMEN? (1974); Renate Siemienska, *Women, Work and Gender Equality in Poland: Reality and Its Social Perceptions*, in WOMEN, STATE AND PARTY IN EASTERN EUROPE (Sharon Wolchik & Alfred Meyer eds., 1985) [hereinafter Siemienska, *Women, Work and Gender Equality*]; Sharon Wolchik, *Eastern Europe, in THE POLITICS OF THE SECOND ELECTORATE: WOMEN AND POLITICAL PARTICIPATION*, 263-77 (1991).

earned considerably more than women,¹⁰ both because they held higher positions and received favorable treatment within the same industries and positions, and because women were concentrated in less prestigious, lower paid industries and occupations (in particular, education and health care). As a general rule, wherever women worked, the profession was of low status and more likely to be of a clerical nature. Indeed, although a large number of women were lawyers, judges, physicians, accountants, economists, and teachers,¹¹ women in these professions were generally low paid and poorly regarded.¹²

The gender-segregated labor market can be at least partially explained by traditional attitudes about men as decisionmakers and women as family caretakers—attitudes that persisted both *despite* and *because of* the system. Despite the rhetoric of equality, men had careers while most women just “went to work.”¹³ Men were more likely to find an environment for meaning and self-realization in the workplace. Women were still expected to find fulfillment within their family; their jobs were intended to be complementary to, but never competitive with or in lieu of, their family obligations.¹⁴ Shortage economies required someone to queue for food, to scavenge for goods. That someone was women. By holding lower-status jobs, women could more easily slip away from the workplace to attend to family “emergencies,” from finding milk to taking a sick child to the clinic.

These practices, deeply ingrained into the social culture,¹⁵ have had long-term consequences on women's image as workers, decreasing their chances of being hired

10. In the 1980s in Bulgaria, Poland, Hungary and the former Czechoslovakia, between professionals within the same occupational category, women earned between 73 and 78 percent of men's salaries. Larger differences between male and female workers prevailed in other categories. ECOSOC, *The Role of Women in the Transitional Processes*, *supra* note 6, at para. 13 (citing Sabine Hubner et al., *Women's Employment in Central and Eastern Europe: Status and Prospects*, in *STRUCTURAL CHANGES IN CENTRAL AND EASTERN EUROPE: LABOUR MARKET AND SOCIAL POLICY IMPLICATIONS* (Georg Fisher & Guy Standing eds., 1993).

11. For example, in the former Soviet Union, women accounted for 89 percent of all bookkeepers; 87 percent of economists; 70 percent of teachers and 67 percent of physicians. Natalia Rimashevskaja, *Perestroika and the Status of Women in the Soviet Union*, in *WOMEN IN THE FACE OF CHANGE: THE SOVIET UNION, EASTERN EUROPE AND CHINA* (Rai Shirin, Hilary Pilkington & Annie Phizacklea eds., 1992).

12. Men held the more prestigious posts within each of these professions (e.g., the lawyer permitted to work on foreign business contracts; the chief of the hospital or school; the government economist in charge of economic policy, etc).

13. Jirina Siklova, *Report on Women in the Post-Communist Central Europe (Personal View From Prague)* (cir. 1996, manuscript on file with author (unpaginated)).

14. See SUPERWOMEN AND THE DOUBLE BURDEN: WOMEN'S EXPERIENCE OF CHANGE IN CENTRAL AND EASTERN EUROPE AND THE FORMER SOVIET UNION 78 (Chris Corrin ed., 1992).

15. The International Labour Organization (ILO) has found that such practices have survived to a certain extent in state enterprises. An ILO survey conducted in the Czech and Slovak republics in 1991–92 found that 70 percent of women could leave their workplace to “attend to urgent personal matters” without much difficulty. Thirteen percent said they could leave “any time,” 24 percent “sometimes” and 33 percent “exceptionally.” PORI, 1991/92, *Zamestnanost Zen: Zaverena sprava z vyzkumu*, Public Opinion Research, Prague (cited in ECOSOC, *The Role of Women in the Transitional Processes*, *supra* note 6, at para. 11).

for more prestigious posts and depressing chances of promotion. Actual and imagined “female” attitudes toward work emerged, such as “poor assertion skills, evading success, fear of responsibility, and determination of job satisfaction by social conditions (company atmosphere, opportunity for personal communication) rather than by objective criteria (income, promotion prospects, leverage in collective bargaining).” Managers came to view women as less “reliable” and more “expensive” worker

Thus, the notion of formal equality was used by the state for its own purpose. After all, the social system demanded such an instrumental use of women. Women became a reserve labor pool, to be pushed into jobs where needs arose and dismissed during times of surplus. Women's “natural role as mothers” and the need to “populate the nation” could always be tapped to justify segregating women into lower paid jobs, forcing women into earlier retirement, or deciding when certain activities were dangerous to women's childbearing capacities.

The rhetoric of equality was similarly used by men in an attempt to keep women from demanding actual equality: “Any claims or complaints by women about the excessive burden [of daily household chores and labor in State enterprises—the double or triple burden—] provoked aggression: ‘You wanted equality. Now you've got it. You have only yourself to blame.’”¹⁷ The state-sanctioned women's organization offered little retreat as they only championed women's glorious role as mother-worker. Restrictions on civil and political rights curtailed further possibilities for public associations that would work for change.

The lack of equality in the economic sphere affected various groups of women differently. Single mothers, elderly women, rural women, disabled women, and members of minority ethnic groups¹⁸ had the worst chance of earning a decent living. Women fared the best if they could earn a second income, through bribes, black market barter, and, in some cases, through private, legal markets for food and goods and

16. ECOSOC, *The Role of Women in the Transitional Processes*, *id.* at para. 12 (citing Hildegard Maria Nickel, *Women in the German Democratic Republic and in the New Federal States: Looking Backward and Looking Forward (Five Theses)*, in *GENDER POLITICS AND POST-COMMUNISM* (Nanette Funk & Magda Muller eds., 1993).

17. Irina Jurna, *Women in Russia: Building a Movement*, in *FROM BASIC NEEDS TO BASIC RIGHTS: WOMEN'S CLAIMS TO HUMAN RIGHTS* 477, 482 (Margaret A. Schuler ed., 1995).

18. Women of minority ethnic, national, or religious groups face discrimination everywhere. Rom (gypsies; 3 million scattered throughout Central and Eastern Europe, but particularly in Romania, Slovakia and Hungary); Hungarians in Slovakia (some 600,000) and in Romania (1.1 million according to Romanians; 2 million according to Hungarians); Serbia (300,000), an Ukraine (some 200,000); Albanians in Kosovo (2 million); Serbia proper, and Macedonia (at least 430,000); Slovaks in Hungary (20,000); Jews throughout Eastern Europe (especially in Hungary where the Jewish population totals roughly 85,000 and in Poland where anti-Semitism is particularly strong); Germans in Poland, the Czech Republic, and Hungary; and Russians in Ukraine, Estonia, Latvia and elsewhere. *That Other Europe*, *THE ECONOMIST*, Dec. 25, 1993, at 17.

19. See, e.g., Frances Pine, *Uneven Burden: Women in Rural Poland*, in *WOMEN IN THE FACE OF CHANGE: THE SOVIET UNION, EASTERN EUROPE AND CHINA* (Shirin Rai, Hilary Pilkington & Annie Phizacklea eds., 1992).