



**Convention on the Elimination
of All Forms of Discrimination
against Women**

Distr.: General
4 February 2010

Original: English

**Committee on the Elimination of Discrimination
against Women**
Forty-fifth session

Summary record of the 909th meeting

Held at the Palais des Nations, Geneva, on Thursday 21 January 2010, at 10 a.m.

Chairperson: Ms. Gabr

Contents

Consideration of reports submitted by States parties under article 18 of the Convention
(continued)

Combined sixth and seventh periodic reports of Ukraine

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Unit, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Combined sixth and seventh periodic reports of Ukraine (CEDAW/C/UKR/7; CEDAW/C/Q/UKR/7 and Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of Ukraine took places at the Committee table.*

2. **Mr. Maimeskul** (Ukraine), introducing the combined sixth and seventh periodic reports of Ukraine (CEDAW/C/UKR/7), said that the promotion of gender equality in all spheres of society and at all levels of government had come to be seen as a prerequisite for making Ukraine a modern, civilized, equitable society and facilitating its integration into the world democratic community. The empowerment of women and the elimination of gender discrimination had acquired great importance for Governments as well as the general public and had become integral aspects of State policy. The authorities, the private sector, non-governmental organizations (NGOs) and international organizations working in Ukraine had all contributed to the new focus on equal rights.

3. Ukraine's legislative framework was being amended and strengthened to bring it into conformity with the provisions of the Convention. Virtually all the recommendations contained in paragraphs 201 to 207 of the Beijing Platform for Action had been implemented. In January 2006 the Equal Rights and Opportunities Act had entered into force. The Act provided for equal rights in a wide range of areas and established a mechanism for the promotion of gender equality. To ensure the implementation of the provisions of that Act, a law to incorporate gender-related issues in various legal texts had been adopted. For example, the Labour Code had been amended to ensure that the notion of equal opportunities for women and men was reflected in collective agreements and contracts, a provision on gender equality had been included in the Citizens' Association Act, and the Commissioner for Human Rights (Ombudsman) of Parliament had been empowered to deal with the promotion of gender equality. In September 2008 gender discrimination had been added to the Administrative Offences Code, and the Prevention of Domestic Violence Act had been amended to place greater emphasis on perpetrators of domestic violence.

4. The Ministry for the Family, Youth and Sports had established a commission with a mandate to eliminate all forms of discrimination; similar commissions would be established in the Ministry of Labour and Social Policy and other ministries. Ukraine had in fact been one of the first of the States created following the dissolution of the Soviet Union to endeavour to incorporate a gender perspective in its laws and regulations, and the Ministry of Justice continued to review all proposed and existing laws and legal texts to ensure that gender issues were taken into account. Recognizing the importance of gender equality, the Government was creating a legislative basis to guarantee it.

5. In order to ensure full implementation of the Convention a national mechanism for gender equality was being established, with overall coordination ensured by the Ministry for the Family, Youth and Sports. The mechanism would include representatives of all levels of government. Coordination bodies for gender equality had been established in bodies at all levels of government, and officers with responsibility for gender issues had been appointed in parliamentary committees, federal ministries and provincial and local government bodies.

6. The State Statistical Committee was continuing to develop gender-disaggregated statistics with a view to facilitating implementation of Ukraine's international obligations, including paragraphs 206 (a) and 207 (a) of the Beijing Platform for Action. A statistical

compilation describing the situation of women and men had been published every two years since 2005. Gender and age-related statistics were likewise available in statistical reports on such topics as economic activity of the population, the Ukrainian labour force, population and living standards. The country's system of gender-related statistical indicators contained both absolute and relative indicators on the situation of men and women. In 2009 a list of gender-disaggregated indicators had been prepared and the national statistical system had been evaluated against international norms. As a result of that evaluation, recommendations had been made to improve methodology, ensure interaction between surveyors and participants and improve the use of statistics. Ukraine currently compiled statistics on 48 of the 73 indicators listed in the database of the Economic Commission for Europe.

7. In implementation of article 11 of the Convention, the Government and social partners were devoting particular attention to gender equality in the workplace. In 2009 a number of ministries, organizations, unions and employers' associations had cooperated in gender audits based on the suggested methodology of the International Labour Organization (ILO) to measure the achievement of gender equality in the workplace, make recommendations on strengthening gender equality and identify best practices. The State Employment Service and the State Labour Inspectorate were being provided with technical assistance for the promotion of gender issues. Recommendations would be prepared in 2010 for the integration of the gender perspective in the policies and activities of the State Employment Service and the State Labour Inspectorate. Instruments were being developed to instruct employers on how to prevent discrimination and sexual harassment in the workplace. In 2010 a website would be launched on corporate and social responsibility, and 57 trainers from trade unions would be prepared to provide training to 500 union members on incorporating gender equality into collective agreements, conducting gender-neutral work assessments and preventing discrimination in the workplace. Some 220 representatives of employers would receive training on gender-neutral job assessments and gender audits based on the relevant ILO guidelines. Technical assistance was being provided to trade unions and inspectors for the development of information materials on such subjects as gender equality, equal pay for equal work, non-discrimination on the basis of sex and combating sexual harassment.

8. Ukraine condemned all forms of discrimination against women, and all State policies were aimed at preventing discrimination. The definition of both direct and indirect discrimination on the basis of sex that was contained in Ukrainian legislation corresponded to the definition in the Convention. The definition of gender discrimination contained in the Equal Rights and Opportunities Act covered both *de jure* and *de facto* discrimination. All national and international human rights mechanisms could be invoked to prosecute any violation. Acts of discrimination, including on the basis of sex, could lead to administrative, civil and criminal penalties.

9. Since the adoption of the Equal Rights and Opportunities Act, the Criminal Code had been strengthened to make intentional direct or indirect gender discrimination a punishable offence. Articles 157 and 183 of the Criminal Code as well as the Administrative Offences Code had likewise been amended. To prevent and combat violence against women and girls, a national campaign called "Stop violence!" had been launched in the context of an initiative of the Secretary-General of the United Nations. The campaign sought to increase public awareness of the causes and consequences of violence and ways of combating violence and protecting the victims.

10. Progress had been made in combating human trafficking pursuant to article 6 of the Convention. A bill on the prevention of human trafficking had been drafted, based on the United Nations Model Law against Trafficking in Persons, and taking into account international best practice. Since 2008, a registry of victims of trafficking had been maintained through the efforts of the country's 1,500 social services centres for families,

children and youths. At the request of the Ministry for the Family, Youth and Sports, a group of consultants had undertaken a study in 2007–2008 on the need for a mechanism to facilitate the return of trafficking victims to Ukraine; as a result of that study, a bill on the establishment of such a mechanism was being prepared. Rehabilitation services had also been introduced for victims of trafficking. In 2008 and 2009 the national programme to combat trafficking had been monitored throughout the country with a view to enhancing its effectiveness.

11. With regard to article 10 of the Convention, he said that the Constitution and laws of Ukraine provided for a modern educational system and did not permit any discrimination against girls, whether in urban or rural areas. Although the country's birth rate had recently increased, the number of secondary school graduates had dropped because of low birth rates in the past, a trend particularly noticeable in rural areas. To address that problem, the Ministry of Education was working to develop and make optimal use of school networks in rural areas. A survey conducted in 2008–2009 after that system had been introduced had shown no difference between the level of achievement in rural and urban areas.

12. Women were increasingly well represented in public and political life. For example, in 1999 only 1 of the 15 candidates for President had been a woman, whereas in the current year 3 out of 18 candidates were women. Women in Ukraine were leaders: not only did they make up more than half the population, but they also constituted the majority of workers in such areas as health, education, social services, the arts and the service and information sectors. Yet women did not enjoy the same opportunities or salaries as men and were less well represented in positions of authority.

13. The Government clearly had an important role to play in promoting equality and had to resolve a number of problems that hindered the achievement of equality. Women's leadership in the political arena must be strengthened; although the post of Prime Minister and several other important posts were held by women, Ukraine ranked 117 among States where the number of women in political life was concerned, while its overall gender rating was 61. Only 8 per cent of parliamentarians were women.

14. Another problem was the influx of immigrants, both men and women, who arrived with attitudes towards gender shaped by their own cultures. Such attitudes and the concomitant behaviours had an impact on social relations within Ukraine. The increase in family-related problems such as divorce and domestic violence must also be addressed. Lastly, gender education was required to combat gender stereotypes and promote awareness of women's rights. Gender-based budgeting would play an important role in promoting equality for women, in particular in a time of economic crisis, when women were often the most affected.

15. He wished to assure the Committee that Ukraine would continue to take careful note of the Committee's comments. All the Committee's recommendations would be reviewed and taken into account in his Government's 2011–2015 programme to achieve gender equality.

Articles 1 to 6

16. **Ms. Ameline** said that while the State party had ratified relevant international and European human rights instruments and established a solid legislative framework for the protection of women's rights, including the Equal Rights and Opportunities Act, more nevertheless needed to be done to ensure full implementation of the Convention. She wondered what measures the State party intended to take to that end, such as by amending the Criminal Code to include all the violations of women's rights described in the Convention or reforming the judicial system and police.

17. She asked whether areas of responsibility for women's rights were clearly defined in the executive and whether the promotion of women's rights was given enough visibility. Regional and local governments had important responsibilities for the empowerment of women, and she wondered whether they were provided with sufficient resources to ensure the implementation of gender-related programmes, in particular during the current economic crisis. Equality for women was not solely a question of social justice; empowering women boosted the economy. The private sector should therefore do its part to make gender equality a reality in the workplace.

18. **Ms. Šimonović** welcomed Ukraine's ratification of the Optional Protocol to the Convention in 2003 but wondered why the State party had not submitted a periodic report to the Committee since 2002. She reiterated the Committee's request in question 3 of the list of issues for more information on the legal status of the Convention, such as examples of cases in which the courts had invoked the Convention. She also drew the delegation's attention to the Committee's updated guidelines concerning the preparation of reports and core documents.

19. The definition of discrimination contained in the Equal Rights and Opportunities Act was modelled on the definition contained in article 1 of the Convention, but she was concerned that the Act seemed to concentrate on direct discrimination to the neglect of indirect discrimination. She wondered whether the study undertaken by the Government and the United Nations Development Programme (UNDP) of the national gender equality system had made any recommendations regarding the problem of indirect discrimination.

20. **Mr. Flinterman**, noted that on page 24 of its report the State party recognized that, despite the gender parity proclaimed in the Constitution, gender-based discrimination did exist. He wondered if a lack of confidence in the courts and the administration as a whole could explain the lack of complaints of gender discrimination from women and women's organizations and recalled that the Committee had requested examples of pertinent case law in question 3 of the list of issues.

21. States parties had an obligation to disseminate information about the Convention and the Optional Protocol widely. If the State party took steps to make the judiciary, government bodies and civil society, including women's organizations, more aware of those instruments, that might help to convince the public that the judiciary could play a positive role in protecting human rights. More information on the role of the Ombudsman and steps to strengthen that office would be welcome, as would information on other mechanisms to combat discrimination and any measures the Government intended to adopt to punish discrimination against women.

22. **Ms. Jaising** requested information on the hierarchy of laws in the State party. For example, she wished to know whether the courts could strike down laws or legal provisions on the grounds that they were unconstitutional or whether there were certain laws that could not be struck down, even by the Supreme Court. She also asked whether there existed in the State party any parallel or non-formal legal systems under which women's rights, could be negotiated or compromised in the name of custom or religion.

23. **Ms. Neubauer** said that the many changes that the State party's gender equality mechanisms had undergone made it difficult to understand where responsibilities lay and how the gender machinery functioned. There appeared to be an adequate governing structure, but she wondered whether all the mechanisms needed for capacity-building and for making gender equality operational really existed. At the national level, the Department for Family Affairs and Gender Policy of the Ministry for the Family, Youth and Sports was responsible for the formulation and implementation of State gender and family policies. She asked if that Department received the financial resources and support from the Government that it needed to implement its mandate. She enquired how many staff were working solely

in the area of gender issues and whether the Department had adequate capacity to support the central Government's obligation to promote gender equality. More information would be welcome on how the Department functioned, in particular how it supported and coordinated gender programmes in individual ministries and other central Government mechanisms.

24. As the State programme to promote gender equality in Ukraine 2006–2010 was drawing to an end, she wondered whether a new plan of action was being prepared. Any new plan should include clear targets to ensure continued progress and should provide for evaluation of the results achieved.

25. **Ms. Popescu** said that the frequent changes to the national gender machinery had adversely affected the visibility of gender programmes. She wondered whether the transfer of responsibility for gender issues away from the office of the Prime Minister meant that gender issues had a lower priority. Responsibility for gender issues currently rested with the Ministry for the Family, Youth and Sports, yet the advancement of women required recognition of the comprehensive contribution women could and should make to society, and not merely of their role in the family.

26. The proliferation of gender structures in different ministries and departments likewise ran the risk of dissipating and weakening efforts to promote gender equality. It was important to adopt a holistic and coherent approach to the elimination of gender discrimination. Improved coordination would strengthen the authority and accountability of gender mechanisms. While she welcomed the creation of gender mechanisms at the local and regional levels, the mandates of those mechanisms were not clearly defined. Furthermore, as a result of the economic crisis, fewer resources were available to them, and she wondered how effective they were in promoting gender equality and whether alternative sources of funding could be found.

27. Information on any evaluation of the results of the State programme for 2006–2010 would be most welcome; for example, what remaining challenges had been identified and what targets had been achieved? She wondered in particular if the programme had included measures to meet the needs of vulnerable groups of women, such as ethnic minorities, migrants and refugees; if not, such measures should be a priority for the next plan of action. The Commissioner for Human Rights (Ombudsman) seemed to be the only structure empowered to investigate human rights violations, and she wondered whether that mechanism had a unit or department specifically devoted to gender issues. Awareness of the Ombudsman's role should be increased; perhaps the office's website could be improved by including a clear explanation of the right to lodge a complaint and the procedure for doing so.

28. **Ms. Awori** wondered whether any temporary special measures had been adopted to increase women's participation rate in government at all levels and promote gender mainstreaming. According to the written replies to the questions contained in the Committee's list of issues, only 8 per cent of all deputies in the Parliament were women. She would therefore like to know when bill No. 1232, which set a quota of 30 per cent for women's representation in Parliament and called for an increase in women's representation at other levels of government, was to be adopted and what efforts had been made at the provincial level to accelerate women's empowerment and the achievement of de facto equality. She asked whether any specific measures or affirmative action programmes, even if short-term, had been adopted to increase women's participation in public and political life.

29. While she welcomed the gender balance in the delegation, she noted that, according to the report, only 3 per cent of Ministry of Foreign Affairs posts abroad were held by women, and women were not well represented in international bodies. As of October 2009

only 365 women, or 20 per cent of total staff, had held Ministry posts overseas, and she wished to know what measures were contemplated to increase the number of women stationed abroad, in particular in diplomatic posts and in delegations to international organizations.

30. **Ms. Jaising** requested information on any programmes or temporary special measures aimed at improving the socio-economic situation of the Roma, especially women, and in particular in the areas of employment, education and housing. She pointed out that lack of identity documents constituted a barrier to employment and access to social services.

31. **Ms. Levchenko** (Ukraine) said that under the Ukrainian Constitution, both the Convention and the Optional Protocol were, like any international instruments ratified by Parliament, integral parts of domestic law. They also served as models for legislation such as the Equal Rights and Opportunities Act. Article 161 of the Criminal Code established penalties for all acts of discrimination, but there had in fact been few prosecutions of such acts. The problem, then, was not a lack of legislation but poor application of existing legislation.

32. Adoption of the Equal Rights and Opportunities Act, which was a framework law, had led to the amendment of other legislative texts with a view to incorporating gender issues in them. The Administrative Offences Act, for example, had been amended to include penalties for gender discrimination, and there had been cases in which sanctions had been imposed for gender discrimination.

33. The Ombudsman was not the only mechanism empowered to receive complaints of gender discrimination. Complaints could be filed with the police, the Ministry of the Interior, the courts, government departments or private companies. Deputy ministers had been appointed in government ministries to deal with gender issues, including complaints. In 2008 the Ministry of the Interior had established a department to monitor human rights, including women's rights; two years later 10 policewomen had lodged complaints of gender discrimination.

34. A draft revised Labour Code, which had been before Parliament for some time, would prohibit gender discrimination and harassment in the workplace and make it the responsibility of the employer to eliminate those phenomena. In 2009 the Ministry for the Family, Youth and Sports had undertaken a study of Ukrainian legislation with a view to making proposals to bring the legal framework into conformity with the Convention.

35. **Ms. Lamakh** (Ukraine) said that the Department for Family Affairs and Gender Policy had prepared a manual on gender issues, recently updated, that had been distributed to the courts and all government offices. It was used inter alia to provide training to judges. The office of the Ombudsman was the main body dealing with gender-related discrimination. It cooperated with women's groups, who played a vital role in promoting women's rights. A hotline had been set up to report acts of gender discrimination and violence against or trafficking of women. With the help of NGOs more than 20 cases involving women's rights had been brought before the courts in 2006–2008. The Ministry for the Family, Youth and Sports worked with government departments, NGOs and the Ombudsman on gender issues; in one example of such cooperation it had helped the Ministry of Defence resolve a situation regarding family leave for female members of the armed forces.

36. Ongoing training was provided to labour inspectors on how to monitor the application of gender-related norms. Individual ministries had gender committees to coordinate gender initiatives and address gender discrimination in their areas of competence. The committees also set objectives and monitored implementation. Gender-related training and monitoring occurred at all levels of government and in all ministries.

37. She stressed that there were no parallel systems of justice in Ukraine, nor were there any tradition-based or religious exemptions to the prohibition of gender discrimination. Every level of government in the country worked with NGOs, the legal and educational systems and social services to defend the rights of women. NGOs and independent experts played the primary role in monitoring progress toward gender equality.

38. **Ms. Kobelianska** (Ukraine) said that the Department for Family Affairs and Gender Policy, while not an independent body responsible solely for gender issues, had real powers to promote gender equality and served as the national mechanism for gender equity. Furthermore, 10 key ministries, including those responsible for labour, health, education and defence, had established working groups to promote gender equality. The resources allocated for individual gender programmes and sectoral ministries continued to grow.

39. Coordination of gender-related efforts was ensured by a Cabinet-level inter-agency council responsible for family matters, gender equality, demographic development and combating trafficking in persons. It had established a working group on gender strategy, and its role had been expanded to deal with specific sectoral issues. While the Council was in principle an advisory body, its decisions and recommendations frequently led to legislative and regulatory changes; accordingly, its role resembled that of a regulatory body. In addition, gender advisors had been appointed in 19 of the provinces, every ministry had a deputy minister responsible for gender issues and two ministries had appointed a gender advisor. The Ministry for the Family, Youth and Sports delegated representatives to attend meetings in other ministries of working groups on the promotion of gender equality. In that way, the Ministry was able to coordinate gender policy.

40. With regard to the impact of budgetary constraints on women's issues at the provincial level, it should be noted that in Ukraine funds were not allocated exclusively from the top down, and provinces had their own gender development programmes that were funded locally.

41. A new State programme for the promotion of gender equality in Ukraine was being developed for the period 2011–2015 and would contain a clear set of qualitative and quantitative indicators for monitoring its implementation. The new programme was being built from the grass roots up: provincial programmes for gender development would be formulated first, and only after those had been established would national targets and indicators be set.

42. Special protective measures, such as hiring quotas for working mothers, had been included in labour legislation in order to guarantee women's rights. Moreover, many companies had at their own initiative established recruitment policies that provided for such measures. Measures to protect women's rights had also been incorporated into legislation dealing with such areas as social protection, unemployment insurance and retirement pensions.

43. **Mr. Yeresko** (Ukraine), replying to a question about the situation of Roma women in Ukraine, said that although Ukraine's Constitution and other laws contained provisions proclaiming the entitlement of all persons to public services, many problems of implementation remained. For example, although every Roma child had the right to education, not all managed to enjoy that right. In Odessa province, roughly one fourth of the 900 school-age Roma children did not attend school, in keeping with their parents' wishes. As a result, the Government had concluded that it had not done enough to raise awareness among Roma parents. Efforts by the Government to attract Roma adults to university teaching programmes had also been unsuccessful. Roma students had been awarded grants without having to pass entrance exams, yet for a number of reasons characteristic of their nationality, very few had finished the course. The Government had recently been working with a number of international organizations to draw on the

experience of European Union and other countries in dealing with such problems. In December 2009, a conference on consolidating Roma organizations had been held, and a draft programme to provide support to the Roma in Ukraine for the period 2010–2015 had been drafted and was currently under consideration by the Government. Moreover, a council of heads of educational programmes for national minorities had been established in the Ministry of Education and Science which, at the request of Roma organizations, had included a number of Roma representatives. In short, while a number of problems remained, the Government was taking steps to resolve issues relating to the situation of Roma women in Ukraine.

44. **Ms. Arocha Domínguez** said that female stereotypes constituted a major obstacle to the achievement of genuine equality for women in all spheres. Ukraine's periodic report provided descriptions of measures that had been adopted to address female stereotyping, but it did not provide enough information on the effectiveness of those measures. The report also mentioned a set of measures that had been taken by the media to enhance the image of women in Ukrainian society. Yet working at cross-purposes to such efforts were many advertisements that portrayed women as sexual objects. She asked whether the Government might consider ways of ensuring that a consistently positive image of women was maintained in the media. She requested additional information on the functioning of State mechanisms and commissions that had been established to monitor the appropriateness of public images.

45. Some women in Ukraine were subjected to multiple stereotyping, owing to their status as women in addition to their status as immigrants, persons with disabilities, older persons or persons with alternative sexual orientations. It was not sufficient to adopt legislation or introduce mechanisms unless such measures were supplemented by a comprehensive process that included education, training, awareness-raising and measures to ensure implementation by the Government and the population at large. She asked what steps the Government had envisaged for dealing with the phenomenon of female stereotyping and whether any programmes had been set up to address the needs of specific groups in that connection.

46. A number of recommendations made by the Human Rights Council following the universal periodic review of Ukraine in May 2008 had referred to the need to address xenophobic practices and racial discrimination, which could exacerbate the gender discrimination experienced by some women in Ukraine. She wondered whether a gender approach had been included in the programme established by Ukraine to comply with those recommendations.

47. **Ms. Ara Begum** said that despite the adoption of the Prevention of Domestic Violence Act, the number of persons listed in police files in connection with incidents of domestic violence appeared to have increased every year since 2005, and the vast majority of perpetrators of domestic violence were men. She requested information on the nature of those offences, including how many women had been killed by their partners and how many had been beaten or subjected to other forms of physical, verbal or psychological abuse during the period under consideration.

48. Given the State party's admission in its replies to the questions contained in the list of issues that fines were the most common form of administrative penalty imposed by the courts and that fines were largely ineffective in cases of domestic violence, she wondered whether the Government planned to amend its system of penalties in order to ensure justice for victims of domestic violence. She requested additional information on the occurrence of gender-based violence in the workplace, in prisons and against older women and women of various ethnic origins, especially Roma women.

49. She wished to know how easy it was for women, including older women and Roma women, to have access to the 30 crisis centres that had been set up for the social rehabilitation of domestic violence victims. She also wished to know whether the centres were equipped to provide both short-term shelter and longer-term rehabilitation for such victims.

50. **Ms. Hayashi** said that State policies and programmes did not appear to fully address all the forms of sexual and gender-based violence against women referred to in the Committee's general recommendation No. 19, which included violence perpetrated by public authorities in prisons and immigration holding centres.

51. She wished to know whether amendments had been made to the Prevention of Domestic Violence Act to restrict access to domestic violence crisis centres exclusively to women below the age of 35. She would also appreciate receiving more information on the type of assistance that was given to women who had been subjected to violence perpetrated by someone other than a family member.

52. With regard to the State party's legislation on rape, she asked whether the definition of rape contained in article 152 of the Criminal Code stipulated that the offence must entail the use of physical force and/or intimidation by the perpetrator. She also wished to know whether in practice women had access to the police and/or prosecutor's office, and whether law enforcement officers and legal personnel were given gender-sensitive training in preparation for receiving complaints from victims of sexual violence. She enquired how many women police officers were currently assigned to investigate sex offences against women and whether any temporary special measures had been taken to increase the number of policewomen assigned to cases of gender-based violence.

53. Other treaty bodies had recommended that the Government should ensure that prompt and effective investigations were made into ethnically motivated violence and discrimination against Roma, Jewish, African and Asian persons, and that it should provide information on human rights training for law enforcement personnel and on the investigation and prosecution of acts of violence by private individuals against ethnic, religious and linguistic minorities. She wished to know what action the Government had taken to give effect to those recommendations.

54. **Ms. Šimonović** said that it would be useful to have a copy of the text of the Equal Rights and Opportunities Act in order to determine the extent to which the definition of discrimination on the basis of sex contained in article 1 of that Act was in conformity with article 1 of the Convention. She would also appreciate receiving information on the specific amendments that had been made in 2008 to the Prevention of Domestic Violence Act. In particular, she wished to know the circumstances in which protection orders were warranted and to have statistical data concerning incidents of violence that had resulted in the murder of women by their partners. She further wished to know whether the Government studied such cases in order to identify measures that could be taken to prevent such deaths.

55. **The Chairperson**, speaking in her capacity as an expert, said that the State party had taken the first step towards addressing violence against women by recognizing its existence. Women played an important role in the development of a society, and Ukraine could not adequately solve its widespread problem of poverty, for example, without the help of women. She asked the State party to tell the Committee how it planned to go about changing female stereotypes. Religious leaders had a major role to play in that regard and could cooperate with civil society in changing perceptions and attitudes.

56. She encouraged Ukraine, if it had not already done so, to ratify the Convention on the Rights of Persons with Disabilities, since women with disabilities were subjected to stereotyping. In her view, judicial personnel should receive training that would enable them to protect women from discrimination during investigations and interrogations. She invited

the delegation to comment on the issue of sexual harassment in the workplace and on disturbing reports of women who had died of exhaustion as a result of forced labour.

57. **Ms. Pimentel** welcomed the fact that corporal punishment was prohibited in all settings in Ukraine and asked whether that prohibition was respected in practice. She wished to know whether there was an understanding of the perverse effects of early corporal punishment on the psychological, emotional and cognitive development of children, especially girls, as new scientific studies were revealing.

58. She requested additional information on the status of the “Stop violence!” campaign and enquired about the impact of the amendments to certain legislative provisions on the prevention of domestic violence, including the development of a correctional programme for offenders. She also wished to know whether the Ukrainian judicial system punished individuals found guilty of discrimination or violence against Roma women, women belonging to other ethnic minorities or homosexual women.

59. **Ms. Coker-Appiah** noted that a member of the Ukrainian delegation had referred earlier in the meeting to the failure of the Roma individuals to complete the university teaching course offered them as “characteristic of their nationality”. That statement reflected a regrettable stereotypical attitude towards the Roma on the part of the Government that prevented it from identifying the real issues and addressing them. The public attitudes displayed by the Government and its agencies had an impact on the population at large as well as on the Government’s ability to address the problems of the Roma population in Ukraine.

60. Although Ukraine had identified a number of ethnic groups in its core document, it had failed to give separate recognition to the Roma. Research carried out by the European Roma Rights Centre had shown that the lack of personal identity documents among the Roma in Ukraine was a serious problem because it prevented their access to such basic social services as health, education and housing. She asked what special measures the Government was taking to address those issues.

61. **Ms. Chutikul** sought clarification regarding articles 149 and 303 of the Ukrainian Criminal Code, which dealt with trafficking in persons. She enquired whether those articles contained the same definition of trafficking as that contained in the Optional Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. She requested the delegation to provide her with an English translation of the two articles, as that would enhance her understanding of them.

62. With regard to the drafting by the State party of a bill on human trafficking that would provide for victim protection, she asked whether the Government had taken into account the report prepared in 2002 by the Office of the United Nations High Commissioner for Human Rights (OHCHR) entitled “Recommended Principles and Guidelines on Human Rights and Human Trafficking”. She also wished to know when the bill was expected to become law.

63. Despite the fact that employment agencies were known to be among the main sources of forced or exploitative labour and exploitative prostitution, it appeared that the Ministry of Labour and Social Policy applied inadequate sanctions, such as revoking their commercial licences, when inspecting such businesses. Given that some of those businesses were involved in other fraudulent activities, such as the practice of debt bondage, she asked whether the legislation in force defined such practices as criminal offences and whether they were punishable by heavier penalties. Could other laws, such as the law to combat money-laundering, be used to punish human traffickers? It was not enough to revoke licences: such illicit businesses should be prosecuted.

64. She asked what arrangements for prevention or assistance — whether formal bilateral cooperation or other, informal arrangements — had been made with the Governments of the 11 countries of destination to which Ukrainian citizens were taken for the purposes of exploitation. She enquired how the Ukrainian Government planned in the long term to assume responsibility for the human and financial resources currently being provided by international organizations for the operation of shelters and rehabilitation centres for victims of trafficking. She requested clarification concerning the national referral mechanism for victims of trafficking and asked whether it was the same as the national mechanism that dealt with the return of victims.

65. **Ms. Popescu** wished to know the current status of the bill on compensation for harm suffered by victims of crimes of violence. There did not appear to be a genuine gender perspective in the State party's policies and institutions with respect to issues of violence and trafficking, despite the fact that women made up the majority of victims. She therefore appealed to the Government to focus on the special needs of women in the prevention of violence and trafficking as well as in the provision of assistance to women victims of those offences. She asked how the Government dealt with new forms of violence, such as female genital mutilation, that were brought to the country by immigrants, more than half of whom were women. She recalled that Ukraine, like all other States parties to the Convention, had a responsibility to ensure the protection of all women, irrespective of their status as citizens, stateless persons, migrants or refugees.

66. The Committee had received information to the effect that women victims of violence, and Roma women in particular, often refrained from complaining to the police because they risked being subjected to additional physical or verbal abuse or sexist attitudes. For that reason, it was important to train law enforcement personnel how to handle cases of violence and trafficking, and ideally, to train more women police officers to deal with such cases.

67. She asked whether the Interdepartmental Coordination Council to Combat Trafficking in Persons was merely an advisory body or whether it had decision-making power. It would be interesting to know whether the Government planned to set up a specialized agency, as many European countries had done, for both domestic violence and trafficking. She wished to know how the Ministry for the Family, Youth and Sports ensured the coordination of efforts to combat trafficking throughout the country. She noted that the bill on combating trafficking in persons and protecting victims did not appear to incorporate a gender perspective, despite the fact that most of the victims concerned were women or girls. Nor did the bill make any reference to the provision of shelters or specialized centres to provide victim assistance or to a body that would monitor the implementation of the eventual legislation.

68. **Mr. Yeresko** (Ukraine) said that Ukraine was faced with an enormous task when it came to combating stereotypes on the basis of gender, nationality and religion, an effort which required widespread public education and awareness-raising campaigns. In 2009 the Government had prepared a monograph on gender equality in the field of education, reviewing the efforts that had been made and identifying the work that remained to be done. It had established a council on ethnic minority issues, attached to President's Office, that was composed of representatives of all ethnic minorities, including the Roma.

69. After analysing State preschool, primary and secondary education standards, the Government had concluded that many instances of indirect discrimination could be found in curricula and textbooks, such as the fact that there were far more pictures of men than of women. The Government had set itself the task of changing State standards and norms for preschool and primary grades 1 to 4 by the end of 2010.

70. Referring to Roma children whose identity documents had been lost but who wished to enrol in school, he said that children who lost their documents were provided with duplicates so that there would be no obstacle to their enrolment – which in the fact the Government made every effort to promote. The Ministry of Education and Science had set up a programme to promote the integration in schools of children with specific physical or educational needs and children of various ethnic groups or faiths. Preschool enrolment was at the parents' discretion and was available in eight languages. The elementary education curriculum was taught in nine languages. In addition, language instruction was available on request in 19 minority languages, including Estonian, Turkish and German.

71. If instances of discrimination on the basis of ethnic affiliation actually occurred in work- or health-related matters, the Government would certainly take specific measures to deal with them. The Criminal Code defined as a punishable offence the use or the production of advertising that incited persons to violence. Amendments had been made to legislation to punish not only the preparation and dissemination of pornographic material but also its possession. Moreover, a national commission on the protection of public morals had been set up and was considering ways of eliminating the use of violent or pornographic materials in the media. Instances had been recorded of the rejection of certain advertisements because of their violent or erotic content. The relevant legislation was already in place, and efforts were being made to develop it further; however, the Government would welcome support from international organizations in those endeavours.

72. **Ms. Levchenko** (Ukraine) said that beginning in 2005, when the Ministry of Internal Affairs had begun to officially register cases of domestic violence, the number of registered complaints had been on the rise. That did not mean that the number of cases had increased but simply that more cases were being registered by law enforcement bodies. It also meant that more victims were willing to report such incidents to the police.

73. As to the use of fines as the primary penalty for domestic violence, certain members of Parliament had attempted to amend the law to eliminate the use of fines, but Parliament had ultimately decided to increase the fines. With regard to protection orders, given the relative scarcity of crisis centres and the fact that it was often difficult to isolate perpetrators, administrative detention could be ordered for a period of three to five days following the first offence, whereas previously it had been necessary to demonstrate the existence of a systematic pattern of violence. The main achievement of the amendments was the introduction of corrective programmes for offenders. Whereas previously all attention had tended to focus on the victim, currently there was a greater emphasis on dealing with the perpetrator of the violence. The Ministry for the Family, Youth and Sports, together with the Organization for Security and Co-operation in Europe (OSCE) and civil society, had jointly designed the first corrective programme, which had entered into force on 1 January 2010 and would be implemented by civil society organizations and State institutions. It was still too early, however, to discuss results.

74. Police statistics revealed four types of violence that were covered by the definitions provided under article 1 of the Prevention of Domestic Violence Act: physical, psychological, economic and social violence. There was no doubt that the main type of violence registered was physical, followed by psychological. The delegation would transmit additional statistics on that subject to the Committee at a later date.

75. In the past few years, the number of women in the police force had shown a positive trend, increasing from 17.5 per cent to 21 per cent. Some 11 per cent of senior police officers were women. Beginning in 2005, restrictions were no longer placed on the enrolment of women in police academies, and the Government in fact sought to increase the presence of women in law enforcement.

76. Article 150 of the Criminal Code prohibited and punished any form of physical punishment directed against children. A recent study had shown that more than 50 per cent of families still believed in administering corporal punishment to their children. Although those statistics placed Ukraine in the middle range of a group of comparison countries, corporal punishment was nevertheless perceived to be a problem by the Government. A programme to eliminate corporal punishment had been introduced, in accordance with the Council of Europe initiative against corporal punishment of children.

77. It was important to note that men, including many of Ukraine's leading figures in sports, politics and the arts, were taking part in the "Stop Violence!" campaign. It was hoped that their involvement would help efforts to change damaging female stereotypes.

78. **Ms. Lamakh** (Ukraine) said that neither older women nor rural women were turned away from rehabilitation centres for women victims of violence and trafficking. Every province had a centre that provided victims with the services of psychologists, legal experts and social workers who also worked with the victims' children, if appropriate. Moreover, a network of social organizations had entered into agreements with the centres to provide assistance to such women.

79. **Ms. Levchenko** (Ukraine) said that article 149 of the Criminal Code was aimed at combating trafficking in persons. According to the conclusions of national and international experts, it was close to being in conformity with article 3 of the Optional Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, which Ukraine had ratified in 2004. Article 303 of the Criminal Code dealt only with forced prostitution. Prostitution per se was not a crime in Ukraine.

80. The bill on trafficking did in fact provide for the organization of assistance to victims. In 2005, Ukraine had signed the Council of Europe Convention on Action against Trafficking in Human Beings, and the Ministry of Justice was currently preparing the instrument of ratification. Ukraine was also preparing to ratify the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

81. There appeared to be a misconception that the main conduit for trafficking in persons in Ukraine was State-licensed employment agencies, whereas in fact those agencies were rarely implicated in such offences. Rather, human trafficking was most often carried out through non-organized networks of sex industry intermediaries. However, the State did have cause to revoke the licences of certain employment agencies, and in the past few years licence revocations had led to a significant decrease in the number of agencies entitled to organize employment abroad for Ukrainian citizens. The licensing of marriage agencies was also an issue of concern, as such agencies were not currently required to be licensed. While the Ministry of Internal Affairs was of the view that there was a need to amend laws relating to entrepreneurial activity, there was currently much opposition to Government interference in the form of licensing, and the right to free enterprise conflicted with the right not to be subjected to trafficking.

82. Ukraine had concluded bilateral agreements with many States for the provision of assistance to Ukrainian citizens subjected to trafficking outside the country. Naturally, a large role in returning citizens from abroad was also played by Ukrainian foreign diplomatic and consular institutions. The national referral mechanism included interaction between State and civil society organizations, at both the national and international levels. Social assistance was channelled mainly through the International Organization for Migration (IOM) and civil society organizations. Moreover, Ukraine was an observer member of a regional organization to combat trafficking in southern and eastern European countries, and it also cooperated with the European Law Enforcement Agency (Europol).

The bill on compensation for harm suffered by victims of crimes of violence had been approved on first reading but had not yet been adopted.

83. **Ms. Lamakh** (Ukraine) said that in 2009 the Ministry of Labour and Social Policy had carried out an inspection of commercial licences. Some 194 inspection had been carried out, with 49 licenses revoked.

84. The Department for the Enforcement of Penalties had concluded an agreement with NGOs for the provision of assistance to women in prisons, particularly women who were serving their sentences with their children aged three years or younger. Ongoing seminars on gender issues and the prevention of violence were offered to prison staff, and social services helped women prisoners to remain in regular contact with their families. All staff were required to receive training in gender and violence-prevention issues. Training institutions and technical colleges also taught courses on gender issues and violence prevention that were mandatory for all students.

85. **Ms. Kobelianska** (Ukraine), addressing the issue of stereotyping, said that Ukraine was developing a special gender education programme that provided for the preparation of separate gender equality manuals for teachers and schoolchildren. A mandatory course had been introduced in all teacher training colleges as a means of preventing the transmission of stereotypical attitudes to children by teachers. The “Stop Violence!” campaign also provided for a number of special measures aimed at improving the image of women. Men were also participating actively in efforts to change stereotyped roles, and the issue of granting paternity leave was under consideration by the Government.

The meeting rose at 1.05 p.m.