



Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
9 February 2010

Original: English

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

Summary record of the 910th meeting

Held at the Palais des Nations, Geneva, on Thursday, 21 January 2010, at 3 p.m.

Chairperson: Ms. Gabr

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The meeting was called to order at 3.05 p.m.

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

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

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

Articles 7 to 9

2. **Ms. Neubauer**, referring to the State party's efforts to establish electoral gender quotas, expressed concern that the low threshold for women in the proposed bill was not in line with the principle of equal representation for men and women, and might limit any further increase in the number of women candidates. She asked whether any initiatives were planned to introduce temporary special measures to increase women's representation in local assemblies as well as in government advisory and working bodies and the diplomatic service. She requested additional information on recent measures taken to address the issue of the underrepresentation of women in decision-making and high-level managerial bodies in public, political and judicial institutions.

3. **Ms. Murillo de la Vega** commended the delegation for its frank assessment of the challenges facing Ukraine and asked for further details concerning the role and effectiveness of the units with responsibility for gender issues established within various ministries and departments, as well as the rank of the civil servants staffing them. With regard to the issue of women's underrepresentation in elected bodies, she wished to know whether amendments to electoral law were envisaged and whether women's non-governmental organizations (NGOs) would be able to conduct awareness-raising activities with financial support from the Government. Lastly, she expressed concern at the underrepresentation of women in the highest levels of government and noted that high levels of equality went hand in hand with high levels of progress.

4. **The Chairperson**, speaking in her capacity as an expert, said that the status of women in a country, the positive or negative image they enjoyed and their level of education were all reflected in the levels of their political participation. It was therefore worrying to note that some electoral lists included no women candidates, and she urged the State party to consider temporary special measures to address that issue. She, too, wished to know about the progress of the bill aimed at establishing a minimum quota of women in Parliament. Lastly, she drew attention to the figures provided on the number of women employed in the diplomatic service and asked how many top-ranking posts were held by women.

5. **Ms. Kobelianska** (Ukraine) welcomed the questions raised concerning the bill aimed at increasing women's political participation and assured the Committee that the delegation would convey its concerns to the Government. With respect to the level of women's representation in government, she said that the latest figures showed that 15 per cent of the highest level posts and 20 per cent of second-tier posts were occupied by women. Acknowledging that those figures were still insufficient, she said that further steps would be taken to address that issue.

6. On the subject of the civil service, she said that a special decree regulated recruitment on the basis of gender parity and that competitive examinations generally included questions related to gender equality. Reforms in that area would take time to bear fruit, but she hoped that it would be possible to report on progress in the near future.

7. While women's political participation in rural areas was almost equal to that of men, she recognized that gender parity at the national level would not be achieved without amendments to electoral law. Although the current political situation in Ukraine meant that progress in that regard was slow, she looked forward to positive developments once the forthcoming elections were over.

8. **Ms. Lamakh** (Ukraine) said that, in addition to a gender equality component in civil service examinations at both the regional and national levels, ongoing training in issues of gender parity was also provided for all civil servants within the Ministry for the Family, Youth and Sports. Moreover, every effort was made to ensure the success of information campaigns through the involvement of the Council of Ministers, Parliament and all ministries.

9. **Mr. Maimeskul** (Ukraine), acknowledging the importance of gender parity in the diplomatic service and international organizations, said that following the adoption of the Diplomatic Service Act in 2002, the proportion of women holding posts had risen steadily from the previous figure of 3 per cent to 20 per cent at the end of 2009. Turning to the question of representation in international organizations, he pointed out that it was an issue that did not depend solely on Ukraine. Previously, recruitment had taken place on the principle of secondment, but current practice was to appoint staff on a competitive basis, taking into account such factors as geographical distribution, skills and knowledge of languages. Women from Ukraine took part in those competitions and occupied posts in a wide range of international bodies.

Articles 10 to 14

10. **Ms. Bailey** welcomed the State party's efforts to promote gender equality in the field of education. She was nevertheless concerned that some issues raised by the Committee had not been adequately covered in the State party's written replies, and she would therefore welcome clarification of certain points.

11. One threat to maintaining gender equality in education, particularly in higher education, was the increase in the number of fee-paying students, which was leading to a gender imbalance in favour of males in subjects traditionally considered to be women's disciplines. The State party had acknowledged in its report that increasing fees for primary and secondary education might lead parents influenced by traditional gender stereotypes to pay for additional lessons for boys rather than for girls. She asked what was being done to ensure that girls were not being disadvantaged at all levels of the education system and that the development of their human capital and economic activity was not being curtailed through systemic gender imbalance.

12. Turning to the question of the stereotypical representation of women in educational materials, she enquired whether the initiative to remove such stereotypes from preschool materials would be extended to teaching resources for the primary and secondary levels.

13. Given that differentiated approaches to the education of boys and girls were reinforced by patriarchal attitudes common within the predominantly female teaching profession, she wished to know whether mandatory courses on gender were contemplated for all introductory teacher-training programmes. Such entrenched attitudes also perpetuated women's domestic and economic subordination, and she wondered whether measures were being taken to address the issue in those spheres.

14. The State party had made no mention in its report of Roma women's access to education, but information reaching the Committee suggested that a number of barriers existed. She invited the delegation to comment on that matter.

15. **Ms. Patten** commended the Government on its efforts to improve women's situation in the labour market and asked whether the bill amending the Employment Act had been adopted. She also wished to know how employment legislation was implemented in the private sector, whether women were really made aware of their rights and how many labour complaints had been registered. She asked what the role of the Office of the Procurator General and local procurators was in ensuring compliance with employment legislation.

16. She drew attention to article 17 of the Sexual Harassment (Prohibition) Act and asked whether a review of the definition of sexual harassment was contemplated with a view to having it cover situations of a sexual nature that created a hostile working environment. She recalled that the International Labour Organization (ILO) Committee of Experts on the Application of Conventions and Recommendations had previously recommended that the State party should consider such an amendment.

17. The Committee had received information indicating that employers had obstructed the activities of independent trade unions. She therefore asked the delegation to provide data on the number of women trade union leaders and to indicate the measures taken to guarantee the freedom to form and join trade unions. She noted that the issue had also been raised by the Committee on Economic, Social and Cultural Rights.

18. The Committee had also received reports indicating that employment discrimination against Roma women was widespread. Accordingly, she asked the State party to provide information in its next periodic report on measures taken to combat such discrimination.

19. She recalled that the Committee had expressed concerns in the concluding observations it had issued following its consideration of Ukraine's combined fourth and fifth periodic reports regarding protective labour laws that restricted women's participation in the labour market. She wondered whether the Government planned to denounce the ILO Convention concerning the Employment of Women on Underground Work in Mines of All Kinds (No. 45) and whether it was considering ratifying the ILO Convention concerning Safety and Health in Mines (No. 176) in order not to infringe women's right to equality of opportunity and treatment.

20. **Mr. Bruun** welcomed the State party's efforts to improve equal employment opportunities for women but said that he was nevertheless concerned that the principle of equal pay for work of equal value did not seem to be fully implemented in legislation. He wondered what steps were being taken to address the issue, particularly as large gender wage and unemployment differentials unfavourable to women still existed in Ukraine. As it was unclear what legislative sanctions were available to address that problem, he would like additional information on that matter.

21. With respect to the decrease in the number of preschool institutions observed during the reporting period, he wished to know what steps were being taken to improve the situation. The Committee had also received reports suggesting that child labour was a problem in the State party, and he would be grateful if the delegation could provide information on that matter as well.

22. **Ms. Murillo de la Vega**, addressing the issue of employment, said that women should not be treated as a minority group requiring social protection, particularly as the female population of Ukraine taken as a percentage of the total was one of the largest in Europe. For that reason, the establishment of quotas for women with children under the age of 6 and for single mothers in order to address the underrepresentation of mothers in the workplace was not the right approach. Furthermore, while the Equal Rights and Opportunities Act addressed all the relevant issues, it did not specify which section of the Government was responsible for enforcement of the measures it set out and was thus more a plan of action giving recommendations than a law stipulating responsibilities. The absence of sanctions for non-compliance reinforced that interpretation.

23. While Ukrainian women had worked in all sectors of the economy for generations, the rampant inflation and economic adjustments that had followed the collapse of the Soviet Union had resulted in a loss of human capital and opportunities for women. That situation must be addressed, but not through quotas. Lastly, she enquired about the application of legislation on collective agreements.

24. **Ms. Rasekh**, referring to article 12, welcomed the funding allocated for HIV/AIDS programmes but expressed some concern that those programmes appeared to focus on screening, antiretroviral therapy and the prevention of mother-to-child transmission, to the exclusion of specific programmes to prevent the spread of HIV among women. She would therefore like to know whether the Government was taking steps to raise awareness of safe sex and condom usage and whether, in view of the high HIV/AIDS mortality rate, it had developed a coordinated policy for combating HIV/AIDS that included specific education, prevention and treatment programmes for women and girls. She also asked for details of its strategy for combating discrimination against sex workers and other women affected by HIV/AIDS.

25. Noting that unwanted pregnancies and abortion were reportedly a cause of high mortality among young women, she asked the State party to indicate the percentage of women who died from unsafe terminations, what measures had been taken to prevent such deaths and the percentage of women who received treatment from licensed physicians in licensed facilities. She also requested details of the specific measures to encourage responsible parenting and reduce unwanted pregnancies that had been established in the amendment to the Civil Code referred to on page 65 of the report.

26. With regard to rural women, she asked whether fixed centres providing basic health-care services on a permanent basis existed in rural areas in addition to the mobile units for pregnant women mentioned in the report. Noting that the State party recognized the need for gender-differentiated policies coordinated at the regional and national levels, she asked what obstacles the Government faced in elaborating and implementing a coordinated national policy and how it planned to overcome them.

27. **Ms. Ara Begum** requested information on measures taken by the Government to reduce alcohol and tobacco consumption among women. She also wished to know about measures to ensure adequate, free health care for Roma and other minority women in isolated areas, particularly during pregnancy, and about efforts to eradicate tuberculosis in those communities. Given that average female life expectancy in Ukraine was over 70 years, she wondered whether older and disabled women were guaranteed free or affordable health care to ensure their continued well-being and whether the State party had sufficient doctors with experience in geriatrics.

28. **Ms. Pimentel** expressed astonishment that 92 per cent of unwanted pregnancies ended in artificial interruptions. That situation was extremely worrying, especially since terminations were frequently associated with subsequent reproductive disorders and pregnancy complications. The continued prevalence of traditional, unreliable methods of contraception despite the availability of modern methods was another matter of concern. Given that insufficient procurement by the State had obstructed implementation of Cabinet Instruction No. 1303 of 1998, which mandated the free supply of contraceptives to all women in certain risk groups, she asked whether the State party had analysed alternative means of providing contraception with a view to reducing the early termination rate.

29. **Ms. Zou Xiaoqiao**, speaking with reference to article 13, asked what steps the Government was taking to help women obtain credit, since it acknowledged that although the regulations governing loans did not reflect any specific gender-based discrimination, women's lack of income meant that they rarely qualified for loans. As opportunities for business creation by women were further restricted by a lack of Government and NGO

support mechanisms, complex registration procedures and a paucity of information and incentives for female entrepreneurs, she also wished to know whether the Government planned to simplify registration and improve the quality and availability of business information for women, especially in rural areas. Lastly, she sought an explanation of the reported 21 per cent increase in the number of regions without libraries.

30. **Ms. Bailey** expressed concern that the childcare and pregnancy support available to poor families and single mothers under the Families with Children Act was not being effectively distributed. In principle, benefits were distributed at women's main place of work, yet in practice, employers often sought to avoid payment, being unaware that the grants were State-funded. She therefore wished to know how the Government was addressing that problem. She was also concerned that, while undoubtedly beneficial, such grants could contribute to discrimination by reinforcing the notion that childcare was primarily a woman's responsibility. She asked whether any free or subsidized childcare network existed in the public or private sector; education on gender equality and women's rights was not enough if it was not supported by the parallel arrangements necessary to enable women to enjoy those rights.

31. **Ms. Patten** recalled the State party's obligation under article 14 to take account of the problems faced by rural women and urged it to provide specific information on the situation of rural women in its next report. She expressed concern that the rural health-care system was underfunded and asked what measures had been taken to address disparities in the quality of and access to health-care services between rural and urban areas, including efforts to strengthen mobile and community-based services. It appeared that an exceptionally high proportion of vulnerable women in remote areas, including Roma women, lived below the official poverty line; she therefore wished to know whether the country's poverty eradication strategy accorded specific attention to those groups. Lastly, she asked how the Government was addressing the difficulties rural women faced in gaining access to the formal labour market, which were compounded by women's limited access to credit.

32. **Ms. Zou Xiaoqiao** commended the Government's efforts to draw up a detailed plan for the implementation of article 14 but said she was disappointed that the report did not comment on the outcome of the plan's implementation. For example, the report mentioned that modern paediatric and maternity equipment had been installed in rural medical facilities under the Interdepartmental Programme for rural women, but it provided no information on the resultant benefits. Without proper evaluation and monitoring, the value of such programmes was negated.

33. **Mr. Maimeskul** (Ukraine) said that while his delegation would endeavour to group and respond to the Committee's questions in the remaining minutes of the meeting, most of the questions would be addressed in written form in Ukraine's next periodic report.

34. **Ms. Lamakh** (Ukraine), responding to questions about education, said she was pleased to report that certain improvements had become apparent since the preparation of the report. Preschool attendance was back at the 1990 level of 57 per cent. While that figure was still below the desired level, 100 new preschool facilities had been opened in the past year that, together with a new scheme giving children under 6 the chance of brief stays in primary schools, would extend preschool coverage to about 80 per cent of the population, considerably facilitating women's situation. The State also continued to work with parents to address gender-stereotyping and implant the notion of responsible fatherhood.

35. With regard to secondary education, she said that an international study had confirmed that education and knowledge levels among boys and girls were broadly similar. While that did not mean that hidden discrimination did not exist in teaching materials, the

State was working to improve standards and was conducting reviews every 10 years, with the next review scheduled to take place in 2014.

36. With regard to higher education, she wished to address the question raised in the list of issues about the commercial nature of Ukraine's colleges. Fee-paying private colleges accounted for only 18 per cent of the student population. In State-funded higher education, girls accounted for 63 per cent of all students in the humanities, 78.8 per cent in the social sciences, 64 per cent in business and law, 64.5 per cent in international relations, 80 per cent in journalism, over 60 per cent in natural sciences, 64 per cent in biotechnologies, 30 per cent in construction and architecture, 75 per cent in services, 80 per cent in health studies, 10 per cent in military education and 25 per cent in safety and security. With regard to the disparity between rural and urban enrolment figures, she said that enrolment in higher educational institutions was based on independent, competitive examinations that were similar for all applicants, and statistics confirmed that standards in rural areas were equivalent to standards in cities.

37. To improve gender education, several manuals had been prepared for students in secondary and higher education, although she acknowledged that certain institutions had no mandatory courses on gender equality, in contravention of national legislation. Ukraine was making a particular effort to overcome patriarchal approaches in teacher training facilities. Lastly, she noted that figures for students in doctoral programmes showed only very minor differences in male and female representation, with women often outnumbering men.

38. **Ms. Levchenko** (Ukraine) said that the State party had the highest rate of HIV/AIDS infections in Europe. In response to that situation a coordinating council had been created, chaired by the Deputy Prime Minister and comprised of representatives from government ministries, international organizations and civil society. A similar council had also been set up within the Ministry of Education and Science. Ukraine had participated in a conference organized by the Nordic Forum on HIV/AIDS prevention and had worked with a number of stakeholders, including the Global Fund to fight AIDS, Tuberculosis and Malaria, and United Nations Children's Fund (UNICEF), to prepare and implement education training programmes.

39. Concern had been expressed about the high percentage of terminations of unwanted pregnancies; she wished to inform the Committee that that issue was addressed in the Health of the Nation programme, which would run until 2012. In addition, mandatory courses in reproductive and sexual health had been introduced in schools in 2005, with manuals produced for both girls and boys.

40. **Ms. Lamakh** (Ukraine) said that the Office of the Procurator General, along with trade unions, had responsibility for monitoring women's enjoyment of their labour rights. As trade unions in Ukraine were independent, her delegation had no information on how inspections were carried out or on the pressure exerted on trade unions by employers.

41. Under the Labour Code, women could not be refused work or have their salaries reduced because of pregnancy or motherhood. No information was available on cases of discrimination against single mothers, but she emphasized that they were afforded extra protection under Ukrainian legislation.

42. In 2009, labour inspections had been carried out in 1,700 businesses, 96 of which had been found to be in violation of labour legislation. A total of 620 cases had been brought before the judiciary by labour inspectors, and she assured the Committee that thorough investigations would be carried out and corresponding penalties applied.

43. With regard to unemployed women, including rural women, she said that employment centres existed throughout the country to help both women and men find employment. They also offered a "one-stop shop" where anyone, including women from

minority groups and rural areas, could register a new business for free through a simplified procedure and also apply for credit. Training and assistance that took family commitments into account were also available for women returning to work after prolonged absences.

44. Social support centres existed in all cities, providing material support and assistance to all women, particularly those with disabilities. Family support centres throughout the country dealt with elderly women and women in rural areas.

45. With regard to medical assistance, particularly for women suffering from breast cancer, she said that all regions had specialist facilities and that fully equipped mobile clinics visited rural areas regularly. Regional programmes had been set up to provide biannual mandatory mammograms.

46. She stressed that there were no instances of women giving birth or undergoing abortions in unusual or unsanitary conditions and that unqualified individuals were prohibited from providing such medical services. Rural maternity wards had also been set up. Since 2009, hospitals had been equipped with a special window where unwanted babies could be left anonymously.

47. **Ms. Levchenko** (Ukraine), replying to questions regarding legislative changes in the definition of sexual harassment, said that Parliament had prepared a bill proposing such changes, and she hoped that by the time Ukraine submitted its next periodic report those changes would have become effective.

48. Child labour was a serious problem in Ukraine, which had been participating in the ILO International Programme on the Elimination of Child Labour (IPEC) for the last 10 years. The Ministry of Labour and Social Policy, in conjunction with the Ministry of Education and Science, had set up special child labour monitoring groups in a number of regions and produced materials for teachers and psychologists. Ukraine had also adopted a national plan of action to implement the United Nations Convention on the Rights of the Child before 2016.

49. With regard to sex workers, she noted that article 303 of the Criminal Code had been modified to comply with the United Nations Convention against Transnational Organized Crime and collaboration with the Ministry of Health had been improved since 2001.

50. **Ms. Halperin-Kaddari** noted with approval that any property acquired during marriage was considered by law as belonging to both spouses. However, she expressed concern that such property might be registered as belonging to a member of the extended family. She asked if the delegation was aware of any such cases, to explain what protection was afforded to safeguard women's rights in such cases and to clarify whether the definition of property included pension and other financial rights.

51. She expressed concern that the pictures used in the "Stop Violence!" campaign carried out in Ukraine as part of the United Nations campaign to end violence against women depicted only sections of a woman's body and thus demeaned women as human beings. Moreover, it was possible that the pictures could be considered erotic. She suggested that the delegation should consider using other pictures.

52. **Ms. Levchenko** (Ukraine) said that the Government was conducting a study to determine what legislative changes would be required to address the discrepancy in the marriageable ages for men (18 years) and women (17 years). The Family Code of 2004 recognized both civil and religious unions, providing equal rights to both partners with respect to children and property. Since 2004, legal marriage contracts had been available which established percentages to be applied in the division of assets, particularly property, in cases of divorce, thereby protecting women's rights.

53. She took note of the Committee's concern with regard to the pictures used in the "Stop Violence!" campaign but pointed out that they had been analysed by national and international experts, psychologists and lawyers. Nevertheless, the Committee's opinion on such matters would be taken into account in the future.

54. **Ms. Popescu** asked for information on the impact of the global financial crisis on women and poverty levels, given the feminization of poverty highlighted in the State party's previous report.

55. She noted that the current report indicated that the "main causes of female deaths are nervous and physical exhaustion". She asked the delegation to explain that statement and to provide further information on the main diseases affecting women.

56. **Ms. Pimental** concurred with Ms. Halperin-Kaddari regarding the photographs used in the "Stop Violence!" campaign and stressed the need for sensitivity in addressing the issue of domestic violence.

57. **Ms. Šimonović** noted that both the Human Rights Committee and the Committee on Economic, Social and Cultural Rights had expressed concern that individuals over the age of 35 years were not eligible for assistance in Ukrainian crisis centres and asked for further clarification of that situation.

58. She had been one of the experts who had worked on the posters for the "Stop Violence!" campaign, which did not differ greatly from those used in anti-domestic violence campaigns in other countries. She believed that the pictures in question were thought-provoking and expressed their message clearly.

59. **Ms. Lamakh** (Ukraine) said that the delay in the adoption of the bill on quotas to ensure gender equality in political life was largely the result of parliamentarians' refusal to discuss the issue. NGOs, in particular women's organizations, had been lobbying strongly and had organized seminars on gender parity with national and regional political party members. High-level discussions were under way to ensure that the legislation was adopted as soon as possible.

60. The human trafficking bill, which was another priority, was currently being reviewed by the executive, after which it would be submitted to the Cabinet and then to Parliament. Until 2009, monitoring of human trafficking had been carried out mainly by international organizations, NGOs and independent organizations, with reports sent back to the Ministry for the Family, Youth and Sports. It was true that financing for support programmes for trafficking victims was inadequate. However, funds were to be made available at the regional level in the future.

61. **Mr. Maimeskul** (Ukraine) said that Parliament would consider the Committee's recommendations in the spring, and the measures to be taken in response to those recommendations would be included in the draft State programme for 2011–2015, which was currently being prepared.

62. **The Chairperson** thanked the State party delegation for attending the meeting despite the difficulties posed by the country's current political and financial situation, and expressed the hope that the proposed legislation affecting women that had been discussed at the meeting, particularly the bill on quotas, would be adopted and implemented as soon as possible.

The meeting rose at 5 p.m.