

# Combined fourth and fifth periodic report

## Ukraine

(27<sup>th</sup> session)

262. The Committee considered the combined fourth and fifth periodic report of Ukraine (CEDAW/C/UKR/4-5 and Corr.1) at its 555th and 556th meetings, on 6 June 2002 (see CEDAW/C/SR.555 and 556).

### *Introduction by the State party*

263. In introducing the report, the representative of Ukraine informed the Committee that although Ukraine was a young State, formed only in 1991 when it seceded from the Union of Soviet Socialist Republics, during its first decade an important democratic structure had been developed, which constituted the basis for the promotion of gender equality. In 1996, Ukraine adopted a constitution that embodied the principle of the equal rights of men and women, based on the view that all people were equal in their dignity.

264. The representative informed the Committee that a Ministry of Family and Youth had been established in 1996 to implement the State policy on the family, women, young people and children. The Ministry had prepared legislation to comply with general human rights standards. In 1997, a National Plan of Action for the years 1997-2000 was launched by the Cabinet of Ministers of Ukraine, aimed at improving the situation of women and expanding their role in society. In 1999, the Verhova Rada (Parliament) adopted a declaration on general principles of State policy concerning the family and women, which provided for the enhancement of women's role in the economic, political, social, cultural and spiritual life of the country. In 2001, a family code on the equal rights and duties of women and men vis-à-vis family matters was endorsed, and a new National Plan of Action for the years 2001-2005 was adopted.

265. The representative informed the Committee of the increase in the number and impact of non-governmental organizations (NGOs) and women's groups in Ukraine over the last five years. During this period, the number of national and international NGOs had increased threefold and, to strengthen the links between the Government and NGOs, the National Council of Women of Ukraine had been created. The women's movement had become very active, particularly regarding activities related to education on gender issues to combat social and cultural stereotypes. The representative pointed out, however, that difficulties had been encountered in eliminating stereotypes and ensuring gender equality at a time when Ukraine was experiencing serious economic problems resulting from the transition from a State-controlled to a free market economy.

266. The representative informed the Committee of the situation of women in the fields of education, employment and health. She noted that women and men had equal access to education, as guaranteed by the Constitution. During 2000-2001, girls constituted 49 per cent of pupils in schools and over half of the students in higher education; in addition, 48 per cent of students seeking doctorates were women. However, despite women's high qualifications, the job market continued to be segregated. Women were mainly employed in the education, health, culture and service sectors, where salaries were lower. Overall, women's salaries were 73 per cent of those of men's. The Government was trying to remedy the horizontal segregation of the labour market through its National Plan of Action, with mandatory social insurance for the unemployed. Measures had been taken to provide allowances to facilitate job creation, while jobs had been set aside to assist sectors of the population that needed special protection, including women with children

below six years of age or single mothers with children below 14 years of age. The representative informed the Committee that the Constitution provided for free health assistance as well as for measures to assist pregnant women. She noted the remarkable improvement achieved in the rate of maternal mortality, which had dropped from 34 deaths per 100,000 women in 1996 to 25 deaths per 100,000 women in 2000. During the same period, the number of abortions had also declined by one third.

267. In the 2002 elections, the number of women in local government had risen by up to 50 per cent. However, the number of women in Parliament remained low, at 5.1 per cent, while in the central organ of the executive branch, women occupied only 6 per cent of high-level posts. Political life remained largely male-dominated. Women were excluded from the centres of power and did not participate in the decision-making processes of resource allocation and management. In order to guarantee equal opportunities for women and men in political life, in 1999, a bill on State guarantees of equal rights and opportunities was proposed, which was to be considered for adoption by the new Parliament.

268. The representative informed the Committee that the Government was paying serious attention to the issue of violence against women, including domestic violence, sexual exploitation and sexual harassment. In 2001, the Act on the Prevention of Domestic Violence had been adopted. In addition, crisis centres and shelters had been set up for the social rehabilitation of women and children victims of violence. In order to combat trafficking in women and children, the Government had acceded to various international conventions to prevent trafficking and, in May 2002, had adopted a comprehensive programme against trafficking for the years 2002-2005, focused on three areas: prevention of trade in persons; prosecution; and rehabilitation.

269. Measures had been taken by Ukraine to maintain peace among the 130 nationalities coexisting in the State. Ethnic groups were protected by legal and normative instruments, including the Convention on the Protection of National Minorities, ratified in 1997.

270. In concluding, the representative noted that Ukraine had made steady progress towards achieving gender equality and advancing the status of women, particularly since 1996 when the Committee considered Ukraine's third periodic report and made valuable recommendations that had helped to create the conditions for women's empowerment. In order to accelerate progress on promoting gender equality, however, Ukraine would need to mobilize national resources. The representative also acknowledged the importance of the support provided by international organizations, including the United Nations system, for the promotion of equality between women and men in Ukraine.

#### *Concluding comments of the Committee*

##### *Introduction*

271. The Committee expresses its appreciation to the State party for submitting its combined fourth and fifth periodic report, which generally follows the Committee's guidelines for the preparation of periodic reports. It commends the State party for the written replies to the issues raised by the pre-session working group and the State party's oral presentation, which provided additional information on the current situation of the implementation of the Convention in Ukraine. The Committee commends the State party on its delegation, headed by the Head of the State Committee for Family and Youth Affairs.

272. The Committee notes that governmental action, in particular the National Plan of Action to improve the situation of women, is placed within the context of the implementation of the Beijing Platform for Action.

*Positive aspects*

273. The Committee notes with satisfaction that the Convention is incorporated into Ukrainian law and has precedence over conflicting national legislation.

274. The Committee welcomes the range of laws and programmes that have been introduced, including the law on the prevention of domestic violence, the criminal law that makes trafficking in persons a criminal offence and the new family code, as well as other efforts undertaken to improve the situation of women and promote gender equality, such as the elaboration of a draft law on equal opportunities.

275. The Committee expresses its satisfaction with the presence of an increasingly active civil society on women's issues in Ukraine, including many women's political parties. The Committee also commends the State party's recognition of the important role of the large number of NGOs working on women's issues.

276. The Committee notes with satisfaction the high level of women's educational achievement and the increase in the number of women in local government in some regions.

*Principal areas of concern and recommendations*

277. The Committee is concerned that there is still a lack of familiarity with the Convention and the opportunities for its application, including among the judiciary, law enforcement personnel and women themselves.

**278. The Committee recommends the introduction of education and training programmes on the Convention, in particular for judges, lawyers and law enforcement personnel. It recommends that awareness-raising campaigns targeted at women be undertaken so that women can avail themselves of legal remedies for violations of their rights under the Convention. The Committee invites the State party to provide, in its next report, information about complaints filed in courts based on the Convention, as well as any court decisions that refer to the Convention.**

279. The Committee is concerned at the apparent lack of understanding of discrimination against women as a multifaceted phenomenon that entails indirect and unintentional as well as direct and intentional discrimination. This understanding is a prerequisite for the effective elimination of both de jure and de facto discrimination against women.

**280. The Committee recommends that policies and efforts be directed at countering both direct and indirect discrimination against women.**

281. The Committee expresses concern that, although the Convention is incorporated in domestic law and the Constitution provides for the equality of all citizens, Ukrainian law does not contain a specific definition of discrimination against women and does not provide effective enforcement procedures or remedies. The Committee is concerned that it did not receive sufficient information regarding the content of the draft law on equal opportunities.

**282. The Committee recommends that the State party include in its legislation a definition of discrimination, enforcement procedures and remedies for violations of women's rights under the Convention. It also recommends the inclusion of a provision allowing the adoption of temporary special measures in accordance with article 4, paragraph 1, of the Convention.**

283. The Committee expresses its concern that the national machinery for the advancement of women does not have sufficient power and visibility or financial and human resources to effectively promote the advancement of women and gender equality.

**284. The Committee recommends that the State party strengthen the existing national machinery in order to make it more effective by providing it with adequate human and financial resources at all levels and enhancing coordination among the existing mechanisms for the advancement of women and the promotion of gender equality.**

285. While recognizing that the number of women elected to office in local government has increased in some regions, the Committee is concerned about the low representation of women in high-level elected and appointed bodies, including as members of Parliament, of which only 5 per cent are women, as high-ranking officials within the executive branch, where women occupy only 6 per cent of posts, and within the state administrations and civil and diplomatic service.

**286. The Committee urges the State party to take measures to increase the representation of women in elected and appointed bodies through, inter alia, the implementation of temporary special measures, in accordance with article 4, paragraph 1, of the Convention, in order to realize women's right to participation in all areas of public life and, particularly, at high levels of decision-making. The Committee recommends that the State party strengthen its efforts in offering or supporting training programmes for current and future women leaders and carry out awareness-raising campaigns regarding the importance of women's participation in political decision-making.**

287. Recognizing the efforts made by the State party to address the issue of trafficking in women and girls, including the criminal law provision against trafficking in persons, the Committee notes with concern that the extent of this problem is not reflected in the information provided in the report. It notes with concern that there is still not enough information on the subject or a comprehensive policy to address the problem.

**288. The Committee urges the State party to make the issue of trafficking in women and girls a high priority and to include in its next report comprehensive information and data on the issue and on progress made in this area. It recommends the formulation of a comprehensive strategy to combat trafficking in women and girls, including within the territory of the State party, which should include the prosecution and punishment of offenders and increased international, regional and bilateral cooperation with other countries of origin, transit and destination of trafficked women and girls. It recommends the introduction of measures aimed at improving the economic situation of women so as to eliminate their vulnerability to traffickers, education initiatives for vulnerable groups, including teenage girls, as well as social support, rehabilitation and reintegration measures for women and girls who have been victims of trafficking. It calls on the State party to ensure that trafficked women and girls have the support they need so that they can provide testimony against their traffickers. It urges that training of border police and law enforcement officials provide them with the requisite skills to recognize and provide support to victims of trafficking.**

289. The Committee expresses its concern about the status of women's health, especially their reproductive health. The Committee is concerned about the high number of abortions and the fact that the maternal and child mortality rates remain high. It is also concerned about the undernutrition of women, as well as iodine deficiency and other diseases among women. The Committee is concerned about the insufficiency of attention to tobacco addiction and alcoholism among women.

**290. The Committee draws attention to its general recommendation No. 24 on women and health and recommends comprehensive research into the specific health needs of women, including their reproductive health, the full implementation of a life-cycle approach to women's health, the financial and organizational strengthening of family planning**

**programmes and the provision of wide access to contraceptives for all women and men. The Committee urges the State party to reinforce programmes of sexual and reproductive education for both girls and boys in order to foster responsible sexual behaviour and further discourage abortion as a means of birth control. The Committee requests more information on the prevalence of, and measures taken against, alcoholism and tobacco consumption among women.**

291. While welcoming the measures taken to combat violence against women, including the adoption of the law on the prevention of domestic violence, the inclusion of the issue under the National Plan of Action, and the fact that marital rape can be prosecuted under the Criminal Code of Ukraine, the Committee is concerned about the prevalence of violence against women and girls, including domestic violence.

**292. The Committee urges the State party to place high priority on comprehensive measures to address violence against women in the family and in society. The Committee calls upon the State party to ensure that such violence is prosecuted and punished with the required seriousness and speed, and that women victims of violence have immediate means of redress and protection. It recommends that measures be taken to provide shelters for women victims of violence and to ensure that public officials, especially law enforcement officials, the judiciary, health-care providers and social workers, are fully sensitized to all forms of violence against women. The Committee invites the State party to undertake awareness-raising measures, including a campaign of zero tolerance, to make such violence socially and morally unacceptable.**

293. While noting with appreciation the high level of education among women, the Committee expresses its concern about the situation of women in the labour market, including the high rate of unemployment among women and the strong occupational segregation with a concomitant wage differential. The Committee is concerned that women are not able to receive adequate retraining to compete in the market. It is further concerned that the State party's protective labour laws restricting women's participation in night work and other areas, may create obstacles to women's participation in the labour market.

**294. The Committee urges the State party to ensure equal opportunities for women and men in the labour market, including through the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention. The Committee recommends that the State party design and implement special training and retraining programmes for different groups of unemployed women. It also recommends that efforts be made to eliminate occupational segregation, including through education, training and retraining. There should be additional wage increases in female-dominated sectors of public employment to close the wage gap between these and male-dominated sectors. The Committee recommends that the State party conduct regular reviews of legislation in accordance with article 11, paragraph 3, of the Convention, with a view to reducing the number of barriers that women face in the labour market. It also recommends that effective measures allowing for the reconciliation between family and professional responsibilities be strengthened and that the sharing of domestic and family tasks between women and men be promoted.**

295. The Committee is concerned about the persistence of traditional stereotypes regarding the role of men and women in the family and in society at large.

**296. The Committee urges the State party to design and implement comprehensive programmes in the educational system and to encourage the mass media to promote cultural changes with regard to the roles and tasks attributed to women and men, as required by article 5 of the**

**Convention. It recommends that policies be developed and programmes implemented to ensure the eradication of traditional sex role stereotypes in the family, in employment, in politics and in society.**

297. **The Committee urges the State party to accept the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.**

298. **The Committee also urges the State party to ratify the Optional Protocol to the Convention.**

299. **Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions (such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing), the Committee requests the State party to include information on the implementation of aspects of these documents relating to relevant articles of the Convention in its next periodic report.**

300. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report to be submitted under article 18 of the Convention. It also requests that the report address the general recommendations of the Committee and provide information on the impact of legislation, policies and programmes to implement the Convention.**

301. **The Committee requests the wide dissemination in Ukraine of the present concluding comments in order to make the people of Ukraine, in particular government administrators and politicians, aware of the steps that have been taken to ensure the de jure and de facto equality of women and the further steps required in this regard. It also requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations and the Beijing Declaration and Platform for Action, as well as the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**