



Submission of the Ukrainian Parliament Commissioner for Human Rights on implementation of the Convention on Elimination of All Forms of Discrimination against Women in Ukraine

45th session of the UN Committee on the Elimination of Discrimination against Women – consideration of combined sixth and seventh periodic reports of Ukraine

The Ukrainian Parliament Commissioner for Human Rights constantly pays a lot of attention to the issues of gender equality.

Each annual report of the Commissioner for Human Rights, beginning from the first one, includes review of the implementation of remarks and recommendations of the UN Committee on the Elimination of Discrimination against Women.

A more detailed information on these issues is given in the Special report of the Commissioner for Human Rights “On the Status of Observance of the International Standards of Human Rights and Freedoms in Ukraine”, which was presented to the Parliament of Ukraine in December 2008 (http://www.ombudsman.kiev.ua/D2s_ZM_EN.htm). It was noted in the Report, that Ukraine adopted a number of important measures aimed at the implementation of the UN Committee’s remarks made after review of the fourth and fifth reports of the state. The adoption of these measures was preceded by the Law of Ukraine “On securing equal rights and opportunities for women and men” of 2005, which identified secured participation of women and men in taking socially important decisions on an equal basis as a mainstream of the state policy. Under the Article 9 of the abovementioned Law the Commissioner was assigned to perform control over observance of equal rights and opportunities for women and men within the framework of parliamentary control over observance of human rights and freedoms.

Implementing the requirements of the Law, the Government of Ukraine provided for additional guarantees of employment for individual categories of the population, that are in need of social protection, including women with children under 14, handicapped children, and single mothers. There has been allotted a quota of 5 % from the total number of working places to them.

There has been adopted the State Programme on ensuring gender equality in the Ukrainian society for the period of 2006-2010.

Active part of women in public organizations, both republican and regional, can be observed in the country. Today there are more than 50 all-Ukrainian and international and nearly 1500 regional women's organizations in Ukraine.

Under the auspices of the Government there is an advisory body – the Council for Equal Rights of Women and Men; there was established an institute of gender advisors.

Other measures were also taken regarding implementation of the legislative requirements and follow-up to the UN recommendations on gender equality. This brought particular positive results.

At the same time the findings of the Commissioner's monitoring give grounds to assert, that until now a stereotype of difference in the social role of women and men has not been eliminated. About 1/3 of the population live in poverty. The situation has been even more aggravated by the financial and economic crisis, which lead to the increase of unemployment. Women are more vulnerable in this situation.

There have not occurred essential changes in the increase of women's representation on the senior level of the state bodies. There are not more than 8 % of women elected to the Parliament. This indicator is somewhat higher on the local level of the state bodies.

The Commissioner believes the so-called positive discrimination to become one of the effective measures contributing to the increase in women's representation, which provides for each gender representation to be not less than 40% in the state bodies. However such proposal has not been implemented by the Parliament into any of the specific laws so far.

In the opinion of the Commissioner for Human Rights, the unified state system of collection and record of the main statistic indicators has to be elaborated on the basis of the Law "On ensuring equal opportunities of women and men" in the nearest future, which will promote the more substantial analysis of the situation in the regions.

The Commissioner is concerned about the high rate of the domestic violence. Almost every third complaint to the police is related to this type of violence. 90% of the complaints received by the Commissioner for Human Rights in relation to domestic violence are submitted by women. Relevant measures on the protection of the applicants' rights were taken in each case. As the experience of the Commissioner for Human Rights proves, the Law of Ukraine "On prevention of violence in families" has a declarative nature from many points. The administrative responsibility under this Law, imposing fines, has a negative impact on the

financial welfare of the families and does not bring about changes in the offender's behavior.

There have been founded more than 30 crisis centers and centers for social and medical rehabilitation of victims of the domestic violence in the country. However this is only a temporary measure, as after termination of their stay in this institution victims find themselves again in the former conditions. Taking this into consideration, the rehabilitation measures should be joined by the proactive measures in relation to the offenders.

Citizens file their complaints with the Commissioner for Human Rights as regards gender discrimination while applying for a job, granting a child rearing leave, etc.

Under control of the Commissioner there is a complaint of Nataliya S. – a graduate of the Kharkiv University of the Air Forces of Ukraine, who is eager to proceed with her service in the position of a navigator of a plane SU-24. However her wish has been turned down. The Commissioner applied to the Ministry of Defense of Ukraine in order to protect the right of the women to a free choice of profession.

The Commissioner also initiated a case upon the application of Irina A. from Donetsk region, who graduated in Law and was appointed to the service in the police bodies. During two years this persistent woman was successfully physically qualified, passed special tests and exams for the position of investigation officer assistant, investigator, traffic police inspector, officer of the criminal juvenile department. Despite positive results each time her applications were rejected, the major obstacle being her gender. In order to prevent the gender based discrimination and secure the constitutional right of Irina A. to labor, the Commissioner for Human Rights applied to the Minister of the Interior of Ukraine. The proceedings in this case are under way.

The Commissioner believes the following measures to be a basis for effective guaranties of equality between men and women in Ukraine:

- The improvement of the mechanism of the gender and legal expertise of the current legislation as well as relevant draft-laws.
- The incorporation of the norms of the European Union legislation on the gender equality into Ukrainian legislation.
- The facilitation to the establishment of the gender culture and overcome of the archaic stereotype on the role of the woman in family and society.

The Ombudsman is convinced that the situation can be radically changed only by eliminating socio-economic reasons for inequality in the society.