

**ALTERNATIVE REPORT
ON THE IMPLEMENTATION OF THE UN CONVENTION ON THE
ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST
WOMEN IN UKRAINE**

**Prepared by the network of organizations
by the initiative of Women's Consortium of Ukraine**

Ukraine 2008

The Alternative Report on the Implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women in Ukraine/NGO “Women’s Consortium of Ukraine”. – Kiev, 2008

The Alternative Report is based on the in-depth situational gender analysis of Ukraine with the focus on covering the gaps, not reflected in the State Report, as well as on providing the community with the facts of discrimination and recommendations of the civil society of Ukraine on the elimination of all forms of discrimination. The report was prepared on the basis of the social survey, focus-groups, interviews, desk-study of the statistical data and informational materials of the Ministries, State departments and governmental bodies, non-governmental civil society organizations, internet-resources and portals.

The Alternative Report was prepared with the participation and support of 22 civil society organizations of Ukraine:

- “Pani Vsesvit”, Vinnytsa NGO
- “Gender Center”, Volyn Regional NGO
- Donetsk Regional League of Business and Professional Women
- “Commonwealth” Women’s Right Protection Center, Crimean Autonomous Republic
- Zhytomyr Informational and Consultative Center
- Zaporizhya Center for Social Initiatives
- “Zhinky Batkivshchyny”, Kyiv Regional NGO and Regional Resource Center
- “Kolo”, Kirovograd Regional Youth Gender Center
- “Young Cherkashshyna”, Coalition of Youth NGOs in Cherkassy region
- “Poltava Business Incubator”, NGO
- “Trust, Hope, Love”, Civil Society community group
- “Business Initiatives”, Civil Society Center, Ivano-Frankovsk
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- “Blagovest”, Sumy Regional Charitable Foundation
- “Men’s Adaptation Center”, Ternopol’ City NGO
- “Podol Center “Gender Council”, Khmelnytsk NGO
- Uzhgorod Press-Club of Reforms
- “Nadia” NGO-based Center, Kharkiv
- “Successful Woman”, Kherson NGO
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INTRODUCTION

In 2007 the Government of Ukraine submitted the 6th and 7th Joint Regular State Reports on the implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women to the UN Committee on the Elimination of All Forms of Discrimination against Women. The Reports reflected the country's progression in mainstreaming equal rights and opportunities for women and men, general information about Ukraine, and also the article-by-article review of the UN Convention implementation.

As opposed to the previous years, the process of preparing the 6th and 7th State Reports was accompanied by the discussions in the civil society, with the participation of scholars, national level civil society organizations, by the Experts' meetings organized by the Ministry of Family, Youth and Sports of Ukraine and the UNDP Program on Equal Rights and Opportunities.

Undoubtedly, the 6th and 7th State Reports have become the affirmative and progressive step, which has allowed the authors of the State Reports to focus on certain shortages and to finalize the document.

At the same time, as observed by the authors of the Alternative Report, the State Reports have insufficiently reflected the practical implementation of the Convention, in particular, at the regional level. It's important, because the situation at the regional level reflects the real picture of the Ukraine's implementation of its international commitments.

The All-Ukrainian NGO "Women's Consortium of Ukraine", with its partners in all regions of Ukraine and the Autonomous Republic of Crimea, encouraged and proposed the organizations, working on the mainstreaming gender equality at the regional level, to bring their input in the evaluation of the gender policy development at the level of oblasts and districts.

Within the framework of this initiative, the civil society organizations conducted the survey of specialists, working in governmental and non-governmental organizations, utilizing the special questionnaire form. The collected data provided the information on the legislative and normative regulation and the mechanisms of gender equality mainstreaming, as well as the practical work at the regional level. There were conducted 5 focus-groups, which helped to make conclusions about the level of community awareness on the discrimination against women, and to identify the attitudes of different social groups to this problem. The analysis of the documents, survey results, and the summary of the whole material was provided by the independent experts. It can be asserted that the collected materials reflect the situation practically in the whole Ukraine.

The independent analysis has confirmed the need to continue consultative, informational, systemic educational and legislative work with the purpose to increase the awareness of the Ukrainian citizens on the UN CEDAW, on the concept of equal rights and opportunities, on the inadmissibility of discrimination on the basis of gender, age, physical and social status, nationality, race, ethnic and religious affiliation.

The respondents have confirmed the existence of the problem due to the lack of identification of the discrimination, violation of rights and freedoms of the most of women. Besides, the misunderstanding and misinterpretation of the concept of equal rights and opportunities by the specialists and officials, responsible for processing the problem issues related to the protection of

equal rights and opportunities, the elimination of all forms of discrimination, challenge and create obstacles for the achievement of the effective results in this area.

Considering the fact, that the 6th and 7th Joint Regular State Reports will be reviewed not earlier than in 2009¹, the authors of the Alternative Report have added the information covering the 2007-2008 period. They assume that these materials can become the informational resource for the UN experts and can be helpful in the efficient situational assessment and formulation of final recommendations.

¹ Consideration of the State Report is scheduled the 45 CEDAW session, January 2010.

ARTICLE 1. DEFINITION OF «DISCRIMINATION AGAINST WOMEN»

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

The State Reports contain the information about legal regulation in the area of combating discrimination on the basis of sex. By the opinion of the Alternative Report authors, the information should be extended by determining the place of the definition “discrimination” in the legal framework of Ukraine.

According to the Ukrainian legislation, any form of discrimination is prohibited by the Constitution, legislation, numerous sectoral regulatory acts. Article 24 of the Constitution of Ukraine declares the inadmissibility of any privileges or limitations on the basis of race, color of skin, sex, and also on the basis of political, religious and other affiliations, ethnicity and social origin, property status, language and other reasons. Thus, the declaration of equal rights and opportunities, as well as the prohibition of discrimination, are considered to be sufficient conditions for the citizens’ rights loyalty. The absence of the clearly defined sanctions means that discrimination is not a considerable violation of law.

By the Alternative Report authors’ opinion, the adoption of the Law of Ukraine “On Ensuring Equal Rights and Opportunities for Women and Men” (September 8, 2005) and the State Program on the Ensuring of Gender Equality in the Ukrainian Society for 2006 – 2010, approved by the Cabinet of Ministers of Ukraine Regulation (December 27, 2006), are the affirmative steps toward the elimination of discrimination against women in Ukraine. There are gender equality norms in a few legal and normative regulations; however, legal framework of Ukraine, on the whole, must be completed with the gender component.

The gender equality analysis of the legislation of Ukraine is in the process. On April 15, 2008 the Parliament of Ukraine adopted the Law of Ukraine “On the Alterations of the Laws of Ukraine in accordance with the Law of Ukraine “On Ensuring Equal Rights and Opportunities for Women and Men”. The alterations were made to the Law of Ukraine “On the Ombudsman of Ukraine”, to the Labor Code of Ukraine, to the Law of Ukraine “On the Citizens’ Associations”, “On the Collective Contracts and Agreements”.

CONCLUSIONS

1. Equal rights for women and men are declared in the Constitution and legislation of Ukraine, at the same time, there is obvious inequality in the opportunities for the rule implementation.
2. The adoption of the Law of Ukraine “On Ensuring Equal Rights and Opportunities for Women and Men” (September 8, 2005) and the State Program on the Ensuring of Gender Equality in the Ukrainian Society for 2006 – 2010, approved by the Cabinet of Ministers’ of Ukraine Regulation (December 27, 2006) is the significant input in the mainstreaming of gender equality in Ukraine.

ARTICLE 2. STATE POLICY ON ELIMINATION OF DISCRIMINATION AGAINST WOMEN

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;

(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

(g) To repeal all national penal provisions which constitute discrimination against women.

The principle of equality for women and men is a constituent principle of the social equity, however, due to its importance, as well as, due to the deep historical roots of discrimination against women, it is affirmed as the separate normative regulation in the international legal framework, and relevantly, in the national legal frameworks of the countries acknowledging the human rights priority.

The State Reports provide the detail description of the implementation of Article 2 of the UN Convention. At the same time, it is worthwhile to note that the Statute of UNO and the Declaration of Human Rights are the first priority international commitments in the area of gender equality for Ukraine, as one of the UNO founders and multiyear member.

The Constitution of Ukraine (1996), which was considered at that time, as one of the most democratic constitutions in the world, includes several statements on the protection of human rights and freedoms, ensuring equality and prohibition of discrimination on the basis of race, sex, affiliations, origin, etc. Articles 3, 21, 24, 51 ensure equal rights and opportunities for women and men in all spheres of life, and also determine special measures on pension provisioning, labor protection, maternity protection for women.

All these statements are included and developed in codes, laws of Ukraine, which regulate relations in the spheres of labor, social protection, healthcare, pension provisioning, criminal,

administrative, civil liability for law infringements. However, the legislation of Ukraine does not include rules on the liability for discrimination against women.

During the recent years there have been made the significant input in the integration of these documents in the legal framework of Ukraine. For example, on July 26, 2005, the President of Ukraine signed the Guideline № 1135/2005 “On the Advancement of Central and Local Executive Bodies’ Activities for Ensuring Equal Rights and Opportunities for Women and Men”.

On September 8, 2005 the Supreme Council of Ukraine adopted the Law of Ukraine “On Ensuring Equal Rights and Opportunities for Women and Men”, which came in force on January 1, 2006. On September 14, 2006 the Supreme Council of Ukraine ratified the European Social Charter (revised).

The State Program on the Ensuring of Gender Equality in the Ukrainian Society for 2006 – 2010 was approved by the Cabinet of Ministers’ of Ukraine Regulation № 1834 (December 27, 2006). The Ministry of Family, Youth and Sports is the central executive body, responsible for this sector in the State policy. At the regional level the adoption of the regional programs on ensuring gender equality is in process. In 2007 in the majority of regions there were created the advisory and consultative units - gender councils, which included the representatives of government, NGOs, mass media, experts. In 2008 there was created the institute of advisors on gender issues at the Heads of Regional Administrations. There was elaborated and adopted the series of regulations on combating trafficking in people, domestic violence, on mothers and children healthcare, and several other documents related to the gender equality mainstreaming.

Besides, on May 16, 2007 the Cabinet of Ministers of Ukraine adopted the Regulation “On Preparing and Conducting the Year of Gender Equality”, according to which there was conducted the series of activities at the state and local levels. In general, those activities were initiated and implemented by the civil society organizations. That was stipulated by the lack and rapid rotation of the personnel in the public service, responsible for the implementation of the government policy towards women, and very often by the low qualification level of the public servants.

At the regional level, as a rule, one official person is responsible for the implementation of the government policy in the spheres of family, children, women’s issues, gender policy, combating trafficking in people and violence. This sector is not efficiently supplied with the human resources.

The major challenge for the implementation of the State Program and the Law is in the practical utilization of the rules and the lack of sanctions for the discrimination against women. The content of the Articles 23 and 24 of the Law of Ukraine “On Ensuring Equal Rights and Opportunities for Women and Men” can illustrate the situation.

Article 23. Compensation of the pecuniary and moral losses as a result of discrimination on the basis of sex.

A person has the right to be compensated for the pecuniary and moral losses as a result of discrimination on the basis of sex or sexual harassment. The moral compensation is reimbursed regardless of the pecuniary loss, which is reimbursed in relevance to its amount.

The compensation for the pecuniary and moral losses as a result of discrimination on the basis of sex or sexual harassment is reimbursed according to the legislation.

Article 24. The liability for the violation of legislation on equal rights and opportunities for

women and men

Persons, culpable in the violation of legislation on equal rights and opportunities for women and men, keep civil, administrative and criminal liability according to the legislation.

The insufficient citizens' civil society culture, related to the protection of rights, is a serious problem in Ukraine. Citizens rarely apply to the courts with the issues of discrimination. The problem of the citizens' distrust to the judicial branch, in particular, and to the government, on the whole, is obvious. The national rule of law is not always possible to apply to the practice.

CONCLUSIONS

1. There is the sufficient legal and normative basis for the mainstreaming of gender equality in Ukraine. The special institutions also exist in Ukraine. However, there is no systemic legal framework for the formation of the full-scaled implementation of the government policy on gender equality and on the elimination of any limitation on the basis of sex.
2. There is no complex gender approach to the development of the governmental gender policy, as well as, no effective mechanisms for the operation of laws on the elimination of discrimination against women in Ukraine.

ARTICLE 3. EQUAL RIGHTS AND BASIC FREEDOMS OF WOMEN AND MEN IN UKRAINE

States Parties shall take in all fields, in particular, in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

The State Reports proposed the list of legal and normative regulations aimed at the ensuring equal rights and opportunities for women and men. However, they reflect only one aspect of the liabilities stated by Article 3 of the UN Convention, in particular, legal provisioning of the elimination of discrimination against women.

The representatives of the civil society organizations have studied the ways of the governmental policy on the elimination of discrimination against women is implemented in the regions of Ukraine. The following problems have been studied:

1. *The proportional representation of women in management and in the apparatus of regional, district state administrations, municipal, settlement, village councils and executive committees.* The research results can be formulated by the statement “The higher positions are represented by the less number of women”. It is proved by the fact that before 2005 there were no women – heads of the state regional administrations. Certain changes took place after the Orange Revolution, when, for the first time, women were appointed to the positions of the heads of three regional administrations – Dnepropetrovsk, Kiev and Sumy regions. Though, in 2008 only one woman remained in this position in Kiev regional administration.

2. *Effectiveness of the institutional mechanism of ensuring equal rights and opportunities for women and men.* At the regional level, as a rule, one of the administration deputy heads on humanitarian issues is officially responsible for the gender equality issues. There are also advisory and consultative units on gender equality policy, which include public servants, civil society leaders, journalists, scholars. The effectiveness of such units depends on the pro-activity of their members. The membership of the NGO representatives, interested in the mainstreaming of gender equality, increase the efficiency of such units. Within the structure of Regional administrations, the Departments on Family, Youth and Sports Issues deal with the gender equality policy. As a rule, one person is responsible for solving problems of discrimination against women, and this fact is challenging for the work efficiency.

3. *Financial provisioning of regional programs on mainstreaming gender equality.* In the majority of regions their councils have developed and adopted the programs on promoting equal rights of women and men. In some regions the action plans have been approved by the Heads of Regional and District State Administrations. Both action plans and programs are approved without their relevant financing. Even the regulation on the financial provisioning, approved by the Regional Councils session, is not considered during the budget approval.

Many cases of pro-forma approaches to the implementation of programs and activities were observed. For example, the Lesson of Gender Equality was declared to be held in schools on September 1, 2007. In a few schools it was really conducted, however, in the most of schools there were prepared just formal reports about the Lesson, because there were no specialists on gender equality.

The Cabinet of Ministers' Guideline № 741, issued on May 16, 2007, announced the Year of Gender Equality. Only few activities, conducted during the Year of Gender Equality were publicized: Lesson on Gender Equality, dissemination of the "Equality ABC Book" in schools, which was issued with the support of the UNDP and the European Commission Delegation to Ukraine to the Day of Gender Equality (September 10, 2007). It is also an example of the pro-forma attitude. The Year of Gender Equality did not become a significant event in the country: it remained the unused possibility for the serious discussion of such important issues in the society.

4. *Publicity of the elaboration and adoption of regional documents.* There were observed certain cases that the local governments did not involve civil society organizations in the discussions of the important documents or decisions. For example, the NGOs practically did not participate in the preparing of the State Reports on the implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women, which was prepared by the Ministry on Family, Youth and Sports Issues. According to the State Program on Ensuring Gender Equality in the Ukrainian Society for the period till 2010, several regions were monitored on the program implementation; unfortunately, the monitoring results were not publicized.

5. *Introduction of gender component into the regional programs.* The issues of provisioning equal rights and opportunities for women and men and integrating gender approaches into the programs and action plans are not usually included in the agendas of local councils, boards of regional and district state administrations' sessions. Representatives of the government and local self-government perceive gender and women's issues as the ones, which are not connected with social and economic issues.

6. *Gender analysis of the state human resources policy.* Analysis of the human resources policy is an important constituent part of public administration. The data collection and analysis on the basis of gender approach is provided by the Main Department of Public Service of Ukraine. Gender statistics is rarely publicized. This information is sometimes officially published in several regions of Ukraine.

7. *Gender sensitiveness of collective agreements between employers, labor collectives and trade unions.* In the majority of cases the gender component is missing in the collective agreements, or the citizens do not have the access to such information. Though formally the Federation of Trade Unions in regions adopt documents related to the implementation of gender policy.

8. *Periodicity and unsystematic presentation of gender related information.* Materials, TV - and radio programs, activities, mass media publications related to gender issues are usually timed in the period of the traditional "women's" or "men's" holidays; sometimes they are caused by any emergency and limited by the publication of official data. Daily publications, as a rule, are of the stereotypical and entertaining character. It is connected with the commercial type of activities of the majority of publishing houses, TV and radio companies, which do not want to "overload" their customers with problems. So, it can be observed that there is the lack of skills to present the gender related information as important and/or interesting.

9. *Gender expertise of legislation and gender monitoring.* According to the reports from regions, the situation with the expertise and monitoring is the worst. Formally, the regional departments of justice analyze normative acts within the framework of their service responsibilities. There is even the relevant Guideline of the Ministry of Justice of Ukraine, and several methodological recommendations are developed. However, the results of such expertise are either not publicized or not accessible by the civil society.

10. *International lobby of mainstreaming gender equality in Ukraine.* As a rule, the local authorities pay attention to the issues of equal rights and opportunities of women and men only when they want to raise the external funds, for example, grants, for the implementation of social projects.

CONCLUSIONS

1. In spite of some changes in legislation and existence of the certain institutional mechanism, the state policy on ensuring equal rights and opportunities for women and men is not effectively implemented in the regions of Ukraine. It is mainly connected with the shortages in the Ukrainian system of government and local self-government.
2. The NGOs' initiatives of combating discrimination against women are challenged by the authorities' incompetence in this sphere, and their reluctance to study and solve the problems. The respondents reported on the numerous facts of pro-forma attitudes to such important problems. As the result, in spite of elaborated and adopted programs, action plans, meetings, reports, the qualitative changes are very slow.

ARTICLE 4. TEMPORARY SPECIAL MEASURES AIMED AT ACCELERATING DE FACTO EQUALITY BETWEEN MEN AND WOMEN AND AIMED AT PROTECTING MATERNITY

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

The State Report presented special actions, targeted on the implementation of the UN Convention's Article 4.²

Temporary special actions are declared by the Law of Ukraine "On Ensuring Equal Rights and Opportunities for Women and Men". The goal of the Law is to achieve parity in the status of women and men, to eliminate discrimination and to apply special temporary actions targeted on the elimination of imbalance between the rights and opportunities for women and men, guaranteed by the Constitution and legislation of Ukraine. The text of the Law includes such terminology as "affirmative actions", "parity", "imbalance", and "balance". The adoption of such Law has not lead to the quantitative and qualitative changes in the sphere of gender equality.

The most problematic areas of discrimination against women are "women and power", "women and career", proportional representation of women in the power bodies and the local self-government. It is obvious, that without quoting as a temporary special measure it is impossible to achieve changes in this area. As the population of the country is compiled of half of male and half of female people, relevantly the parity representation should be observed everywhere.

The Law of Ukraine "On Ensuring Equal Rights and Opportunities for Women and Men", which is in force since January 1, 2006, will be effective only when the monitoring over its implementation is strengthened.

In the countries like Sweden, Lithuania, after the special Law adoption, there was created the institutional structure – Ombudsman on equal rights and opportunities for women and men. The NGOs apply their possible efforts, but they are not systemic and well coordinated. The creation of the Ombudsman or Controller's service on equal rights and opportunities for women and men in Ukraine can mainstream the gender equality and control over the implementation of gender equality norms.

Article 9 "Authorities of the Supreme Councils' Ombudsman in the sphere of equal rights and opportunities for women and men" in the Law of Ukraine "On Ensuring Equal Rights and Opportunities for Women and Men" (January 1, 2006), determines the national Ombudsman's functions as controlling the observance of human and citizens' rights and freedoms, ensuring equal rights and opportunities for women and men.

² Sixth and Seventh Joint Reports on the Ukraine's Implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women

The Ombudsman processes complaints related to the discrimination on the basis of sex and highlights the cases of observance of equal rights and opportunities for women and men in the annual report.

On April 15, 2008, the Law of Ukraine “On Introducing Changes in the Legal Acts of Ukraine due to the Adoption of the Law of Ukraine “On Ensuring Equal Rights and Opportunities for Women and Men” was adopted. Article 13 of the Law of Ukraine “On the Authorities of the Supreme Councils’ Ombudsman”³ was completed by paragraph 13, which states: “...to control the ensuring of equal rights and opportunities for women and men”.

The conformation process of correlating the legislation of Ukraine in the single gender framework has started. It is a positive tendency proved by the changes described above. At the same time, we should note that the Ombudsman cannot cope with all appeals. By the official Report of the Ombudsman for 2007, its’ Apparatus count 100 persons, each office employee should process 6 appeals per day. So, it is important to create the institute of special Ombudsmen on protecting rights of children, disabled people, and on equal rights and opportunities for women and men.

Among the special actions on ensuring gender equality in all spheres of societal life there can be considered the following ones:

- creation of coordination councils and boards on gender policy at the heads of state regional administrations;
- creation of the institute of advisors on gender equality issues at the heads of state regional administrations;
- organization of regional and municipal competitions for project proposals on gender issues among the NGOs;
- creation of the civil society councils at the regional administrations for the coordination of the community and authorities’ actions;
- adoption of regional programs on ensuring gender equality (in some regions these are called “action plans”).

In spite of all efforts, it is observed that there is the lack of systemic approach and coordination in the activities of the state and civil society sectors. During the independent research, almost all regions (21), which took part in the social survey, confirmed by the facts, that regional programs “on ensuring gender equality in the Ukrainian society till 2010” are implemented mostly by the NGOs with the partial financing from the state budget. The main financing comes not from the budget, but from other resources, i.e., from international technical assistance (grants), charitable assistance and from entrepreneurs.

The regularity in conducting activities on gender issues is 1-2 times per year; the themes of the activities are general. The duplication of reporting is observed. The activities conducted by the NGOs are included in the district and regional administrations’ reports. At the regional level the involvement of rural citizens in the mainstreaming of gender equality is vague, as the experts on gender issues are concentrated mostly in central cities.

The respondents of the independent research reported that it is difficult to make the preliminary assessment of both the content of the programs and activities, and their impact on the society, because there are no quality assessment indicators.

³ Verkhovna Rada of Ukraine’s Digest. –1998. –№ 20. –p. 99.

In Kherson region, during the review of the program draft and the alternative proposals on gender mainstreaming, prepared by the civil society organizations, the Department on Family, Youth and Sports Affairs refused from the use of quality assessment indicators.⁴

CONCLUSIONS

1. The existing laws and institutions on the gender equality implementation do not lead to the qualitative changes in the state and in the society.
2. Gender projects, programs and activities are not in the priorities for the development of particular regions, as considered by the authorities.

⁴ Materials of the independent research conducted by the NGO “Women’s Consortium of Ukraine” in 2007 - 2008

ARTICLE 5. THE SOCIAL AND CULTURAL PATTERNS OF CONDUCT OF MEN AND WOMEN AND COMMON RESPONSIBILITY OF MEN AND WOMEN IN THE UPBRINGING AND DEVELOPMENT OF THEIR CHILDREN

States Parties shall take all appropriate measures:

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases

The State Reports confirm the existence of the problem of gender stereotypes nowadays in Ukraine. The traditional perceptions of social roles of women and men in the society are mentioned in the Reports. The societal opinion still gives women the prior social roles of a mother and wife, all other roles are secondary. However, the Reports have not provided confirmations of the quality level of the societal stereotyping in Ukraine.

One of the independent research goals was to determine the level of the societal stereotyping in Ukraine. The questionnaire forms and focus group scenarios included the questions targeted on determining stereotypes, which are the most significant for the citizens, and questions on clarifying the influence of the stereotypes on women's and men's social and cultural patterns of conduct.

The results of the research demonstrated differences in perceptions and misinterpretations of the gender equality issues and of the ways of solving gender related problems by both, the government and the civil society.

The following positive tendencies of eliminating long-standing prejudices on the superiority of one-sex people and secondary roles of another-sex people, and stereotypical roles of women and men were observed during the independent research:

- steady elimination of the tolerant attitude to the discrimination against the personality on the basis of gender, sexual orientation, nationality, race, ethnicity, physical and social status in the society;
- the legal declaration of the ensuring equal rights and opportunities for women and men in the family and in different areas of society life.

However, in spite of the legislation, the influence of the stereotypes on the Ukrainian citizens is very strong. Social stereotypes, including gender-based, remain significant due to the tolerant system of education and social development, not yet formed gender ideology of the democratic society and the relevant patterns of conduct. The problem is enhanced by the economic and political instability.

The independent research confirmed the existence of the traditional gender stereotypes in the Ukrainian society.⁵

⁵ Materials of the independent research conducted by the NGO "Women's Consortium of Ukraine" in 2007 - 2008

There are stereotypes based on the physiological/biological functions and the relevant indexes (age, marital status, even planned pregnancy, children, and disability) of women. 36.4% of respondents confirmed the existence of such stereotypes as “constantly observed”, and 45.4 % of respondents – as “periodically observed”. Only one respondent denied the existence of any stereotypes in the Ukrainian society. Perhaps, it is due to the weak identification of the stereotypes as a problem, misunderstanding of differences between stereotypes and cultural traditions.

The barrier human habitat infrastructure, including internal and external design of premises and buildings, transportation means, roads, pavements, crossroads, etc., is determined as discriminative. This factor limits or makes impossible free movement of pregnant women, women with children, elderly women, disabled women, as well as other citizens with special needs. This leads to the limited access to the life sustenance resources (hospitals, shops, educational institutions, banks, etc.), cultural establishments and other places.

45,4 % of respondents permanently and 36,4 % of respondents periodically experience or observe discrimination on the basis of family roles and responsibilities distribution between women and men.⁶ Alongside with the professional activities, women spent much more time than men on the reproductive work, which includes carrying of a pregnancy, delivery and upbringing of children, services for family needs (grocery shopping, cooking, cleaning, laundry, etc.). The respondents proposed to consider the family services as official labor of women with its official registration in the labor records.

Besides, the respondents identified additional gender and social stereotypes leading to the discrimination against women’s freedom of choice: age limitations (before 30 and after 40) in appointing women to middle and top positions (12.2%); stereotypical visioning of a man as a leader and a politician (12.2%).⁷

Regional and sectoral representation of the respondents’ group did not significantly influence the opinions. However, there were observed certain specifics in the proposed ways of solving the problems. For example, the representatives of regional Departments of Family, Youth and Sports Issues from several southern and western regions of Ukraine (Chernovtsy, Ivano-Frankovsk, Kherson, Nikolayev) insisted on the involvement of religious communities to the upbringing of spirituality. They explained that in rural areas the churches are usually located near the state houses of culture; besides, the priests’ services (including public liturgies) are much more competitive comparing to the cultural institutions’ services. These respondents confirmed the need to utilize the religious community resource for the cooperation and upbringing of the growing generation in the spirit of Christian morality.

The Seventh session of the Ternopol Regional Council of the 5th Convocation adopted a Resolution № 219 from July 13, 2007 “On the regional program of ensuring gender equality on the territory in the period till 2010” - there is a paragraph “on comprehensive support to the religious organizations in the implementation of charitable projects”. The specifics of this factor is that the Program does not have the financial provisioning, all its activities should be financed at the expense of “social funds”, at the same time the religious organizations are financed from the regional budget.

⁶ Materials of the independent research conducted by the NGO “Women’s Consortium of Ukraine” in 2007 - 2008

⁷ Ibid

Such tendencies promote strengthening of discrimination against women, as well as against other citizens, which have different religious affiliations or are atheists.

According to Article 35 of the Constitution of Ukraine (1996) “*every citizen of Ukraine has the right for free vision and religious denomination*”. This Article also says, that “*the church is separated from the state, and school is separated from the church*”.⁸ Besides, according to the civil society organizations’ opinion, “religion imposes and anchors the stereotype of a woman’s secondary role and subordination to a man”; it strengthens the discrimination against women and contradicts with the concept of gender equality. Only woman herself has the right to decide either to participate in religious communities or not, the same is about other citizens of Ukraine. Ukraine is a secular and multi-confessional state.

Another problem refers to the advertising area in Ukraine. Visual advertising has predominantly sexist character and produces stereotypical influences on men and women. The NGOs of Ukraine conduct regional and national actions “No sexism in advertising”, which monitor and control the outside advertising, provide informational and educational work among the authorities, journalists and community. It can be stated that certain positive results have been achieved, because there are designated certain changes, which lead to the decreasing of sexism in advertising in regions. However, the advertising landscape leaves much to be desired.

Traditionally/stereotypically women are responsible for upbringing children. Status of a woman-mother is very high. However, without changing the attitude to the role of a man-farther there is no way to get progress in the role distribution in the society. The Ukrainian NGOs initiate the educational work on the increase of the status of fatherhood in the society. As there are quite few men’s and fathers’ civil society organizations, the most of work is done by the women’s and gender organizations.

CONCLUSIONS

1. Social and cultural patterns of conduct of women and men dominating nowadays in Ukraine prove the vague identification of the gender-related stereotypes, lack of understanding of differences between stereotypes and cultural traditions.
2. Educational programs have experimental character and do not produce comprehensive effect.
3. Gender-related activities of the governmental bodies, educational, cultural and social structures, mass media, civil society, philanthropic and other organizations, in spite of their content and professional arrangements, are episodic and non-coordinated.
4. Different religious concessions are frequently attracted to the implementation of state programs on ensuring equal rights and opportunities of women and men, which is contradictory to the Constitution of Ukraine.

⁸ Constitution of Ukraine, Law from 28.06.1996 №254к/96-BP, article 35//Digest of the Supreme Council of Ukraine. – 1996. - №30.p.141.

ARTICLE 6. ALL FORMS OF TRAFFICKING IN WOMEN AND EXPLOITATION OF PROSTITUTION OF WOMEN

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

The State Reports has determined the importance of the problem of trafficking in people and exploitation of prostitution. The detail information on the legislation, regulatory and institutional provisioning, programs and different activities focused on combating trafficking is presented in the State Report.

However, till the recent years, the legislation of Ukraine has not regulated the issues related to trafficking in people. The ratification of the Palermo Convention and its supplementary protocols has required the introduction of relevant changes in the Criminal Code of Ukraine. The series of draft laws, focused on the strengthened combating of trafficking in people, of compulsion or implication to prostitution or pimping.

According to the Law of Ukraine “On Introducing Changes to the Criminal Code of Ukraine for Strengthening Liability for Trafficking in People and Forced Involvement in Prostitution” articles 149 and 303 of the Criminal Code of Ukraine were aligned with the Protocol of Prevention of Trafficking in People, in particular in women and children.

The Cabinet of Ministers’ Guideline № 410 (March 7, 2007) approved the State Program on Combating Trafficking in People for the period till 2010. The Program goal is to create conditions for combating trafficking in people and related crimes; conditions for increasing effective revealing crimes and criminals; and also reintegration of citizens – victims of trafficking.

According to the Guideline the central bodies of executive power must annually spend the funds planned by the State budget to the Program needs, as well as they must attract other resources for the Program purposes. The local authorities should include funds for the Program implementation in their local state budgets. Thus, “in 2007 the Ministry on Family, Youth and Sports Affairs spent 53 thousand USD on publications and dissemination of information on the problem of trafficking”⁸.

Besides, the central and local executive bodies responsible for the program implementation should report to the Ministry on Family, Youth and Sports Affairs, and the Ministry should submit the summary report to the Cabinet of Ministers of Ukraine by March 1 annually.

The Program was developed with the participation of international and national civil society organizations, independent consultants – experts. The series of workshops on strategic planning, on development of indicators for assessment and monitoring was conducted.

Unfortunately, during the adoption process at the government level the proposals of the civil society experts were ignored. Besides, at the Inter-sectoral Commission session on July 3, 2008, the doubts about the reasonability of a special program on combating trafficking in people were expressed.

⁸ Report on Trafficking in People: Ukraine. US State Department, 2007.

The implementation of the Program on prevention trafficking in people was studied by our respondents. The local authorities, law-enforcement units and civil society organizations' work are coordinated in the following directions related to this problem sphere: legal – normative, organizational, operative – investigational, informational – educational.

During the independent research, the NGO “Women’ Consortium of Ukraine” confirmed the responsible attitudes of the both, the governmental structures and the civil society organizations, to solving the problems of trafficking in women.

95.5 % of respondents confirmed the scope and danger of the trafficking in women and sexual slavery. Only 4.5% of respondents refused to share their opinion. 86.4 % of respondents confirmed the serious efforts of the governmental and civil society to the institutional and organizational provisioning, and 59.1% of respondents gave their recommendations and expectations on strengthening the systemic approach to combating trafficking in women.⁹

The independent research was conducted in the regions of Ukraine and the respondents provided interesting materials, illustrating the problem and the ways of its solution, as well as the sectors requiring attention from the government and the civil society.

Unfortunately, with the wide scale of the trafficking crime, the identification of victims and criminal cases remains very low. In 2006 there were 2200 calls to the telephone “hot line” in the Transcarpathian region, while there were only 3 criminal cases opened by the fact of trafficking in people.¹⁰

In 2006 in the Autonomous Republic of Crimea there were identified 18 victims of the trafficking and 15 criminal cases were opened. In 2006 the Department on Combating Organized Crime in Donetsk region there were opened 32 criminal cases related to Article 149 of the Criminal Code of Ukraine. The organized criminal group with international connections was revealed, 14 channels for the transportation of the “live fright” to the Russian Federation, Turkey, and Israel were closed.¹¹ Beside the listed countries, the citizens of Ukraine migrate for employment or get to sexual slavery in Belarus, Estonia, Poland, Romania, the United Arab Emirates, Portugal, Sweden, Cyprus, the USA, Argentina and Brazil in the Latin America.

In 2006 the civil society organizations of Zhytomyr region identified 60 victims of trafficking. However, these people’s cases were refused by courts, because of the “few confirming episodes” and of the “remoteness of events”.¹² In Sumy region 2 persons were arrested for crimes related to trafficking in women.¹³ The analogous situation was observed in Chernovtsy, Chernigov, Odessa and other regions. However, with such wide scaled criminal activities, the number of cases reviewed in courts is limited to 2 -3 cases. The independent research in this field¹⁴ showed that the major reasons for that are: insufficient legislation of Ukraine; lack of resources (human, technical, financial); low level of international collaboration; difficulties with the data collection; lack of coordination among the departments of the internal affairs, prosecutors’ offices; security services; the State Boundary Services of Ukraine, etc.

⁹ Materials of the independent research conducted by the NGO “Women’s Consortium of Ukraine” in 2007 - 2008

¹⁰ Ibid

¹¹ Ibid

¹² Ibid

¹³ Ibid

¹⁴ Inna Shwab. Issues of investigation and court processing of cases on trafficking in people. Analysis of selected cases. – Kiev, 2007. – pp. 35 – 42

On the whole, the independent analysis of the court practices showed that the majority of crimes related to trafficking in people are done by men (62%), and the victims are women (95%). At the same time, most of women-victims are young (before 27 years old), and 38% of them are adolescents. By the previous occupations they were students, workers, the unemployed.¹⁵

Beside the related legal framework, the infrastructure of departments and divisions on combating trafficking in people, coordination councils, adoption of the regional programs on combating trafficking, the important role belongs to the civil society organizations, educational institutions, employment services, social services for youth, healthcare establishments, etc.

The civil society organizations provide the citizens with the informational and consultative assistance through 24-hour “telephones of trust”, “hot-lines”, seminars, trainings, publications in mass media. This work is effective for the identification and search for the trafficked victims, their escort home, rehabilitation, social reintegration, and services on the social advocacy and support in courts.

For example, the civil society organizations of Ternopol region informed that they have more than 100 requests from women per year; in Chernigov region – more than 600 requests from women with the mentioned in this article problems.

Volyn regional civil society organization “Volyn Perspectives” implements the program “Way home is hard” with the support from the Department of Youth and Sports Issues in Volyn region.¹⁶

The Center of social services for families, children and youth with the active collaboration of local civil society organizations in Donetsk region conducted more than 200 special activities, during which there were provided 13 thousand of individual social and psychological consultations. Besides, the work of 17 mobile consultative points for the work in rural districts of the region was created (9010 consultations).¹⁷

In 2006 there was created the Donetsk Regional Coalition on prevention and combating trafficking in people, 23 civil society organizations from 18 towns of the region became members of the Coalition.

The Coalition conducted 2 regional informational campaigns “We are against trafficking in people” (June 1-8 and December 1-7, 2007). During the campaigns the trainers conducted more than 100 trainings and 60 interactive discussions on the problems of trafficking, employment for the youth and the unemployed.

The volunteers disseminated more than 500 thousand items of informational materials; in schools there were conducted contests of drawings “We are against trafficking in people”; the libraries arranged the exhibitions of literature. In the Donetsk press-club of reforms there was held the thematic session “Why Ukraine remains the inexhaustible supplier of “live freight” and how the society can confront trafficking in people?” In the regional towns there were conducted regional thematic conferences and round tables.

During the campaign the civil society organizations faced the active support from the regional employment centers, healthcare departments, law-enforcement units, departments on family, children and youth, and also from the International Organization of Migration.

¹⁵ N. M. Akhtyrskaya. Trafficking in people in Ukraine: what do the courts observe. – Academy of Judges of Ukraine, Kiev: 2006. – pp. 10, 14.

¹⁶ Ibid, p. 22.3, p. 52

¹⁷ Ibid, p. 53

The civil society organizations of the Autonomous Republic of Crimea, Vinnitsa, Donetsk, Rovno, Sumy, Ternopol, Kherson and other regions in collaboration with the governmental structures conduct seminars, trainings, round tables for the officers of the law-enforcement units, prosecution units, and other services on the issues of “Prevention of violence and trafficking in women and children”, “Social and psychological assistance to the victims of trafficking”. In Vinnitsa region there is an actively working “telephone of trust”, due to which many crimes connected with the trafficking in women are prevented.¹⁸

On December 12, 2007 the Uman’ Pedagogical University held a conference on the issues of combating trafficking in people, organized by the most pro-active students of the philological department. The reason for such conference was that there appeared a group of young people, pretending to be representatives of a “Kiev firm”, dealing with the employment abroad. They proposed the work in night clubs in Turkey to the young female students of pedagogical and philological departments, who had good vocal and choreographic skills. The “employers” informed the students that they had the state license, that the salary would be rather good, and they assured that the work would be legal and not connected with prostitution. The most attractive thing was that the “firm” would take all responsibilities for visa and ticket arrangements etc. When one of the interested young women called to the phone left by the “recruiters, she found out that the “firm” never existed by that address. The young women reported to the law-enforcement services.

It is important to note, that the mentioned above activities are financed by the international and donors’ organizations (e.g., transit centers and shelters for the victims of trafficking in people). Neither local government, nor local self-government conduct systemic work and provide financial support to rehabilitation or social reintegration of the victims.

*In **Kherson region** there is the Transit-Reintegration Center for the victims of trafficking (supported by the International Organization of Migration). In 2008 the local authorities gave 10 thousand hryvnias for the implementation of regional Program on Combating Trafficking in People (US State Department Report, 2008). From January 2006 till June 2008, 30 people used the services of this Center (including women with children).*

*In 2007 the Center, **for the first time, got the financial support** of 10 thousand hryvnias from the regional budget. This money was to conduct the set of trainings for the students of the higher educational institutions, they included the thematic films, activities within the campaign “16 days against violence”, and also a 4-day training “I draw a resource for myself” with the elements of art-therapy (for the victims of trafficking).*

Regional representation of the respondent group did not have significant influence on the content of information and opinions; however, the information from the maritime regions (Odessa, Nikolayev), and also from several other regions – with the post-industrial labor market infrastructure (Zaporozhiye region), and agricultural infrastructure (Kirovograd, Zhytomir regions) was very scanty.

For example, the authorities of the Poltava region in respond to the official request from “PolBi - Center”, the regional representative of the NGO “Women’s Consortium of Ukraine”, refused to provide official information on the issue, refused to meet or to have a phone conversation with the Deputy Head of the Department on Combating Crime, Connected with Trafficking in People.

¹⁸ Materials of the independent research conducted by the NGO “Women’s Consortium of Ukraine” in 2007 - 2008

On the contrary, the authorities of Cherkassy region, in particular, the law-enforcement unit, the Division on Combating Trafficking in People, and the regional prosecution office provided the respondents with the very important information.

In February 2007 there was brought the criminal action against a woman, living in the town of Zolotonosha, who trafficked two adolescent girls to Moscow for prostitution, because they had debts. In two months the girls ran away and are now in Ukraine.

As it was informed by Ivan Afanasiev, Head of the Division on Combating Trafficking in People of the Internal Affairs Department in Cherkassy region, trafficking in people has become the main income for that 40-year-old woman, living in Zolotonosha. She explained her work by the need to feed her 4 children. In general, trafficking is a profitable business, as for trafficking one pretty looking young woman to Moscow they get from 2 to 15 thousand US dollars.

To trace one not complicated crime, to conduct operative investigation requires 700-800 hryvnias. To trace one crime related to trafficking in people and pimping, which requires the documentation of facts, filing of the case-based reasoning, would cost 5-times more.

The perspectives of the qualified legal investigation and successful court reviewing is impossible without the officers' trip to their partners abroad, even to the CIS; there is no financial support for such trips from the Ministry of Internal Affairs.

Vasiliy Kamyanyets, the officer from the Prosecution Office of Cherkassy region, informed that in 2007 there was only one criminal case on pimping, reviewed by the Court. In 2000 there was a case of a criminal 5-persons group operated in Cherkassy send to the Court. This group utilized violence, threatening to force young women into the prostitution. Those, who refused, were kidnapped, brought to the woods and menaced by murder. Currently, three of the offenders are arrested. Two out of 5 are announced as wanted.

There is one more case on the criminal group, which forced nine women, aged of 17-26 years old, into prostitution and drug pushing; it's currently in processing. After the criminals were arrested, the victims could return to the normal life.

Thus, in general, the legislative basis and the institutional mechanisms in the area of combating of trafficking in women and exploitation of prostitution are elaborated in Ukraine, though the implementation is not efficient either in the central or regional areas of Ukraine.

On the whole, the respondents recollect hundreds of cases of trafficking in people, only tens of them are under the investigatory processing, and only single cases are reviewed in courts.

CONCLUSIONS

1. The imperfection of the legislation in Ukraine is an obstacle for the effective combating trafficking in women and exploitation of the prostitution.
2. The low level of international collaboration, the lack of coordinated operations of the internal law-enforcement units, prosecution services, security services, the State Boundary Service of Ukraine should be considered.
3. The lack of human, technical and financial resources is a big challenge for the elimination of all forms of trafficking in women and exploitation of prostitution.

ARTICLE 7. DISCRIMINATION AGAINST WOMEN IN THE POLITICAL AND PUBLIC LIFE OF THE COUNTRY

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

The Constitutional regulations of the elections in Ukraine are provided in part III of the Constitution on “Elections. Referendums”; and also in the articles, regulating elections of People’s Deputies, President of Ukraine, Deputies to Local Councils. Article 71 of the Main Law defines: “Elections to the government and self-government are free and are provided on the basis of the general, equal and direct election right by the secret ballot. The voters’ free declaration of their will is guaranteed”. Article 76 says: “The Constitutional composition of the Supreme Council of Ukraine is made of 450 People’s Deputies of Ukraine, who are elected for 4 years on the basis of the general, equal and direct election right by the secret ballot”. Article 103 says: “The President of Ukraine is elected for 5 years by the citizens of Ukraine on the basis of the general, equal and direct election right by the secret ballot”. Article 141 says: “The Deputies to the village, settlement and municipal councils are elected for 4 years by the village, settlement, town citizens on the basis of the general, equal and direct election right by the secret ballot. The territorial communities elect heads of village, settlement and municipal councils for 4 years on the basis of the general, equal and direct election right by the secret ballot, the elected heads chair the executive bodies and its meetings”. As we see, each Constitutional regulation obligates the observation of equality in the election process.

The basic principles of the election right are explained in the relevant statements of the laws of the President, Peoples’ Deputies, and local elections. In Ukraine there is the following legal framework for elections: “On the Election of People’s Deputies” (March 25, 2004); “On the Elections of Deputies to the Supreme Council, the Autonomous Republic of Crimea, Deputies to the Local Councils, and Heads of Villages, Settlements, Towns/cities” (April 6, 2004); “On the Elections of the President of Ukraine” (March 5, 1999); “On the Central Election Commission” (June 30, 2004); “On the State Register of Voters” (February 22, 2007); “On the All-Ukrainian and Local Referendums” (July 3, 1991).

Article 2, part 8 of the Law of Ukraine “On the People’s Deputies’ Elections” and article 3, part 5 of the Law “On the Elections of Deputies to the Supreme Council, the Autonomous Republic of Crimea, Deputies to the Local Councils, and Heads of Villages, Settlements, Towns/Cities” determines that all direct and indirect privileges and limitations of the citizens’ election right on the bases of race, skin color, gender, ethnic and social origin, political, religious and other affiliations, property status, place of living, language or other reasons are prohibited.

The Law of Ukraine “On ensuring equal rights and opportunities for women and men in Ukraine” declares that women and men have equal election rights and opportunities ensured by

the legislation of Ukraine. The political parties, election groups envisage the representation of women and men in the election lists during pre-election campaigns in the multi-mandatory state election district. The control over that is provided by the election commissions (article 15).

The formulation related to the female and male representation in the election lists is very general. There should be quota or proportion in regards to these representations. There was such a proposal, but it was withdrawn from the draft of the law.

In March 2006 there were the regular Parliament and local elections. The main documents for the election participants, and the Central Election Committee were the Laws “On the election of People’s Deputies of Ukraine” and On the Elections of Deputies to the Supreme Council, the Autonomous Republic of Crimea, Deputies to the Local Councils, and Heads of Villages, Settlements, Towns/Cities”. So, the election lists were registered, even if there were no women included there. There was no sense to argue such decisions in courts, as there was no contradiction between the special and general laws, and the highest force is after the special law on elections. Besides, even if women were included in the second half of the lists, there would be low probability of them to get the deputies’ mandates. At the local level the situation is even worse, because in the Law of Ukraine “On ensuring equal rights and opportunities for women and men” the local elections are not mentioned. Thus, the results depended mostly on the personal qualities of women-candidates: their activeness, authority, persistence, communication skills for ability contacting heads of parties, blocks and the ability to prove their rightness. Sometimes, it is observed that the women, who have weak leadership positions and are comfortable for the heads of the parties, are included in the list of candidates.

In the 2006 elections of the People’s Deputies of Ukraine there were registered 45 political parties (blocks) – subjects of election process. According to Article 58 of the Law of Ukraine “On the Election of People’s Deputies”, they submitted their pre-election programs, which were disseminated all over the country among other obligatory documents.

Only 5 parties (blocks) mentioned problems of women and men as representatives of separate gender groups in their pre-election programs. These parties (blocks) were not elected to the Supreme Council of Ukraine.

The Block of Yulia Tymoshenko is headed by the woman, who, for the first time in the history of independent Ukraine, was the female Vice-Prime-Minister and the Prime-Minister; however, the pre-election program and the list of candidates was “non-female”: there was not a single program statement related to the women’s problems; in the first five members of the block – one woman – Yu. Tymoshenko; among the first 20 members – also only one woman; among the first 50 members – 2 women; among the first 100 members – 6 women”.¹⁹.

In 2006, 38 women-deputies were elected to the Supreme Council of Ukraine, which made 8.5% from the total number of the deputies.

Comparing to the previous convocation, that was a significant progress: in 2002, there were 22 women in the Parliament (5.3%).

The Parliament elections were held by the mixed system, when 225 deputies were elected by the proportional system, and other 225 – by the major system; in 2006, all deputies were elected by the proportional system.

¹⁹ S. Plotyan. Gender analysis of Parliament and local elections, 2006. Program “Women’s participation in the civil society life of the country”. – Kiev. 2006.

The Chairs of the Supreme Councils since 1991 are traditionally and exclusively male. In the 5th Convocation only two women were appointed as the heads of the profile committees (Committee on Education and Science and Committee on Healthcare), and two women – as deputy heads of the committees.

Two women head the most numerous fractions in the Supreme Council of the 5th Convocation. In the 4th Convocation the same women headed the same fractions, but the number of fractions and groups was increased from 10 to 15.

In summer 2006, there was the proposal from the Deputy Oksana Bilosir (“Our Ukraine”) on the creation of Committee on Family and Gender Issues. However, this proposal was met with active resistance from the male deputies, who used poorly grounded and non-correct arguments in their comments to the press, starting with the lack of experienced, highly qualified specialists in this field among the Parliamentary Apparatus, and finishing with the argument, that there were no budget planned for provisioning such committee. There was missing one important message: the majority of the deputies did not consider ensuring equal rights and opportunities for women and men as important enough for creating a separate committee. Unfortunately, none of women-deputies also officially supported the initiative of Oksana Bilosir, which exemplified the female MP’s attitudes to the gender equality issues. The initiative was not reflected in the Guideline of the Supreme Council “On the list, content and procedures of the 5th Convocation Supreme Council’s Committees” (№ 8-V, July 11, 2006).

Instead, there was created a sub-committee on the issues of gender equality policy, headed by Elena Bondarenko (Block of Yulia Tymoshenko), within the framework of the Committee on human rights, national minorities and interethnic relations of the Supreme Council of Ukraine.

That could be considered progressive. It is possible to conduct active and effective work within this subcommittee, because they are given significant responsibilities in the law drafting, organizational and controlling functions according to the Law of Ukraine “On the Supreme Council’s Committees” and the Supreme Council’s Regulation. The subcommittees turned from the pro forma units into the important functional units in the Committees’ structure due to the Constitutional reform.²⁰

The 2006 Elections lead to the increase of the number of women in the Parliament, in the local self-government. This process has the evolutionary character. The ratio of women-deputies in the regional councils had increased, and in the district councils it had either remained unchangeable or it had slightly decreased in comparison with the previous convocation.

The following tendency remains actual in Ukraine: women’s representation at the level of village, settlement councils is more than 50%; but the number of men increases with the growth of the governmental level.

²⁰ S. Plotyan. Gender analysis of Parliament and local elections, 2006. Program “Women’s participation in the civil society life of the country”. – Kiev. 2006.

Level of councils ²¹	% of women (2006)
Regional councils	10,9
District councils	19,7
Cities of regional level	20,5
District councils in municipal councils	26,6
Town councils of district level	33,6
Settlement councils	46,6
Village councils	50,3

The legislation on elections has changed several times; different parliamentary election systems have been tried. But the women's representation has never been more than 8.5%. The reason is, probably, not in the specifics of election systems, but in the lack of mechanisms, which can overcome the female low representation. The gender equality in the political field can be achieved by the adoption of the series of systemic affirmative measures.

The election system in Ukraine is steadily changed due to the international support. Independent experts take part in the expertise and gender analysis of legislation. The introduction of the gender component in all election laws, the requirement for the parity representation of women and men in all power bodies, in election commissions should change the situation.

The highest echelons of the executive power have the "male face". The statistical data illustrates that there are 75% of women and 25% of men in the governmental bodies of Ukraine. But women mostly work in the lowest public service categories (senior, main, junior specialists), while men dominate at the decision-making positions.

In the government, formed by Viktor Yanukovich in the summer 2006, as well as in the previous government, chaired by the Yuriy Yehanurov, there were no women-ministers. Traditionally, in the governments, chaired by Yuliya Tymoshenko, beside herself, there is only one more woman: in 2005 – Oksana Bilosir, Minister of Culture; in 2008 – Lyudmila Denisova, Minister of Labor and Social Policy. However, on the whole, the appointment of Yuliya Tymoshenko to the position of the Prime –Minister can be considered as the achievement of the women's political leadership. She was also the first woman in the position of the Vice-Prime–Minister in the Ukrainian government.

The female representation in the local government, can be the criteria of the gender maturity of the Ukrainian society can. In 2005, there were no women – heads of the Regional State Administrations in Ukraine. The Orange Revolution promoted the gender-related changes in this area. Women headed Dnepropetrovsk, Kiev, Sumy Regional State Administration. In the meantime, the process has gone to the reverse direction. In 2008, a woman heads only Kiev Regional State Administration (V.I. Ulianchenko).

In spite of the *de jure* equal status of women and men, *de facto* women still are discriminated in the political field. It happens due to the set of reasons, among which there are the following ones:

- Not consolidated women's and gender movement;

²¹ Ibid.

- No trust in women – politicians, and their negative image created by the mass media and the patriarchic past;
- Low social status of women;
- Economic dependence of a woman on a man;
- Unequal distribution of family roles;
- Absence of centers for the citizens' political education;
- Absence of support to women-politicians from men and their misunderstanding of the importance of women's representation in power;
- Influence of the stereotype that "politics is dirty"; etc.

CONCLUSIONS:

1. In spite of the Law of Ukraine "On ensuring equal rights and opportunities for women and men", the gender component is not reflected in the election legislation.
2. The changes in the election system do not influence the representation of women in the power bodies, which has never been more than 8.5% through the whole history of independent Ukraine.

ARTICLE 8. PARTICIPATION OF WOMEN AT THE INTERNATIONAL LEVEL AND IN THE WORK OF INTERNATIONAL ORGANIZATIONS

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

In the State Reports there is rather detailed information about the legal bases and practical aspects of women's participation in the international governmental activities and in the work of international organizations. Nevertheless, there is the lack of information about the number of women-ambassadors of Ukraine. There is certain progress in this aspect: for the last two years the number of women-ambassadors has tripled (from 1 to 3).

However, taking into account that the overall number of foreign ambassadors of Ukraine is more than 80, the mentioned above progress seems to be very insignificant.

Besides, in the State Reports there is no information about international Parliamentary delegations, and delegations of the local government and self-governments. Studying the history of the Ukrainian Parliament, it becomes obvious that women-deputies were rarely included into the official international delegations. The Permanent Delegation of Ukraine to the European Council's Parliamentary Assembly included exclusively men in 2002. The Supreme Council of Ukraine of the 4th Convocation did not pay attention to the PACE's requirement related to the obligatory representation of women in the national delegations. Only when there was a possibility that the mandates of the Ukrainian delegates would not be recognized, the Supreme Council of Ukraine urgently included two female People's Deputies into the Permanent Delegation of Ukraine: Oksana Bilosir, as the Delegation member, and Yekaterina Vashchuk, Deputy for the Delegation member.

The Ukrainian Parliament made relevant conclusions in 2006. In the Supreme Council of Ukraine of the 5th Convocation there were 12 official delegations, women – deputies were represented in 11 delegations. There were no women in the Permanent Delegation to the NATO Parliament Assembly. And Chairs of the Delegations were and still are traditionally men.

At the local level the formation of the official international delegations is done according to the candidate's official position in the department – by professional, qualification level and by the knowledge of foreign languages. At the same time, in practice, it is usually considered as the form of reward. The official person, managing the formation of the delegation, refers to his/her own vision and understanding of gender equality issues. The parity in women's and men's representation in the international delegations is provided according to the requirements of the host –side, which deals with the organization and invitations.

CONCLUSIONS:

1. There are certain positive changes in the international relations of Ukraine: the women's representation in the state delegations abroad is increased.
2. At the same time, during the formation of official delegations the gender component is not considered, which leads to the presentation of the country abroad only by one part of the population.

ARTICLE 10. DISCRIMINATION AGAINST WOMEN IN THE FIELD OF EDUCATION

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

(d) The same opportunities to benefit from scholarships and other study grants;

(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly, those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;

(g) The same Opportunities to participate actively in sports and physical education;

(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

The State Reports determine that “nowadays in Ukraine, by the indicator of education, women, mostly, have the same level as men, or even higher. Women have equal access to education, to getting diplomas in educational institutions of all types, of all levels of accreditation and types of ownership, both urban and rural. Women have also equal access to educational programs, literature, examinations, qualified tutoring, educational premises, stipends, other forms of material aid. The absence of the evident gender imbalance in education is a positive socio-cultural factor of our country.²² The results of the independent research proved that the discrimination against women is rarely observed in 54.6% cases; sometimes observed in 12.1% cases; not observed in 33.3% cases.²³

However, there are the following problems, which are vaguely reflected in the State Reports:

²² Sixth and Seventh Joint Reports on the Ukraine’s Implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women

²³ Materials of the independent research conducted by the NGO “Women’s Consortium of Ukraine” in 2007 – 2008

1. Due to the intensive transfer of the education system to the commercial basis, the access of women to the so called “prestigious” specializations, which can ensure guaranteed employment and high salary, is getting more and more complicated every year. The reason for that is high tuition fee, reducing of state scholarships. It especially refers to women from rural areas, where the level of high school education significantly differs for that in urban schools.

2. The system of professional – technical/vocational education formally does not limit women’s enrollment to the specializations, which have high priorities at the labor market and employers’ demand (auto mechanics, drivers, furniture makers, electric and gas welders, etc.), but the programs are constructed for male students; besides, the tutors are not skilled for working with women in the relevant professions.

3. The employers prefer to employ men on the listed above professions. So, women, as a rule, get education in specializations, which stereotypically are considered “female”, and relevantly have lower salaries: hairdressers, manicure/pedicure specialists, cooks, confectioners, hotel employees, etc. Such modern specializations as “small business managers” are very competitive at the enrollment, which makes additional limitations for women.

4. The number of higher educational institutions’ graduates is not relevant to the labor market demand in the employees with higher education, which, first of all, challenges women.

The materials in Article 11 will illustrate in details the relation between women’s level of education and their employment in the current situation.

CONCLUSIONS:

1. Education is one of the most conservative fields, which is the most resistant to the positive democratic changes.

2. The tendencies in the education development in Ukraine are much behind the tempos of economic development.

3. In spite of the strong lobby of changes in the content of tutorial materials, which continue strengthening negative stereotypes related to women’s and men’s economic, social and political roles in the society, the transformation process is very slow.

ARTICLE 11. DISCRIMINATION AGAINST WOMEN IN THE FIELD OF EMPLOYMENT

States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to work as an inalienable right of all human beings;

(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;

(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

Labor relations of the citizens of Ukraine are regulated by the Constitution of Ukraine, Labor Code of Ukraine, Laws of Ukraine “On the Populations’ Employment”, “On Payment for Work”, “On Obligatory Social Insurance for the Unemployment”, Criminal Code of Ukraine, other legal and normative acts.

The State Reports quote Article 17 of the Law of Ukraine “On Ensuring Equal Rights and Opportunities for Women and Men” (in force since January 2006): “...women and men are ensured with equal rights and opportunities in employment, in promotion, in advancement and re-training”. It is for the first time legally declared that “sexual harassment is inadmissible”, the relevant definitions are given in the General Provisions of the Law.

Article 17. Ensuring equal rights and opportunities for women and men for work and its compensation.

The employers are forbidden to announce job vacancies either only for women or for men, with the exception of specific work, which can be done by persons of one sex; as well as to set requirements with preferences to persons of one sex, and require from the candidates the revealing of their personal data or procreation plans.

However, the State Reports do not highlight several problems, the solution of which would support the elimination of discrimination against women in the employment field. Among these problems there are the following groups:

1. *Legal and normative acts and regulations do not reflect gender specifics.* Documents, regulating citizens’ issues at the labor market, do not have direct statements ensuring equal rights and opportunities for women and men, and special measures for eliminating discrimination against women at the labor market. The solution of women’s discrimination at the labor market is not specified within the overall problems and is not regulated by special norms. Without that the problem of equal rights and opportunities is practically ignored by the employers, especially in the field of private business and competitive production.

2. In the majority of regions of Ukraine, state structures and private companies, *there is discrimination by gender in the employment.* At the equal characteristics of female and male candidates, the preference is given to the male candidates. Male candidates have better chances to be employed in the field of marketing, programming, and to the top administrative positions.

3. The independent research results confirmed *the steadiness in the division of labor field into “female” and “male” occupations.* It is a factor of not only economic discrimination (wage differences), but also legal discrimination, i.e., against the right of women’s freedom to choose their occupations, and of social discrimination (“female” occupations have lower, secondary, non-prestigious, less important status).

4. The independent research results confirmed *the discrimination in the proposed opportunities for women’s employment.* It was obvious from the programs of recommended re-trainings for women, and there further new employment. Many attempts of women to get positions, relevant to their qualifications and skills, are challenged initially. Most of the job vacancies are connected with the low qualifications and heavy physical work. The vacancies of middle and top managerial positions are oriented on men. The majority of “female” vacancies refer to the sector of services (maintenance staff, assistants) and low-paid occupations.

5. *The gender imbalance is observed at the labor market in many regions of Ukraine.* The big number of the proposed female labor force resources is contradicted by the high demand for the male labor force.

6. During the independent research it was found out that *it is difficult for women to use social opportunities in employment.* Women, registered in the Employment Service Centers, have the right for social protection according to the Law on Social Insurance – there is the 5% quota and

work place reservations for 12 categories of the population. Though, in practice, it is difficult to utilize and to control it. That is why, the quota does not work, it especially refers to the private, international organizations and institutions, in particular, in rural areas.

7. *Unequal opportunities for women and men in rural areas.* It is not easy for women to be equal with men in entrepreneurship due to different circumstances, the main of which is insufficient initial financial provisioning and discriminative system of crediting. That is why among people, who start entrepreneurial activities, women make 47%, men – 52%. The duration of women's entrepreneurial activities is much shorter.

8. *Discrimination at the employment.* The discrimination during interviews, which for some women is psychologically difficult and humiliating, has the deeply rooted origin. The employers tactlessly clarify women's age, family status, family plans, and husbands' places of work. Later, that personal data is considered as the basis for the employment decision.

9. *Problem of employment for pregnant women and mothers.* The State Reports provide the detailed information about the benefits and social aid to pregnant women, nursing mothers, women with minor- age children. Nevertheless, the independent research observed that, in practice, the legal obligation of employers to provide aid to pregnant women, nursing mothers, women with children, disabled women, married, divorced or single, in the age of before 30 and after 45, has lead to the unwillingness of the employers to hire women.

10. Women are not enough aware about factors of discrimination. They experience discrimination in labor and employment areas, in economic field, but are not prepared to confront that.

By the independently collected statistical data, in Donetsk region (September 2006) women make 64.6% of the registered employees at the low qualification occupations; 50.1% of workpeople are women; 76.6% of servants are women. The average employment level of the citizens with higher education is 27.1%, out of them women make 15.8%. The citizens in working professions make 46.3%, out of them women make 34.3%. Citizens with no profession make 33.8%, out of them women make 32.5%⁹

During the independent research there were observed the positive tendencies in identifying the problem of women's employment and developed recommendations on solving some of them:

1. The regional programs "On ensuring gender equality in the Ukrainian society till 2010", envisage to conduct gender analysis of the labor market, monitoring of vacancy announcements, published in mass media, including employment abroad, monitoring of publications on women's achievements in different fields.¹⁰

2. Centers and services of employment provide big work on ensuring the most adequate opportunities for employment. This sector has the well-organized system of records, information, consultation and re-training for citizens. In many regions the employment services conduct analytical study of the unemployed and the labor market needs (Transcarpathian, Volyn', Dnepropetrovsk regions, and others). The results of these studies are used for adapting the format of work with the unemployed, for other services.

3. The information and consultation services, training and re-training programs are provided with the involvement of special educational institutions, and civil society organizations. Beside

⁹ Materials of the independent research conducted by the NGO "Women's Consortium of Ukraine" in 2007 – 2008

¹⁰ Ibid.

individual consultations, trainings on the job search techniques, increase of women's competitiveness at the labor market, psychological consultations, the Employment Centers also provide special workshops on "Work abroad – myths and realities", "Woman as the equal business partner", "Specifics of women's employment", "Women in business", etc.

4. All Employment Centers have electronic sites, which make the vacancies search at the regional and national levels much easier. One of the pages of these sites is on the gender related information and activities, conducted by the Center for Ensuring Gender Equality.

During the independent research, the following factors of discrimination at the labor market of Ukraine were observed¹¹:

- **age** – 54,6 % of respondents observed this type of discrimination against women permanently; 33.3 % – regularly;
- **family status** – 60,6 % of respondents noted this factor as decisive in refusing women in employment;
- **physical status** (current or planned pregnancy, health status, disability, and appearances) – 81,8 % of respondents confirmed the existence of discrimination by this factor at the labor market;
- **lower salary for women's work in comparison with the men's work salary** – respondents in 19 regions (out of 21 regions participated in the independent research) confirmed such discrimination (90.5% of respondents);
- **education** (both its availability and absence) – 27.3% of respondents confirmed the discrimination against women by education as permanent or frequent; 45.4% of respondents confirmed that the high level of education can make negative impact on the employer's decision about hiring a woman;
- **limited choice of the labor market vacancies for women**, as well as the existence of the so called "female" and "male" professions with the relevant discriminative conditions of payment and professional development, etc. – 90.5% of respondents confirmed this factor.

CONCLUSIONS:

1. In Ukraine there is the division of labor field into "female" and "male" occupations. This segregation is the factor of economic, legal and social discrimination.
2. The most discriminative factors for women' employment are age, family status, physical status, education, limited choice of vacancies for women.
3. The gender imbalance is observed at the labor market of Ukraine. The big number of the proposed female labor force resources is contradicted by the high demand for the male labor force.
4. Women, living in rural areas, experience stronger inequality at the labor market.

¹¹ Materials of the independent research conducted by the NGO "Women's Consortium of Ukraine" in 2007 – 2008

ARTICLE 12. DISCRIMINATION AGAINST WOMEN IN THE FIELD OF HEALTHCARE

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

The medical assistance to mothers and children in Ukraine should be given its credit, because the qualified assistance in the birth delivery is accessible for all women, who need it. The legislation ensures women with the maternity leaves and the social aid for child birth delivery, which makes the significant amount, if compared to the average salary. There is positive tendency of the increase of such payments in Ukraine. However, this aid is provided by the government only during the first year of a child's life, the further provisioning with everything needed is the parents' obligation.

The State Reports provide detailed information about the measures towards the improvement of healthcare services for women in Ukraine.

Probably, due to the implementation of the state healthcare programs, the respondents' opinions on the discrimination against women's right for health protection during the independent research were presented follows: rarely observed – 57.5 %; never observed - 15.2 %. Nevertheless, 9.1 % of respondents permanently, and 15.2 % regularly observed such discrimination.¹²

It is worth mentioning, that certain diseases have gender aspect. Breast cancer is an urgent problem related to the post-surgery implants' provisioning. Every year 16 thousand of new cases of breast cancer are diagnosed in Ukraine, the annual death rate among women makes 8 thousand. The government provides women with the implants at the budget expense. However, the procedure of getting implants has always been very bureaucratic; besides, in 2007 there was adopted a new regulation, according to which women should submit several documents from the district departments of labor and social services. This requirement makes sick women not only pass through the whole bureaucratic system, but also makes women to reveal the information about their status. Many women refuse from such aid, it is much simpler for them to purchase the costly implants themselves.

In spite of the fact that in rural areas there is the network of the First-Aid and Obstetric Stations (FAOS), the majority of rural women do not have the opportunity to get gynecological and mammography examination due to the difficulties to get prescriptions, transport and finances. Such examinations are usually done in regional centers. The specialized assistance in Europe is also provided in bigger towns or cities, no country can afford having mammographs in every village. FAOS and First Aid Stations (FAS) are on the budget of village councils, which is not enough for the relevant financial provisioning. In some regions there are regional programs on

¹² Materials of the independent research conducted by the NGO "Women's Consortium of Ukraine" in 2007 – 2008 (focus groups)

the improvement of medical assistance to the rural citizens. In Volyn region such program are under the auspice of the Regional State Administration.

Within the healthcare field, abortions remain the main way of regulating child procreation, though the contraceptives are available nowadays. The citizens' access to consultations on the family planning is about 68%.

In Simferopol Republican Center for Mother and Child the services are not of the relevant quality. In particular, women's visits for doctors' are not scheduled. It ends up with the long lines in stuffy premises. Actually, this center is the only place, where women, who are officially registered there, can get the medical certificate about their diseases. There is no appropriately arranged individual work with women.

In many regions of Ukraine the healthcare organizations do not have systemic registration and reaction to the citizens' needs. This observation was made by the experts –researchers, because the women themselves do not identify such situation as discriminative. On the whole, the discrimination in the field of health care is not identified as such and is not considered to be a spread factor.¹³

*A teacher from one of the districts in **Cherkassy region** had found out that she was HIV-infected, when she was pregnant with her second child. The information was spread by the medical workers around the village, where the patient lived. During the delivery the doctor – obstetrician almost did not help the woman, he did not even communicate with her. The delivery was assisted by the nurse. Afterwards the patient was left alone without any necessary care. As a result, the mother and her child had to change the place of living. Currently, this woman works in the regional department of the All-Ukrainian Charitable Organization “All-Ukrainian Network of People Living with HIV”.*

The medical prophylactic work among the poor mothers, especially in rural and mountainous regions is not effective.¹⁴

CONCLUSIONS:

1. The gender equality approaches to the healthcare problems is vague due to the strong social stereotypes, lack of identification of the problem, lack of necessary knowledge.
2. The urgent tasks for the healthcare are reforming, intensive development of the medical insurance, development and implementation of the quality standards in the medical services.
3. The doctors' excessive workload and the lack of the junior medical personnel challenge the implementation of medical programs, medical assistance with the gender-differentiated approaches.

¹³ Materials of the independent research conducted by the NGO “Women's Consortium of Ukraine” in 2007 – 2008

¹⁴ Ibid

ARTICLE 13. DISCRIMINATION AGAINST WOMEN IN ECONOMIC AND SOCIAL LIFE

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to family benefits;*
- (b) The right to bank loans, mortgages and other forms of financial credit;*
- (c) The right to participate in recreational activities, sports and all aspects of cultural life.*

The State Reports provide the description of special measures focused on the implementation of the UN Convention's Article 13.¹⁵

The independent research was concentrated on the attitudes of the citizens of Ukraine to the measures of social provisioning, including child delivery aid, women's access to crediting and other resources; and their attitudes to the women's right for recreation and other aspects of cultural development.

The current article presents the following results.

As for *point a)* of the current Article, it was observed that in the relation to the right for the child birth aid, the respondents' opinion was positive, on the whole; however, they identified the problem resting on the provisioning of this right in Ukraine. The obligation to pay out the aid to the mothers lead to the problems at work places, as the employers try to avoid fulfilling this obligation by different means. The employers are not well informed that the maternity leave and childcare compensations are paid from the state budget. The lack of such information challenges women's employment.

In *point b)* of the State Reports, which is about *the right to bank loans, mortgages and other forms of financial credit*, it is stated that this right is not ensured to women in the way they need it for their economic independence and social sustainability.

Banks, credit unions, etc., create additional obstacles for women to get loans, mortgages and other services. One of the challenges is, for example, women's marital status. Practically all banks agree to credit women with the real estate collateral, which is their personal property, and with the high interest (17-28%) for short period (less than 1 year). Such requirements can be fulfilled by the rather small number of women, planning to start their own business. It is especially complicated for rural women to deal with land shares and to get bank loans.

*45.5% of the regional focus groups participants reported about the strong discrimination against women by their right to have access to resources (financial, land, etc.); 12.1% do not consider this aspect as discrimination, but as the result of temporary economic difficulties of the transition period.*¹⁶

¹⁵ Sixth and Seventh Joint Reports on the Ukraine's Implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women

¹⁶ Materials of the independent research conducted by the NGO "Women's Consortium of Ukraine" in 2007 – 2008

As for the implementation of *point c)* of the UN Convention, which is about the *right of women to participate in recreational activities, sports and all aspects of cultural life*, the respondents' opinions were the following: nobody of the participants agreed with the permanent discrimination by this right. At the same time, 57.6% of respondents stated, that women do not always have the chance to utilize this right, because they are obliged to combine their work, family care and household responsibilities. Besides, 60.6% of the participants reported that women do not have free right to choose the way of self-realization.¹⁷

The development of the network of social services infrastructure is important for the social protection of women. It creates additional opportunities for women's development. The most challenging situation relates to the number of children's pre-school establishments. By the data of the Department of the Comprehensive and Pre-School Education of the Ministry of Education and Science of Ukraine, the lack of children's pre-school establishments is catastrophic. For example, in Sumy and Rovno regions there are 120 children per 100 places in kindergartens; in Volyn region – 126 children per 100 places; in Dnepropetrovsk – 127 children; in Ternopol – 138 children. In Odessa there are 145 children's establishments, while, at the same time, there are 19 thousand pre-school children.

The network of Mother and Child Centers is in development in Ukraine. In Chernovtsy region such Center was opened in 2008. 10 single mothers with their children can stay there. The duration of stay is 7 months for pregnant women, and 18 months after the child birth delivery. Financial provisioning goes from the state budget. The system of legal and psychological services is considered.

The poor provisioning with technical home appliances interferes with women's right for participation in recreation activities, sports, cultural life. Women spend much time on the household work. The work at one job is often not enough for provisioning the sustainable material status of the family. So, most of the time is spent on earning the money, including the work at the household garden. By the Ministry of Labor and Social Policy data, in 2007, 146 thousand of 5-14 years old girls and boys were involved in the work for the agro industrial complex of Ukraine. Their average working day was 5-6 hours per day. Almost every third child has health problems and works with dangerous substances. Every year one child dies, and 15 children are traumatized in the agricultural works.

By the NASY's Institute of Sociology, many families cannot provide themselves with the full-value rationale food. About 40% of the Ukrainian children do not have meat or fish in their daily ration. 46% do not get enough of fresh vegetables and fruit. Financial problems challenge the quality of recreation and psychological status of the families.

In 2007 Kyiv International Institute of Sociology publicized the survey results for 5 years, from 2001 till 2006. To the question "Do you consider yourself happy?" the affirmative answers were given by 20% of respondents in 2001; by 23% of respondents in 2003; 22% - in 2005; and 23% - 2006 (in average – 23%). The sociologists observed that more educated and working people consider themselves happier.

¹⁷ Materials of the independent research conducted by the NGO "Women's Consortium of Ukraine" in 2007 – 2008

CONCLUSIONS:

1. The impoverishment of the population has lead to the deterioration of opportunities for women in covering their social, financial, economic and cultural needs.
2. Low level of financial awareness of women in Ukraine limits their opportunities in developing their own business and improving their families' wellbeing.
3. The input of women in the economic development of the country, by both paid and non-paid work, remains undervalued.
4. The lack of children's pre-school institutions is an obstacle to women's right to work.

ARTICLE 16. DISCRIMINATION AGAINST WOMEN IN ALL MATTERS RELATING TO MARRIAGE AND FAMILY RELATIONS

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

(a) The same right to enter into marriage;

(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;

(c) The same rights and responsibilities during marriage and at its dissolution;

(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

The State Reports contain detailed information about the legal, organizational and institutional provisioning of the activities targeted on the elimination of discrimination against women in marriage and family.¹⁸

During the independent research the special attention was put on the problem of violence, discrimination against women in the family and on the elimination of that in Ukraine.

There is the tendency in Ukraine not to publicize, but to hide the problem of family violence by suppression of the real information, by ignoring the appeals of women, suffered from the family violence, by making the procedure of processing the appeals and making decisions at the special structures very complicated.

¹⁸ Sixth and Seventh Joint Reports on the Ukraine's Implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women

The important role in the situation is given to the deeply rooted discriminative stereotypes that the violence in a family is the “family internal issue”, and those from the outside, i.e., law-enforcement units, services on family issues, neighbors, etc., should not interfere.

Such stereotypes, in many cases, keep women, suffering from violence, from applying for assistance.

Thus, discrimination against women is doubled due to the following aspects: firstly, violence is the discrimination itself; secondly, there is the fear of getting official assistance and revealing the situation in the family.

Nevertheless, Ukraine, as a democratic state, takes serious steps towards combating domestic violence and eliminating of the problem. The recent practices have confirmed the conceptual re-thinking of problem of violence in the Ukrainian society, which is proved by the adoption of laws and the relevant legal and normative acts, regional guidelines, orders, etc.,¹⁹, among which the first place is given to the following:

- Law of Ukraine “On the prevention of family violence” (№ 2789-III, November 15, 2001);
- Law of Ukraine “On introducing changes to the Code of Ukraine on administrative infringements in identifying responsibility for committing violence in a family or for non-feasance of protective directions” (№ 759-IV, May 15, 2003);
- Cabinet of Minister’ Regulation “On ensuring the procedure of consideration of appeals and information about violence or its threat” (№ 616, April 26, 2003);
- Joint Order of the Ministry on Family, Youth and Sports Affairs, Ministry of Internal Affairs, Ministry of Education and Science, Ministry of Healthcare “On ensuring the procedure of consideration of appeals and information about violent attitudes to children and threat of violence” (№ 5/34/24/11, January 16, 2004; registered at the Ministry of Justice of Ukraine with № 99/8698, January 22, 2004);
- Order of the Ministry on Family, Youth and Sports Affairs of Ukraine “On ensuring the social maintenance of families in crisis situations” (№ 38, February 5, 2004);
- Joint Order of the Ministry on Family, Youth and Sports Affairs, Ministry of Internal Affairs “On ensuring the instruction on mutual actions of departments on the adolescents’ issues, centers of social services for youth and law-enforcement units on prevention of family violence” (№ 3/235, May 9, 2004);
- The relevant guidelines, orders are adopted, and coordination councils are created at the regional levels.

It cannot be stated, that the adopted laws and legal norms are not working completely in Ukraine. The materials of the independent research prove the work of different structures and organizations on eliminating the problem, however, the majority of Ukrainian women are not aware about such laws, regulations and orders.

Nevertheless, the respondents in every region of Ukraine confirmed that there are special activities, crisis centers, as at the base of social services, and also at the base of civil society organizations.

The well-known all over Ukraine Crisis Center of the Kharkov NGO “Hope” is an example; it provides assistance to the victims of violence; develops and provides individual programs for work with women, suffered from violence.

In different regions there are regional and district centers for psychological, legal, social,

¹⁹ Materials of the independent research conducted by the NGO “Women’s Consortium of Ukraine” in 2007 – 2008

medical, economic and informational assistance. Such centers are open in Belaya Tserkov', Mironovka, Zgurovka, Borodyanka districts of Kiev region. They provide prophylaxis activities, e. g., "Home life", "Visit", "Family without violence", "Teenager". The analogous programs function in Chernigov, Transcarpathian, and Odessa regions.

The most spread activities on the improvement of the status of women and children, suffered from the family violence, are the following:

- "Hot lines" and "telephones of trust";
- Informational and consultative work;
- Publication of booklets ("World without violence", "How to prevent violence", etc.);
- Publication and dissemination of NGO materials;
- Workshops and trainings for specialists;
- Talk-shows on TV and radio;
- Information on the popular Internet portals;
- International actions "16 days against violence".

The independent research showed that, in spite of all applied efforts, the statistics do not reflect the depths of the domestic violence.

In 2006 in the Autonomous Republic of Crimea there were registered 3648 of citizens' appeals to different departments, out of them 3373 appeals to the departments of internal affairs. 3051 persons are registered in the departments of internal affairs, as those, who need rehabilitation related to family violence, out of them 642 are women, 2311 are men, 98 are adolescents. As we see, violence towards family members is committed by men 3.5 time more often than that by women.

The family violence is a problem not only of the dysfunctional families and it's not connected only with alcoholism and poverty. The research proves, that in many cases women do not consider themselves as victims, because they "are used" to such mode of life.²⁰

In Donetsk, Ivano-Frankovsk, Transcarpathian, Rovno, Sumy, Kherson and other regions, the appeals from those who suffered from the family violence is counted by thousands. By the results of the case studies, hundreds of official notes on the inadmissibility of violence are issued, hundreds of protective assignments are given out, and fines are charged. However, these measures are not very effective, because the perpetrator remains at home, where other family members live, and thus creates the atmosphere of psychological hostility and provokes aggression. The fines are charged from the family budget, so the suffered women and children experience pecuniary losses.

CONCLUSIONS:

1. The traditional distribution of gender roles limits the opportunities for women's development and realization of their life potential, limits their rights and leads to the discrimination.
2. The hidden character of the family violence is a problem in the Ukrainian society. Neither the victim, nor the society publicizes this problem. The government and the civil society must focus their significant efforts on the change of the public opinion about the problem of domestic violence.

²⁰ Materials of the independent research conducted by the NGO "Women's Consortium of Ukraine" in 2007 – 2008

SUMMARY

The national civil society organization “Women’s Consortium of Ukraine” with its partners from all regions of Ukraine and the Autonomous Republic of Crimea initiated the independent assessment of the mainstreaming of the gender policy in Ukraine at the regional level.

In the framework of this initiative, 22 civil society organizations conducted the survey among the governmental and non-governmental organizations, using the specially elaborated questionnaire form. There were conducted 5 focus-groups, which helped to make conclusions about the community awareness level on the discrimination against women, and to identify the attitudes of different social groups to this problem. The collected data illustrates the regional specifics of the gender equality situation in Ukraine. The materials of the current Report provide the in-depth situational analysis of the gender equality problems, focusing on the gaps, which were not covered by the State Reports, exemplifying the facts of discrimination and providing the recommendations of the civil society leaders on the solution of the most important gender equality problems. Independent experts have taken part in the work on the Alternative Report, which reflects the situation practically all over Ukraine.

Having studied the real situation with the implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women in Ukraine, the authors of the Alternative Report have come to the following conclusions:

- The systemic legislative basics for the formation and full-scale implementation of the governmental policy of equal opportunities, and also the policy of elimination of gender-based discrimination or limitations are not yet formed in our country.
- In Ukraine there are no sanctions for activities or inactivities leading to the discrimination against women; and there is no control over the law observance and over the implementation of the governmental policy on combating discrimination against women.
- The main controlling function over the law observance and the liability for discriminative attitudes to women is provided by the civil society organizations of Ukraine.
- The discrimination against women in Ukraine is not clearly identified, in particular, there is the lack of information about international commitments of Ukraine and its government on combating the discrimination against women.
- The Ombudsman’s institution in Ukraine is not effective in protecting women’s rights and freedoms, as it has the multifunctional assignments and limited number of qualified employees.
- The educational and cultural programs do not include gender component, and thus, they produce gender stereotypes. Educational sphere is one of the most conservative areas as related to the affirmative democratic changes. The tendencies of educational development are significantly behind the tempos of economic development of Ukraine. In spite of the strong lobby to introducing changes in the tutorial materials, which continue promoting negative stereotypes on economic and socio-political roles of women in the society, the transformation process is very sluggish.
- The significant input of women in the economic development through the paid and non-paid labor has not yet been appreciated by the society. Women in Ukraine have double or

triple workload, as the household work is predominantly the responsibility of women. The traditional allocation of gender roles prevent women from revealing their life potential, limit their rights and lead to the gender discrimination.

- There is the lack of coordination of the local NGOs and donor organizations' efforts in combating trafficking in people, in the increase of the citizens' awareness and the work with victims; in the civil society supervision over the government activities and its sufficient financial and feasible provisioning; in the supervision over the law observation. There is no unified database of the affirmative actions of the NGOs of Ukraine in combating trafficking in people.
- The governmental bodies are not gender-balanced. There is the following characteristic - the higher-level positions are represented by the less number of women. The same situation is observed in the elected structures. In the Parliament of Ukraine (the Supreme Council of Ukraine) women make 8.5%. At the local councils' level there are 50,3% of women in the village councils; 46,6% - in the rayon councils; 20% - in the municipal councils; 10,9% - in the oblast councils. The political sphere is discriminative against women in Ukraine.
- The labor market is characterized by the gender asymmetry, misbalance, and discrimination. Employers perform discrimination against women. The programs of support to small and family entrepreneurship, especially for the rural population, are not gender-sensitive. The trade unions of Ukraine do not participate in the protection of the citizens' rights.
- The gender approaches in the healthcare sphere are not elaborated; the gender studies are practically not conducted. The doctors are overloaded and underpaid; there is the lack of qualified junior and middle-level medical personnel – these factors make impossible the provisioning of medical services with the gender-differentiated approaches. The protection of the patients' rights and the increase of the responsibility of the medical staff for the quality of services are among the most important issues. The population impoverishment, in general, has lead to the decrease of opportunities for women in covering their social, financial, economic and cultural needs. Women, operated on breast cancer, experience discrimination in obtaining mammal implants, which is guaranteed by the government. Strengthening of discrimination is observed against HIV-infected women.
- The problem of domestic violence in the Ukrainian society is characterized by its hidden nature. Neither a victim, not the society is eager to give publicity to the problem. The educational and prophylaxis programs on prevention of different forms of violence are not systemic and not numerous.
- The review of the State and Alternative Reports will provide the Committee and the member-states to exchange the information, to deepen the understanding of general gender-related problems, to identify tactic goals, which will empower the international community to improve the development of implementation strategies targeted on the elimination of discrimination against women in Ukraine.

RECOMMENDATIONS

1. To ensure that the legislation in Ukraine is gender unified. To conduct the gender expertise of the current legislation of Ukraine, this should become obligatory for Ukraine in elimination, prevention, liability for discriminative actions or inactivity.
2. It is necessary to ensure the participation of the civil society organizations and independent experts in the legislative process with the purpose to include gender-based norms in the legal framework of Ukraine; to provide the civil society control over the local government officials, local state administrations with the purpose to ensure their rigorous observance of the legal norms of Ukraine and effective implementation of the approved programs and action plans.
3. To accomplish the UN Convention Article 2 it is recommended to provide sanctions for activities and inactivities leading to the discrimination of women, and to provide control over the observance of legislation and implementation of activities within the framework of the state policy in combating discrimination against women.
4. It is important to integrate the gender equality component in the legislation on elections. Gender-balanced representation of women and men is required for all election commissions, which arrange and control the election process.
5. It is important to create the special institute of the Ombudsman on equal rights and opportunities for women and men, which will strengthen the mainstreaming of gender equality and will decrease the discrimination level in the society.
6. It is important to ensure the gender balance in official delegations. Both women and men are the citizens of Ukraine, so the interest of the country must be represented by the both. The Guidelines on the International Delegations should be completed with the gender equality component. The information about the practice of international delegations' formation on the parity basis, with the purpose to ensure equal opportunities for women and men is representing their organizations and authorities at the international level, must be widely disseminated.
7. It is required to systematize educational and cultural programs for ensuring the elimination of stereotypes related to the social identification of women and men in all social institutions (family, professional surrounding and career, etc.). The family as an institution for women's and men's harmonious development should be propagated; the role of fathers in the childcare, education and household care should be strengthened – it will be also helpful in harmonizing the domestic sphere.
8. It is important to mainstream the formation of the socially-significant image of a woman, to highlight women's input in the social and economic development through the mass media, literature, arts, etc., which will promote the elimination of the discriminative attitudes, traditional neglecting of women's capacities. The government as well as the NGOs should provide the control over the reflection of women's and men's gender roles in the mass media.

9. The integration of systemic changes in the law-enforcement operations, the increase of effectiveness of combating corruption, improvement of legislation of Ukraine, coordination of the law-enforcement and government activities in combating trafficking in people. The role of NGOs should be strengthened in informing citizens about the trafficking in people, about the assistance to victims, about the civil society monitoring over the government operations, especially over the investigation agencies and courts, and control over the rigorous observance of the Ukrainian laws, over the effective implementation of programs, action plans with the relevant financial provisioning. It is important to coordinate the work of international organizations and foundations to avoid the duplication of their efforts. These projects can get positive multifaceted effects. The creation of the best practices database related to combating trafficking in people is also very useful. It is important to develop the strategy of the further sustainable development of the projects, implemented by the national and international organizations, with the governmental financial provisioning.
10. It is important to conduct the complex gender expertise of the national system of education, as well as all tutorial materials and programs with the purpose to eliminate discriminative content of the exercises, assignments, etc., and thus, to promote the decrease of conservativeness of education towards the affirmative democratic changes; and to coordinate the tendencies of educational development with the tempos of economic development in Ukraine. It is important to provide the systemic normative regulation for the integration of gender component in the sphere of education. The required courses of gender equality issues should be included in the in-service training pedagogical institutes (for training school teachers, educators and lecturers). The system of qualitative analysis and gender monitoring of the programs and activities' effectiveness and impacts on the society should be developed.
11. It is important to develop the gender equality concept of employment for the elimination of gender asymmetry and imbalance at the labor market, connected with the female-domination in certain spheres. It is crucial to provide regular monitoring over the employers' observance of the Labor Code and prevention of discrimination. The women's household services should be recorded as official women's labor and their input in the economics of Ukraine.
12. It is important to extend the program capacities for the development of small and middle entrepreneurship, especially for rural women; to propagate the principle of women's and men's equal roles in family and professional spheres; to provide the conditions for education, life-long advancement training and re-training relevant to the economic development requirements. The NGOs should develop their activities in educational and informational spheres, focused on the increase of women's awareness about their labor rights and on the development of the right protection skills.
13. It is important to conduct gender analytical research works of women's healthcare and to make the results popular; to continue the reforms in the healthcare system, intensive development of the insurance medicine, development of the quality standards of medical services, normative provisioning of the patients' rights, increase of medical personnel responsibility for the quality of services. It is important to change the normative provisioning of mammary implants for women operated on breast cancer; to develop FAOS and provide the access of the rural and indigent citizens to the qualified medical services; to increase resources for healthcare, and to strengthen the NGO's control over this area; to propagate the healthy lifestyle among young women.

14. It is an important task for Ukraine to increase the level of financial education of the Ukrainian women, so that to provide them with the capacities to increase their own business and to improve the family wellbeing. The qualified legal, medical, psychological, pedagogical, rehabilitation and other social services should assist in mainstreaming equal rights and opportunities for women and men in the social and economic area.

15. It is important to strengthen the efforts of government and the civil society towards the change of public opinion and attitude to the problems of family violence, which remains hidden in Ukraine. It is timely to apply the strict sanctions against persons, committing violence. It will be fair to charge the alimony for the family members support from the violator's earnings at the assigned short-term works. The procedure of the support to victims should be changed, so that to avoid additional negative circumstances of preparing documents for the crisis center. It is necessary to change the unfair practices of sending women to the shelters, while the violator stays at home. It is very important to increase the program effectiveness in the prophylaxes and prevention of all forms of violence against different categories of citizens, especially, against young women living in rural areas, as well as men, with the purpose to change negative behavioral models.

ABBREVIATIONS

State Report	Sixth and Seventh Joint Reports on the Ukraine's implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women
Alternative Report	Alternative Report on the UN Convention on the Elimination of All Forms of Discrimination against Women.
NGO	Non-Governmental Organization
FAOS	First-Aid and Obstetric Station
FAS	First – Aid Station
CEC	Central Election Commission
CSO	Civil Society Organization

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