

Ukrainian Parliament Commissioner for Human Rights

Shadow report (Submission) on implementation of the UN Convention on the elimination of all forms of discrimination against women by Ukraine

Ukraine
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ARTICLE 1. The term “discrimination against women”

Re: paragraph 16 of the Concluding observations of the Committee on determining the discrimination in the national law of Ukraine

1. On 13 May 2014, the Law of Ukraine “On Amending Certain Legislative Acts of Ukraine on Preventing and Combating Discrimination” was adopted to establish the new definition of discrimination. According to the Law, “discrimination is the restriction impairing the recognition, exercise and enjoyment of the rights and freedoms of a person or a group of persons in any form set forth by this Law based on the ground of his/her race, colour of skin, political, religious and other beliefs, sex, age, disability, ethnic and social origin, nationality, family and financial status, place of residence, language or other grounds, except when such restriction have a legally justifiable and unbiased purpose which is pursued by adequate and necessary means.”

It should be noted, though, that the definition of sex-based discrimination enshrined in Article 1 of the Law of Ukraine “On Ensuring Equal Rights and Opportunities of Men and Women” implicitly differs from the term provided for in Article 1 of the Law “On the Principles of Preventing and Combating Discrimination in Ukraine.” It results into contradictory interpretation of the term “discrimination” at the practical level.

Moreover, the practical implementation of the Law of Ukraine “On Ensuring Equal Rights and Opportunities of Men and Women” showcases an array of other drawbacks of this act, in particular, in the realm of prosecution for violations of the law on gender equality, as well as sex-based discrimination. The law provides for the civil, administrative and criminal liability. Nevertheless, only legal regulation of criminal liability for violating the equality of persons based on their race or national identity, religious beliefs, disability and other grounds is currently available. Specifically, it is established by Article 161 of the Criminal Code of Ukraine. However, this protection instrument turns out to be inefficient due to the complexity of proving sex-based discrimination within the framework of criminal proceedings.

At the same time, the Verkhovna Rada of Ukraine adopted the first reading of the draft Law of Ukraine “On Amending Certain Legislative Acts of Ukraine (on Harmonization of National Anti-discrimination Law to the Law of the European Union)” (registration # 3501 of 20.11.2015). It stipulates updating the Code on Administrative Offences of Ukraine with the provisions on administrative liability for discrimination (*including sex-based*).

On 30 March 2016, the Parliamentary Committee on Human Rights, National Minorities and Inter-Ethnic Relations recommended the Verkhovna Rada of Ukraine to adopt the second reading of this Law. However, it has not been adopted yet.

Recommendations:

- Introduce administrative liability for discrimination and determine the specific sanctions against this offense.

ARTICLE 2. General list of the commitments of States Parties on the elimination of all forms of discrimination against women

Re: paragraph 19 of the Concluding observations of the Committee on strengthening the national machinery

2. Ukraine has not implemented in full the Committee recommendation on strengthening the national machinery by raising its authority.

An administrative reform launched by the Government in 2010 weakened the national mechanism for ensuring equal rights and opportunities of men and women (national gender machinery). As the Ministry of Family, Youth and Sports was reorganized, its functions associated with gender equality were transferred to the Ministry of Social Policy. This process had taken some time which caused the imbalance of coordination between the central and local authorities in terms of implementing gender policies.

As a result, the State Programme on Ensuring Gender Equality (National Action Plan) has not been adopted and functional from 2011-September 2013. It was only on 26 September 2013 when the State Programme on Ensuring Equal Rights and Opportunities of Men and Women until 2016 was adopted (Resolution of the Cabinet of Ministers # 717).

The Ministry of Social Policy currently has a Department of Family, Gender Policy and Combatting Human Trafficking which includes a division of gender policy staffed by five employees.

3. One of the reasons for poor implementation of national gender policy at the local level is wasteful allocation of functions in this realm. This is confirmed by findings of civic functional survey of 166 authorities carried out by the Centre for Political Studies and Analysis in partnership with the Secretariat of Ukrainian Parliament Human Rights Commissioner in 2014.

Only one official is usually engaged with gender policy in local authorities. However, gender issues are not her/his single function. Moreover, considering heavy workload of such officials, they only implement gender equality measures in part, if any.

There are only five regions of Ukraine to appoint gender advisors to the heads of regional administrations.

Another deterrent to national gender policy is the lack of regional programmes (action plans) on ensuring equal rights and opportunities of men and women which is against the law. In some regions, regional programmes are integrated and encompass a wealth of policy objectives (family, gender, demographic, youth, health promotion and recreation of children, combating human trafficking, etc.). A minor part in this programmes is assigned to gender objectives. The activities are not adequate funded and are of declarative nature rather than result-based.

No systematic effort is taken to build capacity of the officials of local executive and self-government bodies on gender equality.

Recommendations:

- Boost the coordination between the Ministries and local executive authorities on ensuring gender equality;
- Arrange systematic capacity building of local executive officials on gender matters;
- Take regional gender context into account when developing regional gender programmes or mainstreaming gender into regional social and economic development (poverty reduction) programmes;
- Secure adequate funding of gender programmes and activities.

ARTICLE 3. System of measures to ensure the conditions for women to exercise and enjoy their human rights

Re: paragraph 26 of the Concluding observations of the Committee on the lack of information on the effective implementation of the law on preventing domestic violence, in particular, the lack of information and sex-desegregated data on various types of violence and number of women who suffered them

4. The Law “On Preventing Domestic Violence” was adopted in Ukraine in 2001. It established legal and organizational framework for preventing domestic violence along with the authorities responsible for prevention activities. However, the majority of its provision aim at overcoming the existing consequences of the violence rather than preventing it. Furthermore, no efficient mechanisms to counter specific incidents of violence are in place to enforce the Law.

A critical drawback of this Law is that it doesn’t apply to persons who live together but are not family members. The divorced couples who continue living together are excluded from the effect of this Law; thus, they can’t enjoy the protection if they suffer physical, sexual, psychological or economic violence committed by their ex-spouses.

The Instruction on the Cooperation between Structural Units of State Oblast Administrations Responsible for National Policy on Prevention of Violence, Service Units for Children, Centres of Social Services for Children, Family and Youth, and the Respective Divisions of Law Enforcement Authorities on Performing Actions Aimed at Prevention of Violence in Family (approved by the Joint Order of the Ministry of Family, Youth and Sports and the Ministry of Internal Affairs # 3131/386 as amended) doesn’t establish any clear cooperation mechanism and procedures for the authorized bodies at various stages of consideration of a domestic violence incident.

Another issue lacking legal regulation is psychological correction programmes for the perpetrators of domestic violence – specifically, such programmes are not mandatory for them. Therefore, such a programme is envisaged as a social service rather than a sanction against an offence of domestic violence. This is at odds with the nature of psychological correction programme which should be mandatory for the perpetrators of domestic violence.

5. The Law of Ukraine “On Preventing Domestic Violence” stipulates collecting and summarizing data on violence incidents. Nevertheless, since the Law came into effect in 2002, the unified national statistical reporting on domestic violence has not been launched yet.

The data is currently collected in accordance with the above-mentioned Instruction on the Cooperation which was approved back in 2009.

An array of indicators such as a number of persons who completed psychological correction programmes; number of domestic violence injunctions issued; number of official warnings issued; and number of beneficiaries of social services for survivors of domestic violence are not sex-desegregated.

Data such as the age of a victim and a perpetrator, type of violence (physical, sexual, psychological or economic), relationships between a victim and a perpetrator, disability status of a victim, etc. is not collected.

6. The national law doesn't stipulate any comprehensive definition of violence against women or gender-based violence. Furthermore, the law doesn't provide for any special activities, programmes, or services to prevent or combat various forms of violence against women, except for domestic violence.

On 7 November 2011, Ukraine signed the Council of Europe Convention on preventing and combating violence against women and domestic violence ("the Istanbul Convention").

According to Article 9 of the Law of Ukraine "On International Treaties of Ukraine," the line Ministry/central executive agency shall table the proposals on ratification of an international treaty of Ukraine with the Ministry of Foreign Affairs within two months after signature.

Notwithstanding, Ukraine has not ratified the Istanbul Convention yet.

At the same time, tabling the draft laws "On the Ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence" (reg. # 0119 of 14.11.2016), "On Preventing and Combating Domestic Violence" (reg. # 5294 of 20.10.2016), and "On Amending Several Laws of Ukraine with regard to the Ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence" (finalized) (reg. # 02.11.2016) with the Parliament is a positive achievement.

On 17 November 2016, the Verkhovna Rada of Ukraine adopted draft laws # 5294 of 20.10.2016 and # 4952 of 02.11.2016 in the first reading.

The ratification of the Istanbul Convention entails amending and supplementing at least five codes and 10 laws, including the Criminal Code, Code of Criminal Procedure, Family Code, Civic Code, Code of Civil Procedure, the Laws of Ukraine "On Social Services," "On Social Work with Families, Children and Youth", "On Free-of-Charge Legal Aid," "On State Statistics," "On Ensuring Equal Rights and Opportunities of Men and Women," "On Education," "On Advertising," "Fundamentals of the Law on the Protection of Health," "On Refugees and Persons in Need of Additional or Temporary Protection," "On Legal Status of the Foreigners and Stateless Persons," etc.

Recommendations:

- Speed up the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence along with integration of its provisions into legal framework of Ukraine.

Re: paragraph 27 of the Concluding observations of the Committee on the need to ensure effective penalties in the cases of domestic violence

7. The Law of Ukraine “On Preventing Domestic Violence” establishes that the family members who perpetrated domestic violence are subject to criminal, administrative or civil liability pursuant to the law.

No special offense of “domestic violence” is established in the criminal law of Ukraine. Family relationships between a survivor and a perpetrator have no legal implications for the court to determine the degree of guilt.

At the same time, the liability for certain elements of crime which could encompass the crimes of domestic violence is established in a number of articles of the Criminal Code, including Article 115 “Murder,” Article 116 “Murder committed in the heat of passion,” Article 121 “Intended grievous bodily injury,” Article 122 “Intended bodily injury of medium gravity,” 125 “Intended minor bodily injury,” Article 126 “Battery and torment,” Article 129 “Threat to kill,” Article 152 “Rape,” and Article 153 “Violent unnatural gratification of sexual desire.”

8. In 2015, the Law of Ukraine “On Amending the Code on Administrative Offences of Ukraine concerning the Regulation the Liability for the Offences of Domestic Violence” was enacted. It provides for the amendments to Articles 173² of the Code – in particular, punishments in form of a fine or correctional community work (without incarceration) is taken out. The only penalties that remain are community works (from 30 to 40 hours) or administrative detention for up to seven days.

These amendments are a positive development, because community works and administrative detention creates negative consequences for the very perpetrator, while the fines usually affected the entire family rather the perpetrator, whereas they were generally paid from the family budget.

Recommendations:

- Speed up and adopt the second reading of the Law” On the Ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence” (reg. # 0119 of 14.11.2016) providing for the improvement of criminal and criminal procedure law as the tools to combat domestic violence in Ukraine.

Re: paragraph 28 of the Concluding observations of the Committee on the obstacles encountered by women in their access to the services provided by shelters and social centres for victims of domestic violence

9. No special institutions for victims of domestic violence are there in Ukraine.

The integrated support (including psychological, social, domestic, education, medical, information and legal services) to them is currently provided by the Centres of Social and Psychological Support (CSPS). However, such institutions are not field specific in this realm.

According to the internal data of the Ministry of Social Policy, 19 Centres of Social and Psychological Support are functional in the regions of Ukraine as of September 2016 – in Volyn, Dnipropetrovsk, Zhytomyr, Zakarpattia, Zaporizhia, Ivano-Frankivsk, Kirovohrad, Lviv, Mykolaiv,

Odesa, Rivne, Sumy, Ternopil, Khmelnytskyi, Cherkasy, Chernivtsi, Chernihiv, Donetsk oblasts and the city of Kyiv.

Thus, such Centres are not covering Vinnytsia, Kyiv, Poltava, Kharkiv and Kherson oblasts.

Considering the unlawful occupation of the Autonomous Republic of Crimea and the armed conflict in Eastern Ukraine, no information about the CSPA operation in Crimea and Luhansk oblast is available.

The Secretariat of Ukrainian Parliament Human Rights Commissioner visited the CSPA in Lviv, Zaporizhia, Donetsk and Odesa oblasts to find systematic problems in their operation.

In particular, certain restriction are applied on the access to services. Only persons up to 35 y.o., and women with children aged 18 to 36 months can be enrolled. Moreover, client's enrollment is based on their registered rather than actual place of residence.

The opening hours of the CSPA should also be changed. The working hours of the CSPA employees are usually from 9 a.m. to 6 p.m., Monday through Friday. However, the CSPA clients are mostly employed, so they have to leave the CSPA at 8 a.m. and come back after 7 p.m. With this being said, the client's access to the high-quality and efficient services of the CSPA is dubious.

Thus, the working hours of the CSPA employees should be amended reflective of the lifestyles of the clients and the necessity to adjust services to personal needs.

No systematic capacity building activities for the staff working with the victims of domestic violence take place in any of the CSPA. Technical guidelines on identification of victims to be used by the staff are lacking. As a result, a victim who was not identified may fail to receive psychological assistance and rehabilitation care.

The population has no access to the clear and easy-to-understand information about the legal framework of prevention and combating domestic violence, as well as the types of assistance available for victims.

On 23 November 2015, the Cabinet of Ministers of Ukraine approved the Action Plan to implement the National Human Rights Strategy until 2020. Some of the suggested activities concern protection of the victims of violence, including:

- Setting up the Centres of support to victims of gender-based violence, including domestic violence and human trafficking housed by the reformed healthcare facilities (item 89 of the Action Plan);
- Establishing the Centres for Social and Psychological Support in all regions of Ukraine (item 89);
- Maintaining the activity of all existing service providers for victims of domestic violence (item 97).

Recommendations:

- Ensure proper fulfillment of the Action Plan to implement the National Human Rights Strategy until 2020 in terms of the improvement of the system of providing support to the victims of domestic violence.

Re: paragraph 29 of the Concluding observations of the Committee on the necessary measures to ensure that women who suffered from domestic violence (including rural women, elderly women) have full access to the shelters and social centres for the victims of violence, to the means of redress and other protections

10. The Findings of Comprehensive Survey of Rural Women¹ show that approximately 25% women who survived domestic violence did not take any measures to stop it. Every third woman tried to protect herself and stop the perpetrator, every fourth asked family for help, and every fifth reported violence to police or left home. A total of 44% victims sought assistance from other persons or organizations. These were generally the survivors of physical rather than psychological violence who sought such assistance the most (*see Annex 1*).

At the same time, women who did not seek assistance expert being able to solve this problem by themselves; don't believe that anyone can help them; or just don't know whom to contact.

Another reason for rural women to be reluctant to seek help is a traditional stereotype that violence is an internal family issue along with the fear of judgmental attitudes from the neighbours and a community.

The general obstacle preventing victims from seeking help is that the majority of service providers are located in the cities. Front-line district police inspectors who serve several villages/settlements are not always able to promptly handle a request or a report of a domestic violence incident or its real threat.

11. Domestic violence against the elderly women is not widespread, but some of its forms are observed quite often. According to the survey "Elderly People in Ukraine"², psychological pressure (humiliation in front of the others, threats) and certain manifestations of economic violence (using their property without a permit, controlling expenses, forbidding to work) are widespread. The elderly women also reported having suffered from emotional violence (offensive words, yelling, raised voice, etc.) (*see Annex 2*).

The fact that every fourth elderly woman wants to receive information about the prevention of domestic violence proves that this issue is relevant to them. Near 25% elderly women also would like to learn about service providers to victims of domestic violence. It is also exemplary that a third of the elderly women were not able to tell whether they need such information, proving that they are poorly aware of this issue (*see Annex 3*).

Therefore, raising legal awareness of the elderly women and shaping negative attitudes of the community towards the domestic violence against the elderly women are the important preventive components

Recommendations:

¹ Inna Volosevych, Tamila Konoplytska, Tetiana Kostiuchenko, Tamara Martseniuk. Comprehensive Survey of Rural Women. Kyiv, VAITE, 2015. – 88 p.

² Population of Ukraine: Imperatives of Demographic Ageing. Kyiv, ADEF-Ukraine, 2014. – 288 p.

- Raise public awareness of the legal framework on the prevention and combating domestic violence and assistance available to the victims, with a focus on rural women and elderly women;
- Provide unhampered access to the high-quality psychological, social, medical, legal services for the women who survived domestic violence, and develop the community systems of protection and support to the victims;
- Expand the network of the hotlines on domestic violence so that they are available in every settlement/community.

ARTICLE 4. Special measures to accelerate *de facto* equality between men and women

Re: paragraph 23 of the Concluding observations of the Committee on temporary special measures, including quotas, as part of a comprehensive strategy aimed at the achievement of substantive gender equality in areas where women are underrepresented or disadvantaged

12. The Law of Ukraine “On Ensuring Equal Rights and Opportunities of Men and Women” determines the positive actions as temporary special measures aimed at overcoming imbalance between women’s and men’s opportunities to exercise their rights granted by the Constitution and laws of Ukraine

Throughout 2013-2014, a number of draft laws were submitted to the Parliament (registration # 3411 of 10.10.2013, # 3411-1 of 15.10.2013, # 3411-2 of 23.10.2013, # 144 of 11.12.2014, and # 1456 of 12.12.2014) which *inter alia* contained provisions on ensure certain level of representation of underrepresented gender in the electoral lists to the national and local authorities. Unfortunately, neither of them was adopted.

In 2013, Article 8 of the Law of Ukraine “On Political Parties in Ukraine” was amended to request the political parties to specify in their statutes the gender quota they establish for electoral lists at the Parliamentary elections. It should be no lower than 30%.

However, this provision doesn’t directly affect the way the political parties create their electoral lists. If they fail to introduce the provision on quota to their statutes or appoint at least 30% of candidates of certain gender, it is not a reason to refuse registration of their electoral lists.

As a result, the gender quota showed no significant improvement at 2014 early parliamentary elections.

The current Parliament of 8th convocation is composed of 371 male MPs (88%) and 52 female MPs (12%).

In 2015, gender quota was also extended to local elections. Article 4 of the Law of Ukraine “On Local Elections” adopted on 14 July 2015 establishes 30% gender quota for the candidates of party electoral lists to be elected to local councils.

Nevertheless, the Law provides no sanction for non-observing the 30% quota at the local elections. In particular, Article 46 of the Law enlists possible reasons to refuse registration of candidates. But

it fails to include non-observance of gender quota amid such reasons. Thus, the quota lacks the so-much-needed binding nature.

According to the Report developed by the Committee of Voters of Ukraine based on the findings of gender monitoring of 2015 local elections, the average women's representation in the electoral lists to city councils equaled to 32.1% (see Annex 4). At the level of regional (oblast) councils, 29.6% of nominated candidates were women (see Annex 5).

As a result, women number to 18.1% members of the city councils and 15% – of oblast councils.

Recommendations:

- Establish specific sanctions for political parties that don't comply with the gender quota requirement in their electoral lists.

ARTICLE 5. Modification of the social and cultural patterns of conduct

Re: paragraph 25 of the Concluding observations of the Committee on overcoming persistent stereotypes on the roles and responsibilities of men and women in the private and public spheres

13. The activities to overcome stereotypes over the social roles of men and women in family and in society are not sufficient in Ukraine.

The findings of civic functional survey of 166 authorities carried out by the Centre for Political Studies and Analysis in partnership with the Secretariat of Ukrainian Parliament Human Rights Commissioner in 2014 proved that gender awareness raising was often limited to cultural activities (celebration of the Mother's Day, a Women of the Year contest, women's club meetings, embroidered shirts parades, cooking contests, etc.).

The Human Rights Commissioner believes that the awareness raising should prioritize promoting equal rights and opportunities of women and men and two equal groups rather than replicate traditional gender stereotypes on different social roles of men and women in family and in society.

14. Advertising remains one of key drivers behind the prevalence of gender stereotypes. First of all, it concerns the production and placement of ads containing images that violate ethical, humanistic norms, neglect the rules of decency or contain sex-discriminatory statements.

Since 2012, the Human Rights Commissioner received 15 requests of citizens concerning ads that were discriminatory on the grounds of sex.

The proceedings identified five cases of violation of Article 8 of the Law of Ukraine "On Advertising." The ads was removed, and the State Inspection of Ukraine for Consumer Rights Protection levied fines on the respective advertisers.

At the same time, anti-discrimination expert assessment of ads before the advertiser receives a permit to place it would be another efficient tool to prevent the production and dissemination of sex-discriminatory ads.

15. Gender stereotypes on the role and status of women in certain mass media are also prevalent.

Gender monitoring carried out by the Institute of Mass Information from September 2013-October 2014 showcased that female numbered only to near 20% of experts engaged into discussions by mass media. They are mostly involved into the topics such as healthcare, culture and fashion. At the time, women's expert opinion is not almost though in such areas as politics and economy.

16. The activities to overcome stereotypes over the social roles of men and women through the mass media, cultural and educational institutions in Ukraine are far from being sufficient.

Recommendations:

- Ensure anti-discrimination expert assessment of the ads before a permit to place it is issued to an advertiser;
- Organize awareness raising activities (in particular, with the involvement of mass media) to promote gender culture and combat gender stereotypes.

ARTICLE 6. Suppressing all forms of traffic in women and exploitation of women

Re: paragraph 31 of the Concluding observations of the Committee on the root causes of trafficking, acceleration of the adoption of legislation on trafficking, providing sufficient funding for the effective implementation of the State Programme for the Prevention and Combatting Trafficking in Persons

17. The Human Rights Commissioner commends the adoption of a wealth of legal acts against human trafficking in Ukraine throughout 2010-2016 – ratification of the Council of Europe Convention on Action against Trafficking in Human Beings, adoption of the Law on Ukraine “On Combatting Human Trafficking,” adoption of the Procedure to Establish the Status of Victim of Human Trafficking (Resolution of the Cabinet of Ministers # 417 of 23.05.2012), Procedure of One-off Payment of Social Entitlement to Victims of Human Trafficking (Resolution of the Cabinet of Ministers # 660 of 25.07.2012), Instruction of Cooperation between the Authorities who Perform Actions to Combat Human Trafficking (Resolution of the Cabinet of Ministers # 783 of 22.08.2012), and State Social Programme on Combatting Human Trafficking until 2020 (Resolution of the Cabinet of Ministers # 111 of 24.02.2016). Furthermore, the standards of Service provision for social integration and re-integration of the victims of human trafficking was approved (Order of the Ministry of Social Policy # 458 of 30.07.2013).

18. Throughout 2005-2014, a total of 2,599 human trafficking incidents were identified. As many as 2,065 women survived human trafficking³.

As before, the reasons for trafficking in women are economic hardships they suffer, especially in rural areas, limited employment opportunities, low awareness of the employment abroad, ignorance of migration law, demand for cheap labour in the target countries, insufficient or distorted women's awareness of the causes of human trafficking and the methods to protect themselves.

³ According to the Ministry of Interior of Ukraine.

Recommendations:

- Carry out public information campaigns (with a focus on internally displaced women) highlighting possible risks of human trafficking and availability of integrated support to the victims.

ARTICLE 7. Equality between women and men in the political and public life

Re: paragraph 32 of the Concluding observations of the Committee on the underrepresentation of women in high-level elected and appointed bodies, including as members of Parliament, of which women represent only 8 per cent

19. The current Parliament of 8th convocation is composed of 371 male MPs (88%) and 52 female MPs (12%). Women are the First Deputy and Deputy Chairpersons of the Verkhovna Rada.

Women chair only five of 27 Parliamentary committees. No single female MP is a member of the committees such as on Agrarian Policy and Land Relations; on Budget; on Environmental Policy, Nature Resources Utilization and Elimination of the Consequences of Chornobyl Catastrophe; on Legislative Support of Law Enforcement; on Corruption Prevention and Counteraction; on Science and Education; on Affairs of Veterans, Combatants, ATO Participants and Disabled People; on Transport; and on Financial Policy and Banking.

As few as three women are members of the Cabinet of Ministers – Vice Prime Minister for European and Euro Atlantic Integration, Minister for Education and Science and Minister for Health *a.i.* A total of 16 women are Deputy Ministers.

A woman is heading the National Bank of Ukraine.

ARTICLE 8. Equal opportunities for women and men to represent their Governments at the international level

20. As of 2015, only five women keep managerial position in Ukraine's diplomatic missions – Ambassador Extraordinary and Plenipotentiary, Consul General and three heads of consular institutions.

ARTICLE 10. Equality between women and men in the field of education

21. The general literacy level of the population of Ukraine amounts to 99.7% (men – 99.8%, women – 99.6%)⁴.

No significant difference is observed in the attendance of elementary and secondary school between the boys and girls. Female/male student ratio in the elementary school is 102.0 to 88.5, in the secondary school – 92.5 to 89.9⁵.

⁴ According to UNESCO.

⁵ Multi Indicator Cluster Survey (MICS), 2012. State Statistics Service of Ukraine (et al.). Kyiv, K.I.S., 2013.

Neither boys nor girls face any gender limitations in the access to education in Ukraine.

Nevertheless, due to poor national integration policies and lack of gender mainstreaming into policy development, various rights of the women from vulnerable groups remain restricted.

In particular, the surveys of problems faced by the Roma community⁶ proved that the access to education was one of the most critical issues of the human rights of Roma women. A number of barriers is there to prevent Roma women and girls from the access to education. The respondents claimed that such barriers were the poverty and patriarchic traditions of their community that restrict the opportunities of Roma women and girls.

The main reasons for low school attendance rate among Roma children are poverty and nomadism of the Roma community; lack of motivation to make their children attend school among Roma parents; explicit discrimination of Roma children based on their nationality on the side of school and pre-school administration; lack of money to pay for education, for school clothes and supplies; lack of personal documents.

22. Another important problem in the area of education is lack of gender education of the secondary school children and undeveloped system to train specialists for running gender expert assessment.

Recommendations:

- Carry out information campaigns among the Roma community to highlight the need to send their children to school;
- Consider using the school premises to house the 'catch-up' programmes for Roma children who missed school and evening classes for the adults.

ARTICLE 11. Elimination of discrimination against women in the field of employment

Re: paragraph 34 of the Concluding observations of the Committee on real situation of women in the labour market, in particular of wage discrepancies between women and men, discriminatory recruitment practices and sexual harassment at the workplace

23. Certain wage discrepancies persist between men and women. In 2015, the average women's salary was 25.1% lower than in men⁷. To compare: in 2014, it was 23.7% lower, while in 2013 – 22.8%, and in 2012 – 22.4%.

Significant gender pay gap is observed in various sectors of economy, including the industry – 25.9%, postal and courier activities – 35.4%, financial and insurance activities – 33.6%, etc.

⁶ Survey of the Problems of Roma Community (based on the findings of monitoring in the Autonomous Republic of Crimea, Odesa and Zakarpattia oblasts). International Charity Fund "Roma Women's Fund Chirikli" in partnership with the Secretariat of Ukrainian Parliament Commissioner for Human Rights within UNDP Democratization, Human Rights and Civil Society Development Programme in Ukraine, 2014.

⁷ According to the State Statistics Service of Ukraine.

At the same time, certain sectors that are traditionally considered 'female', the gender pay gap is smaller. In particular, in the sectors of education, healthcare and social protection which are dominated by women it doesn't exceed 10%. Experts owe it to the generally low wages in these sectors. For example, women's salary throughout various sectors in 2015 averaged to UAH 3,631 and men's – to UAH 4,848; while in the sector of education it was only UAH 3,082 for women and UAH 3,299 for men, and in the healthcare and social protection it was as low as UAH 2,772 for women and UAH 3,090 for men.

24. It should be also highlighted that conservative gender stereotypes are still prevalent in society, limiting the woman's role only to the family, and man's role – to public activities.

Stereotypes on the traditional distribution of gender roles between the public and private life, "female" and "male" jobs, employment at the labour market and housekeeping are also widespread.

Men's involvement into parenting and house chores is insufficient. It makes it more complicated for women to reconcile professional activities and house chores. Furthermore, traditional gender roles are entrenched in the school textbooks and representation of women in mass media and advertising.

Amendments introduced to the Labour Code and the Law of Ukraine "On Leaves" in 2015 are a positive step to promote men's role in childcare. According to Article 182¹ of the Labour Code and Article 19 of the Law "On Leaves," several groups of parents shall be granted additional 10 calendar days of paid leave not including holidays and days-off. These are: employed woman who has two or more children under 15 or a disabled child; mother who adopted a child; mother of a lifelong disabled person of disability group A-I; single mother or father of a lifelong disabled person of disability group A-I (including if a mother of this person receives a long-term residential treatment/care); and a person who took a lifelong disabled person of disability group A-I under her/his custody.

It's also worth mentioning, though, that the employed men have compared to the employed women have less grounds to enjoy the right to an additional social leave. It only applied to single fathers and to father who care about children whose mothers receive a long-term residential treatment/care. That is a proof of gender inequality affecting men.

25. The effective List of hard, dangerous and harmful jobs in Ukraine adopted by the Order of the Ministry of Health # 256 of 29.12.1993 bans women's employment at certain jobs. In particular, women can't drive vehicles with more than 14 passenger seats, tractors and other agricultural vehicles, sea and river boats, or be employed at a number of industrial and agricultural positions.

According to the Human Rights Commissioner, an effective List of hard jobs should be revised and brought in line with the principle of equal opportunities of men and women in the sector of employment.

26. The Laws of Ukraine "On Employment of the Population" and "On Advertising" prohibit the restrictions in the vacancy announcements based on the age and sex of applicants, except for the specific work that can only be performed by either men or women. It also prohibits establishing

requirements that prioritize either sex or requesting the candidates to reveal information about their private life.

The survey carried out by International Labour Organization in 2013 proved that some 1-10% of vacancy announcements published in the mass media contained discriminatory provisions. On the special job search websites, their share is even bigger, up to 15%.

At the same time, only few claims are submitted with regard to discriminatory vacancy announcements. Starting from 2013, the Human Rights Commissioner received only one claim of this kind.

According to the Human Rights Commissioner, discriminatory vacancy announcements in the mass media and lack on the respective claims showcase that the employers and applicants are poorly aware of the legislative prohibition of such practices and of other provisions of the anti-discrimination law.

27. The problem of sexual harassment at the workplace is out of focus of the state authorities.

The legislation countering sexual harassment is quite declarative rather than enforceable. In particular, the Law of Ukraine “On Ensuring Equal Rights and Opportunities of Men and Women” that sets forth the definition of sexual harassment and the procedure of complaint doesn’t establish any efficient mechanism of remedy.

The State Programme on Ensuring Equal Rights and Opportunities of Men and Women until 2016 doesn’t provide for any actions to prevent and counter sexual harassment at the workplace, either.

Recommendations:

- Revise the List of hard, dangerous and harmful jobs in Ukraine so that it complies with the principle of equal opportunities of men and women in the sector of employment;
- Establish the efficient complaint mechanism for women and men to claim sexual harassment at the workplace;
- In partnership with the association of employers, raise public awareness of the protection of victims of sexual harassment.

ARTICLE 12. Equal access to health care

Re: paragraph 38 of the Concluding observations of the Committee on the reproductive health of women (unwanted pregnancies and the high rate of abortions), lack of information and data on women’s health, including mortality rates of women and their causes, and the diseases that mostly affect women and girls

28. Although the number of abortions registered by the health care facilities keeps decreasing, it is still a prevalent method of regulating the birth rate.

Starting from 2000, the rate of abortions showed more than two-fold decline – from 34.1 per 1,000 women of the fertile age in 2000 to 14.5 in 2011.

The rate of abortions and deliveries registered in the healthcare facilities show a positive trend – the decrease of abortion rate per 1,000 women of the fertile age (15-49) goes along with the rise of birth rate per 1,000 women⁸.

The pregnancy rate of minor girls is also getting down.

The highest rate of abortions is observed among women aged 25-34 and under 20. These were usually the fourth, fifth and subsequent pregnancies that were stopped with abortions. These are adult women aged 35-49 and women residing in big cities who use abortion to stop pregnancy the most. The rate of abortions is somewhat lower among rural women and women aged 20-24 (see *Annex 6*).

With this being said, it is critical for the national and local healthcare facilities to support systematic prevention through awareness raising events for women, consultations and recommendations on using contemporary methods of family planning, and dissemination of information about the prevention of unwanted pregnancies.

29. In 2014, a total of 69,663 women were first diagnosed with malignant tumors. The most prevalent are malignant tumors of the breast (diagnosed in 13,526 women), skin (10,727 women), and uterus (10,495 women)⁹.

Considering the lack of established system of diagnostics and prevention among women having breast cancer, this problem continues aggravating in Ukraine. As a result, the disease is usually diagnosed at the last stages when it's almost unfeasible to provide efficient care and sustainable recovery of women. In such cases, the risk mortality approaches 30%.

The Laws of Ukraine “Fundamentals of the Law on the Protection of Health,” “On Medicines,” “On Narcotic Drugs, Psychotropic Substances and Precursors” don't provide for systemic solutions on the healthcare of women with diagnosed breast cancer – from diagnostics to treatment, rehabilitation and prosthesis.

Thus, solutions should be sought to the issues such as the prevention of breast cancer, introducing state-of-the-art treatment techniques, rehabilitation of women and high-quality prosthesis after the surgery, as well as health resort treatment.

Another important objective is to train women on breast auto screening techniques through awareness raising, including workshops, leaflets, consultations, etc. Indeed, auto screening is one of the methods of early breast cancer detection will decrease the prevalence of the advanced stages of the disease and, thus, reduce the mortality rate of breast cancer.

Recommendations:

- Disseminate easy-to-understand information materials on family planning and reproductive health among girls and women;
- Train women on breast auto screening techniques as one of the methods of early breast cancer detection.

⁸ Multi Indicator Cluster Survey (MICS), 2012. State Statistics Service of Ukraine (et al.). Kyiv, K.I.S., 2013.

⁹ According to the State Statistics Service of Ukraine.

ARTICLE 14. Elimination of discrimination against rural women

30. The situation of rural women in Ukraine is quite tough. In particular, the representative for rural women survey conducted in 2014¹⁰ showed that only 40% respondents considered their living conditions adequate, and 50%, satisfactory. Almost 10% believe their living conditions to be inadequate or poor.

The worst living conditions are faced by women above 50.

The general living standards of rural women is poor and impose a lot of restrictions. A total of 41% rural woman have to cut down the food expenses and save money to buy seasonal clothes and shoes. Other 48% aren't able to buy necessary medicines and pay for medical services. Yet other 29% can't afford healthcare of a disease that requires urgent intervention or long-term care.

Given the scarce human resource of general practice/family medicine out-patient facilities, rural women suffer limited access to the dentists, obstetricians and gynecologists, physicians and family doctors (see Annex 7).

A total of 26% rural women reported wanting to continue their education but not having money for it.

In addition to financial problems, the barriers to building professional capacities of rural women are limited access to the Internet (only 46% rural women are Computer and Internet-savvy) preventing them from distance learning; lack of information about remote education opportunities and schools that provide them; and undeveloped "culture of learning" – women don't understand what they need additional knowledge for.

The most critical problems of employment of rural women surveyed in 2014 are: low wages¹¹; mismatch between their education and labour market needs in rural areas (22% rural women don't have jobs that would correspond to their experience, knowledge and qualification); and the absence of supportive environment to reconcile motherhood and professional development due to undeveloped system of pre-school (the rate of children aged 3-5 covered by pre-schools in the rural areas fluctuates from 32 to 83%¹²).

At the same time, only a half of employed, self-employed women or women-farmers work eight hour a day. Others work either more or less (see Annex 8). Many of the employed women have land plots in their possession which they use to grow produce – thus, they combine employment with agricultural production on their own land plots.

¹⁰ Inna Volosevych, Tamila Konoplytska, Tetiana Kostiuchenko, Tamara Martseniuk. Comprehensive Survey of Rural Women. Kyiv, VAITE, 2015. – 88 p.

¹¹ According to the State Statistics Service of Ukraine, average monthly wage of women employed in agriculture, fishing and forestry numbers to 87.9% of average men's wage in this sector.

¹² O.Khmelevska. Ukraine's progress against Millennium Development Goals. Scientific economic, social and political magazine "Demography and Social Economy," Kyiv, M.Ptukha Institute of Demography and Social Research, # 2 (20), 2013. The National Academy of Science of Ukraine, M.Ptukha Institute of Demography and Social Research. – pp.9-20.

A positive aspect is that most rural women have easy access to everyday household items. A total of 93% of them have a store within a walking distance.

Recommendations:

- Ensure the access to medical services for rural women;
- Develop the remote education opportunities with a focus on rural women, whereas they enable them to learn without leaving their family, household or job;
- Provide support to entrepreneur initiatives of women in the areas of agriculture and green tourism.

ARTICLE 16. Equality between women and men in all matters relating to marriage and family relations

31. In 2012, the amendments were introduced to the Family Code of Ukraine (Law # 4525-VI of 15.03.2012) to increase marriage age for women. According to part 1 of Article 22 of the Family Code, the marriage age for both men and women in Ukraine is 18.

Thus, the national law of Ukraine in this area was brought in compliance with the requirements of Article 16 of CEDAW.

Conclusions

To sum up, since Ukrainian Soviet Socialist Republic ratified the UN Convention on the Elimination of All Forms of Discrimination against Women on 24 December 1980 and implemented its provisions in the national law, it achieved a substantial progress in terms of national gender policy development and implementation. That became possible due to the ongoing effort of the NGOs to pursue equal opportunities of men and women through providing for real and holistic women's participation in public and political processes, social and economic life, and education. An important contribution is made by the international organizations that provide support to foster dialogue between the state authorities and NGOs.

A total of 36 years passed after the CEDAW ratification. However, a close look at the practice of its implementation shows a somewhat formal – just 'to tick the box' – attitudes of the state authorities to elimination of discrimination against women.

In particular, the findings of gender monitoring by the Ukrainian Parliament Commissioner for Human Rights prove that no major progress was achieved during the past four years, and the main problems in this field remain.

One of the critical problems is low legal awareness of women about discrimination. They often can't identify discrimination at the workplace, in a community of family life (including the incidents of violence). Women often underestimate their leadership and professional skills and are not ready to counter discrimination they face. First of all, that is due to the inadequate effort made by the public authorities to raise legal awareness of women, as well as to inadequate protection from discrimination and violence.

Another crucial problem is the persistent gender pay gap (in 2015 it numbered to 25.1%). At the same time, poor development of soft infrastructure – especially in the rural areas – and a system of institutional support for the employees with family responsibilities is another deterrent to women's economic opportunities.

Sturdy stereotypes on the distribution of men's and women's roles in the family and society account for yet another problem. A lot of local authorities don't pay enough effort to carry out awareness raising campaigns on gender matters.

Violation of women's rights associated with domestic violence is an urgent concern. Although the number of the reported incidents of domestic violence against women dropped (18,500 reports less than in 2014), it's too early to welcome the real progress, especially considering the ongoing armed conflict in Eastern Ukraine.

The Ukrainian Parliament Commissioner for Human Rights believes that a comprehensive cooperation of all stakeholders is absolutely critical to pursue objectives aimed at combatting discrimination against women.