

# RECOMMENDATIONS OF NON-GOVERNMENTAL ORGANIZATIONS

**From the Alternative Report of non-governmental organizations on Ukraine's implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) on the Eighth Periodic Report of Ukraine, prepared upon the initiative of the Gender Strategic Platform**

**2017**



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# TEMPORARY SPECIAL MEASURES FOR ENSURING DE FACTO EQUALITY BETWEEN MEN AND WOMEN



## Article 4 of the Convention provides for:

Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women...

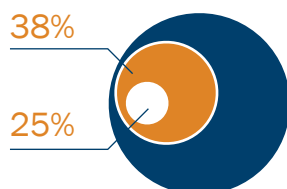
## WHAT HAS ALREADY BEEN DONE IN THE POLITICAL AREA:

In 2013, item 10 was added to Article 8 of the Law of Ukraine “On Political Parties.” This established the gender quota: no less than 30% of the total number of candidates in the party list must consist of either men or women.

In 2015, the Law of Ukraine “On Local Elections” was adopted. Article 4 of this Law, “Equal Electoral Rights” established a 30% gender quota for candidates in multi-mandate electoral districts.

However, this provision was not mandatory. If it is not observed, the Central Election Committee does not refuse to register the party electoral list.

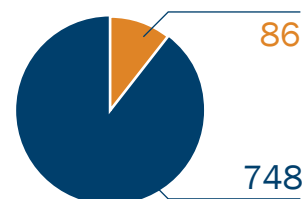
As a result, only seven parties complied with this provision during the Parliamentary elections in 2014.



Only 38% of the 132 parties that took part in local elections in 2015 made their statutes open to public.

Only 25% of these had established gender quotas in their electoral lists for the Parliamentary elections.

Women led only 86 party lists out of 748 (or 11.5%). This is almost three times less than their total share among the candidates (30.8%), indicating that the parties are not ready to nominate and support women leaders.



## WHAT REMAINS TO BE DONE:

- Adopt the Electoral Code of Ukraine containing cross-cutting provisions on gender quotas and non-discrimination in the electoral process.
- Develop recommendations on refusing to register parties in elections if they do not observe gender quotas in their electoral lists.
- Arrange mandatory training on gender equality for the political parties and their leadership.
- Development and application of temporary positive measures in other areas, particularly in economic endeavours, is not feasible at this point.



# PUTTING AN END TO HUMAN TRAFFICKING AND COMBATTING VIOLENCE

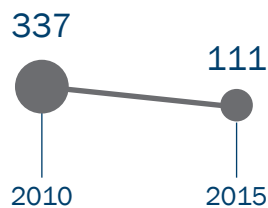
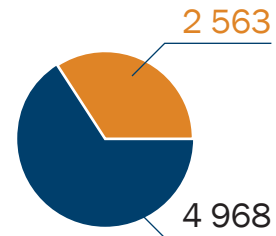
## Article 6 of the Convention states that:

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

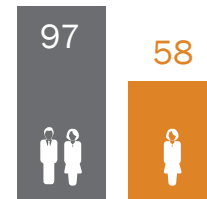
## WHAT HAS ALREADY BEEN DONE:

Despite the activities of the state, the policy to prevent human trafficking throughout 2010-2016 has lost its overall effectiveness. The largest deterioration took place in 2012-2013, and since then the situation has remained critical.

According to the International Organization for Migration Mission in Ukraine, from 2010 – June 2015 a total of 4,968 Ukrainians suffered from human trafficking, including 2,563 women<sup>1</sup>. The IOM, in partnership with Ukrainian NGOs, estimates that some 1,000 Ukrainians are subject to human trafficking annually.



Throughout January-June 2015, 111 criminal proceedings on human trafficking were initiated, and 84 cases were referred to court. A total of 97 persons were acknowledged victims, including 58 women. For comparison, 337 such cases were initiated in 2010.



One of important challenges in this regard is the re-organization of the Ministry of Internal Affairs of Ukraine, which no longer sees combatting human trafficking as a priority. Law enforcement officers, prosecutors, attorneys and judges continue to have poor awareness of the specific features of criminal proceedings in cases associated with human trafficking.

## WHAT REMAINS TO BE DONE:

- Adopt the package of laws on combatting domestic violence and ratification of Istanbul Convention without delay, including: Law No. 5294 on preventing and combatting domestic violence, Law No. 4952 on amending certain legal acts of Ukraine with regard to ratification of the Council of Europe Convention on preventing and combatting violence against women and domestic violence, and the Law No. 0119 on ratification of the Istanbul Convention.

<sup>1</sup> <http://iom.org.ua/ua/protidiya-torgivli-lyudmi>

# RIGHT OF WOMEN TO PARTICIPATE IN POLITICAL AND PUBLIC LIFE IN THE COUNTRY ON EQUAL TERMS WITH MEN



## Article 7 of the Convention provides for:

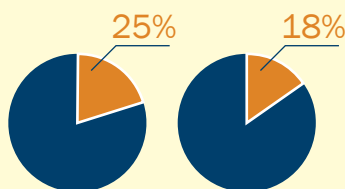
...women's rights to vote in all and be eligible for election to all publicly elected bodies; to participate in the formulation of government policy and the implementation thereof; and to participate in non-governmental organizations and associations...

## WHAT HAS ALREADY BEEN DONE:

Women still do not enjoy equal public and political opportunities with men. Women are unable to effectively influence reforms. None of 17 key national reforms involve the participation of gender equality experts. The share of women in elected offices and top appointed positions remains critically low. This concerns both the state and non-governmental sectors.

## STATISTICS:

There is currently no effort to regulate the proportion of men and women in public service. Thus, the share of women is low, albeit higher than in the Parliament. Only three Ministers out of 23 members of the Government are women.



At the level of Deputy Ministers, women number to 25%, and among the top leadership of 17 Ministries women account for only 18%. As of 2015, women were not represented at all in the top leadership in five of the 17 Ministries: the Ministry of Youth and Sports, Ministry of Defence, Ministry of Energy, Ministry of Regional Development, and Ministry of Culture.

After local elections were held in 2015, in 14 regions women gained 1-2 more seats in the regional councils. In the Vinnytsia, Cherkasy and Odesa regional councils they received 10, 9 and 7 fewer seats respectively. A sharp increase was observed in Lviv and Khmelnytskyi – 9 and 8 more seats respectively – but this is largely because the previous composition was heavily dominated by men. The experts saw impact from the gender quotas. In most regions, they were observed by only one political party, if any.

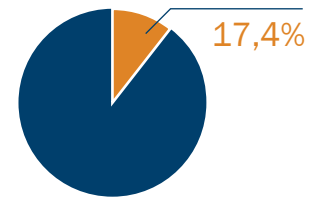
Only one of 25 regional state administrations in Ukraine is chaired by a woman. Moreover, in 14 regions there are no female Deputy Governors at all. On average across the country, women occupy only 16% of such positions.



# RIGHT OF WOMEN TO PARTICIPATE IN POLITICAL AND PUBLIC LIFE IN THE COUNTRY ON EQUAL TERMS WITH MEN

## STATISTICS:

Women play a largely technical role in the activities of political parties. According to the findings presented in Gender Monitoring of Parliamentary Elections of 2014, many women are employed in party offices. When it comes to local elections in 2015, women were the heads of only 23 central party offices out of 123, or 17.4%.

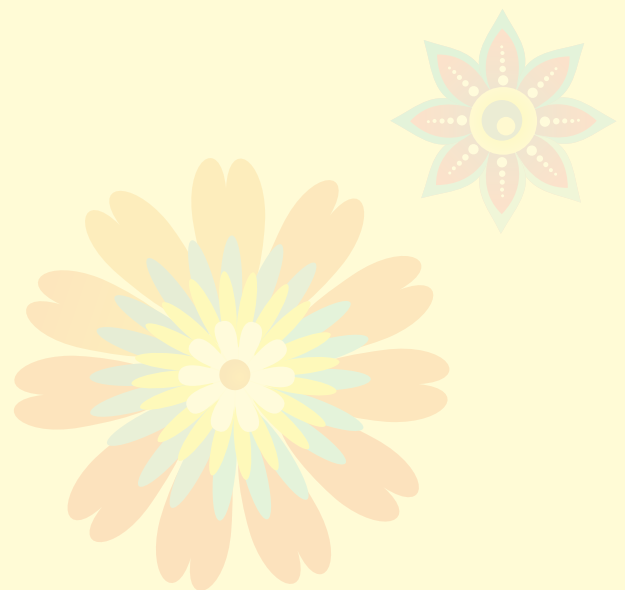


At the same time, women become increasingly visible in political and public life.

Most volunteer civic movements associated with Maidan in 2013-2014 and the hostilities in Eastern Ukraine are represented by women. These include the women who have established or initiated numerous volunteer organizations, including Euromaidan-SOS, Crimea-SOS, the Diana Makarova Foundation, the 'Narodnyi Tyl' project (public support to the military) and other volunteer non-governmental entities or associations.

## WHAT REMAINS TO BE DONE:

- Adopt a law requiring all managerial bodies in both the public and private sector to have 50% representation of women; introduce the appropriate amendments in the Labour Code.
- Establish a reserve list of women who apply for positions in the missions of Ukraine abroad and appoint them accordingly.
- Ensure that equality and non-discrimination experts are part of the development teams for economic reforms in order to mainstream women's interests in all major reforms and decentralization processes in Ukraine.



# EQUAL REPRESENTATION OF THE GOVERNMENT AT THE INTERNATIONAL LEVEL



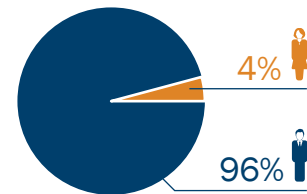
## Article 8 of the Convention requires states:

...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...

## WHAT HAS ALREADY BEEN DONE:

Ukrainian women have few opportunities to represent the Government at the international level and still exert little influence on decision-making in this area.

In July 2014, the President of Ukraine instructed the Minister of Foreign Affairs to increase women's representation among the leadership of Ukrainian diplomatic missions in EU countries. Only four of 84 Ukrainian Ambassadors are women, or 4%. Another woman is interim charge d'affaires in Montenegro, the second secretary on consular matters.



## STATISTICS:

2015  6,3% 

2016  30% 

According to the National Report, the approximate ratio of women to men in the diplomatic service is 30 to 70. At the same time, only 38 women out of 600, or 6.3%, occupied managerial positions in the Ministry of Foreign Affairs as of 2015.

Men also predominate among the staff members of all Embassies of Ukraine. For example, the Permanent Mission of Ukraine to the United Nations is chaired by a man, and only two diplomats out of 20 are women: the counsellor on political affairs, a member of the UN SC group, and the first secretary on political affairs, also a member of the UN SC group. There are no women in the Permanent Mission of Ukraine to UNESCO.



## WHAT REMAINS TO BE DONE:

- Adopt a law requiring all managerial bodies in both the public and private sector to have 50% representation of women; introduce the appropriate amendments in the Labour Code.
- Establish a reserve list of women who apply for positions in the missions of Ukraine abroad and appoint them accordingly.





## EQUAL RIGHTS AND OPPORTUNITIES OF WOMEN IN THE FIELD OF WORK

### Article 11 of the Convention states that:

States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment...

### WHAT HAS ALREADY BEEN DONE:

Compared to the previous reporting period, the status of Ukrainian women in the labour market has deteriorated based on every statistical indicator.

Meanwhile, the national labour policy included no strategies to economically empower women. Critical issues such as equal pay for equal work and others have not been reflected in any national policy document on gender equality.

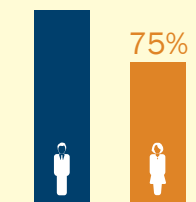
The responsible authorities have ignored the need to adapt the 'protective' Ukrainian labour legislation to current trends. Now, however, as the scope of shadow employment has almost equalled that of official employment, the laws that are supposed to 'protect' women's rights are either ineffective or not observed.

For example, many job announcements still have a requirement for the preferred sex of a candidate.

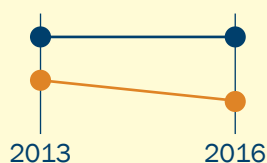
The 'Gender' Directives of the European Union referred to in the Association Agreement have not been implemented.

### STATISTICS:

The wages of women as a source of their income and economic independence comprise 47-68% of men's wages. As of late 2015, women earned on average 75% of men's average wage, but in certain sectors the pay gap was wider. In the finance and insurance sector, women's average was only 66% of men's, while in the arts, sport, entertainment and recreation, it was as low as 47%.



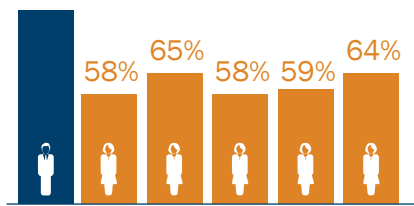
Women employed informally usually work at low-paid jobs such as salesperson in a store or market (some 54%), restaurant worker (6.79%), unskilled agricultural workers (5.14%), domestic servants and housemaids (5.13%), and seamstresses (3.7%).



According to a survey by AIN.UA, the gender pay gap in the private sector has been growing for the last three years. While in 2013 women's average salary amounted to 74% of the average for men, by 2015 this had dropped to 59%.



## STATISTICS:



Female top managers earn as little as 58% of that of men in the same position, female mid-level managers earn 65%, senior associates 58%, associates 59%, and women at blue-collar jobs earn 64% of the average men's wage. This means that the actual pay gap is wider than the official statistics report.

In many cases, labour contracts and other documents related to women's employment are made for short periods of time so that a woman can be dismissed without any social benefits if she gives birth to a child or takes parental leave. The same concerns sick leaves and annual leaves.

## WHAT REMAINS TO BE DONE:

- Implement six EU Directives on gender equality in the field of work and social services in line with the EU-Ukraine Association Agreement.
- Ensure that equality and non-discrimination experts are part of the development teams for economic reforms in order to mainstream women's interests in all major reforms.
- Provide for assessments of the gender impact of reforms on various populations, including women, girls, and women from vulnerable groups.
- Take into account women's interests at the labour market; develop specific interventions for involving women from various vulnerable groups in the labour market.
- Start developing comprehensive gender policies in the labour market.





## RURAL WOMEN AND GIRLS

### Article 14 of the Convention states that:

States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the... economy...

### WHAT HAS ALREADY BEEN DONE:

Rural women have extremely poor access to property, resources, paid jobs and social services. It is evident that this group of women needs special focus. One-third of Ukrainian women live in rural areas, and they make up more than a half of the total rural population.

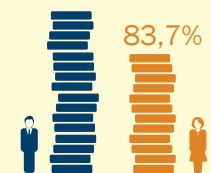
Many rural women are employed in small cities and towns. To get there from their home villages, they must spend already-scarce money and time. Rural women suffer from the lack of jobs close to their residence, their remote location, a lack of public transportation, and poor roads and social infrastructure in the villages.

At the same time, their problems are the least visible and the least reported in statistics, survey reports, policies and programmes developed by governmental agencies, non-governmental and donor organizations alike. The particular problems of rural women are not adequately analysed and fall outside the focus of national programmes and policies.

The majority of rural women of working age are either employed informally or are self-employed.

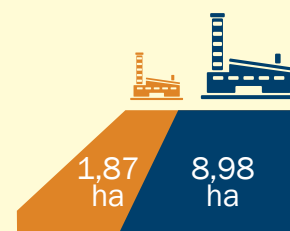
### STATISTICS:

Rural women have extremely poor access to paid jobs. In recent years, only 17.5% of the employable population were employed in agriculture, forestry and fishery. As few as one-third of these are women.



Only 0.6% women employed in agriculture made efforts to build their capacity, proving that the field of capacity building is not free from gender stereotypes. In 2016, women employed in agriculture earned UAH 2,767 per month on average, or 83.7% of the average man's salary in this sector. It is also important to note that this sector of economy offers the lowest salaries in the country.

Gender gaps also affect the control of resources and property in rural areas, and these gaps continue to increase. Women own 49.2% of farms, but as little as 16.8% of cultivated lands belong to women-owned farms. Thus, 83.2% of cultivated lands are on the 50.8% of farms owned by men. An average women-owned farm has 1.87 hectares of farmland, while an average men-owned farm has 8.98 hectares.



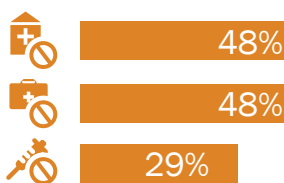
## STATISTICS:

According to the State Statistics Service, in 2014 men-owned agricultural businesses also dominated along the following indicators.



Women are the heads of 49.5% households with an average land ownership of 0.89 hectares. The average amount of land held by men-headed households is 1.33 hectares. At the same time, due to privatization and agricultural development, women often have to undersell their land plots because this proves to be the only source of income for them.

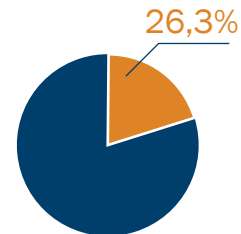
There is no system in place for social protection of the labour rights of rural women. The employment of rural women in their private households is not recorded in their pensionable service. Considering that the average income of rural households is as low as 50% of the living wage, the social due rates are too high for women. Therefore, they do not take part in the social insurance system and will not receive pensions when they reach the appropriate age.



According to the survey by the Union of Rural Women, a total of 48% of rural women have no health care facilities within walking distance; 48% do not have enough money to buy certain medicines or paid medical services; and 29% cannot afford health care if it entails immediate intervention or long-term treatment.

Given the limited employment opportunities, rural women are highly vulnerable to such types of violence as human trafficking. Ukrainian traffickers often subject them to violence, fraud and debt bondage.

According to the Union of Rural Women of Ukraine<sup>2</sup>, a total of 26.3% female respondents believe that a district front-line police officer will never help a woman who has been beaten by her partner and never contacted police if they survived violence.



## WHAT REMAINS TO BE DONE:

- Introduce a mandatory legislative provision to ensure gender balance in employment in newly-created amalgamated communities.
- Introduce temporary special measures such as fiscal benefits for women-farmers and for 'women-led' companies in rural areas.
- Introduce the legal status 'employment in personal rural households' in the amended Law of Ukraine "On Personal Rural Households" in order to provide social protection to women employed in their households; revise current legal definitions of the farm and personal rural household.
- Collect gender-desegregated statistics about rural women.

<sup>2</sup> Status of the protection of rights and economic interests of rural women. Union of Rural Women of Ukraine, 2013.

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