



Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
28 January 2010

Original: English

Committee on the Elimination of Discrimination against Women

Forty-fifth session

18 January-5 February 2010

Concluding observations of the Committee on the Elimination of Discrimination against Women

Ukraine

1. The Committee considered the combined sixth and seventh periodic report of Ukraine (CEDAW/C/UKR/7) at its 909th and 910th meetings, on 21 January 2010. The Committee's list of issues and questions is contained in CEDAW/C/UKR/Q/7, and the responses of the Government of Ukraine are contained in CEDAW/C/UKR/Q/7/Add.1.

Introduction

2. The Committee expresses its appreciation to the State party for its combined sixth and seventh periodic report, which complies with the guidelines for the preparation of reports and has taken into account the Committee's previous concluding observations. The Committee commends the State party for the written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and responses to the questions posed by the Committee. The Committee also notes with appreciation the additional material related to gender equality distributed to Committee members during the session.

3. The Committee welcomes the State party's delegation, headed by the Permanent Representative of Ukraine to the United Nations Office and other international organizations at Geneva, which included representatives of the Ministry for Family, Youth and Sport, the Ministry of Internal Affairs and the Ministry of Education and Science. The Committee expresses its appreciation for the frank and substantive dialogue held between the delegation and the members of the Committee.

4. The Committee welcomes the State party's recognition of the positive contribution made by non-governmental human rights and women's organizations in the implementation of the Convention.

Positive aspects

5. The Committee notes with appreciation the ratification by the State party, in September 2003, of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

6. The Committee welcomes the adoption by the Parliament of Ukraine, on 8 September 2005, of the Equal Rights and Opportunities Act, which entered into force in January 2006, with the purpose of achieving equality between women and men in all areas of society.

7. The Committee commends the State party on its efforts to combat violence against women, in particular domestic violence through, inter alia, the adoption of the Prevention of Domestic Violence Act (in 2001), and the Act amending the Administrative Offences Code (in 2003), which established responsibility for the perpetration of violence in the family, as well as the creation of more than 30 centres for the medical and social rehabilitation of victims of violence. In addition, the Committee notes with appreciation that in 2008 the State party joined in a multi-year campaign to combat violence against women initiated by the Secretary-General.

8. The Committee welcomes the State party's actions to combat and prevent forced labour and trafficking in persons since the consideration of its last periodic report in 2002, including the adoption of a comprehensive programme for the prevention of trafficking in persons in Ukraine for the period 2002-2005 and the ratification, in 2004, of the United Nations Convention against Transnational Organized Crime and its supplementary protocols.

9. The Committee welcomes the amendment, in 2006, of the Commissioner for Human Rights Act, pursuant to the Equal Rights and Opportunities Act, which enlarges Ombudsman's gender-related responsibilities, such as the monitoring of the realization of equal rights and opportunities between women and men and consideration of complaints of gender-based discrimination.

Principal areas of concern and recommendations

10. The Committee recalls the State party's obligation to systematically and continuously implement all the provisions of the Convention, and views the concerns and recommendations identified in the present concluding observations as requiring the State party's priority attention from this date until the submission of the next periodic report. Consequently, the Committee urges the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls upon the State party to submit the present concluding observations to all relevant ministries, to the Parliament (Verkhovna Rada) and to the judiciary in order to ensure their full implementation.

Parliaments

11. While reaffirming that the Government has the primary responsibility and is in particular accountable for the full implementation of the State party's obligations under the Convention, the Committee stresses that the Convention is binding on all branches of Government, and it invites the State party to encourage its national parliament (Verkhovna Rada), in line with its mandate

and procedures, where appropriate, to take the necessary steps with regard to the implementation of these concluding observations and the Government's next reporting process under the Convention.

Previous concluding observations

12. The Committee regrets that some of the concerns raised and the recommendations made in its previous concluding observations (see A/57/38) have been insufficiently addressed, in particular those relating to the persistent stereotypes women continue to face, the visibility of the Convention, the underrepresentation of women in the higher echelons of several sectors of public life and the lack of application of affirmative actions, such as quotas and other temporary special measures.

13. The Committee urges the State party to make every effort to address the previous recommendations that have not yet been implemented, as well as the concerns contained in the present concluding observations.

Status of the Convention, legal framework for equality and non-discrimination, definition of discrimination

14. While noting the progress that the State party achieved in strengthening of gender equality and women's human rights in Ukraine, particularly by enacting anti-discrimination legislation, the Committee regrets that there was insufficient information provided on use by women of existing complaints mechanisms, including information about court cases and their outcome. Moreover, the Committee reiterates its concern from previous concluding observations of 2002 that there is still a lack of familiarity with the Convention and the opportunities for its application, including among the judiciary, law enforcement and women themselves.

15. The Committee urges the State party to conduct awareness-raising campaigns about the Convention and the Optional Protocol thereof for judicial and legal professionals and the general public. It also encourages the State party to strengthen education and training programmes, in particular for judges, lawyers and law enforcement personnel on the scope of the Convention in order to encourage them to utilize the Convention in legal proceedings. The Committee also requests the State party to provide information in its next periodic report about the number and types of complaints of alleged discrimination against women filed in the courts, the Office of the Prosecutor and with the Ombudsman's office, as well as before other complaints mechanisms, including information on the outcomes of such complaints.

16. While commending the adoption of the Equal Rights and Opportunities Act, the Committee is concerned at the lacks of the clarity of the law with respect to complaints and sanctions mechanisms in case of sex-based discrimination, which may prevent from its full implementation. With respect to the definition of discrimination against women contained in the Equal Rights and Opportunities Act, the Committee is concerned that it does not explicitly encompass indirect discrimination, in conformity with article 1 of the Convention.

17. The Committee calls upon the State party to amend the Equal Rights and Opportunities Act in order to strengthen the complaints and sanctions

mechanisms, as well as to bring the definition of discrimination against women in full conformity with article 1 of the Convention, by encompassing both direct and indirect discrimination.

National machinery for the advancement of women

18. While acknowledging the establishment of numerous structures and bodies of the State party aimed at strengthening the national mechanisms for the advancement of women, including the appointment of advisers and focal points on gender issues in the Ministries and at the oblast (regional) level, as well as the coordination role of the Ministry for Family, Youth and Sports, the Committee expresses its concern that the national machinery does not have sufficient authority, visibility or adequate human and financial resources to carry out its mandate and promote the advancement of women and gender equality effectively. It is also concerned about the Ministry's limited capacity to undertake effective coordination and cooperation with all gender equality structures at the national and local levels, as well as cooperation with women's organizations.

19. The Committee recommends that the State party strengthen the national machinery by raising its authority and visibility, inter alia, by establishing it at a higher level of government and by providing it with adequate human and financial resources in order to make it more effective. This should, in particular, include capacity for improved coordination among the various gender equality structures at the national and local levels and for enhanced cooperation with civil society.

20. Taking into account that the national plan of action for the advancement of women and promotion of gender equality in society for 2006-2010 will be soon finalized, the Committee expresses concern about the lack of information on the assessment of the implementation of the plan, the results achieved, and the obstacles and challenges encountered.

21. The Committee encourages the State party to formulate, in cooperation with women's organizations, and adopt a new national plan of action, which should provide a comprehensive approach to gender equality, with clear targets and benchmarks, taking into consideration the good practices and lessons learned from the previous State gender plan and the Committee's recommendations. Furthermore, the Committee recommends the State party to allocate sufficient financial resources for the implementation of the Plan.

Temporary special measures

22. While noting with appreciation that the Equal Rights and Opportunities Act makes reference to temporary special measures, the Committee is concerned about the limited information on the use of these measures in areas where women are underrepresented or disadvantaged and for vulnerable groups of women suffering from multiple discrimination, such as Roma women.

23. The Committee recommends the State party to familiarize all relevant officials with the concept of temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, and to adopt and implement 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, as well as for women suffering from multiple discrimination, such as Roma women.

Stereotypes

24. The Committee reiterates its concern about the persistence of traditional stereotypes regarding the roles and responsibilities of women and men in the family and in the society at large, which represent a significant impediment to the implementation of the Convention and are root causes of women's disadvantaged position in political life, labour market and other areas. The Committee is also concerned about persistent stereotypes found in school textbooks and sexist representation of women in media and advertisement campaigns.

25. The Committee urges the State party to intensify its efforts to overcome persistent stereotypes that are discriminatory against women, including through awareness-raising campaigns emphasizing the equal status and responsibilities of women and men in the private and public spheres through human rights education, the training of teaching staff with respect to gender equality and the revision of educational textbooks to eliminate gender stereotypes. The Committee further urges the State party to encourage the media to eliminate sexist and gender-stereotyped advertisement and to project positive images of women. Moreover, the Committee recommends the State party to specifically target stereotypes on vulnerable groups of women, such as Roma women and sexual minorities.

Violence against women

26. While welcoming the measures undertaken by the State party to eliminate violence against women, in particular the adoption of the Prevention of Domestic Violence Act (2001), the Committee remains concerned at the continuing prevalence of this phenomenon, and in particular at the lack of information on the effective implementation of the law. The Committee also notes with concern that among the penalties imposed by the courts to the perpetrators of domestic violence "fines are in an absolute majority", which is largely ineffective, as indicated in the written responses 14 and 15 of the State party, because it does not impact specifically on the offenders but on the family as a whole. In addition, the Committee regrets the lack of information and sex-disaggregated statistical data regarding the types of violence against women and the number of female victims.

27. The Committee urges the State party to implement the Prevention of Domestic Violence Act (2001) effectively and to monitor its impact on women. It urges the State party to work towards a comprehensive approach to preventing and addressing all forms of violence against women, in conformity with general recommendation 19, and to improve its research and data collection on the prevalence, causes and consequences of violence against women and to include the results in its next periodic report. The Committee calls upon the State party to take the necessary measures to ensure effective penalties in the cases of domestic violence, which are specifically targeted on perpetrators.

28. While welcoming the creation of shelters and social centres for victims of domestic violence, the Committee is concerned by the obstacles encountered by women in their access to these services owing to the official registration

requirement, age limits and the fact that these centres lack appropriate funding and are not available in all regions.

29. The Committee urges the State party to take all necessary measures to ensure that women who are victims of domestic violence, including rural women and vulnerable groups of women such as Roma women, have full access to the shelters and social centres for victims and to immediate means of redress and protection, without limitation of age or of another kind. The Committee also urges the State party to ensure that public officials, especially law enforcement personnel, the judiciary, health-care providers and social workers, are fully familiar with the Prevention of Domestic Violence Act (2001) and knowledgeable about the other forms of violence against women, in order to be able to provide adequate assistance to the victims.

Trafficking

30. Recognizing the efforts made by the State party to address the issue of trafficking in women and girls, including the creation of several advisory and consultative bodies, drafting of a bill on combating trafficking in persons and protecting victims and ratification of relevant international instruments, the Committee notes with concern that the root causes of trafficking are not sufficiently addressed, funding of shelters remains scarce and that, in general, resources allocated to combat trafficking are still inadequate. The Committee is furthermore concerned about insufficient international cooperation to bring perpetrators to justice.

31. The Committee calls upon the State party to address the root causes of trafficking, to accelerate adoption of legislation on trafficking, to provide sufficient funding for the effective implementation of the State Programme for the Prevention of Trafficking in Persons in Ukraine and of other measures aimed at combating human trafficking and to regularly monitor their impact. Furthermore, it urges the State party to take all appropriate measures, including allocating sufficient funding and establishing additional shelters for the rehabilitation and social integration of women and girl victims of trafficking. Likewise, the Committee calls upon the State party to ensure a systematic investigation, prosecution and punishment of traffickers, including through enhanced international cooperation, and to provide information about the number of victims as well as the number of investigations and their outcome.

Participation in political and public life

32. While recognizing the improvement in the number of women elected to office in local government and in the diplomatic service, the Committee reiterates the concern expressed in its previous concluding observations of 2002 about the underrepresentation of women in high-level elected and appointed bodies, including as members of Parliament, of which women represent only 8 per cent. Moreover, the Committee notes with concern the delay in the adoption of Bill No. 1232, introduced in 2007, proposing amendments to certain legislative acts for ensuring equal opportunities for women and men in the electoral process, including the attainment of a minimum ratio of 30 per cent for both genders in the composition of the Parliament.

33. **The Committee urges the State party to take measures to increase the representation of women in elected and appointed bodies through, inter alia, the implementation of temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25, in order to realize women's right to equal participation in all areas of public life, particularly at high levels of decision-making. Furthermore, the Committee encourages the State party to accelerate the adoption of legislative initiatives for ensuring equal opportunities for women and men in the electoral process and in the composition of the Parliament, such as the Bill No. 1232, introduced in 2007.**

Employment

34. While noting with appreciation the recent adoption of the Bill amending the Employment Act, that reinforces the guarantees of equal opportunities with respect to employment, the Committee is concerned about the real situation of women in the labour market, in particular about high rates of unemployment affecting women, important wage discrepancies between women and men, occupational segregation and the persistent gender-based discriminatory attitudes among public and private employers, including discriminatory recruitment practices and sexual harassment at the workplace. Furthermore, the Committee is also concerned that the lack of childcare facilities constitutes an obstacle to the full exercise of women's right to work.

35. The Committee recommends that the State party take appropriate measures to ensure full compliance with the provisions of the Convention and guarantee real enjoyment by women on an equal footing with men of their right to equal pay for equal work; reduce gender-based occupational segregation and provide appropriate sanctions to eliminate sexual harassment at the workplace and other discriminatory practices. In addition, the Committee urges the State party to improve the availability and affordability of childcare facilities to help women exercise their right to work.

Economic empowerment

36. The Committee is concerned that, as indicated in the replies to the list of issues, "the conduct of the liberal reforms gave rise to mass poverty, which made it practically impossible, especially for women, to exercise the majority of their constitutional rights". Moreover, the Committee expresses concern that poverty has reached over 70 per cent in Ukraine, according to an assessment by the Commissioner for Human Rights, and that this may affect women disproportionately.

37. The Committee urges the State party to assess the impact of domestic economic reforms and of the international financial and economic crisis on women, counter the negative effects on women through adequate measures and sufficient funding and inform the Committee thereof in its next report. Moreover, the Committee recommends that the State party use a gender-sensitive approach with respect to all poverty alleviation programmes and strategies and take into account the particular needs of women belonging to vulnerable groups.

Health

38. While welcoming the “Health of the Nation” programme for the period 2002-2011 and the national reproductive health programme adopted during the reporting period, the Committee remains concerned about the health situation of women, in particular with respect to reproductive health. The Committee is concerned about the large number of unwanted pregnancies and the high rate of abortions. The Committee is also concerned about the little information and data on women’s health, including mortality rates of women and their causes, and the diseases that mostly affect women and girls. It is further concerned about the very high HIV/AIDS infection rates, as well as the increase of the mortality rate for reasons directly linked to alcohol abuse from 3.5 to 14.2 for women.

39. The Committee recommends that the State party develop a broad framework for health services, in line with the Committee’s general recommendation No. 24 on health, provided with adequate resources, and should systematically monitor women’s access to health. Moreover, the Committee recommends that the State party intensify its efforts to improve women’s reproductive health and provide adequate family planning services and affordable contraceptives, as well as to reduce the use of abortion. It encourages the State party to continue providing sex education systematically in schools, including vocational training schools. It also urges the State party to target high-risk groups for strategies to prevent HIV/AIDS. The Committee requests the State party to include in its next report detailed information and data on women’s health, in particular with reference to vulnerable groups of women, including on the causes of female mortality, alcohol and tobacco abuse, as well as on the main diseases affecting women and girls, such as breast and cervical cancer.

Family relations

40. The Committee is concerned about the remaining disparities in the State party with respect to the minimum age of marriage for boys and girls, which is set at 18 and 17, respectively. The Committee is also concerned that the State party’s current legislation on distribution of property upon divorce does not recognize intangible property, such as pension funds, as part of the marital property to be distributed.

41. The Committee calls upon the State party to ensure that the minimum age of marriage is raised to 18 for girls, and that no exceptions to this minimum age exist, in line with article 16 of the Convention and the Committee’s general recommendation No. 21. Furthermore, the Committee recommends the State party to take necessary legislative measures to recognize intangible property, such as pension funds, as part of marital property.

Vulnerable groups of women

42. The Committee regrets the lack of detailed information in relation to vulnerable groups of women, such as migrant and refugee women, women belonging to ethnic minorities, in particular Roma women, as well as rural women, older women, disabled women and female sexual minorities, and notes with concern that these groups of women may be subjected to multiple forms of discrimination.

43. The State party is invited to provide comprehensive information and statistical data in its next periodic report on the situation of the vulnerable

groups of women, such as migrant and refugee women, women belonging to ethnic minorities, in particular Roma women, as well as rural women, older women, disabled women and female sexual minorities, and on the measures taken for eliminating discrimination against these women with regard to their access to health, education, employment, social benefits, etc.

Data collection and analysis

44. While acknowledging the efforts of the State party to improve its data collection with the assistance of the United Nations Population Fund (UNFPA) in the area of violence against women, the Committee regrets that the report contains insufficient statistical information on the situation of women in all areas covered by the Convention.

45. The Committee calls upon the State party to strengthen its system of data collection, including the use of measurable indicators to assess trends in the situation of women and progress towards women's de facto equality. It invites the State party, as necessary, to seek international assistance for the development of such data-collection and analysis efforts. The Committee also requests the State party to include in its next report statistical data and analysis, disaggregated by sex and by rural and urban areas, indicating the impact of policy and programmatic measures and the results achieved.

Preparation of next report

46. The Committee encourages the State party to establish an ongoing process of regular consultation and collaboration with non-governmental organizations on matters relating to the implementation of the Convention. The Committee also recommends that the State party engage in ongoing and systematic consultations with a broad range of women's non-governmental organizations on all issues pertaining to the promotion of gender equality, including in regard to the follow-up to the Committee's concluding observations and in the preparation of future reports.

Beijing Declaration and Platform for Action

47. The Committee urges the State party to utilize fully in its implementation of its obligations under the Convention the Beijing Declaration and Platform for Action, adopted at the Fourth World Conference on Women, held in Beijing in 1995, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

Millennium Development Goals

48. The Committee emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Goals and requests the State party to include information thereon in its next periodic report.

Ratification of other treaties

49. The Committee notes that States' adherence to the nine major international human rights instruments¹ enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the State party to ratify the treaties to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities.

Dissemination of the concluding observations

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

Follow-up to concluding observations

51. The Committee requests the State party to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 31 and 33 above.

Date of next report

52. The Committee requests the State party to respond to the concerns expressed in the present concluding observations in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its eighth and ninth periodic reports in a combined report in September 2014.

¹ The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance.