



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**

Twenty-seventh session

Summary record of the 556th meeting

Held at Headquarters, New York, on Thursday, 6 June 2002, at 3 p.m.

Chairperson: Ms. Abaka

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The meeting was called to order at 3.10 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (continued)

Combined fourth and fifth periodic reports of Ukraine (continued) (CEDAW/C/UKR/4-5; CEDAW/PSWG/2002/II/CRP.1/Add.4 and CRP.2/Add.3)

1. *At the invitation of the Chairperson, Ms. Dovzhenko and Ms. Pasichnyk (Ukraine) took places at the Committee table.*

2. **Ms. Dovzhenko** (Ukraine), responding to a question posed under article 6 of the Convention, said that, under article 303 of the new Criminal Code of Ukraine, persons who profited from the prostitution of others were liable to a fine or to deprivation of liberty for a period of from one to three years. She agreed that trafficked women were victims not only of sexual exploitation but also of economic enslavement, a fact that was recognized in article 149 of the Criminal Code.

3. Replying to the questions posed under articles 7, 8 and 9 of the Convention, she said that, over the past decade, women had become more active in public organizations. At the same time, they had come to understand that they could not effect change in society without also participating in the country's political life. A number of women's organizations were promoting the inclusion of women in electoral lists, including through formal agreements with political parties, and, as a result, women's representation in local government had increased significantly, although the absolute number of women in legislative and executive bodies, and especially in senior positions, remained low. Efforts had been made to address the problem through the introduction of temporary special measures. Regrettably, during its third term, the Supreme Council of Ukraine had rejected a proposal for a 30-per-cent quota for women in publicly elected bodies. However, a provision on electoral quotas had been incorporated in the draft law on equal opportunities for women and men, which would shortly be submitted to the newly elected Supreme Council. Emphasizing that women's underrepresentation in political life was an obstacle to their advancement in other spheres, she urged the Committee to recommend

to her Government the adoption of quotas or other remedial measures.

4. The right of citizens of Ukraine to freedom of association was guaranteed under article 36 of the Constitution and was not subject to any restriction except as established by law in the interests of national security and public order or to protect the rights and freedoms of others. Thus, the Ministry of Justice would not register any public organization whose charter was founded on racist, anti-Semitic or nationalistic premises or envisaged the establishment of paramilitary formations.

Articles 10-14

5. **Ms. Corti** expressed surprise that the Ministry of Health had not participated more fully in the preparation of the report and lamented the deplorable health conditions in Ukraine, particularly its high maternal and child mortality figures and widespread malnutrition. She would appreciate information on the conditions of Ukrainian hospitals and the availability of medicine, particularly to women in need. The number of abortions remained alarmingly high; indeed, abortion was virtually a means of contraception. Cuts in the health budget were contrary not only to the Convention on the Elimination of Discrimination against Women but also to all other international human rights instruments. The delegation should describe the problem of alcoholism in Ukraine, any measures taken to control the HIV/AIDS epidemic and the latest action taken to curb radiation from the Chernobyl disaster.

6. Although the delegation had outlined the thrust of Ukraine's next plan of action for women, it had not given any indication of how that plan would be implemented. It was surprising that no mention had been made of elderly women who, like young women, had special needs, particularly where health was concerned. She asked whether there was a social insurance scheme which provided for elderly women, and whether they could live on their pensions or small income.

7. She expressed concern at the lack of specialized medical personnel in Ukraine. The report made no mention of screening for cancer or illnesses to which women were particularly susceptible. She would also appreciate information on the adequacy of the health structures in rural areas. She hoped that, in future, the

State party would give greater priority to women's health and be guided not only by article 12 of the Convention but also by the Committee's general recommendation No. 24 on health.

8. **The Chairperson** echoed Ms. Corti's concerns with regard to article 12, particularly the high abortion rate in Ukraine. It seemed as though instead of seeking to prevent unwanted pregnancies, the State intervened only after the fact to rectify its failures. Frequent surgical intervention had a negative impact on women, both physically (particularly when they wanted to have children later on) and psychologically, and constituted a form of discrimination, since men were not subjected to similar treatment related to their reproductive function. She asked whether the majority of women undergoing abortions were young or middle-aged. The high cost of abortion procedures in hospitals forced poor women to undergo clandestine abortions and jeopardize their health. She strongly recommended an awareness-building campaign to correct the prevailing interpretation of family planning. Above all, contraception must be affordable and socially acceptable.

9. **Ms. Feng Cui** asked whether the retirement ages for women stipulated under the Pension Benefits Act were mandatory or voluntary, and whether those provisions applied to all professions, including health and education workers and university professors, or merely to certain categories of female workers. She also wished to know whether the amount of the early retirement pension was higher than that of the regular pension, and the impact of such early retirement on women's careers, which were already shortened by family responsibilities. Some of the early retirement provisions seemed contrary to the Ukrainian Constitution, which guaranteed gender equality and equality in respect of age. She wondered whether the Ukrainian authorities were contemplating any change in that Act.

10. **Ms. Achmad** said that she shared the Chairperson's concern over the high rate of abortion in Ukraine. As a large number of women lived in rural areas, it would be helpful to know the results of the agrarian reforms mentioned in the report under article 14, particularly with regard to health conditions.

11. **Ms. Gaspard** said that the dearth of statistics on women's education, including a breakdown by area of study and figures on the number of female secondary-

school teachers and university professors, was regrettable. She enquired whether girls in rural and urban areas had equal access to a university education and whether the level of girls' education was the same in all ethnic groups. It would be useful to know the proportion of boys and girls pursuing higher education, in order to determine whether girls were being channelled into less remunerative fields, a common cause of discrimination against women in the labour market. Despite the number of women holding university degrees, men were still dominant in the field of higher education and in decision-making in higher education. Did universities offer women's studies programmes?

12. She too, was concerned about the earlier retirement age for women, particularly in view of the demographic situation in the Autonomous Republic of Crimea, where women comprised the majority of the population; if women were unable to survive on their pensions that could affect the overall economic situation of Crimea. She shared other Committee members' concerns with regard to the use of abortion as a means of family planning.

13. **Ms. Kapalata** said that while the State party's responses to the list of issues under article 12 were commendable, they had not shed light on mother-to-child transmission of HIV/AIDS. She hoped that the delegation would indicate frankly whether that was a problem in Ukraine and, if so, what programmes were in place to address it.

14. She shared Ms. Corti's concern about the situation of elderly women who survived their spouses and expressed the hope that the next periodic report, within the context of the outcome of the Madrid conference on ageing, would include more details on policies and programmes established for elderly women.

15. **Ms. Livingstone Raday** said that the State party's disagreement with the Committee over the protection of working women might stem from a misunderstanding. Protection of pregnant and nursing women must be engineered so as to avoid placing women at a disadvantage in other ways. For example, if the 140-day maternity leave was paid for by employers, rather than the national insurance scheme, increased labour costs would deter employers from hiring women of childbearing age. She welcomed the

State party's initiatives to make child care and child rearing a parental right and responsibility.

16. It would appear that the Government was not fully sensitive to the need not only to protect pregnant women against dismissal from work but also to preserve their right to equal working conditions, equal training and promotion opportunities and equal pay for work of equal value. For example, the report stated that women were not taking advantage of opportunities to upgrade their qualifications but it made no mention of any accommodating measures to help mothers, particularly single mothers, attend training courses.

17. **Ms. Saiga** said that she had the same concerns as the Chairperson with regard to abortion in Ukraine. Noting that, in the current economic situation, women were willing to take practically any job, even unsafe ones, she enquired whether the Government offered low-interest loans or subsidies to employers for the purpose of improving working conditions. She associated herself with all the comments made by other Committee members.

18. **Ms. Acar** wondered whether any study had been done on the impact of "protecting" women from working in certain sectors, particularly since women accounted for the majority of the unemployed population and earned less than men. She would appreciate clarification of the sentence "It is categorically forbidden to accept women for vacated posts" on page 21 of the responses to the list of issues (CEDAW/PSWG/2002/II/CRP.2/Add.3). She wondered whether national unemployment figures included those who were not actively seeking employment, such as housewives, and would appreciate information on both the percentage of housewives in Ukraine and the trends relating to them.

19. **Ms. Dovzhenko** (Ukraine) said that future reports would shed more light on the situation of women's health in Ukraine, which was a subject of deep concern to her Government. Over the past five years, it had taken a number of measures to reduce maternal and infant mortality; it had established, in every regional centre, perinatal clinics and preventive medical and diagnostic centres for women intending to become pregnant and had set up specially equipped units, in paediatric hospitals, for children born with health problems. Expectant mothers were entitled by law to free health care and prescription drugs. In addition, women victims of the accident at the Chernobyl

nuclear power plant who wished to start a family were provided with vitamin supplements, nutritional assistance and other treatments to improve their general health.

20. Although Government expenditure on health care had increased over the past three years, it remained too low. Of course, the level of expenditure depended on the state of the economy. She was therefore pleased to note that the economic situation had begun to stabilize in 1999 and that there had been significant growth in 2000 and 2001. The establishment of a system of health insurance was a priority for her Government, which intended to introduce a draft law on health and social insurance to the newly elected Parliament.

21. Regrettably, the rate of HIV infection had increased over the past year; 25 per cent of those infected were women. In response, her Government was stepping up efforts to combat the spread of HIV/AIDS. It had taken a number of measures to educate the population about the disease, inter alia, by setting up a confidential helpline staffed by sociologists, psychologists and doctors. It was also taking steps to prevent the spread of tuberculosis.

22. Approximately one third of the population of Ukraine lived in rural areas. They received medical care at outpatient clinics. Owing to budgetary constraints, the level of care was far from satisfactory and there was a lack of specialization. The Ministry of Health was currently taking steps to address those problems, in cooperation with local councils.

23. The accident at the Chernobyl nuclear power plant, had had a devastating effect on the health of some 3 million adults and 1,260,000 children. Over the past year, the morbidity rate among child victims of the Chernobyl accident had doubled, while the prevalence of cancer had increased by a factor of 3.5. Her Government had taken a range of measures to address the consequences of that accident, including the establishment of a Ministry for Emergency Situations and for the Liquidation of the Chernobyl Accident, while Parliament had adopted a law "On the provision of assistance to victims of the Chernobyl accident".

24. While the abortion rate remained unacceptably high, it could no longer be stated that abortion was regarded in Ukraine as a method of family planning. The number of abortions per annum had declined from more than 1 million in the early 1990s to 434,000 in 2000; that was due to the ongoing efforts of her

Government, which had sought not only to educate women about birth control but also to improve access to contraception. Currently, the rates of contraceptive use were 74 per cent for women in urban areas and 67 per cent for those in rural areas. According to the data for 2000, 346,000 women aged 20 to 34 years had had abortions, as well as 77,000 women aged 35 years or older, 10,000 aged 15 to 19 years and 190 aged 14 years or younger.

25. The Pension Benefits Act merely specified the qualifying age for entitlement to a pension; women not required to retire at 55 years of age. Her Government had prepared a new draft law on pension benefits, which provided for a tripartite pension system, encompassing State, occupational and private pensions.

26. Over 50 per cent of students in higher education were girls. Opportunities for women at the administrative level were limited because fewer women had received a secondary education. A presidential decree had been issued to provide for additional support to enable children to obtain a higher education. Around 80 per cent of women had a high school and/or university-level education; there were many women teachers in colleges and universities, but very few women deans and presidents.

27. There were still cases of mother-child HIV transmission, despite the State's massive efforts to prevent such infections. A law had been adopted in 1991 to help prevent HIV through State support and assistance for HIV-positive people, including HIV-infected children. Every effort was being made to educate the public on prevention. Prevention programmes were also directed at drug users and abusers, since most HIV transmission occurred through the sharing of needles by drug users.

28. Maternity leave was granted both before and after birth and was paid for either by employers or through insurance systems. A new law had been adopted which required all employers to contribute to their employees' insurance plans. On the question of discrimination in hiring, the law on employment provided administrative and criminal penalties for employers who fired pregnant women, mothers of children under six, single mothers with children up to the age of 14 and mothers with disabled children. Women often did not have time to receive training to enhance their skills because of their additional workload as mothers. In order to address that problem, flexitime schedules, part-time

jobs, at-home work, correspondence courses and other alternatives were being offered for women.

29. With regard to working conditions, restrictions on women's work and unemployment, she pointed out that the Ukrainian economy was undergoing substantial transformation as it moved from an administrative to a market economy. As part of the privatization process, the State had concluded agreements with new owners of businesses requiring them to invest funds to improve working conditions and imposing sanctions for non-compliance. The Ministry of Labour and Social Policy had a department which dealt with labour protection and provided punishment for employers who did not improve working conditions. The list of restrictions on work for women was subject to periodic review based on the extent to which working conditions in specific areas of production were being improved. Women were not allowed to work under extremely hazardous conditions or in situations that could jeopardize their health or deprive them of the possibility of having children. As conditions improved, the list would be revised and women would be given the possibility, if they so wished, to engage in any type of work. No study had been done on the attitudes of women regarding such protective measures, but the studies on women and youth currently being conducted by the State institute on problems of the family and youth would be taken into account in future programmes.

30. She had not understood the question regarding vacated posts, and therefore could not answer it. On the question regarding unemployment, she pointed out that there were State employment centres in different fields and regions the main purpose of which was to register unemployed persons and help them enhance their skills and find jobs. Around 90 per cent of women were either employed or studying, and as a result, there were very few full-time housewives. If a woman had a problem finding employment, she could seek help at an employment centre.

31. With regard to the situation of elderly and rural women, she noted that among the poor there were many elderly women, and many of them lived alone. That was partly due to the difference in longevity between men and women and partly to the fact that during the Soviet period, many women living in villages had not earned enough or worked long enough to be entitled to a pension. However, the State provided everyone with a minimum pension. The Ministry of Labour and Social Policy had recently begun a number

of social programmes for the elderly, both men and women, whereby it provided financial, psychological and other types of assistance throughout the country. Elderly and retired women and men had equal rights to pensions. The State had succeeded in liquidating its debt to pensioners and had raised pensions by 15 per cent over the last two years. It was to be hoped that the new Supreme Soviet would adopt a pension law that would enable men and women to plan well in advance for their retirement.

32. With regard to rural women, she said that the agrarian reform carried out in 2001 had been tied to the conclusion of economic reform in the villages. All the former collective farms had become agricultural enterprises. Land had been divided up among people who lived in villages. By 2001, the country had already produced a record harvest of more than 14 million tons of grain; the goal now was to produce one ton of grain per inhabitant and improve production of other food products as well. Thanks to the economic reforms in the agrarian sector and in the processing industries, Ukraine now imported only four per cent of the food products consumed in the country. More needed to be done to produce food products for children. Regrettably, economic reforms in the rural areas had not led to social reforms; however, the President had recently signed a decree providing for social reforms in rural areas. As part of the economic reform, women farmers had organized the Union of Rural Women of Ukraine. Women had also formed an association of scholars and scientists in the agrarian area. Information centres had been established which helped educate women on how to take care of the land and how to establish small businesses in villages and rural areas. With the support of the State Committee on Family and Youth and various international organizations, women in villages were establishing credit unions which enabled them to pool financing and set up small enterprises. Nevertheless, the situation of rural women left much to be desired. Her office was working with the Ministry of Agrarian Policy on a number of programmes designed to improve the situation of women in villages.

33. Alcoholism and smoking were less prevalent among women than among men, although recent studies had shown that young women and girls were beginning to smoke. Alcoholism in Ukraine did not represent a threat to the health or reproductive capacity

of women. Nevertheless, more attention needed to be paid to prevention programmes.

Article 16

34. **Ms. Kapalata** asked the representative of Ukraine to expand on her earlier reference to the procedure and conditions for the conclusion of marriage contracts. She noted as a positive development the statement on page 8 of the Ukrainian report (CEDAW/C/UKR/4-5) to the effect that “the exercise of these rights by women is guaranteed by providing them with equal opportunities vis-à-vis men ...” It was important to stress that the rights of women must not be relegated to the theoretical sphere, but must be implemented in practice.

35. **Ms. Kwaku** asked whether the Ukrainian Code on Marriage and the Family also applied to ethnic, linguistic and religious minorities in the country. Were there other codes for ethnic minorities and if so, had it been difficult to enforce them?

36. **Ms. Acar**, referring to article 16 of the Convention, said it was encouraging to note that marital rape was a prosecutable offence in Ukraine. Had any cases of marital rape actually been brought before the courts? What had been the impact of the new family court in terms of property rights of spouses during marriage and after dissolution of the marriage, particularly in the case of married women who engaged in private business? Was there discrimination against women and if so, what measures were being considered to improve the situation?

37. **Ms. Raday** asked for clarification regarding the prohibition of trafficking. Did the prohibition apply to trafficking within the country or only to that which was carried out across international boundaries? Ukraine was to be congratulated for dealing with the problem despite the economic constraints and health disasters the country had faced.

38. **Ms. Achmad** noted that the NGOs had not been asked for comments until after the report had been completed. It would be preferable for them to be involved in the process from the very beginning.

39. **Ms. Dovzhenko** replied that article 7 of the Code on Marriage and the Family provided equal rights and obligations, as well as equal protection under the law, for women and men, without any limitation based on race, skin colour, sex, political, religious, ethnic or

social origin, material situation, place of residence or language. The family code also provided for men and women entering into marriage to conclude prenuptial contracts, but the use of such contracts was not widespread.

40. Regarding protection of women's property rights, she said that under article 52, both wife and husband had equal rights to physical and intellectual development, education, self-fulfilment, work and leisure. A woman entering into marriage remained independent on all issues regarding her education and work. Article 57 guaranteed equal rights for men and women regarding property acquired jointly during the marriage. She did not have statistics on prosecutions for marital rape, but she could assure members that such cases had come before the courts. Trafficking of women and children was a punishable offence, regardless of whether it took place within Ukraine or beyond its borders.

The meeting rose at 5.05 p.m.