



**Center for Social  
and Gender  
Research “New Life”**

**Gender Equality, Women Rights, Gender-based Violence Counteraction**  
Ukraine

Report presented to the United Nations Organization Universal Periodic Review

28<sup>th</sup> session of UNO Human Rights Council Universal Periodic  
Review (third cycle)  
2017

Coalition of Non-Governmental Organizations:

- Civil Organization “La Strada-Ukraine”
- Women’s Information Consultative Center
- Public Organization International School of Equal Opportunities
- Ukrainian National NGO Democracy Development Centre
- Center for Social and Gender Research “New Life”
- NGO Insight
- National Council of Women of Ukraine
- World Federation of Ukrainian Women’s Organizations

This report was prepared by a coalition of non-governmental organizations with many years of experience at national and international levels in the field of human rights, gender equality advocacy, women’s and children’s rights protection, gender-based violence counteraction, including domestic violence, as well as experience in monitoring state policies on the issues listed in this report. The organizations that prepared this report are working together as well as in cooperation with other civic organizations which are members of international and national networks such as the Gender Strategic Platform, Women Against Violence in Europe, Women’s Peace Dialogue Platform and others.

**Content**

- 1. General context**
- 2. Institutional mechanisms**
- 3. Strengthening of antidiscrimination legislation and practices**
- 4. Temporary special measures.**
- 5. Gender-based violence counteraction**
- 6. Discrimination of women in the labor market**
- 7. Rights of women in detention**
- 8. Women in security sector**
- 9. Rights of women in the temporarily occupied territories**
- 10. Gender equality in education**

11. Access to the health care
12. Issues of women in the rural areas.
13. Recommendations

### 1. General context

In addition to the patriarchal and systemic gender inequality which persists in society--characterized by ingrained gender stereotypes, inadequate understanding of the importance of gender equality and rejection of the concept of women's rights, Ukraine is facing significant new stressors as of 2014 with the annexation of the Crimea and the military occupation of Donetsk and Luhansk Oblasts by the Russian Federation.

The ramifications of the political situation are many and dire: The destruction of infrastructure and weapons-induced pollution, the blatant violation of human rights in occupied zones, the human suffering due to displacement, GBV and domestic violence (DV) exacerbated by post traumatic stress - all have widespread gender based consequences for overall wellbeing and for achievement of Ukraine's country SDG targets as well.

Our grasp of the situation is unfortunately hindered by the lack of sex-disaggregated data. In fact, Ukraine has not conducted a census since 2001 (next census should be in 2020) and the statistics that do exist are spotty and not gender sensitive.

### 2. Institutional mechanisms

*97.31 Step up efforts to strengthen the national mechanism for the advancement of women and to provide such mechanism with adequate resources (Malaysia);*

Ukraine's government has recently designated the Prime Minister for European and Euro-Atlantic Integration of Ukraine as having authority over the coordination of gender policy in Ukraine.<sup>1</sup> It is proposed that an institute of gender policy will be created under the PM's office, in order to orchestrate the actions of various government agencies in gender policies implementation.

In February 2016, Ukraine adopted a National Action Plan (NAP) for the implementation of UNSCR 1325, a significant achievement in light of the ongoing aggression on Ukraine's territory.

In 2015 the National Human Rights Strategy (NHRS) and Action Plan (AP) were adopted.

These developments may help move the country forward on gender equality. In general we observe, that since 2010 Ukraine's institutional mechanism for the implementation of gender equality was consistently compromised and this resulted in downsizing of bodies in charge of gender equality implementation at all governmental levels:

Procedures and regulations for improvement of implementation of the Law of Ukraine on Providing Equal Rights for Women and Men<sup>2</sup> were not developed and approved.

In 2016 the draft for the Concept of the State Programme for Ensuring Equal Rights and Equal Opportunities for Women and Men for the period of 2017-2020 was developed; but as of March 2017 the Concept had not yet been approved.

The competencies related to providing equal rights and equal opportunities are not required as compulsory training for governmental officials. The lack of knowledge of the laws regarding gender equality results in the non-implementation of these laws.

---

1 <http://www.kmu.gov.ua/control/uk/cardnpd?docid=249793627>

2 <http://zakon3.rada.gov.ua/laws/show/2866-15>

***97.47 Further strengthen a gender-sensitive approach in all poverty alleviation programmes (Azerbaijan).***

***97.48 Use a gender-sensitive approach in all poverty alleviation programmes (Bangladesh).***

The Cabinet of Ministers approved (e Ordinance №161-p (16.03.2016)) the Strategy for Overcoming Poverty<sup>3</sup> The Strategy addresses income inequality and recommends adherence to principles of social justice in income distribution.

Ukraine in undergoing reforms in 17 major areas. None of these stipulates that gender equality experts be required to participate or provide for evaluation by gender experts. The process of decentralization has begun in the absence of gender analysis and evaluation. Social welfare reform, medical reform, downsizing of the network of social institutions and services, pension reform, reform of public utilities services and administrative reform have created new challenges for gender equality in terms of the access of women and girls to quality services<sup>4</sup>. Neither the policies of the reforms office within the Cabinet of Ministers nor the Governmental Programme (to 2020) are guided by the basic principle of the equal rights of women and men.

***97.54 Devote more efforts to harmonizing gender equality for guaranteeing their equal rights and opportunities in both the legislative and executive branches (Kazakhstan);***

There is a subcommittee for gender equality in the Verkhovna Rada affiliated with the Committee for the Human Rights, National Minorities and Inter-Ethnic Relations.

*In the Verkhovna Rada, a Parliamentary Caucus “Equal Opportunities”* was created in 2012 and is very active.

By the Ordinance №113-p (24.02.2016) of the Cabinet of Ministers’ NAP for the implementation of UNSCR 1325 was adopted for the period until 2020<sup>5</sup>.

Challenges experienced in Ukraine include:

- Weak national mechanism for gender equality.
- Low levels of financing for the gender equality programme.
- Low levels of judiciary officials’ awareness of the GBV. Lack of mechanisms for response, fixing and provision of assistance to the victims of violence.
- Lack of coordinated policy for exercising human rights by women, including electoral participation.
- Lack of coordination to ensure women’s participation in peace-making.

NHRS and the AP for its implementation contain paragraphs on counteracting GBV, DV and the provision of equal rights to women and men. These include 99.2 – analysis of national legislation on implementation of positive actions; 99.4 -analysis of performance of obligations as per international treaties on gender equality; 99. 99.5 – implementation of measures to achieve the CoE Strategy objectives in the sphere of gender equality; 100.1 – enabling the activities of advisors on the equal rights and opportunities for women and men.

According to the report on the AP implementation<sup>6</sup>, the execution of each of these tasks is ongoing. But there is no state coordination in this field. According to the estimates by NGOs and Ombudsperson, the progress of AP execution is slow. No more than 25% of measures were implemented.

---

3 <http://zakon2.rada.gov.ua/laws/show/161-2016-%D1%80>

4 The Alternative Report on the Implementation of Ukraine Convention on the Elimination of All Forms of Discrimination against Women: IIIV periodic report / Edited by M.M. Skoryk – Kyiv: CA CP „Kyiv institute of gender studies”, 2017 (in print)

5 <http://zakon0.rada.gov.ua/laws/show/113-2016-%D1%80>

6 <http://old.minjust.gov.ua/section/548>

### 3. Strengthening of anti-discrimination legislation and practices

*97.27 Adopt a comprehensive anti-discrimination legislation that would include also a definition of direct and indirect discrimination and a comprehensive list of grounds for discrimination (Czech Republic);*

*97.28 Accelerate the adoption of a bill on preventing and combating discrimination (Thailand);*

*97.30 Adopt a comprehensive anti-discrimination law that addresses the worrying trend of incidents based on gender, sexual orientation, racial and ethnic discrimination (Portugal);*

*97.56 Remove from the legislation discriminatory provisions based on race, sex or sexual orientation and adopt comprehensive anti-discrimination legislation (Canada);*

*97.57 Step up the efforts to fight against discrimination by refraining from contradictory legislation and by amending the anti-discriminatory legislation to include explicit references to sexual orientation and gender identity as possible grounds of discrimination (Finland);*

*97.59 Continue its effort to combat discrimination and promote equality in accordance with international treaties establishing guarantees of fundamental human rights and freedoms, and equality in the employment of such rights, without privileges or restrictions based on race, colour, political, religious or other belief, gender, sexual orientation, ethnic or social origin, property status, place of residence, language or other grounds (Brazil);*

*97.71 Implement the recommendation issued in 2010 by the Committee of Ministers of the Council of Europe on measures to combat discrimination based on sexual orientation or gender identity (Switzerland);*

*97.44 Apply the Yogyakarta principles (sexual orientation and gender identity) in policy development (Slovenia);*

*Anti-discrimination legislation.* In 2013 amendments to the laws “On advertising”<sup>7</sup> and “On employment of the population”<sup>8</sup> prohibited discrimination in job advertising. However, there is no mechanism for controlling such advertisements and no procedure for administrative punishment.

In 2014 the Parliament voted amendments to anti-discrimination law<sup>9</sup>, which provided changes in definitions, added new forms of discrimination and intensified the role of the national equality body, as well as established the shift of the burden of proof. The law doesn’t provide protection from discrimination for LGBT people. The list of protected grounds doesn’t have sexual orientation or gender identity explicitly mentioned (can be included in definition of “and other grounds”). The Coalition for Combating Discrimination in Ukraine (CCDU)<sup>10</sup> supported the changes but also noted that explicit prohibition of discrimination on the grounds of sexual orientation and gender identity are still missing.

In 2015, the Parliament voted for the inclusion of sexual orientation and gender identity to the list of protected grounds into the Labour Code (LC)<sup>11</sup>. The vote was accompanied by homophobic discussion in the Parliament and in society<sup>12</sup>. Amendments were introduced into the old version of the LC. Currently the Parliament is working on a new LC<sup>13</sup> which does not contain sexual orientation and gender identity among the list of protected grounds.

<sup>7</sup> <http://zakon5.rada.gov.ua/laws/show/270/96-%D0%B2%D1%80>

<sup>8</sup> <http://zakon3.rada.gov.ua/laws/show/5067-17>

<sup>9</sup> <http://zakon3.rada.gov.ua/laws/show/5207-17>

<sup>10</sup> <http://www.antidi.org.ua/en/>

<sup>11</sup> [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=57008](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=57008)

<sup>12</sup> <http://www.unian.ua/politics/1179471-nardepi-provalili-golosuvannya-schodo-zaboroni-diskriminatsiji-na-roboti.html>

<sup>13</sup> <http://zakon5.rada.gov.ua/laws/show/322-08/page>

As there are no clear mechanisms for filing complaints about discrimination in employment and this remains one of the most discriminative spheres. The most recent 2016 study<sup>14</sup> shows that among trans(exual) people, 73% had problems in gaining employment and 37% experienced blackmail, physical violence, threats, and/or bullying in the workplace. There are documented cases of discrimination in education (not using preferred name and pronoun), banking (problems with getting and using personalized credit cards), travelling (being refused access to trains, rude inspection when crossing the border or at the airport), housing (recurring rejections upon applying to rent a flat) etc<sup>15</sup>.

*Hate crimes.* There are no specific laws on hate crimes in Ukrainian legislation. Article 161 of the Criminal Code (CC), “Violation of citizens' equality based on their race, nationality or religion”<sup>16</sup> limits the grounds for complaint to this list. There is no legal possibility to use this article for hate crimes based on sexual orientation or/and gender identity.

LBT women are a doubly vulnerable group (LGBT identity plus gender) when it comes to hate crimes. Trans people usually don't report hate crimes to the police due to problems with registration of their cases, based on the mismatch of their legal documents and physical appearance. Police officers are often highly homophobic and transphobic themselves. This situation, is, however, improving, with the reform of the National Police (NP) which started in 2015<sup>17</sup>.

*Gender expertise.* There are gaps between the laws and regulations governing assessment of conformity to principle of equal rights and opportunities for women and men. Existing response mechanisms to gender-based discrimination are inefficient and do not cover all spheres. Respective registration of facts of gender-based discrimination is not maintained.

*Lack of comprehensive sex-disaggregated statistics.* Data from the State Statistics Service (SSS) predominantly provide description of demographic characteristics, “population” status, as well as its “education”, “health”<sup>18</sup>, etc. The government bodies haven't understood the need for sex-disaggregated statistics and thus have not requested that kind of information from the SSS. For example, data is lacking for the status of rural women regarding their participation in the labour market, levels of decision-making, access to the social services, protection from violence; comprehensive statistics on representation of women in business and number of “women's” enterprises.

#### **4. Temporary special measures**

***97.52 Take appropriate measures aimed at increasing the number of women in decision-making positions as well as address the issue of a persisting wage gap between men and women (Algeria);***

***97.53 Implement temporary special measures, including quotas, to achieve gender equality in areas where women are underrepresented or disadvantaged and for women suffering from multiple discrimination, such as Roma women (Bangladesh);***

Calls for temporary special measures (including gender quotas) for women's political representation started to be heard in Ukraine back in 2007-2008, but failed to be approved in the Verkhovna Rada.

---

14 <http://adaman-t.org.ua/en/2016/11/current-socioeconomic-situation-of-transgender-and-queer-individuals-in-post-soviet-union-region/>

15 [http://insight-ukraine.org/wp-content/uploads/2016/03/broshura\\_transgender\\_eng\\_OK\\_FULLL.pdf](http://insight-ukraine.org/wp-content/uploads/2016/03/broshura_transgender_eng_OK_FULLL.pdf)

16 [http://kodeksy.com.ua/kriminal\\_nij\\_kodeks\\_ukraini/statja-161.htm](http://kodeksy.com.ua/kriminal_nij_kodeks_ukraini/statja-161.htm)

17 [http://insight-ukraine.org/wp-content/uploads/2017/01/guide\\_discrimination.pdf](http://insight-ukraine.org/wp-content/uploads/2017/01/guide_discrimination.pdf)

<sup>18</sup> The Alternative Report on the Implementation of Ukraine Convention on the Elimination of All Forms of Discrimination against Women: IIIV periodic report / Edited by M.M. Skoryk – Kyiv: CA CP „Kyiv institute of gender studies”, 2017 (in print)

From 2015 on Art.8 of the Law On Political Parties and Art.4 of the Law On Local Elections contain norms related to the minimum levels of representation of the persons of one sex being no less than 30% of the total number of candidates on the list. In practice, these norms are simply declaratory. Non-adherence to these norms is not considered by the Central Election Commission as grounds for refusing to register a party's list of candidates. Several legislative drafts were meant to remedy this situation and one of them was approved and recommended by the relevant committee<sup>19</sup>, but the measure failed to be approved by the Verkhovna Rada.

Quotas for state service positions were introduced in the draft of Law №3411-2 but it was rejected on February 5, 2014. There were no further attempts to bolster the percentage of women's representation in state service but the Art.16 Law "On ensuring equal rights of women and men" foresees that "Ministerial appointment and local self-government bodies realize in compliance with representation of candidates of each sex"<sup>20</sup>.

Currently the number of women in state service is not regulated and is quite low. In the Cabinet of Ministers out of 23 Ministers, only three are female. 25% of Minister Deputies are women; 18% of the top management in the 17 Ministries is women. In 2015, 5 of 17 Ministries (Ministry of Youth and Sports, of Defense, of Energy, of Regional Construction, of Culture) didn't have any women in top management positions.

Only one of 25 State Region Administrations is headed by a woman. In 14 State Region Administrations there is not a single woman appointed to a position equivalent to Deputy Head of Administration. Overall, only 16% of these deputy positions are held by women.

Involvement of women in political parties' activities is predominantly technical. According to the Gender Monitoring of parliamentary elections in 2014<sup>21</sup>, women worked mostly at political parties' offices and headquarters. For 123 parties participating in elections in 2015, in 23 cases central party bodies were headed by a woman or a woman was one of the party leaders. This is 17,4% of the total.

Only 12% of the Constitutional Commission members are women.

The issue of wage inequality for women and men is still actual; women with high educational and professional levels are forced to fulfill their professional activities in lowly jobs requiring lower qualifications and with lower pay.

## **5. Counteracting gender-based violence (GBV)**

### ***97.11 Ratify the 1954 Convention relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness and the Council of Europe Convention on Prevention and Combating Violence against Women and Domestic Violence (Portugal).***

Ukraine signed the CoE Convention on Prevention and Combating Violence against Women and Domestic Violence in 2011. By March 2017 the Convention had not been ratified.

Proposed draft of law on the Convention ratification<sup>22</sup> was sent to repeated reading and two auxiliary laws - №5294 On Prevention and Combating Domestic Violence<sup>23</sup> and №4952 On Entering Changes to some Laws of Ukraine in relation to the Ratification of the Convention<sup>24</sup> were approved in the first reading. The Council of Churches works in close cooperation with Parliament, blocking the ratification of Convention.

---

19 draft №3411 dated 10.10.2013

<sup>20</sup> The Alternative Report on the Implementation of Ukraine Convention on the Elimination of All Forms of Discrimination against Women: IIIV periodic report / Edited by M.M. Skoryk – Kyiv: CA CP „Kyiv institute of gender studies”, 2017 (in print)

<sup>21</sup> [http://www.wcu-](http://www.wcu-network.org.ua/public/upload/files/1421248450_%D2%90enderniy_monitoring_A5_dlya_druku.pdf)

[network.org.ua/public/upload/files/1421248450\\_%D2%90enderniy\\_monitoring\\_A5\\_dlya\\_druku.pdf](http://www.wcu-network.org.ua/public/upload/files/1421248450_%D2%90enderniy_monitoring_A5_dlya_druku.pdf)

<sup>22</sup> [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=60492](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=60492)

<sup>23</sup> [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=60306](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=60306)

<sup>24</sup> [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=59648](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=59648)

***97.76 Continue to strengthen provisions to address domestic violence, and programmes to reinforce mechanisms for the protection of women and children (Chile);***

***97.78 Continue to work towards the comprehensive approach to preventing and addressing all forms of violence against women (Republic of Moldova);***

GBV and in particular sexual violence is associated with basically all military conflicts. Collecting data on this phenomenon is difficult, especially in the territories temporarily uncontrolled by Ukraine. No practical measures are taken to eliminate this problem.

There is a need to set up specialized establishments to provide assistance to the persons who suffered from GBV, including domestic violence (DV), taking into account accessibility of such establishments for the women from remote and rural areas. Provisions the NHRS<sup>25</sup>, stipulating for setting up such establishments, are not acted on. Assistance to the victims is mostly provided by NGOs thanks to the support by international donors.

The national hotline operated by CO “La Strada-Ukraine” for the prevention of domestic violence, human trafficking and gender discrimination, was called by more than 38000 persons in 2016 – a fourfold increase over 2015.

***97.77 Respect the principles and standards provided by the CoFE Convention on preventing and combating violence against women and domestic violence, even prior to its ratification and entry into force (Italy);***

Law-in-draft On Prevention and Combating Domestic Violence <sup>26</sup> contains inconsistencies with the Istanbul Convention.

Art.7 of the draft stipulates for foundation of Unified State Register of incidents of DV with victims personal data which can increase corruption risks and lead to stigmatization of victims.

Art.24 of the Convention emphasized introduction of round-the-clock national toll-free hotlines to provide consultation and counseling to users on a confidential basis or with safeguards for their anonymity. The text of the law currently being drafted uses the term “call-center” which misrepresents the mission of the help hotlines and does not correspond to the hotline practices in Ukraine and other countries.

## **6. Discrimination of women in the labour market**

***97.56 Remove from the legislation discriminatory provisions based on race, sex or sexual orientation and adopt comprehensive anti-discrimination legislation (Canada);***

***97.57 Step up the efforts to fight against discrimination by refraining from contradictory legislation and by amending the anti-discriminatory legislation to include explicit references to sexual orientation and gender identity as possible grounds of discrimination (Finland);***

The order of the Ministry of Health “On Approval of the List of Physical Labor and Work in Hazardous and Dangerous Conditions where Women’s Labour is Prohibited”<sup>27</sup> and “On Approval of the Maximum Permissible Norms for Lifting and Handling of Heavy Objects by Women”<sup>28</sup> have not been withdrawn. The ban on lifting of heavy objects can be used as formal grounds for denying a woman a job.

Women of Ukraine are banned from working in important industries: they are not to work underground, or drive certain types of passenger and transport vehicles, work in an engine-room of a ship, or in a number of construction professions (over 450 types of jobs in total) in contradiction to Art.17 of the law “On Ensuring Equal Rights and Opportunities of Men and

---

25 <http://zakon.rada.gov.ua/laws/show/1393-2015-%D1%80>

26 [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=60306](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=60306)

27 <http://zakon3.rada.gov.ua/laws/show/z0051-94>

28 <http://zakon3.rada.gov.ua/laws/show/z0194-93>

Women”. The LC was however updated with Art.2-1 prohibiting labour discrimination on the grounds of gender, sexual orientation and gender identity.

## **7. Women access to justice**

### **97.93 Take concrete steps to improve the objectivity and independence of the criminal justice system by incorporating the recommendations of the Venice Commission, implementing the judgments of the European Court of Human Rights, and addressing concerns about selective justice (Great Britain)**

Limitation of the women’s access to justice was observed, as well as their discrimination on the part of legal enforcement agents and judges, improper legal assistance and unpreparedness of the legal system to respond to the cases of GBV and sexual violence in particular, resulting in non-punishment of the criminals..

National School of Judges, National Prosecution Academy, NP started incorporating gender issues into the training programmes.

In the situations where a woman is committing a crime under the influence of violence committed against her, the following problems in judicial system are detected:

- Courts don’t take into consideration as the reason for committing the crime the facts of GBV or threats to use violence by the complainant, who was attempting to commit it.
- Use of stereotyped expressions when describing the situation. Failure to use terminology existing in legislation – domestic violence, physical violence, sexual violence and replacing those with the term ‘animosity”.
- Gender stereotyping towards woman, present in court rulings (“it is her own fault”).

Obtaining information on the gender composition of the judiciary poses a problem, since the national system of gender statistics parameters does not include parameters allowing for evaluation of status of women and men in the judiciary system.

Situation in Ukraine is characterized by the application of selective justice towards women sentenced for life, manifesting itself as dual judicial practice of consideration of the cases in relation to recalculation of the time under arrest.

Outside the scope of legislative regulation remain issues related to the change in punishment for the persons sentenced for life independently of their gender<sup>29</sup>. Suggestions on humanization in this field were put out in the law-in-draft №2292 On Entering Changes to some Legislative Acts regarding substitution of life imprisonment with reduced sentence<sup>30</sup>, voted for by Verkhovna Rada, but vetoed by the President.

## **8. Women in security sector**

More than 15000 woman serve in the Military Forces of Ukraine (MF) (7.4 % of the total number), over 1000 of them were awarded status of combatant. For the period of Anti-Terrorist Operation (ATO) and as of December 2015, 611 women members of the military were awarded with decorations from the Ministry of Defense of Ukraine (MoD), 32 women received state awards.

For the implementation of the NAP on UNSCR 1325 in 2016 a working Groups was set up at the MoD to develop the procedures for keeping gender equality principle in the work of the MoD.

There is not women General in the MF, there are only 14 women bearing the title of Colonel (10 of them are Colonels of Medical Service), 129 half-colonels (78 of those are in the medical Services), 372 majors. The MoD approved the two orders that broaden more than 160 professions and positions for women in MF.

---

<sup>29</sup> <http://zakon5.rada.gov.ua/laws/show/en/v005p710-05>

<sup>30</sup> [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=54261](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=54261)



Involvement of women in structures, making decisions regarding military spendings, other global issues, preventive diplomacy etc. remains at a low level. Some key Departments of the MoD involved in military spendings issues are headed by women. This is not enough to ensure the parity-based involvement of women in activities aimed at conflict prevention.

## **9. Women's rights in the temporarily occupied territories**

Human rights groups register unsatisfactory conditions of illegal incarceration of civil citizens in occupied territories – use of excessive force at detention; no separation of men and women in illegal places of detention; no access to sanitary conditions, food and water; no personal sanitary protection items for women during menstruation, tortures applied to the persons; trafficking in humans<sup>31</sup>.

The following forms of violence were pointed out as the most frequent by the women polled: humiliation and insult, forcing to hand over their money/documents to other persons, ban to work or study, bullying and threats, beatings, forced labour without pay or for minimum wages. One third of the persons polled informed that they suffered violence from unknown people. Some of the polled indicated that there were rough episodes committed by military, neighbors/members of the local community, employers, law enforcement officers, social services officers and medical staff.

Due to the high stigmatization in society, people are often not prepared to talk about violation of human rights in temporarily occupied territories in general and in particular, about violations of the human rights of women.<sup>32</sup>.

## **10. Gender equality in education**

Education is not sufficiently responsive to the issues of gender inequality. Considerable feminization of the industry is observed: 78.3% of teachers and governesses are women.. Almost 40% of the school headmasters are men and in the higher educational establishments 90% rectors are men.

There are some “hidden” (subject content, its presentation in the training and methodology books, teaching style, bias in evaluation of the study results) and “open” (separate programmes/blocks for girls and boys – housekeeping, military defense, handicraft etc, verbal sexism) elements of gender discrimination.

In 2014 MoE turned its attention to stereotypes towards women in the school textbooks. In 2016 work on their gender expertise started.

Discrimination of girls continues when entering higher educational establishments of the MIA and MoD. Scientific, technical, and high-potential academic projects at higher educational establishments don't have an obligatory gender component.

Imperfect gender statistics prevents the monitoring of equality in relation to the access to education.

There was no systematic education on the issues of gender equality, reproductive and sexual health. Starting 2011 campaigns on gender issues in education were forced out by anti-gender information campaigns peaking in 2012. Initiatives of scientists on systematic schooling in gender research were not supported, specialists in this field are not trained and the topic is not included in the Classifier of Jobs and Professions.

## **11. Access to the healthcare**

---

31 Report from the UHG and Coalition of Justice for Peace in Donbass, 120 persons polled

32 UHG together with WICC documented in June-July 2015 facts of violation of human rights, specifically women's rights, and GBV violence in temporarily occupied territories

Development of the private medical and rehabilitation establishments, introduction of family medicine is a positive sign, but there is a need to increase incentivized responsibility of a medical doctor for the health of a respective group of population.

Downsizing access to the primary medical assistance in villages and small towns resulting from the closure of medical and obstetrical centers and local hospitals. The first aid doctors staffing levels in rural areas are close to 50%.

Health care accessibility decreased by 25% due to the impoverishment of population. Medication became less accessible (especially imported ones). System of reformation of the medical industry is totally lacking reformation of the nursing institute – the profession where 95% are women.

Reorientation of closing medical establishments into medico-social and social institutions (shelters, hospices, rehabilitation centers, physical culture health center, physical culture groups, etc.) does not happen or happens very slowly.

#### *Health care access for inter/transsexual women.*

Intersex people are not protected by Ukrainian legislation and there is no specific regulation of prohibition of discrimination in terms of intersex status, legal gender recognition and health issues, there are no doctors who know how to help and to treat intersex people. There are no specific education courses or trainings on intersex issues.

The general practice when a baby presents with “underdeveloped genitalia” is to perform a “normalizing” genital surgery to assign either male or female sex identity. For those who wish to adjust their sexual status at puberty or later in life, there is no procedure of legal gender recognition if legal sex assigned at birth doesn’t match their felt gender identity. Until the end of 2016, intersex persons did not have access to the legal gender recognition procedure provided for transgender people. Only after recent trans health care reform was this contraindication removed<sup>33</sup>.

2016 was a year when the long-awaited reform of the health care system for trans people became a reality. The unified clinical protocol by Ministry of Health<sup>34</sup> which substituted the infamous Order No. 60<sup>35</sup> has some improvements. Among these are the termination of the centralized Commission on “sex change” which for years had been the arbiter of permission for for gender reassignment surgery and legal gender recognition, the cancellation of the requirement of compulsory psychiatric hospitalization for 30 to 45 days, and the cancellation of the requirement to be unmarried and not having children under 18 to be legally recognized. The law is however still far from full compliance with non-discrimination and human rights principles.

In the new clinical protocol, gender recognition is still linked to a psychiatric assessment for such diagnoses as “gender dysphoria” and “transsexualism”. According to the text of the protocol an assessment should be done on an outpatient basis, but there is still a possibility of hospitalization for 2 weeks or more without clearly defined criteria for it. Another problem is that the assessment is required to be as long as 2 years at least.

Irreversible medical intervention, namely surgery (actually sterilization) remains prerequisite for legal gender recognition. At the same time, there is a requirement of “12 months of continuous HRT (hormonotreatment) if necessary ... and at least 12 continuous months of living in gender role, which coincides with gender identity” before surgery.

There is also a provision for surgeons “to make sure that the chosen procedure is appropriate for the patient”, meaning the surgeons become the gatekeepers.

---

33 <http://zakon0.rada.gov.ua/laws/show/z1589-16>

34 [http://www.dec.gov.ua/mtd/dodatki/2016\\_972%20GenDysfor/2016\\_972\\_YKPMG\\_GenDysfor.doc](http://www.dec.gov.ua/mtd/dodatki/2016_972%20GenDysfor/2016_972_YKPMG_GenDysfor.doc)

35 <http://zakon0.rada.gov.ua/laws/show/z0239-11>

In general, the text of the new clinical protocol is full of outdated and pathologizing terminology which could not be considered appropriate from the human rights point of view. Also Ukrainian legal gender recognition procedure doesn't meet needs of non-binary people who may identify other than man or woman.

## **12. Challenges for women in the rural areas**

There is very little statistical or research information on life of women in rural areas. They are not taken into account in state policies and programmes.

Women in rural areas have access to predominantly unskilled labour; only 0.6% of all women working in this industry advanced their skill level. According to the data provided by the SSS (2016), the average monthly wage of women in agriculture was UAH 2,767 equaling 83,7% of the wages of the men employed in the same industry. A lot of women work in small towns and settlements. To get there from their villages they spend considerable sums of money and time for travel. The major issues for women looking for work are; lack of employment opportunities close to home, territorial remoteness, insufficient local transport, poor roads, lack of social infrastructure.

## **13. Recommendations**

1. To make provisions for the operation of renewed in 2017 National mechanism for consolidation of gender equality and ensure monitoring of its efficiency on regular basis
2. Introduce gender component to all reforms taking place in Ukraine
3. Ensure alignment of laws and regulations governing the procedures for gender legislative review.
4. Develop the response procedure for the facts of gender-based discrimination with the respective mechanism of discrimination termination and compensation for the losses borne.
5. Introduce system for collecting and publishing information on facts of gender-based discrimination.
6. Develop methodology for evaluation of government employees' gender competency. Introduce system of training and advanced training of the government employees on the analysis of the state policy for the compliancy to the principle of equal rights and opportunities for women and men.
7. Cancel the order the Ministry of Health "On approval of the list of heavy work and work in hazardous and dangerous conditions, which prohibits the employment of women" and "On approval limits lifting and moving heavy objects by women".
8. Approve and implement a strategy "Education: The Gender Dimension 2020"
9. Ensure implementation of legislative requirements and recommendations of international convention authorities on providing equal access for women and men to justice and ensure non-discriminatory case hearing.
10. Enter legislative changes enabling revision of the cases of those sentenced for life in line with the recommendations of international organizations. Study international practices and review the issue on non-application of life sentence as punishment for women.
11. Implement gender-disaggregated statistics in the criminal justice system.
12. Facilitate setting up of shelters, centers and other services for victims of domestic violence in all regions. When setting up the centers, take into account their accessibility for the women from remote and rural areas independently of their age and health conditions. Provide assistance to NGOs providing services to the victims of gender-based violence, including setting up of social centers and maintaining help hotlines.
13. Ratify the Istanbul Convention.
14. When providing assistance to the victims ensure respect of their dignity, non-discriminatory approach, confidentiality and restrain from actions contributing to their further victimization and stigmatization. Forgo establishing Unified Electronic Register of the domestic

violence victims as it was stipulated for in the law-in-draft On Prevention and Counteraction of Domestic Violence.

15. Develop a system of response measures to GBV and in particular, sexual violence in conflict.

16. Remove legislative, executive, administrative and other obstacles limiting participation of women in activities aimed at prevention of the conflicts, regulation and peacemaking. Facilitate involvement of women in international peacekeeping operations, negotiation groups, multilateral activities on counteracting global and regional challenges and threats taking into account interests of Ukraine. Support peoples' diplomacy projects with participation of women. Approve respective laws and regulations with the objective of involving women and NGOs as participants in negotiations and moderation processes, including those on highest levels.

17. Develop and approve gender-driven criteria for evaluation of early prevention of conflict, escalation of gender-based violence and other violations of women's rights.

18. Introduce regular training of law enforcement officials, judges and safety sector on behavior, data collection protocol and assistance to the victims of gender-based violence in military conflict.

19. Develop mechanisms for providing assistance to the victims of gender-based violence including sexual violence in ATO territories, legal assistance on FOC basis

20. Develop and approve branch Regulations on job descriptions and staffing requirements for the employees of the whole vertical power structure responsible for implementation of the gender component in various areas of the State policy.

21. Introduce in all the industrial and regional educational centers for professional advancement of the government employees regular training on gender equality issues for government employees at all levels. Make it part of qualification programme.

22. Make provisions for collection of statistical data with the gender breakdown in all fields of social life (according to the international standards), taking into account responsibility of all the industry central governmental bodies.

23. Carry out gender research on the impact of reforms and decentralization on women and girls.

24. Develop state programme for the inhabitants of rural areas taking into account needs of women and girls.

25. Coordinate on legislative level possibility of change in the legal penalty to the females sentenced to the life incarceration.

26. Amend the existing anti-discrimination law by adding sexual orientation and gender identity as protected grounds from discrimination in all spheres of life. Establish administrative fines for acts of discrimination. Amend legislation on hate crimes by including sexual orientation and gender identity in the list of protected grounds.

27. Provide clear mechanisms for proper investigation of hate crimes by establishing special unit in national police on investigation and prevention of hate crimes.

28. Prohibit normalizing surgeries on intersex babies. Establish simple and transparent procedure of legal gender recognition for intersex people and special educational programs for doctors on intersex issues.

29. Base health care model on informed consent when trans people could decide what medical interventions and to what extent to undergo without any requirements.

30. Directly prohibit hospitalization in psychiatric institutions in relation to trans status. Remove from clinical protocols compulsory terms and waiting times for any procedures.

31. Consider implementation of gender marker options in IDs other than male and female to be suitable for non-binary trans people.

