



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

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

**Consideration of reports submitted by States parties under
article 18 of the Convention on the Elimination of All Forms
of Discrimination against Women**

Combined sixth and seventh periodic reports of States parties

Ukraine*

* The present report is being issued without formal editing.



Ministry for the Family, Youth and Sports

State Institute for the Development of the Family and Youth

**Report on the implementation of the United Nations Convention
on the Elimination of All Forms of Discrimination against Women**

Combined sixth and seventh periodic reports
(submitted under article 18 of the Convention)

Kyiv 2006

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FOREWORD

The United Nations Convention on the Elimination of All Forms of Discrimination against Women is a kind of Women's Bill of Rights setting out the international standards for the realization in society of equality of rights between women and men. By July 1988, 94 States (including Ukraine, in 1980) had acceded to or ratified the Convention, committing themselves to pursuing a policy of eradicating discrimination against women and to reporting to the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) about the progress made in carrying out this policy.

The present document is a draft version of the combined sixth and seventh reports which Ukraine is required to submit to the Secretary-General of the United Nations under article 18 of the Convention. It covers two reporting periods (1999-2006). It was prepared in the light of the United Nations recommendations on reporting under the Convention, the recommendations of the Women's Watch organization, and the concluding observations and recommendations of CEDAW following its consideration of Ukraine's combined fourth and fifth periodic reports.

Part 1 of the draft report contains general information about Ukraine: the country's geopolitical characteristics, the State and national administrative arrangements, the electoral system, population numbers and age structure in gender terms and its composition in terms of nationalities, standards of education, the language and the religious situation. It also contains social and demographic data on the country (the numbers, composition, age structure in gender terms, and standards of education), and the chief features of the current economic/demographic situation, as well as reporting on the health of girls and women and reviewing the core principles of the utilization of the national machinery for ensuring equal rights and opportunities for women and men. Part 2 of the draft report consists of an article-by-article review of the implementation of the Convention.

The draft report uses statistics and other information provided by the State Frontier Service Administration, the State Customs Service, the State Statistical Committee, the State Committee on Regulatory Policy and Entrepreneurship, the State Committee on Nationalities and Migration, the Ministry of Agrarian Policy, the Ministry of Internal Affairs, the Ministry of Foreign Affairs, the Ministry of Culture and Tourism, the Ministry of Education and Science, the Ministry of Health, the Ministry of Labour and Social Policy, the Ministry of Transport, the Ministry for the Family, Youth and Sports, the Ministry of Justice, the National Security Service, and the departments for the family and youth of the local authorities of the provinces and the cities of Kyiv and Sevastopol.

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Part 1. General information

1.1 Geopolitical characteristics of Ukraine

Geographical location. Ukraine is a country of south-east Europe located in the South-East European plain. To the south it is washed by the Black Sea and the Sea of Azov.

Area – 603,500 square kilometres

Length and width: from west to east – 1,316 kilometres
from north to south – 893 kilometres

Length of frontiers: total – 7,643 kilometres
land – 5,684 kilometres
sea – 1,959 kilometres

Farthest points: In the north – Petrovka (Chernihiv province)
In the south – Cape Sarych (Crimean Autonomous Republic)
In the west – Chop (Zakarpattia province)
In the east – Krasnaya Zvezda (Luhansk province)

Contiguous States: To the west – Poland, Slovakia, Hungary, Romania
To the south-west – Moldova
To the east – Russia
To the north – Belarus

Climate. Temperate continental within the South-East European plain (95 per cent of the area) and the Ukrainian Carpathian mountains and the Crimean mountains (5 per cent of the area); some subtropical features on the southern shores of the Crimea.

State system. Ukraine is a sovereign and independent, democratic, social State governed by the rule of law.

Under its Constitution Ukraine is a **republic**.

The people is the **holder of sovereignty and the sole source of power** in the State.

The principal State holiday is Independence Day (24 August).

The Head of State is the President, who acts on behalf of the State. He is elected by the citizens of Ukraine on the basis of universal, equal and direct suffrage in a secret ballot for a term of five years and for no more than two terms in succession.

The Supreme Council. The sole organ of legislative power is the Parliament – the Supreme Council of Ukraine. Pursuant to the Constitution, the Supreme Council consists of 450 people's deputies, who are elected on the basis of universal, equal and direct suffrage in a secret ballot for a term of four years. The Supreme Council elects its President, First Deputy President and Deputy President from among its members, approves the list of committees of the Supreme Council, and elects their presiding officers from among the peoples' deputies.

The Cabinet of Ministers (Government). The Cabinet of Ministers is the highest organ in the system of executive power. It consists of the Prime Minister, a first deputy prime minister and five other deputy prime ministers, ministers (20 in number in 2006) and the Minister for the Cabinet, who are all appointed and dismissed by the President. Following the 2006 elections, talks began among the chief political forces which had entered Parliament concerning the creation of an expanded coalition and the first moves were made for the signature of the “Agreement on the creation of a coalition of democratic forces in the fifth convocation of the Supreme Council of Ukraine”. Pursuant to this Agreement, the members of the coalition participate in the formation of a Coalition Government and in the distribution of posts in accordance with the results of the parliamentary election of 26 March 2006.

The Judiciary. Justice is dispensed in Ukraine exclusively by the courts. The jurisdiction of the courts covers all legal relations which may arise in Ukraine.

The Commissioner for Human Rights. The Commissioner for Human Rights of the Supreme Council monitors compliance with the human rights and freedoms and citizens’ rights established by the Constitution. This post was introduced in the Constitution in 1996.

The electoral system. The will of the people is expressed through elections, referendums and other forms of direct democracy. Elections to the organs of the central and local authorities are free and are conducted on the basis of universal, equal and direct suffrage in a secret ballot. The electorate, both male and female, is guaranteed the free expression of its will. The 2006 elections were conducted in accordance with proportional and majority electoral systems. The peoples’ deputies of Ukraine, the deputies to the Supreme Council of the Crimean Autonomous Republic, and the members of the local authorities of the districts, urban districts, towns and provinces and the cities of Kyiv and Sevastopol were elected under the proportional system. The members of rural and village councils and the rural, village and town heads were elected under the majority system.

National administrative arrangements. The administration of Ukraine is based on the principles of the unity and integrity of the territory of the State and a combination of centralized and decentralized State power. As of 1 January 2005 the national territory was subdivided into 27 administrative regions: the Crimean Autonomous Republic, 24 provinces and the cities of Kyiv and Sevastopol. There are 490 administrative districts, 454 towns, 885 urban settlements, 10,280 villages, and 28,589 rural settlements. Ukraine is a unitary State. The territory of Ukraine within its existing frontiers is indivisible and inviolable.

Language. Article 10 of the Constitution provides that Ukrainian is the official State language and guarantees the free development and use and the protection of Russian and the other languages of national minorities. The State promotes the study of the languages of the international community. Having become a member of the Council of Europe, Ukraine signed, and on 9 December 1997 ratified, the Framework Convention for the Protection of National Minorities. All the obligations assumed by Ukraine with regard to the realization of the political, social, cultural and language-related rights of national minorities are reflected in existing domestic legislation.

Religion. All the citizens of Ukraine are free and equal in their rights and freedoms. Every citizen is entitled to hold his or her own world view and religious beliefs. Churches and other religious organizations are separate from the State, and the schools are separate from the churches. Ukraine has created the conditions for all religious organizations to engage freely in their activities. This a very important point, for the country has more than 28,400 religious communities

representing almost 100 faiths, persuasions and tendencies. There are 378 monasteries, thousands of churches, and at least 173 institutions of spiritual instruction and 12,039 Sunday schools, as well as more than 200 religious publications.

1.2 Social and demographic data

Population. As of 1 January 2007 Ukraine's resident population totalled 46,465,700, including 25,031,000 women (53.9 per cent) and 21,434,900 men (46.1 per cent). The urban population totalled 31,521,800 (67.8 per cent) and the rural 14,943,900 (32.2 per cent). The (resident) population density was 77 inhabitants per square kilometre. The population had declined by three million since the start of the reporting period. (In 1999 it stood at 49,918,100, including 26,581,400 women; the urban population numbered 33.7 million and the rural 16.2 million.)

Age structure of the population in gender terms. As of 1 January 2007 children aged up to 16 years accounted for 15.5 per cent of the resident population, persons of working age for 60.6 per cent, and persons of pensionable age for 23.9 per cent. The population of Ukraine is ageing rapidly. At the beginning of 2007 persons aged 60 or older accounted for 20.3 per cent of the total population. Since the start of the reporting period the number of persons aged 65 or older increased by more than 3 per cent (13.9 per cent in 1999). Every year more boys than girls are born, but owing to the high mortality rate among males in all age groups the number of females starts to exceed the number of males after age 29.

Composition of the population in terms of nationalities. More than 110 nationalities and ethnic groups live in Ukrainian territory. A comparison of the last two population censuses shows that the relationship between the main nationalities has changed a little: while in 1989 Ukrainians accounted for 72.7 per cent of the total population, Russians for 22.1 per cent, and other nationalities for 5.2 per cent, the data from the 2001 census showed that the proportion of Ukrainians had risen to 77.8 per cent, Russians had declined to 17.3 per cent, and Ukrainian citizens of other nationalities had altered less, at 4.9 per cent. The increase in the number of ethnic Ukrainians in the period between the last two censuses was due chiefly to two factors: the return of ethnic Ukrainians in the first half of the 1990s, following the proclamation of independence; and the growth of Ukrainian consciousness, especially among people who at the time of the preceding census (1989) had indicated Russian nationality (in accordance with the principle of self-determination at the time of the census). Three quarters of Ukraine's 14 million families are of a single nationality and one quarter of mixed nationality. Families of ethnic Ukrainians make up 81 per cent of the single-nationality families. This is more a characteristic of rural localities, where the composition of the population is more homogeneous and national traditions predominate.

The demographic situation.¹ The demographic situation in Ukraine over the past 18 years is characterized by negative trends in the reproduction of the population: a sharp drop in the birth rate, and a higher mortality rate. These processes became more acute in the 1990s, growing into a systematic demographic crisis.

The total number of births declined from 691,000 in 1989 to 376,500 in 2001, but then rose to 460,400 in 2006. The birth rate fell by 33.4 per cent over the whole period. In urban areas in 1989-2006 births declined from 471,000 to 307,000, and in rural areas from almost 220,000 to 154,000. The overall birth rate (per 1,000 of the population) fell from 13.3 to 10.3 per cent: in

¹ The information in this section is taken from the latest publication of the State Statistical Committee entitled *Women and men in Ukraine* (2005), in which some of the figures relate to 2005 and the remainder to 2004.

urban areas from 13.6 to 10.3 per cent, and in rural areas from 12.9 to 10.3 per cent. In comparison with 1989, the 2001 birth rate fell in all age groups of women in both urban and rural areas, except in the case of urban women aged 45 or older (but even this figure rose by very little), but it was climbing again by early 2005 and continues upwards.

The increase in the number of consensual marriages and the growing tolerance of such marriages in Ukrainian society, together with the improved social protection of single mothers, are encouraging births out of wedlock. In 2006 the proportion of such births exceeded 21.1 per cent, as against about 17.4 per cent in 1999.

The improved perinatal medical care of women produced a drop in the maternal death rate from 23.9 per 100,000 live births in 2001 to 17.4 in 2006.

In the first half of the 1990s the rate of the decline in the life expectancy of Ukrainians was the highest in the past 50 years. In the period 1991-2004 life expectancy fell from 69.3 years (in 1991-1992) to 68.1 years (in 2005-2006). Although for women this indicator declined from 74.2 years (in 1991-1992) to 72.7 years (in 1995-1996), it managed to recover most of the lost ground to stand at almost 73.9 years in 2004-2005. Men, unfortunately, were unable to restore their life expectancy so effectively. For them this indicator fell from 64.2 years (in 1991-1992) to 61.4 years (in 1995-1996), after which it fluctuated up and down but stood at 62.4 years in 2005-2006.

In 1991-1992 the gap in the average life expectancy of men and women was 10 years, reaching a maximum of 11.7 years in 2005-2006. The gender discrepancies in this indicator are more striking between the ages of 25 and 40. For men, the probability of death in some age groups is 3 to 3.5 times higher than for women of the same age. The widening gender discrepancies in the death rates is due chiefly to causes of a social nature. The main causes of male deaths are accidents, poisoning, a higher injury rate owing to their higher level of employment in dangerous industrial activities and involvement in crime, road traffic accidents, suicide, and unhealthy lifestyles (alcoholism and addiction to drugs and tobacco). The main causes of female deaths are nervous and physical exhaustion.

The mortality rate per 100,000 of the population for reasons directly linked to alcohol abuse (chronic alcoholism, alcoholic psychosis, cirrhosis of the liver, and accidental alcohol poisoning) rose from 18.2 in 1989 to 59.3 in 2004 for men and from 3.5 to 14.2 for women. This indicator was not measured separately in 2005-2006. Deaths from HIV/AIDS are increasing: there were 42 deaths from this disease in 1996 but as many as 3,995 in 2006.

The health of girls and women. The State policies for the protection of mothers and children and the educational work done with the public at large succeeded in cutting the absolute and relative abortion rates in Ukraine over the past decade, including the rates for adolescent girls. For example, in the period 1993-2004 the number of abortions fell from 66.7 to 21.1 per 1,000 women of childbearing age (for girls in the 15-17 age group, from 31 to 6). The number of abortions for every 100 births (including stillbirths) declined from 150 in 1995 to 68 in 2004. Since 2000 the decline in the number of abortions has been accompanied by an increase in the number of births: 426,000 births were registered in 2004 as against 385,000 in 2000. A comparison of the abortion, mortality and pregnancy rates shows that the number of births from all pregnancies is rising, while the proportion of abortions is falling; in other words, fewer pregnancies are terminated by abortion. The indicators of unwanted pregnancies show significant declines: in the mid-1990s for every 1,000 women of childbearing age 45 pregnancies were unwanted, but in 2004 the figure was only 16. Nevertheless, the unwanted pregnancy rate remains rather high and testifies to insufficient preventive measures.

There was an improvement over the reporting period in the indicators of sexually transmitted diseases: in 1995 the number of sick women diagnosed as suffering from syphilis for the first time in their lives was 113.3 per 100,000; according to 2004 data, the rate had declined to 46.5. There was a parallel reduction in gonorrhoea infections, from 59.8 first diagnoses per 100,00 of the female population to 24.3 in 2004.

The morbidity and early termination rates among pregnant women remain fairly high. For example, the proportion of pregnant women with anaemia increased from 20.4 per cent in 1993 to 36.4 per cent in 2004; the incidence of late-pregnancy toxemia from 7.3 to 10.4 per cent; and genito-urinary diseases from 6.5 to 16.5 per cent.² The deterioration in women's health during pregnancy has many causes: decline in living standards and quality of life; insufficient and poor-quality reproductive health services; and inadequate promotion of recommendations for a healthy lifestyle. The unsatisfactory situation with regard to the physical health of pregnant women increases the risk of early termination of pregnancy and childbirth complications. About one third of births are normal (36.2 per cent in 2004). This rate is declining owing to an increase in complications caused by late-pregnancy toxemia (from 70 cases per 1,000 births in 1993 to 98.5 in 2004) and problems of the circulatory system (from 116.4 to 248.1). In comparison with 1989, the indicators of complications during pregnancy and the postnatal period increased by a factor of 1.6 in 2004, and birth abnormalities by a factor of 1.5. The problem of early termination of pregnancy has become particularly acute in Ukraine in the context of a low birth rate; indeed, early terminations mean direct reproductive losses, most often of wanted children. Although the early termination rate showed an unfavourable trend in the 1990s (increasing from 7.3 per cent in 1990 to 10.2 per cent in 1996), in recent years it stabilized, standing at 6.7 per cent in 2004.

In order to improve the reproductive health situation Ukraine created a network of family planning services and child and adolescent gynaecological services: 47 provincial and town family planning centres were opened, together with over 500 family planning centres providing adolescent gynaecological services and 36 offices offering sex education for adolescents. Medical services for adolescents are provided in seven adolescent reproductive health centres (Crimean Autonomous Republic and provinces of Donetsk, Odessa, Lviv, Luhansk and Zaporizhia and the City of Kyiv). Highly qualified expert treatment for adolescents is provided by the Mother and Child Care Centre at the National Children's Hospital, the Institute of Paediatrics, Obstetrics and Gynaecology of the Academy of Medical Sciences, the child gynaecology department at the Institute of Child and Adolescent Health Care in Kharkiv, and the Donetsk regional centre for mother and child health. In 2005 all the regional family planning centres were provided with advanced technical equipment for the diagnosis of sexually transmitted diseases.

The reproductive health situation improved somewhat as a result of the implementation of targeted measures. The overall maternal mortality rate tended to decline from the 1990s. In the period 1990-2004 the number of deaths from complications during pregnancy, childbirth and the postnatal period fell from 32.4 per 100,000 live births 1990 to 13.5 in 2004. A similar decline was seen in deaths of breastfeeding children. In the period 1990-2002 the mortality rate for children aged under 12 months fell from 12.8 per 1,000 live births in 1990 to 9.6 in 2004 (10 per 1,000 live births in nine months of 2005), offering further evidence of the successes of reproductive health medicine and the family planning services.

² S. I. Pirozhkov, E. M. Libanova, N. S. Vlasenko and others, *Kompleksnoye demograficheskoye issledovaiye v Ukraine* (edited by members of NANU and Professor E. M. Libanova). Ukrainian Centre for Social reforms, 2006, 188 pp.

The economic situation. The gross domestic product (GDP) is the most important economic activity indicator in the system of national accounts; GDP growth is seen as a positive indicator of the functioning of the economic system. In January 2000 Ukraine recorded its first increase in GDP for nine years. GDP grew constantly in subsequent years. In 2005 it increased by 2.6 per cent over 2004. Real growth of industrial output was 3.1 per cent higher.

The main feature of the structural changes in the industrial sector, which began in Ukraine in 1993, is an increase in the share of heavy industry and a sharp drop in mechanical engineering and light industry. These trends were maintained over the reporting period. According to the official indices, total output in 2005 amounted to 95 per cent of the figure for the pre-crisis year of 1990.

Where investment in fixed assets (capital investment) is concerned, in 2005 the per capita indicator was close to 2,000 hryvnias (1984 value) on average for the whole country. The unemployment rate, as defined by the International Labour Organization (ILO), averaged 6.8 per cent in 2006. The rate of officially recorded unemployment stood at 2.7 per cent at the end of 2006. Real wages increased by 18.3 per cent over the 2005 level. However, inflation reduced people's real incomes a little. For example, in the period January-November 2006 nominal personal incomes rose by 28.1 per cent in comparison with the same period of 2005. The actual incomes which people can use to buy goods and services increased by 26.5 per cent, while real incomes, taking the price factor into account, rose by 16.3 per cent.

1.3 National machinery for realizing equal rights between women and men

The conceptual basis of the State's gender policies

In accordance with the Beijing Platform for Action, the basic goals of the national machinery for the realization of gender equality are to develop, promote, implement, monitor, assess and publicize the policies and mobilize support for them. The fundamental purpose of the national machinery is to secure the enactment of legislation on gender equality and monitor its application, as well as to ensure the effective functioning of the institutions responsible for carrying out the State's gender policies. It must also ensure the formulation of special programmes, projects and action plans for the conduct of research and training in gender equality.

The general shape of this national machinery is set out in the Equal Rights and Opportunities Act, which was adopted by the Supreme Council in September 2005 and entered into force in January 2006. However, more detailed arrangements for the implementation of this Act have yet to be introduced, despite the fact that the need to improve the status of women and promote gender equality was already being discussed in Ukraine in Soviet times.

Following the proclamation of Ukraine's independence, a number of conceptual papers and specific programmes to ensure gender equality in society were approved at the highest legislative and executive levels; they formed the basis for the formulation of the national machinery for gender policy. A number of international documents and agreements form the basis for this policy:

- The Universal Declaration of Human Rights (1948);
- The European Convention for the Protection of Human Rights and Fundamental Freedoms (1950);
- The International Covenant on Civil and Political Rights (1966);

- The International Covenant on Economic, Social and Cultural Rights (1966);
- The Vienna Declaration and Programme of Action (1993);
- The Convention on the Elimination of All Forms of Discrimination against Women;
- The Declaration on the Elimination of Violence against Women;
- The Beijing Declaration and Platform for Action and the other final documents adopted at the Fourth World Conference on Women (Beijing, 1995);
- Fifty-three of the 183 ILO conventions;
- ILO Convention No. 156 (Workers with Family Responsibilities Convention);
- The Millennium Declaration, adopted by General Assembly of the United Nations in September 2000;
- The Convention on the Rights of the Child and its two optional protocols.

During the reporting period Ukraine acceded to the following international instruments pursuant to the provisions of the Convention relating to its implementation by States parties:

- In 2002 it signed the Convention against Transnational Organized Crime and ratified it in 2004 along with its two additional protocols: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; and the Protocol against the Smuggling of Migrants by Land, Sea and Air;
- In 2002 it signed and in 2003 ratified the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;
- As a State Member of the United Nations, in 2003 Ukraine undertook to implement by 2015 the Millennium Development Goals set out in the Millennium Declaration, the sixth point of which relates to equality between women and men. Specifically, the report “Millennium Development Goals: Ukraine”, transmitted by the President of Ukraine to the Secretary-General of the United Nations on 23 September 2003 during the fifty-eighth session of the General Assembly, sets the target of eliminating gender inequality at all levels of education and describes additional indicators of female employment and the relative degree of women’s participation in the work of elected and representative bodies;
- On 4 February 2004 Parliament adopted Act No 1433-IV entitled “Ratification of the United Nations Convention against Transnational Organized Crime and its supplementary protocols (Protocol to Prevent, Suppress and Punish Trafficking in People, Especially Women and Children, and Protocol against the Smuggling of Migrants by Land, Sea and Air);
- On 21 February 2005 Ukraine signed the Plan of Action “Ukraine-European Union. European Neighbourhood Policy”, paragraph 9 of which addresses the attainment of gender equality in Ukraine;
- On 17 November 2005 Ukraine signed the Council of Europe Convention on Action against Trafficking in Human Beings, in the drafting of which Ukraine had played an active part. (This Convention was opened for signature by the countries members of the Council at their third summit meeting, in Warsaw in May 2005.)

The Declaration on general principles of State policy concerning the family and women, adopted by the Supreme Council on 5 March 1999, is one of the most important documents for the formulation of the State's approach to tackling the problems of Ukrainian women. The Declaration envisages inter alia promotion of the involvement of women in all the development processes of modern society, in the drafting and adoption of economic, political, social and legal decisions at all levels of central and local government, and expansion of women's role in the national-cultural, social, economic and spiritual development of society as part of the building of an independent State.

A presidential decree dated 24 May 2000 approved the "Fundamental directions of social policy up to the year 2004", a document which defines the basic principles of the State's policy for women during that period, chiefly:

- To guarantee women genuine access to all forms of activity and equal rights with men in the labour market;
- To conduct preventive, epidemiological and other medical research on protection of the health of children, women and men;
- To develop and introduce up-to-date medical technology for the care and maintenance of women's health and new ways of encouraging a healthy lifestyle, producing healthy children, and raising physically healthy and spiritually enriched citizens;
- To enhance the legal awareness of families, women, children and young people concerning their personal rights;
- To prevent unemployment among women and young people by creating new jobs;
- To furnish State support to women's, youth and children's voluntary and charitable organizations engaging in social work.

With a view to applying these principles in practice, the Cabinet of Ministers adopted by Decision No. 479 of 6 May 2001 the National Plan of Action for 2001-2005 for the advancement of women and promotion of gender equality in society. This document set out the core strategies for developing gender democracy in Ukrainian society during this period, including: the mainstreaming of gender considerations, programmes and projects in the formulation of State policy; the prohibition of gender discrimination in the labour market, in job placement, and in promotion at work; the formulation of programmes to help women who have suffered as a result of the restructuring of the economy, together with measures to tackle the problems of female unemployment and create the conditions for the development of business activities by women; the formulation of education programmes on human rights and international humanitarian law from the gender angle; and the involvement of women in decision-making at all levels of authority and in decision-making on environmental problems. Unlike its predecessor, the latest Plan of Action provided specifically for changes and innovations based on gender considerations. However, national experts acknowledge that the Plan aimed primarily at the attainment of the traditional goal – the advancement of women; as a result, the gender approach had not yet acquired in the Plan the mark of a natural mindset.

In 2002 a number of gender equality issues were included in the programme of work of the Cabinet of Ministers "Openness, effectiveness, results". This was the first time in the history of independent Ukraine that the Government had included in its programme of work the realization of gender equality among the issues requiring immediate attention. This was a result of the

lobbying on these problems by Ukraine's women's community, in particular by the gender policy committee of the national organization Public Forum of the Women of Ukraine.

In June 2004 the Supreme Council conducted parliamentary hearings on "The situation of women in Ukraine: the reality and the outlook", at which it examined the true situation of Ukrainian women and determined strategic approaches and priority policies for further action to improve the situation and advance the status of the country's women. The conduct of these hearings not only testified to the increased attention accorded by the State to women's problems but also identified its obligations to the larger part of Ukrainian society. The provision for women of all the conditions for realizing themselves as fully fledged actors in professional and socio-political activity was named as one of the priority tasks of the State. Above all, this will require the establishment of favourable conditions for combining motherhood with women's professional advancement, recognition of motherhood as a socially useful function, and incorporation of the corresponding changes in legislation, including pensions legislation. An analysis was made at the hearings of the question of labour migration, which gives rise to such phenomena as trafficking in persons, and concern was expressed at the spread of manifestations of domestic violence and cruelty. The parliamentary hearings resulted in the adoption of a special decision of the Supreme Council on the recommendations resulting from the hearings and the issuance of a corresponding order by the Prime Minister.

In implementation of the decisions of the parliamentary hearings, in the first half of 2006 the Ministry for the Family, Youth and Sports drafted an outline of a State programme to assert gender equality in Ukrainian society in the period 2006-2010, which was approved by a Cabinet Decision of 5 July 2006 and adopted by the Supreme Council on 27 December 2006. This document announced the following priority policies for promoting gender equality:

- The formulation and implementation of State policies to realize gender equality in society;
- Action to bring Ukrainian legislation into line with the gender equality legislation of the European Union;
- The production of expert legal reports on existing legislation and draft legislation and regulations on gender matters;
- The drafting of legislation on questions of equal rights and opportunities for women and men and the creation of a national legal machinery for its application;
- The formulation and implementation of targeted State programmes to deliver gender equality;
- Support for civil society initiatives aimed at developing a culture of gender awareness and eliminating the persistent stereotyping of the role and place of women in society;
- Monitoring of the observance of gender equality by the central and local authorities in the areas of recruitment and personnel policy;
- Commissioning of academic and other expert research on questions of equal rights and opportunities for men and women;
- Involvement of voluntary associations and international non-governmental bodies in all areas of the formulation of gender policy;
- Gender mainstreaming in the formulation of the State budget;

- Conduct of information and education campaigns to eradicate all forms of gender-based discrimination.

On 21 November 2006 Parliament held scheduled hearings on two matters: “The current situation and urgent action to the prevent gender-based violence”; and “Equal rights and equal opportunities in Ukraine: the reality and the outlook”.

The legislative and regulatory base

The drafting of the necessary legislation is the starting point for the creation of an effective machinery for the realization of equality of rights between women and men and for the adoption of an array of measures for the exercise of their rights and opportunities by women and men. Ukraine was one of the first countries of the world to have in its Constitution an article (article 24) proclaiming the equality of rights and opportunities of women and men in all spheres of life. The equality of the sexes is also addressed in articles 3, 21 and 51 of the Constitution.

As well as being proclaimed in the Constitution, the principle of equal rights for women and men is embodied in other legislation: the Code on Marriage and the Family; the Labour Code; the Code of Criminal Procedure; the Code of Civil Procedure; the Administrative Offences Code; the Employment Act; the Pensions Act, the Military Service Act; the Pensions (Military Personnel and Senior and Junior Internal Affairs Personnel) Act; and the Labour Act.

The rights and freedoms of women are addressed in other acts, either directly or in general rules and regulations, including: the Health Care (Legal Foundations) Act; the Families with Children (State Assistance) Act; the Civil Defence Act; the Pre-Trial Detention Act; the Retired Workers and Other Older Persons (Basic Social Protection) Act; the Penal Enforcement (Amendments and Additions to Legislation) Act (No. 137/94-VR of 27 July 1994); the Preventive Detention Act; the Narcotic Substances (Prevention of Unlawful Use) Act; and the Correctional Labour Code.

A separate section of the new Criminal Code contains articles on offences against the sexual freedom and sexual integrity of the person: article 152 (Rape); article 153 (Forcible gratification of sexual desire by unnatural means); article 154 (Coercion to perform a sexual act); article 155 (Sexual relations with an under-age person); and article 156 (Corruption of minors). The criminal sanction of these offences is designed primarily to protect the rights of women, for women are the most frequent victims.

A number of legal instruments were adopted in pursuance of the State’s gender-equality policy; the following are some of the most important of them: the 2003 Prime Ministerial Order concerning the designation of persons with responsibility for gender issues in all ministries and departments; and the 2005 Presidential Decree on improvement of the work of the central and local authorities in relation to equal rights and opportunities for women and men.

In the light of recommendation 284, made by CEDAW in 2002 in its concluding observations and recommendations to the Government of Ukraine, that the Government should strengthen the existing national machinery for the advancement of women, a number of regulatory instruments and organizational measures were introduced during the reporting period to create the conditions for the formulation and implementation of gender-related legislation.

For example, in accordance with the provisions of the Convention the President of Ukraine issued in April 2001 a decree on improving the social status of women, which was designed to

create more favourable conditions for guaranteeing women equal rights and opportunities with men to take part in the country's political and social life.

The purpose of the Equal Rights and Opportunities Act, which entered into force on 1 January 2006, is to secure for women the same status as men in all areas of the life of society by establishing equal rights and opportunities for women and men, eliminating gender-based discrimination, and employing special temporary measures to correct the imbalance in the opportunities enjoyed by women and men to exercise the equal rights accorded to them by the Constitution and laws.

Cabinet Decision No. 504 of 12 April 2006 came to play a significant role in the implementation of this Act, for it required the Ministry of Justice to produce expert legal reports on the existing gender-related legislation and regulations affecting human rights and freedoms, in accordance with the Equal Rights and Opportunities Act (No. 2866 of 8 September 2005). These expert reports are now actually being produced. The necessary methodological recommendations were drafted by the Ministry of Justice with assistance from the Equal Opportunities and Women's Rights Programme of the United Nations Development Programme (UNDP).

It may thus be maintained that during the reporting period Ukraine's legislation widened substantially the range of legal possibilities for the attainment of gender balance in Ukrainian society.

The institutionalization of the national machinery for the realization of equal rights between women and men

According to the Equal Rights and Opportunities Act, the following are the principal institutions involved in the State's management of the formulation and implementation of gender-related policies: the Supreme Council; the Office of the Supreme Council's Commissioner for Human Rights; the Cabinet of Ministers; the central agency of the Government invested with special powers with regard to the establishment of equality of rights and opportunities for women and men; the agencies of central and local government which have invested a staff member with special responsibility for these matters (coordinators); and civil society organizations. Each of these institutions has an impact on the management of gender policies within the limits of their jurisdiction, which is regulated by Ukraine's Constitution, laws and regulations.

The formation of State agencies to tackle the problems of gender equality began directly after the declaration of Ukraine's independence, although until 1999-2000 these problems were perceived more often than not as exclusively women's problems.

The Committee on Women's, Mothers' and Children's Affairs of the Office of the President was established at the highest level of the central Government and entrusted with the priority tasks of ensuring the social protection of the family and children, overcoming the feminization of poverty, and safeguarding the health of women and girls. In 1996 the Committee's functions were transferred to the Ministry for the Family and Youth, which had a women's affairs office.

Since 1998 the Supreme Council has had a Standing Commission on Health Care, Mothers and Children; this Commission introduced measures to advance the status of women in Ukrainian society. It took the initiative for the formulation of several national programmes relating to questions of the status of women: the National Programme for the Advancement of Women; and the national programmes on family planning and on children. The Commission was disbanded in

2002 and its functions were transferred to the Subcommittee on the Legal Status of Women, the Family and Children of the Committee on Human Rights, National Minorities and International Relations. The Subcommittee drafted legislation on the guardianship and adoption of children. It must be pointed out that although the Subcommittee did indeed perform the important function of providing a legal foundation for gender equality its work covered a much narrower field than that of the Standing Commission. Accordingly, in 2005 the Subcommittee was transformed into the Subcommittee on Gender Policy, which today deals directly with issues of gender democracy in Ukrainian society.

In May 2006 the working group on arrangements for the first meeting of the fifth convocation of the Supreme Council reviewed the list of committees to put to a vote for approval in the Supreme Council. As a result of its discussion the working group proposed the inclusion in the list of a committee on family and gender policy. The country's civil society organizations supported the creation of this committee, whose activities would be aimed at attainment of gender equality in Ukrainian society. However, the country's parliamentarians did not support the proposal.

The post of Commissioner for Human Rights (Ombudsman) of the Supreme Council was established in 1997 for the purposes of parliamentary supervision of the observance and protection of citizens' constitutional rights and freedoms; the Commissioner's work is regulated by the Commissioner for Human Rights Act. Pursuant to the Equal Rights and Opportunities Act the Commissioner has the following duties in supervising the observance of citizens' human rights and freedoms: to monitor the realization of equal rights and opportunities between women and men; to consider complaints of gender-based discrimination; and to address in his annual reports questions of the realization of equal rights and opportunities between women and men. However, since the institution of his post (nine years ago) the Commissioner has prepared only three reports on matters affecting women.

Where the central authorities are concerned, from 1993 to 2001 gender policy issues were a responsibility of the unit for analysis of the development of health care and study of family, women's and children's problems, which operated in the Interior Policy Department of the Cabinet of Ministers. This unit's basic functions were to establish a new machinery for State policy to improve the social and economic status of women, promote the realization of equal rights and opportunities between women and men in all areas of the life of society, and analyze the existing legislation to ensure its consistency with the international gender standards. However, the unit was eventually abolished, with negative consequences for the implementation of State policy on gender equality. Work is currently proceeding on the establishment under the Cabinet of Ministers of a council on democratic development and gender equality.

At the ministry level, the Ministry of Labour and Social Policy and the Ministry of Health have offices and units dealing with the problems of women, the family and children. During the reporting period the Ministry of Internal Affairs introduced the post of Adviser on Human Rights and Gender Issues. This is so far the only example of a ministry creating an official post of this kind at the level of departmental head. It would be worthwhile for other ministries to follow this example and thus improve the legislative base.

The order issued by the Prime Minister on 12 June 2003 concerning the designation in all ministries and departments of an official responsible for gender questions constituted a significant step forward in the development of a national machinery for the realization of gender equality in Ukraine and the fostering of an understanding of gender problems in governmental circles; these

officials, according to the order, report to the deputy minister in question. This step marked one of the first attempts by the Government to stimulate by administrative means the development of the national machinery for the realization of gender equality.

The Ministry for the Family and Youth was created in 1996 by presidential decree in order to improve the central administrative system in this area; the Ministry is the principal governmental institution with responsibility for implementing State policy on matters affecting the family, women and young people throughout the national territory, determining the principal means of enhancing women's role in society, exercising leadership in this sphere and attending to its development. In 1998 the Ministry was reorganized and transformed into the State Committee on Family and Youth Affairs – since 1999 the State Committee on Youth Policy, Sports and Tourism, and since 2004 the Ministry for the Family, Youth and Sports. Presidential Decree No. 852 of 30 July 2004 on the Ministry for the Family, Youth and Sports identified this ministry as the lead institution in the system of governmental agencies for implementation of State policy on equality of rights and opportunities between women and men. This Decree posits the extension of the Ministry's powers to enable it, at the level of ministries and other central agencies and at the local authority level, to coordinate and ensure the implementation of the measures for realization of gender equality in society.

The Ministry performs the following functions in performance of the duties entrusted to it: it conducts gender analyses of the status of women and men at the national level and submits an annual report to the Cabinet of Ministers on the implementation of gender policies; it coordinates the activities of ministries and other agencies of the central Government aimed at delivering gender equality in all spheres of life; it runs information and education campaigns in the media on issues of gender equality; it formulates measures for the realization of equal rights and opportunities between women and men in all areas of the life of society; it monitors gender mainstreaming in all socially important programmes and projects; it drafts the National Plan of Action for Gender Equality, it monitors compliance with the requirements of gender equality in decisions on personnel questions by central and local authorities; and it organizes training for civil servants in the realization of equal rights and opportunities between women and men.

For many years the Ministry's work of formulating and implementing State policies on the family and women was in the hands of its Family Affairs Department. But when the State became aware of the importance of gender equality as a core area of its policies, the Ministry's structure was reorganized to take account of the gender principle. In 2006 the formulation and implementation of State policies on the family and women was entrusted to the Department for Family Affairs and Gender Policy, which is a division of the Ministry for the Family, Youth and Sports. This Department has several units: family and demographic policy; gender policy; social and legal protection and support of civil society initiatives; and health care and leisure. These sections cooperate actively with women's voluntary organizations, political parties, the State agencies providing social services for families, children and young people, and academic institutions, involving them in the formulation of draft policy outlines and programmes on women's issues and gender equality, the preparation of periodic reports on the implementation of the Convention in Ukraine, the conduct of research on the status of women, and the formulation of gender policy.

In 1997, pursuant to a decision of the Cabinet of Ministers, the Ministry for the Family and Youth set up an advisory body - the Coordination Council for Women's Affairs – made up of representatives of national and international women's organizations. This Council's work resulted in the establishment of cooperation between the central authorities and civil society and voluntary

organizations. The Council discussed at its meetings draft national programmes, policy outlines and legislation, questions of cooperation between the central and local authorities and women's voluntary organizations in the realization and protection of women's rights, and the quest for forms of social partnership to solve problems of women's social and economic status.

However, the Coordination Council was unable to come to grips with all the issues of the formulation of the legal basis for the attainment of gender equality. In 1998, therefore, the Ministry for the Family and Youth created an analytical and advisory body – the Equal Opportunities Council (Gender Council) – made up of highly qualified specialists from ministries, academic institutions, higher education establishments, enterprises and civil society organizations. The Gender Council's basic tasks included: analysis of the existing legislation to ensure its consistency with the international standards governing equality of rights and opportunities between women and men; preparation of proposals on any changes or additions which might be needed in the legislation; participation in the drafting of gender policy; design of mechanisms for involving women in the decision-making process at all levels; and formulation of new approaches to improvement of the understanding women's role and place in society. Today the Ministry has a new analytical and advisory body – the Coordination Council for Gender Issues and Family Problems.

For the purposes of coordinating the activities of the State agencies and civil society organizations involved in the fight against trafficking in persons, Ukraine set up the National Council for Prevention of Trafficking in Women and Children. However, this body proved unable to perform the tasks entrusted to it. As a result, following the adoption of the Integrated Programme to Prevent Trafficking in Persons 2002-2005, a new body was created under the Cabinet of Ministers: the Interdepartmental Coordination Council to Combat Trafficking in Persons, which is now formally in operation.

The establishment of the State machinery for the advancement of women entails a need to create, in addition to the central agencies, appropriate local bodies. All the country's provincial and municipal administrative authorities set up offices or units to deal with women's and youth issues as structural subdivisions of the authorities of the provinces and the cities of Kyiv and Sevastopol. Similar bodies were set up at the district level as well. The local authority offices and units are responsible for implementing in their respective areas State policies on the status of women and expansion of their role in society and on equal opportunities for women and men to take part in all areas of the life of society.

For the purposes of implementing regional policies for the elimination of gender-based discrimination, in 2003 the State Committee on the Family and Youth began to carry out gender-equality programmes at the provincial level. In collaboration with the UNDP Equal Opportunities Programme the State Committee concluded tripartite memorandums of understanding with four provincial local authorities (Zakarpattiya, Kherson, Vinnytsia and Luhansk provinces) to serve as the basis for formulating the corresponding programme for each province in the light of its requirements, as identified in specific studies. These pilot programmes provided unique experience of the introduction of new practices such as, for example, the compilation of provincial "gender profiles", the production of expert reports on the provinces' budgets, the creation of gender resource centres in the provincial administrations, the implementation of targeted local programmes, the conduct of information campaigns, etc. In the light of the results of the implementation of this specific project, the Ministry for the Family, Youth and Sports prepared in conjunction with UNDP specific methodological recommendations on the formulation and introduction of the Equal Opportunities Programme in the provinces.

Presidential Decree No. 1135 of 26 July 2005 on improvement of the work of the central and local authorities aimed at the realization of equal rights and opportunities between women and men, the text of which had been drafted by the Ministry of Justice, was issued in order to enhance the effectiveness of the State policies and establish cooperation with these authorities. This Decree contained a concrete list of the tasks to be performed by officials with a view to achieving gender equality. The heads of the central and local authorities were instructed to entrust to one of their deputies the performance of functions relating to the realization of equality between women and men. It also stipulated that the officials of the central and local authorities entrusted with these functions, within their respective jurisdictions, must organize the work of the relevant agencies in such a way as to ensure the mainstreaming of the gender-equality factor in their spheres of activity.

Non-governmental organizations and associations operating both within the local authority structure and as independent agencies are an effective component of the national gender-equality machinery. Their activities, along with those of the governmental agencies, are regarded as a primary means of installing in Ukraine the model of a society in which women and men enjoy equal opportunities. A more detailed account of the work of Ukraine's non-governmental organizations and associations will be found under article 7 (c).

Information-technology and methodological resources of the national gender-equality machinery

In accordance with the final documents of the special session of the United Nations General Assembly entitled "Women 2000: gender, equality, development and peace for the twenty-first century", the 49th session of the United Nations Commission on the Status of Women, and the women's forum "Beijing+10: solidarity for gender equality, development and peace", held in March 2005 in New York, Ukraine introduced a number of organizational and practical measures to eliminate discrimination against women and achieve gender equality.

The principal means of developing a gender culture in Ukrainian society include the conduct by State agencies and women's civil society organizations of conferences, round tables, seminars and leadership schools for the purposes of formulating strategies and tactics to secure changes in legal and political processes for the benefit of women and addressing new difficulties which must be overcome in order to improve women's social status and ensure the exercise of their civil rights. Evidence of a fresh vision of the problems of gender relations may be seen in the conduct of the following events:

- The international workshop/conference on "Achievement of gender parity in the context of the current social and economic changes" (Kyiv, December 2002);
- The workshop/seminars on "Implementation of the State approaches to gender policy" (Kyiv, October 2003), for deputy heads of agencies of the central Government, and on "Implementation of the State approaches to gender policy: the regional level" (December 2003), for deputy heads of the provincial administrations;
- The international conference on "Women in business, social policy and civil society activities" (Kyiv, September 2005);
- The seminar on "Gender aspects of European law: experience of the adaptation of the legislation of the countries of Central and Eastern Europe" (Kyiv, October 2005);

- The visiting session of the Committee of the Supreme Council of Ukraine on “Prospects for the implementation of the Equal Rights and Opportunities Act” (Kyiv, December 2005);
- The series of seminar/training sessions on gender topics: “Gender education for all: rights and opportunities”; and “Gender education: gender mainstreaming in Ukraine’s education system” (Kharkiv and Chernivograd, first half of 2006);
- The international videoconference on “National security and defence: the gender aspect” (Kyiv, March 2006).

The Second All-Ukrainian Women’s Congress (“Beijing+6”) was convened in Kyiv in October 2001, on the initiative of the State authorities but primarily thanks to the efforts of staff members of the family and youth unit of the State Committee on Youth Policy, Sports and Tourism. Delegates to the Congress examined the implementation of the National Plan of Action for the Advancement of Women 1997-2000 and discussed the draft report on the implementation of the Convention in Ukraine. The main theme of the Congress was the need to re-establish the Ministry responsible for tackling the problems of Ukrainian women, which had been disbanded during the administrative reforms. This women’s forum succeeded in drawing society’s attention to the pressing and unsolved problems facing Ukrainian women.

The implementation of international programmes and projects in Ukraine is of great significance for the further improvement of the gender-equality machinery. This applies in particular to the UNDP Equal Opportunities Programme. A systematic study entitled “Gender issues in Ukraine: problems and opportunities” was carried out in 2003 under the auspices of this programme in conjunction with the State Committee on the Family and Youth, in implementation of the National Plan of Action 2001-2005; this provided a stimulus for further systematic research on gender problems in Ukraine.

The University of Indiana’s programme of assistance for the Parliament of Ukraine, which has a gender component, is another international undertaking which is facilitating the formulation of gender legislation in Ukraine. Work is proceeding under this programme on the inclusion of gender issues in all the aspects of the University’s cooperation with the Supreme Council. The programme’s chief aim in implementing this component is to promote compliance with the principles of gender equality in all areas of legislative work.

An important contribution to the development of gender democracy in Ukraine is made by international donors and voluntary programmes, including: Winrock International, which for several years has been carrying out a number of projects to prevent trafficking in persons; the Canada-Ukraine Gender Foundation, which has furnished financial assistance for the implementation of several projects for the advancement of gender parity in Ukrainian society; the Ukrainian Women’s Foundation, which has made grants for the support and strengthening of women’s equality groups; and Heifer Project International (HPI), which carried out in 2006 a project entitled “Mainstreaming gender equality in the activities of HPI Ukraine”.

In application of article 18 of the Convention, the State Statistical Committee is endeavouring constantly to improve the methodology of the compilation of gender statistics. Gender questions are now included in, for example, the demographic, labour, health, education, social security and legal statistics. In order to provide a fuller picture of the people’s own assessments, extracts from the targeted and socio-demographic research carried out by the State statistical bodies are disaggregated by the sex of the respondents. In 1996 the State Committee

began working on the collection of broader statistical data on the relative degrees of participation of women and men in the life of the State and society (this included the production of the first compilation of statistics entitled Women and men in Ukraine). Similar publications have been issued once every three years. The latest was published in September 2005.

It may thus be seen that Ukraine has made definite progress in developing its gender-equality machinery in accordance with the generally accepted international human rights standards. It must however be acknowledged that in Ukraine official attitudes to the issue of the status of women and men in society have not as yet changed in step with world trends in the treatment of this issue. National experts on gender issues note that an awareness of the need to implement a State policy on equal rights and opportunities for women and men which embraces the promotion of gender equality instead of sticking to the concept of the advancement of women is still not part of the mindset either of State agencies or of civil society and is found, broadly speaking, only in the Ministry for the Family, Youth and Sports. This explains to a significant extent the basic problems of the functioning of the national machinery for realizing equality of rights and opportunities between women and men.

Part 2. Article-by-article review of the implementation of the Convention in Ukraine

Part I

Article 1

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

In accordance with the international obligations arising from its accession to multilateral human rights treaties, Ukraine presents periodic reports on the implementation of their provisions to the corresponding United Nations treaty bodies, which act as a monitoring mechanism. Ukraine's combined fourth and fifth periodic reports were considered by the Committee on the Elimination of Discrimination against Women (CEDAW) in 2002. Information about the situation of women was also included in Ukraine's sixth periodic report on its implementation of the International Covenant on Civil and Political Rights, which was submitted to the Human Rights Committee in 2005. Since the present report is a draft version of the combined sixth and seventh reports, the information contained in it covers two reporting periods (1999-2006).

Over this double reporting period the State of Ukraine took a number of steps to address and act on the observations and recommendations made by CEDAW following the submission by Ukraine of its combined fourth and fifth reports on the implementation of the Convention.

It took particular account of the observation that "Ukrainian law does not contain a specific definition of discrimination against women and does not provide effective enforcement measures". This observation was addressed in article 1 of the Equal Rights and Opportunities Act, adopted on 8 September 2005, which gives a definition of the concept of discrimination on the basis of sex, which is described as an act or omission leading to any distinction, exclusion or privilege made on the basis of sex if it is intended to restrict or prevents the recognition, use or exercise, on a basis of equality, of the human rights and freedoms of women and men. Pursuant to the provisions of this Act, the notion of equal rights for women and men means the absence of gender-based restrictions and privileges, and equal opportunities for women and men means equal conditions for the exercise of their equal rights by women and men.

The concept of gender equality implies equality of status for women and men and equal opportunities them to assert that status, allowing persons of either sex to take an equal part in all spheres of the life of society.

However, in the opinion of international experts the Equal Rights and Opportunities Act will hardly alter the situation with regard to discrimination against women in Ukraine, for the following reasons: first, it does not provide a genuine implementation mechanism; second, it does not provide for sanction of violations. Furthermore, with the adoption of this Act it will be necessary to make additional changes in Ukraine's Civil, Labour and Criminal Codes in order to ensure gender equality. To this end the Ministry of Justice drafted a bill on amendment of certain legislation in connection with the adoption of the Equal Rights and Opportunities Act.

Article 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;

(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

(g) To repeal all national penal provisions which constitute discrimination against women.

The legislative process in terms of the realization of equal rights and opportunities between women and men is based on the principle that women's human rights are an inalienable part of human rights in general. There is no declared legitimized discrimination against women in Ukraine; there are no legal instruments containing articles or rules implying discrimination against women, and no such instruments were adopted during the reporting period.

The Constitution affirms the democratic development of the State, the freedom of the person, and the general political and legal bases of gender equality. In this sense, the entire Constitution is fully consistent with the world standards set out in many international instruments, such as the "Council of Europe activities since 1995 in the field of equality between women and men related to the strategic objectives in the Beijing and Vienna Platforms for Action" (May 2000). Pursuant to the Constitution (arts. 3, 21, 24 and 51) all citizens, both men and women, possess the full array of social, economic, political and personal rights and freedoms. It is a significant achievement in the development of Ukrainian legislation that it singles out, from among the human rights and freedoms, the right of women and men to equality before the law as an independent fundamental human right accorded to everyone. This marked a major step towards the establishment of gender democracy in Ukraine.

The Constitution also defines how this right is to be safeguarded:

- By offering women the same opportunities as men in social, political and cultural activities, in education and vocational training, and in work and remuneration for work;
- By implementing special measures to protect women's work and health;
- By providing pension benefits;

- By creating the conditions to enable women to combine work with motherhood;
- By furnishing legal protection and material and moral support for mothers and children, including paid leave and other benefits for pregnant women and mothers.

In fact, the Constitution of Ukraine contains fewer grounds for restricting women's rights than certain international instruments.

The legal bases of gender equality in Ukraine are provided by the legislation regulating social relations and ensuring the prevention of gender-based discrimination in accordance with the relevant rules of international law. This legislation includes the Family Code, the Criminal Code and the Labour Code, the Prevention of Domestic Violence Act (2001), and the Compulsory State Maternity and Bereavement Insurance (Temporary Incapacity and Associated Expenses) Act (2001).

Ukraine has not yet formulated any legislation providing sanctions for infringing the legislative provisions on gender equality.

It must be acknowledged that although Ukrainian legislation does not contain a single provision embodying discrimination against women in any area of activity, the proclamation of the equality of rights of women and men in the Constitution has as yet failed to establish genuine equality. Recent experience shows that the gender parity proclaimed in the Constitution is often violated in real life and that discrimination against women does exist, even if it is generally only latent. There is evidence of instances of gender-based discrimination in labour recruitment (chiefly in the private sector of the economy, which is still at an embryonic stage in Ukraine). There is also evidence that when it comes to the conclusion of contracts, especially by private businesses, employers often extract from women an undertaking not to take discretionary leave. And the sanctions available against such employers are not used. Cases of concealed discrimination are often found in the media, especially in gender-biased publicity and job advertisements and in the use of stereotyped and discriminatory language, etc.

If a woman is subjected to sexual violence she may turn for legal assistance to the agencies of the Judiciary. Current legislation does not provide any guarantees that State agencies will refrain from committing acts of discrimination.

The disparity between the incomes of women and men remains a big problem in Ukraine. The incomes of women employed in the State sector of the economy are 30 per cent lower than those of men. This gap is somewhat wider in the private sector. Women work longer hours than men, for in addition to their main job they usually have to run their households virtually single-handedly. Despite the fact that the law prohibits the use of female labour in dangerous occupations, women are sometimes forced to work in such occupations, and often in unhealthy conditions. It is also necessary to acknowledge the fact of concealed discrimination rooted in a public consciousness and conservative gender stereotypes which associate the place and role of women exclusively with the family, reserving activities in public life for men.

In response to the CEDAW recommendations, in 2003 Ukraine ratified the Optional Protocol to the Convention, which authorized CEDAW to receive and consider individual complaints from physical persons and to take appropriate action on them, and to investigate cases of serious or systematic violations of the Convention. This arrangement makes it possible to protect women at the international level against acts of discrimination, once all the domestic means of defending their rights have been exhausted.

It may therefore be said that over the reporting period Ukraine made substantial advances in improving the formulation and application of policies for the elimination of discrimination against women. However, it remains necessary to draft and adopt legislation establishing liability for violating the principles of gender equality in the State and in society.

Article 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Ukraine's body of legislation for realizing equality of rights and opportunities between women and men is still at the formative stage. It was constantly amended and improved over the reporting period. Recent years have seen particularly significant changes in the legislative provision of gender equality in Ukraine:

2001

On 18 January 2001 the President signed Decree No. 20/2001 on additional measures to prevent the disappearance of persons and improve the coordination of the efforts of the law-enforcement and other agencies of the State to trace disappeared persons.

On 22 March 2001 the Verkhovna Rada adopted the State Assistance for Families with Children (Amendment) Act, which entered into force on 1 January 2002. This Act provides that entitlement to State assistance in connection with pregnancy and childbirth is accorded to all women (including minors) who are not insured under the compulsory State social security scheme.

In April 2001 the Verkhovna Rada adopted a new Criminal Code, which entered into force on 1 September 2001; it contains totally new provisions relating to women, including a definition of trafficking in persons and specification of the corresponding sanctions.

On 25 April 2001, with a view to the advancement of women and enhancement of their role in society, the President issued a decree on improvement of the social status of women in Ukraine. This decree posits, as one of the most important areas of the application of the State's policies for women, the creation of more favourable conditions for guaranteeing women the same opportunities as men to take part in the political and public life of the State.

By a decision of 6 May 2001 the Cabinet of Ministers approved the National Plan of Action for 2001-2005 for the advancement of women and promotion of gender equality in society. The National Plan commissions the Ministry of Justice, in conjunction with the Academy of Legal Sciences and civil society organizations, to produce expert reports on the country's legislation from the standpoint of equal rights and opportunities for women and men (gender reports), in order to bring it into line with the international treaties and other instruments.

The Prevention of Domestic Violence Act was adopted on 15 November 2001; it sets out the legal and organizational arrangements for preventing domestic violence and specifies the agencies and establishments responsible for taking measures to prevent this kind of violence.

2002

In 2002 the State introduced a number of measures to combat and prevent forced servitude and trafficking in persons.

For example, a Comprehensive Programme for the Prevention of Trafficking in Persons in Ukraine was adopted on 5 June 2002 for the period 2002-2005.

On 25 December 2002 the Cabinet of Ministers established by Decision No. 1961 the Interdepartmental Coordination Council for the Prevention of Trafficking in Persons as a permanent governmental advisory body.

2003

In view of the increasing volume of domestic violence, the Cabinet of Ministers approved, by Decision No. 616 of 26 April 2003, a procedure for the consideration of complaints and communications concerning domestic violence or actual threats of such violence. Since the overwhelming majority of the victims of domestic violence are women and children, the approval of this Decision may be regarded as an important step forward in the protection of women and the creation of safe living conditions.

Order No. 14454 issued by the Prime Minister on 10 July 2003 requires the ministries and other agencies of the central administration, the Council of Ministers of the Crimean Autonomous Republic, and the Kyiv and Sevastopol municipal authorities, when distributing official functions among deputy ministers, heads of agencies of the central administration, senior members of the Council of Ministers of the Crimean Autonomous Republic, and heads of local authorities, to assign responsibility for gender-equality issues to one of the deputy heads of these bodies.

Another important move was the introduction of a requirement that the heads of central and local authorities must report on the work which they have done in this area, backed by the assignment to them of personal responsibility for any failure to fulfil their obligations with regard to gender equality.

2004

An act ratifying the United Nations Convention against Transnational Organized Crime and its supplementary protocols (the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air) was passed on 4 February 2004.

The Verkhovna Rada approved, by Decision No. 1904-IV of 29 June 2004, the recommendations resulting from the parliamentary hearings on "The situation of women in Ukraine: the reality and the outlook", during which many urgent discussion points were raised concerning the genuine presence of gender problems in Ukraine, the causes of the critical situation of women in many areas of public life, and the need to tackle and solve the key problems in this sphere of social relations.

Under the Equal Opportunities Programme run jointly with UNDP, the Ministry of Justice drafted an order on the production of expert reports on legislation from the gender-equality standpoint (approved as Order No. 102/5 on 19 September 2004), with the aim of analyzing the existing domestic legislation to verify its consistency with the international human rights instruments on the realization and exercise of the rights of women and men. As a result of this work, proposals for the improvement of the gender component of Ukraine's legislation were submitted to the Cabinet of Ministers.

2005

The Pension Provision for Mothers of Large Families (Amendment) Act (No. 2658 of 16 June 2005) provides that mothers with large families who are raising children aged up to six years (previously up to eight years) should be entitled to pensions for special merit and to early award of the old-age pension.

On 8 September 2005 the Verkhovna Rada adopted the Equal Rights and Opportunities Act, which entered into force in January 2006. This Act was adopted in response to the representations and recommendations of the United Nations, the Council of Europe and other international organizations, as provided for in the recommendations resulting from the parliamentary hearings on “The situation of women in Ukraine: the reality and the outlook”, which had been approved by the Verkhovna Rada in its Decision No. 1904-IV of 29 June 2004. The purpose of the Act is to achieve parity between women and men in all areas of the life of society by enacting legislation guaranteeing equality of rights and opportunities between women and men, eliminating gender-based discrimination, and introducing specific temporary measures to correct the imbalance between the possibilities available to women and men with regard to the realization of the equal rights accorded to them by the Constitution and laws.

A 2005 presidential decree on improving the work of the central and local authorities in relation to the realization of equal rights and opportunities between women and men provided that the central and local authority officials responsible for ensuring such gender equality must take steps to organize, within their respective jurisdictions, the activities of the central and local agencies so as to ensure gender-equality mainstreaming in the sphere of activity in question.

2006

On 12 January the Verkhovna Rada adopted an act amending the Criminal Code in order to improve the provisions on liability in respect of trafficking in persons and procurement for prostitution: articles 149 and 303 were amended to bring them into line with the international rules.

The Government took a big step to secure the effective implementation of this act in the shape of a decision adopted by the Cabinet of Ministers on 12 April 2006 concerning the production of expert reports on gender issues, for this will greatly facilitate the development of democracy and compliance with the European human rights standards in Ukraine. In specific terms, these expert reports are intended to identify any imbalance in the composition of the senior personnel of the central authorities.

The Policy Outline on a State programme to prevent trafficking in persons in the period 2006-2010 was approved by Cabinet Decision No. 188 of 5 April 2006.

A policy outline on a State programme on reproductive health for the period 2006-2010 was approved by Cabinet Decision No. 244 of 27 April 2006; the provision of medical and social support for young mothers is one of the priorities of this programme.

In May the Ministry for the Family, Youth and Sports drafted and presented for public consideration a State programme of support for families consisting of a set of inter-related, fully justified and balanced measures to be taken by the State to furnish economic support to families and ensure their social protection.

On 5 July 2006 the Cabinet of Ministers adopted a decision approving the policy outline of a State programme for the period 2006-2010 to achieve gender equality in Ukrainian society.

In the first half of the year the Ministry of Justice, acting on instructions from the Cabinet of Ministers, drafted a bill on amendment of certain legislation in connection with the adoption of the Equal Rights and Opportunities Act; the intention is to introduce the necessary amendments in such legislation as the Labour Code (art. 12, part II), the Collective Contracts and Agreements Act (art. 7, part II; art. 8, part II), and the Verkhovna Rada (Commissioner) Act (art. 13, para. 13; art. 18, part II).

Legislation on gender equality in public life has been acquiring increasing importance in recent times. It may now be maintained that the principles of gender democracy set out in the Constitution are opening up broad opportunities for establishing policies on equal opportunities for women and men in all spheres of life. However, despite the manifest progress made in this field, in real life gender parity still lies in the future. If genuine gender equality is to be achieved in Ukraine, the changes in the situation and status of women will have to be linked to changes in the situation of men. Moreover, the question of the need to bring the entire corpus of legislation into line with the constitutional principle of gender equality currently remains a pending item on the agenda. As the experts on gender issues argue, in order to eliminate the violations of gender democracy observed in real life it will be necessary to incorporate the gender paradigm directly in the legislative process: by producing an inventory of the existing laws and subsidiary legislation by means of expert review; by formulating specific anti-discriminatory principles and legal rules; by taking the gender factor fully into account in the consideration of every piece of draft legislation; and by establishing a highly qualified public body to conduct gender reviews, both of existing laws and of new draft legislation.

Article 4

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

In order to speed up the establishment of actual gender equality in society, several draft versions of a bill on equality between men and women were submitted to the Verkhovna Rada in the period 2000-2005; these drafts proposed the introduction of quotas as a temporary special measure necessary for the attainment of gender equality in political life. In addition, the recommendations resulting from the parliamentary hearings on the situation of women, which took place in June 2004, contained a proposal to the Verkhovna Rada that it should allow consideration of a bill on a 30 per cent quota for women on party electoral lists or propose that parties putting forward candidates for election as people's deputies should introduce such a quota. But these proposals were not supported by the members of the Verkhovna Rada. Furthermore, the bill on equality between men and women, which was adopted by the Verkhovna Rada in September 2005, contains no provisions on quotas.

It must therefore be noted that the recommendation made to the Government of Ukraine by CEDAW that it should implement "temporary special measures ... in order to realize women's right to participation in all areas of public life and, particularly, at high levels of decision-making" was not acted upon, despite the efforts made both by the State and by civil society.

A number of pieces of legislation (the Acquired Immunodeficiency Syndrome (Prevention of Infection and Social Protection of the Population) Act; the Families with Children (State Assistance) Act; the Social Protection of Retired Workers and Other Elderly Citizens (Fundamental Principles of State Protection) Act; the Leave and Holidays Act; the Special Services to Ukraine (Award of Pensions) Act; the Compulsory State Maternity and Bereavement Insurance (Temporary Incapacity and Associated Expenses) Act) establish for women special preferential conditions of work and social security and other additional privileges which are not accorded to men.

For example, the Unemployment (Compulsory State Social Insurance) Act, which entered into force on 1 January 2001, provided for the creation of additional jobs by offering employers grants to recruit unemployed persons and for a one-off unemployment benefit to enable unemployed persons to start their own businesses. The Employment Act, specifically its article 5, also provides additional guarantees of employment for individual categories of workers who require social protection and are incapable of competing in the labour market on equal terms. These categories include women with children aged under six years, and single mothers with children aged under 14 years or children with disabilities. These guarantees are backed by the reservation of 5 per cent of all jobs in enterprises, establishments and organizations for these categories.

Ukraine carried out two plans of action during the reporting period: the National Plan of Action for the period 1997-2000 for the advancement of women and expansion of their role in society; and the National Plan of Action for the period 2001-2005 for the advancement of women and promotion of gender equality in society. The National Plan for 1997-2000 devoted special attention to women bringing up young children, mothers of large families, and women bringing up children with disabilities. In implementation of this National Plan, the local authorities and employment centres in most of the country's provinces established an annual 5 per cent jobs quota for women with children aged under six years and single mothers with children aged under 14 years or children with disabilities, as preferential categories. Efforts were made to assist women to acquire occupations for which there was a demand in the labour market and then to place them in jobs. Assistance was provided in the form of interest-free loans from the jobs-creation fund to encourage women to start small businesses. Arrangements were made for women returning to work after taking child-care leave to obtain further training or change their occupation. The State Employment Service and the local authorities organized works of public utility and drafted and published information materials (leaflets, booklets, brochures, etc.) to help women to find their way around in the modern jobs market.

It must however be noted that the National Plan of Action for 2001-2005 no longer envisaged a need to provide jobs quotas for young people or women. In this case, therefore, the quotas were used as a temporary special measure to ensure gender equality in the labour market.

Since under the Convention **special measures aimed at protecting maternity shall not be considered discriminatory** and in view of the unfavourable demographic situation in Ukraine in the late 1990s and early 2000s, as well as the worsening state of women's health, the Government introduced special legislation, regulations and programmes to protect the health of mothers and children.

The State manifests its concern for the situation of mothers primarily through the labour legislation. The Labour Code contains a whole series of articles providing protection for women with young children.. Articles 182 and 182-1 regulate the conditions for awarding additional leave

to workers having their own or adopted children. But the legislation designates these benefits only for mothers and does not cover the possibility of using their husbands. Article 183 accords to women with children aged under 18 months, apart from the regular rest and meal breaks, additional baby-feed breaks, while article 185 stipulates that the management of the enterprise must, when necessary, grant pregnant women and mothers with children aged under 14 years unpaid stays in sanatoriums or holiday homes.

The new Criminal Code contains provisions on the protection of maternity and paternity. Article 172 (Serious violation of labour legislation) criminalizes the unlawful dismissal of a worker for personal motives of the employer, as well as any other serious violation of the labour legislation; the commission of such acts in respect of a pregnant woman or mother with a child aged under 14 years or a disabled child is regarded as an aggravating circumstance. Special importance attaches to article 164 (Refusal to pay child maintenance) since, according to the statistics, an absolute majority of children remain with their mothers after a divorce.

Paragraph 2 of this article of the Convention states that **adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.**

The State does provide for special non-discriminatory measures for the protection of maternity. Maternity is protected in Ukraine by the State even when the mother in question has committed a criminal offence. For example, article 57 of the Criminal Code excludes the possibility of imposing correctional labour on pregnant women or women taking child-care leave. Article 64 (Life imprisonment) is not applicable to women who were pregnant at the time of committing the offence or when the sentence is handed down. Article 66 recognizes pregnancy as a mitigating circumstance for female offenders. Article 79 (Suspension of sentence and replacement by probation for pregnant women and women with children aged under seven years) and article 83 (Suspension of sentence and replacement by probation for pregnant women and women with children aged under three years) stipulate that “in the case of sentences of restriction or deprivation of liberty imposed on pregnant women or women with children aged under [seven or three] years, except for women sentenced to deprivation of liberty for a term of over three years for commission of a serious or especially serious offence, the court may suspend such sentences imposed as the principal or supplementary punishment and order a period of probation, during which the woman in question may take leave from work, in accordance with the law, on the ground of pregnancy or childbirth until her child reaches the age of seven years.” In the case of women sentenced to restriction or deprivation of liberty who were pregnant or had recently given birth at the time of committing the offence, except for women sentenced to deprivation of liberty for a term of over five years for the intentional commission of a serious or especially serious offence, the court may suspend the sentence for a period no longer than the period prescribed by law during which a woman may take leave from work on the ground of pregnancy or childbirth until her child reaches the age of three years.

In addition, several articles of the Criminal Code provide for lighter sentences for female offenders or, on the other hand, for heavier sentences in respect of offences committed against women. Article 67, for example, specifies as circumstances attracting a heavier sentence the commission of an offence against a pregnant woman whose condition was known to the perpetrator beforehand and the commission of offences against persons dependent on the perpetrator in material, service or other terms. Article 115 (Intentional homicide) provides that the murder of a pregnant woman whose condition was known to the perpetrator beforehand is an aggravated offence punishable by deprivation of liberty for a term of between 10 and 15 years or

for life, together with confiscation of property in the cases specified in paragraph 6 of the article. Article 116 provides that intentional homicide committed when the perpetrator is in a state of intense emotional agitation arising suddenly as a result of criminal rape, systematic harassment or gross disparagement committed by the homicide victim is punishable by a shorter period of restriction of liberty or deprivation of liberty (up to five years). Article 120 stipulates criminal liability for constructive suicide, which is punishable by restriction of liberty or deprivation of liberty for up to five years.

Article 5

States Parties shall take all appropriate measures:

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

Research shows that the problem of conservative gender stereotypes is a pressing one in Ukraine today. Its most powerful impact is found in the professional world. The traditional perception persists that an educated women must be, first and foremost, a wife and mother while all other social roles take second place and that a woman manager will be worse than a man in the same post, especially in occupational groups peopled primarily by males. Hence the pressing current need for society to acquire a positive attitude towards women managers. The State has already taken concrete steps to tackle this problem. Unfortunately, however, these steps are usually connected with enhancement of the status of women without supporting the corresponding status of fathers. For example, Ukraine celebrates a “Mothers’ Day” but there is no corresponding “Fathers’ Day”, a situation which reinforces the stereotypes of the traditional roles of women and men. The Equal Rights and Opportunities Act adopted by the Verkhovna Rada on 8 September 2005 is designed to establish gender parity in all areas of the life of society. Article 13 of the Act provides for the conduct of permanent information and publicity campaigns to eliminate all forms of gender-based discrimination and foster a gender culture among the people. It is regrettable that problems persist today with regard to the introduction of arrangements for the application of this Act: in practice there have been no instances of the punishment of discrimination, and material appearing in the media is rarely checked to remove gender stereotypes.

From time to time the State information media conduct information campaigns relating to enhancement of the social status of women in Ukrainian society. It can be argued that, in general terms, in comparison with past years the role of these media in the construction of gender democracy has expanded considerably. Publications and radio and television broadcasts designed to put across the ideas of equality of rights and cooperation and mutual respect between women and men are helping to eradicate stereotypes of their social roles. It must nevertheless be acknowledged that gender problems are still most often aired in the context of traditional topics: birth control, health, childcare, running the home, etc. Furthermore, the media frequently retransmit gender stereotypes, thus helping to entrench them.

In May 2006 Channel 1 on national television began to broadcast a series entitled “An uncomfortable topic” designed to inform the public about progress in the implementation of the State’s gender-equality policy; these programmes are doing much to facilitate the practical application of the principle of equal opportunities in all spheres of activity. The project consists of a series of programmes about various aspects of the relations between women and men and it has a practical purpose: to draw the public’s attention to problems resulting from the powerful influence of stereotypes of the “traditional” roles of women and men in society, the family and personal relations, and to propose various solutions to such problems.

Women’s non-governmental organizations (NGOs) play a significant role in dispelling conservative perceptions of models of male and female behaviour. Their activities demonstrate clearly women’s broad possibilities in decision-making processes and the possibility of their taking responsibility for affairs of the State. Much is being done to foster a gender culture among children and adolescents by the international NGO Equal Opportunities School, which trains young people to work among their fellows in various regions of the country on the peer-to-peer principle. The central unit for this work is the Equal Opportunities School in Kyiv, but there are also branches in many provinces: Kherson, Zhytomyr and Ivano-Frankivsk, for example.

The task of disseminating information about gender-equality issues in the country’s towns and districts is being tackled by the gender-education centres and mobile counselling units which have been established in many parts of Ukraine. According to 2003 figures, the country had 22 gender-research units in operation. Their successes include the production of periodicals, virtual libraries and databases, the conduct of undergraduate and postgraduate research competitions, the development of methods of addressing gender topics, the preparation of study programmes for schools, and the formulation of basic gender-education courses for higher education institutions. The Kharkiv women’s research centre organized a national creative arts competition under the title “A girl’s world” designed to develop and support creativity among girls and to draw young people’s attention to the problem of gender imbalance in society.

A start was made on the introduction in the country’s higher education institutions of individual components of the course “Basic gender knowledge” as part of the work of establishing gender-oriented approaches in education. The Ministry of Education and Science approved the study programme “Basic gender theory”, and the first basic textbook for higher education institutions was issued in 2004 under this programme. This textbook was produced under the auspices of the UNDP Equal Opportunities Programme with financial support from the International Renaissance Foundation in cooperation with the Ministry.

Yet another important informational work was published in 2006: the compendium Legislative provision for equal rights and opportunities between women and men, intended for members of the new convocation of Parliament. It was to become a useful reference resource on the successful experience of the committees of the Verkhovna Rada and their subdivisions, NGOs and local authorities in the effective application in practice of the legislative principles of gender equality.

The publication of official statistics on the gender imbalance in society is helping to break down the traditional gender stereotypes. In 1998, 2001 and 2005 the State Statistical Committee brought out issues of Women and men in Ukraine containing basic statistics the situation of women and men in all spheres of the life of society. The compilations of statistics were presented in an accessible format and were given wide public distribution.

One of the special features of information campaigns in recent years was the active use made of the various resources of the Internet: web sites, electronic periodicals, portals, electronic distribution and electronic forums, such as the Ukrainian Women's Portal, the electronic information bulletin Group, the Internet newspaper The Family and Gender Equality, etc.; all of this activity facilitated the exchange of information both regionally and nationally.

Thus, over the reporting period the State and civil society took a number of measures to dispel conservative gender stereotypes. However, this process has not yet become a systematic one, and gender stereotypes are allowed to persist, including in the media. A change in the mindset of both women and men is an essential condition for the formation of the desirable social and cultural models of gender attitudes, and in that respect much remains to be done.

Article 6

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

The sexual exploitation of women, including trafficking in women and forced prostitution, is one of Ukraine's pressing current problems. As a party to the Convention, Ukraine has taken and continues to take vigorous action to carry out the recommendations of CEDAW with regard to the prevention of trafficking in women and prostitution of women.

In order to prevent the exploitation for sexual and work purposes of Ukrainian citizens abroad and to strengthen their social protection, in June 2002 the Cabinet of Ministers adopted a decision approving the Comprehensive Programme for the period 2002-2005 to prevent trafficking in persons, which has the following main focuses: (1) prevention of trafficking in persons; (2) criminal prosecution of trafficking in persons; and (3) protection of victims and their reintegration.

The Interdepartmental Coordination Council to Combat Trafficking in Persons was created under the Cabinet of Ministers in order to ensure the effective implementation of the anti-trafficking measures and the establishment of a State machinery to tackle the phenomenon. This Council is chaired by the Minister for the Family, Youth and Sports.

In December 2004 the Cabinet of Ministers set up an expert working group to oversee the operational coordination of the anti-trafficking measures; its membership is made up of specialists from various sectors who are directly involved in the implementation of one or other of the measures set out in the Comprehensive Programme. However, the Council's work has become something of a formality in recent times.

Every one of the country's provinces has a standing commission to coordinate the efforts to prevent trafficking in persons and exchange information on this subject. Advisory councils on the prevention of trafficking in persons were set up and have met in seven provinces (Ivano-Frankivsk, Zakarpattia, Khmelnytskyi, Poltava, Chernihiv, Sumy, Kirovohrad) under the project "Support for the activities of the provincial coordination councils on the prevention of trafficking in persons with the help of the advisory councils of 17 provinces of Ukraine", implemented with financial assistance from the International Organization for Migration (IOM). These meetings produced recommendations to the provincial coordination councils on prevention-related matters drafted in the light of the specific situation in each province. Unfortunately, these councils do not work effectively in practice: their membership includes expert members from bodies dealing with other issues, and this obstructs effective action.

The creation of a legislative and regulatory basis for combating trafficking in persons is one of the most important of the prevention tasks. To this end the Cabinet of Ministers drafted and adopted Decision No. 1961 of 25 December 2002 on the Interdepartmental Coordination Council and Decision No. 987 of 27 June 2003 containing a standard instruction on rehabilitation centres for victims of trafficking.

As already pointed out, Ukraine acceded to the Convention against Transnational Organized Crime adopted by the United Nations General Assembly by resolution 55/25 of 15 November 2000. In November 2001 Ukraine went on to sign the supplementary Protocol on the Prevention, Suppression and Punishment of Trafficking in Persons, Especially Women and Children. In 2004, pursuant to paragraph 21 of the Comprehensive Programme for 2002-2005, Ukraine ratified the Convention against Transnational Organized Crime. In addition, in 2005 it signed, but has not yet ratified, the Council of Europe Convention on Action against Trafficking in Human Beings. The Ministry of Justice is currently preparing the corresponding instruments of ratification.

A start has been made on amending Ukraine's legislation (specifically articles 149 and 303 of the Criminal Code) with a view to implementation of the Convention against Transnational Organized Crime. In January 2006 the Supreme Council adopted an act amending the Criminal Code and the Code of Criminal Procedure in order to establish criminal liability for trafficking in persons, recruitment of persons for prostitution, and living off the earnings of prostitutes. A bill was drafted on compensation for harm suffered by victims of crimes of violence, based on provisions of the 1983 European Convention on the Compensation of the Victims of Violent Crimes. The main objective of this bill is to strengthen the guarantees of the protection of the rights of victims of intentional crimes of violence by furnishing them with State social assistance in the form of compensation payments.

A number of organizational and practical measures were introduced over the reporting period for identifying organized criminal gangs engaging in trafficking in persons and rendering them harmless. A significant advance was made in this endeavour when the Ministry of Internal Affairs set up early in 2005 a separate unit on trafficking-related crimes. In August of that year this unit was reorganized as a Department under the same name. The main thrust of this Department's work is to combat and prevent trafficking in persons, offences against public morals, unlawful adoption for commercial purposes, transplants of human organs and tissues, and production of child pornography and its dissemination on the Internet.

In 2006 the internal affairs agencies detected 376 offences (124 offenders) connected with trafficking in persons or other arrangements for transporting persons (a detection rate 2.1 times higher than in 2005). There were 393 victims in 2006 (11.9 per cent fewer than in 2005), including 332 women and 52 minors.. A total of 101 criminal gangs engaging in trafficking in persons was detected (30 per cent per cent fewer than in 2005). The numbers of offences detected evolved as follows: 2001 – 89; 2002 – 169; 2003 – 289; 2004 – 269; 2005 – 415; and 2006 – 376.

A total of 180 trafficking routes were eliminated and more than 300 persons involved in their organization and operation were arrested; according to the figures of the National Security Service, over 160 criminal prosecutions were brought in respect of offences specified in article 149 of the Criminal Code (Trafficking in persons and other unlawful agreements concerning the transport of persons).

In seven months of 2005 Ukraine's frontier posts detected and arrested over 800 persons unlawfully crossing the frontier for purposes of work, verified the status of 389 citizens who had

disappeared from their previous places of residence, and complied with 1,109 requests from the country's law-enforcement agencies to verify whether persons missing from their places of permanent residence had crossed the frontier.

The authorities detected the unlawful removal from the country by third parties, without their parents' consent, of more than 3,200 minors, 13 attempted unlawful removals for medical treatment and health care or for tourism, and more than 40 cases of removal by foreign nationals of minors who had been adopted without completion of the documentary and other formalities.

The strengthening of the State's monitoring of the activities of intermediary companies licensed to find jobs for Ukrainian citizens in foreign countries is an important component of the fight against trafficking in persons. This monitoring is a responsibility of the Ministry of Labour and Social Policy, the National Security Service, and the State Revenue Administration. According to the Ministry's figures, Ukraine currently has 434 entrepreneurs or companies holding special licences to provide intermediary services for the placement of Ukrainian citizens in jobs abroad. In 2005, in conjunction with the other law-enforcement agencies, the Ministry investigated 177 such commercial arrangements. As a result of these investigations the licensing authorities revoked 11 orders for the correction of irregularities and cancelled 35 licences.

The commonest irregularities include failure to translate foreign documents into Ukrainian, incompatibility of the terms of labour contracts with the terms of the licence, absence of labour contracts with the overseas employers, etc.

This programme includes constant monitoring of the measures taken to prevent the unlawful removal of persons from the country.

The web sites of Ukraine's diplomatic missions and consular offices in foreign countries and the agencies of the Ministry of Internal Affairs in Ukraine have sections containing legal advice for Ukrainian nationals, including information about countries of destination, recommendations on job placement, and the relevant legislation of Ukraine and countries of residence.

For the purposes of tracing Ukrainian nationals living permanently or temporarily abroad whose whereabouts are unknown, the Ministry of Internal Affairs makes determined representations to the competent agencies of other countries, initiates talks and consultations, concludes agreements, taps the financial assistance of international organizations, instructs leading firms of lawyers, and has recourse to honorary consuls.

Since offences connected with trafficking in persons fall in the category of transnational organized crime, the Ministry is taking steps to establish active cooperation between Ukraine's own law-enforcement agencies and the corresponding agencies of other countries and international organizations, in particular the Organization for Security and Cooperation in Europe (OSCE), the European Police Office and the Council of Europe.

In exercise of Ukraine's status as observer in the Council of Baltic Sea States, the Ministry cooperates vigorously with the Council's secretariat in tackling the problem of children lacking parental care and takes an active part in the international conferences, seminars and practical measures to combat trafficking in persons and illegal migration.

Ukraine also took an active part in the drafting of the Council of Europe Convention on Action against Trafficking in Human beings, and on 17 November 2005 the Minister for Foreign Affairs, B. I. Tarasyuk, signed that instrument. The Ukraine-Council of Europe Plan of Action for

the period 2005-2007 was adopted in February 2005. Under this Plan the priority areas of cooperation in the spheres of justice and internal affairs include the questions of migration and repatriation, the struggle against trafficking in persons, and the prevention and suppression of child pornography and the sexual exploitation of children.

The improvement of the economic and social situation is a factor in the elimination of the causes of trafficking in persons and illegal migration and of the conditions which foster them. And the employment rate is the prime economic and social factor.

In 2006, 1,479,500 women obtained help from the State Employment Service, and 528,800 of them were found jobs (50 per cent of total placements by the Service). Of this total, 21,300 women received a one-off employment benefit to start up a business.

The Employment Act sets out additional guarantees of employment for specific categories of worker needing social protection and unable to compete in the labour market on equal terms. These categories include women with children aged under six years and single mothers with children aged under 14 years or children with disabilities. The guarantees provide for the establishment of quotas of reserved jobs in enterprises, establishments and organizations of up to 5 per cent of their total workforce. In 2006, 16,600 women were placed in work under the quota system.

As a means of improving women's competitiveness in the labour market, 123,000 women (65.5 per cent of the total) were admitted to vocational training courses. Vocational training and retraining is provided in 479 occupations and skills for which there is a demand in the labour market.

The network of youth employment centres and units is continually being expanded. On 1 January 2006 Ukraine had in operation 132 youth employment centres and more than 90 business and business start-up centres. In 2005 the youth employment centres found jobs for 893,460 young people, conducted 84,750 information and advisory interviews, and provided training and retraining for 1,625 persons.

The job placement of graduates of vocational-technical and higher education institutions remains an acute problem. In 2006 a total of 289,300 skilled workers were trained, and 114,000 of them qualified in two or more skilled occupations. The findings of monitoring exercises show that 268,600 of these graduates were placed in jobs, including 226,200 in the occupations in which they had qualified (84.2 per cent of the total graduation). The best performances in terms of the placement of graduates of vocational-technical institutions were found in the provinces of Dnipropetrovsk, Kherson, Volyn, Zaporizhia and Odessa; the worst, in Ivano-Frankivsk, Lviv, Zakarpattiya and Kharkiv. The placement indicators for graduates of higher education institutions also differ by province. The best performance was found in Kyiv province (92.9 per cent) and the worst in Volyn (78.2 per cent). In 2004 the total number of job placements of orphans and children lacking parental care increased by 875 over the 2004 figure (2005 – 5,051; 2004 – 4,176).

Two thousand new jobs were created in 2005 and over 5,000 first jobs were provided for young people in the country's railway system. In that same year enterprises in the shipping industry recruited over 4,900 workers (more than 1,400 of them through the State Employment Service), placed over 2,000 young people, together with 210 persons with disabilities, and created more than 1,200 new jobs. Over 8,000 persons found jobs in enterprises of the State communications system. A total of 5,404 new jobs were created as result of the commissioning of new facilities and the introduction of new technology in these enterprises.

In order to study the labour market in the provinces most seriously affected by trafficking in persons (Donetsk, Luhansk, Dnipropetrovsk, Kherson, Nikolayev, Ternopil, Ivano-Frankivsk, Khmelnytskyi and Zakarpattia) IOM, in partnership with OSCE and with financial support from EC/TACIS (Technical Assistance to the Commonwealth of Independent States and Georgia), is carrying out pilot projects which have formulated a strategy for assisting unemployed women and young people. Particular attention is being given to bolstering women's confidence in themselves and their strengths and developing their capacity to find jobs unaided and to acquire self-presentation skills in, for example, interviews with employers, telephone calls, drafting of curricula vitae, etc.

A number of steps have been taken to identify and list persons likely to be targets of trafficking, with a view to carrying out systematic and individual preventive work with them. A computerized subsystem contains a unified register of persons in the risk group and summary statistical information on the nation-wide situation.

Improvements are being made in the work of the fixed and mobile counselling units of the justice system, which provide free legal assistance for the poorer members of society. In 2002 there were 309 such units operating in Ukraine; there are currently 842.

State and private lawyers carry out constant checks on the authenticity of documents when citizens are completing the formalities for leaving the country, especially when children are involved. Stricter requirements were imposed on the civil registration offices to encourage them to identify mistakes in good time and carry out the necessary checks on the authenticity of documents when persons are leaving the country.

With the Government's support, IOM in Ukraine produced an information booklet for citizens travelling abroad; the Crime Suppression Department set up a web site on trafficking in persons; and an Internet mailbox was established for anonymous communications about criminal gangs and individuals involved in the organization or commission of trafficking offences.

Education campaigns are an important component of the fight against trafficking in persons: the aim is to increase the public's awareness of all aspects of this problem. Most of the work in this area is done by the Ministry for the Family, Youth and Sports. As part of these campaigns agencies of the Ministry and bodies providing social services for families, children and young people provided information about job placement, vocational choices and employment for 26,260 young people in various categories, including: young people living in rural areas; members of incomplete and dysfunctional families; and young people released from places of detention. More than 25,000 persons were helped through the information and education measures carried out in conjunction with IOM, the La Strada Ukraine international women's rights centre, the Red Cross, the League of Social Workers of Ukraine, the Plast national boy scouts organization of Ukraine, Caritas, the Regional Youth Union, the AIDS prevention and treatment centres, regional women's information coordination centres and other facilities working with women.

In conjunction with the Ministry of Education and Science, the Ministry of Labour and Social Policy and other ministries and departments, the Ministry for the Family, Youth and Sports participates in the implementation of the International Programme on the Elimination of Child Labour (IPEC) in Ukraine.

In order to prevent trafficking in children and their use as beggars, the Ministry conducts in collaboration with civil society organizations preventive and information/education measures for the inmates of children's shelters and their parents or the persons acting as their parents. In the

period 2002-2005 these shelters catered for 23,674 children, 13,477 of them vagrants and beggars. In every case the staff of the shelters studied the reasons why the children had become vagrants or beggars, their home living conditions, and the possibility of returning them to their families. The managements of the regional children's shelters keep the question of identifying those of their charges who had fallen victim to trafficking under constant review. Efforts are made to identify and bring to justice adults who recruit children as beggars. A data bank has been set up on children with a predisposition to become vagrants or beggars and children living in families in which the parents or the persons acting as parents refuse to perform their parental duties.

Information campaigns on preventing trafficking in children are carried out among schoolchildren and students. The video attachments of the teaching manual Preventing Trafficking in Children were screened in general education schools. Training sessions on this topic were for the older grades, together with meetings with members of internal affairs agencies, lawyers, staff members of youth and sports departments, and social workers and volunteers.

In the period May 2005 to February 2006 the Women's Consortium of Ukraine, with financial support from IOM, distributed to schoolchildren and students 850 copies of the educational film Destination – life and over 1,700 copies of the handbook How to Increase Awareness of the Problem of Trafficking in Persons.

The All-Ukrainian Network against the Sexual Exploitation of Children, which comprises 25 organizations, was set up in November 2004 as part of the implementation of the array of measures aimed at preventing trafficking in people.

Under the National Programme "Children of Ukraine", schools hold information and awareness sessions on the problems of preventing trafficking in persons, as well as conducting individual interviews with children in the risk group. Hobby and library organizations and arts schools organized exhibitions of books and illustrations and stands stocked with materials on specific topics, as well as holding talks and conducting bibliographical surveys of the literature on this subject.

Information booklets and pamphlets are handed out to persons applying for the medical documents required for travel abroad. The women's clinics of the provincial and central district hospitals, the paramedic/midwife posts, and the general medicine and family medicine outpatients departments distribute the information publications Useful advice for travelling abroad, Information booklet for Ukrainian citizens travelling abroad, Your passport belongs only to you and If you're planning a trip abroad.

The provision of assistance to women and children victims of the shameful phenomenon of trafficking in persons is one of the key elements of its prevention. The reintegration centres for persons who have fallen victim to trafficking have an important role to play in providing such assistance. These centres aim to ensure the legal protection of victims and provide confidential medical checks and psychological counselling. The reintegration programmes provide for training sessions and for work with individual victims with a view to job placement, as well as offering practical help with housing and property problems.

For the purposes of assisting victims of trafficking, the Ministry for the Family, Youth and Sports, in conjunction with IOM and the relevant provincial authorities, set up in the course of 2005 interregional victim rehabilitation centres in Zhytomyr, Dnipropetrovsk, Volyn and Chernivtsi provinces and in the Crimean Autonomous Republic.

The broad involvement of NGOs in the implementation of many of the components of the Programme is a characteristic feature of the new State approach to tackling the problems of trafficking in persons.

The Ministry, in collaboration with IOM, ILO, the La Strada international women's rights organization, OSCE, the Ukrainian Educational Centre for the Reforms, the Women's Consortium of Ukraine, the United States Agency for International Development (USAID), the United States embassy in Ukraine, the International Renaissance Foundation and other organizations, carried out measures under the following projects: Tackling trafficking in people in Ukraine; Opportunities for vocational training and employment, and migration policy as factors in preventing and reducing the scale of trafficking in persons in Albania, Moldova and Ukraine; Development of the national system for assisting child victims of trafficking and sexual exploitation; Support for the activities of regional coordination councils for combating trafficking in persons through the advisory councils set up in 17 provinces of Ukraine; Formulation and introduction of teaching programmes on combating trafficking in persons (especially children) as a component of the curricula of general education schools and vocational/technical and higher education institutions, etc.

The media give constant attention to the issue of preventing trafficking in persons. The current affairs programmes View, Youth initiatives, Consolation, and Viewpoint of the National Radio Corporation of Ukraine deal with topics connected with the prevention of the smuggling of women out of Ukraine. Human rights defenders from civil society organizations, members of law-enforcement agencies, representatives of the migration services, etc., are invited to take part in the broadcasts.

The print media carry regular reports on the principal methods of trafficking in persons, the work of the reintegration centres, and cooperation with NGOs on these problems, as well as making recommendations on finding work abroad, etc. For example, the National Television Corporation of Ukraine reported on the fight against trafficking in persons in the television programmes News, Child Tracing Service, National Rescue Service – 01, ABC of Security, and Security Territory. The series The State Employment Service Reports broadcasts the radio journal Programme to combat trafficking in persons: problems of placing Ukrainian citizens in jobs abroad. Twenty-two programmes in this series, which is aired twice a month on the first station of the National Radio Corporation, carried warnings about trafficking in persons. The State broadcaster Ukrainian Television and Radio Broadcasting Corporation has carried reports on problems of combating trafficking in persons in the programmes Ukraine – terra incognita and Frontiers. Reportage on these issues is found in special features; for example: Urgent!, Preventing trafficking in persons, Help hotline, Problems of illegal migration, How not to become a victim of trafficking, Hotline, Trading in live goods, White slavery, XXI century: features of the modern slave trade, Social protection of children, The modern sex business and Live merchandise.

It may thus be maintained that in the period 2002-2005, generally speaking, Ukraine continued to improve its strategy for combating trafficking in persons at both international and national levels.

Under the Programme:

- All the provinces created standing commissions to coordinate the efforts and exchange information on preventing trafficking in persons;
- The Ministry of the Interior set up an operational department and the necessary provincial units for fighting crime connected with trafficking in persons;

- The number of criminal prosecutions for trafficking offences began to increase as soon as criminal liability was established in respect of trafficking in persons;
- The provinces are carrying out preventive measures: training sessions, debates and round tables for all population groups;
- Active cooperation is taking place with NGOs, which are furnishing both operational and substantial financial support;
- A network of interregional rehabilitation and reintegration centres is being established, with shelters for victims of trafficking;
- Sociological research is being conducted on these issues, with technical personnel invited to take part;
- The data-bank information on persons at risk is constantly updated, and talks and individual interviews are held;
- Preventive action is taken by means of the “Confidential helpline” and the “Hotline”;
- Young people are helped to find jobs, and unemployed women are encouraged to start up small businesses;
- The activities of travel companies, marriage agencies and persons licensed to provide intermediary services for job placement abroad are kept under constant review;
- Information and advice services and legal assistance are provided for Ukrainian nationals travelling abroad;
- An interdepartmental programme of social support for dysfunctional families is being carried out to combat domestic violence and prevent trafficking in children.

However, many difficulties remain; the problem of trafficking in persons is an exceptionally urgent one for Ukraine.

A new State programme to combat trafficking in persons in the period up to 2010 has now been formulated; in accordance with the recommendations made by the central authorities and by international and civil society organizations, this programme includes the questions of improving the situation with regard to legislation and regulations, preventing trafficking in children, organ transplants, rehabilitation and reintegration of victims of trafficking, etc

Part II

Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
- (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
- (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

Domestic legislation guarantees equal voting rights and opportunities between women and men. Article 38 of the Constitution provides that citizens of Ukraine have the right to participate in the administration of the affairs of the State and in national and local elections, and freely to elect and to be elected to the agencies of the central and local authorities. They are entitled to equal access to State service and to service in local authority bodies. Citizens of Ukraine acquire the right to take part in referendums and elections to agencies of the Executive at the age of 18 years, while their right to stand for election depends on the nature of the election in question: citizens aged at least 18 years may be elected to Parliament; the President of the Republic must aged at least 35 years, possess the right to vote and speak the official State language. All citizens irrespective of their sex enjoy equal voting rights. The country's electoral legislation also includes: the Code of Administrative Procedure of 2005; the People's Deputies (Election) Act of 2004, as amended in 2005; the Central Electoral Commission Act of 2004; and the President of Ukraine (Election) Act, the All-Ukrainian and Local Referendums Act, etc.

Article 15 of the Equal Rights and Opportunities Act, which entered into force on 1 January 2006, guarantees Ukraine's women and men equal rights and opportunities in the electoral process. It also stipulates that political parties and voting blocs, when nominating candidates for election as people's deputies in multi-seat national constituencies, shall provide for the inclusion of both women and men in their lists of candidates. The electoral commissions are responsible for oversight of compliance with this requirement.

According to the figures of the Central Electoral Commission, 80.9 per cent of the total of 7,595 candidates in the 2006 parliamentary elections were men and 19.1 per cent women. Of the parties which took part in the election campaign, only the (united) Social Democratic Party, the party of the progressive socialists, the "Women for the Future" party (as part of the "Not So!" bloc) and the Green Party had gender quotas. The Green Party had the biggest number of women on their list, confirming its internal policy of allocating one half of the places on the list to women. The "Our Ukraine" bloc and the Nataly Vitrenko bloc had a large number of women among the first 10 names on their lists. Women provided 20 per cent of the membership of the Central Electoral Commission; and women were particularly well represented in the constituency and ward electoral commissions (a total of 50 per cent of the posts).

Ukraine took a number of measures over the reporting period to give practical effect to CEDAW recommendation 286 on the need "to carry out awareness raising campaigns regarding the importance of women's participation in political decision-making", made by the Committee on the occasion of Ukraine's presentation of its last report on the implementation of the Convention. Specifically, in order to secure better opportunities for women to take part in parliamentary and local elections, in which women may stand as candidates or act as candidates' election agents, voters and observers, a competition was held under the Democratic Grants Programme of the United States Embassy for projects on the topic "Women's participation in public and political life". The programme made grants to 27 NGOs to implement projects; this led to an increase in the level of professionalism of the women candidates elected to representative office, as well as of women members of State institutions and civic leaders.

According to the conditions of the competition, the organizations receiving grants had to: establish a national network; write a report covering the whole country on women's participation in the 2006 parliamentary and local elections; carry out research on the gender issue as treated in party election manifestoes and on the situation following the elections; and circulate a publication on assistance for women elected to State bodies. Both during and after the election campaign for the fifth convocation of the Supreme Council of Ukraine, national civil society organizations took

part in the discussion of questions of women's participation in the election of the members of the central and local authorities. Such discussions were held in many of the country's cities, including: Poltava, (round table on "Are women needed in politics") on 14 April; Cherkasy (round table on "Women and power: a post-election view" on 25 May; Chernihiv ("Women in public and political life"); Lviv (conference on "Strategy for the advancement of women towards participation in political decision-making in Lviv politics: the role of women's organizations") on 19 May; and Kyiv (public presentation of the outcome of the project "Kyiv City Council 2006: Have the doors opened for women?") on 17 April.

Article 7 (b) of the Convention provides for the equal participation of women and men **in the formulation of government policy** and their equal right to **hold public office and perform all public functions at all levels of government.**

The gender equality of women and men is proclaimed in article 16 of the Equal Rights and Opportunities Act and in article 2 of the presidential decree of 26 July 2005 on intensification of the efforts of the central and local authorities to realize equality of rights and opportunities between women and men.

With regard to attainment of the Millennium Development Goals, the Cabinet of Ministers specified the targets for ensuring a gender ratio of at least 30 per cent of each sex in representative bodies and for reducing by half the incomes gap between women and men.

The statistics indicate that most of the personnel of the central machinery of the Executive and the Legislature are women. However, women are few in number at all the managerial levels – evidence of the imbalance between women and men in the political sphere.

While the number of women elected to the highest legislative body increased between 1994 and 1998 (1994 – 19 women people's deputies (over 4 per cent of the total membership of the Verkhovna Rada) and 1998 – 37, i.e. an increase of 8.4 per cent), it declined as a result of the 2002 elections: only 23 women were elected to the Verkhovna Rada (5.1 per cent of the total membership). In 2006, despite the fact that the plan of action agreed between Ukraine and the European Union committed Ukraine to ensuring a level of 15 per cent women in the Verkhovna Rada, only 38 women were elected to the fifth convocation, i.e. 8.4 per cent of the total of 450 newly elected members.

There are currently 126 women on the roster of the upper echelons of the central authorities (16.3 per cent of the total). Although there was one woman in the 2004 Government (the Minister for the Family, Children and Youth), the number of women among personnel in managerial categories 1 and 2 in the higher organs of the Executive declined from 16 to nine, pointing up the fairly low level of women's participation in the State's decision-making process, which remains far below the European standards. Significant changes came about in 2005: for the first time in the country's history the Government was headed by a woman; and two ministries (Culture and Tourism, and State Property) were also headed by women. However, there is not a single woman minister in the present Government.

Although the proportion of women in the Supreme Council of Ukraine is small, significantly more women are found at the local authority level. The statistics show that the lower the level of the body in question, the more accessible it is to women. Following the 1994 elections 30 per cent of the elected representatives were women. Definite changes were seen in the gender composition of the body of representatives elected to local councils in 1998: almost 38 per cent of all local councillors were now women. Following the 2002 elections the proportion of women in

the total of over 230,000 local councillors rose to 41.7 per cent; women also accounted for 24.5 per cent of the chairpersons of rural, village and town councils and for 26.9 per cent of the deputy chairpersons; 91.7 per cent of the secretaries of these bodies were women; 9.1 per cent of the chairpersons of district and urban district councils and 22.1 per cent of the deputy chairpersons were women.

The women of Ukraine are well represented in the civil service. Women enjoy equality of access to the civil service in accordance with the rules set out in article 38 of the Constitution and article 4 of the Civil Service Act. Women currently account for 75.4 per cent of all civil servants. However, women occupy only 15 per cent of the highest posts in the civil service (levels 1 and 2) and 50 per cent at the middle-management level. It should be pointed out that the proportion of women has traditionally declined in step with ascent through the higher levels, although in recent years the tendency has been for the numbers of women on the roster for appointment to managerial posts to increase. But the overall situation did not improve over the reporting period. The biggest numbers of women were found in the central apparatus of the State Statistical Committee (82 per cent), the Ministry of Justice (75 per cent), the Ministry of Finance (68.5 per cent), the Ministry of Health (62 per cent), the Ministry of Labour and Social Policy (58 per cent), the Ministry of Education and Science (57.5 per cent), the Ministry of Culture (53 per cent), and the Ministry of Foreign Affairs (42 per cent).

Women account for the following proportions of the personnel of the agencies of the Judiciary: in the provincial economic courts – 60 per cent; in the Supreme Economic Court of Ukraine – almost 46 per cent; in the Constitutional Court – 14 per cent; and in the Supreme Court – 11 per cent. However, there is not a single woman at the top level in these agencies.

There are currently 617,700 women (83.9 per cent) in the health system's total staff of 736,000. There are 3,100 women (25 per cent) in managerial posts. There are 116,000 women (64 per cent of the total) employed in cultural agencies, where 70.5 per cent of the managerial and expert posts (totalling 160,000) are occupied by women. In other words, the number of women involved in the management of cultural affairs is constantly rising. According to figures from the Ministry of Culture and Tourism, in the central apparatus of this body alone two deputy ministers, two heads of department, and 19 heads of offices or units are women. There are eight women heads of culture and tourism offices in the provinces. A similar situation is found in the local offices as well, in teaching establishments and in arts collectives.

The statistics on the gender ratio in the private sector of the economy show that only an occasional woman is found among the owners of big businesses, while 20 per cent of small businesses are owned by women. It is obvious that in this sphere, as in others, women generally occupy junior and middle-ranking posts and rarely advance to the decision-making level.

Most of the women employed in the agro-industrial sector of the economy are specialists with secondary and higher education, but very few of them hold managerial posts. Only 5 per cent of all women with specialist qualifications are employed as managers of agro-industrial enterprises (farms), while almost one in two of the men occupy such posts. Only a small proportion of women hold the post of chief agricultural specialist despite the fact that women take a more responsible and active part in tackling production and social problems.

According to figures from the Ministry of Defence, there are currently 52,307 women serving in the country's armed forces, and 4,219 of them are civil servants. Currently, 830 of the total of 940 managerial civil service posts are held by women. However, the Ministry has no women managers in categories I-III, six in category IV, and 375 specialists in category V. There

are 422 women officers in senior posts (holding the rank of “Chief” or “Commanding Officer”) and 1,001 women ensigns and warrant officers. In 2001 women accounted for 0.7 per cent of the total complement of officers and in 2006 for 2.25 per cent. The total number of women officers almost doubled, from 598 in 2001 to 1,145 in 2006. Women officers are performing military service with the following ranks: colonel (captain class I) – four (0.1 per cent); lieutenant-colonel (captain class II) – 32 (2.9 per cent); major (captain class II) – 216 (1.7 per cent); captain (lieutenant-commander) – 375 (2.9 per cent); first lieutenant – 388 (3.5 per cent); and second lieutenant – 30 (3.4 per cent). The number of women ensigns also increased, from 9.3 per cent of the total in 2001 to 15.6 per cent in 2006. At the end of 2006 women in this category held the following ranks: 2,198 ensigns (17.8 per cent); 249 warrant officers (29.2 per cent); 259 senior ensigns (6.1 per cent); 31 chief warrant officers (19.6 per cent). Bachelor degrees were held by 523 of these women (40.9 per cent) and the qualification of junior specialist by 717 (18.1 per cent).

Nowadays Ukraine has larger numbers of women (15,137 or 43.4 per cent) serving in the armed forces abroad. Of this total, 1,400 (9.2 per cent) have full higher education (specialist qualification or master’s degree) and 1,441 (9.4 per cent) basic higher education (bachelor’s degree). Forty-two women members of the armed forces took part in international peacekeeping operations since 1992: five officers working as interpreters, two ensigns and 35 specially recruited sergeants and soldiers (medical staff). There are currently no women in Ukraine’s peacekeeping contingent.

According to 2006 figures from the State Foreign Service, its managerial personnel, as an agency of the central Government with special status, included over 6,500 women, almost 25 per cent of the Service’s total staff. The number of women in the Service more than doubled over the reporting period. Today two in three of the Service’s staff members are women. There are currently about 3,500 women performing military service in the State Foreign Service. Their number increased every year from 2000 by an average of 8 per cent.

Typical features of the situation in today’s Ukraine are the unequal representation of women in managerial posts, in decision-making, in the upper levels of the social hierarchy, and in key positions of the distribution of power and property, and generally their concentration in the least prestigious areas of social and economic life. Nevertheless, a composite sociological profile of Ukrainian women shows that they are self-starters, sensible, responsible and capable of taking decisions and generally able to participate in all social processes on an equal footing with men.

Article 7 (c) of the Convention accords women equal rights with men **to participate in non-governmental organizations and associations concerned with the political life of the country.**

In 2006 Ukraine had 2,138 women’s organizations, 45 of them having international or national status. There are several hundred women’s organizations working at the local level. They help to improve the legislation and the State machinery for the advancement of women and endeavour to secure recognition of the organized women’s movement as an important factor in the formation of the State.

One new feature of Ukraine’s political life is the emergence of women’s political parties, such as the Ukrainian Women’s Christian Party (headed by Ms Gorin), Women of Ukraine (headed by Ms Komarova), the Women’s Solidarity Party of Ukraine (headed by Ms Goshovskaya), the Women for the Future all-Ukrainian political union (headed by Ms Dovzhenko), the Women’s National Party union (headed by Ms Lavrentyev), to mention only a few. The fundamental purpose of these parties is to expand women’s role in developing and

consolidating an independent State based on the rule of law, eliminate manifestations of discrimination against women, promote the identification and formation of the political role of women, and reinforce Ukraine's women's movement to enable it to take a part in building up civil society institutions and agencies of the central and local authorities and expand women's participation in them, as well as in the formulation of State policy.

Many new local women's organizations were created in Ukraine over the reporting period with the aim of enhancing women's status and striving to establish technically meaningful procedures in the women's movement and invest it with a new content and a new developmental face. The country is witnessing a consolidation of women's forces in society and their emergence from the confines of their own social structure, their entry into political and public life and their participation in the solution of the problems facing the State as a whole.

The National Council of Ukrainian Women, which brought together the national and international women's voluntary organizations working in Ukraine, is facilitating the consolidation of women's organizations, unions and parties. This body is endeavouring to merge all of the country's women's organizations into a free association to hold consultations and carry out measures with a view to improving the well-being of families and women, fostering mutual understanding among women, making them aware of their opportunities in society, etc. The National Council of Ukrainian Women was admitted to membership in the International Council of Women in 2000.

The President of the Republic established by decree a presidential honour (the Order of Princess Olga classes I, II and II) in recognition of the contribution of the Ukrainian women's movement to the development of the Ukrainian State, the spiritual rebirth of the nation, and the upbringing of children; this honour is awarded for outstanding personal merit in the public, industrial, social, scientific, educational, cultural and other spheres. The first recipients of the Order of Princess Olga were leaders of women's voluntary organizations: the Union of Ukrainian Women; Women's Community; and the Association of Ukrainian Women. This honour has already been awarded to 224 women from various regions of the country for outstanding merit in the building of the State.

Over the reporting the women's movement was extremely active in asserting gender equality. The activities of women's organizations are helping Ukrainian society to secure a place on the agenda for the issue of establishing gender democracy in the country. However, the women's movement still has many problems which must be solved if it is to increase its influence on the development of society. The representatives of women's organizations consider that Ukraine has not equipped itself with a civilized machinery for cooperation between the State and civil society, including women's organizations. The legislation in this area has not undergone development and some of it is outmoded; this is a significant obstacle to women's activities. Experts also point to the discrimination against women's voluntary organizations in the Budget Code and to discrimination against organizations on the basis of their form of ownership, in violation of the Constitution. The fact is that voluntary organizations are rarely invited to take part in the implementation of State programmes; one of the persisting problems is their inability to bid for the allocation of State financial resources to carry out programmes on gender and women's issues.

Article 8

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

The Constitution does not contain any rules discriminating against women's right to represent the Government or the State at the international level and to participate in the work of international organizations. Article 3 of the Equal Rights and Opportunities Act stipulates the equal participation of women and men in the adoption of socially important decisions. However, the general tendency for women to have scant representation in managerial posts is found in international bodies as well. Although there are many documents of the Legislature and the Executive which talk about the importance and usefulness of cooperation between women and international organizations, practical cooperation of this kind at the international level remains spotty, while the representation of women at the higher levels of politics has diminished in recent years.

There are 10 women, accounting for only 3 per cent of the total personnel, holding official posts in the overseas offices of the Ministry for Foreign Affairs. At the beginning of 2006 women accounted for only 5 per cent of the managerial staff of the Ministry's central apparatus but for 43 per cent in the "employee" (general service) category. Women held 3 per cent of the managerial posts overseas and 20 per cent of the general service posts.

Nor are Ukrainian women well represented in the offices of international bodies: the United Nations Secretariat and the secretariats of the international organizations in Geneva. Thus the representation of Ukrainian women in the sphere of international relations is rather insignificant. Accordingly, one of the most important current tasks is to formulate a development strategy embracing the broad spectrum of international activity of the women's movement.

The admission of women's organizations to membership in international bodies is recognized to be an important component of the globalization process. The renewal of contacts with the International Council of Women began after the proclamation of Ukraine's independence. Ukrainian women's organizations are members of the following international organizations: Advancing Women in Higher Education, the International Alliance of Women's Organizations of the Newly Independent States, and the KARAT Coalition (a network of women's NGOs from 10 countries of Central and Eastern Europe). Ukrainian women's organizations collaborate with the United States organization Women, Law and Development International, the United States national association Advancing Women in Higher Education, the Gender and Development Training Centre in Haarlem, Netherlands, the Network of East-West Women, the Women's Environment and Development Organization, MAMA-86, the International Gender Association for Science and Technology, etc.

Examples of the international links of Ukraine's women's organizations may be found in the work of such bodies as the Women's Community, which has offices in Moldova, Latvia, the United States, France and Australia and maintains close relations with the Ukrainian National Women's League of America and the Ukrainian Women's Association of Canada, as well as with the World Federation of Ukrainian Women's Organizations.

During the reporting period the admission of Ukrainian women's organizations to membership in international bodies and their acquisition of the new machinery of cooperation and adoption of new technical approaches to the conduct of research on social problems helped them to implement the projects of international bodies and the programmes of various funds, chiefly the programmes of UNDP, the British Council, Britain's Know How Fund, the United Nations Development Fund for Women (UNIFEM), the United Nations Children's Fund (UNICEF), Technical Assistance to the Commonwealth of Independent States and Georgia (TACIS,) the Heinrich Bell Foundation, the International Renaissance Foundation, the Eurasia Foundation, the

NIS-USA Women's Consortium, the East-West European Women's Network (OWEN), the Canadian Bureau for International Education (with the Canada-Ukraine Office), the Mama Cash Foundation in the Netherlands, USAID, the Global Fund for Women, etc.

More often than not such contacts were established as a result of the participation of Ukrainian women in international meetings, seminars and conferences, as well as during the implementation of joint projects. A 19-strong Ukrainian delegation did successful work at the special conference in Geneva convened by the United Nations Economic Commission for Europe (19-21 March 2000) on the implementation of the Beijing Platform for Action, joining other delegations in the drafting of the conference's conclusions and recommendations.

The special sessions held under the auspices of the United Nations were the most noteworthy events of recent years: the special session of the General Assembly on "Women 2000: gender equality, development and peace for the twenty-first century"; and the forty-ninth session of the United Nations Commission on the Status of Women and the women's forum "Beijing+10: gender equality, development and peace". These meetings were attended by representatives of Ukrainian women's voluntary organizations as well as by the State delegation.

The convening of international women's meetings in Ukraine testifies to the recognition by the international women's community of the achievements of the Ukrainian women's movement and the expanded role of Ukrainian voluntary organizations in the international women's movement. For example, a forum on cooperation among women from the States members of the Georgia, Uzbekistan, Azerbaijan, Moldova Group (GUAM) was held in October 2003 in Kyiv; on behalf of women's organizations this forum signed an appeal to the presidents of the States members of GUAM for an enhanced role for women and solution of the fundamental problems facing those States, in particular the settlement of armed and inter-ethnic conflicts. A regular meeting of the General Assembly of the European Centre of the International Council of Women was held in Kyiv in May 2005; it was attended by the women chairpersons of international, Ukrainian and City of Kyiv voluntary organizations, women's activists, and the heads and members of delegations from national women's councils of 18 countries of Europe.

The 31st session of the General Assembly of the International Council of Women was held in Kyiv in September 2006; it was attended by representatives of the National Women's Council of Ukraine and of the ministries and departments responsible for formulating gender policy in Ukraine, as well as by representatives of other women's organizations and almost 300 other delegates from almost 50 countries members of the International Council from around the world. As was noted at the press conference on the outcome of the session, this event of outstanding importance for the Ukrainian women's movement was a success, and its programme of work was carried out in its entirety. This had been made possible by the meticulous preparation of the proceedings, which had begun in November 2005 when the National Women's Council of Ukraine held a preparatory conference in Kyiv for the 31st session of the General Assembly. The delegates attending the session exchange their experience of tackling poverty, combating trafficking in persons and violence against women, and preventing the spread of HIV/AIDS; they also debated pressing problems of the protection of children's rights, improvement of the environment, strengthening international links and peace, and achieving equality between women and men in the light of the particular gender situation in all areas of the life of society. They also negotiated and adopted the Council's plan of action for the next three years. The question of the establishment of gender equality in all areas of the life of society was included as a key component of the Council's work during that period.

The knowledge acquired by Ukrainian women of the experience of women's organizations in other countries in the decision-making process at the national and international levels is helping to boost the work of women's NGOs in Ukraine and bring about real changes in the way gender problems are tackled. Nevertheless, the lack of applicable legislation and the gap between the declarations and the reality are the reasons why it has so far proved impossible to secure a significant shift in the direction of the due representation of women in official agencies at all levels and to overcome the discrimination against women still found in Ukrainian society.

Article 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

According to article 4 of the Constitution, Ukraine is a unitary State; the grounds for awarding and withdrawing Ukrainian nationality are set out in the Citizenship Act of 18 January 2001. Article 1 of this Act defines Ukrainian citizenship as a legal link between a physical person and the State of Ukraine which manifests itself in reciprocal rights and obligations. This article also stipulates that physical persons attain the age of majority on their eighteenth birthday.

Article 4 of the Act provides that the question of Ukrainian citizenship is regulated by the Constitution, the Citizenship Act itself and the international treaties to which Ukraine is a party. If an international treaty contains rules differing from the rules set out in the Act, the rules of the international treaty prevail.

In the light of Ukraine's commitments under article 9 of the Convention, great importance attaches to the legislative principles governing citizenship set out in article 2 of the Act. Amongst other things, this article establishes the principles underlying Ukraine's citizenship legislation: prevention of statelessness; prohibition of the automatic acquisition of Ukrainian nationality by an alien or stateless person as a result of marrying a Ukrainian national, as well as acquisition of the nationality of a spouse; prohibition of the automatic loss of Ukrainian nationality by one spouse as a result of the dissolution of a marriage or the other spouse's loss of Ukrainian nationality; the equality before the law of citizens of Ukraine regardless of the ground, procedure or timing of the acquisition of Ukrainian nationality; and retention of Ukrainian nationality irrespective of place of residence.

The grounds for termination of Ukrainian nationality are set out in article 17 of the Act: (1) renunciation of Ukrainian nationality; (2) loss of Ukrainian nationality; and (3) by application of the rules contained in the international treaties to which Ukraine is a party. Renunciation is regulated by article 18 of the Act. It is effected at the request of the person concerned. In such cases the voluntary principle is an essential element of compliance with article 9 of the Convention.

Article 19 of the Act lists the grounds for loss of Ukrainian nationality:

1. Voluntary acquisition of the nationality of another State by a citizen of Ukraine, provided that he or she is of the age of majority at the time. All cases in which a citizen of Ukraine submits a request or application to acquire the nationality of another State in accordance with the

procedure specified in the legislation of that State are deemed to fall in the category of voluntary acquisition.

Acquisition is not deemed voluntary in the following cases:

- (a) Simultaneous acquisition by a child of Ukrainian nationality and the nationality of another State or States by reason of the child's birth;
- (b) Acquisition by a child who possesses Ukrainian nationality of the nationality of the child's adoptive parents as a result of adoption by foreigners;
- (c) Automatic acquisition by a Ukrainian citizen of a different nationality as a result of marrying a foreigner;
- (d) Automatic acquisition by a Ukrainian citizen who is of the age of majority of the nationality of another State if such citizen has not received a document certifying nationality of that other State.

Accordingly, Article 19, paragraph 1, of the Act emphasizes the impossibility of automatic loss of Ukrainian nationality as a result of marriage to a foreigner. In order to lose Ukrainian nationality the person in question must take certain steps to acquire the nationality of another State. Marriage does not automatically trigger loss of Ukrainian nationality; this rule is fully consistent with the requirements of article 9 of the Convention.

2. Acquisition of Ukrainian nationality under article 9 of the Act by means of fraud or the deliberate submission of false information or false documents.

3. Voluntary enlistment in another State for military service which under the legislation of that State is not a general military obligation or form of alternative (non-military) service.

The following provisions of article 19 of the Act are extremely important in the context of article 9 of the Convention: paragraphs 1 and 3 of the first part of article 19 do not apply if their application would cause a Ukrainian citizen to become a stateless person. Thus, even when a woman takes deliberate steps to acquire the nationality of another State, her action cannot be deemed grounds for loss of her Ukrainian citizenship if she would thereby become a stateless person.

Where article 9, paragraph 2, of the Convention is concerned, the question of the nationality of children is addressed in article 14 of the Act, entitled "Acquisition of Ukrainian citizenship by a child as a result of the possession of Ukrainian citizenship by one or both of the parents".

This article provides inter alia that an alien or stateless child, one of whose parents is a Ukrainian national but the other is a stateless person, shall be registered as a citizen of Ukraine at the request of the parent who is a Ukrainian national. A stateless child, one of whose parents is a Ukrainian national but the other is an alien, is registered as a citizen of Ukraine at the request of the parent who is a Ukrainian national.

An alien or stateless child whose parents possess Ukrainian nationality is registered as a citizen of Ukraine at the request of either parent.

An alien child, one of whose parents is a Ukrainian national but the other is an alien, is registered as a citizen of Ukraine at the request of the parent who is a Ukrainian national.

Accordingly, this article establishes the corresponding right of the parents to opt for Ukrainian nationality for their child irrespective of the sex of the parents, in keeping with the requirements of article 9 of the Convention.

It should also be stressed that the rules contained in the Citizenship Act do not make any gender-based distinctions. This is consistent with the general prohibition of discrimination embodied in article 24 of the Constitution. The Constitution specifically emphasizes the fact that all citizens possess equal rights and freedoms and are equal before the law. It prohibits privileges and restrictions on the ground of race, colour of skin, political, religious or other opinions, sex, ethnic or social origin, property status, place of residence, language or any other circumstance.

Article 24, paragraph 3, of the Constitution addresses the question of equality between women and men, establishing their equality of rights by the following means: by according women the same rights and opportunities as men in social, political and cultural life and with regard to education and vocational training and work and remuneration for work; by introducing special measures to protect women's work and health and provide them with pension benefits; by creating the conditions for women to combine work with maternity; and by furnishing legal protection and material and moral support for mothers and children, including paid leave and other benefits for pregnant women and mothers.

The International Private Law Act of 23 June 2005 was adopted in order to ensure compliance with the rules contained in the applicable law, i.e. to establish the framework rules regulating the application of the Constitution and the Citizenship Act. Specifically, article 56 of the International Private Law Act (Form and procedure for contracting marriage) provides that the form and procedure for the contracting of a marriage in Ukraine between a Ukrainian citizen and a foreigner or a stateless person, as well as between foreigners and stateless persons, shall be governed by Ukrainian law. Article 57 (Contracting of marriage in a consular office or diplomatic mission) stipulates that a marriage between Ukrainian nationals, if one or both of them reside outside Ukraine, is contracted in a consular office or diplomatic mission of Ukraine in accordance with Ukrainian law. Marriages between foreigners in a consular office or diplomatic mission of a foreign State in Ukraine are regulated by the law of the accrediting State. Article 58 (Validity of marriages contracted outside Ukraine) provides that marriages between citizens of Ukraine and foreigners or between citizens of Ukraine and stateless persons contracted outside Ukraine in accordance with the law of a foreign State shall be deemed valid in Ukraine subject, with regard to Ukrainian citizens, to the requirements of the Family Code of Ukraine concerning the grounds for deeming a marriage null. Marriages between foreigners, between foreigners and stateless persons or between stateless persons contracted in accordance with the law of a foreign State are deemed valid in Ukraine.

Ukraine has concluded a number of bilateral international agreements to regulate questions relating to change of nationality. The latest one, between Ukraine and the Kyrgyz Republic on simplification of the procedure for change of nationality by Ukrainian citizens residing permanently in the Kyrgyz Republic and by Kyrgyz citizens residing permanently in Ukraine and on prevention of statelessness and dual nationality, was signed on 28 January 2003 in Bishkek and ratified by Ukraine by an act passed on 20 November 2003.

This agreement sets out *inter alia* the conditions and procedures of the simplified arrangements for obtaining citizenship. Each State party to the agreement accords to citizens of the other State residing permanently and legally in its territory the right to exercise the simplified procedure for obtaining citizenship, subject to satisfaction of one of the following two conditions:

(a) the applicant or at least one of his or her parents or adoptive parents or grandparents was born or resided permanently and legally in the territory of the State party whose nationality is sought; (b) the applicant has at least one close relative, preferably a spouse, residing permanently and legally in the territory of the State party whose nationality is sought and possessing the nationality of that State. However, in the procedure for changing nationality specified in article 2 of the agreement it is stressed that acquisition of nationality under the agreement is not automatic. It is subject, amongst other requirements, to the submission of an application form.

In addition, the procedure for changing nationality excludes the possibility of the applicant's becoming a stateless person. Article 2 of the agreement provides that, within the 10 days following the completion of the formalities for obtaining a new nationality, the competent authorities of the State party whose nationality has been acquired shall issue a document stating which nationality has been lost and shall transmit this document through the diplomatic channel to the State party whose nationality has been surrendered, together with confirmation of the date on which the formalities for acquisition of the new nationality were completed. Within two months of receipt of this communication the State party whose nationality has been surrendered must complete the formalities for terminating the citizenship of its former national and notify the other State to that effect.

The agreement also regulates the question of changing the nationality of a child. In this matter it makes no gender-based distinctions. In the event of a change of nationality by the parents, as a result of which both obtain the nationality of the other State party, the nationality of their minor children is changed accordingly. The nationality of a child, one of whose parents is a national of one State party while the other acquires the nationality of the other State party, is determined by agreement between the parents and set down in a statement. If the parents cannot agree on the change of nationality of a minor child, the child is deemed to be a national of the State party in whose territory the parents have permanent residence. A minor child whose parents live apart retains the nationality of the parent who has care of the child, unless some other agreement is reached on this matter by the parents.

The rules contained in the international agreement with the Kyrgyz Republic are also to be found in the agreements on questions of nationality concluded between Ukraine and the Republic of Kazakhstan (on 19 May 2000), the Republic of Tajikistan (on 6 July 2001) and the Republic of Belarus (on 12 March 1999).

Furthermore, as successor State to the USSR, Ukraine continues to apply the Convention on the Reduction of Statelessness of 30 August 1961. Under article 1, paragraph 3, of this Convention, a child born in wedlock in the territory of a contracting party to a mother possessing the nationality of that party acquires that same nationality at birth if he or she would otherwise be stateless. In addition, if the law of the contracting party in question provides for the loss of nationality as a result of any change in personal status (marriage, dissolution of marriage, legitimization, acknowledgement or adoption), such loss of nationality is a condition of the acquisition of a different nationality.

The rules of current Ukrainian legislation and of the current international treaties to which Ukraine is a party which have been described above justify the conclusion that Ukraine is in full compliance with its obligations under article 9 of the Convention.

Part III

Article 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

(d) The same opportunities to benefit from scholarships and other study grants;

(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;

(g) The same Opportunities to participate actively in sports and physical education;

(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

The basic indicators of the education of women in Ukraine today show that they generally do equally as well as men and in some respects surpass them. Women actually do enjoy the same access to education as men and achieve diplomas in educational establishments of all types, levels of accreditation and forms of ownership in both urban and rural areas. Women enjoy equality with men in their access to curricula, books and textbooks, examinations, teaching staff with qualifications of the same standard, diplomas, school premises, scholarships and other forms of material assistance. The absence of any substantial gender imbalance in terms of level of education is a widely recognized positive socio-cultural feature of Ukraine.

According to UNESCO figures, in terms of its people's standards of literacy Ukraine occupies one of the leading places among the world's developed countries. The literacy rate among males and females aged 15 or older stood at 99.5 per cent in 2001 and at 99.9 per cent among children aged under 15. The data produced by Ukraine's most recent population census (taken in 2001) show that it has gender parity in terms of level of full higher education: at the time of the census 128 women out of every 1,000 and 131 men out of every 1,000 were in higher education.

The present education system has the following levels: preschool education, primary/secondary education, vocational/technical education in the corresponding teaching establishments, and higher education, followed by a process of lifelong training and self-

education, all of which ensures that education builds a society whose sense of perception is open to the world.

Preschool education. Ukraine has a problem with preschool education at present. While 57 per cent of children attended a preschool institution in 1990, only 54 per cent did so in 2006. By 2006 the number of preschool institutions had declined by 38.4 per cent from the 2001 figure to stand at 15,100. Furthermore, 1,600 of these institutions were not operational; in other words, the true decline was 44.9 per cent. In urban areas in 2006, 68 per cent of all children attended a preschool institution, but in rural areas only 28 per cent. The numbers of boys and girls attending preschool institutions were almost equal. Given the present level of migration from the countryside to the towns, the lack of preschool education suffered by 72 per cent of rural children has a significant impact on their mastery of the school curriculum, giving rise to mental overload and loss of motivation to study. All of this exerts an unfavourable influence on the human capital of the future.

The teaching staff of preschool institutions consists entirely of women.

General primary/secondary education. The number of general education schools began to decline in 1990 and stood at 21,400 in 2006/07. At the same time the demographic situation was having a negative impact on the number of pupils in general education: it declined every year to total 5.12 million in 2006/07 (48.7 per cent girls). The statistics show that, as of 1 January 2007, there were 533,024 teachers working in day schools in the general education system (83.6 per cent women). The personnel employed in administrative bodies of all types in the system operated by the Ministry of Education and Science totalled 1,514,600 (almost 80 per cent women).

When calculating the total numbers of children completing the full course of primary/secondary education it must be borne in mind that Ukraine has created the conditions for the acquisition of full secondary education in vocational/technical schools and in the first year of higher education institutions of levels of accreditation I and II. Generally speaking, teaching in general secondary schools remains a women's domain.

The Ministry of Education and Science does much in terms of educational and preventive work to apply the provisions of the Convention, in particular to eliminate any stereotyped concepts of the roles of women and men. For example, the State standard of basic and full general primary/secondary education was approved by Decree No. 24 of the Cabinet of Ministers dated 14 January 2004. The curricula for the teaching of Ukrainian and world history in grades 5-12 (of the 12-grade system) were selected on a competitive basis in accordance with this standard. Pupils in 11 of these grades currently take, under the optional part of the curriculum, courses entitled "We are citizens" and "Civic education", the thematic content of which includes a "Stereotypes" component. Special attention is given under this component to tackling the problem of the persistence of firmly rooted stereotypes and to the gap between the official and unofficial status of men and women in society.

Vocational/technical training. Over the years of independence and the restructuring of the country's economy the performance indicators of the system of vocational/technical education have moved downwards. In the period 1990-2006 the number of teaching establishments declined by 13 per cent and the number of pupils and students by 15 per cent. This was due to the weak demand during this period for the specialists which these establishments train for industry.

As of 1 January 2006, Ukraine had 1,021 functioning vocational/technical establishments, which were attended by 473,800 pupils, about 40 per cent of them girls. There were 468,000

students, 52 per cent of them girls, attending higher education institutions of levels of accreditation I and II.

Higher education. It should be noted as a positive point that even under conditions of deep economic crisis Ukraine's young people still tend to recognize the need to obtain higher education. The period 1990-2006 was marked by the vigorous development of the higher education system: the number of higher education institutions at levels of accreditation III and IV rose from 149 to 350, and the total number of students increased by a factor of 2.6 to stand at 2,318,600 in the 2006/07 academic year. The efforts to satisfy the demand for education are also reflected in the big increase in correspondence courses. In recent years women have accounted for 54 per cent of higher education students.

The indicators of the numbers of female students taking medical, teacher-training, economic, and business courses in higher education are typical: women make up roughly 70 per cent of total student numbers. Most women students are found on higher education courses in the humanities and social subjects, accounting for 77 per cent of all students taking such courses.

Teaching and research in higher education institutions is also a women's domain. But although the proportion of women teachers in higher education is almost the same as in primary/secondary schools, there is a large preponderance of men among the directorial personnel. For example, there are only 29 (19 per cent) women heads of higher education institutions with levels of accreditation I and II out of a total of 178. The situation is even worse at levels of accreditation II and IV: only three (2.6 per cent) of the 116 directors are women.

The Ministry is taking specific action to introduce a gender component in the teaching and learning process in higher education institutions. The general project of the equal opportunities programme run by UNDP and the International Renaissance Foundation, in conjunction with the Kyiv Institute for Gender Research, formulated a study programme entitled "Basics of gender theory", as well as producing theoretical, operational and information materials on gender issues and publishing in 2004 a compilation of study programmes relating to gender problems.

Research conducted by the Ministry for monitoring purposes in the 2002/03 academic year showed that almost 60 per cent of the 110 higher education institutions with levels of accreditation III or IV taught programmes addressing gender problems. In 24 per cent of them the research and teaching staff formulated a number of gender-oriented programmes. In view of the broad availability of gender expertise in the higher education system it was also possible to hold a competition for the best programme dealing with gender issues.

Postgraduate education. Ukraine has traditionally been regarded as a country with a powerful scientific potential, with scientific schools recognized throughout the world and with an advanced system of training. The principal vehicle for upgrading the qualifications of scientific, research and teaching personnel is the system for the award of master's degrees and doctorates. These postgraduate degrees are awarded by higher education institutions with levels of accreditation III and IV and by scientific research establishments.

The network of institutions providing scientific training has grown very rapidly since independence. For example, over the past 16 years the number of institutions awarding master's degrees rose by a factor of 1.2 (from 418 in 1991 to 502 in 2006) and those awarding doctorates by a factor of 2.6 (from 93 to 241). There was a corresponding increase in the number applicants seeking some kind of postgraduate degree. Over the past 16 years the number of students working for a master's degree rose by a factor of 2.4 (from 13,300 to 31,300) and for a doctorate by a factor

of 2.8 (from 500 to 1,400). As in the past, the overwhelming majority of future workers with higher qualifications are funded from the State budget, but the proportion of master's degree students who do not pay for their education is declining every year: 96 per cent of them were funded by the State in 1995 but only 86 per cent in 2006; the proportion of students receiving State funding to study for doctorates has barely changed, standing at 94 per cent.

Women have traditionally matched men in their exercise of the right to continue their education by studying for master's degrees or doctorates. For example, in 2006 women accounted for 56 per cent (17,000) of all students working for master's degrees and 48 per cent (700) for doctorates. But the proportion of women among scientific personnel with a postgraduate qualification was significantly smaller: 50 per cent at the master's degree level and 24-27 per cent at the doctorate level; and women provided only 4 per cent of the members of scientific academies.

As already pointed out, in today's Ukraine women score as highly as men in the basic indicators of education, and outdo them in some respects. Studies show that women and men use different strategies for obtaining general education and vocational training. Women are more likely to obtain full primary/secondary education, and when comes to vocational training they are more inclined towards studying for qualifications at the highest level. Men typically follow a different educational trajectory: they do not complete full primary/secondary education before moving on to initial vocational training. The statistics on pupils in general-education day schools show that the ratio of boys to girls is close to their corresponding age ratio only in grades 1-9. Girls account for 53 per cent of pupils in the older grades.

Experience confirms that women do not enjoy equal opportunities with men when it comes to upgrading their qualifications, although, according to data from questionnaires sent out by the Academy of Sciences of Ukraine, more women than men are found among persons seeking to improve their vocational qualifications and qualify in new occupations (46 per cent and 36.6 per cent respectively). There are both objective (material) and subjective reasons for this, chiefly parental duties, which Ukrainian society assigns exclusively to women, and domestic duties. According to research data, following marriage two thirds of women remain at the same level of education as before marriage. It is obvious that the main obstacle to the improvement of women's qualifications is the lack of time resulting from the absence of a developed network of social services and the corresponding heavy burden of domestic duties borne by women. Women with the highest levels of education are the most likely to upgrade their qualifications. The lack of opportunities in this regard impairs the quality of the female workforce.

It can be argued that there is hidden gender-based discrimination in Ukraine's education system. The teaching materials in preschool education and school textbooks often reinforce the traditional stereotypes of inequality, especially with regard to the performance of domestic and parental duties. A significant proportion of educators and teachers (who are mostly women) hold traditional patriarchal views and advocate dividing academic disciplines into male and female categories. The idea of differentiated approaches to the education of boys and girls is supported not only by teachers but by members of the general public as well. As indicated by sociological questionnaires, the core subjects for boys are mathematics, physics, physical education, information technology and law, while for girls they are domestic science, history and literature, ethics and psychology, and sex education. Today these gender distinctions in education, which are based on stereotypes, are not recognized by the public at large, and in particular by women, as a real threat to women's rights. It may moreover be assumed that the re-emergence of a patriarchal

mood in society on the one hand and the crisis in the social sphere on the other will serve only to exacerbate this problem.

Serious threats of intensified gender imbalance in education lie in the increasing numbers of fee-paying students. It is clear that there exist today two types of threat related to payment for education. The first is that the increase in the number of students in higher education is being achieved largely by payment of fees: in the 1995/96 academic year 18 per cent of these students were paying fees, but this proportion had risen to 61 per cent by 2006/07. This shift is affecting primarily the humanities and social and economic disciplines, which are basically “women’s” disciplines. In institutions of technical higher education, where the student body consists mostly of men, the proportion of fee-paying students is 5 to 10 times lower. Since it is primarily the “women’s” subjects which are attracting fee-paying students, spending on education is showing an increasing gender imbalance, and not in favour of women.

The other threat is a really serious one. In a context of sharply reduced State funding of education there has been a striking downtrend in the quality of free primary/secondary education and an increase in the fee-paying component in general education schools. Since gender stereotypes are so widespread, it may be assumed that parents, guided by these very stereotypes, will elect to pay for additional lessons for boys rather than for girls.

In any event, it is an indisputable fact that by cutting education spending the State is erecting additional obstacles to the development of human capital and economic activity by women.

Among several educational problems of a strikingly gender-related hue, attention may be drawn to the issue of the economic return from education, which in Ukraine is significantly lower for women than for men. As the level of education rises so does the gap widen between the incomes of men and women, a factor which in turn affects pension provision as well (women currently draw smaller pensions than men). In other words, a higher standard of education does not function as the main factor in the equalization of the situations of men and women in the labour market and in their pension provision, while the time spent by women performing their reproductive function is not publicly acknowledged.

Article 10, paragraph (g), of the Convention refers to the provision of **the same opportunities to participate actively in sports and physical education**.

The constant care and improvement of the people’s health must be a fundamental goal of State policy in the area of physical fitness and sports. The Physical Fitness and Sports Act provides that all the citizens of Ukraine, both female and male, have equal rights and opportunities in this area. The State furnishes the necessary assistance, benefits and guarantees for individual citizens, including those with disabilities, to exercise their rights with respect to physical fitness and sports, giving special attention to people living in rural areas.

The State guarantees the provision of free and preferential physical fitness and health services for children, including orphans, children with disabilities, children afflicted by the aftermath of the Chernobyl disaster, and children from large or poor families. The State also furnishes free services of this kind for preschool children, children attending general education and vocational schools, and war veterans and similar persons, as well as providing benefits for other categories of citizen.

Article 10, paragraph (h), provides for equal **access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.**

The National Policy for the Development of Education (2002), the comprehensive interdepartmental programme for the period 2002-2011 entitled “The Health of the Nation” and the National Reproductive Health Programme were adopted during the reporting period to give effect to this provision of the Convention. In order to improve people’s awareness of modern methods of family planning and their access to effective means of contraception and to consultations and provision of the necessary assistance, including safe abortions, the Ministry of Education and Science formulated and circulated to the education services technical recommendations on the maintenance of reproductive health for use in general education schools and non-school educational establishments. The monitoring of the impact of the publications in question testifies to the systematic promotion of the measures for protecting mothers and children, strengthening the family, and enhancing the familiarity of young people of the age of marriage with the relevant law, with demographic problems and with the reproductive health situation.

Article 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to work as an inalienable right of all human beings;
- (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;
- (c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;
- (d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;
- (e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;
- (f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

- (a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;
- (b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;
- (c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

Paragraph 1 (a) of this article of the Convention posits **the right to work as an inalienable right of all human beings**.

Article 17 of the Equal Rights and Opportunities Act, which entered into force in January 2006, provides that women and men shall be accorded equal rights and opportunities in employment, promotion, and further training and retraining. Employers are required amongst other things “to create working conditions which enable women and men to work on an equal footing, to afford women and men the possibility of combining work with family duties, to pay women and men equal remuneration for the same work, given the same qualifications and the same working conditions, and to take action to establish working conditions which do not endanger life or health”. The provisions of article 17 of the Sexual Harassment (Prohibition) Act are very important from the standpoint of harmonizing domestic legislation with the rules of international law concerning safe working conditions (the general provisions of this Act offer a definition of sexual harassment).

In addition, in view of the comments of international human rights organizations concerning violation of the labour rights of Ukrainian women with respect to recruitment, article 17 of the Act makes it illegal for employers “to advertise job vacancies exclusively for women or exclusively for men, except in the case of specific work which can be performed only by persons of one sex, to specify requirements giving an advantage to one sex or the other, or to request job seekers to disclose information about their private lives and their plans for having children”. At the same time, employers are encouraged to “take positive action to achieve a balanced ratio of men to women in the various areas of work and among the various categories of worker”. Article 1 of the Act defines positive action as “special temporary measures to eliminate any imbalance between the opportunities of women and men to exercise the equal rights accorded to them by the Constitution and the laws of Ukraine”.

Article 1 of the Remuneration for Work Act provides that workers (both women and men) are entitled to be paid for their work in accordance with the applicable legislation and any collective agreements, on the basis of a labour contract. The amount of the remuneration may be less than the amount fixed in the labour contract or than the minimum wage if the worker does not fulfil his or her production norms or produces defective goods or for the other reasons specified in the applicable legislation when fault may be attributed to the worker. The Act prohibits any reduction of wages on the ground of the worker’s origins, social or property status, racial or ethnic affinity, sex, language, political views, religious beliefs, membership of trade unions or other voluntary organizations, type and nature of studies, or place of residence. Article 1, paragraph 2, of the Act provides that the amount of the remuneration shall depend on the difficulty of the work and the conditions under which it is performed, the worker’s occupational skills and application, his or her work performance, and the enterprise’s sphere of economic activity.

It should be noted that one of the characteristics of the incorporation of the rules of international law into Ukraine’s labour legislation is that in Ukraine the wording of these rules generally invests them with much broader scope; in other words, women are accorded more advantages than are specified in the international instruments. For example, in order to protect

women's reproductive rights and create the conditions for safe maternity the State accords women pregnancy, childbirth and childcare leave. Furthermore, while article 3, paragraphs 2 and 3, of the ILO Maternity Protection Convention (Revised) (No. 103) states that the period of maternity leave shall be at least 12 weeks and shall include a period of compulsory leave after confinement, and that the period of compulsory leave after confinement shall be prescribed by national laws or regulations but shall in no case be less than six weeks, article 179 of Ukraine's Labour Code provides that "pregnancy, childbirth and childcare leave shall be granted for 70 calendar days before the birth and for 56 calendar days thereafter". During this period of leave the woman receives her wages in full. The Labour Code also stipulates that women are entitled to three years' leave to care for a child, that her job shall be held for her and her length of service maintained, and that she shall be afforded assistance for this period in accordance with the applicable legislation. In addition, mothers may be granted leave without pay for the period specified in a medical report until the child's sixth birthday.

The implementation of the National Plan of Action for the period 2001-2005 for the advancement of women and promotion of gender equality in society marked an important stage in ensuring protection of women's rights in the labour market. The practical implementation of the measures provided for in the National Plan helped women to improve their competitiveness in the labour market and families to adapt to the new economic conditions, as well facilitating more effective use of the legal system to protect the rights and interests of families, women and children and reinforcing the social protection of families with children.

It was noted in the recommendations which resulted from the parliamentary hearings in 2004 on "The situation of women in Ukraine: the reality and the outlook" and in the Policy Outline on the State programme for the period 2006-2010 to establish gender equality in Ukrainian society that the acutest problems of recent years included unemployment among the working population (with women accounting for 70 per cent of the unemployed), the low level of women's pay (almost a third less than men's), the amount of women's pensions (according to academic forecasts, set to average only 40 to 45 per cent of the amount of men's pensions in 20-30 years' time), and the fact that only 20 per cent of the owners of small and medium-sized businesses were women. With a view to promoting women's employment and improving their competitiveness in the labour market, the participants in the parliamentary hearings recommended the provision of more extensive training and further training of women registering with the employment services, to be funded from the resources of the State jobs promotion fund.

The issues of women's position in the labour market and unemployment among women were the focus of attention at the fourth congress of the Federation of Trade Unions of Ukraine in 2002, convened under the theme "Delivering equal rights for women and men". The member organizations and other participants expressed their concern about the negative impact of Ukraine's economic crisis on the situation of women. The Congress adopted a resolution calling on member organizations to join in the international campaign of independent trade unions conducted under the slogan "Trade unions for women, women for trade unions" and to formulate a strategy to persuade women with steady jobs and women working in the informal sector to join trade unions.

The social protection of women in Ukraine's jobs market is safeguarded by means of national and regional employment programmes. They are consistent with the international practice, helping people to acquire occupations (including vocational guidance and counselling services), to upgrade their qualifications and retrain, to establish independent businesses, and to organize community works, as well as furnishing material support in the shape of unemployment

benefits. To this end the State Employment Service established active links with employers to obtain information about job vacancies. The ministries and other central agencies of the Executive and its administrative bodies protect women's rights by ensuring that branch and regional agreements and the collective agreements entered into by enterprises, establishments and organizations contain measures to improve women's working conditions and, in the event of dismissal, to offer them retraining opportunities and help with finding another job. In order to tackle the unemployment problem by promoting entrepreneurship, the State Employment Service organized vocational training for unemployed persons on courses entitled "Basics of small and medium-sized businesses". In 2005, 16,900 women out of a total of 38,700 unemployed benefited from this training

An economy in transition needs people to intensify business activity in all areas. According to figures from the Commercial Law Centre, a fairly stable gender balance is currently being maintained in private business: a women to men ratio of 50.4 to 49.6 per cent. Women account for about 2 per cent of the market in private legal services. Most of the private businesses run by women, especially where small businesses are concerned, are in the commercial sector. An analysis of the distribution of women in private business by age group showed that most of them are of or close to pensionable age. They are generally running small businesses simply as a means of survival. Qualified businesswomen ready to cope with the modern market will have to come eventually from the younger generation of Ukrainian women, who today account for about 14 per cent of all women working in this sector. The responses to sociological questionnaires indicate that educated women are more capable of starting up their own business. For example, 80.2 per cent of the 101 businesswomen who responded to a questionnaire had higher education, 7.9 per cent vocational/technical, and 1 per cent secondary. The experts maintain that women do not have sufficient start-up capital or connections in the upper echelons of power – all of which men do have – in order to be successful in this sphere. The following are the commonest problems confronting women when starting up their own business: a real lack of space for women to demonstrate independence and initiative in the command system of the State economy; their heavier responsibilities in comparison with men with regard to family and children, which have a negative impact on their professional careers; in a context of senior management dominated by men with a patriarchal mindset the main criterion for assessing a woman's suitability for a managerial post is her loyalty to her superiors; and genuine gender-based discrimination (women working in a male-dominated environment and possessing the same or similar qualifications as men are generally assigned a subordinate role).

Measures to promote entrepreneurship among women and provide support for family businesses are being carried out by the State under the National Programme to Support Small Businesses, the implementation of which is reviewed annually by the Cabinet of Ministers in accordance with the Promotion of Small Businesses Act (No. 2157-111 of 21 December 2000). Under a programme of business education for businesspersons and the general public, the State Business Promotion Agency, in conjunction with the Business Support Fund, organized and ran during the reporting period 30 seminars in 19 regions of the country, which were attended by 1,486 persons. In addition, 3,078 counselling sessions were held for individuals on questions of the development of small businesses.

Article 11, paragraph 1 (b), provides for **the right to the same employment opportunities, including the application of the same criteria for selection in matters of employment.**

The constitutional guarantee of the right to recruitment on a non-discriminatory basis is developed further in article 22 of the Labour Code, which prohibits unjustified refusal to recruit,

any direct or indirect restriction of rights and any direct or indirect preferential treatment in matters of employment.

The State creates the conditions for the effective provision of employment and assists citizens, irrespective of their sex, with job placement, training, retraining and further training (art. 2 of the Labour Code). However, in 2003 the independent international human rights organization Human Rights Watch reported discrimination against women in Ukraine's labour market. Its analysis showed that employers in the State and private sectors of the economy persist in practising gender discrimination. Women's access to highly paid and prestigious posts is obstructed in both State and private sectors by discriminatory recruitment practices. Many women have to be satisfied with poorly paid work or simply remain unemployed. The Government made the following recommendations on this problem: elimination of discrimination against women by the State employment services and the introduction of oversight and other arrangements to change the situation in the private sector; formulation of a plan of action to tackle the problem and prevent discrimination against women in the jobs market; classification of such discrimination as unlawful and prescription of sanctions to punish it; and harmonization of the Labour Code with the international and European standards with respect to non-discrimination and equal treatment in the jobs market, including in recruitment practices. The Supreme Council is also to enact legislation directly prohibiting any references to applicants' sex in announcements of job vacancies. However, no action has so far been taken on most of these recommendations.

Article 11, paragraph 1 (c), provides that women and men are **entitled to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work.**

The right of women and men to equal remuneration for work, including entitlement to special benefits and to equal working conditions, is regulated by article 94 of the Labour Code, which prohibits any reduction of remuneration on the ground of a worker's age, sex, race or any other circumstance. But despite this provision to the effect that in terms of legislation women enjoy the same right to work as men and are entitled to equal remuneration for their work, women's wages remain considerably lower than men's. The problem is that even women with excellent vocational and educational qualifications hold less prestigious and less well paid posts, in which they earn about one third less than men. However, this pay differential should not be attributed entirely to direct discrimination. The chief reason for it is the fact that the labour legislation prohibits the use of female labour in arduous or hazardous work, while the men who do perform such work receive benefits and compensation which have a consequential impact on their levels of remuneration.

Ukraine's legislation gives effect to paragraph 1 (f) of article 11, on **the right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction** and to paragraph 2 on preventing **discrimination against women on the grounds of marriage or maternity** and guaranteeing **their effective right to work.**

The rules on the protection of women's work with regard to maternity provide for: lighter working conditions (prohibition of night work, overtime, work on holidays, secondment on work-related trips, etc.); maternity benefits (leave, baby-feed breaks, etc.); assignment of women with children to part-time work; flexible working hours; home work; and special forms of social insurance.

The question of the safety at work of pregnant women and mothers of young children is addressed expressly in the Labour Code. For example, article 33 prohibits the temporary transfer

to other work, without their consent, of pregnant women, women with disabled children, and women with children aged under six years. Articles 56, 63, 175, 176 and 177 prohibit the employment of pregnant women and mothers of children aged under three years in night work and on overtime. Article 178 provides that women in this category may be transferred to light work or work which will not have a harmful effect on their health or the health of their unborn children. Women in receipt of these benefits continue to be paid at the rate for their previous work. If the enterprise cannot find lighter or hazard-free work for such women, they may be suspended from their jobs but must be paid their average wage for all the days not worked. Article 174 of the Code prohibits, as indeed does the Labour Protection Act, the employment of women in heavy work, work in harmful or dangerous conditions, underground work, or work involving the lifting and moving of objects whose weight exceeds the established maximum. In the light of these provisions, a list was drawn up of difficult work and work involving dangerous or harmful conditions in which women may not be employed and of the maximum weights which may be lifted and moved by women; this list was approved by a decree of the Ministry of Health dated 29 December 1993. Article 183 of the Labour Code accords women who are breastfeeding a child special baby-feed breaks. Article 186 addresses services for mothers to be provided in enterprises and organizations, while article 185 provides for pregnant women and women with children aged under four years to be granted stays in health resorts and holiday homes in addition to material assistance. The Families with Children (State Assistance) Act provides, in section 2, part 1, articles 10-14, for assistance for women during pregnancy and the postnatal period and, in section 1, part 8, articles 58-62, for assistance for children of single mothers.

The Ministry of Transport is complying throughout its system with a decision dated 27 July 2004 of the Presidium of the Union of Railway and Transport Construction Workers on the working conditions of women in the rolling-stock sector. Ukraine's trade unions take steps to ensure that general and sectoral agreements include provisions on equality of rights and opportunities between women and men, as well as ensuring public oversight of compliance by employers with the legislation on protection of women's work and creation of healthy and hazard-free working conditions for them.

One substantial problem relating to women's performance of their biological function of maternity is the need to provide safeguards against dismissal or refusal to recruit on the ground of pregnancy or pregnancy and childbirth leave. Legal rules regulating this problem were included in the new Criminal Code. For example, any official who disregards the relevant provisions of the Code may be held criminally liable under article 133 (Violation of labour legislation) or article 134 (Refusal to recruit and prohibition of the dismissal of pregnant women and women with children). In addition, Ukraine's legislation, specifically the Families with Children (State Assistance) Act, addresses the provision of assistance to women during pregnancy and the postnatal period (section 2, chapter 1, articles 10-14) and to children of single mothers (section 2, chapter 8, articles 58-62). Pursuant to article 179 of the Labour Code (Pregnancy, childbirth and childcare leave), women are entitled to take leave on full pay for up to 140 calendar days.

Under article 11, paragraph 2 (c), States parties are required to introduce the necessary measures to **enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of childcare facilities.**

For a long time now Ukraine's family and labour legislation has provided social rights and safeguards for women, but in view of women's enhanced social status it is now necessary to accord these benefits both to women and to men who have families and fulfil parental obligations.

The combination of family life with economic activity requires the establishment of a corresponding social infrastructure tailored to the needs of women. This means making provision for the care of persons requiring the assistance of others and the establishment of kindergartens and other childcare facilities and their operation at a level which enables women to combine work with participation in public life. In this connection, article 186 of the Labour Code provides that enterprises and organizations employing a large proportion of female labour must provide not only nurseries, kindergartens and breastfeeding rooms but also personal-hygiene facilities for women; experience shows, however, that these requirements of the Labour Code are very rarely put into practice. One welcome innovation in the legislation is the provision on the granting of childcare leave to fathers, for it gives fathers an opportunity to prove their worth in the raising of their children.

It must be acknowledged that even though the employment rights of Ukrainian women are embodied in legislation the regulations on women's working conditions are often infringed. It is a fact that imperfect technology, sometimes heavy physical work, equipment which does not satisfy the safety requirements, and harmful and dangerous working conditions are typical of the majority of industrial and agricultural enterprises. Ukrainian workers, including women, still suffer high rates of industrial disease. The basic reason for this is unsatisfactory working conditions, but it remains for now impossible to eliminate such conditions owing to the difficult economic situation which enterprises find themselves in. Given the persistence of an acute problem of female unemployment, it is understandable that women should be satisfied with the mere fact of having any kind of job. Fear of losing their jobs deters women from making representations to their employers about their working conditions and schedules.

The situation described above testifies to the need for increased attention to be given to working women, particularly those of childbearing age, by the State services responsible for working and everyday living conditions, social welfare, health, and the production of a healthy generation of the future.

Article 12

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

2. Notwithstanding the provisions of paragraph I of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Concrete steps were taken during the reporting period to tackle the problems of women's health. Specifically, 2005 saw the publication of a Policy Outline on a programme for the period up to 2010 to prevent cardiovascular and cerebrovascular disease and to reduce premature deaths and disabilities, a Policy Outline on a programme for the period 2005-2010 for the development of primary health care on the basis of family medicine in general practice, and a programme for the period 2006-2010 for the development of primary health care on the basis of general practice. The objective of these programmes is to coordinate the reform of the provision of medical services in order to deliver accessible and high quality primary health care for the whole population, but primarily for rural dwellers. Policy Outlines have also been published on a targeted State programme for the period 2006-2010 to develop transplant medicine, the basic components of

State policy on alcohol and narcotic drugs, a State programme for the period 2006-2010 for improvement of the treatment of patients suffering from kidney disease, and a national reproductive health programme for the period 2006-2015; their general objective is to improve Ukraine's demographic and sociological situation and the reproductive health of its people; a start was made, under the Policy Outline on a child oncology programme for the period 2006-2010, on a large-scale DOTS campaign to combat tuberculosis tailored to the country's needs; a number of other programmes were been introduced.

Under the Reproductive Health Programme 2001-2005, which was approved by Presidential Decree No. 203/2001 of 26 March 2001, the Ministry of Health, in conjunction with the Academy of Medical Sciences, devised and adopted a plan for implementation of the measures set out in the Policy Outline on safe maternity for the period 2002-2005 (Instruction No. 412/96 dated 15 November 2002 of the Ministry of Health and the Academy of Medical Sciences confirming the plan for implementation of the measures set out in the Policy Outline on safe maternity for the period 2002-2005). Equipment was purchased under this plan for the screening of pregnant women for TORCH infections.

The Ministry also produced the draft version of Cabinet Decision No. 1740 of 16 November 2002 approving the procedure for the voluntary medical examination of persons applying for registration of marriage. In implementation of this Decision the Ministry issued Instruction No. 480 of 20 December 2002 containing a list of the kinds of voluntary medical examination available for such persons; this Instruction was registered by the Ministry of Justice (registration No. 44/7355 of 24 January 2003) and entered into force at the same time as the Family Code.

Additional State, donor, loan and other extrabudgetary funds, as well as technical assistance and human resources, were mobilized to tackle the problem of HIV/AIDS. A National Council was established to prevent the spread of this disease. A grant agreement was signed with the Global Fund for the second stage of the implementation of the project "Fighting the HIV/AIDS epidemic in Ukraine", scheduled for the next three years, in the amount of 55.5 million euros. Screening equipment was purchased centrally for all the country's regions from the resources of the State budget under the subsidiary programme for the period 2001-2003 on prevention of mother-to-child transmission, which provided for two HIV screening checks for pregnant women. Two national and 10 inter-regional seminar/workshops on prevention of mother-to-child transmission were held under the general project of the Ministry of Health and UNICEF for the benefit of some 700 specialists. In 2000 and 2001 retroviral drugs were received from UNICEF as humanitarian aid. In 2001 Beringer International started a five-year programme of humanitarian donations of the drug Viramune for the medical prevention of HIV infection in newborn babies. As a result of the implementation of the measures to prevent mother-to-child transmission, the level of vertical transmission (transmission of HIV from mother to child) declined in Ukraine from 27 to 10 per cent. The interim figures produced in 2005 indicated a further decline to 8 per cent.

The following targeted State programmes were to be continued as part of the efforts to tackle health problems:

- The comprehensive intersectoral programme "The Nation's Health" (2002-2011);
- The comprehensive measures to introduce family medicine in the health system;
- The national immunization programme (2002-2006).

The health services for mothers and children are addressing the problem of women's access to medical services. Under the current legislation all women are entitled to choose their doctor and

medical institution and have the right to be told about the state of their health and the diagnostic and treatment options; they may also involve the members of their families in the solution of health problems. All these rights were confirmed by the provisions of Instruction No. 503 of 28 December 2002 on improvement of out-patient obstetrical and gynaecological services and the Instruction of 29 December 2003 on the organization of in-patient obstetrical and gynaecological services. In maternity units, babies must be shown to their mothers immediately after birth. If a baby exhibits any congenital defect or is in a serious condition which may impair the state of the mother's own health after giving birth, the baby is shown to members of her family. Keeping babies with their mothers is the rule in 70 per cent of the country's maternity units. This practice is beneficial to the health of both mother and baby.

The innovative perinatal techniques used in maternity units are aimed at protecting the rights of the patient, and provide for the family's participation in the preparations for the birth, during confinement, and during the postnatal care of the newborn baby; this approach fosters the psychological togetherness of the members of the family and reduces the risk of complications for both mother and child, strengthens family and parental relationships, and enhances the role and responsibility of the father. New clinical protocols on the care of newborn babies and on obstetrical and gynaecological matters were introduced in 2005 on the basis of scientifically proven medicine and the transfer of international experience, as approved by Ministry Instructions Nos. 152 and 782 dated 4 April 2005 and 29 December 2005 respectively.

Unwanted pregnancies are one of the most pressing problems of women's reproductive health: in 92 per cent of cases such pregnancies end in artificial interruption of pregnancy and they are the chief reason for disorders of the reproductive function, childless families, severe inflammation of the sexual organs, and pregnancy and childbirth complications, which often lead to deaths or health problems among newborn babies, as well as entailing economic losses due to the temporary loss of the capacity to work directly related to abortion and post-abortion complications.

The Civil Code (Amendment of Article 281) Act, based on the concepts and criteria of reproductive health of the European Union and WHO, was approved by Cabinet Decision No. 144 of 15 February 2006 on implementation of this article of the Civil Code; this Act substantially reduced the medical grounds and excluded the so-called social grounds for late termination of pregnancy and is helping to establish an attitude of responsible parenthood in Ukrainian society and improve the people's reproductive health. The Decision specifies the few circumstances under which, given the voluntary consent of the pregnant woman, her pregnancy may be interrupted after the twelfth and up to the twenty-second week: risk of life-threatening illness if the pregnancy proceeds; congenital defects in the foetus rendering life impossible; and specific physiological conditions in the woman.

The right of women to decide whether to have children, proclaimed in the Health Care (Legal Foundations) Act, is safeguarded by the absence of any restrictions on the use of contraception as an effective means of preventing unplanned pregnancy and as an alternative to the artificial interruption of pregnancy. Use of contraceptives is increasing: in 1999 a total of 67.5 per cent of the population used the common methods of contraception; by 2003 this figure stood at 92 per cent. However, use of contraceptives depends on many factors, in particular people's knowledge of the forms and methods of contraception, the availability of contraceptives in the marketplace, and the possibilities of acquiring them. Although the level of use of modern methods of contraception has risen (from 37.6 per cent in 1999 to 65 per cent in 2003), a significant proportion of the population (an average of 30 per cent to 35 per cent) continues to use traditional unreliable methods.

In the context of Ukraine's lack of a strategic plan for the supply of contraceptives as an alternative to artificial interruption of pregnancy and as a powerful lever for maintaining reproductive health, a substantial contribution to ameliorating the supply of contraceptives was made by the political move embodied in Cabinet Instruction No. 1303 of 17 August 1998 on the introduction of the free and preferential supply of health care items on prescription for the out-patient treatment of specific population groups in respect of specific illnesses; this Decision provides for the free prescription of means of contraception for women in the risk group (women likely to suffer from pregnancy or childbirth complications, women afflicted by the aftermath of the disaster at the Chernobyl atomic power station, and young people). However, the insufficient level of State procurement of means of contraception has obstructed the implementation of these measures and entails a considerable risk of increased reproductive losses caused by complications following artificial interruption of unwanted pregnancies (maternal and infant mortality, miscarriage, infertility) in the present demographic situation. Notwithstanding the enactment of legislation on this question, means of contraception are not being procured on the international market owing to lack of funds and the scant priority attached to making contraceptives available to the population at the regional level.

Various steps were taken over recent years to solve health problems, including problems of women's health. The Measures for the further improvement of public services in the area of medical genetics in the period 2004-2008 were formulated in 2004. The Procedure for the funding from budgetary resources of fertility treatment for women proven to be infertile was formulated and approved as part of implementation of comprehensive measures to improve the birth rate. In view of the large number of women unable to give birth, the Ministry of Health introduced measures for them to realize their right to reproduce, accompanied by substantial amounts of State funding. Pursuant to Presidential Decree No. 5 of 3 January 2001 on measures to improve the birth rate in Ukraine and Cabinet Order No. 355 of 1 July 2002 on approval of the comprehensive measures to improve the birth rate in the period 2002-2007, the Ministry is carrying out a programme of State support for the treatment of infertility by means of expensive techniques. Financial support was furnished to 622 women in 2004 and 414 in 2005 from the State budget (5.3 million hryvnias for each year) in implementation of this programme in 2004 and 2005. There is no doubt that these measures brought about a reduction in reproductive losses as a component of the demographic problem and reduced tensions in society and in every family which could not have the children it wished.

Over the reporting period obstetrical and gynaecological institutions reorganized the provision of obstetrical services (introduction of modern and scientifically proven perinatal techniques, establishment of individual and family childbirth rooms, support for mothers from their relatives, and visits by relatives to mothers and breastfeeding babies). Clinical protocols and regulations were also formulated on the provision of obstetrical and gynaecological, neonatal, genetic and paediatric services, in particular clinical protocols on paediatrics and on the medical care of newborn babies.

Sixteen maternity units were certified in 2004 under the UNICEF/WHO baby-friendly hospital initiative. Ukraine now has 42 such units. In addition, the Ministry established the National Medical Centre for Practical Obstetrics, Gynaecology and Reproductive Medicine. The Measures for the development of young-people-friendly medico-social services in the period 2005-2010 were approved in the first half of 2005. Almost all the country's provinces established laboratories for the diagnosis of perinatal infections in order to prevent septicaemia complications in newborn babies and reduce perinatal mortality.

The maternity institutions of most of the provinces have resuscitation units and special mobile teams to provide emergency obstetrical services in rural areas. The maternity units in most regions operate special measures to protect children against blood-transmitted infections and can administer medicines to prevent infectious diseases. Express laboratory testing for the diagnosis of infections is available in the maternity units of the Crimean Autonomous Republic and the provinces of Dnipropetrovsk, Zaporizhia, Odessa, Rovensk, Kharkiv, Kherson, Cherkasy and Chernihiv.

Most of the regions have established special units or earmarked beds for treating women exhibiting a high degree of risk of pregnancy or childbirth complications. Almost all regions have mobile clinics providing the services of highly qualified specialists in rural areas.

The Standard Order on the social protection of mothers and children (approved by Cabinet Decision No. 879 of 8 September 2005) provides for temporary stays in care centres for women in the seventh to ninth months of pregnancy and for mothers with babies under the age of 18 months who find themselves in difficult economic circumstances which prevent them from fulfilling their maternal duties. These centres are funded from the local budgetary resources earmarked for programmes to tackle the problems of children, women and families. Their fundamental purpose is to offer free psychological, socio-educational, legal, socio-economic and information services for the persons referred to them, to provide them with meals, appropriate psychological and educational support and the everyday necessities to enable them to lead normal lives, to help them to acquire education and an occupation and the habits of self-reliant existence with their child once they leave the centre, and generally to protect their health and interests. The projects and programmes for improvement of the reproductive health of women in Ukraine receive support by way of information and funding from voluntary organizations and foundations. For example, the United States Agency for International Development (USAID) provided support for a four-year corporate programme on maintenance of maternal and child health in Ukraine, to be implemented by John Snow Incorporated in conjunction with the Academy for Educational Development (United States). This programme covers Kyiv, Lviv, Volyn and Donetsk provinces and the Crimean Autonomous Republic. The project "Mother and child health" was started up under the programme in 2006 with the aim of supplementing the existing programme on the drafting of standards for the provision of medical care as part of the reform of the system of primary care, including family doctors, with the emphasis on safe maternity. The measures implemented under this project will improve the monitoring and the outcomes of pregnancy for mothers and their babies. One result will be an improvement in the rates of early identification of pregnancy complications and early referral to specialist obstetrical facilities. The overall programme is designed to cut by an average of 20 per cent the rates of both maternal and infant (up to 12 months) mortality. The construction of a mother and child health centre was started in March 2006, on the initiative and with the support of an international charitable fund, at the Feofaniya clinical hospital in the City of Kyiv.

One typical development of recent years is the increasing involvement of civil society organizations and the wider use of new information technology in the efforts to deal with the nation's reproductive health problems. For example, with a view to providing broad public access to information about reproductive health and the reproductive rights of women and the prevention of cancers, in 2002 the Donetsk action group "Medik-info" and the non-profit organization "Civic Initiatives Club", with help from the International Renaissance Foundation, created an on-line advisory centre known as "Information highway to women's health", which, amongst other things,

contains a database on civil society organizations concerned with the protection of reproductive health and reproductive rights.

Over the period 2005-2007 the Christian Children's Fund, with the support of the Swiss Directorate for Development and Cooperation (SDC) carried out the project "Protection of mothers and children", the purpose of which was to improve the access to and the scope of the preventive services of the health system in targeted provinces (Vinnytsia, Ivano-Frankivsk and Donetsk).

It must be said in conclusion that the solution of the problems of women's health will require a gender-differentiated approach to tackling the health problems of the population at large. This will be possible only if efforts are pooled at the national, regional and sectoral levels and if the central and local authorities coordinate their activities with those of the whole of civil society.

Article 13

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to family benefits;
- (b) The right to bank loans, mortgages and other forms of financial credit;
- (c) The right to participate in recreational activities, sports and all aspects of cultural life.

Ukraine's State policy on questions of the family, children, maternity and paternity is undergoing legislative development. Specifically, the Families with Children (State Assistance) Act (No. 2811-XII) of 21 November 1992 guarantees monetary support from the State for families raising and maintaining minor children based on the family's composition and income and the age of the children. This Act posits the following forms of State assistance: pregnancy and childbirth benefits; a one-off childbirth allowance; supplementary childbirth assistance; childcare allowance in respect of children aged under three years; cash benefits for mothers (parents) caring for three or more children aged under 16 years; childcare allowance in respect of a disabled child; children's allowance in respect of children aged under 16 years (18 years if they are at school); children's allowance for single mothers; children's allowance for members of the armed forces on fixed-term service; children's allowance in respect of children under tutorship or guardianship; and temporary assistance for minor children whose parents refuse to pay maintenance or when it is impossible to collect maintenance.

The task of awarding and paying benefits was being rendered very complicated by the profusion of various types of assistance and compensation and by the extensive legislation regulating these matters; this gave rise to a need for systematic reorganization and unification of the exiting legislation on this question and for a single regulatory instrument.

The basic defects of the payment machinery were that seven of the 11 forms of State assistance were triggered and paid without reference to the family's income and that the real levels of the assistance remained low and were insufficient for the social protection of poor families with children.

In recent years the amounts of this assistance have been fixed by decision of the Cabinet of Ministers, in the light of the capacity of the State budget, as a percentage of the minimum wage; this arrangement was not consistent with the rules contained in the Act and aroused justified

dissatisfaction among a significant proportion of the recipients, prompting them to make representations to the judicial organs.

On 22 March 2001 the Supreme Council of Ukraine passed a new Act establishing a level of State-guaranteed material support for families with children by means of cash payments based on the family's composition and income and the age of the children. The aim of this Act is to accord priority to State assistance for families with children in the general system of social security. The three forms of assistance provided under the Act (pregnancy and childbirth benefits; one-off childbirth benefit; and childcare allowance in respect of children aged under three years) are paid irrespective of the family's combined income. There are two types of targeted assistance or assistance based on combined income: for poor families with children and in respect of children under tutorship or guardianship.

Pregnancy and childbirth benefits are awarded and paid to women at their main place of work or service. All women (and minor girls) who are not covered by the compulsory State social security scheme are entitled to these benefits (art. 7 of the Act). Under article 9 of the Act they are awarded in the amount of 100 per cent of the woman's average monthly income (taking into account students' allowances, cash benefits and unemployment benefit); this assistance may not be less than 25 per cent of the monthly subsistence minimum fixed by law for persons fit to work.

The Act accords women and men equal entitlement to the State assistance for families with children. Article 10 provides that the one-off childbirth allowance shall be awarded to one of the child's parents (or an adoptive parent or guardian) who is not covered under the compulsory State social security scheme. Persons not covered by this scheme (one of the child's parents or an adoptive parent or guardian, a grandparent or other relative) who are actually caring for a child are entitled to the childcare allowance in respect of a child aged under three years (art. 13).

The amount of the childbirth assistance was increased on 1 April 2005. The one-off childbirth benefit in respect of children born after 31 March 2005 was established at 22.6 per cent of the subsistence minimum in respect of children aged under six years fixed on the date of the child's birth (8,497.6 hrivnias). Part of this assistance is paid in cash as a one-off childbirth benefit in the amount of one ninth of the subsistence minimum (from 384 hrivnias). The rest, 13.6 per cent of the subsistence minimum (5,113.6 hrivnias), is paid in cash in order to provide for the child's comprehensive maintenance during the 12 months following the birth.

The State guarantees equality of rights between women and men in respect of social protection. Article 20 of the Equal Rights and Opportunities Act (No. 2866-1 of 8 September 2005) stipulates that central and local authorities, enterprises and organizations must take equal account of the interests of women and men when applying measures for their social protection. The Act declares any deterioration in the position of a person of either sex as a result of the operation of the social security scheme to be inadmissible.

In practice, the amounts of the assistance were increased every year: the childbirth benefit stood at 118 hrivnias in 2001 and at 360 hrivnias in 2004 (724.46 hrivnias from 1 July of that year); the childcare allowance of 11.80 hrivnias in respect of children aged under three years was increased in 2004 to 42.5 hrivnias for each child; the pregnancy and childbirth benefit amounts to 25 per cent of the subsistence minimum for persons fit to work (386.73 hrivnias a month); in other words, a woman received on average 420 hrivnias. The allowance in respect of children aged under 16 years (18 years for students) was awarded provided that the average monthly income for each member of the family did not exceed 50 hrivnias. This assistance was paid in an amount of 11.80 hrivnias. The allowance for poor families with children was fixed at a guaranteed minimum

of 80 hrivnias per person in 2002; in other words, the combined income of such families was maintained at a level of 80 hrivnias per family member. Since 15 November 2002 this form of assistance has been awarded in accordance with the Poor Families (State Social Assistance) Act.

Assistance was not provided for single mothers in 2002; the State made good the absence of the father only for poor single mothers on the same principle: making up the difference between 80 hrivnias and the mother's average monthly income. From 1 January 2003 child benefit was paid to single mothers in the amount of 10 per cent of the subsistence minimum for a child of the corresponding age. Article 18-1 of the Families with Children (State Assistance) Act provides that single mothers and single (unmarried) adoptive parents are entitled to this child benefit if the child's birth certificate does not indicate the father's name or if his name was indicated therein by the mother in accordance with the established procedure.

According to data from the State Statistical Committee, in 2006 assistance was provided under the Act to 990,000 families with children in a total amount of 2,923,000 hrivnias. Pregnancy and childbirth benefit was received from the employment and social protection agencies by 227,400 women (0.7 per cent more than in 2004) not covered by the State social security insurance scheme. This figure included 10,600 women studying for first degrees, master's degrees and doctorates and 166,900 non-working women. The one-off childbirth benefit was paid in 123,200 cases in a total amount of 510,900,000 hrivnias.

The entry into force of the Poor Families (State Social Assistance) Act led to the establishment of a transparent and targeted mechanism for the provision of State support for the poorer members of the population. The objective legislative and administrative conditions were created for unifying the approach to the provision of all types of targeted assistance. The family's income in relation to the subsistence minimum is the criterion for determining entitlement to such assistance.

Given its limited financial resources the State cannot at present furnish State social protection at the level of the subsistence minimum. This level is fixed in the light of the actual capacity to pay under the expenditure part of the State budget and is approved at the same time as the adoption of the State Budget Act for the year in question (January-May 2001 – 50 hrivnias, June-December 2001 – 65 hrivnias, and 2002-2003 – 80 hrivnias per person). In 2004 different guaranteed minimums were fixed for assistance to poor families: persons able to work – 80 hrivnias; persons not able to work (children, pensioners) – 110 hrivnias; and persons with disabilities – 115 hrivnias (in 2003 this figure was 80 hrivnias for all categories). In addition, the level of the subsistence minimum is increased by 10 per cent for each child in a poor family and by 20 per cent for each child being raised unaided by an unmarried single mother, father or adoptive parent and for each child one or both of whose parents have a group I or II disability. The level of the subsistence minimum is increased by 20 per cent for persons officially resident, working or studying in a place having the status of mountain area.

As of May 2004 there were 400,500 families receiving a monthly average of 199 hrivnias (53.1 per cent more than in 2003). Over three million citizens received State support every month. Budget expenditure on this type of assistance totalled three billion hrivnias.

The year 2005 saw the introduction of fundamentally new approaches to the urgent need to bring the guaranteed amounts of assistance closer to the subsistence minimum for those members of the population classified as poor. Specifically, in 2005 the differentiated levels of the subsistence minimum were increased for families which, for valid reasons beyond their control, were poor within the meaning of the Poor Families (State Social Assistance) Act: for persons able

to work, from 80 to 100 hrivnias; for persons unable to work, from 120 to 140 hrivnias; and for persons with disabilities, from 130 to 150 hrivnias. Thus the social guarantees of the provision of assistance under the Act were substantially increased. The childbirth benefit for uninsured mothers was raised from two to 22.6 times the subsistence minimum in respect of children aged up to six years; the childcare benefit from 90 hrivnias to the subsistence minimum for a child of the corresponding age (account being taken of any allowance received in respect of the child as a result of the loss of breadwinner or maintenance). The single mothers' allowance was raised, depending on other per capita income, from a minimum of 10 per cent to a maximum of 50 per cent of the subsistence minimum for child of the corresponding age.

It may therefore be maintained that Ukraine's existing legislation is in keeping with contemporary requirements for ensuring that women enjoy equal access to social allowances and benefits and equal entitlement to family assistance. Men do not enjoy the same access. The payment of the amounts of family assistance mentioned above, in response to genuine human needs, make it possible in real life to overcome the practical discrimination against women (in particular single mothers and women from poor families) during pregnancy and confinement and while raising minor children.

Article 13, paragraph (b), of the Convention calls for women to be guaranteed the same **right to bank loans, mortgages and other forms of financial credit.**

Financial credit for individuals is provided by banks – juridical persons enjoying an exclusive right, under licence from the National Bank of Ukraine, to take in funds from physical and juridical persons and lend them out in their own name, on their own terms and at their own discretion (art. 2 of the Banks and Banking Act (No. 2121-III of 7 December 2000)).

The conditions of a loan are set out in a loan contract concluded between lender and borrower. This contract includes such details as the purpose, amount and term of the loan, the conditions and procedure for its award and extinction, the interest rate, the repayment arrangements, and the obligations, rights and responsibilities of the parties with respect to the award and extinction of the loan (art. 345 of the Economic Code).

Ukraine's legislation contains no gender-based restrictions on the right of citizens to obtain loans, mortgages or other forms of financial credit. Women enjoy equal access to such credit insofar as the banks apply equally to women and men the same lending requirements, interest rates and penalties for late repayment. A women seeking a loan does not need the consent of her husband or any other male.

However, the actual opportunities for women to engage in business activities are limited. One of the obstacles to female entrepreneurship is the lack of institutional arrangements for fostering such entrepreneurship, in particular the scant support from State agencies and non-State organizations, the complicated registration procedures, the limited availability of the necessary information, etc. Difficulties are also caused by the fact that the award of loans is almost always subject to the possession of personal property to be used as security for the lender, while women, because of their child-raising duties, may go for a considerable time without independent incomes (depending on the number of children in the family).

One useful means of ensuring equal entitlement to credit for women and men might be to create credit unions in women's organizations. Article 1 of the Credit Unions Act of 10 September 2003 defines a credit union as a non-profit organization founded on a cooperative basis by physical persons or professional associations or federations of such associations in order to meet their

members' needs for loans and other financial services from a pool of funds contributed by the members of the credit union.

Article 13, paragraph (c), of the Convention addresses the **right to participate in recreational activities, sports and all aspects of cultural life**.

Where culture is concerned, article 5 of the Culture (Foundations of Legislation) Act (No. 2117-XII) of 14 February 1992 provides that all citizens, both women and men, are entitled freely to choose any form of cultural activity, the means and spheres of the exercise of their creative abilities, access to cultural values, and receipt of specialized education, as well as to creative freedom, protection of intellectual property, and the maintenance and development of their individual national cultures.

According to the Physical Culture and Sports Act and article 5, paragraph 1, of the Libraries Act, citizens of both sexes are entitled to engage in physical culture and sports and to have access to library collections and library services regardless of their origin, social or property status, race or nationality, sex, education, religious faith, type and nature of occupation, place of residence or other circumstances. Article 5 of Cinematography Act stipulates the creative freedom and the protection of the intellectual property, copyright and associated rights and moral and material interests of persons engaging in cinematography as fundamental principles of cinematography.

In implementation of the Cabinet Order of 6 May 2001 on the National Plan of Action for the period 2001-2005 for the advancement of women and promotion of gender equality in society and the Presidential Decree of 25 April 2001 on enhancement of the social status of women, the Ministry of Culture and the Arts drafted a corresponding instruction providing for:

- The organization by cultural institutions of thematic lectures and talks on compliance in Ukraine with the provisions of the Convention, the Declaration on the Elimination of Violence against Women, the outcome documents of the special session of the General Assembly of the United Nations entitled “Women 2000: gender equality, development and peace for the twenty-first century”, and the conventions and recommendations adopted by ILO;
- The introduction of measures to inform and educate the public about prevention of trafficking in women;
- The organization and conduct by institutions of culture and the arts of the community cultural/educational events “Rural women”, “Small town women”, etc., in conjunction with women's voluntary organizations.

Despite an adequate legislative basis regulating men's and women's participation in cultural life, the actual delivery of opportunities for such participation remains unsatisfactory. The state of cultural institutions in rural areas is giving rise to concern. The period 1996-2001 saw a sharp decline in the number of such institutions: the number of villages lacking a library rose by 21 per cent, and the number of rural settlements lacking a club by 18 per cent. Most of the cultural activities of women's organizations are conducted in provincial centres and big towns, and such activities take place in small towns and rural areas to a much more limited extent; this impedes the realization of the cultural rights of most of Ukraine's women.

The National Television Corporation, the National Radio Corporation and the provincial and regional State television and radio broadcasting companies constantly broadcast programmes

about the social and economic living conditions of today's Ukrainian family and the problem of gender equality, raising issues of the regulation of the relations between the State and the family, the upbringing of children and parents' responsibility for them, care of elderly parents by their adult children, etc.

The State broadcasters have begun a series of programmes and items about the establishment of gender equality in Ukrainian society, the legal aspects of the lives of Ukrainian families, and their social protection. The reporters make a point of covering the work of family-style shelters and the lives of the families which they take in. State radio and television carry reports on the measures to improve the situation of women and families.

The information, socio-economic, cultural and educational programmes broadcast by Ukrainian radio seek to teach people how to strengthen family relations. For example, the programmes "The State for the family", "Foster families", "The adoption services" and "Family rainbow" deal with matters of the State's support for the family and the legal status of the family. The programme "The family's my fortress" constantly airs the whole range of family issues.

In implementation of Cabinet Order No. 92 of 14 March 2001 on action to support the formation and development of the student family, the Ministry of Culture devised the following measures:

- Priority provision of separate rooms for student couples in hostels (beginning in 2001);
- Facilitation of holidays and leisure activities for student couples with children in student holiday and sports camps;
- Encouragement of civil society organizations, including charities, whose work is concerned with supporting student couples.

Ukrainian women take an active part in the country's sporting life on an equal footing with men. Article 49 of the Constitution provides that the State shall attend to the development of physical culture and sports and shall protect the health of its citizens regardless of their sex.

According to figures from the State Committee for Youth Policy, Sports and Tourism, at the start of 2000 women accounted for 30 per cent of the total personnel employed in all forms of physical culture and healthy-lifestyle activities, 24 per cent of the membership of sports committees, 22 per cent of all workers in the physical education system, 25 per cent of the enrolment in sports schools for children and young people, and 25 per cent of the enrolment in schools for outstanding athletes.

The indicators of top achievement are significantly higher for female sports professionals. For example, women account for 42 per cent of the total membership of Ukraine's sports teams. Forty-three per cent of international masters and 39 per cent of masters of sport are women. In the European Championships and the Olympic Games 46 per cent of Ukraine's top places (first to sixth) were taken by women. In the Sydney Olympics 89 women achieved top results, winning 38 per cent of Ukraine's total haul of medals. In European junior competitions 45 per cent of Ukraine's young athletes finishing in the first six places were girls; this figure was 39 per cent in the world junior competitions.

The State duly appreciates the sporting achievements of Ukrainian women: 27 per cent of the recipients of the title of emeritus master of sport and 12 per cent of the recipients of the title of emeritus sports trainer are women; 37 per cent of the total number of Ukrainian athletes and games players awarded State orders, medals and honorary titles are women.

Article 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

- (a) To participate in the elaboration and implementation of development planning at all levels;
- (b) To have access to adequate health care facilities, including information, counselling and services in family planning;
- (c) To benefit directly from social security programmes;
- (d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, *inter alia*, the benefit of all community and extension services, in order to increase their technical proficiency;
- (e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment;
- (f) To participate in all community activities;
- (g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;
- (h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

According to data from the Ministry of Agrarian Policy, as of 1 January 2005 Ukraine had 28,585 rural settlements. Over the preceding five years the number of such settlements had declined by 154 and the strength of the rural population had fallen by 678,700 or 4.3 per cent. Over the last year alone the number of settlements fell by 12 and the population by 204,000. There were 192,600 women among the rural population. The rural population of working age stood at 8,226,300, made up of 4,353,100 males and 3,867,100 females (47 per cent). In 2004 the average monthly income in the rural economy was 275.37 hrivnias for women and 306.47 hrivnias for men. The ratio of female to male incomes in the rural economy was 89.9 per cent.

Rural women are actively involved in the social/political movement, as may be seen from the data on the 2006 local and national elections. Today, 40 per cent of the members of village councils and 50 per cent of the members of rural councils are women.

Generally speaking, the legislation applicable to the solution of the problems of rural development is currently of a recommendatory nature; this is one of the reasons for the low level of realization of women's rights.

The recommendations resulting from the parliamentary hearings on the implementation of the Convention in Ukraine were the first documents (No. 298/95-VR of 12 July 1995) to pay

attention to the situation of rural women. The participants in the hearings recommended that the Cabinet of Ministers should devise a system of measures to improve the living and working conditions of rural women and help them to boost their possibilities of earning income by exercising their right to own land and resources.

Ukraine has enacted legislation in recent years to support the countryside and overcome its difficulties, including:

- Presidential Decree No. 1356/2000 of 20 December 2000 on the fundamental principles of the social development of rural areas;
- Order No. 495-I of the Supreme Council dated 6 February 2003 on the recommendations of the parliamentary hearings on the reforms and measures to improve the rural situation;
- The State Programme for the social development of rural areas in the period up to 2005 (approved by Presidential Decree No. 640/2002 of 15 July 2002).

In the light of an in-depth analysis of the reasons for the current rural situation, these documents outlined measures to improve the provision of the necessities of the everyday life of the rural population in the context of the emergence of a private farming sector and of economic development under market conditions. Action on the recommendations of these documents and the implementation of the State Programme ought to bring about a significant improvement in the situation of rural women.

In addition, in 2002 Ukraine began implementing the Interdepartmental Programme “Rural women”, approved by Joint Order No. 656/312/498/530/360 of 27 September 2002 of the State Committee for the Family and Youth, the Ministry of Agrarian Policy, the Ministry of Labour, the Ministry of Education and Science and the Ministry of Health, which covered a fairly broad range of issues of vital importance for the rural population. It should be stressed that Ukraine is one of the few States to have formulated such a programme addressing the strategic development areas and concrete measures affecting the questions reflected in article 14 of the Convention.

Paragraph 2 (a) of this article states that rural women should have **the right to participate in the elaboration and implementation of rural development planning at all levels**. Ukraine’s legislation does not contain any specific provisions according rural women special rights to participate in the elaboration or implementation of rural development plans (or programmes) at all levels; indeed, it does not make any gender-based distinctions in this regard. Accordingly, rural women exercise their right to take part in the formulation and implementation of development plans under the general provisions of Ukrainian law.

The Interdepartmental Programme provided for support for corporative regional programmes and projects and for social-partnership projects with local authorities designed to improve the situation of rural women and encourage them to take an active part in all areas of the life of society.

Article 14, paragraph 2 (b), states that rural women should have **access to adequate health care facilities, including information, counselling and services in family planning**.

In accordance with the Constitution and the Health Care (Foundations of Legislation) Act, rural dwellers, particularly women, are provided with medical care on the basis of the equal rights of women and men to obtain such care. It must however be noted that the provision of medical services in rural areas is insufficient. Specifically, the unfavourable economic, social and living conditions have had an adverse impact on the reproduction of the population. In the period 1991-

2003 the country's overall birth rate fell from 11.9 to 8.3 per 1,000 and the rural rate from 12.6 to 9.1 respectively. The average range of the units providing primary health care in rural areas is 7.2 kilometres (varying between 2.5 in the Crimean Autonomous Republic and 9.5 in Luhansk, Rivne and Kherson provinces) although the base level for this indicator is 12-17 kilometres. In addition, the low rate of vehicle ownership in rural areas and the high cost of public transport makes it even more difficult for rural dwellers, especially women, to satisfy their health need even in respect of primary care.

In this regard the Interdepartmental Programme provides for:

- The gradual provision of modern diagnostic equipment in obstetrical/gynaecological and paediatric medical institutions serving the rural population;
- The conduct of a series of seminars in central, district and local hospitals, rural outpatients units, and paramedic/midwife stations to train specialists in family planning, sex education and breastfeeding;
- Upgrading of the quality and accessibility of medical services for rural women by expanding the network of paramedic/midwife stations, family planning services and mobile specialist units.

The Programme provides for improvement of the material and technical resources of the rural institutions of the health agencies; this should help to improve the health of the rural population in general and of its female members in particular.

Article 14, paragraph 2 (c), states that rural women should be entitled **to benefit directly from social security programmes**.

The Interdepartmental Programme "Rural women" commissioned the State Employment Service to boost its efforts to find jobs for rural women registered with it as unemployed by offering grants to enterprises to create additional jobs for the unemployed and by providing rural women applying to the Service for help in finding work with occupational guidance and counselling services to facilitate their choice of occupation in the light of the requirements of the labour market, as well as by awarding a one-off allowance to enable unemployed women to set up businesses as part of the effort to encourage small-scale entrepreneurship.

Since a large part of the work of agricultural enterprises is seasonal, employees of such enterprises need additional safeguards against unemployment. The Unemployment (State Compulsory Insurance) Act (No. 1533-III of 2 March 2000) provides for assistance in the event of temporary unemployment. However, pursuant to article 24, paragraph 3, of the Act, this assistance is not available if the unemployment is seasonal; this provision has an adverse impact on the social protection of rural dwellers.

Women holding agricultural jobs as well as bringing up five or more children, regardless of the women's age and length of service, are entitled to an old-age pension on preferential terms under article 13 of the Pensions Act. In addition to the provisions mentioned above, rural women are mostly covered by the general social security system.

Article 14, paragraph 2 (d), embodies the right of rural women **to obtain all types of training, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency**.

Rural women today are virtually the equal of men in terms of education level. But there is a overall trend for the numbers of women with higher education to decline, at a faster rate in rural than in urban areas. Although rural women are virtually equal to men in education terms, most of them possessing secondary and higher specialist education, it is still rare to find a woman in a managerial post in a rural area.

The Interdepartmental Programme assigns to the Ministry for Agrarian Policy, the National Association of Farmers and Landowners and the Academy of Agrarian Sciences responsibility for organizing and running free courses and special training sessions for businesswomen in the agro-industrial complex on the use of new technology in plant cultivation and livestock raising, as well as on book-keeping and taxation, marketing and management. The Ministry for the Family, Youth and Sports is responsible, with the support of civil society organizations, for organizing training sessions for unemployed rural women on how to start their own businesses. The Ministry of Agrarian Policy supports the provision of vocational training, retraining and further training for young women in occupations and skills which will enable them to find work in agriculture and in the delivery of farm services and services for the public. These measures are designed to reduce the level of female unemployment in rural areas.

Article 14, paragraph 2 (e), embodies the right of rural women **to organize self-help groups and cooperatives in order to obtain equal access to economic opportunities through employment or self-employment.**

The State Employment Programme for 2001-2004, approved by Act No. 3076-III of 7 March 2002, envisaged a number of measures to tackle the problems of employment in the agro-industrial complex: expansion of the State, sectoral and regional programmes of support for the agrarian reform (manufacture of farm equipment, lending and education programmes); development of new forms and types of employment; development of family and large farms on the basis of private ownership; promotion of processing and other types of industry in rural areas; provision of services and recreation and tourism facilities and other non-farm activities; and jobs creation by streamlining the registration procedures for running a business and simplifying the taxation and bookkeeping requirements. The implementation of these measures produced a significant increase in the number of privately owned rural businesses; the western provinces in particular experienced extensive development of privately managed "green tourism".

As a result of the parliamentary hearings on the progress of the reforms and the measures to improve the situation in the countryside (Decision No. 495-IV of 6 February 2003), it was recommended that the Cabinet of Ministers should promote the development in rural areas of farm-services cooperatives, especially for the purposes of wholesale procurement and product marketing, credit unions, and advisory services.

According to article 14, paragraph 2 (g), rural women should have **the right to access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land settlement schemes.**

The Decision of the Supreme Council on the recommendations of the parliamentary hearings on the progress of the reforms and the measures to improve the situation in the countryside (No. 495-IV of 6 February 2003) stated that the chief obstacles to the stabilization of the rural economy and delivery of the expected positive results included the lack of a suitable credit policy in the sector.

This Decision made the following recommendations to the Cabinet of Ministers: every year at least 30 per cent of the capital investment provided for in the State budget should be earmarked for implementation of the measures set out in the State Programme for social development in rural areas up to 2005; provision should be made in the State budget acts for 2004 and succeeding years for increased allocations for the partial reimbursement of the interest payments on loans; the issue of long-term credit for agricultural producers should be resolved so as to facilitate purchases of technology by means of loans at annual interest rates of 3 per cent to 5 per cent; and action should be taken to support the development of small and family farms and rural entrepreneurship with a view to boosting rural incomes and employment.

The State Programme "Rural women" posited the introduction of credit arrangements by the Ministry of Agrarian Policy, in particular by extending the network of credit unions and other start-up support for businesses set up by rural women and by assisting rural businesswomen to expand the markets for sale of their products through the establishment of marketing companies and public catering facilities and simplification of the procedures governing market operations.

In order to create more jobs and establish the conditions for boosting rural incomes, the State Programme proposed action in the following areas: promotion of subsidiary farms, the owners of which would add to the land attached to their homes the plots of land received as a result of the break-up of large agricultural enterprises; the creation of networks of businesses and the organization of farm services, especially services supporting product supply and sale; the development of small businesses in areas connected with agricultural production, in particular domestic and community services for the public at large; the development of tourism; and the legal regulation of the problems of rural dwellers who received plots of land for their personal use during the reform of agricultural enterprises and the problems connected with the classification of such persons as unemployed if they lose their jobs.

Cabinet Decision No. 177 of 28 February 2001 on regulation of the protection of the property rights of small farmers during the reform of the agrarian sector of the economy contained an important safeguard of the property rights of rural women during the conduct of the agrarian reform. This Decision provided that the list of persons entitled to plots of land should include all the members of the enterprise and persons who, pursuant to the legislation, retained entitlement to a plot, in particular women taking pregnancy or childbirth leave and person taking childcare leave.

Part IV

Article 15

1. States Parties shall accord to women equality with men before the law.
2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.
3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.
4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

The Constitution provides that all citizens of Ukraine, regardless of their sex, are equal before the law. An important supplement to this provision of the Constitution is found in article 161 of the Criminal Code (Infringement of citizens' equality of rights on the ground of sex, national affinity or attitude to religion). This article provides that the direct or indirect restriction of rights or the granting of direct or indirect advantages to citizens on the ground of race, colour, political, religious or other opinions, sex, ethnic or social origins, property status, place of residence, or language or by reason of any other characteristic is punishable by law.

Article 15, paragraph 2, of the Convention requires States parties to **accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity.**

Article 25 of the Civil Code provides that the capacity to possess civil-law rights and duties (civil legal capacity) is accorded equally to all citizens of Ukraine regardless of their sex. Civil legal capacity arises at birth and is terminated at death.

The civil-law dispositive capacity of physical persons is defined as their capacity, by their actions, to acquire and independently exercise civil-law rights and to create civil-law responsibilities for themselves, to independently to fulfil those responsibilities and to bear liability for failure to fulfil them. Men and women have the same property and non-property rights.

The equality of legal capacity between women and men means that women enjoy equality of rights with respect to the conclusion of contracts and the management of property and must receive equal treatment at all stages legal proceedings. The Family Code accords to women the same rights as men with respect to the management of common property. Article 60 of the Family Code provides that property acquired by the spouses during their marriage belongs equally to the wife and the husband as jointly owned common property.

Where the equal treatment of women at all stages of legal proceedings is concerned, justice is dispensed in Ukraine on the basis of the equality of citizens before the law and the courts irrespective of their origins, social status, place of residence or sex. Furthermore, women enjoy access to legal services and advice on an equal footing with men. Today the agencies of the Judiciary have 842 public reception offices, while the State's district authorities, the social services centres for young people, and the executive agencies of district and town councils have a further 1,240. A total of 1,540 mobile advisory units have been established; during more than 4,000 tours of duty they have furnished legal assistance to people living in remote rural areas. Over 163,000 citizens received legal assistance in public reception units in 2005.

Under article 15, paragraph 3, of the Convention, States parties agree **that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.**

Ukrainian legislation, specifically article 27 of the Civil Code, accords to physical persons the possibility of exercising civil rights and duties not prohibited by law, while any legislative acts restricting that possibility are deemed null and void.

Article 15, paragraph 4, **accords to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.**

The right to freedom of movement and choice of place of residence is embodied in a number of core international instruments ratified by Ukraine: the Universal Declaration of Human

Rights; the International Covenant on Civil and Political Rights; and Protocol No. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms.

The right to freedom of movement in Ukrainian territory is established in the Constitution, article 33 of which provides that all persons who are legally present in Ukrainian territory are accorded freedom of movement and free choice of place of residence and the right freely to leave Ukrainian territory, subject to the restrictions established by law. Ukrainian citizens may not be deprived of the right to return to Ukraine at any time.

Article 29 of the Civil Code provides that the place of residence of a physical person is his or her house, apartment or other accommodation suitable for occupation in the settlement in question, in which the physical person lives permanently, predominantly or temporarily.

The right to freedom of movement is regulated by the Exit and Entry (Procedures for Citizens) Act of 21 January 1994. This Act regulates the procedure under which citizens of Ukraine exercise their right to leave and to enter Ukraine and the procedure for the issuance of foreign-travel documents, specifies the cases in which the right of citizens to leave Ukraine may be restricted, and spells out the procedure for the settlement of disputes in this area. Citizens of Ukraine are entitled to leave and to return to the country except in the cases specified in the Act.

Accordingly, Ukraine fulfils its commitment as a State party to the Convention to accord to men and women the same rights with regard to the movement of persons and the freedom to choose their residence and domicile and to ensure the equality of women and men before the law

Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

- (a) The same right to enter into marriage;
- (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
- (c) The same rights and responsibilities during marriage and at its dissolution;
- (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
- (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
- (f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
- (g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
- (h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

The main purpose of this article is to eliminate all forms and manifestations of discrimination against women in marriage and family relations. In Ukraine family relations are regulated by the Constitution and the Family Code. The Constitution emphasizes that marriage is based on the free consent of the man and the woman and that each of the spouses has the same rights and obligations in marriage and the family (art. 51). In other words, each of the spouses has the right to free choice of a husband or wife and to establish a family only if each spouse freely and fully consents to do so.

Under the Family Code marriage is regarded as a family union of a woman and man registered in a State civil registry office. The cohabitation of a woman and man who are not married to each other is not deemed grounds for their acquisition of the rights and obligations of spouses (art. 21). Nor is a religious marriage ceremony deemed grounds for such acquisition. Article 24 stipulates that marriage is based on the free consent of the woman and the man. The coercion of a woman or man to marry is prohibited.

These rules show that all kinds of forced marriage are prohibited; moreover, the expression of the wish to marry is emphasized during the registration of marriages in civil registry offices. The Code establishes the State registration of marriage confirmed by the issuance of a marriage certificate, the standard format of which is approved by the Cabinet of Ministers.

The Family Code also stipulates the minimum age at which a person may marry: 17 years for women and 18 years for men. However, in response to an application from a person aged 14 years or older a court may accord that person permission to marry if it is established that the marriage is in the person's interests (arts. 22 and 23). In 2004, for example, 12,367 women out of a total of 278,225 (4.4 per cent) were under 18 on the date of their marriage.

The equality of rights of women and men in marriage also allows for the free choice of name (art. 35): newly-weds are entitled to choose one of their surnames as the couple's common family name or to call themselves by their pre-marriage names or to add the name of their bride or groom to their own name.

In addition, the family legislation accords equal personal rights to women and men, including the rights of husband and wife to respect for his or her individuality, to physical and spiritual development, to freedom of person, to division of responsibilities, and to joint resolution of family issues.

Article 16, paragraph 1 (c), of the Convention refers to the duty of States parties to ensure to women **the same rights and responsibilities during marriage and at its dissolution**.

Under Ukrainian legislation, specifically article 7 of the Family Code, the parties to a marriage may not enjoy any advantages or suffer any restrictions on the ground of race, colour of skin, sex, political, religious or other opinions, ethnic or social origins, material situation, place of residence, or language or by reason of any other characteristic. Women and men have equal rights and obligations in family relations, marriage and the family.

Article 107 of the Family Code provides that the dissolution of a marriage shall be granted by a State civil registry office on the application of one of the spouses. A marriage may be dissolved if one of the spouses is declared missing without trace or to lack legal capacity or is

sentenced in respect of a criminal offence to deprivation of liberty for a term of three years or longer. If the couple have children, their marriage must be dissolved by order of a court (art. 109). The court specifies in a written order where and with whom the children are to live and who is to pay for their maintenance. The court will decide to dissolve a marriage if it finds that the application for dissolution reflects the true wishes of the wife or husband and that their personal and property rights and the rights of their children will not be infringed as a result of the dissolution. In other words, the court takes into account the interests of both women and men.

Article 121 of the Family Code stipulates the equality of rights and duties of men and women as parents, regardless of their family situation, in matters affecting their children. The rights and duties of mother, father and child are based on the fact of the child's birth certified by a State civil registry office. Article 141 embodies the equality of rights and duties of mother and father in respect of their child, irrespective of whether they were married at the time of the child's birth. The dissolution of a marriage and the fact that the parents are living apart from the child do not affect the scope of their rights and do not release them from their obligations towards the child. The Code also specifies the following rights and duties of parents towards their child: registration of the child's birth; choice of the child's surname, forename and patronymic by common accord; provision of the necessary maintenance and protection; determination of the child's place of residence, etc. If the rights of one of the spouses are violated, she or he is entitled to bring a corresponding action before the courts.

Paragraph 1 (e) of this article provides for the equality of the reproductive choices of women and men: **the same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights.**

Articles 49 and 50 of the Family Code provide that a wife and husband have the right to maternity and paternity respectively. It is also stipulated that the conditions must be created in the family to protect the health of a pregnant wife and ensure the birth of a healthy child.

The reproductive health of both women and men is an important factor in ensuring a sound democratic future for the country. Married couples have a right to information and to access to safe, effective and acceptable methods of family planning and other means of birth control of their choice which are consistent with the law, as well as the right of access to appropriate health services which guarantee women safe pregnancy and confinement and offer parents the best chances of producing a healthy child.

The development of contraception as a component of family planning and the dissemination of modern methods of contraception are helping to prevent unwanted pregnancies, reduce the abortion rate and regulate the number of children in a family, as well as offering a choice as to the best spacing of their births. Sex education work, the establishment of advisory bodies and their adaptation to family needs, and the implementation of the National Family Planning Programme and the National Programme "Reproductive health 2001-2005" had a considerable impact in cutting the number of abortions in all age groups and among children and adolescents in particular. The number of abortions among girls aged under 14 declined by a factor of 6.7 over the period 1991-2003. Where methods of contraception are concerned, 14.9 per cent of women used intra-uterine coils. There was a steady increase in the number of women using hormonal contraception (1,348,951 in 2002; 1,847,459 in 2003).

Equal rights to act as tutors, guardians, trustees or adoptive parents of children or to perform similar functions are accorded to women and men by the Family Code, specifically its section 4 on the placement of children lacking parental care.

Article 211 of the Code provides that a child may in principle be adopted by any person of the age of majority who possesses dispositive capacity and is at least 15 years older than the child in question. A married couple may adopt children. In other words, as far as the law is concerned, women and men have the same adoption rights. When desired, an adoption may be kept confidential.

The Code contains a list of the persons who may not adopt: persons whose dispositive capacity is restricted; persons declared to lack dispositive capacity; persons deprived of parental rights, unless these rights have been restored; persons who adopted another child but the adoption was revoked or declared null and void through their fault; persons who are registered with or are undergoing treatment in a psychiatric or drugs clinic; persons who abuse alcoholic beverages or narcotic drugs; persons who have no permanent abode or regular earnings or other income; and persons suffering from one of the illnesses in the list approved by the Ministry of Health.

The national legislation provides that children lacking parental care may be placed in tutorship or guardianship. The difference between these two institutions is that tutorship is for children aged under 14 years and guardianship for children aged 14 to 18.

Article 244 of the Family Code states that a person of the age of majority who possesses dispositive capacity may act as tutor or guardian, provided that he or she is willing to do so. When appointing tutors or guardians, the tutorship or guardianship agency takes into account the personal qualities of the prospective appointees, their capacity to raise a child and their attitude to the child, and the wishes of the child itself.

There is now an urgent need to devise new forms of care for children who, for whatever reason, lack parental care and supervision. This is the reason why family-style children's homes and foster families are becoming increasingly common in Ukraine. In all cases – adoption, tutorship, guardianship and fostering – the best interests of the child are the paramount consideration.

Exercise of the equal rights of married couples to own, acquire, administer, use and dispose of property is regulated by section 8 of the Family Code – the law on jointly owned common property. Article 60 stipulates that the property acquired by a couple during their marriage, apart from items for personal use, belongs equally to the wife and the husband as jointly owned common property, even when one of the spouses for valid reasons (study, running the home and caring for children, sickness, etc.) did not have independent earnings or income. The article specifies such weighty reasons as running the home and raising and caring for the children as safeguards of a woman's right to own and dispose of property. Of course these functions fall predominantly on women's shoulders in Ukrainian society. The approval by the Cabinet of Ministers in 1993 of the procedure for concluding a marriage contract was an important move in providing protection for women's rights, for it strengthened the means of ensuring compliance with the property and personal rights of men and women in marriage.

Article 2, paragraph 2, provides that **the betrothal and marriage of a child shall have no legal effect and that States parties shall take legislative action to specify a minimum age for marriage.**

In general terms the provisions of the Family Code are consistent with the requirements of this paragraph. Specifically, under article 31 persons who announce their intention to register their

marriage are regarded as betrothed, but betrothal does not entail an obligation to marry. Accordingly, betrothal is not mandatory and is not regulated by law; furthermore, Ukraine has no tradition of promising children in marriage without their consent.

As pointed out earlier, the minimum age of marriage, subject to court order, may be as low as 14 years; article 27 of the Code provides that the purpose of the State registration of marriages is to ensure the stability of the relationship between husband and wife and the protection of the rights and interests of the couple and their children, as well as the interests of the State and society.

Accordingly, Ukraine's current Family Code satisfies the requirements of article 16 of the Convention.

Conclusions

Over the past decade the world has seen big changes in the perception of the gender problem, and the priorities in the realization of gender policy have changed accordingly. The most important event in the formation of the world's gender perceptions was the Fourth World Conference on Women, held in Beijing in 1995. In the documents of previous women's forums the chief focus of gender policy was the advancement of women, but the Beijing Platform for Action opened up fresh prospects for development in this area, stressing the need to mainstream the principle of gender equality in all areas of policy. Today this principle is regarded by the world community primarily as a political issue, one requiring a significant expansion of its scope of application – for the benefit not only of women but of men and society at large.

The problem of legislating to ensure equality of rights between women and men and nurture an equal democracy in Ukrainian society is now a very pressing one. The basic ground for this legislative process is that women's rights are an inalienable part of human rights in general. The fundamental rights of women and men in Ukraine are set out in section II, article 24, of the Constitution (Rights, freedoms and duties of the person and the citizen). The inclusion of this provision marked the first time in the country's history that such rights had been stated so broadly in its Constitution. It should be noted that not only does the Constitution of Ukraine open up for women a wide range of possibilities for protecting their rights and freedoms, it also addresses these rights and freedoms from a much broader standpoint and in a more democratic way than the international instruments. It may be asserted therefore that the principle of gender democracy embodied in the Constitution offers extensive opportunities for application of the policy of equal opportunities for women and men in all areas of life.

However, despite the manifest progress made by Ukraine in ensuring gender parity Ukrainian women still do not enjoy the same opportunities as men to take part in the country's political, economic and cultural life. In spite of everything that is being done in Ukraine to deliver gender equality in education and science, there persists a multitude of pressing problems calling for special attention on the part both of the agencies of the State and of civil society. Gender inequality still exists in society, but women are persevering in the struggle for their rights and are setting concrete targets in this regard. Specifically, if true equality of rights is to be established, any change in the situation and status of women must be linked to changes in the situation of men. The rethinking of outdated standards built on patriarchal traditions and the elimination of conservative perceptions of the roles of women and men in society will be possible only if representatives of both sexes participate actively in this process.

The following are the preconditions for the successful solution of the problem of gender equality in Ukraine:

1. Implementation by Ukraine of the basic provisions of the Convention;
2. Creation of a corresponding socio-economic, material/technical and information resource base for the implementation of gender policy;
3. Improvement of the national machinery for realizing gender equality;
4. Use of gender analyses and expert gender studies as vital components of an overall socio-economic analysis of gender policy and the means of its implementation;
5. Regular monitoring of compliance with gender principles and use of gender-sensitive statistics in all areas of State policy;
6. Boosting the contribution of civil society to the solution of the problems of achieving gender parity;
7. Introduction of education in the legal aspects of this question in order to make women and men better aware of their civil rights;
8. Gender mainstreaming in education policy;
9. Coordination of the activities of State agencies, civil society organizations, political parties, the social partners, charities and other organizations involved in the quest for gender parity in society;
10. Establishment of the necessary conditions and means for the introduction of national gender legislation;
11. Active involvement of the mass media to air gender-equality issues;
12. Training of experts in gender affairs and upgrading of the qualifications of civil servants with respect to gender analysis;
13. Conduct of information campaigns and implementation of special measures on gender democracy in order to foster a gender culture among the people at large and reflection by society on the relations between the sexes;
14. Creation of national and international networks of women's voluntary organizations with a view to exchanges of information and experience.

In tackling these tasks the first need is to establish gender mainstreaming throughout the system of social standards, including legislation, and to construct a regulatory basis for ensuring equal opportunities for the development and self-realization of women and men in society, in accordance with the Constitution.

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