



Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
6 July 2009

Original: English

Committee on the Elimination of Discrimination against Women

Pre-session working group

Forty-fifth session

18 January-5 February 2010

List of issues and questions with regard to the consideration of periodic reports

Ukraine

The pre-session working group examined the combined sixth and seventh periodic report of Ukraine (CEDAW/C/UKR/7).

General

1. Please provide detailed information on the process of preparing the sixth and seventh periodic reports. This information should indicate the nature and extent of the participation of Government departments and institutions, including the Office of the Ombudsman, whether consultations were held with non-governmental organizations, particularly with women's organizations and whether the report was adopted by the Government and submitted to Parliament.
2. The report contains limited statistical data disaggregated by sex on the situation of women in areas covered by the Convention. Please provide information on the status of data collection and analysis in the country in general and to what extent such data collection takes place on a sex-disaggregated basis. Please indicate how the Government intends to improve the collection of data disaggregated by sex pertaining to the areas of the Convention.

Legal status of the Convention

3. Given the supremacy of the Convention over the State party's domestic legislation, please indicate whether the provisions of the Convention have been invoked in national courts and provide examples of pertinent case law. Is training provided to judges, prosecutors and lawyers on the Convention, on the Committee's general recommendations and on the Optional Protocol to the Convention, as recommended in paragraph 296 of the Committee's previous concluding observations?



Definition of equality

4. The report indicates that the Law on Ensuring Equal Rights and Opportunities for Women and Men, in force since January 2006, includes a definition on discrimination against women. Please, indicate if this definition is in conformity with the definition on discrimination provided in article 1 of the Convention and if it encompasses both direct and indirect discrimination against women.

5. According to the report, the State party has not yet elaborated any legislation providing sanctions for infringing the legislative provisions on gender equality. Please indicate if the State party foresees to remedy this situation through the prompt adoption of concrete sanctions or penalties, including against private institutions and individuals, in case of violation of its anti-discrimination provisions. Please provide information on the status of the Bill drafted by the Ministry of Justice, as mentioned in the Report, in order to amend the legislation connected to the adoption of the Law on Equal Rights and Opportunities for Women and Men.

Visibility of the Convention and Optional Protocol

6. Have any special remedies or avenues of redress been developed to enable women to pursue their rights? If so, how effective have these been? How many cases of discrimination have been brought before the courts or other bodies, such as the Ombudsman Office, in the last years? How were they decided? What measures are being taken to sensitize women and encourage them to seek redress against discrimination?

National machinery for the advancement of women

7. According to information available to the Committee, the effectiveness of the institutional mechanism of ensuring equal rights and opportunities for women and men is hampered by the lack of financial and human resources and the level of qualification of civil servants, particularly at the regional level. Please provide data on funds available both at the national and regional level. Please also provide statistical data on services available, number of public officials and their grades, responsible for the implementation of measures and policies on equality, including at the regional level.

8. The report of the State party acknowledges that, despite the development of legislation and institutional mechanism to ensure non-discrimination of women, the de facto equality has not been achieved. What are the practical obstacles that prevent women from attaining in practice the full development and exercise of their human rights and fundamental freedoms on an equal basis with men? Please indicate the process of monitoring and assessing the laws and policies adopted towards achieving equality between men and women, in particular the Law on Ensuring Equal Rights and Opportunities for Women and Men, the National Plan of Action to improve the situation of women for 2001-2005 and the State Programme on the Ensuring of Gender Equality in the Ukrainian Society for 2006-2010. Please provide information on which tangible quantitative and qualitative changes these laws, plans and programmes have brought in the sphere of gender equality.

Temporary special measures

9. According to information available to the Committee, the proportional representation of women in decision-making, in regional, district state administrations, municipal councils and executive committees is particularly low. Please indicate what measures have been taken or are under way to remedy this situation. How does the State party ensure that the gender mainstreaming in the development of programmes and action plans is included in the agendas of local councils, boards of regional and district state administrations?

10. The State party acknowledges in its report that the recommendation of the Committee regarding measures to increase the representation of women in elected and appointed bodies through, inter alia, the implementation of temporary special measures, in accordance with article 4, paragraph 1, of the Convention, was not implemented, due to the refusal of the proposal on quotas by Parliament and that only 8.4 per cent of recently elected parliamentarians are women. Please indicate the measures that the State party foresees taking to ensure women's participation in political and public life on equal terms with men.

11. According to the report, only 3 per cent of women occupy official posts in the overseas offices of the Ministry for Foreign Affairs and no women represent Ukraine in the delegations to international organizations. Please indicate if there are programmes and policies to encourage women to enter the foreign service or to apply for positions in international bureaucracy? Does the State party foresee adopting temporary special measures aimed at accelerating the equal international representation and participation of women and men? Is gender balance taken into account during the formation of official delegations?

Stereotypes

12. The report acknowledges that stereotypes continue to exist and are particularly strong in the areas of political representation, decision-making and economic activities. Please indicate whether an impact assessment of the various initiatives undertaken by the State party has been carried out to identify the main difficulties in this regard and whether, following the recommendation of the Committee (para. 296), any remedial action is envisaged to eradicate patriarchal attitudes and stereotypes that continue to exist and hamper equality of women and men.

13. Please indicate if there is a process to deal with violent and sexually offensive films, magazines as well as sexist advertisement? What measures have been taken to encourage mass media to promote cultural changes with regard to the roles and tasks attributed to women and men, as recommended in paragraph 296 of the previous concluding observations of the Committee?

Violence against women

14. Please provide information on concrete measures taken by the State party to investigate all instances of violence against women, whether it occurs in the home, in the workplace, the community or society; prosecute and punish perpetrators; grant adequate compensation and support to victims and provide sufficient crisis centres/shelters/safe houses and counselling for women survivors of violence. Please indicate if the existing laws and norms on violence against women criminalize all acts of violence, including domestic violence and marital rape. Please

provide data on the incidence of domestic violence. Are there campaigns to inform women of their rights and of existing avenues of redress? What measures and programmes are in place to train law enforcement officers, police personnel, judicial, medical and social workers, on the causes and consequences of all forms of violence against women, including domestic violence? What efforts are being taken to ensure the allocation of adequate resources within the government budget for activities related to the elimination of violence against women?

15. As mentioned in the Universal Periodic Review on Ukraine (A/HRC/WG.6/2/UKR/3, para. 18) a Bill was presented to Parliament, in 2007, in order to amend the Law on Prevention of Violence in the Family (2002), including by eliminating the concept of “victim behaviour”. The concept was criticized for allowing perpetrators to avoid prosecution on account of the victim’s provocative behaviour. Please indicate whether the Bill has been enacted.

16. The report indicates that sexual harassment is prohibited by national law, however, it does not provide information about the possibilities available for women to present complaints regarding sexual harassment in the workplace and the respect of this prohibition in practice. Please provide the information and data on cases of sexual harassment presented by women and related sanctions.

Trafficking and exploitation of prostitution

17. The report mentions a wide range of measures to prevent and combat trafficking in women and girls but does not provide information on a consolidated coordination policy. Please describe the coordination policy between different public departments and services, including at the regional level, to address the problem of trafficking.

18. According to the report more than 180 channels of trafficking were discovered and stopped in the last years and more than 300 persons responsible for their organization and functioning were arrested. Please provide detailed and updated statistics on the number of victims, including minors, as well as on complaints, investigations, prosecutions, convictions and penalties imposed on the perpetrators of such crimes and the compensation received.

19. Please indicate the latest legal provisions adopted in order to prevent and combat trafficking, including provisions for the protection of victims of trafficking; data on funds allocated for the implementation of State programmes and policies; training and awareness-raising projects for law enforcement officials dealing with victims of trafficking; steps to develop and strengthen international collaboration to combat trafficking, including with the Commonwealth of Independent States and prevent corruption in the law enforcement services. What measures are being taken to address the root factors, including external factors, that encourage trafficking in women and girls for purposes of prostitution?

20. According to the report several centres of reintegration and rehabilitation of victims were created. Please provide information and data on activities and number of consultations provided, as well as the results of any assessment conducted.

21. Are there programmes in place to heal and reintegrate victims of commercial sexual exploitation into society, including through job training, legal assistance and confidential health care and if so, what resources are being allocated for this purpose? Are there specific social programmes for those women involved in

prostitution who would wish to leave it? Are there specific health programmes, including programmes focused in the care and prevention of HIV/AIDS?

22. Are there laws and policies in place to protect women and young girls from labour agencies which are essentially engaged in trafficking? Are there laws and policies in place related to marriage agencies, specifically those involved in arranging marriages with foreign nationals?

Education

23. Although equal access to education is guaranteed by law, the report indicates the existence of hidden gender-based discrimination in the educational system, the representation in teaching materials and textbooks, of stereotypical roles of women and men in the family and society, the tendency to favour differentiated approaches to the education of girls and boys, all that likely to engender further inequality and discrimination in their life and career. Please provide information on steps taken to review teaching materials, curricula and textbooks, to integrate gender equality and human rights norms therein and eliminate gender-based discrimination from education.

24. According to the information available to the Committee, it appears that the transfer of education to the commercial basis, jeopardizes the access of women, especially from rural areas, to prestigious specializations, because of the high tutor fees and significant difference in level of high school education between rural and urban schools. Please indicate what measures have been taken to address this situation.

Employment

25. The State party's report indicates that the situation of women in the labour market remains unequal in comparison to that of men, with unemployment of women remaining higher, important differences in wages of women and men and the persistent discriminatory attitudes among both public and private employers, including discriminatory recruitment practices. Please indicate what measures and sanctions are envisaged by the State party to eliminate discriminatory practices by employers, to ensure full compliance with the provisions of the Convention and guarantee real enjoyment by women and men of the right to equal pay for equal work and work of equal value?

26. The report indicates that the dismissal of women on the ground of maternity leave is prohibited by law and that the privileges to women related to maternity are greater in national legislation than under international standards. How is the enjoyment of these rights monitored in both public and private spheres, what sanctions or penalties exist for violation of these provisions and how frequently are they invoked?

27. The report acknowledges women's limited employment opportunities in spite of their academic qualifications and that in all spheres of employment, the proportion of men is higher among managers. Are temporary special measures envisaged, as recommended by the Committee in its previous concluding observations? What measures are being taken to eliminate occupational segregation and promote the equal participation of women in highly skilled jobs and senior management positions? In addition, please indicate the steps taken in the direction

of the reconciliation between family and professional responsibilities and the sharing of domestic and family tasks between women and men.

Health

28. In its last Concluding Observations, the Committee drew the attention of the State party to its general recommendation No. 24 on women and health and recommended comprehensive research into the specific health needs of women, including their reproductive health. Has the recommendation been implemented and if so, what have been the results of this research?

29. As indicated by the report, nervous and physical exhaustion represents the main cause of female mortality. Please provide information and data on this situation as well as on the steps taken by the State party in order to address it. Likewise, given the increase of the mortality rate directly linked to the abuse of alcohol, please also provide information on measures taken to reduce alcoholism and tobacco consumption among women, as requested by the Committee in its last concluding observations (para. 290).

30. According to the information available to the Committee, annual death rates for breast cancer remain high but the procedure to obtain free implants is bureaucratic and non-confidential. Please provide data disaggregated by age on the breast cancer cases and indicate measures to facilitate the procedure required to receive free implants and indicate whether this procedure is confidential.

Minority women and vulnerable groups of women

31. Please provide information on the situation of elderly women, especially in rural areas, on the situation of girls and women of foreign origin, ethnic minorities, especially Roma, and women with disabilities, including with regard to employment, social security, education, housing and health. What measures of either general or targeted nature have been implemented, taking into account the specific needs and circumstances of these vulnerable groups. Please provide detailed information with regard to human rights education being offered to them, in general, and to equality of the sexes, in particular.

Amendment to article 20, paragraph 1

32. Please describe progress towards acceptance of the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.
