

<p>Country: Ukraine Session: 45th, 2010 NGOs represented by speakers: Women’s Consortium of Ukraine (32 NGOs) Za Ravnje Prava (For Equal Rights) NGO</p>	<p>Priority issues:</p> <ol style="list-style-type: none"> 1. General Measures of CEDAW Implementation 2. Political Participation of Women 3. Poor access to services of victims of Domestic Violence and Human Trafficking 4. The Situation of Sexual Minorities
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Thank you Madam Chair,

My name is Maria Alekseyenko. I represent the NGO Women’s Consortium of Ukraine. I will present the following: main challenges for general measures of CEDAW implementation; low level of political participation of women and poor access of victims of domestic violence and human trafficking to the services they need. My colleague, Krystyna Posunkina, NGO Za Ravnje Prava (For Equal Rights), will inform about rights of sexual minorities. These issues are reflected in the Shadow Reports submitted to the Committee.

1. General Measures of CEDAW Implementation (See CEDAW recommendations no. 283, 284 from the 2002 review)

Despite the existence of the national gender machinery, the overall strategy of gender policies is not clear and precise. The State Program on Gender does not define any indicators for monitoring and measuring its effectiveness. As a result, it is almost impossible to evaluate the level of its implementation after it expires in 2010.

The Department on Family, Gender and Recreation of the Ministry of Family, Youth and Sports is the governmental coordinator of the gender policy implementation in Ukraine. However, its influence is not sufficient enough due to: lack of effective strategy, lack of financial resources and lack of qualified human resources.

The Government funds for gender equality programs are very limited and are not effectively allocated: the ministry and local authorities practice redirecting of funds targeted for the implementation of the Gender Program. Very often the transfers are made at the end of the fiscal year, in December, which makes impossible the effective use of the money.

[For example, the 2008 State Budget approved around 80 thousand EU for the State Program on Gender. Almost half of the amount was redirected for the activities for the youth. The same practice is exercised at local level, e.g. the 2009 budget of Volyn region provided about 7 thousands EU for gender policy; only 2,3 thousands were actually allocated.]

Whereas the Law on Ensuring Equal Rights and Opportunities for Women and Men was adopted in 2005 and is often positively referred to, it is not effectively implemented.

Other challenges related CEDAW implementation are the limited access to gender-related information including gender-disaggregated statistics. State reports are not publicly available online. The gender statistics, especially at the regional level, must be purchased. *[They are not available for free.]*

2. Political Participation of Women (See CEDAW recommendations no. 285, 286 from 2002 review)

The representation of women in parliament, in the top positions of executive branches, and in diplomatic departments and international delegations remains very low.

The number of women in the Parliament is around 8%; there are currently only 5 women ambassadors (*in Vatican, Cuba, Germany, Slovak Republic and Montenegro*); and there are no women chairs in the permanent delegations of Ukraine abroad.

[The draft law 1232 on changes to the legislation on equal rights and opportunities in election processes was registered in the Parliament in December 2007. By this law a woman should be represented among every five candidates on the list of political party. However since its introduction over two years ago, it has not passed even the first reading in the Parliament, and the next elections are already scheduled for May 2010.]

3. Poor access of victims of domestic violence and human trafficking to the services they need

(See CEDAW recommendations no. 291, 292 from 2002 review)

Whereas State-based crises centers and shelters for victims of domestic violence have been established in Ukraine, several gaps and challenge remain:

- 1) They are not available in all regions. As a result, not all women can receive services of the centers and shelters. The services can be received only by the officially registered residents of the particular region.
- 2) The services of the shelters are not available on short notice. A woman victim of domestic violence must first pass through medical check-ups in regional hospitals, separate from the shelter, and submit official registration and ID: these arrangements usually take a week.
- 3) The good practices of the previous state social services centers are not sufficiently supported by the state, which has resulted in the termination of existing services, such as the shut down of social service helplines (e.g. in 2008 in the capital city of Ukraine).

(See CEDAW recommendations no. 287, 288 from 2002 review)

As for the victims of trafficking, the social and psychological support to them is mostly provided by the non-governmental organizations with assistance from international donors – and not by the Government. Furthermore, NGOs should not be solely responsible for providing these services, and more support and action is needed by the State.

4. Situation of sexual minorities in Ukraine

In regard to the situation of homosexual, bisexual and transgender women (further abbreviated to LBT) in Ukraine I would like to emphasize two priority issues which are 1) Discrimination and hate crimes on the ground of sexual orientation and gender identity and 2) Access to health care.

Discrimination and hate crimes

The national legislation contains several mentions of prohibition of discrimination against women [in particular Constitution of Ukraine, Article 24] but there is no mention of discrimination on the grounds of sexual orientation and/or gender identity in any of these

documents. Due to the lack of clear rights for sexual minorities and articles of laws protecting them from any form of discrimination, there is an issue of frequent violation of freedoms and rights of homosexual, bisexual and transgender women.

Homosexual and transgender women are very afraid to complain to the police on violation cases since they often do not get any protection but instead get mocked and harassed by police officers who have the ultimate power. Moreover the majority of lawyers knowing about the sexual orientation of the applicant refuse to proceed with the case especially when the case concerns police, officials or doctors. Equally, violence against transgender people is also not recorded and not recognized as gender-based violence.

When the crime against LBT women occurs and it is aggravated by sexual orientation or gender identity there is no possibility to interpret it as hate crime due to the lack of hate crime legislation. Article 161 of the Penal Code foresees punishment for crimes motivated by national, religious or racial discrimination but there is no mention of the grounds of sexual orientation and/or gender identity.

Access to healthcare

In Ukrainian legislation [according to the Article 281 of Civil Code, Article 123 of Family Code and Article 48 of Law on Health protection], the right to artificial insemination is available only in the case of infertility. Fertile lesbian women have no right to artificial insemination.

Ignorance and homophobia of the doctors are so high that lesbian women visit the doctors less often. This, combined with LBT persons' unrecognized right to sexuality, identity and expression, results in lesbian women experiencing significantly more inequality than most other groups of women, and in them having to suppress their sexual orientation.

Transgender health issues in Ukraine are recognized only in the dimension of transsexuality that is defined as an identity disorder and is cured by a sex reassignment surgery (SRS). This surgery is a mandatory condition for changing their name and sex on official documents. While it forces all transgender people to undergo the surgery, the commission that gives permissions for the surgery met only twice since the end of 2006 while by law it is supposed to meet every quarter.

I refer you to the list of suggested recommendations in the written statement and the shadow reports prepared by Ukrainian NGOs before you and available on the website of the OHCHR.

We thank you Madame Chair.

RECOMMENDATIONS:

- To elaborate the comprehensive strategy on gender equality considering the gaps identified in the communication between the Committee and the Government of Ukraine. To develop the new (profound) State Program on Gender with clearly stated goals, objectives, outcomes and impacts, which would also consider the regular analyses, monitoring and evaluation (both internal and external) with the use of special gender-based indicators.
- The strategy and the program should be developed in cooperation with women's and gender civil society organizations.
- The implementation of the strategy and the program should be included in the state budget as the special budget lines and should be the subject for transparent monitoring and control.
- To strengthen the awareness campaign on the Law on Ensuring Equal Rights and Opportunities of Women and Men.
- To develop the comprehensive mechanisms for implementation of the Law on Ensuring Equal Rights and Opportunities of Women and Men.
- To ensure and guarantee open access to the information related to the gender equality and women rights protection, including state reports, statistical data, etc.
- To ensure gender balance in official delegations by adding the gender equality requirements to the regulation documents on international delegations formation.
- To ensure gender equality in the election legislation of Ukraine (gender quotas).
- To establish shelters for victims of domestic violence in all regions of Ukraine.
- To ensure the equal access of any citizen to any social services they need regardless of their official registration.
- To strengthen the governmental ownership in protecting the victims of human trafficking.
- To develop precise policies and mechanisms for government financial support for socially-oriented NGOs.
- To introduce anti-discrimination legislation that would recognize existence of homosexual citizens, affirm their rights; and also define discrimination and punitive measures for violation of the provisions.
- To define hate-crime and hate speech on the ground of sexual orientation and gender identity in the law and recognize as violation of basic human rights and dignities.
- To recognize the existence of hate speech & crime against various minorities, including homosexual & transgender people and should not support them by inaction and ideological support and this violates the human rights to dignity, expression, private life and choice of lifestyle.
- To provide activities for sensitization and education of police, medical workers and officials in the field of rights for homosexual, bisexual and transgender rights.