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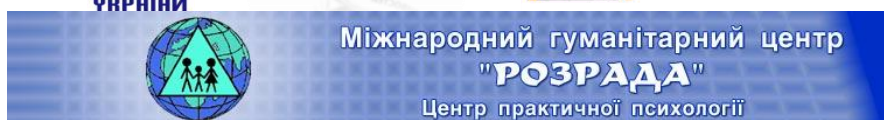
Ukraine

Report to the UN Universal Periodic Review

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The report was prepared by the coalition of NGOs with many years of experience in human rights operation on both national and international levels, promotion of gender equality, protection of women's and children's rights, prevention of domestic violence, counteracting human trafficking as well as expertise in state policy monitoring with respect to these areas. Organizations which devised the report, collaborate with each other and other civil society institutions, are members of national and international networks, e.g. "Stop Violence!", "Gender Strategic Platform" et al.

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1. General overview

1. The gender issues as a part of humanitarian and social sphere and policy of adherence to human rights is not among Ukrainian authorities' priorities. The larger share of operation in the areas aimed at promoting gender equality, preventing domestic violence and human trafficking is realized on initiative or through direct participation of international organizations and NGOs.

2. Over the period of Ukraine's presidency in the Ministerial Committee of the European Council (May-November 2011), the main areas of operation covered protection of the child's rights and women's rights. These trends, however, have not found their implementation in real national policy. On June 23, 2011 at the meeting of the PACE Committee on Equal Opportunities for Women and Men special hearings dedicated to women's rights observance in Ukraine were held. In 2010 Ukraine reported that it fulfilled all the provisions of the UN Convention on the Elimination of all Forms of Discrimination against Women. The same year our country received final conclusions and recommendations on CEDAW implementation. In 2012 Ukraine has to provide national report on its implementation of final recommendations №№ 31 and 33.

3. On September 25, 2010 Ukraine ratified the CoE Convention on Action against Trafficking in Human Beings. On November 7, 2011 Ukraine signed the CoE Convention On Preventing And Combating Violence Against Women And Domestic Violence.

2. Institutional mechanisms

4. In 2010-2011 public governance, as an aftermath of administrative reform, faced a problem of ruination of institutional mechanism promoting gender equality, preventing domestic violence and human trafficking. Specifically the Presidential Decree of 9.12.2010 № 1085/2010¹ liquidated the Ministry of Ukraine for Family, Youth and Sports, which was the principle executive body in charge of the aforementioned issues. The Presidential Decree of 6.04.2011 № 389/2011 partially delegated its functions to the Ministry of Social Policy. On 1.11.2011 Department for Family Policy was set up under this Ministry. In January 2012 the Cabinet of Ministers' resolution appointed the Ministry as coordinator in counteracting human trafficking. Over 2011 there was no entity responsible on central level for counteracting human trafficking.

5. Lack of precise power vertical had negative impact on public structures' operation at the local levels and led to diminishing of activities in this area. Material basis and human resources are threatened, with the outcomes of administrative reform. The administrative reform on the local levels poses a threat to many girls and women, as social services for the families, children and young people can be reformed into the new structures. Namely the whole system of assistance to persons-victims of violence can cease to exist.

6. Instances of unreasonable administrative decisions in this area are numerous. It affects the quality of the policy as a whole. For example, the Prime-Minister on December 7, 2011 gave an order to the Ministry of Education, Science, Youth and Sports to develop the National Program for Family Support, while the issues of family policy fall under the terms of references of the Ministry of Social Policy. Activity, aimed at counteracting human trafficking within the framework of Ukraine-US agreement, was delegated to the Ministry of Education, Science, Youth and Sports, despite the fact that it is outside the scope of its competence, and no institutional network is in place. Independent experts opine that the agreement is not being fulfilled.

7. In 2011 and early 2012 state programs for gender equality, family support and against human trafficking for the period between 2011 and 2015, designed in 2010, were not approved.

8. In 2010 the office of Prime-Minister's of Ukraine Advisor on Gender Issues was established. However there are no bylaws regulating the position and operation procedures. Establishing this office is a positive step, but it becomes merely declarative, whence the Advisor has no mechanisms to discuss the issues with the supervisor or work with his team for the implementation of gender policy. The office has no real essence and can only mislead Ukrainian public and international community.

¹ <http://zakon2.rada.gov.ua/laws/show/1085/2010>

9. Setting up the position of Ombudsman's Representative for non-discrimination in 2010 allowed including respective chapter on gender issues in Ombudsman's annual report in 2012.

10. Coordination of work with respect to gender policy, prevention of domestic violence and human trafficking was done through Interdepartmental Coordination Council for Family, Gender Equality, Demographic Development and Counteracting Human Trafficking, set up in 2007. It was criticized for low efficiency and lack of specific response mechanisms. As national programs on these issues came to an end in 2011-2012, the council practically stopped its operation.

11. Funds allocated for the gender policy related activities at the national and local levels were scarce and could not ensure implementation of efficient policy. Thus, for example, in 2008 their amount varied between 12 000 UAH (about 1 200 Euro) and 350 000 UAH (about 35 000 Euro) a year. In most oblast's this amount never reached 50 000 UAH (5 000 Euro).

12. Activities of public councils under the Ministries are mainly declaratory and not community-targeted. Moreover, some Ministries, including the Ministry of Social Policy and Ministry of Education, Science, Youth and Sports, still have not created public councils regardless the Cabinet of Ministries' Regulation #996 from November 3, 2010.

13. Majority of legal acts, related to social issues are passed without public discussions, which is contrary to the national legislation.

14. The state power bodies are difficult to communicate with due to their neglect of instances of gender-based discrimination. They do not respond to the letters and appeals from NGOs and individuals. This is a violation of the laws "On Access to Public Information" and "On Public Appeals". For example, minutes and decisions of the meetings of Expert Council for dealing with complaints on gender-based discrimination were never made public.

15. The state offers no mechanism for social contracts on services provision for various categories of population, which makes social services sphere inefficient and hardly accessible.

16. The civil society responded to crisis situation in gender equality promotion with setting up the Civil Forum "For Gender Equality" in 2011. It should build up foundations for gender reforming of the society and gender strategic platform, as an open forum for discussing prospects of gender policy in Ukraine.

3. Legal initiatives in the areas of gender equality or its denial

17. The draft law on ensuring equal rights for women and men in employment, submitted by the MPs O.Shevchuk and Ya.Sukhy, was registered in the Parliament, as entry № 8487 of 12.05.2011. The draft law proposes, in particular, establishing quotas for Parliament elections and local self-governments' elections and also bringing the definition of discrimination into compliance with CEDAW. However, it was not considered by the Parliament.

18. Parliament members M.Tomenko and O.Bondarenko in 2007 registered a draft law №1232 "On Guaranteeing Equal Rights and Opportunities for Women and Men in Election process"², proposing having male and female nominees in each section of five candidates of the whole list. After parliamentary majority voting on February 9, 2010 this draft law was rejected.

19. The draft law "On Public Service" (article 42) stipulates dismissal of employee. if he/she fails to come to work for more than 60 calendar days in a row or more than 100 calendar days in a year as a result of temporary inability to work (without taking into account maternity leave)". This provision represents indirect discrimination of women who traditionally take care of the children, and, therefore are not able of working.³

20. New Tax Code, passed in 2011 had a negative impact on businesswomen in small and medium businesses, or those working on contractual basis, depriving them and their families of some portion of their incomes, or forcing them to stop entrepreneurial activity altogether.

21. Draft Labor Code is discriminatory to women and single fathers with respect to work conditions (e.g. articles 118, 286, 288 do not protect pregnant women or single fathers taking care

² http://gska2.rada.gov.ua/pls/zweb_n/webproc4_1?pf3511=31114.

³ According to M.Volynets the MP, Head of Free Trade Unions of Ukraine Confederation

of their children from dismissal, it disregards ILO Convention №156 on Workers with Family Responsibilities).

22. Retirement reform (2011) in its essence tries to resolve pensions-related issues at the women's cost, with total neglect of their double burden, gender pay gap and without stopping the payments of super-high pensions to some categories of state bureaucrats, in violation of social justice and pension adequacy principles.

23. Draft Criminal-Executive Code contains gender-imbalanced provisions⁴, e.g. article 141 of the Code. Children of convicted women can be put in custody of their relatives with mother's consent (p.5). Article 5 of CEDAW specifies that countries use all the attainable measures of ensuring correct understanding of motherhood, its social function and establishing common responsibility of men and women for upbringing and development of their children, under condition that children's interests always have priority over other considerations. Besides, under the Law of Ukraine "On Protection of Childhood" the father and mother have equal rights and responsibilities with regard to their children. Hence, article 141 (p.5) of the Code should be amended with requirement to seek father's consent as well before giving the child out to relatives.

24. Order № 155 (2010) of the Cabinet of Ministers of Ukraine "On Approving Recommendations on Dress-Code for the Employees of the Cabinet of Ministers' of Ukraine Secretariat"⁵ is gender-discriminatory. Its contents contradicts article 8 of the European Convention on Human Rights and Fundamental Freedoms, art. 1 of the Protocol № 12 to this Convention and art. 5 of CEDAW . So far it remains in force.

4. Appeals against discrimination

25. The state does not have a system to deal with appeals against gender-based discrimination. Ombudsman's response in cases involving violations of women's rights testified to imperfect nature of legislation, neglect of labor law norms by many employers with respect to ensuring right to employment for individuals with family obligations, low level of awareness among managers and first executives of companies, enterprises, institutions, organizations, commanders of military units.

26. During four months of 2011 the Ombudsman received about 10 000 letters; 5,1 thousand of them were written by women, who complained of 8 700 cases of human rights violations. Women, more often than men, seek protection of their economic rights, right to freedom of conscience and religious beliefs, and children's rights.

27. Under the Order of the Ministry of Family, Youth and Sports № 4374 of 16.12.2009 an Expert Council on inadmissibility of all forms of gender-based discrimination was set up. It held a number of meetings, but convened only once in 2011. After that the Council has done nothing.

28. Attempts to counteract gender discrimination by court proceedings showed the absence of viable mechanisms or access to fair trial. For example, complaint concerning Prime-Minister Azarov's discriminatory expression failed in the court.

29. "La Strada – Ukraine" filed a claim about gender-discriminatory experiment to Administrative Court against Cabinet of Ministers of Ukraine and Ministry of Interior of Ukraine, complaining of discriminatory rules for admission to higher education establishments under the Ministry of Interior prohibiting girls to study there. However, the Administrative Court of Kyiv failed to find facts of gender discrimination. The justice is obstructed by the absence of good court practices, judges' disregard of international treaties ratified by Ukraine.

30. Starting since 2010 the church interference into public life and its counteracting the implementation of state gender policy became a real threat. Religious organizations promote anti-gender attitudes, claiming that gender equality and system of juvenile justice lead to the ruination of the family. The Parliament members are supportive of clergy officials' position. The Parliament registered a draft law № 10170 of 12 March, 2012 on banning abortions. Another draft law propos-

⁴ <http://www.minjust.gov.ua/0/39248>

⁵ <http://www.kmu.gov.ua/control/uk/newsnpd>.

es establishing fines for pregnant women and minors who smoke or consume alcohol. (№10210 of 15.03.2012).

5. Sexism in information and media space

31. Over the years 2010-2011 a number of sexist and discriminatory utterances of higher public officials, including President, Prime-Minister, Parliament Speaker etc., were registered.

32. Monitoring of mass media and advertising products show that media and advertising space are full of sexist and discriminatory images, violating the human rights and leading to recurrence and deepening of negative gender stereotypes. Sexism in media justifies sexual exploitation, human trafficking and women discrimination on the job market.

33. Mass media and advertising law do not include relevant norm on inadmissibility of recreating gender stereotypes and sexism. On the other hand, signing the Standards for non-gender-discriminatory advertising by the major agents of advertising industry on 30.09.2011 became a positive step in addressing this issue.

6. Discrimination of women on the labour market

34. Gender pay gap constitutes more than 25 % for the benefit of men.⁶ In March 2012 the Ministry of Social Policy made public the index of salary differences at the amount of 8 %⁷. These figures need further research.

35. Gender-stereotyped attitudes are reflected in job descriptions, offered by all state employment centers. Employers stress the preferred sex of the potential employee in classified ads concerning vacancies and use information on marital and family status in order to reject women seeking job. In particular, unmarried women, women with kids and women over 40 are subjected to discrimination in job seeking. The legislation prohibits women from holding certain offices and doing certain types of job. The idea behind it was to protect women from hard and hazardous work condition. However the number of these restrictions exceeds accepted international norms regulating women's work, while the instruments for women's protection stipulated by Ukrainian law, are based on subjective criteria, contrary to gender equality principles, with discriminatory outcomes for women, whose competitiveness in the job market is compromised.

36. Maternity leaves, enforced by lack of proper infrastructure of pre-school institutions for children and very low subsidies for children, lead to women's disqualification, decrease in their competitiveness and loss of opportunities on the labour market; unawareness and lack of understanding of their own rights lead to women's employment at lower positions, with smaller salaries as opposed to women's positions prior to maternity leave.

37. In small and medium size businesses it is predominantly women that suffer from discrimination. They work as hired force, do not have appropriate work history or duly signed contract or work agreements, as business owners want to avoid paying taxes on their salaries, social benefits, leaves etc. This can be explained by the fact that women more often than men have to go on sick leave to care for children, invalid relatives etc. As a result a woman does not have enough years of work to be entitled to pension, sick leave coverage, annual vacation and other social benefits.

38. There is no well organized or systematic counteracting sexual harassment at work places (the cases of harassment are hushed up, court proceedings are obstructed etc).

39. Article 24 of the Constitution and article 2-1 of the Labor Code guarantee equality of labor rights, including gender equality; in practice, however, these rights are constantly violated. At the time of checks, conducted by the State Labour Inspection of Ukraine on 10.02.2012 (2.5 thousand enterprises were inspected) over 900 hundred violations of working women's rights have been uncovered, including delays in payments for maternity leave, use of pregnant women and mother of children under 3 in types of work prohibited by the law, non-payments for sick leave etc. Although

⁶ UN Coordinator in Ukraine Olivier Adam mentioned it at the round table "Gender and career", dedicated to the International Women's Day

⁷ http://www.wcu-network.org.ua/ua/possessing-equal-rights/news/Ukrainsk_cholovki_zarobljajut_na_chvert_blshe_nzh_zhnki

the number of claims against employers, filed with courts has increased over the recent years, as well as the number of court rulings for the benefits of the claimants in labor-related disputes,⁸ the violations of women's labor rights still remain numerous.

40. Women's representation on the top decision-making positions remains very insufficient. There is only one female member of the Government; there have been none among the heads of oblast' administrations over the years 2010-2012. The percentage of women among Parliament members is rather low too (7,4 %). In oblast and raion councils these indicators are somewhat higher – 12 and 23 respectively⁹. Meanwhile, the new draft election law has no provision with respect to gender quotas. Official data as to quantitative and qualitative indicators of women's participation in Ukrainian official delegations and representations in other countries.

7. Violations of men's rights

41. The rights of men bringing up children single-handed are violated. Paternalistically oriented Ukrainian legislation striving to protect motherhood discriminate men having children and bringing them up single-handed, as opposed to women who do the same. The Article 3 of the Law of Ukraine "On State Assistance to Families with Children" classifies the types of assistance including "financial assistance to single mothers". Even the name of respective chapter is discriminatory: "Financial assistance to single mothers".

42. The law "On Vacations" contains discriminatory provisions as well. Under its article 19 only a working woman with two or more children under age of 15, or a child with disability, or adopted a child; a father bringing up a motherless child (especially, if mother is in long-term care facility), and person who has official custody over a child, are entitled to an additional paid annual vacation for 7 calendar days with exception of holidays and weekends (art. 73, Labor Code of Ukraine). Under certain circumstances this vacation can be prolonged to, but not exceed 14 calendar days. In compliance with Ukrainian law, a woman bringing up a child with disabilities can retire five years earlier. Men do not have the same rights.

43. Although Mother's Day is established in Ukraine as a holiday, no Father's Day is celebrated officially. Over the last 10 years the government declined respective proposals from the public.

44. Equal rights of men to take care of their own children are systematically violated. In a case of divorce the visitation rights are restricted to 3-4 hours a week. Practically there is no official "Joint plan for the child's care".

45. The level of work-related injuries and traumas remains high, especially in coal mining industry and in metallurgy, where men are affected more often than women. The Labor Code of Ukraine (1972) does not protect workers from the consequences of work related accidents, does not stipulate appropriate safety standards at work place or implementation of up-to-date technologies, enabling safer and healthier operations. The Code analysis with respect to gender rights¹⁰ revealed discriminatory provisions p. 3 art. 33, p. 4 art. 51, p. 1 cart. 55, p. 1 art. 56, articles. 63, 176, 177, p. 1 articles 182.,182-1, 184, 185. Provisions for women with children and respective guarantees should be broadened to cover men as well, providing them with equal opportunities in combining family duties with work and promoting responsible fatherhood.

8. Access to education and promotion of gender education

46. Gender discrimination of women is manifested both in accessibility of education and in gender stereotyping of learning curricula. On December 29, 2010 the Cabinet of Ministers of Ukraine approved the Resolution № 2355-p "On Organizing Experimental Training for Ministry of Interior Specialists", which restricts the rights of women to get higher education in the Ministry of Interior's educational establishments. Thus, in 2011 due to this experiment only 55 females were

⁸ According to data collected by Judicial Association of Ukraine "Foundation for Justice Support"

⁹ Women in Vitaly Klychko party "STROKE" portrait, potential, expectations. Excerpts from final report of sociological research.

¹⁰ <http://www.minjust.gov.ua/0/33455>.

admitted to the Ministry of Interior higher educational establishments, while in 2010 their number amounted to 810. For male respective figures amounted to approximately 1500 in 2011 and approximately 3000 – in 2010.

47. The system of public training for gender issues specialists within the system of higher educational establishments is not in place. Due to sporadic nature of gender-related studies within general curricula for elementary, secondary and higher education courses, approaches vary a lot, hindering the process of promoting gender equality in the Ukrainian society. The instances when the Ministry of Education and Science proposed discriminatory tests for admission to higher educational establishments have been registered.¹¹

48. Women are restricted in their admission to the vocational schools offering professions which are in high demand on the labour market, related to the use of new technologies and ensuring higher level of economic independence and stability. State standards of vocational training contain stereotyped notions of “feminine” and “masculine” professions, which result in women’s discrimination in their professional choices and subsequent employment. The level of employment among the female graduates of vocational-technical schools is rather low.

49. The Order of the Ministry of Education and Science № 839 of 09.2009 “On Implementing Gender Equality Principles in Education” obliged all the administrators in education area to take measures for implementing gender approaches into the learning process. In fact, it has been done by the NGOs, who organized several thousand trainings, set up an all-Ukrainian network of gender education centers under the auspices of higher educational establishments bringing together about 20 higher educational establishments.

9. Access to health care

50. Mass closure of primary care and obstetrics centers, clinics in towns and rural areas further aggravated women’s and children’s access to the necessary medical services. Usually they do not have enough money for transportation and treatment, or access to high quality services. The local authorities fail to create appropriate conditions for making life easier for women with HIV/AIDS and sex-workers. They suffer double discrimination.

51. Reproductive health services are very limited due to stigmatization and discrimination practiced by medical staff.

52. Timely examinations and supplying pregnant women serving their term, with antiretroviral medication remains a crucial issue, as well as low level of HIV awareness among the pregnant women, which leads to neglect of therapy and lack of psychological support for it. Incentives should be devised for the medical staff in their prevention work to avoid transmitting HIV-virus from mother to child, broadening the practice of Caesarean births for such women, who are escorted to the local hospitals to deliver their babies.

53. Concept for preservation of fertile women’s reproductive health in penitentiary institutions is badly needed. They should be offered incentives for responsible reproductive behavior, responsible parenthood, caring for family values, and prevention of social orphan-hood of their children.

10. Problems of women residing in rural areas

54. Access of rural women to resources and their use is limited, due to the lack of modern household facilities; hard conditions of non-mechanized work, restricted access to mastering new technologies and lack of funds to purchase modern equipment, unavailability of loans, exclusion from decision-making, planning and controlling processes in cooperatives’ formation.

¹¹ O.Pavlychenko, English language. Final tests.

55. Downsizing and shutting down of schools and medical institutions in small towns and villages lead to further limitations of education and health care services for young girls residing in them.¹²

11. Counteracting violence

56. Due to imperfect current legislation, available official data do not reflect the actual situation with respect to violence against women.

57. The faults in current normative and legal system account for difficulties in counteracting violence. Before 2008 there was no statistics at all with respect to family violence. Starting 2010 less segregated statistics, reflecting only domestic violence indicators, without any differentiation as to its types, became available.

58. The data on murders and rapes of women and girls are available, but the figures do not reflect the actual state of matters in the society, as not all the indicators are taken into account¹³.

59. The viable legal mechanisms for judicial protection of violence victims against discrimination are not in place. Monitoring (2011) of compliance with law showed that the victim is not protected from violence in the family and that perpetrators are not held adequately responsible. The legislation defines the persons within the scope of violence prevention measures as “family members”; it is contrary to the essence of the problem, international standards, and makes protection of individuals outside this category virtually impossible.

60. The legislation does not define the bodies of power responsible for domestic violence prevention (art.3 of the law “On Domestic Violence Prevention”), educational establishments or social services centers for families, youth and children etc.

61. Rape in marriage is not classified as additional qualifying circumstance and is not treated as a separate crime.

62. The Plan for launching a national campaign “Stop Violence!” for the period till 2015, approved by the Cabinet of Ministers of Ukraine on December 1, 2010, is a vivid example of formal approach, as the plan is neither funded nor implemented.

63. Low level of legal awareness and popular stereotypes enable actual supremacy of instructions and internal documents over the law, while the amendments are not made public for.

64. There is no system of continuous training for the law-enforcers, judges, social workers with respect to current legislation provisions on combating domestic violence. In 2011 the Department for Youth and Sports under Trans-Carpathian oblast’ administration kept issuing notices on unacceptability of victim behavior long after this provision was taken out of the law in 2009.

65. Funding for preventing gender violence and domestic is virtually non-existent. Same applies to providing assistance to the victims, which leads to violations of law provisions. As a result the number of complaints with regards to inaction and wrong actions of the authorities, received, among others, by the National Toll Free Hot Line on Violence Prevention and Protection of the Child’s Rights, is on the increase. Over 2008 – 2011, an annual, almost double increase in calls coming to the La Strada – Ukraine’s Hot Line, has been observed: over 12 500 in 2011, 2010 p. – over 6 500 in 2010, and about 3 800 in 2009.

66. Absence or insufficient number of social services and their availability pose another problem. Under the standard provisions on social and psychological support centers, temporary shelter is available only to people under 35 years of age and people with minor children (regardless of age), who are registered within the region covered by the center operation. Same applies to social centers for mothers and children.¹⁴No assistance is envisaged for senior citizens.

67. The correction programs targeted at abusers, introduced in 2009, are inefficient. Only few individuals are referred to them, and even less manage to finish the course - in the first half of

¹² <http://www.ukrstat.gov.ua/>.

¹³ Ministry of Interior statistics for 2010

¹⁴ Restrictions in granting temporary shelter are predetermined by operational expenses, which should be covered from the local budgets within the framework of programs for children, women and families.

2011 - 2494 people were referred, while only 198 completed them (in 2010 these figures amounted to 4965 and 302 persons respectively). In 10 oblast's there are no correction programs at all.

68. The law "On Domestic Violence Prevention" does not stipulate the mandatory setting up of crisis centers. They are to be formed by the local state administrations on the motion from the special executive power body. There is no procedure for defining whether a region needs such centers. Information on action taken, number of relevant institutions and number of victims who got help from the official body entrusted with this obligation, is not available. Not all Ukrainian regions have crisis centers.

69. Monitoring the database of Unified State Register of Court Decisions (2011) reveals that there have been no hearings with an attempt to seek damages from the persons culpable of family violence for the benefit of violence victims who would stay in the family or in a shelter.¹⁵ The majority of sanctions imposed by the court for domestic violence constitutes fines and become a double burden for the family. Under the Ministry of Interior data, over 6 months of 2010 fines accounted for about 82% of all verdicts under the article 173-2 of the Code of Ukraine on Administrative Offenses while administrative detentions constituted about 13 %.

70. In the majority of cases related to domestic violence and classified as light or medium grave offenses, the court allows the convicts to go free and not to serve penalty with probation under the article 75 of the Criminal Code of Ukraine ("mild penalties"). The courts rarely pass separate rulings aimed at drawing attention of social services or enforcement bodies to a given family in order to prevent further instances of violence or even more serious offenses and to protect the victims' rights. Judicial practice in Ukraine has scarce examples of enforced treatment for an alcoholic or a drug addict, imposed by the court under the article 76 of the Criminal Code of Ukraine, if punishment with probation is suspended in accordance with the article 75 of the Criminal Code of Ukraine. If a person committed a crime classified as domestic violence, is a chronic alcoholic or drug addict, certified by appropriate medical authorities, the court has authority to impose enforced treatment against alcoholism or drug use, in compliance with the article 75 of the Criminal Code of Ukraine.

71. The number of female convicts is insignificant as compared to the number of males. Nevertheless, regulations and rules of penitentiary institutions for women totally disregard their specific needs, quite different from those of men. Although female convicts (especially mothers) are considered to be a vulnerable category of society, criminal-executive system still does not envisage comprehensive measures for their full socialization. The fact that up to 100 inmates are held in one barrack-like structure contributes to the factors of heightened risks of communicable socially hazardous diseases¹⁶.

12. Counteracting human trafficking

72. The stereotype notion that the problem of human trafficking concerns women exclusively, and means forcing women into prostitution, still persists. However, men also fall victims to this crime. Men's trafficking involves beggary, coerced sexual services, slavery at different jobs, organs' ablation.

73. The law "On Counteracting Human Trafficking" was passed in 2011. Meanwhile, normative and legal acts pertaining to the law have not been developed yet; in many cases they are being adopted without prior public and expert discussion.

74. Due to the absence of the State Anti-Trafficking Program and body in charge of its implementation, information and reports on situation and actions aimed at counteracting human trafficking in 2011 were not collected by the authorities or analyzed, in contempt of recommendations of CEDAW. The concept for the State Anti-Trafficking Program was approved as late as in February 2012.

¹⁵ <http://reyestr.court.gov.ua/>

¹⁶ <http://www.moz.gov.ua>

75. Granting assistance to the victims of human trafficking still remains predominantly within the competences of international and non-governmental organizations. IOM in Ukraine provides funding for about 95% of all support programs for the trafficked persons, finances the operation of specialized Medical Rehabilitation Center, which provides comprehensive and specialized confidential care for trafficked persons from all oblasts.

76. The issue of helping foreign trafficked persons and meeting their needs for protection and assistance while they stay in Ukraine still remains unresolved.

77. Statistics on crimes, classified by the article 149 of the Criminal Code of Ukraine remains stable, although certain tendency towards decrease can be observed. Thus within 6 months of 2011, 126 criminal proceedings were initiated (in 2010 – 337). This tendency is accounted for by reorganization and delayed reforming within the Ministry of Interior – liquidation of the Department for Combating Human Trafficking Related Crimes and its replacement by the Department for Combating Cybercrimes and Human Trafficking, and subsequent liquidation of this latter, placing it under subordination of Criminal Investigation Department.

78. The judicial procedure as well as the process of convicting the culprits creates serious hindrance in exercising victims' rights to fair trial.

13. Recommendations

1. Acting in compliance with the law, i.e. its requirement of mandatory public discussion with members of civil society preceding adoption of draft normative and legal acts; providing adequate governmental funding to that end; using qualitative indicators of implementation.

2. Introducing gender-des-aggregated data collection, wherever possible, at all levels and in all areas.

3. Implementing practice of state contract for NGO services.

4. Establishing the system of mandatory gender education for the public servants at all levels.

5. Establishing by law the quotas system for women.

6. Including the knowledge of the law “On Ensuring Equal Rights and Opportunities for Women and Men” into the list of requirements obligatory for the attestation of public servants at all levels.

7. Introducing regular educational events for public at large to raise awareness in women's rights and gender equality issues.

8. Developing and introducing viable mechanisms (judicial and out-of court) to appeal gender discrimination.

9. Resume the operation of Expert Council for the appeals against gender-based discrimination. Establishing similar entities at all power levels in compliance with the law of Ukraine “On Ensuring Equal Rights and Opportunities for Women and Men”.

10. Conducting regular monitoring of compliance with the law of Ukraine “On Ensuring Equal Rights and Opportunities for Women and Men”.

11. Making mandatory expertise of all the new normative and legal acts and draft laws, submitted by all the law-makers, in terms of their compliance with gender and human rights requirements.

12. Including gender component, and, specifically, women's and girls' interests and vulnerabilities in small towns and rural areas.

13. Ratifying Council of Europe Convention On Preventing And Combating Violence Against Women And Domestic Violence previously introducing comprehensive changes into the national legislation. Including approval a state program for counteracting gender violence and domestic violence.

14. Devising and adopting normative documents which would bring Ukrainian legislation into compliance with Council of Europe Convention on Action against Trafficking in Human Beings, to ensure prevention of trafficking and availability of services for the trafficked persons.

15. Adopting state standards with regards to service provision and prevention work in counteracting human trafficking and domestic violence, drafted in cooperation with NGOs and international organizations.

16. Supporting hot lines, shelters and centers for women, who need assistance in cases when their rights are violated, i.e. gender discrimination, violence, especially domestic violence, human trafficking. Currently these entities operate on the basis of NGOs.