

## EU Gender Watch

### A Gender Analysis of EU Development Instruments and Policies in Ukraine

#### Representing EU Neighbouring Countries



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## Introduction

In signing numerous international documents, Ukraine reaffirmed its commitment to create institutional mechanisms for gender equality, empower women's participation in economic and social spheres and mainstream gender in their local, national and regional programs. Certain steps and efforts to mainstream gender have been undertaken and are still being undertaken by the national government with the support of international institutions and in partnership with civil society. The Ukrainian government has established official bodies and adopted national strategies to empower women. This covers state governance, including legislative, executive and judicial branches of power as well as civil self-governance. Yet wide disparities remain between what has been written on paper and what is practiced in reality.

The last decade has been a time of dramatic economic, political and social upheavals. Neo-liberal market reforms have brought privatization, liberalization and some elements of macroeconomic discipline encouraged by the international financial institutions. These changes have had serious implications for the redistribution of assets, on social services, financing and the balance of power.

The distribution of assets during privatization was heavily biased towards men. Internal liberalisation has caused an increase in prices. External liberalization has caused a rise in foreign debt. Constant pressure on national budgets has resulted in cuts in public expenditure (including on health, education and family-related benefits). The consequences of these reforms is borne disproportionately by women.

This disproportion in sharing the burdens that have followed from economic reform is largely attributable to the contrasting position of men and women in the economy and in public and private decision-making structures prior to 1989 as well as the fact that the transition policies did not take gender issues into account. Ukraine therefore joined the global economy in a process characterized by serious deviations from the fundamentals of sustainable social development – social justice, gender equality and human rights.

The orange revolution has created a unique opportunity for Ukraine to realise its European aspirations and to transform itself into a modern democratic country. The enlargement of the European Union on May 1<sup>st</sup>, 2004, has opened new perspectives for Ukraine in political, geographic and economic terms. Today European integration is generally claimed to be one of the main priorities of Ukraine's policy. To implement European standards in political, economic and social spheres, including gender equality, is a strategic goal for Ukraine. Gender mainstreaming is incorporated as a priority in the European Union - Ukraine Action Plan and as a cross-cutting issue in the Ukraine Country Strategy Paper (CSP) 2007-2013.

The European Union (EU) is the largest donor to Ukraine. The European Community (EC) alone has provided assistance in total almost € 2.4 billion since 1991. As a global economic and political player the EU should implement obligations to mainstream gender in all programs and projects accepted at international conferences and signed in documents (Beijing Platform of Action, Cairo Program of Action, Monterrey Consensus Document, Millennium Development Goals (MDG) etc.).

At the same time analysis of the Ukraine CSP 2007-2013 shows a lack in that Plan of any gender dimension. The EU assistance priorities do not address directly women's needs and concerns: women's unemployment and unpaid work, labor market segregation and gender gap in wages, women's participation in decision-making, their access to financing, assets, credit, women's control over natural resources, women's rights, health etc. The need to balance gender equality with other

public policy goals remains a challenge. Despite obvious disparities, EU commitments to gender equality have almost disappeared from EU Development Assistance.

The proposed research paper provides monitoring of women's economic, social and political situation in Ukraine, gender analysis of current and planned EU development programs, and gives recommendations to EU Commissions, Parliament and EU Member States on inclusion of a gender perspective in development policies of the EU.

## **Part 1. Political, legal and socio-economical conditions affecting women's policy**

### **1.1. Women's rights in the legislation**

In recent years in Ukraine the legislative basis for ensuring gender equality has been developed and expanded. The Constitution of Ukraine guarantees equal rights for women and men and equal opportunities in social, political and cultural spheres, in education and professional activity, in labour and wages, in health care and pensions. The Constitution also guarantees favourable conditions and legal protection for pregnant women and mothers.

Ukraine has ratified and adopted the following international treaties relating to women's rights:

- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW);
- (European) Convention on the Protection of Human Rights and Fundamental Freedoms;
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;
- European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment;
- International Covenant on Civil and Political Rights;
- International Covenant on Economic, Social and Cultural Rights;
- Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment;
- Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery;
- International Labour Organization (ILO) Conventions: 29 on Forced Labour, 100 on Equal Remuneration, 111 concerning on Discrimination Employment & Occupation, 156 on Workers with Family Responsibilities.

After adopting these international human rights treaties, Ukraine is obliged to prevent discriminatory practices in the public and private sectors and provide effective remedies to those who have suffered from them. To meet these commitments, Ukraine has a duty to ensure that its laws are in compliance with international human rights law.

But often in practice international laws are not implemented, and judges and other officials are not aware of them, or not bound by them. It is very difficult to use constitutional and international law provisions directly to protect rights in court. They rely for effectiveness on their normative and persuasive power only.

At the same time these international provisions were taken into account in the preparation of fundamental state documents, specifically, the decree of the President "On improving the social status of women" (2001), the Prevention of Violence in the Family Act, and a bill on ensuring equal

rights and opportunities for women and men, which was submitted by the Cabinet of Ministers of Ukraine for the consideration of Parliament on January 16, 2004.

On November 15, 2001, the Ukrainian Parliament adopted the law "On the Prevention of Violence in the Family." On 26 April 2003, the Ukraine Cabinet issued a decree providing for a procedure to consider and review acts or threats of domestic violence (Decree No. 616). In addition, the Ministry of Internal Affairs in cooperation with Ministry of Family, Children and Youth issued a decree in 2004 establishing a procedure of cooperation between governmental institutions in the field of prevention violence in the family.

Ukraine made an important step toward ensuring gender equality when the Parliament of Ukraine enacted the law "On Ensuring the Equal Rights and Opportunities of Women and Men" on September, 8, 2005, that went into force on January 1, 2006. For the first time in Ukrainian history the law contains a legislative definition of "sex based discrimination" and provides the right of judicial protection from it.

The Preamble to the law states that "(t)he purpose of this Law is to achieve parity status in women and men through legally ensuring equal rights and opportunities <http://www.neww.org.pl/en.php/conference/raport/0.html> for women and men, eliminating sex based discrimination, and the implementation of special temporary measures aimed at the elimination of imbalance between the opportunities of women and men to exercise the rights guaranteed by the Constitution".

The law defines such notions as "equal rights of women and men", "equal opportunities of women and men", "discrimination based on sex", "gender equality", "gender and legal examination" and others, outlines primary directions in state policy ensuring women's and men's equal rights and opportunities, and gives power to some public authorities, institutions and organizations to ensure women's and men's equal rights and opportunities.

But this law lacks one of the strongest mechanisms to implement gender equality – political quotas. It was in the first draft, but was later removed by the Ukrainian Parliament. This fact shows that political actors are still not ready to implement some of the foundational principles of gender equality.

The distribution of budget sources for program activities is provided according to the "Procedure of use of state budget finances for State support of non-governmental organizations (NGOs) for implementation of national programs and actions concerning children, youth, women, family", "Procedure of organizing competition of program proposals, developed by NGO concerning children, youth, women and family"<sup>1</sup> and "List of social priorities for national youth and children NGO proposals in 2006".

All three documents mention the Youth and Children NGOs specifically, as eligible organizations for state funding.

The Nominated List of Social Priorities includes 6 groups of priorities for state funding:

1. Social protection and support of youth employment.
2. Support for creative initiatives of youth.
3. Forming of leadership and legal culture of children and youth.
4. Promoting healthy life style of children and youth.
5. Strengthening of family and improving demographical situation.
6. Integration of Ukrainian youth to the world and European youth community.

Women as target group were not mentioned at all, and only under Priority 5 there are some references to women's rights, such as *"support of institutions that advance rights of all family members (... crisis centres and shelters for victims of violence etc) and prevention of violence and cruel treatment in a family"*.

## **1.2. State bodies established for gender equality and equality policy**

A national machinery for promoting gender equality was established after the Beijing Conference on Women: National Commission on Women, Motherhood and Children's Issues Affairs (1995), Ministry on Family and Children's Affairs (1996), Committees on Family and Children's Issues at local levels (1997-1998), Ministry of Family, Children, and Youth of Ukraine, with an administrative body for gender policy (2004). But today they are not functioning. The main Ministry has been renamed several times. In 2005 the Ministry on Family, Children, and Youth was liquidated and Ministry for Family, Youth and Sport of Ukraine was created.

The Ukrainian Ministry for Family, Youth and Sport is the main mechanism for monitoring and coordinating actions for implementing gender reforms. The main objectives of the Ministry among others are *"participation in development and ensuring implementation of the state policy on issues of family, children, youth, ... equality of rights and opportunities of women and men, prevention of violence in the family"*. Today within this Ministry one Department deals with gender issues. It is staffed by three persons. The fundamental problem with regard to implementing gender policy is insufficient financing and frequent reorganizations that the coordinating structures have been subjected to recently.

According to its objectives the Ministry conducts among others the following activities:

*"1) takes part in forming and implementing of the state policy on family, children, ..., equal rights and opportunities of women and men, prevention of violence in family, define priorities and strategic directions of work in these fields;*

*3) takes actions on converging of Ukrainian legislation with the EU legislation and implementing into national legislation provisions of international treaties, adopted by Ukraine, forwards propositions on development of international cooperation and signing of international treaties by Ukraine;*

*4) supports sport, youth, children and other NGO, involves them in implementation of National Programs and actions concerning family, children, youth, sports, and provide state support to such organizations according to law;*

...

*6) takes actions on ensuring social partnership of a family and state, improving legal knowledge of parents and children, strengthening responsibility of parents for creating conditions, necessary for thorough development of children, prevention of violence in family;*

...

*8) conduct actions on protection of reproductive health of population, promoting birth rate, social and legal protection of maternity, paternity and childhood;*

*9) according to legislation fulfils the duties executive power on prevention of violence in family, supports establishing specialized institutions for victims of violence in family, conducts monitoring of their activities;*

*10) ) takes part in coordination of actions taken by central bodies of executive power on counteraction in human trafficking, popularizes information and preventive programs in this field, ensures coordination of work on establishing centers of rehabilitation for victims of trafficking;*

17) ) ensures organization and coordination of social work with families, women, children and youth, social services and social patronage;

...

25) organizes scientific and sociological researches on issues of family, women, children, youth, sports, drafts annual reports on these issues and provides them to the President of Ukraine, Parliament of Ukraine, Cabinet of Ministries of Ukraine; supports implementation in practice of results of such researches, leads activities of the State Institute of Family and Youth Problems and Scientific-Research Institute of Sports;

26) organizes preparation of reports on implementation of the Child Convention, CEDAW,... other international treaties signed by Ukraine in cooperation with corresponding central and local bodies of executive power;”.

According to the legislation the Ministry drafts annual reports on the issues it works with, including violence in a family and human trafficking, and provides them to the President of Ukraine, Parliament of Ukraine, Cabinet of Ministries of Ukraine. But none of these reports are available for general public, except for the reports on implementation of National Programs on human trafficking and gender equality for 2001-2005 that recently became available on the Ministry website. There are no NGO reports on monitoring of Ministry activities in the fields of gender equality.

With regard to the Beijing Platform of Action, two National Plans of Action were adopted in Ukraine: **“National plan of actions on the improvement of women's status and empowerment of their role in society on 1997-2000”** and **“National plan of actions on the improvement of women's status and assistance to introduction of gender equality in society on 2001 - 2005 years”**.

Within these National Action Plans the following tasks were set: taking gender issues into consideration in policymaking process; banning discrimination on labour market and in job promotion and hiring; developing programs for women who are victims of economics reforms; educating women about gender equality legislation; encouraging women to participate in decision-making processes; more focus on gender issues in the health sector; legislative changes linked to policies on trafficking in people and rehabilitation help for victims; encouraging women to participate in media; producing annual reports for the government and monitoring the gender process. With regard to gender equality three issues were very important: to adapt indicators of gender equality in compliance with UN requirements; to ensure gender balance in decision making; to provide gender expertise of all Ukrainian laws. The gender expertise of Ukrainian legislative base has been fulfilled, and no discrimination has been found in it.

The National Plans of Action were not provided with sufficient funding, so the most of provisions remained on paper.

Cabinet of Ministers of Ukraine adopted a Decree on **Concept of National Program on Ensuring Gender Equality in Ukrainian Society for years 2006-2010** in July 2006. The goal of the Program is ensuring equal rights and opportunities of women and men, and its realizations as main human right. Concept of National Program contains analysis of causes of the gender inequality problem in Ukraine, analysis of possible ways of solving a problem, methods of solving a problem, expected results and financing. Ministry of Family, Youth and Sport had to develop and submit Draft of National Program to Cabinet on Ministries of Ukraine till October 2006.

**“Complex Program on Counteracting Human Trafficking for 2002-2005”** was implemented in Ukraine during 2002-2005. For coordination of activities of this Program implementation, a special permanent body, Interdepartmental Coordination Council on Combating of Human Trafficking, was established in December 2002<sup>1</sup>.

Complex Program included three groups of actions: on prevention human trafficking, prosecution of traffickers and protection of victims of trafficking.

**Concept of National Action Plan on Combating Human Trafficking for years 2006-2010**” was adopted by Cabinet of Ministers of Ukraine in April 2006. The National Action Plan is aimed at improving the strategy for combating this type of crime. The plan was expected to be adopted by the end of 2006.

**Millennium Development Goals (MDGs)** adopted for Ukraine include 6 Goals, 13 Objectives, and 23 Indicators. The following MDGs for Ukraine concern women’s rights: Goal 4: Improving maternal health and reduce child mortality and Goal 6: Ensuring gender equality.

The Lviv, Lugansk and Donetsk regions of Ukraine were chosen for developing local MDG based on MDG Ukraine and regional specifics. The West Ukrainian Centre “Women’s Perspectives” proposed to include in the Lviv region MDG document Objective “Decreasing Violence against Women, in particular Domestic Violence and Human Trafficking” under the Goal “Ensuring Gender Equality”. September 30, 2006 the first draft of the proposed Goal on gender equality and its objectives was presented during round table talks organized by UNDP Ukraine, Ministry of Economy of Ukraine, Lviv State Administration and West Ukrainian Centre “Women’s Perspectives”. Besides representatives of organizers, women’s NGO and women-deputies of local self-government participated in the discussion. Authorities and UNDP supported idea of including VAW as one of three objectives of Gender Equality Goal on the regional level. After the revision document will be presented to State Administration and regional self-government for adoption.

On November 21, 2006 Parliamentary hearings on “Equal Rights and Equal Opportunities in Ukraine: realities and perspectives” were organized.

The Law "On Ensuring the Equal Rights and Opportunities of Women and Men", which came into force on the 1<sup>st</sup> of January 2006, opened new perspectives for development of national machinery. According to this Law the state institutions that should ensure equal rights and opportunities for women and men are: Parliament, the Human Rights Ombudsman, Ukrainian Cabinet, and the Special Central Executive Institution on equal rights and opportunities. This Law also presupposes establishing coordinators on gender issues at all levels of power.

In fact, today national the mechanisms to ensure gender equality are reduced to the Department on Gender Policy in the Ministry of Family, Youth and Sport; and the Department on Gender Policy in the Committee on Human Rights, National Minorities and International Relations. All other institutions presupposed by the new law exist only on paper.

Although today's President Victor Yuschenko has signed the Law "On Ensuring the Equal Rights and Opportunities of Women and Men", gender mainstreaming in all state plans and programs obviously is not his policy priority. The President considers gender issues in the traditional sense – as improvement of women's status, and women's role is considered as being a mother and housekeeper, not as an equal partner in the economic, political and social spheres. One of the first steps of Victor Yuschenko's government was increasing of benefit for childbirth to 8 345 hryvna (1200 Euro). While it is a very important step, it has not solved the problems of women's poverty, unemployment, business development and gender imbalance at all levels of power.

### **1.3. Women in decision making**

The objective of more balanced participation by men and women in national governing structures is one of the goals of the Beijing Platforms for Action. Although women in Ukraine enjoy the legal entitlements necessary for taking part in the political process without restrictions, they continue to face serious practical difficulties in becoming involved in equitable numbers in the political process.

In Ukraine women have found themselves progressively pushed out of political life. Repeated studies of gender and voting behaviour indicate that the absence of women in electoral office is not the result of voting in general elections but is attributable to party nomination practices. The role of political parties in increasing women's representation is clearly crucial, as political parties are the channels to elected offices. The limited presence of women in parties and their even smaller role in parties' executive committees explains to a large extent the difficulties women have in getting access to political power.

General attitudes in society, which construe men as the only real political actors, tend to legitimate men and their political actions, while disqualifying women. In the same sense, women in politics are often more closely scrutinized and more criticized than men. The unequal division of family responsibilities places women at a disadvantage in terms of time needed to be active in politics. Similarly, limited social services impair women's access to the "disposable time" required for building up a political career. Other explanations for the dearth of women in electoral politics include the lack of positive measures and networks to support women in politics and the re-emergence in some societies of patriarchal values and relegation of women to the private sphere of the family.

As a result of all this, women are in minority among parliamentarians and therefore have relatively little influence on the social and economic policies that characterize a society. Training and strong policies with quotas and targets could be instruments in increasing women's presence in different appointed offices in the senior civil service, commissions and committees.

During Parliamentary elections 2006 all leading party blocks and parties have included at least one woman in the first five items of the lists. The party in power "Our Ukraine" included two women.

At the same time, having analyzed pre-election lists of leading parties, it is possible to obtain following data: in lists of the Block "Our Ukraine" among the first 100 candidates - 8 women (8 %); Julia Timoshenko's Block - 5 women (5 %); "Party of Regions" - 5 women (5 %); Socialist Party of Ukraine - 4 women (4 %); Communist party - 13 women (13 %); Vladimir Litvina's Block - 8 women (8 %); the Block "Not so" (including a party "Women for the common future") - 16 women (16 %); Natalia Vitrenko's Block - 32 women (32 %); in lists of party "Viche" from 61 candidates - 12 women (19,6 %).

During Parliamentary elections 2006 there were six parties lead by a woman: Julia Timoshenko's Block, Natalia Vitrenko's Block "National opposition", the Block of People's democratic parties (Lyudmila Suprun), party "Viche" (Inna Bogoslovskaja), party "Green Planet" (Natalia Zubitskaja), a party "Eko+25 %" (Ekaterina Amosova).

As a result of elections of 2002 in parliament there were 5 % of women, however after elections 2006 the share of women rose to 8%.

Among those women who have been included in the first five spots of the political parties' lists, there were well-known actresses, singers, TV commentators. It implies that parties have approached the problem of equal political rights for women formally, and tried to attract voters by well-known names, but were not inclined to perceive women as equal political partners.

Now within 26 Parliament Committees only two Committees are headed by women – Committee on Health Protection and Committee on Science and Education. Among the Chiefs of Sub-Committee there are four women (including Sub-Committee on Gender Policy). Among Deputy-Chiefs of Committees there are three women. Only two Sub-Committees consist of only one person: Sub-Committee on Gender Policy and Sub-Committee on Starvation.<sup>2</sup>

In spite of the fact that numerous international documents with commitments to implement gender equality have been signed by Ukrainian government there is not a single woman in the Cabinet of

Ministry. The picture does not get any brighter when looking at other central organs of executive power. In these, only 7% are women, none of whom occupies a ministerial or state secretarial position. Only two women hold the position of the head of state committee. Only eight out of 69 deputy ministers (eleven per cent) are women. Among state committee deputy heads the share is even lower, eight per cent (five women and 57 men). The figures show that the process of visible gender change that was seen in the second half of the 1990s has slowed down. At that time Ukraine had two women ministers and three women had the position of state committee heads. There were also five political women's parties. The higher the management level, the lower the share of women. Within the Ukrainian presidential administration, the apparatus of the Verkhovna Rada and the secretariat of the Ukrainian Cabinet of Ministers, the ratio of female to male managers is less than 1:3. On January 1st 1998 the ratio was much lower, 1:5. The general trend throughout Ukraine is that gender equality exists only at the lowest management level.

Preference is given to women to fill the positions of specialists within legislative, executive and judicial power structures. There are now four times more women than men in such jobs. The gender composition of local government bodies has an influence on the gender content of rules and regulations adopted at this level. As at the state level the same pyramidal gender structure is seen here. As power decreases, the proportion of women increases. The top of the power system at the local level is a male domain. Nearly all the heads of villages, rayons (districts) and oblasts are male. No oblast council has a female head. There are only five women among 159 city mayors. There are about six per cent female regional council heads in rural areas and nine per cent female local district heads in the cities. At the lowest level of administration, for instance a village council, where the influence of the population on power and on ownership is lowest and where no ideology is formed, women predominate within the local government system.<sup>3</sup>

#### **1.4. The social and economic situation of women**

The process of building a market economy in Ukraine has been based on three pillars - privatization, liberalization and macroeconomic discipline. These changes have had serious implications on the redistribution of assets and levels of financing within society. Gender is one of the most important aspects of these implications, since the distribution of assets during privatization was heavily biased towards men.

The pattern of privatization in Ukraine strongly suggests that men control more assets than women. There is a lack of official gender-disaggregated data to fully evaluate women's access to financial resources and assets. Based on expert estimates, however, women in Ukraine obtained only 5-7% of privatized assets.<sup>4</sup> Only privatization of apartments has been conducted on an equitable basis, and women own about 50% of apartments in cities.

At the same time women, as care givers, assumed a large part of negative consequences of internal (increase of prices) and external liberalization (foreign debt) as well as a constant pressure on national budgets, which resulted in cuts in public expenditure (including on health, education and family-related benefits). This is largely explained by the relative position of men and women in the economy and decision-making structures prior to 1989 as well as the fact that transition policies did not take gender issues into account.

The adverse economic and social conditions in Ukraine have particularly affected women, who today constitute the largest number of the poor, powerless and disenfranchised. This has also resulted in rising poverty, unemployment, and prostitution and trafficking in women and children across borders. While growing poverty, unemployment and weakened social support and social services have been experienced by both men and women, women are affected more severely due to their reproductive and family responsibilities and the failure of Ukraine society to value those

responsibilities.

Regarding **women's poverty** the following women are at risk: single mothers, divorced women with children, rural women, elderly single women, disabled women, mothers having disabled children and unemployed women. The risk of poverty is high among the following men: unemployed men, single retired men, and disabled men.

The following available data gives good grounds to conclude that the process of market transition has decreased women's participation in economic life.

- In 1994-2000 in Ukraine about 80% of all discharged workers were women.<sup>5</sup> As a rule, directors of enterprises and firms consider women to be more expensive and less reliable workers, because women have a right to maternity leave. The prejudice also exists as it is commonly believed that women give higher priority to the family than to work.
- In 2002 the level of officially registered unemployment constituted 1,3 MIL., and 64,3% of all unemployed were women.<sup>6</sup>
- Gender segregation is the tendency of women's employment only in certain positions and professions. There are two types of gender segregation in the sphere of employment: horizontal and vertical. Horizontal segregation is an unequal distribution of women and men in the employment sphere on a sector by sector basis. In the Ukrainian labour market the women are concentrated in the service spheres: trades are made of up 75% of women, the commerce system — 74%, the healthcare system — 80%, and public catering — 84%. Vertical segregation is a disproportional hierarchical distribution of women. This can be especially noted in the sphere of management and administration — the higher the status of the position, the fewer women there are.<sup>7</sup>
- 69,6% of job opportunities in advertising newspapers are for men, so they discriminate against women in limiting their access to work. In spite of the existing law, mechanisms for punishment still are not developed.<sup>8</sup>
- Although the considerable majority of women have higher education; they earn on average 71.9 % of men's salary.<sup>9</sup> The wage gap is a result of the concentration of female jobs at the lower end of the labour market and of discrimination against women through lower pay for work of equal value.
- Despite their relatively higher education levels, women are still discriminated against in the market for stable and well paid jobs. The Human Rights Watch report (2003) "Women's Work: Discrimination against Women in the Ukrainian Labour Force" describes how Ukrainian employers discriminate against women job seekers in the way they announce vacancies and interview applicants.<sup>10</sup>
- The number of women participating in business is by far lower than the number of men. According to the research into private business (2001) there are 3 times fewer enterprises under women's control than under men's control.<sup>11</sup> Studies show that the process of privatization places more assets under the control of men than women. Women generally control less start-up capital and have more limited access to credit needed to raise finance for business operations and expansion. Information concerning credit opportunities and training courses is less accessible to female managers as well. Businesswomen who had to dissolve their businesses report having had serious problems trying to keep afloat in the extremely corrupt environment.<sup>12</sup>
- In the agricultural sector, processes of privatization and the creation of family-based enterprises may redefine women as unpaid family workers without the social benefits they are entitled to as members of enterprises.
- Homemaking is still an area of gender discrimination. For example, the "double burden" borne by women in Ukraine was significantly heavier than that for women in Western Europe (by 15 hours per week on average) and totalled 70 hours per week.

As was mentioned, the Equality Act that entered into force on January 1, 2006, prohibits gender discrimination, inclusive of labour relations, and guarantees protection from it by the State.

Before the Equality Act was adopted gender and age non-discrimination was guaranteed by article 24 of the Constitution of Ukraine from 1996. The Labour Code, since its enactment in 1971, has guaranteed equality of labour rights for citizens regardless of sex, and bans any direct or indirect limitation of rights or the introduction of direct or indirect employment advantages. The formal effect of the legislation is that amending and cancelling a labour contract cannot be influenced by the worker's sex. The Constitution of Ukraine also guarantees the right to judicial defence for gender discrimination.

However, there is no juridical precedent for protecting women against gender discrimination in the labour market. The courts of Ukraine have not taken up such cases.<sup>13</sup> The lack of cases, first of all, is connected with the lack of complaints from citizens for protection from gender discrimination. At least there is no data on the publication of court decisions in the press; and official statistics on such cases do not exist.

The share of women in the economically active population of Ukraine is about 49%.<sup>14</sup> In Ukrainian society the traditional gender stereotypes still exist, based on the perception of men as breadwinners even though the family has changed considerably, and more and more often the labour of women is the only income source for the family.

Informal small and medium-sized enterprises (SMEs) operated by women play a critical role in the economic survival of poor families. The negative impact of economic structural adjustments have pushed women out of the traditional labour market and forced them to seek ways to support themselves and their families. In this context, self-employment in the formal sector has become crucial for family survival. In the last 3-4 years businesses owned by women have developed rapidly in Ukraine. According to results of BIZPRO survey, in Ukraine women controlled 22% of private small and medium enterprises in 2002.<sup>15</sup>

Women start their own businesses in Ukraine because, on the one hand, it is necessary to support their families and provide access to education and health services for children, and on the other hand, they want economic self-sufficiency and independence, to plan their own time, control their own professional advancement, and utilize their professional skills and knowledge. The majority of women's enterprises are engaged in wholesale and retail trade. Other relevant development trends for women's businesses are agriculture, public catering, industry, consumer services, hotels, and tourism.

The obstacles for the development of women's businesses are: lack of starting capital, business contacts, information and protection from power structures. Social and psychological factors also create barriers for women in business.

Since the beginning of the 1990s Ukraine has restructured its social security schemes significantly in a way that has had a negative impact on women. Many changes have been a necessary consequence of the ongoing economic reform process since 1989: welfare state institutions and provisions had to be adjusted to be compatible with a market economy. The efficiency and effectiveness of social security benefits and services came under scrutiny, and greater transparency in the administration of benefits was a popular demand. Given the breadth of inherited social security schemes, governments were also interested in reducing the burden of welfare state provisions on the state budget, and to ensure the financial sustainability of social security in the long run.

At the beginning of the 1990s the state provided a broad variety of family benefits to support parents in bearing and raising children. The range of benefits included maternity protection and benefits, often in combination with a birth grant, childcare leave (granted only directly following maternity leave), child raising benefits, and leave and benefits for taking care of a sick child. Since

1991 expenditures for family benefits and family support programs have declined considerably in Ukraine. In 2005 the benefit for childbirth was reintroduced in the amount of 8 345 hryvna (1200 Euro).

Family benefits are mostly attached to, or directly provided through, the workplace. So, maternity benefits are used by employers as a reason for not hiring women. The absence of legal or collective trade union instruments of enforcement, and pre-entry labour market discrimination against women of childbearing age are widely reported.<sup>16</sup>

In the last decade the number of pre-school institutions has been reduced in Ukraine. The majority of children at pre-primary age stay at home. Many parents cannot afford to pay rising fees for kindergarten services. Closures of schools, day care centres and kindergartens have transferred childcare and nursing responsibilities to women. This not only limits their ability to gain employment but also their participation in the social and political activities within their communities.

Since 1994 national expenditures on the public health sector in Ukraine have been cut at least four times, making medical and health services less accessible for communities. The shift to a chargeable healthcare system has created insuperable difficulties in this sphere for the majority of the population. The costs for medical services sometimes exceed the family budget. The right of access to medical services free of charges guaranteed by the government is in fact implemented only to a limited extent. As a result some people turn up at medical institutions only at late stages of illnesses or do not go there at all. Therefore the mortality rate has risen abruptly in the country.

In Ukraine the availability of hospital beds has been cut from 127 beds per 10.000 people in 1992 to 70 beds per 10,000 people in 2000. This has had an extremely bad effect on the population's access to public health services in rural areas. There are villages where there are no hospitals at all. Medical services are more and more concentrated in cities, and moving away from residents of rural areas. This especially concerns obstetric and pediatric services.

Budget cuts in the public health sector and the increasing proportion of payable medical services is a factor that disproportionately affects women as one of the most economically disadvantaged groups in the process of transition. Single parent families where women dominate as breadwinners are particularly vulnerable in the situation. Decreasing access to health services has transferred the care of ill family members and old parents almost exclusively to women.

Measures to reduce the financial costs of health services by shortening the time that patients stay in hospital for post-surgical recovery also transfer the burden of convalescent care to women in home. In turn this can have a knock-on effect, forcing women to be absent from paid employment and lowering their productivity and employability.<sup>17</sup>

All these factors marginalize women and minimize their opportunities to participate in the economic, social and political decision-making process. At the same time the lack of women's participation in policymaking, the lack of focus on and insufficient discussion about the gender dimensions of social security, and competing priorities with respect to social security (support for mothers and homemakers vs. equal opportunities and treatment for fully employed women, for instance) complicate efforts to mainstream gender in social security reforms.

According to the Equality Act, the state policy on providing equal rights and opportunities for women and men is directed, in particular, to "*providing equal opportunities for women and men in combining professional and family responsibilities; family support; forming responsible maternity and paternities.*" The Act also provides for the bodies of executive power and bodies of local self-government within their jurisdiction to "*establish the conditions for women and men to combine*

*professional and family responsibilities", and obliges employers to "secure for women and men the possibility to combine work activity with family responsibilities".*

However, it is obvious that without a formal or informal specification of responsibilities either in law or in policy, without mechanisms for implementing and regulating the law, and in the absence of enforcement incentives and mechanisms, the solution of the problem of discrimination against women in the Ukrainian workplace will be set aside for an indefinite period of time.

## **Part 2. Gender perspective in EU development aid**

### **2.1. Current EU development programmes**

The European Neighbourhood Policy (ENP)<sup>18</sup> is a significant element in creating a new relationship between the EU and its neighbouring countries. The ENP Action Plan for Ukraine was agreed to in February 2005 following the Orange Revolution and the election of President Yuschenko. The Action Plan is now under implementation, bringing Ukraine closer to the EU's political and economic principles and confirming Ukraine's choice for democracy and the rule of law. Hence, the Action Plan is also recognized by other donors as the political frame for designing support for Ukraine.

The Action Programme 2006 coincides with the political and specific priorities of the government. It seeks to provide support for the implementation of the EU-Ukraine Action Plan, taking into account the readiness and ability of the new authorities to undertake reforms. It also foresees specific actions at the regional and local levels, directly targeting the population.

The Programme focuses on:

- core policies for the Internal Market such as Competition, Agriculture (with special focus on sanitary and phyto-sanitary issues), Customs, Financial Services and capital markets, and links it to the Lisbon agenda;
- preparing Ukraine to decentralize the management of assistance and to enhance regional development;
- strengthening civil empowerment (by means of a community based approach and regional development).

The Management Committees to Technical Aid to the Commonwealth of Independent States (TACIS) were approved in 2001 and 2003 respectively. In turn, they developed the Country Strategy Paper 2002-2006 and the National Indicative Programme 2004-2006 for Ukraine. The Action Programme 2006 is developed in line with these strategic documents, and also takes into account the new political framework now set up in the EU-Ukraine Action Plan.

The third area consists of development of gender issues programmes in Ukraine.

The Women and Children Rights Programme designs Social Policy and Social Work (SWAP) for women and children's rights, with a particular focus on the following areas: Government capacity to implement its **gender strategy** and its action plan for children, **gender culture and gender stereotypes**, labour market issues including sexual harassment, domestic violence, biases in education, and enforcement of children's rights, in particular through the creation of a juvenile justice system. These objectives match specific targets of the Action Plan.

In 2006 Ukraine received 14 million Euros for the implementation of a comprehensive gender strategy levels. That program will be implemented during the next three years.

The Action Programme 2006 also includes the Trans-European mobility scheme for university studies (TEMPUS) and a general technical assistance facility (GTAF) to be used to accompany the implementation of EU external assistance activities.

The EU has provided assistance under the TACIS programme (including its national, regional, cross-border and nuclear safety components); as well as macro-financial assistance, support under thematic budget lines such as the European Initiative for Democracy and Human Rights (EIDHR); and humanitarian assistance provided by the European Commission's Humanitarian Aid Department (ECHO).

#### EC assistance to Ukraine, 1991-2006 (in € million)\*

	1991-98	1999	2000	2001	2002	2003	2004	2005	2006	Total
TACIS National Programme	407**	38.6	48	43	47	50	70	88	100	891.6
TACIS Nuclear Safety (incl. Chernobyl Shelter Fund and UKR G7 Action Plan)***	304.3	50.3	3.5	69.4	44	46.6	34.3	28.4	40.3	621.1
TACIS Cross-border Co-operation****		5.2	1	5.5	0.5	3	3	18	4	40.2
TACIS Regional Programme****		3.7	6	9.1	10.5	6	6	8.7	tbc	50.0
Fuel gap	-	-	25	20	20	-	-	-	-	65
ECHO (humanitarian assistance)	12	6.3	1.3	0.9	0	-	-	-	-	20.5
Macro-financial assistance (loan)	565	-	-	-	110	-	-	-	-	675
Human rights (EIDHR)		0.2	-	1.3	0.6	0.6	0.5	1.8	0.95	5.95
Migration and Asylum (AENEAS)	-	-	-	-	-	1.3	-	1.5	tbc	2.8
Anti-landmines	-	-	-	-	-	-	7.0	-	-	7.0
Contribution to Science and Technology Centre in Ukraine (STCU)		3	4.5	4	4	4	4	5.5	5	34.0
<b>Total</b>	<b>1288.3</b>	<b>107.3</b>	<b>89.3</b>	<b>153.2</b>	<b>236.6</b>	<b>111.5</b>	<b>124.8</b>	<b>151.9</b>	<b>150.3</b>	<b>2413.2</b>

\* - 2006 figures indicative and not available for each item

The **national TACIS programme** of assistance, has focused on three priority areas over the period 2002-2006:

- i) support for institutional, legal and administrative reform,
- ii) support to private sector and economic development, and
- iii) support in addressing the social consequences of transition.

Funding under the national TACIS programmes for Ukraine has been substantially increased over the period 2002-2006 from € 47 million in 2002 to € 88 million in 2005 and € 100 million in 2006.

The Board of Cooperation between Ukraine and EU supervises the Partnership and Co-operation Agreement (PCA) and “considers any significant issues within the framework of Agreement as well as other bilateral and international matters of mutual interest”. The Ukrainian Part of the Board is headed by the Prime-Minister of Ukraine, (who is the First Deputy Plenipotentiary of Ukraine on European Integration,) assisted by three deputies: the Minister of Foreign Affairs, Minister of Economy and Minister of Justice. Membership of the Ukrainian Part of the Board comprises all other Ministers and other leaders of central executive bodies (total number: 27).

The Ukrainian Part of the Committee is headed by the Minister of Economy and European Integration of Ukraine. Ukrainian Part comprises all the representatives of central executive bodies and other state bodies, which take part in problem solving around European integration.

Four subcommittees are created under the aegis of the Committee on Cooperation to oversee the European Part of the PCA in relation to:

- trade and investment;
- finances, economy and statistics;
- customs, trans-border cooperation, illegal migration, “money laundering”, and drug business;
- energy, the civil nuclear sector, environmental protection, transport, telecommunications, science and technology, and education.

From the 8 MDGs that were adopted by 189 nations and signed by 147 heads of state and governments during the [UN Millennium Summit](#) in September 2000, Ukraine adopted 6, among which are:

- Poverty reduction (Goal 1)
- Quality life-long education (Goal 2)
- Sustainable environmental development (Goal 3)
- Improved maternal health and reduced child mortality (Goal 4)
- Reducing and slowing down the spread of HIV/AIDS and TB (Goal 5)
- Gender equality (Goal 6).

The EU as an organisation seeks to support the millennium development goals by focusing on six priority areas where it can use its special expertise. They are:

- Trade and development
- Regional cooperation
- Poverty-reduction policies to support health and education
- Transport infrastructure
- Food security and sustainable rural development
- Institutional capacity-building, good governance and the rule of law.

In order to achieve the desired development benchmarks identified by the Millennium Declaration, the Government of Ukraine has committed to conducting an economic policy that would improve the welfare of all Ukrainian people. The Ministry of Economy (Treasury) of Ukraine is the chief institution in the system of central executive agencies, ensuring a unified state economic and social development policy in Ukraine. This Ministry is charged with the responsibility for taking necessary measures to achieve the MDGs.

## 2.2. EU Member States development aid

The EU is the largest donor to Ukraine. Assistance provided by the European Community alone has amounted to almost € 2.5 billion since 1991. The report for 2001 notes that substantial technical assistance has been provided, particularly by Denmark, France, Germany, Italy, the Netherlands, Sweden and the UK, in areas such as public administration reform, the rule of law, health reform, SME support, industrial restructuring, food and agriculture. Predicting results at the end of 2006, some donors, including EU Member States, started scaling down their activities in Ukraine, but a large number of donor organisations are still active in the country. The biggest donors are Sweden, the United Kingdom and Denmark, in addition to the EC, are the World Bank (WB), the European Bank for Reconstruction and Development (EBRD) and United Nations Development Program (UNDP), the USA and Canada. The European Investment Bank (EIB) has started operations in Ukraine as well.

Donor activities focus in particular on issues related to governance, economic reform and development, and social reform and protection. In particular, the WB and EBRD are also active in the field of infrastructure development. The presence of member states in Ukraine will continue to support economic restructuring and investment promotion, with increasing emphasis on the development of civil society and social and health issues. EC assistance will focus on border management; and legal, judicial and administrative reform; as well as trade and investment promotion in the context of the PCA.

## 2.3. Other development programmes and sources of development aid

UN Programmes in Ukraine provide active support in achieving MDGs, which were adapted to the Ukrainian context taking into consideration the particularities of our country's development.

UNDP work on the MDGs co-ordinates global and local efforts to:

- **Advocate** for the MDGs;
- Share the **best strategies** for meeting the MDGs in terms of innovative practices, policy and institutional reforms, means of policy implementation, and evaluation of financing options;
- Monitor and **report progress** towards the MDGs; and
- Support governments in tailoring the MDGs to local circumstances and challenges.

The United Nations in Ukraine, together with the Ukrainian government, and representatives of other international and local organizations, civil society and the private sector identified four areas in which the UN will assist Ukraine: (1) institutional reforms to enable respect for human rights; (2) strengthening Ukraine's civil society, to improve access to services; (3) better-quality, accessible health care and health services; and (4) prosperity, through balanced development and entrepreneurship.

To identify the biggest challenges and develop specific ambitious tasks for human development efforts in Ukraine, a comprehensive research and analysis of the situation in Ukraine was performed. As a result, the national analytical report "Millennium Development Goals - Ukraine" was prepared in 2003 by the Ministry of Economy in Ukraine with the support of the United Nations Development Programme in Ukraine.

For the 60th session of the United Nations General Assembly (September 2005) the Ministry of Economy also developed the report "Millennium Development Goals-Ukraine. 2000+5", which assesses Ukraine's progress towards achieving the Millennium Development Goals since the

adoption of the Millennium Declaration in 2000. The report, prepared by the leading specialists of the Ministry of Economy of Ukraine and other Ministries in collaboration with the experts of the United Nations Development Programme in Ukraine, scientists, representatives of non-governmental analytical institutions and think-tanks, tracks the progress towards the MDGs, identifies and evaluates the main obstacles on the way to their achievement, and supplies recommendations for solving these problems in the context of current trends in the social and economic development of Ukraine.

The United Nations Development Fund for Women (UNIFEM) provides financial and technical assistance to innovative programmes and strategies promoting women's human rights, political participation and economic security. Within the UN system, UNIFEM promotes gender equality and links women's issues and concerns to national, regional and global agendas by fostering collaboration and by providing technical expertise on gender mainstreaming and women's empowerment strategies.

UNIFEM CIS is the United Nations Women's Fund at work in the 12 countries of the Commonwealth of Independent States. In 2006 UNIFEM CIS issued grants for two Ukrainian NGOs for the Prevention of Domestic Violence Problem for a total amount of more than 200 000 Euros.<sup>19</sup>

Ukraine receives more US assistance than Russia, with a focus on private sector development, good governance, health and social protection, but also on anti-corruption and justice and home affairs issues.

The United States Agency for International Development (USAID) has been providing assistance to Ukraine since 1992 to facilitate its transition from a centrally planned and authoritarian society to a market-based and democratic one. In the earliest years, the main focus of the USAID program was on macroeconomic stabilization, laying down the basic concepts of commercial law and on dismantling state control of resources through privatization.

In 2002, Ukraine was identified as one of 23 USAID priority HIV/AIDS countries on the basis of its escalating epidemic and potential for significant economic, political, and social impact. Today the regional mission is also providing assistance to fight HIV/AIDS and to combat human trafficking.

USAID health and social sector programs are assisting Ukraine to: 1) reduce the transmission and impact of HIV/AIDS; and 2) improve health and social conditions. The United States Government puts a high priority on combating HIV/AIDS and Tuberculosis (TB) as well as fighting Trafficking in Persons (TIP). These initiatives are in response to the rapidly escalating HIV and TB epidemics as well as the status of Ukraine as a source, transit, and destination country for TIP. Other health and social priorities support family planning/reproductive health policies and services, prevention and control of avian influenza, family and community care of orphans and vulnerable children (OVC), and maternal and child health (MCH)

Similarly, there are regular meetings among donors working with civil society, including the International Renaissance Foundation (IRF), TACIS, the British Council and UK Department for International Development (DFID), the Canadian International Development Assistance (CIDA), the Netherlands Embassy, UNDP, United Nations Children's Fund (UNICEF), the National Endowment for Democracy, the World Bank, the Charles Stuart Mott Foundation, etc.

## **2.4. NGO's and development aid**

More than 30,000 NGOs are registered in Ukraine. There are about 45 National and International, and about 1,500 regional and local women's NGOs officially registered in Ukraine<sup>20</sup>.

The new step in NGO development began after the Orange Revolution and the election of President Yushchenko. The Ukrainian government has taken steps toward the democratization of society, open communication between the State and civil society, and European integration.

Today women's movements have the task of implementing gender priorities in the context firstly of European values and secondly of integrating gender priorities in all spheres of state policy.

In order of activity, mission and their influence on the women's movement and Ukrainian society in general, we can highlight 4 groups of women's NGOs in Ukraine.

The **first group** consists of women's organizations whose mission can be characterized as historical or traditional. These organizations take a conservative cultural position.

The **second group** consists of socially-oriented organizations. This group consists of a relatively large number of organizations. They are oriented towards solving pressing social problems and protecting women's rights.

The **third group** connects organizations of business women. These organizations support women who want to start a business or already have one. Many such NGOs work in the field of domestic violence and human trafficking. These are the most critical problems now. They also provide assistance to women in other crisis situations, such as victims of other forms of violence against women (VAW).

The **fourth group** of organizations consists of women's analytical centers. These organizations are active in the field of gender studies, and pay critical attention to the role of women in modern society.

A few organizations were established in 1999 in the field of gender issues: The Kyiv Institute of Gender Studies (through the joint effort of academics, scientists, and program experts in gender equality); The Kyiv Scientific-Educational Gender Centre (whose main goal is to conduct theoretical research into, and implement, gender equality in educational processes in schools, institutions and universities); The Centre for Gender Studies in Literature; the Institute of NAS of Ukraine.

Gender-oriented organizations now exist in all parts of Ukraine.

Through the joint efforts of women's NGOs, information exchange, common research and resources, and "umbrella" organizations were created. The first such organization was the Women's Consortium NIS-USA, which was established in 1992. That consortium united more than 170 women's NGOs and existed until 2001. Then, in place of the consortium, the Ukrainian NGO "Ukraine Women's Consortium" was formed. Its main goal was "to assist women's NGOs to collaborate in building a democratic and sustainable society in Ukraine". Today this NGO has 15 representatives across Ukraine.

Some networks were also created through the joint efforts of certain women's NGOs in solving specific problems:

- Networking of NGOs around the topic of "Women In Decision Making";
- The Network of Organizations that work in the field of prevention of trafficking in humans, etc.

International Organizations such as USAID, the International Organization for Migration (IOM), the Organization for Security and Co-operation in Europe (OSCE), etc. work to create the Network of Organizations, which works actively with women's NGOs in specific fields or topics.

Also, in Kyiv, the Ukrainian Women's Fund (UWF) works to provide assistance and basic financial support to women's NGOs.

Sources of NGO funding come mainly from international foundations and institutions and from local and regional governmental bodies. Usually governmental bodies provide co-financing for some actions. The proportion of government funding differs according to region and organization. The biggest obstacle for women's NGOs in Ukraine is the lack of, or low level, of financial support from government. State bodies are not ready to finance social services which help NGOs on a professional basis. During the last few years we can see significant improvement in collaboration between NGOs and the Government: state and regional budgets now include funds for projects which can be implemented by NGOs. However, they still don't see NGOs as professional partners for providing social services. Another problem is that the Ukraine civil service is relatively inexperienced, and characterised by high staff turnover.

At the same time, some existing state organisations focus on women's issues, for example, the Centre for Work with Women, which was established and funded by the Kyiv City Council in Kyiv. The Centre provides free psychological, social, legal assistance and immediate help for women victims of violence.

Other examples include the Centres for Social Services for Family, Children and Youth. These centres were founded and are supported by the Department of Social Services for Family, Children and Youth. Such Centres exist in all cities and most towns in Ukraine. Some of these Centres were established as Informational-Resource Centres, crisis centres, rehabilitation centres or other institutions. Those centres provide health, psychological, consultative, educational, legal, economic, and information services for families, children and young people. In many Centres organized specialized service of social support for families in a crisis situation<sup>21</sup>. Lawyers, social workers and psychologists are supposed to work in such services. But often, due to the lack of funding, especially in small towns, not all necessary specialists can be available.

## **2.5. Assumptions**

TACIS Institution Building Partnership Programme (IBPP) developed in 2005 a series of initiatives known as Support in Civil Society and Local Initiatives. These were dedicated to Administrative and Social Reforms. Insofar as they directly target women, social reforms include the following:

- Assistance to disadvantaged women and other disadvantaged sections of the local population;
- Initiatives against Domestic Violence, Human Trafficking and Child Abuse;
- Promotion of sustainable health and social care (e.g. women's health, youth, elderly etc.) Preventive health care.

A call for proposals was published under the auspices of these initiatives. The overall sum made available for Ukraine under this call was 3 million Euros, which was provided by the 2004 Action Programme.

In 2005 11 organizations received financial support for project implementation from EIDHR Micro-Projects. The programmes included three women's NGOs, and two projects were dedicated to women's issues. In 2006 four supported projects among six were dedicated to women's issues and two to children's issues.

In 2007 the EU is to grant 14 million Euros for gender issues in Ukraine. Gender equality is the Millennium Development Goal # 6 for Ukraine.

The UNDP Millennium Project is deeply connected with MDG Strategy development for various regions in Ukraine.

EU member states strongly endorse the millennium development goals adopted by the United Nations in September 2000:

- to eradicate extreme poverty and hunger
- to achieve universal primary education
- to promote gender equality and empower women
- to reduce child mortality
- to improve national healthcare
- to combat HIV/AIDS, malaria and other diseases
- to ensure environmental sustainability
- to develop a global partnership on development.

The EU as an organization seeks to support these goals by focusing on six priority areas where it can use its special expertise. They are:

- trade and development
- regional cooperation
- poverty-reduction policies to support health and education
- transport infrastructure
- food security and sustainable rural development
- institutional capacity-building, good governance and the rule of law.

Although gender equality is not mentioned in the EU priority areas almost every area can more or less address the gender issues. Violence against women is directly connected to complex social conditions such as poverty, lack of education, gender inequality, child mortality, maternal diseases and the spread of HIV/AIDS, etc. That is why, in the strategy for achieving the Goal “to promote gender equality and empower women” the following tasks were identified:

- To increase number of women in decision making process at governmental and local level, and in political activity
- To reduce level of gender discrimination in the labour market and to cut income gap between men and women
- To reduce gender violence, particularly domestic violence, human trafficking and sexual violence.

The work group of UNDP Millennium Project recommended including such tasks and indicators in the national agenda Also one of the recommended tasks is to reduce the spreading of violence against women by 50% until 2015.

One of the biggest obstacles on the way to achieving a gender sensitive goal is inappropriate legislation, standards and instructions in the spheres of state and local government. Also, among other problems are included:

- An absence of active mechanisms of national and local gender policy implementation
- The low level of cooperation between governmental institutions, NGOs, social institutions, law enforcement, and other institutions that act in the field of prevention of gender discrimination;

- Gender discrimination in the labour market in Ukraine;
- Lack of access by of women to legal process ( absence of relevant litigation);
- The low level of understanding of gender equality problems;
- Widespread economic dependence of women on men;
- Gender stereotypes, such as “women’s” and “men’s” labour productivity, women's and men’s roles in distribution of domestic work, raising children, participation in government, etc.;
- Stereotypes in the perception of domestic violence among law enforcement and other professionals who deal with domestic violence and human trafficking;
- Not enough quantity and quality of services for victims of gender violence, especially in rural areas;
- Absence of training in gender equality and the prevention of gender violence in educational institutions, especially for civil servants, lawyers, law enforcement, teachers, doctors, social workers, etc.
- Absence of gender indicators in statistical data and state reports concerning implementation of Ukrainian Law “About prevention of Domestic Violence”.

Notwithstanding existing problems in achieving the goal of gender equality, the EU is able to assist Ukraine in creating a gender sensitive environment. The best way for EU to do this is to keep track of the gender component in all the supported directions, and to promote gender sensitive initiatives by different institutions.

### **Part 3. New financial perspective 2007-2013**

#### **3.1 Planned EU development programmes (2007-2013)**

In the context of the European Neighbourhood Policy (ENP) assistance will be provided under the **new European Neighbourhood and Partnership Instrument (ENPI) starting from 2007**. ENPI will replace the current Tacis programme as well as a number of thematic activities.

The **Country Strategy Paper (CSP)** for Ukraine covers the period 2007-2013. It is in compliance with ENPI which is being established to promote the development of an area of prosperity and good neighbour relations between the European Union and the partner countries covered by the European Neighbourhood Policy (ENP).<sup>22</sup>

Ukraine used to be classified as a transition country in the Organisation for Economic Co-operation and Development (OECD) Development Assistance Committee’s (DAC) list of aid recipients. With a Gross National Income (GNI) per capita of US\$ 1 260 (2004, Atlas method)<sup>23</sup> and falling into the category of lower-middle income countries it has recently (December 2005) been included in the new single list of Official Development Assistance (ODA) recipients.<sup>24</sup>

The principal objective of cooperation between the EU and Ukraine at this stage is to develop an increasingly close relationship, going beyond past levels of cooperation to gradual economic integration and deeper political cooperation, including foreign and security policy.

EC assistance over the period covered by this strategy will therefore aim at supporting Ukraine’s ambitious reform agenda to root democracy and the market economy firmly in the country and to bring Ukraine closer to the EU. As the largest donor to Ukraine, the EU has the leverage necessary to make a major contribution to the reform process. In addition, most donors recognise the special role of the EU due to Ukraine’s European aspirations and are increasingly aligning their activities with the policy objectives set in the EU-Ukraine Action Plan.<sup>25</sup>

In Ukraine Country Strategy Paper EC assistance priorities are presented under the six chapters:

- Political dialogue and reform
- Economic and social reform and development
- Trade, market and regulatory reform
- Cooperation in justice, freedom and security
- Transport, energy, information society and environment
- People-to-people contacts

Gender is planned to be mainstreamed into programs related to all the key issues mentioned above as a cross-cutting issue to the maximum extent possible.<sup>26</sup> At the same time, unfortunately, a description of each of six priorities, is gender blind. It does not take into account gender dimension of social and economic development.

We propose analysis of each of six priorities from gender perspective.

### ***Political dialogue and reform***

*EC assistance in this area will focus on strengthening democracy and good governance, the rule of law, human rights and fundamental freedoms. This also covers the fight against crime and corruption and fostering the development of civil society, including in the social and economic sphere.*<sup>27</sup>

From the gender perspective *strengthening of democracy* presupposes gender equality in economic, social and political spheres. As it was shown in the first part of this report, Ukrainian women are marginalized in all these spheres. So, to strengthen democracy policymakers should address the need to decrease gender asymmetries and imbalances in society. The *good governance* is impossible without gender balance in decision-making at the all levels of power. Taking into account women's under representation in politics, this priority should address women's real leadership and decision-making roles within parties and parliament.

The realization of *human rights and fundamental freedoms* should include equality in employment, representation in government, sexual and reproductive health and rights, lightening women's unpaid workload, access to assets and property, and combating violence. Policymakers must embrace these women's human rights, reflected in the Beijing Platform, the 1994 Cairo Program of Action and CEDAW in implementing this priority.

Development of *civil society* includes development of women's organizations which should push government to mainstream gender in all state projects and programs.

### ***Economic and social reform and development***

*Assistance will be offered to enable establishment of a fully functioning market economy. This entails further advances in gradual approximation of Ukraine laws and regulations with those of the EU. This includes effective implementation mechanisms, and improving the investment climate by ensuring transparency, predictability and simplification of procedures.*

*Furthermore, assistance will be provided in strengthening social reform and encouraging approximation to EU social standards, in order to contribute to poverty reduction and improve the employment situation in Ukraine. Reducing regional imbalances and improving local development capacities are also important issues in this respect as is the promotion of sustainable development and mainstreaming it into all relevant policies.*<sup>28</sup>

Today it is obvious that a *fully functioning market economy* does not lead automatically to social justice and gender equality. Gender blind economic and social structural adjustments have dramatically impacted on women's opportunities. Establishment of market economy should not be a goal without more; economic reform should comply with sustainable, gender-sensitive, people-centered development principles, as was recognized in Monterrey Consensus Document.<sup>29</sup> In this regard it is important to take into account the economic and social consequences of economic policies, their "visible" impact on market output and level of incomes, as well as on the "invisible" changes in labor market segregation by gender, unpaid work burden, quality of life and women's and men's opportunities. Policymakers should evaluate the impact of economic policies on non-market forms of economic activities such as care for the sick, children and elderly; subsistence production; and domestic work that are vital for people's development, and that tend to be the primary responsibility of women.

*Investment reform* should promote investments in education, health, nutrition and social security programs in a gender sensitive way. Gender-budget analysis should be recognized as priority among other areas of technical assistance.

*Approximation of EU social standards, contribution to poverty reduction and improvement of the employment situation in Ukraine* presupposes implementation of EU Gender Equality Employment Strategy. Unfortunately, its main provisions have not been included in the Ukraine CSP.

*The promotion of sustainable development and mainstreaming it into all policy on a sector by sector basis* is impossible without balance between "haves and have-nots", without gender equality, social justice, partnership and women's participation.

### ***Trade, market and regulatory reform***

*EC assistance will be offered to support the process of market and regulatory reform, at the same time bearing in mind the challenges Ukraine will face with a view to the EU-Ukraine Free Trade Area envisaged once the WTO accession process has been completed.*

*This will cover a broad range of areas including customs legislation and procedures, technical regulations, standards and conformity assessment, sanitary and phyto-sanitary issues (SPS), establishment and company law, financial services and markets, taxation, competition and consumer protection policy, development of the legislative and administrative framework for SMEs, intellectual and industrial property rights, public procurement and statistics.*<sup>30</sup>

International trade issues should take into account gender difference in earnings, employment (in informal sector in particular) and level of unpaid work. Unless a gender dimension is not taken into account, international trade policy can seriously impact women's empowerment and welfare.

*Development of financial services and markets, taxation, competition and consumer protection policy* should address women's concerns and needs. Tax policy should be analyzed from a gender perspective. As international experience has proved, the forms of taxation – direct or indirect – are differentially relevant to women and low-income groups. Women benefit, when a higher proportion of tax revenue is raised from direct taxation.<sup>31</sup>

To develop gender-sensitive *financial services* policymakers should adopt gender-aware policy and regulatory frameworks that fill the gap between women's and men's access to assets, property, credits, and savings. It should address the priority of credits for women's small and medium enterprises.

The *consumer protection policy* should address women as the primary caregivers and producers of food for their families and the domestic market. Thus, strategies of sustainable food production must ensure that women have access to and control of land, credit, training and the technologies required to sustain production.

### ***Cooperation in justice, freedom and security***

*The EU Action Plan on Justice and Home Affairs with Ukraine of 10 December 2001 (JHA AP) defines the broad areas of cooperation with Ukraine in the field of justice, freedom and security (JFS). In this context EC assistance will focus on: i) migration and asylum, ii) border management including re-admission-related issues, iii) organised crime and terrorism and iv) the judiciary and the rule of law. EC assistance should promote institutional reform and capacity building such as support for fundamental overhaul of the judicial system, measures to bring the border guard service and the asylum system fully into line with European standards as well as strengthening the fight against money laundering.*<sup>32</sup>

The *migration* issue should take into account the increasing male and female labour migration to provide income for themselves and families at home. This results in divided families, increased risk of sexual diseases and trafficking in women. Gender-aware employment policy should be adopted to decrease these risks.

Issues connected with *the judiciary and the rule of law* should be addressed in order to allow for the implementation of legislation to ensure equal rights and opportunities of women and men.

### ***Transport, energy, information society and environment***

*Strengthening administrative capacity for the formulation and implementation of sectoral strategies and policies converging towards relevant EU policies and legislation is a general priority in the transport, energy, information society and environment sectors.*<sup>33</sup>

This priority should take into account not only extension of trans-European *transport* taxes toward neighbouring countries, but also implementation of EU standards of municipal transport. These standards are inseparable from day-to-day life, and have a great impact on women's and men's health. To develop roads, and the rail and aviation sectors inside Ukraine is important, in order to bring transport infrastructure toward European levels of industrial and environmental safety.

The *environmental issues* should take into account that access to water, energy, land and biodiversity are central for women's equality. Women are key managers of environmental and ecological resources and must be involved in decision-making at local and national levels to protect those resources.

As far as the *information society* is concerned the gender gap in access to new information technologies should be filled by targeted investments and training for women.

### ***People-to-people contacts***

*Assistance for reforming and upgrading the education system with a view to working towards convergence with EU standards and practices will be essential to strengthen democratic development, social stability and economic competitiveness.*<sup>34</sup>

From a gender perspective, *reforming and upgrading the education system* should address not only women's equal access to education, science and new technologies, but gender awareness courses and training as well. The gender component should be introduced in the educational programs at all levels. Gender awareness training should be conducted for governmental officials.

With regard to EU standards, it is important to involve both men and women in educational programs for achieving gender equality. Special attention should be paid men's education in order to promote a change of workplace culture in support of gender equality, including adequate parental leave schemes, shared by both parents. Increased efforts should also be made to address men's role in relation to gender based violence in order to break the cycle of violence.

### **3.2. Expected changes**

A brief analysis of Ukraine CSP has shown that it lacks a gender dimension. The analysis of the economic and social situation in Ukraine is gender blind. The EU assistance priorities do not address directly women's needs and concerns: women's unemployment and unpaid work, labour market segregation and gender gap in wages, women's participation in decision-making, their access to financing, assets, credits, women's control over natural resources, women's rights, health etc.

Nominating gender as a cross-cutting issue looks like a formality to avoid criticism from civil society. Gender mainstreaming is not grounded and systemic, and no mechanism to implement and monitor gender-sensitive policies has been shaped in Ukraine CSP.

So, implementation of Ukraine CSP policy and priorities will have a weak impact on gender equality and women's empowerment. As it was proved by international research, gender blind economic and social policies are only widening gender imbalances in society.

### **3.3. Other planned development programmes and sources of development aid**

The **UNDP Equal Opportunities Program** is aimed at development of Gender Sensitive Policies. This program supports government activities to gender mainstream state policies and programs; assists the government in monitoring legislation; provides the consultations in formulating of gender legislation; supports the government to report on international conventions, cooperates with researchers and statistical providers to ensure gender desegregated data and analysis, provides policy makers with gender mainstreaming handbooks as well as adequate trainings.

**USAID** has increased democracy programming to promote the rule of law and combat corruption; improve public policy formulation and administration; and increase the effectiveness of non-governmental organizations and civil society. At the same time, the trade and investment environment, public finance, financial and municipal services, and health care (including HIV/AIDS and TB prevention and care) have continued to benefit.

### **3.4. NGOs and new development aid**

As far as Ukraine CSP has no gender-sensitive approach, women's NGOs will have problems accessing EU development aid. To develop programs they are forced to refer to gender as a cross-cutting issue and to address the gender dimension of each of six priority issues, as was analyzed above. Women's NGOs confront poor understanding from the national government, because EU assistance priorities have no gender-aware framework. In this regard, women's NGOs should become more strong and professional to develop and implement gender approaches in proposed fields, and to develop mechanisms to monitor the impact of EU assistance on gender equality.

### **3.5. Assumptions**

Within the Ukraine CSP only one objective is directly connected with MDGs – poverty reduction. It is mentioned in the chapter *Strategic objectives of EU/EC cooperation with Ukraine, Development policy objectives* and chapter *EC assistance priorities, Economic and social reform and development*.<sup>35</sup> But, as far as the Ukraine CSP is not based on gender analysis and completely lack of gender dimension, there is a little chance to eradicate poverty both for men and women.

Taking into account low level of gender awareness among government officials, it is not enough only refer to EU standards, human rights and values of democracy. It is necessary to include EU Gender Equality Strategy in the Ukraine CSP and all EU assistance programs. In particular, EU Gender Equality Strategy consists of the following issues<sup>36</sup>:

- Gender equality at the labor market: evaluation of unpaid work, women's unemployment, labor market segregation and equal pay for equal work.
- Gender balance in decision-making
- Reconciliation between work and private life
- Social protection
- Education and training
- Gender budgeting
- Migrant women
- Women and science
- Gender based violence and trafficking in women
- Development Cooperation
- Gender equality at the international level.

The incorporation of these strategies in EU assistance programs will bring gender perspective into Ukraine policy .

### **Part 4. Recommendations for EU Commissions, Parliament and EU Member States**

1. EU development assistance should be based on gender aware policy and a regulatory framework that addresses the distinct needs and concerns of women and men.
2. EU development assistance should address the need to decrease gender asymmetries and imbalances in economic, social and political spheres.
3. EU resources should be allocated to specific women-targeted projects. Gender equality and the achievement of women's human rights should be included as an explicit objective for the EU Neighbourhood Policy and all relevant legal and policy documents. Women's human rights should include: equality in employment, representation in government, sexual and reproductive health and rights, lightening women's unpaid workload, access to assets and property, and combating violence.
4. EU development assistance should stimulate gender mainstreaming into Ukrainian state policy, in particular:

- Help to harmonize Ukrainian legislative base in compliance with European laws and EU Gender Strategy.
  - Facilitate development of National Mechanisms; in particular, establish Ministry of Ukraine of Gender Equality, Ombudsperson on Gender Equality, and Parliament Committee on Gender Equality.
  - Promote gender quotas to ensure gender balance in decision making.
  - Advance positive action policy to ensure gender equality at the labor market, in social and political spheres.
  - Support state programs addressed to development of women's business.
  - Stimulate gender-budget analysis and establishment of gender desk in the finance ministry to ensure that gender equality is promoted and ensured in the formulation and implementation of investment policies.
  - Encourage development of mechanisms and incentives to reconcile the demands of work outside the home, and work inside the home, including in private life.
  - Help to implement the existing legislation, for instance, the law "On Ensuring the Equal Rights and Opportunities of Women and Men".
  - Support international cooperation to prevent trafficking in women.
5. The EU Programs should support development and strengthening of women's organizations.
6. The participation of civil society, particularly women's organizations, in the EU-Ukraine political dialogue should be strengthened and institutionalized. The EU should establish very clear and transparent procedures for civil society participation, women's rights advocates in particular, in the programming phase.



- <sup>1</sup> Regulations on Interdepartmental Coordination Council on Combating of Human Trafficking was adopted by decision of Cabinet of Ministers December 25, 2002 N 1961.
- <sup>2</sup> [http://gska2.rada.gov.ua/pls/site/p\\_komitis](http://gska2.rada.gov.ua/pls/site/p_komitis)
- <sup>3</sup> Commonwealth of Independent States (Armenia, Belarus, Georgia, Moldova, Russia, Ukraine). // Beijing Betrayed. Women Worldwide Report that Governments Have Failed to Turn the Platform into Action. — WEDO, 2005, New York, USA. — P. 132-139
- <sup>4</sup> Women's Economic Empowerment in Central and Eastern Europe and Newly Independent States. Release on Beijing+5. UNIFEM, 2000.
- <sup>5</sup> Жінки в Україні: Статистичний звіт за 2000 рік. – Київ, 2000.
- <sup>6</sup> Gender Issues in Ukraine: Challenges and Opportunities. – Kiev: UNDP, 2003. С.33.
- <sup>7</sup> Lavrynenko N. Dynamics of Gender Inequality in Modern Ukraine // Women and Politics in Ukraine. Benefiting from International Experience. Kiev. 2006. P. 141.
- <sup>8</sup> Mass-media Monitor “Gender and Age Discrimination in the Labour Market in Ukraine”, WUC “Women’s Perspectives”, 2005
- <sup>9</sup> State Statistic Administration, Economical Report, 2004
- <sup>10</sup> Women's Work. Discrimination Against Women in the Ukrainian Labor Force // <http://www.hrw.org/doc?t=europe&c=ukrain>
- <sup>11</sup> Lavrynenko N. Dynamics of Gender Inequality in Modern Ukraine // Women and Politics in Ukraine. Benefiting from International Experience. Kiev. 2006. P. 141.
- <sup>12</sup> Small and Medium Business in Ukraine. Report, BIZPRO Kiev, 2002.
- <sup>13</sup> “Court Cases Survey”, conducted by WUC “Women’s Perspectives” in co-operation with Ukrainian Academy of Judges in 2005.
- <sup>14</sup> Gender Issues in Ukraine: Challenges and Opportunities. – Kiev, 2003. P.29.
- <sup>15</sup> Small and Medium Business in Ukraine. Report. – Kiev: BIZPRO, 2002.
- <sup>16</sup> Silke Steinhilber. Gender dimensions of social security reforms in transition economies. Regional Symposium on Mainstreaming Gender into Economic Policies, 28-30 January 2004, Palais des Nations, Geneva.
- <sup>17</sup> Ukrainian Women's Health in Transition. ICPD+5. Kiev, 1999. P.1-24.
- <sup>18</sup> COM (2004) 373 final, issued on May 5<sup>th</sup> 2004.
- <sup>19</sup> [www.unifem.org/gender\\_issues/violence\\_against\\_women/trust\\_fund.php](http://www.unifem.org/gender_issues/violence_against_women/trust_fund.php)
- <sup>20</sup> Ukrainian Women’s Non-Profit Organizations Directory, Innovation and Development Center, 2001
- <sup>21</sup> For example, in Lviv region there is such service in every one of 27 Centres in the region.
- <sup>22</sup> ENPI Ukraine Country Strategy Paper for 2007-2013. Draft. P.3.
- <sup>23</sup> Note that PPP-adjusted GNI per capita (Atlas method) is US\$ 6 250 for 2004. Note also that these figures do not include the informal economy, which plays an important role in Ukraine.
- <sup>24</sup> ENPI Ukraine Country Strategy Paper for 2007-2013. Draft. P.5.
- <sup>25</sup> ENPI Ukraine Country Strategy Paper for 2007-2013. Draft. P.16.
- <sup>26</sup> ENPI Ukraine Country Strategy Paper for 2007-2013. Draft. P.19.
- <sup>27</sup> ENPI Ukraine Country Strategy Paper for 2007-2013. Draft. P.16.
- <sup>28</sup> Ibid.
- <sup>29</sup> Monterrey Consensus Document. Introduction, para 8. [www.unescap.org/tid/projects/monterrey.pdf](http://www.unescap.org/tid/projects/monterrey.pdf)
- <sup>30</sup> ENPI Ukraine Country Strategy Paper for 2007-2013. Draft P.17
- <sup>31</sup> Maria Floro. Gender Audit of the Facilitator’s Draft Outcome International conference on Financing for Development.
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- <sup>33</sup> Ibid.
- <sup>34</sup> Ibid. P.18.
- <sup>35</sup> Ibid. P.5, 16.
- <sup>36</sup> [http://ec.europa.eu/employment\\_social/gender\\_equality/gender\\_mainstreaming/general\\_overview\\_en.html](http://ec.europa.eu/employment_social/gender_equality/gender_mainstreaming/general_overview_en.html)

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Women’s Research CentresInformational-consulting Women’s Centre

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[www.krona.org.ua](http://www.krona.org.ua)

Women's Research Centres Vinnycka NGO Gender Centre

**Vinnycja**

(38(0432) 58-04-98, 58-07-64, 26-20-06

E-Mail: [irol@inbox.vn.ua](mailto:irol@inbox.vn.ua)

Women's Research Centres, Gender Issues Kirovograd Regional Informational Service of Women's Actual Issues

**Kirovograd**,

(38 0522) 22-65-06

(38 0522) 22-65-79

E-Mail: [omh@library.kr.ua](mailto:omh@library.kr.ua), [vgz@library.kr.ua](mailto:vgz@library.kr.ua)

[www.ozis.kr.ua](http://www.ozis.kr.ua) Gender Issues Kirovograd Regional Youth Gender Centre "Kolo"/"Circle"

**Kirovograd**,

(38 0522) 22-45-70

(38 0522) 32-15-65

E-Mail: [oktopys@mail.ru](mailto:oktopys@mail.ru)

Gender Issues Tavrijskyj Centre of Gender Studies

**Simferopol**,

(38 0652) 63-24-26, 51-81-80

E-Mail: [esem@sf.ukrtel.net](mailto:esem@sf.ukrtel.net)

Gender Issues Lviv city NGO "Scientific- Research Centre "Woman and society"

**Lviv**,

(38 032) 298-03-58

E-Mail: [oksana.kis@mail.ru](mailto:oksana.kis@mail.ru)

[www.rcws.iatp.org.ua](http://www.rcws.iatp.org.ua)

Gender Issues Non government organization "Gender Centre"

**Poltava**,

(38 05353) 3-10-93 Gender Issues Ukrainian non government organization "Ukrainian women-electorate League "50/50"

**Kyiv**,

(38 044) 280-37-43

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E-Mail: [larysa.kobelyanska@undp.org](mailto:larysa.kobelyanska@undp.org)

Gender Issues Gender Centre, by Kobrynska

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\*- the list of really active women's NGOs