

**Ukraine**  
**Joint submission to the UN CEDAW Committee**  
**Pre-sessional working group, 77<sup>th</sup> session (March 2020)**  
**List of issues prior to reporting (LOIPR)**

Joint submission by the Women’s International League for Peace and Freedom (WILPF), the NGO Center “Women’s Perspectives,” the NGO “Insight”, the Charity Fund “Child Smile,” the “Women’s Network for Dialogue and Inclusive Peace,” Kharkiv Regional Foundation “Public Alternative,” Charity Fund “Slavic Heart,” Center for Social and Labor Research, NGO “East Donbass Regional Development Agency,” as well as Viktoriia Zinchuk, Oksana Dutchak, Alena Tkalich.

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## I. Introduction

The sixth year of the ongoing armed conflict in the East of Ukraine has significantly transformed socio-economic structures and has irreversibly changed the daily lives of millions of Ukrainians. In times of conflict, social infrastructure is affected the most, and its breakdown disproportionately affects women. Indeed, women make up for the reduction of social services through an increase of their unpaid care work; this reduces, *inter alia*, women's time for paid work and participation in social, political, economic and cultural spaces and puts further pressure on women's health. According to data from the Ministry of Social Policy for 2013 only 1% of men took parental leave;<sup>1</sup> this shows that the responsibility for childcare falls almost entirely on women. Thus, reduction in the availability of educational facilities or lack thereof has a disproportionate impact on them. Conflicts exacerbate patriarchal norms, including pre-existing patterns of gender-based discrimination. It also reinforces gender stereotypes, and adds roles and burdens on women such as caretaking of combatants and the wounded.

The impact of the armed conflict has also been compounded by the negative effects of macro-economic reforms, implemented as part of the conditionalities attached to lending provided by International Financial Institutions, that have led to the narrowing of access to social services, which, in turn, has significantly reduced the quality of life and safety of women in Ukraine. Violations of women's economic and social rights resulting from implementation of austerity measures has contributed to the feminization of poverty and the deepening of gender inequalities within the family and in society as a whole. Such impacts are highlighted in a joint submission by WILPF with Ukrainian partner organisations to the Universal Periodic Review (UPR), titled "Obstacles to Women's Meaningful Participation in Peace Efforts in Ukraine" (March 2017).<sup>2</sup> The joint UPR submission followed a joint report on similar issues submitted to the CEDAW Committee in January 2017;<sup>3</sup> it shows how the introduction of austerity policies, such as the increase in gas prices and the reduction in public sector workforce has an adverse impact on women (A copy of the UPR submission is provided as an Annex.) Furthermore, reductions in public spending on health, education, social assistance and safety nets including child benefits, have placed additional burdens on women's unpaid care labour, especially in

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<sup>1</sup> <https://www.kyivpost.com/lifestyle/city-life-paternity-leave-helps-families-and-fathers.html>

<sup>2</sup> Available at : [https://wilpf.org/wp-content/uploads/2017/04/UKRAINE.UPR\\_JointSubmission-30-Mar-2017.pdf](https://wilpf.org/wp-content/uploads/2017/04/UKRAINE.UPR_JointSubmission-30-Mar-2017.pdf)

<sup>3</sup> The Effects of Intervention by International Financial Institutions on Women's Human Rights in Ukraine. Joint shadow report to the CEDAW Committee, 66<sup>th</sup> Session (January 2020), available at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCEDAW%2fNGO%2fUKR%2f26388&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCEDAW%2fNGO%2fUKR%2f26388&Lang=en)

rural areas, shrinking their space for engagement with the labour market. As recognised by the UN Independent Expert on Foreign Debt after his country visit to Ukraine, the “reduction in State services and subsidies directly affect women the most, whether because they assume the domestic (and unpaid) caring for children and older persons, among others, because they depend more on certain State services and social programmes, or because they are paid less or lose their jobs.”<sup>4</sup>

On 24 January 2020, the organisations and experts making the present submission sent a joint report to the UN Committee on Economic, Social and Cultural Rights (CESCR) in relation to its upcoming review of Ukraine. The joint report provides information and recommendations relating to the impacts of armed conflict and of austerity measures on women’s economic and social rights; the gendered impacts of cuts in social services and benefits; the impacts of decentralisation on access to social services; concerns around the right to just and favourable conditions of work; discrimination against women with regard to the right to work; obstacles to IDPs’ access to work and housing; concerns relating to parental leave; access to mental health and psychosocial support in conflict-affected communities; gender-based violence and discrimination, including domestic violence. The concerns highlighted in that joint report are very relevant to the CEDAW Committee’s preparation of the list of issues prior to reporting (LOIPR) for Ukraine; thus, we are sharing that report with the CEDAW Committee too and providing some suggested questions.

## II. Suggested questions

Based on the concerns and recommendations presented in that joint report, our organisations suggest that the CEDAW Committee ask the government questions relating to:

### *Gendered impacts of impacts of armed conflict and of austerity measures*

- The need for **human rights and gender impact assessments of austerity measures**, including of the decentralisation process, focusing on the impacts on access to social services (including on healthcare and childcare) and on the most marginalised groups including women and

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<sup>4</sup> See section “Women, austerity and discrimination”, Report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of human rights, particularly economic, social and cultural rights. A/HRC/40/57/Add.1, December 2018. The Expert also expressed deep concerns “about the situation of women and the overall inequality between men and women, which has increased in recent years.” He noted, inter alia, that “austerity measures implemented as part of the fiscal consolidation required by IMF have included specific measures that disproportionately impact on the human rights of women.”

communities affected by the conflict, such as IDPs. Such assessments should pay special attention to the impacts of cuts in social services on women's unpaid care work (including in relation to the care of combatants and of the wounded in communities affected by the conflict), on women's poverty and access to decent work; as well as access to quality and affordable education, childcare and healthcare services.

- Plans to introduce **minimum budget allocations to social services, with gender-responsive budgeting**, in order to ensure indiscriminate access to social infrastructure across Ukraine and to mitigate the effects of decentralization on access to social services.
  
- Steps taken to:
  - **redress the negative impacts of austerity measures** on the enjoyment of women's rights including through the reallocation of public funding, with gender-sensitive budgeting methods, to reinforce access to social services.
  - ensure that relevant social and labour policies recognise and value **unpaid care work** and address its impact on women's access to work and promote the sharing of family responsibilities between men and women such as through awareness-raising campaigns to combat gender stereotypes and raise awareness of the legal requirement of gender equality and its benefits for the society.
  - ensure **access to essential health services and medical aid**, including sexual and reproductive health care, **in all regions** of the country, paying **special attention to rural areas** and areas close to the conflict zones;
  - ensure an adequate budget for the **educational sector**, the strengthening of pre-school education institutions, the establishment a system of affordable after-school childcare services and the improvement of the availability, accessibility and quality of general education, **especially in rural areas**.
  - ensure that **social payments**, including childcare payments, payments to single mothers, be in line with **consumer price index**.

*Access to employment, labour rights, maternity protection*

- combat **employment practices that undermine labour rights** prescribed for women in the legislation.
- support comprehensively **women's right to work and achieving a work-life balance** and work-family for women and families and promote men taking **parental leave**.

- implement with adequate sanctions and through efficient labour inspections the legislation prohibiting the **discrimination of employees based on their family status**.
- strengthen **labour inspections** including with regard to the control of gender equality-related and anti-discrimination laws in the workplace.
- encourage **employers to implement programs for gender equality** devoting special attention to women in vulnerable situations and **to assess** at all levels of the organisation the **risks of violations to women's rights deriving from their business activities**, including but not limited to, discrimination and gender-based violence.
- ensure targeted investments and ear-marked financial **support for women's participation in paid work**.
- ratify ILO Convention 183 on Maternity Protection Convention (2000) and further **enhance the degree of maternity protection**, extending protection to pregnant and nursing women from any employment-related discrimination that may occur, for instance, at recruitment or unjustifiable lay-off.

*Access to employment by internally displaced persons (IDPs)*

- ensure the availability of **high-quality, timely and reliable data on IDPs disaggregated** by socioeconomic status, gender, age, disability, geographic location and other characteristics relevant to the national context, on **single-parent IDP families** disaggregated by data, and on whether **single-parent IDP families** receive a state allowance and have received accommodation.
- **support**, e.g. through tax incentives, **IDPs who create and/or own businesses** and support **women IDPs involved in entrepreneurship** including in access to credit.
- **promote policies in the private sector that are supportive of IDPs**, e.g. interest-free or low-interest credit opportunities for IDP employees, possibility of partial rent compensation for them, and provide business incentives to hire IDPs.

*Access to housing, including by women IDPs*

- ensure that **pregnant women, mothers with young children, female heads of household, persons with disabilities and elderly persons, be entitled to assistance that takes into account their special needs in terms of housing**, including through prioritising provision of accommodation to them or support in purchasing one.
- ensure that **housing policies and programs take into account the specific challenges faced by women IDPs** e.g. the fact they have on average lower income which creates additional challenges for them when it comes to buying a home; the **specific needs of**

**female-headed households** (due to various circumstances: a woman living alone; a woman raising one or more children alone; the husband is unemployed; the husband died/ stayed in the occupied territory/ is not involved in the children’s upbringing/ does not contribute to it financially).

- develop regional (or at the level of Amalgamated Territorial Communities (ATC)<sup>5</sup>) **programs to provide accommodation for groups in particular vulnerable situations and that** include analysis of needs for accommodation (considering various factors), analysis of the housing stock and resources available, including inventory of non-governmental initiatives and programs in place in the region, and analysis of professional resources among the population registered at local unemployment agencies.
- establish procedures for state and authorities at the oblast, rayon, city and local levels to conduct an **inventory of the temporary and social housing stock**, as well as of any vacant premises that can be used to provide temporary and social housing to IDPs and of premises that could be refurbished for that purpose and to ensure that **IDPs be regularly and timely informed** on current housing capacities.
- raise awareness among real-estate and other companies that provide housing services and implement measures to monitor and **address discrimination by property owners, such as refusal to sign lease, based on the IDP status** of the tenants, their **gender or the fact that they have small children**.
- provide **incentives to property owners who lease accommodation to IDPs** and stimulate construction and real estate companies to offer favourable lease or sale terms to IDPs, in particular to those in more vulnerable situation.
- consider IDPs’ **needs when compiling the “community passport” (паспорт громади)<sup>6</sup> of an Amalgamated Territorial Community (ATC)** and ensure certainty about IDPs as members of an ATC by adopting a decision at the city council/executive committee level and including corresponding provisions to the ATC Statute.

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<sup>5</sup> The process of decentralization that started in 2014 involved, *inter alia*, a re-drawing of local administrative units (territorial-administrative reform) through the establishment of Amalgamated Territorial Communities (ATC) or ‘*hromada*.’

<sup>6</sup> The *паспорт громади* (“community passport”) is an inventory of data such as the administrative-territorial distribution, structure of the land, composition (e.g. number families with children) and employment situation of the population. See, for example, <https://otg.cn.ua/2018/12/25/news-vlada/navishho-otg-pasporty-gromad/>

### *Gender and conflict awareness training*

- ensure that the **executive authorities (central and local) who handle matters concerning IDPs** be fully staffed; increase the staff's **awareness of women's rights during conflict and internal displacement**, international and regional standards for the protection of the rights of IDPs, of those in more vulnerable situations in particular.
- establish **educational courses on gender equality**, devoting special attention to the situation of conflict and internal displacement, **for professionals at employment agencies, banks, centres for free legal aid as well as for lawyers and judges;**
- promote **gender training programs at the universities** that have educational programs in jurisprudence and international law.

### *Access to mental health and psychosocial support in conflict-affected communities*

- monitor and evaluate the on-going mental health needs of IDPs and of the communities affected by the conflict; develop systematic State policies and programs on providing **mental health services and psychosocial aid to all those affected by the conflict**, including IDPs and teachers, social workers and school psychologists living in areas close to the conflict zones and ensure accessibility and affordability of mental health care services and medicines for IDPs.
- raise awareness among the general public about the consequences of traumatic exposure and experiences with the aim of educating the public on mental health and **to fight stigma associated with mental health issues.**
- conduct **gender-based analysis of women and men former combatants' needs of social protection, medical services and psychological rehabilitation** and assess with gender-sensitivity the effectiveness of the Programme on the Physical, Medical and Psychological Rehabilitation and Social and Professional Adaptation of Anti-Terrorist Operation.
- ensure adequate **gender-sensitive and trauma-sensitive training of mental health and social service providers**, including for former combatants, and ensure adequate controls by relevant authorities.

### *Gender-based violence, including domestic violence.*

- ensure ratify the Istanbul Convention.
- provide relevant and **gender-sensitive training for legal professionals, investigators, prosecutors and police officers** in order to enhance their capacity to investigate,

document and prosecute gender-based violence, including domestic violence cases, and ensure that the Ministry of Internal Affairs and National Police institutionalize and **approve permanent staff of the Special Domestic Violence Police Divisions “POLINA.”**

- ensure that women and girls in conflict-affected areas have access to vital goods and services as well as to activities that bring income including via microcredit and opportunities for self-employment in order to **reduce the risk of being compelled to have “survival sex.”**
- ensure that the Ministry of Internal Affairs develop and approve the methodology to ensure **effective investigation of rape and sexual violence crimes**, including in conflict-affected areas.

#### *Addressing hate crimes*

- organize **training courses for police and prosecutors to effectively investigate and prosecute hate crimes, including on the basis of gender identity or sexual orientation** and ensure that such crimes are not considered by law enforcement agencies as hooliganism, but as particularly grave crimes motivated by hatred and prejudice against certain social groups.
- **prohibit funding to far right or any other organizations that promote hate speech, intolerance and violence** against minorities, including on the basis of sexual orientation, gender identity, ethnic or religious grounds.

#### *Human rights education*

- implement the State Strategy for **Human Rights Education**, systematically providing interactive human rights education, and promoting non-discrimination and tolerance in schools and other educational institutions.

#### *Women human rights defenders and LGBTIQ defenders*

- **support local organizations** that uphold human rights for all and **that support minorities and marginalized groups, including feminist groups and LGBTIQ groups.**
- **guarantee the protection of the right to peaceful assembly** for all citizens, **without discrimination** on the basis of gender, gender identity, sexual orientation, social origin or other differences.

### **III. Annexes**

The following reports are provided as annexes to this joint submission:

- Joint submission to the UN Committee on Economic, Social and Cultural Rights, 67<sup>th</sup> session (24 January 2020)
- “Obstacles to Women’s Meaningful Participation in Peace Efforts in Ukraine”, Joint submission to the Universal Periodic Review (UPR) (March 2017)