

# **GENDER POLICY**

**IN THE PUBLIC ADMINISTRATION SYSTEM OF UKRAINE**

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G4

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The book was prepared under support and assistance of the Panel on Governance and Public Administration of the Platform 1 “Strengthening Institutions and Good Governance” of the EU initiative “Eastern Partnership”.

The book covers the main directions of the formation and realization of the state gender policy in the system of public administration. In particular, the main concepts, essence, current tendencies, best European experience and mechanisms of gender policy development as well as Ukrainian legislation, international acts, the EU legislation and directives in this specific area are highlighted.

It will be useful for civil servants and local self-government officials, teachers and students of Master course, scientists and a wide range of experts in the field of public administration and civil service.



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## National Agency of Ukraine on Civil Service

The central executive government authority, which ensures the formation and realization of the state policy in the field of civil service, ensures functional management of the civil service in government authorities. Among the activities of the National Agency of Ukraine on Civil Service are the study of the European experience in the area of civil service and the development of proposals for the implementation of the best international practices in government authorities.

## Center for Adaptation of the Civil Service to the Standards of the European Union

State institution that is subordinated to the National Agency of Ukraine on Civil Service. Among the activities of the Center for Adaptation of the Civil Service to the Standards of the European Union is the improvement of current and promoting the implementation of new standards and procedures of work of civil servants and local self-government officials, activities of government authorities and local self-government authorities on the basis of the best world practice, as well as the publication of periodical analytical and informational publications aimed at disseminating new ideas and best practices in the field of civil service.

## EU Eastern Partnership Initiative's Multilateral Platform 1 on Strengthening Institutions and Good Governance

Multilateral Platform 1 on Strengthening Institutions and Good Governance is aimed at promoting democratic and economic reforms in the Eastern Partnership countries. Its goal is to develop stable democratic institutions and effective state structures. The activities of the Panel on Governance and Public Administration Reform are directed at the following areas:

- "Civil service, state institutions and their functions (human resources management, general principles of acceptance and passing of civil service, normative-legal acts)";
- "Transparency, E-government and data protection";
- "Decentralization of local / regional state authorities";
- "Effective management of technical assistance".



Well-functioning and efficient public administration that meets the requirements of nowadays and is in line with the European standards and principles of good governance is considered to be the key to successful implementation of any reform as well as the necessary precondition for effective European integration of Ukraine.

At the same time, all the changes that take place in the modern political and legal areas at the international and national levels form a new outlook on the role of a woman and a man in the society as a whole and in the system of public administration and civil service in particular. As it was noted by the prominent American political scientist Ronald Inglehart, gender equality is a sensitive indicator that demonstrates how advanced and democratic the state is.

Implementation of the state gender policy in Ukraine takes into account the recommendations of the UN, the Council of Europe, the European Union, the OSCE, international monitoring institutions in the field of human rights, as well as the provisions of international treaties, in particular the Association Agreement between Ukraine and the EU.

In recent years Ukraine has made significant progress in the implementation of the gender equality policy, since the European vector of development envisages the establishment of gender equality both in the society as a whole and in its various institutions, in particular. It, foremost, envisages prevention of gender discrimination, ensuring equal participation of women and men in decision making processes of social importance, the provision of equal opportunities for women and men on combining professional and family responsibilities, the elimination of manifestations of gender-based violence, etc.

In this regard the gender policy in Ukraine, especially in the context of the chosen course for establishment of European democratic institutions, appears to be completely new and relevant; it requires the gender mainstreaming into all areas of the state, regional and local politics.

In particular, in public administration and local government, it should be aimed at ensuring gender balanced participation of women and men in decision making that will promote development of gender democracy, formation of a new outlook on the role of a woman in the governance and, consequently, it will contribute to the establishment of gender parity in the system of civil service and service in local self-government authorities, that, in its turn, will influence further democratization of our state, development of the society, economic growth and, as a result, increasing the authority of Ukraine in the international arena.

The book, you hold in your hands, covers the main directions of formation and implementation of the state gender policy in the public administration system. In particular, the main concepts, essence, current tendencies, best European experience and mechanisms of gender policy development as well as Ukrainian legislation, international acts, the EU legislation and directives in this specific area are highlighted.

I hope that this book will be useful for civil servants and local self-government officials, teachers and students of Master course, scientists and a wide range of experts in the field of public administration and civil service.

*Head of the National Agency of Ukraine  
on Civil Service*

*Kostiantyn Vashchenko*

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# CHAPTER 1

## INSTITUTIONAL MECHANISM FOR THE FORMATION AND IMPLEMENTATION OF STATE GENDER POLICY

## INSTITUTIONAL MECHANISM FOR THE FORMATION AND IMPLEMENTATION OF GENDER STATE POLICY

The current state policy of Ukraine is aimed at achieving equality of women and men in society, overcoming all forms of discrimination on the basis of gender as well as creating the necessary social and political preconditions for the realization of the rights and opportunities of women and men in all spheres of labor, social and personal life.

Therefore, the effective management of gender processes by the state and, first of all, the creation of effective mechanisms of gender equality, plays a significant role in the formation and implementation of gender policy.

The implementation of the state policy aimed at ensuring equal rights and opportunities for women and men depends on the effectiveness of the institutional mechanism – a key element of the gender equality. At the national level, the institutional mechanism includes an extensive network of government authorities, organizations and institutions that implement a policy of equal rights and opportunities for women and men. At present, Ukraine has formed the main components of such institutional mechanism of public administration.

The creation of a legal framework on gender equality is an important step in promoting gender equality and empowering women and men, in particular, the adoption of the Law of Ukraine “On Ensuring Equal Rights and Opportunities for Women and Men” as of 08 September 2005 (hereinafter – Law), which defines the institutional mechanism of ensuring gender equality.

In particular, the Article 7 of the Law stipulates that authorities, institutions and organizations with powers in the area of equal rights and opportunities for women and men are:

- Verkhovna Rada of Ukraine;
- Commissioner of the Verkhovna Rada of Ukraine for Human Rights;
- Cabinet of Ministers of Ukraine;
- specially authorized central executive authority on equal rights and opportunities for women and men;
- executive authorities and local self-

government authorities, identified in their composition authorized persons (coordinators) on issues of equal rights and opportunities for women and men;

- associations of citizens;

The Verkhovna Rada of Ukraine has broad powers in the area of regulating gender relations and, in accordance with the Law, defines the basic principles of the state gender policy, applies in the legislative activity the principle of equal rights and opportunities for women and men, as well as exercises parliamentary control over execution of legislative acts in this area within the limits provided by the Constitution of Ukraine<sup>1</sup>.

In addition, the Subcommittee on Gender Equality and Non-Discrimination of the Committee of the Verkhovna Rada of Ukraine on Human Rights, National Minorities and International Relations (hereinafter – Subcommittee) operates in the Verkhovna Rada of Ukraine. The Subcommittee was created by the Decision of the mentioned Committee as of 10 December 2014. People's Deputy of Ukraine Iryna Suslova was elected the Chairman of the Subcommittee<sup>2</sup>.

The activities of the Subcommittee are aimed at developing and improving legislative mechanisms for ensuring gender equality and non-discrimination as well as adaptation of the national gender legislation to European and international standards.

The Subcommittee initiates the inclusion of a gender component in the activities of all parliamentary committees into all areas of current legislation. This can ensure real equality of rights and opportunities for equal participation of women and men in all areas of society's life as well as equal access to the management, distribution and use of national resources.

Legislative activity of the Subcommittee is aimed at integrating gender equality issues into the political agenda as well as ensures the strengthening of social and gender sensitivity of political processes,

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>1</sup> On Ensuring Equal Rights and Opportunities for Women and Men: Law of Ukraine as of 08 September 2005 No 2866-IV [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/2866-15>.

<sup>4</sup> Progress Report of the Subcommittee on Gender Equality and Non-Discrimination of the Committee of the Verkhovna Rada of Ukraine on Human Rights, National Minorities and International Relations [Electronic resource]. – Access mode: <http://kompravlud.rada.gov.ua/uploads/documents/32561.pdf>.

which will become a pledge of changing the paradigm of the country's development and accelerate Ukraine's integration into the community of civilized democratic states.

During 2017 a series of measures and a number of important legislative changes were implemented by the Subcommittee:

- Draft Law of Ukraine "On Amendments to Some Laws of Ukraine on Ensuring Equal Rights and Opportunities for Women and Men during the Passage of Military Service in the Armed Forces of Ukraine and Other Military Forces", adopted on 06 September 2018, was approved in the first reading;

- Order "On Approval of the List of Heavy Work and Work on Harmful and Dangerous Labor Conditions Prohibiting the Employment of Women" as of 29 December 1993 No 256 was revoked in accordance with the Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW); (except the chapter "Mining", which expires from the date when Ukraine will complete the procedure for denunciation of the Convention on the use of women's labor in underground work in mines of any kind No 45) as well as a mechanism for parliamentary control over the status of ensuring the rights of Romani women at the regional level was launched;

- development of a draft law on the implementation of mandatory gender legal expertise started<sup>1</sup>.

Responsible for providing advisory and methodological assistance on issues of ensuring equal rights and opportunities for women and men on the subjects of committees were appointed in the secretariats of the 27 committees of the Verkhovna Rada of Ukraine.

On 09 December 2014, the Voluntary Association of People's Deputies of Ukraine, Inter-fractional Deputy Association "Equal Opportunities" was created in order to support gender equality and the advancement of women in society, to combine the efforts of the legislative and executive power and the public sector on protection of women's rights, to create equal opportunities in practice in public-political and cultural activity, education, profession, work and remuneration for it, to assist in the process of adaptation of Ukrainian legislation on protection the rights of women and the creation of equal opportunities for the legislation of the European Union<sup>2</sup>.

Babak Alona ("Samopomich"), Voitsekhovska

Svitlana ("Narodnyi Front"), Ionova Mariia ("Petro Poroshenko Bloc") and Kondratiuk Olena ("Batkivshchyna") are co-chairs of the Inter-fractional Deputy Association "Equal Opportunities": 46 People's Deputies of Ukraine who represent various parliamentary factions ("Petro Poroshenko Bloc", "Narodnyi Front", "Batkivshchyna", "Samopomich" Association, Radical Party of Oleg Liashko and "Opposition Bloc") joined the association.

Ukrainian Parliament Commissioner for Human Rights (hereinafter – Commissioner), who in many countries of the world is still called the Ombudsman and whose activities are aimed at implementing progressive ideas in the area of ensuring human rights and citizen as well as establishing business and constructive relations between Ukrainian citizens and government authorities, functions in the structure of the state mechanism of Ukraine and formation and realization of state gender policy in accordance with the Constitution of Ukraine and the Law of Ukraine "On the Ukrainian Parliament Commissioner for Human Rights" as of 23 December 1997<sup>3</sup>.

Denisova Liudmyla was appointed to the post of Commissioner on 15 March 2018 by the Resolution of the Verkhovna Rada of Ukraine No 2344-VIII<sup>4</sup>.

The Commissioner exercises parliamentary control over the observance of the constitutional rights and freedoms of man and citizen as well as the protection of the rights of everyone in the territory of Ukraine and within its jurisdiction on a permanent basis.

Commissioner exercises parliamentary control over the provision of equal rights and opportunities for women.

Powers of the Commissioner in the area of equal rights and opportunities for women and men:

- monitors compliance with the equal rights and opportunities of women and men in exercising control over the observance of rights and freedoms of man and citizen;
- examines cases of gender-based discrimination and gender-based violence;
- covers issues of equal rights and opportunities for women and men and gender-based violence in the annual report.

The Commissioner carries out his / her activity on

<sup>3</sup> Ibid.

<sup>3</sup> Constitution of Ukraine [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80>

<sup>4</sup> On the Ukrainian Parliament Commissioner for Human Rights: Law of Ukraine as of 23 December 1997 No 776/97-VR [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/776/97-%D0%B2%D1%80>.

<sup>5</sup> On the Appointment of Denisova L.L. as the Ukrainian Parliament Commissioner for Human Rights: Resolution of the Verkhovna Rada of Ukraine as of 15 March 2018 No 2344-VIII [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/ru/2344-19>.

<sup>1</sup> Progress Report of the Subcommittee on Gender Equality and Non-Discrimination of the Committee of the Verkhovna Rada of Ukraine on Human Rights, National Minorities and International Relations in 2017 [Electronic resource]. – Access mode: <http://kompravlud.rada.gov.ua/uploads/documents/33154.pdf>.

<sup>2</sup> Inter-fractional Deputy Association "Equal Opportunities" // Website of the Ukrainian Women's Congress [Electronic resource]. – Access mode: <http://womenua.today/organizatory/>.



the basis of information about the violation of rights and freedoms of man and citizen receiving:

- appeals of citizens of Ukraine, foreigners, stateless persons or their representatives;
- appeals from People's Deputies of Ukraine;

According to the Article 17 of the Law of Ukraine "On the Ukrainian Parliament Commissioner for Human Rights", the Commissioner accepts and examines the appeals of citizens of Ukraine, foreigners, stateless persons or their representatives, in accordance with the Law of Ukraine "On Citizens' Appeal".

Appeals are filed to the Commissioner in writing within a year after revealing the violation of rights and freedoms of man and citizen. In the presence of exceptional circumstances, this period may be extended by the Commissioner, but not more than two years.

When considering the appeal the Commissioner:

- opens proceedings in cases of violation of rights and freedoms of man and citizen;
- explains the steps that should be taken by the person who filed a appeal to the Commissioner;
- sends an appeal for membership to an authority whose competence is the consideration of the case as well as controls the consideration of this appeal or refuses to consider the appeal.

The Commissioner does not consider appeals that are considered by the courts, stops the proceedings already begun if the person concerned filed a lawsuit, application or complaint to the court.

Notification of acceptance of an appeal for consideration or refusal to accept an appeal for review shall be sent in writing to the person who submitted it. The refusal to accept an appeal for consideration should be motivated.

### Tasks and responsibilities of the Representative

- ensures parliamentary control over compliance with the principles of non-discrimination and gender equality

- participates in the preparation of proposals for the drafting bills and projects of other normative and legal acts related to adherence to the principles of non-discrimination and gender equality

- participates in the preparation of draft annual and special reports of the Commissioner on the observance of equal rights and opportunities for women and men as well as gender-based violence

- bears personal responsibility to the Commissioner for fulfilling the tasks of exercising parliamentary control over observance of the principles of non-discrimination and gender equality

Powers of the Commissioner in the area of equal rights and opportunities for women and men:

- monitors compliance with the equal rights and opportunities of women and men in exercising control over the observance of human and civil rights and freedoms;
- examines cases of gender-based discrimination and gender-based violence;
- covers issues of equal rights and opportunities for women and men and gender-based violence in the annual report.

The Secretariat is established to ensure the activities of the Commissioner. The post of the *Commissioner Representative for the Protection of Equal Rights and Freedoms* (hereinafter – Representative) is provided for therein.

In addition, the *Department for the Monitoring of Equal Rights and Freedoms* functions in the structure of the Secretariat. It has the appropriate tasks, in particular:

- ensuring implementation of the powers of the Commissioner in the area of exercising parliamentary control over the observance of the principles of non-discrimination and gender equality;
- ensuring monitoring of the state of observance of the principles of non-discrimination and gender equality by government authorities, local self-government authorities, public associations, enterprises, institutions, organizations irrespective of ownership forms, etc.

Every year the Commissioner submits to the Verkhovna Rada of Ukraine a Report on the State of Observance and Protection of Human and Civil Rights and Freedoms in Ukraine.

If necessary, the Commissioner can submit to the Verkhovna Rada of Ukraine a special report (reports) on specific issues of observance of rights and freedoms of man and citizen in Ukraine.

At the same time, it should be noted that the recommendations of the Commissioner are binding. The Verkhovna Rada of Ukraine adopts a resolution on annual and special (special) reports of the Commissioner. Annual and special reports, together with the Resolution

<sup>1</sup> Provision on the Department for the Monitoring of Equal Rights and Freedoms of the Secretariat of the Ukrainian Parliament Commissioner for Human Rights // Website of the Ukrainian Parliament Commissioner for Human Rights [Electronic resource]. – Access mode: <http://www.ombudsman.gov.ua/ua/page/secretariat/biografiia/kozub-lidiia-ivanivna.html>.

adopted by the Verkhovna Rada of Ukraine, are published in the official publications of the Verkhovna Rada of Ukraine.

The 2017 Report contains 16 chapters. Chapter 10 provides reporting on the status of compliance with the principle of equal rights and opportunities for women and men, information on gender stereotypes regarding the place and role of women in society and information on the protection of children, women and men from domestic violence, as well as recommendations for improving the implementation of the principle gender equality in the Ukrainian legislation and its practical realization<sup>1</sup>.

In addition, the Commissioner recommended to strengthen control over the implementation and provision of full and high-quality information by central executive authorities regarding the Action Plan for Implementation of the National Strategy for Human Rights for the period up to 2020 in terms of ensuring equal rights and opportunities for women and men.

*The Cabinet of Ministers of Ukraine* is the supreme authority in the area of providing equal rights and opportunities for women and men in the system of executive authorities.

#### Cabinet of Ministers of Ukraine

- ensures the implementation of a unified state policy aimed at achieving equal rights and equal opportunities of women and men in all areas of social life

- adopts the National Action Plan for the Implementation of Gender Equality and ensures its implementation

- develops and implements state target programmes to ensure equal rights and opportunities for women and men

- directs and coordinates the work of ministries and other executive authorities on ensuring gender equality

- organizes the preparation of the State Report on the Implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women in Ukraine

- considers the principle of gender equality when adopting normative-and-legal acts

- approves the procedure for conducting a gender-legal expertise

- carries out other powers in this area, provided by the legislation of Ukraine

Due to the European vector of development of Ukraine as well as in order to coordinate the work of central executive authorities and other government authorities in the area of gender policy, the Cabinet of Ministers of Ukraine by the Resolution of the Cabinet of Ministers of Ukraine as of 01 March 2017 No 117 amended the Paragraph 6 of the Annex 1 to the Resolution of the Cabinet of Ministers of Ukraine "On the Definition of Issues that Fall within the Competence of the First Vice Prime Minister of Ukraine and Vice Prime Minister of Ukraine" as of 18 April 2016 No 296 as well as supplemented the list of issues that fall within the competence of the Vice Prime Minister for European and Euro-Atlantic Integration of Ukraine on gender issues:

- gender equality issues;
- coordination of the interaction of central executive authorities on gender equality issues;
- organization of work related to the formation and representation of the position of the Ukrainian side in relations between Ukraine and the North Atlantic Treaty Organization, including the gender equality issues.

Nowadays Klymush-Tsintsadze Ivanna, appointed by the Resolution of the Verkhovna Rada Ukraine as of 14 April 2016 No 1097-VIII "On the Formation of the Cabinet of Ministers of Ukraine", holds this position<sup>2</sup>.

*The Interdepartmental Council on Family Matters, Gender Equality, Demographic Development, Prevention of Domestic Violence and Human Trafficking* (hereinafter – Interdepartmental Council) was established by the Resolution of the Cabinet of Ministers of Ukraine "On Consultative and Advisory Authorities on Family Matters, Gender Equality, Demographic Development, Prevention of Domestic Violence and Combating Human Trafficking" as of 05 September 2007 No 1087 with the purpose of effective coordination of work in the area of gender policy, combating domestic

<sup>1</sup> Annual Report of the Ukrainian Parliament Commissioner for Human Rights on the State of Observance and Protection of Human and Civil Rights and Freedoms in Ukraine [Electronic resource]. – Access mode: <http://www.ombudsman.gov.ua/files/Dopovid/Report-2018-1.pdf>.

<sup>2</sup> On Ensuring Equal Rights and Opportunities for Women and Men: Law of Ukraine as of 08 September 2005 No 2866-IV [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/2866-15>.

<sup>3</sup> On Definition of Issues that Fall within the Competence of the First Vice Prime Minister of Ukraine and Vice Prime Ministers of Ukraine: Resolution of the Cabinet of Ministers of Ukraine as of 18 April 2016 No 296 [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/296-2016-%D0%BF>.

<sup>4</sup> On the Formation of the Cabinet of Ministers of Ukraine: Resolution of the Verkhovna Rada Ukraine as of 14 April 2016 No 1097-VII [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/1097-19>.

violence and human trafficking. The Provision on the Interdepartmental Council and the Procedure for the Preparation of Annual State Reports on Family Matters, Gender Equality and Demographic Development, Prevention of Family Violence were approved by the same Resolution<sup>1</sup>.

**The Interdepartmental Council is an interim consultative and advisory authority formed under the Cabinet of Ministers of Ukraine.**

**Its main tasks are**

- promotion of effective state policy on family issues, gender equality, demographic development, prevention of domestic violence and combating human trafficking

- consideration of issues requiring cross-sectorial co-ordinated cooperation on the implementation of state policy on family matters, gender equality, demographic development, prevention of domestic violence and combating human trafficking, in particular, search, return, rehabilitation of victims of such trafficking, prevention of domestic violence

- promoting the formation of a positive attitude towards the family, responsible fatherhood, revival and preservation of national family values, establishment of equal rights and opportunities for women and men in all area of social life, prevention of social orphanhood

- informing the Cabinet of Ministers of Ukraine and the public about the state of implementation of the state policy on family issues, gender equality, demographic development, prevention of domestic violence and combating human trafficking

Representatives of ministries, central executive authorities, Ukrainian Parliament Commissioner for Human Rights and scientific, as well as leading scientists, specialists, representatives of enterprises, institutions, public organizations and foundations, including international ones, are members of the Interdepartmental Council.

The Interdepartmental Council in accordance with the tasks assigned to it:

- considers the proposals of central and local executive authorities, scientific institutions and public

organizations regarding the identification of priority areas for improving the mechanism of equal rights and opportunities for women and men;

- participates in the development of state target programmes and other normative-and-legal acts on the implementation of the state policy on gender equality and prepares conclusions on the appropriateness of their adoption;

- studying the world experience on matters within the competence of the Interdepartmental Council and prepares proposals for its introduction in Ukraine;

- initiates monitoring of the implementation of relevant state target programmes, their impact on the situation both in the regions and the country as a whole, as well as research on gender equality issues;

- participates in the preparation of proposals for the conclusion of international treaties on matters within the competence of the Interagency Council;

- approves draft annual state reports on gender equality of the State Report on the Implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women in Ukraine.

The form of work of the Interagency Council is meetings held in accordance with the work plan, but not less than once every three months. The Ministry of Social Policy of Ukraine carries out organizational and technical support of the work.

Decisions that are advisory and can be implemented through the adoption of appropriate acts of the Cabinet of Ministers of Ukraine or the assignment of instructions by the Prime Minister of Ukraine are the result of the work of the Interdepartmental Council.

It should be noted that such councils are also created at the local level.

By its Resolution as of 07 June 2017 No 390, the Government introduced the post of *the Government Commissioner for Gender Policy* (hereinafter – Government Commissioner) and approved the relevant Provision for strengthening the coordination of the work of the executive authorities, as well as for the practical implementation of the principle of gender equality in all areas of social<sup>4</sup>.

Levchenko Kateryna was appointed to the mentioned post by the Regulation of the Cabinet of Ministers of Ukraine as of 14 February 2018 No 90-r<sup>5</sup>.

The Government Commissioner is an authorized official, which is entrusted with the task of organizing the

<sup>1</sup> On Consultative and Advisory Authorities on Family Matters, Gender Equality, Demographic Development, Prevention of Domestic Violence and Combating Human Trafficking: Resolution of the Cabinet of Ministers of Ukraine as of 05 September 2007 No 1087 [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/1087-2007-%D0%BF>.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> On the Government Commissioner for Gender Policy: Resolution of the Cabinet of Ministers of Ukraine as of 07 June 2017 No 390 [Electronic resource]. – Access mode: <https://www.kmu.gov.ua/ua/npas/250049925>.

<sup>5</sup> On the Appointment of Levchenko K.B. as the Government Commissioner for Gender Policy: Regulation of the Cabinet of Ministers of Ukraine as of 14 February 2018 No 90-r [Electronic resource]. – Access mode: <https://www.kmu.gov.ua/ua/npas/pro-priznachennya-levchenko-k-b-uryadovim-upovnovazhenim-z-pitan-gendernoyi-politiki>.

implementation of the Cabinet of Ministers of Ukraine in ensuring equal rights and opportunities for women and men in all areas of social life<sup>1</sup>.

### The tasks of the Government Commissioner

- assistance in ensuring the implementation of a unified state policy aimed at achieving equal rights and opportunities for women and men in all areas of social life

- participation in accordance with the competence in coordinating the work of ministries, other central and local executive authorities on the mentioned issue

- conducting monitoring in order to take into account the principle of gender equality during the adoption of normative-and-legal acts of the Cabinet of Ministers of Ukraine

- participation in the representation of the Cabinet of Ministers of Ukraine by the Prime Minister in international meetings and forums, including the United Nations Commission on the Status of Women, UN Security Council in the sessions on the agenda "Women, Peace, Security", Council of Europe, OSCE, etc

- cooperation and interaction with civil society on issues of equal rights and opportunities for women and men in all areas of social life

In order to carry out its tasks, the Governmental Commissioner submits to the Cabinet of Ministers of Ukraine, by agreement of the Vice Prime Minister for European and Euro-Atlantic Integration of Ukraine, proposals for ensuring the effective implementation of the state policy aimed at achieving equal rights and opportunities for women and men in all areas of social life, the improvement of the mechanism for its implementation and the inclusion in the programme documents of issues on equal rights and opportunities for women and men in all areas of social life<sup>2</sup>.

Through its activities, the Government Commissioner coordinates the implementation of the recommendations of the international human rights institutions and recommendations and observations of international monitoring missions and international organizations by the central and local executive authorities, local self-government authorities and provides information to the public through the mass media on the provision of equal rights and opportunities

<sup>1</sup> On the Governmental Commissioner for Gender Policy: Resolution of the Cabinet of Ministers of Ukraine as of 07 June 2017 No 390 [Electronic resource]. – Access mode: <https://www.kmu.gov.ua/ua/npas/250049925>.

<sup>2</sup> Ibid.

for women and men in all areas of social life, as well as the adoption of decisions by the Cabinet of Ministers of Ukraine on these issues.

The Governmental Commissioner participates in:

- preparation of the state report on the implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women in Ukraine and other reports related to the provision of equal rights and opportunities for women and men in all areas of social life;

- preparation and elaboration of draft legislation acts on issues within its competence;

- development of state programmes on gender equality;

- monitoring and controlling the implementation of the National Plan for the Implementation of the UN Security Council Resolution 1325 "Women, Peace, Security" for the period up to 2020, as well as interacts with relevant authorities of foreign states and international organizations;

- interactions with relevant authorities of foreign states and international organizations.

It is worth noting that the Government Commissioner with the right of an advisory vote participates in meetings of the Cabinet of Ministers of Ukraine, but while considering issues that fall within its competence.

By agreement of the Vice Prime Minister for European and Euro-Atlantic integration of Ukraine, the Government Commissioner prepares proposals for the inclusion in the programme documents of issues regarding the equal rights and opportunities of women and men in all areas of social life and submits them to the Cabinet of Ministers of Ukraine.

At the same time, the Government Commissioner ensures public information through the mass media on ensuring the equal rights and opportunities of women and men in all areas of social life, as well as on the adoption of decisions on these issues by the Cabinet of Ministers of Ukraine.

In the structure of the institutional mechanism for the formation and implementation of gender policy of Ukraine, the Ministry of Social Policy plays the role of a specially authorized central executive authority on issues of equal rights and opportunities for women and men and ensures the formation and implementation of state policy in this area<sup>3</sup>.

On 17 June 2015, the Cabinet of Ministers of Ukraine by the Resolution No 423 "On Approval of the Regulation on the Ministry of Social Policy of Ukraine"

<sup>3</sup> Ibid.

<sup>4</sup> On ensuring equal rights and opportunities for women and men: Law of Ukraine as of 08 September 2005 No 2866-IV [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/2866-15>.

approved the Provision regarding the Ministry of Social Policy, where the functions of the Ministry in the area of ensuring equal rights and opportunities of women and men were specified in the Paragraph 4 of the Subparagraphs 83 – 91<sup>1</sup>.

### Functions of the Ministry of Social Policy of Ukraine in the area of gender equality

- develops measures aimed at ensuring equality of rights and opportunities of women and men in all areas of social life
- forms a National Action Plan for the Implementation of Gender Equality
- generalizes the implementation of state programmes on gender equality
- carries out control over the observance of gender equality in solving personnel issues in central and local executive authorities within the powers established by the law
- organizes training for civil servants on equal rights and opportunities for women and men
- carries out the preparation of scientifically substantiated proposals for the promotion of gender equality together with other central executive authorities
- organizes, in the prescribed manner, the conduction of scientific and expert research on the issues of ensuring equal rights and opportunities for women and men
- monitors and summarizes the results of ensuring the equal rights and opportunities of women and men in various areas of social life
- makes suggestions on the use of positive actions and their termination

The Subparagraph 102 of the Paragraph 4 of the above mentioned Provision states that the Ministry of Social Policy of Ukraine serves as the contracting authority for the research work to ensure equal rights and opportunities for women and men.

In addition, *the Unit of Gender Equality* functions in the structure of the Ministry of Social Policy of Ukraine approved by the Order of the Ministry of Social Policy of Ukraine as of 12 April 2018 No 336 k (with amendments)<sup>2</sup>.

In accordance with the Law of Ukraine "On Ensuring Equal Rights and Opportunities for Women and Men", in order to respond to complaints and appeals

from citizens on the grounds of gender discrimination, the Advisory Council – the Expert Council on the Prevention and Counteracting of Discrimination on the basis of Gender acts under the Ministry of the Social Policy of Ukraine<sup>3</sup>.

The tasks include consideration of appeals for discrimination on the basis of gender and the elimination of violations detected by them, as well as the definition of the causes of discrimination and problematic issues for developing methods for preventing and combating gender-based violations.

The council consists of representatives of the Ukrainian Parliament Commissioner for Human Rights, specialists of central executive government authorities, representatives of public associations and academics.

### The main tasks of the Expert Council are

- development and application of methods and algorithms) expert assessment of citizens' appeals on discrimination based on sex and life situations of gender inequality
- development of methods for preventing and counteracting the violation of the equal status of women and men on the basis of expert work on consideration of citizens' appeals
- identification of problematic issues regarding equal rights and opportunities for women and men
- expert evaluation of complaints on grounds of sex discrimination and preparation of recommendations for elimination of violations found and their causes
- learning and generalizing appeals concerning violations of the equal legal status of women and men and equal opportunities for its realization

The Procedure for Reviewing Appeals was approved by the Decision of the Expert Council on Combating Gender Discrimination as of 19 November 2012 No 1<sup>4</sup>.

The practice of the Expert Council on Preventing and Combating Gender Dis has shown that the vast majority of appeals relate to discriminatory, sexist advertising.

During the first half of 2018, three meetings of the Expert Council were held during which 45 appeals

<sup>1</sup> On Approval of the Regulation on the Ministry of Social Policy of Ukraine: Resolution of the Cabinet of Ministers of Ukraine as of 17 June 2015 No 423 IV [Electronic resource]. – Access mode: <http://zakon2.rada.gov.ua/laws/show/423-2015-%D0%BF>.

<sup>2</sup> Website of the Ministry of Social Policy of Ukraine [Electronic resource]. – Access mode: <https://www.msp.gov.ua/content/struktura-centralnogo-aparatu-ministerstva.html>

<sup>3</sup> Order of the Ministry of Social Policy as of 11.04.2016 № 376 "On the expert council on prevention and counteraction of discrimination on the basis of gender".

<sup>4</sup> On the Procedure for Reviewing Appeals Submitted to the Expert Council on Combating Gender Discrimination: Decision of the Expert Council on Combating Gender Discrimination as of 19 November 2012 No 1 // Website of the Talalaiivska Regional State Administration of Chernihiv Oblast [Electronic resource]. – Access mode: [http://taladm.cg.gov.ua/web\\_docs/39/2013/02/docs/Засідання\\_Експертна\\_рада\\_19.11.2012.doc](http://taladm.cg.gov.ua/web_docs/39/2013/02/docs/Засідання_Експертна_рада_19.11.2012.doc).



related to discriminatory advertising were considered. Members of the Expert Council have confirmed the fact of gender-based discrimination in 27 cases; in one case advertising was considered deceptive. Preferably, this is sexist outdoor advertising, located on the streets of Ukrainian cities. Expert opinions were prepared on the facts of discrimination, which were presented and adopted during the meeting by experts. In addition, the participants of the meeting discussed the appeal regarding violation of the principle of non-discrimination of the National Anthem of Ukraine and adopted the text of the answer to the appeal as the basis.

Another central executive authority charged with securing equal rights and opportunities for women and men is the *Ministry of Justice of Ukraine*, which acts in accordance with the Provision of the Ministry of Justice of Ukraine, approved by the Resolution of the Cabinet of Ministers of Ukraine as of 02 July 2014 No 228<sup>1</sup>.

For the purpose of proper and effective conducting of gender expertise, the Ministry developed an Instruction on Conducting a Gender Study of Normative-and-Legal Acts and a Conclusion of a Gender Legal Examination of the Legislation Act approved by the Order of the Ministry of Justice of Ukraine as of 12 May 2006 No 42/5 "Some Issues of Gender-Legal Examination".

Since 2006, the gender expertise is carried out both to acts of the current legislation and to draft normative-and-legal acts that establish the rights, freedoms and responsibilities of citizens or directly / indirectly influence the realization of citizens' rights and obligations.

In 2018, in pursuance of the Paragraph 234 of the Government Priority Action Plan for 2018, the Ministry of Justice of Ukraine developed a draft Resolution of the Cabinet of Ministers of Ukraine "On Conducting Gender-Legal Examination"<sup>4</sup>, which was considered on 01 November 2018 at a meeting of the Governmental Committee on European, Euro-Atlantic Integration, International Cooperation and Regional Development.

*The Ministry of Interior of Ukraine* is actively

involved in the process of implementing the main international obligations of Ukraine regarding the establishment of gender equality and is one of the main subject in implementing gender policy in Ukraine on combating sexual harassment, preventing domestic violence, child abuse, to counteract human trafficking, as well as is responsible for accepting and considering complaints about gender discrimination<sup>6</sup>.

*The prosecutor's offices* are responsible for accepting and considering complaints about the facts of gender discrimination in accordance with the Article 22 of the Law of Ukraine "On Ensuring Equal Rights and Opportunities for Women and Men".

*Courts* consider lawsuits on gender discrimination in accordance with the current legislation of Ukraine.

Among the provisions of the Law of Ukraine "On Ensuring Equal Rights and Opportunities for Women and Men", there is a norm (Article 12 of the Law), which indicates that *the formation and implementation of gender policy in the executive and local self-government authorities is ensured by work of:*

- authorized persons (coordinators);
- advisers on equal rights and opportunities for women and men;
- consultative and advisory authorities;
- responsible structural divisions.

The National Action Plan for the implementation of the UN Security Council Resolution 1325 "Women, Peace and Security" for the period until 2020 was approved by the Resolution of the Cabinet of Ministers of Ukraine "On Approval of the National Action Plan for the Implementation of the UN Security Council Resolution 1325 "Women, Peace and Security" for the period until 2020" as of 24 February 2016 No 113-r (as amended by the Cabinet of Ministers of Ukraine on 05 September 2018 No 637-r) in order to increase the level of observance of the principle of equal rights and opportunities for women and men in all areas of social life<sup>9</sup>.

In the framework of the National Plan for the implementation of the Resolution, the government authorities of Ukraine have adopted action plans that will integrate gender issues into all aspects of daily.

<sup>1</sup> On Approval of the Provision on the Ministry of Justice of Ukraine: Resolution of the Cabinet of Ministers of Ukraine as of 02 July 2014 No 228 [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/228-2014-%D0%BF>.

<sup>2</sup> Some Issues of Gender Expertise: Order of the Ministry of Justice of Ukraine as of 12 May 2006 No 42/5 [Electronic resource]. – Access mode: [http://zakon.rada.gov.ua/laws/show/v42\\_5323-06](http://zakon.rada.gov.ua/laws/show/v42_5323-06).

<sup>3</sup> Ibid.

<sup>4</sup> Website of the Ministry of Justice of Ukraine [Electronic resource]. – Access mode: <https://minjust.gov.ua/m/povidomlennya-pro-provedennya-elektronnih-konsultatsiy-z-gromadskisty-proektu-postanovi-kabinetu-ministriv-ukraini-pitannya-provedennya-%D2%91enderno-pravovoi-ekspertizi-na-ofitsiynomu-veb-sayti-ministerstva-yustitsiia-uryadovomu-veb-sayti-gromadyanske-suspi>

<sup>5</sup> The only web-portal of executive bodies [Electronic resource]. – Access mode: <https://www.kmu.gov.ua/ua/meetings/zasidannya-uryadovogo-komitetu-z-pitan-yevropejskoyi-yevroatlantichnoyi-integratsiyi-mizhnarodnogo-spirobitnictva-ta-regionalnogo-rozvitku-30-10-2018>.

<sup>6</sup> Top 10 Gender Policy [Electronic Resource]. – Access mode: [http://radaprogram.org/sites/default/files/publications/top-10\\_web.pdf](http://radaprogram.org/sites/default/files/publications/top-10_web.pdf).

<sup>7</sup> On Ensuring Equal Rights and Opportunities for Women and Men: Law of Ukraine as of 08 September 2005 No 2866-IV [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/2866-15>.

<sup>8</sup> Top 10 Gender Policy [Electronic Resource]. – Access mode: [http://radaprogram.org/sites/default/files/publications/top-10\\_web.pdf](http://radaprogram.org/sites/default/files/publications/top-10_web.pdf)

<sup>9</sup> On Ensuring Equal Rights and Opportunities for Women and Men: Law of Ukraine as of 08 September 2005 No 2866-IV [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/2866-15>.

<sup>10</sup> On Approval of the National Plan of Action for the Implementation of the UN Security Council Resolution 1325 "Women, Peace, Security" for the period up to 2020: Order of the Cabinet of Ministers of Ukraine as of 24 February 2016 No 113-r [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/113-2016-%D1%80>.

Gender advisers have been appointed to the Department of Defense and Security (the National Guard and the State Border Guard Service in Ukraine).

The implementation of the responsibilities of the coordinator for ensuring equal rights and opportunities for women and men, prevention and counteraction to gender-based violence relies on one of the deputy ministers, deputy head of another executive authority<sup>1</sup>.

The main purpose of their activity is increase of efficiency of the state policy and coordinated cooperation of the executive government authorities on ensuring equal rights and opportunities of women and men<sup>2</sup>.

### Tasks of Authorized Persons

- providing women and men with equal rights and opportunities in the relevant activity area
- cooperation with public organizations, in particular community-based women's organizations, for generalizing information on the state of ensuring equal rights and opportunities for women and men and identifying ways of preventing gender-based discrimination
- promoting the creation of equal conditions for combining women and men with professional and family responsibilities, including the development of social services
- implementation of measures aimed at forming a gender culture of the population, conducting of appropriate informational and advocacy activities
- ensuring compliance with legislation on equality of rights and opportunities for women and men
- consideration and analysis of citizens' appeals on equal rights and opportunities for women and men
- organization of systematic training of officials of central and local executive authorities on these issues
- introduction of gender approaches to the organization of the work of central and local executive authorities, taking into account the experience of other states

Authorized persons (coordinators), which are responsible for equality of rights and opportunities for women and men, prevention and counteraction to gender-based violence, within the framework of their authority, organize the work of the relevant executive authorities and local self-government authorities in the direction:

- taking into account the principle of equal rights and opportunities of women and men in the relevant activity area;
- conducting analysis of the state of ensuring gender equality and studying the appropriateness of applying positive actions in order to overcome asymmetry, imbalance in the relevant territory or industry;
- coordination of measures in the area of prevention and counteraction to gender-based violence and monitoring their implementation at the local level;
- cooperation with public associations and foreign non-governmental organizations, generalization of information coming from them to monitor the state of observance of equality between women and men, the situation in the sphere of prevention and counteraction to gender-based violence and the development of ways to eliminate gender discrimination;
- carrying out constant informational and advocacy work on the elimination of all forms of gender discrimination;
- taking measures aimed at forming a gender culture of the population;
- organizations for admitting citizens on issues of gender discrimination;
- consideration and analysis of citizens' appeals for ensuring equal rights and opportunities for women and men, as well as for gender-based violence, studying the reasons for it and reporting to law enforcement agencies about it in accordance with the law;
- training of central and local government executive authorities and local self-government authorities on gender issues aimed at developing appropriate skills in the implementation of functions and tasks in this area, assisting and protecting victims;
- taking measures to eliminate gender discrimination<sup>3</sup>.

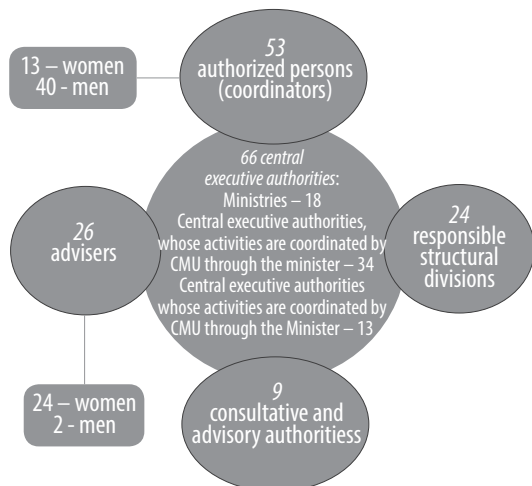
At the same time, executive authorities and local self-government authorities may form advisory

<sup>1</sup> On Approval of the National Plan of Action for the Implementation of the UN Security Council Resolution 1325 "Women, Peace, Security" for the period up to 2020: Order of the Cabinet of Ministers of Ukraine as of 24 February 2016 No 113-r [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/113-2016-%D1%80>.

<sup>2</sup> The Decree of the President "On improving the work of central and local executive government authorities on ensuring equal rights and opportunities for women and men" as of July 26, 2005, No 1135/2005 [Electronic resource] – Access mode: <http://zakon.rada.gov.ua/laws/show/1135/2005>

<sup>3</sup> On Ensuring Equal Rights and Opportunities for Women and Men: Law of Ukraine as of 08 September 2005 No 2866-IV [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/2866-15>.

authorities, appoint advisers on equal rights and opportunities for women and men, and prevent and combat gender-based violence<sup>1</sup>.



As of July 2018, 53 authorized persons (coordinators) have been appointed in ministries and other central executive authorities of Ukraine to ensure equal rights and opportunities for women and men, prevention and counteraction to gender-based violence (13 women and 40 men)<sup>2</sup>.

The total number of appointed advisers on equal rights and opportunities for women and men, prevention and counteraction to gender-based violence in ministries and other central executive authorities of Ukraine is 26 persons (24 women and 2 men). In addition, the staffing of the central executive authorities provides the position of one adviser<sup>3</sup>.

There are also 9 consultative and advisory authorities: 3 public councils, 5 working groups and 1 expert council<sup>4</sup>.

There are 24 responsible structural divisions: in ministries – 10, in central executive authorities – 11 and 3 – in separate units (Ministry of Social Policy of Ukraine, the Ministry of Internal Affairs of Ukraine and the National Guard of Ukraine)<sup>5</sup>.

At the local level, in order to coordinate the

activities of subjects engaged in the prevention and counteraction of gender-based violence, as well as ensuring the implementation of such measures in the local state administrations, responsible structural units are determined, and in village, settlement and regional in the cities (in case of their establishment) councils are responsible executive authorities.

An important element of the national mechanism for the implementation of gender equality is the participation of citizens' associations in the implementation of state policy. The participation of public organizations in the formation and implementation of the state gender policy is an important condition for its effectiveness and taking into account the direct interests of communities and individuals, improving the quality of preparation and decision-making. In addition, this is a way to guarantee publicity, openness and transparency of government.

Public organizations in accordance with the Law of Ukraine "On Ensuring Equal Rights and Opportunities for Women and Men" and may participate:

- in elaboration of decisions taken by executive authorities and local self-government authorities on gender equality issues;
- in the implementation of national and regional programmes; to delegate their representatives to consultative and advisory authorities, etc.

There are a number of voluntary associations of citizens in Ukraine established for:

- promoting the development of political and legal relations on the basis of gender equality;
- strengthening the influence and role of women in reforming Ukrainian society;
- successful implementation of reforms and best practices of governance at the state and local levels through the principles of transparency, justice, equality, openness, rule of law and human rights;
- solving actual problems in the sphere of gender equality and realization of children's rights through advocacy and effective cooperation with state and non-governmental organizations;
- prevention of all forms of gender-based violence, in particular domestic violence, combating human trafficking and ensuring the rights of children;
- promoting the implementation of international human rights standards in all areas of society and the state;
- promoting the implementation of gender approaches in the practice of state and non-

<sup>1</sup> On Ensuring Equal Rights and Opportunities for Women and Men: Law of Ukraine as of 08 September 2005 No 2866-IV [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/2866-15>.

<sup>2</sup> Dunebabina O. The Institutional Mechanism for the Formation and Implementation of Gender Policy at the National Level. – Governmental Commissioner for Gender Policy, August 2018.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.



- state institutions activities;
- promoting women's advancement in decision-making at all levels;
- promoting the elimination of gender discrimination in the labor market and greater involvement of women in entrepreneurship.

The list of voluntary associations of citizens created to promote the ideas of equality, freedom and inclusiveness, and to promote the development of democracy and tolerance in Ukrainian society can be found at <https://genderindetail.org.ua/community/organizations/gromadski-organizatsii-134539.html>

<sup>1</sup> On Ensuring Equal Rights and Opportunities for Women and Men: Law of Ukraine as of 08 September 2005 No 2866-IV [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/2866-15>.

<sup>2</sup> Public organizations // Website Gender in Detail [Electronic resource]. – Access mode: <https://genderindetail.org.ua/news/uryadoviy-komitet-shvaliv-strategiyu-vprovadzhennya-gendernoi-rivnosti-u-sferi-osviti-134328.html>.

# CHAPTER 2

## LEGISLATIVE BACKGROUND FOR THE FORMATION AND IMPLEMENTATION OF GENDER POLICY

## LEGISLATIVE BACKGROUND FOR THE FORMATION AND IMPLEMENTATION OF GENDER POLICY

State policy of Ukraine is aimed at achieving equal position of women and men in all spheres of society, combating gender discrimination, fuller realization of women's and men's natural talents in working, public and private life. In this, policy derives from the international documents, which have been signed and ratified by Ukraine<sup>1</sup>.

### 2.1 General Legislation on Ensuring Equal Rights and Opportunities for Women and Men

Gender legislative development in Ukraine takes place at a rapid pace. Establishment of a legal framework on gender equality, which is gradually being harmonized with the international standards, is one of the main achievements.

The principal normative legal act of Ukraine geared to achieving equal rights and opportunities for women and men is the Constitution, which enshrines the equal rights for women and men. *Article 24 of the Constitution of Ukraine* guarantees that "Citizens shall have equal constitutional rights and freedoms and shall be equal before the law".

For the purpose of developing the mentioned provisions of the Constitution, a special legislative act on gender issues was adopted in 2005 – *the Law of Ukraine "On Ensuring Equal Rights and Opportunities for Women and Men"*<sup>2</sup>, which has become a practical realization of basic principles of gender equality.

The above-mentioned law was the beginning

of development of national legislation in the sphere of ensuring equal rights and opportunities for women and men. After this, in order to bringing into conformity with adopted law, another laws were amended as well as relevant normative legal acts aimed at developing national arrangement of ensuring equal rights and opportunities were approved<sup>3</sup>.

In order to ensure uniformity of approaches as well as consistency and continuity in the activity of government authority on achieving equal rights and opportunities of all people, *the Law of Ukraine "On the Principles of Prevention and Combating Discrimination in Ukraine"* was passed in 2012<sup>4</sup>.

According to the Law, "state policy on preventing and combating discrimination is aimed at: non-discrimination; the application of positive actions; creation of conditions for the timely detection of facts of discrimination and ensuring effective protection of persons and/or groups of persons who have suffered from discrimination; education and promotion of respect for persons, regardless of their specific features, among population of Ukraine, awareness-raising activities in this field" (Article 7).

This Law (Article 4) covers such areas of public relations: social and political activities, civil service and service in bodies of local self-government, justice, labour relations, health protection, education, social protection, housing, access to goods and services, other areas of public relations.

Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part has created new momentum for development of gender policy in Ukraine.

In particular, the adopted *Law of Ukraine "On Amendments to the Particular Legal Acts of Ukraine on Prevention and Combating Discrimination in Ukraine"* in 2014 brought the definition of discrimination into line

<sup>1</sup> The chapter contains materials of the manual "Gender Equality and Development: A View in the Context of the European Strategy of Ukraine" / Razumkov Center. Zapovit Publishing House, 2016. – 244 p. [Electronic resource]. – Access mode: <http://old.razumkov.org.ua/ukr/upload/Gender-FINAL-S.pdf> and the manual "TOP-10 GENDER POLICY" / Group of authors.; International Women's Rights Center "La Strada-Ukraine", Program "RADA: Accountability, Responsibility, Democratic Parliamentary Representation", 2015. – 49 p. [Electronic resource]. – Access mode: [http://radaprogram.org/sites/default/files/publications/top-10\\_web.pdf](http://radaprogram.org/sites/default/files/publications/top-10_web.pdf).

<sup>2</sup> The Constitution of Ukraine, adopted by the fifth session of the Verkhovna Rada of Ukraine on June 28, 1996 (Law of Ukraine dated June 28, 1996 No. 254k / 96-VR) [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/254k/96-bp>.

<sup>3</sup> The Law "On Ensuring Equal Rights and Opportunities for Women and Men" of September 8, 2005 No. 2866-IV [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/2866-15>.

<sup>4</sup> Referring to the detailed application of the provisions of the Law of Ukraine "On Ensuring Equal Rights and Opportunities for Women and Men", see: Commentary on the Law of Ukraine "On Ensuring Equal Rights and Opportunities for Women and Men". – Zaporizhzhia: Drukarskyi svit, 2011. – 168 p. [Electronic resource]. – Access mode: [https://drive.google.com/file/d/0BzyNdbFDRRN\\_eEJpZjh4eIMtNEU/view](https://drive.google.com/file/d/0BzyNdbFDRRN_eEJpZjh4eIMtNEU/view).

<sup>5</sup> The Law "On the Principles of Prevention and Counteraction of Discrimination in Ukraine" of September 6, 2012 No. 5207-VI [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/5207-17>.

with the Article 1 of the Convention on the Elimination of All Forms of Discrimination against Women. New definition of discrimination is interpreted as the situation "...in which the individual and/or group of individuals is deprived of recognition, realization or exercise of rights and freedoms in any form established in this law, for their race, color of skin, political, religious and other beliefs, gender, age, disability, ethnic or social origin, nationality, family and property status, place of residence, linguistic or other traits that have been, are or may be actual or alleged, except for cases when such restriction has legitimate, objectively reasonable aim, which is achievable in appropriate and necessary way" (Provision II of Section I).

The law defines the meanings of "direct discrimination", "announced intention of discrimination" and "aiding in discrimination".

The law also provides arrangement of handling complaints and application of sanctions in cases of gender discrimination (Article 14).

Among the key areas of the *National Human Rights Strategy of Ukraine*<sup>1</sup> are those that will contribute to ensuring the priority of human rights and freedoms as a decisive factor in defining public policy, decisions-making on ensuring of equal rights and opportunities for women and men. This law recognizes the existence of inequality of rights and opportunities for women and men in Ukraine, whence the need for active and comprehensive work on solving issues of gender discrimination and ensuring genuine gender equality. The strategic goal is to ensure equal rights and opportunities for women and men in all areas of public life.

As a result of its realization, it is expected to implement international standards for ensuring gender equality, including at the legislative level; to improve arrangement for ensuring equal rights and opportunities for women and men; to create conditions for balanced participation of women and men in public-political processes, adopting socially important decisions; to carry out comprehensive interventions on carrying out comprehensive measures to overcome gender discrimination, including gender stereotypes; to ensure equality in access to justice.

*Action Plan to Implement the National Human Rights Strategy of Ukraine by 2020*<sup>2</sup>, adopted by the

Government, includes 135 items, especially:

- determination of remedies against inappropriate conditions of detention;
- providing high-quality and affordable legal aid through the lawyer and an effective system of free legal aid;
- ensuring access to justice for children, people with disabilities, adults with disabilities and people with disabilities;
- introduction of a system that prevents the creation of excessive state databases of personal data and excludes the possibility of unlawful interference with privacy;
- creation of conditions for the implementation of e-democracy;
- ensuring the protection of patients' rights;
- inclusion in the requirements necessary for the performance of work in a particular profession, a post related to law enforcement and enforcement, requirements for knowledge of international standards in the field of human rights, etc.

The adopted *Law of Ukraine "On Civil Service"*<sup>4</sup> stipulates that the civil service is carried out in compliance with the principle of "ensuring equal access to the civil service – the prohibition of all forms and manifestations of discrimination, the absence of unreasonable restrictions or the provision of unjustified benefits to certain categories of citizens upon entry into the civil service" (Paragraph 7 of part one of Article 4). Thus, gender equality in the civil service should be balanced participation of women and men in the processes of public administration.

Implementation of appropriate measures to ensure gender equality as an integral part of the public administration principles is provided at all stages of realization of the *Strategy of Public Administration Reform for 2016–2020*, adopted by the Regulation of the Cabinet of Ministers of Ukraine of June 24, 2016 No 474-r. In particular, the Strategy aims at addressing gender imbalances in the area of civil service and human resource management.

Cabinet of Ministers of Ukraine adopted the *National Action Plan on the Implementation of the United Nations Security Council Resolution 1325 on Women, Peace and Security for a period until 2020*<sup>5</sup> by the Resolution of

<sup>1</sup> The Law of Ukraine "On Amendments to the Legislative Acts of Ukraine on Prevention and Counteraction of Discrimination" of March 13, 2014 No. 1263-VII [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/1263-18>.

<sup>2</sup> Decree of the President of Ukraine dated August 25, 2015, No. 501/2015 "On Approval of the National Strategy for Human Rights" [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/501/2015>.

<sup>3</sup> Regulation of the Cabinet of Ministers of Ukraine "On Approval of the Plan of Action for Implementation of the National Strategy for Human Rights for the Period till 2020" dated November 23, 2015, No. 1393-p [Electronic Resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/1393-2015-p>.

<sup>4</sup> Law of Ukraine "On Civil Service" of December 10, 2015, No. 889-VIII [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/889-19>.

<sup>5</sup> Regulation of the Cabinet of Ministers of Ukraine "Some Issues of Public Administration Reform in Ukraine" dated June 24, 2016 No. 474-r [Electronic Resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/474-2016-p>.

<sup>6</sup> Regulation of the Cabinet of Ministers of Ukraine "On Approval of the National Action Plan on the Implementation of the United Nations Security Council Resolution 1325 on Women, Peace and Security for a period until 2020" of February 24, 2016, No. 113-r [Electronic Resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/113-2016-p>.

24 February 2016 No 133-r, in order to improve compliance with principle of ensuring equal rights and opportunities for women and men in all spheres of society.

Government authorities of Ukraine within the framework of the National Action Plan on the Implementation of the Resolution approved the Action Plans.

Provisions of the Association Agreement in combination with the best practices of the EU resulted in the elaboration of the *State Social Program for Ensuring Equal Rights and Opportunities for Women and Men for the period up to 2021*<sup>1</sup>.

The program identifies the main tasks aimed at increasing the level of observance of the principle of equal rights and opportunities for women and men in all spheres of Ukrainian society.

In addition to central and local governments, international organizations and public associations were involved, which aimed at ensuring equal rights and opportunities for women and men involved, in the implementation of the Program.

According to the *"Sustainable Development Goals: Ukraine" National Report 2017*<sup>2</sup>, prepared by the Ministry of Economic Development and Trade of Ukraine, one of the main national tasks till 2030 is ensuring equal opportunities for representation at higher levels of decision-making in political and public life, thereby enforcing gender parity at the highest levels of government.

In December 2017, the Verkhovna Rada adopted the Law of Ukraine *"On Prevention and Combating Domestic Violence"*<sup>3</sup> which came into force on January 7, 2018.

*The new Law of Ukraine "On Prevention and Combating Domestic Violence" proposes an innovative approach (with the use of European standards) to combat this negative phenomenon in society.*

Domestic violence is understood to mean any act of physical, sexual, psychological or economic violence, as well as the threat of such acts.

Affected individuals are recognized whether or not they live with their offenders (brides, spouses, ex-spouses, mother, father, children, their parents, brothers, sisters, non-parents, guardians, carers, their children, adoptive children, pets, other relatives to cohabitation, persons living together or living with the same family, but not married, their children and parents) and persons living together (any other relatives, people who are connected by common life have common rights and obligations).

In case of any type of domestic violence, affected individuals have the right to apply to the police authorities at their place of residence and to the executive committees of village and settlement councils, the authorities of guardianship, educational institutions (if affected children), health care institutions. It's enough to contact any of these authorities to get protection.

Domestic violence is understood to mean any act of physical, sexual, psychological or economic violence, as well as the threat of such acts.

It can be reported about violence through the Call Center for the Prevention and Combating of Domestic Violence – a state institution whose territorial units are planned to be opened in each region.

Affected individuals have the right to apply immediately or in the future to a court with a petition for the issuance of a restrictive provision against the offender. In addition, the affected individuals have the right to use free services of the lawyers of the Centers for the provision of free secondary legal aid, and for submitting such applications to the court – the court fee is not paid.

The affected individual may demand compensation from the offender: her expenses for treatment, counseling or rental of housing, which she incurs in order to avoid domestic violence, periodic expenses for her maintenance, the maintenance of children or other family members who are (staying) on abusing the abuser.

The following special measures may be applied to the offender

1) *emergency restraining order*. The police may prohibit staying, living, contacting the affected person either on the basis of her application or on her own initiative in the event of a threat to her life or health. At the same time, the prohibition of being together with a victim and affected person does not depend on who owns the home – the victim, the offender, their joint property or the property of third parties.

The order to leave and stay in the home together with the victim does not apply to juvenile offenders. In the event that a person refuses to voluntarily leave a home, the police may apply for forced eviction.

<sup>1</sup> Resolution of the Cabinet of Ministers of Ukraine dated April 11, 2018, No. 273 "On Approval of the State Social Program for Ensuring Equal Rights and Opportunities for Women and Men for the period up to 2021" [Electronic Resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/273-2018-n>.

<sup>2</sup> National Report "Objectives of Sustainable Development: Ukraine", approved on May 24, 2017 by the Interdepartmental Working Group of High Level for implementation of the Sustainable Development Goals for Ukraine, chaired by the First Vice Prime Minister of Ukraine – Minister of Economic Development and Trade of Ukraine Stepan Kubiv and UN Resident Coordinator in Ukraine, Humanitarian Coordinator in Ukraine and UNDP Resident Representative in Ukraine Neal Walker [Electronic Resource]. – Access mode: <http://www.un.org.ua/ua/publikatsii-ta-zvity/un-in-ukraine-publications/4203-2017-natsionalna-dopovid-tsili-staloho-rozvytku-ukraina-iaka-vyznachaie-bazovi-pokaznyky-dlia-dosiahnennia-tsili-staloho-rozvytku-tssr>.

<sup>3</sup> Law of Ukraine "On Prevention and Combating Domestic Violence" of December 7, 2017, No. 2229-VIII [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/2229-19>.

Duration of these bans – 10 days. Forbidding a police offender may appeal in court;

2) *restriction order*. Applies on the basis of a court decision on the application of the victim (or his representative). The court examines the case on the issuance of a restrictive prescription in a separate proceeding not later than 72 hours after receipt of the application for the issuance of a limitation order to the court. The offender is summoned to court because of the announcement on the official website of the court. However, litigation may be conducted without the call and involvement of the offender, if the victim's safety so requires.

Such statement to a person may be: forbidden to be in the place of joint residence (stay) with the victim; obliged to eliminate obstacles in the use of property; limited communication with the victim's child; It is forbidden to approach a certain distance to the place of residence (stay), study, work, other places frequent visits by the victim; Personally and through a third person is prohibited from tracing a victim if she is at her own discretion in a place unknown to the offender, persecuting her and in any way communicating with her; It is forbidden to conduct correspondence, telephone conversations with the injured person or to contact her through other means of communication personally and through third parties.

The court's decision to issue restriction order is subject to immediate enforcement, and its appeal does not stop its execution. A restrictive prescription is issued for a term of one to six months, and may be extended by a court for another six months.

In addition, all facts of domestic violence, information about the offender (irrespective of his consent), as well as about the victims (with their consent) are entered into the Unified State Register of Domestic Violence and Gender-Based Violence.

Such information is stored in database for:

1. 1 year in the absence of open criminal proceedings, court decision on a restrictive order or administrative penalty, a court conviction;
2. 3 years in the case of a court decision on a restrictive prescription or administrative sanction;
3. 10 years if there is a verdict of conviction which has become legally valid.

In addition, the offender may be put on the preventive register, dealt with the police, sentenced to penal servitude for a period of three months to one year.

All these measures are not penalties (neither administrative nor criminal ones). These are so-called precautionary measures that allow state authorities

to respond promptly to domestic violence, stop its commission and eliminate the threat of repeated violence. However, the use of such measures does not at all mean that offenders are not brought to administrative or criminal liability if there are grounds.

Actually, the responsibility of offender for committing domestic violence is currently only foreseen in the *Code of Ukraine on Administrative Offenses*. Article 172 of the Code of Ukraine on Administrative Offenses for committing domestic violence provides a fine of 170 to 340 UAH, or public works for a period of 30 to 40 hours, or administrative arrest for up to 7 days. Repeated domestic violence for a year is threatened by a fine of 340 to 680 UAH or public works for a period of 40 to 60 hours, or an administrative arrest for up to 15 days.

The Law of Ukraine "On Amendments to the Criminal and Criminal Procedural Codes of Ukraine in order to implement the provisions of the Council of Europe Convention on the Prevention of and the Prevention of Violence against Women and Domestic Violence and the fight against them"<sup>1</sup>, which introduces criminal liability for domestic violence, was also passed by the Parliament in December last year, but will come into force only a year later – January 11, 2019. In particular, criminal responsibility for systematic domestic violence, which provides for sentences in the form of deprivation of liberty for up to 2 years, begins to operate.

The new Law of Ukraine "On Prevention and Combating of Domestic Violence" undoubtedly deserves a positive reaction from the community.

Furthermore, amendments to the first part of the Article 14 of the Law of Ukraine "On Free Legal Aid"<sup>2</sup> were introduced. Persons, who have suffered from domestic violence or gender violence, have the right to free secondary legal aid (for all types of legal services – protection, representation of the interests of persons entitled to free secondary legal aid, in courts, other state authority, local self-government authorities, to other persons, documentation of procedural nature) in accordance with introduced amendments.

However, last year in 2017 for the first time gender budgeting was included in the *Public Finance*

<sup>1</sup> Code of Ukraine on Administrative Offenses of December 7, 1984 No. 8073-X [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/80731-10>, <http://zakon.rada.gov.ua/laws/show/80732-10>.

<sup>2</sup> The Law of Ukraine "On Amendments to the Criminal and Criminal Procedural Codes of Ukraine in order to implement the provisions of the Council of Europe Convention on the Prevention of and the Prevention of Violence against Women and Domestic Violence and the fight against them" of December 6, 2017, No. 2227-VIII [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/2227-19>.

<sup>3</sup> Chapter IX "Final Provisions" of the Law of Ukraine "On Preventing and Combating Domestic Violence" of 07 December 2017 No 2229-VIII [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/2229-19>.

<sup>4</sup> Law of Ukraine "On Free Legal Aid" as of 02 June 2011 No 3460-VI [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/3460-17>.



*Management Strategy for 2017 – 2021<sup>1</sup> and the Action Plan for its implementation, and the Government Action Plan for 2018<sup>2</sup> focused on gender priorities for the first time.*

The Ministry of Information Policy with the support of the UN Women and NDI (National Democratic Institute) has begun work on *National Communication Strategy on Gender Equality in Ukraine*.

At the same time, on January 16, 2018, the Governmental Committee for Social Policy and Humanitarian Development supported the *Draft Regulation of the Cabinet of Ministers of Ukraine "On Approval of the Strategy for the Implementation of Gender Equality in Education" Education: Gender Dimension – 2021<sup>3</sup>*.

The goal of the Strategy is to ensure the integrated implementation of the principles of gender equality in the field of education and to identify the ways of gender mainstreaming in this area in accordance with the world's democratic principles. In particular, the document envisages expanding the practice of incorporating a gender component into educational programs, introducing a gender perspective in the legal acts in the field of education, as well as training specialists on gender equality and the formation of a professional community.

It should be noted that the new Law of Ukraine "On Education" stipulates the requirement for students to acquire gender competence – the ability to realize equal rights and opportunities.

At the same time, the Ministry of Justice jointly with Ministry of Social Policy in order to implement

the Paragraph 234 of the Government Priority Action Plan for 2018 and Subitem 1, Paragraph 3 of the Annex 2 to the State Social Programme for Ensuring Equal Rights and Opportunities for Women and Men for the period up to 2021, *drafted Resolution of the Cabinet of Ministers of Ukraine "Issues of Conducting a Gender Legal Examination<sup>4</sup>"* which shall adopt a new Procedure for its conducting.

In Ukraine, gender-based legal expertise is a compulsory arrangement for analyzing legislation and draft legal normative acts and has been carried out by the Ministry of Justice since 2006 according to the Law of Ukraine "On Ensuring Equal Rights and Opportunities for Women and Men", *Resolution of the Cabinet of Ministers of Ukraine of April 12, 2006 No. 504 "Issues of Conducting a Gender Legal Examination<sup>5</sup>"* and *Order of the Ministry of Justice of May 12, 2006 No. 42/5 "On Some Issues of Conducting a Gender Legal Examination<sup>6</sup>"*, which define the Procedure for its conducting.

In addition, the mentioned arrangements and toolkit for the expertise remained ineffective, which is imbued with the inequality of women and men in Ukraine in access to decision-making and management, in labor and remuneration for it, as well as effectively countering discrimination and eliminating gender-based stereotypes.

Thus, the above-mentioned Draft Resolution of Cabinet of Ministers was developed in order to improving the arrangement for examination of normative legal acts to verify its compliance with the principle of equal rights and opportunities for women and men.

The mentioned Draft Resolution of the Cabinet of Ministers of Ukraine was considered on November 1, 2018 at the meeting of the Governmental Committee for European and Euro-Atlantic Integration, International Cooperation and Regional Development<sup>7</sup>

In addition, in April 2018, the Verkhovna Rada of

<sup>1</sup> Regulation of the Cabinet of Ministers of Ukraine "On Approval of the Strategy for Reforming the Public Finance Management System for 2017-2020" of February 8, 2017, No. 142-r [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/142-2017-p>.

<sup>2</sup> Order of the Cabinet of Ministers of Ukraine dated March 28, 2018, No. 244-r "On Approval of the Plan of Government Priority Actions for 2018" [Electronic Resource]. – Mode of access: <http://zakon.rada.gov.ua/laws/show/244-2018-r>.

<sup>3</sup> The Ministry of Information Policy discussed the necessity of developing a National Communication Strategy for Gender Equality in Ukraine // Official website of the Ministry of Information Policy of Ukraine. – November 13, 2017 [Electronic resource]. – Access mode: <https://mip.gov.ua/news/2088.html>; The gender component is gradually integrated into the system of all state reforms, – Ivanna Klymush-Tsintsadze // Government web-portal. Service of the Vice Prime Minister of Ukraine. – May 23, 2018 [Electronic resource]. – Access mode: <https://www.kmu.gov.ua/ua/news/genderna-skladova-postupovo-integruetsya-v-sistemu-usih-derzhavnih-reform-ivanna-klimpush-cincadze>.

<sup>4</sup> Draft Regulation of the Cabinet of Ministers of Ukraine "On Approval of the Strategy for the Implementation of Gender Equality in Education" Education: Gender Dimension – 2021" [Electronic Resource]. – Access mode: <https://mon.gov.ua/storage/app/media/gromadske-obgovorennia/2016/proekt-gendernoyi-strategiyi.doc>; Introducing the Gender Equality Strategy in Education, we create future without sexism and domestic violence, – Ivanna Klymush-Tsintsadze // Official Government Web Portal. Service of the Vice Prime Minister of Ukraine. – January 16, 2018 [Electronic resource]. – Access mode: <https://www.kmu.gov.ua/ua/news/vprovadzhuyuchi-strategiyu-gendernoyi-rivnosti-v-osviti-mi-tvorimo-majbutnye-bez-seksizmu-i-domashnogo-nasillya-ivanna-klimpush-cincadze?print>; the Government Committee approved the Strategy for the Implementation of Gender Equality in Education / Web Portal "Gender in Detail". – January 17, 2018 [Electronic resource]. – Access mode: <https://genderindetail.org.ua/news/uryadoviy-komitet-shvaliv-strategiyu-vprovadzhennya-gendernoi-rivnosti-u-sferi-osviti-134328.html>.

<sup>5</sup> Notice on conducting electronic consultations with the public on the Draft Resolution of the Cabinet of Ministers "Issues of Conducting a Gender Legal Examination" on the official website of the Ministry of Justice of Ukraine and the Government website "Civil Society and Government" [Electronic resource]. Access mode: <https://minjust.gov.ua/m/povidomlennya-pro-provedennya-elektronnih-konsultatsiy-z-gromadskisty-ukraini-pitannya-provedennya-%D2%91enderno-pravovoi-experiment-na-ofitsynomu-veb-sayti-ministerstva-yustitsii-ta-uryadovomu-veb-sati-gromadyanske-suspi>.

<sup>6</sup> Resolution of the Cabinet of Ministers of April 12, 2006 No. 504 "Issues of Conducting a Gender Legal Examination" (amended according to the Resolution of the Cabinet of Ministers of Ukraine of July 18, 2007 No. 950) [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/504-2006-p>.

<sup>7</sup> Order of the Ministry of Justice of May 12, 2006, No. 42/5 "On Some Issues of Conducting a Gender Legal Examination" (approved the Instruction on its conducting and the conclusion form of gender-based legal examination of the legislation act) [Electronic resource]. – Access mode: [http://zakon.rada.gov.ua/laws/show/v42\\_5323-06](http://zakon.rada.gov.ua/laws/show/v42_5323-06).

<sup>8</sup> Subparagraph 4.3 of Clause 4 of the meeting agenda of the Governmental for European and Euro-Atlantic Integration, International Cooperation and Regional Development as of November 1, 2018 [Electronic resource]. – Access mode: <https://www.kmu.gov.ua/ua/meetings/zasidannya-uryadovogo-komitetu-z-pitan-yeuropejskoyi-yevroatlantichnoyi-integratsiyi-mizhnarodnogo-spirovbitnictva-ta-regionalnogo-rozvitku-30-10-2018>.

Ukraine registered a Draft Law “On Amendments to Certain Legislative Acts of Ukraine on Gender Legal Examination”<sup>1</sup> aimed at improving the existing arrangement of gender-based legal analysis of legislation and draft regulatory acts to ensure the prevention of gender-based discrimination and observance of the principle of equal rights and opportunities for women and men.

The draft law amends the Laws of Ukraine “On Ensuring Equal Rights and Opportunities for Women and Men”, “On the Rules of Procedure of the Verkhovna Rada of Ukraine” and proposes to initiate conducting the gender-based legal examination with using appropriate methods.

Furthermore it is envisaged to carry out a gender legal examination of the current legislation, draft regulatory acts, except of draft laws, by the Cabinet of Ministers of Ukraine, and the responsibility of the gender legal examination of the bills is assigned to the Verkhovna Rada of Ukraine.

It is also proposed to include in the explanatory memorandum as one of the accompanying documents of the bill, the provisions on the justification of its impact on ensuring equal rights and opportunities for women and men.

At the same time, a new version of the *National Action Plan on the Implementation of the United Nations Security Council Resolution 1325 on Women, Peace and Security until 2020*<sup>2</sup> has been approved according to the Government Priority Action Plan for 2018.

The 66th session of the Committee on the Elimination of Discrimination against Women addressed the eighth periodic report of Ukraine on the implementation of the United Nations Convention on the Elimination of All Forms of Discrimination against Women. The members of the UN Committee on the Elimination of Discrimination against Women were informed about the legislative, judicial and other measures taken by Ukraine to implement the provisions of the Convention, and progress has been made in this direction.

The next step was the approval by the Cabinet of Ministers of Ukraine of the *National Action Plan for the Implementation of the Recommendations set out in the Concluding Observations of the UN Committee on the Elimination of Discrimination against Women in the eighth periodic report of Ukraine on the implementation of the Convention on the Elimination of All Forms of*

*Discrimination against Women until 2021*<sup>3</sup>, which provides for:

- improvement of the mechanism of ensuring the rights of vulnerable categories of women and girls, including internally displaced persons, national minorities, persons with disabilities;
- carrying out a broader information campaign on raising awareness of women's rights;
- creation of conditions for women to achieve economic independence;
- improving the access of girls and women to medical, educational, legal and social services.

The main objective of the act is to overcome all forms of discrimination against women and girls, reduce gender-based and domestic violence, prevent its manifestations and provide timely assistance to victims, participation in decision-making in political and public life.

In addition, in October 2018, the Government approved the *Concept of the State Social Program for the Prevention and Combating of Domestic Violence and Sexual Violence for the Period up to 2023*<sup>4</sup>.

The purpose of the program is to ensure the development of a system of prevention and counteraction to domestic violence and gender-based violence in accordance with international standards and the Law of Ukraine “On Prevention and Combating Domestic Violence” in the conditions of decentralization and implementation of complex actions and measures aimed at reducing the scale of such phenomenon.

Implementation of the Program will help reduce the level of domestic violence, gender-based violence and ensure protection of the rights of victims through the improvement of the system of prevention and counteraction to such violence, improvement of the relevant regulatory framework, introduction of effective mechanism of interaction between actors engaged in prevention and counteracting domestic violence and gender-based violence.

In particular, the results of the implementation of

<sup>1</sup> Draft Law “On Amendments to Certain Legislative Acts of Ukraine on Gender Legal Examination” (registration No. 8315 of April 20, 2018) [Electronic resource]. – Access mode: [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?p3511=63922](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?p3511=63922).

<sup>2</sup> Regulation of the Cabinet of Ministers of Ukraine “On Amendments to the Order of the Cabinet of Ministers of Ukraine as of February 24, 2016 No. 113” dated September 5, 2018, No. 637-r [Electronic Resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/637-2018-p>.

<sup>3</sup> Regulation of the Cabinet of Ministers of Ukraine dated September 5, 2018, No. 634-r “National Action Plan for the Implementation of the Recommendations set out in the Concluding Observations of the UN Committee on the Elimination of Discrimination against Women in the eighth periodic report of Ukraine on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women until 2021” [Electronic resource]. Access mode: <https://www.kmu.gov.ua/ua/npas/pro-go-planudij-z-vikonannya-rekomo-zhinok-do-vosmoyi-periodichnoyi-dopovid-ukrayini-pro-vikonannya-konvenciyi-pro-likvidaciyu-vsilh-form-diskriminaciyi-shchodo-zhinok-na-period-do-2021-roku>.

<sup>4</sup> Regulation of the Cabinet of Ministers of Ukraine “On Approval of the Concept of the State Social Program for the Prevention and Counteraction of Domestic Violence and Gender-Based Violence for the Period up to 2023” dated October 10, 2018, No. 728-r [Electronic Resource]. – Access mode: <https://www.kmu.gov.ua/ua/npas/pro-shvalennya-koncepciyi-derzhavnoyi-socialnoyi-programi-zapobigannya-ta-protidiyi-domashnomu-nasilstvu-ta-nasilstvu-za-oznakoyu-stati-na-period-do-2023-roku>.



the Program will ensure:

- increasing citizens' confidence in the actors involved in the mentioned area, overcoming the psychological and other barriers in the adoption and implementation of decisions to appeal to such entities on such violence;
- availability and quality of providing the necessary social services;
- increasing number of prosecutions of offenders;
- raising awareness of people on these issues;
- special training of specialists from the number of actors involved in the prevention and response to domestic violence and gender-based violence, etc.

## 2.2 Legislation on Equal Rights and Opportunities for Women and Men in the Fields of Work and Social Security

The main array of protective norms aimed at ensuring equal labor rights and opportunities for women and men is contained in the *Labor Code of Ukraine (Labor Code)*, що був прийнятий у 1971 році та досі залишається чинним.

Thus, according to the Articles 21 and 22 of the Labor Code any employment discrimination, in particular violation of the principle of equal rights and opportunities, direct or indirect restriction of the rights of workers or any direct or indirect preferential treatment in matters of conclusion, modification and termination of labour contract depending on race, skin color, political, religious and other convictions, gender identity, sexual orientation, ethnic, social and foreign origin, age, the state of health, disability, suspicion or disease availability HIV/AIDS, marital and property status, family obligations, the place of residence, membership in labor union or other consolidation of citizens, participation in strike, the address or intention of appeal to the court or other bodies behind protection of the rights or provision of support to other workers in protection of their rights, on the language or other signs which are not connected with kind of work or conditions of its accomplishment is forbidden.

Requirements regarding the age, level of education, and health status of an employee may be

established by the legislation of Ukraine.

The legal guarantee of the protection of employees from the discriminatory provisions in a labor contract is the norm of Article 9 of the Labor Code, which states that the terms of employment contracts that worsen the situation of employees in comparison with the legislation of Ukraine on labor are invalid.

Article 56 of the Labor Code stipulates that, at the request of pregnant woman, woman having a child under fourteen years old or disabled child, including child she cares of, or woman caring of ill family member according to medical opinion, the owner or authorized by him/her body shall be obliged to establish for her part-time working day or part-time working week.

Remuneration of labor in these cases shall be effected pro rata hours worked or depending on output.

Part-time work shall put no limitations of labor rights of employees.

Chapter XII of the Labor Code is devoted to the issues of women's labor. In particular, Article 174 of the Labor Code prohibits the engagement of women in strenuous works and works with harmful or dangerous working conditions, as well as in underground works, except for some underground works (requiring no manual power or in the field of sanitary and social servicing).

It shall be also forbidden to engage women in lifting and carrying things which weight exceeds limits established for them.

*The list of severe works and works with harmful and dangerous working conditions in which women may not be engaged, as well as limits for lifting and carrying heavy things by women:* shall be approved by the Ministry of Health of Ukraine as agreed upon with the Ministry of Social Policy of Ukraine, State Labor Service of Ukraine, Joint Representative Authority of the Employers at the national level, Joint Representative Authority of the Trade Union Associations and other interested executive authorities.

It should be noted that in 2017 the Ministry of Education and Science canceled its order, which approved the *List of strenuous work*.

The list of work forbidden for women was

<sup>3</sup> Decree of the Ministry of Health of December 29, 1993, No. 256 "On Approval of the List of Heavy Works and Works on Harmful and Dangerous Working Conditions Which Forbid the Use of Labor of Women", registered with the Ministry of Justice of Ukraine on March 30, 1994 under No. 51/260 [Electronic Resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/z0051-94>.

<sup>4</sup> Ministry of Health canceled document on professional discrimination against women // Official website of the Ministry of Health of Ukraine. – January 18, 2018 [Electronic resource]. – Access mode: <http://moz.gov.ua/article/news/moz-skasuvav-dokument-schodo-profesijnoi-diskriminacii-zhinok>; Decree of the Ministry of Health of Ukraine No. 256 was canceled // The EU project website "Center for Gender Culture as an Innovation Center for Interactive Gender Education". – December 21, 2017 [Electronic resource]. – Access mode: <http://www.genderculturecentre.org/kasovano-nakaz-ukraini-N256/>.

<sup>1</sup> In this section, "Methodological Recommendations" Labor of Women "were used. – The Main Territorial Department of Justice in Chernihiv Oblast, 2015 [Electronic resource]. – Access mode: [http://just.cg.gov.ua/web\\_docs/2950/2016/02/docs/Price of women.pdf](http://just.cg.gov.ua/web_docs/2950/2016/02/docs/Price%20of%20women.pdf)

<sup>2</sup> Code of Labor Laws of Ukraine (approved by the Law of the Ukrainian Soviet Socialist Republic as of December 10, 1971, No. 322-VIII, as revised) [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/322-08>, <http://zakon.rada.gov.ua/laws/show/322a-08>.

approved almost 25 years ago. It consisted of sections that combine metal working; construction, assembling and repair-construction works, mining works; geological prospecting and topographical-geodetic works, oil and gas production; ferrous and nonferrous metallurgy; repair of equipment of power stations and networks, electrical engineering, abrasives production of radio engineering and electronic production, general professions of electronic engineering, professions of chemical manufactures, professions of food production, tobacco-macaronic and fermentation production, work on railways and underground, automobile, sea, river transport, polygraphic production, agriculture.

This List contradicted the national legislation, requirements of the EU legislation, international obligations of Ukraine on gender policy, and also did not comply with the current Classifier of Professions. In addition, in recent years the conditions and nature of work at the enterprises have changed, modern technologies, equipment, new materials and chemical compounds have been used. Therefore, Ministry of Education and Science has developed an order that cancels this document of professional discrimination against women. This Order is in force (entered into force on December 22, 2017), and Chapter 3 of Section I of the List will expire from the date when Ukraine complete the procedure for the denunciation of the Convention concerning the Employment of Women on Underground Work in Mines of all Kinds No 45.

Compliance with the requirements of the order will be monitored by the State Labor Service of Ukraine.

At the same time, articles 175-186 of the Labor Code set limits on restriction of engagement of women in work at night, benefits for pregnant women and women with children, maternity leave and child care, breaks for feeding a child, guarantees for hiring and prohibiting the release of pregnant women and women who have children.

The establishment of gender equality requires protection of the specific needs of not only women, but also men. In this regard, it should be noted that the model of the establishment of gender equality and the elimination of gender discrimination is Article 186<sup>1</sup> of the Labor Code which extended the guarantees provided in Articles 56, 176, 177, parts three to eight of Article 179, Articles 181 – 182<sup>1</sup>, 184 – 186 of the Labor Code, as well as for fathers raising children without a mother (including in case of prolonged stay of a mother in a medical institution), as well as guardians (trustees), one

of the foster parents, one of the parent-caregivers.

The principle of gender equality in labor relations is enshrined in many international legal acts, which, in accordance with Article 9 of the Constitution of Ukraine, are part of the national legislation, if consent to be bound is confirmed by the Verkhovna Rada of Ukraine.

It should be borne in mind that Article 8<sup>1</sup> of the Labor Code provides: if an international treaty or an international agreement, in which Ukraine participates, contained other rules than those are established in the labor legislation of Ukraine, then the rules of an international agreement or an international agreement shall apply.

Responsibility for the violation of gender equality in labor legislation is not yet specified to date. However, the general rules on the liability of officials, managers of enterprises, institutions, organizations, and also owners or their authorized bodies for violating labor legislation, in particular Articles 45, 237<sup>1</sup> 237 of the Labor Code do not exclude the possibility of their application and in cases of gender-based discrimination, since the principle of equality of labor rights of women and men is an integral part of the labor legislation, which the owner or the authorized by him/her body, in accordance with article 141 of the Labor Code, is obliged to strictly observe. Violation of gender equality by him is a violation of labor legislation.

Continuing the direction of ensuring gender equality in access to work, the Verkhovna Rada of Ukraine in 2018 adopted *The Law of Ukraine "On Amendments to Certain Laws of Ukraine on Ensuring Equal Rights and Opportunities of Women and Men during Military Service in the Armed Forces of Ukraine and Other Military Formations"*.

The implementation of the above mentioned Law will help to increase the level of legal protection of female military officer will increase the number of women in the military service, in particular in higher military positions.

The law provides equal opportunities for persons of both genders to conclude a contract for military service, and it is determined that women can conclude a contract for military service until they reach the minimum age for military service.

It also establishes the principle that women are on an equal footing with men, including equal access to positions and military ranks, and an equal amount of responsibility while performing military service duties.

The document abolishes unreasonable restrictions on the service of women in the military stock and the

<sup>1</sup> Order of the Ministry of Health of Ukraine dated October 13, 2017 No. 1254 "On the Recognition of the Invalidity of the Order of the Ministry of Health of Ukraine dated December 29, 1993, No. 256", was registered with the Ministry of Justice of Ukraine on December 14, 2017, under No. 1508/31376 [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/z1508-17>.

<sup>2</sup> The Law of Ukraine "The Law of Ukraine "On Amendments to Certain Laws of Ukraine on Ensuring Equal Rights and Opportunities of Women and Men during Military Service in the Armed Forces of Ukraine and Other Military Formations" dated September 6, 2018 № 2523-VIII [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/2523-19>.

passage of military men and women.

In view of the above, it should be noted that in 2018, the President of Ukraine, Petro Poroshenko, signed a decree, according to which *the head of the Military Medical Department of the Security Service of Ukraine Lyudmila Shuhaley became the first female general in Ukraine*.

Other special legislative acts regulating individual issues related to labor relations, as well as legislative acts regulating the specific areas (education, health, science, culture, entrepreneurship, civil service) also contain relevant legal norms, which should ensure the equality of labor rights of women and men.

In particular, according to Article 1 of the *Law of Ukraine "On Remuneration"*, the amount of salary depends on the complexity and conditions of the work performed, the professional and business qualities of the employee, the results of his work and the economic activity of the enterprise, that is, salary do not depend on the gender of the employee.

The *Law of Ukraine "On Labor Protection"*, defining the main provisions for the protection of the life and health of all workers, Article 10 established special rules for the protection of women's work.

The Labor Code of Ukraine and the *Law of Ukraine "On Vacation"*<sup>4</sup> define the basic provisions for granting vacations. Thus, according to part 7 of Article 10 of the *Law of Ukraine "On Vacation"*, annual vacation of full duration before the six-month term of continuous work in the first year of work at the given enterprise at the request of the employee is provided: for women - before the vacation due to pregnancy and childbirth, or after it, as well as women who have two or more children under the age of 15 or a child with a disability.

Annual vacation at the request of the employee at the convenient for him time is provided:

- women before or after pregnancy and childbirth;
- women who have two or more children under the age of 15 or a child with a disability;
- single mothers who bring up a child without father;
- carers, guardian or other single persons who actually bring up one or more children under the age of 15 in the absence of parents;
- wives of servicemen.

Women have the following types of social

vacations:

- maternity leave (Article 17);
- leave for child care until child reaches the age of three (Article 18);
- leave due to adoption of a child (Article 181);
- additional leave for workers with children or an adult child with disabilities from the childhood of the subgroup A Group I (Article 19).

According to Article 179 of the Labor Code of Ukraine, paid leave for pregnancy, childbirth and childcare is granted to women on the basis of a medical report lasting 70 calendar days before childbirth and 56 (in the case of two or more children, and in the case of complicate childbirth – 70) calendar days after childbirth, from the day of childbirth. The duration of leave due to pregnancy and childbirth is calculated in total and amounts to 126 calendar days (140 calendar days – in the case of two or more children and in case of complicate childbirth). It is given to women regardless of the number of days actually used before childbirth.

Women who suffered as a result of the Chernobyl disaster in accordance with clause 10, part 1, Article 30 of the *Law of Ukraine "On the status and social protection of citizens who suffered as a result of the Chernobyl disaster"*<sup>5</sup> leave for pregnancy and childbirth are provided for a period of 90 calendar days before childbirth and 90 calendar days after childbirth, calculated in total (180 calendar days) and is given to women regardless of the number of days actually used before childbirth, with payment in the amount of full earnings irrespective of the insurance record and place of work.

Before the maternity leave due to pregnancy and childbirth, the owner or authorized body is obliged by the application of a woman to attach annual basic and additional leave regardless of the length of her work at this enterprise, institution, organization in the current working year. Thus, leave days due to pregnancy and childbirth are not included in the annual leave.

At the end of the maternity leave, at the woman's request, she is given leave to care for the child until she reaches the age of three. The specified type of leave is given to a woman in her application in whole or in part within the established period and is issued by order or regulation of the owner or authorized body. A childcare leave before reaching age of three years is not granted if the child is in state maintenance.

At the request of a woman, during her stay on a childcare leave, she may work on a part-time basis or at home.

If the child needs home care, the woman is obliged

<sup>1</sup> Decree of the President of Ukraine dated October 12, 2018 № 323/2018 "On awarding of a military rank" [Electronic resource]. – Access mode: <https://www.president.gov.ua/documents/3232018-25186>.

<sup>2</sup> Law of Ukraine "On Labor" dated March 24, 1995 № 108/95-BP [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/108/95-bp>.

<sup>3</sup> Law of Ukraine "On Occupational Safety" dated October 14, 1992 № 2694-XII [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/2694-12>

<sup>4</sup> Law of Ukraine "On Vacation" of November 15, 1996 № 504/96-BP [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/504/96-bp>.

<sup>5</sup> The Law of Ukraine "On the Status and Social Protection of Citizens Affected by the Chernobyl Catastrophe" of February 28, 1991 № 796-XII [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/796-12>.

for leave without saving salary for a period determined in the medical report, but not more than until the child reaches the age of six. The fact of the need for such care must be confirmed by a medical report. Enterprises, institutions and organizations may, at their own expense, provide women with part-time paid leave and leave without saving salary for longer child care, that is, the leave in which the woman is staying continues, and not her leave after she has gone to work after reaching the child at the age of three (six) years. Leave for the care of the child up to the age of three and leave without saving salary are provided on the application in whole or in part within the established period and made out by an order (regulation) of the owner or an authorized body. Leave for childcare before reaching the age of three years and the aforementioned leave without saving salary are credited to both general and continuous periods of work and to period of service in a specialty. The time of the specified leave to work experience, which gives the right to annual leave, is not counted.

In connection with staying on maternity leave of up to three (six) years, during this period, the owner hires a job to replace the temporarily unoccupied workplace (position) of another employee who works until the woman return from the relevant leave.

Vocation for children under three years may be used in whole or in part by the child's father, grandmother, grandfather or other relatives who are actually caring for the child, or the person who adopted or took care of the child, and one of the foster parents. Childcare leave for children under three years to mentioned persons (except for persons who have adopted or took care of the child in accordance with the procedure established by law, foster parents) is provided on the basis of a certificate from the place of work (education, service) of the child's mother that she has been employed before the expiry of the leave<sup>1</sup>.

According to Article 182 of the Labor Code, for women who adopted newborn babies directly from the maternity hospital, a leave from the date of adoption of 56 calendar days (70 calendar days – in the case of the adoption of two or more children) is granted with the payment of state aid in the prescribed manner. Adoption arises from the day the decision of the court comes into force.

For women who have adopted a child from orphans or children deprived of parental care over three

years of age, one-time paid leave due to the adoption of a child lasts for 56 calendar days (70 calendar days – in the case of the adoption of two or more children), without taking into account holidays and non-working days after the enactment of the decision on adoption of the child. This leave can also be used by the child's father. A person who has adopted a child has the right to leave in connection with the adoption of a child, provided that the application for leave is received no later than three months from the date of entry into force of the decision on child's adoption.

Women who have adopted a child (or two and more children at the same time) are granted childcare leave on conditions and in accordance with the procedure established by Articles 179 and 181 of the Labor Code.

A leave in connection with the adoption of a child over the age of three years is granted on the application of the adoptive child on the basis of a decision on adoption of the child and is issued by an order (regulation) of the owner or an authorized institution.

In addition to the aforementioned leave, women with children are granted additional leave, in particular, provided for in Article 1821 of the Labor Code and Article 19 of the Law of Ukraine "On Vacation". Thus, a woman who works and has two or more children under the age of 15 or a disabled child, or who has adopted a child, a mother of a disabled child from the childhood of subgroup A group I, a single mother, father of a child or a disabled child of the subgroup A group I, which brings them up without a mother (including the case of prolonged stay of a mother in a hospital), as well as to a person who took care of child or a disabled child of subgroup A group I, an additional paid leave of 10 calendar days annually is provided, excluding holidays and non-working days.

If there are several grounds for granting this leave, its total duration cannot exceed 17 calendar days. Additional leave for workers with children or an adult child with disabilities from the childhood of subgroup A group I are granted more than annual leave and are transferred to another period or continue in the manner prescribed by Article 11 of this Law.

Part 3 of Article 11 of 3<sup>rd</sup> *the Law of Ukraine "On Employment"*<sup>2</sup> prohibits in announcements (advertisements) about vacancies to indicate restrictions on the age of candidates, to offer employment only to women or only to men, except for specific work that can be performed solely by persons of a certain gender, to impose requirements that give preference to one of the gender, as well as require from the persons who are employed, the provision of information about personal life.

<sup>1</sup> Resolution of the Supreme Court of Ukraine No. 69073696 dated September 13, 2017 concerning the case No. 761/30967/15-ts on the suit to the Public Joint-Stock Company "Ukrzavdobuvannya" on the resumption of work on the application of the Public Joint-Stock Company "Ukrzavdobuvannya" on the review of the decision of the Court of Appeal by the Supreme Court of Ukraine Kyiv, February 3, 2016, and the Decree of the Highest Specialized Court of Ukraine for the Examination of Civil and Criminal Matters dated May 24, 2017" [Electronic resource]. – Access mode: <http://reyestr.court.gov.ua/Review/69073696>.

<sup>2</sup> The Law of Ukraine "On Employment of the Population" dated July 5, 2012 № 5067-VI [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/5067-17>.



At the same time, according to the first part of Article 14, the categories of citizens who have additional guarantees in the promotion of employment are one of the parents or a person who substitutes for them and:

- has a child (children) under the age of six;
- brings up a child under the age of 14 or a child with a disability without a spouse;
- holds a person with a disability from a childhood (regardless of age) and / or a person with a disability group I (regardless of the cause of disability without a spouse).

The Law of Ukraine "On Collective Contracts and Agreements"<sup>1</sup> (статті 7 і 8) (Articles 7 and 8) stipulates that in a collective agreement, the agreement establishes mutual obligations of the parties and regulates norms, in particular regarding the provision of equal rights and opportunities for women and men.

In order to regulate and optimize labor relations, the General Agreement on the Regulation of Basic Principles and Standards for the Implementation of Socio-Economic Policy and Labor Relations in Ukraine (Collective Agreements at the National Level), which is in force until the conclusion of the new one, is in effect.

In particular, *The General Agreement for 2010 – 2012*<sup>2</sup> provided recommendations to the parties when entering into collective agreements to include provisions on ensuring gender equality of employees. Also, the Agreement provided for the obligation of trade unions to take into account gender policy issues when concluding collective agreements and regional and sectoral agreements. According to the assessment of the parties of the General Agreement, these provisions are being met.

At the same time, *the General Agreement for 2016 – 2017*<sup>3</sup> recommends that the parties introduce a shorter working time (with salary preservation) for women who have children under the age of 14 or a disabled child without a reduction in wages.

There have been significant events in the realm of retirement benefits. In particular, in 2011 the Law of Ukraine "On Measures on Legislative Support

of the Reform of the Pension System"<sup>4</sup>, came into force, which outlines changes in the solidarity pension system of Ukraine. Among other things, it included equalization of retirement age for women and men up to 60 years old (gradually, with a step of six months every year for 10 years). The retirement age for men – civil servants has risen to 62 years. The insurance experience has been raised to 30 years for women and up to 35 for men.

On January 1, 2014, the Law of Ukraine "On Amendments to Article 1 of the Law of Ukraine "On Pensions for Special Merits to Ukraine" entered into force on the introduction of a pension to parents who have raised five or more children"<sup>5</sup>. In accordance with paragraph 1 of Article 1 of the Law, pensions for special merits to Ukraine were established exclusively for mothers who gave birth to five or more children and raised them to six years of age.

In accordance with the amendments made to this Law, if in case of death of the mother or the deprivation of her parental rights, the raising of children to the specified age was carried out by the father, the right to a pension for special merits is given to the father. It takes into account children adopted in accordance with the law.

Gender issues are also part of family policy. The main legislative acts on the legal provision of family policy in Ukraine are the Constitution of Ukraine, as well as special laws. Thus, Article 51 of the Constitution proclaims that "the family, childhood, motherhood and fatherhood are protected by the state", and that "everyone has the right to an adequate standard of living for himself and his family" (Article 48).

The priority directions of the social policy of the state were determined by the improvement of the demographic situation, support for families with children, strengthening of social protection of motherhood and childhood.

In this regard, taking into account the experience of foreign countries, in 1992, the Law of Ukraine "On State Assistance to Families with Children"<sup>6</sup>, was adopted, which provides for state assistance and additional protection for families raising young children. In support of low-income families, the Law of Ukraine "On

<sup>1</sup> The Law of Ukraine "On Collective Agreements" from July 1, 1993 № 3356-XII [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/3356-12>.

<sup>2</sup> General Agreement of November 9, 2010 between the Cabinet of Ministers of Ukraine and the Federation of Trade Unions of Ukraine on the Regulation of Basic Principles and Standards for the Implementation of Socio-Economic Policy and Labor Relations in Ukraine for 2010-2012 [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/n0006120-10>, [http://fru.ua/images/doc/general\\_ugoda.pdf](http://fru.ua/images/doc/general_ugoda.pdf).

<sup>3</sup> General agreement of August 23, 2016 between the Cabinet of Ministers of Ukraine and the Federation of Trade Unions of Ukraine on the regulation of the basic principles and norms of implementation of socio-economic policy and labor relations in Ukraine for 2016-2017 [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/n0001120-16>, [http://fru.ua/images/digest/GU2016\\_2017.doc](http://fru.ua/images/digest/GU2016_2017.doc).

<sup>4</sup> The Law of Ukraine "On Measures for Legislative Support of the Reform of the Pension System" dated July 8, 2011 № 3668-VI [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/3668-17>. For more detailed information on the application of the provisions of this Law, see. Commentary on the Law [Electronic resource]. – Access mode: <http://chp.com.ua/all-news/item/14833-komentar-do-zakonu-ukraini-pro-zahodi-chodo-zakonodavchogo-zabezpechennya-reformuvannya>.

<sup>5</sup> Law of Ukraine "On Amendments to Article 1 of the Law of Ukraine" On Pensions for Special Merits to Ukraine "Regarding the Appointment of Pensions to Parents Who Have Brought Up to Five and Over Children" dated April 4, 2013 № 170-VII [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/170-18>.

<sup>6</sup> Law of Ukraine "On State Assistance to Families with Children" of November 21, 1992 2811-XII [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/2811-12>.

*State Social Assistance to Low-income Families*<sup>1</sup>, applies to the implementation of constitutional guarantees of citizens' right to social protection by ensuring a living standard not lower than the subsistence minimum by providing financial assistance to the least affluent families.

In accordance with the Constitution of Ukraine, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the UN Conventions on the Rights of the Child, the Elimination of All Forms of Discrimination against Women, and the outcome of the Fourth World conferences on the situation of women, in order to create legal, socio-political and socio-economic conditions for the improvement of the situation of the family and women, and to enhance their role in society, the *Declaration of General Principles of State Policy of Ukraine on Family and Women*<sup>2</sup> and the *Concept of state family policy* was approved in 1999<sup>3</sup>.

The indicated documents defined the basic principles of family policy, among them: the sovereignty and autonomy of the family in making decisions on their development; a differentiated approach to providing state guarantees for social protection of the family; parity equilibrium and partnership between women and men in all spheres of life; social partnership of family and state, etc. The main areas of implementation of the Concept were to provide women and men with equal opportunities for full implementation in labor and social activities, in particular, the appropriate conditions for women and men with family responsibilities in the labor market.

An obstacle to achieving the stated goals was a number of shortcomings of the Concept, in particular, the lack of definition of such basic concepts as: "state family policy", "family category", "family with children", lack of funding mechanism and "boundary" of the subjects of competence management.

The issue of gender equality in family relations was enshrined in the *Family Code of Ukraine*<sup>4</sup>, which defines the general principles of regulation of family relations. The Code draws attention to aspects such as equality of rights of women and men and their responsibilities

in family relationships, marriage and family (Article 7). The implementation of this principle has importance in the context of Ukraine's commitment to gender equality and the implementation of the provisions of the Law of Ukraine "On Ensuring Equal Rights and Opportunities for Women and Men".

<sup>1</sup> Law of Ukraine "On State Social Assistance to Low-income Families" of 1 June 2000 № 1768-III [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/1768-14>.

<sup>2</sup> Resolution of the Verkhovna Rada of Ukraine dated March 5, 1999 No. 475-XIV "On the Declaration on the General Principles of the State Policy of Ukraine in Respect of Family and Women" [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/475-14>.

<sup>3</sup> Resolution of the Verkhovna Rada of Ukraine dated September 17, 1999 No. 1063-XIV "On the Concept of State Family Policy" [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/1063-14>.

<sup>4</sup> The Family Code of Ukraine of January 10, 2002 № 2947-III [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/2947-14>.

# CHAPTER 3

**INTERNATIONAL DOCUMENTS AND COMMITMENTS  
OF UKRAINE ON ENSURING EQUAL RIGHTS AND  
OPPORTUNITIES FOR WOMEN AND MEN**

## INTERNATIONAL DOCUMENTS AND COMMITMENTS OF UKRAINE ON ENSURING EQUAL RIGHTS AND OPPORTUNITIES FOR WOMEN AND MEN

International institutions consider the gender issue as one of the priorities of human development, which is reflected in their strategies. At the present stage, development, stability and peaceful coexistence are dependent on solution of the issue of equality between men and women.

International organizations focus on gender equality not only as social justice, but also consider it [equality] as a resource for socio-economic development.

International regulation, aimed at ensuring gender equality, plays the role of standards, which each state should strive in its legal activities. Specific international legal regulations in the sphere of providing of gender equality are perceived as international standards.

International legal acts – conventions, declarations, pacts – consist of two groups of standards in the sphere of human rights protection, such as: rights and freedoms of man and citizen and restrictions of rights. The most powerful group of international legal standards represents the rights and freedoms of man and citizen, which include the equality of men and women.

### 3.1 UN International legal documents on gender equality

The Article 1 of the *Charter of the United Nations (UN Charter)*<sup>1</sup>, imposes a duty on states to respect all people regardless of female or male sex. It is the basis of the international legal mechanism for the protection of women's rights.

UN authorities have adopted a number of international legal documents relating to the specific rights of women. Among these acts are:

- Universal Declaration of Human Rights (1948);
- Convention on the Political Rights of Women (1952);
- Convention on the Nationality of Married Woman (1957);
- Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1965);
- Declaration on the Protection of Women and Children in Emergency and Armed Conflict (1974);
- Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) (1979);
- Declaration on the Elimination of Violence Against Women (1993);
- Beijing Declaration and Platform for Action (1995);
- United Nations Millennium Declaration (2000);
- Sustainable Development Goals 2016 – 2030 (2030 Agenda for Sustainable Development), etc.

Among them, the following documents should focus on:

1. *Convention on the Elimination of all Forms of Discrimination Against Women (1979)* (Convention on the Elimination of all Forms of Discrimination Against Women, CEDAW)<sup>2</sup> is an international treaty adopted by the United Nations General Assembly in 1979. This treaty reflects an international "pain of rights" for women. Treaty was concluded on 03 September 1981 and has been ratified by 189 states. More than fifty countries have ratified the Convention, subject to certain declarations, reservations, and objections, including 38 countries, which rejected the enforcement article 29, which addresses means of settlement for disputes concerning the interpretation or application of the Convention. Australia's statement

<sup>1</sup> This Chapter includes the materials of the manual "Gender Equity and Development: View in the Context of the European Strategy of Ukraine" / Razumkov Center. – Publication "Zapovit", 2016. – 244 p. [Electronic resource]. – Access mode: <http://old.razumkov.org.ua/ukr/upload/Gender-FINAL-S.pdf> and the manual "TOP 10 GENDER POLICY" / International Women's Rights Center "La Strada-Ukraine", Program "RADA: Accountability, Responsibility, Democratic Parliamentary Representation", 2015. – 49 p. [Electronic resource]. – Access mode: [http://radaprogram.org/sites/default/files/publications/top-10\\_web.pdf](http://radaprogram.org/sites/default/files/publications/top-10_web.pdf).

<sup>2</sup> The Charter of the United Nations was signed on 26 June 1945, in San Francisco, at the conclusion of the United Nations Conference on International Organisation, and came into force on 24 October 1945. The Statute of the International Court of Justice is an integral part of the Charter. [Electronic resource]. – Access mode: [http://zakon.rada.gov.ua/laws/show/995\\_010](http://zakon.rada.gov.ua/laws/show/995_010), [http://www.un.org.ua/images/UN\\_Charter\\_Ukrainian.pdf](http://www.un.org.ua/images/UN_Charter_Ukrainian.pdf).

<sup>3</sup> Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) (1979) [Electronic resource]. – Access mode: [http://zakon.rada.gov.ua/laws/show/995\\_207](http://zakon.rada.gov.ua/laws/show/995_207); Convention on the Elimination of all Forms of Discrimination Against Women [Electronic resource]. – Access mode: [https://uk.wikipedia.org/wiki/Конвенція\\_про\\_ліквідацію\\_всіх\\_форм\\_дискримінації\\_щодо\\_жінок](https://uk.wikipedia.org/wiki/Конвенція_про_ліквідацію_всіх_форм_дискримінації_щодо_жінок).



noted the restrictions on central power resulting from its federal constitutional system. The United States and Palau have signed, but didn't ratify the treaty. The Holy See, Iran, Somalia, Sudan, and Tonga didn't sign the Convention

Ukraine signed the Convention on 17 July 1980 and ratified it on 19 December 1980; In addition, Ukraine ratified the Optional Protocol to the Convention on 05 June 2003.

The Convention became the first imperative international document and included not only a request-recommendation, but the number of states' obligations to ensure and protect the equal rights of women and men in the sphere of education, labor, health, family, the choice of citizenship choice, etc.

The Convention has a similar format to the Convention on the Elimination of All Forms of Racial Discrimination, "both with regard to the scope of its substantive obligations and its international monitoring mechanisms". *The Convention consists of six parts with 30 articles total:*

- Part I (Articles 1–6) aims to prevent discrimination, gender stereotypes, and trafficking of women and prostitution.
- Part II (Articles 7–9) outlines women's rights in the public sphere with an emphasis on political life, representation, and rights to nationality.
- Part III (Articles 10–14) describes the economic and social rights of women, particularly focusing on education, employment, and health. Part III also includes special protections for rural women and the problems they face.
- Part IV (Article 15 and 16) outlines women's right to equality in marriage and family life and right to equality before the law.
- Part V (Articles 17–22) establishes the Committee on the Elimination of Discrimination against Women as well as the states parties' reporting procedure.
- Part VI (Articles 23–30) describes the effects of the Convention on other treaties, the commitment of the state's parties and the administration of the Convention.

Article 1 defines discrimination against women as any distinction, exception or restriction on the basis of sex, which has a result or goal of impairing or nullifying the recognition, exercise or realization of human rights and fundamental freedoms by women in the political, economic, social, cultural, civil or any other sphere irrespective of their marital status on a basis of equality of men and women.

Article 2 obliges states parties, which have ratified the Convention, to declare their intention to enshrine gender equality in their national legislation, repeal all discriminatory provisions in their legislation and adopt new provisions aimed at preventing discrimination against women. States ratifying the Convention should also establish courts and state institutions to guarantee women effective protection against discrimination, and take action to eliminate all forms of discrimination practiced against women by individuals, organizations, and enterprises.

Article 3 requires states parties to guarantee basic human rights and fundamental freedoms of women "on a basis of equality with men" in "political, social, economic, and cultural spheres".

Article 4 notes that "adoption...of special measures aimed at accelerating the actual equality between men and women isn't considered as discrimination". In addition, special protection of motherhood isn't considered as sex discrimination.

Article 5 requires states parties to take action to seek to eliminate prejudices and customs based on the idea of the inferiority or the superiority of one sex or on stereotyped role of men and women. Article also obliges states parties "to ensure...the recognition of the joint responsibility of men and women for the upbringing and development of their children".

Article 6 obliges states parties to "take all appropriate action, including legislation, to suppress all forms of trafficking of women and exploitation of women in prostitution".

Article 7 is a guarantee for women equality in political and public life, especially equality in voting, participation in public administration and participation in "non-governmental organizations and associations concerned with problems of the public and political life of the country".

Article 8 provides that states parties "ensure women equal opportunity to represent their government at the international level and to participate in the work of international organizations".

Article 9 requires states parties "to grant women equal rights with men to acquire, change or retain citizenship" and equal rights to the citizenship of their children".

Article 10 requires equal opportunity in education for female pupils and students and encourages the joint education for girls and boys. It also provides equal access to sports during studying in educational institutions, stipend and grants as well as requires "reduction of dropout of female pupils/students (female students' dropout rates)".

Article 11 defines the right to work for women

as “an unalienable right of all people”. Article requires equal pay for equal work, the right to social insurance, vacation privilege and maternity leave “with payment or with similar social benefits without loss of previous job, seniority or social care”. Dismissal due to maternity, pregnancy or family status must be prohibited with sanction.

Article 12 obliges states parties to “take all appropriate action to eliminate discrimination against women in the sphere of health protection in order to ensure...access to medical services, including those related to family planning”.

Article 13 is a guarantee of equality “in economic and social life” for women, especially with regard to “the right to family provisions, the right to bank credit, mortgages loan and other forms of financial credit, and the right to participate in entertainment events, sports and all aspects of cultural life”.

Article 14 is a guarantee of protection for rural women and their special problems, ensuring the right of women to participate in development programs, “to have access to appropriate medical service”, “to participate in all collective activity”, “to have access to agricultural credit” and “to enjoy proper living conditions”.

Article 15 obliges states parties to guarantee “equality women and men before the law”, including “a legal capacity identical to that of men”. In addition, “the equal rights for men and women are given to legislation relating to the movement of persons and the free choice of place of residence and place of residence registration”.

Article 16 prohibits “discrimination against women in all matters relating to marriage and family relations”. In particular, it provides men and women with “the equal right to marriage, the equal rights to freely choose a groom/bride”, “the equal rights and responsibilities during marriage and divorce”, “the equal rights and responsibilities of fathers and mothers”, “the equal rights to decide freely and responsibly on the number and time of birth of their children”, “the equal personal rights of husband and wife, including the right to choose a surnames, a profession and an occupation” “the equal rights for both spouses regarding of the possession, acquisition, management, administration, using and disposition of property both free of charge and for a fee f property both free of charge and for a fee”.

Articles 17–24 describe the composition and procedures of the CEDAW Committee activities as the hierarchical structure and rules of systematic procedure of the relationship between CEDAW and national and international legislation and the obligation of states parties to take all necessary events to comply with the CEDAW in full form.

Articles 25 – 30 (Administration of CEDAW) – these

articles describe the common administrative procedures relating to compliance with the Convention, ratification and making reservations from interested states.

In addition, attention should be paid to the relationship of the Convention with Security Council Resolution 1325 and 1820.

The 10th anniversary of *UN Security Council Resolution 1325 on Women, Peace and Security* in October 2010 observed an increase in demand for reporting on the implementation of the Resolution 1325. Many expressed concern about the fact that only 22 Member States out of 192 have adopted national action plans. Women are still underrepresented, if not totally absent, in most official peace negotiations and sexual violence in peacetime and in conflict continue to increase.

These realities underlined the need to use external legal mechanisms to enhance the implementation of Security Council resolution 1325, in particular the mechanisms of the CEDAW. The established mechanisms of the Convention were presented as possible instruments for ensuring accountability – reporting on the performance of states parties and monitoring processes in civil society (civil society shadow reporting process).

Several regional and international meetings including the High Level Seminar “1325 in 2020: Looking Forward...Looking Back” organized by the African Center for the Constructive Resolution of Disputes, and the Stockholm international conference “10 Years with 1325 – What now?” called for use of CEDAW to improve implementation Resolution 1325.

While CEDAW and UN Security Council Resolutions 1325 and 1820 on Women, Peace and Security are important international documents, there is also an interconnection between the three standards that can be used to accelerate their implementation and impact.

*Resolutions 1325 and 1820 expand the scope of CEDAW application by clarifying its relevance to all parties in conflict*, while CEDAW provides concrete strategic guidance for actions which should be adopted on the common obligations set forth in the both Resolutions.

CEDAW is an international human rights treaty that should be incorporated into national legislation as the highest standard of women's rights. Convention requires the UN Member States to ratify it (185 to date) to establish mechanisms for the full realization of women's rights.

Resolution 1325 is an international law unanimously adopted by the UN Security Council which mandates the UN Member States to involve women in all aspects of strengthening peace including ensuring

<sup>1</sup> Resolution 1325 on Women, Peace and Security adopted by the Security Council at its 4213th meeting on 31 October 2000 [Electronic resource]. – Access mode: [http://zakon.rada.gov.ua/laws/show/995\\_669](http://zakon.rada.gov.ua/laws/show/995_669).

women's participation on all levels of decision making on peace and security issues.

*Resolution 1820*<sup>1</sup> unites sexual violence as a tactic of war with the maintenance of international peace and security. It also demands a comprehensive report from the UN Secretary-General on implementation and strategies for improving information flow to the Security Council; and the adoption of specific protection measures to end sexual violence.

*Resolutions 1325 and 1820, and CEDAW share the following agenda on women's rights and gender equality:*

- demand women's participation in decision making at all levels;
- rejection of violence against women as it impedes the advancement of women and maintains their subordinate status;
- equality of women and men under the law; protection of women and girls through the rule of law;
- demand security forces and systems to protect women and girls from gender-based violence);
- recognition of the fact that distinct experiences and burdens of women and girls come from systemic discrimination;
- ensure that women's experiences, needs and perspectives are incorporated into the political, legal and social decisions that determine the achievement of just and lasting peace.

*A General Comment from the CEDAW committee could strengthen women's advocacy for the full implementation of Resolutions 1325 and 1820 at the country and community levels. Conversely, CEDAW's relevance to conflict-affected areas will be underscored further by the two Resolutions.* In other words, all three international treaties will reinforce each other and be much more effective if used together in leveraging women's human rights.

*2. Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women* is an additional agreement to the Convention, allows member states to recognize the competence of the Committee on the Elimination of Discrimination against Women on private complaints investigation.

The Optional Protocol was adopted by the UN General Assembly on October 6, 1999 and entered into force on 22 December 2000. Currently, it has 80 signatory countries and 109 participating country.

<sup>1</sup> Resolution 1820 adopted by the Security Council at its 5916th meeting on 19 June 2008 [Electronic resource]. – Access mode: [http://zakon.rada.gov.ua/laws/show/995\\_h11](http://zakon.rada.gov.ua/laws/show/995_h11)

<sup>2</sup> Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (1999) [Electronic resource]. – Access mode: [http://zakon.rada.gov.ua/laws/show/995\\_794](http://zakon.rada.gov.ua/laws/show/995_794).

The six UN member states that have not ratified or acceded to the Convention: Iran, Palau, Somalia, Sudan, Tonga, and the United States of America.

The Republic of China (Taiwan) also ratified the treaty in its authority of legislative power in 2007, but Republic of China is not recognized by the UN and is a party to the treaty only unofficially.

The South Sudan is a latest state to have acceded the Convention on 30 April 2015.

Several articles of the Convention were subject to many reservations. There are also some reservations that are not specific to an article within the Convention but rather a general reservation to all aspects of the Convention that would violate a stated principle. For example, Mauritania made a reservation stating it approved the Convention "in each and every one of its parts which are not contrary to Islamic Sharia". A number these reservations, especially those entered by Islamic states parties, are subject to much debate.

Article 28 of the Convention underlines that "reservations that are incompatible with the object and goal of this Convention are not permitted". As a result, many states parties have entered objections to the reservations of other states parties. In particular, many Scandinavian states were concerned that some reservations "undermined the integrity of the text". Over the years, some states parties have withdrawn their reservations.

At present, 62 states parties have entered reservations against some part of the Convention. 24 states parties have entered objections to at least one of these reservations. The most reserved article is the Article 29, concerning dispute resolution and interpretation of the Convention, with 39 reservations. Because reservations to the Article 29 are expressly allowed by the Convention itself, these reservations were not very controversial. Article 16, concerning the equality of women in marriage and family life is subject to 23 reservations. The Committee of CEDAW in General Recommendation No 28 stated that reservations to the Article 2, concerning common non-discrimination, are impermissible. However, the Article 2 has 17 reservations.

The Committee on the Elimination of Discrimination against Women (*with the same name of the Convention name – CEDAW*), was established for monitor the implementation of the Convention. The Committee is also empowered to give common recommendations, to consider the reports submitted by states in accordance with the Convention.

For the first ten years, the Committee worked significantly differently than it does now. The only form of censorship provided to the Convention Committee was General Recommendations and Concluding Observations

after the report. In connection with the Global Campaign for Women's Human Rights, Convention was given more attention and the Committee was updated in 1991. The Committee amended the Convention, which allowed meeting more than once a year, and took advantage of this, arranging at least two sessions a year since 1997. Initial two-weekly annual sessions are changed by half a day several times a year. In addition, the Convention received a new lawsuit and investigation procedures, allowing the Committee to start investigating the case, if it considers that the is grossly violating the articles of the Convention.

In accordance with the Article 18 of the Convention states must submit to the Committee reports on progress in the implementation of the Convention within their own country. Since most of the information that the committee works with comes from these reports, guidelines have been developed to assist countries to prepare accurate and useful reports.

Initial reports describes the current picture of discrimination against women in the states required to specific articles of the Convention, and consist of no more than 100 pages. States are required to prepare and present these initial reports within one year of ratifying the CEDAW.

Periodic reports detail progress in complying with articles of CEDAW, include no more than 75 pages and focus on the time period since the previous report. States parties are generally required to provide periodic reports every 4 years, but if the Committee expresses concern about the situation in the state, it may request a report at any time.

The Committee chooses reports which addressing by considering factors such as the amount of time the report has been pending, whether the report is initial or periodic (with more priority given to initial reports), and from which region the report originates. 8 states are invited to give their reports during each session and it is required a representative from the state is in attendance when the report is presented. The Committee focuses on constructive dialogue when a report is presented and appreciates careful time management on the part of the state presenting its report. Due to the high backlog of overdue reports the committee has encouraged states to combine all of their outstanding reports into one document and sends reminders to states which have reports that are 5 years overdue. The Convention also requires that the committee provide an annual report that includes its activities, comments relating to the reports provided by states, information relating to the Optional Protocol of the CEDAW, and any other common suggestions or recommendations the committee has made.

This report is given to the UN General Assembly through the Economic and Social Council. All reports, agendas and other official documents pertaining to the Committee, including the reports provided by the states, are provided to the public unless otherwise decided by the Committee. Along with issuing its annual report and offering advice to reporting states, the committee has the ability to issue general recommendations that elaborate on its views of the obligations imposed by CEDAW. To date, the committee has issued 32 general recommendations, the latest dealing with the gender related dimensions of refugee status, asylum, nationality and statelessness of women.

The recommendations issued by the committee in its first decade were short and dealt mainly with the content of states' reports and reservations to the convention.

Since 1991, however, recommendations have been focused on guiding states' application of the CEDAW in specific situations.

The formulation of a general recommendation begins with dialogue between the committee on the topic in the recommendation with various non-governmental organizations and other UN bodies. The recommendation is then drafted by a member of the committee and discussed and revised in the next session, and finally adopted in the following session.

It is in the General recommendation of the Committee adapted 1989 to 1992, not least because of the active work of non-governmental organizations, that international attention is drawn to the issue of violence against women. States were encouraged to include in their periodic reports information on domestic legislation on the protection of women against all forms of violence (including sexual violence, domestic violence and sexual harassment in the workplace), methods of combating these phenomena, support for victims of violence and relevant statistics in 1989.

Definitions of gender-based violence and conclusions on the need for states to take concrete action to eliminate all forms of violence against women and the relevant attitudes appeared in the recommendations of the Committee in 1992. Violence against women was recognized as discrimination against women and a violation of human rights, which allowed the use of the tools of the Convention for the Protection of Human Rights and Fundamental Freedoms (1950) against him. So the question, which was actually considered a "private matter", was officially recognized as a common problem in the sphere of human rights that needs state and international intervention.

The positive influence of the Convention is embodied in the fact that, in its example, states develop



their domestic legislation in the sphere of the protection of women's rights, improve the level of assistance to victims of violence, punish criminals and reduce impunity for such crimes in general. In particular, on the basis of the Convention and the recommendations of the Committee the General Law on Women's Access to a Life Free of Violence as response to the epidemic of violence against women in Mexico, under the pressure of the international community, was adopted in the country in 2007. The judge rejected the accused's allegation that acts of abduction and rape of a woman fall under the definition of a traditional marriage according to local customs during the trial of a rape case, referring, inter alia, to article 16 of the Convention in Tanzania in 2001. In 2005, in the Netherlands, as a response to the Committee's request for the previous year, new legislation was introduced in the sphere of combating trafficking in human beings, and in 2006, the company began to focus on the dangers and consequences of this problem. There are plenty of such examples.

In accordance with the Article 18 of the Convention, *Ukraine prepares and submits periodic reports on the implementation of the provisions of the Convention to the Committee, in particular:*

- Ukraine defended the Third Periodic Report on the implementation of the Convention during the 15th session of the Committee (15 January – 02 February 1996);
- Ukraine defended the combined Fourth and Fifth Periodic Reports on the implementation of the Convention during the 27th session of the Committee (03–21 June 2002);
- Ukraine defended the combined Sixth and Seventh Periodic Reports on the Implementation of the Convention during the 45th session of the Committee (January 2010);
- the presentation of the Eighth State Report on the Implementation of the UN Convention on the Elimination of All forms of Discrimination against Women<sup>1</sup> was held in Ukraine on 16–17 September 2014. The preliminary review of the Eighth Periodic Report was held during the 66th session of

the Committee on 25 July 2016<sup>2</sup>;

- Ukraine defended the Eighth Periodic Report on the Implementation of the Convention during the 66th session of the Committee (14 February 2017)<sup>3</sup>. The next report was recommended to be prepared by 31 March 2021<sup>4</sup>.

In addition in 2017 the 11 alternative issues *on the Implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women in Ukraine*<sup>5</sup> was presented and prepared by the network of organizations by the initiative of Women's Consortium of Ukraine, was presented in 2017.

### 3. *Beijing Declaration and Platform for Action (1995)*.

A new stage in the struggle for gender equality began with the Fourth World Conference on Women having met in Beijing from 04 to 15 September 1995. It was the largest gathering of representatives of governments and non-governmental organizations, attended by 17 000 delegates, including representatives from 189 countries.

The Beijing Declaration and Platform for Action confirmed that the rights of women and girls are component and integral part of universal human rights and proposed a number of specific measures to ensure the observance of these rights. The Beijing Declaration and Platform for Action are fundamental historical documents, which clearly set out a strategic programme for the promotion of gender equality. These documents were adopted during the Fourth World Conference on Women.

The Beijing Declaration and Platform for Action (a) conceptually considered the empowerment of women in the context of ensuring equality between women and men; (b) specifies the actions of governments and public bodies regarding equality; (c) introduced the notion of gender equality.

<sup>3</sup> Sessions for CEDAW – Convention on the Elimination of All Forms of Discrimination against Women [Electronic resource]. – Access mode: [https://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/SessionsList.aspx?Treaty=CEDAW](https://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/SessionsList.aspx?Treaty=CEDAW).

<sup>4</sup> Concluding observations of the Committee on the Elimination of Discrimination against Women on the eighth periodic report of Ukraine\*. 9 March 2017 [Electronic resource]. – Access mode: <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhsvglKm%2F71Q4iogAZSMqJYVtelL%2FXKZHIRbOXkmpA%2b6OS1Yk8Cc dhiP4LhTwb357VmBY%2bDbWlG6uAQ2BH5ul3kK7lqiBePqloPkkZYVp8Fa>.

<sup>5</sup> Reporting status for Ukraine. – The Office of the High Commissioner for Human Rights (UN Human Rights) [Electronic resource]. – Access mode: [https://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=UKR&Lang=EN](https://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=UKR&Lang=EN).

<sup>6</sup> The Alternative Report on the Implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women in Ukraine: VIII Periodic report // Redaction by M. M. Skorik. – Kyiv: ISG 6T "Kyiv Institute of Gender Studies", 2017 – 60 p. [Electronic resource]. – Access mode: [https://issuu.com/undpukraine/docs/a4-ua-verstka\\_fin\\_](https://issuu.com/undpukraine/docs/a4-ua-verstka_fin_).

<sup>7</sup> Beijing Declaration and Platform for Action adopted at the Fourth World Conference on September 15, 1995 having met in Beijing from 4 to 15 September 1995 [Electronic resource]. – Access mode: <http://www.un.org/womenwatch/daw/beijing/pdf/BDPFA%20R.pdf>

<sup>1</sup> Concluding observations of the Committee on the Elimination of Discrimination against Women on the seventh periodic report of Ukraine\* 5 February 2010 [Electronic resource]. – Access mode: <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-UKR-CO-7.pdf>.

<sup>2</sup> Consideration of reports submitted by States parties under article 18 of the Convention Eighth periodic report of States parties due in 2014 Ukraine\* (Date received: 6 August 2015) [Electronic resource]. – Access mode: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2F71Q4iogAZSMqJYVtelL%2FXKZHIRbOXkmpA%2b6OS1Yk8Cc dhiP4LhTwb357VmBY%2bDbWlG6uAQ2BH5ul3kK7lqiBePqloPkkZYVp8Fa](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2F71Q4iogAZSMqJYVtelL%2FXKZHIRbOXkmpA%2b6OS1Yk8Cc dhiP4LhTwb357VmBY%2bDbWlG6uAQ2BH5ul3kK7lqiBePqloPkkZYVp8Fa); the Eighth State Report on the Implementation of the UN Convention on the Elimination of All forms of Discrimination against Women // Ministry of Social Policy of Ukraine, United Nations Population Fund. – K., 2014. – 43 p. [Electronic resource]. – Access mode: <https://ukraine.unfpa.org/sites/default/files/pub-pdf/CEDAW%20report%20ukr.pdf>.

The Beijing Declaration and Platform for Action outlines 12 key activities for women, namely: education and vocational training of women; women and health; violence against women; women and armed conflicts; women and economy; the participation of women in decision-making bodies and in the decision-making process; institutional mechanisms for the advancement of women; women's rights; women and the media; women and the environment; girls are children.

4. Gender mainstreaming was included in the Millennium Development Goals after adoption of the *UN Millennium Declaration* during the Millennium Summit in 2000.

UN Millennium Declaration is the eight international development goals which 193 UN Member States and at least 23 international organizations have agreed to achieve by 2015. The goals included the reduction of extreme poverty, the reduction of child mortality, the fight against epidemic diseases, such as Acquired Immunodeficiency Syndrome (AIDS), and the expansion of global development cooperation.

For Ukraine, this found its fullest realization in goal No 3 "ensuring gender equality", goal No 4 "reducing child mortality", goal No 5 "improving maternal health". The UN system has mobilized all forces to achieve these goals.

5. The UN Summit for the adoption of the Development Agenda for the period after 2015 "*2030 Agenda for Sustainable Development*"<sup>1</sup>.

was held within the framework of the 70th session of the UN General Assembly in New York in September 2015.

The official document (Resolution) of the UN General Assembly is known as "*Transforming our world: the 2030 Agenda for Sustainable Development*" and announces a new action plan aimed at bringing the world to a sustainable and sustainable development trajectory.

After the UN Summit, the UN Member States faced new challenges of adapting the goals set at the global level and monitoring them.

"2030 Agenda for Sustainable Development" recognizes that human rights play a key role in development, and gender equality is a prerequisite for achieving the goals of sustainable development, which

focuses on solving the problems of inequality and discrimination based on the principle of "leave no one behind" and "to reach the first ones who are left out of attention".

"2030 Agenda for Sustainable Development" uses a dual approach to promote gender equality and empower women and girls – *gender equality and empowerment of women are defined as an independent goal* (Goal No 5), as well as *indicators on gender equality are included in all other objectives with the obligation to collect data, disaggregated by sex and age*.

Ensuring gender equality was included in 10 out of 17 goals, 25 out of 86 tasks and 45 out of 172 indicators of the National Action Plan "*Sustainable Development Goals: Ukraine*".

The *Draft of Sustainable Development Strategy for Ukraine by 2030 and the National Action Plan on the Strategy Implementation by 2020*<sup>3</sup> was prepared by the Ukrainian experts within the framework of the project "Integration of the provisions of the Rio Conventions into the national policy of Ukraine" with the support of the United Nations Development Programme (UNDP Ukraine) and the Global Environment Facility (GEF).

At the same time, the 2017 *National Baseline Report "Sustainable Development Goals: Ukraine"*, which provides the benchmarks for Ukraine's development until 2030, has become the result of the inclusive process of adaptation of the Sustainable Development Goals of Ukraine.

In addition, the *Draft Law On the Strategy of Sustainable Development of Ukraine until 2030*<sup>4</sup>, aimed at promoting Ukraine's transition to sustainable development, legislative and institutional provision of the public administration system for sustainable development, improving the quality of life of the population and achievement of economic, social and ecological balance of development of Ukraine was submitted to the Verkhovna Rada of Ukraine in August 2018.

<sup>1</sup> UN General Assembly adopted the Millennium Declaration (Resolution No 55/2) of September 8, 2000 [Electronic resource]. – Access mode: [http://zakon.rada.gov.ua/laws/show/995\\_621](http://zakon.rada.gov.ua/laws/show/995_621), [http://www.un.org/ru/documents/decl\\_conv/declarations/summitded.shtml](http://www.un.org/ru/documents/decl_conv/declarations/summitded.shtml), <http://www.ua.undp.org/content/ukraine/uk/home/mdgoverview.html>; Millennium Development Goals [Electronic resource]. – Access mode: [https://uk.wikipedia.org/wiki/Цілі\\_розвитку\\_тисячоліття](https://uk.wikipedia.org/wiki/Цілі_розвитку_тисячоліття).

<sup>2</sup> Resolution of the UN General Assembly No 70/1 of 25 September, 2015 "Transforming our World: the 2030 Agenda for Sustainable Development". – UN [Electronic resource]. – Access mode: <https://www.unfpa.org/resources/transforming-our-world-2030-agenda-sustainable-development>; The Sustainable Development Goals. – UN [Electronic resource]. – Access mode: <https://www.un.org/sustainabledevelopment/>

<sup>3</sup> Draft of Sustainable Development Strategy for Ukraine by 2030 and the National Action Plan on the Strategy Implementation by 2020 [Electronic resource]. – Access mode: [http://www.ua.undp.org/content/dam/ukraine/docs/SDGreports/UNDP\\_Strategy\\_v06-optimized.pdf](http://www.ua.undp.org/content/dam/ukraine/docs/SDGreports/UNDP_Strategy_v06-optimized.pdf).

<sup>4</sup> Sustainable Development Goals: Ukraine. 2017 National Baseline Report. [Electronic resource]. – Access mode: <http://www.un.org.ua/en/publications-and-reports/un-in-ukraine-publications/4205-2017-national-baseline-report-sustainable-development-goals-ukraine>, <http://me.gov.ua/Documents/List?lang=uk-UA&id=938d9df1-5e8d-48cc-a007-be5bc60123b8&tag=T5iStalogoRozvitku>.

<sup>5</sup> Draft Law On the Strategy of Sustainable Development of Ukraine until 2030 (registration No 9015 dated 07 August 2018) [Electronic resource]. – Access mode: [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=64508](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=64508).



### 3.2 International norms and standards of gender equality in the area of labor of the International Labor Organization (ILO)

International norms and standards in the field of labor (Convention) of the ILO perform a unique rule-making function. Each convention of ILO is a legal instrument. After ratification and entry into force of the Convention, states are required to adapt their national laws and practices in accordance with the provisions of the Convention, as well as periodically report to the ILO on the implementation of the Convention in legislation and practice.

ILO Conventions aimed at promoting gender equality in the workforce form the basis for all ILO activities in this area. The main ILO Conventions that address gender equality issues include:

- Convention No 100 On the equal remuneration of men and women for work of equal value (the ratification letter of Ukraine in Geneva dated on 10 August 1956);
- Convention No 103 On Maternity Protection Convention (Revised in 1952), (the ratification letter of Ukraine in Geneva dated on 14 September 1956);
- Convention No 111 On Discrimination in the Field of Labor and Occupation (1958), (the ratification letter of Ukraine in Geneva dated on 04 August 1956);
- Convention No 122 concerning Employment Policy (the ratification letter of Ukraine in Geneva dated on 19 June 1968);
- Convention No 156 concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities (the ratification letter of Ukraine in Geneva dated on 04 April 2000) etc.

*Convention of the ILO No 100 "On the Equal Remuneration of Men and Women for Work of Equal Value"*<sup>1</sup> (1951) established the principle of equal pay without discrimination on the basis of the article. It was implemented through national legislation, which reduced the system of determination and establishment of remuneration, on the basis of which collective agreements between enterprises and employees began to be introduced.

*ILO adopted Convention No 103 concerning*

*Maternity Protection*<sup>2</sup>, which granted women leave entitlement in connection with pregnancy and childbirth in 1952. This led to one of the important issues that discriminated women in the professional sphere and limited their career growth. Women who worked and prepared to have a baby, regardless of whether they are married, their age, nationality or religion, if they have a medical certificate certifying pregnancy and the period before having a baby, have the right to leave. The Convention applied to women professionally employed in industrial, non-industrial, agricultural or any other professional sphere of activity.

The period of the maternity leave should have been at least twelve weeks and included a compulsory period of maternity leave, the period of which was set by the legislation of each country, but in no case was less than 6 weeks. Breaks of work for feeding the child were considered working hours and paid according to the legislation or in accordance with the provisions that were determined by the relevant agreement. Separate article of the Convention protected from dismissal for periods of maternity leave, maternity leave or postpartum period. An employer's decree for dismissal, issued in the absence thereof or whose terms coincided with its absence, was determined to be unlawful.

The number of proposals to eliminate sex discrimination in the sphere of industrial relations was adopted during the ILO General Conference in 1958. The unresolved issue of gender inequality in the field of labor showed a violation of the priorities of modern society, which did not provide opportunities for the equal development of material wellbeing for its citizens.

*Convention No 111 concerning Discrimination in Respect of Employment and Occupation*<sup>3</sup> addressed the issue of protecting women by ensuring equal access to vocational training in any sphere of employment, equal pay and working conditions. The Convention provided:

- cooperation between organizations, enterprises, employees and appropriately authorized bodies in order to comply with a coherent policy on improving the relations of the relevant parties;
- changes in legislation and administrative instructions were practically incompatible with the policy introduced;

<sup>1</sup> Convention of the ILO No 100 "On the Equal Remuneration of Men and Women for Work of Equal Value", adopted on 29 June 1951 [Electronic resource]. – Access mode: [http://zakon.rada.gov.ua/laws/show/993\\_002](http://zakon.rada.gov.ua/laws/show/993_002).

<sup>2</sup> Convention of the ILO No 103 concerning Maternity Protection revised and adopted on 28 June 1952 [Electronic resource]. – Access mode: [http://zakon.rada.gov.ua/laws/show/993\\_122](http://zakon.rada.gov.ua/laws/show/993_122).

<sup>3</sup> Convention No 111 concerning Discrimination in Respect of Employment and Occupation, adopted on 25 June 1958 [Electronic resource]. – Access mode: [http://zakon.rada.gov.ua/laws/show/993\\_161](http://zakon.rada.gov.ua/laws/show/993_161). For more, see ILO Recommendation No 111 of the Convention. [Electronic resource]. – Access mode: [http://zakon.rada.gov.ua/laws/show/993\\_602](http://zakon.rada.gov.ua/laws/show/993_602); Convention No 143 concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers adopted on 24 June 1975 [Electronic resource]. – Access mode: [http://zakon.rada.gov.ua/laws/show/993\\_163](http://zakon.rada.gov.ua/laws/show/993_163).

- conditions for compliance with the established policy in the activities of institutions for vocational training and employment under the guidance of state authorities;
- adoption of relevant legislation and the development of programs that can ensure the adoption and compliance with policies to improve relations and overcome discrimination.

The Convention provided for the measures of protection and assistance provided for in other ILO Conventions and recommendations, which addressed questions on the elimination of gender discrimination.

The next stage of international organizations was again to overcome discrimination in employment, in particular, according to the *Convention No 122 concerning Employment Policy*<sup>1</sup> adopted during the General Conference of ILO in 1964. The ILO Declaration of Philadelphia obliged the ILO to promote the adoption of programs aimed at achieving full employment and raising living standards, combating unemployment by guaranteeing salary, which provides satisfactory living conditions. Based on this, the ILO's responsibilities included studying and examining the impact of the economic and financial aspects of employment policies. Consequently, women received protection regarding their spiritual development and the accumulation of wealth in the conditions of freedom, dignity, economic stability and equal opportunities.

*Convention No 156 concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities*<sup>2</sup> (adopted in 1981) in order to achieve full equality between men and women and the change in the traditional role of both men and women in society and in the family, the establishment of a genuine equality of treatment and opportunities for working men and women with family responsibilities, as well as between these and other workers, declares that persons with family responsibilities who perform or who wish to perform paid work can exercise their right without discrimination and, to the extent possible, harmoniously combining professional and family responsibilities.

In order to establish real equality of treatment and opportunities for working men and women, states should take all measures appropriate to national conditions and opportunities so that workers with family responsibilities can exercise their right to free choice of employment and take into account their needs in terms of employment

and social security.

States also take all measures appropriate to national conditions and opportunities in order to take into account the needs of workers with family responsibilities in planning measures at the local level and to develop or promote the development of public or private life services, such as institutions and services for childcare and family assistance.

At the same time, all measures appropriate to national conditions and opportunities, including measures on vocational guidance and training, that would enable the worker with family responsibilities to start or continue work, as well as to reinstate her after being absent from work in connection with these responsibilities.

Convention applies to working men and women who have family responsibilities in respect of dependent children when such duties restrict their ability to prepare, access, participate in or promote their economic activity. The provisions of Convention also apply to men and women who have an obligation to other immediate family members of their family who are in need of their care or assistance if such responsibilities restrict their ability to prepare access, participate or promote in economic activity.

Convention applies to all branches of economic activity and to all categories of workers.

ILO promotes the ratification of these conventions, selecting countries for targeted information and advocacy work, organizing research on work and family, for the organization of labor and family research, for the provision of technical assistance and advice to trilateral partners in the design and implementation of national action plans and national legislation, as well as for the implementation of measures to improve working conditions and the spread of maternity protection to the informal sector.

*The ILO integrated approach strategy covers two main components:*

1. Gender mainstreaming in all programs and documents.
2. Development of targeted measures aimed at women and men in order to overcome gender inequality and the consequences of discrimination. It is implemented according to the four ILO priority strategies:
  - *priority gender issues in fundamental principles and rights at work:*
  - in accordance with Convention No 100 and No 111 to ensure not only formal, but also real equality;
  - advancement of international labor

<sup>1</sup> Convention No 122 concerning Employment Policy adopted on 09 July 1964 [Electronic resource]. – Access mode: [http://zakon.rada.gov.ua/laws/show/993\\_062](http://zakon.rada.gov.ua/laws/show/993_062).

<sup>2</sup> Convention No 156 concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities adopted on 23 June 1981 [Electronic resource]. – Access mode: [http://zakon.rada.gov.ua/laws/show/993\\_010](http://zakon.rada.gov.ua/laws/show/993_010).

<sup>3</sup> Gender Equality & Decent Work [Electronic resource]. – Access mode: [http://www.ilo.org/moscow/areas-of-work/gender-equality/WCMS\\_249140/lang--ru/index.htm](http://www.ilo.org/moscow/areas-of-work/gender-equality/WCMS_249140/lang--ru/index.htm).

- standards relating to motherhood and worker with family responsibilities, labor protection in order to improve the position of women in and out of the labor market;
- equal access to productive resources;
- taking into account the provisions of the ILO Declaration on Fundamental Principles and Rights at Work (1998)<sup>1</sup> and its application will contribute to ensuring the fundamental right - gender equality;
- *priority gender issues in employment and income generation:*
  - employment opportunities for women. Ensuring equal access to professional training, using of new technologies and the acquisition of new skills in order to eliminate professional segregation;
  - eliminating of poverty through the elimination of restrictions on the employment of women;
  - support for employees and self-employed in the informal economy;
  - support for women in the sphere of management and entrepreneurship;
  - development of special measures that take into account the needs of women and men during crisis period;
- *priority gender issues in social protection:*
  - reducing insecurity in the sphere of labor through the provision of safe and decent working conditions, preventing poverty and social exclusion, and ensuring access to social protection;
  - making decisions that will make it impossible to discriminate while accessing main spheres of social protection as well as coverage of those deprived of social protection;
  - ensuring safe, healthy and decent working conditions. Maternity protection, combating sexual harassment in the workplace, improving the working conditions of harmful industries;
  - the development of practical measures that will enable men and women to combine family and production responsibilities;
  - improving the management of the social security system and its effectiveness. Support of minimum social guarantees and guarantees of earning;
- *gender priorities in social dialogue:*
  - addition of gender issues into agenda of the

social dialogue and attracting the attention of governments, employers' associations and trade unions;

- consideration of gender issues in the activity of ministries of labor, government institution, employers' associations and trade unions;
- search for social partners in the informal sector in order to expand representation;
- ensuring of gender balance on leading positions and decision-making level.

### 3.3 The principle of gender equality in the primary legislation of the EU

The formation of the gender policy of the EU proceeds within the framework of the development process of EU integration. European Union was founded in accordance with democratic principles. It is singularity of European integration. One of democratic principles is the equality of rights of all citizens, which establish additional opportunities for achieving gender equality.

Equality between men and women become part of the "European Project" since the beginning of the functioning of the EU and the principle of gender equality is central to all its activities. Actually, all main EU documents contain articles on non-discrimination, equal rights and opportunities for women and men. Standards regarding equal treatment of women and men are part of both the primary legislation, which includes all founding treaties of the EU, as well as secondary legislation - acts issued by the EU institutions (regulations, directives, recommendations, decisions).

EU strives to encourage social partners to implement public policies aimed at implementing the principle of gender equality in labor relations using the system of legislation.

The principle of equality (the principle of the prohibition of discrimination) is one of the principles of the *functioning of the European Community and the EU*. In accordance with the Paragraph 2 of the Article 2 of the Treaty, all activities of the Community "are aimed at eliminating inequalities and promoting equality between men and women". The prohibition of discrimination is set out in the Articles 12 and 13 of the *Treaty establishing the European Community*, in particular, in accordance with the Article 2, the task of the Community is establishing of common market, economic and monetary union, as

<sup>1</sup> ILO Declaration on Fundamental Principles and Rights at Work adopted on 18 June 1998 [Electronic resource]. – Access mode: [http://zakon5.rada.gov.ua/laws/show/993\\_260](http://zakon5.rada.gov.ua/laws/show/993_260).

<sup>2</sup> Treaty on European Union was signed on 7 February 1992 by the members of the European Community in Maastricht [Electronic resource]. – Access mode: [http://zakon2.rada.gov.ua/laws/show/994\\_029](http://zakon2.rada.gov.ua/laws/show/994_029).

<sup>3</sup> Treaty establishing the European Community adopted on February 17, 1986 [Electronic resource]. – Access mode: [http://zakon5.rada.gov.ua/laws/show/994\\_017](http://zakon5.rada.gov.ua/laws/show/994_017).

well as carrying out joint policies and activities referred to in the Articles 3 and 4, distributing of harmonious, balanced and stable development of economic activities, high level of employment and social protection, equality between women and men, stable and non-inflationary growth, high level of competitiveness and convergence of economic indicators, high level of protection and improvement of the environment, raising the level and quality of life, economic and social cohesion and solidarity of the Member States within the entire Community.

In the sphere of the application of this Treaty, without prejudice to certain provisions of this Treaty, any discrimination based on nationality is prohibited.

The Council may adopt rules aimed at prohibiting such discrimination (Article 12) in accordance with the procedure referred in the Article 251.

However, Council may take the necessary actions, acting unanimously on a proposal from the Commission and after consulting with the European Parliament and in accordance with the Article 13<sup>1</sup>, without prejudice to the other provisions of this Treaty and within the powers conferred upon it by the Community, to combat discrimination based on sex, race, ethnic origin, religion or belief, mental or physical disability, age or sexual orientation.

The principle of equality between men and women has also been enshrined in the *Charter of Fundamental Rights of the EU*<sup>2</sup> (Charter of Fundamental Rights of the EU), in particular the Article 21, which prohibits discrimination of any kind, in particular on the basis of sex, race, color, ethnic or social origin, genetic characteristics, language, religion or belief, political or other opinion, membership of national minorities, property status, origin, disability, age or sexual orientation and the Article 23, which guarantees equality between men and women in all spheres, including in the sphere of employment, work and remuneration for work.

The inadmissibility of discrimination is a more important principle of the fundamental rights of the individual (Article 21 of the Charter).

In the consolidated version of the *Treaty on European Union and the Treaty on the Functioning of the European Union*<sup>3</sup> 2010, the Article 2 also states that: "The Union is founded on the values of respect for human dignity,

freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail".

The European Union, asserting the principle of equal opportunities, focused mainly on a new gender concept, the essence of which is the transition from the principle of equal treatment, which provides for equal rights and opportunities for all citizens to the strategy of positive action. This strategy involves shifting the emphasis on ensuring equal opportunities to ensure appropriate social conditions that would promote the establishment of actual gender equality.

In order to improve the situation, the European Commission considers it necessary to integrate the principle of gender equality into strategies that (directly or indirectly) affect the lives of women and men. In this regard European Commission applied an integrated approach to integrating gender priorities in politics – *Gender mainstreaming* in 1996.

In addition, the Council of European Municipalities and Regions introduced the *European Charter for Equality of Women and Men in Local Life*<sup>4</sup> in May 2006. The European Commission has supported the Charter for Equality of Women and Men in Local Life. This document is intended for local self-government authorities and proposes to commit itself to use existing powers and partnerships to achieve greater equality of their citizens.

*Six main principles of the Charter:*

- gender equality is the main human right;
- various topics of discrimination based on sexist prejudice, prejudice concerning religion, disability, sexual orientation, socioeconomic situation should be violated in order to ensure equality of treatment between women and men;
- constant participation of women and men in the decision-making process for a democratic society;
- exclusion of all kinds of stereotypes and thoughts arising from them;
- equal consideration of the needs of women and men by local and municipal authorities;
- careful planning of the application of funds.

The implementation of the principles of gender equality was reinforced by the creation of the *European*

<sup>1</sup> The Article has been amended by the Treaty of Nice amending the Treaty on European Union, Treaties establishing the European Communities and certain related acts (2001 / C80 / 01), 26 February 2001 [Electronic resource]. – Access mode: [http://zakon.rada.gov.ua/laws/show/994\\_261](http://zakon.rada.gov.ua/laws/show/994_261).

<sup>2</sup> Charter of Fundamental Rights of the EU adopted in Nice on December 7, 2000 [Electronic resource]. – Access mode: [http://zakon5.rada.gov.ua/laws/show/994\\_524](http://zakon5.rada.gov.ua/laws/show/994_524), <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:083:0389:0403:en:PDF>.

<sup>3</sup> The consolidated version of the Treaty on European Union and the Treaty on the Functioning of the European Union (2010/C 83/01), March 30, 2010 [Electronic resource]. – Access mode: [http://zakon.rada.gov.ua/laws/show/994\\_b06](http://zakon.rada.gov.ua/laws/show/994_b06), <http://old.minjust.gov.ua/file/23491.docx>.

<sup>4</sup> European Charter for Equality of Women and Men in Local Life // Official website of the Association of Ukrainian Cities – August 8, 2018 [Electronic resource]. – Access mode: [http://auc.org.ua/sites/default/files/library/hartiya\\_angl.pdf](http://auc.org.ua/sites/default/files/library/hartiya_angl.pdf); The European Charter for Equality Of Women And Men in Local Life. – The Council of European Municipalities and Regions and its Partners [Electronic resource]. – Access mode: [http://www.ccre.org/docs/charte\\_egalite\\_en.pdf](http://www.ccre.org/docs/charte_egalite_en.pdf).



*Institute for Gender Equality*<sup>1</sup> (2006). The purpose of the Institute's activities is to integrate the principles of equality into EU and EU Member State policies, to eliminate gender discrimination and to promote citizens' awareness on gender equality issues.

In 2011 a significant event that had a significant impact on the development of European and international law in the gender equality area took place. On 11 May 2011, the *Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence or the Istanbul Convention*<sup>2</sup> was adopted in Istanbul, Turkey.

The purpose of the Convention is to prevent violence, to protect the victims and "to stop the impunity of criminals".

According to the official website of the Convention<sup>3</sup> as of 25 October 2018, it has been signed by 46 countries and the European Union. On 12 March 2012, Turkey became the first country to ratify the Convention, followed by 32 other countries from 2013 to 2018 (including Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina, Croatia, Cyprus, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Iceland, Italy, Macedonia, Malta, Monaco, Montenegro, the Netherlands, Norway, Poland, Romania, Portugal, San Marino, Serbia, Slovenia, Spain, Sweden, Switzerland).

The Convention came into force on 01 August 2014.

Ukraine signed the Convention on 07 November 2011 but has not yet ratified it. On 17 November 2016 the draft *Law on Ratification of the Convention* was returned to the Committee for revision, and from that time it was not included to any agenda of meetings of the Verkhovna Rada of Ukraine.

The Istanbul Convention is a revolutionary document, because it is:

- the first international legally-binding act that deals specifically with violence against women, it is also potentially open to any country in the world;

- a comprehensive as it covers a number of measures to prevent and counteract violence, protect its victims, prosecute and punish offenders as well as integrate approaches;
- recognizes violence against women at the same time as a violation of human rights and a form of discrimination;
- establishes a clear link between the achievement of equality between women and men as well as the elimination of violence against women;
- offers states to establish criminal liability for the main types of violence against women (such as persecution, forced marriage, female genital mutilation, forced abortion, forced sterilization) and to ensure the adequate and effective punishment for violence;
- proposes an approach for the effective cessation of violence against women and domestic violence that calling on all relevant involved authorities, institutions and public organizations to coordinated cooperation;
- equipped with a powerful and independent mechanism for monitoring of implementation at the national level, in which national parliamentarians will play an active role.

The Istanbul Convention is the first legally-binding instrument that "creates a comprehensive legislative framework and approach to combating violence against women" and is focused on preventing domestic violence, protecting victims and prosecuting offenders. The Convention can and should help to improve both the status of women and respect for human rights, subject to ratification by a sufficient number of states.

The Convention provides the participating countries with an integrated legal framework, strategies and activities based on the best practices in preventing and combating violence against women and domestic violence. Its main goals:

- protecting women from all forms of violence as well as preventing, prosecuting and eliminating violence against women and domestic violence;
- promotion of the elimination of all forms of discrimination against women, promotion of equality between women and men as well as empowerment of women;
- protection and assistance to all victims of violence against women and domestic violence;

<sup>1</sup> Regulation (EC) No 1922 of the European Parliament and of the Council of 20 December 2006 on Establishing a European Institute for Gender Equality [Electronic resource]. – Access mode: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV:c10938>.

<sup>2</sup> Council of Europe Convention on preventing and combating violence against women and domestic violence, Istanbul, 11.V.2011 [Electronic resource]. – Access mode: <https://rm.coe.int/168008482e>. For more information see: Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention). Handbook for Members of Parliament. – K.: K.I.S., 2014. – 108 p. [Electronic resource]. – Access mode: <https://rm.coe.int/1680096e45>.

<sup>3</sup> Chart of signatures and ratifications of Treaty 210 "Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence". Status as of 25/10/2018 [Electronic resource]. – Access mode: <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/signatures>.

<sup>4</sup> Draft Law "On Ratification of the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence" (registration number 0119 as of 14 November 2016) [Electronic resource]. – Access mode: [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=60492](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=60492).



- promoting international cooperation against these types of violence;
- provision support and assistance to organizations and law enforcement authorities in cooperation with each other to introduce an integrated approach to eliminating violence against women and domestic violence.

The Convention contains 81 articles separated into 12 chapters. The structure is based on the “four Ps”: Prevention, Protection and support of victims, Prosecution of offenders and Integrated Policies. Each area foresees a series of specific measures. The Convention also establishes obligations in relation to the collection of data and supporting research in the field of violence against women (Article 11).

The Preamble contains appeals to the Convention for the Protection of Human Rights and Fundamental Freedoms, the European Social Charter and the Convention on Action against Trafficking in Human Beings, the International Human Rights Law (UN) and the Rome Statute of the International Criminal Court. Article 2 indicates that the provisions of the Convention should apply in the period of peace and in situations of armed conflicts in violence against women and domestic violence. Article 3 defines key terms (*violence against women, domestic violence, gender, gender-based violence against women, victim*).

Article 4 prohibits several types of discrimination stating: the implementation of the provisions of the Convention by the Parties, in particular measure to protect the rights of victims, shall be secured without discrimination on any ground such as sex, gender, race, color, language political or other opinion, national or social origin, association with a national minority, property, birth, sexual orientation, gender identity, age, state of health, disability, marital status, migrant or refugee status, or other status.

Chapter III is devoted to the prevention of violence, Chapter IV – to the protection and support of victims (victims of sexual violence, witness children) by special auxiliary services as well as by reports from specialists working with women (doctors, social workers, psychologists). Chapter V describes the substantive law (reimbursement, burns), VI – Investigation, prosecution, procedural law and protective measures, VII – Migration and asylum, IX – Monitoring mechanism to ensure the effectiveness of the implementation of the Convention, X – Relationship with other international instruments, XI – Final clauses.

The Convention describes violence against women as a violation of human rights and a form of discrimination against women (Article 3 (a)). Countries shall ensure

due diligence in preventing violence, protecting victims and prosecuting offenders (Article 5). Moreover, types of offenses characterized as violence against women are defined. Countries ratifying the Convention should criminalize such violations:

- psychological violence (Article 33);
- stalking (Article 34);
- physical violence (Article 35);
- sexual violence, including rape, that unequivocally covers all sexual activities with a person without her consent (non-consensual sex) (Article 36);
- forced marriage (Article 37);
- female genital mutilation (Article 38);
- forced abortion (Article 39);
- forced sterilisation (Article 39).

The Convention resolves that sexual harassment is the subject to “criminal or other statutory sanctions” (Article 40).

It also includes an article about crimes committed in the name of so-called “honour” (Article 42).

The Convention promotes and protects the right of all people to freedom from violence and prohibits all forms of discrimination against women that is manifested in their excellent attitude to them without objective and reasonable grounds. Equality between women and men, both in law and in practice, is central to stop violence against women. For this purpose, the participating countries are obliged:

- to introduce the principle of equal rights between women and men into their constitutions or legislation;
- to prohibit discrimination against women, in particular through the application of sanctions;
- to abolish laws and procedural rules that discriminate women.

The basic terms defined in Article 3 include:

- “violence against women” is “violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violation that result in, or are likely to result in physical, sexual, psychological, or economic harm or suffering to women including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life”;

- “domestic violence” refers to the above-mentioned types of violence, but it occurs in the family, the family circle, or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim. “All acts of physical, sexual, psychological or economic violence that occur with the family or domestic unit or between former

or current spouses or partners". It covers victims and offenders of both sexes and brutal treatment of children and the elderly as well as violence against an intimate partner;

- "gender" means "the socially constructed roles, behaviours, activities and attributes (characteristic features) that a given society considers appropriate for women and men";

- "gender-based violence against women" means "violence that is directed against a woman because she is a woman (such as forced abortion, damage to female genitalia) or that affects women disproportionately (such as sexual violence, rape, harassment, sexual harassment, domestic violence, forced marriage, forced sterilization)";

- "victim" concerns equally victims of violence against women and domestic violence;

- "women" also covers girls under the age of 18.

The Council of Europe Transversal Programme on Gender Equality<sup>1</sup> launched in 2012, aims to ensure gender equality standards, implemented by member states through various activities, including gender equality policies.

The Transversal Programme on Gender Equality implies that all Council of Europe governing, advisory, and monitoring authorities should support and contribute to the achievement of the strategic objectives of the Strategy, in particular to encourage them to take the initiative in accordance with the mandate considering their status and resources. In order to accelerate this process within the Council of Europe an institutional structure was formed. It consists of:

- Commission on Equality between Men and Women – intergovernmental group of experts, which employs 16 elected representatives;
- Thematic Coordinator of the Committee of Ministers on Gender Equality and Combating Trafficking in Human Beings;
- National Contact Point designated nationally;
- Rapporteur on Gender Equality;
- Team on the Achievement of Gender Equality – group of Council of Europe employees.

The Council of Europe Gender Equality Strategy 2014 – 2017 was adopted within the framework of the Transversal Programme<sup>2</sup>. The Strategy in the area of

human rights and gender equality contributed to the development of a coherent legal and policy framework to ensure women's rights and to enable the Council of Europe member states to come de facto closer to gender equality. The basis of this Strategy was the Council of Europe legal framework on gender equality. The Strategy emphasized the goals and priorities of the Council of Europe's Gender Equality Programme as well as defined the working methods and key partners, in particular the measures needed to achieve better results.

The overall objective of the Strategy was to achieve empowerment for women by supporting existing standards. The purpose of the Strategy was to achieve five strategic objectives:

1. combating gender stereotypes and sexism;
2. preventing and combating violence against women;
3. guaranteeing equal access of women to justice;
4. achieving balanced participation of women and men in political and public decision making;
5. achieving gender mainstreaming in all policies and measures.

On 07 March 2018, a new Council of Europe Gender Equality Strategy 2018–2023<sup>3</sup> was introduced. The new Strategy adds to the above-mentioned objectives new problematic caused by the current geopolitical situation – 6) protection of the rights of migrants, refugees, women and girls seeking asylum.

The new Strategy builds on the enormous legal and political attributes of the Council of Europe on gender equality as well as the achievement of the first Council of Europe Gender Equality Strategy 2014–2017. It binds them both to the current economic context and to the political influence of the Council of Europe, including the Organization's main priorities. The new Strategy defines the goals and priorities of the Council of Europe, the working methods and key partners as well as the measures needed to improve the visibility of the results.

Another key document in promoting the development of gender equality in the EU is the European Consensus on Development<sup>4</sup>. The Consensus defines the common values, objectives, principles and commitments of the European Commission and the EU Member States within the framework of development assistance policy.

The European Consensus on Development is a joint statement by EU Member States, the Council of Europe,

<sup>1</sup> Equality between women and men. – The Council of Europe [Electronic resource]. – Access mode: <https://edoc.coe.int/en/index.php?controller=get-file&freid=6928>; Council of Europe: Gender Equality [Electronic resource]. – Access mode: <http://www.coe.int/en/web/genderequality>.

<sup>2</sup> Council of Europe Gender Equality Strategy 2014–2017 [Electronic resource]. – Access mode: <https://rm.coe.int/1680590174>.

<sup>3</sup> Council of Europe Gender Equality Strategy 2018–2023 [Electronic resource]. – Access mode: <https://rm.coe.int/ge-strategy-2018-2023/1680791246> (eng), <https://rm.coe.int/prems-041318-gbr-gender-equality-strategy-2023-ukr-new2/16808b35a4> (ukr).

<sup>4</sup> European Consensus on Development. – European Commission, Directorate General for International Cooperation and Development [Electronic resource]. – Access mode: [https://ec.europa.eu/europeaid/policies/european-development-policy/european-consensus-development\\_en](https://ec.europa.eu/europeaid/policies/european-development-policy/european-consensus-development_en), [https://ec.europa.eu/europeaid/sites/devco/files/european-consensus-on-development-final-20170626\\_en.pdf](https://ec.europa.eu/europeaid/sites/devco/files/european-consensus-on-development-final-20170626_en.pdf).

European Parliaments and the European Commission on the EU's development assistance policy. This statement reflects the commitment to the principles of improving the effectiveness of the assistance provided and calls for increased coordination and harmonization.

In the context of development cooperation, the European Consensus recognized the achievement of gender equality as a separate objective, which could be defined from the three main principles of EU cooperation (poverty reduction, democratic values, national development). The strong commitment to gender issues in the Consensus is expressed, in particular, in such points:

- paragraph 14 states that "the EU and its Member States will integrate the respect of human rights, democracy, the rule of law and gender equality into their political dialogue. This dialogue will be conducted with and beyond partner governments and will be a major platform for action, where a shared understanding will be promoted, progress will be regularly reviewed and appropriate supporting measures identified";

- paragraph 15 emphasizes that "gender equality is at the core of the EU's values and is enshrined in its legal and political framework. It is vital for achieving the SDGs and cuts across the whole 2030 Agenda. The EU and its Member States will promote women's and girls' rights, gender equality, the empowerment of women and girls and their protection as a priority across all areas of action";

- paragraph 16 emphasizes that "the EU and its Member States will continue to play a key role in ensuring that no-one is left behind, wherever people live and regardless of ethnicity, gender, age, disability, religion or beliefs, sexual orientation and gender identity... This approach includes addressing the multiple discriminations faced by vulnerable people and marginalised groups";

- paragraph 20 states that "the 2030 Agenda must be implemented as a whole, not selectively, the EU and its Member States will address a range of cross-cutting elements to achieve sustainable development and accelerate transformation, such as: youth; gender equality; ... good governance, democracy, the rule of law and human rights; ...";

- paragraph 33 states that "the EU and its Member States will pursue the fulfilment of obligations under the Convention on the Elimination of All Forms of Discrimination against Women. They will vigorously promote the protection and fulfilment of women's and girls' rights and will work together with partners to eliminate all forms of sexual and gender-based violence and discrimination..." etc.

### 3.4 Policy on gender equality in the EU social law

Historically, the EU legislation on equality between women and men focuses predominantly on employment and social security. By establishing the European Economic Community in 1957, Member States have stated in the Treaty the intention "to promote the improvement of working conditions and living standards for workers" (Article 36 of the Treaty Establishing the European Economic Community). These prospects [improvement of living standards] were primarily related to the processes of economic integration, however, along with economic measures, joint work on regulation of social sphere became necessary. Thus, "employment security policy" (*a policy in the social sphere comprising a European Social Fund*) i "policy in the social sphere" (*the strengthening of economic and social cohesion*) (Subparagraphs j and k of the Paragraph 1 of the Article 3 of the Treaty Establishing the European Community) became one of the components of EU competence.

In general, the legal support for gender equality in the EU Member States is governed by a number of Provisions, Agreements and Directives on employment opportunities, equal pay, rights of pregnant women, maternity leave, social security, safety, aspects of evidence of discrimination and self-employment. EU Member States should implement Directives into their national legislation along with the principle of minimum harmonization. This means that Directives should be considered as a minimum requirement, but EU Member States can set higher standards.

There are about 40 Directives on gender equality. Employment and social policy issues are most relevant to the study of how EU legislation is being implemented since more directives on an extremely wide range of issues have been adopted precisely in these areas over the past two decades. It is also important that the EU social policy includes both high socio-political significance (such as gender equality) and technical issues (working conditions).

The gender equality standards are the most developed among other EU labor law standards. They can be conventionally divided into three groups: equal pay, equal attitude and equal social security.

*In the EU Association Agreement in the Annex XL*

<sup>1</sup> Treaty Establishing the European Economic Community signed on 25 March 1957 in Rome, came into force on 01 January 1958 [Electronic resource]. – Access mode: [http://europa.eu/eu-law/decision-making/treaties/index\\_en.htm](http://europa.eu/eu-law/decision-making/treaties/index_en.htm).

<sup>2</sup> The materials of these manuals are used in this paragraph: "Gender Equality in the Economic Sphere: Ukraine's Commitments to the EU (key EU Directives on gender balance in the labor market and in professional activities, their development in the Court of Justice)" / Compiler O.O. Uvarova. – Kh.: "HTMT" Publishing House, 2015. – 150 p.

to the Chapter 21 under the headings "Cooperation on Employment, Social Policy and Equal Opportunities" and "Health and Safety at Work",<sup>1</sup> it is indicated to which EU laws Ukraine is obliged to gradually bring its legislation closer. These basic EU laws are mentioned in the area of combating discrimination and in the area of gender equality:

- Council Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security;
- Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (tenth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC);
- Council Directive 96/34/EC of 03 June 1996 on the framework agreement on parental leave concluded by UNICE [Union of Industrial and Employers' Confederations of Europe], CEEP [European Centre of Employers and Enterprises] and the ETUC [European Trade Union Confederation];
- Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin;
- Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation;
- Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services;
- Directive 2006/54/EC of the European Parliament and of the Council of 05 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast).

These key areas are covered by the Directives mentioned above:

1. Council Directive 79/7/EEC "On the Progressive Implementation of the Principle of Equal Treatment for Men and Women in Matters of Social Security":<sup>2</sup>

- development of effective mechanisms for ensuring and gradual implementation of the principle of equality of men and women in the area of social security and their protection from such risks as illness, disability, old age, occupational accidents and occupational diseases, unemployment;
- implementation of measures necessary for the abolition of laws, regulations and administrative provisions that are inconsistent with the principle of equality in the area of social security;
- development of mechanisms for the protection in court of the rights and interests of anyone who considers themselves to be the victim of the inability to apply the principle of equality in the attitude.

The provisions of the Directive 79/7/EEC extend not only to employed persons but also to persons of free occupations.

2. Council Directive 2000/43/EC on the implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (Directive on Racial or Ethnic Origin):<sup>3</sup>

- protection against discrimination on grounds of racial or ethnic origin in respect of employment and professional training, education, social protection, membership in organizations and access to goods and services;
- definition of direct and indirect discrimination and persecution;
- positive action to ensure full equality in practice;
- right to file a complaint in a judicial or administrative procedure with appropriate penalties for those who discriminate;
- sharing the burden of proof in civil and administrative cases: victims should provide evidence of possible discrimination; defendants should provide evidence of the absence of any violation of the principle of

<sup>1</sup> Annex XL to the Chapter 21 "Cooperation on Employment, Social Policy and Equal Opportunities" of the Title V "Economic and Sector Cooperation" // Eurointegration Portal [Electronic resource]. – Access mode: <https://eu-ua.org/tekst-uhody-pro-asotsiatsiiu/dodatky-rozdil-v/zainiatist-sotsialna-polityka-rivni-mozhlyvosti>.

<sup>2</sup> Report of the Civil Society Platform on anti-discrimination issues from the European Economic and Social Committee side "Anti-Discrimination Law and Practice. Rights of Vulnerable Groups in the Context of the Association Agreement" // Official website of the Ukrainian Side of the Ukraine–EU Civil Society Platform [Electronic resource]. – Access mode: <http://eu-ua-csp.org.ua/csp-docs/15-dopovid-pgs-shodopitan-antidiskriminatsiyi-zi-storoni-yeesk/>.

<sup>3</sup> Council Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security [Electronic resource]. – Access mode: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:31979L0007>.

<sup>4</sup> Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin [Electronic resource]. – Access mode: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0043:en:NOT>.



equal treatment;

- limited exceptions to the principle of equal treatment (in cases where the difference in treatment on the basis of race or ethnic origin is a genuine professional requirement);
- creation in each EU Member State an organization to promote equal treatment and assistance to victims of racial discrimination (National Equality Authorities).

3. *Council Directive 2000/78/EC against discrimination in the workplace on the basis of religion or belief, disability, age or sexual orientation (Framework Directive on Labor Activity):*

- principle of equal treatment in employment and professional training regardless of religion or belief, disability, age or sexual orientation;
- employers should make reasonable efforts to accommodate persons with disabilities who meet the requirements for participation in education or paid employment;
- similar rules as in the Directive on Racial and Ethnic Origin regarding definitions of discrimination and harassment, positive action, right to reparation and burden sharing;
- limited exceptions to the principle of equal treatment in the case when it is necessary to preserve ethos of a religious organization or when the employer on a legal basis requires an employee of a certain age group.

4. *Council Directive 2004/113/EC implementing the principle of equal treatment between men and women in the access to and supply of goods and services (Directive on Gender Goods and Services):*

- equality between men and women in access to and provision of goods and services: can be applied to all individuals and organizations that make goods and services available to the public; just outside of private and family life; does not apply to mass media information and advertising or education;
- prohibition of all forms of discrimination – direct or indirect – on grounds of sex in the areas covered by this Directive, including: less positive treatment of women through pregnancy or maternity; harassment of a

sexual or other nature; instructions on the implementation of discrimination;

- exceptions: in general, are allowed, if they are justified by a legitimate aim, are commensurate and necessary; absence of a prohibition on more favorable provisions relating to the protection of women in connection with pregnancy and maternity; special exemption for insurance and related financial services invalidated by the Court of the European Union in 2011 in the case of the Test-Achats (C-236/09);
- similar rules as in the Framework Directive on Employment on positive actions, right to reimbursement and division of burden of proof;
- creation in each EU Member State an organization to promote equal treatment and assistance to victims of gender discrimination in the areas covered by the Directive (National Equality Authorities).

5. *Directive 2006/54/EC on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (Directive on the Redistribution of Gender Roles):*

- equal treatment for men and women in access to: work (including selection criteria); individual labor activity; profession; professional training; career advancement; working conditions (including dismissal from post);
- prohibition of all forms of discrimination – direct or indirect – on the basis of sex, including: in relation to family or civil status; less positive attitude towards women due to pregnancy or leave due to pregnancy and childbirth; sexual harassment or otherwise; instructions on performing discrimination;
- similar rules as in the Framework Directive on Employment on positive actions, right to reimbursement and division of burden of proof;
- protection against dismissal or from any other measure the employer's influence on the employees who file complaints or make a statement of claim to ensure that their right to equal treatment is respected;

<sup>1</sup> Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (Framework Directive on Labor Activity) [Electronic resource]. – Access mode: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0078:en:NOT>.

<sup>2</sup> Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services (Directive on Gender Goods and Services) [Electronic resource]. – Access mode: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004L0113:en:NOT>.

<sup>3</sup> Directive 2006/54/EC of the European Parliament and of the Council of 05 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (Directive on the Redistribution of Gender Roles) [Electronic resource]. – Access mode: <http://eur-lex.europa.eu/Notice.do?checktexts=checkbox&checktext=checkbox&val=430497:cs&pos=1&page=1&lang=en&pgs=10&nbl=1&list=430497:cs.&hwords=&action=GO&visu=#texte>.



- creation in each EU Member State an organization to promote equal treatment and assistance to victims of gender discrimination in the areas covered by the Directive (National Equality Authorities).

The Directive defines direct and indirect discrimination:

- a) "direct discrimination": where one person is treated less favourably on grounds of sex than another is, has been or would be treated in a comparable situation;
- b) "indirect discrimination": where an apparently neutral provision, criterion or practice would put persons of one sex at a particular disadvantage compared with persons of the other sex, unless that provision, criterion or practice is objectively justified by a legitimate aim, and the means of achieving that aim are appropriate and necessary

In this Directive discrimination also covers: insult and sexual harassment as well as any less favorable attitude caused by the refusal of a person from such acts or conquering them; order to discriminate against persons based on gender.

*Proposal for a Council Directive on the Elimination of Discrimination on the basis of Age, Disability, Sexual Orientation, Religion or Belief outside the workplace (Horizontal Directive)*<sup>1</sup> was also adopted by the European Commission in 2008. Negotiations are under way with the EU legislature on such issues:

- equal treatment in the area of social protection, including social security and health care, education and access to goods and services that are commercially available to the public, including accommodation as well as their provision;
- prohibition of direct and indirect discrimination as well as harassment and persecution;
- obligation to provide universal access to people with disabilities as well as "reasonable accommodation" in all areas covered. Both of these points are provided on condition that they do not impose an incommensurate burden on service providers.

*In the Resolution No 2015/2116 (INI) (mainly with regard to the application of the Council Directive 2000/78/EC), adopted on 15 September 2016, the European Parliament* declared that "regrets the fact that the notion

of human rights as being universal, indivisible and interrelated remains, as a principle of law, a matter more of theory than of practice, given that different aspects of the human being are treated separately in existing EU legal instruments"; as well as "stresses how important it is to reach an agreement as soon as possible, and calls on the Council to break the deadlock, in order to move towards a pragmatic solution and speed up without further delay the adoption of the EU horizontal anti-discrimination directive proposed by the Commission in 2008 and voted for by Parliament; considers it a precondition to secure a consolidated and coherent EU legal framework, protecting against discrimination on the grounds of religion and belief, disability, age and sexual orientation outside of employment; notes that no undue restriction of the Directive's scope should be accepted; considers that the consolidation of the EU legislative framework on tackling hate crime is also a crucial element, taking into consideration that similar crimes are also prevalent in the work environment".

Summarizing the abovementioned, it should be noted that the consolidation of the gender equality in international documents is of great importance for ensuring equality in practice. Significant progress is observed in this regard – rights of women have been considered as an integral part of the concept of human rights.

The international organizations headed by the UN have made a lot of efforts in order to withdraw the already prescribed norms for practical implementation: from the adoption of conventions on gender issues (in particular, the Declaration on the Elimination of Discrimination against Women, the Convention on the Elimination of all Forms of Discrimination Against Women, etc.) to the establishment of appropriate organizations (United Nations Development Fund for Women, UN-Women). So, the relevance of gender inequalities has gained momentum and moved to another level.

Finally, the policy of international organizations has led to changes in the policies of national governments. International standards on women's rights have played and continue to play a positive role: ratification of international agreements has led to the adaptation of national legislation to international norms. Without such a practice, the formation and implementation of ideas of a culture of equality at the global level would not be possible.

At present, not only governments, but also all international financial institutions are concerned with gender issues. Gender issues have an important place in their [institutions'] development strategies.

At the same time, the implementation of the provisions of international instruments containing the

<sup>1</sup> Proposal COM/2008/0426 final – CNS 2008/0140 of 02 July 2008 for a Council Directive on the elimination of discrimination on the basis of age, disability, sexual orientation, religion or belief outside the workplace (Horizontal Directive) [Electronic resource]. – Access mode: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52008PC0426:en:NOT>.

<sup>2</sup> European Parliament Resolution 2015/2116 (INI) of 15 September 2016 on application of Council Directive 2000/78/EC [Electronic resource]. – Access mode: [http://www.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=en&reference=2015/2116\(INI\)](http://www.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=en&reference=2015/2116(INI)).

standards of gender equality is not fully implemented due to the lack of effective national mechanisms for protection against discrimination on grounds of sex.

Talking about the fulfillment of obligations regarding international acts, in particular the Istanbul Convention, one should draw attention to one significant drawback in their practical application: despite the fact that the international conventions are binding and include special mechanisms for monitoring the fulfillment of the obligations of the Member States (including through the appeal to the International Court of Justice (UN), the European Court of Human Rights), to actually force the state to a certain action is very problematic<sup>1</sup>.

In particular, the data on Ukraine are disappointing: only about 10 % of the decisions of the European Court of Human Rights are executed by Ukraine. At the same time, according to the number of complaints to this court, as of the beginning of 2017, Ukraine ranks irreverent first place.

It should be noted that without the political will of democratic states, with the active support of society, the development and implementation of measures aimed at achieving an equitable distribution of resources between men and women as well as the achievement of gender equality would not have acquired such force and magnitude.

<sup>1</sup> Zaitseva O. Protecting the Rights of Women: Why International Conventions Do Not Work Well / O. Zaitseva // Web Portal "Gender in Detail". – 18 February 2017 [Electronic resource]. – Access mode: <https://genderindetail.org.ua/season-topic/genderne-nasilstvo/zahist-prav-zhinok-chomu-mizhnarodni-konventsii-pogano-pratsyuyut-134063.html>.

# CHAPTER 4

## GENDER RESPONSIVE BUDGETING

GENDER RESPONSIVE  
BUDGETING**4.1 Theoretical and legal basis of implementation gender responsive budgeting in Ukraine**

A number of tasks facing the modern Ukraine, such as civil service reform, decentralization, redistribution of powers in favor of the territorial community. These and other reforms should bring the country closer to the European level. Gender mainstreaming is one of the main aspects of the effectiveness of such reforms. Gender responsive budgeting is especially important among the many instrument available in the state gender policy arsenal. This technology is focused on taking into account the interests of people of different categories in the process of formation and implementation of state and local budgets and programmes. It is an important component and a valuable instrument for improving the socio-economic security of the population, empowerment of women, ensuring gender equality and development democratic governance principles.

*Gender responsive budgeting (GRB)* – a method aimed at integrating the gender component into the budget process at all levels of the budgetary system. GRB aimed at restructuring revenues and expenditures of the budget in such a way that the needs, interests and priorities of women and men in different groups of society were equally taken into account in the process of formation of state and local budgets.

Scientist economist Rhonda Sharp, who first formulated the theoretical basis of gender budgets within the framework of the «Women's Budget» initiative, developed abovementioned method in 1984. She allocated 3 categories of government expenditures:

- expenditures specifically targeted to women;
- initiatives aimed at achieving equal opportunities;
- evaluation of budgets from a gender perspective.

Rhonda Sharp determined that the main

objectives of gender budgeting are awareness raising and understanding gender issues and gender impact of state budgets and programmes, strengthening the accountability of state authorities for budgetary policies and obligations, as well as change and improvement of state budgets and programmes for achieving gender equality.

The first «Women's Budget» was adopted in the mid 80-ies of XX century. The Australian Federal Government began to implement its experimental programme «Women's Budget» at the parliament during the «Budget night» in 1984. Labor Party Prime Minister Bob Hawke, who was elected due to his platform for economic and social reform, presented a new budget document stating that governments need to know more about the impact of their budgets on women if they are serious about understanding the economic role and contribution of women:

*“... When the Government comes to forming this year's budget it will do so with the full cognizance of the impact the decisions it makes could have on women. We shall ensure that within the overall economic objectives of the Government the important decisions we make this year on the budget are made with the full knowledge of their impact on Australian women.”*

*(Department of the Prime Minister and Cabinet 1984: 3)<sup>2</sup>*

Currently, more than 90 countries of the world are implementing different gender budget initiatives covering civil society, governments and international organizations. The experience of these countries proves that gender budgeting contributes to improving the quality of services for the population, targeting budget expenditures for a particular consumer, increasing the rates of economic development of territories, efficient

<sup>1</sup> Gender budgeting: Final report of the Group of specialists on gender budgeting (EG-S-GB (2004) RAP FIN). The Council of Europe, Directorate General of Human Rights, Strasbourg, 2005, 48 p. [Electronic resource]. – Access mode: <https://rm.coe.int/1680596143>; Gender budgeting. – European Institute for Gender Equality [Electronic resource]. – Access mode: <https://eige.europa.eu/gender-mainstreaming/methods-tools/gender-budgeting>.

<sup>2</sup> Official term in Australia's budget law. For more details see: The Commonwealth Budget: a quick guide. – Parliament of Australia [Electronic resource]. – Access mode: [https://www.apph.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Library/pubs/rp/rp1718/Quick\\_Guides/CommonwealthBudget#\\_Toc513467957](https://www.apph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1718/Quick_Guides/CommonwealthBudget#_Toc513467957).

<sup>3</sup> Rhonda Sharp, Ray Broomhill. “Budgeting for equality: the Australian experience”. *Feminist Economics* 8(1), 2002, 25-47 [Electronic resource]. – Access mode: [http://www.bridge.ids.ac.uk/sites/bridge.ids.ac.uk/files/Docs/sharp\\_broomhill.pdf](http://www.bridge.ids.ac.uk/sites/bridge.ids.ac.uk/files/Docs/sharp_broomhill.pdf).

use of available resources:

The development of GRB shows how budget revenues and expenditures affect the socio-economic situation and opportunities of women and men, as well as aspects of gender equality in the country. The GRB, as a management instrument, allows to evaluate how and to what extent state policy in the sphere of distribution of budget expenditures affects men and women as service consumers, infrastructure users, and taxpayers. The gender analysis in its basis that provides the basis for the implementation of the principle of equal opportunities for women and men in all spheres and ensures sustainable development of society.

There are different approaches to implementing GBS. However, real needs and interests of women and men, which in turn should be equally taken into account in the process of forming state and local budgets are always the focus of this method. This approach is important as the priorities and strategic and practical needs of women and men are different. Moreover, taking into account gender differences makes the budget more efficient, fair and transparent. In addition, it contributes to the growth of economic growth and poverty reduction.

GBS, as an approach that integrates social and economic aspects, improves processes and instrument in the sphere of state finances, providing the necessary information about products and results that promotes effective management and decision making on planning and sharing of public resources at all levels.

*The Budget Code of Ukraine, the Law of Ukraine «On Ensuring Equal Rights and Opportunities for Women and Men», the Strategy of Public Finance Management System Reforming till 2017-2020<sup>1</sup> (hereinafter – Strategy) and Action Plan on implementing of this Strategy<sup>2</sup> are the basis for implementation of measures to implement GBS in Ukraine.*

In particular, components of gender budgeting consist of the principle of fairness and impartiality of the budgetary system of Ukraine, which is based on the principles of fair and impartial distribution of social wealth between citizens and territorial communities (point 9 of part one of article 7 of the Budget Code of Ukraine).

The achievement of the equal status of women

and men in all spheres of society's activities is provided for by implementing federal and regional programmes on ensuring equal rights and opportunities of women and men (*the goal and the third charter of the first part of article 12 of mentioned Law*).

At the same time, the increase in the efficiency of the allocation of resources at the level of state policy formation, ensuring effective implementation of the state budget, increasing transparency and accountability in the management of state finances are determined as priority directions of effective state finance management system, which is capable of providing high-quality public services, effectively accumulating resources and distributing them according to the priorities of the state development in the medium and long term according to *the goals and objectives of the the Strategy of Public Finance Management System Reforming till 2017-2020*.

The purpose of the reform of the programme-target planning is to transform this method into an instrument for making effective management decisions and efficient use of public funds according to the part 2 "Programme-Target Method", charter III "Improving the Efficiency of Resource Allocation at the Level of State Policy Formation" of Strategy.

The Programme-Target Method should ensure the optimum use of limited budget resources to achieve maximum efficiency and quality of service delivery by the state. "... Integration of gender responsive approach to the budget process will increase the efficiency and quality of the provided public services, taking into account the needs of social groups, including gender, will increase the accountability of spending units and transparency of the budget".

The optimization of budget programmes, directions of using budget funds and their effective indicators will be based on the strategic objectives of the chief controller of public funds and types of public services according to the task 3 "Optimization of budget programmes and strengthening compliance with strategic objectives" of part 2 of charter III of the Strategy. The system of performance indicators will continue to be improved to clearly reflect the level of achievement of strategic goals and benefits for recipients of public services, including through the introduction of a gender-based approach. These processes will be coordinated with the development of strategic planning and increased responsibility of the chief controller of public funds in the budget process.

At the same time, the goal of the reform is to build a capable, efficient, transparent and accountable local finance management system geared towards achieving sustainable economic and social development goals in accordance with Part 3 "Intergovernmental Fiscal

<sup>1</sup> Ronnie Downes, Lisa von Trapp, Scherie Nicol. Gender budgeting in OECD countries. OECD Journal on Budgeting, Volume 2016/3, 39 p. [Electronic resource]. – Access mode: <http://www.oecd.org/gender/Gender-Budgeting-in-OECD-countries.pdf>.

<sup>2</sup> The Resolution of the Cabinet of Ministers of Ukraine "On Approval of the Strategy of Public Finance Management System Reforming till 2017-2020" as of 8 February, 2017 No 142-r [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/142-2017-p>.

<sup>3</sup> The Resolution of the Cabinet of Ministers of Ukraine "On approval of the Action Plan on implementation of the Strategy of Public Finance Management System Reforming till 2017-2020" as of 24 May, 2017, No 415-r (as amended by the Order of the Cabinet of Ministers of Ukraine as of 25 April, 2018 No 267-r) [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/415-2017-p>.



*Relations and Fiscal Decentralization" of Section III of the Strategy.*

The goal of the reform is increasing the financial capacity of territorial communities to their ability to achieve the goals of sustainable local development on the principles of subsidiarity, universality and financial self-sufficiency. "...The process will encourage local self-government authorities to strengthen their fiscal base, introduction of modern methods of financial management, including in the application of elements of a gender responsive approach. At the same time, sectoral decentralization in the sphere of education, health care and social protection will take place, aimed at increasing accessibility, improving the quality and reducing the cost of public services, taking into account the real needs of social groups, including gender, optimization of the network of budgetary institutions, increase of efficiency and effectiveness of expenditures of local budgets".

The improvement of the system of performance indicators to clearly reflect the level of achievement of strategic goals and meet the needs of recipients of public services, including through the introduction of a gender-oriented approach, in order to ensure optimization of budget programmes and increase their compliance with strategic goals are planned to implement in accordance with subpoint 1 of point 7 of part of the "Programme-Target Method" charter II "Improving the Efficiency of Resource Allocation at the Level of State Policy Formation", the Action Plan on implementing of Strategy of Public Finance Management System Reforming till 2017-2020.

The Ministry of Finance must fulfill this task within three months after the introduction of amendments to the Budget Code of Ukraine on medium-term budget planning.

At present, Verkhovna Rada of Ukraine in the first reading adopted the Bill "On the Introduction of Medium-Term Budget Planning" on October 18, 2018.

At the same time, Implementation Plan, it is envisaged to optimize the typical lists of budget programmes of local budgets and improve the system of performance indicators, in particular by introducing a gender-oriented approach, with the aim of introducing medium-term budget planning and improvement of the programme-target method at the local level. The optimization of the typical lists of budget programmes of local budgets and improvement of the system of performance indicators, in particular by introducing a gender-oriented approach, with the aim of introducing medium-term budget planning and improvement of the programme-target method at the

local level in accordance with subpoint 3 of point 12 of the part "Intergovernmental cooperation and fiscal decentralization" of the charter III of Action Plan of the Strategy.

The Ministry of Education and Science, the Ministry of Health, the Ministry of Social Policy, the Ministry of Culture and the Ministry of Family and Youth are the main executors of mentioned task.

To date, the task is provided. Thus, the Order of the Ministry of Education and Science of Ukraine "On Approving the Typical List of Budget Programmes and Performance Indicators of Implementation for Local Budgets in the "Education sector": dated July 10, 2017, No 992 was developed and approved as of October 1, 2018.

Ministry of Social Policy developed and issued Order that agreed with the Ministry of Finance of Ukraine Order "On Approving the Typical List of Budget Programmes and Performance Indicators of Implementation for Local Budgets in the sphere of "Social Protection and Social Security" as of 14 May, 2018 No 688.

In addition, Ukraine has ratified international legal acts related to ensuring equality between men and women, which outline the obligation to take gender principles into budget decisions.

The process of implementation of the gender perspective in budgets and programmes has been started in Ukraine since 2011. The Friedrich-Ebert-Stiftung in the framework of the implementation of the pilot project "Gender Budgeting at the Local Level" (2011-2012): at the initiative of the Ministry of Finance of Ukraine, at the expense of the Swedish International Development Agency (SIDA) provided identified theoretical and methodological principles of gender budgeting, developed recommendations and gender mainstreaming instrument:

<sup>2</sup> Progress report on implementation event plan and realization Strategy of Public Finance Management System Reforming till 2017-2020, approved by the Order of the Cabinet of Ministers of Ukraine as of 24 May, 2017 No 415-r, for the third quarter of 2018 // Official website of the Ministry of Finance of Ukraine [Electronic resource]. – Access mode: [https://www.minfin.gov.ua/uploads/redactor/files/Додаток\\_до\\_Звіту\\_СДФ\\_III\\_кв\\_24.10.2018.pdf](https://www.minfin.gov.ua/uploads/redactor/files/Додаток_до_Звіту_СДФ_III_кв_24.10.2018.pdf) (1).docx.

<sup>3</sup> Order of the Ministry of Education and Science of Ukraine as of July 10, 2017, No 992 "On Approving the Typical List of Budget Programmes and Performance Indicators of Implementation for Local Budgets in the "Education sector", registered at the Ministry of Justice of Ukraine as of 3 August, 2017, No 956/30824 (as amended by the Order of the Ministry of Education and Science of Ukraine as of 13 February, 2018, No 141) [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/z0956-17>.

<sup>4</sup> Order of the Ministry of Economic Policy of Ukraine "On Approving the Typical List of Budget Programmes and Performance Indicators of Implementation for Local Budgets in the sphere of "Social Protection and Social Security" as of 14 May, 2018, No 688 registered at the Ministry of Justice of Ukraine as of 07.07.2018, No. 685/32137 [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/z0685-18>.

<sup>5</sup> Friedrich-Ebert-Stiftung [Electronic resource]. – Access mode: <http://www.fes.kiev.ua/n/cms/>.

<sup>6</sup> Daudov GV Implementation of gender responsive budgeting in Ukraine / GV Daudov, T.D. Taakesheva // Theory and practice of public administration. – 2017 – No 2 (57) [Electronic resource]. – Access mode: <http://www.kbuapa.kharkov.ua/e-book/t pdu/2017-2/doc/2/04.pdf>.

<sup>1</sup> Draft Law "On Amendments to the Budget Code of Ukraine" (regarding the legal basis for the Introduction of medium-term budget planning)» (registration No 8044 as of 15 February, 2018) [Electronic resource]. – Access mode: [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=63490](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=63490).

The UN-Women implemented the Programme "Increasing Accountability in Financing for Gender Equality": from 2012 to 2015 for increasing the volume and efficiency of using donor assistance and national resources to meet national commitments on gender equality and women's empowerment.

*The goal of project "Gender Budgeting in Ukraine" for 2014-2018<sup>3</sup> is increasing the economic efficiency of budget expenditures and transparency of public funds through the application of GRB which is considered as one of the directions of reforming public finances in Ukraine. This project is implementing with the support of the international consulting companies Indevelop, CPM and HIPAC and is funded by SIDA.*

The working groups, which execute a number of measures on introduction of GBS in their regions, have been established according to the regulation of the Heads of Regional State Administration, in all oblasts (except for Luhansk and Donetsk – another format of cooperation) and in Kyiv during 2015-2018, in particular gender budget analysis of 85 programmes (2015 – 11 programmes, 2016 – 23, 2017 – 25, 2018 – 26) in the sphere of education and science, health care, social protection and social security, culture and art, youth policy and physical culture and sports.

During this period, the analysis of the programmes was carried out in 45 directions of expenditures of local budgets (n / a, vocational and technical education, development of children's and youth sports, prevention and treatment of cardiovascular and vascular diseases, etc.).

For 4 years the Ministry of Education and Science of Ukraine, the Ministry of Social Policy of Ukraine and the State Statistics Service of Ukraine, following the recommendations of the working groups from the regions, made a lot of changes to the administrative and statistical reporting, as well as to the documents regulating the attribution in one or another area of gender mainstreaming.

<sup>1</sup> UN Women Programme "Increasing Accountability in Financing for Gender Equality" [Electronic resource]. – Access mode: <http://www.un.org.ua/ua/informatsiyni-tsentr/news/3099-2013-04-24-22-07-42-oon-zhinki-pidtrimue-iniciativ>.

<sup>2</sup> Draft "Gender Budgeting in Ukraine" [Electronic resource]. – Access mode: <http://grbproject.org/>.

<sup>3</sup> Information on the implementation of the Project "Gender Budgeting in Ukraine" at the level of local budgets (as of 1 July, 2018) // Official website of the Ministry of Finance of Ukraine [Electronic resource]. – Access mode: <https://www.minfin.gov.ua/news/view/informatsiia-shchodo-realizatsii-proektu-genderne-biudzhetuвання-na-ukraini-na-rivni-mistsevykh-biudzhetyv-stanom-na-lypnia-roku?category=local-budg&subcategory=gendernoorientovane-biudzhetuвання-na-mistsevomu-rivni>; Report "Gender Budget Analysis of Pilot Spheres and Sector Ministries Programmes 2015" (summary) // GRB project website [Electronic resource]. – Access mode: <http://grbproject.org/wp-content/uploads/2017/12/Гендерний-бюджетний-аналіз-програма-2015.pdf>; Report "Gender budget analysis of programmes financed from state and local budgets – 2016" (summary) // GRB project website [Electronic resource]. – Access mode: <http://grbproject.org/wp-content/uploads/2017/12/Гендерний-бюджетний-аналіз-програма-2016.pdf>; Infographics // GRB project website [Electronic resource]. – Access mode: [http://grbproject.org/nashi\\_dokumenty/](http://grbproject.org/nashi_dokumenty/).

The analysis of approved budget programme passports for 2018 regarding the inclusion of suggestions and recommendations that were prepared following the results of the gender budget analysis of programmes conducted in 2017 was carried out in order to measure the results of support in the areas and the level of changes in budget documents. The analysis' results showed that the 60 passports of budget programmes financed by local budgets included recommendations of working groups on gender mainstreaming for 2018. This is a clear indication of changes after conducting a gender budget analysis of programmes.

Implementation of the project in practical terms implies the application by the Ministry of Finance of Ukraine the gender responsive budgeting to the budget process at the state and regional level as well as ensuring the preparation of the first gender responsive budget in Ukraine for 2019.

Thus, funds aimed at implementing in full the measures of the State Social Programme for Combating Human Trafficking for the period until 2020, the National Action Plan for the Implementation of UNSCR 1325 on Women, Peace and Security until 2020, the State Social Programme on Providing Equal Rights and Opportunities for Women and Men up to 2021, the State Social Programme "National Action Plan for the Implementation of the UN Convention on the Rights of the Child" for the period until 2021, as well as other relevant articles are stipulated in the draft State Budget.

Gender responsive budgeting is a new approach to the process of reforming the public finance management system in Ukraine aimed at improving of the budget process. Considering the principle of equal rights and opportunities for women and men in the financial area provides the necessary changes in the normative and legal acts used in the budget process at the state and local levels. The introduction of a gender component in the formation and implementation of the budget should be accompanied by a wide-ranging analytical work, professional monitoring of all areas of social life by gender, introduction of the mechanism of regulation of gender relations as well as creation of information portals on the actualization of the gender equality issue.

<sup>4</sup> Draft Law "On the State Budget of Ukraine for 2019" (registration number 9000 as of 15 September 2018) [Electronic resource]. – Access mode: [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=64598](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=64598).

## 4.2 Main components of the work on gender responsive budgeting and the stages of gender budgeting analysis<sup>1</sup>

Gender responsive budgeting is a method that involves a comprehensive work on gender mainstreaming at all stages of the planning process. *The work on gender responsive budgeting consists of three main components:*

- gender budgeting analysis;
- amendments to programmes and budgets based on the results of the gender budget analysis to achieve gender equality;
- system integration of gender responsive budgeting into the budget planning process at the state and local levels.

*The first component is a key to building a solid foundation for further action to improve gender equality.*

Gender budget analysis is an analysis of programmes funded from the budget and how their activities meet the needs of different sexes and different social groups. The result of the gender budget analysis is the recommendations for the improvement of programmes financed from the budget, as well as budget and sectorial policies, in order to improve their compliance with the real needs of different sexes and different social groups.

A certain sequence of steps is recommended to be carried out when conducting a gender budget analysis. These are the basic stages of gender analysis of specific programmes, routines and policy areas.

The main issue of the gender budget analysis is as follows: What impacts have budgetary measures and appropriate policy on gender equality? Do they reduce or enhance gender inequality or do they not change it?

*The second component regarding the amendments to programmes and budgets based on the results of the gender budget analysis to achieve gender equality is implemented on the basis of recommendations developed as a result of gender analysis of specific sectors, areas, programmes, etc.*

Its goal is to ensure the implementation of the abovementioned recommendations and to make

changes in activities, programmes or plans, as well as changes in budgets. These are important steps in ensuring the transformation of the results of the analysis into the necessary changes.

At these stages, the main issues are as follows: Which of the recommendations are implemented? If not done, why? Have gender equality goals (and targets) been achieved, respectively, is there any progress in this direction?

In addition, *the assessment of the gender impact of planned budget measures* is recommended when implementing this component. This stage is not obligatory, but it is very important.

Measurement of the degree of influence resulting from the use of state funds to achieve the planned goals is an additional element that can be taken into account if resources are available for such an assessment. The central issue in conducting a gender impact assessment of planned budget measures is as follows: Have the measures taken to achieve the goals been appropriate, namely relevant and adequate? *The comparison of available resources and services becomes the starting point for such an assessment.*

Analysis of the gender impact of the intervention on the results of gender responsive budgeting involves *studying the impact of proposed budget expenditures on the socio-economic opportunities of women and men and includes:*

- analysis of socio-economic impact on specific gender groups;
- possible analysis of losses in the case if the proposed measures of intervention are not implemented;
- risk analysis in the course of the planned intervention.

*The gender impact of planned budget measures needs to be evaluated annually based on reports from government authorities focusing on the results achieved and the effectiveness of using budget funds, and not only on the target and full use of these funds, as it is usually done. In the future, such reports will need to be included in the draft budget as a compulsory analytical material.*

Summing up, it should be noted that all components of the work on gender responsive budgeting are equally important and closely interrelated. At the same time, this paragraph will be focused on the first component – gender budgeting analysis (combined analysis of policies and budgets from the point of view of gender equality) and the stages of its conduction.

*It is important to emphasize that in the gender budget analysis it is not enough simply to consider the situation of women and men: it is important to examine this issue deeper in order to ensure that the needs and*

<sup>1</sup> Materials of such manuals "Gender Responsive Budgeting in Ukraine: Theory and Practice: Method. Manual". – K.: Individual Entrepreneur Klymenko, 2016. – 92 p. [Electronic resource]. – Access mode: <https://library.fes.de/pdf-files/bueros/ukraine/12562.pdf>; "Gender Responsive Budgeting: Analysis of Programmes Financed from the Budget from the Point of View of Gender Equality. Manual for Employees of Executive Authorities and Local Self-Government Authorities" / Team of authors: Elizabeth Klatzer, Tetiana Ivanina; under ed. of Oksana Kisselyova, Maja Bosnic, Olena Davlikanova // Gender Budgeting in Ukraine Project ("GRB Project"), UN Women in Ukraine Programme and Friedrich Ebert Foundation's Representation. – K., 2015. – 36 p. [Electronic resource]. – Access mode: <http://www.fes.kiev.ua/new/wb/media/genderresponsivebudgeting2015ukr.pdf>; Svitlana Garashchenko's presentation (GRB Project) "Gender Responsive Budgeting", presented at a webinar for members of the Advocacy Academy for Women's Movement [Electronic resource]. – Access mode: <https://www.slideshare.net/ukrwomenfund/ss-79276998> were used in this paragraph.

interests, priorities and problems of women and men in different social situations, taking into account age, class, ethnic origin, place of residence, etc., are properly taken into account as well as accordingly are satisfied and resolved. *An important starting point is an understanding of the situation of different groups of women and men in different areas of life.* Therefore, such indicators should be taken into account when conducting a gender analysis: age, place of residence (city/village), social status, marital status, economic activity and other relevant categories.

During the practical implementation of the analysis, it will be useful to organize training and methodical support for employees who will actually conduct this analysis. Before you get started, it's important to get a clear idea of what exactly you want to analyze – for example, a policy direction or a specific programme – and how you will use the analysis results.

In analytical work on gender responsive budgeting, it is recommended to follow a sequence of steps – main stages of gender analysis of policies or specific programmes. This approach can be applied to a wide range of directions or programmes, so its details may vary slightly depending on a particular topic of analysis.

#### *Step 1. Identification of gender issues in the sphere of activity: situation analysis*

The main objective of this step is to analyze the situation of women and girls, men and boys in a specific area that is covered by the programme that you are considering. *The analysis of the situation is aimed at getting a proper overview of the target group of a specific programme, understanding the possible differences in the situation of this group, its practical and strategic needs and priorities as well as finding out if there are manifestations of inequality between women and men (or subgroups of women and men) that need to be addressed through the state or regional policy.*

*Target groups* are groups of people who are the intended beneficiaries of the programme.

Target groups can be persons belonging to certain professional groups or age groups, unemployed, self-employed persons, people with incomes below a certain level, students, participants of investment projects, entrepreneurs, etc., depending on the orientation of the programme. Regarding the definition of needs, it is important to distinguish between practical and strategic needs.

In accordance with the definition proposed in the "Glossary of Basic Gender Concepts", *practical*

*gender needs* are the needs of women and men based on their social roles, which are fixed by society. In turn, strategic gender needs depend on the specific social, economic and political conditions in which women and men live. These needs are aimed at achieving genuine gender equality and include activities to protect against domestic violence, strategies for achieving equal pay, wider participation in decision-making processes and the prevention of the various forms of sexual exploitation of women. Strategic gender needs are linked to the gender division of labor as well as access to resources and power.

Activities aimed only at satisfying practical needs will not have sustainable results until strategic interests are taken into account. Strategic needs, in turn, cannot be met without practical needs. Activities that only cater to practical needs can help to consolidate the inequalities of women and men in society.

Strategic gender needs are linked with the expansion of opportunities for men and women, which allow them to control their own personal and social activities and thus change their existing gender roles as well as overcome the limitations of their position.

*It is important to consider the most relevant information for the analysis of the situation of the target group.* For example, if you analyze the employment programme, it is worth paying attention to the situation of women and men in the labor market: number of employed and unemployed women and men, division of professions between sexes, amount of paid and unpaid work performed by women and men, etc.

*For this step, you need to use quantitative data as well as high-quality information from various sources:* from sources in the institution responsible for the programme, from gender-disaggregated data provided by the state statistics service, from research reports and other sources. You can also get information through contacts with specialists who are well aware of this industry, people and their position, such as service providers, contractors or decision makers. In addition, you can organize a focus group of women and men from the target group to learn more about their position, if it is possible and appropriate, for example, when there is very little information.

Some key questions that will help you understand the main issues of gender problematic:

- What is the situation regarding women and men (and subgroups of women and men) in the sector of the relevant programme selected for analysis?
- What are their interests, needs, priorities? Is there a difference between the needs of women and men that should be taken into account?

<sup>1</sup> Annex to the Report of the All-Ukrainian Association of Employers' Organizations "Confederation of Employers of Ukraine" from a participatory gender audit based on the principle of active participation [Electronic resource]. – Access mode: [http://cpk.org.ua/files/gender\\_glosariy\\_ponnat.pdf](http://cpk.org.ua/files/gender_glosariy_ponnat.pdf).



- What are the existing inequalities between women and men (or between subgroups of women and men)? Especially in such areas:
  - employment;
  - level and distribution of unpaid work (for example, the effects of programme activities on care and care responsibilities);
  - income;
  - mobility (transport);
  - participation in decision-making (in the political, social and economic spheres of life);
  - gender roles and norms.
- What are the main issues related to gender equality in this sector?

*On the basis of information analysis, it is necessary to identify the main gender issues, namely:* the existing manifestations of inequality between women and men or the specific problems of women or men, and which can be solved within the framework of this programme or through programmes developed for other state strategies. In this context, it is possible to define broad objectives as to how government policy can contribute to the improvement of gender equality in a particular sector or sphere.

*A gender analysis of the composition of employees working in the sector is another component of the analysis of the situation.* This may include an analysis of the number of women and men in different positions – for example, administrative, main, service, auxiliary personnel, not only among civil servants but also among other service providers and contractors. In addition, you can analyze who is involved in making decisions related to the formation and implementation of the programme.

*Step 2. Basic level: gathering information about the programmes to be analyzed*

The fulfillment of this task involves receiving answers to such questions:

- What are the programme goals?
- Are specific goals included in the programme for the promotion of gender equality or a goal clearly aimed at improving the situation of women or men?
- What are the main activities of the programme?
- What budget is allocated for the programme, and what directions does it use? What proportion of financing comes from state or local budgets, and what is from other sources (for example, from donors)?
- What statistics are available for the programme, especially for the target group

and beneficiaries?

- Who is responsible for developing the programme, who is responsible for its implementation (or do programme is implemented by several institutions)?

This step can be very useful for future work. It will help you get a general idea of the programme and contribute to the future analysis.

*Step 3. Conducting of gender analysis of programmes (or activities, services)*

A gender analysis of the programme can be carried out on the basis of a programme review and information gathered on the status of the target group as well as identified gender issues, using different analytical tools for this. *If the programme is large, you will not be able to analyze all the subprogrammes and events immediately. The selection of subprogrammes and analysis measures is a very important step. It is necessary to make sure that the analysis includes the main subprogrammes and measures, for which a significant portion of the budget is allocated.*

*Evaluation of existing inequalities and challenges related to gender equality*

The first aspect to be evaluated is the degree by which the programme assesses gender inequality (such as its goals and activities), as well as satisfying the different needs and priorities of women and men identified in the Step 1.

*Analysis of beneficiaries and programme users (or activities, services)*

A key element of analytical work in this direction is conducting an analysis of beneficiaries of the programme. The first, though not enough, step is to determine the number of women and men among service users or beneficiaries of specific programme activities.

It is useful to present this information in the form of tables. It is necessary not only to specify the number of women and men in the table, but also to provide as much data broken down by sex, income level, educational level, place of residence (city/village), etc. as possible. Of course, it is not always possible to get all the data, but it is always important to show which groups of women and men are concerned with the programme activity under consideration.

Regarding the various services, investment measures, subsidies or cash benefits, such questions can be useful in conducting a beneficiary analysis:

- How many women and men (and subgroups



of women and men) benefit from programme activities, such as services provided, built infrastructure, cash payments, etc.?

- Do different women and men use different services? If so, what are the possible causes of this? Are there any possible barriers to using the services?
- Are individual services offered to women and men?
- Who does not use the services and why?

*If the programme does not have direct beneficiaries, for example, because it is aimed at providing financial support to institutions or building certain infrastructure, it is important to find out who are indirect beneficiaries; for example, when financial support is provided to the sports club, then the question is who is visiting it, for example, how many women and men are engaged in various sports in this sports club, what premises or equipment they can use, etc.*

*Analysis of satisfaction of women and men – program consumers (or activities, services)*

This aspect is to analyze how much women and men are satisfied with the quality and quantity of proposed programmes (or activities, services). Methods of public opinion, such as questionnaires, focus groups, surveys, etc., can be used to do this. It is important to ensure that women and men can equally express their views when applied. In this context, it also makes sense to consider the creation of separate women's groups. This approach will allow you to analyze how the proposed programmes (or activities, services) meet the different needs of women and men, and whether gender-differentiated services are needed to meet specific needs.

*Probable questions:*

- How satisfied are women with the quality of services provided? And how satisfied are men?
- Is there a sufficient amount of services to meet demand for them?
- Are these services in compliance with different needs and interests of women and men?
- How do the different roles and responsibilities of women and men or traditional norms affect women's and men's ability to use services that are funded from the budget?

Analysis of the decision-making process on the introduction of programmes (or activities, services)

*Probable questions:*

- Who has an impact on decision making issues on providing and terms of services?
- How many women and men are involved and their level?
- Is it possible for groups representing the interests of women and men (NGOs) to report information to decision makers?

*Analysis of the impact of programmes (or activities, services) on gender equality*

In the course of the analysis, it is important to assess the impact of programmes (or activities, services) on gender equality. Here, for example, the following questions may be appropriate:

- How does state or regional policy affect the employment of women and men?
- Does the state change the existing gender roles, norms and stereotypes, and how do they change?
- What is the impact of state activity on the amount of unpaid work and on the distribution of unpaid work between women and men?
- Does the state affect the opportunities for women and men to participate in the political, economic and social spheres of life?

*Step 4. Conducting a gender analysis of budget expenditures*

At this stage, the consumer and beneficiary analysis conducted in step 3 is combined with the analysis of budgets.

*Analysis of budget incomes*

It should be noted that, in principle, *Gender-oriented budgeting involves an analysis of both state expenditures and state incomes*. However, in many cases, state incomes are not a priority for consideration. Nevertheless, it should be taken into account that in the context of a particular sectoral policy it is necessary to analyze certain types of income. Particularly interesting for studying may be the question of the fee for use and how the change in payment for use affects women and men.

Regarding the expenditure part of the budget, the analysis is broader, and in many cases simpler.

*Analysis of breakdown of expenditures by sex*

*The main emphasis in this stage is on analyzing the cost of programmes (or activities, services), for example, services provided or received cash expenditures. Based on information on the value of budget services and on the number of consumers, a simple gender analysis of the cost of programmes (or activities, services) can be made. This analysis is based on the calculation of the unit cost of services and the number of its consumers. The cost per unit of service can be calculated by dividing the total amount of costs for a specific service by the number of units provided (for example, the number of places in the training course).*

The unit cost, multiplied by the number of male and female consumers of this service, in the product gives the cost of services provided to women (men). This is a simple form of analysis of the distribution of budget expenditures by gender.

*Thus, the information to be collected and accordingly calculated for the purpose of this stage of the analysis consists of the following elements:*

- the total cost of providing specific services, payments or investments;
- number of male and female consumers of a specific service cost per unit of services (cost per capita).

*Estimation of the sufficiency of budget expenditures*

Another method is to assess whether sufficient budget expenditures for implementing the programme are *gender-sensitive*. This involves analyzing of the different needs of women and men and determining if this programme *satisfies different needs by providing specific services*:

- Is there enough available budget to implement the programme, taking into account the number of people in the target group?
- Is there an adequate budget available to provide services and activities that are responsive to different needs of women and men? If so, are the specific services provided to groups of women or men in response to their specific needs?
- What was the dynamics of budget expenditures for this programme in the last year, did the increase or decrease occur?
- Are the funds provided in the budget fully used for implementation of the programme?
- Are these services available to all women and men in the target groups?

*Estimation of costs on staff*

To draw up a complete picture, it makes sense to directly analyze the cost of staff. *The purpose of this analysis is to break down staff costs by gender.*

The basis for this staff cost estimate is information on budget expenditures for staffing, as well as information on women and men working in the field.

Such an analysis may include the following aspects:

- total expenses for wages of employees directly involved in programme activities;
- the number of employees and the average income (salary), divided by gender, according to the different levels of staff categories.

An analysis of the budget allocated to specific programmes, services and staff can be done in a given year or extended to a comparative analysis of budgets available for programmes implementation for several years.

*Step 5. Formation of goals and recommendations for the promotion of gender equality*

Based on the results of the previous stages of work, you can develop recommendations that relate to various aspects. One of the important blocks of recommendations will be consistent with the achievement of gender equality within the program. *The recommendations should focus on changing goals to address the issue of gender inequality and indicate which gender equality goals should be included in the relevant programs. Recommendations are also important measures, performance indicators, or budget expenditures.*

With regard to programmatic recommendations, they can propose solutions for the following issues:

- How to ensure equal access for women and men to different types of activities?
- How can target services be available to some groups of women or men?
- What changes should be made in order to achieve the goals of gender equality and better meet the needs, interests and priorities of women and men?
- Is there the importance to improve the service delivery process?
- Are specific measures due to which it is recommended to pay particular attention to women or men?
- How to ensure that the gender aspect is integrated into the programme activities?
- What are the opportunities for the broad participation of women and men in the

process of improving gender-based planning and implementation of the programme?

It is important to develop specific recommendations.

*Regarding budget expenditures, recommendations can address such issues:* What changes in budget expenditures within the programme (for example, redistribution of funds for implementation of various programme activities) are needed to better achieve the goals of gender equality?

Based on the recommendations for achieving gender equality goals and specific measures, *it is recommended that indicators be used to measure progress towards the objectives:* What indicators should be used to measure progress towards the goals?

Recommendations may also include *suggestions for collecting and providing additional statistics* (for example, suggesting changes to the collected data or the collection of additional qualitative data, etc.). In general, the collection and submission of gender-disaggregated data will be useful in any policy area.

If there is not enough available data, *recommendations may indicate the need for further in-depth study of the gender aspects of the programme.*

There will be many cases where the recommendations will address the various aspects discussed above. Based on the data collected in the process of analysis, it will be possible to propose not only one solution, but various options for further action. Therefore, it is recommended that recommendations be drawn up that include different options for action.

*Identification of persons (authorities, institutions) responsible for the implementation of the recommendations*

At this stage, it is important not only to identify the necessary changes in programmes and budgets, but also to determine who will be responsible for the implementation of various recommendations. It may be very useful *to highlight this aspect in the final report on the results of the analysis, answering the following question:* Who is responsible for the implementation of various recommended measures?

This may be the heads of the specific departments responsible for this programme, contractors or other executives. In other cases, decision-making may be required to be provided on the higher level.

*Optional step: calculation of the cost of implementing the recommendations*

Based on the recommendations developed, it

*is useful to calculate the cost of the measures needed to achieve change.* Some of these recommendations may not incur additional costs, for example, if they are aimed at adapting the existing system of service provision. However, other proposed changes may involve the allocation of additional funds for their implementation (or, conversely, savings).

*This method involves determining the cost of each individual event, as well as the whole complex of measures.* For this purpose, for each measure, it is necessary to determine the number of beneficiaries, breakdown by gender, determine the unit cost and, finally, determine the required amount of budget funds.

*The total cost is determined by calculating the amount of such costs:*

- staff costs and labor costs (taking into account all allowances provided by legislation);
- overheads related to the implementation of programmes (or activities, services);
- utility costs (taking into account changes provided by the legislation tariffs).

The application of modern methods of calculating the value of services is due to the market transformation of society. It fundamentally changes the environment, so the cost of the service should:

- meet demand and supply on the market;
- ensure the return on the cost of the service.

At the same time it is necessary to take into account the peculiarities of pricing for services. *In addition, the method of calculating the value of services should be implemented using the concept of "fair value" both in terms of legislation and in terms of reimbursement of costs.*

*Documenting the results of the gender budget analysis*

The five main steps of the gender budget analysis are presented above. In each of these steps, analytical questions can serve as starting points, but most likely, during the analysis, new questions and new major topics will arise.

*At the final stage of the analysis it is important to document its results and make a report containing the results of the step-by-step analysis and relevant conclusions, as well as the recommendations developed.* This documentation will be an important material for reviewing the analyzed programs and will provide justification for making adjustments to these programs and making decisions on budget expenditures

Finally, it should be noted that, as the experience of implementing gender budgets at the local and national level in Ukraine shows, gender budgeting improves

social planning; firstly, by increasing economic efficiency; secondly, specifies the direction of investments, more efficiently used economic resources; thirdly, they are becoming more qualitative services for the population, since clear guidelines for the end user are being built. In addition, gender budgeting initiatives allow: Involve women in active participation in economic decision-making through their participation in the budget process; ensure the monitoring and evaluation of public expenditure and income, taking into account gender issues; Reorienting programs that are implemented in specific sectors, instead of changing the overall budget allocations that are allocated to them.

FOR REVIEW

# CHAPTER 5

**ENSURING GENDER EQUALITY AND  
MAINSTREAMING IN THE GOVERNMENT,  
PARLIAMENT AND LOCAL COUNCILS**



## ENSURING GENDER EQUALITY AND MAINSTREAMING IN THE GOVERNMENT, PARLIAMENT AND LOCAL COUNCILS

Gender equality and participation in political life are fundamental elements of modern democratic governance<sup>1</sup>. The obligation to ensure the equal rights of men and women to participate fully in all aspects of the political process is enshrined in international standards, many documents of the Council of Europe, the Venice Commission and the OSCE/ODIHR:

- UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW);
- Beijing Declaration and Platform for Action (BPfA);
- Security Council resolutions No 1325 "Women, Peace, Security";
- Recommendation Rec (2003)3 of the Committee of Ministers of the Council of Europe to Member States on the balanced participation of women and men in political and public decision-making processes<sup>2</sup>, which lists the steps that Member States should take to achieve gender-balanced participation and representativeness in public and political decision-making processes;
- Recommendation 273(2009) of the Congress on Equal Access to Local and Regional

Elections<sup>4</sup>, which promotes the idea that "men and women should rotate in lists (at least one in every three), subject to financial penalties for non-fulfillment, and allow non-represented individuals to hold responsible positions in the executive authorities of the municipalities and regional councils";

- Resolution of the Parliamentary Assembly of the Council of Europe 1706(2010)<sup>5</sup>, that recommends that Member States combine measures relating to electoral systems and gender quotas, gender-sensitive public education and measures to eliminate gender stereotypes;
- Resolutions 1898(2012)<sup>6</sup> and 2111(2016)<sup>7</sup> of the Parliamentary Assembly of the Council of Europe, which assesses the impact of measures to improve the representation of women in politics and the role of political parties in the context of women's representation in politics, respectively;
- recommendations of the Congress of Local and Regional Authorities of the Council of Europe 390(2016) on women's participation in politics and representation at the local and regional levels<sup>8</sup>, which contains the latest of seven texts adopted by the Congress of Local and Regional Authorities of the Council of Europe on gender equality.

<sup>1</sup> In this chapter the materials of the study "Gender Equality in Local Political Life and the Gender Concept in Local Politics in Ukraine. Document for Discussion (February, 2018)" / Vishnla Bachanovich (Vishnja Bačanović). – Department of Cooperation and External Relations of the Secretariat of the Congress of Local and Regional Authorities of the Council of Europe. – 2018. – 38 p. [Electronic resource]. – Access mode: <https://rm.coe.int/-/16808a2a51> are used.

<sup>2</sup> Code of Good Practice in Electoral Matters: Guidelines and Explanatory Report, adopted by the Venice Commission at its 52nd session, Venice, 18-19 October 2002. [Electronic resource]. – Access mode: [https://www.venice.coe.int/webforms/documents/CDL-AD\(2002\)023rev-e.aspx](https://www.venice.coe.int/webforms/documents/CDL-AD(2002)023rev-e.aspx), [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2002\)023rev-ukr](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2002)023rev-ukr); Code of Good Practice in the field of Political Parties, adopted by the Venice Commission at its 77th Plenary Session, Venice, 12-13 December 2008. [Electronic resource]. – Access mode: <https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD%282009%29002-e>; Guidelines on Political Party Regulation, adopted by the Venice Commission at its 84th Plenary Session, Venice, 15-16 October 2010. [Electronic resource]. – Access mode: <https://www.osce.org/odihr/77812?download=true>, [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2010\)024-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2010)024-e).

<sup>3</sup> Recommendation of the Committee of Ministers of the Council of Europe as of 12 March, 2003 No Rec(2003)3 to Member States on the balanced participation of women and men in political and public decision-making processes [Electronic resource]. – Access mode: <https://rm.coe.int/1680519084>.

<sup>4</sup> Recommendation of the Congress of the Council of Europe as of 15 October, 2009 No 273(2009) on Equal Access to Local and Regional Elections [Electronic resource]. – Access mode: <https://rm.coe.int/168071a5db>.

<sup>5</sup> Resolution of the Parliamentary Assembly of the Council of Europe as of 27 January, 2010 No 1706(2010) on increasing the representation of women in politics through the electoral system [Electronic resource]. – Access mode: <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17809&lang=en>.

<sup>6</sup> Resolution of the Parliamentary Assembly of the Council of Europe as of 03 October, 2012 No 1898(2012) political parties and the representation of women in politics [Electronic resource]. – Access mode: <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=19134&lang=en>.

<sup>7</sup> Resolution of the Parliamentary Assembly of the Council of Europe as of 21 April, 2016 No 2111(2016) on the assessment of the influence of means of improving the representation of women in politics [Electronic resource]. – Access mode: <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=22745&lang=en>.

<sup>8</sup> Recommendation of the Congress of Local and Regional Authorities of the Council of Europe as of 20 October, 2016 No 390(2016) on women's participation in politics and representation at the local and regional levels [Electronic resource]. – Access mode: <https://rm.coe.int/1680767218>.

### 5.1 Legislative and regulatory framework of participation of women in politics and decision-making processes in Ukraine

The issue of equality of rights of women and men to participate in the policy and decision-making process is enshrined in the Constitution, the Law of Ukraine "On Ensuring Equal Rights and Opportunities of Women and Men" and Ukrainian electoral legislation of Ukraine.

In particular, according to the Article 3 of the Law of Ukraine "On Elections of the President of Ukraine" the elections of the President of Ukraine are equal: the citizens of Ukraine take part in elections on an equal terms.

All candidates for the position of the President of Ukraine have equal rights and opportunities to participate in the election process.

Equality of rights and conditions for participation in the electoral process is ensured, inter alia, by the prohibition of privileges or restrictions of candidates for the position of the President of Ukraine on the grounds of race, color, political, religious and other beliefs, sex, ethnic and social origin, property status, place of residence, language or other features.

At the same time, point 1 of the Chapter 5, Article 3 of the Law of Ukraine "On Elections of People's Deputies of Ukraine"<sup>1</sup> in order to ensure equality of rights and opportunities of candidates for deputies, parties - subjects of the electoral process to participate in the election process, the privileges or restrictions of candidates for deputies on the grounds are prohibited race, color, political, religious or other beliefs, gender, ethnic or social origin, property status, place of residence, language or other characteristics.

Legislation determines the participation of citizens in the electoral process without any elements of gender discrimination at all its stages, that is in process of: compilation of voter lists; the formation of single-mandate constituencies, the formation of electoral district, the formation of election commissions; nomination and registration of candidates for deputies included in the electoral lists of parties (blocs) in the multi-mandate constituency and candidates for deputies in single-member constituencies; conducting election campaigning; voting counting and setting the results of the vote and the results of the election of deputies, the registration of elected deputies; the official announcement of the results of the election of deputies

by the Central Election Commission.

However, in point 10 of the Chapter 1, Article 8 of the Law of Ukraine "On Political Parties in Ukraine"<sup>2</sup> it is specified that the status of a political party should contain, among other things, information on the size of the quota, which defines the minimum level of representation of women and men in the electoral list of candidates for people's deputies of Ukraine from the party in the general state, candidates for deputies of local councils in multi-mandate constituencies and must be not less than 30 percent of the total number of candidates on the electoral list.

However, since the provisions on quotas are declarative and do not provide sanctions for not bringing in at least 30% of the less presented sex, the Central Election Commission (CEC) does not register parties that have not complied with these standards.

At the same time, a similar rule is contained in Article 4 of the Law of Ukraine "On Local Elections"<sup>3</sup>, namely, the representation of one sex in the electoral lists of candidates for members of local councils in multi-mandate constituencies must be at least 30 percent of the total number of candidates in the electoral list.

The law gives territorial election commissions the power to exclude any party that does not comply with quotas from party lists in their constituency. Although it was an important step forward, this law does not impose sanctions on parties that do not comply with the quota requirements, thus refusing the party to comply with the gender quota during the election will not lead to appropriate action.

In addition, *this article of the law* determines that local elections are equal. Citizens of Ukraine take part in the relevant local elections on an equal footing.

All candidates for deputies of the Verkhovna Rada of the Autonomous Republic of Crimea, oblast, district, city, city district, village councils, candidates for the position of village, urban village, city mayor, village elder (starosta), registered in the order established by this Law (hereinafter – candidates), have equal rights and opportunities to participate in the election process of the respective local elections.

All local organizations of the parties – the subjects of the election process have equal rights and opportunities to participate in the respective election process in the order and within the framework established by this Law.

Equality of rights and opportunities for participation in the electoral process is ensured, among other things, by the prohibition of privileges or

<sup>1</sup> Law of Ukraine "On Elections of the President of Ukraine" as of 5 March, 1999 No 474-XIV [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/474-14>.

<sup>2</sup> Law of Ukraine "On Elections of People's Deputies of Ukraine" on 17 November, 2011 No 4061-VI [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/4061-17>.

<sup>3</sup> Law of Ukraine "On Political Parties in Ukraine" on 5 April, 2001 No 2365-III [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/2365-14>.

<sup>4</sup> Law of Ukraine "On Local Elections" on 14 July, 2015 No 595-VIII [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/595-19>.

restrictions on candidates for race, skin color, political, religious or other opinion, sex, ethnic or social origin, property status, residence, language or other features;

Executive government authorities, government authorities of the Autonomous Republic of Crimea, local self-government authorities, due to the request of the respective territorial election commission, provide premises suitable for conducting public campaign activities, the organizations of which are promoted by the territorial election commission. *At the same time, the territorial election commission is obliged to ensure equal opportunities for all local party organizations, candidates for deputies from which are registered in the multi-mandate constituency, all candidates for deputies, all candidates for the position of village, urban village, city mayor, village elder (starosta).*

At the same time, the innovation in promoting gender equality in the electoral process is the provisions of the Law of Ukraine «On Amendments to Certain Legislative Acts of Ukraine on Prevention and Counteraction of Political Corruption»<sup>1</sup>, on October 2015, which introduced amendments to the Law of Ukraine "On Political Parties in Ukraine", which provides for the allocation of 10 percent of the annual amount of state financing of the statutory activities of political parties ... distributed equally between political parties that were entitled to such a financing according to this Law, if according to the results of the last regular or extraordinary elections of people's deputies of Ukraine the number of representatives of one sex among elected from the relevant political parties of people's deputies of Ukraine who have acquired their powers does not exceed two thirds of the total number of people's deputies of Ukraine elected from this political party.

Also, new probable opportunities for a significant impact on the equality of rights and opportunities for women and men may arise due to the adoption of the draft of the new *Electoral Code of Ukraine*; Article 341 of which established that *during the formation of national and regional electoral lists of candidates for deputy, the party should ensure the presence of every five (places from the first to fifth, from the sixth to the tenth, etc.) in each election list of both men and women (at least two candidates of each gender).*

In practice, this means the introduction of a guaranteed 40 per cent quota for women.

*A similar principle is applied during elections to regional and city councils (referring to large cities with more than 90,000 voters).*

## 5.2 The current state of women's participation in politics and decision-making in Ukraine

According to a global study "The Gender Gap Index 2017" carried out by the World Economic Forum, Ukraine has insufficiently high rates of economic and political participation of women. In particular, *there are small amount of women's deputies – 52 people or 12%<sup>3</sup> (according to the website of the Verkhovna Rada of Ukraine – as of November 10, 2018, the number of women's deputies is already 50 people)<sup>4</sup>.* Although this indicator is better than in the parliamentary elections in 2012, when slightly more than 9% of women met in the Rada.

In the 8th convocation, the Women's First Deputy and Vice-Chairman of The Verkhovna Rada of Ukraine were Iruna Herashchenko and Oksana Syroyid<sup>5</sup>.

Of the 27 committees of the Verkhovna Rada of Ukraine, women are headed only 5<sup>6</sup>.

For comparison, in the German Bundestag, women make up almost half of the parliament – 48%, the Swedish Riksdag – 47%, in the Finnish parliament – 42%, France, the Netherlands and Denmark – 39%.

Among the EU institutions, the European Parliament and the European Commission (33% and 36% respectively) have one third of women.

In the Cabinet of Ministers of Ukraine, the highest positions were received by 16.7% of women. From the 24 members of the Cabinet of Ministers, there are 4 women: Vice Prime Minister for European and Euro-Atlantic integration Ivanna Klumpush-Tsintsadze, Minister of Education Yuliia Hrunevuch, Acting Minister of Finance Oksana Markarova and Acting Minister of Health Uliana Suprun. But among the deputies of the vice prime ministers and ministers women make up 26.5%.

For comparison, in the German Bundestag,

<sup>3</sup> The Global Gender Gap Report 2017. – World Economic Forum [Electronic resource]. – Access mode: <https://www.weforum.org/reports/the-global-gender-gap-report-2017>.

<sup>4</sup> People's deputies of Ukraine (by article) // Web site of the Verkhovna Rada of Ukraine [Electronic resource]. – Access mode: [http://w1.c1.rada.gov.ua/pls/site2/p\\_deputat\\_list](http://w1.c1.rada.gov.ua/pls/site2/p_deputat_list).

<sup>5</sup> The leadership of the Verkhovna Rada of Ukraine // Web site of the Verkhovna Rada of Ukraine [Electronic resource]. – Access mode: [http://w1.c1.rada.gov.ua/pls/site2/p\\_kerivnyky\\_vru](http://w1.c1.rada.gov.ua/pls/site2/p_kerivnyky_vru).

<sup>6</sup> Alternative report on the state of implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women / Commissioner of the Verkhovna Rada of Ukraine for Human Rights, 2016. – 29 p. See Article 7 on page 15 [Electronic resource]. – Access mode: [http://www.ombudsman.gov.ua/files/Dopovid/Dopovid\\_Alternative\\_CEDAW\\_2017.pdf](http://www.ombudsman.gov.ua/files/Dopovid/Dopovid_Alternative_CEDAW_2017.pdf).

<sup>1</sup> Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Prevention and Counteraction of Political Corruption" on 8 October, 2015 No 731-VIII [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/731-19>.

<sup>2</sup> Draft Election Code of Ukraine (registration number 3112-1 dated October 2, 2015) was adopted in the first reading on November 7, 2017. [Electronic resource]. – Access mode: [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?p3511=56671](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?p3511=56671), [http://search.ligazakon.ua/l\\_doc2.nsf/link1/JH00G01A.html](http://search.ligazakon.ua/l_doc2.nsf/link1/JH00G01A.html).

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*At present, four Ukrainian embassies are headed by women.* This is Tetiana Izhenska (Ambassador at the Holy See, since 2006), Nataliia Halibarenko (Great Britain, 2015), Inna Ohnivets (Portugal, 2015) and Liubov Nepop (Hungary, 2016). *Four women hold the post of General Consul and three positions of the consular establishments head.*<sup>5</sup>

*Among the heads of oblast state administrations is one woman* – Head of Kharkiv Regional State Administration Yuliia Svitlychna<sup>6</sup>.

But in the local elections, women had more opportunities to get to the government authorities, due to the lower significance of the mandate, compared with the parliamentary ones. And women fully took this chance.

According to the analytical center "RATING Pro", the analysis of the lists of candidates showed that practically all parties had complied with norms of the law on the representation of at least a third of women in the electoral lists. However, it was not allowed to receive the appropriate representation of women at the level of elected deputies. It is especially true of local high-level councils<sup>7</sup>.

According to the results of the gender monitoring of the local elections in 2015, the proportion of women in the lists of candidates for 22 regional councils was 30%, but the proportion of women among elected deputies was twice lower, namely 15%. The proportion of women in the lists of candidates for city councils of oblast centers was 33%, but among elected female deputies was only 18.1%. The largest share of women's representation in Sumy Oblast Council (21.9%). The smallest number of women were admitted to power in the Odessa Regional Council (9.5%), where among the 84 deputies only 8 women.

In city councils of cities of oblast status – 36% and 26% respectively, in regional councils – 36% and 24% respectively. Only at the level of city councils cities of regional status the actual representation of women was 32%.

Much more female representatives became mayors of the city of oblast and regional status and also became heads of urban village and village councils. However, in this case, there is also a clear relationship between the level of government authority and the number of women in government authority. Only 8 women became mayors in the 144 cities of oblast status and in the so-called satellite cities. 146 mayors were elected in cities of regional status, among of which 14 were women. 76 women (19.3%) won the elections among of 394 heads of urban village councils, and 2256 women (32.1%) headed the village councils among 7029 village councils where elections were held. As we see, only at the level of village councils women managed to overcome the 30 percent electoral quota.

*The gender monitoring of the election of Heads and Councils of the United Territorial Communities has not shown better results.* The mentioned monitoring was carried out in two stages. The first stage is the end of 2015 – the middle of 2017, during which the results of voting in 239 village, urban village and city councils of the united territorial communities of 12 oblasts of Ukraine

<sup>1</sup> Shapoval Olena. Men manage and women serve? How Ukraine Moves to Gender Equality // Web-site "InfoMIST" [Electronic resource]. - Access mode: <https://infomist.ck.ua/choloviki-keruyut-zhinky-obslugovuyut-yak-ukrayina-ruhayetsya-gendernoyi-rivnosti/>.

<sup>2</sup> Bidenko Yuliia. Gender Policy in Ukraine: A Sophisticated Way from Declarations to Positive Action // Web "Wave" (Khvulia). - August 8, 2017 [Electronic resource]. - Access mode: <http://hvylya.net/analytiks/society/genderna-politika-v-ukrayini-skladniy-shlyah-vid-deklaratsiy-do-pozitivnih-diy.html>; Joint statement by EU officials on the occasion of the International Women's Day in 2018 (Brussels, 7 March 2018) // Website of the EU Delegation to Ukraine [Electronic resource]. - Access mode: [https://eeas.europa.eu/delegations/ukraine/40916/cnlpna-zayava-posadovciv-ec-z-nagodi-mizhnarodno-gozhnochogo-dnya-v-2018-roci\\_uk](https://eeas.europa.eu/delegations/ukraine/40916/cnlpna-zayava-posadovciv-ec-z-nagodi-mizhnarodno-gozhnochogo-dnya-v-2018-roci_uk).

<sup>3</sup> Cabinet of Ministers of Ukraine // Government web-portal [Electronic resource]. - Access mode: <https://www.kmu.gov.ua/ua/team>.

<sup>4</sup> How many women among people's deputies, ministers, mayors and chairmen of village councils // Analytical portal "Word and Business" (Slovo i Dilo). - March 8, 2018 [Electronic resource]. - Access mode: <https://www.slovoidilo.ua/2018/03/08/infografika/polityka/skilky-zhinok-sered-nardepiv-ministriv-meriv-ta-holiv-silrad>.

<sup>5</sup> Tushko Iruna. Gender of Foreign Affairs: What gives and where women interfere with the new law on diplomatic service // Web-site "European truth" (Yevropeiska Pravda). - August 1, 2018 [Electronic resource]. - Access mode: <https://www.eurointegration.com.ua/articles/2018/08/1/7085046/>; Alternative report on the state of implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women/ Commissioner of the Verkhovna Rada of Ukraine for Human Rights, 2016. - 29 p. See Article 8 on page 15 [Electronic resource]. - Access mode: [http://www.ombudsman.gov.ua/files/Dopovid/Dopovid\\_Alternative\\_CEDAW\\_2017.pdf](http://www.ombudsman.gov.ua/files/Dopovid/Dopovid_Alternative_CEDAW_2017.pdf).

<sup>6</sup> Heads of regional state administrations // Official web-address of President of Ukraine [Electronic resource]. - Access mode: <https://www.president.gov.ua/lustration/lustr-list/lustr-local-adm/lustr-oda>.

<sup>7</sup> How many women among people's deputies, ministers, mayors and head of village councils // Analytical portal "Word and Business". - March 8, 2018 [Electronic resource]. - Access mode: <https://www.slovoidilo.ua/2018/03/08/infografika/polityka/skilky-zhinok-sered-nardepiv-ministriv-meriv-ta-holiv-silrad>.

<sup>8</sup> Analytical report "Gender monitoring of elections of heads and councils of OTG" // NGO «Women's consortium of Ukraine». - K., 2017. - 100 p. [Electronic resource]. - Access mode: [www.womeninpolitics.org.ua/uploads/files/download/\\_2018\\_print.pdf](http://www.womeninpolitics.org.ua/uploads/files/download/_2018_print.pdf).



(in 4 clusters) are collected. The second stage involved electoral processes and election results on October 29, 2017 in 60 village, urban village and city councils of the united territorial communities of 12 oblasts of Ukraine (in 4 clusters). 299 council of united territorial communities were covered in 12 oblasts of Ukraine in two stages of gender monitoring.

The main conclusions of the first stage of gender monitoring (end of 2015 – mid 2017 in 12 oblasts):

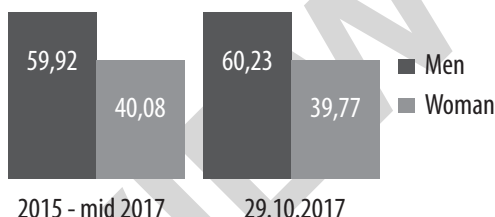
- of the total number of registered candidates (17,278 candidates) who took part in the elections to the councils of united territorial communities at all levels, women accounted for 32% (5545 candidates);
- women accounted for 23% of all candidates for elections to city, urban village and village councils and councils of
- competition for the position of Head of United Territorial Communities was much higher, than the other councils, since in the new conditions united territorial communities get more opportunities, including financial and, consequently, increasing the attractiveness of positions where men's representation previously was lower;
- representation of women by the results of the elections to councils of united territorial communities, where the monitoring, was 40.08%. To the councils of 30 city, 74 urban village and 135 village for the period of the end of 2015 – mid 2017 5208 deputies were elected in 12 oblasts of which 2168 are women. In the village councils of the united territorial communities, the representation of women was 44.1%, urban village councils – 40.8%, city councils – 30.7%. The heads of the newly formed united territorial communities became 13.88% of women.

The main conclusions of the second stage of gender monitoring (October 29, 2017 in 12 oblasts)

- 8.29% of female candidates 61.71% of male candidates stand in elections to 60 councils of united territorial communities in 12 oblasts. To 27 village, 19 urban village 14 city councils of united territorial communities women stand in elections to village councils by 39.9%, urban village – 35.1%, city – 38.3%;
- 24.6% of women nominated for the Heads of the United Territorial Communities. The highest level of female candidates is observed in the village councils of OTG. Stably, the lowest rates of female candidates for the position of the Heads of

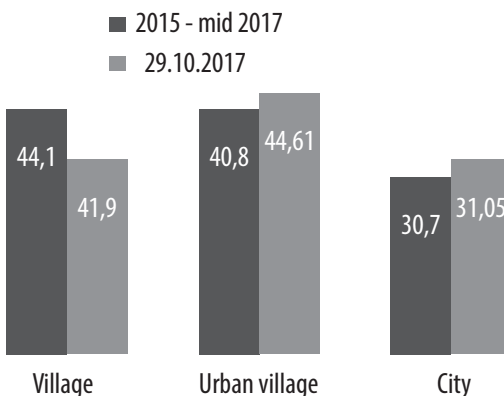
the United Territorial Communities during all elections were aggravated by their decrease at the 2nd stage compared with the first stage of monitoring

- 60.23% of male deputies and 39.77% of female deputies were elected to the councils of the united territorial communities that were monitored. For the entire period of gender monitoring among all deputies, female deputies account is 40%.



The dynamics of female and male representation among all deputies of united territorial communities (in percentages)

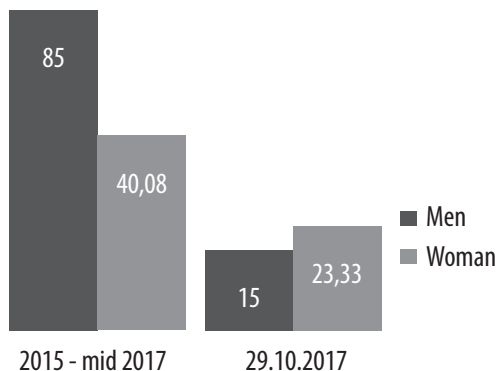
The dynamics of female representation in councils of united territorial communities at different levels in the two stages of gender monitoring shows slight differences. The representation of women among all deputies in village united territorial communities on average – 43%, urban village – 43%, city – 31%.



The dynamics of female representation in councils of united territorial communities at different levels (in percentages)

76.67% of men and only 23.33% of women among the Heads of the United Territorial Communities. The dynamics of the two stages shows an increase in the representation of women among the Heads of the United





The dynamics of female and male representation among the Heads of the United Territorial Communities (in percentages)

Territorial Communities, but this figure is three times lower than the representation of men.

The process of election of the elder is taking place in Ukraine at the level of local self-government. As of the end of October 2016, the elderly elections were held in 90 united communities of Ukraine with 177 United Territorial Communities formed at that time. According to results, 457 elders were elected. Among the newly elected elders in these communities, men are slightly overwhelming: 236 against 221 women (51.64% of men, 48,36% of women). However, the gender segment of the representation contains territorial differences. For example, in the Dunaivtsi City United Territorial Communities of Khmelnytskyi Oblast, which had the highest number of elders in 2016, 23 elders were women and 4 were men.

Information on forms of work with voters and campaigning in communities makes it possible to conclude that a high level of inclusion of parties in the electoral process at the level of united territorial communities. At the level of village and city councils of united territorial communities among female candidates there is a slightly higher level (4-5%) of party nomination than male candidates.

The analysis of the electoral lists of female candidates indicated the importance of previous work experience for most women who were nominated for the council and Head of the United Territorial Communities. Most often it was a work experience in a village or settlement council (Heard or female members of commissions, female economists, female secretaries, etc.), experience in managing agricultural enterprises, education and health, etc.

The analysis of the participation of women as female candidates for the council and Head of the

United Territorial Communities and the level of their representation revealed a tendency for women are more likely stand in elections to the positions of deputies, rather than Head of Houncils.

*For the whole country, ratio of women and men among legislators, senior officials and heads was 39.6% to 60.4%, while a similar ratio among professional and technical workers was already 62,5% to 37,5% according to the Global Gender Gap Index Data 2017.*

# CHAPTER 6

**ENSURING GENDER EQUALITY AND  
MAINSTREAMING IN THE CIVIL SERVICE IN THE  
CONTEXT OF PUBLIC ADMINISTRATION REFORM**

## ENSURING GENDER EQUALITY AND MAINSTREAMING IN THE CIVIL SERVICE IN THE CONTEXT OF PUBLIC ADMINISTRATION REFORM

Integration into the European community requires a substantial reorganization of all social institutions and processes on the new, democratic principles, free from all forms of discrimination, in particular on the basis of gender. On this basis, the state policy of the European Union countries is developed that one of the main means of democratizing the society is the gender mainstreaming policy as a systematic strategy for creating equal opportunities for women and men, overcoming gender asymmetry and inequality in all spheres of society's life ( Council of Europe "Council of Europe Gender Equality Strategy 2018-2023" / "Stratégie du Conseil de l'Europe pour l'égalité entre les femmes et les hommes 2018-2023").<sup>1</sup> That is why, in the context of the European direction of development of Ukrainian society, the introduction of the principles of gender equality and non-discrimination in the system of public administration and civil service becomes of special significance in Ukraine.

The introduction of a gender-based approach to public administration is a means of achieving social justice and a human development mechanism. It is the public administration system that has the greatest potential to ensure gender equality in Ukrainian society.

In this regard, gender transformations become more and more of a priority and become an integral part of state policy, because the problems of equal opportunities and the realization of their rights by women and men in Ukraine today are relevant from the point of view of realization of human rights. Ukraine has signed a number of international instruments defining gender discrimination and committed to overcoming it. This step recognized the objective need for gender mainstreaming, integrating a gender perspective into all programs of Ukrainian society development on the principles of freedom, equality and tolerance and ensuring gender parity in public administration.

The introduction of a gender perspective in the activities of state government authorities and local self-government authorities implies a balanced participation in the processes of governance of social development,

which ensures not only the presence of an equal number of women and men, but also their conscious activity, which is based on ensuring the priority of human and civil rights and freedoms.

The gender approach in the activity of state government authorities is provided by solving the main tasks:

- improvement of the state mechanism for ensuring gender equality;
- ensuring equal access to the civil service and service in local self-government authorities;
- ensuring balanced participation of women and men in the adoption of decisions of public administration;
- the direction of professional activity of a civil servant, based on mutual respect for different views and positions and understanding of the differences and needs of each sex;
- formation of gender competences of civil servants and local self-government officials.

The Constitution of Ukraine proclaims equal rights for all citizens, including access to civil service for all citizens, as well as for service in local self-government authorities (Article 38):

Thus, according to Article 24 of the Constitution of Ukraine: "Citizens have equal constitutional rights and freedoms and are equal under the law.

There can be no privileges or restrictions based on race, skin color, political, religious or other beliefs, sex, ethnic or social origin, property status, place of residence, language or other features.

Equality of rights for women and men is ensured by: providing women as men with equal opportunities in social, political and cultural activities, in obtaining education and professional training, in work and remuneration for it; special measures on labor protection and health of women, establishment of pension privileges; creating conditions that enable women to combine work with motherhood; legal protection, material and moral support for motherhood and

<sup>1</sup> The Council of Europe Gender Equality Strategy [Electronic resource]. – Access mode: <https://rm.coe.int/prems-041318-gbr-gender-equality-strategy-2023-ukr-new/216808b35a4>

<sup>2</sup> Constitution of Ukraine [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80>

childhood, including the provision of paid vacations and other benefits for pregnant women and mothers"<sup>1</sup>.

The scientific and practical comments to the Constitution indicate that in this article particular attention is paid to the equality of rights of women and men, because women are more likely to be limited in their constitutional rights than men.

The principle of equal access to the civil service is guaranteed by Article 38 of the Constitution of Ukraine, due to: "Citizens have the right to participate in the management of state affairs, in all-Ukrainian and local referendums, to be freely elected to state authorities and local self-government authorities. Citizens have equal access to the civil service, as well as to the service in local self-government authorities"<sup>2</sup>.

This article of the Constitution of Ukraine implements the requirements of Article 21 of the Universal Declaration of Human Rights, adopted on December 10, 1948 by the General Assembly of the United Nations, which proclaims the right of everyone to participate in the management of their state, both directly and through legally chosen representatives, as well as the right on the equal access of everyone to the civil service in their country.

The principle of ensuring equal rights for all sex on the civil service is also recognized by the Law of Ukraine "On Ensuring Equal Rights and Opportunities for Women and Men", where in the article 16 "Ensuring equal rights and opportunities of women and men in the field of civil service and service in local self-government authorities" it is indicated that appointment to the civil service and service in local self-government authorities is carried out with the representation of candidates of both sex<sup>3</sup>.

Discrimination on the basis of sex in the process of admitting to civil service and service in local self-government authorities and during its passage is prohibited.

The leadingstuff of government authorities and local self-government authorities are obliged to ensure equal access of citizens to the civil service and service in local self-government authorities in accordance with qualifications and professional training, regardless of the sex of the applicant.

In addition, point 7 of the first part of Article 4 of the Law of Ukraine "On Civil Service", adopted on December 10, 2015, No 889-VIII stipulates that the civil

service is carried out in compliance with the principle of ensuring equal access to the civil service, that is, the right of every citizen of Ukraine to have equal opportunities to apply for the position of a civil servant in the government authorities and public administration<sup>4</sup>.

Civil service is one of the types of labor relations related to the foundation, change and termination of official relations, when a citizen is obliged to adhere to the public order of admission and passing civil service on a certain position, to perform specific work in accordance with the requirements of the Law and other normative and legal acts of a subordinate nature (provisions on passing the competition, qualifications, job descriptions, etc.).

However, in the scientific and practical comment to the Law of Ukraine "On Civil Service" it is noted that the legislator is not forbidden to introduce justified professional requirements, in particular, the availability of experience in the management on leading positions, to establish differences in the legal status of persons who are determined by the specifics of the level and the profile of education in the conditions and kind of activity of categories of citizens in positions requiring special knowledge and high competence<sup>5</sup>.

The establishment of such special requirements points to the existence of tasks, principles of the organization and functioning of the civil service, which is conditioned by the aim of maintaining its high level (including, due to updating and changing the composition of the management apparatus), the specific nature of the activities of persons exercising their powers and responsibilities in the field of civil service. Instead, the rights of citizens who are protected in the exercise of the right to access the civil service are:

- right of participation in the competition for filling of a vacant civil service position and to be recommended for appointment as a civil servant due to the result of the competition;
- right to have the civil servant status.

Such requirements are not considered to be restrictions on the equal access of citizens to the civil service, since they are introduced by regulatory acts of authorized government authorities and are justified, substantiated and correspond to constitutionally defined interests of the civil service.

In the Part 1 of Article 21 of the Law determined that entry into the civil service shall be carried out by appointment of a citizen of Ukraine to the position of civil

<sup>1</sup> Constitution of Ukraine [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/254%D0%BA%96-%D0%B2%D1%80>

<sup>2</sup> The same

<sup>3</sup> Universal Declaration of Human Rights [Electronic resource]. – Access mode: [http://zakon.rada.gov.ua/laws/show/995\\_015](http://zakon.rada.gov.ua/laws/show/995_015)

<sup>4</sup> On ensuring equal rights and opportunities for women and men: Law of Ukraine on 08 September, 2005 No 2866-IV [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/2866-15>

<sup>5</sup> On Civil Service: Law of Ukraine on 10 December, 2015 No 889-VIII [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/889-19>

<sup>6</sup> Scientific and practical comment to the Law of Ukraine «On Civil Service» / edition.: Vashchenko K., Koliushko I., Tymoshchuk V., Derets V. – K.: Individual entrepreneur Moskalenko O., 2017. – 796 p.

service on the basis of the results of the competition<sup>1</sup>.

Holding vacant civil service position according to the results of the competition implies the formation of the civil service in compliance with the principles of equality and transparency of the citizens' right to civil service, as well as competition for civil service on the basis of professional competencies and personal qualities, in particular, leadership, stress resistance.

The process of entering citizens into the civil service is a subspecies of labor relations. It should be noted that the legal relationship relating to entry into the civil service are within the jurisdiction of labor law, since the decisive reason for entering the civil service is the conclusion of an employment contract with a person and appointment to a position. These categories of legal relationships are foreseen and regulated by the field of labor law. Of course, the Code of Labor Laws of Ukraine could not cover the full scope of the jurisdiction of labor law, therefore regulation in the sphere of admission to the civil service is carried out by national legislation and acts of local self-government authorities.

Consequently, the first part of the abovementioned article of the Law doctrinally determines that entry into the civil service is carried out by appointing a citizen of Ukraine to the position of civil service on the basis of the results of the competition.

The law establishes other rules regarding equal rights and opportunities for women and men, in particular:

- possibility to have part-time day or part-time working week;
- the prohibition and restriction of employment in excess of the established duration of the working day, as well as on weekends and non-working days, at night for pregnant women, women with children under three years of age, from 3 to 14 years old or children with disabilities;
- restrictions on the transfer to another area for a pregnant woman or person who is the sole guardian for a child under the age of 14;
- restrictions on the delegation of pregnant women, civil servants with children under 14 years, independently educate children with disabilities.

In addition, it should be noted that norms of labor legislation extends to civil servants in the part of relations which are not regulated by the Law of Ukraine "On Civil Service". In particular, Ukraine's labor legislation also contains legal provisions that ensure the equality of labor rights of women and men on the civil service.

*Legislation that ensures equality of labor rights of*

*women and men on the civil service:*

#### 1. Labor Code of Ukraine<sup>3</sup>:

- regulates labor relations of all employees irrespective of race, nationality, language, property and social status, political views, language, religious beliefs;
- determines the procedure and conditions for granting annual leave, additional leave in connection with studies, creative vacations, social vacations, vacations without salary and other types of vacations;
- provides:
  - work that prohibits the employment of women's work;
  - limiting the work of women at night time;
  - prohibition of the involvement of pregnant women and women with children under the age of three, up to night, overtime work, work on weekends and sending them on a business trip;
  - limiting the attraction of women with children at the age from three to fourteen years old or children with disabilities to overtime work and delegating them on a business trip
  - the transition to easier work for pregnant women and women who have children under the age of three;
  - breaks for feeding the baby;
  - guarantees for hiring on the work and prohibiting the release of pregnant women and women with children;
  - providing for pregnant women and women who have children under the age of fourteen, passes to sanatoriums and recreations, and providing them with material assistance;
  - mother service at enterprises and organizations;
  - guarantees for persons who raise children without a mother.

#### 2. Law of Ukraine "On vacations" on November 15, 1996 No 504/96- BP<sup>4</sup>:

- establishes the state guarantees of the right to to have the vacations, determines the conditions, duration and procedure for providing workers for the restoration of work capacity, health promotion, as well as for the upbringing of children, meeting their own vital needs and interests, the full development of the person;
- determines the procedure and conditions for granting annual vacations, additional vacations in connection with study, creative vacations, social

<sup>1</sup> On Civil Service: Law of Ukraine on 10 December, 2015 No 889-VIII [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/889-19>

<sup>2</sup> The same.

<sup>3</sup> Labor Code of Ukraine [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/322-08>

<sup>4</sup> On vacations: Law of Ukraine on 15 November, 1996 No 504/96-BP [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/504/96-%D0%B2%D1%80>



vocations, vocations without salary and other types of vocations.

3. Law of Ukraine "On labor protection" On October 14, 1992 No 2694-XII<sup>1</sup>.

- defines the basic provisions on the implementation of the constitutional right of all workers to protect their life and health in the process of work, on appropriate, safe and healthy working conditions, regulates, with the participation of the relevant state authorities, the relationship between the employer and the worker on safety, hygiene of labor and the production environment and establishes a unified procedure for the organization of labor protection in Ukraine;

- defines the main provisions of the labor protection for women.

4. Law of Ukraine "On the Status and Social Protection of Citizens who suffered from the Chernobyl Catastrophe" on February 28, 1991 No 796-XII<sup>2</sup>.

- defines the main provisions for the implementation of the constitutional right of citizens who suffered from the Chernobyl catastrophe to protect their lives and health and establishes a unified procedure for determining categories of zones of radioactive contaminated territories, living conditions and working conditions for them, social protection of the injured population;

- determines the possibility of citizens, classified as category 1, to have additional vocation with salary preservation;

- provides provision for women suffering from the Chernobyl disaster, maternity vocation and long-term maternity.

In order to improve the system of public administration and, accordingly, increase the level of competitiveness of Ukraine by the Resolution of the Cabinet of Ministers of Ukraine dated on June 24, 2016, No 474-r, the Government approved the Strategy for Public Administration Reform of Ukraine on 2016-2020 (the Strategy) and the Action Plan for its Implementation aimed at address, in particular, on the gender imbalance in the area of civil service and human resources management.

The strategy is developed in accordance with the EU-Ukraine Association Agreement and is based on shared values, namely respect for democratic principles, the rule of law, and good governance (principles of public administration).

<sup>1</sup> On labor protection: Law of Ukraine on 14 October, 1992 No 2694-XII [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/2694-12>

<sup>2</sup> On the Status and Social Protection of Citizens who suffered from the Chernobyl Catastrophe: Law of Ukraine on 28 February, 1991 No 796-XII [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/796-12>

<sup>3</sup> Some issues of Public Administration of Ukraine: Resolution of the Cabinet of Ministers of Ukraine on 24 June, 2016 No 474-p [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/474-2016-%D1%80>

Modernization of the civil service and human resources management is one of the areas of reform defined by the Strategy. This area includes increasing professionalism and introducing new conditions for admission and passing the civil service in accordance with the best international standards with the observance of the principle of equal access to public service established by the Law on the basis of personal qualities and achievements.

The Strategy provides the need to adhere to the principle of gender equality, in particular when adopting and implementing political, strategic, organizational and operational decisions, as well as reducing the vulnerability and protecting the employees of the public administration authorities that are at risk.

In the part of reforming the system of remuneration of civil servants, it is planned to focus special attention on ensuring gender equality in accordance with provided mechanisms.

Given the number of women engaged in public administration area, the need to adhere to the principle of gender equality, in particular when adopting and implementing political, strategic, organizational and operational decisions, as well as reducing the vulnerability and protection of employees of the public administration authorities that are at risk is provided by the Strategy.

To fulfill the Task 1 of the Strategy Implementation Plan, the Support for Improvement in Governance and Management Programme (SIGMA) conducted an assessment of the state of affairs in the public administration system in 2018. According to the results obtained, SIGMA experts have prepared a report on baseline measurements, which contains short-term and medium-term recommendations to the Government of Ukraine on specific measures aimed at solving some of the most important challenges in the area of public administration reform<sup>4</sup>.

The report noted that in 2017 there was a difference between the average monthly salary of men and women in the public administration, defense and social security spheres (7%), but this difference was significantly lower than in the economy as a whole (27%)<sup>5</sup>. However, these data do not allow separating civil servants and other public sector employees, as well as other important variables, other than gender, which determine wage levels, are not taken into account, such as education and professional training level. In addition, the report states that according to the results of the

<sup>4</sup> Baseline Measurement Report: The Principles of Public Administration [Electronic resource]. – Access mode: [https://www.kmu.gov.ua/storage/app/media/17-presentation\\_2018/09.2018/11.09.2018Ukraine%20Baseline%20Measurement%20Report%202018\\_UA.pdf](https://www.kmu.gov.ua/storage/app/media/17-presentation_2018/09.2018/11.09.2018Ukraine%20Baseline%20Measurement%20Report%202018_UA.pdf)

<sup>5</sup> The same.

competitions announced in 2017, almost all vacancies in the central government authorities were filled by the end of the year. However, the proportion of women in the posts of the senior civil service is small and is 16 percent.

The need for equal participation of men and women on the basis of equality in all the institutions of political and state power, at all levels of decision-making was proposed by the Council of Europe as the main idea of the concept of parity democracy. Gender equality at the level of political decision-making increases democratic norms, such as equality of opportunities for men and women, their representation in government authorities, and consequently joint responsibility for the further development of society.

In addition, the respective task of maintaining gender parity at the highest levels of public administration is provided by the National Report "Sustainable Development Goals: Ukraine"<sup>1</sup> and the National Action Plan of Implementation Concluding Observations of the United Nations Committee on the Elimination of Discrimination against Women<sup>2</sup>. In pursuance of these tasks, the National Agency of Ukraine on Civil Service (hereinafter - NAUCS) keeps track of the proportion of women among the senior civil service posts (posts of the category "A").

According to the Law of Ukraine "On Civil Service" selection for posts of the category "A" is carried out by the on the Senior Civil Service Commission.

Position	2016		2017		2018	
	I half-year	II half-year	persons of them women	persons of them women	persons of them women	persons of them women
State Secretary of the Cabinet of Ministers of Ukraine and his deputies, State Secretaries of Ministries	The provision of the mentioned information is not possible as the Law of Ukraine "On Civil Service" came into force on 01 May 2016. The Senior Civil Service Commission was created by the Resolution of the Cabinet of Ministers of Ukraine as of 13 July 2016 No 490	13	1	9	1	1
Head of the central executive authority (and his first Deputy, Deputy)		14	3	19	4	9
Head of the Apparatus / Secretariat		0	0	3	0	2
Heads of Local State Administrations*		9	4	70	18	-
Total		36	8	101	23	16

\* According to the Law of Ukraine "On Amendments to Some Laws of Ukraine Concerning Certain Issues of Passing of Civil Service" as of 09 November 2017 No 2190-VIII, positions of heads of local state administrations do not belong to the civil service positions of the category "A" (senior civil service) as well as positions of deputies of heads of local state administrations do not belong to the civil service positions of the category "B" from 11 November 2017.

During 2017, 101 persons were appointed to these positions, including 23 women among them, which is 27.8 percent.

As of 01 November 2018, 19 competitions for the civil service positions of the category "A" were announced and held with 16 winners identified (6 women and 10 men). 10 persons (4 women and 6 men) were identified as the second candidate by the outcome of the competition.

According to the results of the competitions, 12 winners were nominated for the civil service positions of the category "A", including 3 women among them.

In addition, 166 people submitted documents for participation in the competition – 130 men and 36 women. 140 people admitted to the competition – 110 men and 30 women.

The launched in Ukraine civil service reform envisages building a professional, uncorrupted, prestigious, oriented to the citizens' needs civil service as well as increasing citizens' confidence in the government and government institutions, which is the mainstay of the success of all reforms. This necessitates the need for

<sup>1</sup> Baseline Measurement Report: The Principles of Public Administration [Electronic resource]. – Access mode: [https://www.kmu.gov.ua/storage/app/media/17-presentation\\_2018/09.2018/11.09.2018Ukraine%20Baseline%20Measurement%20Report%202018\\_UA.pdf](https://www.kmu.gov.ua/storage/app/media/17-presentation_2018/09.2018/11.09.2018Ukraine%20Baseline%20Measurement%20Report%202018_UA.pdf).

<sup>2</sup> Kresina I.O. Gender Analysis of the Political Process in Ukraine / I.O. Kresina, O.B. Iarosh // Gender Parities in the Context of Society Transforming: [monograph] / under the general editorship of N.M. Onyshchenko, N.M. Parkhomenko. – K.: Publishing House "Legal Opinion", 2007. – p. 178–218.

<sup>3</sup> Sustainable Development Goals: Ukraine: National Report 2017 [Electronic resource]. – Access mode: [http://www.un.org.ua/images/SDGs\\_NationalReportUA\\_Web\\_1.pdf](http://www.un.org.ua/images/SDGs_NationalReportUA_Web_1.pdf).

<sup>4</sup> On Approval of the National Action Plan of Implementation Concluding Observations of the United Nations Committee on the Elimination of Discrimination against Women to the Eighth Periodic Report of Ukraine on the Implementation of the Convention on the Elimination of All Forms of Discrimination against Women until 2021: Regulation of the Cabinet of Ministers of Ukraine as of 05 September 2018 No 634-r [Electronic resource]. – Access mode: <https://www.kmu.gov.ua/ua/npas/pro-go-planu-dij-z-vikonannya-rekomo-zhinok-do-vosmoyi-periodichnoyi-dopovidi-ukrayini-pro-vikonannya-konvenciyi-pro-likvidaciyu-vsih-form-diskriminaciyi-shchodo-zhinok-na-period-do-2021-roku>

<sup>5</sup> On Approval of the Provision on the Senior Civil Service Commission: Order of the Cabinet of Ministers of Ukraine as of 25 March 2016 No 243 [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/243-2016-%D0%BF>.

each civil servant to have the appropriate professional competence that includes the ability of a person to apply special knowledge, skills and abilities within the limits of a post-designated authority as well as to identify the relevant moral and business qualities for the proper performance of the prescribed tasks and responsibilities, training, professional and personal development.

It should be noted that observance for the impartial attitude to a person irrespective of gender is now perceived as an integral part of democratic transformations and the sustainable development of any society. In this regard, the civil servants' possession of gender competencies is a topical issue.

Gender competence is understood as the ability to recognize the situation of gender inequality in the life around them; confront sexist, discriminatory actions and influences; not to create a situation of gender inequality.

At the same time, the gender competence of a civil servant is a holistic system of knowledge, abilities, skills, personal qualities of a civil servant in accordance with the modern requirements of the state gender policy that will ensure the introduction of gender equality in the Ukrainian society within the limits of the tasks and responsibilities established by the civil service position.

In this regard, gender competence is one of the effective mechanisms for achieving gender equality of the society, the key to creating the preconditions for the self-realization of each individual, regardless of his / her gender.

Three components can be attributed to the structure of gender competence of civil servants: cognitive component, operating component and personal component.

#### *Structure of gender competence*

##### *Cognitive component:*

- awareness of the gender problematic and the state of its solution in Ukraine;
- knowledge of the content and mechanisms for the development and implementation of state gender policy in Ukraine;
- knowledge of the specifics of the activities of civil servants in ensuring gender equality in the public administration area.

##### *Operating component:*

- mastering methods and techniques of professional activity on the gender equality basis;
- abilities to solve conflict situations in the team on the manifestations of gender stereotypes;
- skills and abilities to implement measures

aimed at forming a gender culture of the population.

##### *Personal component:*

- awareness of personal gender characteristics, acceptance of personality and gender;
- tolerant attitude towards representatives of another gender;
- self-diagnosis and self-correction of negative manifestations of gender stereotypes.

The Law of Ukraine "On Civil Service" and other legal acts put forward requirements for civil servants who are inextricably linked with gender competences, in particular tolerance, priority of human rights and citizen, orientation on protecting the citizens' interests, integrity, prohibition of all forms and manifestations of discrimination, etc.

One of the duties of a civil servant, which is enshrined in the Law (the Article 8), is the duty to respect the dignity of a person as well as to prevent the violation of human and civil rights and freedoms. Also, Paragraph 2 of the Article 61 stipulates that the head of civil service shall build high professional traits, conscious attitude towards the performance of professional duties, respect to the rights and freedoms of a human and a citizen, their honour and dignity, as well as to the state and state symbols of Ukraine in the subordinate civil servants<sup>1</sup>.

In addition, Article 8 of the Law provides that the civil servant is obliged to adhere to the principles of civil service and rules of ethical conduct. This is also provided for in part two of the Article 44, part one of the Article 47 as well as part two of the Article 63, Articles 64 and 65 of the Law<sup>2</sup>. At the same time, the violation of the rules of ethical conduct is defined as a disciplinary offense for which a civil servant may be subject to disciplinary action.

The General Rules of Ethical Conduct of Civil Servants and Local Self-Government Officials (hereinafter – General Rules) were approved by the Order of the National Agency of Ukraine on Civil Service as of 05 August 2016 No 158, registered in the Ministry of Justice of Ukraine on 13 August 2016 under No 1203/29333. These General Rules is a generalization of standards of ethical behavior of employees, which they are obliged to guide during the performance of their official duties<sup>3</sup>.

According to the General Rules, civil servants

<sup>1</sup> On Civil Service: Law of Ukraine as of 10 December 2015 No 889-VIII [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/889-19>

<sup>2</sup> The same.

<sup>3</sup> The same.

<sup>4</sup> On Approval of the General Rules of Ethical Conduct of Civil Servants and Local Self-Government Officials: Order of the National Agency of Ukraine on Civil Service as of 05 August 2016 No 158 [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/z1203-16>

and local self-government officials are obligated to perform their duties honestly and impartially, regardless of personal ideological, religious or other views, not to give any advantages or to show any favor to particular individuals or legal entities, civic and religious organizations.

Compliance with the General Rules is the management of the principles of the civil service ethics in the official activities, based on the provisions of the Constitution of Ukraine, legislation on civil service and corruption prevention.

As stated in the General Rules, the constitutional essence of the civil service is to serve the people of Ukraine and the appropriate direction of action of employees in defense of public interests as well as ensuring the priority of the common good of citizens over personal, private or corporate interests.

Effective realization of the state gender policy requires targeted systemic professionalization of civil servants and local self-government officials.

The advanced training of civil servants and local government officials on gender issues is one of the strategic directions of implementation of the Concept for Reforming the System of Professional Training of Civil Servants, Heads of Local State Administrations, Their First Deputies and Deputies, Local Self-Government Officials and Local Council Deputies<sup>1</sup> and the State Social Programme for Equal Rights and Opportunities for Women and Men for the period up to 2021<sup>2</sup>.

The development of programmes of special short-term training courses, seminars, trainings, modules for professional training programmes for civil servants, heads of local state administrations, their first deputies and deputies, local self-government officials and local councils deputies on gender policy is provided in accordance with them.

In pursuance of the above-mentioned tasks, the National Agency of Ukraine on Civil Service, within the limits of its authority, recommended the National Academy for Public Administration under the President of Ukraine, Centers for Retraining and Advanced Training for Representatives of Government Authorities, Local Self-Government Authorities, State Enterprises, Institutions and Organizations, the All-Ukrainian Center of Advanced Training of Civil Servants and Local Self-Government Officials to develop modules / topics according to

the UN Convention on the Elimination of All Forms of Discrimination against Women and taking into account current international documents and recommendations of international monitoring authorities and their inclusion in professional, short-term training programmes for civil servants and local self-government officials with the subsequent organization of appropriate trainings.

Taking into account the recommendations of the National Agency of Ukraine on Civil Service, the National Academy for Public Administration under the President of Ukraine and its regional institutes, regional Centers for Retraining and Advanced Training for Representatives of Government Authorities, Local Self-Government Authorities, State Enterprises, Institutions and Organizations included gender policy issues in the various components of professional training programmes for civil servants and local self-government officials.

At the same time, professional training on the basis of gender equality for 3748 civil servants and local self-government officials was organized in 2017.

During three quarters of 2018, 907 civil servants of central executive authorities and 2 295 civil servants of local executive authorities, local self-government officials were trained on gender issues.

The following topics on anti-discrimination were included in the professional programmes, programmes of short-term and permanent seminars for civil servants and local self-government officials:

- "Fundamentals of State Policy in the Area of Prevention and Counteraction of Discrimination";
- "Countering Discrimination and Overcoming Gender Stereotypes";
- "Principles of Prevention and Counteraction of Discrimination in Ukraine";
- "Countering Discrimination and Overcoming Gender Stereotypes";
- "Concept and Problems of Gender Policy";
- "Modern Approaches to Providing Gender-Sensitive Social Services";
- "Implementation of Gender Approaches in the Work of Public Authorities: Ensuring Equal Rights and Opportunities for Women and Men";
- "Interpretation of the Law of Ukraine on Principles of Prevention and Counteraction of Discrimination in Ukraine" etc.

<sup>1</sup> On Approval of the Concept for Reforming the System of Professional Training of Civil Servants, Heads of Local State Administrations, Their First Deputies and Deputies, Local Self-Government Officials and Local Council Deputies: Regulation of the Cabinet of Ministers of Ukraine as of 01 December 2017 No 974-r [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/974-2017-%D1%80>.

<sup>2</sup> On Approval of the State Social Programme for Equal Rights and Opportunities for Women and Men for the period up to 2021: Order of the Cabinet of Ministers of Ukraine as of 11 April 2018 No 273 [Electronic resource]. – Access mode: <http://zakon.rada.gov.ua/laws/show/273-2018-%D0%BF>.

# CHAPTER 7

**DECENTRALIZATION AND LOCAL SELF-GOVERNMENT  
REFORM AS THE POTENTIAL FOR GENDER  
EQUALITY AND MAINSTREAMING**



## DECENTRALIZATION AND LOCAL SELF-GOVERNMENT REFORM AS THE POTENTIAL FOR GENDER EQUALITY AND MAINSTREAMING

Equal participation of women and men in all spheres of society's life is not only a requirement of the principles of democracy and social justice, but also a prerequisite for sustainable economic development<sup>1</sup>.

The Council of Europe Gender Equality Specialists has identified a gender perspective as *"(re)organizing, improving, developing and evaluating political processes so that gender equality and perspective are taken into account in all policy areas, at all levels and stages, with the involvement of all parties in the process of policy development"*<sup>2</sup>. Recommendation 148 (2004) of the Congress on gender mainstreaming at the local and regional levels<sup>3</sup> emphasizes the importance of gender equality mechanisms as a recognized support system aimed at helping those involved in policy and service delivery understand and implement the concept of gender equality, as well as the way in which gender—which should track progress and encourage the accountability of those involved in the work.

Together with Recommendation 148 (2004), Congress Resolution 176 (2004)<sup>4</sup> calls local and regional authorities to support gender equality in a gender perspective and apply in practice appropriate instruments and mechanisms, in particular gender-disaggregated statistics.

*Resolution 391 (2015) of the Congress on Combating Increasing Poverty among Women: The responsibility of local and regional authorities*<sup>5</sup> prompts member states to

take into account the gender dimension of poverty and to take into account the increasing poverty rate among women in the fight against poverty.

Consequently, overcoming gender inequalities is an important task for all levels of government. Local authorities, as the community's closest level of government, are best suited to involve women and men in the governance process<sup>6</sup>. Taking into account the interests, potential and needs of each gender is crucial for decision-making, fair distribution of resources, privileges and responsibilities between women and men, as well as equal access to services and the benefits of local economic development.

### 7.1 Mechanism for ensuring equal rights and opportunities for women and men at the regional level

As stated in the National Review of Ukraine's implementation of the Beijing Declaration, issued in 2014 and the Platform for Action of 1995, the process of establishing a national mechanism for the provision of equal rights and opportunities for women and men began immediately after the Beijing Conference<sup>7</sup>. It consists of a legislative authority, central and regional executive authorities, oblast state administrations, local authorities, the Gender Advisory Board / Human Rights Commissioner and the Verkhovna Rada of Ukraine, as well as mechanisms at the regional (oblast) level (for more details look section 1).

As of August 2018 *an authorized person (coordinator) was appointed in 17 regions of Ukraine to ensure equal rights and opportunities for women and*

<sup>1</sup> Increasing the participation of women in local self-government among the priorities of the Association of Ukrainian Cities // Local Self-Government and Regional Development in Ukraine. - 2014 - №1 (5) January-March [Electronic resource]. - Access mode: <http://www.mled.org.ua/ukr/information/latest-news/999-article-gender-auc-april-2014>. <http://www.mled.org.ua/ukr/information/latest-news/999-article-gender-auc-april-2014>.

<sup>2</sup> Council of Europe «Gender Approach: Concept, Methodology and Presentation of Best Practices». - Strasbourg, 2014. - P. 41. [Electronic resource]. - Access mode: <https://rm.coe.int/1680596135>.

<sup>3</sup> Recommendation of the Congress of Local and Regional Authorities of the Council of Europe of May 27, 2004 No. 148 (2004) on gender mainstreaming at the local and regional levels: a strategy to promote gender equality in cities and regions [Electronic resource]. - Access mode: <https://rm.coe.int/168071a54f>.

<sup>4</sup> Resolution of the Congress of Local and Regional Authorities of the Council of Europe dated May 27, 2004 No. 176 (2004) on gender mainstreaming at local and regional levels: A strategy for promoting gender equality in cities and regions [Electronic resource]. - Access mode: <https://rm.coe.int/16807191f2>.

<sup>5</sup> Resolution Council of Europe Congress No. 391 (2015) of 21 October 2015 on Combating Increasing Poverty among Women: Responsibility of Local and Regional Authorities [Electronic Resource]. - Access mode: <https://rm.coe.int/16807199f1>.

<sup>6</sup> Paragraphs five to six of the Preamble to the European Charter of Local Self-Government, signed in Strasbourg on October 15, 1985 (the Charter was ratified by the Law of Ukraine No. 452/97-VR of July 15, 1997) [Electronic resource]. - Mode of access: [http://zakon.rada.gov.ua/laws/show/994\\_036](http://zakon.rada.gov.ua/laws/show/994_036).

<sup>7</sup> Ukraine. National review of the implementation of the Beijing Declaration and Platform for Action (1995) and the final documents of the twenty-third special session of the UN General Assembly (2000) in the context of the twentieth anniversary of the Fourth World Conference on Women and the adoption of the Beijing Declaration and Platform for Action in 2015 (April 2014) [Electronic resource]. - Mode of access: [Electronic resource]. - Mode of access: <http://www.mil.gov.ua/content/gender/Pekinska%20deklaracia.pdf>, <http://grbproject.org/wp-content/uploads/2017/05/exploration-Pekinskoy-delections1.docx>

*men.* There are 4 women and 13 men. 15 persons meet the requirements of part three of Article 12 of the Law of Ukraine "On Ensuring Equal Rights and Opportunities for Women and Men", 2 persons – does not meet. Authorized persons in Volyn, Dnipropetrovsk, Donetsk, Zaporizhia, Kirovograd, Lviv, Mykolaiv and Odesa oblasts were not identified<sup>1</sup>.

*A responsible structural unit is identified in 25 regions.* The task of ensuring equal rights and opportunities for women and men is carried out by departments of social protection of the population (social policy) in 19 oblasts, departments (directorates) for family, youth and sport - in 5 oblasts, and the service for children and family - in 1 oblast.

At the same time, *consultative and advisory authorities on gender issues were formed in 24 regions:* 24 coordination councils (19 coordination (interdepartmental, oblast) councils on family issues, gender equality, demographic development, prevention of domestic violence and counteraction trafficking, 20 councils contain the word "gender" in the title). 2 councils were established in Vinnytsia.

Coordination councils are one of the main mechanisms for ensuring gender equality and coordinating relevant activities at the oblast level. The primary function of the councils is to coordinate efforts to counter gender-based violence and trafficking. In the oblasts where they work, the council performs this function in cooperation with the oblast council and administration, providing expert opinions on gender aspects of draft laws, oblast normative legal acts and programmes, as well as carrying out gender analysis of decisions, strategies and other documents in the oblast level. Coordination councils consist of representatives of these civil society organizations, the oblast state administration (usually officials from responsible structural units), experts and scholars. Some coordination councils also include representatives of political parties. Meetings are held from two to four times a year. In a number of oblasts, coordination councils are very active, but their conclusions and recommendations are not always effectively implemented due to lack of understanding of gender issues from other representatives of oblast state administration and underestimating the importance of gender mainstreaming in all oblasts strategies and programmes.

*Also advisers to the heads of oblast state administrations on gender issues were appointed in 9 regions* (Volyn, Dnipropetrovsk, Zaporizhia, Luhansk, Mykolaiv, Odesa, Poltava, Kharkiv and Chernihiv oblasts) were appointed. All 9 advisers are women, freelance employees.

The Kharkiv Oblast State Administration, where the Coordination Council, in cooperation with the Oblast Gender Advisor, initiated gender mainstreaming in numerous spheres of life, for example, in urban planning *is an example of good practice of effective coordination council and advisor.* The Coordinating Council and Gender Advisor collaborate with the Gender Center of the Kharkiv University on conducting gender analysis in various fields of activity.

22 regions cooperate with international and public organizations to improve and ensure the proper implementation of gender policy at the regional level (Kyiv, Poltava and Kherson oblasts did not provide information).

In addition *resource centers on gender issues and gender education centers* were established.

*Gender education centers* analyze the state of affairs with ensuring gender equality in the oblast; organize and conduct sociological research on gender equality; develop methodological and teaching materials for secondary and higher educational establishments and establish media relations for raising public awareness on gender issues. At the moment, 38 gender education centers have united in *the All-Ukrainian network of gender education centers*<sup>2</sup>, founded in 2012 on the initiative of the Kharkiv Oblast Resource Center. The network centers operate at the universities of the Dnipro, Donetsk, Zhytomyr, Zaporizhia, Kyiv, Kryvyi Rih, Lutsk, Mariupol, Nizhyn, Sumy, Ternopil, Kharkiv, Cherkasy and Uzhgorod.

Resource centers on gender issues act as civil society organizations. In the cities where they operate, such centers provide information and advice to civil authorities and the public. They implement projects aimed at achieving gender equality in their oblasts. In a number of oblasts, for example, Ternopil and Rivne, the effectiveness of the centers increases due to synergy with the established networks and associations of women's leadership.

For example, *"The Association of Ukrainian Women" (Ternopil oblast), "The Political Club and the Coalition for Women's Leadership" (Rivne Oblast)* are important partners in promoting gender equality in these oblasts. Their experts are involved in the preparation of legal acts and policies on gender equality. *The Ukrainian Network of Gender Centers in the Ternopil Oblast and the Inter-faction parliamentary group on gender issues in the Kharkiv City Council* also support the integration of the gender dimension and strengthen cooperation between the women's activities and the authorities.

At the same time, according to the Law of Ukraine "On Ensuring Equal Rights and Opportunities for Women

<sup>1</sup> Ibid. Infographics of Dunebabina O.A. "Institutional mechanism for implementing gender policy at the regional level".

<sup>2</sup> All-Ukrainian network of centers of gender education [Electronic resource]. - Access mode: <http://gendercenter.sumdu.edu.ua/index.php>.

and Men” and in order to ensure the implementation of the State Programme for the Guarantee of Equal Rights and Opportunities for Women and Men for the period up to 2016 approved by the Resolution of the Cabinet of Ministers of Ukraine dated September 26, 2013 No 717, and then the State Social Programme providing equal rights and opportunities for women and men for the period up to 2021, approved by the Resolution of the Cabinet of Ministers of Ukraine dated April 11, 2018, No 273, *the Oblast State Administration and Kyiv City State Administration develops and approves local programmes on ensuring equal rights and opportunities for women and men*, while drafting local budgets for the relevant year, funds are required to carry out the tasks and activities of the State Social Programme.

The results of the analysis showed that *as of August 2018, regional programmes were adopted in 24 regions of Ukraine. 11 of them meet the requirements by title. The funding of the programmes is from 2,8 thousand UAH up to 710 thousand UAH*<sup>1</sup>.

At the same time, most regional and local programmes on equal rights and opportunities for women and men are formal and often copy the State Programme, which, in turn, does not take into account local characteristics<sup>2</sup>. *Many regional programmes are comprehensive and provide for the implementation of tasks in various areas of state policy family, gender, demographic, youth, health and children recreation, combating human trafficking, etc.). The issue of gender policy in these programmes has a small share. The measures are declarative and are not aimed at achieving a concrete result*<sup>3</sup>.

In addition, *only 4 united territorial communities have developed separate gender equality programmes*:

- Pokrovsk united territorial community of Dnipropetrovsk oblast – programme of equal rights and opportunities; programme of support and development of physical culture and sports; and a programme for the implementation of youth policy;

- Buzke united territorial community of the Mykolaiv oblast – a social comprehensive programme for supporting families and children, providing equal rights and opportunities for women and men of the Buzke Village Council for the period up to 2020;
- Muzukiv united territorial community of Kherson oblast – a programme for supporting the family, ensuring gender equality and counteracting human trafficking in Muzukiv united territorial community for 2018 – 2021;
- Bobrunets united territorial community of the Kirovograd oblast – a gender budgeting group was established, gender indicators integrated into the strategy, a gender sensitive strategy was established, a gender component was included in the planning, an education (extracurricular education) was chosen for the analysis of the sphere of education, and an additional questionnaire was carried out for the children-recipients of services satisfaction with community circles and sections<sup>4</sup>.

## 7.2 Practical instruments and experience of implementing local gender initiatives in Ukraine<sup>5</sup>

*The European Charter for Equality between Women and Men at the local level*<sup>6</sup>, developed in 2006 by the Council of European Municipalities and Regions (CEMR), is a very useful instrument for local self-government authorities to implement gender policy.

Signed by city mayors, this Charter provides clear recommendations to local self-government authorities

<sup>1</sup> Infographics of Dunebabina O.A. "The institutional mechanism for implementing gender policy at the regional level" / "Do not like gender"? Just do not know how to cook it!" - A recipe from Katerina Levchenko / Electronic Newspaper "Up". - October 11, 2018 [Electronic resource]. - Access mode: <http://vgoru.org/index.php/prava-lyudini/item/35090-ne-liubye-gender-prosto-ne-vmiete-i-oho-hotuvaty-retsept-vid-kateryny-levchenko>.

<sup>2</sup> Report on Ukraine's implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women: Eighth Periodic Report (submitted in accordance with Article 18 of the UN Convention on the Elimination of All Forms of Discrimination against Women) // Ministry of Social Policy of Ukraine, UN Population Fund. - K., 2014. - 84 p. See paragraph 31 of paragraph 1.3 of section 1 on page. 9 [Electronic resource]. - Access mode: <https://ukraine.unfpa.org/sites/default/files/pub-pdf/CEAW%20report%20Ukr.pdf>.

<sup>3</sup> Alternative report on the state of implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women / Commissioner of the Verkhovna Rada of Ukraine for Human Rights, 2016. - 29 p. See Article 2 on page. 5 [Electronic resource]. - Access mode: [http://www.ombudsman.gov.ua/files/Dopovid/Dopovid\\_Alternative\\_CEDAW\\_2017.pdf](http://www.ombudsman.gov.ua/files/Dopovid/Dopovid_Alternative_CEDAW_2017.pdf).

<sup>4</sup> Katerina Levchenko. Ensuring implementation of gender policy at the local level / Open Government Day and Economic Development of Ukrainian Cities within the framework of the XIV Ukrainian Municipal Forum, Kyiv, June 19, 2018 // Web-site of the Association of Ukrainian Cities [Electronic resource]. - Access mode: <https://www.auc.org.ua/novyna/den-vidkrytoho-vryaduvannya-ta-ekonomichnogo-rozvytku-ukrayinskykh-mist-ramkah-hiv>, [https://www.auc.org.ua/sites/default/files/3\\_kateryna\\_levchenko.pdf](https://www.auc.org.ua/sites/default/files/3_kateryna_levchenko.pdf).

<sup>5</sup> In this section, the materials of the study «Experience of Implementation of Local Gender Initiatives 2017-2018» were used. - Federation of Canadian Municipalities / International Technical Assistance Project «Partnership for Urban Development», 2018. - 20 p. [Electronic resource]. - Access mode: <http://pledgd.org.ua/wp-content/uploads/2018/02/Miscevi-gengern-init-2017-2018-web.pdf>.

<sup>6</sup> European Charter for Equality of Women and Men in the Life of Local Communities, signed in Innsbruck in May 2006. - Council of European Municipalities and Regions [Electronic Resource]. - Access mode: [http://www.ccre.org/docs/charte\\_egalite\\_en.pdf](http://www.ccre.org/docs/charte_egalite_en.pdf), [http://auc.org.ua/sites/default/files/library/hartiya\\_angl.pdf](http://auc.org.ua/sites/default/files/library/hartiya_angl.pdf) (ahrn.), [http://auc.org.ua/sites/default/files/library/hartiya\\_ukr.pdf](http://auc.org.ua/sites/default/files/library/hartiya_ukr.pdf) (ykp.).

regarding measures within their competences to be implemented to ensure equality between men and women (as well as national minorities, incapacitated persons, internally displaced persons, etc.). In addition to promoting gender equality and equal opportunities (campaign, public space and caution), the document also focuses on the importance of gender analysis of local decisions / policies, consultation with men and women on various issues, and the development of gender sensitive social services. According to this document, local self-government authorities are required to develop a plan for implementing gender equality policies and are encouraged to develop and exchange best practices between cities and regions.

*In Ukraine, this activity only begins as of November 9, 2018, the relevant decision was approved by 33 (34) local councils, and is under consideration – in 17 (16) local councils.*

The Association of Ukrainian Cities on its official website invites the community members to join the signing of the European Charter. English and Ukrainian versions of the European Charter and an example of the decision of the local council on joining it also are available on the website.

*In 2017, Vinnytsia became the first of all Ukrainian cities joining the European Charter.* Joining the European Charter, the Vinnytsia City Council voluntarily undertook to ensure compliance with its provisions within its powers<sup>1</sup>.

On June 23, 2017, at a session of the Vinnytsia City Council, Decision No 1153 "On Accession to the European Charter for Equality of Women and Men in the Life of Local Communities" was adopted. 45 local deputies voted for it.

Further activities were aimed at developing the Concept of the "City for Equity" programme for the period up to 2023" and the Action Plan for the implementation of the programme<sup>2</sup>.

The analysis of statistical data for 2015-2016 on the situation of women and men in Vinnitsa was conducted. The Concept of the programme was developed, based on the results of this analysis. Twelve departments joined the development of the Programme Concept, including the Department of Social Policy and the Department of Finance. The working group consisted of 12 people.

Information on the development of the Concept

of the Programme and the draft Action Plan has been disseminated through the media, the Internet and social networks:

- 3 TV programmes, broadcast on regional radio and national "Public Radio", interviews with the press, articles distributed on the Internet;
- a wide discussion with deputies and the public of other regions of Ukraine was conducted on priorities and activities in the identified spheres of the draft Action Plan, and the discussion recommendations were submitted to the working group for its inclusion in the Action Plan.

On January 26, 2018, a session of the city council adopted a decision "On approval of the Concept of the "City for equality" programme for the period up to 2023".

One of the priorities of the Programme Concept is the improvement of the system for the preparation and collection of statistical information, by expanding the list of indicators distributed by gender, openness of information and improving the process of its use. Increasing the level of competence of local self-government authorities' representatives on gender equality issues is identified as one of the priorities of the Programme Concept and Action Plan<sup>3</sup>.

Among other good examples of implementing gender policy and the local level and the effective interaction between local self-government authorities and civic organizations, the initiative "Women's entrepreneurship - an alternative to the development of monoprophytic cities", which was designed to increase the participation of women in entrepreneurship, is aimed at helping women find ways of implementing their business ideas.

Pershotravensk is one of the youngest cities in Dnipropetrovsk oblast. It is a monoprophytic city, where the coal industry is the main economic sector. The urgent tasks for the city are the establishment of alternative types of economic activity, as well as increasing the role of small and medium enterprises.

The subject of the project for the Pershotravensk city is relevant and important given the high level of female unemployment in the city, which negatively affects the welfare and socio-economic development of the community.

The project will give participants the opportunity to learn to own financial instruments, develop their business vision, familiarize themselves with the legislative framework in various spheres of activity and

<sup>1</sup> Vinnytsia is the first city in Ukraine to sign the European Charter for Equality between Men and Women // The website of the International Technical Assistance Project "Partnership for Urban Development". - January 5, 2018 [Electronic resource]. - Mode of access: <http://pledg.org.ua/ua/2018/vinnicya-pershe-misto-v-ukraini-yake-pi/>.

<sup>2</sup> The Vinnytsia City Council was the first to sign the "European Charter for Equality of Women and Men in the Life of Local Communities" // Web resource "Gender in Detail". - January 25, 2018 [Electronic resource]. - Access mode: <https://genderindetail.org.ua/news/vinnitska-miska-rada-pershoyu-pidpisala-evropeysku-hartiyu-rivnosti-zhinok-i-cholovikiv-u-zhitti-mistsevih-gromad-134346.html>.

<sup>3</sup> Accession of Vinnytsya to the European Charter of Equality of Women and Men in the Life of Local Communities // Web-site of the Institute of Local Democracy "Open Society" [Electronic resource]. - Access mode: [https://docs.wixstatic.com/ugd/ee4e14\\_8d0c5c918d8f482db20bef3554702261.pdf](https://docs.wixstatic.com/ugd/ee4e14_8d0c5c918d8f482db20bef3554702261.pdf).



increase their financial independence. The initiative will also help women realize their entrepreneurial potential and open their own business, step up mutual assistance initiatives and networking between entrepreneurs and local self-government authorities.

Performers of the initiative were Dnipropetrovsk Institute of Municipal Management, Dnipropetrovsk Regional Branch of the Association of Ukrainian Cities and Pershotraven Municipal Council.

As part of the gender initiative implementation and in order to acquire theoretical and practical knowledge of women in the sphere of project activity, the methodical materials were developed by experts from the public organization "Dnipropetrovsk Municipal Management Institute".

At the first stage, the first round table was held, where a group of participants was formed on application forms. In the selection process, an important factor was the motivation of applicants and personal readiness for study.

At the second stage, the "Dnipropetrovsk Municipal Management Institute" experts conducted 8 trainings "Start and develop your business" in the videoconference mode (duration of each training - 4 hours).

At the third stage of the implementation of the initiative, a second round table was held where business ideas and business projects of the participants were presented.

Results and achievements:

- Amendments to the Programme of Entrepreneurship Promotion in Pershotravensk for 2017-2020 on promoting and supporting women's entrepreneurship, introducing the practice of conducting training seminars on the issues of introduction and doing business by women, increasing the participation of women entrepreneurs in the development and formulation of local economic policies;
- Pershotravensk city employment center is involved in cooperation;
- strengthen the leadership and personal potential of gender initiative participants;
- 20 women in Pershotravensk have raised the level of knowledge on business start-ups and business planning;
- attracted the attention of local authorities to the significance of women's entrepreneurship for local economic development, in particular, for expanding opportunities for women's entrepreneurial activity, strengthening their economic independence and improving the quality of life;

- a dialogue was established between the authorities, women's community organizations and business structures to establish conditions for the development of women's entrepreneurship and mechanisms for supporting women's participation in entrepreneurship.

It is also worth mentioning the project "Gender Map of Sieverodonetsk", aimed at promoting gender balance in the organization of the work of the Sieverodonetsk City Council and its structural divisions by establishing a gender map of Sieverodonetsk.

The absence of a gender map in Sieverodonetsk did not allow to analyze the state of the gender balance in the organization of work of local self-government authorities and the process of providing services, development and implementation of socio-economic development programmes.

Sieverodonetsk City Council and Public Association "Women of Luganshchyna" were the initiators of the initiative.

Combining the efforts of representatives of local self-government authorities, statistics administration, government agencies, academics and public organizations representatives, as well as involvement of gender analysis experts, led to the study of gender issues in the city.

As part of the implementation of the gender initiative:

- a working group of 5 experts was created and a study on the use of gender approaches in decision making in Sieverodonetsk was conducted;
- The electronic version of the gender map and the model of the gender map in A4 format were developed and 1000 copies of the gender map were issued, information about the developed gender map was distributed among the target audience (placement in the media, on the websites, in public libraries);
- an information campaign "The Role of Men in Achieving Gender Equality" was held;
- a gender analysis of the current budget programmes of the Sieverodonetsk City Council was carried out and a report "Do different groups of the population have equal access to receiving services at the expense of the city budget?" was prepared".

Results and achievements:

- gender problems were revealed in Sieverodonetsk and gender indicators in different spheres of city life were



- differentiated;
- the awareness of the citizens about gender issues and ways of its solution was deepened;
- for the first time a gender map of the city was established and information about it was spread;
- gender analysis of budgetary programmes was carried out and for local self-government authorities and its structural divisions were given recommendations on ensuring equal opportunities for participation of men and women in decision-making, as well as equal access of various groups of population to resources and services;
- the awareness of officials of local self-government authorities of the city about the application of the results of gender studies and gender statistics in the preparation of budget programmes is deepened.

At the same time the initiative “Gender Analysis in Ivano-Frankivsk”, was aimed at ensuring gender equity in urban planning and decision-making in Ivano-Frankivsk.

Visions of women and men about the most comfortable city to live in often differ, so urban planning and development of urban development strategies must be gender-sensitive. However, given that traditional urban development is absorbed by the construction environment, planning is mostly “gender-blind”. Although gender issues have a great importance in urban planning, as they cover a wide range of issues (in particular, about employment, housing, open space, transport and the environment, etc.). Unfortunately, urban planning is a more male-centric process, and, accordingly, the priority given to the provision of urban services is meeting the needs of the active population of male gender. One of the consequences of such a policy is the construction of multi-storey buildings without green spaces, places for collecting solid household waste, kindergartens / schools, playgrounds, etc.

The performers of the initiative were the “Municipal and Regional Development Center - Resource Center” and the Directorate of Economic and Integration Development of the Executive Committee of the Ivano-Frankivsk City Council.

- As part of the implementation of the initiative:
- 10 meetings of working groups with interested persons, representatives of relevant departments of the executive committee, in which 103 participants took part were held together with the partner of the project;
  - gender analysis in urban planning, urban building and municipal services were

conducted (surveys and analysis of the current state of consideration of the interests of women and vulnerable groups in the planning of urban areas, provision of municipal services). 501 persons participated in the survey;

- the establishing of an expert council on the examination of applications for gender discrimination is commenced. The council proposed individuals representing local self-government authorities, the public sector, the media, business, as well as persons with disabilities, female housewives and other interested persons. 10 persons is the planned number of council members;
- a model of an environmental wallet was developed and 100 units were made for distribution in order to inform the target group about the initiative and the problems.

Results and achievements:

- urban planning and development is reinforced by gender-sensitive and inclusive approaches;
- the process of forming an expert council on the consideration of applications for gender-based discrimination, which will coordinate initiatives and activities on gender topics: analysis, monitoring, evaluation, recommendations has been initiated;
- the obtained data is used for deeper analysis, changes in current planning systems, revision of policies for urban building, planning, and the provision of municipal services;
- women will be involved in urban building processes. The quality of life of the inhabitants of the city will be improved by taking into account the needs of all categories of the population and equitable distribution of resources.

Taking into account all above mentioned, one can conclude that inequality is formed and maintained in social and political systems and will not disappear by itself. No change in society occurs suddenly. That is why it is necessary to implement state policy and its instruments (laws, strategies, measures, projects, budgets, etc.) in order to guarantee and strengthen equality and ensure equal opportunities for men and women. Such policies and measures can help:

- to ensure that gender roles, prejudice, and

<sup>1</sup> Gender equality in local political life and a gender perspective in local politics in Ukraine: Document for discussion (February, 2018). - Congress of Local and Regional Authorities of the Council of Europe, project «Promoting the Development of Local Democracy in Ukraine», 2018. - 38 p. [Electronic resource]. - Access mode: <https://rm.coe.int/-/16808a2a51>.

existing inequalities do not affect the ability of men and women to access the resources of the country or to benefit from state policies and programmes;

- take measures to change gender roles (for example, promoting parenthood or supporting the education of girls in a male-dominated spheres, and vice versa).

Such measures are especially important at the local level, as local policies affect the daily life of men and women. The policy extends to spheres that affect the quality of life and have the potential to change people's lives in the long period, such as education, social services and economic development.

FOR REVIEW

# CHAPTER 8

**MONITORING OF ACHIEVEMENT  
OF GENDER EQUALITY:  
GLOBAL GENDER POLICY EFFECTIVENESS RATINGS**

## MONITORING OF ACHIEVEMENT OF GENDER EQUALITY: GLOBAL GENDER POLICY EFFECTIVENESS RATINGS

### 8.1 Global rating for gender policy efficiency

Achieving the parity of women and men in different spheres – from representation in government authorities and participation in government decision-making to salary level – in many countries is fixed through a special monitoring of the level of development and effectiveness of the state's gender policy. The instruments of this monitoring, that is, the assessment of gender equality at the national and world levels, are a series of indicators or gender indices<sup>1</sup>.

Gender indices or gender-sensitive indicators (*gender indicators, gender-sensitive indicators*) hold pride of place in the social indicators system. Gender Indicators is a unique instrument that synthesizes the complex and multidimensional concept of gender equality in convenient to use indicator that is easily interpretable.

Many international organizations (including United Nations Development Programme (UNDP), World Economic Forum, etc.) and regional (European Institute for Gender Equality, United Nations Economic Commission for Africa) organizations track, compile and publish such indicators in their respective reviews and reports.

In Ukraine, at the state level, gender indices have not been implemented, at the same time there is not a single organization that would keep these indices constant and on a regular basis. However, some indicators for Ukraine, calculated by European and international organizations, are contained in international and global rankings (*see table «Specific International Indices and Indicators which measures the level of gender equality» in annexes*).

*UNDP Gender Indicators.  
Human Development Concept of the United Nations  
Development Program*

The Human Development Concept<sup>2</sup> is one of the most prominent products developed by the UNDP. The programme elements of the project are: *Human Development Concept*<sup>3</sup>, *as well as global national and regional reports*<sup>4</sup> on this topic.

The first report, released in 1990, contained assessments of the economic and social progress of the countries of the world, as well as the concept of human development: "Human development is a process of empowering people to choose ways and means of improving the quality (standards) of their own lives. The most important elements of such opportunities are the ability to have a long and healthy life, education and a worthy standard of living. Additional elements include political freedom and the guarantee of human rights".

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The concept of human development has replaced the classical theories of economic development, which were based on Gross Domestic Product (GDP) indicators and considered a person only as a driving force of economic development and proclaimed economic growth as the main goal of social progress. In this context, human development has three components:

<sup>1</sup> This section uses the materials of the manual "Gender equality and development: a view in the context of the European strategy of Ukraine" / Razumkov Center. – Publishing House "Zapovit", 2016. – 244 p. [Electronic resource]. – Access mode: <http://old.razumkov.org.ua/ukr/upload/Gender-FINAL-S.pdf>.

<sup>2</sup> Gender Equality Index in the European Union: reliable development policy instrument. Working paper 12 / Conference of European Statisticians, Geneva, 19-21 March, 2014 // Official website of the Economic Commission for Europe [Electronic resource]. – Access mode: [https://www.unecf.org/fileadmin/DAM/stats/documents/ece/ces/ge.30/2014/mtg\\_1/12\\_EIGE\\_R\\_full.pdf](https://www.unecf.org/fileadmin/DAM/stats/documents/ece/ces/ge.30/2014/mtg_1/12_EIGE_R_full.pdf).

<sup>3</sup> Human Development Reports. – United Nations Development Programme [Electronic resource]. – Access mode: <http://www.hdr.undp.org/en>.

<sup>4</sup> Human Development Report 1990: Concept and Measurement of Human Development. – United Nations Development Programme [Electronic resource]. – Access mode: <http://hdr.undp.org/en/reports/global/hdr1990>, <http://hdr.undp.org/en/humandev/>, [http://hdr.undp.org/sites/default/files/reports/219/hdr\\_1990\\_en\\_complete\\_nostats.pdf](http://hdr.undp.org/sites/default/files/reports/219/hdr_1990_en_complete_nostats.pdf).

<sup>5</sup> Human Development Reports. – United Nations Development Programme [Electronic resource]. – Access mode: <http://www.hdr.undp.org/en/global-reports>.

welfare; empowerment; justice.

The main strategic Instrument of human development concept is the *Human Development Index (HDI)*<sup>1</sup>.

HDI is a combined indicator that characterizes human development in countries and regions of the world. It is developed by the United Nations Development Program (UNDP) and is used within the framework of a special series of UN reports on human development. The index is calculated annually on the basis of national and international statistical data by experts of the UNDP programme in conjunction with a group of independent experts.

The index is considered to be relatively objective and verifiable, but it has some disadvantages, including that it is based on national averages that do not reflect the asymmetry of the distribution of benefits, and therefore in many cases may not reflect the real state of affairs in the countries.

High level of trust in the UN and its specialized structures, as well as methodological justification<sup>2</sup> and have made HDI one of the most authoritative classifications that characterize social development.

HDI measures the achievement of the countries in terms of health, education and actual incomes of citizens in three main areas:

- *Index of expected lifetime*: health and life expectancy, measured by the average expected life expectancy at birth;
- *Education index*: the level of knowledge of the average number of years spent on education by the adults, that is, the average number of years of lifetime learning of people over the age of 25; and access to education and knowledge – the expected years of study for primary school children, that is, the total number of study years that a child reaching school age can expect if the prevailing patterns of enrollment in the school remain unchanged during the child's life;
- *Index of gross national income*: a decent standard of living, measured by the amount of gross national income per head in US dollars, constant purchasing power of the 2011 level, converted to purchasing power parity conversion factors.

These three dimensions are standardized in numerical values from 0 to 1, the geometric mean of

which is the aggregate index of the Human Development Index in the range from 0 to 1. Then countries are ranked on the basis of this indicator (Calculation of Human Development Indices).

Reports on human development are being prepared at the regional, national and international levels. The ranking takes into account a number of factors such as the state of human rights and civil liberties, the possibility of participation in social life, social security, the degree of territorial and social mobility, indicators of cultural development, access to information, unemployment rate, criminal situation, environment and other. In the final ranking of the country on the basis of the Human Development Index are classified into four categories:

- countries with very high level of HDI;
- countries with high level of HDI;
- countries with average level of HDI;
- countries with the low level of HDI.

In 2010, the list of indicators measured by HDI has been expanded, and the Index has been transformed. In addition to the HDI, which is a generalized indicator based on national statistics and does not include internal inequalities, new indicators have been introduced: *the Human Development Index, adjusted with socioeconomic inequality, the Gender Development Index, the Gender Inequality Index and the Multidimensional Poverty Index*.

Inequality-adjusted Human Development Index (IHDI) reflects the loss in human development due to inequality in health, education and income.

The significance of the Human Development Index (HDI) in Ukraine in 2017<sup>3</sup> equals 0,751 – which is lower than the average for countries with a high Human Development Index of 0.775 and lower than the average for the countries of Europe and Central Asia, which is 0.771.

In the period from 1990 to 2017, the lifetime expectancy at birth in Ukraine increased on 2.3 years, the average number of years of study increased on 2.2 years, and the average number of years of training increased by 2.6 years. Recently, the standard of living in Ukraine, determined by gross national income (GNI) per head, has slightly increased: by about 9% in 2015–2017. A more detailed analysis of the components of HDI, presented in the updated statistics of UNDP in 2018, indicates an uneven distribution of education indicators, average

<sup>1</sup> Human Development Reports. Human Development Index. – United Nations Development Programme [Electronic resource]. – Access mode: <http://hdr.undp.org/en/content/human-development-index-hdi>.

<sup>2</sup> Technical notes Calculating the human development indices-graphical presentation. – United Nations Development Programme [Electronic resource]. – Access mode: [http://hdr.undp.org/sites/default/files/hdr2015\\_technical\\_notes.pdf](http://hdr.undp.org/sites/default/files/hdr2015_technical_notes.pdf).

<sup>3</sup> Human Development Indices and Indicators: 2018 Statistical Update. – United Nations Development Programme [Electronic resource]. – Access mode: <http://www.hdr.undp.org/en/content/human-development-indices-indicators-2018-statistical-update>, <http://www.hdr.undp.org/en/2018-update>; Human Development Index: Ukraine ranked 88th among 189 countries // Official website of the UNDP. – 14 September, 2018 [Electronic resource]. – Access mode: <http://www.ua.undp.org/content/ukraine/uk/home/presscenter/pressreleases/2018/human-development-indices--where-does-ukraine-rank-.html>; Human Development Index [Electronic resource]. – Access mode: [https://en.wikipedia.org/wiki/Human\\_Development\\_Index](https://en.wikipedia.org/wiki/Human_Development_Index).



lifetime and income among women and men in different countries.

In general, there is a tendency towards gradual improvement in human development in Ukraine, but there is still a lot of work ahead: Ukraine is ranked 88th in the ranking of 189 countries and territories recognized by the UN, as well as HDI taking into account socioeconomic inequality, gender index, index gender inequality and a section with five dashboards. However, such an indicator still allowed the country to enter the highest category of human development.

*Gender Development Index (GDI)* – it is an indicator that reflects the situation in the country in the same ways as HDI, but takes into account inequality in the achievements of women and men. GDI, based on the HDI and is defined by gender as the ratio of women HDI to men HDI.

GDI measures gender inequality in the achievements of the three major dimensions of human development, such as:

- health (is determined by the ratio of the expected lifetime of women and men at birth);
- education (measured by the ratio of the expected duration of education for girls and boys and the average duration of training for women and men from the age of 25 years);
- disposal of economic resources (measured as gross national income per capita for women and men).

Initially, the indicators are calculated separately for women and men in a particular country, then the equally distributed indices are calculated for each dimension, and the generalized index is calculated as the arithmetic average of the three equally distributed indices. GDI decreases when the level of achievement of both sexes decreases: both women and men, as well as when the gap in the achievements of articles increases. If human development opportunities were the same for men and women of a particular country, then the GDI index in it would be HDI. Because gender disparity exists in all countries, GDI is always less important than HDI.

In general, GDI is calculated for 164 countries. In 2017 in Ukraine in Ukraine, the lifetime for women was 76.9 years whereas for men – 67.1 years. Although Ukrainian women live longer than men, their level of economic income is lower. In the context of gross national product (GNP), women's income is less than \$ 6,082 a year, and men are \$ 10,513. However, the expected duration of education for both women and men is on average 11.3 years.

In 2017, HDI for women in Ukraine was 0.746 in contrast to 0.751 for men, thus the GDI was 0.993, which

causes the country getting into group 1<sup>1</sup>.

In general, Ukraine, in comparison with other countries, looks good in this indicator. This is due to the fact that the country has no gender differences in access to basic education, women have high international standards, levels of economic activity and employment. However, these favorable opportunities are accompanied by significant gender imbalances in politics and public administration.

*Gender Inequality Index (GII)* – is intended to reveal the degree of separation of the country's average achievements in the field of gender equality. GII values fluctuate from 0 (full equality between women and men) to 1 (absolute inequality in all dimensions).

The index reflects the inequality of achievement between men and women in three dimensions:

- reproductive health;
- expansion of civil rights and opportunities;
- economical activity and opportunities of women in the labor market.

Reproductive health is measured by two indicators: the level of maternal mortality and natality among teenage girls. Expansion of rights and opportunities is also measured by two indicators: the ratio of the number of women and men who are deputies of parliament and the level of secondary and higher education among women and men. Economic activity is determined by the level of participation of women and men in the labor market.

GII can be interpreted as a regression of human development, which is the cause of inequality in achievement among women and men.

It is worth adding that GII authors acknowledge its imperfections. In particular, the index does not take into account the conditional division of occupations into «women» and «men» (segregation) and gender pay gap, does not include information on gender differences in the use of working time, etc. The simplicity of the Index is due to the lack of necessary statistics for all countries of the world. The authors of the Gender Inequality Index intend to refine and improve the calculations.

In 2017, Ukraine has a GII of 0.285, ranked 61st position among 160 countries. In Ukraine, women hold 12.3% of positions in parliament, and 94.5% of adult women have at least a general secondary education, compared with 95.6% of men. For every 100,000 live births, 24 women die due to pregnancy-related problems; the indicator of childbirth among teenage girls is 23.8 genera per 1,000 women aged 15-19 years old. The participation of women in the labor market is

<sup>1</sup> Human Development report. Table 4: Gender Development Index (GDI). – United Nations Development Programme [Electronic resource]. – Access mode: <http://hdr.undp.org/en/composite/GDI>.

46.9% versus 63.0% among men<sup>1</sup>.

One of the key causes of inequality is an abyss that divides women and men in opportunities, achievements and the distribution of rights and powers. The world average GII for women is 6% lower than for men, which is associated with low income and women's education in many countries.

The global rate for women's economic activity is lower than for men - 49% for women, as opposed to 75% for men. In the labor market, the unemployment rate among women is 24% higher than among men. In addition, women in a much larger proportion, compared to men, perform unpaid homework and take care of children, the sick and the elderly people.

Despite the tangible progress in increasing the number of girls in education, reproductive health, family planning, violence and the expansion of socio-economic rights continue to exist, hampering equal opportunities for women and girls in Ukraine.

### *Global Gender Gap Index*

In world practice, other gender indices are also used. Thus, the *Global Gender Gap Index*<sup>2</sup> of the World Economic Forum, launched in 2006 and since then, is compiled annually, measures gender gaps without taking into account the level of development of the country. The index assesses gender gaps in terms of health and lifetime, education, political rights and career opportunities, career growth and economic life. The methodology is based on a combination of publicly available statistics in different countries around the world. It is anticipated that the Index should be used by states seeking to minimize gender gaps. The index is measured on a scale from 0 to 1, where 1 is virtually no gender gap between the capabilities of the two groups, respectively, the closer the index to zero, the greater the gap.

However, it should be noted that such research is based exclusively on quantitative information, statistics and a limited number of criteria. In addition, in such studies, men and women are defined as two homogeneous groups. But in reality, society is divided into two unevenly distributed in different categories and institutions. The social structure of the population covers various stratification groups that affect the capabilities of the subjects. For example, access to women with disabilities is more limited compared with other groups.

The 2017 Gender Gap Index survey covered 144

countries worldwide<sup>3</sup>. Ukraine, despite its small progress this year, still has the worst position in the gender perspective of political rights and opportunities. The Index value here was 0.107.

In general, according to the results of the study, the abovementioned Index estimated the achievements of Ukraine in relation to the equality of women and men at 0.705 points (minimum - 0, maximum - 1 point) and placed it in 61 place, which is 8 positions higher than the previous year.

Iceland is the leader closest to gender equality. In this ranking, it ranks the first position tenth year in a row. The top ten traditionally include Scandinavian countries. In particular, the top ten countries with gender equality included Norway, Finland, Rwanda, Sweden, Nicaragua, Slovenia, Ireland, New Zealand and the Philippines.

The last positions got over Syria, Pakistan and Yemen.

### *Gender gaps in the EBRD Equality Promotion Strategy*

A group of economists representing different countries, in cooperation with the gender division of the EBRD, analyzed and updated the gender gap indicators for 2015<sup>4</sup>. The result of the work of the international expert-advisory group was the introduction of new indicators for most of the parameters of gender gaps. This provided an opportunity to attract more attention to the problems of social norms and socio-economic capacities of women. The results of the survey showed that there are more gender gaps, in particular in the areas of legal regulation, while the gaps in access to funding sources, in state policy, and labor practices remained unchanged.

### *Social Institutions and Gender Index*

Innovatory *Social Institutions and Gender Index (SIGI)*<sup>5</sup> of OECD Development Center, proposed in 2007, became the first attempt to fix and analyze quantitatively measurement of some social institutions that discriminate against women. SIGI aggregates parameters item describing discriminatory social institutions from the Gender, Institutions and Development Data Base

<sup>1</sup> Human Development report. Table 5: Gender Inequality Index. – United Nations Development Programme [Electronic resource]. – Access mode: <http://hdr.undp.org/en/composite/GII>.

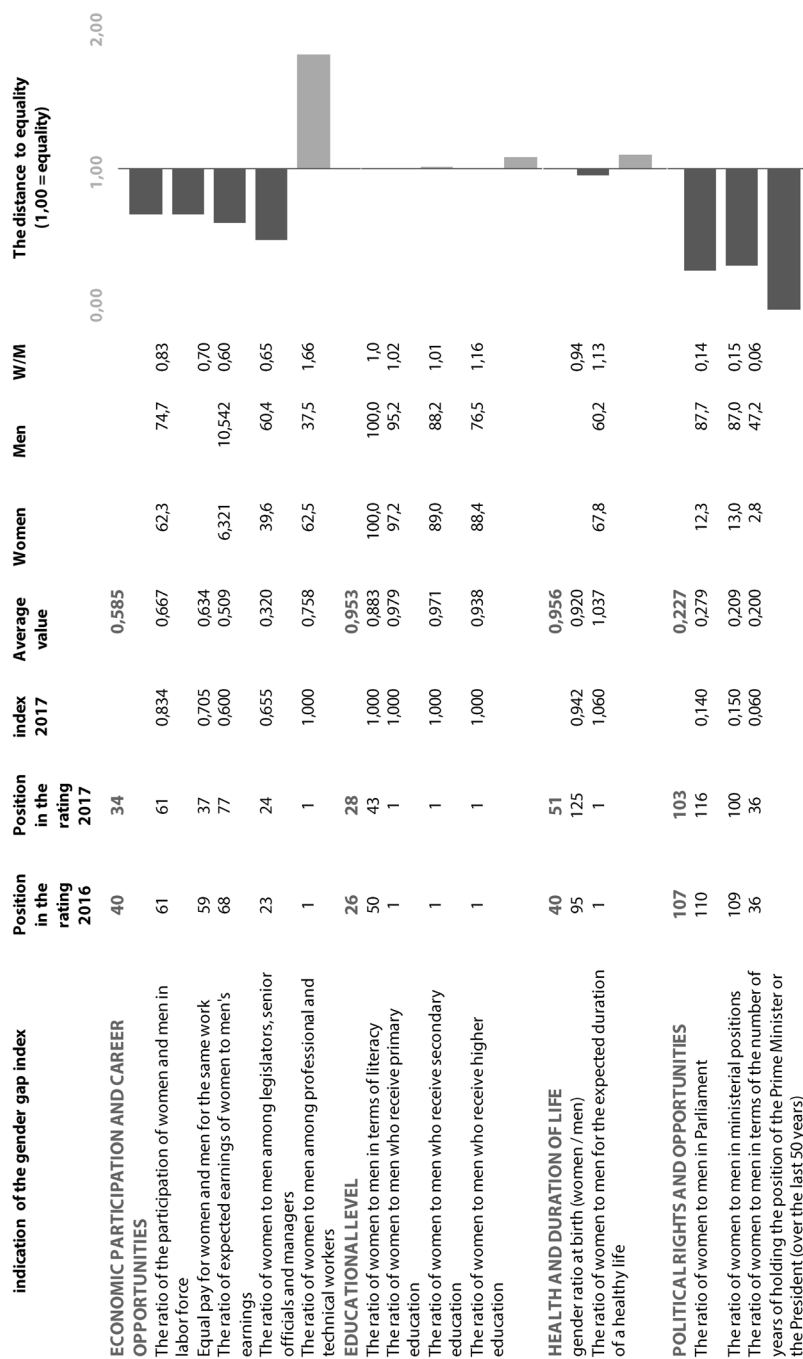
<sup>2</sup> Global Gender Gap Report [Electronic resource]. – Access mode: [https://en.wikipedia.org/wiki/Global\\_Gender\\_Gap\\_Report](https://en.wikipedia.org/wiki/Global_Gender_Gap_Report).

<sup>3</sup> The Global Gender Gap Report 2017. – World Economic Forum [Electronic resource]. – Access mode: <https://www.weforum.org/reports/the-global-gender-gap-report-2017>.

<sup>4</sup> Francavilla, Francesca (2015). Exploring Additional Dimensions to EBRD Gender Inclusion Gap Assessments, June 2015 [Electronic resource]. – Access mode: <https://sites.google.com/site/fracravilla/the-team>.

<sup>5</sup> The OECD Development Centre's Social Institutions and Gender Index (SIGI) [Electronic resource]. – Access mode: <https://www.genderindex.org/>, <http://www.oecd.org/development/development-gender/theoecd-social-institutions-and-gender-index.htm>.

Map of Ukrainian indicators in the 2017 Gender Gap Index



Updated gender gaps in results  
expert studies of the gender division of the EBRD<sup>1</sup>

Country	Legal regulation and social norms	Health services	Education and professional training	Policy in the field of labor relations	Practice in the field of labor relations	Employment and business	Access to funding sources
Estonia	low	low	medium	low	high	medium	medium
Hungary	low	low	medium	low	medium	medium	medium
Latvia	low	low	medium	low	medium	medium	medium
Lithuania	low	low	medium	insignificant	medium	medium	medium
Poland	low	low	low	low	medium	medium	medium
Slovakia	low	low	medium	low	medium	medium	medium
Cyprus	low	-	insignificant	-	-	medium	low
Greece	low	-	low	medium	high	high	medium
Romania	low	medium	low	low	high	medium	medium
Ukraine	low	low	medium	low	high	medium	medium
France	low	low	medium	medium	medium	medium	medium
Germany	insignificant	low	medium	insignificant	medium	medium	low
Italy	low	insignificant	low	low	medium	medium	high
Sweden	insignificant	insignificant	medium	insignificant	low	low	low
United Kingdom	medium	low	medium	low	medium	medium	low

"-" – no data available.

<sup>1</sup> Strategy for the Promotion of Gender Equality 2016-2020 Making Business Transformative: Creating Opportunities for All. –The European Bank for Reconstruction and Development (EBRD) [Electronic resource]. – Access mode: <https://www.ebrd.com/documents/gender/ebrd-strategy-for-the-promotion-of-gender-equality.pdf> (eng), <https://www.ebrd.com/cs/Satellite?c=Content&cid=1395249404646&pagename=EBRD%2FContent%2FDownloadDocument> (ru).

(GID-DB)<sup>1</sup>.

The GID-DB covers 160 countries and contains 60 indicators of gender discrimination in social institutions. Data was updated in 2009, 2012, and 2014. The next research is scheduled for November 2018<sup>2</sup>.

Information on cultural and traditional practices affecting the economic status of women is encoded in such a way as to give a quantitative assessment of the degree of discrimination. The complexity of the analysis of gender parameters and the orientation of the database on social institutions is the uniqueness of the GID-DB. The index is instrument for different analytic investigation<sup>3</sup>.

If other indicators, such as United Nations Development Program (UNDP) gender indicators (indicator of gender rights and opportunities, Gender Development Index, Gender Inequality Index) and the World Economic Forum's (WEF) Global Gender Gap Index measure gender inequalities based on results such as educational achievements or participation in the labor market, then SIGI aims to identify inequality of opportunity. The quantitative assessment of discriminatory social institutions, as the underlying factors of gender inequality, developing and implementing a development policy, allows for an additional opinion on gender inequality.

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SIGI 2014 consists of five sub-indexes, each of which reflects a separate dimension of female discrimination, namely:

- *discriminatory family code* is sub-index intended to fix limitation of opportunities and status of women in the decision-making

process in the household and family. It includes discriminatory formal and informal laws relating marriage, divorce, inheritance, etc.

Consequences for development: the discriminatory practice of early marriage for women leads to restrictions on their access to education and thereby affects employment opportunities. Early marriages, especially in the event of a large gap in age, can lead to high rates of adolescent fertility, higher child mortality, poor maternal health, etc.

- *limitation of physical integrity* is sub-index intended to fix those social institutions that limit and restrict women and girls' control over their bodies. This sub-index includes formal and informal laws, norms and practices that do not ensure the physical integrity of women.

Consequences for development: the threat of violence at home, in the workplace and in society causes long-term physical and moral harm. Gender violence is directly related to social and economic development problems such as poverty, illiteracy, child mortality, etc.

- *preference of sons* is sub-index intended to fix different volumes, including material, resources within the household for the child-rearing, depending on sex. This sub-index includes formal and informal laws, social norms and practices that lead to unequal treatment of children of different sexes, such as female infanticide (infanticide of females) selective abortions by sex, limited access to food and education for girls, as well as discriminatory distribution of paid and unpaid work in the household.

Consequences for development: insufficient contribution to education of women is important consequence of social norms and practices that demeans the value of daughters. The preference of sons leads to gender differences relating primary and secondary education and school attendance rates (for example, boys study at school in South Asia on average of 2.5 years longer than girls).

- *limited resources and rights* is sub-index intended to fix the limited access of women to the rights to economic and natural resources and limited control over them. It includes discriminatory laws that significantly limit women's access to land, property and credit, as well as the negative attitude to women's entrepreneurial activity.

Consequences for development: improving the access conditions to economic resources is essential for

<sup>1</sup> Gender, Institutions and Development Database [Electronic resource]. – Access mode: <http://www.oecd.org/dev/poverty/genderinstitutionsanddevelopmentdatabase.htm>.

<sup>2</sup> Brochure "Social Institutions and Gender Index (SIGI)" [Electronic resource]. – Access mode: [https://www.alignplatform.org/sites/default/files/2017-12/SIGI\\_2018-final.pdf](https://www.alignplatform.org/sites/default/files/2017-12/SIGI_2018-final.pdf).

<sup>3</sup> SIGI's experience in collecting and using gender indicators for policy development. Note from the OECD Development Center. - UN Economic Council, Geneva, March 19-21, 2014 // Official website of the UN Economic [Electronic resource]. – Access mode: [https://www.unece.org/fileadmin/DAM/stats/documents/ece/ces/ge.30/2014/mtg\\_1/new\\_files/3\\_OECD\\_R.pdf](https://www.unece.org/fileadmin/DAM/stats/documents/ece/ces/ge.30/2014/mtg_1/new_files/3_OECD_R.pdf).



expanding women's participation in economic activity, extending their rights. It will positively affect the well-being and security of resources of the entire society;

- *limitation of civil rights* is sub-index intended to fix changes in women's access to the public and social spheres, their participation in public activities. It includes laws, practices and social norms that restrict the mobility of women in their access to public space, depriving women of their right to vote and participate in political life.

Consequences for development: exclusion of women from the public, social, political and economic space through discriminatory rules and practices reinforces inequalities in the sphere of education, healthcare, etc.

Each of the sub-indices is calculated for 14 parameters. SIGI value and its sub-indices ranges from 0 to 1, so the value 0 means a low level of discrimination, and 1 means a high level of discrimination.

The value of SIGI for Ukraine in 2014 was 0.075, indicating a relatively low level of discrimination in the country<sup>1</sup>. Level of discrimination on individual sub-indices contains detailed comments, concerning directly Ukrainian legislation, which also affect the level of discrimination.

Consequently, as can be seen from the indexes above, discrimination in the sphere of family rights, physical integrity and access to resources is insignificant.

According to SIGI, the high level of discrimination in Ukraine is characteristic of the political representation of women.

#### *Research of OECD "Governance at a Glance"*

The National Agency of Ukraine on Civil Service (NDSA) is the responsible central executive authority for the fulfillment of obligation, which implications of Ukraine's membership of Directorate for Public Governance of OECD (hereinafter - Directorate), according to the Resolution of the Cabinet of Ukraine «On Procedures for participation of central executive authorities in the activities of international organizations, of which Ukraine is a member» as of 13 September, 2002 No 1371.

One of the priority directions of the Committee's activity is *research practice of OECD "Governance at a Glance"*<sup>2</sup>. Researchs are devoted to coverage of expert

evaluation in the sphere of good governance and public administration, as well as reflect and analyze the involvement of governments and their development and represent the best practices.

Ukraine first participated in the research of OECD "Governance at a Glance 2011" in 2011.

The research topic is related to different aspects of the public administration system.

The research "Governance at a Glance 2011"<sup>3</sup> is devoted to the gender approach to the implementation of the personnel policy at the civil service of the central and local levels, including in Ukraine.

#### *Social Watch Gender Equity Index*

*Gender Equality Index (GEI)*<sup>4</sup> is global research of countries of the world using gender equality indicators, based on publicly available statistics in the sphere of economic and social development, calculated by the methodology of the non-governmental organization "Social Watch". Index was measured in 2007, 2008, 2009 and 2012.

The index measures the level of gender gaps in spheres such as education (the number of people studying at all levels), the economy (income and employment), civil rights and opportunities (highly skilled workspaces, parliamentary membership, and senior positions)<sup>5</sup>.

The index assigns scores from 0 to 1 (0 is absolute inequality, and 1 is a complete equality).

### **8.2 Ratings of the effectiveness of gender policy of EU countries**

*Equality Gender Equality Index of the European Institute for Gender*<sup>6</sup> was introduced in 2010. Six main indicators are used in order to compare the state of gender relations in the EU countries: a) work (positions of men and women in the labor market, working lifetime, quality of work and protection), money (the

<sup>3</sup> Excerpt from the OECD research ("Governance at a Glance 2013" on gender approach to the implementation of personnel policy in the civil service at the central and local levels in Ukraine «Ensuring equal rights and opportunities for women and men in all spheres of life of Ukrainian society» [Electronic resource]. – Access mode: <http://www.center.gov.ua/blog/item/2822-дослідження-у-рамках-участі-україни-у-комітеті-з-питань-державного-управління-організації-економічного-співробітництва-та-розвитку>, [http://www.center.gov.ua/attachments/article/14/ГЕНДЕР\\_АНАЛІЗ.doc](http://www.center.gov.ua/attachments/article/14/ГЕНДЕР_АНАЛІЗ.doc).

<sup>4</sup> Gender Equity Index (GEI). – Social Watch [Electronic resource]. – Access mode: <http://www.socialwatch.org/taxonomy/term/527>.

<sup>5</sup> The detailed description of the index formation methodology and data sources is provided in the annual release of the rating based on the results of the next comparative research "Measuring Inequality: The 2012 Gender Equality Index". – Social Watch [Electronic resource]. – Access mode: [http://www.socialwatch.org/sites/default/files/IEG\\_2012\\_en.pdf](http://www.socialwatch.org/sites/default/files/IEG_2012_en.pdf).

<sup>6</sup> Gender Equality index. – European Institute for Gender Equality [Electronic resource]. – Access mode: <http://eige.europa.eu/gender-statistics/gender-equality-index/about>.

<sup>1</sup> Social Institutions & Gender Index 2014. Synthesis Report. – OECD [Electronic resource]. – Access mode: <https://www.oecd.org/dev/development-gender/BrochureSIGI2015-web.pdf>, <http://www.oecd.org/dev/development-gender/press-release-sigi.htm>; Social Institution and Gender Index. Ukraine [Electronic resource]. – Access mode: <http://www.genderindex.org/country/ukraine>.

<sup>2</sup> Government at a Glance. – OECD, Directorate for Public Governance [Electronic resource]. – Access mode: <http://www.oecd.org/gov/govtaglance.htm>.

gap between men's and women's incomes, as well as the risk of poverty); b) education (number of men and women who get education of different levels); c) finance (gap between incomes); d) time (how much time is spent on non-reimbursable activity, including – childcare and homework, participation in cultural events, etc.); e) power (representativeness of men and women in political and economic spheres); e) health (access to healthcare structures).

In addition, violence is important additional indicator (in particular, physical, sexual and psychological violence of a partner).

The index value ranges from 1 to 100, if index is 1, it will mean complete inequality and if index is 100, it will mean absolute equality. In the EU as a whole, the Gender Equality Index is 66.2, that is, gender equality is ensured only by a little more than half. The best situation in the EU according to the latest research "Gender Equality Index 2017" is the situation with the health of women and men (87.4), and the worst is the distribution powers of authority (48.5) and violence (27.5).

Therefore, taking into account all of the above, it should be noted that the indices given in this charter demonstrated that almost all spheres of state existence, in particular gender equality, can be measured. With the help of indices (indicators), it is possible to carry out a versatile analysis of the development of a state, compare indices with indices of other states and, accordingly, identify the most problematic spheres and areas. The solution of the identified problems can be accelerated by the use of a good foreign experience.

# CHAPTER 9

**EXPERIENCE IN THE FORMATION  
AND IMPLEMENTATION OF GENDER POLICY  
IN THE EUROPEAN COUNTRIES**

## EXPERIENCE IN THE FORMATION AND IMPLEMENTATION OF GENDER POLICY IN THE EUROPEAN COUNTRIES

Gender equality is connected with the basic concepts of the social justice quality, human rights and the democracy nature. Therefore, the gender balance in the European Union is considered as indispensable condition for modern democracy.

### 9.1 National mechanisms for ensuring equal rights and the opportunities of women and men in the Nordic countries<sup>1</sup>

The successful policy of gender equality in the Nordic countries is the result of significant changes in the community life in this region, accompanied by the formation of public consciousness and state policy on equal rights and opportunities for women and men. The principle of equality is realized through the creation of national mechanisms: legislation on gender equality, special state institutions and the appointment of gender equality officials.

In the activities of the five countries of the region (Denmark, Norway, Finland, Iceland, Sweden), gender equality issues can be noted as general and special features. The leaders in implementing the gender equality policy in the Nordic countries are Iceland,

Sweden, Norway, and Finland. There are six factors that have influenced for gender equality policy development in Northern Europe:

- social-democratic orientation of state policy and creating welfare state;
- wide access of women to labor activity and professional development;
- high representation of women in government;
- creation of an anti-discrimination legislative framework;
- creation of national mechanisms for ensuring gender equality;
- development of women's activity in this region.

*Social-democratic orientation of state policy and creating welfare state.* Gender equality in the Nordic countries is linked to the welfare state model. This state system is characterized by social equality by providing citizens with social rights guaranteed by the state. Providing citizens with social rights can overcome gender inequality.

The Scandinavian welfare model was born in Sweden in 1928; it is characterized by the fact that the equal opportunities principle is institutionalized, the system of social support is developed, well-funded and covers the general population, and guaranteed employment of the population.

In 1938, the Swedish parliament passed a law that allowed abortion with some reservations. In 1939, the Law "On the Support of Working Mothers" was adopted: it was forbidden to release pregnant women and women were entitled to maternity leave. Many amendments were introduced to the mentioned law, which in 1995 were consolidated in the new Law "On Parental Leave"<sup>2</sup>

Another feature of the Nordic countries is *women's access to labor activity and professional development*. This factor is a fundamental condition for overcoming the gender equality barriers.

The development of a childcare system in municipal or private kindergartens gives mothers

<sup>1</sup> In this section the materials of the dissertation Chernyakhivsky V. «Gender Policy in the System of Public Administration: Ukraine and European Experience»: diss. PhD: 25.00.01 - Theory and history of public administration / Victoria Chernyakhivska. - K., 2017. - 257 pp. [Electronic resource]. - Access mode: <http://academy.gov.ua/pages/dop/137/files/2b092cb2-6488-4bee-9e6a-67961eb38aee.pdf>; master's thesis Kutishenko D. "Features of the formation and distribution of gender roles in the political sphere of society: world experience and Ukrainian realities": diss. Master's Degree: 8.03010101 - Sociology / Darya Kutishenko. - K., 2016. - 115 p. [Electronic resource]. - Access mode: <http://www.sociology.kpi.ua/wp-content/uploads/2016/01/Кутіщенко.pdf>; research «Implementation of gender policy in Kazakhstan». - OECD, 2017. - 122 p. [Electronic resource]. - Access mode: [http://www.oecd.org/gov/Russian\\_Gender\\_Kaz.pdf](http://www.oecd.org/gov/Russian_Gender_Kaz.pdf) that articles Shylevov M. "Implementing of gender equality policy in the Nordic countries" // Woman in Russian society. - 2012. - № 1. - p. 67-80 [Electronic resource]. - Access mode: <https://womaninrussiansociety.ru/article/shyleva-m-v-realizatsiya-politiki-gendernogo-ravenstva-v-stranax-severnoj-evropy-str-67-80/>; <https://cyberleninka.ru/article/n/realizatsiya-politiki-gendernogo-ravenstva-v-stranax-severnoj-evropy>; Golovinova, Yu. "Mechanisms of gender equality in European countries" // Scientific-methodical journal "Novainfo.Ru". Jurisprudence. - March 29, 2017. - №62-3 [Electronic resource]. - Access mode: <https://novainfo.ru/article/12090/Hnedash-A.-The-national-mechanism-of-gender-equality-in-modern-Russia-and-countries-of-the-world-actors-global-and-local-levels-network-resources> // Woman in Russian society. - 2016. - №4. - p. 3-21 [Electronic resource]. - Access mode: [http://ivanovo.ac.ru/upload/medialibrary/8f8/JRO\\_4\\_81\\_2016.pdf](http://ivanovo.ac.ru/upload/medialibrary/8f8/JRO_4_81_2016.pdf), <https://womaninrussiansociety.ru/article/gnedash-a-a-nacionalnyj-mexanizm-gendernogo-ravenstva-v-sovremennoj-rossii-i-stranax-mira-aktory-globalnyj-i-lokalnyj-urovni-setevye-resursy-str-3-21/>.

<sup>2</sup> Parental Leave Act (Föräldraledighetslagen) (SFS 1995:584) [Electronic resource]. - Access mode: <https://www.government.se/government-policy/labour-law-and-work-environment/1995584-parental-leave-act-föräldraledighetslagen/>.

and fathers the opportunity to obtain education and participate in working life on an equal footing. The size of the fee for a kindergarten depends on the family income. For families with low incomes, kindergarten attendance is free. *In Norway*, in 1998, for parents who did not use state kindergartens were made payments. *In Iceland*, from 1999, 91% of 3 to 6 years children visit kindergartens and day care centers for children and 43% of parents leave their children there for the whole day. *In Denmark*, most children under the age of 6 (55%) attend pre-school establishments at the organization expense in which the child's mother (or father) works. Such support for mothers creates conditions for women to grow up.

Everywhere in all Nordic countries, working women were entitled for paid leave regarding of childbirth with compensation of salary from 80 to 100%. For the first time, a parental leave was introduced in Finland in 1978. Today it is 152 days. In order to encourage fathers to make such leave, the campaign "It's Daddy Time!" has started in the country<sup>1</sup>.

*In Norway*, in 1993, a "dads' quota" was set - a 14-week childcare leave. In addition, there are 18 weeks of paid decree, which parents can divide among themselves. *In Iceland*, a leave for a father (90 days) was introduced in 1998. Payments accounted for 80% of salary. In addition, the parents have another general leave, calculated for three months. But only one can use it.

*In Sweden*, men were entitled to maternity leave in 1974. Parental leave lasts 480 days. At the same time 90 days are for men, of which at least 60 days a father / partner is required to take. At any other time, parents can divide among themselves, as they deem necessary. In addition, one of the parents who take care of the child receives a payment of 80% of the salary. If the father does not use his right for leave, these days simply will not be counted, and the family will receive smaller payments.

Most parents, including mothers, eventually return to work. When they do this, government provides them with full day care with the baby. The service costs 290 euros per month.

Thus, the state encourages men to spend time with family, while allowing women not to fall out of the working rhythm, and to continue their careers after the birth of the child.

Reform has proven successful - today more than 90% of men enjoy such leaves. And regardless of the occupied position level. For example, Paavo Lipponen, the Prime Minister of Finland in 1995-2003, took such a right.

<sup>1</sup> Father, take some daddy time! [Electronic resource]. – Access mode: [https://stm.fi/en/artikkeli/-/asset\\_publisher/isa-kayta-perhevapaaita-ota-isaika](https://stm.fi/en/artikkeli/-/asset_publisher/isa-kayta-perhevapaaita-ota-isaika).

Paternity policy in the Nordic countries is based on the "the best for child" principle; in these countries, they believe that the role of the father plays an incredibly important role in the child development.

In recent decades, this argument has been used to strengthen the rights of the father to childcare after breakdown of marriage or partnership. An equal distribution of childcare is common after divorce, for example, when children live with divorced parents alternately (one week or two).

Countries apply special mechanisms to equalize the salaries of men and women. *In Denmark*, in 1976, the Law "On the Equal Remuneration of Men and Women"<sup>2</sup> was adopted, and in the mid-1990s additional articles were added to achieve equality of pay in the private sector. As a result, the ratio of wages for men and women remains stable.

Another mechanism was introduced in Sweden: in 1974, a government support system for regional development introduced a special gender quota rule. This meant that 40% of the jobs created by this system should be reserved for each gender.

The result of greater employment of women is the reduction in the difference in wages for women and men. In order to overcome the gender pay gap in Sweden since 1994, an employer with ten or more employees each year must provide information on the difference in wages of their employees in order to identify unjustified differences in pay. *In Finland*, a worker is entitled to compensation if he / she is discriminated on the basis of gender. Compensation should be paid regardless of whether the economic damage was caused or not, that is, it has the nature of moral damages.

At the same time, all Nordic countries from the mid-1970s to the first half of the 1990's adopted laws on the equality of women and men and amended them (Iceland and Denmark – 1976 (replaced by the Consolidated Acts in 2002 in Denmark<sup>3</sup> and in Iceland in 2008<sup>4</sup>); Norway - 1978<sup>5</sup>; Sweden – 1979 (replaced by the Consolidated Anti-Discrimination Law / Code of Articles

<sup>2</sup> Bekendtgørelse af lov om lige løn til mænd og kvinder (The Equal Pay Act) (No. 899 of 2008) [Electronic resource]. – Access mode: <https://www.retsinformation.dk/Forms/R0710.aspx?id=121176>.

<sup>3</sup> Gender Equality (Consolidation) Act No. 553 of 2 July 2002 [Electronic resource]. – Access mode: <https://www.legislationline.org/documents/id/6520>.

<sup>4</sup> Act on Equal Status and Equal Rights of Women and Men No. 10/2008 [Electronic resource]. – Access mode: <https://www.government.is/library/04-Legislation/Act%20on%20equal%20status%20and%20equal%20rights%20of%20women%20and%20men%20no%2010%202008%20as%20amended%200101%202018%20final.pdf>.

<sup>5</sup> Norway Act No 45 of June 9th 1978 on Gender Equality [Electronic resource]. – Access mode: <https://www.ilo.org/dyn/natlex/docs/WEBTEXT/12790/64813/E78NOR01.htm>.



in 2008<sup>1</sup>); Finland - 1987<sup>2</sup>).

The adopted laws proclaim the equality of men and women in all spheres of life. Close attention is paid to gender equality in employment. According to the law, it should be ensured, where it is possible, roughly equal number of women and men assigned to positions in commissions, committees and councils operating under the leadership of the government, local authorities and various organizations. The laws on the equality of men and women provide for a ban on all forms of discrimination, both direct and indirect, on the basis of gender. Special temporary measures to improve the position of women or men that are adopted with a view to ensuring the equality and equal position of women and men are not considered as a violation of the law. The amendment dated 1992 to the *Finnish law* clarified the prohibition of indirect discrimination, as well as the prohibition of discrimination on the basis of pregnancy and childbirth. To the amendment dated 1995 were introduced provisions on quotas and the obligation to plan measures to achieve equality in the workplace and in educational institutions.

Control over the implementation of the law in all countries is entrusted to special institutions.

In Sweden, Denmark and Iceland, there are ministers for integration of genders equality that are responsible for implementing the Equal Rights Policy by the Government. In Sweden, the Division on Gender Equality submits to the Minister. His duties include the control of all government work in the sphere of gender policy. The main authority of the division is the coordination of the Government's gender policy, the development of the theoretical basis, the organization of various events and projects, budget formation and allocation of appropriations to the *Equal Opportunities Commissioner* and the *Equal Opportunities Commission*, as well as the introduction of special education programmes on equal issues for the Government officials and other civil servants, interaction with Scandinavian countries, the EU and international organizations on equal rights issues.

The Equality Council in these countries is advisory and recommendatory character, it advises and controls the promotion of gender equality without decisive action. The role of the Equal Status Council is to coordinate actions between public organizations and the public.

Another state mechanism is the *Equal Opportunities*

*Commission*, which consists of lawyers, representatives of public organizations and experts on the labor market and equality issues. It is within its competence to require the employer to comply with the requirements of the Law on Equal Opportunities concerning its activities.

The special mechanisms for territorial control over the implementation of the state gender programme are *regional experts on equal rights*. The position of the expert was introduced to the state of the provincial boards of Sweden in 1995 in all administrative councils of the districts. A regional expert should also ensure the further integration of gender perspectives into various areas of political activity in the region. In each of the 19 provinces of Norway, *coordinators of women's issues* perform similar functions. Coordinators are appointed for a five-year term and are funded through the Department of Regional Development of the Ministry of Municipalities and the Labor Market. If in Sweden the work of regional experts is aimed at supporting and developing equal rights and opportunities in all spheres of human life, then in Norway, is aimed at support of women. The task of the Norwegian coordinators is to stimulate female entrepreneurship in the regions, increase self-esteem of women through self-help programs, support local authorities for the inclusion of the "female component" in the local development policy. The task of the Norwegian coordinators is to stimulate female entrepreneurship in the regions, increase self-esteem of women through self-help programmes, support local authorities for the inclusion of the "female component" in the local development policy.

Along with government mechanisms in Sweden and Denmark there are public mechanisms. A special civil mechanism has been created in Sweden - the *Council of Trade Unions and representatives of social organization on equal rights*. The council consists of representatives of political parties, women's political associations, other women's organizations, trade unions and employers' associations, as well as representatives of public organization. It meets four times a year to exchange ideas and conduct discussions on current equity issues. Another unique example of Denmark is the Danish Information Center on Women and Gender Issues (KVINFO), which is the national reference and cultural center and informs the general public on the results of research on women and gender. KVINFO has created an expert database, which contains information on more than 1100 female experts. This database is a tool for finding highly skilled women in all Danish society's scientific communities.

The purpose of the national mechanism of Finland is to provide women and men with equal rights, responsibilities and opportunities in all spheres of life. It is widely recognized that society can progress

<sup>1</sup> Discrimination Act (Swedish Code of Statutes) of 5 June 2008 No. SFS 2008:567 [Electronic resource]. – Access mode: [http://www.manskligarattigheter.se/dynamaster/file\\_archive/090717/938e32b31f6d4029833f80fa1c7486c3/discrimination%20act.pdf](http://www.manskligarattigheter.se/dynamaster/file_archive/090717/938e32b31f6d4029833f80fa1c7486c3/discrimination%20act.pdf).

<sup>2</sup> Act on Equality between Women and Men (609/1986; amendments up to 915/2016 included) [Electronic resource]. – Access mode: [https://www.finlex.fi/en/laki/kaannokset/1986/en19860609\\_20160915.pdf](https://www.finlex.fi/en/laki/kaannokset/1986/en19860609_20160915.pdf), [http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/75131/Act\\_on%20Equality\\_between\\_women\\_and\\_men\\_2015\\_FINAL.pdf](http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/75131/Act_on%20Equality_between_women_and_men_2015_FINAL.pdf).

in a more positive and democratic direction, when the competence, knowledge, experience and values of both women and men can influence on development of the state and enrich it.

Since 1970, the *Finnish Council for Equality between Men and Women* has served as the executive committee, which included representatives of political parties. There were few resources, the staff included from 5 to 8 people. In the 1970s, the Council played a symbolic and marginal role, solving issues related with the professional retraining of other officials.

In the 1980s, it was removed from the direct subordination of the Prime Minister and entered the structure of the Ministry of Social Affairs and Health Care. Despite the fact that the Council moved away from the central government, it immediately became one of the leading authorities within the main arena for the elaboration of social policy. In addition, it received the right established by the law to make key proposals and implement reforms to ensure gender equality. The scope of the Council also included the issue of political representation of women, the issue of introducing a gender perspective in the activities of all civil servants and officials. In connection with the 1995 debate on quotas for political parties, one of the members of the Council, a deputy of the parliament, strongly advocated the inclusion of a voluntary quota within its party. After this event, the Council finally changed its role of the symbolic political agency and began to actively assist all female parliamentarians and female candidates. Thus, proximity to the solution of social issues and the presence of allies within the parliament and political parties were able to enhance the effectiveness of the national mechanism, despite the lack of apparatus at that time, broad powers and funding.

At the government level, the *Minister of Social Affairs and Health Care* is responsible for equality issues. Since the beginning of the 2000s, the Ministry has three independent authorities working to promote equality between women and men: the Gender Equality Council, the Equality Ombudsman and the Department for Gender Equality. The Gender Equality Council acts as an independent authority. In 2002, in accordance with the EU gender equality directives, these structures developed amendments to the Finnish Law on Equality between Women and Men - the introduction of a gender quota of at least 40% of the same gender for executive authorities; the same quota was set at the municipal level and for the structures of the Lutheran church.

The *Gender Equality Department* develops the Government's policy in this area and also coordinates international issues related to the European Union activities, the United Nations, the Council of Europe and

the Council of Ministers of the Nordic countries<sup>1</sup>. The specific responsibilities of the unit include: participation in the development of a gender equality policy in cooperation with the Government; the formulation of tasks related to gender equality, the Law on Equality of the EU and the policy in the field of equality, with international affairs.

The *Equality Ombudsman* in Finland is in charge of coordinating compliance with the "Law on Equality between Women and Men", in particular the prohibition of discrimination; promotes the realization of the objectives of this Law through initiatives, consultations; provides information about the Law and its application; monitors the observance of equality between women and men in various sectors of civil society.

At the local level some municipalities and large cities, including Helsinki, have set up *special committees or ad hoc working groups in order to promote gender equality issues* in their regions.

The *main task of the Equality Council* is to focus on the general promotion of gender equality in the Finnish society. The Council acts as an active civil society forum that is responsible for consideration gender equality issues and promotion of its implementation by means of taking initiatives and issuing conclusions. It participates in discussions of equality related issues with government authorities, state and municipal institutions, market organizations, labor and other partners.

Non-governmental women's organizations, commercial organizations and employers, trade unions and a number of civic organizations are active partners in advancing gender equality in the Nordic countries.

For example, in *Iceland*, the women's movement is represented by the *Association of Women's Rights*, which was founded in 1907 in Reykjavik. The main focus of the association's work is gender equality in the Parliament of Iceland and municipalities, public and private companies. The Association is struggling with inequality in women's wages, violence against women, prostitution, trafficking in human beings.

The *National Women's Council of Finland* (non-governmental feminist organization), which has been functioning since 1911, is an umbrella organization that has been addressing gender equality for more than a hundred years. The Council is also part of the national mechanism. There is no public funding for this structure, but it has partnered with different ministries and departments. The council brings together 54 organizations and more than half a million people.

Thus while implementing the gender equality policy in the Nordic countries; the emphasis is placed

<sup>1</sup> The Nordic Council or the Nordic Council of Ministers is an organization for coordinating cooperation between parliaments and governments of the countries of northern Europe. The official website of the Council – <https://www.norden.org/en>.

on the fact that all are equal in rights and opportunities. The state should create conditions that allow women and men of all ages and social status to fulfill their needs.

## 9.2 Implementation of gender equality policy of individual countries of Central and Southern Europe<sup>1</sup>

Based on the ILO Convention on Equal Pay for Work of Equal Value, in 1979 in Austria the Law "On Equal Treatment"<sup>2</sup> was adopted. For constitutional reasons, it can only regulate private sector employment contracts. The law was amended in 1982, 1985, 1990 and 1993 and now it also contains provisions on equal working conditions, sexual harassment in the workplace, norms of discrimination on the grounds of sex.

In 1993 the Federal Law "On Equal Treatment for Civil Servants and Workers"<sup>3</sup> which deals with labor contracts and working conditions as well as defines conditions for promotion was adopted.

Since 1993, the Parliamentary Council on Equal Treatment has been involved in legislation on gender equality.

At the governmental level there is an *Interagency Working Group on Gender Equality*. In accordance with the Federal Law "On Equal Treatment for Public Servants and Employees" it may submit proposals to the Government for consideration and give it advice on all matters relating to equal treatment and promotion of women in the federal civil service. The main objectives of this structure

in implementing the gender perspective is to develop a strategy and methods for implementing the concept of gender perspective within the framework of ministerial structures and at the political level.

Each ministry has the *commissioner on equal rights officer*. Among his/her tasks is to advise federal public servants and employees as well as monitor all cases of sex discrimination that are brought to his/her attention to monitor and further advance after the service of women – civil servants.

The *Equal Treatment Commission for Private Citizens* is a tripartite body that has the right to provide advisory or expert advice on matters relating to sex discrimination in the workplace or in the framework of collective agreements. These expert opinions may be presented in court as part of evidence in cases of discrimination. The Commission on Equal Treatment for Private Citizens has been in the Ministry of Health and Women's Affairs since 1990.

Unlike other countries, Austria does not have a clear concept of gender equality. In addition to the civil service at the federal level, as in some provinces, no legal measures for positive action or active promotion of gender equality were adopted. Anti-discrimination legislation is brought in line with directives based on Article 13 of the EU Treaties.

Equality between men and women is one of the priorities of the state policy of the Czech Republic. The most important issues concerning equal opportunities for men and women are as follows:

- ageism and sexism, which is the most common cause of discrimination faced by people who are looking for a job or are already working;
- the gap between the pay of women and men 25%;
- representation of women in the decision-making process;
- representation of women in the public and political sectors;
- discrimination against employees (both men and women) on the grounds of "child care" and "care for a senior relative".

The basic document that guarantees compliance with the principle of equality is the *Constitution of the Czech Republic*<sup>4</sup>, which came into force in 1993. It includes the Charter of Fundamental Rights and Freedoms. These documents state that all people are free and equal in their dignity and in their rights, provide workers with the right to appropriate remuneration for work.

<sup>1</sup> In this section the materials of the dissertation Cherniakhivska V.V. "Gender Policy in the System of Public Administration: Ukraine and European Experience": diss. PhD: 25.00.01 - Theory and history of public administration/ Victoria Valeriivna Cherniakhivska. K., 2017. – 257 pp. [Electronic resource]. – Access mode: <http://academy.gov.ua/pages/dop/137/files/2b092cb2-6488-4bee-9e6a-67961eb38aee.pdf>; master's dissertation of Kutysenko D.O. "Features of the formation and distribution of gender roles in the political sphere of life of society: world experience and Ukrainian realities": master's dissertation on speciality 8.03010101 – sociology / Daria Olekhivna Kutysenko. – K., 2016. – 115 p. [Electronic resource]. – Access mode: <http://www.sociology.kpi.ua/wp-content/uploads/2016/01/Кутисенко.pdf>; research "Implementation of gender policy in Kazakhstan". – OECD, 2017. – 122 p. [Electronic resource]. – Access mode: [http://www.oecd.org/gov/Russian\\_Gender\\_Kaz.pdf](http://www.oecd.org/gov/Russian_Gender_Kaz.pdf) and article of Hnedash A.A. "National mechanism of gender equality in modern Russia and countries of the world: actors, global and local levels, network resources" // *Woman in the Russian Society*. – 2016. – No 4. – P. 3-21. [Electronic resource]. – Access mode: [http://ivanovo.ac.ru/upload/medialibrary/8f8/JRO\\_4\\_81\\_2016.pdf](http://ivanovo.ac.ru/upload/medialibrary/8f8/JRO_4_81_2016.pdf), <https://womaninrussiansociety.ru/article/gnedash-a-a-natsionalnyi-mexanizm-gendernogo-ravenstva-v-sovremennoj-rossii-i-stranax-mirak-tory-globalnyj-i-lokalnyj-urovni-setevye-resursy-str-3-21/>.

<sup>2</sup> Equal Treatment Act (Gleichbehandlungsgesetz, GlBG) [Electronic resource]. – Access mode: <https://www.ris.bka.gv.at/GeltendeFassung/ Bundesnormen/20003395/GlBG%2c%20fassung%20vom%2002.11.2015.pdf>; Equal Opportunities: Equal Treatment Legislation in Austria [Electronic resource]. – Access mode: <https://broschuerenservice.sozialministerium.at/Home/Download?publicationId=46>.

<sup>3</sup> Equal Treatment Act for Federal Civil Servants and Federal Contract Employees (Bundes-Gleichbehandlungsgesetz, B-GBG) [Electronic resource]. – Access mode: [http://ec.europa.eu/information\\_society/newsroom/image/document/2017-3/2016-at-country\\_report-ge\\_final\\_41873.pdf](http://ec.europa.eu/information_society/newsroom/image/document/2017-3/2016-at-country_report-ge_final_41873.pdf); The Austrian Federal Civil Service 2017: Facts and figures. – Federal Ministry of Republic of Austria on Civil Service and Sport [Electronic resource]. – Access mode: [https://www.oeffentlicherdienst.gv.at/fakten/publikationen/PfB\\_E\\_final\\_25022016\\_barrierefrei.pdf?gidop/](https://www.oeffentlicherdienst.gv.at/fakten/publikationen/PfB_E_final_25022016_barrierefrei.pdf?gidop/)

<sup>4</sup> The Constitution of the Czech Republic (No. 1/1993 Coll. adopted on 16 December 1992) [Electronic resource]. – Access mode: <http://www.psp.cz/en/docs/laws/constitution.html>.

*Labor Code*<sup>1</sup> prohibits discrimination, as well as undesirable sexual behavior in the workplace, and guarantees an equal right to parental leave for women and men. *Law "On wages"*<sup>2</sup> provides for the obligation to pay the same salary to women and men if they perform identical work or work of equal value for one employer.

In the Czech Parliament there is the *Committee on Family and Equal Opportunities*, consisting of 11 members. One of its tasks is to prepare proposals for amendments to the laws concerning equal opportunities for men and women and human rights. In 2000, the *Institute for the Public Defender of Human Rights (the official name of the Ombudsman)* was established. The main task of this structure is to protect individuals in connection with the actions of official bodies and other institutions listed in the Law, if such actions are incompatible with the Law, contrary to the principles of a democratic rule of law and good governance, as well as in the case of inactivity of these agencies. The Commissioner for Human Rights does not specialize in protecting the equality of men and women.

At the state level, there are two councils: *the Governmental Council on Equal Opportunities for Women and Men* and *the Human Rights Council*.

The most important body for promoting gender equality is the *Governmental Equal Opportunities Council for Women and Men*, which was established in October, 2001 and commenced its activities at the end of 2002. The council prepares proposals for equal opportunities for women and men. The main directions of the activity and tasks of the Council are:

- negotiating and advising on the main conceptual directives of the Government in the field of equal opportunities for women and men;
- identification of priority areas for departmental projects aimed at supporting the implementation of equal opportunities;
- identification of topical issues in society regarding the provision of equal opportunities;
- assessment of the existing principles of equal opportunities for women and men and the adoption of new ones.

The Council consists of 23 members. The Chairman of the Council, as a rule, is the Deputy Prime Minister. The

government appoints a chairman, and a chairman in his/her turns – the members of the Council. Most of them are representatives of different ministries. Five members of the Council are representatives of non-governmental organizations focused on equal opportunities; one of the members is the head of the Czech Statistical Office, one representative of the Union of Employers, one representative of the Confederation of Trade Unions. The Council may create committees and temporary working groups, if necessary. The Chairman of the Council has the right to request assistance from public officials or independent external experts. The expenses for financing the Council are on the balance sheet of the Ministry of Labor and Social Affairs.

*The Human Rights Council* is the advisory body of the Czech Government on the protection of human rights and fundamental freedoms. It was established in December, 1998 and consists of 20 members, the chairman and vice chairman. The Chairman of the Council is an authorized representative of the Government on human rights. The Council monitors compliance with the Constitution of the Czech Republic, the Charter of Fundamental Rights and Freedoms, as well as other legislative norms.

In addition, it controls the national implementation of international obligations in the area of human rights and fundamental freedoms arising from a number of international conventions, including the Convention on the Elimination of All Forms of Discrimination against.

The Council has the *Committee on the Elimination of All Forms of Discrimination against Women*.

At the state level, the *Ministry of Labor and Social Affairs* is responsible for addressing gender equality issues. The Ministry has a separate body – the *Department for Equality between Women and Men*. The Governmental Council on Equal Opportunities for Women and Men is run by this ministry.

Each ministry has *authorized officials dealing with gender equality issues*. Each ministry is required to develop an annual programme document entitled "Priorities and Programmes for Promoting Gender Equality".

In the Czech Republic there is no specialized body to which individuals can file complaints about gender discrimination. Assistance to victims of discrimination is ensured by the court and NGOs.

*The Women's Union of the Czech Republic* is the most important NGO involved in many projects for equal opportunities for men and women. A representative of this association is a member of the Government Council on Equal Opportunities for Women and Men. There are about 40 smaller organizations dealing with gender equality in the country. Representatives of large

<sup>1</sup> Zákon ze dne 13. května 2004 No. 435/2004 Sb. o zaměstnanosti [Electronic resource]. – Access mode: [http://portal.mpsv.cz/sz/obecne/prav\\_predpisy/akt\\_zneni/ZAKON\\_O\\_ZAMESTNANOSTI\\_OD\\_1\\_1\\_2018.PDF](http://portal.mpsv.cz/sz/obecne/prav_predpisy/akt_zneni/ZAKON_O_ZAMESTNANOSTI_OD_1_1_2018.PDF); Labour Law and Employment in the Czech Republic – 2018 Guide. – Accace [Electronic resource]. – Access mode: <https://accace.com/wp-content/uploads/2018/02/2018-01-Labour-Law-and-Employment-Czech-Republic-EN-compressed.pdf>.

<sup>2</sup> Zákon ze dne 10. prosince 1991 o mzdě, odměně za pracovní pohotovost a o průměrném výdělku [Electronic resource]. – Access mode: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/38513/95242/F1540266461/CZE38513.pdf>.



organizations, such as the *Confederation of Trade Unions or the League of Women of the Czech Republic*, lobby for gender issues, taking part in the activities of government authorities.

On March 22, 2007 the Law No 3/2007 "On the Effective Equality of Women and Men"<sup>1</sup> was adopted in Spain. In order to integrate the gender perspective into all areas of public policy, Spain, in accordance with the Law, has created gender equality units in all ministries to effectively ensure equality between women and men (Article 77). All ministries, within the limits of their authority, have entrusted one governing body with responsibilities related to the principle of equality between women and men, and in particular on:

- ensuring appropriate gender statistical information;
- conducting research to promote equality between women and men in their respective fields of activity;
- advise the competent ministries in the development of a gender impact report;
- improving the level of understanding of employees regarding the scope and significance of the principle of equality between men and women;
- monitoring the compliance with the law for the effective implementation of the Law 3/2007 and the principles of equality between men and women.

The government authority above mentioned is the *Institute for Women's Affairs* is the executive body of the Ministry of Social Affairs. It is far removed from the center of decision-making, has the authority to receive complaints of discrimination against the public, but has no political authority. Complaints decisions are taken jointly with the relevant ministries. The Institute consists of three divisions and 75-100 full-time employees. Its leaders are representatives of the ruling party, which usually have experience in protecting women's rights. In 1986 the structure played an important role in the adoption of the Law "On the Abortion Permission".

The weakness of this national mechanism is due to the existing model of existing powers: they are not enough to implement an effective gender equality policy.

At the same time, in 2014 the *first Strategic Plan for Equal Opportunities for 2014-2016*<sup>2</sup> was adopted. The National Gender Strategy of Spain is a mechanism by which the Government identifies priority actions and tasks in the area of fight against persistent gender

discrimination, which has so far spread in the country, and the provision of equal opportunities for women and men. The plan was designed for three years and it was aimed at fulfilling the following priority tasks:

- to reduce the inequality that persists in the labor market and in the economy (in particular, inequality in wages);
- to support in finding a balance between personal, family and working life;
- to eradicate all forms of violence against women;
- to improve women's engagement in political, economic and social life;
- to develop equal opportunities for women and men through education;
- to implement the principles of equal treatment and opportunities in public programmes and activities everywhere.

At the same time the *Second (new) Strategic Plan for Equal Opportunities for 2018-2021*<sup>3</sup>, developed in accordance with the Sustainable Development Goals was approved on December 21, 2017. It was and aimed at fulfilling the following tasks:

- to ensure selection and promotion processes in accordance with the principle of equality, which excludes vertical and horizontal segregation and the use of sexist language;
- to guarantee that hiring is not based on stereotypes about the ability or characteristics of people of a particular gender, race, age, social status, beliefs or ideals;
- to ensure balanced representation of women and men in all spheres: in professional groups, professions and in management structure;
- to ensure equal access of men and women to training in order to promote the development of professional careers and their adaptation to the requirements of positions;
- to increase awareness of the importance of training and professional development;
- to conduct trainings and awareness raising activities on equal treatment and opportunities;
- to ensure better reconciliation of personal, work and family life of men and women through awareness campaigns to promote this culture and disseminate existing activities;
- to mainstream the gender perspective in all

<sup>1</sup> Ley Orgánica 3/2007, de 22 de marzo, para la igualdad efectiva de mujeres y hombres [Electronic resource]. – Access mode: <https://www.boe.es/buscar/pdf/2007/BOE-A-2007-6115-consolidado.pdf>.

<sup>2</sup> Equal Opportunities Strategic Plan for 2014-2016 [Electronic resource]. – Access mode: <http://www.inmujer.gob.es/actualidad/PEIO/docs/PEIO2014-2016Ingles.pdf>.

<sup>3</sup> Il Plan de Igualdad FNMT-RCM (Ley Orgánica 3/2007, de 22 de marzo). Vigencia: 2018 – 2021. 21 de diciembre de 2017 [Electronic resource]. – Access mode: <https://www.boe.es/boe/dias/2018/05/10/pdfs/BOE-A-2018-6272.pdf>.



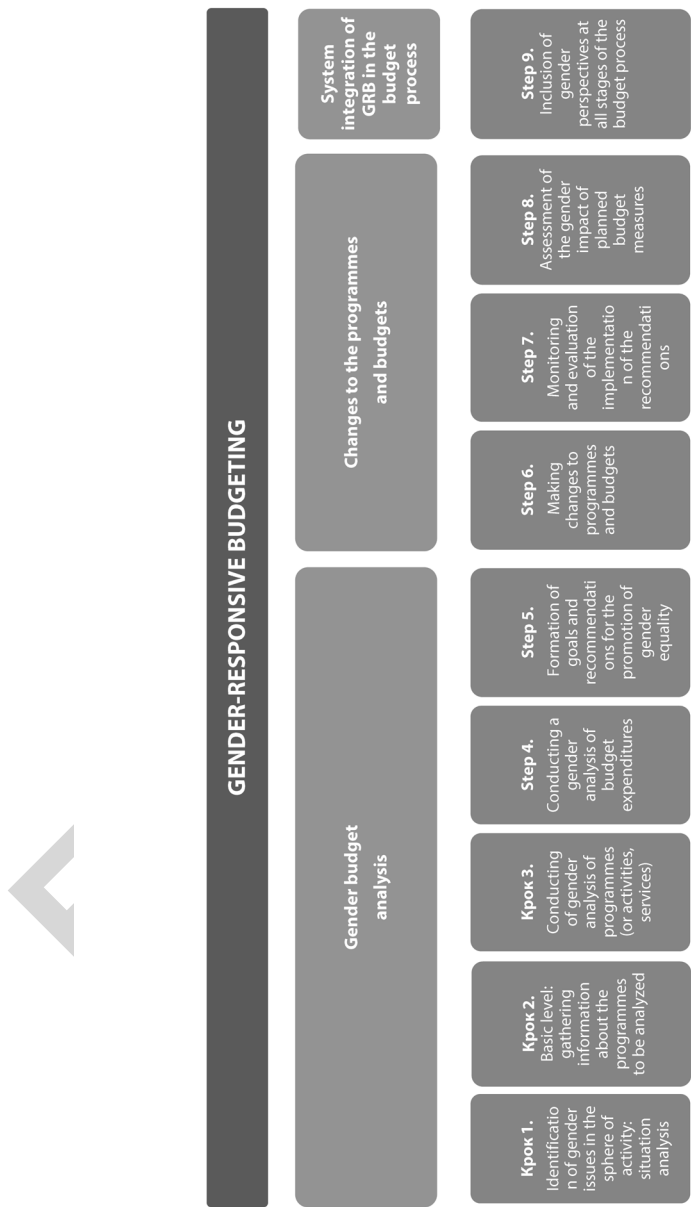
- spheres of activity of organizations;
- to promote the implementation of labor and social policies of organizations that exclude sexual harassment and harassment on the basis of sex;
- to consider the gender perspective in assessing occupational risks;
- to guarantee, distribute, apply and improve the legally recognized rights of victims of gender-based violence.

So, summing up all of the above mentioned, it should be noted that there is a positive tendency towards non-discrimination in the world, the experience of which can be taken and implemented in our country, which can become a way of forming a high-social, equal and just state, which, in turn, will meet international standards and respond the requirements of the ethical public code.

FOR REVIEW

ANNEX 1

Components and stages of implementation of gender-responsive budgeting



## ANNEX 2

### Checklist for gender budgeting<sup>1</sup>

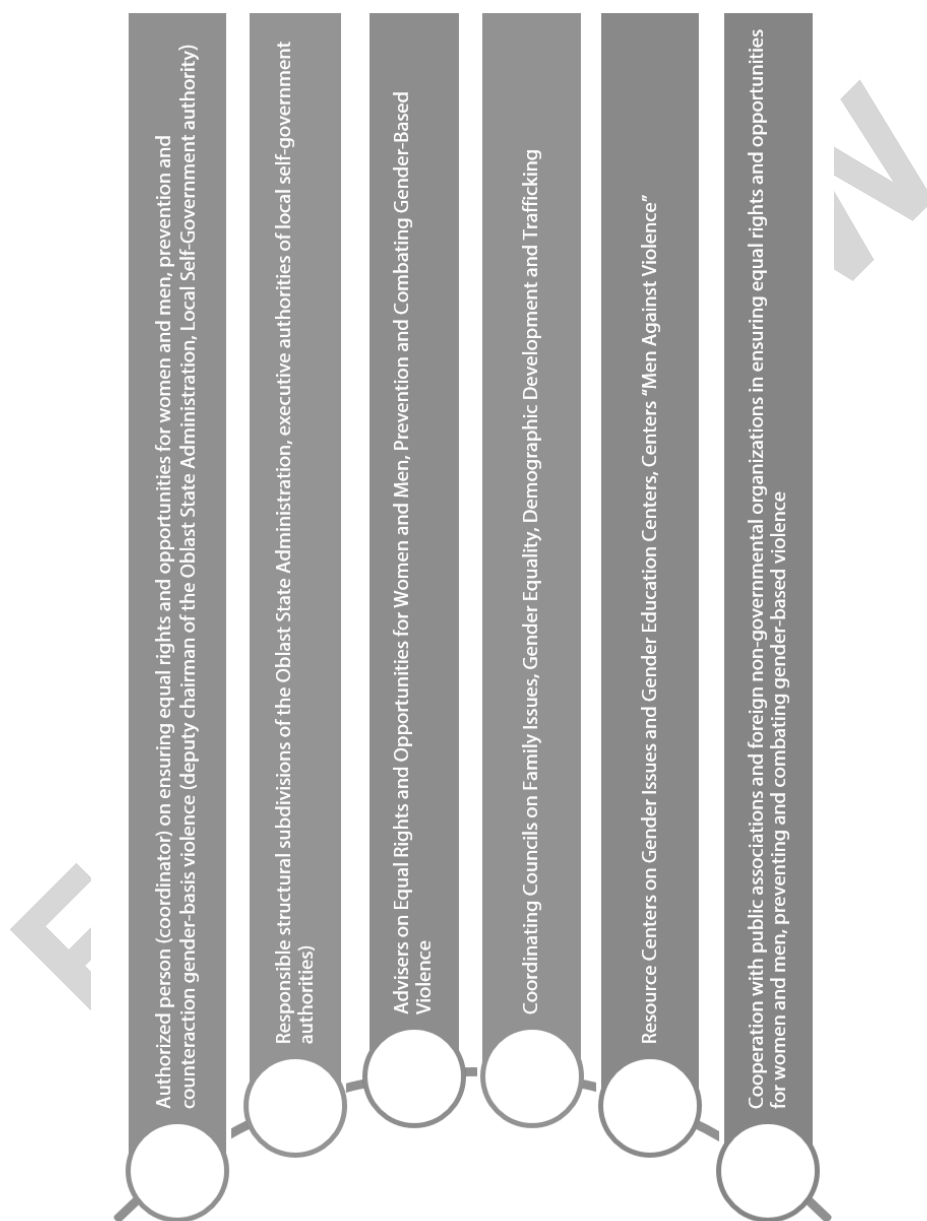
STAGES OF WORK	THE MAIN ISSUES
1. Identifying gender issues in the field: analysis of the situation	<ul style="list-style-type: none"> <li>The situation of women and men (and subgroups of women and men) in the sector of the relevant programme selected for analysis.</li> <li>What are their interests, needs, priorities? Is there a difference between the needs of women and men that should be taken into account?</li> <li>What are the existing inequalities between women and men (or between subgroups of women and men)? Especially in the following areas:               <ul style="list-style-type: none"> <li>employment;</li> <li>the level and distribution of unpaid work (for example, the effects of program work on care and care responsibilities);</li> <li>income;</li> <li>mobility (transport);</li> <li>participation in decision-making (in the political, social and economic spheres of life);</li> <li>gender norms, roles and stereotypes.</li> </ul> </li> </ul>
2. Baseline: Collect information about programmes to be analyzed	<ul style="list-style-type: none"> <li>Title of the programme.</li> <li>Programme Type (Target / Budget).</li> <li>Total budget of the programme.</li> <li>What part of the funding comes from the state budget, which is from other sources (for example, from donors)?</li> <li>What kind of activities is spent on the budget?</li> <li>Institution responsible for developing the programme.</li> <li>Institution responsible for implementing the programme.</li> <li>Institutions that are collaborators of the programme.</li> <li>Programme Objectives.</li> <li>Are there specific goals focused on improving the situation of women or men?</li> <li>The main tasks of the programme.</li> <li>The main activities of the programme.</li> <li>Based on what needs a programme has been developed?</li> <li>What are the statistical data available for the programme, especially for target groups and beneficiaries?</li> <li>Has an analysis or study been conducted on the implementation of the programme?</li> </ul>
3. Conducting a gender analysis of programmes (or events, services)	
3.1. Assessing existing inequalities and challenges with regard to gender equality	<ul style="list-style-type: none"> <li>How the programme contributes to the elimination of gender inequality, for example, its goals and activities, and may also meet the different needs and priorities of women and men identified in step 2?</li> </ul>
3.2. Analysis of beneficiaries and consumers of civil services and activities	<ul style="list-style-type: none"> <li>How many women and men (and subgroups of women and men) benefit from programme activities, such as services provided, built-in infrastructure, cash payments, etc.?</li> <li>Do different women and men use different services? If so, what are the possible causes of this? Are there any possible barriers to using the services?</li> <li>Are there specific services offered to women and men?</li> </ul>

<sup>1</sup> Source: "Gender-responsive budgeting: analysis of programmes financed from the budget, from the point of view of gender equality. The hand-book for employees of executive and local self-government authorities".

STAGES OF WORK	THE MAIN ISSUES
<i>3.3. Analysis of satisfaction of women and men-consumers of civil services</i>	<ul style="list-style-type: none"> <li>• How satisfied are women with the quality of services provided? And how satisfied are men?</li> <li>• Is there a sufficient amount of services to meet demand for them?</li> <li>• Do these services, possibly, meet the different needs and interests of women?</li> <li>• How do different roles and responsibilities of women and men or traditional norms affect women's and men's ability to use civil services?</li> </ul>
<i>3.4. Analysis of the decision-making process on the introduction of programmes (or activities, services)</i>	<ul style="list-style-type: none"> <li>• Who has an influence on the decision-making about the provision and terms of service?</li> <li>• How many women and men are involved and at what level?</li> <li>• Do the groups representing the interests of women and men (NGOs) have the opportunity to provide the information to decision makers?</li> </ul>
<i>3.5. Analysis of the impact of programmes (or activities, services) on gender equality</i>	<ul style="list-style-type: none"> <li>• What is the impact of state employment on women and men?</li> <li>• Does the state activity change the existing gender roles and norms and how do they change?</li> <li>• What is the impact of state activity on the amount of unpaid work and on the distribution of unpaid work between women and men?</li> <li>• Does this activity affect the ability of women and men to participate in the political, economic and social spheres of life?</li> </ul>
<i>4. Conducting a gender analysis of relevant budget expenditures</i>	<ul style="list-style-type: none"> <li>• What are the total costs of providing specific services, payments or investments?</li> <li>• What is the cost per unit of specific services (cost per capita) or other types of government activities?</li> <li>• Is there enough available budget to implement the programme, taking into account the number of people in the target group?</li> <li>• Is there an adequate budget available to provide services and activities that are responsive to different needs of women and men? If so, is it possible to provide specific services to groups of women or men in response to their specific needs?</li> <li>• What was the dynamics of budget expenditures for this program in the last year, did the increase or decrease take place?</li> <li>• Are the funds provided in the budget fully used for the implementation of the programme?</li> <li>• Are these services available to all women and men in the target groups?</li> </ul>
<i>5. Formation of goals and recommendations for the promotion of gender equality</i>	<ul style="list-style-type: none"> <li>• What are the main manifestations of gender inequality identified during the analysis that should be eliminated in the future?</li> <li>• What are the main goals of gender equality to be included in the relevant programmes?</li> <li>• What changes in activities are needed in order to better achieve the goals of gender equality and to better take into account and meet the needs, interests and priorities of women and men?</li> <li>• How to ensure equal access for women and men to different types of activities?</li> <li>• How can target services be available to some groups of women or men?</li> <li>• What changes in activities are needed to improve gender-sensitive goals and better meet the needs, interests and priorities of women and men?</li> <li>• Is there a need to improve the service delivery process?</li> <li>• Are there specific additional activities for which it is recommended to pay particular attention to women or men?</li> <li>• How to ensure that the gender aspect is integrated into the programme activities?</li> <li>• What changes in budget expenditures are needed to better achieve the goals of gender equality?</li> <li>• What are the opportunities for using methods based on the broad participation of women and men to improve gender-based planning and implementation?</li> </ul>

## ANNEX 3

The mechanism for ensuring gender equality at the regional level<sup>1</sup>



<sup>1</sup> Do not like» gender «? Just do not know how to cook it! «: A recipe from Katerina Levchenko / Electronic Newspaper» Up «. - October 11, 2018 [Electronic resource]. - Access mode: <http://vgoru.org/index.php/prava-lyudini/item/35090-ne-liubye-gender-prosto-ne-vmiiete-ioho-hotuvaty-retsept-vid-kateryny-levchenko>.



## ANNEX 4

Status of signing by the Local Councils of Ukraine of the European Charter for Equality of Women and Men in Local Life<sup>1</sup>

No	Name of self-government authority	Draft Decision (reference)	Adopted Decision (date of registration, date of approval, No and reference)
<i>Vinnitsia Oblast</i>			
1.	Vinnitsia City Council		Decision of the Vinnitsia City Council "On Draft Decision of the City Council "On Accession to the European Charter for Equality of Women and Men in Local Life" <sup>2</sup> as of 18.05.2017 No 1153 and Regulation of Chairman of Vinnitsia City Council "On the Creation of a Working Group" as of 08.09.2017 No 159-R (creation of a working group on the implementation and realization of the European Charter for Equality of Women and Men in Vinnitsia Local Life and the approval of its membership) <sup>3</sup>
<i>Dnipropetrovsk Oblast</i>			
2.	Marganets City Council	Draft Decision of the Marganets City Council "On Accession to the European Charter for Equality of Women and Men in Local Life" <sup>4</sup> (as of 04.10.2018)	
3.	Verkhivtsi City Council of Verkhodniprovskiy Region		Decision of the Verkhivtsi City Council of Verkhodniprovskiy Region "On Accession to the European Charter for Equality of Women and Men in Local Life" <sup>5</sup> as of 17.09.2018 No 307-20/VII
<i>Donetsk Oblast</i>			
4.	Myrnohrad City Council		Decision of the Myrnohrad City Council "On Accession to the European Charter for Equality of Women and Men in Local Life" <sup>6</sup> as of 10.10.2018 No VII52-12
5.	Pokrovsk City Council		Decision of the Pokrovsk City Council "On Accession to the European Charter for Equality of Women and Men in Local Life" <sup>7</sup> as of 28.09.2018 No 7/59-8
6.	Mariupol City Council	Draft Decision of the Mariupol City Council "On Accession to the European Charter for Equality of Women and Men in Local Life" as of 30.10.2018) <sup>8</sup>	
7.	Novohrodivka City Council		Decision of the Novohrodivka City Council "On Accession to the European Charter for Equality of Women and Men in Local Life" <sup>9</sup> as of 12.10.2018 No 7/48-13

<sup>1</sup> Source: Researches of the Center for Adaptation of the Civil Service to the Standards of the European Union (data as of November 9, 2018).

<sup>2</sup> [http://www.vmr.gov.ua/Docs/ExecutiveCommitteeDecisions/2017/№1153\\_18-05-2017\\_Про\\_проект.pdf](http://www.vmr.gov.ua/Docs/ExecutiveCommitteeDecisions/2017/№1153_18-05-2017_Про_проект.pdf)

<sup>3</sup> [http://www.vmr.gov.ua/Docs/MajorOrdersR/2017/№159-р\\_08-09-2017\\_Про\\_створення.pdf](http://www.vmr.gov.ua/Docs/MajorOrdersR/2017/№159-р_08-09-2017_Про_створення.pdf)

<sup>4</sup> [http://marganets-rada.dp.ua/file/04\\_10\\_18/pro\\_hartiyu.doc](http://marganets-rada.dp.ua/file/04_10_18/pro_hartiyu.doc)

<sup>5</sup> [https://rada.info/upload/users\\_files/35950156/678f38b0f71f441202ccd7f5a010c87d.docx](https://rada.info/upload/users_files/35950156/678f38b0f71f441202ccd7f5a010c87d.docx)

<sup>6</sup> [http://dimitrov-rada.gov.ua/data/documents/rada/2018/10/10/7865/pro\\_priednannya\\_do\\_e\\_itti\\_miscevih\\_gromad.doc](http://dimitrov-rada.gov.ua/data/documents/rada/2018/10/10/7865/pro_priednannya_do_e_itti_miscevih_gromad.doc)

<sup>7</sup> [http://www.pokrovsk-rada.gov.ua/images/stories/pubinform/rishennya\\_miskrady/7-sozyv/59-session/7-59-8.pdf](http://www.pokrovsk-rada.gov.ua/images/stories/pubinform/rishennya_miskrady/7-sozyv/59-session/7-59-8.pdf)

<sup>8</sup> <https://mariupolrada.gov.ua/city-council-solution-projects/pro-priednannya-do-evropejskoi-hartii-rivnosti-zhinok-ta-cholovikiv-u-zhytti-miscevih-gromad>

<sup>9</sup> <http://novohrodovka-rada.gov.ua/component/documents/2661:pro-priednannya-do-yeuropejskoi-khartii-rivnosti-zhinok-i-cholovikiv-u-zhytti-mistsevykh-hromadvbgvb#>

No	Name of self-government authority	Draft Decision (reference)	Adopted Decision (date of registration, date of approval, No and reference)
8.	Mykolayiv City Council of the United Territorial Community of Sloviansk Region		Results of of deputies' roll-call voting of the Mykolayiv City Council of the United Territorial Community of Sloviansk Region of the 8 convocation during the XXVI session on item 14 of agenda of "On Accession to the European Charter for Equality of Women and Men in Local Life" <sup>1</sup> as of 10.30.2018
<i>Zhytomyr Oblast</i>			
9.	Zhytomyr City Council		Decision of the Zhytomyr City Council "On Accession to the European Charter for Equality of Women and Men in Local Life" <sup>2</sup> as of 26.06.2018 No 1063
10.	Korosten City Council		PDecision of the Korosten City Council "On Accession to the European Charter for Equality of Women and Men in Local Life" <sup>3</sup> as of 18.10.2018 No 38-25 and Decision of the Korosten City Council "On Approval of the Code of Ethics of Officials, Local Self-Government Employees, Employees of Enterprises, Institutions, Organizations, the founder (co-founder of 50 and more %) of which is the Korosten City Council, taking into account the principles of non-discrimination and gender equality" <sup>4</sup> as of 18.10.2018 No 31-25
11.	Olevsk City Council of the United Territorial Community of Olevsk Region		Decision of the Olevsk City Council of the United Territorial Community of Olevsk Region "On Accession to the European Charter for Equality of Women and Men in Local Life" <sup>5</sup> as of 04.10.2018 No 765
12.	Radomyshl City Council of the United Territorial Community of Radomyshl Region		PDecision of the Radomyshl City Council of the United Territorial Community of Radomyshl Region "On Accession to the European Charter for Equality of Women and Men in Local Life" <sup>6</sup> as of 26.10.2018 No 399
<i>Zakarpatska Oblast</i>			
13.	Uzhgorod City Council		Decision of the Uzhgorod City Council "On Accession to the European Charter for Equality of Women and Men in Local Life" <sup>7</sup> as of 30.10.2018 No 1314
<i>Zaporizhia Oblast</i>			
14.	Melitopol City Council	Draft Decision of the Melitopol City Council "On Accession to the European Charter for Equality of Women and Men in Local Life" (as of 26.10.2018) <sup>8</sup>	
15.	Vilniansk City Council of Vilniansk Region		Results of of deputies' roll-call voting of the Vilniansk City Council of Vilniansk Region of the 7th convocation during the 43th session on item 46 of agenda of "On Accession to the European Charter for Equality of Women and Men in Local Life" <sup>9</sup> as of 30.10.2018

<sup>1</sup> [https://mykolaivka-rada.gov.ua/assets/files/rada/8\\_18/30.10.2018/rishennya/protokol\\_golosuvannya-min.pdf](https://mykolaivka-rada.gov.ua/assets/files/rada/8_18/30.10.2018/rishennya/protokol_golosuvannya-min.pdf)

<sup>2</sup> <http://zt-rada.gov.ua/files/upload/sitefiles/doc1531747953.pdf>

<sup>3</sup> <http://golos.rada-kor.gov.ua/?page=golos&id=326>

<sup>4</sup> <http://golos.rada-kor.gov.ua/?page=golos&id=322>

<sup>5</sup> <http://olevsk-gromada.gov.ua/32-sesiya-viii-sklikannya-2018-r/>

<sup>6</sup> <https://radmr.gov.ua/docs/117567/>

<sup>7</sup> <http://rada-uzhgorod.gov.ua/web/uploads/sites/2/2018/10/rs-1314.pdf>

<sup>8</sup> <http://mlt.gov.ua/images/rada/2018/44.rar>

<sup>9</sup> [https://rada.info/upload/users\\_files/25486771/8dba0702dfce3ffaba8c7a3f521f6d56.pdf](https://rada.info/upload/users_files/25486771/8dba0702dfce3ffaba8c7a3f521f6d56.pdf)

No	Name of self-government authority	Draft Decision (reference)	Adopted Decision (date of registration, date of approval, No and reference)
16.	Orishiv City Council of the United Territorial Community of Oryhiv Region		The item 15 of the meeting agenda of 7th convocation of the 18th session of the Orishiv City Council of Oryhiv Region "On Accession to the European Charter for Equality of Women and Men in Local Life" <sup>1</sup> as of 25.10.2018
<i>Ivano-Frankivsk Oblast</i>			
17.	Yaremche City Council	Draft Decision of the Yaremche City Council "On Support of the European Charter for Equality of Women and Men in Local Life" (as of 26 September, 2018) <sup>2</sup>	
18.	Dolyna City Council of Dolyna Region		Decision of the Dolyna City Council of Dolyna Region "On Accession to the European Charter for Equality of Women and Men in Local Life" as of 27.09.2018 No 1337-41/2018" <sup>3</sup>
<i>Kyiv Oblast</i>			
19.	Bila Tserkva City Council	Draft Decision of the Bila Tserkva City Council "On Accession to the European Charter for Equality of Women and Men in Local Life" (as of 24.09.2018 No 1033/2-11) <sup>4</sup>	
20.	Brovary City Council		Decision of the Brovary City Council "On Accession to the European Charter for Equality of Women and Men in Local Life" <sup>5</sup> as of 27.09.2018 No 1088-45-07
21.	Pereyaslav-Khmelnytsky City Council		Decision of the Pereyaslav-Khmelnytsky City Council "On Accession to the European Charter for Equality of Women and Men in Local Life" <sup>6</sup> as of 25.10.2018 No № 148-59-VII
22.	Irpiny City Council		Decision of the Irpin City Council "On Support of the European Charter for Equality of Women and Men in Local Life" <sup>7</sup> as of 03.07.2018 No 3892-53-VIII
23.	Hostomel Village Council		The item 5 of the Minutes of VII convocation of the 45th session of the Hostomel Village Council as of 18.10.2018 <sup>8</sup>
24.	Kaharlyk City Council of Kaharlyk Region		Results of deputies' roll-call voting of the Kaharlyk City Council of Kaharlyk Region of the 7th convocation during the XLV session on Decision No 9 of the agenda "On Accession to the European Charter for Equality of Women and Men in Local Life" <sup>9</sup> as of 04.10.18

<sup>1</sup> [http://ormr.gov.ua/rishennia\\_miskoi\\_radi/2353-21\\_sesiia\\_orykhivskoi\\_miskoi\\_radi\\_7-go\\_sklikannia.html](http://ormr.gov.ua/rishennia_miskoi_radi/2353-21_sesiia_orykhivskoi_miskoi_radi_7-go_sklikannia.html); <http://ormr.gov.ua/file/JRP5JrAr>

<sup>2</sup> <http://yaremche.org/files/filez/hartiya.pdf>

<sup>3</sup> <http://rada.dolyna.info/doc/rishennya-sesiji/pro-prijednannya-do-evropejskoji-hartiji-rivnosti-zhinok-i-cholovikiv-u-zhytti-mistsevykh-hromad/>

<sup>4</sup> [https://new.bc-rada.gov.ua/miska\\_rada/normatyvni\\_akty/index.php/1033\\_2-11\\_pro\\_prijednannya\\_do\\_yevropejskoji\\_khartii\\_rivnosti\\_zhinok\\_i\\_cholovikiv\\_u\\_zhytti\\_mistsevykh\\_hromad.html](https://new.bc-rada.gov.ua/miska_rada/normatyvni_akty/index.php/1033_2-11_pro_prijednannya_do_yevropejskoji_khartii_rivnosti_zhinok_i_cholovikiv_u_zhytti_mistsevykh_hromad.html), [https://new.bc-rada.gov.ua/miska\\_rada/normatyvni\\_akty/index.php/1033\\_2-11\\_pro\\_prijednannya\\_do\\_yevropejskoji\\_khartii\\_rivnosti\\_zhinok\\_i\\_cholovikiv\\_u\\_zhytti\\_mistsevykh\\_hromad/40971.zip](https://new.bc-rada.gov.ua/miska_rada/normatyvni_akty/index.php/1033_2-11_pro_prijednannya_do_yevropejskoji_khartii_rivnosti_zhinok_i_cholovikiv_u_zhytti_mistsevykh_hromad/40971.zip)

<sup>5</sup> <http://brovary-rada.gov.ua/documents/29936.html>

<sup>6</sup> <http://phm.gov.ua/wp-content/uploads/2017/02/59-sec.-чепр.-25.10.2018.rar>

<sup>7</sup> [https://imr.gov.ua/attachments/article/9251/Про\\_підтримання\\_Європейської\\_Хартії\\_рівності\\_жінок\\_і\\_чоловіків\\_у\\_житті\\_місцевих\\_громад\(1\).pdf](https://imr.gov.ua/attachments/article/9251/Про_підтримання_Європейської_Хартії_рівності_жінок_і_чоловіків_у_житті_місцевих_громад(1).pdf)

<sup>8</sup> <http://gostomel-rada.gov.ua/attachments/article/1223/45ssssssss.pdf>

<sup>9</sup> [http://www.kaharlyk-mrada.gov.ua/data/files/us\\_admin/04\\_10\\_18.pdf](http://www.kaharlyk-mrada.gov.ua/data/files/us_admin/04_10_18.pdf)

No	Name of self-government authority	Draft Decision (reference)	Adopted Decision (date of registration, date of approval, No and reference)
34.	Hrebinka City Council of the United Territorial Community of Hrebinka Region		Decision of the Hrebinka City Council of Hrebinka Region "On Accession to the European Charter for Equality of Women and Men in Local Life" <sup>1</sup> as of 24.09.2018 No 399
35.	Pyriatyn City Council of the United Territorial Community of Pyriatyn Region		Decision of the Pyriatyn City Council of Pyriatyn Region "On Accession to the European Charter for Equality of Women and Men in Local Life" <sup>2</sup> as of 23.10.2018 No 294
Rivne Oblast			
36.	Ostroh City Council	Draft Decision of the Ostroh City Council "On Accession to the European Charter for Equality of Women and Men in Local Life" (as of 27.09.2018 No 712) <sup>3</sup>	
37.	Volodymyrets Village Council of Volodymyrets Region	Draft Decision of the Volodymyrets Village Council of Volodymyrets Region "On Accession to the European Charter for Equality of Women and Men in Local Life" (as of 04.09.2018 No 04-09/436) <sup>4</sup>	
Sumy Oblast			
38.	Okhtyrka City Council	Draft Decision of the Okhtyrka City Council "On Accession to the European Charter for Equality of Women and Men in Local Life" (as of 28.09.2018 as amended as of 24.10.2018) <sup>5</sup>	
39.	Sumy City Council	Draft Decision of the Sumy City Council "On Accession to the European Charter for Equality of Women and Men in Local Life" (as of 24.09.2018) <sup>6</sup>	
Ternopil Oblast			
40.	Velyki Hai Village Council of the United Territorial Community of Ternopil Region		Decision of the Velyki Hai Village Council of the United Territorial Community of Ternopil Region "On Accession to the European Charter for Equality of Women and Men in Local Life" at the 30th session of the 7th convocation of the deputies as of 28.09.2017
Kharkiv Oblast			
41.	Pervomaisk City Council		Decision of the Pervomaisk City Council "On Accession to the European Charter for Equality of Women and Men in Local Life" <sup>8</sup> as of 25.10.2018 No 990-50/7
42.	Chuhuiv City Council		Decision of the Chuhuiv City Council "On Accession to the European Charter for Equality of Women and Men in Local Life" <sup>9</sup> as of 02.10.2018 No 1192-VII

<sup>1</sup><http://www.hrebinka.org.ua/data/laws/doc2018-9-24-30.pdf>

<sup>2</sup><http://pyriatyn.org.ua/data/laws/doc2018-10-23-5.pdf>

<sup>3</sup>[https://ostroh.rv.ua/doc/dop/2018/projects/rish\\_712.doc](https://ostroh.rv.ua/doc/dop/2018/projects/rish_712.doc)

<sup>4</sup><http://volodselrada.gov.ua/proekt-rishennya-volodimiretskoyi-selishhnoyi-radi-04-09-436/>

<sup>5</sup><http://www.omvk.sm.ua/content/view/16798/41/>

<sup>6</sup>[https://smr.gov.ua/images/documents/Proekty/Sesii/2018/09/24/8\\_Proekt\\_DSZN.doc](https://smr.gov.ua/images/documents/Proekty/Sesii/2018/09/24/8_Proekt_DSZN.doc)

<sup>7</sup><https://velykogaivska-gromada.gov.ua/news/1538464479/>

<sup>8</sup><http://pervom-rada.gov.ua/FILES/RADA/GOLOSUUVANNYA/rez50.pdf>, [http://pervom-rada.gov.ua/FILES/RADA/prinyati/50\\_7.rar](http://pervom-rada.gov.ua/FILES/RADA/prinyati/50_7.rar)

<sup>9</sup><http://chuguev-rada.gov.ua/rdocs/file/6147/1/>, <http://chuguev-rada.gov.ua/rdocs/file/6147/2/>

No	Name of self-government authority	Draft Decision (reference)	Adopted Decision (date of registration, date of approval No and reference)
Kherson Oblast			
43.	Hola Prystan City Council		PDecision of the Hola Prystan City Council "On Accession to the European Charter for Equality of Women and Men in Local Life" <sup>1</sup> as of 28.09.2018 No 838
44.	Kakhovka City Council		Decision of the Kakhovka City Council "On Accession to the European Charter for Equality of Women and Men in Local Life" <sup>2</sup> as of 28.09.2018 No 1270/60
45.	Nova Kakhovka City Council	Draft Decision of the Nova Kakhovka City Council "On Accession to the European Charter for Equality of Women and Men in Local Life" (as of 10.10.2018 No 414 - pr*) <sup>3</sup>	
Khmelnitskyi Oblast			
46.	Kamianets-Podilskyi City Council	Draft Decision of the Kamianets-Podilskyi City Council "On Accession to the European Charter for Equality of Women and Men in Local Life" (No 13367) <sup>4</sup>	
47.	Dunaivtsi City Council of the United Territorial Community of Dunaivtsi Region	Draft Decision of the Dunaivtsi City Council of the United Territorial Community of Dunaivtsi Region "On Accession to the European Charter for Equality of Women and Men in Local Life" (as of 26.10.2018) <sup>5</sup>	
48.	Hrytsiv Village Council of the United Territorial Community of Shepetivka Re-gion	Draft Decision of the Hrytsiv Village Council of the United Territorial Community of Shepetivka Region "On Accession to the European Charter for Equality of Women and Men in Local Life" <sup>6</sup>	
Cherkasy Oblast			
49.	Korsun-Shevchenkivskyi City Council of Korsun-Shevchenkivskyi Region		Results of Deputies' Open Roll-Call Voting of the Korsun-Shevchenkivskyi City Council of Korsun-Shevchenkivskyi Region of the 7 <sup>th</sup> convocation during the 52 <sup>th</sup> extraordinary session on the Decision No 4 "On Accession to the European Charter for Equality of Women and Men in Local Life" <sup>7</sup> as of 08.11.2018
Чернігівська область			
50.	Nosivka City Council of the United Territorial Community of Nosivka Region		Decision of the Executive Committee of the Nosivka City Council of Nosivka Region "On Accession to the European Charter for Equality of Women and Men in Local Life" <sup>9</sup> as of 17.09.2018 No 275 and Decision of the Nosivka City Council of Nosivka Region "On Accession to the European Charter for Equality of Women and Men in Local Life" as of 19.09.2018 No 10/43/V <sup>10</sup>
TOTAL:		17 (16)	33 (34)

<sup>1</sup> <http://golapristan-mrada.gov.ua/files/838.37.doc>

<sup>2</sup> <http://kakhovka-rada.gov.ua/files/6293.doc>

<sup>3</sup> [http://novakahovka.com.ua/public\\_info/print.php?t=26&g=144&id=3527&lng=ua](http://novakahovka.com.ua/public_info/print.php?t=26&g=144&id=3527&lng=ua)

<sup>4</sup> <http://kam-pod.gov.ua/documents/proekti-normativno-pravovikh-aktiv-miskoi-radi/item/19794-pro-priyeddannia-do-evropeiskoi-khartii-rivnosti-zhinok-i-cholovikiv-u-zhyttimistsevykh-hromad>

<sup>5</sup> <http://dunrada.gov.ua/article-one/876>

<sup>6</sup> [http://www.hrytsivrada.gov.ua/wp-content/uploads/2018/projects/10\\_sesja/04\\_hartija.pdf](http://www.hrytsivrada.gov.ua/wp-content/uploads/2018/projects/10_sesja/04_hartija.pdf)

<sup>7</sup> <https://korsunrada.ck.ua/2018/10/16/51-чергова-сесія-проекти-рішень/>

<sup>8</sup> <https://korsunrada.ck.ua/2018/10/31/52-нозачергова-сесія/>

<sup>9</sup> <http://nosgromada.gov.ua/wp-content/uploads/2018/09/рішення-№-275-Про-приєднання-до-Європейської-Хартії.doc>

<sup>10</sup> <http://nosgromada.gov.ua/wp-content/uploads/2018/09/p-10-приєднання-Європейської-Хартії.doc>, <http://nosgromada.gov.ua/wp-content/uploads/2018/09/p-10-додаток-європейська-хартія.pdf>



## ANNEX 5

Separate international indices and indicators which measure the level of gender equality

Source	Types of indicators
<p><i>UNDP Gender Indicators</i>  <i>"Human Development Index, HDI"</i></p> <p>Organization:            United Nations Development Programme, UNDP            Human Development Report            Announced annually            Since 1990 - till now            Annually</p> <p>Source:  <a href="http://hdr.undp.org/en/content/inequality-adjusted-human-development-index-ihdi">http://hdr.undp.org/en/content/inequality-adjusted-human-development-index-ihdi</a></p>	<p>1. <i>Gender Development Index (GDI)</i><sup>1</sup> – an average indicator of achievements in the spheres:            a) health care;            b) education;            c) standard of living.            Identifies inequalities between men and women according to the same indicators used in calculations of the Human Development Index<sup>2</sup>.</p> <p>2. <i>Gender Inequity Index</i><sup>3</sup>  <i>Gender Inequity Index, GII</i> – a combined indicator of the achievement of the country in terms of equality of articles. One of the key indicators of social development. Measures the achievements of countries in three main indicators:            a) reproductive health care (reproductive health, measured by maternal mortality ratio and adolescent birth rates);            b) civil rights and opportunities (empowerment, measured by proportion of parliamentary seats occupied by females and proportion of adult females and males aged 25 years and older with at least some secondary education);            c) economic activity and opportunities in the labour market (economic status, expressed as labour market participation and measured by labour force participation rate of female and male populations aged 15 years and older).</p> <p>3. <i>Inequality-Adjusted Human Development Index</i>  <i>(Inequality-Adjusted Human Development Index, IHDI)</i> – Combined indicator, which reflects the loss in human development due to inequality in the spheres:            a) health care;            b) education;            c) incomes.            Indices are calculated on a special method. Index value is from 0 to 1. The closer to 1, the less disparities between men and women in these key areas.            Indicators are initially calculated separately for women and men in a particular country, then the equally distributed indices are calculated for each dimension, and the indices are calculated as the arithmetic mean of the equally distributed indices. The meaning of the Indices falls when the level of achievement of both sexes decreases: both women and men, as well as when the gap in the achievements of genders increases.</p>

<sup>1</sup> Gender Development Index [Electronic resource]. – Access mode: <http://hdr.undp.org/en/content/gender-development-index-gdi>.

<sup>2</sup> The integral indicator, calculated annually for interstate comparison and measuring of living standards, literacy, education and longevity, as the main characteristics of human potential of the study area. It is a standard tool for a general comparison of the standard of living of different countries and regions.

<sup>3</sup> Human Development Report [Electronic resource]. – Access mode: <http://hdr.undp.org/>.

Source	Types of indicators
<p><i>The Global Gender Gap Index</i></p> <p>Organization: World Economic Forum Since 2006 - till now Annually</p> <p>Source: <a href="http://www.weforum.org/">http://www.weforum.org/</a></p>	<p>Country research on gender equality index. The index consists of publicly available statistics in the sphere of socio-economic development.</p> <p>The index measures only gender differences in countries around the world, regardless of their level of development.</p> <p>Measured by 14 indicators in key areas:</p> <ul style="list-style-type: none"> <li>a) economic participation and career opportunities;</li> <li>b) education;</li> <li>c) health;</li> <li>d) political rights and opportunities.</li> </ul> <p>Index value from 0 to 1. The closer to 1, the less disparities between men and women in these key areas.</p>
<p><i>Women's Economic Opportunity Index</i></p> <p>Organization: Economist Magazine Assessment 2010, 2012</p> <p>Source: <a href="http://www.eiu.com/home.aspx">http://www.eiu.com/home.aspx</a></p>	<p>The index evaluates the regulatory framework governing women's participation in the labor market and social institutions that affect women's economic participation.</p> <p>The index evaluates the potential of women in five categories:</p> <ul style="list-style-type: none"> <li>a) Labour policy and practice;</li> <li>b) Access to finance;</li> <li>c) Education and training;</li> <li>d) Women's legal and social status;</li> <li>e) General business environment.</li> </ul> <p>The index provides a quantitative and qualitative score of 29 indicators. The Index value is from 0 to 100, where 0 means a low level of opportunity, and 100 is high level.</p>
<p><i>Social Institutions and Gender Index (SIGI)</i></p> <p>Organization: Center for the Development of the Organization for Economic Cooperation and Development (OECD)</p> <p>Established in 2007 Assessment 2009, 2012, 2014</p> <p>Source: <a href="http://www.genderindex.org/">http://www.genderindex.org/</a></p>	<p>Fixes and analyzes in a quantitative measure some social institutions (norms of law, traditions, stereotypes, etc.) that lead to discrimination in relation to women. It combines the individual parameters that describe discriminating social institutions from the Gender Institute and Development Database, which covers 160 countries. Evaluated for 60 indicators.</p> <p><i>Information on cultural and traditional practices affecting the economic status of women is encoded in order to provide a quantitative assessment of the discrimination degree.</i></p> <p>It consists of five sub-indices, each of which reflects a separate dimension of female discrimination. In its turn, each of the sub-indices is calculated for 14 parameters.</p> <p>The value of SIGI and its sub-indices from 0 to 1, where 0 means a low level of discrimination, and 1 is a high level of discrimination.</p>

Source	Types of indicators
<i>Gender Equality Index (GEI)</i>  Organization: Social Watch: poverty eradication and gender justice Reports 2007, 2008, 2009, 2012  Source: <a href="http://www.socialwatch.org/">http://www.socialwatch.org/</a>	The global study of the world in terms of equality of articles. Measures the level of gender gap in three areas: a) education (number of students at all levels); b) economy (income and employment); c) civil rights and opportunities (high-quality jobs, parliamentary membership and senior management positions). The Index value is from 0 to 1, where 0 means absolute inequality, and 1 is a complete equality.
Special Indicators	
<i>Education for All</i>  Organization: UNESCO Established in 2000	Gender equality in education. The Index value is from 0 to 1, where 0 means a low level of discrimination, and 1 is a high level of discrimination.
<i>Multiple Indicator Cluster Survey</i>  Organization: UN Children's Fund (UNICEF) Since 1990 - till now  Source: <a href="http://www.unicef.org/ceecis/resources_10594.html">http://www.unicef.org/ceecis/resources_10594.html</a>	Household Surveys Methodology, developed by the UN Children's Fund in order to assist countries in gathering information on the women's status.

<sup>1</sup> Gender Equality index [Electronic resource]. – Access mode: <http://eige.europa.eu/gender-statistics/gender-equality-index/about>.

Source	Types of indicators
<b>Regional Indicators</b>	
<p><i>Gender Equality Index</i></p> <p>Organization: The European Institute for Gender Equality (EIGE) Reports: 2005, 2010, 2012</p> <p>Source: <a href="http://eige.europa.eu/gender-statistics/gender-equality-index">http://eige.europa.eu/gender-statistics/gender-equality-index</a></p>	<p>The index evaluates the impact of gender policy in the EU in general and separately in 28 Member States.</p> <p>Measures gender equality with six baseline indicators and two auxiliary indicators:</p> <p>Basic Indicators:</p> <ul style="list-style-type: none"> <li>a) work (positions of men and women in the labor market);</li> <li>b) finances (the gap between male and female incomes, as well as the risk of poverty);</li> <li>c) education (number of men and women who acquire education of different levels);</li> <li>d) time (how much time is spent on unpaid activities, including childcare and housework, participation in cultural events);</li> <li>e) power (the representativeness of men and women in political and economic spheres);</li> <li>f) health (access to health care structures).</li> </ul> <p>Auxiliary indicators:</p> <ul style="list-style-type: none"> <li>(a) violence against women;</li> <li>(6) intersectoral inequality<sup>1</sup>.</li> </ul> <p>The value of the Index is from 1 to 100, where 1 stands for absolute inequality, and 100 is full equality.</p>
<p><i>The African Gender and Development Index (AGDI)</i></p> <p>Organization: United Nations Economic Commission for Africa Since 2004</p> <p>Source: <a href="http://www.uneca.org/publications/african-gender-and-development-index-2011">http://www.uneca.org/publications/african-gender-and-development-index-2011</a></p>	<p>The index is based on African charter and other documents relating to gender equality. The index consists of two parts:</p> <ul style="list-style-type: none"> <li>a) Gender Status Index (GSI) - a quantitative measure of social, economic and political power;</li> <li>b) The African Women's Progress Scoreboard (AWPS) is a qualitative assessment for the same quantitative measurement as well as for the situation of women's rights (the figure was adopted at the Fourth African Development Forum in 2004).</li> </ul>

## ANNEX 6

World's experience in defining the main responsibilities of central institutions dealing with gender issues<sup>1</sup>

	Proposals development	Realization	Enforcement	Conducting of the gender analysis	Review of the quality of gender analysts and preparation of recommendations	Realization monitoring	Conducting of the policy research	Recommendations for policy formulation	Guidance on gender-differentiated data development	Development of tools and guidelines for integration into political analysis	Reporting to the Parliament	Providing expert report	Providing specific programmes for women
Austria	●	●	●	●	●	●	●	●	●	●	●	●	●
Belgium	●	●	●	●	●	●	●	●	●	●	●	●	●
Canada	●	●	●	●	●	●	●	●	●	●	●	●	●
Chile	●	●	●	●	●	●	●	●	●	●	●	●	●
Czech Republic	●	●	●	●	●	●	●	●	●	●	●	●	●
Finland	●	●	●	●	●	●	●	●	●	●	●	●	●
France	●	●	●	●	●	●	●	●	●	●	●	●	●
Germany	●	●	●	●	●	●	●	●	●	●	●	●	●
Greece	●	●	●	●	●	●	●	●	●	●	●	●	●
Ireland	●	●	●	●	●	●	●	●	●	●	●	●	●
Israel	●	●	●	●	●	●	●	●	●	●	●	●	●
South Korea	●	●	●	●	●	●	●	●	●	●	●	●	●
Luxembourg	●	●	●	●	●	●	●	●	●	●	●	●	●
Mexico	●	●	●	●	●	●	●	●	●	●	●	●	●
New Zealand	●	●	●	●	●	●	●	●	●	●	●	●	●
Norway	●	●	●	●	●	●	●	●	●	●	●	●	●
Slovakia	●	●	●	●	●	●	●	●	●	●	●	●	●
Spain	●	●	●	●	●	●	●	●	●	●	●	●	●
Sweden	●	●	●	●	●	●	●	●	●	●	●	●	●
Switzerland	●	●	●	●	●	●	●	●	●	●	●	●	●
USA	●	●	●	●	●	●	●	●	●	●	●	●	●

- – Leading role
- – Auxiliary role
- ◐ – Role of consultant
- ◑ – Not applicable

<sup>1</sup> Source: OECD Survey on National Gender Frameworks, Gender Public Policies and Leadership. See research "Realization of Gender Policy in Kazakhstan". – OECD, 2017. – 122 p. [Electronic resource]. – Access mode: [http://www.oecd.org/gov/Russian\\_Gender\\_Kaz.pdf](http://www.oecd.org/gov/Russian_Gender_Kaz.pdf).



## ANNEX 7

World's experience in establishing national gender equality supervisory agencies<sup>1</sup>

	Ombudsman's Office	Commission in the Apparatus of the Head of Government (Committee appointed by the Prime Minister / President)	Independent Standing Committee on Human Rights established by the law	Independent Standing Commission on Gender Equality established by the law	Parliament	Parliamentary Committee on Gender Equality / Women's Affairs	Judicial authority: commission or office located in the Ministry of Justice, which makes a ruling on a claim or defense in court	Advisory authority: basic counseling for ministries or the Head of Government
Austria	•	•	•	•	•	•	•	•
Belgium	•	•	•	•	•	•	•	•
Canada	•	•	•	•	•	•	•	•
Chile	•	•	•	•	•	•	•	•
Czech Republic	•	•	•	•	•	•	•	•
Finland	•	•	•	•	•	•	•	•
France	•	•	•	•	•	•	•	•
Germany	•	•	•	•	•	•	•	•
Greece	•	•	•	•	•	•	•	•
Ireland	•	•	•	•	•	•	•	•
Israel	•	•	•	•	•	•	•	•
South Korea	•	•	•	•	•	•	•	•
Luxembourg	•	•	•	•	•	•	•	•
Mexico	•	•	•	•	•	•	•	•
New Zealand	•	•	•	•	•	•	•	•
Norway	•	•	•	•	•	•	•	•
Slovakia	•	•	•	•	•	•	•	•
Spain	•	•	•	•	•	•	•	•
Sweden	•	•	•	•	•	•	•	•
Switzerland	•	•	•	•	•	•	•	•
USA	•	•	•	•	•	•	•	•
Austria	•	•	•	•	•	•	•	•

• – Yes  
○ – No

<sup>1</sup>Source: See the same.

## ANNEX 8

World's experience in creating mechanisms used by national ministries to ensure the implementation of legislation and initiatives in the area of gender equality<sup>1</sup>

	Regular measurement of performance	Audit or verification	Setting clear objectives with deadlines	Reporting to the coordinating authority / commission	Requirements for regular reporting of the Parliament	Inclusion in the reporting on the activities of managers	Regular inspections / reviews at the key stages of the implementation process	Inclusion of requirements to ensure gender equality in job descriptions	Requirements for evaluation and monitoring
Austria	○	○	○	○	●	○	○	○	○
Belgium	○	○	○	○	○	○	○	○	○
Canada	○	○	○	○	○	○	○	○	○
Chile	○	○	○	○	○	○	○	○	○
Czech Republic	○	○	○	○	○	○	○	○	○
Finland	○	○	○	○	○	○	○	○	○
France	○	○	○	○	○	○	○	○	○
Germany	○	○	○	○	○	○	○	○	○
Greece	○	○	○	○	○	○	○	○	○
Ireland	○	○	○	○	○	○	○	○	○
Israel	○	○	○	○	○	○	○	○	○
South Korea	○	○	○	○	○	○	○	○	○
Luxembourg	○	○	○	○	○	○	○	○	○
Mexico	○	○	○	○	○	○	○	○	○
New Zealand	○	○	○	○	○	○	○	○	○
Norway	○	○	○	○	○	○	○	○	○
Slovakia	○	○	○	○	○	○	○	○	○
Spain	○	○	○	○	○	○	○	○	○
Sweden	○	○	○	○	○	○	○	○	○
Switzerland	○	○	○	○	○	○	○	○	○
USA	○	○	○	○	○	○	○	○	○
Austria	○	○	○	○	○	○	○	○	○

- – Always
- – In some cases
- – No, such a mechanism is not foreseen

<sup>1</sup> Source: OECD (2011), Survey on National Systems dealing with Gender Equality, Gender Public Policies and Leadership. See the same.

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