

**I. Report of non-governmental organizations presented in the framework of the Universal Periodic Review – UPR (Third cycle)**

**II. Prepared by the coalition of non-governmental (civic) organizations:**

Kyiv Gender Studies Institute, Charitable Organization <http://ugn.org.ua/>

Bureau of Social and Political Developments Non-governmental organization, <http://bureau.in.ua/>

Labour Initiatives (Trudovi Inytsyatyvy) Non-governmental organization, <http://trudovi.org/>

Confederation of Free Trade Unions of Ukraine (Youth Committee), <http://www.kvpu.org.uk/>

**III. Information about the fore-mentioned organizations**

**The Kyiv Gender Studies Institute** is an expert non-governmental organization operating since 1999 and dedicated to the study and implementation of gender equality and non-discrimination principles in Ukrainian society. It brings together experts in social and political sciences. The activities of the Institute are as follows: conducting gender expertise and analytical studies, implementing programmes aimed at ensuring the rights and status of women in Ukraine, and consulting.

Institute specialists collaborate with international and governmental agencies: the Ministry of Social Policy of Ukraine, the Ministry of Education and Science of Ukraine, specialized Committees of the Verkhovna Rada of Ukraine, regional state administrations, and Ukrainian research and educational institutions. The Institute has an extensive partner network of experts throughout Ukraine. The Institute launched an internship programme in 2012.

**The non-governmental organization, Bureau of Social and Political Developments** deals with issues related to reforms in the social sector and social dialogue. It was founded in June 2013 by bringing together experts from various industries to create a platform for elaborating a common vision on reforms in the social sphere. Bureau experts have created and organize activities of the Coordinating and Expert Council for Social Policy of the Perspective Social Studies Centre under the Ministry of Social Policy and the National Academy of Sciences of Ukraine. Since 2014, it has been part of the Eastern Partnership Civil Society Forum (Ukrainian National Platform of CSF) and the EU-Ukraine Civil Society Platform (CSP). The Bureau is a member of the European Social Network (ESN).

**Labour Initiatives** is a non-governmental organization committed to the promotion and protection of labour rights and rule of law in Ukraine and regionally. Established in 2014, Labour Initiatives has a legal clinic and workers' rights centre that provides workers with free consultations on various labour issues. Labour Initiatives lawyers conduct monitoring of changes in legislation related to workers' rights, freedom of association and peaceful assembly. The organization also conducts trainings and seminars to promote labour rights and freedom of association. Labour Initiatives partners with internationally recognized national trade union centres in Ukraine, the Confederation of Free Trade Unions of Ukraine and the Federation of Trade Unions

**The Confederation of Free Trade Unions of Ukraine** (hereinafter referred to as CFTUU) was established in 1998. It is a member of the International Confederation of Trade Unions, the successor of the Association of Free Trade Unions of Ukraine, which first appeared as a result of the first workers' strikes in Ukraine. The Confederation consists of ten of the largest independent trade unions in Ukraine and a confederation of free trade unions from fifteen regions of Ukraine. CFTUU trade unions act on the basis of social partnership and a tripartite system, cooperate with state executive authorities and employers' associations, take an active part in negotiations on general, industry-specific and regional agreements and collective labour contracts. In 2004, the Chairman of the Confederation of Free Trade Unions of Ukraine Mykhaylo Volynets received the George Meany and Lane Kirkland Award for Dedication, Courage and Leadership in Defending Human Rights.

**IV. Contact details of the organization coordinating submission: Charitable Organization, Kyiv Gender Studies Institute**

Mailing Address: Off. 38, 3/3 Zadorozhnyi Str., Kyiv, 03040, Ukraine

Tel: +380 44 257-0476; + 380 96 011-0338

E-mail: [kgsi.org@gmail.com](mailto:kgsi.org@gmail.com)

Contact person: Marfa Skoryk

**V. Methodology and sources:**

The report has been drawn up on the basis of documents concerning violations of women's rights collected by 14 organisations for Ukraine's report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (February 2017).

Data collection was accompanied by broad national consultations, and negotiations with experts, representatives of other NGOs, trade unions and women's organizations in Ukraine.

**Assessment of human rights in fields presented in the recommendations No. 97.47, 97.48, 97.52.97.53** relating to discrimination against women; the right to just and favourable conditions of work; institutions & policies – general; participation of women in political and public life)

1. **In Ukraine, feminization of poverty is still ongoing, and there are no systemic state actions with regard to the interests of girls and women in the labour market.** Although the access of women to the paid labour market and social assistance is a key element in combating their impoverishment, women's access to the labour market is declining, while the female unemployment rate and number of women in the shadow economy and informal labour market are growing. Many groups of women experiencing multiple discrimination are excluded, and they are particularly discriminated against in their labour rights. Young women have the poorest employment opportunities and little access to education, which in the future would provide them with work places and decent salaries. Rural women of working age, who comprise a third of all Ukrainian women of the same age, are deprived of possibilities for official employment and any social guarantees and pensions.
2. **Labour legislation for women is unbalanced and doesn't have an integrated system.** It combines an egalitarian approach to labour relations with the model that protects the "natural purpose of women" or explicitly discriminates against women.
3. **Legislative norms that "protect" women in the labour market are still in force, but mainly in the public sector** of the economy. Guarantees and benefits for women in Ukraine include prohibition of work at night and weekends, overtime, business trips for pregnant women and women with children under 3 years; prohibition of overtime work or business trips without consent for women with children from 3 to 14 years or disabled children; numerous maternity leave benefits.
4. **The shadow economy neutralizes legislative guarantees; "inoperative" legislation has its reasons.** Most current laws were developed for a state-controlled economy. Due to the spread of the shadow economy and shadow employment, which has reached the official employment rate, "protective" laws for women are inoperative, and are often not enforced by the legal nihilism of all the "players" in this market. All of that critically affects women's status and observance of their labour rights.
5. **Non-compliance with legislation is significant.** During the 2012 inspection process of the State Inspection of Ukraine on Labour (2.5 thousand enterprises), more than 900 violations were detected in the sphere of employed women's rights. Untimely payment of child care leave, engagement of pregnant women and mothers of children under 3 years in work prohibited by the law, non-payment of sick-leave, etc. In some cases, these inspections led to protests of working women because strict adherence to these "protective" laws curtailed their already low financial possibilities. Court and pre-court settlements to resolve labour conflicts have not responded promptly and adequately to problems related to oppression of women's rights. Law enforcement is weak in this sphere, as well as in others.
6. **More and more women are engaged in the informal (shadow) sector of the economy.** These women "informally" work at home or for themselves, while men informally work for a salary, even in the informal sector of the economy. The proportion of those who work free of charge among all employed women in the informal sector was higher by 18.7 percent than among men<sup>1</sup>. These differences in employment status will lead to feminized poverty of retired women, and will be critical in view of the initiated large-scale pension reform.
7. **The reform system, particularly in the labour field, was initiated without regard to gender approach or involvement of specialists.** A number of regulations that are discriminatory against women have already been adopted. The updated Tax Code of Ukraine has a negative impact on small- and medium-sized businesses run by women-entrepreneurs. In the new draft Labour Code, which is now under consideration in the Verkhovna Rada of Ukraine, there is no provision for non-discrimination of women in the labour market. The initiated large-scale preparation of Pension Reform administered by the Ministry of Social Policy (in charge of gender equality and protection of women's rights) already contains provisions for raising women's retirement age, but they fail to consider their double productive and reproductive roles, as well as gender pay gaps. Having already adopted the Law of Ukraine on Transition to the Mandatory State Pension Insurance (No. 1086 dated 14 January 2015), whereby significant groups of women such as rural women, Roma women, and other vulnerable groups do not have and will not have means to pay for their insurance contributions and will not receive pensions. Furthermore, in 2016, the Ministry of Social Policy conducted a discriminatory, by its consequences, "verification of benefits to single mothers", after which welfare assistance was granted to 400 thousand mothers instead of 600 thousand.

<sup>1</sup> The Scope and Main Characteristics of Informal Employment in Ukraine Technical Note for the Government of Ukraine . – World Bank, 2011.

8. **Equal pay for equal work is not recognized or suppressed.** The documents, where principles of equal remuneration are declared, do not give a description of the mechanisms required for determining such equivalency. On a practical level, it is very difficult or practically impossible to determine the equivalency of two kinds of activities<sup>2</sup>.
9. **Women's household work is not regulated by law.** Labour legislation regulates women's rights only in the public sector, and does not include unpaid housework. It is defined as a "female" problem. Since most unpaid housework is formally considered "unemployment", housework is not deemed to be productive although it plays a decisive role in the physical survival of many families in Ukraine<sup>3</sup>.

## Recommendations

- I. There is an immediate need to visualize zones of violation of women's labour rights, as well as their real productive and reproductive roles throughout the country. Otherwise, it will be impossible to develop appropriate measures to observe women's rights in the labour market and combat poverty. This requires systematic interaction between statisticians and administrators dealing with gender equality (State Statistics Service, Ministry of Social Policy, State Employment Service of Ukraine, State Labour Service, Office of the Commissioner for Human Rights of the Verkhovna Rada, expert governmental and non-governmental organizations, and trade unions).
- II. It is necessary to include gender experts and provide gender expertise of legislative proposals to reform the labour sector and social assistance as the gender-blind approach that is currently used can be critical by its social consequences.
- III. Develop and implement specific programmes to combat discrimination on the labour market for certain categories of women and vulnerable groups. Develop plans for the implementation of EU directives regarding gender equality on the labour market and access to services (under the terms of the EU-Ukraine Association Agreement for 2014-2017). Envisage such measures in the State programme for equal rights and opportunities for women and men up to 2021, which is currently under preparation.

---

<sup>2</sup> Analytical report based on the results of the study of conditions for the development of economic opportunities for women in Ukraine as the factor promoting gender equality, p. 204

<sup>3</sup> Analytical report based on the results of the study of conditions for the development of economic opportunities for women in Ukraine as the factor promoting gender equality, p. 199.