

Flygtningenævnets baggrundsmateriale

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Country	Ukraine
SIGI 2019 Category	Low
SIGI Value 2019	21%

Discrimination in the family		23%
	Legal framework on child marriage	0.5
	Percentage of girls under 18 married	7%
	Legal framework on household responsibilities	0.5
	Proportion of the population declaring that children will suffer if mothers are working outside home for a pay	36%
	Female to male ratio of time spent on unpaid care work	-
	Legal framework on inheritance	0
	Legal framework on divorce	0

Restricted physical integrity		14%
	Legal framework on violence against women	0.75
	Proportion of the female population justifying domestic violence	3%
	Prevalence of domestic violence against women (lifetime)	13%
	Sex ratio at birth (natural =105)	106.3
	Legal framework on reproductive rights	0
	Female population with unmet needs for family planning	5%

Restricted access to productive and financial resources		18%
	Legal framework on working rights	1
	Proportion of the population declaring this is not acceptable for a woman in their family to work outside home for a pay	9%
	Share of managers (male)	59%
	Legal framework on access to non-land assets	0
	Share of house owners (male)	-
	Legal framework on access to land assets	0
	Share of agricultural land holders (male)	-
	Legal framework on access to financial services	0.25
	Share of account holders (male)	48%

Restricted civil liberties		29%
	Legal framework on civil rights	0
	Legal framework on freedom of movement	0
	Percentage of women in the total number of persons not feeling safe walking alone at night	74%
	Legal framework on political participation	0.25
	Share of the population that believes men are better political leaders than women	52%
	Percentage of male MP's	88%
	Legal framework on access to justice	0.25
	Share of women declaring lack of confidence in the justice system	65%

Note: Higher values indicate higher inequality. Percentages range from 0 to 100, while legal variables are categorised as 0, 0.25, 0.5, 0.75 or 1.

Source: OECD (2019), Gender, Institutions and Development Database, <https://oe.cd/ds/GIDDB2019>.

Ukraine

Introduction

Ukraine has been facing political instability and an armed conflict following political protests that sparked in 2013 and the occupation and unrecognised annexation of the Autonomous Republic of Crimea and the city of Sevastopol by the Russian Federation in 2014 (CEDAW, 2017). The CEDAW Committee (2017) notes that the armed conflict “has had a severe impact on civilians, in particular women and girls in disadvantaged situations, such as internally displaced women, rural women, older women, women with disabilities, Roma women, lesbian, bisexual and transgender women and women from other minorities” (CEDAW, 2017: 3).

1. Discrimination in the family

a) Overarching legal framework for marriage

The Family Code defines marriage as based on the free consent of a woman and a man (Family Code, art. 24). The Family Code of Ukraine further condones forced marriage and finds a marriage invalid if the consent of both the woman and the man were not obtained, including the cases where one of the party was handicapped, drunk, drugged or intoxicated (art. 40). The legal framework considers a marriage only when it is registered by a public civil status act registration authority (Family Code, art. 21). Further, the law does not provide for official registration of all marriages and partnerships, including informal unions and customary or religious marriages. Additionally, the legal framework does not regulate informal or de-facto unions (Family Code, art. 21).

b) Child marriage

The Family Code stipulates that the legal age of marriage for women and men is 18 years old (art. 22). Upon a decision from a court, a person of 14 years old may marry (Family Code, art. 23). Nonetheless, a marriage is found invalid when a person marries under the legal age without authorisation from the court (art. 41). The legal framework does not contain sanctions for those facilitating a marriage of an individual who is under the minimum age of marriage. There is no legal discrimination regarding child marriage. However, girls in Roma communities are particularly vulnerable to early marriage (CEDAW, 2017). Young Roma girls below the legal age of 18 often leave school to enter marriage (EERC & Chiricli, 2016).

c) Household responsibilities

The legal framework provides women with the same rights as men to be recognised as the head of household (Family Code, art. 54). Women and men have the same rights to be the legal guardians of their children and they share the same rights and responsibilities towards their children during marriage and in informal unions (Family Code, art. 141 & 150). Wives and husbands have legally the same right to choose where to live (Family Code, art. 56). Additionally, the Constitution guarantees to

anyone the free choice of their place of residence (art. 33). There is no legal discrimination regarding women's legal rights to be recognised as the head of household, to be the legal guardians of their children or to choose where to live. The CEDAW Committee (2017) points out that in conflict-affected areas, women have become de facto heads of household and primary providers for their families.

Furthermore, the CEDAW Committee (2017) points out that patriarchal attitudes and discriminatory stereotypes concerning the roles and responsibilities of women and men in the family persist in Ukraine, impacting women's implication in other domains of public and private life. Reports show that Roma women and girls are particularly affected by patriarchal attitudes and are traditionally involved with household work (housekeeping, cooking, caring for the children) (Anti-Discrimination Centre, 2017).

d) Divorce

The Family Code provides women and men with the same rights to initiate divorce (art. 105). Divorce can be initiated jointly or by one spouse (Family Code, art. 105). Women and men have the same requirements to finalise a divorce or annulment (Family Code, art. 107). The legal framework further provides for the same rights for women and men to be the legal guardians of their children after divorce, and the same rights and responsibilities towards their children after divorce (Family Code, art. 141). There is no legal discrimination regarding divorce and the law does not make gender distinctions regarding spousal support, custody rights and rights and responsibilities towards children. Nonetheless, the CEDAW Committee (2017) expresses concern over judicial practices whereby the courts do not take into account gender-based violence against women in the domestic sphere in cases of child custody and visitation rights.

e) Inheritance

The law provides daughters with the same rights as sons to inherit land and non-land assets (Civil Code, art. 1261). Similarly, female surviving spouses are entitled the same rights as male surviving spouses to inherit land and non-land assets (Civil Code, art. 1261). The legal framework stipulates that natural persons in full civic capacity shall have the right to make a will (Civil Code, art. 1234). There is no legal discrimination regarding inheritance rights and there are no practices that may restrict those rights.

2. Restricted Physical integrity

a) Violence against women

There is no comprehensive law in Ukraine addressing violence against women including specific provisions for investigation, prosecution and punishment of the perpetrator and protection and support services for victims.

The CEDAW Committee (2017) highlights the prevalence of gender-based violence in Ukraine which is highly underreported and highlights that no specific definition of gender-based violence is included in the legal framework as well as the lack of shelters for victims of gender-based violence. Additionally, the Coalition "Justice for Peace in Donbas" highlights that there is a lack of official statistical data on

sexual violence, which prevents the State and civil society organisations to apprehend the issues comprehensively (CJPD, 2017).

There is evidence of gender-based violence in illegal detention facilities in the conflict zone in eastern Ukraine (CJPD, 2017). The Coalition “Justice for Peace in Donbas” interviewed women who were illegally deprived of their liberty and who reported being victims of various forms of violence (CJPD, 2017).

b) Domestic violence

Domestic violence is not specifically addressed in the Criminal Code, but can be charged under several criminal offenses, including murder (art. 115), murder committed in the heat of passion (art. 116), infanticide (art. 117), negligent homicide (art. 119), driving a person into suicide (art. 120), intended grievous bodily injury (art. 121), intended bodily injury of medium gravity (art. 122), intended grievous bodily injury inflicted in the heat of passion (art. 123), intended minor bodily injury (art. 125), battery and torture (art. 126), torture (art. 127), negligent grievous bodily injury or negligent bodily injury of medium gravity (art. 128), threat to kill (art. 129), illegal confinement or abduction of a person (art. 146) and substitution of a child (art. 148). The criminal penalty for those charges ranges from imprisonment of up to ten years, correctional labour, community service and fines.

The Law on Preventing and Combating Domestic Violence which was adopted in 2016 includes a broad list of relationships in its definition of family, including former partners (Council of Europe, 2016). The Law addresses physical, sexual, psychological and economic violence (Council of Europe, 2016). Special provisions for investigation, prosecution and punishment of perpetrators are included in the Law, such as urgent prohibiting orders, restraining orders, registration of perpetrators or referral of perpetrators of domestic violence to perpetrator treatment programmes (Council of Europe, 2016). The Law additionally provides specific provisions for the prevention of domestic violence. Furthermore, the Law includes provisions for integrated services for victims, including emergency shelters, health services, 24-hours free of charge hotline and legal aid (Council of Europe, 2016).

The Ukrainian Parliament Commissioner for Human Rights, in its shadow report to the CEDAW Committee, reports that there are no institutions specifically dedicated to assisting victims of domestic violence (UPCHR, 2017). Inclusive services (psychological, social, legal services) are provided by the Centres of Social and Psychological Support (UPCHR, 2017). However, it is reported that those centres are not accessible in all regions (UPCHR, 2017). There is no information on functioning centres in the Autonomous Republic of Crimea due to the occupation and in the Eastern region of Ukraine due to the armed conflict (UPCHR, 2017). The report shows that there are dysfunctional problems in the centres, such as limited opening hours, lack of staff training or age limitations for entry (UPCHR, 2017). Rural women are marginalised with regards to access to those centres (UPCHR, 2017). Additionally, a hotline provides assistance for victims of domestic violence, human trafficking and gender discrimination (Civil Society Organisations, 2016). The hotline is run by the International Women’s Rights Centre “La Strada Ukraine”, an organisation focusing on trafficking in persons, the elimination of all forms of discrimination and violence in society and the promotion and protection of human rights, gender equality and children’s rights (Civil Society Organisations, 2016).

Domestic violence is prevalent in Ukraine (Equal Rights Trust, 2017). According to data collected by the Ukrainian Helsinki Human Rights Union, there were 160, 730 complaints of domestic violence in 2013, 88% of which were made by women (Equal Rights Trust, 2017). However, those numbers represent only women who reported being victims of domestic violence, many more cases go unreported (Equal Rights Trust, 2017). The CEDAW Committee (2017) reports that judges frequently recourse to mediation in cases of domestic violence.

c) Rape

The Criminal Code, under article 153, addresses sexual violence and defines it as violent unnatural gratification of sexual desire combined with physical violence, threats of violence or by taking advantage of the victim's helpless condition. It is punishable by imprisonment of up to five years (Criminal Code, art. 153). Rape is considered a criminal offense under the Criminal Code and is punishable of imprisonment of up to five years (art. 152). The law is based on lack of consent and the Criminal Procedure Code includes testimonies, objects, documents and expert findings as procedural sources of evidence (art. 84). However, reports show that testimonies are rarely deemed sufficient proof in the courtroom (OHCHR, 2017a). Marital rape is not included in the legal definition of rape; however a wife can file a complaint. The Criminal Code provides for increased penalties of imprisonment of up to 15 years for aggravated forms of rape and sexual violence (art. 152 & 153).

The CEDAW Committee (2017) points out that the legal definition of rape does not include rape committed by force or coercion or caused by fear of violence, duress, detention, psychological oppression or abuse of power. The legal definition is hence not applicable to conflict-related sexual violence (CEDAW, 2017). Furthermore, the CEDAW Committee (2017) highlights the lack of capacity of police forces and judiciary to adequately investigate and prosecute rape and sexual violence cases. There are limited services available to victims of rape and sexual violence, especially multi-sectoral services, according to the CEDAW Committee (2017).

The Office of the United Nations High Commissioner for Human Rights [OHCHR] (2017a) conducted a study on conflict-related sexual violence in Ukraine covering the period of 14 March 2014 to 31 January 2017. The report does not consider that sexual violence in the context of the conflict is used for strategic or tactical ends (OHCHR, 2017a). Nonetheless, the report highlights that most cases of sexual violence that were brought to the attention of the OHCHR (2017a) were occurring in illegal detention facilities by several parties to the conflict. The OHCHR (2017a) notes that many cases of sexual violence are unreported due to stigma, trauma and fear of retaliation by perpetrators and remarks on the prevailing impunity regarding abuses committed in the context of the conflict, in particular cases of sexual violence.

d) Sexual harassment

Sexual harassment is included under article 1 of the Law on Ensuring Equal Rights and Opportunities of Women and Men and defines sexual harassment as sexual acts, expressed verbally or physically which humiliate or insult persons who are subordinate in labour, work, financially or otherwise. Civil remedies are available for victims of sexual harassment, notably by appealing to the Commissioner for Human Rights (Law on Ensuring Equal Rights and Opportunities of Women and Men, art. 22). However, there are no criminal penalties included in the legal framework regarding sexual

harassment. Cyber harassment is not addressed in the legal framework. There is no official data on sexual harassment but it is considered to be widespread by civil society organisations (Equal Rights Trust, 2017).

e) Female genital mutilation

There is no law on female genital mutilation and there is no evidence that this is a practice of concern in Ukraine.

f) Abortion

Abortion on request is available for women until 12 weeks of pregnancy (Civil Code, art. 281). A list of circumstances can authorise abortions from 12 to 22 weeks, such as in cases of illnesses that are a threat to the woman's health and life, if the woman is under 15 years old or older than 45 and when the pregnancy is the result of rape (Civil Code, art. 281).

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The conflict has led to various movements of internal displacement. To respond to the needs of the internally displaced, the State has adopted the Act on Ensuring the Rights and Freedoms of Internally Displaced Persons in 2014 and diverse measures, including the continued payment of social benefits to internally-displaced persons in the conflict-affected areas. Nonetheless, the CEDAW Committee (2017) highlights the increased numbers of internally displaced women and girls and their heightened vulnerability to sexual violence and sexual exploitation. Freedom House (2017) additionally reports that internally displaced women are vulnerable to exploitation for sex trafficking and forced labour.

Ukraine is a country of origin, transit and destination of human trafficking (Civil Society Organisations, 2016). The conflict has heightened the vulnerability of women and girls to human trafficking and forced prostitution due to several factors including the front lines being grey zones in terms of legal authority, poverty due to conflict and the movement and vulnerability of internally displaced women (Civil Society Organisations, 2016). Additionally, the CEDAW Committee (2017) highlights the various forms of violence women engaged in prostitution face and the lack of legal and state protection to remedy these situations.

3. Restricted Access to productive and financial resources

a) Secure access to land and assets

Regarding land, the legal framework provides married and unmarried women with the same rights as married and unmarried men to own, use, make decisions and use as collateral (Constitution, art. 14). Regarding property and other non-land assets, the law provides women and men (irrespective of marriage status) with the same rights to own, use, make decisions and use as collateral (Constitution, art. 41).

Regarding land and property and other non-land assets, the law provides women and men with the same rights after divorce or separation to own, use, make decisions and use as collateral (Family Code, art. 70).

Marital property is to be administered by the spouses jointly under article 65 of the Family Code. Joint ownership is allowed and there are no restrictions regarding joint ownership related to the relationship between co-owners (Civil Code, art. 355).

The Strategy for Agriculture and Rural Development (2015-2020) includes measures to be implemented for women such as the promotion of opportunities for young people and women in running family farms or support to rural women's economic empowerment (FAO, 2016).

Rural women face increased poverty, especially in conflict-affected areas where their rights to productivity, livelihood and access to land are regularly violated and they face the destruction and looting of property (CEDAW, 2017). The general living standards of rural women is low and include financial restrictions, low wages, low access to medical care, child care facilities and education (UPCHR, 2017). Additionally, estimations show that over 1/3 of rural women in Ukraine do not participate in decision-making in their communities (UNDP, 2015). Reports show that older rural women are particularly vulnerable to hardship and low living conditions (UNDP, 2015). Elderly rural women lack information on their land rights (USAID, 2017). Furthermore, reports show that women are less involved than men in managerial positions in the agriculture sector (USAID, 2013). Rural women are additionally more involved in household activities than men and contribute mainly to private household farming (USAID, 2013). However, there are no customary norms or traditional laws particularly discriminating to women or limiting women's access to property and land (USAID, 2017).

b) Secure access to formal financial resources

The law provides married women with the same rights as married men to open a bank account at a formal financial institution (Family Code, art. 58 & Civil Code, art. 32). Married and unmarried women are granted the same rights as married and unmarried men to obtain credit (Family Code, art. 58 & Civil Code, art. 50). It is reported that women face relatively more barriers in accessing credit than men to expand their businesses and tend to rely on personal networks to borrow money (Khitarishvili, 2016).

c) Workplace rights

The Law on Ensuring Equal Rights and Opportunities of Women and Men provides for equal rights and opportunities for women and men in employment, professional development and training (art. 17). Furthermore, the Law stipulates the employer's liability to create working conditions that foster parity and enable women and men to combine work and family responsibilities, to provide for equal remuneration for work of equal value and to take measures regarding sexual harassment in the workplace (art. 17). Job advertisements should not be sex-specific and employers are not allowed to ask details about candidates on their personal lives or their plans to have children (Law on Ensuring Equal Rights and Opportunities of Women and Men, art. 17). The Law additionally recommends positive actions to achieve gender equality in the workplace (art. 17). The Labour Code guarantees as well non-discrimination on the basis of sex when entering into, making alterations or terminating a labour contract (art. 22).

However, the Labour Code contains discriminatory provisions, notably article 174 which prohibits women from entering certain professions, notably severe works and works with harmful and

dangerous working conditions as well as limits for lifting and carrying heavy things. The Ministry of Health is mandated to provide the list of professions women are not to engage in (Labour Code, art. 174). The Anti-Discrimination Centre (2017) notes the legal discrepancy between the Law on Principles of Prevention and Combating Discrimination in Ukraine and the Law on Ensuring Equal Rights and Opportunities for Women and Men which prohibits discrimination on the ground of gender and the bans ordered by the Ministry of Health on certain professions women may not enter. As such, the Ministry of Health orders “On the Approval of the List of Arduous, Dangerous, and Harmful Occupations Banned for Women” and “On the Approval of Limits for the Lifting and Moving of Heavy Objects by Women”.

Additionally, night work is prohibited for women, pregnant women and women with children under three years old (Labour Code, art. 55). A few exceptions can be granted for women to work night hours when it is of particular necessity for the national economy or women who work in a familial enterprise (Labour Code, art. 175). Article 176 of the Labour Code stipulates that pregnant women and women having children under three years old may not engage in night work, overtime work, work on days-off and business trips. Article 56 of the Labour Code also provides for employers to agree to part-time work for certain categories of women (pregnant women, women having a child under 14 years old or disabled child, or women caring for an ill family member). The legal framework does not provide for those particular work arrangements for men. Labour Initiatives (2016) points out that this legal discrimination leads to women being marginalised in the economic sector and from decision-making positions. Moreover, the professions women are prohibited from entering are based on gender stereotypes, reinforcing the occupational segregation in the workplace in Ukraine (Labour Initiatives, 2016).

The Labour Code provides for paid maternity leave of 18 weeks, with full wages covered by the social security system (art. 179). Paid paternity leave is not mandated by law. Parental leave is available for 156 weeks until the child reaches three years old, to be used by the mother or the father or other relative caring the child (Labour Code, art. 179). Half of wages are paid during parental leave through the social security system (Labour Code, art. 179).

Women’s employment security when they are on maternity leave is protected (Labour Code, art. 184). Additionally, the Constitution guarantees the right to everyone to labour, including the possibility to earn one’s living by labour that he or she chooses freely or to which he or she freely agrees to (art. 43).

A person who is victim of sexual discrimination or became an object of sexual harassment can appeal to the Commissioner for Human Rights at the domestic level (Law on Ensuring Equal Rights and Opportunities of Women and Men, art. 22). The Law on Preventing and Combating Discrimination also defines the procedure for discrimination cases (Labour Initiatives, 2016). However, Labour Initiatives (2016) reports that the law is rarely applied. Labour Initiatives (2016) highlights the lack of enforcement mechanisms for discrimination occurring in the workplace and remedies for gender-based discrimination.

Despite legal provisions prohibiting discrimination on the ground of sex in job advertisements, the Equal Rights Trust (2017) reports that job advertisements often include requirements regarding the

age, the sex and the marital status of the candidates, especially in the hospitality and textile sector. Women interviewed by the Equal Rights Trust (2017) reported instances of employers asking about their marital status and their plans regarding children during the interview process. Furthermore, the pay gap remains an issue in Ukraine, with estimations showing a 23% pay gap between women and men in 2014 (Equal Rights Trust, 2017).

The Anti-Discrimination Centre (2017) notes that women in Ukraine lack knowledge of their labour rights. Most cases in court dealing with gender discrimination are introduced by a state oversight body which received indication of a discriminatory job advertisement (Anti-Discrimination Centre, 2017). Women themselves seldom report and initiate court cases for discrimination in employment (Anti-Discrimination Centre, 2017).

According to the Anti-Discrimination Centre (2017), women face high rates of unemployment; it is reported that 60% of people registered at employment centres are women. In addition, women who are registered at employment centres are more likely to take on low-paid jobs in comparison to men (Anti-Discrimination Centre, 2017). Furthermore, according to research conducted by Labour Initiatives (2016), there is a higher percentage of women involved in informal work in comparison to men, notably due to employers being reluctant to hire women because of maternity leave, child care sick leave, etc.

Reports show that Ukrainian women are highly involved in labour migration in different sectors, such as babysitters, cleaning ladies, the hotel and restaurant business, entertainment, and the sex industry (Anti-Discrimination Centre, 2017). However, they are mostly undocumented workers in their countries of employment which renders them highly vulnerable to human trafficking, slavery and sexual exploitation (Anti-Discrimination Centre, 2017).

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According to the Anti-Discrimination Centre (2017), women who were forcibly displaced by the conflict face barriers when they arrive in a new place, such as finding available day care centres for children, access to work or housing and registering as IDPs and acquiring the proper documents. It is especially difficult for Roma women to obtain the IDP status (Anti-Discrimination Centre, 2017). It is reported that women mostly leave zones of conflict alone with their children (Anti-Discrimination Centre, 2017).

4. Restricted Civil liberties

a) Citizenship rights

The Law on Citizenship is gender neutral and provides equal rights for women and men to acquire, change and retain their nationality without distinction of marital status (art. 2 & 6). The Law also provides for women and men (married or unmarried) to confer nationality to their children and to their spouse (art. 7 & 2). The Constitution additionally guarantees that citizens of Ukraine shall not be deprived of citizenship and of the right to change citizenship (art. 25). Women and men, without distinction of marital status, can register the birth of their children (Family Code, art. 144). The

Constitution guarantees freedom of movement within and outside the country (art. 33). The law provides married/unmarried women with the same rights as married/unmarried men to apply for identity cards and passports and to obtain passports and other travel documents for their minor children (Resolution on Procedure on Passports for Ukrainians Traveling Abroad, art. 10 & 21). There is no legal discrimination regarding citizenship rights and there are no practices that may restrict these rights.

The Constitution does not recognise intersectional discrimination but article 24 guarantees equality before the law and stipulates that there shall be no privileges or restrictions notably based on sex. Article 24 of the Constitution further affirms equality of rights between women and men by providing women with opportunities equal to those of men in the public, political and cultural spheres, in obtaining education, professional training, work and equal remuneration, by establishing special measures for the protection of work and the health of women, by establishing pension privileges, by creating conditions that allow women to combine work and motherhood, by legal protection, material and moral support of motherhood and childhood, including the provision of paid leaves and other privileges to pregnant women and mothers. The Constitution specifically refers to motherhood but does not refer to the challenges of combining fatherhood and work.

b) Voting

The Constitution establishes equal rights in terms of voting right, indistinctly of gender or civil status (art. 70). There is no legal discrimination regarding voting rights and there are no practices which may restrict those rights.

c) Political voice

The law provides women with the same constitutional rights as men to hold public and political office, in legislature (art. 76), in the executive branch (art. 103) and in the judicial branch (art. 127). Legal quotas to promote women's political participation include: the Law on Political Parties which was amended and stipulates that party lists at national elections should include at least 30% of women (art. 8) and the Law on Local Elections which introduced that representation of either sex on the candidate list at local election must be no less than 30% (art. 4). However, there are no sanctions planned to enforce these quotas which strongly diminish the impact of the legal amendments. If the political parties don't observe the 30% quota on their electoral list, they can still be registered. The CEDAW Committee (2017) notes the lack of implementation in practice of temporary special measures.

Women remain underrepresented in political life in Ukraine (Equal Rights Trust, 2017). The CEDAW Committee notes barriers women face to access decision-making positions in the political sphere, notably "persistent traditional and patriarchal attitudes, the lack of effective measures, including temporary special measures, limited access to political networks and insufficient capacity-building" (CEDAW, 2017: 11).

Ukraine has adopted a national action plan on Women, Peace and Security (2016-2020), pursuant to the Security Council Resolution 1325 (2000). However, the CEDAW Committee (2017) notes that women are under-represented in peace processes, including the concluding of the Minsk Agreements.

Furthermore, the CEDAW Committee (2017) calls for a stronger inclusion of women's experiences in the conflict and their particular needs within peace building and transitional justice processes.

d) Access to justice

The legal framework provides for married/unmarried women the same capacity as married/unmarried men to sue and to be sued (Constitution, art. 24). A married/unmarried woman's testimony carries the same evidentiary weight in court as a married/unmarried man's in all types of court cases (Civil Procedure Code, art. 50 & Criminal Procedure Code, art. 95).

The Law on Preventing and Combating Domestic Violence includes elements to ensure that women are able to exercise their rights to sue, such as access to information about their rights in a language available to them or with the use of a translator or free of charge of legal aid (Council of Europe, 2016).

The Criminal Procedure Code affirms that nobody may be given privilege or restricted in procedural rights, notably on the ground of sex (art. 10). Additionally, the Criminal Procedure Code includes provisions for witness protection, such as televised testimony (art. 352). The Civil Procedure Code provides that a court is obliged to respect the honour and dignity of all the participants of the civil process and to perform justice on the basis of equality before the law regardless notably of sex (art. 5). Closed trials are allowed by the Civil Procedure Court upon the petition of the persons involved in the case to ensure the secrecy of adoption, preventing the disclosure of information or other intimate sides of personal life or information that humiliate their honour and dignity (art. 6).

The Office of the Commissioner for Human Rights of the Verkhovna Rada of Ukraine is a specialised body tasked with monitoring gender equality. The Commissioner monitors compliance with human rights and has the power to receive and resolve complaints on discrimination from women victims of discrimination (CEDAW, 2015). As of 2016, a position of Commissioner on Equal Rights and Opportunities for Women and Men in the Cabinet of Ministers has been introduced (CEDAW, 2017). Furthermore, the Law on Ensuring Equal Rights and Opportunities for Women and Men requires that the current legislation be subject to gender and legal expert examination and that draft legal acts be drafted through a gender lens (art. 4). The Ministry of Justice publishes a list of laws to be revised according to the gender examination and issues recommendations for the amendment of the laws (Equal Rights Trust, 2017).

The CEDAW Committee (2017) reports that women in Ukraine face barriers in accessing justice, notably due to corruption and lack of independence of the judicial system, lack of knowledge of rights by women and limited availability of legal aid. The Coalition "Justice for Peace in Donbas" reports that prosecution of sexual violence cases is often not processed due to gaps in the legislation, unwillingness from the police forces to investigate, fear of reprisal from the military and lack of awareness amongst police forces (CJPD, 2017). Additionally, the NGO "Women's Perspectives" (2016) conducted a research analysing 1485 court judgments (from the Unified State Register of Court Decisions) and found that the Law on Ensuring Equal Rights and Opportunities for Women and Men was minimally applied, and sexual harassment charges in the workplace are seldom prosecuted. The report further shows that women victims of domestic violence felt prejudice towards themselves by judges who also displayed a favourable attitude towards their husband, partner or former partner (Women's

Perspectives, 2016). Furthermore, court decisions reveal that domestic violence is often not identified as such, as some cases are treated only as light bodily injuries not considering it happened in the family housing (Women's Perspectives, 2016).

The CEDAW Committee (2017) notes the lack of statistical data, disaggregated by sex, age, ethnicity, disability, geographical location and socioeconomic background, which is essential to inform legislative developments and policy-making.

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Furthermore, reports show that Roma women face particular barriers due to a lack of civil registration documents, such as passports, birth certificates and residence registration (EERC & Chiricli, 2016). This impedes on their rights to access services, in particular health and social services (EERC & Chiricli, 2016). The process to acquire civil registration documents is often arduous for Roma women due to lengthy and difficult administrative process, lack of funds, higher risk of harassment and detention by police for lack of personal documents, lack of birth certificates, lack of recognition of informal settlements, lack of registration of a personal or family house (EERC & Chiricli, 2016). This factor becomes difficult in times of crisis where Roma women find heightened difficulty in registering for the IDP status (EERC & Chiricli, 2016). Some Roma women also reported not registering for the IDP status for fear of confiscation of their property by the police or other authorities, or detention and mistreatment (EERC & Chiricli, 2016).

Sources

Legal Sources (as amended)

Civil Code of Ukraine of 16 January 2003,

http://teplydim.com.ua/static/storage/filesfiles/Civil%20Code_Eng.pdf.

Civil Procedure Code of Ukraine of 1 September 2005,

www.wipo.int/wipolex/en/text.jsp?file_id=187649.

Constitution of Ukraine of 28 June 1996,

http://www.coe.int/t/dghl/cooperation/ccpe/profiles/ukraineConstitution_en.asp.

Criminal Code of Ukraine of 5 April 2001,

www.legislationline.org/documents/action/popup/id/16257/preview.

Criminal Procedure Code of Ukraine of 11 July 2003, <https://rm.coe.int/16802f6016>.

Family Code of Ukraine of 10 January 2002, www.refworld.org/pdfid/4c4575d92.pdf.

Labour Code of 10 December 1971, www.wipo.int/wipolex/en/text.jsp?file_id=188246.

Law No. 2235-III of 18 January 2001 on Citizenship, <http://invitation.co.ua/the-law-of-ukraine-on-citizenship/#two>.

Law No. 2365-III of 5 April 2001 on Political Parties,

www.legislationline.org/topics/country/52/topic/16.

Law No. 2866-IV of 8 September 2005 on Ensuring Equal Rights and Opportunities for Women and Men, www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_127500.pdf.

Law No. 5207-VI of 6 September 2012 on Principles of Prevention and Combating Discrimination in Ukraine, www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_233456.pdf.

Law No. 595-VIII of 14 July 2015 on Local Elections, <https://rm.coe.int/168062e26e>.

Law No. 5294 of 20 October 2016 on Preventing and Combating Domestic Violence,

www.globalprotectioncluster.org/assets/files/field_protection_clusters/Ukraine/law-and-policy/2016_11_18_legislative_update_eng.pdf.

Resolution No. 185 of 13 March 2013 on Procedure on Passports for Ukrainians Traveling Abroad,

<http://zakon4.rada.gov.ua/laws/show/185a-2013-n/paran565#n565>.

Other Sources:

Anti-Discrimination Centre (2017), *Ukrainian Women: Caught Between New Challenges and Long-Standing Discrimination – Alternative Report for the 66th Session of the UN Committee on the Elimination of Discrimination against Women*,
http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=1071&Lang=en

Civil Society Organisations (2016), CSOs Shadow Report 2016 on Ukraine – Implementation of the Recommendations of the Committee on the Elimination of Discrimination against Women No. 30 on women in conflict prevention, conflict and post-conflict situations, and UN Resolution 1325 Women, Peace, and Security of the UN Convention on the Elimination of All Forms of Discrimination against Women,
http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=1071&Lang=en

Coalition Justice for Peace in Donbas [CJPD] (2017), *Submission on the List of Issues concerning Ukraine to the CEDAW Committee 66th Session*,
http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=1071&Lang=en

Committee on the Elimination of Discrimination against Women [CEDAW] (2015), *Consideration of reports submitted by States parties under article 18 of the Convention, Ukraine*, CEDAW/C/UKR/8, United Nations.

Committee on the Elimination of Discrimination against Women [CEDAW] (2017), *Concluding Observations on the Eighth Periodic Report of Ukraine*, CEDAW/C/UKR/CO/8, United Nations.

Council of Europe (2016), Preventing and Combating Violence against Women and Domestic Violence in Ukraine, <https://rm.coe.int/168069464f>

Equal Rights Trust (2017), *Shadow Report Submitted to the 66th Session of the Committee on the Elimination of All Forms of Discrimination against Women in relation to the Eighth Periodic Report of Ukraine*,
http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=1071&Lang=en

European Roma Rights Centre [ERRC] & International Charitable Organization Roma Women Fund “Chiricli” (2016), *Written Comments Concerning Ukraine for Consideration by the Committee on the Elimination of All Forms of Discrimination against Women*,
http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=1071&Lang=en

Food and Agriculture Organisation of the United Nations [FAO] (2016), *Country Programming Framework for Ukraine*, www.fao.org/3/a-bp567e.pdf

Freedom House (2017), *Freedom in the World – Ukraine*,
<https://freedomhouse.org/report/freedom-world/2017/ukraine>

Khitarishvili, T. (2016), *Gender Dimensions of Inequality in the Countries of Central Asia, South Caucasus, and Western CIS*, Levy Economics Institute of Bard College, Working Paper No. 858,
www.levyinstitute.org/pubs/wp_858.pdf

Labour Initiatives (2016), *Ukraine's compliance with the Convention on the Elimination of All Forms of Discrimination against Women – Report for the Pre-Sessional Working Group of the Committee on the Elimination of Discrimination against Women*,
http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=1071&Lang=en

Office of the United Nations High Commissioner for Human Rights [OHCHR] (2017), *Report on the Human Rights Situation in Ukraine (16 February to 15 May 2017)*,
www.ohchr.org/Documents/Countries/UA/UAReport18th_EN.pdf

Office of the United Nations High Commissioner for Human Rights [OHCHR] (2017a), *Conflict-related Sexual Violence in Ukraine*, www.ohchr.org/Documents/Countries/UA/ReportCRSV_EN.pdf

United Nations Development Programme [UNDP] (2015), *New Study on Rural Women Rights Reveals Gaps and Challenges*,
www.ua.undp.org/content/ukraine/en/home/presscenter/articles/2015/05/04/new-study-on-rural-women-rights-reveals-gaps-and-challenges/

Ukrainian Parliament Commissioner for Human Rights [UPCHR] (2017), *Shadow Report on Implementation of the UN Convention on the Elimination of all Forms of Discrimination against Women by Ukraine*,
http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=1071&Lang=en

USAID (2013), *Gender Analysis of Agriculture in the Europe and Eurasia Region*,
http://pdf.usaid.gov/pdf_docs/PA00K2R6.pdf

USAID (2017), *Property Rights and Resource Governance – Ukraine*, www.land-links.org/wp-content/uploads/2016/10/USAID_Land_Tenure_Ukraine_Profile-1.pdf

Women's Perspectives (2016), *Supplementary Information on Ukraine Scheduled for Review by CEDAW during its 66th Session*,
http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=1071&Lang=en

World Bank (2016), *Women, Business and the Law 2016: Getting to Equal*,
http://wbl.banquemonddiale.org/?sc_lang=en