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CEDAW Impact on the Process of Legislative and Women's State Policy Reform in Ukraine

On July 16, 1990, Ukraine adopted the Declaration on its State Sovereignty.¹ Having established the principles of sovereignty, democracy, inviolability of Ukrainian territory, division of power, citizens' equality and guaranties for their rights and freedoms, this document became an important landmark for the further processes of social life democratization. These processes found their completion in the adoption of the *Act of Proclaiming the Independence of Ukraine*,² on August 24, 1991, which had a dramatic influence on the development of state, political and social processes in the country.

Proclaiming economic, political and ideological diversity was of principal importance. It meant overcoming the former domination of just one form of ownership, one political stream and unified ideology. It not only proclaimed the equality of different forms of ownership (private, state and communal), but also guaranteed their equal legal protection. Introduction of the principle of diversity creates favorable conditions for competition between different political parties, streams, positions and theories. Democratic rights and freedoms of human beings, citizens, are increasing. Forming the basic principles of a democratic state in Ukraine meant the development of market economy foundations, conducting legal reform, and increasing the participation of citizens in building civil society.

Having proclaimed the creation of a democratic, rule of law state as its goal, in which human and civil rights are the most important leading principle of state policy, Ukraine

took up the obligation to ensure an appropriate mechanism for human rights realization, i.e. to defend the rights and legal interests of its citizens, and to create the conditions for improving their legal awareness and culture. That is why one of the important tasks for Ukrainian legal science, as well as for other social sciences, is the investigation of the issue of the influence of international human rights documents, ratified by Ukraine, on the process of legal reform and forming state policy. An essential feature of such investigation should be revealing the awareness of the lawmakers, judges and barristers, police officers and civil servants at various levels of basic international human rights legal norms, which are as follows:

- *Universal Declaration of Human Rights* (1948);
- *International Covenant on Civil and Political Rights* (1966);
- *International Covenant on Economic, Social and Cultural Rights* (1966);
- *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (1984);
- *Convention on the Rights of the Child* (1989);
- *European Convention for*

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the Protection of Human Rights and Fundamental Freedoms (1950).

The basic document, summarizing and stating the main principles of women's international legal status, is the *Convention on the Elimination of All Forms of Discrimination Against Women*.

It is important to emphasize that investigation of the *Convention* influence in Ukraine in the stated framework is necessarily of fragmental nature. In academic terms it would be desirable to conduct such research in the context of analysis of all the international legal documents, and first and foremost those regulating the legal status of women. Among these, the following acts, ratified by Ukraine, are worth mentioning:

- *Convention on Political Rights of Women* (1954);

- *Convention on the Citizenship of a Married Woman* (1958);

- *Convention on Elimination of Discrimination in Education* (1962);

- Declaration on Social and Legal Principles of Protection and Wellbeing of Children, Especially when Transferring for Upbringing and Adoption at National and International Levels (1986);

- Declaration on Elimination of Violence Against Women (1993);

- *Convention on Equal Remuneration for men and Women for Equal Labor* (1956);

- *Convention on the Protection of Motherhood* (1956);

- *Convention on using Women's Labor in Underground Work in Mines of Any Kind* (1961);

- *Convention on Discrimination in the Area of Labor and Employment* (1961).

That is why the analysis suggested is, on the whole, of synoptic character and its goal is the elaboration of methodological approaches to the study of the broader problem of *the influence of international*

norms on legal state reform in Ukraine.

Currently women make up 54 per cent of the population of Ukraine. They constitute a group of 27 million people,³ i.e. the number of women exceeds that of men by seven per cent.

Study of the literature and research on the subject of women's status in Ukraine demonstrate that the current transitional period and recent political and economic changes (which have taken place after 1991) have not been gender neutral.

In Ukraine, where in the end of the '80s the world's highest rates of women's representation in decision making position, education and labor participation were found, these rates have decreased dramatically with the beginning of the transition period. As of the beginning of 1999, women constitute 6.3 per cent of Ukrainian Parliament members, and fill only 6.7 per cent of higher civil servants' positions.⁴ This is according to the official data presented in the official report of Ukraine on the issues of *Convention* implementation. However, the actual number of women in Ukrainian Parliament is 34 members (7.6 per cent).

Besides, the forming of market economy leads to visible discrimination of women in labor market. In the process of privatization or other forms of enterprise reorganization, women are the first to be dismissed. Women constitute 67.1 per cent of the registered unemployed workforce.⁵ The worst thing is that 76.4 per cent of these women have higher or specialized secondary education. The scale of hidden women's unemployment (i.e., the situation when women have to agree to long-term unpaid leaves) is huge, even though it is impossible to provide more or less accurate data on this issue due to the absence of specialized research. However, the official data, supplied by the Employment Service, confirm the gender misbalance. Thus, according to the data, out of the people finding jobs in 1997, only 38 per cent are women, and men constitute 62 per cent.⁶

Currently there are over 300 national, regional and local women's organizations in Ukraine (out of these, there are 70 whose activity is first of all social and political⁶). Their

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development is not only an important indicator of the process of civil society development, but also an instrument for the protection of women's rights. That is why the issue of their usage of the *Convention* mentioned above is a very important one, including the aspect of developing advocacy strategies at all levels of power.

The goals of the study are as follows:

- 1) Revealing the character and degree of using CEDAW in the process of legal reform.
- 2) Revealing the way of using the main principles of CEDAW in forming national strategies of state development.
- 3) Revealing the ways of using CEDAW in investigation, judicial practice, and by law enforcement authorities.
- 4) Revealing the degree of women's non-governmental organizations' (NGOs) awareness of the main principles of CEDAW and their implementation.
- 5) Analyzing the gaps and contradictions in using CEDAW resources, as well as forming the proposals concerning CEDAW usage in legal practice by barristers and judges, and NGOs.

Investigation Sources

For the development of the methodological basis for the investigation, all the available materials (printed media and Internet resources), suggested by CEDAW committee, as well as IRAW reports, national legislation and recent result of sociological research, have been used.

To reveal the level of competence in the *Convention* principles and the limits of its usage by women's NGO's, judges and employees of law enforcement bodies, a pilot survey has been carried out. For this purpose a questionnaire was developed according to the scheme of CEDAW Impact Study Advisory Board.

Ratification process

CEDAW was ratified on December 24, 1980 by the President of the Supreme Council of Ukrainian Soviet Socialist Republic.⁷ This happened while Ukraine was still a member of the USSR. Ukraine had the right to make independent decisions concerning its attitude to

international treaties, for Ukraine had a vote of its own in the United Nations ever since the organization was founded. However, in reality this independence was formal, for one cannot find a single example when the position of Ukraine significantly differed from that of the USSR.

For instance, the point of view of Ukrainian SSR concerning the amendments to the *Convention* did not differ from the one of the USSR Government. Having ratified the *Convention*, the USSR Supreme Soviet Presidium positively confirmed a capitally important position of the USSR concerning Section 2 of Article 29 of the *Convention*. "According to Section 2 of Article 29 of the *Convention*, the Union of Soviet Socialist Republics does not consider itself to be bound by Section 1 of Article 29 of the *Convention*, according to which any argument between two participating states concerning interpretation or implementation of the *Convention* submitted, which cannot be settled by negotiations, is transferred to arbitration consideration or International Court, following the request of one of the sides, and claims that in order to transfer such argument to arbitration consideration or International Court, the consent of all the parties is necessary."⁸

At that time, the principle of equal opportunities for men and women was formally observed in the USSR. Moreover, the USSR could be considered in many respects as a positive example of women's actual representation, at various levels of power. From the legal point of view, CEDAW principles didn't contradict the statements of the *Constitution of the USSR* of 1977, which consolidated the principle of equal opportunities for men and women. In addition, Soviet legislative system theoretically admitted the concept of specific rights and actually consolidated it in the statements

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of legal acts concerning women. Therefore CEDAW was signed and ratified, as a document, which fully conformed to the Constitutional provisions of that period and the ideological strategies of the Government. As a result, the ratification of CEDAW caused neither discussion nor interest on the part of lawyers.

However, the most important point was that neither lawyers, nor parliamentarians and state officers, including the representatives of Ministry of Foreign Affairs and the Mission, could distinguish between the notion of formal equality and that of substantive equality. In the former Soviet Union the protective law formed the basis for the legislative regulation of the legal status of women and was based on the principles of formal equality. However, it contradicted in its essence the principle of substantive equality, which constitutes the core of CEDAW.

Therefore, from a theoretical point of view, the special legal rights which Ukrainian women had at that time, differed in principle from the concept of “positive action,” highlighted in Article 4 of CEDAW.

As for the dissemination of the text and main CEDAW statements, it was extremely limited at that time (early 1980s). Information on CEDAW ratification was published in only one specialized juridical edition, in the Bulletin of Ukrainian Supreme Soviet, No.1, 1981. And the official text of the *Convention* was only published in June 1982, in Russian and Ukrainian, in the Bulletin of Ukrainian Supreme Soviet, No.31.⁹ Because of the low level of informational support, the access to the full text was extremely restricted for the general public and the employees of law enforcement bodies and the judges, as CEDAW and its main provisions were not published by mass media, and electronic networks were very limited.

Therefore, one cannot speak about any impact of CEDAW on the activity of law enforcement authorities, governmental bodies and the society as a whole.

The proclamation of independence in Ukraine marked a new stage in ratification of the legal documents developed by the international community. According to the *Law on Succession* of December 24, 1991¹⁰ and

the *Law on International Treaties on the Territory of Ukraine* of December 1993,¹¹ Ukraine confirmed all the commitments of the former Ukrainian SSR, as well as the priority of international legal acts over the national legislation. Thus, Article 17, Section 2, says, “should an international treaty ratified by Ukraine envisage any regulations, differing from those envisaged by national legislation, the provisions of the international treaty dominate.” This important statement was later included into *Ukrainian Constitution* of June 28, 1996, as Article 9: “Acting international covenants, approved by Ukrainian Parliament, are a part of Ukrainian national legislation. Signing international treaties, which contradict *Ukrainian Constitution*, is only possible after making the appropriate amendments to *Ukrainian Constitution*.”¹²

Moreover, the legal reform, which arose in Ukraine since the proclamation of independence, accepted the use of the international standards for the protection of human rights as its basic principle.

In July 1995, the first Parliamentary Hearings on CEDAW were held in Ukraine. Representatives of the Government, NGO’s and mass media, participated in them. The Hearings were broadcast through national radio channels and highlighted in the press, the materials of the Hearings were published as a separate book.

Thus, the Parliamentary Hearings really became one of *the first political steps in attracting all levels of power authorities and strata of the community to the discussion of a particular international legal document*. It’s worth noting the role of Nina Karpacheva, then Chairman of Women’s Rights Subcommittee of Ukrainian Parliament, who organized and conducted the Hearings.

The Parliamentary Hearings were one of the main steps in the process of preparation to the Beijing Conference and the planned Third official report of Ukraine to CEDAW Committee in January 1996.¹³

It’s worth mentioning that women’s NGOs for the first time actively participated in the preparation of the Parliamentary Hearings and had an opportunity to deliver their re-

ports in the Parliament, demonstrating the current tendencies and issues of women's movement.

As for the other resources for the dissemination of more comprehensive CEDAW materials and the comments of the Committee, it should be noted that apart from the UN Mission in Ukraine, which disseminated Russian translation of CEDAW with comments (though the number of copies was absolutely insufficient for familiarization of the lawyers and NGOs with its provisions), other human rights organizations (Ukrainian-American Human Rights Bureau, Ukrainian Legal Foundation), published a small number of copies.

For the first time CEDAW was published as a separate edition in 1990. The publication was initiated by Union of Ukrainian Women, in 2000 copies. At that time independent women's movement was only making its first steps in politics, and this booklet was mostly distributed among regional, municipal, district and local departments of the Union.

Many of women's NGOs effectively functioning at present, were established after Beijing Conference, and they still feel lack of these materials.

Reports to the United Nations

According to the statement on the terms of submitting official reports, laid out in Article 18 of the *Convention*, Ukrainian SSR submitted official reports to CEDAW Committee in 1983, 1987 and in 1991. However, due to logistical reasons, the UN Committee on Liquidation of Discrimination considered the latter report only in 1996.¹⁴ In the framework of this research we do not propose to investigate the reasons for this, as we believe that NGO participation in the preparation of these reports is a more important issue.

For the first time the independent Ukraine submitted the official Report on CEDAW implementation to the Committee in January 1996 (as a matter of fact, it was the third Report submitted since the time of the ratification of the *Convention*). The Organizing Committee of CEDAW Parliamentary Hearings presented this Report. In 1998 the Ministry in Family and Youth Issues prepared a regu-

lar report, the fourth and fifth (combined).

The participation of women's NGOs in the preparation of the above mentioned reports was extremely insufficient. During the Soviet time it could be explained by the fact that over that period the inclusion of the general public into the discussion of international legal documents was of formal nature (or totally absent), and had no real influence on the work of the government. Upon the declaration of independence and the start of building democratic legal state the reasons have been different. The key factors are the lack of sufficient professionalism in women's organizations, legal knowledge, or mechanisms for lobbying state and legal establishments.

Ukrainian NGOs, in contrast to those of Russia, Poland and other countries of Eastern Europe, have not yet prepared a single report on the accordance of internal political status of women in Ukraine to international standards. Neither Shadow Reports on CEDAW implementation, nor reports at the Conferences in Vienna, Cairo, Nairobi and Beijing, were presented.

Only at present the process of joining up the efforts and sharing the responsibilities in the preparation of national Shadow Report on CEDAW begins to develop.

CEDAW Impact on the Legislative Process in Ukraine

Considering the issue of CEDAW impact on the legislative process in Ukraine, over the period of twenty years, which has passed since the moment of its ratification, presupposes the highlighting of the following main issues:

- the level of awareness and implementation of basic CEDAW provisions of the legislative bodies;
- legal discourse of the *Convention*, as well as the nature of possible correlation between its basic notions, such as "discrimination," "special measures" (or "positive action"), and the theoretical foundations of the domestic law.

Both of these issues require detailed specialized investigation. In the framework of the current review, however, it is enough to state the following points. Over the long period of

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Soviet history, the legislative process developed uninfluenced by international human rights legal standards. This was due to extremely restricted dissemination of information generally and, particularly, the texts of international legal documents, as well as to certain formality and negative attitude, based on total rejection of the notion of “human rights.” Naturally, such a situation was only general, and some individual knowledge and approaches did exist. Still, it is reasonable to speak of more or less realistic influence only after 1991, when Ukraine started its legal reform and at the same time new culture of legislation was being formed.

Below there are a number of the most important examples of direct or indirect CEDAW influence on the changes in legislation.

Despite the very weak influence of CEDAW on the legislative process, the power structures and the social consciousness before the Parliamentary Hearings of 1995, one cannot say that it was totally absent. In 1988, during the first stage of Soviet “perestroika,” the principle of quotas for women’s representation in the USSR Supreme Soviet was established.

The Law of 1988 “On the elections of People’s Deputies of the USSR,”¹⁵ in its Article 18, “Representation of voluntary and other organizations and unions,” envisaged the reservation of 75 seats for women’s non-governmental organizations, i.e. Women’s Soviets, which were headed by the Committee of Soviet Women. This legislative act, however, had a neutral gender character and therefore can’t be regarded as a special act on the elimination of the gender imbalance in policy-making. Article 18 of the Law envisaged the reservation of seats for all the influential organizations and unions, such as the Communist Party (100 seats), trade unions (100 seats), the cooperative and local consumers’ unions (100 seats), the Young

Communist League (75 seats), the WW II Veterans’ Union (75 seats), Artistic and Literary Unions (75 seats), Women’s Unions (75 seats) and other non-governmental organizations (75 seats). The total number of such reserved seats was 750. That is, the system of representation described above was actually a manifestation of the Soviet policy of “fair distribution.” As for women’s quota, which constituted ten per cent, this legislative act is a typical example of a protectionist law, according to which a woman was considered as a person, less capable of participating in policy-making. It is well known that nearly 90 per cent of the women representatives in the Parliament were women workers (“blue collars”) having low educational level (secondary and vocational). Meanwhile, the total percentage of educated women in Ukraine was nearly the highest in Europe (approximately 60 per cent of Ukrainian women had higher and specialized secondary education). In Ukraine, this standard of reserving places for non-governmental organizations was not included into the Law “On the elections of People’s Deputies of Ukrainian SSR.”¹⁶ That is why, the above-mentioned Article of the Soviet Law can be considered only as a state legal experiment.

This example of “quotas” is given here because lately it has been quite often used by the representatives of political parties and women’s NGOs as a counter-argument against practicing quotas, even as a temporary measure. Such reasoning is invalid. Its cause is primarily the misunderstanding of the principal statements of CEDAW, namely the theoretical foundations for the concept of “discrimination” which emerges not from the protective approach as a version of the formal model of equality, but is based on the model of substantive equality. It should be noted that during the transitional period the system of quotas could be very useful, for this system (from the experts’ point of view) would be able to compensate for the lack of confidence, which is common for Ukrainian women.

Another legislative example, some of the provisions of which coincide with those of Article 7 of CEDAW, on “special temporary action” is Ukrainian Law “On Employment.”¹⁷

The legislative process developed is uninfluenced by international human rights legal standards. This was due to extremely restricted dissemination of information and, to a certain formality and negative attitude based on total rejection of the notion of “human rights.”

Article 5 of this Law provides for “additional employment guarantees for economically active citizens in economically active age, who require social protection and cannot effectively compete on labor market,” that is:

- *women* who have children under six
- *single mothers* who have children under 14 or disabled children;
- young people who have graduated from or terminated their studies in secondary comprehensive schools, technical colleges, came from military or alternative service and are applying for their first employment contract, orphans and children who are left without parental support, and minors of 15 and over who can be employed in special circumstances, with the consent of one of their parents or trustees;
- persons nearing retirement (men of or over 58, women of or over 53);
- persons after a term in prison or mandatory medical treatment.

In order to ensure employment of these categories of people, local state administration, executive bodies of corresponding levels, following the application from Employment centers, reserve up to five per cent of the total number of professional workplaces, including those with flexible terms of work. The reservation takes place at enterprises, organizations and establishments, having over 20 employees, regardless of the form of ownership.

In case of cutting jobs at enterprises, organizations and establishments, at the rate exceeding the preset quota, local state administration, executive bodies, decrease or eliminate the corresponding quotas.

In case of refusal to employ the disadvantaged persons within the limits of the preset quota, enterprises, establishments and organizations pay a fine to State Employment Service, which constitutes 50 tax-free minimum salary rates, in each instance of refusal. The money is directed to the local fund for employment assistance and can be used for financing the expenses of enterprises, establishments and organizations that create jobs for the disadvantaged layers of the population above the preset quota.

An important example of implementation

of CEDAW principles in Ukraine is their inclusion into the new *Constitution of Ukraine*, adopted on June 28, 1996. Its Article 24 reads, “Equal rights of women and men are ensured as follows: providing for women equal opportunities with men in civil, political and cultural activity, in education and professional training, in-job training, employment and remuneration; special guarantees for employment and health care for women, introduction of retirement benefits, creating the conditions under which women can combine career and having children; legal protection, financial and moral support of maternity and childhood, including the provision of paid leaves and other benefits for pregnant women and mothers.”¹⁸

Due to direct impact of basic CEDAW provisions, the Parliamentary Hearings on CEDAW and Beijing Platform of Action, in 1995 the Committee for Women’s Affairs, Maternity and Childhood under the authority of the President of Ukraine was created. In 1996 the Committee was reorganized into the Ministry for Family and Youth Affairs, which is currently in charge of shaping state policy concerning women. Beijing Platform of Action is referred to and commitments to fulfill all its provisions are given in the Ministry’s basic document “National plan of action aimed at improvement of women’s status and increasing their role in society for the period of 1997-2000.” This document was adopted by the Cabinet of Ministers of Ukraine on September 8, 1997 #993¹⁹ and it meets the spirit of CEDAW and its basic provisions.

The Ministry has developed and drafted “The Declaration on General Principles of State Policy Concerning Women and Family,” “The Concept of Improvement of Women Status,” and “The Concept of State Domestic Policy.”

Among the most important

An important example of implementation of CEDAW principles in Ukraine is their inclusion into the new *Constitution of Ukraine*. It reads, “Equal rights of women and men are ensured ... providing for women equal opportunities with men.”

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documents, which were developed due to direct influence of CEDAW, the *Law of Ukraine* #210/98-VR, “On making amendments to a number of Ukrainian legislative acts in connection with adopting the *Law of Ukraine* “On making amendments and additions to the *Code of Family and Marital Relations*”²⁰ should be mentioned. In it the prohibition of “trafficking in people” appeared for the first time (the new article of the *Criminal Code of Ukraine* 124²¹). For the first time in legal practice, sanctions were imposed for violation of prohibition of trafficking in people, particularly in women and children.

According to the leader of the Creative Committee N. Karpacheva, the *Law of Ukraine on Human Rights Ombudsman at the Parliament of Ukraine*²² December 23, 1997 No 777/97-VR) was also developed under the influence of CEDAW. However, this is not obvious from the text of the law itself. Nevertheless, the impact of CEDAW has been notable in the activities of N. Karpacheva, the Human Rights Ombudsman, who pays the primary attention to the problem of eliminating trafficking in women and children for the purpose of sexual exploitation. Under the influence of the report made by Human Rights Ombudsman, the decision on urgent measures in order to intensify the fight against using women and children in illegal sex business abroad was made at the meeting of the Coordination Committee on Fighting Corruption and Organized Crime working under the authority of the President of Ukraine. The meeting was held on December 16, 1998.

This important document obliges all the Ministries and executive power bodies to elaborate the package of urgent measures at national level, that could contribute to solving the problems related to prevention of trafficking in women and children, prosecution of those violating the law and providing legal, social, medical and psychological rehabilitation for the victims of trafficking.

While speaking about the measures taken on the basis of CEDAW provisions in the course of developing legislative initiatives, one should note that such attempts were initiated mostly by NGOs. For example, in 1996 women’s NGO “Humanitarian Initiative” initiated the devel-

opment of the Concept of National Mechanism for the Improvement of Women’s Status (an extract from the Concept is included as Appendix I). The authors (coming from various Ukrainian NGOs) not only referred to CEDAW, but also consistently adhered to the fundamental principles of the *Convention*. Unfortunately, this important social initiative did not gain any further development.

In addition, at the end of 1997, when the draft of the *Law of Ukraine on Parliamentary Elections*²³ was being prepared, a group of NGO’s, specialists from the Ukrainian Academy of Legal Sciences in collaboration with members of Parliament drafted a legislative document on quotas for women representatives in election lists of political parties, with reference to Articles 4 and 7 of CEDAW and Recommendation #5 of the Committee (see Appendix II). Two Parliamentary Commissions approved this legislative document, but it never became a Law.

It is worth mentioning a number of other important projects of women’s NGOs, that are producing growing influence on the governmental policy concerning women.

In particular, the projects of the Gender Bureau (which was organized and initiated by UNDP), as well as those of Kharkiv Center for Women Studies can be mentioned. The latter, on the basis of their research on political and legal perspectives of gender (parity) democracy in Ukraine²⁴ (carried out for the first time in the NIS countries), started a wide and substantial discussion at the level of political parties, legislative bodies (the Parliament) and executive structures (the Ministry of Family and Youth Affairs). The activity of the International human rights organization “La Strada—Ukraine,” which closely collaborates with the Ministry of Family and Youth Affairs and the Ministry of the Interior, has a great impact on deeper understanding of the concept of “discrimination” and the opportunities for its elimination.

Under the direct influence and with the reference to the *Convention* and its Recommendation #19, adopted at the 11th session of the Committee in 1992 NoA/47/38 the Concept of the Law on Prevention of Do-

mestic Violence was elaborated and the Law itself was drafted (the text of the Concept is enclosed as Appendix III). This is just another example of how the initiative of a non-governmental women's organization (Kharkiv Center for Women's Studies), established in 1995, gave a start for the subsequent close collaboration with the leading state legal establishment, the Academy of Legal Sciences of Ukraine.

On the whole, it should be emphasized that the implementation of the provisions of the *Convention* is extended both to the legislative policy and the state policy concerning women. Unfortunately, this cannot be said about the law enforcement bodies and judicial practice.

CEDAW Influence on the Activity of Judges and Barristers

To reveal the level of competence of judges and barristers, 12 judges and 20 lawyers were surveyed in Kharkiv region, for the first time in Ukraine. It is the largest and most prominent juridical center in the country, as it hosts both Yaroslav the Wise National Juridical University and the Ukrainian Academy of Legal Sciences.

The goals of this investigation were as follows:

- 1) Revealing the level of familiarity of judges and barristers with basic CEDAW provisions.
- 2) Analysis and development of recommendations of the group surveyed concerning the enhancement of utilization of international legal human rights documents in judicial practice, and the harmonization of the acting Ukrainian legislation with the provisions of CEDAW.
- 3) Drawing the attention of the juridical community to the problems of women's movement, in order to consolidate the efforts of this community and women's NGOs.

Investigation Results

In the course of the survey the majority of the judges (87 per cent) pointed out that the social and economic reforms in Ukraine had negative consequences first and foremost for women. Reorganization of state-owned en-

terprises, the decrease in production levels, and, accordingly, in the number of jobs available, has led to mass layoffs, mostly of women.

Women are becoming more and more disadvantaged socially and legally. Women become victims of violence on the street and at home, they are discriminated at their workplaces, the gap between men's and women's salaries is increasing, the number of women refugees is rising. Even during the Soviet period, despite the officially proclaimed policy of promoting equality between men and women, family was officially recognized as the basic "cell" of the community. The state assigned the family as "the main responsibility" for women, and widely disseminated the idea of motherhood being the principal predestination of the woman. All this ideological influence put the woman into the hard position of choosing between the family and protecting her right to development, including the right to independent utilization of her income and property, the right to family planning.

As a consequence of economic reforms in Ukraine, there is a decrease in the state programs aiding families, children and the unemployed. Many single mothers live in poverty. There is much hidden unemployment among women, as they, while formally working, do not get their salaries for a long time. There are multiple cases when women are denied employment if they have small children (absence of small children is often listed as one of the necessary "qualifications" in many job advertisements). All this constitutes a violation of women's rights, a discriminatory practice. There is a stereotype in the community that the main source of family income is the husband's salary, whereas the wife's salary is considered to be negligible. Therefore many enterprise directors, while considering certain positions as purely "female," assign to them unfairly low pay rates.

A certain number of barristers (40 per cent) believe that certain social benefits are at times discriminatory to women, as they restrict their ability to compete effectively with men for jobs. Though both parents are eligible to many of the benefits, however, such benefits

as additional breaks for feeding children, transferring pregnant women to less difficult work, bans on working at night and overtime, bans on business trips for pregnant women and women who have children under three, etc., impose difficulties for their employment. Such legislative regulations often cause discontent in both working women and men. Such issues should be settled only with the consent of the concerned parties, and refer to both of the parents, equally men and women. Should a pregnant woman or a woman having children under three want to work at night or have a business trip, the law must not set any limitations and violate her rights. Such “special rights,” according to a number of barristers (about 50 per cent of the total) contradict the principles of market economy. Though this idea is arguable, it gains more and more popularity with the mass media agencies dealing with business law.

The judges believe that one of the most important problems is that of perfecting the legal status of the most vulnerable groups of women: convicted women, women refugees and migrants etc., and ensuring adequate conditions for their rehabilitation.

The judges especially noted that law enforcement bodies almost never consider instances of domestic violence, e.g. battering of wives, as a criminal offense. They believe that it is a “private domestic affair.” Turning to the police is a traumatizing experience for women. Many of them choose not to report battering to the police, thinking that their appeals will not be properly considered, but the complaint would trigger new acts of violence, as the police, as a rule, does not undertake any effective protective action.

In connection to this problem, special attention should be paid to and certain action on perfection and simplification must be taken concerning the procedure for submitting women’s complaints to the courts and the corresponding decrease in the related fees.

Both judges and barristers turned their attention to the necessity of protecting the rights of women who had been denied parental rights. A special provision should exist which would enable such women to com-

municate with their children, as there is always hope that the former would realize the destructive nature of their behavior and correct it.

There should be improvements in legal status of single mothers, as establishing the father of the child is dependent on certain conditions, which humiliate the woman, deprive her of her dignity, but at the same time do not guarantee the father’s recognition of his child. Some judges proposed establishing special “family” courts (or training specialized judges for handling such cases), who would consider issues of violation of women’s and children’s rights, and also protect them from various forms of violence.

The barristers and judges pointed out that women are seeking their consultations on the matter of violation of their labor rights, i.e. while taking and giving up employment, in taking vacations (especially additional), in the payment, in the cases of delaying or denying payments, and especially various social benefits. However, upon getting professional advice, with reference to the acting labor legislation, the majority of women do not come back to the court with complaints on violation of their rights. Even when the court case is formulated, the conflict of the sides is normally settled in the pre-court procedure, to the mutual satisfaction. As a consequence of this, the following proposals were made: firstly, to increase the legal responsibility of employers and managers violating labor rights, in particular, those of women; secondly, to develop a system of legal education for women via a network of judicial and law enforcement bodies and mass media.

There were many complaints concerning mass media, the majority of which neglect highlighting the problems of legal education and increasing legal awareness and culture of women, and also pay insufficient attention to the problems of women’s NGOs.

On the basis of the preliminary analysis of the survey results we can make the following conclusions:

1) Both judges and barristers are not sufficiently aware of the existence and essence of international legal documents and their provisions and practically do not use them in their

day-to-day practice;

2) Citizens' complaints about human rights violations are gender neutral; they affect equally men and women.

3) Judges and barristers believe that CEDAW provisions are secured in Article 24 of *Ukrainian Constitution* of 28.06.98. This belief is quite widespread.

4) Judges never refer in their practice to the provisions on discrimination while handling cases dealing with illegal dismissal of women, appeals concerning the decisions of electoral Commissions or other violations of their rights. They use exclusively the standards of the national legislation, which is believed to be sufficient for settling such issues. Any other international legal acts are treated the same way.

A remark of one of the respondents is quite characteristic in this respect, and it illuminates the reasons for such attitude: "Currently, under the conditions of economic crisis, flourishing of corruption and organized crime, when most of the population live below the line of poverty, when the level of unemployment is increasing, the people are not aware even of national legislative provisions. Meanwhile, the latter protect their rights adequately, and therefore referring to international legal standards is not going to solve any of the problems, the nature of which is not legal, but exclusively social and economic."

Such nihilistic tendencies among the judges and barristers are a reflection of the stereotypes dating back to Soviet juridical education, which brought up the legal professionals in the spirit of unquestionable superiority of Soviet communist law.

Among other reasons for the judges and barristers not referring to CEDAW provisions in their professional activity, it can be mentioned that the notion of discrimination itself was completely excluded from the discourse of the Soviet time, and first of all, from the court practice. Mass consciousness still perceives it as entirely foreign, unnecessary and useless. According to Article 1 of the 1979 Convention, discrimination is "any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of im-

pairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."²⁵ It would be more understandable, interpretable and usable in legal practice if discrimination were defined as "preference on the basis of sex." For instance, if a man is preferred to a woman in an employment situation, under the condition that both the man and woman concerned have the same qualifications and equally answer the relevant requirements for a certain position, such case can be regarded as a violation of CEDAW provisions and can be submitted to court.

CEDAW Impact on the Activity of Women's NGOs

As it was mentioned earlier, it is reasonable to discuss the issue of CEDAW influence on the activity of women's organizations only upon conducting the Parliamentary Hearings of 1995 and Beijing Conference. On the whole, it is not possible to analyze it without taking into account another important issue, such as the level of legal culture of Ukrainian citizens, their awareness of international legal documents on human rights and the existing national and international mechanisms for the protection of personal rights. As there is no possibility to discuss this issue in detail, only the most important points are worth highlighting:

- generally low legal culture of the population, in particular concerning the international legal norms;
- the tendency to legal nihilism, distrust to court justice;
- practically complete ignorance concerning the international norms and principles of protecting personal rights.

The issue of women's NGO awareness of CEDAW provisions is one of the most important aspects of their activity, for it is the basic legal document, according to which their work should be done. Women's NGOs declare themselves as the organizations disseminating knowledge on women's rights and the

opportunities for their protection among Ukrainian women. However, women's NGOs have an additional potential of becoming intermediaries between Ukrainian citizens and law enforcement bodies, in the cases related to violation of human rights (first of all, gender discrimination of women), for the majority of the population do not have the necessary knowledge and experience.

Pilot Survey Results

The investigation was carried out in three regions of Eastern Ukraine: Kharkiv, Dnipropetrovsk and Donetsk regions, where women's movement is the most active and developed in Ukraine (with the possible exception of Kyiv), in Crimean Autonomous Republic and in Kyiv.

In order to study CEDAW impact on the activity and sphere of interests of women's NGOs, a pilot survey (elaborated in accordance to the scheme, suggested by CEDAW Impact Study Advisory Board—see Appendix IV) was conducted among the representatives of 50 regional and local women's NGOs (85.7 per cent of whom were the directors, 14.3 per cent — PR officers) in Kharkiv, Dnipropetrovsk and Donetsk regions, in Crimea and Kyiv. All the women surveyed (100 per cent) have a university degree, 28.6 per cent are engaged in entrepreneurial activity (they are presidents or directors of their own enterprises). 21.4 per cent have experience in political activity; they took part in the elections to regional and national legislative bodies. It is important that these women are forming the politics of women's movement and the attitude to women's problems in this region, both among the local authorities and the community.

The results of the preliminary survey of women's NGOs are as follows:

1) Only 25.7 per cent of the surveyed women's organizations are aware of CEDAW provisions. 81.8 per cent of these organizations are located in Kyiv, and there are only 18.2 per cent of such organizations in the regions.

2) 34.3 per cent of the respondents are not aware of CEDAW existence or never read it. All these organizations are located in the regions, i.e. outside Kyiv. They explain their unawareness by the circumstance that their

organizations are not engaged in human rights protection, but are concerned with research activity and/or support of women entrepreneurs. 7.1 per cent of the organizations, that did not read the text of the Convention, confuse it with the *Constitution of Ukraine*, *Ukrainian Labor Code* etc., and while answering the questionnaire, refer to national legislative provisions.

3) Forty per cent of the respondents, though aware of CEDAW existence, and claim awareness of its provisions, in reality cannot name a single one. Moreover, some of the provisions are surprising to the respondents (for instance, the protection of women's rights in acquiring the citizenship or the equality in international representation). This means that representatives of women's NGOs do not have the slightest idea, in which of its articles the *Convention* protects the rights of women. Such situation is observed in 11.1 per cent of the organizations, located in Kyiv (all of them are local organizations), and in 48.2 per cent of the organizations, located in Kharkiv, Donetsk, Dnipropetrovsk regions and in Crimea.

4) 28.6 of the regional NGOs point out that they never got either the text of the *Convention*, or the comments. 71.4 per cent of the total NGO number had an opportunity to acquaint themselves with CEDAW provisions: 11.5 per cent of those who actually read CEDAW, had a purposeful study of it (out of these, 66.7 per cent are national organizations located in Kyiv). Fifty per cent got printed sources with comments (all of these are regional organizations), 38.5 per cent got information on the Convention in the course of trainings and seminars.

Thus, taking into account the fact that only 25.7 per cent of the surveyed NGOs are actually aware of the *Convention*, it can be assumed that obtaining printed materials on CEDAW did not make them to learn more about the *Convention* and its basic principles. The most disappointing fact is that this category includes those NGO's that claim to be protecting human rights (there are 12.5 per cent of these among the human rights organizations, all of them are located in the regions). We can also add that they have made no attempts

to get more detailed and newer information on the *Convention* application and the comments on it. All the supporting materials were obtained by them several years ago at conferences or trainings in the form of handouts and have never been updated. That is, they are passively obtaining the legal information, but not actively participating in its search, study, or dissemination.

5) Fifty-four point three per cent of the NGO's obtained additional printed materials on the *Convention* (comments, clarifications, possible ways for its implementation etc.), and 45.7 per cent did not. Out of these, 12.5 per cent are national organizations that are actually the authors of such materials, and thus there is no need for them to get it from anybody else, and 87.5 are regional organizations, and many of them have difficulty answering the question, whether they obtained such materials.

6) As for the new directions of activity related to the *Convention* application, 88.9 per cent of the NGOs, which are aware of the *Convention*, point out that such activities exist, and the *Convention* gave a rise to their further work, but these are described very vaguely, and nothing specific is mentioned. The most common answers are as follows:

"We have an opportunity to fight for the women rights."

"We have information to continue our work."

"We can use it during trainings," etc.

It should be noted that in reality the *Convention* affected the activity of a very small number of NGOs.

Eleven point one per cent of NGOs, out of those which have a general idea of CEDAW, indicated that it did not influence their activity.

Thus, 45.4 per cent of NGOs (11.1 per cent, which are not affected by CEDAW in their activity, and 34.3 per cent, which have not heard anything about the *Convention*) do not use CEDAW and its provisions in their activity at all. And this happens despite the fact that CEDAW constitutes the basic international document on which their activity should be founded.

7) Women's NGOs (including the ones en-

gaged in human rights protection) do not have the proper understanding of the meaning of the term "discrimination," mostly reducing it to separate particular points:

"Existence of the gender stereotypes in the society";

"Presence of trafficking in women";

"Women are never appointed to a leading post";

"Officially, there is no discrimination, especially in the difficult economic conditions."

Thus, none of the NGOs surveyed have a clear general idea of what constitutes gender discrimination.

However, a very interesting contradiction and an important point can be found here. In their activity the NGOs attempt to eliminate the inequality of women in all spheres of community life. Again it is necessary to emphasize the fact that they are trying to accomplish that while having no theoretical basis, legal support or juridical knowledge.

8) As for the influence produced by the *Convention* ratification on the life of Ukrainian society, the opinions of those NGO representatives who know about CEDAW existence, divided as follows. 28.6 per cent of the respondents (20 per cent of these do not know about CEDAW provisions) believe that ratification has had no actual influence on the public opinion, as human rights are still violated in Ukraine (especially in the field of social protection and labor relations). They speak about the absence of mechanisms that could promote lobbying of women's interests both in the legislative and executive power structures. This leads to the impossibility of implementing the existing provisions of national and international legal documents. Representatives of NGOs themselves comment this situation as follows:

"The laws exist and they correspond to the international norms, but in reality nobody observes them" (Kharkiv).

"Ukraine got an opportunity to declare its formal joining the Convention, but the real steps for observing it have not been made" (Kharkiv).

It is interesting that among the organizations, believing that Ukraine did not gain anything upon the ratification of the *Con-*

vention, 77.8 per cent are located in the regions, and only 22.2 per cent are located in Kyiv.

Twentyeight point six per cent of the representatives of NGOs surveyed believe that the ratification of the *Convention* has a positive impact on the society. However, the representatives of regional NGO's are more pessimistic (there are 40 per cent of these). They believe that CEDAW gives Ukrainian women a potential opportunity (it's worth emphasizing, that this opportunity is only *potential*) to protect their rights. Theoretically, Ukrainian women can turn to court, referring to CEDAW provisions. Thus, from their point of view the *Convention* is just another juridical document, which can be used in need, but nothing more than that. This fraction of women's NGOs believes that the ratification of CEDAW is just a foundation for the development of legal society, but not a mechanism for the protection of human rights of Ukrainian women.

8.6 per cent of NGOs surveyed cannot say anything about the ratification of the *Convention* and its impact on the society.

2.9 per cent of the NGOs (from the regions only) believe that the ratification of CEDAW had negative consequences. It is worth noting that the representatives of these organizations *have not seen* the text of the *Convention*, however, their position is very affirmative, such as "I have not read it, but I am sure that Ukrainian women cannot gain anything from it" (Crimea);

37.1 per cent did not answer this question at all.

9) As for the impact of the *Convention* on the activity of women's organizations, 34.3 per cent cannot say anything as they declared that they are not familiar with its provisions. Out of those who claim they have read the *Convention* (there are 65.7 per cent of such organizations), 29.6 per cent note that the ratification of the *Convention* and its provisions has no impact on their activity. It is quite understandable, as NGO's are not familiar with particular provisions of this important document.

Just over eleven per cent of the NGOs have difficulty in answering the question whether

the ratification of the *Convention* had any influence on their activity. Thus, the activity of 40.7 per cent of the NGOs is developed without the influence of CEDAW.

51.9 per cent of the NGOs state that the ratification of the *Convention* influences their activity in the following fields:

- Potential opportunity to fight for the rights of women and against gender discrimination;

- Participation in the programs aimed at the elimination of exploitation of women and trafficking;

- Gender expertise of national legislation;

- Explaining human rights to women.

None of the NGO representatives admitted that the ratification of *Convention* made possible the existence of the women's NGOs in Ukraine.

10) As for the distribution of information about the *Convention* and the consequences of its ratification, the opportunities for using it by women attempting to defend their rights, 29.6 per cent of the organizations do not take part in the dissemination. 40.7 per cent of women's NGO's distribute such information through the direct contacts with the women, who turn to their organizations. However, the main point is that only those women turn to women's NGOs, who are involved in the activity of such organizations and are interested in women's movement.

Just over eleven per cent of women's NGOs publish bulletins containing juridical and legal information. However, these bulletins are distributed among the activists of women's movement, who are more or less aware of their rights. Thus, it is not an effective way of distributing information on the protection of women's rights and elimination of gender discrimination.

Once again, it should be noted that the most effective means of distributing information on equal rights and opportunities of women and men, such as electronic communications and mass media are used insufficiently, i.e., most of Ukrainian women, especially those living in rural areas, cannot obtain it. For instance, only 3.7 per cent of the regional NGO's that know about CEDAW provisions use television, and 7.4 per cent use

printed mass media.

This leads to the situation when the majority of Ukrainian population is not aware of the activity of women's NGOs or even their existence.

11) As for the spheres, in which the women's NGOs surveyed are involved, these can be divided as follows: (the list is composed according to the names of article sections in the Official Report of Ukraine on CEDAW):

- exploitation of women and trafficking—34.3 percent;
- participation of women in political and social life—48.6 percent;
- participation of women in international bodies—8.6 percent;
- acquiring citizenship—11.4 percent;
- education—37.1 percent;
- employment and labor rights—34.3
- health care—22.9 percent;
- economic rights and social opportunities—20.0 percent;
- work with rural women—28.6 percent;
- equality before the law—20.0 percent;
- personal and family rights—42.9 percent;
- explanation of internal political situation—14.3 percent;
- consulting in the sphere of civil law—20.0 percent;
- preparation of documents on the problems of violation of women's rights for submitting to courts—22.9 percent.

Thus, the most popular among the women's NGOs surveyed is the activity in the field of increasing the participation of women in social and political life, by means of conducting trainings and seminars. Over forty-eight per cent of the organizations are involved in this activity. However, it should be noted that the results of their activity produce no influence on situation in the society, because, as it has already been noted, mass media do not sufficiently publicize NGO activity and its results.

The second in popularity is the activity in protecting personal and family rights (55.6 per cent), discrimination of women's participation in political life (42.9 per cent), on the third

place there is educational activity: consulting, training programs etc. (37.1 per cent). The problems of liquidation of sexual exploitation (34.3 per cent) and employment and labor rights (34.3 per cent) are on the fourth place. The popularity of the former activity can be explained by a number of reasons. The subject of sexual exploitation and trafficking has become clearly visible for Ukrainian society, due to mass media support and the developing cooperation between NGOs and law enforcement bodies, and the activity of Ukrainian human Rights Ombudsman. However, it is nearly impossible to estimate the efficiency of the activities of various women's NGOs in this sphere, for there is no valid data on this issue.

In the field of employment and protection of labor rights of women (34.3 per cent of women's NGOs), the situation at the moment is as follows. At present this problem is very pressing, as in the process of taking up employment and dismissal many instances of biased attitude (discrimination) against women are present. Thus, according to the official data,²⁶ in 1997 jobs were provided for 30.8 per cent of men and 20.9 per cent of women, out of those who turned to employment agencies. Thus, women constituted only 38 per cent of the total number of those getting employment, despite the fact that women turned to employment agencies at twice the rate of men.

However, the activity of NGOs in the sphere of protecting labor rights of women cannot be regarded as satisfactory, as it is not consistent and has no scientific and legal foundation and no strategic planning. Besides, it is impossible to solve this problem without the support of the state.

As for the participation of women in political and social life (48.6 per cent of women's NGOs), the efforts of women's NGOs in this sphere are mostly concerned with the promotion of their leaders to the municipal and national legislative bodies (this is characteristic of regional NGOs). There is certain progress in this direction. There are leading organizations that consistently obtain a good rating among political parties, in power structures and local governing bodies. Besides,

conducting trainings, teaching leadership skills to women is just the work Ukrainian NGOs are most capable of doing under the current conditions.

At the same time, such directions as work with rural women and women intending to turn to courts for the protection of their violated rights, are not popular among women's NGOs in Eastern Ukraine.

12) Interesting data was obtained concerning the reasons of women for turning to NGOs.

- exploitation of women and trafficking—28.6 percent;
- participation of women in political and social life—28.6 percent;
- participation of women in international bodies—8.6 percent;
- acquiring citizenship—17.1 percent;
- education—28.6 percent;
- employment and labor rights—62.9 percent;
- health care—28.6 percent;
- economic rights and social opportunities—28.6 percent;
- work with rural women—31.4 percent;
- equality before the law—28.6 percent;
- personal and family rights—54.3 percent;
- explanation of internal political situation—17.1
- consulting in the sphere of civil law—22.9
- preparation of documents on the problems of violation of women's rights for submitting to courts—28.6 percent.

Comparing the data presented in above, and on the previous page, one can see the gap between the number of organizations, dealing with certain problems, and the number of women in need of their support:

- participation of women in political and social life (48.6 and 28.6 per cent accordingly);
- education (37 and 28.6 per cent);
- exploitation of women and trafficking in women (34.3 and 28.6 per cent).

Thus the sphere of activity, most popular among women's NGOs, is not so interesting to Ukrainian women. They have other prob-

lems than leadership or politics.

Meanwhile, a number of spheres exist where there is a real need for women's NGOs support. Thus, to 62.9 per cent of the NGOs women turn seeking assistance in the issues of employment, violation of labor rights, their protection, and only 34.3 per cent of the organizations are dealing with these problems. The same situation is observed in the sphere of protecting personal and family rights: appeals are indicated to 54.3 per cent of the NGOs, and only 42.9 per cent are engaged in this activity. The same thing can be said about the following areas of activity:

- Obtaining Ukrainian citizenship by the simplified procedure (there have been appeals to 17.1 per cent of the NGOs, and only 11.4 per cent are offering assistance);
- Preparation of documents for submitting to courts (28.6 and 22.9 per cent, accordingly);
- Economic rights and social opportunities (28.6 and 20.0 per cent).

Thus, the situation is that currently women's NGOs do not respond to the actual problems of Ukrainian women. To a certain extent this indicates lack of efficiency in NGOs activity. One of the reasons for this can be insufficient knowledge of CEDAW provisions.

None of the organizations mentioned that it is dealing with discrimination and prevention of violence against women refugees. Meanwhile, this problem is acquiring increasing intensity, for currently in Ukraine there are over 200.000 refugees, the majority of whom are women.

13) As for the participation of NGOs in legislative process and their influence, 81.5 per cent of the surveyed organizations do not take part in drafting proposals for changing the acting legislation. 18.5 per cent claim their participation; however, in reality it is not effective, as they only deal with gender expertise or conduct personal meetings with the representatives of the Ministries.

The situation is the same with the preparation of official reports: 92.6 per cent do not take part in their preparation. Only 7.4 per cent of NGOs are engaged in this activity, and all of them are located in Kyiv. Thus, regional NGO's are totally excluded from the

process. Obviously, the problems of women from the regions are not reflected in official reports on the Convention issues as well.

As for shadow reports, 14.8 per cent of NGO's indicated that they took an active part in their preparation. However, Ukraine has never submitted a single one! Therefore, NGO's seem not to know even what a "shadow report" is, and believe that it is just information exchange with the representatives of other Ukrainian women's NGOs

Taking into account the above listed data, we can make the following inferences:

The real level of awareness of women's NGO's (first of all, regional) of basic CEDAW provisions is much lower than the one claimed by the organizations themselves.

There is a gap between the awareness of basic provisions of the *Convention*, between national women's organizations located in Kyiv and regional organizations, located in Dnipropetrovsk, Kharkiv, and Donetsk regions and in Crimea. The level of knowledge within local organizations is much lower, though clarifications and comments to the *Convention* have been distributed.

Women's NGOs do not answer the actual problems of women, who are struggling to defend their rights in the areas of employment, family and personal relationships, in courts inclusive. Most of the NGOs work only for "the initiated": they organize trainings and seminars, distribute newsletters that are interesting only to women already having experience in women's movement.

Women's NGOs

almost never use information channels available to most of the Ukrainian population: TV, radio, printed media. That is, Ukrainians, and first of all, women, do not obtain information on the activity of women's organizations, the directions of their work etc.

Conclusions and Recommendations

The ratification of CEDAW by Ukraine should be positively evaluated from the point of view of its potential impact on the legislative process and the state policy concerning women. This is the general conclusion of the investi-

gation presented.

Among the problems that require attention, from the point of view of further impact of the Convention, the following can be mentioned:

1. It is necessary to develop mechanisms for more comprehensive fulfillment of the recommendations made by CEDAW Committee following the official Report on the *Convention* implementation. For the solution of this problem, it is necessary to attract women's NGO's to a greater extent.

2. It is necessary to develop a program on explanation of the principal provisions of the *Convention* for women's NGOs, employees of the law enforcement bodies, judges and barristers.

3. The Supreme Court of Ukraine should summarize the cases in which the facts of women's discrimination were present, prepare the explanations on the usage of the term "discrimination" and define the possibility for using CEDAW in legal practice. It should be noted that this point should be clarified in the process of preparation of resolution of the Assembly of the Supreme Court on the use of international human rights documents, the necessity for which by now has become evident.

Without such resolution, similar to Resolution #9 of the Assembly of the Supreme Court of Ukraine of November 1, 1996 "On the use of the provisions of the *Constitution of Ukraine* in judicial practice,"²⁷ it would be impossible to resolve the question of shaping up the procedure for the use of international human rights documents, including CEDAW, in the activity of the courts.

Endnotes

Newsletter of Ukrainian SSR Supreme Soviet, 1990, No. 31, Article 429

²Newsletter of Ukrainian SSR Supreme Soviet, 1991, No. 38, Article 502

³The Fourth and Fifth (combined) Report on the realization of the provisions of the UN Convention on Liquidation of All Forms of Discrimination Against Women in Ukraine (draft). Kiev: 1998. p. 6.

⁴The Fourth and Fifth (combined) Report on

Ukraine

the realization of the provisions of the UN *Convention on Liquidation of All Forms of Discrimination Against Women in Ukraine* (draft). Kiev: 1998, p. 20.

⁵The Fourth and Fifth (combined) Report on the realization of the provisions of the UN *Convention on Liquidation of All Forms of Discrimination Against Women in Ukraine* (draft). Kiev: 1998. p. 9.

⁶O. Miroshnichenko. Women in Ukraine and the labor market: Proceedings of National tri-lateral conference "Women on the labor Market in Ukraine." Kyiv: 1998, p. 25-31.

⁷The problems of democracy development and ensuring equal rights for women and men in Ukraine under the conditions of transition period: academic report. – Kyiv: 1998, p. 64.

⁸Newsletter of Ukrainian SSR Supreme Soviet, 1981, No. 1, Article 3

⁹Decree No.3 of the Presidium of USSR Supreme Soviet of 19.12.1980, "On the ratification of the *Convention on Liquidation of All Forms of Discrimination against Women*."

¹⁰Newsletter of Ukrainian SSR Supreme Soviet, 1990, No. 31, Article 461.

¹¹Newsletter of Ukrainian Verkhovna Rada, 1991, No. 46, Article 617.

¹²Newsletter of Ukrainian Verkhovna Rada, 1994, No. 1, Article 13.

¹³Newsletter of Ukrainian Verkhovna Rada, 1996, No. 30, Article 141.

¹⁴The problems of democracy development and ensuring equal rights for women and men in Ukraine under the conditions of transition period: academic report. – Kyiv: 1998, p. 6.

¹⁵The Fourth and Fifth (combined) Report on the realization of the provisions of the UN *Convention on Liquidation of All Forms of Discrimination Against Women in Ukraine* (draft). – Kiev: 1998. – p. 4.

¹⁶Newsletter of Ukrainian SSR Supreme Soviet, 1988, No. 49.

¹⁷Newsletter of Ukrainian Verkhovna Rada, 1990.

¹⁸Newsletter of Ukrainian Verkhovna Rada, 1991, No. 14, Article 170.

¹⁹Newsletter of Ukrainian Verkhovna Rada, 1996, No. 30, Article 141.

²⁰Official Bulletin of Ukraine, 1997, No.37.

²¹Official Bulletin of Ukraine, 1998, No.15.

²²Newsletter of Ukrainian Verkhovna Rada, 1998, No. 1.

²³Newsletter of Ukrainian Verkhovna Rada, 1997, No. 43, Article 280.

²⁴Perspectives of Parity Democracy. Academy of Legal Sciences of Ukraine, Kharkiv Center for Women's Studies. Kharkiv: 1997, p. 155.

²⁵International human rights advocacy (collection of documents), Moscow: "Yur. Lit." Publishers, 1990, p. 341.

²⁶O. Miroshnichenko. Women in Ukraine and the labor market: Proceedings of National tri-lateral conference "Women on the labor Market in Ukraine." Kyiv: 1998, p. 25-31.

²⁷"Ukrainian Law," 1996, No. 12.