

UKRAINE

1. Discriminatory family code

In 2012, the **legal minimum age for marriage** was raised to 18 for women and men, after the Ukrainian Parliament voted to amend the Family Code. Prior to this, it had been 17 for women and 18 for men. However, the court can allow marriage at 16 in exceptional circumstances.^{1,2} Under the Family Code, only civil marriages registered at a state registry office are legally recognised.³

According to the European Roma Rights Centre, **early marriages** occur within Roma communities, and are a chief reason for girls dropping out of school.⁴

In Ukraine, **parental authority** is shared by the mother and father, and parents have equal rights and responsibilities regarding their children's development and education.⁵ While the issue does not appear to be addressed specifically in Ukrainian law, the clauses in the Family Code and the Constitution stating that women and men are equal in marriage and family relations would indicate that both women and men can be legally recognised as the head of the household in Ukraine.⁶ Under the Family Code, women and men continue to have equal decision-making authority over children following a **divorce**. Any dispute regarding child custody is decided by the court in the best interests of the child.⁷ According to the official Convention on the Elimination of all forms of Discrimination against Women (CEDAW) report for 2008, in the majority of cases, children remain with their mother following a divorce.⁸

Customary and religious laws are not considered valid sources of law under the constitution, in regard to parental rights or any other matters.⁹

Women enjoy equal **inheritance** rights in Ukraine, as daughters and as mothers.¹⁰ Customary and religious laws are not considered valid sources of law under the constitution, in regard to inheritance or any other matters.¹¹ Traditionally, Ukrainian customary inheritance practices do not discriminate against women. Sons and daughters inherited property equally, and a widow was the principal heir to her deceased husband's estate.¹²

¹ Kyiv Post (2012)

² Voice of Russia (2012)

³ CEDAW (2008), p. 81

⁴ ERRC (2008), p. 7

⁵ Family Code, Articles 51, 121 CEDAW (2008), p. 81-82

⁶ Family Code, Article 121. Constitution, Article 51; CEDAW (2008), p. 81-82

⁷ CEDAW (2008), p. 82

⁸ CEDAW (2008), p. 30

⁹ International Bank for Reconstruction and Development / World Bank (2011), p. 140

¹⁰ International Bank for Reconstruction and Development / World Bank (2011), p. 140

¹¹ International Bank for Reconstruction and Development / World Bank (2011), p. 140

¹² Countries and their Cultures (n.d.)

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Article 107 of the Family Code gives women and men the **right to initiate a divorce** proceeding.

2. Restricted physical integrity

Ukraine has signed but not ratified the Council of Europe 'Convention on preventing and combating violence against women and domestic violence'.¹³ In November 2010, Ukraine ratified the Council of Europe Convention on Action against Trafficking in Human Beings.¹⁴

Domestic Violence is an offence according to the Ukrainian Code on Administrative Offences (article 173-2 – Violence in family). In case of physical injuries, police and judges also use articles of Criminal Code of Ukraine on physical abuse).¹⁵

There is no law specifically criminalising domestic violence in Ukraine. However, domestic violence is addressed under the Law on the Prevention of Violence in the Family. This law defines domestic violence as 'any intentional action committed by one family member towards another family member which violates the constitutional rights and freedoms of the family member and causes harm to his or her physical, mental or moral health', and encompasses physical, sexual, psychological, and economic violence. The law was revised in 2009 following criticism from Ukrainian women's rights activists of some aspects, for instance, a clause which allowed police to issue warnings to victims for 'provoking' the violence. This clause was removed, and a system of correctional programmes for perpetrators of domestic violence was introduced.¹⁶

According to the Council of Europe, information on women's rights to protection from domestic violence and other forms of violence against women is available and widely disseminated in Ukraine; this includes education campaigns. Police officers also receive training on violence against women.¹⁷

There is a national 'Stop Violence' hotline that victims can call, and in 2010, a five-year 'Stop Violence' national campaign was launched.¹⁸ The hotline is available nation-wide and is toll-free. It is run by the NGO La Strada – Ukraine since November 2003, and the number of calls increases every year.¹⁹ While shelters for domestic violence victims exist, they lack financial support from the Ukrainian Government²⁰ and the local authorities.²¹ In addition, the Women's Consortium of Ukraine states that implementation of the legal provisions is not

¹³ Council of Europe Treaty Office (2013)

¹⁴ Council of Europe Convention on Action against Trafficking in Human Beings, http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Profiles/UKRAINEProfile_en.asp

¹⁵ Ukrainian Code on Administrative Offences (in Ukrainian):

[http://www.coe.int/t/dghl/monitoring/moneyval/Evaluations/progress%20reports/MONEYVAL\(2010\)1ANN_ProgRep_UKR_en.pdf](http://www.coe.int/t/dghl/monitoring/moneyval/Evaluations/progress%20reports/MONEYVAL(2010)1ANN_ProgRep_UKR_en.pdf); O.M. Bandurka, O.F., et al. (2011), p. 40

¹⁶ Advocates for Human Rights (2009)

¹⁷ Hagemann-White, Carol (2010), p. 47, 51, 52

¹⁸ Advocates for Human Rights (2009)

¹⁹ La Strada (2014)

²⁰ Levchenko, et al. (2010)

²¹ La Strada (2014)

consistent, and most support provided to victims comes from women's rights NGOs rather than state bodies.²²

According to the Women Against Violence Europe (WAVE) network, 91,913 cases of domestic violence were registered with the police in 2010. It is unclear how many of these resulted in a conviction.²³ Statistics for 2011-2013 are also available. Every year the amount of reported cases of domestic violence grows by about 10,000, which indicates an increased level of awareness and visibility of the issue, and readiness of the police to respond to such cases.²⁴

Public prosecutors are only required to initiate proceedings in domestic violence cases in the case of serious assault.²⁵

According to a shadow report submitted to the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) Committee by the Women's Consortium of Ukraine, domestic violence remains a hidden problem in Ukraine. Most cases go unreported; one survey conducted in 2009 found that just 10% of women affected by domestic violence had sought help from the authorities.²⁶ It is considered to be a private, family matter, a view shared by law enforcement officials and others in authority. This makes it very difficult for women to seek help, as does the fact that many women are unaware of the legal protection that is available to them.²⁷ The Advocates for Human Rights also note the inadequate way that police respond to domestic violence.²⁸

According to the European Roma Rights Centre (ERRC), violence directed against Roma women is a particular problem in Ukraine. This includes domestic violence in the home, and street violence, at the hands of non-Roma. The police do not respond effectively to prevent violence or punish perpetrators. In the case of domestic violence, this is often on the grounds that this is a 'Roma' problem and should be settled within the community. In addition, many Roma women are reluctant to report violence to the police due to mistrust, and bad experiences at the hands of police in the past.²⁹

Rape is prohibited by the Ukrainian Criminal Code.³⁰ The law contains no specific reference to spousal rape. Perpetrators of spousal rape can be punished under a law prohibiting "forced sexual relations with a materially dependent person" (the same law that can be used to prosecute sexual harassment cases).³¹

There is nothing in the Criminal Code to suggest that a perpetrator can escape prosecution by marrying the victim.³²

According to a report by the Council of Europe, Ukraine does have a system of support services available to victims of sexual assault.³³ However, Women Against Violence Europe

²² Women's Consortium of Ukraine (2008) 'p. 42-43.

²³ WAVE (2011)

²⁴ La Strada (2014)

²⁵ Hagemann-White, Carol (2010), p. 41

²⁶ UNDP Ukraine (2010)

²⁷ Women's Consortium of Ukraine (2008), p. 42-43

²⁸ Advocates for Human Rights (2009)

²⁹ ERRC (2008), p. 3-5

³⁰ Criminal Code, Article 152

³¹ CEDAW (2008, p. 14

³² Criminal Code of Ukraine

(WAVE) notes that there are no dedicated centres for victims of sexual violence in the country.³⁴

Data held by the United Nations Office on Drugs and Crime (UNODC) indicates that in 2010, 635 cases of rape were registered with the police. It is unclear how many of these resulted in a conviction.³⁵ Public prosecutors are only required to initiate proceedings in cases of sexual violence in the case of serious assault.³⁶

According to the Advocates for Human Rights, most incidents of rape go unreported because victims are ashamed, distrust the police, or do not believe that bringing charges will result in justice.³⁷ One prevalence study found that among women who had experienced sexual violence, this was most often from their husbands or male partners.³⁸

While there is no specific legislation addressing **sexual harassment**, sexual harassment is covered by the Law on Ensuring Equal Rights and Opportunities of Women and Men.³⁹ In addition, the Criminal Code includes clauses prohibiting people from exploiting a victim's dependence or vulnerability to coerce them into unwanted sexual contact.⁴⁰

The Law on Ensuring Equal Rights and Opportunities of Women and Men calls on employers to take measures to 'avoid incidents of sexual harassment', and states that persons who have experienced sexual harassment can make a complaint to the Commissioner for Human Rights. Victims of sexual harassment are also entitled to financial compensation.⁴¹ However, a 2011 report notes that the legal procedures involved in making a claim of sexual harassment are complex, and there are no special mechanisms in place to investigate cases of sexual harassment in the workplace.⁴²

Sexual harassment appears to be a widespread but little-understood problem in Ukraine.⁴³ In many sectors, sexual harassment is considered normal and women do not recognise sexual harassment for what it is, or realise that they have the right to protection. One expert cited in the 2011 report mentioned above criticised the current legal framework for failing to protect women from sexual harassment, noting that the definition of sexual harassment in the Law on Ensuring Equal Rights and Opportunities of Women and Men is too narrow.^{44, 45}

There is no evidence that **female genital mutilation** is practised.

³³ Hagemann-White, Carol (2010), p. 45

³⁴ (WAVE) (2011) '

³⁵ United Nations Office on Drugs and Crime (2010)

³⁶ Hagemann-White, Carol (2010) ', p. 41.

³⁷ Advocates for Human Rights (2009)

³⁸ UNDP Ukraine (2010) (

³⁹ Women's Consortium of Ukraine (2008) ', p. 34.

⁴⁰ Criminal Code, Article 154.

⁴¹ Law on Ensuring Equal Rights and Opportunities of Women and Men, Articles 17, 22, 23.

⁴² Moskalenko, Olha (2011) '

⁴³ CEDAW (2010), p. 7

⁴⁴ Moskalenko, Olha (2011) '

⁴⁵ Advocates for Human Rights (2009)

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Abortion is available on demand in Ukraine.⁴⁶ However, as of June 2013, draft laws that would restrict access to abortion were apparently under discussion.⁴⁷

3. Son bias

The male-to-female **sex ratio** at birth in 2013 is 1.07 and for the working age population (15-64 years old) 0.92.⁴⁸

There is evidence to suggest that Ukraine is a country of low concern in relation to **missing women** due to elevated child sex ratios.

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In 2012, the mortality rate for male children under five was 12 per 1,000 and 9 for female children.⁴⁹

In 2011 and 2012, there were more boys out of primary school than girls. In 2012, the ratio of female to male primary enrolment was 101.8%; for secondary enrolment 97.9%; and for tertiary enrolment 115%.⁵⁰

In terms of youth literacy for the years 2008-2012 (15-24 years old), the literacy rate was 99.7% for males and 99.8% for females. The adult literacy rate was 99.9% females as a percentage of males for the same period.⁵¹

Between 2002 and 2012, there were 7.9% male children and 6.7% female children in child labour.

4. Restricted resources and assets

The Constitution guarantees women's legal rights to **access to land and property other than land**.⁵² The official Convention on the Elimination of all forms of Discrimination against Women (CEDAW) report (2008) notes that Presidential Decree No. 1356/2000 initiated the 2001 agrarian reforms, which transformed the country's collective farms into agricultural businesses. This process included the names of all women entitled to a plot of land as members of individual enterprises, an important step in securing women's land rights as individuals rather than as members of families.⁵³

Customary and religious laws are not considered valid sources of law under the constitution, in regard to land rights or any other matters.⁵⁴

According to a report by the Hands off the Land network, land grabbing (i.e. the effective compulsory purchase of land at below-market rates for development by foreign companies) is

⁴⁶ United Nations Department of Economic and Social Affairs

⁴⁷ Stracansky, Pavol (2013)

⁴⁸ CIA World Fact Book. <https://www.cia.gov/library/publications/the-world-factbook/fields/2018.html>

⁴⁹ UNICEF

⁵⁰ World Bank Development Indicators Database

⁵¹ UNICEF

⁵² Article 60 of the Family Code; CEDAW (2008) p. 83

⁵³ CEDAW (2008) p. 75, 78

⁵⁴ International Bank for Reconstruction and Development / World Bank (2011) p. 140

becoming an increasing problem in Ukraine, with small-scale farmers losing out to large agribusinesses.⁵⁵ This may be affecting the implementation of women's land rights in practice.

The Civil Code guarantees women's legal **rights to property other than land**, and states that women have equal rights with respect to the conclusion of contracts and the management of property.⁵⁶ By law, joint property acquired during marriage belongs equally to both spouses, regardless of whether or not one spouse was financially dependent on the other.⁵⁷

Customary and religious laws are not considered valid sources of law under the constitution, in regard to property rights or any other matters.⁵⁸ The official CEDAW report (2008) notes that women are underrepresented as property owners in Ukraine.⁵⁹

Under the Economic Code and the Banks and Banking Act, women have equal rights to **access bank loans**, and a woman does not need consent from her husband or another male relative to apply for credit.⁶⁰

In practice, according to the Women's Consortium of Ukraine and the official CEDAW report for 2008, women experience practical difficulties in accessing credit. Women often have a lower income level than men, which means they are less likely to be offered a loan. In addition, because women are less likely to own property and assets to act as collateral, when they do secure credit, it is often at a very high rate of interest and for a short period.^{61, 62}

According to financial inclusion data held by the World Bank, 39% of adult women had a bank account in 2011, compared to 44% of men. In the same year, 8% of adults had taken out a loan with a financial institution (defined as a bank, credit union, microfinance institution, or another financial institution such as a cooperative); these data were not disaggregated by gender.⁶³

Following the 2001 agrarian reform, many women in rural areas established credit unions in order to improve their access to credit through the State Employment Programme of 2001-2004, according to the official CEDAW report (2008). In addition, support was provided to women farmers under the 'Rural Women' programme of the Ministry of Agrarian Policy.⁶⁴ According to the Microfinance Information Exchange, women made up 65.85% of recipients of micro-credit in 2012.⁶⁵

⁵⁵ TNI, p. 15

⁵⁶ CEDAW (2008), p. 79

⁵⁷ Article 60 of the Family Code; CEDAW (2008) p. 79, 83

⁵⁸ International Bank for Reconstruction and Development / World Bank (2011), p. 140

⁵⁹ CEDAW (2008), p. 44

⁶⁰ CEDAW (2008), p. 71

⁶¹ Women's Consortium of Ukraine (2008), p. 39

⁶² CEDAW (2008), p. 71

⁶³ World Bank (n.d.)

⁶⁴ CEDAW (2008), p. 78

⁶⁵ Microfinance Information Exchange (2013)

5. Restricted civil liberties

Women's free **access to public space** is protected by the Constitution and other legal codes,⁶⁶ as are their right to freedom of movement within and outside Ukraine, and their right to choose freely their place of residence.⁶⁷

A 2013 law "On amendments to some legislative acts (to protect the right of children to a safe information environment)" aimed to prevent homosexuality propaganda in Ukraine, enabled prosecution if necessary and ensure public order and principle of morality in Ukrainian society.^{68 69}

Violence and intimidation at the hands of neo-Nazi groups also affects women's free access to public space for women belonging to some minority groups, including Roma, Crimean Tartars, and other ethnic minorities, and the LGBTI community.⁷⁰ The Ukrainian Parliament also adopted the Law "On the principles of preventing and combating discrimination" on 6 September 2012 (the Anti-Discrimination Law), which addresses discrimination in all areas of life, including public and political activities.⁷¹

There are currently no **quotas** in place to promote women's political participation, either at national or sub-national level. Legislative attempts to introduce quotas have been unsuccessful.⁷² According to a report by the Ukrainian Women's Fund, as of 2010, women made up 51% of elected officials at village level, 46% on town councils, and 28% on city councils.⁷³

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The Ukrainian Women's Fund notes that overwhelmingly, the Ukrainian **media** reinforces gender stereotypes. Women are principally represented as homemakers or as sexualised objects. Similar views are expressed in the official Convention on the Elimination of all forms of Discrimination against Women (CEDAW) report and by the Women's Consortium of Ukraine.⁷⁴

Concerning **workplace rights**, Women are protected against discrimination in employment under the Law on Ensuring Equal Rights and Opportunities of Women and Men and the Labour Code.⁷⁵

Pregnant women are entitled to up to 126 days' paid **maternity leave**, at 100% of their salary.⁷⁶ Paid maternity leave is financed through the state social security system.⁷⁷

⁶⁶ Constitution, Article 33 ; Civil Code, Article 29; Exit and Entry (Procedures for Citizens) Act

⁶⁷ CEDAW (2008), p. 80

⁶⁸ Text of the draft of Law (in Ukrainian), <http://polit.ua/documents/2012/10/08/zakon.html>

⁶⁹ Amnesty International (2013) , p. 282

⁷⁰ Human Rights Watch (2013), p. 503

⁷¹ The Equal Rights Trust (2013), p. 3-4

⁷² Martsenyuk, Tamara (2012 ; Women's Consortium of Ukraine (2008), p. 26

⁷³ Ukrainian Women's Fund (2011), p. 5

⁷⁴ Ukrainian Women's Fund (2011), p. 17-18; CEDAW (2008) p. 31-33; Women's Consortium of Ukraine (2008), p.

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⁷⁵ CEDAW (2008) p. 58, 60

⁷⁶ Labour Code, Article 179

⁷⁷ ILO (2011)

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