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**Alternative information on
Ukraine's implementation of the UN Convention on the Elimination of All Forms of
Discrimination Against Women
in connection with the review of the state report by the UN Committee on the Elimination
of All Forms of Discrimination against Women**

For the 77th PSWG of the CEDAW
2–6 March 2020

- 1. Gender Equality in Employment**
- 2. Multiple Discrimination of Roma Women and Girls**
- 3. Persecution of Feminists and LBTI Activists**

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1. Gender Equality in Employment

ADC Memorial welcomes Ukraine's efforts to improve the situation of women in the sphere of employment: the discriminatory document carried over from Soviet times—the list of professions banned for women¹—was repealed on December 21, 2017. Now women have access to over 450 occupations and are being hired as firefighters and rescue divers, which was not previously possible. However, this anti-discriminatory provision must be enshrined in Ukraine's Labor Code to complete the reform (the ban is currently mentioned in Article 174).

Three drafts of a new Labor Code are currently being debated in Ukraine; two of these² retain the obviously discriminatory ban on women's employment in certain professions that copies the untenable Article 174 of the current Labor Code. This norm contravenes both laws of Ukraine ("On the Principles for Preventing and Combating Discrimination in Ukraine," "On Ensuring Equal Rights and Opportunities for Men and Women," and "On Amendments to the Labor Code of Ukraine Regarding Harmonization of Laws on Preventing and Combating Discrimination with Laws of the European Union") and international provisions banning employment discrimination on the basis of gender, CEDAW's concluding observations in relation to Ukraine (2017)³, and CEDAW's views on the case of Svetlana Medvedeva (2016).⁴

The authors of this report believe it is extremely important to exclude bans on women's labor from the Labor Code and, at the same time, to provide for additional protective measures relating to motherhood and parenthood. An example of a similar reform can be found in Eastern Europe: in 2017, lawmakers adopted amendments to the Labor Code of Moldova, a country that, like Ukraine, chose a path to European integration. In particular, the provision on the list of banned professions was removed from the Labor Code, while protective measures for pregnant women and new and nursing mothers were added (temporary transfer to safe and easier jobs with retention of average salary, removal from overnight shifts, right to a part-time workday or work week).⁵

However, the repeal of professional bans for women is not sufficient for attaining gender equality. These reforms must be supplemented with a broad awareness-raising campaign directed at potential female workers, employers, and government officials concerning explaining that the bans on women's labor have been lifted. Conditions must be created for the professional training

1 Order of the Ministry of Health "On the Approval of a List of Arduous, Harmful, or Dangerous Jobs Banned for Women" (No. 256 of December 29, 1993)

2 Website of the Verkhovna Rada of Ukraine, drafts of labor law no. 2708 of December 28, 2019, no. 2708-1 of January 11, 2020, and no. 2708-2 of January 16, 2020 https://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=67833

3 Concluding observations on the eighth report of Ukraine, March 2017
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fUKR%2fCO%2f8&Lang=en

4 Views of the Committee on the Elimination of Discrimination against Women under article 7 (3) of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (sixty-third session) concerning Communication No. 60/2013
http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/63/D/60/2013&Lang=en

5 Labor Code of the Republic of Moldova, No. 154-XV of March 28, 2003, http://continent-online.com/Document/?doc_id=30398053&doc_id2=30398053

and mass employment of women in positions previously inaccessible to them. Without these measures, there have been cases where women have been denied employment (in particular, as firefighters) under the pretext that a profession is banned for women even after the ban was officially repealed. In addition, there have been no special announcements that women can work as metro engineers and so forth.

Even though Ukraine has reformed its laws in terms of gender equality and non-discrimination, many women continue to face violations of their rights. Deeply ingrained patriarchal stereotypes connected with women's roles and obligations in the family and the widespread objectification of women play a significant role in this: men often believe that the beauty of Ukrainian women is an object of "national pride," and ads about sex services and "men's" clubs are published unchecked. Many men from other countries view Ukraine as a destination for sex tourism. It is unlikely, then, that this perception of women will help improve their situation or increase their involvement in the economically active population or their representation in various branches of the labor market.

The unemployment rate in recent years has hovered at around nine to 10 percent, with women making up the majority of unemployed people.⁶ In addition, the employment rate of Ukrainian women is 10 percent lower than it is for men (68 percent versus 78 percent).⁷ Women continue to face a glass ceiling and a gender pay gap. They perform most household chores and raise any of their children who cannot be enrolled in day care, but they are also unable to find a job because of employers who do not want to hire women with small children and because it is hard to find part-time or remote jobs.

One of the consequences of insufficient measures to include women in the labor market on the same terms as men is that women instead seek work abroad. In fact, Ukrainian authorities are concerned about the scale of labor migration and immigration: By various estimates, five to 10 percent of the population (two to three million people) are permanent migrants and almost nine million are seasonal migrants, which amounts to over 20 percent of the population of almost 37 million. Most of the people who decide to migrate for work are women, who leave for various EU countries primarily because of unemployment and low wages. Even women with higher education degrees agree to work as dishwashers, cleaners, nannies, and babysitters. Female migrants from Ukraine often fall victim to human trafficking and sexual exploitation.

Attracting women to all available spheres of labor, including previously banned professions, supporting women who train and work in "non-typical" areas, and increasing guarantees for new and future mothers will all have a positive impact on the situation with employment and gender equality.

Multiple Discrimination of Roma Women and Girls

6 State Statistics Service of Ukraine, <http://www.ukrstat.gov.ua>

7 Study of the Centre for Economic Strategy, October 2019, <http://uacrisis.org/ru/73480-how-to-encourage-ukrainian-women-to-get-employed>

Roma women and girls often become the victims of multiple discrimination: While they experience all the difficulties connected with the vulnerable position of the Roma minority along with men, they also traditionally occupy a subordinate position in their patriarchal community. They are charged with caring for the home, children, and elderly family members, and they also often earn a living to support their entire family. Below are first-hand accounts of violations of the rights of Roma women obtained by consultants of ADC Memorial during their field work.

Large Roma families often face the threat of losing their **homes**: landlords generally try not to rent to them. Although they are put on waiting lists for housing, their turn almost never comes.

The City Council decided to evict a Roma family consisting of a mother with many children and her elderly parents from a dilapidated temporary structure scheduled for demolition. The seven non-Roma families remaining in the structure were allowed to stay there. (June 2017, Uzhgorod.)

A disabled woman with many children who had long been on a waiting list for housing heard from social services workers whom she consulted for help that “Housing is not in the cards for gypsies. And don’t come here, don’t waste people’s time!” (August 2017, Kyiv Oblast.)

Roma women, who often have many children, complain that **payment of children’s benefits** is not handled correctly: Payments can be delayed for almost a month, and payments can be reduced with no explanation. Sometimes, officials intentionally fail to notify women about meetings of the benefits committee and then stop making payments to these women because they did not attend a meeting (January 2019, Kyiv Oblast).

Social workers accused Roma women of not being able to calculate the amount of their benefits correctly because of their illiteracy; the Roma women turned out to be right, but their money was never returned to them (June 2018, Uzhgorod).

Women have complained that when they go to collect their pensions, housing and municipal services workers try to refuse them services or take extra money for services. Social workers also regularly use hate speech:

A Roma woman with many children was refused a voucher for heating fuel in the winter because of her ethnicity. The inspector was rude to her, called her “gypsy scum who gave birth to children from an unknown father,” and kicked them out of the office. This woman was able to obtain the document she needed only after complaining to more senior officials. (June 2018, Kyiv Oblast, Borispol.)

An inspector at a social services department screamed: “Gypsies should be sterilized, not given benefits! They already have a lot of children!” (July 2018, Kirovograd Oblast.)

A pregnant Roma woman urgently needed some documents, but a worker at the registry office refused to serve her, stating: “I despise gypsies and have no intention of working with them!” The victim was assisted after she complained. (January 2020, Volnovakha.)

Roma women regularly have problems **obtaining identity documents** for themselves and their children. In addition to issues the Roma have traditionally had with documentation in Eastern Europe, the situation in Ukraine is complicated by moves necessitated by the military actions in Eastern oblasts of Ukraine, moves made for family reasons, and migration from another country where documents were issued that often cannot be replaced with Ukrainian documents. At the

same time, police and security officers regularly check the documents of Roma women on the basis of ethnic profiling. Sometimes the actions of law enforcement bodies even extend to illegal searches accompanied by threats of violence.

Police officers conduct checks of Roma homes without grounds. (August 2017, Perechin, Zakarpattia Oblast.)

Police officers forced entry into the home of a Roma woman looking for a man unknown to her. They threatened her with a gun and said they would beat the adults and children if she did not tell them where this man was. (November 2019, Odessa Oblast.)

Children also suffer because of systemic problems with documentation for women and risk ending up in children's institutions:

A Roma woman was not given her newborn baby when she was discharged from the maternity hospital because she had no documents. When her mother (the baby's grandmother) came to the maternity hospital, she was also prevented from collecting the baby because of problems with her documents. Even though medical personnel delivered the baby and had no doubts about who the mother was, the hospital decided that a children's home would be a better alternative for the baby than life with his birth mother. The child was returned to his mother only after a mediator got involved. (September 2018, Uzhgorod.)

Many Roma people report that they regularly face discrimination when receiving **medical care**. Blatant cases of segregation have been noted where female Roma patients in maternity and regular hospitals were placed in separate wards with poorer conditions:

"When a Roma woman comes to the maternity hospital, she is sent to a special 'Roma ward' where the mattresses and linen are dirty and services cost more than they do for Ukrainian women." (August 2017, Perechin, Zakarpattia Oblast.)

"The hospital has a 'Roma ward' that has terribly unsanitary conditions. Roma are not put in the same ward as 'whites.' (August 2017, Uzhgorod.)

"It's not enough that they put us in separate wards, they also don't let us into the cafeteria. That's because white women don't want to eat from the same plates as dirty Roma women." (December 2017, Uzhgorod.)

Cases of refusal of medical care have been documented. Doctors allow themselves to make indefensible statements about the ethnicity of mothers and children and their appearance and avoid making house calls, while ambulances sometimes refuse to go to Roma settlements and pharmacists refuse to provide Roma people with free medicine even when they have a prescription. In one case, a woman in a settlement died after an ambulance refused to come for her (December 2017, Uzhgorod). Women have reported that they cannot receive disability payments for their children: Doctors accuse them of falsifying documents and chide them for "having children just to live on benefits."

The mother of a girl suffering from a heart defect, whom ADC Memorial wrote about in a recent report,⁸ continues to be denied proper medical care for her daughter and faces difficulties confirming her daughter's status as a disabled person: to obtain this confirmation, they had to travel to hospitals in other

⁸ Report ADC Memorial «Ukrainian Women: Caught Between New Challenges and Long-Standing Discrimination» February 2017, page 4 <https://adcmemorial.org/www/publications/ukrainian-women-caught-between-new-challenges-and-long-standing-discrimination?lang=en>

cities and spend a great deal of money, even though they survive on disability benefits alone. The child's disabled status was reinstated after a doctor in Kyiv who operated on her referred her for an evaluation. In spite of this, doctors at the district clinic refused to assign her this status and insulted the patients on the basis of their ethnicity (Donetsk Oblast).

Roma girls are prevented from receiving an **education** by their community's ingrained notions about gender roles and early marriages, but also by the reluctance of educational institutions to teach Roma children because of the prejudice of teachers and parents.

When a Roma woman went to enroll her daughter in first grade, the principal refused to accept her documents, saying: "We don't need gypsies!" and "Other parents will not want their children attending school with Roma children." (July 2018, Uzhgorod.)

A mother with many children asked the principal to put her children in an extended day group so that they could do their homework at school and get help from teachers that she herself was unable to provide because she was illiterate, but this request was refused. (April 2017, Odessa Oblast.)

Cases have been documented where children were officially enrolled in school, but did not actually receive a quality education. Some schools continue the unacceptable practice of segregating Roma children, who are frequently diagnosed with non-existent disorders and classified as "mentally retarded." As a result, these children do not receive a quality education, remain outcasts, and may have to spend the rest of their lives with a diagnosis made for the convenience of teachers.

"The local school made special classes for Roma children: they combined the first- and second-grade classes and made a general class for third-, fourth-, and fifth grades. When the parents complained, the school responded: "It's this or nothing. We have no intention of teaching your children." (January 2020, Perechyn.)

A girl and her parents moved from Zakarpattia Oblast to a different part of Ukraine, where her parents tried to enroll her in school. It turned out that Roma children in Zakarpattia Oblast were classified as "mentally retarded" and taught in a special class. The family attempted with great difficulty to have this diagnosis removed. (November 2019, Eastern Oblast of Ukraine.)

Roma women regularly experience difficulties with **employment**. Even though there are vacancies, women are rejected for jobs when employers learn about their ethnicity.

A woman was sent to a job by an employment agency. When she arrived at the address she had been given, she was told that there were no vacancies. It turned out that there actually were vacancies, but that this woman had been lied to because they did not want to hire her. (November 2019, Uzhgorod.)

A Roma woman wanted a job as a courtyard keeper so she can earn at least something to live on, but she was categorically rejected: "We don't hire Roma people." (June 2017, Uzhgorod.)

A Roma women applied for a job as a cleaner at a computer company, but she was told that Roma people were not needed. (May 2019, Kramatorsk.)

A Roma woman got a job as a dishwasher at a small restaurant with a probationary period. She was given a day off after two days and then not invited back to work. According to her, this was because "other workers made a show of hiding their wallets and phones and insinuated that "you work quickly, but you're a gypsy." (December 2019, Kyiv Oblast.)

Even a diploma in a specialized area is not enough to overcome ingrained stereotypes (about stealing, low-quality work, instability):

“Our girls [daughters] graduated from culinary school and decided to look for work. Out town is small, and they looked all over. They applied at cafes, kiosks at the market where food is prepared and sold, but it was all in vain. Our girls are swarthy, dark-skinned, and as soon as the owners glanced at them, they all said: ‘You’re not right for us!’ Our girls never ended up finding a job. So was it for nothing that they studied? And then what’s the point of school if you can’t find work after?” (February 2017, Luhansk Oblast.)

A young Roma woman with a law degree: “The first thing everyone does is look at your appearance and not your honors diploma. They see you’re Roma and say right away: “There are no openings.” When I go to an interview, the first question I get is: ‘What’s your ethnicity?’ What can I do but answer honestly? “I’m a Roma.” And then I hear the response: ‘I’m sorry, but we have no need for your services.’ I have a hard time believing that I’ll ever be able to get a job.” (2019, Zhitomir.)

In fact, illegal racist requirements can still be found in some want ads: “We only hire people of the Slavic nationality” (report from an informant from Volnovakha, January 2020).

If a Roma woman is actually able to get a job, then she starts having other problems like being paid less than promised or not being paid at all. In one case, neighbors stymied the efforts of a self-employed woman who opened at hairdressers on the first floor of their building by insulting her and even committing arson (November 2019, Zaporozhe).

This inability to find work means that women are financially dependent on men and on the community in general and that their children become less motivated to study and get an education, which makes it difficult for them to find work and integrate into society.

Prejudice based on ethnicity is displayed most strongly against women: Roma women are more likely to be recognized as Roma, are more frequently insulted and subjected to hate speech and prejudice, and often feel helpless in a masculine society. Unfortunately, most media outlets continue to support stereotypes about “gypsy hypnosis” and fortunetelling and provide an inaccurate and biased portrayal of Roma women.

Roma women also face refusals for service on transportation and in stores. They are often suspected of stealing or fraud and avoided. Taxis refuse to take passengers to Roma settlements, and shuttle van drivers regularly chide Roma women for presenting fake documents to ride for free and also try not to give them the right change.

“I was taking my child on the trolleybus. It was full of retired people. The conductor didn’t bother them, but came right up to me and said: “Show me your ID. There are so many of you gypsies that you don’t want to pay for your trip. And is this ID even yours?” (May 2019, Kramatorsk.)

“I was on a shuttle van. A young Roma woman and two small girls were at the stop. Even though this woman was waving her hands at the driver to get him to stop, he just drove by. When I asked him why he didn’t stop, he said: ‘I don’t need gypsies.’” (September 2018, Kherson.)

“I was on a shuttle van, no one was sitting next to me. One girl was about to sit down, but her mother pulled her back: ‘What are you thinking! A gypsy’s sitting there!’” (June 2019, Kramatorsk.)

“When this man noticed me with my wife, he called out so the whole car could hear: ‘People, watch your pockets, there are gypsies in the metro!’” (February 2018, Kyiv.)

A salesperson at a store: “What, you expect me to serve gypsies? I have nothing else to do?” (August 2017, Kyiv.)

Roma clothing is an external marker of ethnicity, so women have faced demands not to wear this clothing in state institutions, schools, and daycares:

“Women are not allowed into stores, cafes, and other local places because they are wearing Roma clothing. Women’s clothing is very expensive, smart, clean, and beautiful. But non-Roma people don’t like it. So women feel discriminated against, not like everyone else, when they are driven out of public places.” (March 2019, Vinogradov, Zakarpattia Oblast.)

In a school, another mother commented to a young Roma mother: “You dress like a gypsy, and your child is always covered in beads and bracelets, like a Christmas tree! You’re communicating with Russian people, so try to fit in with them! Otherwise the other children won’t let your daughter play.” (December 2019, Kramatorsk.)

Female Roma student: “When I attended the academy, I wore a long, pretty skirt to class. The entire class ran over to look at me. They were whispering, criticizing me, saying that I’m from the tabor, that I don’t know how to dress correctly. They took pictures of me.” (December 2019, Donetsk Oblast.)

Deeply-rooted **gender** discrimination within the community, where patriarchal values reign, poses another major problem for Roma women. Instances of physical, psychological, and economic violence within the community rarely become known outside of the community and women hardly ever seek help.

A young Roma woman, an orphan, who lived with relatives, was raped by her cousin, but no one in the family believed her and they drove her away. She gave birth to a child and lives in a rehab center for mothers in difficult circumstances. She will have to leave the shelter once her child is 18 months old. (June 2019, Kyiv Oblast.)

A woman with five children was driven out of the home by her mother-in-law. Her youngest children—twins—were allowed to stay with her in a shelter, but the older children were taken to a children’s home. (June 2019, Kyiv Oblast.)

A woman with nine children was beaten and driven out of the home by her drunken husband, who threatened to sell their shared car for scrap, which would deprive her of the opportunity to earn money. The patrol officer she called spoke with the husband, ordered them to work it out, and left. This woman was left alone with her abuser. (May 2019, Ivankovo District.)

Women and girls who had to move from Eastern oblasts of Ukraine are in an especially vulnerable position. They face rejection not just because of their ethnicity, but also because they are migrants. The status of migrant is frequently named as a ground for refusing medical care, housing, and credit, while banks and other institutions present these women with additional requirements to confirm their residence in controlled territories. These women are treated poorly by migrants like themselves and by local residents dissatisfied with the arrival of “unwanted neighbors” who, they think, are laying claim to jobs and educational and medical services.

Problems with documenting Roma people have been raised by CEDAW (2017), CERD (2016), and CESCR (2018). These problems include the need to integrate Roma people into Ukrainian society, including with account for the intersectional discrimination faced by women and girls;

female unemployment; failure to provide housing to Roma families; discrimination in education, particularly against girls, and the need to support their aspirations to graduate (provide them with the opportunity to return to school after they have left school); and the problem of placing children in correctional classes and schools. The committees made separate note of the difficulties of forced migration and the need to inform Roma women of their rights and provide protection for these rights. In spite of these numerous recommendations, females in Roma communities continue to face multiple discrimination in all areas of life.

Persecution of Feminists and LBTI Activists

In recent years, violent attacks on feminist and LBTI-events and activists have been organized by far-right groups (C-14, Natsionalny Druzhyny, Tadytsii I Poryadok, Natsionalny Korpus, Nevidomyi Patriot, Frikor, Karpatska Sich and others). According to the recent monitoring of Institute Republica with support of Rosa Luxembourg Foundation, the problem of far-right violence is systemic in Ukraine due to inaction or in some cases permissiveness by the law enforcement.⁹ Some groups as Natsionalny Druzhyny openly cooperate with and are integrated into the work of law enforcement.

In 2019, according to Institute Republica, 14 feminist and LBTI activists fell victim to attacks by far-right groups and faced the largest number of attacks in comparison with other groups. According to human rights organizations' monitoring of attacks against activists, 22 feminist and LBTI activists were attacked and this group also faces the largest number of attacks.¹⁰ In 2014-2018, feminists and LBTI activists also faced dozens of attacks.

In 2017 and 2018, Karpatska Sich attacked the March 8th rally in Uzhgorod, Western Ukraine. Even though the attackers were identified in 2018 and the victims applied to police, the judicial proceeding has not yet been completed. Attacks on the March 8th rallies take place in other cities of Ukraine in 2018 and 2019.¹¹ On November 18, 2018 in Kyiv far-right groups attacked the rally of remembrance of transgender people, in which more than 50 persons participated. The police forced the participants to end the event instead of providing effective protection. Five people suffered. On April 11, 2019, far-right groups attempted to disrupt the European Lesbian Conference. They used tear gas and blocked the entrance to the building where the conference was being held. Ten people suffered as a result.¹² In September 2019, the participants of Kharkiv Pride were attacked by far-right groups.

The most disturbing thing is the lack of effective investigation, the failure to hold perpetrators accountable, and the absence of law enforcement measures to prevent such crimes.

Recommendations

9 Institute Republica, Rosa Luxembourg Foundation, Confrontations and violence by far-right: results of monitoring 14.10.2018-14.10.2019 http://rosalux.org.ua/images/FINAL_zvit-UA-print.pdf

10 Zmina, Ukrainian Helsinki Group, Truth Hounds, Freedom House, The situation with human rights defenders and civil activists in Ukraine in 2019.

https://org.zmina.info/content/uploads/sites/2/2020/01/stateofhumanrightsdefenders2019_reportua_.pdf

11 Zmina, A woman is a human, not a vagina – reporting from the March for Women's Rights, 8 March 2019 https://zmina.info/articles/zhinka_ce_ljudina_a_ne_matka_i_vagina_reportazh_z_marshu_za_prava_zhinok_u_kij_evi/

12 DW, Far-right groups attempt to disrupt the European Lesbian Conference in Kyiv, April 2019

Guarantee gender equality:

Adopt a new Labor Code that does not contain the discriminatory article banning the labor of women in certain professions

Include additional protective measures for pregnant women and new and nursing mothers in the Labor Code: If a job is harmful to the health of these categories of women, they must be able to transfer temporarily to another job with retention of salary, be taken off overnight shifts, and be given the right to a part-time workday or work week.

Conduct a campaign to raise awareness among women about new employment opportunities; Effectively inform employers about the cancellation of bans and provide incentives for them to fill vacancies with women; Conduct awareness work with government officials to explain the consequences of amendments to labor laws; expand women's rights

Develop and conduct an effective campaign to combat gender stereotypes in employment and adopt gender sensitive approach in this regard, in order to: decrease the rate of women's unemployment, reach equality of men and women in salaries and income, prevent harassment and abuse against women at work with special protective measures, protect women in migration against trafficking and exploitation, protect women in Ukraine and in migration from sexual exploitation.

Apprise students in general and specialized secondary schools about opportunities for women to work in previously banned professions

Improve the situation of Roma women:

Develop a strategy and implement plans to improve the situation of Roma women and integrate them into Ukrainian society

Effectively inform Roma women about their rights and means to protect them

End the segregation of Roma girls in schools; promote a quality education for Roma girls and encourage them to complete various levels of education

Prohibit refusal of unemployment based on ethnicity

Prosecute government officials for hate speech in relation to Roma people, for failure to provide services, and for discrimination based on ethnicity

Prosecute media outlets for inciting hatred and reinforcing stereotypes of Roma people

Guarantee the rights of LBTI people:

Effectively investigate attacks against feminists, LBTI activists, and their events; prosecute the guilty parties; take measures to prevent attacks; guarantee security for feminist and LBTI events

Prevent far-right groups from being involved in the work of law enforcement agencies (as “assistants” to police officers) and provide publicly available information about such forms of cooperation

Conduct training session on combating gender discrimination and discrimination based on SOGI for staff at law enforcement agencies, prosecutor’s offices, security services, and the armed forces.