



**Convention on the Elimination
of All Forms of Discrimination
against Women**

Distr.
GENERAL

CEDAW/C/UKR/3
14 June 1991

ENGLISH
ORIGINAL: RUSSIAN

Committee on the Elimination of
Discrimination against Women (CEDAW)

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 18 OF THE CONVENTION

Third periodic reports of States parties

UKRAINIAN SSR*

* For the initial report submitted by the Government of the Ukrainian SSR see CEDAW/C/5/Add.11; for its consideration by the Committee, see CEDAW/C/SR.16 and CEDAW/C/SR.21, and Official Records of the General Assembly, thirty-ninth session Supplement No. 45 (A/39/45), paras. 152-199, for second periodic report submitted by the Government of the Ukrainian SSR, see CEDAW/C/13/Add.8 and CEDAW/C/13/Add.8/Amend.1; for its consideration by the Committee, see CEDAW/C/SR.162, and Official Records of the General Assembly, forty-fifth session Supplement No. 38 (A/45/38), paras. 327-349.

I. Introduction

1. In accordance with the Constitution of the Ukrainian SSR, women and men enjoy equal rights. The provisions of the Constitution and the laws enacted on their basis represent a comprehensive system of measures aimed at ensuring the rights of women in all areas.

These constitutional provisions and laws accord women equal opportunities in acquiring education and vocational training, in employment and remuneration for work, in professional advancement, and in socio-political and cultural activity.

The legislation of the Republic also provides for special measures on women's job safety and health and for the creation of conditions to allow women to combine work with maternity.

2. The existing legislation in the Ukrainian SSR with regard to women's rights is basically in harmony with the Convention on the Elimination of All Forms of Discrimination against Women.

However, it needs to be noted that the practical realization of these rights does not extend to certain aspects in the activities of women as equal members of society. This in turn provides a basis for speaking of non-compliance or at best partial compliance with certain of the Convention's provisions, specifically article 2 (d) and (f), article 3, article 5 (a) and (b), article 7 (b), article 8, and article 14 (a), (b) and (h).

3. The following are a few examples. The Ukraine has on its books special legislation on job safety for women consisting of a range of legal, economic and medical regulations as well as organizational measures of a technical nature aimed at ensuring women healthy and safe working conditions on the job.

In addition, women have the possibility of applying to the courts for the protection of their rights. The Republic's criminal code contains rules under which officials are answerable for violations of job safety.

4. Nevertheless, 25 per cent of the women of the Ukrainian SSR are employed in jobs that are harmful to health, 37.7 per cent are engaged in manual labour, and 750,000 women work night shifts.

Economic living conditions today are such that women are either interested enough in obtaining special benefits to be willing to accept employment in harmful jobs, or else they lack the necessary qualifications and are forced to perform work involving manual labour of a subsidiary nature.

5. The State is moving ahead according to plan with measures to increase salaries and wages. During the period 1990-1991 there were pay increases for workers in the public-health, education, cultural and service sectors, i.e., in those branches of the economy with a predominantly female labour force. Still, women's pay is on the average one third lower than men's.

6. Women's right to vocational training is backed by the availability of free education of all kinds; by the policy of general and secondary education for the young and of technical-vocational, specialized secondary and higher education; by the extension of the system of correspondence and evening schools; and by the availability of special benefits for women who have young children and wish to improve their skills.

However, as the results of studies attest, by and large women's level of vocational training is lower than that of men. After they marry, women do not, as a rule, take advantage of the available opportunities for upgrading their skills because they are too busy with housework and with raising their children.

7. This lack of free time for skill improvement and this additional workload outside their regular job explains why women's professional advancement is slower than men's and why they are underrepresented at decision-making levels.

The high rate of female employment in the economy coupled with the inadequate development of the social infrastructure has led to a situation in which women are overburdened at the work-place and suffer emotional stress, which in turn is having a negative effect on the country's demographic situation and on the status of society as a whole.

8. The existing discrepancies between the constitutional rights of women and their practical enjoyment in the Ukrainian SSR should in no way, however, be regarded as a manifestation of deliberate discrimination against women. The fundamental causes of these deviations lie in economic difficulties, the inadequate level of social services, certain misguided policy approaches in the past to the improvement of the status of women (e.g., the striving after purely quantitative indicators of equality), and certain persistent outmoded stereotypes regarding the role of women in society.
9. As it analyses the experience gained in its efforts to bring about the quality of women, the Government of the Ukrainian SSR is endeavouring to see to it that its present policy takes into account the full range of women's interrelated interests and social roles in order that they may be comprehensively fulfilled. It is also seeking fresh approaches to the elimination of the existing obstacles on this path.
10. The bodies responsible in the Republic for dealing with issues pertaining to the equality of women are the Supreme Soviet of the Ukrainian SSR, the Cabinet of Ministers and the Ministry of Labour.

The national mechanism for implementing the policy to enhance the status of women in the Ukrainian SSR is represented by the Commission of the Supreme Soviet on Women's Affairs and the Protection of the Family, Mothers and Children.

The Commission consists of 13 people's deputies. There are eight women among them. The Commission's main function is to formulate legislation to protect the interests of women, mothers and the family, and to monitor

compliance with these laws. The post of consultant on women's and family affairs has been established within the Government of the Republic.

11. However, in the view of the public organizations representing women there is need for a separate department at the governmental level to deal with analytical work, prepare expert assessments, and perform a coordinating and organizational role in the work to improve the situation of women.

Responsibility for formulating the basic principles of the policy to this end and for drafting the corresponding legislative proposals has been entrusted to the section for the social protection of women and young persons in the Ministry of Labour.

II. Legislative and other measures pertaining to the status of women (1990-1991)

12. During the time that has elapsed since the submission by the Ukrainian SSR of its second periodic report the most important event in the socio-political life of the Republic has been the elections in March 1990 of people's deputies to the Supreme Soviet, the highest legislative organ in the Republic, and also to the local councils.
13. Women were active participants in the election campaign, but as a result of the voting their representation in the organs of power decreased substantially.

Only 13 women were elected as people's deputies to the Supreme Soviet of the Ukraine, which is 2.8 per cent of all the deputies in the Republic (as opposed to 36 per cent in 1984). At the same time, 38 women were elected to the Union Parliament from the Ukraine, a figure that represents 16.6 per cent of all the deputies of the USSR elected from the Republic. These unfavourable changes for women were caused by the repeal of quotas for public organizations (including also the Republic Council of Women) in republic-level elections as required by the new Election Law of the Ukrainian SSR, in what was, on the whole, a positive step towards the democratization of the election system.

14. There was a considerable reduction in the number of women deputies at the regional ("oblast") level, with women representing some 7 per cent of the members of the regional Councils of People's Deputies.

Women are not represented at the level of regional council chairmen and their deputies or at the level of regional executive committee chairmen. The number of women chairmen of local councils dropped by a factor of 2.5.

There are no women at the level of deputy Head of Government, and there is only one woman minister (Ministry of Social Security). At 5.3 per cent, the number of women among the first-line managers of enterprises and organizations is negligible.

15. The results of the elections showed, on the one hand, that outmoded stereotypes regarding the role and purpose of women are still prevalent within the society and, on the other, that women are not prepared to fight in the political arena and are incapable of standing up for their rights as guaranteed them under the Constitution.

16. In this way, given society's present attitude towards women, the reform of the political system has led to a lowering of women's social status, while at the same time the processes of democratization and openness have, by revealing the real situation of women, created the preconditions for positive changes in the future.
17. There has been a discernible increase in the participation of women at the grass-roots level in various political actions. According to public opinion polls, nearly 40 per cent of all women express a potential willingness to become involved in the campaign for socio-political change in society.
18. A number of women's organizations have come into being. The basic thrust of their activities lies in family care, improvements in working conditions, social progress and the rebirth of national culture.

At the present time these organizations are few in number and are not exerting any noticeable effect on the public life of the Republic. Greater activity by these organizations and the strengthening of their role in providing solutions to the social problems with which they are familiar will contribute to increasing the self-awareness of women and to improving their chances in the next electoral campaign.

19. The newly convened Supreme Soviet of the Ukrainian SSR is engaged in intensive lawmaking activity aimed at creating the legal underpinnings for the democratic transformations that have occurred in society as a result of restructuring and at building a State founded on the rule of law.

The Commission of the Supreme Soviet on Women's Affairs and the Protection of the Family, Mothers and Children, by participating in this work, is seeing to it that the laws adopted reflect the interests of women, the family and children.

20. In particular, the Commission has participated in the preparation of a number of normative documents that have been considered by the Praesidium of the Supreme Soviet. These include the following laws: "On the introduction of amendments and additions to certain legislative acts of the Ukrainian SSR on matters pertaining to women, the family and children", "On the provisional interdepartmental Commission on the Protection of Children's Health", and "On ensuring the supply of food products for children who have suffered as a result of the accident at the Chernobyl Nuclear Power Plant".
21. The Commission has submitted its proposals regarding the social welfare of women in connection with the laws "On the introduction of amendments and additions to the Code of Labour Laws of the Ukrainian SSR in the context of the transition to market relationships", "On the employment of the population", "On the local Councils of People's Deputies of the Ukrainian SSR and local self-government", and others. Women's interests have been taken into account in drafting amendments to the Land Code of the UkSSR, the laws on taxation and property, etc.

However, among the many laws enacted not one deals specifically with women's issues; no law, for example, has been adopted on the protection of mothers and children.

22. During the period 1990-1991 there was a slow-down in the pursuit of programmes to release women from unhealthy jobs and night-shift work. There have been practically no changes in the strenuous working conditions of rural women.
23. This situation is the result of the continuing crisis in the economy, the imbalances in the market-place, rising prices, increasing shortages in goods and food products, and the enormous expenses incurred in cleaning up the consequences of the accident at the Chernobyl Nuclear Power Plant.
24. It will be recalled that the Ukraine has been proclaimed an ecological disaster zone. Some two million persons have been exposed to the deadly threat of radiation contamination on the territory of the Republic, among them women and children. In the current year alone there are plans to resettle 15,000 families from 66 communities. Investments totalling 1.6 billion roubles have been allocated from the Union budget for this purpose.
25. It is precisely the economic difficulties that explain the failure of the Republic's Parliament in a number of cases to adopt amendments put forward by the Commission on Women's Affairs to protect the interests of women.

For example, an amendment to the Code of Labour Laws was rejected that would have established a six-hour working day for women with minor children while retaining pay for an eight-hour day. The adoption of this amendment would have cost an additional 4.2 billion roubles. An amendment to shorten the working week for women from 41 to 40 hours also failed to pass.

For the same reasons an amendment to exempt women employed in agriculture from manual labour failed to gain approval during the discussion by the Republic Parliament of a bill on the priority to be given to rural areas in social development.

26. The process of positive changes in the economy on which hopes were reposed during the initial stage of restructuring can be seen to be slowing down. It has emerged that the manner in which the defence industry is being converted to civilian production was not sufficiently thought through. The cooperative movement is experiencing difficulties of its own. There have been disruptions in the production plans of industrial enterprises and output is declining, all of which is negatively affecting the funding of local social programmes.
27. Under these conditions the State is directing its attention to stepping up the social protection of women and, above all, the most vulnerable population groups - women with small children, women as single parents, disabled women and young mothers.

28. In accordance with the Decree of the Supreme Soviet of the USSR "On urgent measures to improve the status of women, protect mothers and children, and strengthen the family", adopted on 10 April 1990, there has been an extension in the duration of partially paid child-care leave until the child completes 18 months, and of unpaid child-care leave until the child's third birthday. Under a decree of the Supreme Soviet of the Ukraine partially paid child-care leave has been extended to two years, and from 1 January 1992 to three years.

During the discussion of the second periodic report of the Ukrainian SSR the experts of the Committee on the Elimination of Discrimination against Women voiced fears that the prolongation of child-care leave would negatively affect the skill levels of working mothers, making them less competitive at the workplace than their male colleagues.

30. The aforementioned decrees provide for the possibility of extending this leave not only for the child's mother but for its father, grandfather, grandmother and other relatives as well. However, it should be noted that in actual practice fathers very rarely take advantage of this right.
31. At the same time, the introduction of this decree has given rise to a new trend in the age structure of female employment in the Republic, with higher levels of employment observed at the beginning of working life and also when women are of pre-pensionable age, and with a decline in employment during the main child-bearing years. It is a familiar fact that this trend is characteristic of most countries, and it must be taken into account when organizing skill-improvement courses and retraining programmes for women.
32. In accordance with the aforementioned decrees, mothers who have not yet completed 18 years are eligible for child-care assistance until their children complete 18 months of age, regardless of their length of service.
33. The same legal instruments make provision for measures to ensure a more humane attitude towards women on the job, calling specifically for: a review of the lists of jobs, occupations and work involving strenuous and harmful working conditions for women and adolescents; the formulation of permissible weight standards for women and minors; the identification of those branches of the economy, enterprises and jobs in which there is no particular need for night work by women; and also the establishment of timetables for releasing women from night shifts, beginning with those who have children of up to 14 years of age or disabled children of up to 16 years.

The monthly assistance allowance paid to single mothers for each child until the completion of its sixteenth year has been increased.

34. The Law on the Basic Provisions of Social Protection for Disabled Persons in the Ukrainian SSR, adopted in April 1991, will contribute to an improvement in the situation of disabled persons, including disabled women. In a special section of that law measures are specified to involve disabled persons in work and to integrate them into the life of the society in a manner that properly takes into account what they are able to do.

35. In connection with the retail price increase in April 1991, a Decree of the Cabinet of Ministers of the USSR "On the retail price reform and the social protection of the population" was adopted. In order to maintain the living standards of families with children, the social assistance benefits previously in effect were increased on the average by a factor of 1.6-1.8. Special compensation was introduced for children of up to 16 years of age who had previously not been eligible for assistance.
36. In accordance with this decree, all successful students receive grants. There is provision for the creation of a students' and pupils' social assistance fund. Full-time female students with children are guaranteed the right to a full scholarship, partially-paid child-care leave, and loans.
37. The granting under the law of more extensive benefits to women for pregnancy and childbirth as well as to women with two or more adolescent children, together with flexible working hours and other preferential working arrangements, poses a contradiction to economic practice, particularly where the workforce consists primarily of women. Where this is the case, production programmes and plans are such that there is no real possibility of making these benefits available to all the women entitled to them.
38. As a practical reality, the new economic mechanism in a number of cases conflicts with social needs. A "scissors" effect arises within the system of social relationships between the way in which women's labour is organized and their social guarantees. Studies show that the introduction of the new forms of economic management has been accompanied by a worsening sense of social well-being on the part of every fourth working woman.
39. Such attractive forms of employment for mothers as work at home or in cooperative associations, part-time employment and shorter working days are not widely encountered in the Ukraine. However, in the Republic's 30,000 cooperatives, which group together some 800,000 persons, the majority of the members are women.
40. The Government's programme for the transition of the Republic to a market economy is being finalized following its consideration at a session of the Supreme Soviet. A Law on Ownership has been adopted, but the machinery for the privatization of enterprises and their removal from the State sector has not yet been worked out.
41. On the threshold of the transition to a market economy the expectation is for a contraction of the workforce and specifically that part of it that is employed in low-skilled manual labour, which means that the first persons to be made redundant will be women. Even today, at a time of deepening economic and social problems, many women have already fallen below the poverty line.
42. The legal, economic and organizational bases of employment for the population and its protection against unemployment, as well as the social guarantees by the State of the citizens' right to work, have been defined in the Law on the Employment of the Population adopted by the Supreme Soviet of the Ukraine.

This law specifically confers additional guarantees on citizens in need of social protection, including women with young or disabled children and persons of pre-pensionable age.

43. The law provides that the local Councils of People's Deputies are to set aside 5 per cent of the jobs at enterprises, institutions and organizations, including jobs with flexible working hours. Enterprises at which persons requiring social protection are employed above the established quota are eligible for special benefits in regard to taxation and other budgetary payments and are compensated for their expense in hiring these categories of citizens.

44. To implement this law, a State Employment Service, which organizes vocational training and retraining, is being established in the Republic.

During their vocational training period citizens registered as job-seekers with the State Employment Service are paid an allowance in the amount of 75 per cent (in the case of those without children - 50 per cent) of their average wage at their last place of employment.

If during a period of two years prior to his or her dismissal a worker was not offered an opportunity for retraining or skill improvement, the costs for these purposes are borne by the enterprise that dismissed the worker.

45. The law on the employment of citizens of the Ukrainian SSR is an extremely timely measure in that to date unemployment in the Republic has not yet assumed massive dimensions, although among the existing jobless the majority are women.

46. In view of the deteriorating demographic situation in the Republic, the Supreme Soviet and Government have adopted a number of instruments that envisage concrete measures to bring about improvements in this area. In particular, the concept has been approved for a comprehensive national programme entitled "Protection of the gene fund of the population of the Ukraine". Under a special decree of the Council of Ministers and the Council of the Federation of Independent Trade Unions of the Ukraine, regulatory provisions have been enacted with respect to health-improvement measures in 1991-1992 for the population affected as a result of the accident at the Chernobyl Nuclear Power Plant.

47. The Supreme Soviet of the Republic has adopted a Law on the Legal Regime of the Territory Affected by Radiation Contamination as well as a Law on the Status and Social Welfare of Citizens Who have Suffered as a Result of the Disaster.

48. On the instructions of the Praesidium of the Supreme Soviet of the Ukraine, the Government is currently formulating a long-term programme to improve the status of Ukrainian women.

The basic conceptual and methodological approach to the formulation of this programme emphasizes the creation of conditions for rationally combining the occupational employment of women and their social

involvement with their role as mothers and their fulfilment of family obligations, taking into account the priority to be given to personal over public interests.

49. For the purpose of providing an orderly basis for the occupational employment of women in a market economy, the programme lays down a system of measures to guarantee, both in law and in reality, that women are able to earn the means with which to support their families. This approach takes into account the fact that by developing non-traditional forms of employment, including family businesses, greater opportunities are created for the extensive application of flexible working arrangements for women.
50. The State is also planning to apply a flexible tax policy to regulate improvements in working conditions at enterprises and to promote the establishment of workshops and plant sections offering special working conditions for women and adolescents.

Society must bring about such conditions as will allow women, as they see fit, to shift their workload to either the occupational work-place or the home depending on their personal, or their family's, stage in life.

51. The principal area of attention will be the strengthening of the machinery for the practical implementation of the legislative enactments regarding the protection of women's rights.

As regards recommendation No. 6, paragraph 2, of the Committee on the Elimination of Discrimination against Women (seventh session, 1988), we should like to report that in 1990 on the occasion of the tenth anniversary of the ratification by the Ukraine of the Convention on the Elimination of All Forms of Discrimination against Women, the text of the Convention was published in a separate brochure in the Ukrainian language. In addition, the provisions of this instrument of international law have been discussed in periodical publications and over Republic radio and television.

No information is currently available on Committee recommendations Nos. 12, 15, 16 and 17.