

**Submission on**  
**The list of Questions Related Ukraine's**  
**Implementation of**  
**the Recommendations of the Committee on the Elimination of Discrimination against Women No.**  
**30 on women in conflict prevention, conflict and post-conflict situations,**  
**and**  
**UN Resolution 1325 Women, Peace, and Security of the UN Convention on the Elimination of All**  
**Forms of Discrimination against Women**  
**to the 66 CEDAW Pre-Sessional Working Group**

**Geneva, 25 July 2016**

As the eighth periodic report submitted by the Government of Ukraine for the review at 66th session of the Committee does not refer to the issue of violence against women in the conflict area of Eastern Ukraine because it covered the time 2010-2013.

With aim to pay attention of the Committee and Government to the awful impact of armed conflict on women's rights, raised level of GBV and sexual GBV, the CSOs submitted a shadow report and defined some problems areas in implementation of the Recommendations of the Committee on the Elimination of Discrimination against Women No. 30 on women in conflict prevention, conflict and post-conflict situations, and UN Resolution 1325 Women, Peace, and Security of the UN Convention on the Elimination of All Forms of Discrimination against Women. CSOs supposed that the Committee will ask the State regarding its activities to prevent violations against women and make efforts on conflict reconciliation.

An important step in implementation of recommendation No. 30 was adoption of the National Action Plan to implement UN Security Council Resolution 1325 Women, Peace, and Security for the period till 2020. The plan was prepared on the initiative of and in cooperation with civil society and international organizations.

The issues revealed by the analysis of implementation of the recommendations:

- low awareness and understanding by representatives of the law enforcement and judiciary of gender-base violence issues faced by women. Lack of response mechanisms, mechanisms for identification and assistance to victims of gender-based violence
- weak national mechanism for ensuring gender equality. Low level of funding of the national program to ensure gender equality for the period till 2016 and the NAP 1325
- lack of coordination among central authorities to ensure women's participation in restoration of peace
- lack of a coherent and well-organized policy for women's implementation of human rights, including participation in elections

Implementation of Recommendation of the Committee on the Elimination of Discrimination against Women No.30 on women in conflict prevention, women in conflict and post-conflict situations and Resolution 1325 Women, Peace, and Security is intended to include the gender component into governmental actions to prevent military conflicts and political crises, peace-building, and conflict resolution. Analyzing implementation of the Recommendation is important for summing up whether the state takes all appropriate measures for gender mainstreaming and empowerment of women in all stages of peace-building.

#### **METHODOLOGY:**

In the preparation of the report was used methodology for collecting, organizing and analyzing secondary data (legal acts of the authorities, official information, reports of public and international organizations) and primary data collected by the partners report preparation. A key focus team of experts pointed to systemic problems and possible solutions.

#### **STATEMENT:**

Women's participation in the structures that make decisions on war costs and other global issues and preventive diplomacy remains low. Women's participation in international peacekeeping operations is still low. There is no evaluation system for early prevention of conflicts, escalation of gender-based violence.

#### **QUESTIONS**

***What are legislative, administrative and other measures implementing to ensure women's equal representation at all decision-making levels in national institutions and mechanisms, including in the armed forces, police , justice institutions and the transitional justice mechanisms (judicial and non-judicial) dealing with crimes committed during the conflict? Does Government to include women in negotiation and mediation activities as delegates, including at senior levels.***

***What measures has Ukraine taken to establish early warning systems and adopt gender-specific security measures to prevent the escalation of gender-based violence and other violations of women's rights; CEDAW/C/GC/30 9/24 (d) Include gender-related indicators and benchmarks in the early warning system's result management framework?***

#### **STATEMENT**

Representatives of civil society organizations working with IDP women report numerous cases of gender-based violence (both physical, and psychological) among IDPs, but note that with respect to these actions it is difficult to apply the existing legal system and instruments due to the stereotypes through which a victims of such violence is victimized. Also there are cases of GBV committed by former participants of ATO or policemen on women throughout Ukraine.

The victims do not seek help because of a failure to recognize violation of their rights, due to the habit of tolerating such treatment, lack of awareness of what to do, where and how to seek help for the fear of social condemnation and the perpetrator's retaliation.

Threats and simulation of violence, including sexual, are not perceived as violence, while causing deep wounds on the victims and being hard to overcome for an extended period of time. The legislation of Ukraine and international law do not interpret imitation of sexual abuse as violence. There is no reason to believe that during the temporary occupation there were mass rapes used as a tool of waging the war, as it occurred in others conflict zones in the world. There are indirect evidences of that in the territories that are not under the control of Ukraine human rights violations, violence, in particularly sexual one, are more brutal, frequent, and not documented.

## **QUESTIONS**

***What measures has Ukraine taken to Prevent, investigate and punish all forms of gender-based violence, in particular sexual violence perpetrated by State and non-State actors; and implement a policy of zero tolerance? What governmental body is responsible for implementation the governmental policy on prevention gender-based violence? What is governmental vertical which is responsible for this issue? If this responsibility is reflected in the statement on this governmental bodies?***

***What is the mechanism or coordination between law enforcement authorities: national police, Prosecutor's office and the State Security Service in Ukraine in investigation of crimes against civilians especially in investigation of gender-based violence and trafficking in human beings in the conflict zone?***

***What government authority is responsible for registration and investigation of crimes against citizen on Ukraine (including gender-based violence and trafficking in human beings) committed on the non-government controlled territory? What measures has Ukraine undertaken to Collect and standardized data collection methods on the incidence and prevalence of gender-based violence, in particular sexual violence and trafficking in human beings in different settings and against different categories of women;***

***What actions have been undertaken by Government for ATO participants rehabilitation and decreasing level of violence in their families?***

***What researches have been conducted in Ukraine on domestic violence in the families of ATO participants? If yes, what are their results?***

***How many centers on assistance victims of sexual violence are existed in Ukraine? Does government has a plan to create new centers?***

***What actions are being undertaken on prevention domestic violence in families of ATO participants? How many centers for victims of domestic and gender based violence Ukrainian Government is going to create in the oblasts most affected by the conflict? Where and how many specialists on assistance to victims of violence and trafficking in human beings have been trained annually? Where and how many specialists on providing psychological assistance to families of ATO participants have been trained annually?***

## **STATEMENT**

Perception by judges of the texts of international instruments on gender equality as some abstract designs that do not offer specific models for solving real-life disputes; as a result, in judicial decisions there are almost no references to the relevant international instruments.

Lack of awareness among judges of good practices of so-called "identification" of the situation in a particular case where there is gender-based discrimination (even if the victim does not identify herself as such), identification of discriminatory provisions of the existing legislations and settlement of the case, taking into account relevant international standards.

Existing stereotypes among the judges in proceeding of cases of gender-based violence, low awareness about the international practices of reviewing GBV cases in the conflict and post-conflict communities are still popular.

## QUESTIONS

***What actions have been undertaken by Ukrainian government to decrease gender stereotypes among police officers, prosecutors and judges? Have there been trainings provided to relevant professionals (judges, prosecutors, police officers) on the prevention, detection and reviewing of cases of sexual violence against women, including in the conflict zone?***

***Does Ukraine collect, analyze and disseminate the judicial statistics disaggregated by gender? Can Ukraine provide the number of women and men judges in local, appellate, and higher courts separately by jurisdiction, as well as in the Supreme Court of Ukraine and number of women and men judges separately by jurisdictions, as well as in the Supreme Court of Ukraine that take the positions of the chief of court and deputy chief of court?***

***What is Ukrainian Government going to do to ensure the decreasing gap between amount of registered cases of domestic violence, gender based violence, trafficking in human beings and the amount of the final court sentences?***

## STATEMENT

Absence of documents and of registration of IDPs conditions the limitations in obtaining medical services, for example, registration with pregnancy, HIV/AIDS testing, registration with the AIDS Center, access to treatment. Some HIV-positive people do not register when moving to other regions of Ukraine. There are systemic problems regarding interagency cooperation to implement measures to combat the HIV infection and tuberculosis, which are due to a change in leadership, transfer of the regional state administration into the governmentally controlled territory in Donetsk region in Kramatorsk, a change in leadership of the Department of Health of the regional administration, and other factors. This makes it difficult for women from those regions to access reproductive health services.

Full-pledged and effective medical care is often out of reach for single mothers, women who look after sick or elderly relatives, women with disabilities due to lack of funds to pay for travel to hospitals, to buy medicines, to pay for procedures and examinations. Money for treatment is raised by volunteers and NGOs.

There are cases of discrimination against women and obstruction of realization of their right to health care because of inaccessibility or difficult access to hospital (check points, document checks, queues, bullying by soldiers and militants, allegations from them of treason because of attempts to reach the nearest hospital or maternity home that is now on the other side of the contact line than the one where the woman in need of assistance lives.

The situation is complicated with the absence in hospitals of the "grey area" in the combat zone of specialized professionals, particularly gynecologists, who left these areas because of the fighting. There are reports of refusals to register pregnant women due to lack of procedures for admission of women who worked in uncontrolled areas. For women, the problem of obtaining registration documents required for obtaining state social benefits is even more sensitive because of their need to provide for children, sick and elderly people. These women require a simplified registration procedure.

The risk of contracting HIV/AIDS in the ATO area is 50% higher, while 61% of men did not use condoms for commercial sex. Work on prevention, awareness raising, and condoms distribution to soldiers are needed. The key reason for spreading in the ATO area of sexually transmitted diseases is involvement into the sex industry of women who did not have this experience before and who do not understand the need for protection.

In the uncontrolled territories of Donetsk and Luhansk regions, there is evidence of a growing number of STD cases and lack of control over this growth. This increases the risk of disease in the controlled territory due to residents' migration.

## QUESTIONS

***What actions has government addressed to minimize the specific risks and support particular needs of different groups of internally displaced and refugee women, subjected to multiple and intersecting forms of discrimination, including women with disabilities, older women, girls, widows, women who head households, pregnant women, women living with HIV/AIDS, rural women, indigenous women,***

**women belonging to ethnic, national, sexual or religious minorities, and women human rights defenders?**

**What actions has government undertaken to involve internally displaced and refugee women in all decision-making processes, including in all aspects related to the planning and implementation of assistance programs and camp management, elections, decisions relating to the choice of durable solutions and processes related to post-conflict processes?**

**What actions has government undertaken to minimize the risk of contracting HIV/AIDS and sexually transmitted diseases in the ATO in particular among soldiers which used commercial sex? Has Government established initiatives on prevention, awareness raising among women sex workers regarding protection against HIV/AIDS and sexually transmitted diseases?**

#### **STATEMENT**

The temporarily occupied territory of Ukraine is an integral part of the territory of Ukraine, covered by the scope of the Constitution and laws of Ukraine. The law establishes the state's duty to take all necessary measures to guarantee human and citizen rights and freedoms under the Constitution and laws of Ukraine, international treaties for all citizens of Ukraine who live in the temporarily occupied territory. Therefore, such an important issue must necessarily be resolved at the legislative level and provide a clear mechanism for citizens' implementation of their rights.

Since the legislation does not offer any special procedure for registration in Ukraine of babies born in the territory of the Crimea, while in practice citizens encounter problems at the border and when dealing with registration authorities, the most appropriate way to solve this problem is appealing to courts, which prolongs and encumbers the process.

#### **QUESTION**

**Has Government developed procedures for granting citizenship of Ukraine to children born in the temporarily occupied territory and in the AR of Crimea?**

#### **STATEMENT**

Despite the positive steps have been done by Ukrainian Government in reforming security defense sector its reforming is not sustainable enough and requires complex approach at all levels of reforming

#### **QUESTIONS**

**Has the government taken any action to ensure that security sector reform is subject to inclusive oversight and accountability mechanisms with sanctions, which includes the vetting of ex-combatants?**

**Has government established specialized protocols and units to investigate gender-based violence and trafficking in human beings in the area conflict including strengthened gender expertise? Does government ensure the women's equal participation in all stages of disarmament, demobilization and reintegration, from negotiation of peace agreements and establishment of national institutions to the design and implementation of programs?**

**Has Government developed any disarmament, demobilization and reintegration programs specifically target female combatants and women and girls associated with armed groups? If so does these programs and ensure that psychosocial and other support services are provided to women ex-combatants?**

**Has Government developed any gender-sensitive procedures that respond to the different types of violence experienced by women and ensure the provision of adequate and comprehensive reparations; address all gender-based violence, including sexual and reproductive rights violations, domestic and sexual enslavement, trafficking in human beings, forced marriage and forced displacement, in addition to sexual violence, as well as violations of economic, social and cultural rights? If so do these procedures avoid re-victimization and stigmatization; establish special protection units and gender desks in police stations; undertake investigations confidentially and sensitively; and ensure that during investigations and trials equal weight is given to the testimony of women and girls in comparison to those of men?**