

ICPS newsletter®

Better legislation is the way to ensure gender equality

Over the last two months, ICPS specialists organized press conferences in oblast centers as part of the "Policy Campaign for Promoting Gender Equality in Ukraine" project. At these briefings, ICPS specialists presented concepts prepared for two Bills: "On preventing sexual discrimination" and "On amending some laws of Ukraine" to ensure equal rights and opportunities for women and men. Project Manager and ICPS senior economist Olha Romanyuk says the adoption of these bills will make it possible for Ukrainian society to come closer to international standards of gender equality

Gender equality: So far, a lot of talk

Although Ukrainian law prohibits sexual discrimination, gender discrimination is a widespread phenomenon in the country. The most common examples include:

- unequal pay for women and men with identical qualifications and equal conditions of work;
- advertisements for job vacancies where only women or only men are sought;
- demands that individuals applying for a job provide information about their private life, such as plans to have children or to get married;
- sexual harassment and sexual persecution.

Gender discrimination affects both women and men. However, the sexes feel different manifestations of discrimination. Thus, for example, when it comes to employment, women are more frequently discriminated against in terms of salaries. This is especially evident in the private sector: women receive salaries that are, on the average, 27.6% lower than salaries paid to men in the same or similar jobs. At the same time, men feel discrimination in terms of having to work overtime and go on business trips more frequently than women. Another example of discrimination in Ukraine is that maternity is seriously protected, while paternity is almost unprotected.

Legislation related to gender equality issues, in particular the Law "On ensuring equal rights and opportunities for women and

men" adopted in 2004, are actually little more than empty declarations in Ukraine. This Law does not even define how to classify particular actions as discrimination. Also, there is no mechanism for reviewing cases related to such offences and no procedure for bringing guilty parties to account. As a result, it is impossible to hold a person or organization accountable for sexual discrimination.

According to Project Manager Olha Romanyuk, Ukraine needs to introduce instruments that will supplement and, in some instances, replace judicial mechanisms of protection. Government institutions for out-of-court protection of human and civil rights and freedoms, such as reconciliatory commissions, and procedures for authorized executive bodies to examine complaints related to discrimination need to be developed or improved.

Preventing sexual discrimination: The bill is ready

All these changes have been written into the Bill "On preventing sexual discrimination" drafted by ICPS specialists. The Bill contains a definition of discrimination and its signs and recommends where victims should turn to, to defend their rights. According to this Bill, a fine should be collected from offenders, ranging from 10 to 100 tax-free minimums and from 20 to 150 tax-free minimums for repeat offences.

The bill calls for a specially-authorized central executive body to be entrusted with ensuring equal rights and opportunities for

women and men, with additional functions and powers to fight sexual discrimination. It also proposes setting up a separate department under the Ministry for Family, Youth and Sports Matters to deal with protection against gender discrimination.

The key functions of this body would be: reviewing complaints, improving the protection of victims of discrimination, providing legal assistance to such victims, and, if necessary, filling a claim with a court, holding impartial inspections based on statements about discrimination and monitoring such claims, and representing victims in court.

In addition, this Bill proposes giving the new body the necessary authority to handle the issue of imposing penalties and assigning fair indemnification and compensation to victims of discrimination.

Gender imbalance in elected bodies

At these conferences, ICPS experts also raised the issue of ensuring balanced

By the way...

ICPS began a new project called "Options for the Electoral System: Proportional with open lists" with funding from the MATRA KAP Program of the Royal Embassy of the Netherlands in Ukraine. The goal of this project is to analyze possible ways for the electoral system in Ukraine to evolve and the impact of various alternatives, and to disseminate this information among politicians, analysts and journalists.

On 21 December, ICPS experts Ivan Presniakov and Natalia Shapovalova participated in a conference called "European and Euro-Atlantic Integration: One way to democracy." This conference was organized by the Institute for Euro-Atlantic Cooperation with the support of the US Embassy in Ukraine.

representation of women and men in elected bodies in Ukraine. According to the Interparliamentary Union, Ukraine belongs to the group of countries with unconditional domination of men, that is, countries where women account for only 5–10% of MPs in the legislature. On this indicator, Ukraine lags behind, not only average European levels (23%), but also the world levels (14%) and is close to the levels of Arabic countries.

This can be seen in the fact that, of 450 National Deputies, only 39 or 8.7% women made it into the Verkhovna Rada of the fifth convocation, although 19.1% of the candidates on party lists were women. The newly-elected Verkhovna Rada is even worse: only 8% of its National Deputies are women.

There is a clear trend in Ukraine: the lower the level of a council, the more gender-balanced the council is. Thus, representation of women is already better in the municipal councils of oblast capitals. Across Ukraine, women hold 15% of offices in elected bodies.

In Ukraine, there are obviously no formal restrictions on the participation of women or men in political life. Art. 24 of the Constitution of Ukraine calls equal rights of women and men by providing both with equal opportunities in public and political activity. The same is written into the Law "On ensuring equal rights and opportunities for women and men." However, no mechanisms that might really establish balanced representation of women and men in elected bodies have been developed.

The current gender imbalance in elected

bodies is an indication of a certain backwardness in Ukrainian society. Unbalanced representation of women and men in the Verkhovna Rada and local councils contradicts the principles of democracy, it impedes the recognition of international commitments undertaken by Ukraine, and it limits the capacity of elected bodies to comprehensively analyze and reasonably consider social policies.

Affirmative action called for

As part of the current project, ICPS experts developed a Bill "On amending some laws of Ukraine" to ensure equal rights and opportunities for women and men. This legislation would provide for an affirmative action policy to be introduced to ensure balanced representation of women and men in elected bodies. Implementing an affirmative action policy involves "gender rationing," that is, establishing quotas for both sexes to participate in government structures.

The present Bill proposes committing political parties to independently establish quotas and to write them into their statutes. The size of these quotas should determine the level of representation of women and men in the electoral lists of a political party when it nominates candidates for the Verkhovna Rada and for local councils at all levels. Control over the fulfillment of this requirement should be the responsibility of electoral commissions. This approach could work well, if parties publish their established gender quotas.

The main advantages of this approach are two:

- Flexibility and political acceptability. Parties will have more options to establish for themselves the quotas they think are necessary.
- Publicness and transparency. The quotas established by parties will reflect their acceptance of the principles of equal rights and opportunities. Parties could even use higher quotas for women as their competitive advantage in attracting additional voters, first of all, women. In turn, this would provide incentives for parties to increase such quotas further and, hence, the level of the participation of women in political processes. And on the contrary: low quotas for women could reflect the closed nature and conservatism of a given party and, thus, result in the narrowing of its electorate. ■

Press conferences were held in 24 oblast centers of Ukraine. The goal of the "Policy Campaign for Promoting Gender Equality in Ukraine" project is to increase the participation of women in political processes and decision-making. This project is being implemented by ICPS jointly with the Center for Ukrainian Reform Education (CURE) with financial support from the European Commission. For more detailed information about this project, visit the ICPS website at: <http://www.icps.com.ua/eng/project.html?pid=122>.

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"The Ukrainian Innovation Doctrine" Forum

Over 14–15 December, ICPS Director Volodymyr Nikitin participated in the first national innovation forum called "The Ukrainian Innovation Doctrine." In addition to moderating the program session, Mr. Nikitin made a presentation called "What's new in innovations" at a roundtable called "The Strategic Range of Ukraine's Innovative Development."

In addition to the roundtable, the main events at this forum were a national conference called "The Foundation for a New Innovation Policy in Ukraine," a program session called "The Ukrainian Innovation Doctrine," and a master class by Serhiy Pereslyeghin, the president of the Encyclopedia foundation.

During the forum, participants discussed launching pads and strategic milestones for a new innovation policy in Ukraine, as well as the resources needed to implement and expand it. Participants noted that Ukraine's current innovation policy is ineffective and adopted a Resolution and a Declaration of Partnership for Innovative Development that enshrined all their intentions:

- to set up a working group to provide for the development, coordination and legitimization of the Ukrainian Innovation Doctrine and identify the country's innovation strategy for the next 10 years;
- to hold launches at annual National Innovation Fora;
- to set up an NGO called the Innovation Forum of Ukraine to coordinate and organize the participation of all stakeholders in the development and implementation of a new innovation policy.

This event was initiated by the National Center for the Implementation of Sectoral Innovation Programs, the National Institute for Strategic Studies, the Ukrainian Center for the Promotion of Foreign Investment, the Kyivska Politekhnik Research Park, the Ukrainian Union for Intellectual Property, the European Business Association, the Ukrainian Association of Management Consultants, and the Kyiv–Mohyla Business School.

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