



Office for Democratic Institutions and Human Rights

**“STUDY OF THE EFFECTIVENESS OF REGIONAL-LEVEL
GENDER EQUALITY MECHANISMS IN UKRAINE:
THE WAY FORWARD”**

OSCE/ODIHR Commissioned Study



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Introduction

The Office for Democratic Institutions and Human Rights (ODIHR), one of the principal institutions of the Organization for Security and Co-operation in Europe (OSCE), launched the Strengthening Dialogue among Civil Society and with Key Government Stakeholders on Human Dimension Issues in Ukraine Project in April 2015. The Project aims to enhance effective mechanisms of multi-stakeholder dialogue, with civil society as a competent and trusted actor, to address key human dimension issues in Ukraine in line with OSCE commitments and other international standards. These have focused on human rights monitoring, democratic governance and law-making, and tolerance and non-discrimination.

In the field of gender equality, ODIHR has been engaged in supporting the work of the Inter-Factional Caucus “Equal Opportunities” (hereinafter: the Caucus) at the Parliament of Ukraine by supporting the Caucus’s initiatives in developing its 2016-2017 roadmap of activities and organizing the first Ukrainian Women’s Congress in 2017. Based on identified needs, ODIHR also engaged in building the capacities of the regional gender advisers, as one gender equality mechanism at the regional level in Ukraine. To address the needs of the gender advisers in the area of mainstreaming gender into communication, ODIHR designed a training curriculum and prepared a Guidance Note on Gender Sensitive Communication that was distributed to all regions of Ukraine and the Ministry of Social Policy of Ukraine in 2016.

This Study is a follow-on step, prepared as part of ODIHR’s efforts to support the building of democratic institutions, as well as the implementation of the 2004 OSCE Action Plan for the Promotion of Gender Equality, which mandates ODIHR “to provide know-how and support for the building-up of democratic institutions for advancing gender equality... at local and national levels”.¹ The Study provides an overview of existing gender equality mechanisms in Ukraine, focusing in particular on those functioning at the regional level. It aims to describe the current status, competences and role of gender equality mechanisms for the purposes of providing recommendations for future actions that will contribute to their increased efficiency and prominence, in particular at the regional level.

The Study was produced based on desk research as well as data collected from interviews and questionnaire responses in Ukraine. Analysis was made of twenty-five individual responses to an ODIHR online questionnaire, distributed to all regional administrations to gather voluntary information from gender equality mechanisms in all regions of Ukraine, and of structured interviews conducted with twenty representatives of regional gender equality mechanisms in the period of June-August 2017. The interviews were used to supplement the questionnaire or in replacement of it depending on the preferences of the interviewees. Meetings were also held with over thirty Ukrainian government officials and civil society activists during a fact-finding mission undertaken by an ODIHR expert team to Kharkiv, Kramatorsk and Kyiv in May 2017. Finally, representatives of international organizations were also consulted during the drafting process. The draft Study was presented to the representatives of the Equal Opportunities Caucus of the Parliament of Ukraine and the Ministry of Social Policy of Ukraine during a workshop in Kyiv in September 2017. This event served to discuss the key findings and recommendations with relevant national and

¹ Ministerial Council Decision No. 14/04 - 2004 OSCE Action Plan for the Promotion of Gender Equality, Article 44 (g), <<http://www.osce.org/mc/23295>>.

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international stakeholders and their comments and suggestions have been included in the final version of the Study.

The Study is structured as follows: Introduction, The International framework for gender equality mechanisms, The Legal and policy framework for gender equality mechanisms in Ukraine, Gender equality mechanisms at the regional level in Ukraine, Activities and results at the regional level, Key challenges and recommendations, and Questionnaire circulated among the representatives of the regional gender equality mechanisms. Glossary of relevant terms is also available at the end of the Study.

The international framework for gender equality mechanisms

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) requires from its States Parties to “condemn discrimination against women in all its forms” as well as “to establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination”.² In accordance with CEDAW, State Parties are expected “to refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation”.³

The rights protected by CEDAW inspired the Beijing Declaration and Platform for Action and in turn, these high-level political agreements created better conditions for the implementation of CEDAW as a human rights treaty. In 1995, the Fourth World Conference on Women in Beijing generated global commitments to further advance a wider range of women’s rights. The Beijing Platform for Action established gender mainstreaming as an internationally agreed strategy for promoting gender equality. In the United Nations, gender mainstreaming was earlier defined, by the United Nations Economic and Social Council (ECOSOC) as “the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women’s as well as men’s concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetrated”.⁴ The ultimate goal of gender mainstreaming is to achieve gender equality.

In accordance with the 2004 OSCE Action Plan for the Promotion of Gender Equality, OSCE participating States are recommended to “establish or strengthen existing mechanisms for ensuring gender equality” as well as to draw on the experience of the OSCE to develop cross-dimensional gender equality policies and strategies”, and include in the follow-up to such policies, inter alia, the utilization of gender analysis and monitoring mechanisms to assess the impact of gender policies and strategies, so that constraints on their full implementation may be identified and addressed”.⁵

To meet international standards and targets related to gender equality and advancement of women, countries across the world, including in the OSCE region, have embarked on the development of legal and policy frameworks as well as tools to achieve gender equality. With the goal of institutionalized gender mainstreaming efforts, governments have also set up gender equality mechanisms in different forms and with different mandates.

Institutional mechanisms for gender equality are regarded as central policy co-ordinating unit(s) inside a national, federal, regional or local governmental administration whose main task is to support gender mainstreaming throughout the entire governments’ work, including

² Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Article 2, section C, <<http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>>.

³ *Ibid.*

⁴ Mainstreaming the gender perspective into all policies and programmes in the United Nations system, ECOSOC Resolution, Excerpt from A/52/3, Chapter IV, 1997, <<http://www.un.org/womenwatch/osagi/pdf/ECOSOCAC1997.2.PDF>>.

⁵ Ministerial Council Decision No. 14/04 - 2004 OSCE Action Plan for the Promotion of Gender Equality, 2004, Article 42, <<http://www.osce.org/mc/23295>>.

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policy areas.⁶ Establishing gender equality mechanisms is essential to pursue the obligations of the government “to eliminate discrimination on the grounds of sex and to achieve gender equality”.⁷

Equality bodies can also be mandated to promote, analyze, monitor and support equal treatment in the national context, as well as to react in cases of discrimination on different grounds. In this Study, the focus is on gender equality mechanisms as governmental structures established to implement and catalyze gender mainstreaming in laws, policies and programmes at all levels.

The Beijing Platform for Action provides gender equality mechanisms with the tasks to:

- Ensure **integration of gender perspectives** into legislation, public policies, programmes and projects;
- Provide, **generate and disseminate sex-disaggregated data** and information for planning and evaluation.⁸

As gender equality has not been achieved at the global or country level anywhere in the world,⁹ gender equality mechanisms can and need to play a key role in implementing gender mainstreaming strategies and monitoring progress made through periodic reports to different global and regional review mechanisms. To prepare such reports or submissions as tools for gender mainstreaming, governments collect sex-disaggregated data and report on the policies and laws introduced.

The *UN Global Synthesis Study – Strengthening National Mechanisms for Gender Equality and Empowerment of Women*¹⁰ uses **four indicators** to classify and compare national mechanisms: **1) type of structure location, 2) mandate, 3) role and 4) resources**. The location and status of the mechanisms, their legal basis and clarity of mandate, their authority and visibility, their political recognition and funding, all have an impact on the efficiency of gender equality mechanisms.¹¹ An interdepartmental structure set up to co-ordinate gender mainstreaming has been identified as the most effective structural choice. Other conclusions indicate that gender equality mechanisms should be composed of representatives with decision-making powers able to develop gender expertise and tools necessary for effective communication and co-operation with civil society organizations at every level, as well as with international partners and organizations.¹²

In addition, the above-mentioned UN Global Study lists the following factors which define the success of gender equality mechanisms (at the national level but applicable to the regional and local levels as well):

- **Commitment**, a mandate for all ministries to review all policies and programmes from a gender perspective with the responsibility for that mandate at the highest possible level;

⁶ *Effectiveness of Institutional Mechanisms for the Advancement of Gender Equality-Review of the implementation of Beijing Platform for Action in EU Member States* (EIGE, 2014) <<http://eige.europa.eu/rdc/eige-publications/effectiveness-institutional-mechanisms-advancement-gender-equality-report>>.

⁷ Gender Equality Glossary and Thesaurus, European Institute for Gender Equality, <<http://eige.europa.eu/rdc/thesaurus/terms/1259>>.

⁸ Para H of Beijing Platform for Action (objectives H1, H2 and H2, from articles 196 – 208), <<http://www.un.org/womenwatch/daw/beijing/platform/institu.htm>>.

⁹ Global Gender Gap Report, World Economic Forum, 2016, <<http://reports.weforum.org/global-gender-gap-report-2016/progress-over-time/>>.

¹⁰ *UN Global Synthesis Study – Strengthening National Mechanism for Gender Equality and Empowerment of Women* (UN WOMEN, 2010), <http://www.un.org/womenwatch/daw/TechnicalCooperation/GLOBAL_SYNTHESIS_REPORT_Dec%202010.pdf>.

¹¹ Recommendation CM/Rec(2007)17 of the Committee of Ministers to member states on gender equality standards and mechanisms, adopted by the Committee of Ministers of the Council of Europe on 21 November 2007 at the 1011th meeting of the Ministers' Deputies, <https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805d4aa3>.

¹² *Ibid.*

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- **Structure**, an inter-ministerial co-ordination structure to monitor progress and network with stakeholders;
- **Involvement of relevant external stakeholders**, such as centres for women's/gender studies and research; academic and educational institutions; the private sector; the media; non-governmental organizations, especially women's organizations; and all other actors of civil society;
- **Capacity building opportunities** to raise government bodies' awareness of gender equality issues;
- **Ensuring a gender perspective is included in legal reforms** in areas related to family, employment, social security, income tax, education, and the adoption of positive measures to advance women's status and promote the creation of a culture that supports gender equality;
- **Sufficient budget resources and professional capacity**;
- **Availability of tools** to develop gender mainstreaming strategies and related methodology.

Using the above-mentioned factors of success for gender equality mechanisms as a framework, this Study looks at possible ways to maintain the existing resources and achievements of regional gender equality mechanisms in Ukraine, and enhance their efficiency and visibility, while keeping in mind the context in which they operate.

Legal and policy framework for gender equality mechanisms in Ukraine

The Constitution of Ukraine guarantees equal rights and freedoms and equality before the law to all citizens. The Constitution prohibits “privileges or restrictions based on race, colour of skin, political, religious and other beliefs, sex, ethnic and social origin, property status, place of residence, linguistic or other characteristics”.¹³

According to the Constitution, “equality of the rights of women and men is ensured by providing women with opportunities equal to those of men, in public and political, and cultural activity, in obtaining education and in professional training, in work and its remuneration; by special measures for the protection of work and health of women; by establishing pension privileges, by creating conditions that allow women to combine work and motherhood; by legal protection, material and moral support of motherhood and childhood, granting paid leaves and other privileges to pregnant women and mothers inclusive”.¹⁴

The 2005 Law on Equal Rights and Opportunities for Women and Men serves to achieve equality between women and men in all spheres of social life by legally ensuring equal rights and opportunities for women and men, eliminating sex- based discrimination and applying special temporary measures aimed at adjusting the imbalance between the opportunities of women and men to exercise the equal rights guaranteed to them by the Constitution and laws of Ukraine.¹⁵

This Law defines the roles and responsibilities of the parliament, national/local government, and public associations in ensuring equal rights and opportunities for women and men. Article 3 on *Guidelines of State Policy on Ensuring the Equal Rights and Opportunities of Women and Men* lists priority areas for state policy such as “establishing gender equality; non-discrimination by sex; application of positive actions; prevention and counteraction to violence based on gender including all forms of violence against women; ensuring equal participation of women and men in making socially important decisions; ensuring equal opportunities of women and men in combining professional and family responsibilities; family support and development of responsible parenthood; education and promotion of the culture of gender equality among Ukrainian population; and protection of society from information aimed at sexual discrimination”.¹⁶

The Law on Equal Rights and Opportunities for Women and Men also stipulates “obligatory gender and legal expert examination of draft legal acts as an integral part of the package of documents submitted for consideration together with the draft legal act through a procedure established by the Cabinet of Ministers of Ukraine”.¹⁷ The Law also lists the Verkhovna Rada of Ukraine (the Parliament of Ukraine), the Ukrainian Parliament Commissioner for Human Rights, the Cabinet of Ministers of Ukraine, the specially authorized central executive body on ensuring equal rights and opportunities of women and men, executive bodies and local authorities, their authorized persons/co-ordinators on ensuring equal rights and opportunities of women and men, and associations of citizens as the main actors in charge of ensuring

¹³ Constitution of Ukraine, Article 24, <<http://www.legislationline.org/topics/topic/7/country/52>>.

¹⁴ *Ibid.*

¹⁵ Law on Ensuring Equal Rights and Opportunities of Women and Men, 2005, <<http://www.legislationline.org/topics/country/52/topic/7>>.

¹⁶ Law on Ensuring Equal Rights and Opportunities of Women and Men, Article 3, <<http://zakon3.rada.gov.ua/laws/show/2866-15>>.

¹⁷ Law on Ensuring Equal Rights and Opportunities of Women and Men, Article 4, 2005, <<http://www.legislationline.org/topics/country/52/topic/7>>.

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equal rights and opportunities of women and men.¹⁸ The Law also empowers state and local authorities, enterprises, organizations, institutions and associations of citizens “to facilitate balanced representation of the sexes in the course of management and decision-making with a possibility to apply positive actions to achieve the aim of the Law”.¹⁹ The Law enables *Executive Bodies and Local Authorities* to, *inter alia*, “ensure equal rights and opportunities for women and men are reflected in legislation, implement state and regional programmes on ensuring equal rights and opportunities of women and men, take positive actions and co-operate with citizens associations to ensure equal rights and opportunities of women and men”.²⁰

Authorized persons/co-ordinators in Executive Bodies and Local Authorities are expected by the Law to conduct “analysis of the status of ensuring gender equality and examine the appropriateness of taking positive actions aimed at adjusting an imbalance that may occur in a relevant sphere or industry”.²¹ The task of conducting training for employees of central and local executive bodies and local authorities on gender issues and problems is also listed as a priority together with establishing and maintaining “co-operation with associations of citizens and compiling information received from these associations” in order to jointly respond to gender-based discrimination.²²

The 2013 Law on the Principles of Prevention and Combating Discrimination in Ukraine further fortified prohibition of discrimination on basis of race, color of skin, political, religious and other beliefs, sex, age, disability, ethnic or social origin, nationality, family and property status, place of residence, linguistic or other traits that have been, are or may be actual or alleged.²³ As bodies vested with powers to prevent and combat discrimination the Law lists the Parliament of Ukraine, the Ukrainian Parliament Commissioner for Human Rights, the Cabinet of Ministers of Ukraine, other state authorities, authorities of the Autonomous Republic of Crimea, local self-government bodies and non-governmental organizations, physical and legal entities”.²⁴ This Law was complemented by the 2014 Law on Introducing Amendments to Certain Legislative Acts of Ukraine regarding Preventing and Countering Discrimination which further clarified the definitions of discrimination and intent.²⁵

In addition to the anti-discrimination legislation, the 2005 Decree of the President of Ukraine No. 1135 on Improving the Work of Central and Local Executive Bodies in Ensuring the Equal Rights and Opportunities of Women and Men demonstrated Ukraine’s commitment to “ensure the equal rights and opportunities of women and men in the relevant sphere” as well as “to co-operate with non-government organizations, namely women’s organizations, in order to collect, analyze and summarize information on the status of ensuring equal rights and opportunities of women and men and determine ways of preventing sexual discrimination”.²⁶ The Law also highlights the implementation of “gender approaches to organizing the work of

¹⁸ Law on Ensuring Equal Rights and Opportunities of Women and Men, Article 7, 2005, <<http://www.legislationline.org/topics/country/52/topic/7>>.

¹⁹ *Ibid.*

²⁰ Law on Ensuring Equal Rights and Opportunities of Women and Men, Article 12, 2005, <<http://www.legislationline.org/topics/country/52/topic/7>>.

²¹ Law on Ensuring Equal Rights and Opportunities of Women and Men, Article 13, 2005, <<http://www.legislationline.org/topics/country/52/topic/7>>.

²² *Ibid.*

²³ Law on the Prevention and Combating Discrimination in Ukraine, Article 1, 2013, <http://www.twinning-ombudsman.org/wp-content/uploads/2017/03/EN_Law-on-prevention-and-combating-discrimination.pdf>.

²⁴ Law on the Prevention and Combating Discrimination in Ukraine, Article 9, 2013, <http://www.twinning-ombudsman.org/wp-content/uploads/2017/03/EN_Law-on-prevention-and-combating-discrimination.pdf>.

²⁵ Gender Analysis Report – Ukraine, USAID, 2017, <http://pdf.usaid.gov/pdf_docs/pa00mq3k.pdf>.

²⁶ Decree of the President of Ukraine on Improving the Work of Central and Local Executive Bodies on Ensuring the Equal Rights and Opportunities of Women and Men, No.1135, 2005, <http://www.legislationline.org/download/action/download/id/3427/file/Ukraine_Decree_on_improving_work_of_local_executive_bodies_on_ensuring_equal_rights_en.pdf>.

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central and local executive bodies based on the experience of other countries”.²⁷ These legal developments have been preceded or complemented with policies and strategies put in place to support the implementation of the legislation.

The 2006 *State Programme on Ensuring Gender Equality in Ukrainian Society up to 2010* mentions the “establishment of an institutional mechanism of ensuring equal rights and opportunities of women and men” as one of the main tasks of the Programme.²⁸ The Programme projected “developing an effective mechanism of ensuring equal rights and opportunities of women and men at the state and local levels” as one of its results.²⁹

The next *State Programme on Ensuring Equal Rights and Opportunities of Men and Women until 2016* was adopted in 2013 leaving a three year gap period between the two programmes. This lengthy period of inactivity is attributed to weak national co-ordination mechanisms, administrative reforms, the 2012 parliamentary elections, and lack of government commitment”.³⁰ These factors contributed to weakening co-ordination among national gender equality mechanisms and gender mainstreaming efforts. In 2016, monitoring reports for the State Programme were not available.³¹

The Concept for a State Social Programme on Equal Rights and Opportunities for Men and Women for 2017-2021 was approved by the government of Ukraine in April 2017. The Ministry of Social Policy is tasked to implement it. The Concept of the Programme notices that the “lack of complex system for conducting gender and legal examination, insufficient amount of statistics on the basis of sex, lack of gender approach in programs, documents, strategy, plans at all levels and in all structures, slows down process of implementation of the principle of the equal rights and opportunities of women and men in all spheres of activity of society”.³²

The Concept of the Programme further underlines “gender equality as a precondition for sustainable socio-economic development”³³ and highlights the lack of a gender component in national reforms, the low capacity of state authorities to mainstream or address gender, weaknesses in data collection, the lack of a comprehensive legal system to respond to discrimination or gender-based violence, and the persistence of gender stereotypes”.³⁴ The Concept also assumes sharing responsibility for promotion of gender equality among authorities at all levels, including the Ministry of Social Policy of Ukraine, the Parliament of Ukraine, the Ukrainian Parliament Commissioner for Human Rights, professional associations representing multiple sectors, trade unions, the media, civil society groups, international organizations and the private sector.

Policy efforts to advance gender equality are also strengthened by the *Action Plan for Implementation of National Strategy on Human Rights 2015-2020* endorsed by the 2015 Decree of the President of Ukraine No. 501 on Approval of the National Strategy on Human Rights. The document includes ensuring equal rights and opportunities for women and men in

²⁷ *Ibid.*

²⁸ State Programme on Ensuring Gender Equality in Ukrainian Society up to 2010, 2006, <<http://www.legislationline.org/topics/country/52/topic/7>>.

²⁹ *Ibid.*

³⁰ Gender Analysis Report – Ukraine, USAID, 2017, <http://pdf.usaid.gov/pdf_docs/pa00mq3k.pdf>.

³¹ *Ibid.*

³² Order of the Cabinet of Ministers of Ukraine, No. 229-r, 2017, <<http://cis-legislation.com/document.fwx?rgn=95881>>.

³³ Gender Analysis Report – Ukraine, USAID, 2017, <http://pdf.usaid.gov/pdf_docs/pa00mq3k.pdf>.

³⁴ *Ibid.*

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all areas of public life as a strategic goal with improvement of mechanisms for ensuring equal rights and opportunities for women and men as a priority area.³⁵

There are also national programmes in different thematic areas, which have relevance for gender equality in Ukraine, such as combating trafficking in human beings, combating violence against women, improvement of economic position of women, as well as mechanism for their implementation at the regional level.

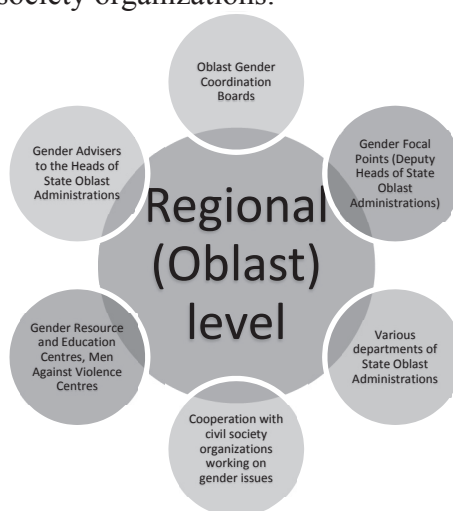
³⁵ Decree of the President of Ukraine No. 501 on Approval the National Strategy on Human Rights, 2015, <http://search.ligazakon.ua/l_doc2.nsf/link1/U501_15.html>.

Gender equality mechanisms at the regional level

According to the 2014 National Review of Implementation of the 1995 Beijing Declaration and Platform for Action, the process of establishing authorities responsible for the advancement of gender equality began immediately after the Beijing Conference.³⁶ As of 2014, the national machinery for ensuring equal rights and opportunities for women and men in Ukraine consists of central and regional authorities involved in the work of the Parliament of Ukraine, including the Ombudsman for Human Rights, Cabinet of Ministers and ministries as well as mechanisms at the regional (oblast) level.³⁷ The Department for Family, Gender Policy and Countering Human Trafficking in the Ministry of Social Policy of Ukraine is a co-ordinating body for creating and implementing gender policy in Ukraine. The Ministry of Social Policy also hosts an Expert Council, which considers claims of gender-based discrimination and issues advisory decisions. Another step forward has been the position of a Gender Equality Commissioner and the team under the Vice Prime Minister for European and Euro-Atlantic Integration of Ukraine.

In 27 regions, one of the Deputy Heads of State Oblast (regional) Administration (SOA) has been assigned responsibility for gender issues.³⁸ Departments of family, youth and sports, departments of education and science, departments of women, disabled and war veterans or departments of social protection of the SOA are also tasked with the promotion of equal rights and opportunities of women and men.

In addition, during 2008-2011, gender advisers were appointed to the Heads of SOAs in 16 regions. 13 regional Gender Resource Centres and 21 regional Gender Education Centres were set up. 19 regional SOAs established co-ordination boards on family, gender equality, demographic development, the prevention of domestic violence and combating human trafficking. For the purposes of this Study, the focus of the analysis presented below is on the role of gender advisers, gender co-ordination boards, gender centres and opportunities arising from co-operation with civil society organizations.



Scheme of Gender Equality Mechanisms at the regional (oblast) level

³⁶ National Review of Implementation of the 1995 Beijing Declaration and Platform for Action, 2014, <http://www.unwomen.org/-/media/headquarters/attachments/sections/csw/59/national_reviews/ukraine_review_beijing20.ashx>.

³⁷ *Ibid.*

³⁸ National Review of Implementation of the 1995 Beijing Declaration and Platform for Action, 2014, <http://www.unwomen.org/-/media/headquarters/attachments/sections/csw/59/national_reviews/ukraine_review_beijing20.ashx>.

Gender advisers

The implementation of gender equality standards and principles can only be fully successful if these are institutionalized within the regional administration structures, and supported by the establishment of specific posts assigned to work on gender issues, which take the form of gender advisory positions in the SOAs. In the 16 regions, where appointed, gender advisers are responsible for providing advice and operational support on the implementation of gender equality laws, programmes and related strategies. The majority of the current gender advisers have an educational and or professional background in gender equality issues. The position of a SOA gender adviser is voluntary due to the lack of a dedicated budget. Staff turnover in regional administrations also influences the sustainability and impact of their work. For example, in some cases, changes in the regional leadership have resulted in cutting a previously-established position of gender adviser. The interviews conducted for this Study found that the appointed gender advisers would benefit if their relation to the national gender equality mechanisms and regional co-ordination board is clearer. There is no mechanism established to ensure co-ordination between gender advisers and national gender equality mechanisms. While gender advisers should be able to influence decision making and the implementation of regional programmes from a gender perspective, this is only likely to happen when the Head of a SOA is personally dedicated to gender equality issues and the co-ordination board is active.

Gender co-ordination boards

The co-ordination boards are one of the main mechanisms for the promotion of gender equality and co-ordination of these efforts at the regional level. They have been established in 24 regions (oblasts) and they meet two to four times a year. According to the research conducted for this Study, the boards serve predominantly to coordinate efforts in combating gender-based violence and human trafficking. Where operational, they do so by co-operating with the regional assembly and administration, providing expert opinion on draft laws and regional policies from a gender perspective as well as preparing gender analysis of regional decisions, strategies and other documents.

Case of Kharkiv SOA

An example of good practice comes from the Kharkiv SOA where the Co-ordination board in co-operation with the regional gender adviser initiated gender mainstreaming in different areas, such as urban planning. The board and the gender adviser have been working with the Kharkiv University's Gender Centre in order to conduct gender analysis in different sectors.

The co-ordination boards consist of representatives of civil society organizations', representatives of a public administration (usually the focal points for family and social welfare departments) and experts and scholars. Some co-ordination boards also include political party representatives. While these boards seem to be active in some regions, implementation of their conclusions and recommendations suffer from a lack of understanding among other regional administration staff of gender issues and the importance of gender mainstreaming in all regional policies and programmes.

The interviews conducted for this Study found that instructions on implementation of laws, strategies and programmes from the national to the regional level are weak. Namely, the obligations of the regional administration's departments and structures in SOAs related to gender equality and gender mainstreaming are not regulated. Interviewees emphasized the

need for sex-disaggregated statistics, public consultation and co-operation with women's organizations and women's movement representatives.

Gender education centres and gender resource centres

Gender education centres conduct analysis of the gender equality situation in the region; organize and carry out social research on gender equality, develop methodical and teaching materials for schools and universities and build connections with the media in order to inform citizens about gender issues. There are 38 gender educational centres which are part of an all-Ukrainian network of gender educational centres.³⁹ This network was established in 2012 at the initiative of the Kharkiv regional resource centre and they are part of the universities in Dnipropetrovsk, Donetsk, Zhytomyr, Zaporizhzhia, Kyiv, Krivoy Rog, Lutsk, Mariupol, Nizhyn, Sumy, Ternopil, Kharkiv, Cherkasy and Uzhorod.

Gender resource centres operate as civil society organizations. Where available, the centres provide informational and consultative assistance to both government and society. Through project work, they seek to advance gender equality in their respective regions. The work of the centres has been strengthened by the establishment of networks and associations for women's leadership in some regions, such as Ternopil and Rivne. However, due to lack of clearly identified procedures for public consultation, for example, relevant inputs from the centres are often left out and not included in the laws or policies adopted.

Gender centres as supporters of gender mainstreaming

The "Association of Ukrainian Women" (Ternopil region), "Political Club and Coalition to Support Women's Leadership" (Rivne region) are found to be important partners for the promotion of gender equality in these regions with their expert inputs to law and policy making on gender equality issues. The Ukrainian Network of Gender-Educational Centres in the Ternopil region and an Inter-faction of Councilors on Gender Issues of the Kharkiv City Council also provide support to gender mainstreaming and strengthen co-operation between the women's movement and government structures.

³⁹ All-Ukrainian network of Gender educational Centres, <<http://gendercenter.sumdu.edu.ua/index.php/aboutus>>.

Key challenges

This Study has identified several critical challenges which affect effectiveness of gender equality mechanisms at the regional level in Ukraine.

- ***The position of gender advisers***

Gender advisors are most often professionals employed outside of the SOA and are often experts recruited from academia or civil society organizations on a *pro bono* basis. The lack of financial allocations for the post of gender advisers and their activities within administration presents a serious impediment for the effectiveness of regional level GEMs as well as for gender mainstreaming at the regional level. The Study finds that gender advisers often struggle with understanding what is their role and what is expected of them as they do not have defined terms of references or job descriptions.

- ***The limited availability of resources and opportunities for institutional gender mainstreaming***

The lack of resources was identified as one of the main challenges during the interviews conducted for the Study. Lack of funds prevents the development of gender action plans and gender equality policies and hampers their implementation where they do exist. As mentioned, gender advisers work *pro bono*. Gender focal points within departments for family and social welfare have gender mainstreaming as an additional task to their assigned portfolios. Their work is mostly supported by international organizations as donors. The roles and responsibilities of different actors with regards to gender assessment or analysis in the process of decision making are not clearly defined, and different sectoral programmes do not have gender-sensitive objectives and lack a link to national gender equality strategies – both key factors inhibiting institutionalization of gender mainstreaming.

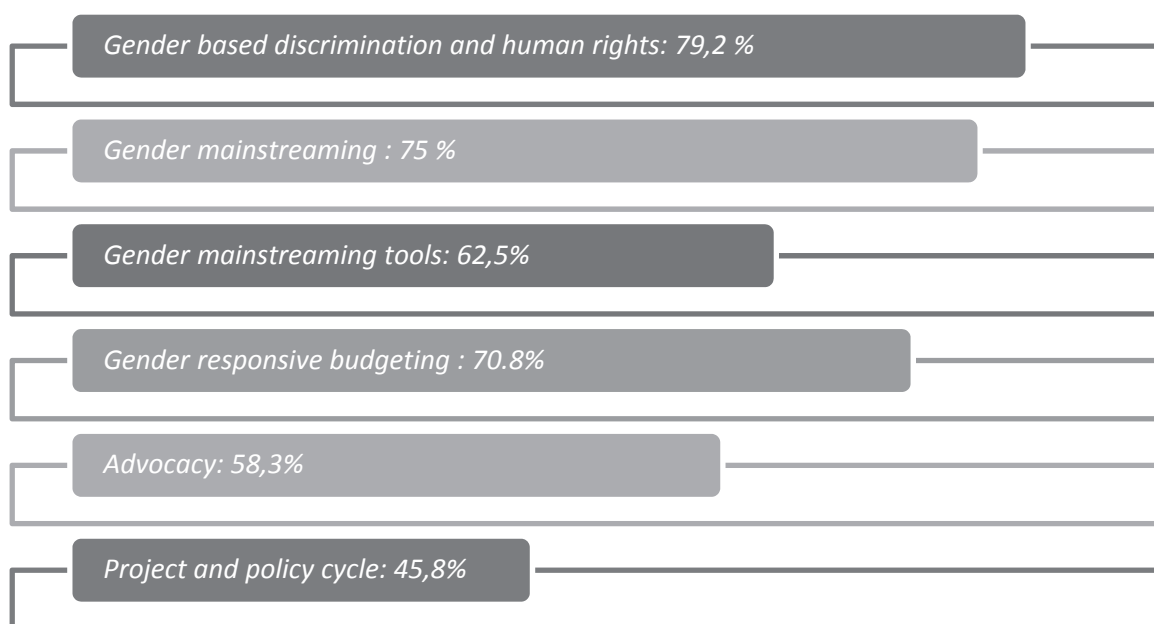
- ***Capacity building***

Capacity-building programmes on gender analysis and gender responsive budgeting have been implemented in 12 regions.⁴⁰ However, there is a strong need for gender mainstreaming tools as well as instructions and indicators for the implementation of national gender equality policies at the regional level. For example, during the collection of information and setting up the working group to prepare the national “Beijing+20” report in 2014, the central and regional executive bodies gathered information on the current state of implementation of particular objectives of the Beijing Platform for Action. However, in some cases, it was visible that the respondents did not have the necessary understanding of the concepts of gender equality and gender mainstreaming to be able to collect the required information.⁴¹ According to the data collected for this Study⁴², the regional gender equality mechanisms have benefited from the following kinds of training workshops organized with the support of or in co-operation with international organizations and civil society organizations:

⁴⁰ “Gender Budgeting in Ukraine” Project, <<http://grbproject.org/en/>>.

⁴¹ National Review of Implementation of the 1995 Beijing Declaration and Platform for Action, 2014, <http://www.unwomen.org/-/media/headquarters/attachments/sections/csw/59/national_reviews/ukraine_review_beijing20.ashx>.

⁴² 24 out of 25 respondents of the questionnaire.



The Study also found discrepancies in capacity-building opportunities across the regions, with international organizations supporting training courses on gender mainstreaming in some regions but not in others.

- ***Co-ordination and co-operation***

Regional documents do not clearly define gender equality measures and procedures at the regional level. Co-ordination between regional gender advisors and other national gender equality mechanisms, as well as co-ordination among regional gender advisers, could be strengthened. Co-ordination boards are mainly active in the field of violence against women. If there is no strong leadership (by the Head of the SOA for instance), co-ordination boards are not active and have limited initiatives and co-operation with civil society organizations. Also cooperation with women's organizations and gender equality mechanisms should be strengthened. Currently, the level of co-operation is good in most regions and women's organizations are regarded as important actors. However, co-operation is limited to joint activities and events, agreed on an *ad hoc* basis, rather than encouraging the participation of women's organizations in decision-making processes and in a more institutionalized manner.

- ***Reporting on gender equality issues***

Most of the regional gender equality mechanisms report annually to the Ministry of Social Policy of Ukraine. However, these reports very often lack indicators or thematic analysis of results. According to some gender advisors, their inputs are also submitted for topical reports and data is provided upon the request of national gender equality mechanisms and other institutions. According to the representatives of regional gender equality mechanisms, the Ministry of Social Policy does not provide formal feedback or follow up on the annual regional reports.

- ***Inconsistent co-operation with international organizations***

The majority of regional gender equality mechanisms maintain co-operation with international organizations.⁴³ Co-operation most often takes the form of organizing joint events or participation in activities implemented by international organizations, such as

⁴³ UNICEF, OSCE, British Council, German Bureau of International Cooperation "GIZ", Danish Refugee Council, UNDP, Embassy of Finland, Friedrich Ebert Foundation were mentioned.

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educational programmes, grant support for entrepreneurship development, gender profile development, and gender-responsive budgeting. However, very often such initiatives are donor driven or not long term.

Recommendations

This section of the Study has been prepared taking into account the practical applicability of the results of this analysis, and has focused on the adoption and implementation of gender responsive policies at the regional level while taking into account limitations in relation to financial and human resources.

Recommendations focus on strengthening the position and capacities of gender equality mechanisms and gender advisers at the regional level, in cooperation with civil- society organizations. Attention is also put on the importance of gender assessment of legislation and policies as well as gender-responsive budgeting at the regional level if/where applicable. Communication among regional gender equality mechanisms and national gender equality mechanisms along with women politicians involved in decision-making position is also considered important. The recommendations aim to strengthen the role, mandate and positive impact of regional gender equality mechanisms in Ukraine. The main recommendations are:

- ***Institutionalize the position of gender advisers***

The position of gender advisers should be included in the staffing table of regional administrations and supported with financial resources for the post and activities. Terms of references for these posts should include co-operation with other national and regional gender equality mechanisms as well as monitoring and co-ordination of the implementation of regional/national policies and programmes. Their role should not be merely advisory, but rather support mandatory gender mainstreaming of particular decisions, including in the preparation of budget and strategic documents in certain areas particularly important for gender equality, in accordance with the priorities of the national programmes for gender equality.

- ***Establish a network of regional gender advisers***

A network of regional gender advisers should be established, not only for exchange of practices and lessons learned, but also to co-ordinate activities and better identification of regional challenges and possible support from the national level. This network could also assist in the co-ordination of public events and campaigns with defined objectives and indicators.

- ***Transform co-ordination boards into gender mainstreaming boards***

Co-ordination boards should be transformed into gender mainstreaming boards (gender mainstreaming boards are endorsed in the National Action Plan on Human Rights). This change would entail amending the description of their mandate, tasks and composition to include the heads of departments in regional administration, as well as defining gender-responsive objectives in various sectors and tracking their implementation.

- ***Build the capacity of regional gender equality mechanisms***

Although most gender advisers and gender equality mechanisms have received training on gender equality and gender mainstreaming, the topic needs to be incorporated in the regularly available programmes for capacity building of public servants. In addition, the development of regional action plans and measurable targets in accordance with national priorities could be integrated in the existing training programmes.

- ***Plan for gender equality mechanisms***

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Annual planning should be obligatory for regional gender equality mechanisms. This could be led for example by a gender adviser and supported by the coordination board in accordance with the priorities of the national gender equality programmes. Such programming procedures should include identification of priorities for the advancement of gender equality and women in different sectors at the regional level.

- ***Use the opportunity of decentralization as an entry point to strengthen gender mainstreaming efforts***

The ongoing decentralization reform process provides opportunities for gender mainstreaming. For example, the reform includes the establishment of community councils which could provide a good platform for co-operation with women's organizations as these councils consist of representatives of local administrations, and of interested citizens. To ensure effective mainstreaming of gender concerns, it is recommended to involve women's organizations in the composition of community councils rather than establishing separate mechanisms for co-operation with women. Procedures for gender mainstreaming the work of community councils would then also need to be developed.

- ***Allocate funds for gender equality at the regional level***

Sufficient resources need to be allocated for the implementation of gender equality policies and gender responsive budgeting should be ensured to provide for and assess the implementation of gender equality measures in various sectors.

- ***Use gender mainstreaming of budgets and other programmes as an opportunity to enhance co-operation at the regional level***

It is very important to involve gender advisors and the regional gender equality mechanisms in gender-responsive budgeting initiatives and processes and to strengthen their co-operation with the regional administration. Guidelines for gender impact assessment and gender mainstreaming in economic development, as well as other areas, should also be developed and adapted if necessary to the Ukrainian context.

- ***Strengthen monitoring of gender equality standards at the regional level***

Monitoring systems should be developed and/or adjusted to regional realities. Collecting official statistics should be endorsed to enable meaningful monitoring of the implementation of the national gender equality programmes in co-operation with the national machinery and regional gender mechanisms.

- ***Compile and publish sex-disaggregated data***

The regional gender advisers recognize the importance of sex-disaggregated data for gender mainstreaming of activities at the regional level. More efforts need to be invested into gathering such data and making it public at the regional level for use in analysis and policy-making.

- ***Ensuring political support for gender equality issues***

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In order to ensure political support for gender equality interventions, gender advisors should be encouraged to co-operate with regional councils, and both women and men councilors and their caucuses in particular. Such co-operation would provide support to members of parliament and local councilors in gender assessments of local decisions and would strengthen monitoring of the implementation of gender equality decisions and programmes. Political will could be significantly increased through great visibility of women's networks and caucuses. Strengthening the capacity of local women councilors could also improve co-operation between the women's movement and decision-makers, and increase visibility and empower women in decision-making positions. Women caucuses could be formally established or supported by local assembly working bodies for gender equality with the mandate to give opinions on local decisions and budgets, from a gender perspective.

Questionnaire for GEM representatives at the regional (oblast) level in Ukraine

Section 1: General information

- 1.1. Your name (optional):
- 1.2. Professional affiliation/occupation:
- 1.3. Oblast:

Section 2: Gender Equality Mechanisms' (GEM) establishment and their composition

- 2.1. Has any of the Gender Equality Mechanisms been established in your region/oblast?
 - Yes
 - No
 - I don't know
- 2.2. If yes, what types of GEMs have been established? Please select all that applies:
 - Gender coordination board
 - Gender advisor
 - Gender resource and education centre
 - Gender focal point in a Head's of Oblast Administration Office
 - Other

If other above, please specify:

- 2.3. Please indicate the year of establishment for each GEM to the best of your knowledge:
 - Gender coordination board
 - Gender advisor
 - Gender resource and education centre
 - Gender focal point in a Head of oblast administration Office
 - I do not know
- 2.4. Who are the members of a collective GEM? (If there is a board, council of education centre) - multiple answers:
 - Councilors
 - Members of political parties (not Members of Parliament)
 - Civil society representatives
 - Public administration/civil servants
 - Experts, scholars
 - I do not know
 - Other

If other above, please specify:

- 2.5. If there is gender advisor, this person is:
 - A councilor
 - A civil society representative
 - An appointed person (by local assembly, Head of Oblast Administration or other)
 - A civil servant – employed in regional administration

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- An expert/scholar
- Other

If other above, please specify:

Section 3: Legal and policy framework at the regional (oblast) level

3.1. Are there regional/local acts that regulate position of GEMs at the Oblast level?

- Yes
- No

If yes, please mark issues covered by this act/these acts:

- GEMs is/are mandatory body/-ies: Yes or No
- Position of a gender advisor is mandatory: Yes or No
- Existing GEMs play a role in local decision making process (giving their opinion on bills, policy proposals, participation in local policy development etc.): Yes or No
- Gender advisor cooperates with the regional assembly: Yes or No
- Gender coordination board cooperates with the regional assembly: Yes or No
- Gender advisors cooperate with the regional administration: Yes or No
- Gender coordination board cooperates with the regional administration: Yes or No
- Gender analysis of regional decisions, laws, strategies is obligatory and in the mandate of GEMs: Yes or No

3.2. Are you aware of regional gender equality policies, such as action plans, for example?

- Yes
- No

If yes, please include its name and duration:

3.3. If yes, please estimate implementation of regional/oblast level gender action plans (1 as the lowest and 5 as the highest, the best mark):

- 1
- 2
- 3
- 4
- 5

3.4. Are there gender sensitive regional policies (policies, strategies or programs that contain measures aimed at improving women's position or gender equality in a specific sector, for instance youth policy, employment plan, plan for economic development, education or similar):

- Yes
- No

If yes above, please specify:

3.5. Are there regional (legal) acts regulating affirmative measures for gender equality or improvement of women's position?

- Yes

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- No

If yes, in what areas?

Section 4: Activities and cooperation

4.1. Please list up to 5 main activities of your GEM in last 1 – 3 years:

4.2. Have you attended training in the field of gender equality?

- Yes
- No

If yes, please mark the topics and select all that apply:

- Gender based discrimination and human rights
- Gender mainstreaming
- Gender mainstreaming tools
- Gender responsive budgeting
- Advocacy
- Project and policy cycle

4.3. Please add any additional training you attended in the last 1-3 years if in your current post:

4.4. How does your GEM cooperate with civil society organizations and women's groups?

- Regular and frequent meetings for consultations of women's need and priorities
- Joint/ co-organized events
- Participation in each other's events (conferences, round tables, meetings etc.)
- Civil society organizations/women's groups contribute to the work of GEMs
- Other

If your answer is "other" above, please describe in more details:

4.5. If you organize joint activities, please describe the process and the roles:

4.6. Does your GEM cooperate with international organizations?

- Yes
- No

If yes above, please describe methods of cooperation:

4.7. Does your GEM prepare reports for national level GEMs, such as Ministry for example, about conducted activities and implementation of gender equality policies at the regional (oblast) level?

- Yes, annually
- Yes, on request
- No

If yes, who do you submit your report to:

4.8. Has GEM participated in implementation of State programme on ensuring equal

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rights and opportunities of women and men for the period till 2016?

- Yes
- No

If yes, please describe your main activities:

If no, please indicate the reasons:

4.9. Please estimate cooperation of your GEM with GEMs at the national level (on a scale from 1 to 5 where 1 stands for non-existing cooperation to 5, which stands for solid and frequent cooperation):

- 1
- 2
- 3
- 4
- 5

If does cooperation exist, please describe main forms of cooperation:

4.10. Please estimate cooperation of your GEM with mechanisms at the rayon level as a lower than regions/oblasts (on a scale from 1 to 5 where 1 stands for non-existing cooperation to 5 which stands for solid and frequent cooperation):

- 1
- 2
- 3
- 4
- 5

If cooperation does exist, please describe main forms of cooperation:

4.11. What type of cooperation with national GEMs would be needed in order to assist gender advisors/coordination board perform better?

4.12. As a GEM representative, what would you like to achieve in the field of gender equality in the next 2 – 3 years?

4.13. What are the priorities of your GEM?

4.14. What type of support would you need in order to achieve the goal?

4.15. At the moment, what would you define as a main obstacle for a strong performance of GEMs in Ukraine when it comes to their tasks and gender mainstreaming?

THANK YOU!

Glossary

Gender is a term used to describe socially constructed roles for women and men. Gender is an acquired identity that is learned, changes over time and varies widely within and across cultures. On the contrary, sex identifies the biological differences between men and women. Sex roles are universal and do not change over time or across cultures.⁴⁴

Gender Analysis involves the collection and analysis of sex-disaggregated data in order to reveal any differential impact of an action on women and men, and the effects of gender roles and responsibilities. It also involves qualitative analyses that helps to clarify how and why these differential roles, responsibilities and impacts have come about.⁴⁵

Gender Discrimination refers to any distinction, exclusion or restriction made on the basis of socially constructed gender roles and norms which prevents a person from enjoying full human rights.⁴⁶

Gender Equality means equal rights and opportunities for women and men in laws and policies, and equal access to resources and services within families, communities and society. It refers to women and men being able to access and participate in all spheres of life on an equal footing, including in democratic governance, decision-making and the security sector. Gender equality requires that women and men receive adequate and equitable protection of their human rights, including the right to live free of violence in safe and supportive homes and communities.⁴⁷

Gender Impact Assessment involves examining policy proposals to see whether and how they will affect women and men differently, with a view to adapting these proposals to make sure that discriminatory effects are neutralized and that gender equality is promoted.⁴⁸

Gender Mainstreaming is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in any area and at all levels. It is a strategy for making women's, as well as men's, concerns and experience an integral dimension in the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and social spheres, such that inequality between men and women is not perpetuated.⁴⁹

Gender-Responsive Budgeting is an approach that aims at integrating gender perspectives into the entire planning and budgeting process at all levels of government. Gender responsive budgeting aims to restructure revenues and expenditures in such a way that the needs, interests and priorities of both women and men are equally taken into account in the process of developing government budgets and policies.⁵⁰

⁴⁴ Glossary on Gender-Related Terms (Vienna: OSCE, May 2006), <<http://www.osce.org/gender/26397?download=true>>.

⁴⁵ *Ibid.*

⁴⁶ *Ibid.*

⁴⁷ Gender Equality and Women's Rights (Warsaw: OSCE Office for Democratic Institutions and Human Rights, 2017), <<http://www.osce.org/odihr/303541?download=true>>.

⁴⁸ EU Toolkit on Mainstreaming Gender in development cooperation: Glossary of gender and development terms (Brussels: European Commission, 2004), <<http://library.euneighbours.eu/content/eu-toolkit-mainstreaming-gender-development-cooperation-glossary-gender-and-development-term>>.

⁴⁹ Glossary on Gender-Related Terms, OSCE.

⁵⁰ Gender-Responsive Budgeting: Analysis of Budget Programmes from Gender Perspective (Kyiv, UN Women, 2016).

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Gender Sensitivity/Awareness encompasses the ability to perceive, acknowledge and highlight existing gender differences, issues and inequalities and to incorporate a gender perspective into strategies and actions.⁵¹

Gender-Sensitive Indicators provide information about progress in the move towards gender equality. An indicator summarizes a large amount of information in a single figure, in such a way as to show an aspect of the relative advantage or disadvantage between men and women and give an indication of change over time. Indicators differ from statistical data in that, rather than merely presenting facts, indicators involve comparison.⁵²

Sex refers to the biological differences between women and men.⁵³

Sex-disaggregated Data is the collection and presentation of all statistics separately on women and men.⁵⁴

⁵¹ Glossary on Gender-Related Terms, OSCE.

⁵² *Ibid.*

⁵³ Gender Analysis in Education: A Conceptual Overview (New York: UNGEI, 2012), <http://www.ungei.org/files/Gender_Analysis_in_Education.pdf>.

⁵⁴ Glossary on Gender-Related Terms, op.cit., note 36.

About the OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (OSCE/ODIHR) is the OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Summit Document). This is referred to as the OSCE human dimension.

The OSCE/ODIHR, based in Warsaw (Poland) was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 130 staff.

The OSCE/ODIHR is the lead agency in Europe in the field of election observation. Every year, it coordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE Commitments, other international obligations and standards for democratic elections and with national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, the OSCE/ODIHR helps participating States to improve their electoral framework.

The Office's democratization activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. The OSCE/ODIHR implements a number of targeted assistance programs annually, seeking to develop democratic structures.

The OSCE/ODIHR also assists participating States' in fulfilling their obligations to promote and protect human rights and fundamental freedoms consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas including human rights in the fight against terrorism, enhancing the human rights protection of trafficked persons, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of tolerance and non-discrimination, the OSCE/ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. The OSCE/ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

The OSCE/ODIHR provides advice to participating States on their policies on Roma and Sinti. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website (www.osce.org/odihhr).

