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**GENDER EQUALITY IN LOCAL POLITICAL LIFE
AND THE GENDER PERSPECTIVE IN LOCAL POLICIES IN UKRAINE**

Discussion paper¹

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SCOPE OF THE DISCUSSION PAPER

This discussion paper on “Gender equality in local political life and gender perspective in local policies in Ukraine” falls within the framework of the project ‘Promoting local democracy in Ukraine’, implemented by the Congress of Local and Regional Authorities of the Council of Europe within the Action Plan for Ukraine for 2015-2017. This project is aimed to improve the implementation of democratic principles in Ukraine, by enhancing the institutional and leadership capacities of local elected authorities and disseminating nationwide best practices of local democracy.

As it takes stock of the current national legal framework related to gender equality in Ukraine, which is tested against existing international standards and policies, this discussion paper presents the main challenges in terms of implementation, in particular at the local level.

Tools and recommendations are proposed to local authorities to further integrate gender mainstreaming in their practices and procedures, and therefore promote gender equality in local political life and ensure that a gender perspective is taken into account in all local policies.

The findings and recommendations of this paper will be presented and discussed with local authorities and their national associations in order to develop strategies and plans of action aimed at promoting gender equality at local level in Ukraine.

LIST OF ACRONYMS

| | |
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| BPfA | Beijing Platform for Actions |
| CEDAW | Convention on the Elimination of All Forms of Discrimination against Women |
| CEMR | Council of European Municipalities and Regions |
| CIDA | Canadian International Development Agency |
| Congress | Congress of Local and Regional Authorities of the Council of Europe |
| CSOs | Civil Society Organisations |
| EIGE | European Institute for Gender Equality |
| IDP | Internally Displaced Person |
| SIDA | Swedish International Development Co-operation Agency |
| UNDP | United Nations Development Programme |
| USAID | United States Agency for International Development |

GLOSSARY *(in alphabetical order)*

Affirmative measures

The term 'positive measures' refers to actions aimed at favouring access by members of certain categories of people (in this particular case, women) to rights which they are guaranteed, to the same extent as members of other categories (in this particular case, men).

In some cases, the reason why discrimination is found to occur is due to the fact that the same rule is applied to everyone without due consideration of relevant differences. In order to remedy and prevent this kind of situation, governments, employers and service providers must ensure that they take the necessary steps to adjust their rules and practices to such differences – that is, they must do something to adjust current policies and measures.

The concept of positive measures is generally referred to in international law as 'special measures'. Such measures are described with different terms, which may also have different meanings and interpretations given to them in different national contexts and areas of their applicability. The most widely known terms are: affirmative action or affirmative measures; positive action; preferential treatment; special measures; specific action; reverse discrimination; and positive discrimination.

Differential access to and control over resources

Productive, reproductive and community roles require the use of resources. In general, women and men have different levels of both access (the opportunity to make use of something) to the resources needed for their work, and control (the ability to define its use and impose that definition on others) over those resources.

Resources can be economic (such as land or equipment); political (such as representation, leadership and legal structures); social (such as child care, family planning, education); and also time (a critical but often scarce resource).

Discrimination (Systemic)

Systemic discrimination is caused by policies and practices that are built into the ways that institutions operate, and that have the effect of excluding women and minorities. For example, in societies where there is a strong belief that whatever happens within the household is the concern of household members only, the police force, the judiciary and state institutions are likely to routinely avoid addressing questions of domestic violence, leading to a systemic discrimination against all women who experience violence at home.

Empowerment

Describes both the process and the outcome of people - women and men - taking control over their lives: setting their own agendas, gaining skills (or having their own skills and knowledge recognised), increasing self-confidence, solving problems, and developing self-reliance. Empowerment implies an expansion in women's ability to make strategic life

choices in a context where this ability was previously denied to them. In most cases the empowerment of women requires transformation of the division of labour and of society.

Gender

Gender identity is a social construct, and it refers to the socially given binary attributes, roles, activities, responsibilities and needs connected to being men (masculine) and women (feminine) in a given society at a given time, and as a member of a specific community within that society. Women and men's gender identity determines how they are perceived and how they are expected to think and act as men and women. Gender determines what is expected, allowed and valued in a woman or a man in a given context. In most societies there are differences and inequalities between women and men in responsibilities assigned, activities undertaken, access to and control over resources, as well as decision-making opportunities. Other important criteria for socio-cultural analysis include class, race, poverty level, ethnic group and age. Sex refers to the biological characteristics between men and women, which are universal and do not change.

Gender blindness

Gender blindness is the failure to recognise that gender is an essential determinant of social outcomes impacting on projects and policies. A gender-blind approach assumes gender is not an influencing factor in projects, programs or policies.

Gender equality

Gender equality is achieved when women and men enjoy the same rights and opportunities across all sectors of society, including economic participation and decision-making, and when the different behaviours, aspirations and needs of women and men are equally valued and favoured.

Gender mainstreaming

Integrating a gender perspective into a policy means that equality between women and men, as the overarching principle, should be taken into consideration in all decisions, in each phase of the policy-making process, by all the actors involved. Therefore every project or policy should be assessed from a gender perspective and considering the impact that could have on men and women. Also, opportunities for ensuring equality or contributing to gender equality should be identified. For instance, in local employment programmes, gender inequalities and causes of the position of women in the labour market need to be taken into account and affirmative measures for employment of women implemented; similarly, affirmative measures for fathers within family support policies could be implemented in order to challenge gender stereotypes and to increase equality of men and women.

Key tools for gender mainstreaming are gender analysis, gender statistics and gender budgeting.

Gender policies

Gender policies are divided into different categories depending on the extent to which they recognise and address gender issues. *Gender-blind policies* fail to distinguish between women and men (thus, favouring the existing gender relations), whereas *gender-sensitive policies* recognise that women as well as men are actors in development and that they are often constrained in a different way to men (their needs, interests and priorities may differ and at times conflict). As for the latter, we can distinguish three policy types:

- *Gender-neutral policies* use the knowledge of gender differences in a given context to target and meet the practical needs of both women and men. Gender-neutral policies do not disturb existing gender relations.
- *Gender-specific policies* use the knowledge of gender differences in a given situation to respond to the practical gender needs of either women or men. These policies do not address the existing division of resources and responsibilities.
- *Gender-redistributive policies* aim to transform the existing distribution of resources and responsibilities in order to create a more equal relationship between women and men.

Gender responsive budgeting

The Council of Europe defines gender budgeting as a “*gender-based assessment of budgets incorporating a gender perspective at all levels of the budgetary process and restructuring revenues and expenditures in order to promote gender equality*”.

Gender budgeting is not a special approach to budgeting or even an add-on to budgeting. Rather, gender budgeting is an approach to budgeting that can improve it, when fiscal policies and administrative procedures are structured to address gender inequality and women’s development needs. When properly done, one can say that gender budgeting is good budgeting.

Gender roles

Gender roles refer to social and behavioural norms which, within a specific culture, are widely considered to be socially appropriate for individuals of a specific sex. These often determine the traditional responsibilities and tasks assigned to women, men, girls and boys. Gender-specific roles are often conditioned by household structures, access to resources, specific impacts of the global economy, occurrence of conflict or disaster, and other locally relevant factors such as ecological conditions. As gender itself, gender roles can evolve over time, in particular through the empowerment of women and transformation of masculinities.

Gender stereotypes

Gender stereotypes are preconceived ideas whereby females and males are arbitrarily assigned characteristics and roles determined and limited by their gender. Gender stereotyping can limit the development of the natural talents and abilities of girls and boys, women and men, as well as their educational and professional experiences and life

opportunities in general. Stereotypes about women both result from, and are the cause of, deeply engrained attitudes, values, norms and prejudices against women. They are used to justify and maintain the historical relations of power of men over women as well as sexist attitudes that hold back the advancement of women.

Sex-disaggregated statistics

For a gender analysis, all data should be separated by sex in order to allow differential impacts on men and women to be measured. Sex disaggregated data is quantitative statistical information on differences and inequalities between women and men. Sex disaggregated data might reveal, for example, quantitative differences between women and men in morbidity and mortality; differences between girls and boys in school attendance, retention and achievement; differences between men and women in access to and repayment of credit; or differences between men and women in voter registration, participation in elections and election to office. Data can reveal the area where intervention is needed.

INTRODUCTION

People are assigned a sex (male or female) at birth on the basis of their biological differences and are consequently assigned a gender identity (men and women) on the basis of their sociological differences. This gender binary system –which forces all people into two strictly defined gender categories– reinforces gender stereotypes and also limits and shapes gender roles in society, and roles they are playing in their private, public and professional life. On the whole, it hampers and restricts men’s and women’s participation and voice in public and private life.

During the last century, gender inequalities were legal and undisguised: for instance, women did not have the right to vote. Today, inequalities are not that apparent: legally speaking, equality is ensured, but on the practical level inequalities are still common, strong and widespread. It is evinced in statistical data, or in dominant stereotypes and biases. Therefore, gender equality may be ensured *de jure*, but not yet *de facto*.

Inequalities are shaped and maintained in the social and political system and they are not going to be solved or disappear by themselves. No social change happens spontaneously. This is why public policies and their instruments (laws, strategies, measures, projects, budgets, etc.) need to be implemented in order to ensure and improve equality and provide equal opportunities to men and women. These policies and measures could help to:

- Ensure that gender roles, biases and existing inequalities do not influence opportunities to men and women to access the country’s resources or to benefit from public policies and programmes;
- Take action to challenge gender roles (for instance, promoting fatherhood, or supporting girls who consider male-dominated careers and *vice versa*).

At the local level, this is particularly important since local policies have an impact on the everyday life of men and women. They involve sectors that influence the quality of life and have potential to change people’s lives in a long term, such as education, social services, and economic development.

In Ukraine, the situation is similar as in most transitional countries: the international framework and standards are transposed into national laws and policies, but the institutional practice is not yet supporting the implementation of those legal instruments. Consequently, results at the level of policy implementation and their impact on gender equality are limited.

Ukraine has developed a legal and institutional framework, as well as strategies and programmes, in the field of gender equality. Various international actors, such as the Council of Europe, United Nations agencies (UN WOMEN, UNDP), the National Democratic Institute (NDI), USAID and SIDA are active in supporting Ukrainian national institutions to create and implement gender equality policies, strengthen their co-operation with civil society organisations (CSOs) and increase women’s political participation.

According to the World Economic Forum’s Global Gender Gap Index 2016, Ukraine is ranked 69 out of 144 countries in general terms when taking into account all progress made

in the areas of economic participation, education, health and political empowerment.² However, when considering only political empowerment, women in parliament and women in ministerial positions,, Ukraine is ranked very low (107, 110 and 109, respectively, out of 144 countries).³

Several key obstacles have been identified in that regard: gender stereotypes and biases, incomprehension of the link between gender equality and public policies, misunderstanding of gender equality as a matter of development (i.e. gender equality is not only a “women’s issue”), lack of capacity of the public administration in public policy development, and lack of budget. In practice, however, there are successful examples of small steps, results and small-scale activities, and systematic approaches (such as gender responsive budgeting) have been developed.

² World Economic Forum, Global Gender Gap Report, 2016, <http://reports.weforum.org/global-gender-gap-report-2016/rankings/>

³ Ibid.

PURPOSE AND STRUCTURE

The purpose of this paper is to provide an overview of the current situation, windows of opportunities and existing obstacles on:

- Gender mainstreaming and consequent gender responsive policies;
- Implementation of gender equality policies and measures;
- Women's political participation.

Based on the analysis of current practices, this discussion paper includes measures and activities that could be taken by local authorities and discusses what sort of support, from the national level, but also from other actors, would be useful.

Practical examples of activities are given as well as sources of information and materials that could be useful in planning gender mainstreaming actions and promoting women's political participation.

The paper consists of three parts:

- **Part I** includes an overview of the international legal and strategic framework (conventions, treaties, strategies and policy recommendations) related to achieving gender equality and of the Ukrainian legal and policy framework. Also, this chapter provides information on the implementation of existing policies and laws, and on key institutional actors.
- **Part II** includes an overview of international instruments related to women's political participation. In addition, it presents national legal instruments developed to ensure the political participation of women, as well as gaps in regulations and challenges identified in practice.
- **Part III** includes recommendations for local authorities and other relevant actors regarding public policies and gender mainstreaming.

Finally, a comprehensive list of sources for additional reading and useful materials are detailed in the Annex.

PART I – OVERVIEW OF THE GENDER EQUALITY AND GENDER MAINSTREAMING POLICY FRAMEWORK

International legal and policy framework

As a member state of the United Nations, Ukraine is obligated to implement UN Security Council resolutions. To date, the UN Security Council has adopted eight resolutions on gender, which make up the Women, Peace and Security Agenda.⁴ In addition, Ukraine agreed to contribute to the Sustainable Development Goals (SDGs), including the *Goal 5: Gender Equality*.

The most important human rights treaty for women is the **Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)** of the United Nations, which was ratified in 1981. The CEDAW sets the ground for its state parties to take “*all appropriate measures, including legislation and temporary special measures, so that women can enjoy all their human rights and fundamental freedoms*” (Article 7).⁵ General Recommendations 5, 8, 23, 25 and 28 of the CEDAW Committee should also be considered when discussing about the participation of women in public and political life.⁶

By ratifying the CEDAW, the state parties commit themselves to undertake a series of measures to combat and prevent discrimination against women and achieving gender equality. States are obliged to submit periodical reports to the CEDAW Committee on actions taken and achieved results, and the Committee provides recommendations on priorities and needed actions that should be taken by the governments through policies and practice.

The CEDAW Committee’s recommendations given in *Concluding observations on the eighth periodic report of Ukraine*⁷ are related to strengthening national (and other) gender machineries, gender statistics and gender responsive evaluation of policies and programmes at all levels, and introducing gender responsive budgeting. Basically, what is recommended by the Committee is the development of tools and prerequisites for gender mainstreaming: gender statistics, consultations and fostering co-operation with women CSOs, and stronger gender mechanisms at all levels.

The second most important international instrument is the **Beijing Declaration and Platform for Action (BPfA)** adopted in 1995 by the United Nations.⁸ The Platform, which constitutes an agenda for women’s empowerment, recognises that “*the full realization of all human rights and fundamental freedoms of all women is essential for the empowerment of*

⁴ The eight UN Security Council resolutions on “Women, Peace and Security” are: 1325 (2000); 1820 (2009); 1888 (2009); 1889 (2010); 1960 (2011); 2106 (2013); 2122 (2013) and 2242 (2015). For further information, see: <http://www.peacewomen.org/why-WPS/solutions/resolutions>

⁵ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted in 1979 by the UN General Assembly: <http://www.un.org/womenwatch/daw/cedaw/>

⁶ CEDAW General Recommendations, <http://www.ohchr.org/EN/HRBodies/CEDAW/Pages/Recommendations.aspx>

⁷ CEDAW, *Concluding observations on the eighth periodic report of Ukraine*, CEDAW/C/UKR/CO/8, 9 March 2017. Available at <http://undocs.org/CEDAW/C/UKR/CO/8>

⁸ Beijing Declaration and Platform for Action, Fourth World Conference on Women, United Nations, September 1995. Available at <http://www.un.org/womenwatch/daw/beijing/platform/>

women”.⁹ The Platform includes twelve priority areas of concern that require concrete actions to be taken in order to achieve gender equality and the advancement of women.¹⁰

Among the twelve priority areas in the BPfA, for the purpose of this paper, four can be considered as most critical:

- Inequality between men and women in the sharing of power and decision-making at all levels;
- Insufficient mechanisms at all levels to promote the advancement of women;
- Lack of respect for and inadequate promotion and protection of the human rights of women, and;
- Stereotyping of women and inequality in women's access to and participation in all communication systems, especially in the media.¹¹

The BPfA emphasises the importance of gender equality mechanisms at national, regional and local levels. Mechanisms are expected to “*integrate gender perspectives in legislation, public policies, programmes and projects*” as well as to “*generate and disseminate gender-disaggregated data and information for planning and evaluation*”.¹²

By recognising the importance of women’s participation in peacekeeping, conflict resolution and women’s participation in the development of security and peace policies, the **UN Security Council** adopted the **Resolution 1325 on Women, Peace and Security** on 31 October 2000.¹³ This resolution reaffirms the important role of women in the prevention and resolution of conflicts, peace negotiations, peace-building, peacekeeping, humanitarian response and in post-conflict reconstruction and stresses the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security. In this sense, the Resolution 1325 urges all actors to increase the participation of women, incorporate gender perspectives in all United Nations peace and security efforts, and take special measures to protect women and girls from gender-based violence.¹⁴

The Women, Peace and Security Agenda of the UN, which stems from the Resolution 1325 and other seven UN Security Council resolutions on gender,¹⁵ is often being described in terms of four pillars:

- *Prevention* of conflict and all forms of violence against women and girls in conflict and post-conflict situations.

⁹ Beijing Platform for Action for Equality, Development and Peace, paragraph 9. Available at <http://www.un.org/womenwatch/daw/beijing/platform/plat1.htm>

¹⁰ The 12 critical areas of concern in the BPfA are: (a) Women and poverty; (b) Education and Training of Women; (c) Women and Health; (d) Violence Against Women; (e) Women and Armed Conflict; (f) Women and the economy, (g) Women in Power and Decision-making, (h) Institutional Mechanisms for the Advancement of Women; (i) Human Rights of Women; (j) Women and the Media; (k) Women and the Environment; and (l) The Girl Child.

¹¹ Beijing Platform for Action, paragraph 44.

¹² Beijing Platform for Action, strategic objectives H.1, H.2 and H.3, paragraphs 196 – 208.

¹³ Security Council resolution 1325 on Women, Peace and Security, S/RES/1325(2000), 31 October 2000. Available at [http://undocs.org/S/RES/1325\(2000\)](http://undocs.org/S/RES/1325(2000))

¹⁴ “Landmark resolution on Women, Peace and Security”, Office of the Special Adviser on Gender Issues and Advancement of Women (OSAGI): <http://www.un.org/womenwatch/osagi/wps/>

¹⁵ See footnote No. 6.

- *Participation*: women participate equally with men and gender equality is promoted in peace and security decision-making processes at national, local and international levels.
- *Protection*: women's and girls' rights are protected and promoted in conflict-affected situations or other humanitarian crisis, including protection from gender-based violence and sexual violence.
- *Relief and recovery*: women's and girls' specific relief needs are met, and women's capacities to act as agents in relief and recovery are reinforced in conflict and post-conflict situations.¹⁶

Ukraine is a member of the Council of Europe. It became the 37th member state (out of 47) of this European organisation on 9 November 1995 and it is therefore represented in the Council of Europe bodies, including the Congress of Local and Regional Authorities (hereinafter, the Congress). The Council of Europe promotes fundamental values such as human rights, democracy and the rule of law and brings together governments from across Europe – and beyond – to agree on minimum legal standards in a wide range of areas, including gender equality and women's political participation.

The **Recommendation CM/Rec(2007)17 of the Committee of Ministers of the Council of Europe** to member states **on gender equality standards and mechanisms**¹⁷ includes areas particularly important for gender equality, such as non-sexist language, economic life, reconciliation of private and professional life, social protection, and violence against women, among others.

The Council of Europe's Group of Specialists on Mainstreaming (1995-1998)¹⁸ defined gender mainstreaming as *"the (re)organisation, improvement, development and evaluation of policy processes, so that a gender equality perspective is incorporated in all policies at all levels and at all stages, by the actors normally involved in policy-making"*. The **Recommendation 148(2004) of the Congress on gender mainstreaming at local and regional level** emphasised the importance of having a recognised support system to deliver both equality policies and gender mainstreaming in order to help those involved in policy development and service delivery to understand and implement gender mainstreaming, in a way in which progress is monitored and those carrying it out are held to account.¹⁹

Further to that the Recommendation 148(2004), the **Resolution 176(2004) of the Congress** calls on local and regional authorities to commit to gender equality and mainstreaming, and to adopt relevant tools and mechanisms to that purpose, particularly gender disaggregated statistics.²⁰ In Ukraine, legal provisions on gender mainstreaming are included in the Law

¹⁶ UN Strategic Results Framework on Women, Peace and Security: 2011-2020, July 2011: http://www.un.org/womenwatch/ianwge/taskforces/wps/Strategic_Framework_2011-2020.pdf

¹⁷ Recommendation CM/Rec(2007)17 to member states on gender equality standards and mechanisms, Committee of Ministers of the Council of Europe, 21 November 2007. Available at [https://wcd.coe.int/ViewDoc.jsp?p=&Ref=CM/Rec\(2007\)17](https://wcd.coe.int/ViewDoc.jsp?p=&Ref=CM/Rec(2007)17)

¹⁸ *Gender mainstreaming: Conceptual framework, methodology and presentation of good practices*, Council of Europe, 2004, Strasbourg, page 41. Available at <https://rm.coe.int/1680596135>

¹⁹ Recommendation 148 (2004) on gender mainstreaming at local and regional level: a strategy to promote equality between women and men in cities and regions, Congress of Local and Regional Authorities of the Council of Europe, 27 May 2004. Available at <https://rm.coe.int/168071a54f>

²⁰Resolution 176 (2004) on gender mainstreaming at local and regional level: a strategy to promote equality between women and men in cities and regions, Congress of Local and Regional Authorities, 27 May 2004. Available at <https://rm.coe.int/16807191f2>

“On Ensuring Equal Rights and Opportunities for Women and Men”²¹ and in legal acts on the establishment of gender equality mechanisms at the national and regional level. However, there are no legal acts supporting the development of gender mainstreaming tools –which is defined in national programmes and strategic documents–, which is one of the most important obstacles for the introduction of gender mainstreaming.

Gender responsive budgeting is one of many tools for gender mainstreaming. The **Resolution 405(2016) of the Congress on gender budgeting**²² encourages national, regional and local authorities to introduce and implement tools and procedures for gender responsive budgeting. In particular, this resolution calls upon local and regional authorities to conduct gender disaggregated analyses of the budget, exchange views and practices with cities and regions that have already adopted gender budgeting methods and to devise mechanisms to consult and involve the civil society. Gender responsive budgeting, as a part of public finance reform in Ukraine, is supported by the project financed and implemented by the Swedish Agency for International Development (SIDA).²³

The **Resolution 391(2015) of the Congress on Fighting the increasing poverty of women: the responsibility of local and regional authorities**²⁴ encourage member states to take gender-based poverty approached and the increasing poverty of women into account when striving for poverty reduction. The economic empowerment of women is regarded a priority area by the Ukrainian government, but there is no gender-responsive poverty reduction programmes. In the Ukrainian context, this is particularly relevant for internally displaced women. The protection of IDP women is recognised in the National Action Plan for the Implementation of the UN Security Council Resolution 1325, but this document was adopted in 2016 and there are no data available yet about conducted projects and policies.²⁵

The **European Charter for Equality of Women and Men in Local Life**,²⁶ drawn up by Council of European Municipalities and Regions (CEMR) in 2006 has been adopted in only one LSG in Ukraine. This charter is highly useful for local authorities as an instrument for political commitment. Signed by mayors, this charter gives clear guidelines to local authorities on actions that should be taken within their competences to ensure equality of men and women (also national minorities, persons with disabilities, IDPs, etc.). Apart from the promotion of gender equality and equal opportunities (campaigns, public spaces, disclaimers), it also emphasises the importance of carrying out gender analyses of local

²¹ Law of Ukraine No. 2866-IV “On Ensuring Equal Rights and Opportunities for Women and Men” of 8 September 2005. Available at <http://zakon2.rada.gov.ua/laws/2866-15>

²² Resolution 405(2016) and Explanatory memorandum on Gender Budgeting, CG31(2016)10final, Governance Committee of the Congress of Local and Regional Authorities, Council of Europe, 21 October 2016. Available at <https://rm.coe.int/1680718ce9>

²³ Website of the Gender Responsive Budgeting in Ukraine Project (“GRB project”): <http://grbproject.org/>

²⁴ Resolution 391(2015) on Fighting the increasing of poverty of women: the responsibility of local and regional authorities, Congress of the Council of Europe, 21 October 2015. Available at <https://rm.coe.int/16807199f1>

²⁵ Order of the Cabinet of Ministers of Ukraine No. 113-r “On the Approval of the National Action Plan on the Implementation of the UN Security Council Resolution 1325 ‘Women, Peace and Security’ for the period to 2020” of 24 February 2017. Available at <http://peacewomen.org/action-plan/national-action-plan-ukraine>

²⁶ The European Charter for Equality of Women and Men in Local Life, Council of European Municipalities and Regions, May 2006, Innsbruck. Available at http://www.ccre.org/docs/charte_egalite_en.pdf

decisions and policies, consultation with men and women on different issues, and the development of gender responsive social services. LSGs are, according to this document, obliged to develop action plans for the implementation of gender equality policies, and are encouraged to develop and exchange good local practices among cities and regions.

Ukraine is also in the process of European integration, and gender equality is a fundamental EU value, objective and core activity.²⁷ The European Union adopted a set of documents in the field of gender equality, including the **EU Gender Action Plan 2016-2020**.²⁸ The EU Gender Action Plan has three thematic pillars and a fourth horizontal pillar, related to overcoming institutional challenges for gender mainstreaming. The three pillars are:

- Ensuring girls' and women's physical and psychological integrity;
- Promoting the social and economic rights / empowerment of girls and women;
- Strengthening girls' and women's voice and participation.

The fourth, horizontal pillar is:

- Shifting the institutional culture to deliver more effectively on EU commitments.

The development and implementation of gender mainstreaming tools are present and continued in the EU international development actions and integration processes.

Ukrainian national legislative framework on achieving gender equality and gender mainstreaming

In order to fulfil international gender and human rights commitments and to ensure equality for all citizens, Ukraine has adopted instruments which forbid discrimination on any grounds and promote equality. Equality between men and women is enshrined in the Constitution, and thus an implicit element in lower legal norms.

According to international, Council of Europe and national frameworks, there are **five key areas of action**:

1. Political participation of women;
2. Combating gender-based violence;
3. Economic empowerment of women;
4. Addressing women's needs in conflict (including IDP women and women in the security sector);
5. Combating gender-based stereotypes and promoting gender equality.

The **Constitution of Ukraine**, as the highest legal act of the country, in its Article 24, grants equal constitutional rights and freedoms for citizens as well as equality before the law.²⁹

²⁷ Strategic Engagement for Gender Equality 2016-2019: http://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/strategic_engagement_for_gender_equality_en.pdf

²⁸ EU Gender Action Plan 2016-2020, <https://europa.eu/capacity4dev/public-gender/minisite/eu-gender-action-plan-2016-2020>

²⁹ Ukrainian legislation on gender equality: <http://www.legislationline.org/topics/topic/7/country/52>

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”.³⁰

The legal and policy framework in Ukraine includes a range of key actions such as: guarantee of equal rights and non-discrimination, equal rights of men and women (particularly in the labour market), protection of pregnant women and motherhood, protection from violence against women, political participation of women, development of gender equality mechanisms and enabling positive actions (especially related to women’s political participation).

The Ukrainian rights-based approach to realising gender equality comprises the **Law No. 2866-IV on Ensuring Equal Rights and Opportunities for Women and Men**, nationwide policies and programmes, the National Action Plan for the Implementation of the UN Security Council Resolution 1325, decrees and other legal norms related to the establishment of gender equality mechanisms, and laws strengthening the protection of women against violence.

Article 3 of the Law “On ensuring Equal Rights and Opportunities for Women and Men” aims to establish gender equality by means of combating gender-based discrimination, ensuring equal participation in decision-making, implementing affirmative measures, and supporting parenthood and balance between career and family.

Article 4 stipulates that any current and new law in Ukraine is subject to gender and legal expert examination, following the procedure established by the Cabinet of Ministers. If it is determined that a legal act does not comply with the principle of ensuring equal rights and opportunities for women and men, that law should be reconsidered by the body which adopted such legal norm.

Article 12 of the same law defines obligations for executive bodies and local authorities in order to ensure gender equality:

- implement national and regional programmes on equal rights and opportunities for women and men;
- create an environment for combining career and family life for both women and men;
- provide for accessible social and household services, including child care, pre-school education and children’s leisure activities;
- organise gender equality education campaigns;
- co-operate with civil society to ensure equal rights and opportunities for women and men;
- make proposals on how to improve legislation related to gender equality;
- foster academic research in gender studies;
- Mainstream gender equality in their activities;
- Take affirmative measures.

³⁰ Ibid.

The Ukrainian government's **Mid-Term Priority Action Plan to 2020**³¹ recognises gender equality as a key principle for an effective governance system, although it does not specify concrete measures, actions or objectives. On 5 April 2017, the Cabinet of Ministers approved the **Concept of the State Social Programme for Equal Rights and Opportunities for Women and Men (2017-2021)**.³² The key challenges identified in this programme which must be addressed are:

- The lack of a gender component in national reforms;
- Low capacity of state authorities to mainstream or implement the principles of equal rights and opportunities for women and men;
- The current system of data collection with regard to gender is imperfect;
- The lack of a comprehensive and legal system to respond to discrimination or gender-based violence;
- The persistence of gender stereotypes.

The **Action Plan for the Implementation of the National Strategy on Human Rights (2015-2020)**³³ defines measures aimed at implementing gender-responsive approaches in the activities of central and local authorities by establishing working groups on gender mainstreaming. The indicators of the working groups' efficiency will be the number of gender-responsive measures and policies implemented.

In June 2017, the Cabinet of Ministers of Ukraine adopted a decree on the establishment of the position of **Commissioner for Gender Equality Policy** and approved the regulations of the said Commissioner.³⁴ The implementation of the decree will contribute to introduce an effective mechanism in the field of gender equality, and to increase the efficiency of actions to grant equal opportunities for women and men. The creation and appointment of a Commissioner for Gender Equality Policy represents an improvement in the understanding of gender equality as a cross-cutting issue and not only matter of social or family policy.

As regards the **National Action Plan for the Implementation of the UN Security Council Resolution 1325** mentioned further above, several regions (oblasts) developed regional action plans for its implementation at local and regional level. The National Action Plan includes six pillars of action:

1. Peacekeeping and peace-protecting activities (analyses, co-ordination and human resources);
2. Women's participation in peace-building;
3. Prevention of conflicts and violence;
4. Protection of women and girls affected by conflicts;
5. Provision of assistance and rehabilitation of people affected by conflicts; and

³¹ Ukrainian government's Mid-Term Priority Action Plan to 2020. Available at <https://www.gov.uk/government/publications/ukraine-government-priority-action-plan-to-2020>

³² Order of the Cabinet of Ministers of Ukraine No. 229-r "On the Approval of the Concept of the State Social Programme on Equal Rights and Opportunities for Men and Women for the period to 2021" of 5 April 2017. Available at <https://www.kmu.gov.ua/ua/npas/249890469>

³³ Order of the Cabinet of Ministers of Ukraine No.1393-p "On the Approval of the Action Plan for the Implementation of the National Strategy on Human Rights for the period up to 2020" of 23 November 2015. Available at <http://www.kmu.gov.ua/control/uk/cardnpd?docid=248740679>

³⁴ Order of the Cabinet of Ministers of Ukraine No. 390 "On the Government Commissioner for Gender Equality Policy" of 7 July 2017. Available at <http://zakon2.rada.gov.ua/laws/show/390-2017-%D0%BF>

6. Monitoring of the National Action Plan for the Implementation of the UN Security Council Resolution 1325 on “Women, Peace and Security” for the period till 2020.

Local and regional authorities are responsible for the monitoring, data collection and needs assessment of women affected by conflicts as well as for enhancing the participation of women in conflict prevention.

Although Ukraine has not ratified the **Council of Europe Convention on preventing and combating violence against women and domestic violence** (the Istanbul Convention),³⁵ there have been changes in legal framework adopted throughout 2017. For instance, the Verkhovna Rada introduced criminal liability for domestic violence, and established mechanisms to protect victims of physical, psychological or economic violence.³⁶ Since 2007, there are legal acts related to combating violence against women and domestic violence, this being the main task of gender equality mechanisms at regional and local levels.

Practice and main challenges

Key measures and objectives on gender equality are defined in the legal and policy framework, but there are gaps in the implementation of institutional tools that will ensure a gender perspective in local policies, women’s participation in public life or the development of targeted measures to improve the position of women. Gender mainstreaming is still not a widespread approach and gender equality is seen as women’s issue or topic. In this perspective, gender equality is not a priority for local and regional authorities, especially in the light of conflict and limited financial resources, and there is a lack of government leadership in this regard.

Gender equality is also seen as an issue of sexual orientation, “new gender roles” and a threat to “tradition”, “family” and other national and religious values. This was also mentioned as an obstacle for the ratification of the Istanbul Convention. For instance, in the opinion of the All-Ukrainian Council of Churches and Religious Organisations, *“the Istanbul Convention and the notions of ‘gender’, ‘gender identity’ and ‘sexual orientation’ in particular may become a tool to promote new ‘gender roles’ and same-sex relationships in Ukraine”*.³⁷

According to a shadow report on Ukraine’s implementation of the CEDAW,³⁸ there is no evaluation of the implementation of the State Social Programme for Equal Rights and

³⁵ Council of Europe Convention on preventing and combating violence against women and domestic violence (CETS No. 210), Council of Europe, 11 May 2011. Available at <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210>

³⁶ “Domestic violence now criminal offense in Ukraine”, *UNIAN*, 7 December 2017. Available at <https://www.unian.info/society/2285764-domestic-violence-now-criminal-offense-in-ukraine.html>

³⁷ “Why ratification of the Istanbul Convention, a tool to prevent domestic violence, is being blocked?”, *Ukraine Crisis Media Center*, 10 March 2017. Available at <http://uacrisis.org/53548-nasylstvo>

³⁸ “NGO alternative report on Ukraine’s implementation of the Convention on the Elimination of All Forms of Discrimination against Women (Eighth periodic report)”, 2016. Available at http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/UKR/INT_CEDAW_NGO_UKR_2_6314_E.pdf

Opportunities for Women and Men until 2016 and only partial descriptive information of results of key line ministries are available to the public. Activities included in the national programme were implemented also by NGOs and were funded by international organisations, without strong co-ordination or co-operation with the relevant ministries. Overall, the co-ordination of the implementation of the State programme until 2016 was weak, and the activities were implemented sporadically.

Gender advisors have been appointed in all of 24 regions (oblasts) but there are still limitations related to their influence on the design and implementation of regional policies. This is partly due to the fact that roles and responsibilities of gender mechanisms (advisors, councils, departments, etc.) are defined in legal acts, but not the responsibilities of other departments and public administration units in co-operation with them or in the implementation of gender equality policies.

There has been no implementation of announced reforms and measures for women from rural areas, representatives of national minorities and women with disabilities either in the State Social Programme or in any legislative initiatives. Gender centres are also established in some regions but their co-operation with local authorities is not regulated. They are not authorised to develop gender equality policies, or monitor of implementation of national and local policies.

Gender equality councils and staff in departments of social, family or youth policy mostly have mandates and actions limited to combating violence against women, with rare co-operation with women's groups. There are no available data on the number of women's groups that provide services to women and that are being supported by the state.

Gender equality programmes are often incorporated in family and children protection policies at the local and regional level.³⁹

Gender advisers and gender equality councils organise public events and campaigns, but without clear messages or defined changes in attitudes or level of awareness on particular issues concerning the position of women or gender equality. Target groups of those campaigns and events are not clearly defined and it is hard to measure the impact of such actions.

It is important to have in mind that obstacles for gender mainstreaming are not only originating from low gender awareness or lack of political will for the implementation of gender equality measures, but also from the process of public policy development in the field and the political reality in Ukraine. There is low transparency and limited consultations with citizens and CSOs, lack of procedures, etc. The on-going reform process is therefore the best opportunity to integrate gender equality and gender mainstreaming tools in newly developed procedures, capacity-building programmes, programme-oriented budgeting, etc.

Support provided by various international entities is aimed at capacity building and it is often sporadic and on an *ad hoc* basis rather than systematic, which hampers the sustainability of knowledge transfer. In some regions (oblasts), training centres for public administration staff

³⁹ For instance, the Zaporizhzhya Oblast carried out a comprehensive regional programme for the rehabilitation and recreation of children, family support, youth, gender parity, and combating human trafficking for 2012-2016. For further information, see <http://zor.gov.ua/content/shistnadcyata-sesiya-shostogo-sklykannya>

have organised training on gender mainstreaming and gender-awareness. Those are not yet part of the official public administration capacity-building programmes, and this will be of utmost importance for the sustainability of knowledge transfer and a more efficient approach to capacity building.

Gender mainstreaming actions and tools have been supported and provided by international actors such as SIDA, CIDA, UN agencies and the OSCE Office for Democratic Institutions and Human Rights (ODIHR). Currently, there is a Gender Responsive Budgeting in Ukraine Project⁴⁰ being implemented with the financial support of SIDA and in co-operation with the Ministry of Finance and line ministries of Ukraine. The project is also implemented at regional level and in different sectors, such as education and science, youth, health, culture, etc. However, there is no available information on actions or results at the local level. At the oblast level, workshops and trainings for women Members of Parliament have been held, and there have been conducted several gender analyses in their communities. In two cities, gender-responsive budget programmes have been adopted.⁴¹

Also, some regions and cities (such as Vinnitsa⁴² and Kharkiv) have elaborated “gender profiles” with the aim to support local gender equality policy development, but there is no officially adopted methodology for the elaboration of gender profiles or their use in policy development or monitoring. As it was already mentioned, a gender impact assessment methodology is going to be developed at the national level, but it is highly important to develop capacities at the local level as well.

There are also programmes and initiatives carried out by associations of local and regional authorities. For instance, the Association of Ukrainian Cities⁴³ has established a Committee on Equal Rights and Opportunities for Women and Men, adopted a Strategy for Equal opportunities and promoted programmes on gender-responsive local economic development. Within the Canada’s Partnership for Local Economic Development and Democratic Governance, various initiatives, for women’s economic empowerment (in particular IDP women) were implemented, including one in Lviv.⁴⁴

The automatised system of local statistics developed by the Association of Ukrainian Cities could be improved with regard to gender disaggregated data, as well as provide additional data related to the position of men and women in priority areas such as social services, violence against women and processing of cases of domestic violence, access to local subsidies in different sectors, etc.

Ongoing reforms in Ukraine and decentralisation create important opportunities for the implementation of international standards and national programmes at the local level

⁴⁰ Website of the Gender Responsive Budgeting in Ukraine Project (“GRB project”): <http://grbproject.org/>

⁴¹ “How Gender Budgeting Changes Lives in Zaporizhia Oblast”, GRB Project, 4 April 2017. Available at <http://grbproject.org/how-gender-budgeting-changes-lives-in-zaporizhia-oblast/>

⁴² In Vinnitsa, a Centre for Mothers and Children was set up in June 2008. This centre, which works as a shelter and provides secure accommodation for women and their children, represents a new setting for women who have suffered domestic violence.

⁴³ Website of Association of Ukrainian Cities: <http://www.auc.org.ua/>

⁴⁴ “Working meeting of the Committee on Equal Rights and Opportunities for Women and Men of Association of Ukrainian Cities”, Partnership for Local Economic Development and Democratic Governance, 30 November 2016. Available at <http://pleddg.org.ua/en/2016/zustrich-komitetu-z-pitan-zabezpechen/>

(especially in newly established amalgamated territorial communities) to ensure the implementation of gender equality policies and institutional mechanisms. Innovative practices and procedures and gender mainstreaming tools and institutional solutions need to be incorporated during the decentralisation process. National associations and NGOs dealing with local self-government issues are key actors in this endeavour.

As part of the decentralisation reform, Local Government Development Centres⁴⁵ have been established. Depending on their activities and mandate, these centres could be important entry points for gender mainstreaming tools, procedures and capacity building at the local level. Training courses for local administration personnel could be organised, and gender equality needs to be integrated and mainstreamed in all the activities carried out by these centres.

⁴⁵ Members of Regional Centres for Development of Local self-government, <http://decentralization.gov.ua/en/lgdc>

PART II – IMPLEMENTATION OF GENDER EQUALITY IN POLITICAL LIFE

International legal and policy framework

The CEDAW, the Beijing Platform for Action, the Convention on Political Rights of Women and other UN documents, as well as Council of Europe instruments on gender equality, emphasise the importance of women's political participation and the obligations of the states to take actions to ensure equal political rights for men and women.

The Council of Europe Recommendation Rec(2003)3 of the Committee of Ministers to member states on balanced participation of women and men in political and public decision making,⁴⁶ builds upon the 1950 Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols as well as the European Social Charter.

This recommendation lists steps to be taken by member states to achieve gender-balanced participation and representation in political and public decision-making.⁴⁷ The Recommendation Rec(2003)3 invites the governments of member states to consider:

- a) taking legislative and administrative measures to make their legislative and policy frameworks more gender balanced and responsive;
- b) supporting, by all appropriate measures, programmes aimed at stimulating a gender balance in political life and public decision making initiated by women's organisations and all organisations working for gender equality. These include supporting and carrying out research, awareness raising and campaigning focusing on leading political actors, as well as analysis of the visibility and portrayal of women in media. Governments should also establish or strengthen national monitoring mechanisms and develop relevant indicators to keep track of women's progress in the area of public and political life.

Nine resolutions of the Parliamentary Assembly of the Council of Europe also discuss the issue of women's political participation. The latest two documents are the Resolution 2111(2016)⁴⁸ and the Resolution 1898(2012),⁴⁹ which assess the impact of measures to improve women's political representation and the role of political parties in women's political representation, respectively.

The Recommendation 390(2016) on women's political participation and representation at local and regional levels represents the latest of the seven texts adopted by the

⁴⁶ Recommendation Rec(2003)3 of on balanced participation of women and men in political public decision making, Committee of Ministers of the Council of Europe, 12 March 2003. Available at <https://rm.coe.int/1680519084>

⁴⁷ As specified in the Appendix to the Recommendation Rec(2003)3, For the purpose of the Recommendation Rec(2003)3, as specified in its Appendix, *"balanced participation of women and men means that the representation of either women or men in any decision-making body in political or public life should not fall below 40%."*

⁴⁸ Resolution 2111 (2016) on Assessing the impact of measures to improve women's political representation, Parliamentary Assembly of the Council of Europe, 21 April 2016. Available at <http://assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?FileID=22745>

⁴⁹ Resolution 1898 (2012) on Political parties and women's political representation, Parliamentary Assembly of the Council of Europe, 3 October 2012. Available at <http://assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?fileid=19134>

Congress of the Council of Europe as regards gender equality.⁵⁰ This recommendation, which reinforces the content of the Committee of Ministers' Recommendation Rec(2003)3, the Council of Europe Gender Equality Strategy 2014-2017⁵¹ and the implementation of the Parliamentary Assembly's Resolution 1706 (2010),⁵² recommends member states to associate measures pertaining to electoral systems and gender quotas with gender-sensitive civic education and action geared to the elimination of gender based stereotypes.⁵³ The Recommendation 390(2016) of the Congress brings up the importance of the Recommendation 273(2009) of the same institution on equal access to local and regional elections, which promotes the idea that *"men and women alternate on lists (with a minimum of one for every three), with financial penalties in the event of non-compliance, and to enable the under-represented sex to attain positions of responsibility within the executive bodies of municipalities and regions"*.⁵⁴

The Committee of Ministers of the Council of Europe will launch the **new Council of Europe Gender Equality Strategy 2018-2023** in May 2018. It will build upon the legal and policy *acquis* of the Council of Europe as regard gender equality and upon the achievements of the preceding strategy for 2014-2017. The new strategy will have six objectives:⁵⁵

1. Prevent and combat gender stereotypes and sexism;
2. Prevent and combat violence against women and domestic violence;
3. Ensure equal access of women to justice;
4. Achieve a balanced participation of women and men in political and public decision-making;
5. Protect the rights of migrant, refugee and asylum-seeking women and girls;
6. Achieve gender mainstreaming in all policies and measures.

This new Strategy, and in particular its fourth strategic objective, will support member states to achieve a gender-balanced participation and representation in political and public life in any decision-making body through the implementation of gender mainstreaming strategies and policies. In addition, the Council of Europe will continue to monitor the implementation of the Committee of Ministers' Recommendation Rec(2003)3; encourage and facilitate women's participation in elections at national, regional and local levels; and empower both women candidates and elected officials (including women from marginalised groups). This will include measures and good practices that promote gender equality in relation to electoral systems, gender-sensitive functioning of decision-making bodies, setting parity thresholds, adoption of effective quota laws and voluntary party quotas, and the regulation of political parties (including public funding).

⁵⁰ Recommendation 390(2016) on Women's political participation and representation at local and regional levels, Congress of Local and Regional Authorities, Council of Europe, 20 October 2016. Available at <https://rm.coe.int/1680767218>

⁵¹ Council of Europe Gender Equality Strategy 2014-2017: <https://rm.coe.int/1680590174>

⁵² Resolution 1706 (2010) on Increasing women's representation in politics through the electoral system, Parliamentary Assembly of the Council of Europe, 27 January 2010. Available at <http://assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?FileID=17809>

⁵³ Op. cit. Recommendation 390(2016) of the Congress of the Council of Europe, 20 October 2016.

⁵⁴ Recommendation 273 (2009) on Equal access to local and regional elections, Congress of Local and Regional Authorities, Council of Europe, 15 October 2009. Available at <https://rm.coe.int/168071a5db>

⁵⁵ Draft Council of Europe Gender Equality Strategy 2018-2023, GEC(2017)2 Final, Gender Equality Commission, Council of Europe, 16 November 2017. Available at <https://rm.coe.int/168076b535>

Furthermore, the **European Charter for Equality of Women and Men in Local Life**⁵⁶ pays special attention to the political participation of women not only in formal decision-making positions, but also in informal and consultative processes with citizens and various groups and organisations. This Charter calls upon LSGs to take action to motivate and engage women in public discussions, consultative processes and formal decision making bodies.

Ukrainian national legislative framework for equal participation of men and women in political life

While the Constitution refers to the need to ensure women with opportunities equal to those of men, it omits to highlight specific measures to be taken to ensure a balanced representation of men and women in elected office.

According to Article 7 of the 2005 **Law No. 2866-IV on Ensuring Equal Rights and Opportunities of Women and Men**, *“state and local authorities, enterprises, organisations, institutions and associations of citizens shall facilitate a gender-balanced representation in management and decision making processes. They may apply positive actions to achieve the aim of this Law”*.⁵⁷

Ensuring equal rights and opportunities for women and men in social and political spheres has its normative framework in Article 15 of the Law, which guarantees equal voting rights and opportunities of women and men. The Law on Ensuring Equal Rights and Opportunities of Women and Men also specifies the obligation of political parties and electoral blocs to *“provide for the representation of women and men in the corresponding electoral lists during the nomination of candidates for people’s deputies of Ukraine in the national multi-mandate constituency”*,⁵⁸ while the election commissions will control the fulfilment of this requirement. This law also prohibits discrimination grounded on gender in public service and obligates managers of state and local authorities to provide equal access to citizens to public service and to guarantee that any promotion is based on qualifications and professional education, irrespective of the candidate’s sex. Finally, the Law also specifies that *“positive actions may be taken in order to achieve a balanced representation of women and men in public service stipulating categories of positions”*.⁵⁹ Equal voting rights are also guaranteed in Article 3, paragraph 5, of the Law No. 4061-VI on Election of the People’s Deputies of Ukraine, which includes the *“prohibition of candidates’ privileges or restrictions based on [...] gender [...] or other grounds”*.⁶⁰

The application of quotas for underrepresented gender has been discussed in Ukraine over the last decade. The **State Social Programme for Equal Rights and Opportunities for**

⁵⁶ European Charter for Equality of Women and Men in Local Life, Council of European Municipalities and Regions (CEMR), May 2006. Available at http://www.ccre.org/docs/charte_egalite_en.pdf

⁵⁷ Ukrainian legislation on gender equality: <http://www.legislationline.org/topics/topic/7/country/52>

⁵⁸ Ibid.

⁵⁹ Ibid.

⁶⁰ Law No. 4061-VI on Election of the People’s Deputies of Ukraine, 17 November 2011. Available at http://www.legislationline.org/download/action/download/id/4195/file/Ukraine_Parliamentary_Election_Law_2011_English.pdf

Women and Men 2014-2016 included actions such as submitting a draft law on 30% quotas for women candidates and introducing gender monitoring of parliamentary elections.

Before that, the 2012 parliamentary election campaign aimed to introduce a gender quota, but faced opposition and failed to garner support in the Verkhovna Rada. A 2014 amendment to the **Law No. 2365-III on Political Parties in Ukraine**⁶¹ prescribed a 30% quota requirement in electoral party lists for the underrepresented gender. Since quota provisions introduced are declarative in nature and don't include sanctions for failure to nominate a minimum of 30% of the underrepresented gender, the Central Election Commission (CEC) failed to register parties which did not meet the new standards.

The **Law No. 595-VIII on Local Elections**,⁶² adopted in 2015, requires parties to include at least 30% of women and men among the candidates of their list. This law gives the power to the electoral commissions to remove any political party under their jurisdiction that does not comply with the aforesaid quota. Although this was a step forward, this law doesn't provide sanctions for parties not fulfilling the quota, and therefore the parties' refusal to comply with the party-level gender quota in the 2015 local elections didn't lead to any sanctions.

Possible opening might come due to the **Law No. 731-VIII on Introducing Certain Changes to Legislative Acts of Ukraine in Connection with the Prevention of and Counter-Action against Political Corruption**⁶³ adopted in October 2015, which amends the Law No. 2365-III on Political Parties in Ukraine, as it provides for an additional allocation of 10% of the total amount of the annual public funding for political parties in which one of the two genders does not exceed two thirds of the total number of their elected Members of Parliament. This provision is expected to come into effect after the next parliamentary elections.

Practice and main challenges

There are 52 women Members of Parliament out of 423 members of the Verkhovna Rada of Ukraine.⁶⁴ Ukraine has 17 ministries, of which only two women hold ministerial positions (Ministers of Education and Science, and of Health).⁶⁵ Out of six deputy prime ministers, one woman is in charge of European and Euro-Atlantic integration.⁶⁶ Ukraine's path to gender parity seems long and curvy. If we look at the figures, as of 1 December 2017, the average percentage of women Members of Parliament is at 27.3% in the 57 countries in the OSCE

⁶¹ Law No. 2365-III on Political Parties in Ukraine, 5 April 2001. Available at <http://www.legislationline.org/download/action/download/id/6198/file/Law%20on%20Political%20Parties%20in%20Ukraine%20October%202015.pdf>

⁶² Law No. 595-VIII on Local Elections, 14 July 2015. Available at <http://zakon5.rada.gov.ua/laws/show/595-19/print1443627162153862>

⁶³ Law No. 731-VIII on Introducing Certain Changes to Legislative Acts of Ukraine in Connection with the Prevention of and Counter-Action against Political Corruption, 8 October 2015. Available at <http://zakon2.rada.gov.ua/laws/show/731-viii>

⁶⁴ Women in National Parliaments (situation as of 1 December 2017), Inter-Parliamentary Union. Available at <http://archive.ipu.org/wmn-e/classif.htm>

⁶⁵ Cabinet of Ministers of Ukraine: <https://www.kmu.gov.ua/ua/team>

⁶⁶ Ibid.

region.⁶⁷ In the 47 member states of the Council of Europe, men still represent on average approximately three quarters of the members of national governments and parliaments.⁶⁸ Figures for Ukraine show a significantly lower number of women Members of Parliament - 12.3% in the Verkhovna Rada which placed the country in the 142nd place out of 193, following the 2014 elections.⁶⁹

According to a report prepared by the Ukrainian Helsinki Human Right Union on women's rights and gender equality in Ukraine, women's representation in electoral lists of 22 regional councils consisted of 15% women, while in city councils it consisted of 18.1% women. The threshold of 30% was overcome only in one city council and in none regional council. Such index is not proportional to the representation of women in electoral lists, which shows a lack of readiness of political parties to actually support women in elections. In addition, the parties' governing bodies are not gender balanced both at central and regional levels. Women head only 12.8% of regional branches. Among 214 city councillors and 252 regional councillors elected in the 2015 local elections, there were only 6.1% and 5.9% of women, respectively, as leaders of party lists.⁷⁰

These numbers also imply that Ukraine has not been successful in meeting the 30% target of the 1995 Beijing Platform for Action or the Council of Europe target of 40%.⁷¹ However, this is only one aspect of advancing women's political participation. Namely, numerical representation should be accompanied with substantive changes before meaningful progress is observed.

Gender equality issues are often narrowed to combating of domestic violence or to family policies, and motherhood is still a dominant concept over parenthood. On top of that, childcare and family roles are seen as the main obstacle for women's political participation.

In the area of women's political empowerment, Ukraine has been recommended to *“adopt a global strategy based on targeted measures, including training, gender-sensitive recruitment and special measures, including temporary special measures, to ensure that women are appointed to decision-making positions at both national and local levels, on an equal footing with their male counterparts”*.⁷² The country is also expected to *“place high priority on the meaningful and inclusive participation of women at all stages of the peace process and in all reconstruction initiatives, as well as in transitional justice processes, in particular decision-making, at the national and local levels, and develop capacity-building programmes for women seeking to participate in such processes”*.⁷³ Addressing the root causes of the weak

⁶⁷ Women in National Parliaments (situation as of 1 December 2017), Inter-Parliamentary Union. Available at <http://archive.ipu.org/wmn-e/world.htm>.

⁶⁸ Achieving Balanced Participation of Women and Men in Political and Public Decision-Making, Council of Europe: <https://www.coe.int/en/web/genderequality/balanced-participation>

⁶⁹ Women in National Parliaments (situation as of 1 December 2017), Inter-Parliamentary Union. Available at <http://archive.ipu.org/wmn-e/classif.htm>

⁷⁰ Women's rights and gender equality in Ukraine, Ukrainian Helsinki Human Rights Union, 25 April 2016. Available at <https://helsinki.org.ua/en/women-s-rights-and-gender-equality-in-ukraine/>

⁷¹ Recommendation Rec(2003)3 of on balanced participation of women and men in political public decision making, Committee of Ministers of the Council of Europe, 12 March 2003. Available at <https://rm.coe.int/1680519084>

⁷² "Concluding observations on the eighth periodic report of Ukraine", CEDAW/C/UKR/CO/8, Committee on the Elimination of Discrimination against Women, United Nations, 9 March 2017. Available at <http://undocs.org/CEDAW/C/UKR/CO/8>

⁷³ Ibid.

implementation of existing temporary special measures and adopting legislation to encourage the use of temporary special measures covering both the public and private sectors is another recommendation of the Committee which requires attention from the Ukrainian Government at all levels.

The CEDAW Committee has also expressed concerns for the *“persistence in political discourse, in the media and in society of deep-rooted patriarchal attitudes and discriminatory stereotypes concerning the roles and responsibilities of women and men in the family, which perpetuate women’s subordination within the family and society”*.⁷⁴

“There was a lot of gossip and people telling me to go back to the kitchen and cook borscht” and *“Men do not talk to you they talk to other men”* are two representative examples that sum up several challenges that aspiring and elected women politicians are faced with.⁷⁵ It is not only that women are not wanted in public life and involved in politics, but also they are pushed (back) to the kitchen and told to focus on ‘their’ housework. Politics is still seen as a men’s area where women are irrelevant as subjects and active participants.

These findings provide a snapshot of women’s rights in Ukraine and, more importantly, underline the need to use a more holistic approach to address ongoing challenges such as gender-based stereotypes and persistent gender inequalities, along with a lack of interest in political parties to be key agents of change for advancing women’s participation in public and political life of Ukraine from local over regional to national level.

⁷⁴ Ibid.

⁷⁵ *Women’s Political Representation in the Eastern Partnership Countries*, Council of Europe, November 2016, Strasbourg, page 37. Available at <https://rm.coe.int/16806c3fa5>

PART III – TOOLS AND RECOMMENDATIONS FOR LOCAL AUTHORITIES

Newly established gender equality mechanisms at the national level, the legal framework and various projects in the field of gender equality, together with the development of women's movement and NGOs, are key components for the implementation of gender equality policies in Ukraine. What is lacking the most are institutional procedures to ensure gender mainstreaming of different local policies, particularly those related to IDPs, the economic empowerment of women, Roma and women from national minorities, coordination and monitoring of the implementation of national policies and measures at the local level, functional gender equality mechanisms and capacities in the public administration. The understanding of gender issues as a matter of development and good governance, instead of a women's or feminists issue, needs to be promoted in order to ensure political will and to provide a rational approach to political parties with a bias against women's political participation and representation. Small-scale interventions and successful stories could be good promoters of gender mainstreaming and its importance with regard to citizen participation and local policies. Family policies, on the other hand, are an important field for gender transformative interventions, particularly for work-life balance and the deconstruction of traditional gender roles.

1. Gender mainstreaming tools

Gender analysis is one of the most important tools for gender mainstreaming, but also for the empowerment of women's organisations and raising awareness among decision-makers. Besides conducting gender analyses, dissemination of results is also very important, since it could inspire other actors in other regions and cities to conduct analyses or to create gender equality measures. Gender equality profiles are significant, but somewhat too ambitious for the current Ukrainian self-government context. Gender analyses could be conducted for specific sectors or programmes, such as education, sport, agriculture production, economic development programmes, availability of childcare services, etc. Results of such analyses could also help to put some issues on the gender agenda.

There are numerous methods and approaches to gender analysis, but the 3R Method, developed in Sweden, is simple and powerful enough.⁷⁶ This approach consists in collecting and analysing data on the **R**epresentation of men and women (throughout the decision-making process), the division of **R**esources (particularly financial, by gender) and the **R**eality (gender biases and relations that influence the current situation or gender relations in a particular field and which need to be targeted in interventions and programmes in order to support gender equality).

In order for Ukrainian authorities to be able to draft gender-sensitive legislation and policies relevant for any territorial unit in Ukraine, collecting sex-disaggregated data and making them available is one of the key steps in gender mainstreaming. Data should also be collected and disaggregated on the basis of ethnicity in order to examine differences between representation of majority and minority women and men.

⁷⁶ 3R Method, supported by the Swedish Association of Local Authorities and Regions: <http://www.includegender.org/toolbox/map-and-analyse/3r-method/>

Sex-disaggregated data should also be used in gender responsive budgeting initiatives but these data should also be developed and disseminated through associations and networks of local authorities and ministries. Local acts that regulate the collection of gender-disaggregated data and its use in policy development need to be adopted.

Consultations with gender experts could be organised with the aim to identify current gaps in available data, particularly related to priority areas.

Gender-responsive needs assessments are needed prior to the development of policies and programmes. Areas of concern are, for instance, the specific needs of internally displaced women or the position of rural women, that need to be further examined in order for local authorities to develop support measures.

2. Local resources and capacities

The roles and purposes of **gender equality mechanisms** need to be better defined in the process of public administration reform and in co-operation with associations of local and regional authorities. Also, it is important to define gender equality as a part of the local authorities' portfolio, in order to ensure administrative capacities for the implementation of gender equality policies.

There are local gender equality mechanisms in place, but they need to be improved in order to be able to mainstream gender equality and to co-ordinate the development and implementation of local measures. National human rights programmes include the establishment of gender mainstreaming co-ordination boards. However, what is particularly important is to include public administration staff and representatives of executive authorities in those bodies, and to arrange procedures for co-operation with councillors and women's organisations.

In local and regional **training centres** and programmes for public administration capacity building, gender mainstreaming and gender equality awareness-raising education packages should be integrated and made mandatory for public administration staff.

Capacity building could also be provided to women's organisations on policy monitoring and fostering local women's dialogues in the community.

The **network and community of gender experts** and specialists should be expanded in order to provide advisory support to local authorities.

3. Development of local action plans and gender equality policies

Local gender equality policies are important for at least four reasons: first, it enables financing gender equality actions and gender responsive budgeting if local priorities are defined; second, it provides a selection of nationally defined measures that could be implemented at the local level; third, it provides answers to specific gender issues relevant for the local community and gender targets in other policies implemented by local authorities

annually; and fourth, it is necessary for the monitoring of activities and changes in the position of women and gender equality.

It is also a challenge but highly important to integrate gender equality and gender responsive objectives and activities in the portfolios of different sectors/departments in processes of budgeting. This could resolve challenges related to additional financial means needed for gender equality.

The European Charter for Equality of Women and Men in Local Life needs to be promoted in Ukraine, and local authorities could be supported in the development of local action plans but also financially to implement small-scale activities that will involve local community and increase local activism.

4. Promotion of gender equality, gender mainstreaming and deconstruction of gender stereotypes

Gender stereotypes are strong among the general population and decision-makers. The promotion of gender mainstreaming as a principle of good governance is needed. Examples of good practices of gender analysis or gender equality policies and programmes could be promoted.

Clear and targeted messages for a particular local community and related to parenthood and the role of fathers could be developed and promoted. Gender stereotypes should be avoided in visual communication, and messages published by local authorities and thematic campaigns could be organised and planned within action plans.

A partnership between men and women in gender equality is needed, but not only through awareness-raising campaigns, but also by involving men in parenthood and promoting the role of fathers, affirmative measures for men and boys in family economy, or quotas for boys in traditionally female education programmes.

Local media could have a significant role not only in the promotion of gender equality, but also in informing citizens about actions and policies taken by local authorities. Furthermore, the media can increase the awareness of women about their rights and against gender discrimination.

Local authorities could establish awards or dedicate financial resources to develop media materials for the deconstruction of gender stereotypes.

5. Promotion of women's political participation

The political participation of women could be increased by introducing quotas at the level of political parties. What is also important is to promote the political participation of women and to work on the development of women's leadership.

Local decisions and declarations on gender equality that require at least 40% of women could be adopted by local authorities.

Mentorship could also be established as a capacity building programme for women politicians. A network of local councillors could be a good framework to exchange ideas and good practices, capacity building and empowerment of women politicians. In that regard, co-operation between networks of local councillors and the Equal Opportunities Caucus of the Verkhovna Rada could be strengthened and significant for advocacy campaigns at different levels and to co-ordinate actions.

Visibility of elected women through networks and caucus is important, therefore additional support to such networks needs to be provided through gender expertise, consultations and co-operation with women's organisations.

Practices that need to be established and supported at the local level are consultations with men and women about local priorities. In this process, separated meetings with women should be organised in order to identify priorities and opportunities that could be tackled in local policies.

Women's organisations, as providers of social services, particularly –but not exclusively– those organisations against gender-based violence, need to be supported by local budgets.

Also, women's activism in local rural communities must be increased in order to contribute to a long-term empowerment of women in decision-making.

ANNEX I – Examples of good practices

Examples of good practices were presented during the workshop “Gender equality at local level: challenges and opportunities in Ukraine” held on 21-22 February 2018, in Kyiv, and organised jointly by the Congress and the Association of Ukrainian Cities (AUC).

Four practical examples of means and ways to introduce a gender perspective in local policies and promote gender equality at local level were introduced by Semra AMET, Project Assistant on Gender issues, Network of Associations of Local Authorities of South-East Europe (NALAS), Carmen CASTELLUCCIO, Equal Opportunities Office, National Association of Italian Municipalities (ANCI), Meija TUOMINEN, Planning officer, Citizen Services of the City of Vantaa, Finland, and Birgitta ROOS, Chief Executive of the City of Gothenburg, Sweden.

Finland

The “Act on Equality between Women and Men”, adopted in 1997, applies to all areas of responsibilities of municipalities: administration and decision-making, residents and their services, municipalities as educational organisers, educational structures and municipalities as an employer. Municipalities must prevent discrimination, promote equality in a systematic and objective manner, and comply with the quota rules.

The Association of Finnish Local and Regional Authorities (ALFRA) developed a manual “Time for gender equality” targeting both elected representatives and citizens. This manual encourages elected representatives and officeholders to adopt the CEMR Charter for Equality of Women and Men in Local Life and translate its principles into practice.⁷⁷

ALFRA focuses on seven main tasks:

- it lobbies at the national level to induce the government in law drafting, on national programmes and activities;
- it brings support to municipalities with Gender Equality networks (one or two meetings per year), Gender Equality Forum for politicians, and to promote the CEMR Charter for Equality of Women and Men in Local Life;
- it manages co-operation with national stakeholders, with European peers and with Nordic associations;
- it develops projects with municipalities, Finnish, Nordic and European partners;
- and finally it disseminates information through studies, statistics and guide books such as the manual “Time for gender equality”.

The city of Vantaa drafted a city plan for 2017-2020, according to the Finnish Law on gender equality adopted in 1986, with three interlinked sections:

- a workbook which includes relevant laws, evaluation of past strategies implemented by the cities, methods and tools to promote equality and non-discrimination, glossary and guidelines for local politicians;
- a section on decision-making and service processes, which targets citizens and defines the expected impacts on the city. This section recalls previous good practices

⁷⁷ The European Charter for Equality of Women and Men in local life. Available at: http://www.ccre.org/docs/charte_egalite_en.pdf

implemented, underlines what needs to be improved, and focuses on new priority areas; and

- a section on municipal staff, which proposes indicators to monitor how the municipality complies with the Finnish Law on gender equality, and includes gender disaggregated statistics for fixed-term contracts, age, and salary distribution.

Italy

In Italy, following the local elections held in June, one out of three local councillors is a woman. In addition, as of 31 December 2017, 33% of administrators were women.

The National Association of Italian Municipalities (ANCI) designed the National Strategic Plan 2017-2020 on male violence against women, which follows closely the Istanbul Convention on preventing and combatting violence against women and domestic violence of the Council of Europe.

ANCI pursued its work on gender equality by signing a protocol with the Women on the Network against violence (D.I.R.E) to promote and develop actions, projects or initiatives aimed at preventing and combatting male violence against women by implementing awareness and information actions on gender violence. A second protocol was signed with the Advertising Self-Regulation Institute to tackle sexist advertising on local billboards. This protocol encourages advertisers to adopt models of commercial communication that do not contain images or representations of violence against women, protect the dignity of women and avoid the use of offensive gender stereotypes.

Furthermore, ANCI created a CATALOG containing analysis and hundreds of good practices on anti-violence, welfare, youth policies and female employment.

In the area of anti-violence, the city of Naples, developed anti-violence centres with reception and psychological counselling activities for women in difficulty and their children.

To develop welfare and youth policies, the city of Carpi launched a communication path in the fight against gender violence that involves students in the role of facilitators.

The city of Verona, in the field of female employment, set up a “GENERA-LAB” project which focuses on social inclusion and co-working with migrant women.

Network of Associations of Local Authorities of South-East Europe (NALAS)

NALAS is a network of associations which represent together 9 000 local authorities in South-East Europe. It aims to improve decentralisation and the role of local government, and to strengthen government authorities. In 2016-2017, around 29,9% of the municipal councillors in South-East Europe are women. Women represent 20% of NALAS General Assembly and 61% of the staff.

NALAS promotes the implementation of the CEMR Charter for Equality of Women and Men in Local Life. In this regard, in 2016, the General Assembly adopted a policy position to promote gender equality at local level. In addition, at an operational level, NALAS proposes an e-learning course “Introduction to gender mainstreaming at local level”, and developed a methodology to strengthen gender perspective in local service. NALAS organises regularly the “GENiYOUTH Municipal initiatives Awards”, which rewards good practices of inclusion of women and young people in communities.

Sweden

The Swedish Association of Local Authorities and Regions (SALAR) developed a fifteen minutes video “SALAR Starter Kit for Sustainable Gender Equality”, which introduces the concept of gender mainstreaming, and presents good practices for local authorities to integrate a gender perspective in their practices and procedures.⁷⁸

The city of Göteborg developed a strategic plan to become an equal city. This involves reducing disparities in living conditions and ensuring a socially sustainable development. More specifically, Göteborg identified five objectives to become an equal city:

- promoting gender equality in early life (from 0 to 6 years) and during school years (from 6 to 18 years);
- developing equal preconditions for employment for women and men;
- developing equal and sustainable environments and communities;
- promoting and implementing trust, participation and influence.

⁷⁸ “SALAR Starter Kit for Sustainable Gender Equality”. Available at: <https://www.youtube.com/watch?v=xYikioYiilU>

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