

*APPROVED BY
Decree of the Ministry of Justice of Ukraine
No. 42/5 of 12 May 2006*

INSTRUCTION ON CONDUCTING GENDER AND LEGAL EXPERT EXAMINATION

1. General Provisions

1.1. This Instruction defines the procedure for conducting a gender and legal expert examination of the current legislation and draft legal acts in order to determine whether it complies with the principle of ensuring the equal rights and opportunities of women and men.

1.2. The tasks of the gender and legal expert examination shall include:

Comprehensive research of the current legislation and draft legal acts to determine whether they comply with international legal acts on human rights insuring equal rights and opportunities of women and men;

Preparation of substantiated conclusions on the compliance of the current legislation and draft legal acts with the principle of ensuring equal rights and opportunities; and

Preventing the adoption of legal acts which contain provisions on sexual discrimination.

2. Gender and Legal Expert Examination of the Current Legislation

2.1. Gender and legal expert examination of legislative acts shall be conducted to determine whether or not they comply with the principle of ensuring the equal rights and opportunities of women and men.

2.2. Gender and legal expert examination of legislative acts shall be conducted in accordance with the annual plan approved by the coordinator on ensuring the equal rights and opportunities of women and men.

The plan for conducting gender and legal expert examination of legislative acts in a given year shall be prepared on the basis of proposals submitted in the preceding year by the Ministry of Justice (Department of Social, Labour and Humanitarian Legislation) from state and local authorities, enterprises, institutions and organizations irrespective of their form of ownership and citizens. The plan shall be approved by 31 December.

2.3. In the event it is determined that a legal acts does not comply with the principle of ensuring equal rights and opportunities of women and men, the Ministry of Justice shall write up a report of the gender and legal expert examination of the legal act and submit it to the body that adopted it.

A copy of this report shall also be sent to a specially authorized central executive body on ensuring the equal rights and opportunities of women and men.

2.4. The Ministry of Justice may engage specialists working for state authorities, enterprises, institutions, organizations, experts of international organizations and representatives of non-government organizations to conduct a gender and legal expert examination of the current legislation in accordance with the established procedure.

3. Gender and Legal Expert Examination of Draft Legal Acts

3.1. A gender and legal expert examination of draft legal acts shall be a part of the legal examination.

3.2. Gender and legal expert examination of draft legal acts shall assess the compliance of a draft with provisions of international and legal acts on human rights in terms of ensuring equal rights and opportunities of women and men.

3.3. The results of a gender and legal expert examination of draft legal acts shall be presented in the report of the Ministry of Justice together with the results of a legal examination of draft legal acts. The report shall contain a general conclusion concerning the compliance of provisions of the draft legal acts with international legal acts on equal rights and opportunities of women and men. If the provisions of the draft do not comply with the principle of ensuring equal rights and opportunities of women and men, proposals shall contain possible ways of further improvement of the draft.

**Head of the Department
of Social, Labour and
Humanitarian Legislation**

O. Toporova

CONCLUSION
Of a Gender and Legal Expert
Examination of the Legislative Act

(Name, details of the act and name of the
authority that adopted the act)

**1. The list of international legal acts used
in the course of expert examination**

In the course of conducting a gender and legal expert
examination, the following legislative acts must be
used:

Universal Declaration of Human Rights, 1948;

International Covenant on Civil and Political Rights,
1966;

Charter of the United Nations, 1945;

Declaration on the Elimination of Discrimination against
Women, 1967;

UN Convention for the Suppression of the Traffic in
Persons and the Exploitation of the Prostitution of Others,
1949;

Convention on the Elimination of All Forms of Discrimination against Women, 1979;

Convention on the Protection of Human Rights and Fundamental Freedoms, 1950;

and the Beijing Declaration, 1995.

2. General characteristics of the analyzed legal acts from the point of view of gender discrimination

It is imperative to indicate how the gender aspect is covered by the legislative act.

3. Grounds for the need for amendments to the legislative act

Special provisions of the legislative act requiring changes, its substantiation and other measures that contribute to improving legal act in a relevant sphere should be envisaged if necessary.

4. Name of the structural subdivision of the Ministry of Justice that conducted the examination

Minister of Justice

(Signature)

(Name)