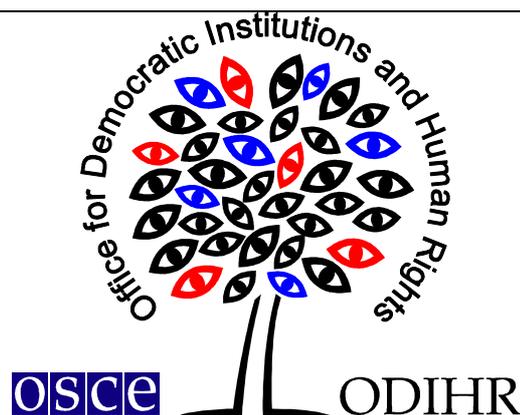


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**OPINION ON DRAFT AMENDMENTS TO ENSURE
EQUAL RIGHTS AND OPPORTUNITIES
FOR WOMEN AND MEN
IN POLITICAL APPOINTMENTS IN UKRAINE**

based on an unofficial English translation of the draft amendments

OSCE Office for Democratic Institutions and Human Rights
Ulica Miodowa 10 PL-00-251 Warsaw ph. +48 22 520 06 00 fax. +48 22 520 0605

OSCE/ODIHR Opinion on Draft Amendments to Ensure Equal Rights and Opportunities for Women and Men in Political Appointments in Ukraine

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Annex 1: Draft Amendments to the Law “On Ensuring Equal Rights and Opportunities for Women and Men” and to the Law “On the Cabinet of Ministers” of the Republic of Ukraine

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I. INTRODUCTION

1. *On 21 November 2013, the Director of the OSCE Office for Democratic Institutions and Human Rights (hereinafter “OSCE/ODIHR”) received a letter dated 14 November 2013 from the Committee on Human Rights, National Minorities and International Relations of the Ukrainian Parliament and the Equal Opportunities Inter-Faction Union, requesting OSCE/ODIHR to review draft amendments to the Law “On Ensuring Equal Rights and Opportunities for Women and Men” and to the Law “On the Cabinet of Ministers of Ukraine” (hereinafter “the Draft Amendments”).*
2. *On 25 November 2013, the OSCE/ODIHR Director responded to this request, confirming his Office’s readiness to prepare a legal opinion on the compliance of the Draft Amendments with OSCE commitments and international gender equality standards.*
3. *This Opinion was prepared in response to the above-mentioned request.*
4. *The OSCE/ODIHR conducted this assessment within the mandate established by the OSCE Action Plan for the Promotion of Gender Equality,¹ which states that “[t]he ODIHR, in co-operation with other international organisations and relevant national bodies and institutions, will assist OSCE participating States in complying with international instruments for the promotion of gender equality and women’s rights, and in reviewing legislation to ensure appropriate legal guarantees for the promotion of gender equality in accordance with OSCE and other commitments.”*

II. SCOPE OF REVIEW

5. *The scope of the Opinion covers only the draft amendments to the Law “On Ensuring Equal Rights and Opportunities for Women and Men” (hereinafter “the Gender Equality Law”) and to the Law “On the Cabinet of Ministers of Ukraine”, submitted for review. Thus limited, the Opinion does not constitute a full and comprehensive review of the entire legal framework governing gender equality in Ukraine.*
6. *The Opinion raises key issues and indicates areas of concern. The ensuing recommendations are based on international gender equality standards and good practices, as found in the international agreements and commitments ratified and entered into by the Republic of Ukraine. In particular, the Opinion bears extensive reference to the UN Convention on the Elimination of all Forms of Discrimination against Women (hereinafter “the CEDAW”) and General Recommendations made*

¹ OSCE Ministerial Council Decision MC DEC/14/04 on the 2004 OSCE Action Plan for the Promotion of Gender Equality, 7 December, 2004, Chapter 4, par 44.

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- by the UN Committee on the Elimination of Discrimination against Women (hereinafter “the CEDAW Committee”).²
7. The Opinion is based on an informal English translation of the Draft Amendments, which is attached to this document under Annex 1. Errors from translation may result.
 8. In view of the above, the OSCE/ODIHR would like to make mention that this Opinion is without prejudice to any written or oral recommendations and comments to the Draft Amendments and related legislation that the OSCE/ODIHR may make in the future.

III. EXECUTIVE SUMMARY

9. Overall, the OSCE/ODIHR welcomes the Draft Amendments’ genuine attempt to introduce provisions to selected legislation to achieve a more balanced representation of women and men in political offices, which is in principle a laudable step. At the same time, for these measures to be effective, they would benefit from certain revisions and additions, particularly with regard to the proposed gender ratio, as well as in terms of mechanisms to ensure compliance with gender equality requirements and monitor implementation.
10. In order to ensure full compliance of the Draft Amendments with international standards, the OSCE/ODIHR recommends as follows:

1. Key Recommendations

- A. to clarify the meaning of the terms “appointment to political offices” or “political appointments” in the amended Article 16 of the Gender Equality Law as follows:
 - 1) specify whether this refers to political offices at the national, regional and/or local levels; [par 21]
 - 2) clarify the situations where an appointment qualifies as “appointment to political offices” or “political appointments”, and make reference to, and possibly amend, relevant legislation governing appointment modalities; [pars 21 and 24]
 - 3) expressly state, as appropriate, whether these terms shall also apply to the appointment to specific advisory councils, executive boards of public

² UN Convention on the Elimination of all Forms of Discrimination against Women (hereinafter “the CEDAW”), adopted by General Assembly resolution 34/180 on 18 December 1979. Ukraine ratified the CEDAW on 12 March 1981 and the Optional Protocol to the CEDAW, on 26 September 2003. By ratifying the Optional Protocol, a State recognizes the competence of the Committee on the Elimination of Discrimination against Women - the body that monitors States Parties’ compliance with the Convention - to receive and consider complaints from individuals or groups within its jurisdiction.

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authorities or companies, and consultative commissions and/or committees; [pars 22-23]

- B. to replace the gender ratio of 30% in the proposed amendment to Article 9 of the Law “On the Cabinet of Ministers of Ukraine” with a staggered gender ratio ranging from 30% to full gender equality, coupled with a staggered timeline; [pars 30-31]
- C. to introduce into the Gender Equality Law a provision which provides women, on equal terms with men and without any discrimination, with the opportunity to represent their government at the international level and to participate in the work of international organizations; [par 25]

2. Additional Recommendations

- D. to consider introducing, into the Gender Equality Law and other relevant legislation, an obligation for public bodies or organizations nominating candidates for appointment, to always propose two candidates, a woman and a man; [par 27]
- E. to clarify in Article 24 of the Gender Equality Law the nature of sanctions for non-compliance with legal measures aimed at ensuring gender equality, particularly as regards the “appointment to political offices”, e.g. annulment of the appointment; [pars 34-35]
- F. to designate in the Gender Equality Law and in the Law “On the Cabinet of Ministers of Ukraine”, an independent institution that would be in charge of monitoring compliance with provisions relating to balanced participation in political and public life; [par 36]
- G. to introduce into the Draft Amendments an obligation, for a designated entity, to report every other year to the Verkhovna Rada of Ukraine and to the CoE Committee of Ministers on progress in achieving balanced participation, and to make the report public; [par 37] and
- H. to discuss and consider adopting, in relevant legislation, additional provisions/measures, including temporary special measures, to achieve equality between men and women in political and public life. [pars 39-40]

IV. ANALYSIS AND RECOMMENDATIONS

1. International Gender Equality Standards relating to Political Participation

- 11. This Opinion analyzes the Draft Amendments against the backdrop of their compatibility with relevant international gender equality standards and OSCE commitments.
- 12. The main international human rights treaty pertaining specifically to women’s rights and gender equality is the CEDAW and its Optional Protocol. Article 3 of

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- the CEDAW requires that State Parties take “all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men”. Specifically, in the area of political and public life, Article 7 of the CEDAW requires State Parties to ensure that women and men have equal rights to, *inter alia*, participate in the formulation and implementation of government policy, hold public office and perform all public functions at all levels of government.
13. In its General Recommendations No. 23, the CEDAW Committee clarified that “political and public life” refers to the exercise of political power, in particular the exercise of legislative, judicial, executive and administrative powers.³ In 2010, in its concluding observations on Ukraine, the CEDAW Committee expressed concern regarding the “underrepresentation of women in high-level elected and appointed bodies” and urged Ukraine to take measures to increase the representation of women in appointed bodies through, *inter alia*, the implementation of temporary special measures (in accordance with Article 4 of the CEDAW⁴), in order to realize women’s right to equal participation in all areas of public life, particularly at high levels of decision-making.⁵
 14. Regarding the proportion of women in leadership and decision-making positions, the UN Economic and Social Council (hereinafter “the ECOSOC”) adopted a resolution in 1990 recommending to increase the proportion of women in leadership positions to at least 30% by 1995, with a view to achieving equal representation between women and men by 2000.⁶ In that respect, research demonstrated that if women's participation reaches 30 to 35 per cent (generally termed a "critical mass"), there is a real impact on political style and the content of decisions, and political life is revitalized.⁷
 15. In 1995, the Fourth World Conference on Women in Beijing reported little progress made in achieving the ECOSOC target of having 30% women in

³ General Recommendation No. 23 of the CEDAW Committee (1997) on political and public life, available at <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom23>, par 5.

⁴ Temporary Special Measures taken under Article 4 par 1 of the CEDAW to accelerate the achievement of a concrete goal for women of *de facto* or substantive equality, shall be distinguished from other general policies adopted to improve the situation of women and girls (see par 26 of General Recommendation No. 25 of the CEDAW Committee (2004) on temporary special measures).

⁵ See pars 32-33 of the Concluding Observations of the CEDAW Committee on the consolidated sixth and seventh periodic report of Ukraine (CEDAW/C/UKR/CO/7), 5 February 2010, available at <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-UKR-CO-7.pdf>.

⁶ Recommendation VI of the UN Economic and Social Council Resolution (E/RES/1990/15), adopted on 24 May 1990, available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/NR0765/31/IMG/NR076531.pdf?OpenElement> (page 22).

⁷ See par 16 of the General Recommendation No. 23 of the CEDAW Committee.

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- positions at decision-making levels by 1995.⁸⁹ In the Beijing Platform for Action adopted at the Conference, the governments committed to aim to establish the goal of gender balance in government and public administration, as well as in the judiciary, *inter alia*, by setting specific targets and implementing appropriate measures to substantially increase the number of women in these offices, if necessary through positive action.
16. At the European level, the Committee of Ministers of the Council of Europe (hereinafter “the CoE”), in its Recommendation 2003(3), calls upon Member States to “consider possible constitutional and/or legislative changes, including positive action measures, which would facilitate a more balanced participation of women and men in political and public decision-making”.¹⁰ It is noted that in this context, this means that the representation of either women or men in any decision-making body in political or public life should not fall below 40%.¹¹ The principle of equal participation in this field was reaffirmed by the Council of Europe’s Committee of Ministers in its Declaration “Making Gender Equality a Reality” (2009).¹² More recently, in its Recommendation 1899(2010) entitled “Increasing women’s representation in politics through the electoral system”, the Parliamentary Assembly of the CoE encouraged Member States to increase women’s representation by introducing quotas.¹³
17. In addition to general OSCE commitments focusing on equal treatment,¹⁴ OSCE participating States affirmed their goal to achieve equality of opportunity between men and women not only *de jure*, but also *de facto*, as well as to promote effective measures to that end (Moscow Concluding Document (1991)). In the same Document, OSCE participating States recognized that “true and full equality between men and women is a fundamental aspect of a just and democratic society based on the rule of law”.¹⁵

⁸ See par 182 of the Beijing Platform for Action, Chapter I of the Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995 (A/CONF.177/20 and Add.1), available at <http://www.un.org/esa/gopher-data/conf/fwcw/off/a--20.en>.

⁹ *ibid* par 190 of the Beijing Platform for Action, under Strategic Objective G.1. “Take measures to ensure women's equal access to and full participation in power structures and decision-making”.

¹⁰ Recommendation Rec (2003)3 of the Committee of Ministers to CoE Member States on the balanced participation of women and men in political and public decision-making adopted on 30 April 2002 (hereinafter “the CoE Recommendation Rec (2003)3”, available at <https://wcd.coe.int/ViewDoc.jsp?id=2229>).

¹¹ *ibid*. preamble of the Appendix to the CoE Recommendation Rec (2003)3.

¹² See par 2, third indent, of the CoE Committee of Ministers Declaration “Making Gender Equality a Reality” (CM(2009)68), available at <https://wcd.coe.int/ViewDoc.jsp?id=1441675&Site=CM>.

¹³ Recommendation 1899(2010) of the Parliamentary Assembly of the CoE, adopted on 27 January 2010 available at <http://assembly.coe.int/Mainf.asp?link=/Documents/AdoptedText/ta10/EREC1899.htm>.

¹⁴ The Concluding Document of Vienna – The Third Follow-Up Meeting, Vienna, 15 January 1989, Questions Relating to Security in Europe, Principles, par 13.8.

¹⁵ Concluding Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE, 3 October 1991, par 40.

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18. The OSCE Action Plan for the Promotion of Gender Equality of 2004, in its Chapter IV, also calls on OSCE participating States to develop policies and establish mechanisms to promote and strengthen gender equality, and to comply with the relevant international instruments that they have ratified or acceded to.¹⁶ Creating a more balanced participation of women and men in political life, especially in decision-making, was also the aim of a 2009 Ministerial Council decision on Women’s Participation in Political and Public Life.¹⁷

2. Proposed Draft Amendments

19. Section III of the Gender Equality Law currently provides for the promotion of equal rights and opportunities for women and men in public and political spheres, but only in the electoral process and in the sphere of public service and work in local self-governments. The Draft Amendments propose the introduction of general measures to ensure gender balance regarding political appointments, and particularly the introduction of a gender ratio when forming the Cabinet of Ministers of Ukraine.

2.1 Draft Amendments to the Gender Equality Law

20. The proposed amendments to Article 16 of the Gender Equality Law aim to ensure that all appointments to political offices (and not only to public service and local self-government bodies, as is currently the case) are made on the basis of balanced representation of both genders. In addition, the draft amendments state that “positive action shall be allowed to achieve a balanced representation of women and men in political offices”. This constitutes a welcome step, which is overall in line with international gender equality standards.
21. However, the wording “appointment to *political offices*” appears somewhat vague. It may refer to political offices at the national, regional or local level. It is also unclear what would be the determining criteria to decide if an appointment qualifies as “appointment to political offices”, e.g.:
- a “personal criteria”, i.e. the identity of the appointing authorities (e.g. the president, ministers or another public authority/body); and/or
 - a “procedural criteria”, i.e. whether the appointment procedure is set in primary or secondary legislation, or other regulatory act; and/or
 - a “functional criteria”, i.e. the political nature of an office (e.g. ambassadors, diplomats, the head of certain administrative/executive bodies); this may raise the question as to whether an appointment to participate in the work of international organizations or to represent the government at the international

¹⁶ *Op. cit.* footnote 1, par 42.

¹⁷ OSCE Ministerial Council Decision MC DEC/7/09 on Women’s Participation in Political and Public Life, 2 December 2009, pars 1-2.

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level (referred to in Article 8 of the CEDAW), would qualify (see also par 25 *infra*).

22. As recommended in CoE Recommendation Rec (2003)3, the Member States should provide for gender-balanced representation in all appointments made by a minister or government to public committees and in posts or functions whose holders are nominated by government and other public authorities.¹⁸ Furthermore, in its Resolution 66/130, the UN General Assembly encourages States “to appoint women to posts within all levels of their Governments, including, where applicable, bodies responsible for designing constitutional, electoral, political or institutional reforms”.¹⁹
23. In addition, a great number of appointed bodies, either permanent or *ad hoc*, exist within the sphere of influence of governments, such as advisory councils, executive boards of public authorities or companies, consultative commissions and/or committees, with appointed or delegated members. It is not clear whether appointments to become members of these bodies would also fall within the scope of the newly introduced provision.²⁰
24. In light of the above, it is recommended to clarify the meaning of “appointment to political offices” or “political appointments” in Article 16 of the Gender Equality Law and, as appropriate, make a cross-reference to, and possibly amend, the relevant legislation governing appointment modalities.
25. Furthermore, Article 8 of the CEDAW requires States to adopt measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their government at the international level and to participate in the work of international organizations. Currently, the Gender Equality Law does not explicitly contain such a provision, but it may be worthwhile to consider introducing it, to ensure full compliance with international standards.
26. Additionally, it is important to distinguish between individual appointments to certain political offices and appointments of members of a working group or other collegiate body, particularly as regards the possible consequences if legal requirements for gender balance are disregarded (see par 34 *infra*).
27. Finally, based on good practices from other countries, some additional good practice examples, which have proved effective, may also be introduced in the Gender Equality Law and relevant legislation. For example, in cases where public

¹⁸ See pars 9-10 of the Appendix to the CoE Recommendation Rec (2003)3.

¹⁹ See par 8 of the General Assembly Resolution 66/130 adopted on 19 March 2012, available at http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/66/130&Lang=E.

²⁰ See par 96 of the 2013 Report of the UN Working Group on the issue of discrimination against women in law and in practice (A/HRC/23/50) adopted on 19 April 2013, available at http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.50_EN.pdf.

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bodies or organizations nominate candidates for appointment, the drafters may consider introducing an obligation to always propose two candidates, a woman and a man.²¹

2.2 Draft Amendments to the Law “On the Cabinet of Ministers of Ukraine”

28. The Draft Amendments contemplate the introduction, in Article 9 of the Law “On the Cabinet of Ministers of Ukraine”, of an overall gender ratio of at least 30% and at most 70% of members of one gender when forming the Cabinet of Ministers of Ukraine.
29. While the proposed amendments constitute a positive step towards more balanced participation of women and men in decision-making, it reflects the ECOSOC target of 30%, an aim which was to be reached by 1995 (see pars 14-15 *supra*). In that respect, it is also worth mentioning that the CoE Parliamentary Assembly sets a higher objective for its Member States, namely to achieve gender balance in decision-making processes *via* an initial target of a critical mass of at least 40% women in all governmental and elected bodies.²²
30. In this situation, there is the danger that once the target quota set by the proposed amendments (i.e. 30%) is seen to have been achieved, there may not be much incentive left to further enhance gender balance beyond the 30% threshold. This could well lead to a perpetuation of gender inequality at the highest levels of government, and could constitute a “glass ceiling” for representatives of a certain under-represented gender.
31. More generally, in this area, the importance of time-bound targets is stressed in political appointments to decision-making posts. Experience has shown that defined aims and pre-decided time targets are important instruments for guaranteeing results and ensuring the necessary evaluation of the policy adopted.²³ Consequently, the stakeholders should discuss whether to introduce a staggered timeline attached to a gradual increase of the target quote, in order to create proper incentives to gradually, over time, reach full gender equality (50%) at the highest level of Government.

3. Sanctions for Non-Compliance and Monitoring

32. It is noted that the provisions governing liability for breaching the Gender Equality Law are framed in very vague terms: Article 24 of this Law states that persons violating the law “shall bear civil, administrative and criminal responsibility pursuant to law”. In this context, it should be borne in mind that in

²¹ See e.g. the example in Denmark, Appendix IV to the Explanatory Memorandum on CoE Recommendation Rec (2003)3.

²² See par 6.1. of the Resolution 1489 (2006) of the CoE Parliamentary Assembly, on Mechanisms to ensure women’s participation in decision making, adopted on 17 March 2006, available at http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta06/ERES1489.htm#P16_112.

²³ See Paragraph VI of the Explanatory Memorandum on CoE Recommendation Rec (2003)3.

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- order for gender equality legislation to be effective, infringements of gender equality provisions should be met with effective, proportionate and dissuasive sanctions to have a real deterrent effect on the appointing authority.²⁴
33. In addition, the UN Working Group on the issue of discrimination against women in law and in practice noted that “[q]uotas work best when accompanied by sanctions and closely monitored by gender-responsive independent bodies, including national electoral bodies and human rights institutions”.²⁵
34. The practice varies greatly amongst countries. As an example, according to the newly introduced draft Law on Equality between Men and Women currently before the French Parliament, the appointments of the members of the executive board of certain administrative bodies shall be annulled if gender balance is not respected (except for appointments of members from the under-represented gender). At the same time, the annulment of the appointments will not render null and void the decisions that may have already been adopted by said body.²⁶ The drafters may consider introducing similar provisions regarding e.g. political appointment to advisory/consultative commissions and/or committees, and supplementing the Draft Amendments accordingly.
35. In light of the above, in order for the new provisions to be effective, it is recommended to consider introducing in the Draft Amendments and other legislation, as appropriate, some specific, effective, and proportionate sanctions in case of violation of the new provisions on gender balance for political appointments, and the proposed provisions on gender ratio when forming the Cabinet of Ministers.
36. Additionally, it is recommended to expressly designate in the Gender Equality Law and in the Law “On the Cabinet of Ministers of Ukraine”, an independent institution in charge of monitoring compliance (e.g. the Ukrainian Parliament Commissioner for Human Rights).
37. Moreover, it must be pointed out that the CoE Recommendation Rec(2003)3 also calls on governments to monitor and evaluate progress in achieving balanced participation of women and men in political and public life and to report regularly to the CoE Committee of Ministers on the measures taken and progress made in

²⁴ By way of comparison, in the context of activities of political parties, see par 136 of the 2010 OSCE/ODIHR-Venice Commission Guidelines on Political Party Regulation, available at <http://www.osce.org/odihr/77812?download=true>, which present a variety of sanctions for political parties not complying with legal measures aimed at ensuring gender equality, ranging from financial sanctions, such as the denial or reduction of public funding, to stronger, legal measures, such as the removal of the party’s electoral list from the ballot.

²⁵ *Op. cit.* footnote 20, par 39 (2013 Report of the UN Working Group on the issue of discrimination against women in law and in practice).

²⁶ See the draft French Law on Equality between Men and Women, available at <http://www.senat.fr/leg/etudes-impact/pjl12-717-ei/pjl12-717-ei.html>.

this field.²⁷ Particularly, Member States should consider adopting a certain number of indicators for measuring progress in the field of political and public decision-making, including at the national governmental level.²⁸ Additionally, it is specified that the Member States (Government) should submit, every other year, reports to their national parliaments on the measures taken and progress made according to these indicators, as well as publish and disseminate such reports.²⁹ It would be advisable to supplement the Draft Amendments to provide an obligation, for a designated entity (e.g. Cabinet of Ministers), to report on these aspects/indicators to the Verkhovna Rada of Ukraine, and the CoE Committee of Ministers, at least every other year, and make both reports public.

4. Final Comments

38. Finally, as stated in CEDAW Committee General Recommendation No. 23, while the removal of *de jure* barriers is necessary, pertinent legal provisions, by themselves, are not sufficient to achieve full compliance with Article 7 of the CEDAW. Further action, in addition to guarantees of formal equality, is essential to ensure genuine equality for women in public and political life. In that respect, the UN Working Group on the issue of discrimination against women in law and in practice has reiterated that “[s]pecial measures, including quotas for women and other temporary measures, as required under article 4, paragraph 1, of the [CEDAW] and general recommendations No. 23 (1997) and No. 25 (2004) of the [CEDAW Committee], are necessary to achieve equality between men and women in political and public life, in order to contend with the underlying structural disadvantaging of women”.³⁰ Consequently, the Republic of Ukraine may thus consider introducing temporary special measures to implement Article 4(1) of CEDAW, which obliges State Parties to adopt such measures in areas where substantive equality has not, and is unlikely, to be achieved.
39. In that respect, the CEDAW Committee noted in its General Recommendation No. 23 that where countries have developed effective temporary strategies in an attempt to achieve equality of participation, a wide range of measures have been implemented in parallel, including, but not limited to the setting of numerical quotas. In that respect, positive action should be supported by broader

²⁷ See par 44 of the Appendix to the CoE Recommendation Rec(2003)3. See also *op. cit.* footnote 7 (par 13 of the Beijing Declaration).

²⁸ See par 44 of the Appendix to the CoE Recommendation Rec(2003)3. These indicators include *inter alia* the percentage of women and men in the national government; the number of women and men senior/junior ministers in the different fields of action (portfolios/ministries); the percentage of the highest ranking women and men civil servants and their distribution in different fields of action; and the percentage of women and men in bodies appointed by the government. See also par 48 of General Recommendation No. 23 of the CEDAW Committee which recommends including statistical data disaggregated by sex.

²⁹ See pars 45-46 of the Appendix to the CoE Recommendation Rec(2003)3.

³⁰ *Op. cit.* footnote 20, par 38 (2013 Report of the UN Working Group on the issue of discrimination against women in law and in practice).

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comprehensive social and economic policies, given that guarantees of women's rights to education, decent employment, health and access to economic resources are preconditions for women's equal and effective participation in political and public life.³¹

40. These measures relating to women's public and political life may include recruiting, financially assisting and training women candidates, amending electoral procedures, developing campaigns directed at equal participation, or targeting women for appointment to public positions such as the judiciary or other professional groups that play an essential part in the everyday life of all societies.³² Support to civil society organizations and to programmes that facilitate women's participation in political and other leadership activities, including peer support and capacity development for new office holders, is also important.³³ Additionally, the organization of public campaigns and support for women's political involvement are key to achieving a deeper understanding among public officials and the public in general that equal participation of women and men in the decision-making process, and access to power, are fundamental for the achievement of equality, development and peace.³⁴ It is recommended for stakeholders in Ukraine to discuss and consider addressing these issues in relevant legislation (including sub-legal acts), and policies.

[END OF TEXT]

³¹ *ibid* pars 53-54. See also examples of good practices from various countries in facilitating women's participation in political life pages 55-56 of the Global Report for the UN Working Group on the issue of discrimination against women in law and in practice "Women in Political and Public Life" (2012), available at http://www.ohchr.org/Documents/Issues/Women/WG/PublicPoliticalLife/WG_Global.docx.

³² See par 15 of CEDAW Committee General Recommendation No. 23. See also *op. cit.* footnote 19, par 6 (General Assembly Resolution 66/130).

³³ *Op. cit.* footnote 19, par 10 (General Assembly Resolution 66/130).

³⁴ *Op. cit.* footnote 8 (par 13 of the Beijing Declaration).

ANNEX 1

Draft
submitted by Members of Parliament
I.V.Herashchenko
O.K.Kondratiuk

LAW OF UKRAINE

“On Incorporating Amendments into Some Laws of Ukraine (re ensuring equal rights and opportunities for women and men to get political appointments)”

The Verkhonva Rada of Ukraine resolves as follows:

I. Amendments shall be incorporated in the following laws of Ukraine:

1. In Article 16 of the Law of Ukraine “On Ensuring Equal Rights and Opportunities for Women and Men” (Bulletin of the Verkhovna Rada of Ukraine, 2005, #52, P.561; 2013, #15, P.97):

1) the title of the Article after the phrase “opportunities for women and men” shall be supplemented with a phrase “in getting political appointments”;

2) Paragraph 1 after the phrase “appointments to” shall be supplemented with a phrase “political offices,”;

3) Paragraph 2 after the phrase “appointment to and holding of positions in” shall be supplemented with a phrase “political offices,”;

4) Paragraph 5 after the phrase “representation of women and men in” shall be submitted with a phrase “political offices,”;

2. In Article 9 of the Law of Ukraine “On the Cabinet of Ministers of Ukraine” (Bulletin of the Verkhovna Rada of Ukraine, 2011, #9, P.58 as amended by the Law of Ukraine of 17 May 2012, #4719-VI):

1) Paragraph 1:

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after the phrase “upon the Prime Minister’s recommendation” shall be supplemented with a phrase “subject to a balanced representation of candidates of both genders”;

shall be supplemented with a new sentence:

“The share of representatives of one gender in a formed Cabinet of Ministers of Ukraine shall not exceed 70% of the total number of its members.”;

2) Paragraph 4 after the phrase “nominate one candidate for each position in the Cabinet of Ministers of Ukraine” shall be supplemented with a phrase “with due regard to requirements of Paragraph 1 of this Article”.

II. This Law shall take effect on the day of its publication.

Chair of the Verkhovna Rada of Ukraine