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On June 8-9, 2018, the First Ukrainian National Forum of Female Lawyers took place in Kyiv, entitled *Women in the Legal Profession. Achievements, Challenges, and Impact on the Quality of Human Rights Protection*.

The Forum was initiated, organized, and held by the Ukrainian Women Lawyers Association *JurFem* with support from the *Quality and Accessible Legal Aid* Project, implemented by the Canadian Bureau for International Education in partnership with the Coordination Center for Legal Aid Provision and funded by the Government of Canada.

The Ukrainian Women Lawyers Association *JurFem* is a *pro bono*, non-profit, non-governmental association of female legal professionals, i.e. defense lawyers, judges, law students, researchers etc. Our mission is to unite female legal professionals to provide leadership and necessary resources to promote women in the legal profession, as well as promote women's rights and opportunities in all areas of public life.

The Forum was attended by 183 female lawyers from across Ukraine who joined their efforts to address the challenges of women's rights. One of the main subjects at this year's Forum was access of women from vulnerable groups to justice.

The Forum brought together female lawyers, judges, notaries, law enforcement officers, human rights activists, and other legal professionals. 42 percent of the participants were from Kyiv, 58 percent represented 22 oblasts of Ukraine, and five experts came from Canada. 85 percent of the participants work in the major oblast cities, and the other 15 percent in the rural areas.

The participants worked in four syndicates that discussed the following topics:

Group I – Sexual harassment: international experience, how effective is the Ukrainian law, and would victims be willing to talk about it and ask for help? How do we consolidate the efforts of the legal community to better protect women against sexual harassment?

Group II – Other forms of discrimination: intimidation and indirect discrimination: challenges and possible solutions, particularly by consolidating the efforts of the professional legal community

Group III – Gender-based violence: does the Ukrainian law offer adequate protection to victims of gender-based violence? Why it is crucial to ratify the Istanbul Convention? How can the legal community help by consolidating its efforts?

Group IV – Multiple discrimination, particularly against vulnerable groups, i.e. internally displaced persons, women living in rural areas, women with HIV, and addicted women. The challenges and possible solutions, particularly by consolidating the efforts of the legal community

The syndicate participants discussed the main challenges and obstacles faced by specific categories of vulnerable women, and the main shortcomings and gaps in the legislation. They developed relevant recommendations and further steps to ensure access to justice and quality legal aid for vulnerable women.

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We hope that the recommendations developed at the Forum will be incorporated in your work and lead to a better protection of women's rights in Ukraine.

Annex: Recommendations of the 1st Ukrainian National Forum of Female Lawyers

Chair
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Khrystyna KIT

**Recommendations of the First Ukrainian National Forum of Female Lawyers
Women in the Legal Profession: Challenges, Achievements, and Impact on the Quality of
Human Rights Protection
June 8-9, 2018, Kyiv**

Access to justice for female victims of sexual harassment

Challenges and obstacles in the access to justice faced by female victims of sexual harassment

1. The existing social stereotypes, bias against victims of sexual harassment, psychological pressure, and public tolerance of sexual harassment all contribute to the latent nature of this phenomenon, as well as reluctance of the victims to ask for help.
2. The lack of uniform court practices in cases on sexual harassment. According to the Integrated State Register of Court Decisions, judges have not rendered a single judgment in the last three years invoking Article 154 of the Criminal Code of Ukraine (hereinafter – CCU). Cases are closed at the pretrial investigation stage due to ineffective investigative practices and the lack of understanding by law enforcement officers of the special nature of such cases, particularly the absence of witnesses.
3. Double stigmatization of victims by law enforcement officers and courts.
4. The victims' lack of self-identity and low awareness of the algorithm for resisting sexual harassment.

Legislative challenges of prevention and protection against sexual harassment

1. The lack of clear-cut legislative mechanisms for protection against sexual harassment, particularly a set course of action, responsible authorities etc., or accountability mechanisms.
2. The lack of effective punishment for sexual harassment. Criminal cases invoking Article 154 of the CCU are being closed due to ineffective investigation.
3. The lack of procedures to prove sexual harassment.
4. The lack of uniform legal definitions in relation to sexual harassment.

Recommendations:

1. Use an integrated approach to the problem and introduce amendments to relevant legislation in line with Ukraine's international obligations and recommendations given to Ukraine by international organizations.
2. Conduct a gender analysis of the labor legislation and policies to identify gaps and bias, including in relation to employment, training, job promotion, health and security, equal pay, sexual harassment, quotas, and social security.
3. Secure access of women and girls to justice and apply gender-sensitive procedures for investigation of sexual harassment.
4. Implement training and educational programs for relevant professionals.
5. Incorporate provisions against sexual harassment in the rules of professional conduct.
6. Develop workplace programs and policies on zero tolerance, safe workplaces, and courses of action to stop sexual harassment, and designate officers responsible for investigation of complaints.
7. Conduct advocacy and awareness raising campaigns for the public (particularly using new information technologies) to promote zero tolerance of sexual harassment and increase awareness about the international instruments and the laws of Ukraine against harassment.

Access to justice for female victims of gender-based violence

Changes and obstacles faced by female victims of gender-based violence

1. Because of the existing social stereotypes about the roles of men and women and low legal awareness, a significant number of women fail to identify themselves as victims of domestic and gender-based violence. Those who do identify themselves as such are afraid to ask for help.

2. The economic dependence of victims on the perpetrators (particularly, sharing the same residence) forces victims to keep silent and refuse to ask for help.
3. Female victims of domestic and gender-based violence suffer from the acquired helplessness syndrome that is caused by prolonged violence against them, tolerance of violence by their families and society, and no action by government agencies.
4. The lack of a clear explanation of the course of action for female victims: what to do and where to go in cases of domestic and gender-based violence.
5. The lack of sufficient information about the services that female victims could use, i.e. who provides them and where?
6. The shortage of safe temporary shelters for female victims.
7. The shortage of professionals providing psychological support and assistance in social adaptation. Remoteness of judicial agencies, FLA centers and offices, and competent helping professionals from the areas of residence of female victims.
8. The amendments introduced to Article 173-2 of the Code of Administrative Offenses of Ukraine (hereinafter – CAOУ) regarding administrative penalties, particularly fines for domestic violence, put a burden on a female victim's and perpetrator's shared budget, which prompts a victim to refrain from reporting to the police.
9. The lack of approved rehabilitation programs for perpetrators and female victims.
10. No proper cooperation between the agencies engaged in protection and prevention of domestic and gender-related violence.
11. The lack of adequate response from the law enforcement agencies to instances of domestic and gender-related violence, such as treatment bias, pressuring a female victim to reconcile instead of filing a complaint, improper reporting of administrative offenses etc.
12. Women in law enforcement and military agencies become subject to discrimination, harassment, and rape.
13. Insufficient public funding to establish shelters, conduct awareness raising campaigns, professional training, provide service fee payments, etc.

Challenges in applying legislation on prevention and protection against gender-based violence

1. No national strategy of cooperation between all relevant agencies or a communications policy strategy.
2. No mechanisms to implement the legislation on prevention and protection against domestic and gender-based violence.
3. No special laws and regulations on emergency restraining orders and methods for assessing the risk of appealing restraining orders.
4. No standard application form for a restraining order to be issued by a court.
5. Vulnerability of the register of domestic violence cases against leaks of confidential information about the victims, particularly due to the register's accessibility to a large number of actors.
6. The lack of just punishment for the perpetrators or punishment for violation of a restraining order.
7. The existing discriminatory legal provisions, such as Article 181-1 of CAOУ (on prostitution) pursuant to which, minors aged 16-17 are considered administrative offenders rather than victims.

Recommendations:

1. Engage female lawyers and other legal professionals for participation in working groups on amendments to the national legislation and establishing cooperation between all relevant agencies and the general public at the local level.
2. Establish information platforms for discussing and highlighting the best protection practices involving female lawyers, judges, human rights activists, and responsible actors.
3. Establish special centers and facilitate proper operation of the existing centers for comprehensive psychological and legal counseling of the victims.

4. Improve the quality of legal aid, particularly by having a joint discussion by judges, lawyers, police, and social security services of practical application of the new legislation against domestic violence.
5. Produce public service advertisements against tolerance of domestic and gender-based violence and distribute them at the national and local levels.

Access to justice for female victims of multiple discrimination

Challenges and obstacles faced by female victims of multiple discrimination

(i.e. internally displaced women, women living in rural areas, women with HIV, women addicted to alcohol or drugs, and Roma women)

1. Low awareness or lack of awareness among women about their rights and ability to exercise them, as well as understanding the meaning of discrimination and its manifestations, and self-awareness as objects of discriminatory actions and practices.
2. Vulnerable women not having ID or verification of status documents which makes exercising their legitimate rights impossible or significantly more difficult.
3. The 'economic dependence' of vulnerable women and their poor property and financial situation.
4. The existing social stereotypes and bias leading to discriminatory practices which create psychological barriers for female victims.
4. The lack of confidence by female victims in the law enforcement system and courts which stems from inaction and incompetence in handling the issues relating to the protection of the rights of victims/potential victims of multiple discrimination.
5. Inconsistency and unpredictability in the law-enforcement and judicial practices and existence of discriminatory legal provisions.
6. No quality studies researching the access to justice for female victims of multiple discrimination.
7. The lack of preventive action and persistence of discriminatory practices.
8. The 'extraordinary' events and situation in Ukraine (particularly the ATO, the annexation of Crimea, the surge in right-wing radicalism, etc.)

Challenges in applying the legislation on protection of women against multiple discrimination

1. Key issues are regulated by bylaws that are often inconsistent with the legislation. Law-enforcement agencies tend to follow the bylaws (guidelines and regulations) even when the latter are inconsistent with the laws.
2. The existence of unenforceable legislative provisions. The executive agencies have not yet developed procedures to enforce the provisions of the law on the exercise and protection of the rights.
3. The existence of discriminatory legal provisions.
4. The actors responsible for enforcing the law and safeguarding the rights of victims are not aware of the problem and the existing antidiscrimination legislation.
5. The absence of mechanisms for enforcing the Law of Ukraine *On the Principles of Preventing and Combating Discrimination in Ukraine* and the absence of legal liability for multiple discrimination.
6. Insufficient legislation on protection of specific vulnerable groups.
7. The use of inadequate legal drafting methods which leads to ambiguity in interpretation of the law and enforcement procedures.

Recommendations:

1. Train judges, defense lawyers, and law enforcement officers using the best practices in safeguarding the rights of female victims of multiple discrimination.
2. Engage female and male human rights activists working with victims of various types of multiple discrimination, as well as victims themselves, in such training.
3. Conduct awareness raising campaigns about safeguarding the rights of internally displaced women, women living in rural areas, women with HIV, women addicted to alcohol or drugs, and Roma women.
4. Develop and implement preschool and elementary education programs promoting awareness of dignity and the rights, non-discrimination, and tolerance.

5. Develop and implement socialization programs for victims of multiple discrimination.
6. Public response to discrimination of women, from individuals to initiative groups.
7. Engage paralegals in working with victims of multiple discrimination.
8. Establish networks of professionals helping victims of multiple discrimination.
9. Engage female lawyers helping victims of multiple discrimination in legal awareness raising activities conducted in educational institutions, etc.