

WOMEN'S RIGHTS IN UKRAINE



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INTRODUCTION

The independence of Ukraine from the Soviet Union in 1991 meant not only political liberation but the assumption of new obligations concerning human rights. Questions arose in Ukraine regarding Ukraine's existing treaty commitments and the possible ratification of new human rights treaties. By 1995, Ukraine's human rights record received a better-than-passing grade in the U.S. Department of State's Country Report on Human Rights Practices.¹ Yet, much remains to be done in the sphere of human rights in Ukraine, particularly concerning the human rights of women.

A review of the literature on women's issues in Ukraine showed that the legal rights of Ukrainian women have not been the subject of separate research. However, there are several publications which focus on the role of women in Ukrainian public life.² Further, several books and papers are devoted to famous Ukrainian women who played important roles in Ukrainian and world political affairs.³ Numerous monographs reveal the status of women in the Soviet Union.⁴ Furthermore, articles regard-

1. U.S. DEPT OF STATE, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1995 (Mar. 1996). In March 1996, this report was submitted to the Committee on Foreign Relations of the U.S. Senate, and to the Committee on Foreign Affairs of the U.S. House of Representatives. See Yaro Bihun, *State Department Says Ukraine Makes Progress on Human Rights*, UKRAINIAN WEEKLY, Mar. 24, 1996, at 1.

2. MARTHA BOHACHEVSKY-CHOMIAK, *FEMINISTS DESPITE THEMSELVES: WOMEN IN UKRAINIAN COMMUNITY LIFE 1884-1939* (1988); MARTHA BOHACHEVSKY-CHOMIAK, *DUMA UKRAINY: ZHINOCHOHO RODU* (1993) (*Duma of Ukraine of the Feminine Gender*), which includes a section entitled, *Women, History, and Human Rights*. The role of women in Ukrainian history is further analyzed in other books, including *A Woman and a State*: IVAN KUZYCH-BEREZOVSKYI, *ZHINKA I DERZHAVA* (2d ed. 1994); *Women in the History of Ukraine*: OLES' KOZULYA, *ZHINKYV ISTORIYI UKRAINY* (1993); *Outstanding Women of Ukraine*: OL LUHOVYI, *VYZNACHNE ZHINOTSTVO UKRAYINI* (2d ed. 1994); FRANCES SVYRIPA, *WEDDED TO THE CAUSE: UKRAINIAN-CANADIAN WOMEN AND ETHNIC IDENTITY 1891-1991* (1992); and *WOMAN OF UKRAINE: HER PART ON THE SCENE OF HISTORY, IN LITERATURE, ARTS, AND STRUGGLE FOR FREEDOM* (1955) [hereinafter *WOMAN OF UKRAINE*], published by the Ukrainian National Women's League of America, and *500 UKRAINIAN MARTYRED WOMEN* (Stephanie Halychyn ed., 1956).

3. See, e.g., Y. ROLLE, *ZHINKY PRY CHYHYRUNSKOMU DVORI* (1996); DE KE DE SENT-EMUR, *ANNA RUSSE, REINE DE FRANCE*; I. FYLYPCHAK, *ANNA YAROSLAVNA-KOROLEVA FRANTSIIYI* (1995); A. LOBANOV-ROSTOVSKY, *UNE PRINCESSES RUSSE, REINE DE FRANCE AU XI SIECLE* (1829).

4. See, e.g., *THE ROLE AND STATUS OF WOMEN IN THE SOVIET UNION* (Donald Brown ed., 1968); NORTON DODGE, *WOMEN IN THE SOVIET ECONOMY; THEIR ROLE IN ECONOMIC, SCIENTIFIC, AND TECHNICAL*

ing Ukrainian women have regularly appeared in *Our Life*, a journal published in New York by the Ukrainian National Women's League of America. And a number of articles on Ukrainian feminism by Professor Bohachevsky-Chomiak and Maxim Tarnawshy have been published in several American journals.⁵ Nevertheless, the topic of women's rights in Ukraine still needs a thorough and detailed interpretation and expansion.

In an attempt to conform to international standards, Ukraine is a signatory to many international human rights instruments. Ukraine was among the first of the former Soviet Republics to ratify the Convention on the Elimination of All Forms of Discrimination against Women.⁶ Subsequently, Ukraine ratified the Convention on the Political Rights of Women,⁷ the Convention on the Nationality of Married Women,⁸ and the Convention for the Suppression of Traffic in Persons and of the Exploitation of the Prostitution of Others.⁹ Among the conventions of the ILO concerning women's rights, Ukraine has ratified the Convention on the Use of Women Workers in Underground Jobs,¹⁰ the Convention on Equal Pay to Men and Women Work Force for Equal Jobs,¹¹ and the Convention on the Protection of Maternity.¹² The process of

CAL DEVELOPMENT (1966); ALENA HEITLINGER, WOMEN AND STATE SOCIALISM: SEX INEQUALITY IN THE SOVIET UNION AND CZECHOSLOVAKIA (1979); BARBARA WOLFE JANKA, WOMAN UNDER COMMUNISM (1978); GAIL WARSHOFKY LAPIDUS, WOMEN IN SOVIET SOCIETY: EQUALITY, DEVELOPMENT, AND SOCIAL CHANGE (1978); WILLIAM M. MANDEL, SOVIET WOMEN (1975); SOVIET LEGISLATION ON WOMEN'S RIGHTS: COLLECTION OF NORMATIVE ACTS (1978).

5. See, e.g., Martha Bohachevsky-Chomiak, *Socialism and Feminism: The First Stage of Women's Organizations in the Eastern Part of the Austrian Empire*, in WOMEN IN EASTERN EUROPE AND THE SOVIET UNION 44 (Tova Yedlied., 1980); Martha Bohachevsky-Chomiak, *Feminism in Ukrainian History*, 12 J. UKRAINIAN STUD. 16 (1982); Martha Bohachevsky-Chomiak, *Feminism in Action: The Ukrainian Women's Union Between the World Wars*, 2 WOMEN'S STUD. INT'L 20 (1982); Maxim Tarnawsky, *Feminism, Modernism, and Ukrainian Women*, 19 J. UKRAINIAN STUD. 31 (1994). After Ukraine gained independence in 1991 from the Soviet Union, several articles and papers were presented at women's conferences held in Ukraine. For example, in July 1993, Professor Zoreslava Romovska of Lviv University presented a paper that analyzed legal problems, dealing with women and power at The Ukrainian Woman and Democracy. Conference sponsored by the Union of Ukrainian Wpmen and the World Federation of Ukrainian Women organizations. See ZORESLAVA ROMOVSKA, ZHINKA I VLADA: PERSHA MIZHNARODNA ZHINOCHA CONFERENTSIYA—UKRAYINKAI DEMOCRATIYA 151 (1993).

6. Convention on the Elimination of All Forms of Discrimination against Women, G.A. Res. 34/180, UN GAOR, Supp. No. 46, at 193, UN. Doc. A/34/46 (1979) [Women's Convention].

7. Convention on the Political Rights of Women, 193 U.N.T.S. 135 (1953)

8. Convention on the Nationality of Married Women, 309 U.N.T.S. 65 (1957).

9. Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 96 UN. T.S. 271 (1949).

10. Convention Concerning the Employment of Women in Underground Work in Mines of All Kinds, No. 45, 40 U.N.T.S. 63 (1935).

11. Convention Concerning Equal Remuneration for Men and Women Workers for Equal Value, No. 100, 165 U.N.T.S. 303 (1951).

12. Convention Concerning the Employment of Women Before and After Childbirth, No. 3,38 U.N.T.S. 53 (1919) [Maternity Protection Convention].

implementing other international human rights instruments and standards affecting women is a continuing one.

HISTORY OF WOMEN IN UKRAINE

There was a time when Ukraine demonstrated high esteem for and favorable treatment of women. In 900 A.D., in the Ukrainian state of Kyivan Rus with its famous princess Olha, women were highly educated and occupied powerful positions in society. In the Kyivan Rus family, a woman played a significant role. Comparatively, a woman's position in the Kyivan Rus family was much higher than under the Roman or Old-Germanic law. Unlike a woman in Roman or Old-Germanic systems, a woman in Kyivan Rus was considered legally competent and needed no trustee.¹³ Indeed, in Kyivan Rus, a woman retained title of her pre-marital property during the marriage, and it was never subject to a common legacy after the husband's death.¹⁴ Furthermore, a woman, in her own right, could be considered the head of the family.¹⁵ Under a 912 treaty between Kyivan Prince Oleh and the Byzantine Church, a wife maintained separate ownership of property, which was not confiscated by the state even when her husband was incarcerated or escaped from prison.¹⁶ Additionally, women could sue or be sued and could appear in courts as advocates and witnesses.

There are several examples of the active role women played in state affairs and diplomatic relations in the periods of Kyivan Rus and the Halych-Volyn Princedom. Princess Olha wisely ruled the Kyivan Rus state for almost twenty years. She was an authoritative woman who maintained tradition, raised her children, and promoted order in the state. She never remarried—even forgoing a proposal from a Greek king. Under the Rus Chronicle, Olha led a diplomatic mission to Constantinople in 957.¹⁷ According to his writings, Byzantine Emperor Constantine VII, Porphyrogenitus, sought to marry Olha. Cleverly, Olha asked the king to be her godfather, and the king obliged. Since the king was her godfather, a marriage between godfather and goddaughter would be impermissible. Shortly thereafter, in 959, Olha sent her ambassadors on a political mission to the German king, Otto I the Great, who governed as the Holy Roman Emperor.¹⁸ It is likely that she asked the German king to send Western missionaries to Kyivan Rus.

There were also several royal marriages that elevated the image of Kyivan Rus in the world. Anna, daughter of the Kyivan Prince Yaroslav the Wise, married the king of France, Henri I (son of Robert II).¹⁹ After Henri's death in 1060, Anna became the

13. MYKHAILO HRUSHEVSKYI, 3 *ISTORIYA UKRAYINY-RUSY* 376-77 (1993).

14. 2 *PRAVDA RUSKA* 99 (B. Grekov ed., 1947).

15. NATALIYA POLONSKA-VASYLENKO, 1 *ISTORIYA UKRAYINY* 254 (2d ed. 1976).

16. *LITOPYS RUS'KYI* 20 (1989).

17. *See id.* at 35-36.

18. *See, e.g.*, HRUSHEVSKYI, *supra* note 13, at 451.

19. *See* MYKHAILO HRUSHEVSKYI, 2 *ISTORIYA UKRAYINY-RUSY* 33 (1993).

regent of the French throne. Another of Yaroslav's daughters, Yelyzaveta, married the king of Norway, Harald III.²⁰ Furthermore, one of Yaroslav's granddaughters, Yevprasksiya, married Henry IV, and became the courageous German Empress Adelgeida.²¹ Ultimately, these marriages served to further the interests of Kyivan Rus in the international community.

Women also assumed great responsibility in the affairs of the Kyivan Rus state. In 1097, Prince Vsevolod's widow was selected to conduct negotiations with Volodymyr Monomach. Likewise, Prince Volodymyr Vasylkovich entrusted his wife with carrying on negotiations with Konrad Mazovetskyi. And Anna, Prince Roman Halytskyi's widow, pursued a complicated policy of preserving Halych-Volyn Princedom for her sons for more than fifteen years.²²

During the period of the Lithuanian-Ruthenian state, women's legal status was defined by the "Lithuanian Statute," which incorporated the principle of gender equality into its criminal and civil articles. Like men, women were subject to laws and regulations, and they were granted legal rights without restriction due to their sex. The criminal system provided protection for women, and even greater protection under certain circumstances—during pregnancy, for example. There were also certain spousal protective devices to safeguard a wife's financial interests. In particular, a husband was required to give his wife a writ conveying one-third of his real property. However, daughters were not eligible to inherit real property, purportedly because land ownership was derived from military service.²³

During the perpetual wars of the Cossack period, women not only ran the household but physically defended the home and family. Therefore, many women were captured by the Tartars and sold as slaves for Turkish harems. Among the slaves was a Ukrainian girl, Roksoliana, who became the wife of Sultan Suleiman I Canuni and managed to prevent Tartar invasions of Ukraine from 1520 until 1550.²⁴ The 1710 Constitution, written by Cossack Hetman (commander-in-chief) Pylyp Orlyk, included a widow's right to own land if she was without issue and the right of a woman whose husband was in military service to be free of taxes and common obligations.²⁵ Furthermore, in 1743, the Code of Laws adopted harsher penalties for the killing or insulting of a woman than for the same crime against a man.²⁶ Nonetheless, the Code of Laws merely fined—holovshchyna obligation—the murderer of an unmarried woman, serf, slave, or prisoner of war.²⁷ Finally, the Constitution of the Ukrainian

20. *See id.* at 31-32.

21. *See id.* at 79.

22. *See* POLONSKA-VASYLENKO, *supra* note 15, at 254.

23. ENCYCLOPEDIA OF UKRAINE 705 (Danylo Husar Struk ed., 1993).

24. *See id.*

25. *Pacty ta Konstytusii Zakoniv ta Volnostey Viyska Zaporozhskoho*, reprinted in HISTORY OF UKRAINIAN CONSTITUTIONALISM (in documents) 10 (1996) [hereinafter *Constytusii*].

26. ENCYCLOPEDIA OF UKRAINE, *supra* note 23.

27. *See id.*

National Republic in 1918 proclaimed the equality of men and women regarding legal rights and duties.²⁸

Interestingly, whenever Ukraine lost independence and became part of another state, the position of Ukrainian women became very difficult. For example, when Ukraine was part of the Austrian Empire, under Austrian civil law women were on the same legal footing as the mentally incompetent, the blind, and the deaf—unable to attest to the making of wills.²⁹

The Ukrainian women's movement became very active in the late nineteenth and early twentieth centuries. In 1884, Natalia Kobrynska organized Ukrainian women in Stanislaviv (now Ivano-Frankivsk) primarily for educational purposes. That same year, Olena Dobrohrayeva founded Higher Courses for Women in Kyiv.³⁰ In 1909, Ukrainian women's groups in Lviv formed an organization, which in 1917 became known as the Ukrainian Women's Association. After the October Revolution in Russia, the Ukrainian parliament, the Ukrainian Central Rada, granted women equal rights with men to vote and to be elected to political office. There were eleven women members of the Rada, and two women, Lyudmyla Starytsha-Chernyakhivska and Zinaida Myrna, were elevated to the executive committee of the Rada, the Mala Rada.³¹ Later, in 1920, the Ukrainian National Council of Women was formed in Kamyanets Podilsky as the superstructure for all Ukrainian women's organizations. The Council, which was headed by Sophia Russova, was accepted as a member of the International Council of Women. A section of the International Women's League for Peace and Freedom was formed in Lviv under the leadership of Blanca Baranova, and in 1921 the section was admitted to the League in Vienna.³²

After World War I, western Ukraine was divided among Poland, Romania, and Czechoslovakia. Halychyna, the largest portion of Ukraine, suffered under Polish rule. Olha Bassarab, a prominent member of several Ukrainian women's organizations and International Red Cross award recipient, was imprisoned and tortured to death by Polish police.³³ In 1928, Ukrainian women took the first steps toward participation in the parliamentary elections in Poland. Two women on the Ukrainian National Democratic Party ticket, Olena Kiselevska and Milena Rudnytska, were elected. The World Union of Ukrainian Women was founded in 1937 and served to unite the majority of the Ukrainian women's organizations.³⁴ The first post-World War II Congress of Ukrainian Women, held in Philadelphia in 1948, founded the World Federation of Ukrainian Women's Organizations.³⁵

28. See *Constitusii*, *supra* note 25, § 2.11.

29. DORA KLUSHYNSKA, CHOMUZHINKY ZHADAIUT POLITYCHNYKH PRAV 17 (1918).

30. See *WOMAN OF UKRAINE*, *supra* note 2, at 12.

31. See *id.* at 13.

32. See *id.* at 14.

33. See *id.* at 16.

34. See *id.* at 17.

35. See *id.* at 19.

THE EMERGING FEMINISM OF WOMEN IN UKRAINE

Unlike many American and European women struggling for emancipation and equal rights, Ukrainian women sought personal liberation and inclusion in the developing economic structure. They did not struggle for equality but rather took responsibility by accepting meaningful public work. Professor Bohachevsky-Chomiak terms this phenomenon "pragmatic feminism."³⁶

Ukrainian women worked for the public good, not only for women. Thus, Ukrainian feminism became the result of the *activity* of women and not a factor of its appearance. According to Maxym Tarnawsky, Martha Bohachevsky-Chomiak's groundbreaking study of the western Ukrainian women's movement, *Feminists Despite Themselves*, emphasizes the provisional, contingent nature of Ukrainian feminism. Tarnawsky offers an illustration of how this worked in literature (rather than social organizations) and points to some of the complex ideological problems that have hindered, and continue to hinder, the Ukrainian women's movement.³⁷

Ukrainian feminist writers at the turn of the twentieth century revealed the conditions that women endured in Ukrainian society, reasoning that it would be necessary to show first a need for change before advocacy for change would be seriously considered. Two of the most important leaders and spokespersons for the Ukrainian women's movement in the early 1900s, Lesia Ukrainka and Olha Kobylanska, identified various social, domestic, and personal difficulties facing Ukrainian women and offered thoughtful and concrete solutions.³⁸ Although these leaders promoted feminism, both Ukrainka and Kobylanska were heavily influenced by Friedrich Nietzsche, a notorious misogynist. It is perhaps thus fair to conclude that these heroines struggled for personal freedom rather than for women's rights *per se*.³⁹

The Ukrainian Soviet Republic promulgated legislation to protect women during maternity and childrearing, to secure women's rights in the family and in the workplace, and to create social insurance and welfare. These laws should have galvanized women into a potent force, but they did not improve women's position in practice, principally because survival conditions were horrific. Between 1932 and 1933, some seven million Ukrainians died from famine despite living on what may be the richest soil in the world. The famine was the result of a well planned Soviet policy of extermination of Ukrainians. This crime of genocide, which was committed against the Ukrainian people, impacted especially upon women and children.

Women also carried difficult burdens in everyday life. These day-to-day survival obligations proved disadvantageous and deterred any professional advancement. Yet, together with men, women struggled for their rights during these times. Thousands of women were imprisoned in Stalin's prisons and labor camps. Two out of ten

36. See BOHACHEVSKY-CHOMIAK, *FEMINISTS DESPITE THEMSELVES*, *supra* note 2.

37. See Tarnawsky, *supra* note 5, at 41.

38. See *id.* at 31-32.

39. See *id.* at 32, 37, 40.

founders of the Ukrainian Helsinki Group were women, and they signed the Declaration of the Ukrainian Public Group to Promote the Implementation of the Helsinki Accords.⁴⁰ One signatory was Oksana Meshko, a prisoner of Beria's concentration camp. She was part of a family of dissidents; her son was imprisoned for his political beliefs. The other signatory, Nina Strokata, a microbiologist, was sentenced to four years in prison for defending her husband, a well-known Ukrainian political prisoner, Svyatoslav Karavansky. Once she was released from prison and relocated to the Kaluga Region of Russia, Strokata was still kept under police surveillance.⁴¹

UKRAINIAN WOMEN IN MODERN SOCIETY

The contemporary status of women in Ukraine reflects the process of a country straining to change its political system from a totalitarian superstate to a democracy. Armed conflicts in nearby territories have also impacted Ukraine. Women constitute 54 percent of the Ukrainian population. According to the Constitution, the equality of men and women is guaranteed in regards to political and cultural activities, in employment and wages, and in education and vocational training.⁴² This equality is further guaranteed by special measures for women, including retirement benefits, maternity accommodations in the workplace, and maternity leave with pay for pregnant women and mothers.⁴³

Yet, as elsewhere, rights on paper do not translate into rights in reality. For women's rights to be realized, a mechanism for enforcement is necessary. The statistics tell an unfortunate story. Sixty-one percent of Ukrainian women have received higher education, but only 5 percent of women are chairpersons.⁴⁴ At the same time, women constitute 42 percent of all agricultural workers, 48 percent of all industrial workers, and 80 percent of those holding trade and service jobs. Generally, the higher the income bracket, the lower the proportion of women. All these figures lead to a conclusion that economic discrimination against women is firmly established in Ukraine. An example of blatant discrimination against women is found in the joint Ukrainian-German venture, TDC. The joint venture company announced twenty-four job openings, but twelve were exclusively for men: these positions were for service managers, marketing representatives, and reviewers. Quite clearly, the nature of these jobs does not require that they be filled by men.⁴⁵

40. THE HUMAN RIGHTS MOVEMENT IN UKRAINE: DOCUMENTS OF THE UKRAINIAN HELSINKI GROUP 1976-1980 32-33 (Lesya Verba & Bohdan Yasen eds., 1980).

41. *See id.*

42. UKRAINIAN CONST., reprinted in 611 UKRAINIAN Q. 230 (1996).

43. *See id.*

44. Natalia Lakiza-Sachuk, "Zhinoche Pytannya" v Konteksti Demokratyzatsiyi, 11 POLITYKA I CHAS36(1994).

45. OLENA SUSLOVA, PERSHA MIZHNARODNA ZHINOCHA CONFERENTSIYA "UKRAYINKA I DEMOCRATIYA" 157-58(1993).

Furthermore, there have been cases of women being dismissed from their jobs due to discriminatory motives. During periods of market reform in Ukraine, these types of dismissals have increased. For instance, 70 percent of the unemployed are women, but among unemployed youth, only 45 percent are women.⁴⁶ Women reentering the workforce after raising children suffer the greatest discrimination, as 83 percent of workers dismissed before retirement are women. Women of childbearing age are also subject to employment discrimination. Hence, it is unremarkable that 83 percent of the unemployed at state training centers are women. Meanwhile, 86 percent of those who lost their jobs and sought further qualifications are women. Unfortunately, the process of retraining women who have reentered the job force after years working in the home, has had very little success.⁴⁷

The proportion of women employed in heavy industrial work is twice that of men. In response to this, the Ukrainian Cabinet of Ministers implemented a program in April 1996 that requires the removal of women from jobs involving heavy manual labor and harmful work conditions. The program also places limitations on women working nightshifts and forecasts the removal of women from positions in iron-processing, foundries, galvanic and etching works, nickel- and chromium-plating, ferrous metallurgy, some types of furniture manufacturing, and driving trucks with a carrying capacity over one ton.⁴⁸ Subsequently, the training of women for these positions has ceased. This demonstrates that the state intends to afford protection to women in regards to their "role" as mothers or future mothers. Many feminists consider these limitations to be impermissibly discriminatory, because women should have the right to pursue the same employment opportunities as men if they so choose.⁴⁹

Some positive changes have taken place in respect to Ukrainian hiring practices. In recent years, women have occupied posts previously considered exclusively for men, for example, women are now in positions of authority in police departments (militia) and in the armed forces.⁵⁰ For example, General Larysa Melnyk is the highest ranking woman in the Ukrainian Armed Forces, holding the post of Deputy Chief of the Main Command of Educative Work on Social and Legal Problems.⁵¹ Some 23,000 women serve in the Ukrainian army, including 336 commissioned officers, 2,316 warrant officers and more than 20,000 enlisted personnel.⁵² Such advancements

46. *See id.* at 156.

47. *See id.*

48. INTEL NEWS, Apr. 9, 1996. %

49. *See* Anne Trebilcock, *ILO Conventions and Women Workers*, and Natalie H. Kaufman, *Assorted Instruments Affecting Women's International Human Rights*, in Vol. 2 of this treatise.

50. Vira Valerko, *Persha Zhinka-NachalnykRaividdilu*, URYADOVYI KURYER, July 23, 1996, at 6.

51. Volodymyr Chykalin, *Zakhysnyky Ukrayiny Potrebuyut Zakhystu*, URYADOVYI KURYER, July 20, 1996, at 8.

52. INTEL NEWS, Mar. 8-9, 1996.

in the armed forces and police departments mark the process of feminization of organizations traditionally reserved for men.

Additionally, women are gaining a stronghold in Ukrainian business communities. Members of the Organization of Business Women of Western Ukraine are heads of agricultural firms, directors of plants, and serve to involve women in the management of state affairs. As a result, women now aspire to political and economic positions of power and authority. While it is true that women have made gains in Ukrainian society, it is also true that the Ukrainian government should implement additional policies that ensure a woman's ability to combine family and career.

In an effort to promote the ability of women to participate in government, Articles 7 and 8 of the Convention on the Elimination of all Forms of Discrimination Against Women requires the state to take affirmative measures to eliminate discrimination against women in the political and public sectors of society.⁵³ Consequently, women are guaranteed the right to participate in the formulation of governmental policy, the right to hold public office, and the right to represent their country at the international level. However, Ukraine cannot boast of implementing these rights. In fact, in the late 1990s, there were only eighteen women (out of 400 people's deputies) in the Verkhovna Rada (Ukrainian Parliament). This provides inadequate representation of the female population. Some politicians and scholars propose to establish a quota of people's deputy positions for women, thus following the example of many European states. In Sweden, for example, in the mid-1990s, half of the governmental officers and 43 percent of its Parliament were women.⁵⁴ Another example is Iceland, which had a female President, Vigdis Finnbogadottir, for sixteen years.⁵⁵

In Ukraine, women's resource organs include the Parliamentary Health, Maternity and Childhood Protection Committee, and the Ministry on Family and Youth, which was created on July 26, 1996 by President Leonid Kuchma.⁵⁶ These agencies replaced the Ministry on Youth and Sport, the Committee on Minors by the Cabinet of Ministers, and the President's Committee on Women, Maternity and Childhood. The Parliamentary Committee on Health, Maternity and Childhood Protection represents women's interests on a national level and takes part in solving important problems facing women today. Notably, the Committee initiated a plan to eliminate the advertising of tobacco and alcohol in an effort to head off a growing substance abuse problem in the Ukraine.⁵⁷ Yet this Committee has few women deputies and cannot adequately protect women's rights on the national level.

53. See Women's Convention, *supra* note 6.

54. Serhiy Pravdenko, *Stokholm: Solo Ukrayiny v Orkestri Yevropy i Planety*, HOLOS UKRAYINY, July 12, 1996, at 3.

55. *Ivid Narodnoyi Lyubovi Vtomlyuyutsya*, HOLOS UKRAYINY, July 2, 1996, at 6.

56. *Ukaz Prezidenta Ukrayiny "Prozminy v Sytemi Tsentralnukh Orhaniv Vykonavchoyi Vlady Ukrayiny"* July 26, 1996, HOLOS UKRAYINY, July 31, 1996, at 2.

57. INTEL NEWS, Mar. 8-9, 1996.

In accordance with the Act "On Citizenship of Ukraine," promulgated in October 1991, women are granted equal rights with men in acquiring, changing, or retaining Ukrainian citizenship.⁵⁸ In an effort to correspond with international legal principles, Ukraine has simplified the process of granting Ukrainian citizenship to foreign women who are married to Ukrainian citizens.⁵⁹ This new process complies with the Convention on the Nationality of Married Women, of which Article 3.1 provides:

Each Contracting State agrees that the alien wife of one of its nationals may, at her request, acquire the nationality of her husband through specially privileged naturalization procedures, the grant of such nationality may be subject to such limitations as may be imposed in the interests of national security or public policy.⁶⁰

Ukrainian legislation, such as The Code of Laws on Work⁶¹ and "On State Help to Families with Children,"⁶² guarantee the right of women to work and to receive social security, respectively. Another Act, The Decree of the Cabinet of Ministers No. 832, "On Rise of State Help to Some Categories of Citizens," determines the amount of the entitlement to the unemployed, to single-mothers, to families with four or more children under the age of sixteen, to persons who care for a child under the age of three, and to other special classes.⁶³ In fact, families with children are offered eight different types of state benefits. This legislation further prohibits the dismissal of women due to pregnancy or maternity leave. Women are provided maternity leave for three years with pay (full pay for four months during pre-natal and post-natal periods) and without loss of employment. And women who attend universities or who are unemployed also benefit by this legislation.⁶⁴ These are but a few of the social security benefits granted to women under Ukrainian legislation.

Although such benefits may sound generous, they provide the bare minimum to ensure the health and nutrition of mothers and their children. Indeed, many women do not use their maternity leave but instead enroll their newborns in childcare facilities and return to work as soon as possible. Other women are forced to take maternity leave because of the dire economic conditions, which make jobs difficult to obtain. This phenomenon has contributed to disturbing statistics. The Ukrainian death rate has recently outpaced an ever-declining birth rate. According to Health Minister Yevhen Korolenko, this disparity is Ukraine's most crucial health issue. Specifically, in the mid-1990s, Ukraine's population growth had decreased to 9.6 births per 1,000 people, while the death rate increased from 5.15 to 12.1. Minister Korolenko reported that 45 percent of the nation's births were premature and 380 out of every 1,000 new-

58. *Pro Hromadyanstvo Ukrainy*, HOLOS UKRAYINY, NOV. 13, 1991, at 12-13.

59. *See id.*

60. Convention on the Nationality of Married Women, adopted Jan. 29, 1957, 309 U.N.T.S. 65 G.A. Res 1040(1958).

61. KODEKS ZAKONIV PRO PRATSYU, NOVE ZAONODAVSTVO UKRAINY PRO PRATSYU 63-67 (1991).

62. *Pro Derzhavnu Dopomohu Simyam z Ditmy Nov. 21, 1992*, reprinted in PRAVO UKRAINY 43-63 (1993).

63. *Dopomoha na Ditey*, URYADOVYI KURYER, Aug. 10, 1996, at 8.

64. *See id.*

borns suffered birth defects.⁶⁵ This tragedy can be attributed primarily to the Chernobyl disaster, to other environmental degradation, and to the economic crisis in Ukraine.

Women in Ukraine enjoy the right of reproductive freedom. Nevertheless, women still need information on reproductive health and family planning and corresponding health services. The lack of reproductive education and contraceptives has resulted in a large number of abortions. Each year Ukrainian physicians perform about one million abortions.⁶⁶ In 1991, there were 152 abortions for every 100 births.⁶⁷ However, this high abortion rate will likely decrease in the future, perhaps partially because people will turn to the religions once prohibited under the Soviet system. Ukraine is historically a Christian state with Christian traditions since Kyivan Rus, and the two leading Christian confessions in Ukraine, Orthodox and Greek-Catholic, forbid abortions.

WOMEN'S POLITICAL ORGANIZATIONS

One of the predominant characteristics of the Ukrainian women's movement is its ever-increasing public activity. There are some 100 registered non-governmental organizations dealing with issues affecting women, maternity, and children. They all claim to represent women in some way. However, the proliferation of these organizations (which are meant to promote political, educational, national, and cultural agendas too) should not be construed to indicate a powerful women's movement in Ukraine. According to Natalya Lavrynenko of the Democratic Initiatives, the women's movement in Ukraine has very little influence and only one-half of 1 percent of Ukrainian women are actively involved.⁶⁸

Until relatively recently, there was one primary political party dedicated to women's issues in Ukraine—The Ukrainian Christian Party of Women. The main goals of the party are to promote the physical and spiritual revival of those people suffering from ecological disaster and biological degeneration and to struggle for a sovereign Ukraine founded on real equality for women and their participation in government.⁶⁹ Hence, the main directions of party activity include: state, structure, society, ecology, economic structure, culture of language, education, social protections, and justice.⁷⁰ In January 1997, the Political Party of Women of Ukraine was created. Of the other forty political parties in Ukraine, only one has a female chairperson. Slava Stetko leads the Congress of Ukrainian Nationalists.⁷¹

65. *EcoRev*, INTEL NEWS, Feb. 26, 1996.

66. See ROMOVSKA, *supra* note 5, at 155.

67. *See id.*

68. *The Women's Movement in Ukraine: Many Organizations Achieving Little*, INTEL NEWS, Mar. 8-9, 1996 [hereinafter *Women's Movement in Ukraine*].

69. Prohrama i Statut Ukrayinskoyi Khrystianskoyi Partiyi Zhinok.

70. *See id.*

71. Among the major non-governmental women's organizations in Ukraine are: the Women's

The Union of Ukrainian Women (UW) boasts more than 10,000 female members. According to the head of the UW, the Union promotes advancements in education, charity, and commerce.⁷² Although Ukrainian women are conscious of purely feminist and social problems worldwide, a number of domestic problems demand their immediate attention. Since the inception of the UW in the early 1990s, its foremost effort has been to overcome the difficult obstacles surrounding the communist nomenclature. Under the Soviet system, branches of the UW were considered underground organizations. Presently, the UW is primarily concerned with providing assistance to the needy, organizing summer health clinics for Chernobyl and Prednister children, and caring for the pecuniary and psychological needs of orphans, the elderly, the disabled, and battered women.⁷³

Another active women's organization in Ukraine is The Women's Union of Ukraine (WUU). The WUU is the successor organization to the former Ukrainian branch of the Soviet Women's Committee and has affected change by using the network of regional women's councils established in the Soviet era. According to the WUU head, Maria Orlyk, the organization maintains about 40,000 members and assists women in finding employment during this period of economic reform.⁷⁴ At a 1993 nationwide conference, the WUU defined its main task as protecting the rights of women engaged in business activities.

The Women's Community was organized in 1994 under the auspices of the Women's Council of the Rukh (one of the largest political parties in Ukraine). According to its leader, Maria Drach, one of its slogans is: "From the well-being of every family to the well-being of the Ukrainian state."⁷⁵

The Organization of Soldiers' Mothers defines its struggle as opposition to illegality and violence in the military, and many "women managed to obtain their official representation in the headquarters of armed forces of Ukraine."⁷⁶ The Jewish women's organization, Rakhmim, was created in 1993 to assist elderly Jews who do not receive any support from their children or who suffer some type of disability.⁷⁷ Rakhmim also helps poor families pay for funerals.

Union of Ukraine, the Women-Workers Union For the Future of Children of Ukraine, the Union of Ukrainian Women, Women's Community, Organization of Soldiers' Mothers, All-Ukrainian Federation of Mothers with Many Children, the League of Ukrainian Women, and professional groups such as the Federation of Ukrainian Women of Business and the Organization of Women Farmers.

72. Atena Pashko, *Vidnoolenyi z Apelu*, 10 OUR LIFE 8, 8-11 (1993). The UW has played an active role in the international women's movement by participating in the International Conference in Prague organized by UNESCO in December 1991, by attending the Helsinki Public Assembly in Bratislava in March 1992, and the Women's Conference in Freinurg in May 1992. The UW was admitted to the International Alliance of Women Organizations in October 1992, at the meeting of the XXIX Congress in Athens, Greece. 14-

73. *See id.*

74. *Women's Movement in Ukraine*, *supra* note 68, at 8-9.

75. *See id.*

76. *See id.*

77. *See id.*

There are many more non-governmental organizations, but, despite their great number, they have achieved relatively little. The women's movement in Ukraine has failed to become a social phenomenon. Many organizations have learned that greater results can be achieved by combining forces, so many women's organizations have started to consider consolidations or coalitions. This does not mean unification; they may be too different to unite. Yet, the Consultative Council of Women's Organizations Leaders has been created as a coordinative organ for common activities. For example, the Consultative Council allied a block of eighteen women's organizations in support of the Constitution of Ukraine.

The problems facing Ukrainian women have been discussed at several conferences.⁷⁸ Further, a delegation of Ukrainian women took part in the Fourth World Conference on Women in Beijing in September 1995. The major strategies accentuated at the Beijing conference were accepted as the foundation of the *Program of Action* adopted by the All-Ukrainian Women Conference in Kyiv in June 1996. The *Draft Program* was prepared by the Political Council of the international committee of the Women Community under the legal guidance of Professor Tamara Melnyk of the Ukrainian Transport University. In accordance with the Beijing directives, Ukrainian women must seek to remove the obstacles that block women from meaningful and equal participation in the economic, political, spiritual, and cultural decisions facing Ukraine. They must also strengthen principles of equality of men and women in respect to family, to employment, and other basic human rights. Ultimately, women must reach out in a thoughtful effort to achieve gender equality in Ukraine and in the world.

The United States Agency for International Development (USAID) has provided significant support and development assistance to Ukrainian women's organizations. USAID/Kyiv considers the participation of women in the political process to be central to the success of democratic and economic reform.⁷⁹ The US-NIS Women's Consortium, funded by an ENI Bureau grant to the Winrock Foundation, focuses on participatory decision making, women's rights, and leadership training. It has also made smaller grants to launch grassroots women's organizations such as the Kyiv Women's Legal Center and the Kyiv Women's Crisis Center. The Consortium teaches hands-on democracy techniques. As a result of this training, a member of the Consortium, the US League of Women Voters, brought ten Ukrainian women to the United States, where the Ukrainians could learn NGO management and lobbying first-hand.⁸⁰

78. These include: *Strategies of the IV World Conference of Women and the Program of Actions in Ukraine*, hosted by the Women's Community organization (Kyiv, June 1996); *Women of Ukraine: History, the Present and a Look into the Future*, organized by the UUW (Dnipropetrovsk, November 1995); the international conference on *The Ukrainian Woman and Democracy*, organized in conjunction with the World Federation of Ukrainian Women Organizations (Kyiv, 1993); and *A Woman in Struggle for Freedom of Ukraine*, organized by the UUW (Lviv, 1990), among many others.

79. Activities of the United States Agency for International Development (USAID) (relating to Women's Issues).

80. See *id.* Similarly, six grassroots Ukrainian women's organizations (Kharkiv Gender Center,

CONCLUSION

Because of decreasing living standards, rising unemployment, threats of corruption, trafficking problems, and organized crime, women do not have the ability to exercise their rights fully. More importantly, women's rights can only be guaranteed in a politically and economically stable country. To preserve Ukraine from internal instability continues to be the primary goal of the Ukrainian women's movement. However, special attention should be paid to women's interests concerning economic advancement, health, welfare, safety, housing, public services, and the enforcement and promulgation of laws that address women's concerns.

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