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Comparative Analysis of Minority Women Rights Protection in Moldova and Ukraine in the Light of the International Human Rights Standards

CES, The Master's Programme in Human Rights and
Democratisation in the Caucasus

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COMPARATIVE ANALYSIS OF MINORITY WOMEN
RIGHTS PROTECTION IN MOLDOVA AND UKRAINE
IN THE LIGHT OF THE INTERNATIONAL HUMAN
RIGHTS STANDARDS

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This publication includes the thesis *Comparative Analysis of Minority Women Rights Protection in Moldova and Ukraine in the Light of the International Human Rights Standards*, written by Ecaterina Balan and supervised by Yuliya Vashchenko, Taras Shevchenko National University of Kyiv.

BIOGRAPHY

Ecaterina Balan is a human rights defender and minority rights activist, originally from Moldova, now settled in Canada. Ecaterina holds a Master's degree in Human Rights and Democratization, and a Diploma from the Estonian School of Diplomacy. Ecaterina has worked extensively on human rights in the Moldovan non-governmental sector. In 2016 Ecaterina was a Minority Rights Fellow with the UN Human Rights Office (OHCHR) in Geneva.

ABSTRACT

The current research 'Comparative Analysis of Minority Women Rights Protection in Moldova and Ukraine in the Light of the International Human Rights Standards' / «Մոլդովայում և Ուկրաինայում փոքրամասնություն կազմող կանանց իրավունքների պաշտպանության համեմատական վերլուծություն մարդու իրավունքների միջազգային ստանդարտների հիման վրա:» / «Сравнительный анализ защиты прав женщин из числа меньшинств в Молдове и в Украине через призму международных стандартов в области прав человека» explores the extent of policy protection of minority women rights in Moldova and Ukraine, comparatively analyses the correspondence of the national legal frameworks of these countries with the international standards in the field of minority women protection, and justifies the necessity to study this field in Moldovan and Ukrainian context. For these purposes the situation with minority women protection in Moldova and Ukraine has been briefly analysed, standards and recommendations of the international human rights mechanisms have been studied, the policies and legislative frameworks in this field have been analysed on a comparative basis, and the issues of their correspondence to the international standards have been explored. The research has led to the following conclusions: 1) Minority women in both, Moldova

and Ukraine, experience multiple forms of discrimination and marginalization, making them one of the most vulnerable social groups; 2) International human rights mechanisms provide a moderate body of standards and recommendations to guide national policy-making in Ukraine and Moldova; 3) The national policy frameworks in Moldova and Ukraine with few insignificant exceptions miss the minority women perspective in planning, programming, and regulation, leaving this particular social subgroup basically unaddressed, despite their international obligations; 4) Both states strongly need to harmonize their policy and legal frameworks with the international human rights standards and recommendations concerning minority women, and subsequently implement them effectively; 5) National strategies and laws have to be based on gender and minority disaggregated and cross-disaggregated data.

TABLE OF ABBREVIATIONS

CCPR	Human Rights Committee – International Covenant on Civil and Political Rights
CEDAW	Committee on the Elimination of All Forms of Discrimination against Women
CERD	Committee on Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
CoE	Council of Europe
CRC	Committee on the Rights of the Child
CRPD	Committee on the Rights of Persons with Disabilities
ECMI	European Centre for Minority Issues
ECRI	European Commission Against Racism and Intolerance
ICCPR	International Covenant on Civil and Political Rights
IDP	Internally Displaced Person
MP	Members of the Parliament
NGO	Non-governmental Organizations
NHRI	National Human Rights Institutions
NHRP	National Human Rights Plan
NHRS	National Human Rights Strategy
OHCHR	Office of the High Commissioner for Human Rights
RM	Republic of Moldova
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDP	United Nations Development Program
UNGA	United Nations General Assembly
UNHR	Universal Declaration of Human Rights
UPR	Universal Periodic Review
USAID	United States Agency for International Development

TABLE OF CONTENTS

Foreword	II
Biography	IV
Abstract	IV
Table of abbreviations	VI
INTRODUCTION	1
1. PROBLEM ANALYSIS	10
1.1 Minority women rights in Moldova: current problems of realization	14
1.1.1 Right to education	14
1.1.2 Right to work	16
1.1.3 Participation in public and political life	17
1.2 Minority Women rights in Ukraine: current problems of realizations	20
1.2.1 Rights to education	21
1.2.2 Right to work	23
1.2.3 Participation in public and political life	25
2. COMPARATIVE ANALYSIS OF POLICY AND LEGAL FRAMEWORK FOR PROTECTION OF MINORITY WOMEN IN MOLDOVA AND UKRAINE	27
2.1 Policy and legal framework for protection of minority women	27
2.1.1 Legal framework for the minority women rights protection in Moldova and its compliance with the international standards	31
2.1.2 Policy and legal framework on the minority women rights protection in Ukraine and its compliance with the international standards	38
2.2 Comparative analysis of minority women protection in Moldova and Ukraine	43
2.2.1 Comparative analysis of the policies and legal acts of Moldova and Ukraine with relevance to minority women protection	44
2.2.2 Comparative analysis of the international human rights recommendations in the field of minority women rights protection given to Moldova and Ukraine	48
CONCLUSION	52
BIBLIOGRAPHY	56

INTRODUCTION

Historically, Eastern Europe has been at the crossroads of major migratory and demographic movements, making this macro-region diverse in terms of ethno-linguistic groups. During the Soviet period, for economic and political reasons, the situation became even more complex due to the Soviet practice of moving big groups of people of various ethno-linguistic backgrounds across the entire Union, from one Soviet republic to another. At the same time in the post-Soviet period, the national composition of independent Moldova and Ukraine has changed due to different reasons – the rise of nationalism, economic and political instability and, in the case of Moldova, the violent conflict in the Transnistrian region. All these processes caused another wave of demographical changes.

Based on the 2014 population census in Moldova the ethnic composition was as follows (data of Moldova without the Transnistrian region):

- 80,6% ethnic Moldovans/Romanians;
- 19,4% ethnic minorities.¹

According to the 2001 Ukrainian population census, the ethnic composition was as follows:

- 77,8 % ethnic Ukrainians;
- 22,2% ethnic minority groups².

¹ Rezultatele Recensământului Populației și al Locuințelor 2014 // www.statistica.md/pageview.php?l=ro&idc=479

² About number and composition population of Ukraine by data All-Ukrainian population census'2001 data, *State Statistics Committee of Ukraine* // 2001.ukrcensus.gov.ua/eng/results/general/nationality/

Despite the fact that women are a majority in both of the countries, due to historical reasons women were always one of the most vulnerable groups. For centuries women suffered from inequality in their access to education, healthcare, employment, equal pay for the same job and access to public life, women more often experienced domestic violence and human trafficking.

Many reports on Moldova and Ukraine show that people belonging to minority groups are among the most vulnerable because the majority concentrates the decision-making power in its hands. Equally, women in these countries and globally are usually among the most vulnerable groups, because despite being a numeric majority, they hold only a small portion of the power and resources. Minority women being at the confluence of two vulnerabilities – as women and as a minority – often become ‘most vulnerable among the vulnerable’, compared to both, minority men and majority women.

Gender equality, women’s rights and protection of ethno-linguistic minorities are among the central topics of the global and regional human rights agenda in Ukraine and in Moldova. And yet the intersectionality of these areas – notably the human rights situation and the protection of minority women – remains remarkably poorly researched and covered by policy and law-makers. This paper comes to fill in this gap.

Women are not a homogenous group – there are rich women and poor women, urban women and rural women, women with disabilities and without disabilities, women from the majority and women from minorities. Within this large group of women, who as a group generally are more vulnerable and discriminated than men, specific subgroups of women are even more vulnerable and discriminated (poor women, rural women, women with disabilities, minority women).

Neither are people from ethno-linguistic minorities a homogenous group – there are women and men within the group, children, youth, middle-aged and seniors within the group, minorities living in cities and minorities living in rural areas – and each of these subgroups has its specifics.

In many cases, this multiple, intersecting discrimination is not just a mechanical sum of two discriminations. For example, Romani women are more vulnerable and discriminated not just because they are women vis-à-vis men, and Romani vis-à-vis non-Romani, but also because they are specifically Romani women living within a Roma community. In addition to all the problems which women face in the Ukrainian or Moldovan society, and to all the problems which Roma face in the

Ukrainian or Moldovan society, the Romani women face specific types of problems which neither Romani men nor non-Romani women face, often due to internal negative dynamics within their ethnic (or religious) minority communities. For example, early marriages (minor age marriages) – non-Romani women in Ukraine and Moldova generally do not face this problem, neither do Roma men face it to the same extent as Romani girls. Hence, this is a problem specific just for this subgroup – Romani women, and not to Roma men or non-Roma women.³

Another example could be rural Crimean Tatar girls, many of whom according to some reports are obliged by their Crimean Tatar families not to attend school during their periods. Again, this is not a problem faced by non-Tatar women in Ukraine, or by Tatar boys – this is a problem specific just for rural Crimean Tatar girls.⁴

Based on the above, policy and legislative attention to minority women exposed to multiple intersectional forms of vulnerability and discrimination must be ensured and is in fact the focus of the present research.

Literature review

The issue of the necessity to pay separate attention to the women belonging to minority groups, for instance, ethno-linguistic minorities, emerged relatively recently. For this reason, there is a relatively small amount of academic research in this field and most of it covers a specific group of women in certain countries or regions, for instance, Romani women in Europe.

All studied sources can be divided into four main groups:

- International human rights treaties (UN and Council of Europe), subsequent international ‘soft law’ (General Comments of the UN human rights treaty bodies, outcome documents of the Universal Periodic Review, concluding observations of country reviews by the UN human rights treaty bodies, country reports of the UN special procedures, etc);

³ Porubin N., Moldoveanu E., “Roma Girls – From School to Early Marriages”, Centrul de Investigatii Jurnalistice // www.investigatii.md/en/investigations/childs-rights/roma-girls-from-school-to-early-marriages accessed 04 October 2018 and UNFPA, *Child Marriage in Ukraine*, by Tamara Martsenyuk, 2014

⁴ Materials of the Regional Forum “Advancing Human Rights and Gender Equality Through Community Mobilization for Empowerment in Ukraine”, 24-25 April 2018, Svyatohirsk, Ukraine;

- National policies and laws of Ukraine and Moldova with relevance to the protection of minority women;
- Studies and reports on the situation of minority women in Ukraine and Moldova;
- Scholarly works on the issue of minority women issues and rights.

Among the consulted sources there could be found general information regarding the importance of differentiating women as a group taking into account the specifics of ‘subgroups’ in order to more efficiently and productively protect the rights of women, not forgetting about the most vulnerable within this big group. In the Issue Brief written by the European Centre for Minority Rights,⁵ it is highlighted that some women, who are members of a minority group may be discriminated against not only because they are women, but also because they are members of certain minority groups and in this case the source of discrimination can be found both inside the minority group and outside of it and comes from both women and men. Within this concept, OHCHR in its publication *Women’s Rights and Human Rights*⁶ as well as in the outcome document of the Durban Review Conference,⁷ stresses that policy makers have to take into account intersecting forms of discrimination, faced by minority women while elaborating their responses to combat discrimination against women and minority groups.

In addition to that UN Treaty Bodies issued a good body of General Comments or General Recommendations by which they enlarge the application of concrete international human rights treaty and guide state-parties to improving human rights in the countries, for instance, CERD General Recommendation #25⁸ and #XXVII⁹ or CEDAW General

⁵ Malloy, Tove H., *Minority Women’s hard choices when seeking redress for multiple discrimination*, ECMI Issue Brief #36, 2015

⁶ UN OHCHR, *Women’s Rights are Human Rights*, New York and Geneva, 2014

⁷ Durban Review Conference – Geneva 2009, Women Facing Multiple Forms of Discrimination, Geneva 20-24 April 2009 // www.un.org/en/durbanreview2009/pdf/InfoNote_07_Women_and_Discrimination_En.pdf

⁸ CERD, General Recommendation 25, Gender Related Dimensions of Racial Discrimination (Fifty-sixth session, 2000), U.N. Doc. A/55/18, annex V at 152 (2000), reprinted in Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI\GEN\Rev.6 at 214 (2003) // afai-afai.org/wp-content/uploads/2014/11/6-CERD-General-Recommendation-on-gender-related-aspects-of-racial-discrimination.pdf

⁹ CERD General Recommendation XXVII on Discrimination Against Roma, adopted at the Fifty-seventh session of

the Committee on the Elimination of Racial Discrimination, on 16 August 2000 // www.refworld.org/pdfid/45139d4f4.pdf

Recommendation #25¹⁰ and #36,¹¹ etc. In particular, in the CEDAW General Recommendation #25 it is stipulated that:

Certain groups of women, in addition to suffering from discrimination directed against them as women, may also suffer from multiple forms of discrimination based on additional grounds such as race, ethnic or religious identity, disability, age, class, caste or other factors. Such discrimination may affect these groups of women primarily, or to a different degree or in different ways than men. States parties may need to take specific temporary special measures to eliminate such multiple forms of discrimination against women and its compounded negative impact on them.¹²

Some researchers dedicated their works to analyzing the situation of separate minority women groups in certain countries. Thus, Andrea Peinhopf, investigating minority women in Georgia affirms that 'minority women carry the double burden on belonging to frequently discriminated ethnic groups, as well as to the historically suppressed gender'.¹³

Camilla Ida Ravnbel in her study *The Human Rights of Minority Women: Romani Women's Rights from a Perspective on International Human Rights Law and Politics* argues that even though minority women are protected by general human rights and by specific minority and women rights, they continue to be unprotected as minority women. One of the most important conclusions of the study is:

...Romani women, and minority women in general, have significant limitations in finding legal and political support for the human rights violations they experience where gender and ethnicity are interrelated grounds and where discrimination has both internal and external dimensions. While on the one hand they are entitled to two categories

¹⁰ CEDAW, General recommendation No. 25, on article 4, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women, on temporary special measures, 2004 // [www.un.org/womenwatch/daw/cedaw/recommendations/General%20recommendation%2025%20\(English\).pdf](http://www.un.org/womenwatch/daw/cedaw/recommendations/General%20recommendation%2025%20(English).pdf)

¹¹ CEDAW, General recommendation No. 36 (2017) on the right of girls and women to education, 2017 // tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/CEDAW_C_GC_36_8422_E.pdf

¹² CEDAW, General recommendation No. 25, on article 4, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women, on temporary special measures, 2004, p.3-4, par.12 // [www.un.org/womenwatch/daw/cedaw/recommendations/General%20recommendation%2025%20\(English\).pdf](http://www.un.org/womenwatch/daw/cedaw/recommendations/General%20recommendation%2025%20(English).pdf)

¹³ Andrea Peinhopf, *Ethnic Minority Women in Georgia Facing a Double Burden*, ECMI Working #74, 2014, p.3 // www.ecmi.de/uploads/tx_lfpubdb/Working_Paper_74.pdf

of specific rights in addition to general human rights, they are on the other hand often excluded from these rights discourses because women and minority issues are traditionally separated categories. Although legal and political approaches to the human rights of women and minorities challenge general human rights law by calling for the special accommodation and protection of disadvantaged groups, they have the pitfall of isolating one identity and set of experiences (gender or minority). Thereby they often neglect intra-group differences such as those carried by minority women.¹⁴

For the purpose of this research, the terms '*minority groups*', '*minority rights*' will be used in accordance with the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities¹⁵ and refer mostly to ethno-linguistic groups. The term '*vulnerable group*' should be understood as a group that experiences a higher risk of poverty and social exclusion, discrimination and violation of their fundamental human rights than the general population.

Problem definition

The main problem in the focus of the current research is poor national policies and legislation regarding minority women rights in Moldova and Ukraine, and their non-compliance to international human rights standards. The second problem in the focus of the research is the resulting poor comparative situation of minority women in Moldova and Ukraine, as one of the most vulnerable groups.

Objectives of the research

Current research has three main objectives:

- To analyse the increasing importance of the protection of women belonging to minority groups internationally and the grounding/establishment of the importance of protecting minority women in particular in Moldova and Ukraine;
- To analyse the national policies and main legal acts in Moldova and Ukraine from the point of view of their correspondence to the international norms in the protection of minority women;

¹⁴ Camilla Ida Ravnbel, *The Human Rights of Minority Women: Romani Women's Rights from a Perspective on International Human Rights Law and Politics*, 17 Int'l J. on Minority & Group Rts. 1, 2010, p. 43-44

¹⁵ Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities 1992 // www.ohchr.org/EN/ProfessionalInterest/Pages/Minorities.aspx

- To compare the level of protection of minority women in Moldova and Ukraine;
- To elaborate some recommendations on the enhancement of national mechanisms of the protection of minority women rights in Moldova and Ukraine.

Research questions

During the recent period, the Moldovan and Ukrainian authorities started to pay more attention to the issue of gender equality. However, in their steps towards gender equality they did not take into account heterogeneity of 'women' and the necessity to design different measures for different groups of women in society in order to achieve real gender equality for all women without discrimination.

From another perspective, in the post-Soviet space minorities are often seen through political or/and geopolitical perspective, but not from the human rights perspective. This research paper has analysed the situation of minority women from a strictly human rights-based point of view. The research has proposed a non-political and rights-based angle, which, hopefully, has offered new and fresh insights into the problem.

The aim of the research paper is to identify gaps regarding the fulfilment of minority women rights and to answer to the following questions:

1. Do the existing national policies and legislation adequately address the situation of minority women in Moldova and Ukraine?
2. Do these national policies and legislation correspond to the international human rights standards in the field of protection of minority women rights?
3. Do the existing national policies and legislation have a positive or negative impact on the situation with the protection of minority women rights in Moldova and Ukraine?

Research novelty

In the Moldovan and Ukrainian context, the research is among the first to raise the issue of the necessity to look into minority and women's groups not as separate independent and homogeneous groups, but as intersecting and interrelated groups, inside which exist subgroups with their own specifics, which should be taken into account while elaborating state policies, strategies and laws.

The research analyses and compares state policies and national legislation on the protection of minority women rights in the two countries – Ukraine and Moldova – in the light of the international human rights standards.

Research methods

Methodologically the research was primarily conducted through two key methods – socio-legal research method and comparative legal study method.

First, the relevant international human rights standards on protection of minority women were presented and analysed.

Second, due to the virtual lack of studies in the field of minority women's rights protection, especially in the post-Soviet space, the information on the situation of minority women was collated by gathering by pieces from different sources: 1) UN human rights mechanisms reports, such as Universal Periodic Review, Treaty Bodies, Special Procedures; 2) shadow reports, submitted by the interested third parties to the UN human rights mechanisms; 3) official statistical data; 4) thematic researches of NGOs and/or international organizations; 5) research papers related to women and minority rights.

Third, for the purpose of the research, national policies and legal acts aiming to guarantee gender equality and protect the rights of ethno-linguistic minorities in Moldova and Ukraine were analysed. Their correspondence to the international human rights standards was also explored.

Fourth, the national policies and laws of Moldova and Ukraine with relation to minority women protection have been compared with each other, and some recommendations for improving the situation with the protection of minority women rights in both countries have been proposed.

The scientific and practical value

- In the first place these research outcomes can be used by scholars and practitioners for understanding the problem – intersecting multiple discrimination and marginalization of minority women – in Moldova in Ukraine;
- Second, the research outcomes can be used by other researchers, policy-makers and policy advocates (women NGOs, minority organizations, international partners) to find out about the current

status of policy and legislative framework with regard to minority women in Ukraine and Moldova;

- Third, it can be used by policy-makers and policy advocates to identify relevant international human rights standards and recommendations to inform policy-making and policy advocacy towards greater protection of minority women in Ukraine and Moldova.

This research paper is composed of the following sections:

- List of acronyms which are used in the current research;
- Content with the indication of the chapters and corresponding pages;
- Abstract which gives a brief overview of the paper and its findings;
- Introduction which provides background information about the topic, literature review, problem definition, objectives of the research, research questions, aims, research novelty and methodology, as well as academical and practical value of the research;
- Main body which consists of 2 chapters:
 - Chapter one consists of 2 subchapters and includes an analysis of the importance of the protection of minority women in the modern world, substantiates why it is important to pay additional attention to specifically women belonging to minority groups in the human rights sphere in Moldova and Ukraine;
 - Chapter two consists of 2 subchapters and provides an analysis of the compliance of the existing Moldovan and Ukrainian state policies and legal acts with the international standards in the field of minority women rights protection, providing comparative analysis of the main Moldovan and Ukrainian policies and laws in the field of gender equality and minority rights protection, as well as comparative analysis of the relevant recommendations given to these states by international human rights mechanisms;
- Conclusion which presents the main findings and recommendations of the research;
- Bibliography page, which provides the full list of resources used for carrying out the current study.

1.

PROBLEM ANALYSIS

Nowadays protection of women's rights and guarantees for gender equality are top priorities not only for human rights defenders but also for the international community all over the world. With the creation of the United Nations organization in 1945, world leaders agreed on the necessity for promoting and protecting women's rights and guaranteeing women equal access to resources and opportunities, as one of the historically vulnerable groups. One of the purposes of the United Nations, which is stipulated in Article 1 of the UN Charter, is: 'To achieve international co-operation in solving international problems..., and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion'.¹⁶

Further the provision 'without distinction as to ... sex...' was used in the majority of the international human rights documents starting from the Universal Declaration of Human Rights (hereafter: UDHR), both Covenants¹⁷ as well as different thematic human rights Conventions.¹⁸ In 1946, the United Nations Commission on the Status of Women was established with the purpose of monitoring the situation of women and to promote women's rights. The culmination of the Commission's work was the adoption of the Convention on the Elimination of All Forms of Discrimination against Women in 1979. Gradually, women's rights and the necessity of ensuring gender equality penetrated into international documents and into the minds of the UN member- states. Nowadays

¹⁶ *Charter of the United Nations*, 1945, ch.1, art.1, par.3, p.2

¹⁷ International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights adopted on December 16, 1966

¹⁸ The entire list of the core UN human rights instruments can be found here: www.ohchr.org/EN/ProfessionalInterest/Pages/CoreInstruments.aspx

gender equality is one of the ambitious UN Sustainable Development Goals.¹⁹

Less prominent was the situation with the necessity of promotion and protection of the rights of other no less important vulnerable groups – ethno-linguistic minorities. While drafting the UDHR member states did not manage to agree about including a provision on the minority rights in the Declaration. Instead, the decision to establish a Sub-Commission on Prevention of Discrimination and Protection of Minorities was taken. On December 10, 1948, the United Nations General Assembly adopted the UDHR by its Resolution 217S(III) without any provisions regarding minority rights protection. However, another Resolution 217C(III) was attached to this Resolution, which made the following provision:

The General Assembly,
Considering that the United Nations cannot remain indifferent to the fate of minorities,

...

...requests the Council [the Economic and Social Council] to ask the Commission on Human Rights and the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities to make a thorough study of the problem of minorities, in order that the United Nations may be able to take effective measures for the protection of racial, national, religious or linguistic minorities.²⁰

One of the most important achievements of the Sub-Commission on Prevention of Discrimination and Protection of Minorities in its mandate of minority issue was inclusion of an article dedicated to the minority rights protection into the International Covenant on Civil and Political Rights. Article 27 of the ICCPR stipulates:

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.²¹

¹⁹ UN Sustainable Development Goals, Goal 5: Achieve gender equality and empower all women and girls // www.un.org/sustainabledevelopment/gender-equality/

²⁰ General Assembly Resolution 217C(III), adopted by the General Assembly on December 10, 1948 // www.un-documents.net/a3r217c.htm

²¹ *International Covenant on Civil and Political Rights*, adopted by the General Assembly resolution 2200A

(XXI) of 16 December 1966, art.27, p.14 // www.ohchr.org/Documents/ProfessionalInterest/ccpr.pdf

In contrast to the women's rights dimension, minority rights have not received the same broad presence in international instruments. Moreover, the international community has not yet agreed on the importance of the establishment of the international legally binding mechanism aimed to protect and promote minority rights, as it could be an international convention. However, there are some positive steps towards it – when it unanimously adopted the 1992 UN Declaration on the Rights of Persons Belonging to the National or Ethnic, Religious and Linguistic Minorities.

Hence, ethno-linguistic minorities, which are present in every country around the world, are still poorly protected from the violations of their rights.

As a result, the international community has developed a mechanism for the protection of women's rights and the mechanism, which should protect minorities, but the last one is still in the stage of formation. However, not being interconnected these two mechanisms have serious limitations. The questions that need to be asked are: what if a woman is also a representative of a minority group and is suffering from multiple forms of discrimination by being a woman and as a representative of minority group, thus becoming a minority within a minority? Could she be effectively protected by existing mechanisms, which protect women's rights? Do the existing international and national empowerment measures on gender equality have the same effect on majority and minority women?

Unfortunately, the field of minority women rights protection is poorly researched. The vast majority of studies are focused on gender equality and women rights. There is a relatively small body of literature that pays attention to the minority rights issue, especially in the post-Soviet countries, such as Moldova and Ukraine. As regards the minority women rights, this field is practically not researched in these countries.

In one of the last Office of the High Commissioner for Human Rights publications regarding women's rights highlights the necessity to apply different approaches in combating the discrimination against women based on the women's affiliation to different subgroups:

Some groups of women face additional forms of discrimination based on their age, ethnicity, nationality, religion, health status, education... [and other grounds] among other groups. These intersecting forms of discrimination must be taken into account when developing measures and responses to combat discrimination against women.²²

Hence, women who are a part of any minority group, for instance, an ethno-linguistic group, may suffer from double or multiple forms of discrimination. First, they may be the subject of discrimination from part of men and women outside of their group because they belong to a certain minority group. Second, they may be the subject of discrimination as a result of being women inside and outside of their community. Moreover, the minority women situation can overlap with other circumstances such as poor education or the economic situation, which could be a consequence of being a member of a minority group. This was mentioned in the research made by the European Centre for Minority Rights: ‘...a women who is a member of minority group may be discriminated against because she is a female. This type of discrimination may stem from outside the minority group as well as from the inside. The outside... discrimination may be based on women’s gender, but it may also be due to her membership of a specific minority group...’²³

Accordingly, empowerment of minority women – ‘vulnerable within vulnerable’ – may require additional measures compared with the majority women.

Both, gender equality and minority rights issues are very relevant for the Moldovan and Ukrainian societies. At the same time, if countries’ authorities have already openly worked on gender equality issues and can show some improvement in this field, the minority rights field still is very sensitive and politicized in these countries. In some areas, the situation with minority rights protection in Moldova and Ukraine is not improving but is rather deteriorating.

²² UN OHCHR, *Women’s Rights are Human Rights*, New York and Geneva, 2014, p. 1

²³ Malloy, Tove H., *Minority Women’s hard choices when seeking redress for multiple discrimination*, ECMI Issue Brief #36, 2015, p 3.

1.1 MINORITY WOMEN RIGHTS IN MOLDOVA: CURRENT PROBLEMS OF
REALIZATION

According to the 2014 population census, the total population of Moldova is 2 804 801²⁴ among them 544 131 persons (19,4%, almost 1/5 of the population) belong to the ethno-linguistic minorities.²⁵ 51,8% of the Moldovan population are women. Despite being a numerical majority in the country, women still face inequality in different spheres of social and public life: access to education, the labour market, wage levels for the same job, participation in decision-making processes and so on. However, women are not a homogeneous group, and some women face multiple difficulties based on their social, ethno-linguistic and other origins.

1.1.1 *Right to education*

The results of the Sociologic Study on Women and Men Representing Vulnerable Groups in Moldova (hereafter: UN Women Sociologic Study) showed that the most vulnerable groups in terms of access to education, participation in the decision-making process and employment are persons belonging to ethnic minority groups, Roma people and rural women. In addition to that, the study shows significant disparities between men and women in several studied fields.²⁶

Furthermore, one of the most important findings of another study - Study on the Situation of Romani Women and Girls in the Republic of Moldova - showed that Romani women being minority women are more vulnerable not only compared to non-Romani women but also compared to Roma men. Hence,

Romani women represent one of the most vulnerable groups in the Republic of Moldova. Routinely they have lower levels of education, much higher rates of unemployment, significant lower level of income and poorer health than the rest of the population. Romani children face segregation at school...Romani women face multiple discrimination in many areas, facing compound threats of exclusion as women and Roma.²⁷

²⁴ Population of Republic of Moldova without Transnistrian region

²⁵ Rezultatele Recensămîntului Populației și al Locuințelor 2014 // www.statistica.md/pageview.php?l=ro&tid=479

²⁶ UN Women, UNDP Moldova, *Report on the Sociological Study on Women and Men Representing Vulnerable Groups in Local Development from Human Rights Perspective*, 2012, p.7

²⁷ UN Women, UNDP, OHCHR Moldova, *Study on the Situation of Romani Women and Girls in the Republic of Moldova*, 2014, p.10

Data provided in the Study²⁸ shows that almost half of the Roma women do not even have pre-school education, the figure is 12% poorer compared to Roma men and 43% poorer compared to non-Roma women. Only 14% of Roma women have secondary professional education, which is a rate more than 5 times lower in comparison to non-Roma women (see Table 1).

Table 1: Education level of non-Roma women, Roma men and women

	Uneducated (with no-school education)	Literacy rate (16+)	Secondary professional education (at least)
Non-Roma women	2%	99%	78%
Roma women	45%	63%	14%
Roma men	33%	77%	17%

There are several reasons, which cause the gap in education between the Roma and the non-Roma population. Among them discriminatory attitude toward Roma people within the society,²⁹ cases of bullying and sometimes physical violence of Roma pupils at the schools, a poor financial situation which does not allow parents to buy the necessary school supplies and clothing, parents fear of losing their Roma culture and language when their children are enrolled at school, with the state or the Russian language used for teaching, the long distances to the school, etc. In turn, the gap in the education level of Roma women and Roma men could be explained by the strict patriarchal organization of the Roma community, early motherhood and parent's perception towards the need of education for girls.

It should be mentioned that other ethnic minority groups such as Gagauzians, Bulgarians, Ukrainians, who live in the regions face some problems with access to education. The ethnic minorities have the opportunity to study their mother tongue only in Russian-language schools (with the exception of several pilot schools in the Gagauzian region).³⁰

²⁸ UN Women, UNDP, OHCHR Moldova, *Study on the Situation of Romani Women and Girls in the Republic of Moldova*, 2014, p. 30

²⁹ *The Study on equality perception and attitude in the Republic of Moldova*, realised by OHCHR and UNDP Moldova in 2015 showed that the level of tolerance of Roma people in the country is low. Many respondents do not accept Roma people not only as a family member or colleague at the work, but even as neighbour

³⁰ Follow-up Report of the NGO Human Rights Information Centre "Discrimination of Minorities in Moldovan Schools" prepared on the occasion of the visit of the UN Special Rapporteur on Minorities Issues to Moldova, 2016, p.3

However, the level of state language teaching at Russian schools in these regions is poor. This circumstance leads ethnic minorities to two possible options - either to study at state-language schools without the possibility of studying their language and preserve their culture or studying at Russian-language schools with the possibility of preserving their language, but with poor instruction of the state language. The second option leads to some limitations to continuing their education and later on limits access to the labour market as well as impeding their full integration in the society. Lately, many Gagauzian pupils, who graduated from 9th class, prefer to continue their study in the Transnistrian region due to poor knowledge of the state language and the fear of not passing their school exams.

After graduation from school, students have limited access to the universities due to the low number of Russian-speaking groups in the universities. On the other hand, their level of knowledge of the state language makes them uncompetitive. The UN Women Sociological Study emphasizes that representatives of 'Bulgarian and Gagauz ethnicity face barriers in terms of access to education in higher education institutions. Thus, young people who graduated from the universities in ATU Gagauzia [except Comrat State University, since 2015] and received a local diploma, currently have to redo their studies at one of the Moldovan universities to have an accredited diploma. A significant proportion of the Gagauz ethnicity respondents (73%) stated they did not try to continue their studies'.³¹

1.1.2 Right to work

The obstacles faced by minority women at their level of education certainly cause a problem when it comes to employment. Representatives of the ethno-linguistic minorities usually face two types of barriers: 1) because they are an ethnic minority and especially visible minorities, such as Roma people or Gagauz and/or 2) their level of state language knowledge is different or poorer than native speaker. Human Rights Information Centre and some other NGOs reported to the CESCR, during the Moldovan review in 2017, about cases where employment was denied at several state institutions, because the native language of the

³¹ UN Women, UNDP Moldova, *Report on the Sociological Study on Women and Men Representing Vulnerable Groups in Local Development from Human Rights Perspective*, 2012, pp.16-17

applicant was not Romanian, even though the applicant knew Romanian as a learned language.

The average share of vulnerable groups that face barriers regarding access to the labour market makes up 82%. ... people from ethnic minority groups, including Roma (97%), Gagauz (82%) and Bulgarians (95%); ... all face difficult situations. The main causes of these disparities reside in the lack of workplaces for people from rural areas; lack of education and experience... and discrimination on behalf of employers.³²

Often Roma women do not try to find a job, because their families do not let them do so. However, it is to mention that 45% of the Roma women do not have any specialization, which means that Roma women mostly deal with unqualified work. Only 15% of Roma women over the age of 15 are employed, compared to 34% of non-Roma women and 25% of Roma men.³³

At the same time, it is worth mentioning, that for the same work and with comparable qualifications, women's salaries are usually lower than that of the men. Hence, according to the official data in each sector of the Moldovan economy women earns less monthly than men do. The pay gap is 10.7% monthly.³⁴

1.1.3 Participation in public and political life

Even though Moldova is a multi-ethnic state, the Moldovan legislation does not provide special quotas for the representation of ethnic groups in the Parliament, even for the Gagauzian autonomous region. In practice, it means that the interests of the minority groups are not adequately considered. In 2014 parliamentary elections, the number of MPs representing national minorities decreased from 20 in 2010, to 16 (7 Ukrainians, 2 Russians, 3 Gagauz, 2 Bulgarians, 1 Jew and 1 Polish).³⁵

³² UN Women, UNDP Moldova, *Report on the Sociological Study on Women and Men Representing Vulnerable Groups in Local Development from Human Rights Perspective*, 2012, p.26

³³ UN Women, UNDP, OHCHR Moldova, "*Study on the Situation of Romani Women and Girls in the Republic of Moldova*", 2014, p.36

³⁴ Gender pay gap, GenderPulse // <http://genderpulse.md/en/economic-empowerment/earnings-and-wage-gap/gender-pay-gap>

³⁵ Anita McKinna, *Moldova: Four Priorities for Mainstreaming Minority Rights*, ECMI Brief #39, 2018, p. 9 // www.ecmi.de/uploads/tx_lfpubdb/Issue_brief____39.pdf

However, having a small number of MPs with ethnic minority origin does not automatically mean, that they represent the interests of their ethnic group. In addition to that the Roma community is not at all represented in the current composition of the Parliament.

The Law of the Republic of Moldova on the Rights of Persons Belonging to National Minorities and the Legal Status of their Organizations has a specific provision regarding the representation of the national minorities in public institutions. Thus, article 24 of the Law provides:

Persons belonging to national minorities shall have the right to approximately proportional representation in the institutions of the executive branch and those of the judicial branch of all levels, in the army, in the law enforcement agencies.³⁶

Unfortunately, there is no official statistical data on the employment of ethnic minorities at the state institution in general and minority women in particular.

It is significant to mention the problems which face minority women during education and employment, and which influence their capability and ability to participate in the public and political life, especially at the decision-making positions. The main cause of this is the lack of necessary education and experience among minority women which limits their ability to be competitive candidates for the elected public positions, as well as their lack of financial support. The situation is complicated by the perception of the role of women in the society in general and by that of the men in particular, the need to take care of children and by the lack of possibilities to send children to the kindergarten before they are 3 years old.

Nevertheless, the Moldovan authorities adopted different laws and strategies, which are aimed at guaranteeing equality between women and men, in practice, however, it is far from the reality. According to the current composition of the Moldovan Parliament and Government, it is possible to conclude that we have almost 4 times more male Members of the Parliament than female. There are no women in the leading positions of the Parliament and in the Standing Bureau of the Parliament and

³⁶ Parlamentul Republicii Moldova, Lege Nr.382 din 19.07.2001 cu privire la drepturile persoanelor aparținând minorităților naționale și la statutul juridic al organizațiilor lor, ch. IV, art.24 // lex.justice.md/index.php?action=view&view=doc&lang=1&cid=312817

only 5 women are in the leading positions of the Parliamentary Standing Committees (See Table 2). In addition to that, among those women who are in the current Parliament, there is no one with Gagauzian or Roma ethnic origin. The same situation exists with the current Government (except the Head of the Gagauzian Autonomy).

Table 2: Representation of men and women in decision-making elective public positions

	Members of the Parliament		Parliamentary Leadership		Leadership of the Standing Bureau of the Parliament		Leadership of the Parliamentary Standing Committees		Members of the Cabinet of Ministers	
	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male
Total	101		3		3		26		13	
	22	79	0	3	0	3	5	21	5	8
Ratio	22%	78%	0%	100%	0%	100%	19%	81%	38,5%	61,5%

Women are underrepresented also on the local level of decision-making positions. Thus, in 2015 during the local election, only 20,6% of the total number of elected mayors were women.³⁷ However, the underrepresentation of the minority women at the decision-making position is only one side of the problem; another side refers to the low level of participation of the minorities in general, and minority women in particular, in the decision-making process at local levels.

Thus, the UN Women Sociologic Study revealed that socially-vulnerable groups rarely participate in decision-making due to the number of social, economic and administrative factors. One of the most important factors is ‘a paternalist approach in society, where the woman has largely a childcare’s role, which reduced their level of participation’.³⁸ Often vulnerable groups do not know how they can participate in the decision-making, because of the lack of the pro-active approach from

³⁷ Comisia Electorală Centrală a Republicii Moldova, *Analiza alegerilor locale generale din 14 iunie 2015 sub aspectul principiului gender*, 2015, p.3 // http://www.cec.md/files/files/studii_analiza/participareafemeilorinalegerilelocalegenerale2015_1909120.pdf Accessed 7 August 2018

³⁸ UN Women, UNDP Moldova, *Report on the Sociological Study on Women and Men Representing Vulnerable Groups in Local Development from Human Rights Perspective*, 2012, p.13

the local authorities. About 10% of the respondents who belong to the ethnic minorities 'blamed the lack of local councils and the fact that local council meetings were not held. Another reason mentioned was also the unavailability of information in the language of that ethnic group, some noting that discussions were held in the state language. Therefore, those people did not understand what was discussed and could not express their opinions on the subject'.³⁹

The most vulnerable minority women who participate in the formation of policy, in the decision-making process or in decision-making positions are Roma women. There are no Romani women in any positions of elected responsibility anywhere in the Republic of Moldova. Romani women are largely excluded from electoral processes. They do not participate in elections either as candidates or in the composition of election management structures.⁴⁰

1.2 MINORITY WOMEN RIGHTS IN UKRAINE: CURRENT PROBLEMS OF REALIZATIONS

According to the 2001 population census, the total population of Ukraine was 48 million 457 thousand persons among them 10,757,454 persons (22,2%, more than 1/5 of the total population) belong to the ethno-linguistic minorities.⁴¹ Among them, women make up 53,7%.⁴² After the annexation of Crimea, the composition of the population and its number changed. According to some sources, in 2017 the population of Ukraine consisted of more than 42.5 million people (22 872 998 women and 19 717 881 men).⁴³

Even though there are no up-to-date data we can still conclude that women are the majority in Ukraine and ethno-linguistic minorities are

³⁹ UN Women, UNDP Moldova, *Report on the Sociological Study on Women and Men Representing Vulnerable Groups in Local Development from Human Rights Perspective*, 2012, p.13

⁴⁰ UN Women, UNDP, OHCHR Moldova, *Study on the Situation of Romani Women and Girls in the Republic of Moldova*, 2014, p.13

⁴¹ About the number and composition population of Ukraine by data All-Ukrainian population census 2001 data, State Statistics Committee of Ukraine // 2001.ukrcensus.gov.ua/eng/results/general/nationality/

⁴² About the number and composition population of Ukraine by data All-Ukrainian population census 2001 data, Gender Structure of population by regions of Ukraine, State Statistics Committee of Ukraine // 2001.ukrcensus.gov.ua/eng/results/general/sex/

⁴³ USAID report, *Gender Analysis Report*, written by Elisabeth Duban, 2017, p.26

a large part of the population. Ukrainian authorities continuously work toward the achievement of gender equality, but the problem is still in place. Ukraine stood at number 84 out of 188 in the 2015 Gender Inequality Index.⁴⁴

While women in the general population of Ukraine face different forms of discrimination, some minority groups are considered particularly vulnerable, based on the intersection of their sex with their ethnicity [i.e. minority women]... The following groups face human rights abuses, intolerance and particularly severe discrimination in access to employment, health care, education and other basic services.⁴⁵

The fourth report on Ukraine made by the European Commission Against Racism and Intolerance (hereafter: ECRI) reaffirmed that Romani people and Crimean Tatars remain to be most vulnerable within other national minority groups and they face significant disadvantages in the field of employment, housing, health care and so on.

1.2.1 Rights to education

ECRI notes that the groups that appear to be most affected in Ukraine by discrimination in the field of education are Roma and unaccompanied asylum-seeking children.⁴⁶ The ECRI report highlights that the situation with Romani children's access to education has not improved for several years. The major obstacles for Romani children's attendance at the education institutions is the lack of their identification documents, the poor economic situation of their families, big distances to the school, early marriage and parental neglect of the importance of the school attendance for their children. According to the Romani women's foundation, Chirikli, local authorities created a number of barriers to prevent issuing national identification documents to Romani people.⁴⁷ The cross-cutting issue of the high non-attendance

⁴⁴ UNDP, Human Development Report 2016, Table 5: Gender Inequality Index // hdr.undp.org/en/composite/GII

⁴⁵ USAID report, *Gender Analysis Report*, written by Elisabeth Duban, 2017, p.42

⁴⁶ Council of Europe, *ECRI Report on Ukraine (fourth monitoring cycle)*, 2012, p.36, par.138 // www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Ukraine/UKR-CbC-IV-2012-006-ENG.pdf

⁴⁷ United States Department of State. Bureau of Democracy, Human Rights and Labour, Country Reports on Human Rights Practices for 2017, *Ukraine 2017 Human Rights Report*, 2017, p.43 // www.state.gov/documents/organization/277475.pdf

rate of Romani children is the discriminatory attitude towards the Roma community, based on stereotypes and prejudices. Some schools refuse to admit Romani children, or they have a quota – no more than one Roma child per class.

Roma continue to experience high drop-out rates from school, segregation (in separate classrooms or separate sitting arrangements within mixed classrooms and sometimes in separate schools altogether), as well as ethnic bullying when they attend mixed schools. Roma illiteracy rates reportedly remain high; few Roma attend pre-school and the proportion of Roma – especially Roma girls – that complete secondary education or tertiary education appears to be significantly lower than that of the overall population.⁴⁸

Before the annexation of Crimea, the main problem in education for Crimean Tatars was the limited possibility to study in their mother tongue. According to the data ‘...only one in ten Crimean Tatar children has access to education in their mother tongue’.⁴⁹ After the secession, many Tatars left the peninsula due to different reasons and moved to live to mainland Ukraine. ‘...the Ukrainian Presidential Commissioner for the Crimean Tatar People stated that of the 19,000 or so people who had left the peninsula by the end of 2014, over half were Crimean Tatars’.⁵⁰ On the Ukrainian mainland, Tatars children do not have the opportunity to study and to preserve their language. The situation is complicated by the problems with their documents.

Problems with documents of invalid sample obtained in the temporarily occupied territory, as a rule, can be exchanged to documents of valid sample only within the judicial proceedings. In addition, there are problems with obtaining, and restoring Crimean registration stamp in the passport, as well as documents on obtaining a certain level of education. Recently there have been several cases when the State Migration Service did not acknowledge Ukrainian passports of residents of Crimea, demanding the additional proof of their citizenship.⁵¹

⁴⁸ United States Department of State, Bureau of Democracy, Human Rights and Labour, Country Reports on Human Rights Practices for 2017, *Ukraine 2017 Human Rights Report*, 2017, p.36, par.140

⁴⁹ Council of Europe, *ECRI Report on Ukraine (fourth monitoring cycle)*, 2012, p.28, par.92 // www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Ukraine/UKR-CbC-IV-2012-006-ENG.pdf

⁵⁰ Equal Rights Trust in Partnership with Nash Mir, *In the Crosscurrents. Addressing discrimination and Inequality in Ukraine*, 2015, p.145 // www.equalrightstrust.org/ertdocumentbank/In%20the%20Crosscurrents%20Addressing%20Discrimination%20and%20Inequality%20in%20Ukraine.pdf

⁵¹ CrimeaSos, *Studies of Internally Displaced Crimea Tatars: Analysis of the current situation and perspectives*, 2016, p.3 // krymsos.com/files/a/e/aeda3c6-status-of-internally-displaced-crimean-tatars.pdf

Main host regions of displacement of Crimean Tatars are the Kherson and Odesa regions as the closest regions to the Crimean Peninsula, as well as the central and western regions of Ukraine (Lviv, Ivano-Frankivsk, Vinnytsia regions) and Kyiv city.⁵² However, Crimean Tatars can apply to the court in order to protect their rights and resolve problems with their documents only in Kiev, without any benefits to pay court fees and other costs. This state of affairs complicates their access to justice that may influence the rate of school attendance and create obstacles during their employment.

1.2.2 Right to work

According to the data of the Ukrainian Employment Service, in 2017 the labour force participation rate for men was 61,4%, while for women – 51,4%.⁵³ Hence, the gap in employment between men and women is 10%. However, the gap between men and women in the labour market exists not only in the employment rate but also is the payment rate. Thus, according to the National Statistic it states the wage gap between men and women is increasing each year (See Table 3). If in 2014 the wage gap was 23,7%,⁵⁴ in 2016 it was already 25,3%.⁵⁵ That actually means that women receive less money than men do.

Table 3: Average monthly wage gap between men and women

	Men (hryvnia)	Women (hryvnia)	Wage Gap
2016	6001	4480	25,3%
2015	4848	3631	25,1%
2014	3979	3037	23,7%

⁵² CrimeaSos, *Studies of Internally Displaced Crimea Tatars: Analysis of the current situation and perspectives*, 2016, p.3 // krymsos.com/files/a/e/aeda3c6-status-of-internally-displaced-crimean-tatars.pdf.

⁵³ Державну Службу Зайнятості, Ситуація на Ринку Праці, 2018, p.3 // www.dcz.gov.ua/analitics/67

⁵⁴ Державна служба статистики УКРАЇНИ, Середньомісячна заробітна плата жінок та чоловіків за видами економічної діяльності у 2014 році // www.ukrstat.gov.ua/

⁵⁵ Державна служба статистики УКРАЇНИ, Середньомісячна заробітна плата жінок та чоловіків за видами економічної діяльності у 2016 році // www.ukrstat.gov.ua/

In this regard, it is important to mention that in the Labour Code of Ukraine there are separate provisions, which prohibit women from having certain jobs.⁵⁶ In total about '450 types of activities, including many well paid and interesting professions attractive to women like train operators, engine mechanics, and drivers of long-distance buses'⁵⁷ are prohibited.

Unfortunately, there is no official statistic on the level of unemployment within the ethnic minority groups. However, in a number of the reports, it is highlighted that the Roma community face difficulties in employment. Thus, the Roma NGOs estimate that 38% of Roma are employed (only 14,9% of them are full-time employees). This compares with an overall unemployment rate in Ukraine, according to the authorities, of less than 9%.⁵⁸ In the Report, it is also mentioned that very few Roma are employed in the public sector and they have to conceal their ethnic origin, because of the fear of being fired or refused promotion at their workplace. The same situation occurs in the private sector. Roma tend to be the first to lose their jobs in difficult times or to be blamed if something goes wrong.⁵⁹ With regard to Roma women, they suffer from a particular disadvantage in the labour market. From one aspect it is caused by the low rate of school attendance of Roma girls and their illiteracy, from another it is due to the persistence of traditional stereotypes regarding the roles and responsibilities of women.

Another vulnerable group in the field of employment is Crimean Tatars. Crimean Tatars also experience a disproportionately high rate of unemployment,⁶⁰ due to the discriminatory attitude and prejudices on the part of employers.

The war on the Eastern part of Ukraine and secession of Crimea caused a large number of internal displaced people, which negatively influenced the minority women like Roma and Crimea Tatars, on their living conditions and the possibility to finding jobs. Hence, according to Roma non-governmental organizations and Roma health mediators,

⁵⁶ Кодекс Законов о труде Украины - КЗоТ Украины с изменениями от 22.05.2018 года, ch. 12, art. 174-177 // meget.kiev.ua/kodeks/kzot/glava-12-trud-zhenshin/

⁵⁷ Ibid.

⁵⁸ Council of Europe, *ECRI Report on Ukraine (fourth monitoring cycle)*, 2012, p.36, par.138 // www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Ukraine/UKR-CbC-IV-2012-006-ENG.pdf, p.37, par.144

⁵⁹ Ibid., par.145

⁶⁰ Council of Europe, *ECRI Report on Ukraine (fourth monitoring cycle)*, 2012, p.37, par.148 // www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Ukraine/UKR-CbC-IV-2012-006-ENG.pdf

there are 9000 displaced Roma [information is actual to September 2014], predominantly women and children from urban and rural areas of the East of Ukraine.⁶¹ The lack of the identification documents made it almost impossible for Romani women to obtain the official status of internally displaced person (IDP), to receive IDP assistance and medical care. Women from marginalized groups face particular hardships when they are displaced and unable to access specialized support.⁶²

1.2.3 Participation in public and political life

Despite all the efforts and steps toward the promotion gender equality, Ukraine still did not manage to get away from the patriarchal model of the society and overcome the stereotypes of the women's role. Despite the high level of education of women in Ukraine, their representation in political life and especially at the highest decision-making positions is very low. Thus, the number of female members of the Parliament is 7 times fewer than the male members. Consequently, the number of men is almost six times more than the number of women among leaders and their deputies in Parliamentary Commissions. A similar situation exists in the Cabinet of Ministers, where there are only 3 female members from a total 25 members (see Table 4).

However, women are more represented in the representative bodies of local self-government, in particular, in regional councils - 12% of women; district councils - 23% of women, city councils - 28% of women, town councils - 46% of women, village councils - 51% of women.⁶³

Table 4: Representations of men and women in decision making elective public positions

	Members of the Parliament		Leadership of the Parliament		Leadership of the Parliamentary Committees		Members of the Cabinet of Ministers	
	Female	Male	Female	Male	Female	Male	Female	Male
Total	421		3		106		25	
	52	369	2	1	16	90	3	22
Ratio	12,4%	87,6%	66,6%	33,3%	15,1%	84,9%	12%	88%

⁶¹ The International Charitable organization Roma Women Fund "Chirikli", *Monitoring the Human Rights situation of Roma in Ukraine*, 2014, p.6 // chirikli.com.ua/index.php/en/library/item/93-monitoring-the-human-rights-situation-of-roma-in-ukraine

⁶² USAID report, *Gender Analysis Report*, written by Elisabeth Duban, 2017, p.88-89

⁶³ *Ibid.*, p. 51

Unfortunately, it is impossible to provide an analysis of the ethnical composition of the female member of the Parliament or Cabinet of Ministers due to the lack of official data. In this regard, it is important to mention that “according to the Law of Ukraine “On Information” data on nationality and/or ethnicity of the person is confidential and ongoing data collection and processing are prohibited under any conditions”.⁶⁴

Being a multi-ethnic state Ukraine does not have any quotas for the ethnic group to be elected as Parliamentary members and the only way for the minority to represent their interests is to be included in the list of the candidate parties.

As a result, it is obvious that some women have additional vulnerability, which create extra obstacles in their efforts to achieve even basic things including identification documents, education, social assistance, adequate jobs. Needless to say, this includes obstacles to participation in decision making and promoting their interests in order to improve their actual situation not only for themselves, but also for women who are in the same situation as them.

The biggest problem in this regard is in the lack of disaggregated statistics and research in this field. This actually makes the work toward gender equality not effective enough and productive, which in its turn contributes to increasing the gap between majority and minority women, leaving minority women excluded from the gender equality benefits.

Lack of statistics disaggregated by sex, ethnic origin, age, social, geographical and other backgrounds helps to create the illusion that there is no problem with ethnic minority women, because if there is no data – there is no problem. However, Moldovan and Ukrainian authorities should follow the recommendation of the UN Committee on the Elimination of Discrimination Against Women and conduct the necessary researches in order to have necessary relevant data, if they really aim to promote a gender equal society without any discrimination.

⁶⁴ Information of the Ukrainian Parliament Commissioner for Human Rights concerning implementation of provisions of the International Covenant on Economic, Social and Cultural Rights, 2014, p.1 // tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fNHS%2fUKR%2f17111&Lang=en

2.

COMPARATIVE ANALYSIS OF POLICY AND LEGAL
FRAMEWORK FOR PROTECTION OF MINORITY WOMEN IN
MOLDOVA AND UKRAINE

As demonstrated in Chapter 1, women belonging to minorities are often more marginalized and discriminated against within their communities and within wider society. They have limited opportunities for education, good job positions and political participation. This situation is to a good extent the result of the fact that rules and systems of the modern society were very much created without considering women's views, but rather by men and from mainly a male perspective. While women belonging to minorities often suffer from the multiple forms of discrimination and violation of their rights, in many cases they also continue to be excluded from the decision-making processes during the development and implementation of measures to respond to the violations of their rights.

2.1 POLICY AND LEGAL FRAMEWORK FOR PROTECTION OF MINORITY WOMEN

Many international and regional human rights instruments⁶⁵ are of general character and protect the rights of every human being independent of their origin and specific characteristics. However, there are special acts, which focus on the rights protection of target beneficiaries due to their additional vulnerability compared to other people. Thus, within the UN as well as within the systems of the Council of Europe there are specific acts, which protect women and ethnic minority rights.

⁶⁵ The paper will be focused on United Nations and Council of Europe human rights systems due to their most relevance to analyzed countries

In the framework of the UN human rights system, women and ethnic minority rights are protected by the following specific international documents:

- **International Convention on the Elimination of All Forms of Racial Discrimination (1965)** – one of the main UN acts focused on combating discrimination ‘on the basis of identity group or minority membership’⁶⁶ – does not have in its text a gender dimension. However, the UN Committee on the Elimination of Racial Discrimination interpreted the Convention to address minority women through the adoption of specific General Recommendations to it. The most important General Recommendation in this regard is General Recommendation 25, by which it is recognized that ‘racial discrimination does not always affect women and men equally or in the same way. There are circumstances in which racial discrimination only or primarily affects women, or affects women in a different way, or to a different degree than men’.⁶⁷ Another not less important CERD General Recommendation is General Recommendation XXVII on Discrimination Against Roma, which provides a list of special measures aimed to improve the situation of Roma women in the field of education, improving living conditions and participation in public life.⁶⁸
- **International Convention on the Elimination of All Forms of Discrimination Against Women (1979)** – one of the main UN acts aiming to combat discrimination on gender basis – is in fact minorities-neutral. At the same time, the CEDAW Committee regularly provides state-parties with recommendations regarding improving the human rights situation of minority women in the relevant countries.⁶⁹

⁶⁶ Malloy, Tove H., *Minority Women’s hard choices when seeking redress for multiple discrimination*, ECMI Issue Brief, 2015, p 5.

⁶⁷ CERD, General Recommendation 25, Gender Related Dimensions of Racial Discrimination (Fifty-sixth session, 2000), U.N. Doc. A/55/18, annex V at 152 (2000), reprinted in *Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies*, U.N. Doc. HRI/GEN/1/Rev.6 at 214 (2003) // afai-afai.org/wp-content/uploads/2014/11/6-CERD-General-Recommendation-on-gender-related-aspects-of-racial-discriminaiton.pdf

⁶⁸ CERD General Recommendation XXVII on Discrimination Against Roma, adopted at the Fifty-seventh session of the Committee on the Elimination of Racial Discrimination, on 16 August 2000 // www.refworld.org/pdfid/45139d4f4.pdf

⁶⁹ CEDAW Concluding observation to Estonia 2016, CEDAW Concluding observation to Italy 2017 or CEDAW Concluding observation to France 2016

- **Convention on the Rights of the Child (1989)** – the most important UN mechanism through which child rights are guaranteed is gender and minority sensitive. First, the Convention has an anti-discrimination provision, which guarantees that the rights set by the Convention shall apply to every child regardless of gender, nationality, ethnicity or linguistic background. But what is even more important, the Child Rights Convention has a separate article – article 30 – addressing specifically minority children:

Article 30: In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language.

- **UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1992)** – although not a legally binding document, the Declaration, however, was adopted in full consensus, meaning that no state objected against it. This Declaration protects the rights of minorities, discussing equality between men and women, but does not include special provisions regarding minority women protection.

During numerous high-level international conferences (mostly convened under the umbrella of the United Nations), Moldova and Ukraine repeatedly agreed on the necessity to apply complex measures in order to combat intersecting discrimination faced by minority women and endorsed platforms for actions aimed to change the situation for the better. Among them:

- The Fourth World Conference on Women held in Beijing in 1995 ‘provided the context for the increased perception that various types of discrimination may affect women and men differently. The Beijing Platform for Action, adopted at that Conference, drew attention to the fact that factors such as age, disability, socio-economic position or belonging to a particular ethnic or racial group, could compound with discrimination on the basis of sex and create multiple barriers for women’s empowerment and advancement’;⁷⁰

⁷⁰ Gender and racial discrimination Report of the Expert Group Meeting, 21-24 November 2000, Zagreb, Croatia, Introduction // www.un.org/womenwatch/daw/csw/genrac/report.htm

- State participants to the UN Durban World Conference against Racism in 2001 recognized ‘the need to integrate a gender perspective into relevant policies, strategies and programs of action against racism, racial discrimination, xenophobia and related intolerance in order to address multiple forms of discrimination’,⁷¹
- The 2009 Durban Review Conference again stressed that: ‘In order to protect, promote and advance women’s human rights, advocates and policy makers must take into account differences among women with respect to age, socio-economic status, racial/ethnic background... Among the most disadvantaged and vulnerable are women from minority communities, whose problems are compounded by their uniquely disadvantaged positions in society... The majority of the world’s poorest people are women, who are further affected by discrimination if they belong to minority groups’,⁷²
- The fourth session of the UN Forum on Minority Issues was dedicated to the challenges of minority women and girls. Participants once again highlighted that: ‘Women belonging to minorities frequently experience unique challenges and multiple or intersecting forms of discrimination emanating from their status as members of minorities and as women or girls’⁷³ and provided a range of recommendations in this regard.

Moldova and Ukraine are European states and for this reason, it is important to highlight regional mechanisms for minority rights protections. The two most important Council of Europe documents in this field are – Framework Convention for the Protection of National Minorities (1998) and European Charter for Regional and Minority Languages (1998). Both documents focus on the protection of the rights of people belonging to ethnic and linguistic minorities in general and do

⁷¹ Declaration of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, Durban, South Africa, from 31 August to 8 September 2001, p.13, par. 69 // www.un.org/WCAR/durban.pdf

⁷² Durban Review Conference – Geneva 2009, Women Facing Multiple Forms of Discrimination, Geneva 20-24 April 2009, p.1 // www.un.org/en/durbanreview2009/pdf/InfoNote_07_Women_and_Discrimination_En.pdf

⁷³ OHCHR, United Nations Forum on Minority Issues, *Compilation of Recommendations of the First Four Sessions 2008 to 2011*, p. 46, par. 7 // www.ohchr.org/Documents/HRBodies/HRCouncil/MinorityIssues/Forum_On_Minority_Pub_en_low.pdf

not contain specific provisions on minority women protection. However, as in the case of the UN system, CoE Advisory Committee on the Framework Convention for the Protection of National Minorities issued recommendations concerning the necessity to apply specific measures to combat multiple forms of discrimination faced by minority women.

Thereby, if we take the original international or regional acts adopted dozens of years ago, the absolute majority of them are either gender or minority neutral/blind. However, over time and with a more in-depth study of human rights violations the international community came to the idea of the necessity of protecting specific groups based on their intersectional or multiple vulnerabilities. Thus, minority women protection became one of the important issues on the global agenda. International and regional human rights mechanisms expanded their coverage over minority women rights protection through many recommendations to the initial treaties. Accordingly, state responsibilities in the field of human rights protection should follow these lines and go much further in protecting groups facing intersecting and multiple vulnerabilities, including minority women.

2.1.1 Legal framework for the minority women rights protection in Moldova and its compliance with the international standards

Moldova is a state-party to the majority of the above-mentioned international treaties, which protect women and minority rights, with the notable exception of the European Charter for Regional and Minority Languages (which Moldova signed, but did not ratify). The Moldovan authorities regularly report on how they are implementing these treaties to the relevant international and regional bodies and receive recommendations on how to improve the human rights situations in this field.

In 2016-2017 Moldova has been reviewed by an impressive number of the UN human rights bodies, of which several – under CERD, CESCR, CRC, and CCPR – addressed to the Moldovan authorities list of recommendations on improving the situation of minority women. The most important recommendations are the following:

- the necessity for Moldova to have a good database disaggregated by sex, age, geographic location, ethnic and national origin, as well as updated statistics on the enjoyment of economic and social rights by

ethnic minority groups (CERD and CRC recommendations). This recommendation is very relevant to the Moldovan reality, because there is no good disaggregated data regarding minority groups in general and minority women in particular, which in turn complicates elaboration of effective policies aiming to improve the situation of minority groups and minority women, in particular;

- state authorities should provide ethno-linguistic minorities with the possibility of obtaining an education at all levels in their mother-tongue and improving the teaching of the state language for the minority groups, possibly through introducing bilingual education (CERD and CRC recommendations). The UN Special Rapporteur on Minority Issues issued the same recommendation after her official visit to Moldova in 2016;
- the state-party should intensify its efforts to address the root causes that prevent women from participating in public and political life, particularly in decision-making positions, and undertake awareness-raising and capacity-building campaigns on the importance of full and non-discriminatory participation of women in all aspects of public and political life.⁷⁴ There was a similar recommendation on the importance of the representation of minority women, especially Roma women, in public positions as well as engaging them to the decision-making process, which was made by CERD, CESCR and CEDAW back in 2013;
- the problem of the gap in payment between men and women was raised by CESCR and CEDAW (2013). CESCR highlighted the necessity ‘to adopt a legislative framework on the principle of equal pay for work of equal value and further reduce the gender pay gap, including by combating gender role stereotypes and improving the vocational and professional skills of women and their employment opportunities in non-traditional occupations’;⁷⁵

⁷⁴ Human Rights Committee, *Concluding observations on the third periodic report of the Republic of Moldova*, 2016, p.3, par.14 // tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/C/MDA/CO/3%20&Lang=En

⁷⁵ CESCR, *Social and Cultural Rights, Concluding observations on the third periodic report of the Republic of Moldova*, 2017, p.6, par.35 // tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E/C.12/MDA/CO/3&Lang=En

- CERD stressed the importance for Moldova to follow the Durban Review Conference recommendation including its section regarding taking into account age, socio-economic and ethnic background during the elaboration of policies regarding women's rights.

During the last Universal Periodic Review of Moldova in 2016, the authorities received and accepted a list of recommendations regarding the necessity to combat structural discrimination against women, elaborate and implement special empowerment programs for women and encourage women to choose non-traditional fields of study.

Currently, Moldovan authorities have adopted several new acts, which aim at improving the situation of women and minority groups in the country:

1. Strategy on Consolidation of Inter-Ethnic Relations in the Republic of Moldova for 2017-2027, adopted in December 2016;⁷⁶
2. Action Plan to Support Roma Population in the Republic of Moldova for 2016-2020, adopted in June 2016;⁷⁷
3. National Program on Ensuring Gender Equality in the Republic of Moldova 2017-2021, adopted in April 2017;⁷⁸
4. The Law on Equal Opportunities for women and men adopted in February 2006;⁷⁹
5. National Human Rights Plan 2018-2022, adopted in May 2018;⁸⁰
6. The Law on the Rights of Persons Belonging to National Minorities, and the legal status of their organizations, adopted in July 2001;⁸¹

⁷⁶ Стратегии укрепления межэтнических отношений в Республике Молдова на 2017-2027 годы, Government Decree from 30 December 2016 // lex.justice.md/viewdoc.php?action=view&view=doc&id=369024&lang=2

⁷⁷ План Действий по Поддержке Этнического Населения Ромов Республики Молдова на 2016-2020 годы, Government decree from 9 June 2016 // lex.justice.md/viewdoc.php?action=view&view=doc&id=365368&lang=2

⁷⁸ Стратегии по обеспечению равенства между женщинами и мужчинами в Республике Молдова на 2017-2021 годы, Government decree Nr. 259 from 28.04.2017 // lex.justice.md/viewdoc.php?action=view&view=doc&id=370442&lang=2

⁷⁹ Закон № 5 об обеспечении равных возможностей для женщин и мужчин от 09.02.2006 // lex.justice.md/viewdoc.php?action=view&view=doc&id=328234&lang=2

⁸⁰ Planul național de acțiuni în domeniul drepturilor omului pentru anii 2018-2022, Parliamentary decision Nr.89 from 24.05.2018

⁸¹ Закон №. 382 о правах лиц, принадлежащих к национальным меньшинствам, и правовом статусе их организаций от 19.07.2001 // lex.justice.md/viewdoc.php?action=view&view=doc&id=312817&lang=2

Elaboration of these acts was expected to be in line with the recommendations received by Moldova during the review by UN Treaty Bodies, UPR and Council of Europe reviews.

The first document – *Strategy on Consolidation of Inter-Ethnic Relations in the Republic of Moldova* – is a long-term act elaborated for eleven years. This act describes the general problems of the minority groups and provides some ideas about how they should be resolved. However, in the text of the Strategy it is highlighted that the lack of disaggregated data by sex, ethnic origin, level of education and other criteria, makes it difficult to elaborate specific measures to solve the problems faced by persons belonging to national minorities: ‘The lack of such information [disaggregated data] makes it difficult to develop measures aimed at solving existing problems faced by persons belonging to national minorities in the process of participating in public life’.⁸² The same shortcoming is mentioned not only in the section on participation of ethnic minorities in public life. The lack of disaggregated data causes another important problem - the impossibility of objectively assessing the problems faced by minorities, as well as their causes. In general, this Strategy does not provide specific actions, which should be undertaken in order to increase, for instance, the number of persons belonging to ethnic minority groups in public institutions, in decision-making positions or to increase their participation in the decision-making process. The Strategy does not address minority women in its text, and thus is gender neutral – i.e. gender-blind. In addition, the Strategy does not have an action plan, nor committed budget.

Action Plan to Support Roma Population in the Republic of Moldova – although the document mentions women in the text twice, it could be concluded that this Plan overall is gender blind. In contrast to the situation with other minorities, there is a good body of studies and statistical data about the situation of Roma people in Moldova, including specifically about Roma women and girls. These studies clearly point that Romani women are more vulnerable compared even with Romani men, as it has been shown in Chapter 1. Despite this fact, the Roma Action Plan does not look into such available data and

⁸² Стратегии укрепления межэтнических отношений в Республике Молдова на 2017-2027 годы, Government Desree from 30 December 2016, p.15 // lex.justice.md/viewdoc.php?action=view&view=doc&id=369024&lang=2

basically disregards specificity of Romani women (with two exceptions).

The Plan has several sections such as education, employment, participation in the decision-making process, healthcare, housing conditions and public development. The first time women are mentioned in the Plan is in the section regarding education, namely in goal to increase the number of Roma children, especially Roma girls in the pre-school and pre-universal education levels. However, there is nothing about Roma girls in its action part, and it is not clear how to increase the number of Roma girls specifically in pre-university institutions. Moreover, Roma girls are absent in the results part of the section. In the Roma employment section, there is a short provision on providing services of vocational guidance and training for ethnic Roma, especially women, registered in territorial employment agencies. And then again women are missed in the achieved-results part. Even though available data show worse health, employment, education and poor participation in the decision-making process or public participation among Romani women, the Action Plan does not aim to change the existing situation and leaves Romani women with no chance of progress until at least 2020.

The *National Program on Ensuring Gender Equality in the Republic of Moldova* in its Description mentions that the Program is elaborated in compliance with the international treaties to which Moldova is a party and in the accordance to the provisions of the Beijing Declaration and Action Plan. At the same time, while the Beijing Declaration and Action Plan highlights that women can suffer from intersectional discrimination due to their sex, socio-economic, ethnic origin and some other vulnerabilities and it is important to consider this factor when working with women, the Moldovan Gender Equality Program remains minority neutral – i.e. blind. The Gender Equality Program analyses several areas like women's participation at the decision-making level, social protection, education, healthcare from the gender equality perspective. Only once, in the social protection sections in the description of the current situation are several groups that might be affected by additional discrimination mentioned. Among these groups could be found ethno-linguistic minorities. Further, in the section on strategic planning and results which should be obtained after implementation of the Program minority women are absent. As with the previous documents, the Gender Equality Program leaves women belonging to minority groups out of the focus.

If the National Strategy on Ensuring Gender Equality in the RM hints at understanding the heterogeneity of women as a group, *The Law on Equal Opportunities for Women and Men* totally misses this dimension and does not have any provision concerning minority women.

National Human Rights Plan (NHRP) was adopted two years after the previous policies and after Moldova recently received new recommendations from the relevant UN Treaty Bodies and UPR. In the introductory part of the NHRP, it is stipulated that the Plan was elaborated in accordance to the human rights recommendations received by Moldova from UN human rights monitoring bodies, The Council of Europe and other international organizations, as well as those received as part of the second Moldovan UPR process, which took place in November 2016. Nevertheless, NHRP remains to be minority women blind and it just highlights the necessity to monitor how an existing Strategy on consolidation of inter-ethnic relations, an Action Plan to support the Roma population and a National Program on Ensuring Gender Equality are implemented. Thus, it does not update or improve state “priorities” in the field of minority women protection and leaves this vulnerable group insufficiently protected for the next 5 years, during which time the new strategic planning documents will be elaborated and adopted.

The Law on the Rights of Persons Belonging to National Minorities and the Legal Status of Their Organizations was adopted in 2001. The Law states that everyone is equal before the law and discrimination based on ethnicity shall be prohibited. It also contains some provisions regarding the rights of ethnic minorities to preserve their culture and language and to create their ethnic organizations. Even though there is a section regarding minority rights “for representation and decision making” where it is mentioned that ethnic minorities have the rights to be proportionally represented in the judicial and executive powers. In general, the gender dimension has no place in the Law, and consideration of inherent differences between women and men, including minority women and men is lacking.

To sum up, the above-presented national policy frameworks have a number of important shortcomings.

Firstly, these acts are fragmented and are mostly not connected to each other (Gender Equality Program does not address specific issues faced by women from minorities as opposed to non-minority women,

Roma Plan does not address specific issues faced by Roma women as opposed to Roma men and non-Roma women, etc.). Only in the National Human Rights Plan there are references to the necessity of monitoring the realization of previously adopted policies. However, NHRP does not enlarge on its effect in these areas, which are not covered by previous documents and thus leaves women belonging to minority groups unprotected. The other documents mentioned exist independently to one another and do not complement or expand their application.

Secondly, the mentioned acts are elaborated in the absence of disaggregated data by gender and ethno-linguistic criteria, which in its turn makes them useless for the improvement of the situation of minority groups, especially minority women. It is almost impossible to obtain information regarding, for instance, the participation of ethno-linguistic minorities or minority women in public life, in decision-making positions, their level of education, employment rate or salary level, their level of social protection and so on. In the absence of such information, it is almost impossible to assess the real state of affairs of certain vulnerable groups and to elaborate/recommend effective measures that would improve the situation. In such circumstances, policy documents and strategies either do not take into account some vulnerable groups and are focused just on the majority or are ineffective towards them.

Finally, all acts, although making some references to the international human rights standards and claiming to be based on the received recommendations, miss important parts of these standards regarding the protection of the rights of women belonging to the minority groups. Moldova continues to elaborate its policy documents and strategies without having good disaggregated data despite numbers of recommendations received from UN human rights mechanisms. In addition, Moldovan authorities continue to ignore the importance of the protection of women belonging to minority groups although they took part in the World Conference on Women held in Beijing and the UN Durban World Conference against Racism, where the countries of the world, including Moldova, agreed that women belonging to the vulnerable groups, including ethno-linguistic minorities, need to be additionally protected.

2.1.2 Policy and legal framework on the minority women rights protection in Ukraine and its compliance with the international standards

Ukraine has adhered to all international and regional mechanisms, which protect women and minority rights. In addition, Ukraine has also committed itself to the Beijing Platform for Action and the Action Plan from the Durban Racism Conference. Therefore, among other commitments, Ukraine has a number of obligations to improve the situation with the rights of women belonging to minority groups. In addition, Ukraine signed the Association Agreement with the EU, which contains a separate provision regarding anti-discrimination and gender equality.⁸³ As with other countries-parties to the international and regional human rights mechanisms, Ukraine reports to certain mechanisms and receives guidance on the improvement of the human rights situation in the country. The most relevant recommendations addressed to the Ukrainian authorities are:

- To develop a gender indicators system to improve the collection of data, disaggregated by sex and other relevant factors, necessary to assess the impact and effectiveness of policies and programs aimed at mainstreaming gender equality and enhancing women's enjoyment of their human rights.⁸⁴ Other UN Committees (CERD, CRC, CESCR) also highlighted the necessity for the Ukrainian authorities to take the necessary steps to create a disaggregated data collection system by gender, ethnicity, nationality, language and other criteria' in order to have the quality data on how, for instance, different groups enjoy their social and economic rights or are involved in the decision-making positions. This system of disaggregated data should help to identify problems at an early stage and to develop more effective strategies and policies that will not leave vulnerable groups out of their effect;
- To take measures towards overcoming the existing wage gap, as well as to eliminate gender discrimination in the labour market by

⁸³ Association Agreement Between the European Union and its Member States, of the one Part and Ukraine, of the other part, Official Journal of the European Union, 2014 // trade.ec.europa.eu/doclib/docs/2016/november/tradoc_155103.pdf

⁸⁴ CEDAW, *Concluding observations on the eighth periodic report of Ukraine*, 2017, p. 16, par.50 // tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/UKR/CO/8&Lang=En

changing the employment legislation which prohibits women to work in a number of specialties (as per the recommendations of the UN human rights treaty bodies, as well as of the last Ukrainian UPR review);

- ‘To adopt a global strategy based on targeted measures, including training, gender-sensitive recruitment and special measures, as well as temporary special measures, to ensure that women are appointed to decision-making positions at both the national and local levels, on an equal footing with their male counterparts’.⁸⁵

Separate recommendations were made towards the engagement of ethnic minority groups, primarily Roma and Crimean Tatars into education, employment and decision-making positions.

There are several key legal acts, which protect women and minorities in Ukraine:

1. Law on National Minorities in Ukraine adopted in 1992 and updated in 2012;
2. Law On encouraging the equality of rights and opportunities of women and men adopted in 2005 and updated in 2018;
3. State Social Program for ensuring equal rights and opportunities for women and men by 2021, approved by Regulation of the Cabinet of Ministers of Ukraine of 11 April 2018 N273;
4. Strategy on the Protection and Integration of the Romani National Minority in Ukrainian society for the period until 2020 and Action Plan to the Strategy, approved by Presidential Decree;
5. National Human Rights Strategy of Ukraine adopted in 2015 by the Decree of the President of Ukraine.

*Law on National Minorities*⁸⁶ was first adopted in 1992 and updated in 2012. The Law sets general provisions regarding the legal regime of the minorities and entitles them with specific rights on preserving cultural identity and their language. However, the Law on National

⁸⁵ CEDAW, *Concluding observations on the eighth periodic report of Ukraine*, 2017., p. 12, par.33 (a)

⁸⁶ Закон України про національні меншини в Україні, 2012, adopted by the Decree of the President of Ukraine in 1992 // zakon3.rada.gov.ua/laws/show/2494-12/print1510093497571867

Minorities is gender neutral, as it does not address specific concerns of minority women (and men) and does not focus on resolving specific problems faced by women belonging to minority groups. Thus, the Law could be characterized as a general one in relation to the gender issues, without effectively addressing problems faced by minorities in general, and by minority women in particular.

State Social Program for ensuring equal rights and opportunities for women and men by 2021. The Program puts forward several main causes of gender inequality in the county. The lack of disaggregated data, stereotypes on gender roles in the society, partial realization of the recommendation of international organizations and a lack of a gender dimension in the program of strategic reforms among them. Although this Program was adopted after Ukraine agreed on the necessity to additionally protect women belonging to minorities, it is minority-neutral, i.e. minority-blind. Even though in the text of the Program it is mentioned that:

Discrimination is one of the main obstacles to achieving gender equality in the economic, political and other spheres. Separate groups of women (women of advanced age, women and girls with disabilities, especially in rural areas, HIV-positive and / or drug-dependent women, as well as women of national [ethnic] minorities) suffer from multiple forms of discrimination.⁸⁷

The Program does not have any specific measure or achievable target for improving the situation of minority women. Thus, the Gender Equality Program completely lacks actions to address minority women.

*Law on encouraging the equality of rights and opportunities of women and men*⁸⁸ is totally minority women blind. Although in the Gender Program there is a mention that some women may suffer from the additional forms of discrimination based on their background like ethnicity, the Law does not protect women with additional vulnerabilities.

Strategy on the Protection and Integration of the Romani National Minority in Ukrainian society for the period until 2020 and Action Plan

⁸⁷ Концепція Державної Соціальної Програми Забезпечення Рівних Прав та Можливостей Жінок і Чоловіків на період до 2021 року, par.7 // zakon5.rada.gov.ua/laws/show/229-2017-%D1%80#n9

⁸⁸ Закон України Про забезпечення рівних прав та можливостей жінок і чоловіків, adopted by the Decree of the President of Ukraine 2005 // zakon2.rada.gov.ua/laws/show/2866-15/print1509647605274963

on the Implementation of the Strategy for the Protection and Integration of the Romani National Minority in Ukrainian society for the period until 2020. Despite the studies which show that Romani women are even more vulnerable than Romani men, the Strategy does not provide for any measures to improve the situation of Romani women. In the report of the Advisory Committee on the Framework Convention for the Protection of National Minorities, it is mentioned that after the adoption of the Strategy has ‘already yielded some positive results, in particular as regards the provision of identity documents for the Roma. In other areas, progress has been negligible, and Roma continue to suffer systemic discrimination in access to education, adequate housing, health services and employment’.⁸⁹ So far, the Strategy did not improve the situation of Roma population in general and Romani women, in particular. The Strategy was adopted in 2013 and remains mostly on paper – i.e. non-implemented.

National Human Rights Strategy of Ukraine (NHRS) was adopted in 2015. NHRS is divided into thematic sections relating to human rights protection such as ensuring the right to life, combating torture and cruelty, inhuman or degrading treatment or punishment, etc. Among others, there is a separate section on gender equality, where it is mentioned that: ‘Despite progress being made, a problem of unequal access of men and women to exercising their rights is observed in Ukraine. Existing inequality stresses the need to provide a systemic and comprehensive solution to the problem of the discrimination of women in order to ensure full gender equality’.⁹⁰ Further, strategic goals and expected outcomes are formulated generally and are non-targeted, i.e. are blind from the point of view of people’s vulnerabilities and needs and are generally not formulated in human terms – are not about real people.

Another important section for the current study into NHRS is ensuring the rights of national minorities and indigenous people. The Strategy acknowledges that ‘legislation on national minorities requires improvement and needs to conform to international standards.

⁸⁹ Advisory Committee on the Framework Convention for the Protection of National Minorities, *Fourth Opinion on Ukraine*-adopted on 10 March 2017, Published on 5 March 2018, ACFC/OP/ IV (2017)002, p.2 // rm.coe.int/09000016807930cf

⁹⁰ Ensuring Equal Rights for Women and Men, *National Human Rights Strategy of Ukraine*, Decree of the President of Ukraine # 501/2015 of 25 August 2015 // hro.org.ua/index.php?id=1488449514

There is a need to provide a legal framework to the status of indigenous peoples'.⁹¹ However, the section lacks analysis of the current situation of persons belonging to minority groups and does not identify problems, which need to be addressed.

Women and minority groups, especially women belonging to minority groups are absent also from other substantial sections such as those ensuring the rights to work, social protection and those ensuring the rights to health care, etc.

The last but the not least point is that one of the main documents of human rights protection – National Human Rights Strategy – does not include an analysis of the current situation of human rights in Ukraine. Also, it is not based on any statistical data in the field, does not have outcomes connected to the people, which in its turn makes it almost impossible to assess the improvements in the protection of the rights of specific groups of people.

To conclude it is important to highlight that Ukrainian strategies and laws, which aim to guarantee gender equality and protect minorities:

1. were developed in the context of the lack of good disaggregated data, which makes them ineffective in terms of protecting people, who face multiple or intersecting forms of discrimination, in particular minority women. In the Social Program for Ensuring Equal Rights and Opportunities for Women and Men by 2021 the lack of disaggregated data is mentioned as one of the reasons for gender inequality in Ukraine;
2. are not fully compliant with the international standards to which Ukraine is a state-party and they have left a large number of minority women out of the process and progress. None of the recently adopted strategies has any provision for the protection of women belonging to minority groups;
3. are fragmentary and do not connect to one another. Even NHRS does not have any links to, for instance, the Roma Strategy or Gender Equality Program.

⁹¹ Ensuring Equal Rights for Women and Men, *National Human Rights Strategy of Ukraine*, Decree of the President of Ukraine # 501/2015 of 25 August 2015 // hro.org.ua/index.php?id=1488449514

There is a general observation that the Ukrainian policy-making authorities lack knowledge and understanding of the concept of multiple or intersecting discrimination, including one particular form of multiple / intersecting discrimination – discrimination of minority women. Ukrainian policy-makers seem to miss the idea that specific sub-groups within minorities might present with substantial differences in terms of the types of vulnerabilities and discrimination they are exposed to – minority women face some problems which minority men do not face, minority youth or seniors might face issues which minority middle-agers do not face, rural minorities might face issues which urban minorities do not face, etc.

The lack of such understanding, and the absence of any disaggregated data, which could have provided evidence to this end, is the first and currently the main obstacle to addressing the situation of minority women in Ukraine.

2.2 COMPARATIVE ANALYSIS OF MINORITY WOMEN PROTECTION IN MOLDOVA AND UKRAINE

As presented above, Moldova and Ukraine have a number of policies and laws, which aim to protect minorities and guarantee gender equality. Both states also have strategic human rights protection and promotion documents, which cover almost all areas of fundamental human rights. Unfortunately, existing legislation in both countries does not fully correspond to the international standards of minority women rights protection, and not all of them have any provision regarding the protection of this vulnerable group. However, it is worth mentioning that the level of protection of women belonging to minority groups differs between the countries as well as from document to document.

It is important to analyse the comparable legal acts of the states as well as the recommendations given to states by the international mechanisms in the field of minority women rights protection. This comparative analysis will identify substantive normative contents, on the basis of which the policy and legal framework of Moldova and Ukraine can be improved.

2.21 Comparative analysis of the policies and legal acts of Moldova and Ukraine with relevance to minority women protection

In the first instance, we will put together the comparable Moldovan and Ukrainian strategies and laws in the field (see: Table 5), followed by a comparison of the international recommendations.

Table 5: Comparative policy and legal framework

	Republic of Moldova	Ukraine
1.	National Human Rights Plan (NHRP)	National Human Rights Strategy (NHRS)
2.	Program on ensuring Gender Equality	State Social Program for ensuring equal rights and opportunities for women and men
3.	Action Plan to support Roma population	Action Plan on Realization of the Strategy for the Protection and Integration of the Romani National Minority in Ukrainian society
4.	Law on the Rights of Persons Belonging to National minorities, and the legal status of their organizations	Law on National Minorities
5.	Law on Equal Opportunities for Women and Men	Law on encouraging the equality of rights and opportunities for women and men

The most important documents in the countries in the field of human rights protection are national human rights strategies/plans, which serve as an umbrella framework for the human rights protection in the countries. Therefore, the *Moldovan NHRP* and *Ukrainian NHRS* are analysed in the first place.

The following three main observations can be made, based on the analysis of the documents:

Despite all the limitations, Moldovan NHRP has been heavily developed on the basis of the recommendations received by Moldova from the international and regional human rights mechanisms, including such mechanisms as UPR, CCPR, CERD, CRPD, CRC, CESC, etc. In its turn, the Ukrainian NHRS was elaborated based 'on the experience of the Ukrainian Parliament Commissioner for Human Rights, Ukrainian human rights defenders, the United Nations, the Council of Europe, the Organization for Security and Cooperation

in Europe, other international organizations, and the jurisprudence of the European Court of Human Rights'.⁹² The detailed analysis of the provisions for the Moldovan and Ukrainian human rights strategies and plans shows that the Moldovan Human Rights Plan indeed followed the international human rights recommendations provided fairly closely (with just several notable exceptions). The Ukrainian Human Rights Strategy took the international recommendations somewhat loosely, selectively incorporating just a portion of them.

Although the Moldovan NHRP does not enlarge the sphere of application of previously adopted strategies in the field of minority and women rights protection, it at least connects to them through references to the effect that it provides the effective monitoring of their implementation. The Ukrainian NHRS lacks even such a minimal link and does not expand the scope of protection over specifically minority women.

What both documents share in common is that they both have one separate section on gender equality and women's rights, and one separate section on minority rights protection, however these sections remain disconnected from each other, i.e. remain non-crossed, minority women blind.

The next important documents for consideration are the *Program on ensuring gender equality in the Republic of Moldova* and the *State Social program for ensuring equal rights and opportunities for women and men*. Both documents aim to empower all women in the country to the extent of guaranteeing gender equality in all areas of life. However, some groups of women remain unprotected by the Programs mentioned.

Analysing the documents, the following observations can be made:

- Both documents state that they were developed in accordance with international treaties and recommendations, which is a positive step. The Moldovan Program even mentions that in the state document commitments under the Beijing Declaration and Action Plan were considered.
- Both documents to a certain extent acknowledge that discrimination is one of the reasons for gender inequality and some women suffer from

⁹² *National Human Rights Strategy of Ukraine*, section 1, General Provisions, Decree of the President of Ukraine # 501/2015 of 25 August 2015 // hro.org.ua/index.php?id=1488449514

additional forms of discrimination. Unlike the Moldovan Program, the Ukrainian Program in the section entitled “Identification of the problem, to which the Program is addressed” specifically mentions that some women can suffer from additional forms of discrimination due to, for instance, ethno-linguistic background: ‘...Separate groups of women (... women from national minorities) suffer from multiple forms of discrimination’.⁹³ However, unfortunately, the recognition of the problem is the only extra achievement of the Ukrainian gender program compared to the Moldovan one, because no further actions or goals have been set anywhere in the Ukrainian program to solve the specific problems of minority women.

Thus, in fact both documents – Ukrainian and Moldovan – do not contain any further analysis of problems faced by minority women, and do not advance any solutions to their specific problems.

Due to the above reasons, overall both documents remain to be minority women blind.

After analysing Ukrainian and Moldovan general human rights strategies and gender equality programs, it is time to look through thematic minority rights documents. One such thematic document refers to the rights of Roma people as one of the most vulnerable groups in both countries. Thus, *Action Plan to support Roma population in the Republic of Moldova* and *Action Plan on Realization of the Strategy of the Protection and Integration of the Romani National Minority in Ukrainian society* are to be further examined.

Unfortunately, it is important to note that the Ukrainian Roma Plan is very weak. In the Plan, there are only generally formulated objectives with no specific actions or expected outcomes under these objectives. Thus, there is no progress evaluation mechanism in this document, and needless to say this Plan is totally blind with regard to Roma women.

In comparison with the Ukrainian Plan, the Moldovan Plan looks much more carefully crafted, with well formulated objectives, actions, expected outcomes, partners and responsible bodies. Moreover, women are mentioned twice in the Plan in the Objectives part. Yet, later on, Romani women are again missed out in the sections on specific actions and outcomes of the set objectives.

⁹³ Концепція Державної Соціальної Програми Забезпечення Рівних Прав та Можливостей Жінок і Чоловіків на період до 2021 року, par.7 // zakon5.rada.gov.ua/laws/show/229-2017-%D1%80#n9

Thus, the documents that are expected to improve the situation of Roma women, to empower them and protect their rights as a particularly vulnerable group, essentially turn out to be useless in relation to them.

Comparing the Moldovan *Law on Equal Opportunities for Women and Men* and the Ukrainian *Law on encouraging the equality of rights and opportunities of women and men* one major conclusion can be drawn – that both Laws totally ignore and leave unprotected minority women.

Last but not least, the pair of the documents to be considered are the *Moldovan Law on the Rights of Persons Belonging to National Minorities, and the Legal Status of Their Organizations* and *Ukrainian Law on National Minorities*.

The respective Moldovan and Ukrainian laws on national minorities could be a good platform for the empowerment of minority women, but in fact, they are not. Both Laws remain completely silent on the gender dimension of minority rights, they do not even touch on minority women issues.

To sum up, it is difficult to state that women belonging to ethnic minority groups in Ukraine or Moldova are protected by state policies and laws.

On the one hand, in the umbrella human rights document (NHRP) in Moldova, unlike in Ukraine, it proclaims to be oriented towards realization of its international human rights obligations and recommendations (presumably including the obligations to protect the rights of women belonging to minority groups). In practice, though, minority women are absent from the practical part of the NHRP as well as from other Moldovan thematic policy documents and laws.

On the other hand, a similar situation exists in Ukraine in its Gender Program. Unlike Moldova, Ukraine acknowledges that some women can face multiple forms of discrimination which have a negative influence on their empowerment capability and the achievement of their equality in rights towards men and majority women. However, further on in the program, minority women problems remain at the recognition level only without any further actions or outcomes being made.

Another important issue to be mentioned is that there are profound structural reasons behind the fact that the policies and legal acts, which should protect minority women rights, do not in fact do that:

- Lack of studies and lack of good disaggregated data regarding minority women rights implementation;
- Lack of understanding on the necessity to take into account all possible vulnerable groups and sub-groups (by gender, for instance), when political documents are written/drafted;
- Lack of political will to improve the actual situation with minority groups (in case of Roma people).

2.2.2 Comparative analysis of the international human rights recommendations in the field of minority women rights protection given to Moldova and Ukraine

As it was demonstrated above, existing policies and legal acts in the field of minority women rights protection are not efficient and lack the essential elements to protect this group. Both states should reconsider their policies and legal acts towards including minority women in them. It is good to do that based on the international obligations and recommendations given to the relevant states by different international human rights mechanisms. That is why it is important to analyse and compare the recommendations given to states, because in practical terms good existing international recommendations can provide a solid basis for the required policy and legal reforms.

Recently Moldova and Ukraine have been reviewed by CEDAW, CERD, CESCRC, CRC. Below is the analysis of the given recommendations, which could help the mentioned states to improve their policies towards the protection of minority women rights.

The CEDAW calls both states to:

- ‘...use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention’;⁹⁴
- promote education and access to it for Roma girls and apply measures to promote the importance of education through awareness raising companies, reducing the number of girls who drop out of education;

⁹⁴ CEDAW, Concluding observations on the combined fourth and fifth periodic reports of the Republic of Moldova, 2013, p.12, par.41 // tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/MDA/CO/4-5&Lang=En and CEDAW, Concluding observations on the eighth periodic report of Ukraine, 2017, p.17, par. 51 // tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/UKR/CO/8&Lang=En

- collect comprehensive disaggregated statistical data ‘on the situation of disadvantaged groups of women, including Roma women...in all areas covered by the Convention’⁹⁵ to Moldovan authorities, and ‘to develop a gender indicator system to improve the collection of data, disaggregated by sex and other relevant factors, necessary to assess the impact and effectiveness of policies and programs aimed at mainstreaming gender equality and enhancing women’s enjoyment of their human rights’⁹⁶ for Ukraine.

The CERD calls both states:

- ‘In the light of its general recommendation No. 33 (2009) on the follow-up to the Durban Review Conference, the Committee recommends that, when implementing the Convention in its domestic legal order, the State party give effect/consideration to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the outcome document of the Durban Review Conference, held in Geneva in April 2009’⁹⁷, where it is highlighted that ‘policy makers must take into account differences among women’.⁹⁸

The Committee additionally calls on the Ukrainian authorities to provide disaggregated data or researched on how ethnic minorities, particularly Roma enjoy their economic, social and cultural in reality.

⁹⁵ CEDAW, Concluding observations on the combined fourth and fifth periodic reports of the Republic of Moldova, 2013, p.11, par. 38(a) // tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/MDA/CO/4-5&Lang=En

⁹⁶ CEDAW, Concluding observations on the eighth periodic report of Ukraine, 2017, p.16, par. 50 // tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/UKR/CO/8&Lang=En

⁹⁷ CERD, *Concluding observations on the combined tenth and eleventh periodic reports of the Republic of Moldova*, 2017, p.2, par.7 // tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/MDA/CO/10-11&Lang=En and CERD, *Concluding observations on the twenty-second and twenty-third periodic reports of Ukraine*, 2016, p.7, par. 34 // tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/UKR/CO/22-23&Lang=En

⁹⁸ Durban Review Conference – Geneva 2009, Women Facing Multiple Forms of Discrimination, Geneva 20-24 April 2009, p.1 // www.un.org/en/durbanreview2009/pdf/InfoNote_07_Women_and_Discrimination_En.pdf

The CESCR calls both states to:

- collect and provide disaggregated data by different criteria in order to have the possibility to understand how disadvantaged and marginalized individuals and groups are enjoying their Conventional rights;

The Committee calls Moldovan authorities to improve the representation of Roma women in the decision-making positions in public and private sectors, increase the number of employed Roma women through both providing training to women and encourage employers to hire them.

The CRC calls both states to:

- Develop the system of the disaggregated data collection by sex, ethnicity and other criteria in order to have the opportunity to understand if some groups of children need special protection measure to be applied to them in order to guarantee their fully enjoyment of their human rights.

The Committee calls Moldovan authorities to ‘continue efforts aimed at improving access to education, including preschool, by Roma children, in particular girls...especially in rural areas, by addressing barriers to education, including inadequate funding, socioeconomic reasons, and transportation’.⁹⁹

It is interesting to mention that many of the recommendations provided to both Moldova and Ukraine are very similar in substance and even in language. This fact shows that the situation of minority women in both countries is comparable and similar (apparently, similarly insufficiently good).

To conclude it is important to mention that both states – Ukraine and Moldova – did receive a minimum number of specific recommendations on the protection of minority women, which can serve as the starting basis for policy and legal reforms. The relevant recommendations thus need to be incorporated into and operationalized in both, the general

⁹⁹ CRC, *Concluding observations on the combined fourth and fifth periodic report of the Republic of Moldova*, 2017, p.11, par. 36(a) // tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/MDA/CO/4-5&Lang=En

human rights documents (National Human Rights Plan in Moldova and National Human Rights Strategy in Ukraine), and in the thematic ones – gender equality, minority protection and Roma inclusion programs.

As a side remark it is to note that the small number of the recommendations regarding the protection of women belonging to minority groups, given to the states by the UN human rights treaty bodies (Committees), can be the result of, on the one hand, a lack of good data on the level of the minority women rights protection. On the other hand, most probably this is related to the lack of understanding of the importance of minority women rights protection by not only state authorities, but also by the civil society and National Human Rights Institutions (ombudspersons and their offices), which do have the opportunity of promoting issues through the mechanism of alternative submissions (shadow reports) towards country reviews by the UN human rights treaty bodies. It seems that the civil society and NHRIs in both countries remain passive in this regard.

CONCLUSION

The research presented was primarily devoted to analysing the policy framework of two neighbouring countries of Eastern Europe – Ukraine and Moldova with regard to the protection of minority women. To this end this paper studied the international standards in the field of minority women rights, as well as the situation of minority women in Moldova and Ukraine. As a next stage, the existing policy frameworks of the two countries – Moldova and Ukraine – were assessed on their compliance with the relevant international standards, and *vis-à-vis* one to another.

The research pursued several objectives the results of which can be found below.

One of the objectives of this paper was to analyse the importance and relevance of the protection of women belonging to minority groups, based on an international approach and the actual situation of minority women in Moldova and Ukraine. As the result of the study, it can be concluded that:

- Minority women protection is one of the very actual issues, which is very actively debated nowadays on an international level;
- It is almost impossible to achieve real gender equality without considering the necessity to include minority women rights protection and empowerment in the national policies, strategies and laws;
- At the national level both, in Moldova and Ukraine, the area of minority women protection remains to be almost unaddressed by the national human rights protection systems, despite international obligations of both countries in this regard;
- The Minority women rights issue remains to be unsearched and

lacks interest and understanding from the states authorities (policy-makers), policy advocates and even mainstream academia.

Another objective of the research was to analyse if the existing policies and legal frameworks in Moldova and Ukraine correspond to the international human rights standards in the field of minority women rights protection. The Research analysis showed that:

- Moldovan as well as Ukrainian policies and legal acts lack an entire dimension of international standards on the protection of minority women (for instance, Gender Equality Program in Ukraine and Gender Equality Strategy in Moldova – the major policy documents on women’s rights – lack a minority women dimension; the same applies to strategies and laws on general minority issues, which totally lack a gender dimension);
- Existing strategies and laws do not complement each other and are mostly fragmented.

The last but not the least objective was to compare the protection of minority women in Moldova and Ukraine with one another. As the result of the comparative analysis, the following conclusions can be drawn:

- Despite the fact that in some state policies, both Moldova and Ukraine, declare that these policies have been elaborated based on the relevant international human rights standards and recommendations provided by the respective international human rights mechanisms, these policies remain almost entirely minority women blind;
- State policies regarding gender equality and minority issues do not contain any analysis of the minority women situation, nor are based on any disaggregated statistical data about the enjoyment of human rights by this vulnerable group;
- In both countries, existing policies and laws are not effective in the protection of minority women, even when thematic policies are put in place (like Roma population policies), because they are not based on disaggregated data and most studies are gender blind, i.e. “ethnic” policies do not consider the additional vulnerability of women (like that of Roma women compared to Roma men).

Proceeding from the conclusions above the following recommendations can be given to the Moldovan and Ukrainian state authorities:

- To introduce a gender perspective into the state minority policies and laws, and vice-versa – a minority perspective into the gender policies and laws. International standards and recommendations in the area of minority women protection should be taken as the basis to guide this process, for instance by:
 - Introducing additional provisions to Intervention Area 15 of the Moldovan 2018-2022 National Human Rights Action Plan – ‘Rights of the Persons Belonging to National Minorities’ – towards increasing employment of minority women, as well as representation of minority women in high-level public decision-making;
 - Adding the following text (*italic*) to art.25 (2) of the 2014 Moldovan Educational Code (Pre-school education): ‘The state covers the costs of pre-school education services and of childcare in public institutions, including for children with special educational needs *and gives consideration to the needs of minority children and their mothers*’.
 - Introducing a minority dimension into the gender statistical data produced annually by the National Bureau of Statistics;¹⁰⁰
 - etc. (the above three recommendation come as examples of the kind of improvements, which need to be introduced into the policy and legal framework).
- To establish a good system of collecting cross-disaggregated data by sex, level of education, ethnical and religious background, employment, public participation and other criteria in order to make possible identification of existing gaps and areas for developing and improving policies, to address the situation of most vulnerable groups – including minority women (a very good example in this regard is Canada, which collects and analyses multiple types of data in a gender cross-disaggregated manner – treating women not as a homogenous group, but as a group with

¹⁰⁰ Biroul Național de Statistică al Republicii Moldova, *Statistica gender* // www.statistica.md/category.php?l=ro&idc=264&

- many subgroups, including visible minority women,¹⁰¹ immigrant women,¹⁰² First Nations women,¹⁰³ aged (senior) women,¹⁰⁴ etc);
- To conduct in-depth studies on the level of enjoyment of fundamental human rights by women belonging to minority groups and obstacles preventing them, for instance, from participating in decision-making processes or obtaining an education. The results of these studies should be the basis of state gender and minority policies.

¹⁰¹ Statistics Canada, *Women in Canada: A gender-based Statistic Report*, Visible Minority Women // www150.statcan.gc.ca/n1/pub/89-503-x/2010001/article/11527-eng.htm accessed 18.09.2018

¹⁰² Statistics Canada, *Women in Canada: A gender-based Statistic Report*, Immigrant Women // www150.statcan.gc.ca/n1/pub/89-503-x/2010001/article/11528-eng.htm accessed 18.09.2018

¹⁰³ Statistics Canada, *Women in Canada: A gender-based Statistic Report*, First Nations, Métis and Inuit Women // www150.statcan.gc.ca/n1/pub/89-503-x/2010001/article/11442-eng.htm accessed 18.09.2018

¹⁰⁴ Statistics Canada, *Women in Canada: A gender-based Statistic Report*, Senior Women // www150.statcan.gc.ca/n1/pub/89-503-x/2010001/article/11441-eng.htm accessed 18.09.2018

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