



Project funded by the European Union



LEAVING NO ONE BEHIND

# ANALYSIS OF VULNERABILITIES OF WOMEN AND MEN IN THE CONTEXT OF DECENTRALIZATION IN THE CONFLICT-AFFECTED AREAS OF UKRAINE

SUMMARY

September 2017

“The analysis of vulnerabilities of women and men in the context of decentralization in the conflict-affected areas of Ukraine” was conducted with participation of a group of consultants during October 2016 - April 2017 in the framework of the UNDP/UN Women Joint Programme “Restoration of Governance and Reconciliation in Crisis-Affected Communities of Ukraine” funded by the European Union.

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## UN WOMEN

is the UN organization dedicated to gender equality and the empowerment of women. A global champion for women and girls, UN Women was established to accelerate progress on meeting their needs worldwide.

UN Women supports UN Member States as they set global standards for achieving gender equality, and works with governments and civil society to design laws, policies, programmes and services needed to implement these standards. It stands behind women’s equal participation in all aspects of life, focusing on five priority areas: increasing women’s leadership and participation; ending violence against women; engaging women in all aspects of peace and security processes; enhancing women’s economic empowerment; and making gender equality central to national development planning and budgeting. UN Women also coordinates and promotes the UN system’s work in advancing gender equality.

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# Acronyms

BPFA	Beijing Platform for Action
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRSV	Conflict-Related Sexual Violence
CRPD	United Nations Convention on the Rights of Persons with Disabilities
CSO	Civil Society Organizations
EASPD	European Association of Service Providers for Persons with Disabilities
ECOSOC	United Nations Economic and Social Council
EU	European Union
GARPR	Global AIDS Response Progress Reporting
GBV	Gender-Based Violence
GCA	Government Controlled Areas
HIV/AIDS	Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome
HRBA	Human-Rights-Based Approach
IAVA	Interagency Vulnerability Assessment
IDP	Internally Displaced Persons
ILO	International Labour Organization
IOM	International Organization for Migration
NAP	National Action Plan
NGCA	Non-Government Controlled Areas
NGO	Non-Governmental Organization
OCHA	United Nations Office for the Coordination of Humanitarian Affairs
OHCHR	Office of the United Nations High Commissioner for Human Rights
PTSD	Post-traumatic stress disorder
SDG	Sustainable Development Goals
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNSCR	United Nations Security Council Resolution
UN Women	United Nations Entity for Gender Equality and the Empowerment of Women
UNAIDS	Joint United Nations Programme on HIV and AIDS
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
VA	Vulnerability Analysis
WHO	World Health Organization
WPS	Women, Peace and Security

PART 1

# Study methodology



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The Vulnerability Analysis (VA) of women and men in the context of the decentralization reform in the conflict-affected areas of Donetsk and Luhansk oblasts is a qualitative study. The VA is based on reviews of a number of secondary sources and studies that prove that the neglect of vulnerable groups resulted in the violation of the human rights of these groups and of their individual members.

The analysis is also based on findings from individual interviews and focus group discussions with local authorities, and with women and men from the communities that were carried out during field visits to Kramatorsk, Sloviansk, Druzhkivka, Bakhmut, and Mariupol in Donetsk oblast, and to Severodonetsk, Novopskov, Bilokurakino, Novoaydar, and Denezhnikovo in Luhansk oblast, as well as gender equality advocates and human rights practitioners at the national, oblast and hromada<sup>1</sup> (community) levels. A total of 70 individuals were interviewed - 48 women and 22 men.

The VA aimed to unpack the challenges in implementing decentralization reform in the conflict-affected areas of Donetsk and Luhansk oblasts, reveal entrenched inequalities and discriminatory attitudes, and provide evidence for looking beyond the averages and finding groups of women and men who have been left behind, and then to understand what their problems are. In the VA, UN Women ap-

plied a human-rights-based approach (HRBA) and a gender analysis to better understand the situations and needs of vulnerable populations from the selected project's communities, and the challenges they face in the context of the decentralization processes. The VA intends to provide this evidence to stakeholders such as government, civil society (especially women's organizations) and the international community in order to:

- prioritize **addressing the situation of the most marginalized, discriminated against and excluded groups of women and men**, and to empower them as active agents of development, ensuring there is equal benefit from decentralisation reform for all;
- **eliminate inequalities and discrimination** at all stages of decentralization reform - policy making, planning, implementation, monitoring and evaluation - in compliance with the international gender equality and human rights norms and standards, as well as the respective national policy and legal frameworks of Ukraine;
- **institutionalize the application of the principle of participation and inclusion in decentralization reform** to ensure that all stakeholders and beneficiaries



<sup>1</sup> The project is operating in total of 20 hromadas, out which seven are Amalgamated Territorial Hromadas and 13 are in the process of amalgamation.

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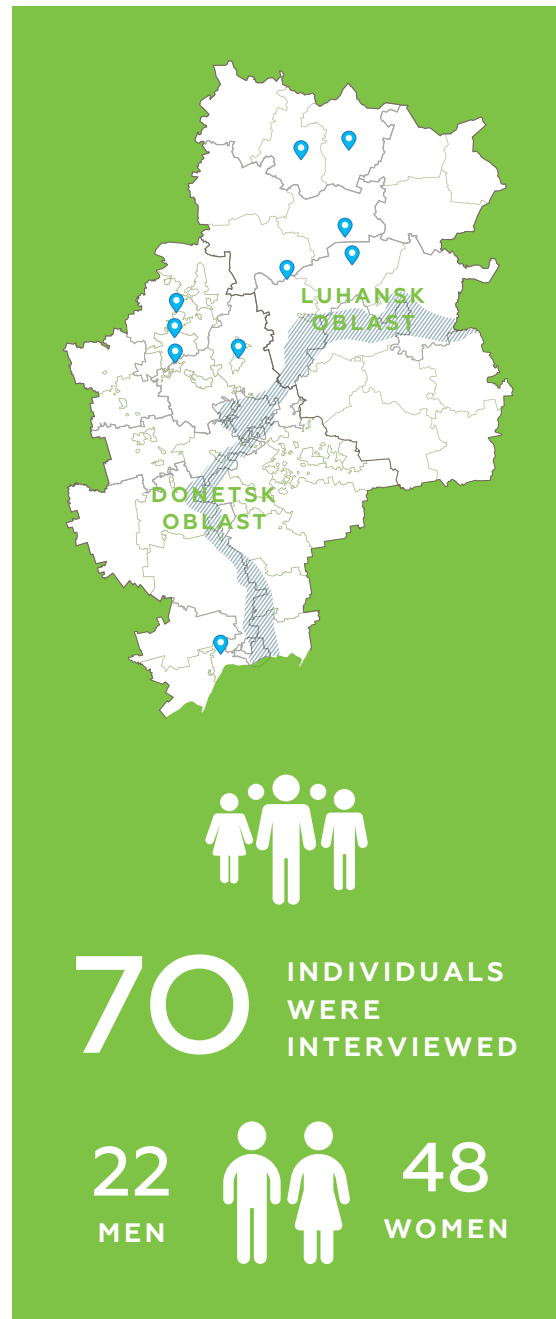
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at national, oblast and decentralized hromada level have genuine ownership and control over development processes at all phases of the reform cycle;

- **improve accountability for human rights and gender equality obligations** in decentralization reform, through governance systems and processes of accountability for duty bearers, so that the progress and impact of the reform on women and men can be monitored, and provide timely remedies and strengthened capacity for them to demand accountability.

The VA embodies the “leaving no one behind” principle, central to achievement of the Sustainable Development Goals (SDGs). A **conceptual framework** for the VA that recognizes all people as key actors in their own development. It therefore conceptualizes vulnerability as a state of incapacity and/or inability for women and men, girls and boys to fully claim and enjoy their rights.<sup>2</sup>

**Vulnerability** is not a commonly accepted concept. The VA interlinks the notion vulnerability with discrimination, social exclusion, and marginalization, which represent the effect of series of interrelated problems that are, in sequence, produced by certain root causes. Among these are discriminatory attitudes, social values and cultural practices, discriminatory practices resulting from the act of favouring certain groups of



<sup>2</sup> UN Report of the Special Rapporteur on extreme poverty and human rights, August 2012.

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people, weak rule of law and mechanisms of the institutional support, a discriminatory legal framework or its inappropriate implementation, political and institutional barriers, and so on<sup>3</sup>. Vulnerability is linked to fault lines, which are characteristics that formally divide society into criteria such as language, social status, income, age, etc. Fault lines can induce vulnerability in some groups, depending on the particular situation these groups are. Generally, the characteristics of fault lines transform into vulnerability criteria and, subsequently, groups become characterized as vulnerable groups when we authoritatively find violations of these groups' rights, and also in comparison with other groups.<sup>4</sup>

Understanding the real situation of the vulnerability of various groups of women and men allows for a better understanding of the possible and actual human rights violations they might face, many of which are not captured and formally recognized in decentralization policy making and reform implementation. The thinking and analysis of the human rights and gender analysis in the development interventions refers to the vulnerable groups based on some criteria and de facto situations of the groups and segments of the society.

A **human rights analysis** gave an insight into the distribution of power in the conflict-affected areas of Donetsk and Luhansk oblasts. Identifying groups of women and men lacking effective rights—and groups who may be denying rights



### WOMEN FACING MULTIPLE INTERSECTING FORMS OF DISCRIMINATION:

“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, 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.

Source: CEDAW General Recommendation 25, UN Committee on Elimination of Discrimination against Women

to others—helped highlight the root causes of discrimination, social exclusion, marginalization and respectively vulnerability. As such, a human-rights approach provided a way to analyse the operations of decentralized local institutions and those political and social processes that in-



<sup>3</sup> “Taxonomy and possible decentralization policy implications for vulnerable groups in Moldova”, Sergei Ostaf, UN Women/UNDP, 2011

<sup>4</sup> Ibid



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fluence the livelihoods of the most vulnerable women and men in Donetsk and Luhansk oblasts. The analysis of the identified groups also helped in understanding that they were not homogenous. Thus, the VA analysed the aspect of intersectionality and multiple layers of deprivation needs.

**A gender analysis** was applied to critically examine how differences in gender roles, activities, needs, opportunities, rights and entitlements affected men and women in the conflict-affected areas. It also examined the relationships between women and men and their access to and control of resources, as well as the constraints they face relative to each other.

An integrated human rights and gender analysis identified **women facing multiple and intersecting forms of discrimination** as the more marginalized and excluded compared to men in almost all of the identified vulnerable groups.

Through this combined analytical approach the VA looked at:

- addressing inequalities and discrimination, meaningfully involving beneficiaries, including women’s groups and organizations, and other agents of change;
- responding to the circumstances of the most excluded women and men;

- analysing the immediate, underlying, and structural causes of the non-realization of the human rights of the most vulnerable women and men in the process of decentralization in Donetsk and Luhansk oblasts.

The following HRBA principles were applied while conducting the VA: equality and non-discrimination; participation and inclusion; and accountability and rule of law. These principles were instrumental in identifying the human rights claims of “rights-holders” (i.e. the women and men from vulnerable groups living in conflict-affected areas) and the corresponding human rights obligations of “duty-bearers” (i.e. the oblast- and hromada- level local self-governments).

The VA analysis referred to international frameworks, such as the Sustainable Development Goals<sup>5</sup>, Convention on the Elimination of All Forms of Discrimination against Women<sup>6</sup>, the Convention on the Rights of Persons with Disabilities<sup>7</sup> and the other key human rights treaties, as well as the national policy and legal frameworks on gender equality and human rights.

The VA was conducted within the framework of the UN Women/UNDP joint programme on “Restoration of Governance and Reconciliation in Crisis-Affected Communities of Ukraine” funded by the European Union.



<sup>5</sup> Sustainable Development Goals: Ukraine, Baseline Report, 2017

<sup>6</sup> Committee on the Elimination of Discrimination against Women, Concluding Observations on the Eighth Periodic Report of Ukraine, March 3, 2017

<sup>7</sup> Committee on the Rights of Persons with Disabilities, Concluding Observations on the Initial Report of Ukraine, October 2, 2015

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## Rationale

Ukraine is undergoing a process of decentralization, with the aim of creating an effective system of local government that has the capacity and resources to adequately address local needs. While the transfer of funding and authority from the central to the local level could, in theory, mean that women have greater opportunities to voice their priorities in local planning, so far, the reform planning, implementation and monitoring mechanisms and process does not provide for any formal participation of women's groups. Women facing multiple forms of discrimination, such as Roma, women with disabilities, displaced women and others, are almost entirely excluded from the decision-making.<sup>8</sup>

The issue of vulnerability is important in the process of decentralization because it recognizes that not all people can exercise their rights, and thus are unable to benefit fully from existing policy and legislative frameworks. Women in general are more vulnerable than men, as they face more gender-based direct and indirect discrimination due to deeply rooted stereotypes, patriarchal views on the role of women and men in society, the prevalence of widespread violence against women, and discriminatory laws and/or practices, traditions, customs, perceptions, and cultural norms. Certain populations of women experience multiple intersecting forms of discrimination and social exclusion due to their age, ethnicity, disability, geographic location,



### MAINSTREAMING A GENDER PERSPECTIVE

is the process of assessing the implications for women and men of any planned action, including legislation, policies or programs, in all areas and at all levels.

It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is **to achieve gender equality**.

Source:  
UN ECOSOC Agreed Conclusions on gender mainstreaming (1997)

or various other factors. Addressing the vulnerability of women and men in the context of decentralization is therefore important, because focusing on the vulnerable means focusing on their empowerment. It also means holding decision-makers more accountable and providing relevant information in order to expand the circle of those who take decisions.



<sup>8</sup> Report of the UN Country Team in Ukraine presented at the CEDAW 66th session: <http://www.un.org.ua/en/information-centre/news/4040-report-of-the-un-country-team-in-ukraine-is-presented-at-the-cedaw-66th-session>

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There is a concern that decision makers and practitioners working in the area of decentralization lack human-rights and gender equality expertise. The work of decentralized governments and other political and social actors are not guided by human rights principles, which provide a set of values and a set of performance standards against which these actors can be held accountable. Neither is gender equality viewed as relevant or important to the reform process or its outcome. The VA revealed that gender mainstreaming is not applied in decentralized local governance in Donetsk and Luhansk oblasts. One of the negative outcomes of a gender- and human-rights-blind approach has been lack of prioritizing funding of social and healthcare services that benefit women, such as pre-school/ childcare centers, ambulatories, psychosocial services for the survivors of gender-based violence and cuts in nursing staff at clinics, with the local authorities allocating funds to other projects. Thus, for example, rural women are especially vulnerable to the effects of reallocation of funding, as they are generally isolated from the few services that exist (including healthcare, employment services and support for survivors of gender-based violence) and have limited alternatives. Even seemingly gender-neutral decisions about funding for public transportation versus the repairing of highways can have a significantly different impact on women and men (as women are much more likely to rely on public transport and use feeder roads for their daily needs, while men are more often drivers, using major roads.)<sup>9</sup>



### THE EMPOWERMENT OF WOMEN AND GIRLS

concerns their gaining power and control over their own lives. It involves awareness-raising, building self-confidence, expansion of choices, increased access to and control over resources, and actions to transform the structures and institutions which reinforce and perpetuate gender discrimination and inequality.

Source:  
Office of the Special Adviser on Gender Issues and the Advancement of Women (now part of UN Women) (2001) "Important Concepts Underlying Gender Mainstreaming"

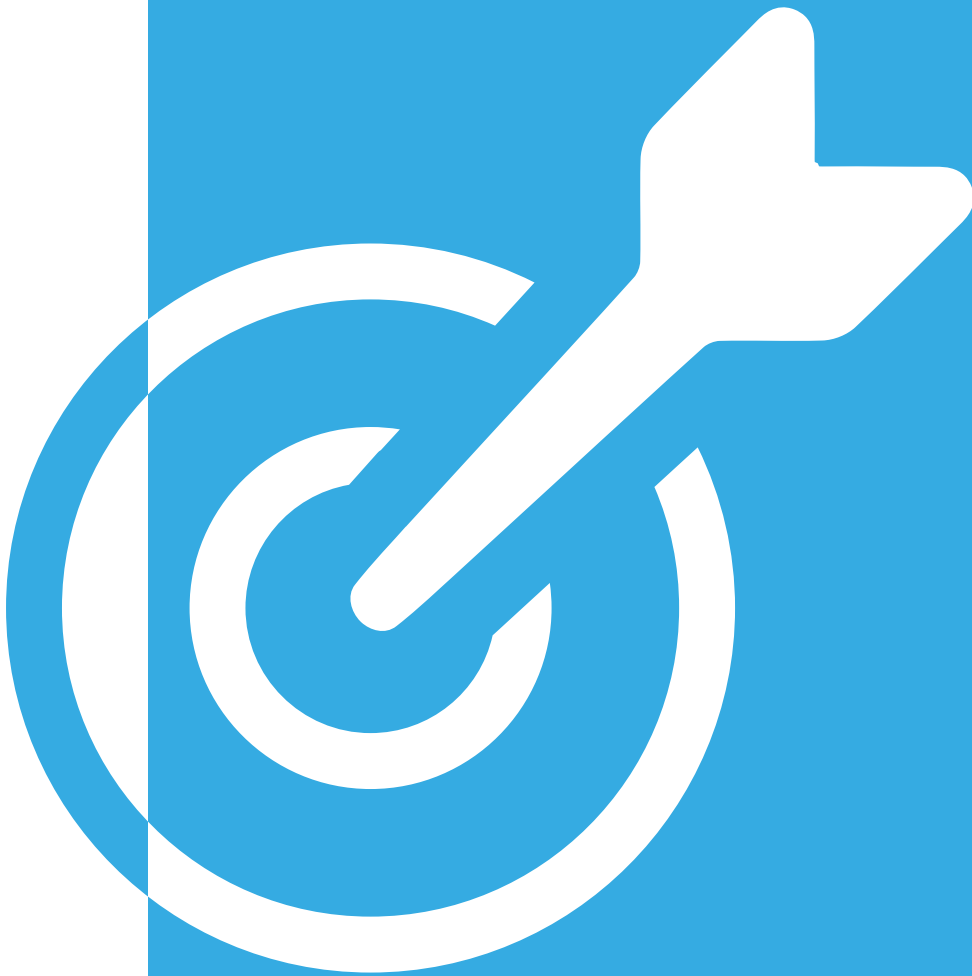
Gender mainstreaming and women's empowerment are also key in the process of decentralization, to ensure democratic development is equally responsive to the needs of men and women - in line with international commitments on gender equality. A gender sensitive approach to local development and decentralization is therefore required to ensure that the specific needs, vulnerabilities and capacities of men and women are recognized, addressed and realized



<sup>9</sup> Gender Analysis Report, USAID/Ukraine 2017

PART 2

# Background and context



## Decentralization Reform, Gender Equality and Vulnerability

Since 2014, the programmes of Ukraine's parliament, the Verkhovna Rada, the president and the government have mostly been designed to ensure achievements of the international commitments under the EU-Ukraine Association Agreement and the International Monetary Fund Extended Fund Facility Programme. While Ukraine faces security, stabilization and recovery challenges, specific attention was paid to development and the implementation of national reforms in accordance with international standards. The government has initiated 18 reforms, including constitutional, electoral, judicial, security and defence, education, health, etc. Decentralization is one of the priority reforms.

Ukraine inherited its territorial divisions from the Soviet Union, and their modernization is long overdue. Local governmental bodies have not been able to realize their potential due to years of over-centralized policies, and their extremely limited financial autonomy.

The reform aims to produce an institutional restructuring that supports the redistribution of power, decision-making and resources between the central, regional and local levels, effectively

contributing to good governance by increasing governmental responsiveness, transparency and accountability. The goal of decentralization is also to improve public service delivery (including educational, health, social and administrative services).

One of the aims of the decentralization reform is for the newly created amalgamated territorial hromadas to become organizationally and financially responsible for service provision, being held accountable by voters for the efficiency of their work, and by the central authorities regarding the legality of their actions. The reform also sets out to simplify and reduce the number of territorial entities at the community level from more than 12,000 to approximately 1,200-1,500 hromadas. At the intermediate level, the number of rayons (districts) will be reduced from 490 to around 100-120.<sup>10</sup>

During the decentralization process, the newly established hromadas are required to complete a number of necessary tasks, including: setting new administrative-territorial boundaries and making an inventory of all public property, including natural resources; establishing districts for the provision of healthcare and education services; establishing support centres for admin-



<sup>10</sup> Decentralization in Ukraine newsletter, March 2016.

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istrative services; establishing/upgrading utility enterprises (water supply, sanitation, public works, solid waste management, maintenance of local roads services etc.); improve budget planning; and develop infrastructure and investment projects, while increasing transparency of public procurement.<sup>11</sup>

Decentralization has the potential to empower people - particularly populations that are often discriminated against, marginalized and excluded from decision making. Research shows, however, that decentralization does not automatically benefit women and men equally.<sup>12</sup> Ensuring there are equal benefits from the reform to all men and women, girls and boys, will require human rights and gender analyses, identifying the barriers and constraints to the full inclusion and participation of these groups, and identifying and taking special targeted measures to ensure that these groups are not left behind during the implementation of reform and development.

The aim of strengthening local governments by decentralizing powers, resources and responsibilities to municipal councils, amalgamated hromadas and other locally administered bodies will improve the quality and efficiency of services, strengthen fiscal management, enhance private-sector development and increase local participation in decision-making processes. De-

centralization reform in Ukraine is expected to produce these outcomes because, with government closer to them, people will take more interest in how their taxes are spent, and will more closely scrutinise the actions of their local representatives, holding them accountable for local needs.

This part of the reform agenda has been more open than others to the active participation of women, both as elected local councilors and as the clients of local-government services.

In Ukraine, women generally, as well as low-income and other socially marginal groups, are expected to benefit from the accountability and service delivery improvements that local government should provide. This is particularly relevant where social programmes of importance to vulnerable groups are to be developed and managed locally - programmes such as those for health outreach, primary schooling, employment and income generation, as well as low-cost water and sanitation services.

Local government is also regarded as a significant political arena for women. However, barriers to their entry—such as the need to travel and spend time away from home, a large disposable income, experience of political competition, and social connections - are lower at the local level. Together with the overall low public support for women's political leadership<sup>13</sup>, gender ste-



<sup>11</sup> Decentralization in Ukraine Government Portal – <http://decentralization.gov.ua/en>.

<sup>12</sup> Decentralization, local power and women's rights (2008) Global trends in participation, representation and access to public services, Policy Recommendations, <https://goo.gl/3sANMN>

<sup>13</sup> Women in Social and Political Life of Ukraine: Prejudice, Opportunities and Prospects Results of the national poll conducted within the project “Empowering Women”. The survey was conducted by the Ilko Kucheriv Democratic Initiatives Foundation (DIF) in collaboration with the sociological service “Ukrainian Sociology Service” during the period from December 25, 2014 to January 15, 2015 at the request of the International Centre for Policy Studies (ICPS).

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reotypes, as well as the lack of an enforcement mechanism for gender quotas<sup>14</sup> this has resulted in low women’s representation during the 2015 local elections (women received 18% of the seats in the city councils and 15% of the seats in oblast councils).<sup>15</sup>

Local government is also regarded as appealing to women participants because of the focus on basic community services - women’s engagement in informal community management is believed to make them attractive as local planners and managers. However, often local governments do not acknowledge unequal participation by women and other vulnerable groups, or try to compensate for it. The instruments for participatory local governance, participatory community needs analysis to inform planning, transparent public reviews of local spending and gender-responsive budgeting, which would gain attention to the women’s and address gender concerns, remain largely unapplied.

Ukraine joined the Beijing Platform for Action (BPfA), ratified key human rights treaties, including CEDAW and its Optional Protocol, localized SDGs. As a member of the Council of Europe, Ukraine ratified the European Convention on Human Rights and the European Social Charter and signed the Istanbul Convention (pending ratifi-

cation). The Ukraine-EU Association Agreement, signed in 2014, entails a commitment to ensure equal opportunities for women and men in employment, education, training, the economy, and in society and decision-making.<sup>16</sup> Gender equality is enshrined in the Ukrainian Constitution. The government has developed the State Programme on Equal Opportunities (2017-2020), the National Action Plan for the Implementation of UN Security Council Resolution 1355 on Women, Peace and Security (NAP1325) for 2016 – 2020, and a National Strategy on Human Rights and its Action Plan (2016-2020). The national legislative framework includes Laws on Equal Rights and Opportunities for Women and Men (2005), on the Principles for Preventing and Combating Discrimination in Ukraine (2012), and on Preventing Violence in the Family (2001). However, despite these existing gender equality and women’s empowerment frameworks, the structural barriers to gender equality have not been addressed, and gender-based discrimination is still widespread.

As with the other reforms, decentralization reform does not integrate state commitments on gender equality and human rights. The government’s overall recognition of equality between women and men as a prerequisite for democracy and sustainable development, as reflected in the above national policy documents, has not yet



<sup>14</sup> The October 2015 local elections were the first in Ukraine held with gender quotas. The Local Election Law introduced a gender quota, whereby representation of either sex on the candidate list under the proportional system must be no less than 30%. However, the legal framework failed to provide any sanctions for failure to comply with the quota requirement. On September 23, 2015, the Central Election Commission (CEC) announced that failure to adhere to the gender quota does not constitute grounds for the rejection of a party list by the Territorial Election Commission (TEC) in charge of candidate registration. Although the CEC resolution was challenged in court, the court upheld the CEC decision. In the end, while some political parties did ensure that women made up 30% their party list candidates, most ignored the gender quota provision.

<sup>15</sup> Final Report on the Monitoring of Women’s Participation in the Electoral Process at 2015 Local Elections in Ukraine, Committee of Voters of Ukraine, 2015.

<sup>16</sup> Ukraine-EU Association Agreement, Title V, Economic and Sector Cooperation, Chapter 21, Cooperation on Employment, Social Policy and Equal Opportunities, Articles 419, 420.

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been translated in decentralization reform policy making, or in its implementation. Human rights and gender equality are not yet an important element in decentralization reform as there is a lack of acknowledgement by reform decision makers that, along with democracy and good governance, equality between men and women and respect for human rights could be the primary outcomes to be achieved by this reform in Ukraine.

Thus, in 2017 the Committee on the Elimination of Discrimination against Women expressed concern that the ongoing reform on decentralisation had no reference to gender equality. While recognizing the adoption of the new decentralisation strategies in conflict-affected areas, the committee expressed particular concern about precarious situation of women in conflict-affected areas, who often bear a disproportionate burden in these situations, as their rights to productivity, livelihood and access to land are often violated in conflict-affected areas. The committee recommended that government launch initiatives aiming at assisting and supporting women affected by the conflict, in particular women heads of households, single women, widows, women with disabilities and women belonging to minorities<sup>17</sup>.

Compliance of the decentralization reform to international human rights norms and stan-

dards, as well gender equality and women's empowerment commitments, would help to achieve a more efficient, democratized governmental structure, and would result in the promotion of human rights for people and communities, the social inclusion of vulnerable or marginalized groups of women and men, and would ensure, in the reform implementation, both dignity and equality of opportunity for all.



<sup>17</sup> Committee on the Elimination of Discrimination against Women Concluding Observations on the Eighth Periodic Report of Ukraine, March 3, 2017, para 40, p 13.



## Luhansk and Donetsk Oblasts

Luhansk oblast, including the government controlled areas (GCA) and non-government controlled areas (NGCA) comprises 18 administrative districts, 37 cities, 315 settlements, 782 villages and a population of 2.2 million people, the majority of whom are female (54.5%).<sup>18</sup> The conflict has resulted in a continuing outflow of the working population from the NGCAs to the GCAs in Luhansk, as well as to other oblasts in Ukraine. As of January 2017, some 292,000 people were registered as IDPs in Luhansk Oblast, 72.6% of whom were pensioners, 8.2% children and 2.7% people with disabilities, about 60% of whom are women.<sup>19</sup> The socio-economic situation has deteriorated in Luhansk Oblast, with unemployment rates increasing from 6.2% in 2013 to 15.6% in 2015, making it the highest in the country. The average employment level decreased from 59.4% in 2013 to 54.6% in 2015 and was lower, especially for men, than the national rate of 56.7%.<sup>20</sup>

Donetsk Oblast (GCA and NGCA) comprises 52 cities, including 28 of regional significance, 24 cities of district level, 21 urban districts, 18 districts, 131 settlements, 253 village councils and 1,118 rural settlements. The population of the oblast is of 4.3 million people, 53.5% of whom are women.<sup>21</sup> The conflict has resulted in an increased death rate and displacement to GCAs of Donetsk Oblast and other oblasts of Ukraine. As of January 2017, some 559,900 persons (58.8% of whom are pensioners, 12.4% children, and 3.6% people with disabilities) have been registered as IDPs in the GCAs, about 60% of them women.<sup>22</sup> The oblast's socio-economic situation has deteriorated. The oblast had been an industrial centre of Ukraine, with major heavy industry, such as coal and metallurgy. Unemployment is on the rise - from 7.8% in 2013 to 13.8% in 2015, the second highest in the country after Luhansk Oblast. In 2015 only 50.3% of the population was employed, compared to 60.3% in 2013.<sup>23</sup>



<sup>18</sup> Population of Ukraine by gender and age as of 1 January 2016. Statistical Yearbook, State Statistics Service of Ukraine - [http://database.ukrcensus.gov.ua/PXWEB2007/ukr/publ\\_new1/2016/zb\\_nas\\_15.pdf](http://database.ukrcensus.gov.ua/PXWEB2007/ukr/publ_new1/2016/zb_nas_15.pdf).

<sup>19</sup> Ministry of Social Policy of Ukraine.

<sup>20</sup> Data of State Statistics Service of Ukraine, <http://www.ukrstat.gov.ua/>.

<sup>21</sup> Ibid

<sup>22</sup> Ministry of Social Policy of Ukraine.

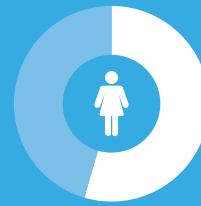
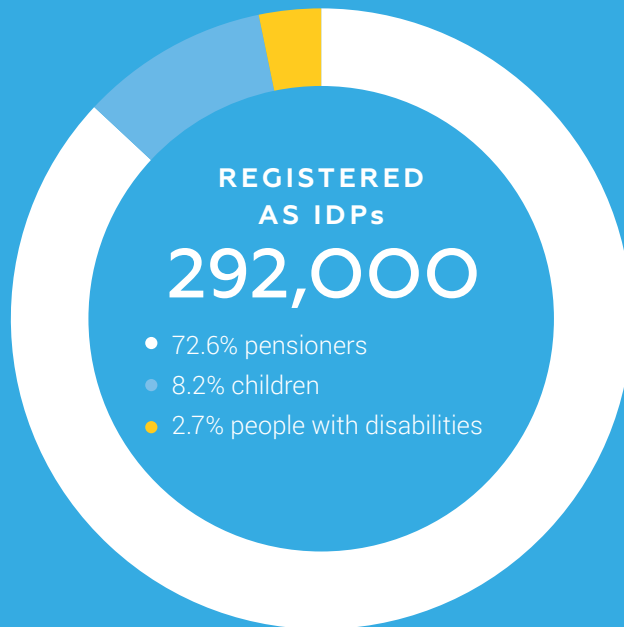
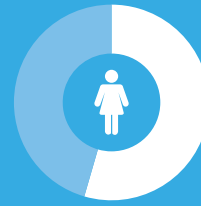
<sup>23</sup> Data of the State Statistics Service of Ukraine, <http://www.ukrstat.gov.ua/>.

## LUHANSK OBLAST



POPULATION

2.2 mln people

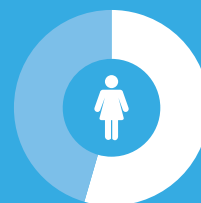
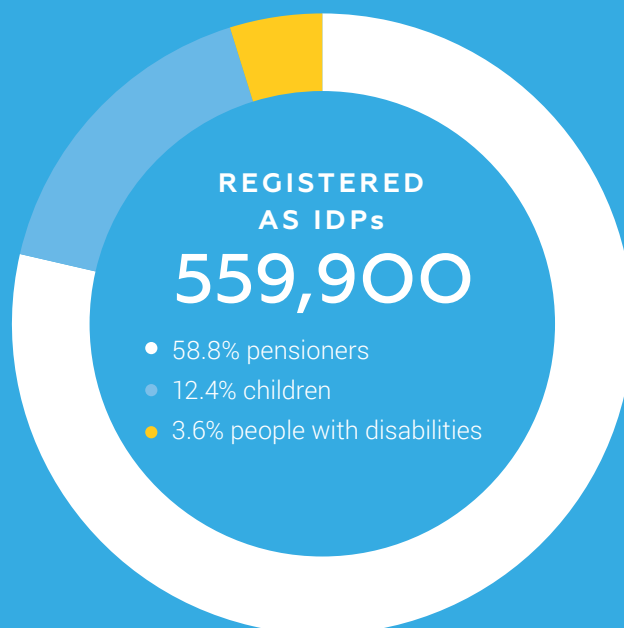
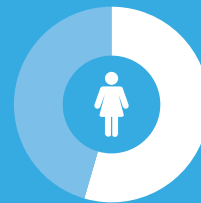


## DONETSK OBLAST



POPULATION

4.3 mln people



## Challenges in the Decentralization Process in Donetsk and Luhansk Oblasts

Progress with the implementation of the decentralization reform in Luhansk and Donetsk oblasts of Ukraine have been affected by the ongoing conflict, a volatile political situation and the limited capacities of local governments and civil society to monitor and implement reforms.

Donetsk and Luhansk oblasts face a double challenge in implementing the decentralization reform process, as they must simultaneously address the challenges resulting from the armed conflict, such as damaged infrastructure, reduced security, high number of Internally Displaced Persons (IDPs) and seek a solution to economic and social pressures. In Luhansk Oblast, while the plan is to create 24 unified hromadas, as of 2017 only four amalgamated communities had been established - Bilokurakyne, Novopskovska, Troitske and Chmyrivska. However, development plans have been approved for 22 hromadas.<sup>24</sup> In Donetsk Oblast, 39 unified hromadas are envisioned, but only six amalgamated communities had been established by 2017: Ilinyvska, Lymanska, Mykolayivska, Solidarska, Cherkaska and Shahyvska.

One of the main impacts of the conflict and political instability is related to the fact that the main cities of both oblasts, the cities of Luhansk and Donetsk, which serve as major regional hubs for trade, and for cultural, social and health services, are cur-

rently located in the NGCAs. While many universities and public administration entities (staff) have been transferred to GCAs, their infrastructure and resources (including buildings, equipment, libraries, and some staff) remain in the NGCAs. Another reason for the challenge to progress with local development reform is the novelty of the reforms and the fact that sectorial decentralization is still under discussion at the central level. Progress is sometimes also resisted by local political and business elites and even the general population, who prefer to retain the old structures.

Similarly, to other oblasts, decentralization reform implementation in Luhansk and Donetsk oblasts does not integrate human rights and gender equality commitments, and is not consistently informed by the differentiated needs of women and men, particularly vulnerable ones. Women's low representation in decision-making positions in government (from the national to the local level) means that they are not in a position to influence reform. Staff in oblast and hromadas administrations and city councillors have little or no understanding of, or experience in, conducting gender analysis or gender mainstreaming. Thus, according to the results of the local authorities' capacity assessment in Donetsk oblast<sup>25</sup>, while women represented a majority among mid-level officials in local government bodies, their capacity to influ-

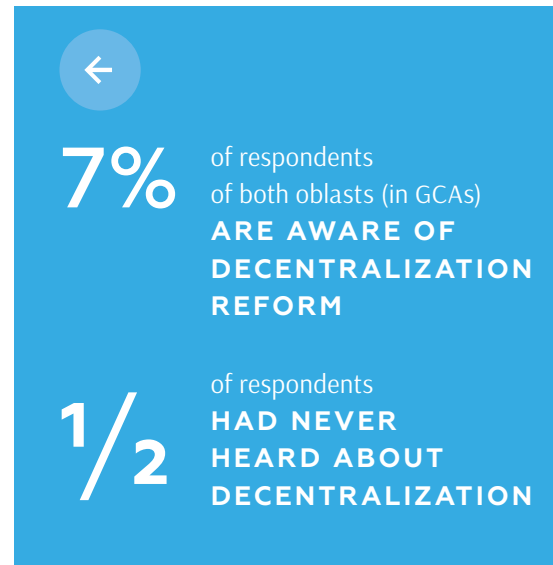


<sup>24</sup> Decentralization in Ukraine Government Portal" as in the list of references (p. 66, 9), <http://decentralization.gov.ua/region/item/id/12>.

<sup>25</sup> Capacity Assessment of Donetsk Local Authorities, UNDP 2015

ence decisions was insignificant. The same study showed that while in general women submitted 50% of all complaints to local authorities (mainly about local service delivery), only 19% of their complaints were addressed. The same report indicates extremely limited understanding of the gender analysis and application of gender mainstreaming tools by the local authorities, including officials in charge of the implementation of gender equality.

Finally, the challenges in reform implementation can be attributed to low levels of awareness among the population of their rights and roles as rights holders to participate in the decentralization process. According to a 2017 survey<sup>26</sup> only 7% of respondents in both oblasts (in GCAs) are aware of decentralization reform; half of the respondents had never heard about decentralization. This low level of awareness among “rights holders” points to low lev-



els of communication by “duty bearers.” The same survey revealed very low levels of participation in public or political life. Only 6-10% of respondents are involved in any type of civic activity.

## Donetsk and Luhansk Regional Development Strategies, human rights and gender equality

Donetsk and Luhansk oblasts have each adopted regional development strategies until 2020.<sup>27</sup> In Donetsk Oblast, the strategic vision includes the following objectives: economic development and boosting employment; increasing the capability of local government; human development, the provision of quality social services and addressing IDP issues; and building a safe society. In Luhansk Oblast, the strategic vision focuses on: the rehabilitation of critical infrastructure and

services; increasing the capacity of local government in view of decentralization; economic revival and sustainable development; and a secure and peaceful life.

While the State Regional Military and Civil Administrations made efforts to integrate gender equality perspectives in their regional strategies by including gender-based violence (GBV) and gender equality as strategic goals and priorities,



<sup>26</sup> Opinion poll “Attitudes of citizens of some territorial communities of Donetsk and Luhansk oblasts”, Sphera research centre, at the request of UNDP.

<sup>27</sup> Development Strategy 2020 of Luhansk Oblast – <https://strategy2020.lg.ua/index.php>  
Development Strategy 2020 of Donetsk Oblast – <http://donoda.gov.ua/?lang=ua&sec=03.04&iface=Public&cmd=view&args=id:22709>

neither strategy includes measures, actions, targets or indicators on gender equality, or plans for the collection of sex-disaggregated data. Neither do the strategies envisage transparency and accountability mechanisms, or instruments such as participatory local governance, participatory community needs analysis to inform planning, transparent public reviews of local spending, or gender-responsive budgeting. While there is a potential for cooperation between women and men in the communities (including vulnerable groups) and the authorities in both oblasts, both strategic documents failed to elaborate approaches to ensure access and inclusion, or transparency and accountability.

Even so, the Luhansk State Regional Military and Civil Administration has adopted a local action plan to realize the National Action Plan on the implementation of UN Security Council Resolution 1325 on Women, Peace and Security for 2017<sup>28</sup> (NAP 1325), which is a commendable achievement. The Local NAP 1325 sets meaningful measures for women's increased participation in conflict prevention and peace-building, aiming to strengthen the response to GBV especially in conflict-affected areas, and emphasizing training for law enforcement on GBV and awareness raising with the media. Nevertheless, the biggest challenges remain the lack of funding allocated for the NAP's implementation, and the NAP not being linked to the Regional Development Strategy.

In Donetsk, gender policy is implemented as part of the Donetsk Oblast Youth and Family Programmes, in particular the newly adopted Regional Comprehensive Social Programme "Youth and Family of Donetsk Region" 2016-2020.<sup>29</sup> The programme includes tasks to promote equal rights and opportunities for men and women in political participation, the labour market and education, as well as the harmonization of family and work responsibilities. The programme also refers to building the capacity of local authorities and strengthening cooperation within civil society. While Donetsk has not yet localised NAP 1325, the above-mentioned programme includes actions to implement the Women, Peace and Security (WPS) Agenda and prevent GBV.

In both oblasts, responsibilities for the implementation and coordination of gender equality commitments based on the national gender equality policy frameworks are assigned to the Departments of Family, Youth, Children Affairs, and Trafficking and Violence Prevention. However, these departments are poorly financed and understaffed, and lack the gender expertise and authority to promote gender equality in oblast decision-making processes. Staff capacity in other oblast administration departments to mainstream gender into local policy and budget planning, monitoring and implementation is also relatively low, and will require investment in capacity building.



<sup>28</sup> Regional Plan for implementation of the National Action Plan "Women, Peace and Security" in Luhansk Oblast - [http://www.loga.gov.ua/oda/press/news/na\\_luganshchini\\_zatverdzheno\\_regionalny\\_plan\\_iz\\_realizaciyi\\_nacionalnogo\\_planu\\_diy](http://www.loga.gov.ua/oda/press/news/na_luganshchini_zatverdzheno_regionalny_plan_iz_realizaciyi_nacionalnogo_planu_diy)

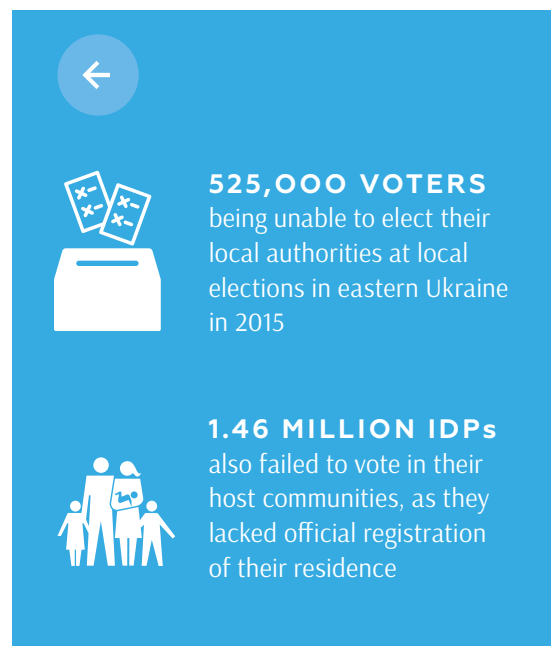
<sup>29</sup> Adopted in December 2016.

## The Impact of the Conflict on the Human Rights of Women and Men in Donetsk and Luhansk Oblasts

The human rights situation in Donetsk and Luhansk oblasts has deteriorated on both sides of the contact line due to conflict-related hostilities, with violations including disappearances, arbitrary arrests and detention, torture, war crimes, and conflict-related sexual violence. In total, over 9,000 people have been killed and over 22,000 injured have been recorded thus far.<sup>30</sup>

Furthermore, since January 2015, the movement of persons, vehicles and goods crossing the contact line is regulated by the security services and channelled through several checkpoints based on travelling authorizations. Areas along these corridors are often mined, and long queues and limited facilities render the crossing very difficult.<sup>31</sup> The conflict has destroyed infrastructure and cut off access to supplies of gas, water and electricity. Schools and hospitals have been incapacitated or have remained in the NGCAs, forcing people to travel long distances to other cities or villages to access education and healthcare.<sup>32</sup> The right to adequate housing is severely restricted for many, and there are no clear compensatory mechanisms for housing lost or damaged in the conflict.<sup>33</sup>

The right to decent work is very limited in the conflict-affected areas in eastern Ukraine. Even those who are employed are becoming poorer



due to declines in real wages, inflation and overall increases in prices. Poverty is estimated to have increased significantly.<sup>34</sup> In terms of political participation, local elections in eastern Ukraine in 2015 were held under difficult conditions, and 122 towns located along the contact line had to cancel elections for security reasons, resulting in an estimated 525,000 voters being unable to elect their local authorities. Another 1.46 million IDPs also failed to vote in their host communities, as they lacked official registration of their residence.<sup>35</sup>



<sup>30</sup> Report on the Human Rights Situation in Ukraine, 16 August – 15 November 2016, OHCHR

<sup>31</sup> Report on the Human Rights Situation in Ukraine, 16 August – 15 November 2016, OHCHR, p. 24

<sup>32</sup> Report on the Human Rights Situation in Ukraine, 16 August – 15 November 2016, OHCHR, p.11

<sup>33</sup> Ukrainian Helsinki Committee for Human Rights (2015), Human Rights in Ukraine, 2015. Report by Human Rights Defenders

<sup>34</sup> World Bank, Ukraine Economic Update, September 2016 <http://www.worldbank.org/en/country/ukraine/publication/ukraine-economic-update-fall-2016> .

<sup>35</sup> Ibid

## Gender Equality and Women's Empowerment in Donetsk and Luhansk Oblasts

Ukraine faces unprecedented challenges that prevent women from benefiting from equal opportunities and rights, particularly those facing multiple intersecting forms of discrimination. The causes lie in patriarchal attitudes and stereotypes, and deeply rooted systemic gaps, which have never been addressed, such as weak rule of law, low capacity of institutional mechanisms for gender equality, and lack of political will. The situation in Donetsk and Luhansk oblasts reflects the overall country context where women are underrepresented in decision-making, have limited access to economic resources, face discrimination, and are subject to widely-spread gender-based violence. Moreover, the armed conflict and economic crisis exacerbates gender gaps and inequalities, and affects women disproportionately, especially in conflict-affected communities, increasing gender discrimination, women's poverty and risks of GBV.

The rapid influx of the internally displaced population posed new challenges for oblast and hromada administrations. Social support services have collapsed or significantly decreased, leaving women to care for children, older persons, persons with disabilities and other vulnerable family members. Women with children and older comprise the majority of the IDPs in both oblasts. These women tend to face multiple forms of discrimination in accessing employment, public services and in decision-making.<sup>36</sup> Displaced female-headed households in particular experience poverty and stigma. Many pregnant women in GCAs are living in poverty<sup>37</sup> and few households with pregnant women (about 4%) are receiving any kind of humanitarian assistance. In areas close to the contact line, some pregnant women have no opportunity for regular visits to the doctor or access to health-care facilities.<sup>38</sup>

### Women's political participation

The 30% gender quotas introduced in the Law on Local Elections in 2015 did not bring the expected increase in women's representation in Ukraine, since non-compliance is not sanctioned. On average, there are 18% of women in the local city councils and 15% in oblast councils. Even fewer women

hold higher elected positions in local councils.<sup>39</sup>

As a result of the 2015 local elections, women won 36.8% of the seats in municipal councils in Donetsk Oblast, and 33% in Luhansk Oblast<sup>40</sup>. In the previous elections in Donetsk and Luhansk



<sup>36</sup> ILO (2016) Employment Needs Assessment and Employability of Internally Displaced Persons in Ukraine.

<sup>37</sup> UNICEF/CDC (2016) Assessment of Pregnant Women in GCA of Donetsk and Luhansk oblasts.

<sup>38</sup> Interagency Vulnerability Assessment in Luhansk and Donetsk Oblasts, (IAVA), Humanitarian Country Team | REACH | November 2016, <https://goo.gl/T2ByQ0>

<sup>39</sup> IFES, Report on Local Elections in Ukraine, 2015.

<sup>40</sup> Central Election Commission

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oblasts, women won 11% and 10% of the oblast council seats respectively<sup>41</sup>. As reported during interviews, women play an important role in recovery and peace building processes, as well as in community development. However, they are under-represented at the highest level of decision-making in the oblasts, due to gender stereotypes about the social roles of men and women, as well as gender inequalities and discrimination.

There is no political will or understanding in the hromadas about the untapped potential of women as agents of positive democratic change during times of reform. UNSCR 1325 underlines the importance of women's involvement in the decision-making processes, particularly during times of conflict. However, women are persistently under-represented in managerial positions in some of the newly created territorial hromadas in Donetsk

and Luhansk oblasts<sup>42</sup>. Women account for only 17% of the number of heads of hromadas, 38% are deputy heads, 46% are in executive committees, 49% sit in hromada councils (Radas), and 48% have been elected as starostas (representatives of the settlements that are part of an amalgamated hromada).

The representation of women in decision-making in executive positions also remains low. The sector of public administration is particularly feminized. In 2015, women constituted 83% of civil servants in Donetsk Oblast and 80% in Luhansk Oblast. But while women prevail among civil servants at lower executive positions<sup>43</sup>, they represent only 16% of the top executives. These disparities are even more obvious in the local government, as women constitute only 5% of the top officials, while about 80% of officials in the lowest executive positions are female.<sup>44</sup>

## Economic participation and employment

Gender gaps and inequality in economic opportunities and discrimination in recruitment and at work have limited women's access to employment, income and career promotion. Overall in Ukraine, as well as in Donetsk and Luhansk oblasts, the rate of female participation and employment in the labour market is lower than the rates for men.

Systemic barriers lead to horizontal and vertical occupational gender segregation in the labour

market, with women obtaining lower remuneration levels and career opportunities. Ukrainian legislation prohibits women from doing over 500 types of work, limiting their employment opportunities<sup>45</sup>. The gender wage gap was 25% in 2015 in Ukraine and reached 41% in Donetsk Oblast and 22% in Luhansk Oblast. The gender disparities in average wages contribute to the respective gap in pensions (about 30%).<sup>46</sup> As a result of lower individual incomes, women naturally experience higher risks



<sup>41</sup> Final Report on the Monitoring of Women's Participation in the Electoral Process at 2015 Local Elections in Ukraine, Committee of Voters of Ukraine, 2015

<sup>42</sup> Lyman, Cherkaske, Mykolayivka, Bilokhurakhine, Novopkovska, Chmyrivka.

<sup>43</sup> Data from the State Statistics Service of Ukraine, <http://www.ukrstat.gov.ua/>.

<sup>44</sup> World Bank Country Gender Assessment for Ukraine 2016, p.16.

<sup>45</sup> Criminal Code of Ukraine, "Deliberately placing another person in danger of contracting HIV or any other incurable infectious disease dangerous to humans." Article 130. <http://zakon2.rada.gov.ua/laws/show/Z0051-94>

<sup>46</sup> World Bank Country Gender Assessment for Ukraine 2016, p. 65.



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of poverty and are often amongst the most vulnerable in populations. Women account for the majority of those applying for state social assistance.<sup>47</sup>

The industrialized eastern oblasts of Ukraine have been the most heavily affected by the economic downturn. Coal miners and railway employees appear to be among the most affected by the armed conflict, as their two industries have either ceased operations or dramatically reduced their activities. About 70% of railway employees are women.<sup>48</sup> In Ukraine, in general, women have higher levels of education than men: women's gross enrolment in tertiary education reached 86%, the while the male rate was 72% in 2013.<sup>49</sup> In Donetsk and Luhansk oblasts, however, the situation is reversed; only about 35% of women had a university education and 37% vocational training, while for men the figures are 39% and 46%.<sup>50</sup>

Unpaid work continues to be disproportionately assigned to women due to traditional reproductive roles. The lack of adequate social services in the communities hosting IDPs has increased this burden on displaced women, increasing their care responsibilities for children, older and family members with disabilities. Women shoulder the

responsibility of ensuring their families' social and economic well-being, while managing domestic needs and securing housing in host communities with already strained resources. The situation for rural women is worse than for rural men, or for urban women and men.<sup>51</sup>

IDP women with children have particular difficulty working due to lack of childcare facilities or family networks. Women complained that they are confined to housekeeping and child caring.<sup>52</sup>

Women constitute the majority of unemployed IDPs, and the incidence of long-term unemployment is higher among IDP women than men. Challenges facing women IDPs to accessing employment include: (i) stereotypes in the labour market regarding women, older people and IDPs; (ii) unwillingness of employers to hire persons from territories not controlled by the government; (iii) the need for training, or having a profile that does not match the necessary skill set; (iv) lack of documentation required for hiring (work records from previous employers). IDP women in the labour force face: (i) pay gaps; (ii) discrimination in hiring and retention; and (iii) discrimination in career advancement. Low awareness among IDP women of their human rights is another obstacle.<sup>53</sup>



<sup>47</sup> World Bank Country Gender Assessment for Ukraine 2016, p. 67.

<sup>48</sup> Report on the Human Rights Situation in Ukraine, 16 August – 15 November 2016, OHCHR.

<sup>49</sup> Ibid

<sup>50</sup> Interagency Vulnerability Assessment 2016 (preliminary data).

<sup>51</sup> UNDP/Ukrainian Parliament Commissioner for Human Rights 2015, Comprehensive Study on the Rights of Women in Rural Areas of Ukraine.

<sup>52</sup> UNHCR, Participatory Assessment, Ukraine (2017)

<sup>53</sup> According to the focus group discussions conducted by UNHCR, 2016.

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## Gender-Based Violence

The high concentration of military and paramilitary groups in eastern Ukraine, particularly close to the contact line, coupled with a proliferation of weapons, weak law enforcement and impunity for perpetrators, has increased the risk of GBV, particularly for IDP women and girls.<sup>54</sup> The rates of mental disorders, including prevalence of post-traumatic stress disorder (PTSD), depression and anxiety, are higher among women IDPs than in men,<sup>55</sup> and most IDPs lack access to the required care.<sup>56</sup> Due to the low capacity of law enforcement and service providers to deal with cases of GBV, survivors rarely appeal for help. Before the conflict, GBV was already under-reported due to stigma and a culture of silence, broken referral pathways, an inefficient legal system, and limited medical and psychosocial support services. Women tend to turn to law enforcement only in cases in which the violence is perceived as life threatening.<sup>57</sup> These problems have been exacerbated by the conflict.

Women IDPs face increased vulnerability to various forms of violence during the conflict, including humiliation, insults, intimidation, blackmail,

verbal threats, physical violence, confiscation of money or property, confiscation of official documents, forced labour without pay, and being subjected to improper sexual comments. UNFPA survey<sup>58</sup> confirmed the increased vulnerability of women to various forms of violence during the conflict: a share of displaced women, reporting at least one situation of violence outside the family, was three times higher than the corresponding share of local women, surviving any violence in the host communities (15.2 against 5.3 percent of respondents).

While conflict-related sexual violence (CRSV) may be on the rise, there is still limited evidence and data on this. Lawyers, police officers, prosecutors and judges lack knowledge on how to document, investigate and consider cases of CRSV, and there are limited forensic services, which makes it difficult to prosecute cases of CRSV.<sup>59</sup> In 2016, OHCHR continued to document cases of CRSV and GBV: threats of rape and other forms of sexual violence are used as a method of ill-treatment and torture in the context of arbitrary or illegal detention, both towards men and women.<sup>60</sup>



<sup>54</sup> Humanitarian Needs Overview, Ukraine Humanitarian Country Team, 2016 [www.un.org.ua/en/publications-and-reports/un-in-ukraine-publications/3700-humanitarian-needs-overview-in-ukraine-2016](http://www.un.org.ua/en/publications-and-reports/un-in-ukraine-publications/3700-humanitarian-needs-overview-in-ukraine-2016)

<sup>55</sup> The prevalence of: PTSD 32% (22% in men, 36% in women), depression 22% (16% in men, 25% in women) and anxiety 18% (13% in men, 20% in women), "Hidden burdens of conflict: Mental health issues and access to services among IDPs in Ukraine" by International Alert, the Global Initiative on Psychiatry, the London School of Hygiene and Tropical Medicine and the Kyiv International Institute of Sociology, 2017, p.16

<sup>56</sup> Ibid

<sup>57</sup> Оксана Хомей. Зволікати не можна, ратифікувати! Стамбульська Конвенція та протидія насильству щодо жінок, (Oksana Khomey. "Don't Give Up, Ratify! The Istanbul Convention and Combating Violence against Women (article in Ukrainian)

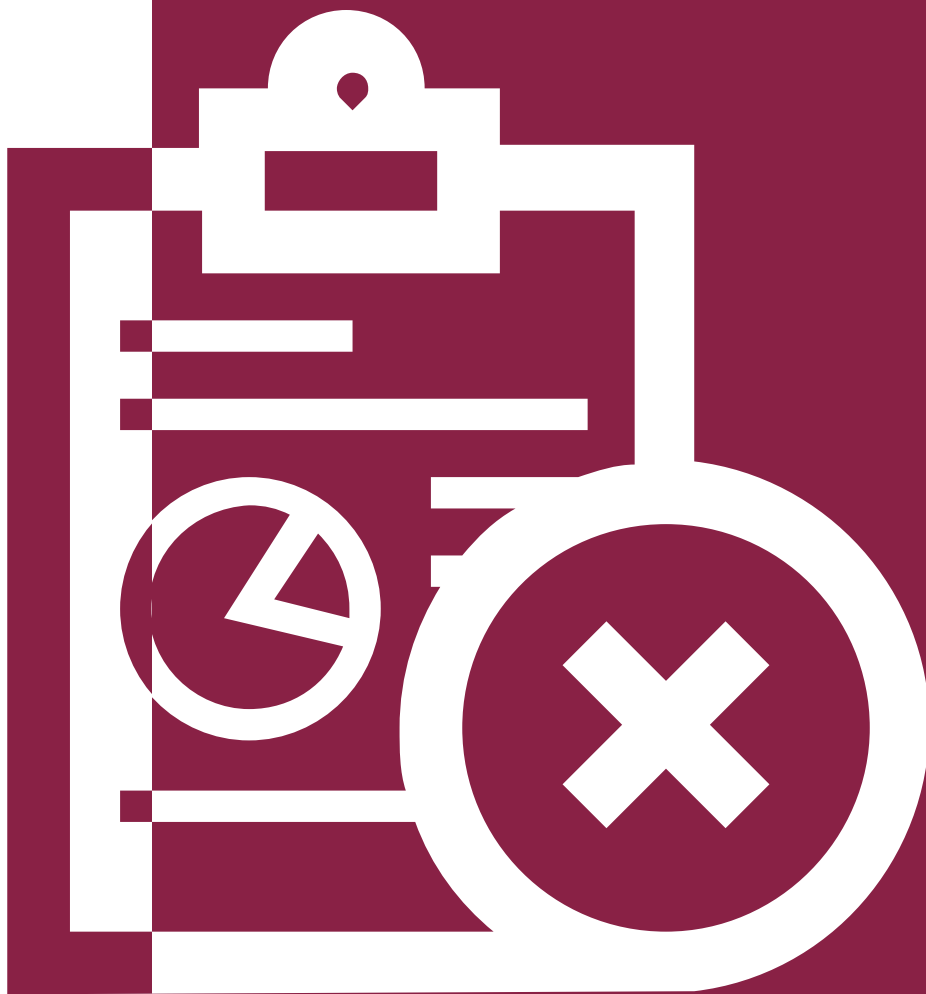
<sup>58</sup> Gender-based violence in the conflict-affected regions of Ukraine, UNFPA (2015); p.6.

<sup>59</sup> Conflict-Related Sexual Violence in Ukraine, 14 March 2014 – 31 January 2017, OHCHR.

<sup>60</sup> OHCHR, Report on the Human Rights Situation in Ukraine, 16 August – 15 November 2016, [http://www.ohchr.org/Documents/Countries/UA/UAReport16th\\_EN.pdf](http://www.ohchr.org/Documents/Countries/UA/UAReport16th_EN.pdf)

PART 3

# Vulnerability analysis findings



# VULNERABLE WOMEN AND MEN IN CONFLICT-AFFECTED AREAS IN DONETSK AND LUHANSK OBLASTS

This section examines the vulnerable groups identified in Donetsk and Luhansk oblasts and builds on primary data collected during field-work<sup>61</sup> and also reviews of secondary sources and studies. The analysis is based on the following principles of the human rights-based approach: Equality and Non-discrimination; Participation and

Inclusion; and Accountability and the Rule of Law. It identifies the factors and issues that have prevented the participation and inclusion of the rights holders and the degree to which they experience discrimination and lack of equity, as well as factors connected to the diminished rule of law and the accountability and transparency of duty bearers.

## HUMAN-RIGHTS-BASED APPROACH PRINCIPLES

**Equality and Non-discrimination:** All individuals are equal as human beings and by virtue of the inherent dignity of each human person. All human beings are entitled to their human rights without discrimination of any kind, such as race, colour, sex, ethnicity, age, language, religion, political or other opinion, national or social origin, disability, property, birth or other status as explained by the human rights treaty bodies.

**Participation and Inclusion:** Every person and all peoples are entitled to active, free and meaningful participation in, contribution to, and enjoyment of civil,

economic, social, cultural and political development in which human rights and fundamental freedoms can be realized.

**Accountability and Rule of Law:** States and other duty-bearers are answerable for the observance of human rights. In this regard, they have to comply with the legal norms and standards enshrined in human rights instruments. Where they fail to do so, aggrieved rights-holders are entitled to institute proceedings for appropriate redress before a competent court or other adjudicator in accordance with the rules and procedures provided by law.

Source:

The Human Rights Based Approach to Development Cooperation:  
Towards a Common Understanding Among UN Agencies



<sup>61</sup> Wherever references to specific reports are not included, data and opinions came from interviews with respondents during field trips. All quotations in this section are views expressed by respondents during interviews. If the name is not given, the person wished to remain anonymous.

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## INTERNALLY DISPLACED PERSONS (IDPs)

Donetsk and Luhansk oblasts are now home to about half of the IDPs in Ukraine. As of January 2017, Donetsk oblast hosted 559,900 registered IDPs, and Luhansk oblast 292,000.<sup>62</sup> IDPs in Donetsk and Luhansk oblasts include men and women of all ages and socio-economic status, who were forcedly displaced from NGCAs to GCAs by conflict, internal instability and violations of human rights within the borders of their own oblast. Therefore, as a group, IDPs include many sub-groups, such as the older, persons with disabilities, single-headed households, and people living with HIV/AIDS. It is important to note that most of the problems faced by IDPs are also faced by the host communities, albeit to a lesser extent. This is particularly relevant in the context of the decentralization reform and the need to find a common solution in many cases.

Women and children comprise the majority of IDPs (58% and 8% respectively)<sup>63</sup>. Social support services have collapsed or significantly decreased, leaving women to care for children, older, and persons with disabilities or otherwise vulnerable family members. Women constitute the majority of unemployed IDPs, and the incidence of long-term unemployment is higher among IDP women than men. Challenges facing women IDPs to access employment include: (i) stereotypes in the labour market regarding women, older people and IDPs; (ii) unwillingness by employers to hire

**WOMAN,  
53 YEARS OLD**

“I have been a university professor and a practicing surgeon for the past 25 years. We built our life and our home with our own hands, you could say. Our jobs gave us a decent living and a position of respect in Donetsk. We used to go to the theatre every month. Now we have been left with nothing, and we have to rent a small apartment. I even have to hide our dog from the neighbours because the landlord is against pets. It is hard to be left with nothing at the age of 50. And the worst part of it is that we simply do not have enough of a lifetime left to start again.

persons from the territories not controlled by the Government; (iii) need for training or a profile that does not match the necessary skill set; (iv) lack of documentation required for hiring (work records from previous employers)<sup>64</sup>.

The increase in number of single mothers and female-headed households due to conflict-related displacement and an ageing population have increased demand for social care, particularly



<sup>62</sup> Ministry of Social Policy of Ukraine, January 2017.

<sup>63</sup> Humanitarian Needs Overview, Ukraine Humanitarian Country Team, 2016 [www.un.org.ua/en/publications-and-reports/un-in-ukraine-publications/3700-humanitarian-needs-overview-in-ukraine-2016](http://www.un.org.ua/en/publications-and-reports/un-in-ukraine-publications/3700-humanitarian-needs-overview-in-ukraine-2016)

<sup>64</sup> According to the focus group discussions conducted by UNHCR, 2016.

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in conflict-affected areas. These demographic shifts, along with women's limited access to employment, traditional gender roles and increasing unpaid care work, require policy and legislative responses at the national level, as well as the practical solutions at the decentralized local level.<sup>65</sup>

Following the government's suspension of social benefit payments and closure of central bank offices in NGCAs in December 2014, some older people registered as IDPs in GCAs to receive their pensions and benefits, and therefore must shuttle back and forth to collect them.<sup>66</sup> There is no reliable estimate of the number of returned IDPs in eastern Ukraine.<sup>67</sup> As reported during the VA, IDPs very often do not have money to pay for rent because they lack employment or other income, and do not receive pensions: As a result, they return to their homes in the NGCAs.<sup>68</sup>

Based on a household survey of IDPs in Luhansk and Donetsk oblasts in 2016, there was limited evidence of people returning to pre-displacement locations at this stage of the crisis: 92% of IDP households reported no intention to return home in the next six months. In the household survey, displaced respondents also cited concerns regarding free choice and informed choice. Of those surveyed, some 43% expressed willingness to return should conditions become conducive for them to do so safely. Almost a quarter, however, said that they did not intend to return to their place of origin under any conditions.<sup>69</sup> Further research is therefore required

### “ RETIRED WOMAN IN HER MID-60s WHO TRAVELS TO KRAMATORSK ONCE A MONTH TO COLLECT HER PENSION

“I had to go back, what else could I do really? At least there I have a roof over my head... At first I wanted to pack my things up and leave, but then my neighbours who had done it told me there was nothing waiting for me on the other side... I was also worried that once I leave, they (the unrecognized authorities) would take away my apartment and everything I have worked for my entire life... I just couldn't live through that... I know what they say about people in my situation, they call us over here 'tourists'... It would be funny if it weren't too sad for words... I have worked my entire life for this pension and now they dare call me a 'tourist' and 'unpatriotic'! I wish they had walked a mile in my shoes and then, only then, I'd like to hear them say the same thing about themselves!”

into the role of increasing housing costs and lack of access to income – the two most commonly cited causes for possible returns. The age factor is also important, as the older persons are less likely to uproot themselves and leave their homes and possessions behind.



<sup>65</sup> Review on Engendering Inclusive Growth and Employment Policies, UN Women Europe and Central Asia, 2017

<sup>66</sup> Situation report No.37 as of April 24, 2015, OCHA, Ukraine.

<sup>67</sup> Ukraine IDP Figures Analysis. Internal Displacement Monitoring Centre. <http://www.internal-displacement.org/europe-the-caucasus-and-central-asia/ukraine/figures-analysis>

<sup>68</sup> According to officials from social service departments of oblast administrations and displaced women during meetings with IDPs.

<sup>69</sup> Inter-Agency Vulnerability Assessment in Luhansk and Donetsk Oblasts Government Controlled Areas of Ukraine, November 2016 Humanitarian Country Team –pp. 19





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## Equality and non-discrimination

The relationship with the host community differs depending on the location and duration of co-inhabiting; attitudes started shifting after the first flows of IDPs arrived. In the aftermath of the start of the conflict in 2014, communities welcomed many IDPs with solidarity and understanding. They provided assistance, including free accommodation, food, clothes and toys for children. As the conflict became protracted, however, the feeling of solidarity and support has been replaced by frustration or indifference towards IDPs. Some of the interviewed IDPs felt that they are perceived as a burden on host communities. Another recurrent perception is that IDPs are “free riders,” benefiting from humanitarian aid and in-kind or financial assistance provided by international organisations, local NGOs and churches. One local resident told us “we face the same problems as they do, but we have less support.” Other residents pointed out that “resources are limited, there is little left to share.”

Among IDPs, several groups of women are subjected to multiple intersecting forms of discrimination, including women with disabilities, Roma women, single mothers, pregnant women, widows, older women and LBT women<sup>70</sup>. Women from these groups face particular hardships

### WOMAN, 49 YEARS OLD



“I know that at the moment life is difficult for everyone. But I am not asking for charity! All I want is an equal chance of getting a job or a bank loan. I’m tired of being perceived as some sort of alien. For God’s sake, I am your fellow citizen from just 10 km away on ‘the wrong side of the fence.’”

when they are displaced and unable to access specialized support. An estimated 4% of IDPs are persons with disabilities who encounter difficulties passing through checkpoints and are cut off from support services.<sup>71</sup> Among IDPs, the needs of LGBTI persons have largely been ignored, with the exception of efforts made by NGOs, such as the creation of a shelter for LGBTI persons who have escaped from the conflict zone<sup>72</sup>.

On the other hand, local residents also pointed out that IDP’s brought skills that were missing,



<sup>70</sup> Committee on the Elimination of Discrimination against Women, Concluding Observations on the Eighth Periodic Report of Ukraine, March 3, 2017

<sup>71</sup> Rights of Persons with Disability in the Armed Conflict in the East of Ukraine, Analytical Report of the Ukrainian Helsinki Human Rights Union, Kiev, 2016.

<sup>72</sup> Gender Analysis Report, USAID/Ukraine, 2017



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and levels of knowledge and energy characteristic of bigger urban areas. One resident of Severodoneck and a representative of a local NGO noted that thanks to the IDPs, there were more services provided in the city, which were lacking before, such as restaurants, barber shops and even a theatre.

The overall perception is that women IDPs engage more easily with the host communities and are able to build professional and social connections more quickly than men. Displaced men reported being treated “as traitors,” and being accused of not wanting to “serve their homeland” when refusing to join the military service. Young men have reported feeling left out, complaining of discrimination and a lack of support as they are ineligible for pensions or any financial support, and do not fit any criteria for humanitarian assistance.

Respondents also reported that in many displaced families, men had often lost their jobs. Women therefore face the burden of being the sole breadwinner (often relying on benefits) while caring for children and having to do domestic work as well. Displaced women reported that common reasons for denial of employment include: stereotypes in the labour market regarding women, older people and IDPs; unwillingness by employers to hire persons from NGCAs; mismatches in training/profiles/skills; and lack of documentation required for hiring (work records from previous employers missing). IDP women with children face difficulties in job search due to complicated access to kindergartens — for women who have to look after their children, only part-time jobs or

**THE UN COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN URGES THE STATE PARTY TO:**

- Address the specific needs of different groups of internally displaced women who are subjected to multiple forms of discrimination, including widows, women with disabilities, older women, women belonging to Roma or LGBTI, and provide long-term interventions to address the needs of internally displaced women and girls;
- Ensure that internally displaced women and girls have adequate access to health services, education, food, shelter, free movement, registration, social benefits and opportunities to secure justice and durable solutions, as well as sustainable employment opportunities.

Source: Concluding observations on the eighth periodic report of Ukraine, 3 March 2017

self-employment are generally possible and this provides less income<sup>73</sup>.

The devaluation of the Ukrainian hryvnia and rising inflation has resulted in increased prices for food. A particular challenge for IDPs is that as



<sup>73</sup> National Monitoring System of the Situation with IDPs in March-June 2016 (IOM).

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their income has dropped dramatically, so has the average budget earmarked for food in households. Many IDPs have no alternative but to purchase food (as opposed to being able to grow it). This has resulted in a limited variety of affordable products, and meat and fish have become a “luxury.”

Since February 2016, the government has suspended social payments and pensions for some 600,000 IDPs until they revalidate their IDP certificates (as part of the verification process). This has become a major source of concern, as 58.8% of the displaced people in Donetsk Oblast and 72.6% of IDPs in Luhansk Oblast are pensioners<sup>74</sup> of whom more than 70% are women.<sup>75</sup> Respondents have testified that in many cases, households, in particular single-headed ones, rely on pensions as the main source of income.

All of the 51 interviewed IDPs expressed dissatisfaction with the procedures in place for receiving government-issued certificates that allow IDPs to receive pensions, social allowances, benefits and other types of payments. All respondents indicated that the registration process is arduous and cumbersome. The main obstacles for exercising their rights are limited information on IDP entitlements, and the lack of a “single window” to receive assistance. In both oblasts, IDPs bitterly complained about the obligation to re-register every six months in order to continue receiving their allowances.

For example, the provision of health services in Ukraine is linked to a person's place of residence. IDPs find themselves in a more vulnerable position than the rest of the population, as they often fail to obtain an official residence certificate. This means that they only qualify for emergency health care. The provision of specialized medical services often has to be sought in different oblasts, as access to the main cities of Donetsk and Luhansk has been severed. Data from the field shows that some 20% of displaced households and 19% of non-displaced report that they have one or more member with a disability.<sup>76</sup>

The relocation of government services has negatively impacted persons relying on these institutions, as they have become increasingly difficult to access. Many IDPs, especially women, reported difficulties securing places in kindergartens - especially those who relocated at the later stage of the conflict, or those living in rural areas. At the same time, IDPs noted that when their children had been given priority for kindergarten admission, this caused resentment in the host community where families had been on the waiting list.

Another major impediment in exercising their rights is the fact that many IDPs have documents issued by unrecognized authorities in NGCAs. Ukrainian legislation requires that these civil documents be legally recognized through a court decision. While this legal avenue is lengthy and costly



<sup>74</sup> Ministry of Social Policy (January 2017).

<sup>75</sup> Inter-Agency Vulnerability Assessment in Luhansk and Donetsk Oblasts Government Controlled Areas of Ukraine, November 2016, Humanitarian Country Team & Ukraine Humanitarian Needs Overview 2017.

<sup>76</sup> Ibid

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for many IDPs, they are required to pursue it, as the lack of a birth certificate, for example, can mean no access to social benefits, education or health care. The lack of a recognized death certificate makes it impossible to inherit or claim property.

Access to housing remains a significant challenge. Respondents in both oblasts reported that rental costs and utility bills increased drastically

since the start of the conflict, making it difficult for IDPs to find suitable and affordable accommodation. Numerous IDPs reported that owners were reluctant to rent and some landlords demanded a full year's rent in advance because they did not trust IDPs to pay on a regular basis. Examples were also given of owners cancelling already agreed rental arrangements upon learning that the tenants were IDPs.

## Participation and Inclusion

Many IDPs interviewed during the field trip said they felt like "second-class citizens." Some even described their situation as "without a future" and "hopeless." As Ukrainian citizens, IDPs are entitled to vote and to participate in political and public life. However, IDPs could not vote in local elections held throughout Ukraine in October 2015. Moreover, Ukrainian law requires voters to register their official residence in the place where they wish to vote. IDPs therefore face a choice between registering as permanent residents and being able to vote, or losing their IDP status and corresponding benefits. During the interviews, IDPs considered this as a violation of their rights and as a factor preventing them from fully participating in the life of their communities. They also believed that because their presence was considered "temporary," the authorities had no incentive to consulting them or representing their

**MAN,  
46 YEARS OLD**

"When it comes to paying bills and taxes, we are considered citizens of Ukraine. But when it comes to voting in the community where we live, we don't have any rights"

needs. Overall, this points towards a lack of sustainable and long-term solutions for IDPs, which prevents their integration into host communities, and restricts their access to basic services and their meaningful participation in public and political life.

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## Accountability, and Rule of Law

An increasing number of internally displaced women and girls remain in need of long-term state intervention to ensure they have access to basic services and protections. The adoption of the Law on Ensuring the Rights and Freedoms of Internally Displaced Persons (the IDP Law) in October 2014, as well as a number of resolutions and decrees on the assistance to internally displaced women, lack implementation measures. Internally displaced women, including older women and women with disabilities, are at a heightened risk of, or have been subjected to, sexual violence and sexual exploitation. They also face the worsening of their already difficult living conditions, and difficulties with regard to access to registration and to freedom of movement, as well as limited employment opportunities.<sup>77</sup>

All respondents of the VA reported that various administrative procedures in place for IDPs are not transparent and accessible in Luhansk and Donetsk oblasts. There appears to be a big gap between what is foreseen in the legislation and what is actually delivered in practice. The fact that the population in many GCA localities in both oblasts has doubled or tripled over a short period of time has created some limited opportunities and a lot of vulnerabilities for both “duty bearers” and “rights holders.”

In line with its General Recommendation No.30

**WOMAN,  
39 YEARS OLD**



“Even when we know what we are entitled to, who do you go to complain to when they (the authorities) refuse to even listen to you? You learn to be patient and be happy with whatever they give you.”

(2013), the Committee on the Elimination of Discrimination against Women called upon the government of Ukraine to ensure that the rule of law is enforced and that justice is delivered efficiently and without delay, and with a gender-sensitive approach. As a priority, the government to establish measures to effectively combat corruption and impunity, and to establish strong accountability mechanisms, allocating adequate human, technical and financial resources for the implementation of laws in accordance with the rights of women under the Constitution and the CEDAW. The committee also urged the government to address the specific needs of various groups of IDPs, and provide long-term interventions to: address the needs of internally displaced women and girls; ensure the effective implementation of the IDP Law by issuing regulations to enable its operationalization; and ensure that internally dis-



<sup>77</sup> Committee on the Elimination of Discrimination against Women, Concluding Observations on the Eighth Periodic Report of Ukraine, 3 March, 2017.

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placed women and girls have adequate access to health services, education, food, shelter, free movement, registration, social benefits and opportunities to secure justice and durable solutions, as well

as sustainable employment opportunities. However, these measures are yet to be incorporated into decentralization reform and its implementation in Donetsk and Luhansk oblasts.

## **PERSONS WITH DISABILITIES**

The number of persons with disabilities as a result of the conflict is on the rise, but the precise number is difficult to gauge. More than 372,000 people in Donetsk and Luhansk oblasts have a disability, including 21,200 children. There were several waves of displacement to the GCAs, which included some 60,000 people with disabilities.<sup>78</sup>

Women with disabilities continue to face significant constraints to a full exercising of their rights

compared to men and other women. The burden that women undertake in caring for children and other family members with disabilities has not received much attention, and there are very limited professional psychological counselling centres, either for women with disabilities and children or for families of girls with a disability. This situation creates “barriers to the integration of women and girls with disabilities into society.”<sup>79</sup>

## Equality and Non-discrimination

The majority of persons with disabilities interviewed stressed that their social isolation and exclusion can be attributed to the lack of accessible infrastructure, which results in a lack of contact with the outside world. Discrimination is mostly due to the ineffectiveness of state mechanisms to demand compliance with accessibility standards in current building regulations, and impose sanctions for non-compliance. As a result, a person in a wheelchair has difficulty being employed not because of his or her condition or abilities, but because the lack of accessibility of public buses, buildings, stores, etc. Persons with disabilities also

**MAN,  
27 YEARS OLD**



“Sometimes I have the feeling that the world doesn’t even know I exist... The fact that I can’t move my legs does not mean I have no opinion about what is going on in my oblast right now!”



<sup>78</sup> European Association of Service Providers for Persons with Disabilities (EASPD, 2014).

<sup>79</sup> The Lost Rights”, Alternative report by public organizations on compliance with the UN Convention on the Rights of Persons with Disabilities (CRPD), 2012, Ukraine

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face difficulties in claiming social benefits due to movement restrictions and limited mobility. IDPs with disabilities may not have the required documents to prove they have a disability, and are likely to face even more difficulties in accessing services.

Older persons with disabilities and those residing in collective centres are among the most vulnerable groups affected by limited access to healthcare assistance. For many, there are no wheelchair accessible buses between the collective centres and the nearest town. NGOs providing humanitarian support reported that there are no diapers for older adults or toilet facilities for people with disabilities. Women with disabilities face even more hygiene challenges due to their specific physiological needs.

In GCAs, IDPs with disabilities face difficulties in getting appropriate housing that suits their specific conditions. Inappropriate housing confines older people and people with disabilities to their homes, restricting their independence, and their ability to access essential services, as well as to engage in social activities. In addition, a lack of specific facilities for people with disability (e.g. toilet chairs, anti-bedsores mattresses) can lead to dire deterioration of their health. Referral to specific institutions for persons with disabilities often leads to separation from caregivers and family members, and to further social exclusion and lack of integration.

Women suffer multiple forms of discrimination in several areas. Specific issues that have been highlighted by organizations of persons with disabilities included discriminatory treatment in accessing reproductive health and family planning services, gender-based violence (and specifically the absence of information about women with disabilities among data about survivors, as well as underdeveloped services and outreach to this group), limited access to justice, and an absence of representation in legislative and executive authorities and decision-making positions.

Job opportunities for persons with disabilities, and women in particular, in eastern Ukraine are very low, which severely impacts their capacity to cope. Among employed persons with disabilities, many have part-time jobs, earn wages lower than the minimum wage, or are in positions that do not correspond to their education and qualification level. Furthermore, civilians who have acquired a disability as a result of conflict-related injuries lack access to social benefits or free medical aid or rehabilitation. According to the UN Convention on the Rights of Persons with Disabilities (CRPD) alternative report on Ukraine, persons with disabilities are not fully integrated into the labour market, and most of them either remain unemployed or have stopped searching for a job. No sex-desegregated data are available.<sup>80</sup>



<sup>80</sup> "The Lost Rights", Alternative report by public organizations on compliance with the UN Convention on the Rights of Persons with Disabilities (CRPD), 2012, Ukraine. P.14.





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## Participation and Inclusion

Apart from voting, participation in public and political life remains very low among people with disabilities. This is due to lack of appropriate infrastructure to access public spaces, but also due to their fear of being further marginalized. Some respondents said they were not willing to “expose” themselves and go public against certain policies or approaches at local and regional levels for fear of losing “even the little that we have.”

Participation rates among people with disabilities are low, with the exception of some groups of activists who established NGOs. The low earnings of people with disabilities and families with children with disabilities force them to save on many things, including recreation and cultural leisure. “There is no time or resources left for participation in anything,” says one young mother of a child with disabilities. This is especially true for people with disabilities or families living in rural areas. Exclusion from political and public life is aggravated by underdeveloped rural infrastructure. Very few

### WOMAN, 76 YEARS OLD:

“It looks to me like a vicious circle. We do not exist in this society. How do you expect people who build ramps at an angle of 45 degrees to see people with disabilities and to understand their problems? How do you expect people in wheelchairs to go out when they can’t use such ramps? It seems like even those few changes that are made are just for show.”

people with disabilities are actually involved in decision-making processes or represented in legislative and executive authorities. For girls with severe disabilities, parents see no growth opportunities, and do not encourage them to study or to find a job, further limiting their capacities to participate.



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## Accountability and Rule of Law

All of those interviewed felt that there was “no accountability or transparency” from local governments on public programmes and spending. The feeling shared by this group is that authorities think that after granting social payments or benefits this group requires no further care. Respondents reported that there are no measures or political will to include them in wider consultations, public hearings or any other forms of transparent decision-making.

There is a significant mismatch between the rights guaranteed in national legislation and the government’s international commitments and the application of these principles and regulations into practice. Health care facilities and services are in most cases not physically accessible to persons with disabilities. As pointed out by our female respondents living with disabilities, women with disabilities cannot have a gynaecological examination, because hospitals lack specialized equipment or facilities. As a result, many end up suffering from chronic diseases. Women with disabilities who try to start a family are often afraid to ask for financial support, since social services may consider their disability as an inability to raise a child, and deny them custody or require them to send the child to an orphanage.

Persons with sensory (hearing or visual) impairments do not receive information to allow them to make informed decisions, as communication means such as sign language interpreters, information in Brail and other resources are not accessible and available to meet their needs.



### WOMAN, 71 YEARS OLD:

“He (the local authority) likes it when I go to see him. I shout a bit, he shouts a bit, and then we resolve things... (laughs) Besides, I am always good publicity for him - who doesn’t want people to see on TV that the authorities are caring for “the crippled?” I’m sorry, but I have become very sarcastic over the years.”



The Committee on the Rights of Persons with Disabilities urged the state party to revise its normative standards in order to provide access, including physical access, for all women and girls with disabilities who are subjected to violence to its shelters and services for victims of domestic violence.

Source:  
Concluding observations on the initial report of Ukraine of the Committee on the Rights of Persons with Disabilities, 2 October 2015

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## PEOPLE LIVING WITH HIV/AIDS

There were 240,000 people living with HIV in 2016 in Ukraine<sup>81</sup>, the country has one of the highest rates of HIV infection in Europe. In Ukraine almost half of the people living with HIV are women. Donetsk and Luhansk were among the oblasts with the highest prevalence rates even before the conflict. In 2014, the share of new infections among men was 55.3%, and 44.7% among women, of whom 88% are young women of reproductive age.

The years of conflict have undermined prevention and treatment efforts and HIV infection is even more on the rise in Eastern Ukraine.<sup>82</sup> According to information provided by the NGO “Svitanok”, the number of HIV-positive pregnant women is steadily growing in Donetsk Oblast (GCAs) while the quality of available services is very low and insufficient. While the gap in service provision is partially filled by NGOs, many issues are still left unaddressed.<sup>83</sup> In 2016, there were 929 HIV-positive IDPs.<sup>84</sup>

The rise in infections is in part due to the restrictive policies carried out in the NGCAs, which banned control programmes and methadone.<sup>85</sup>

Another reason for the increase in the infection rate is due to the situation in the areas close to the contact line, where soldiers are suspected of having unprotected sexual intercourse with HIV positive sex workers.<sup>86</sup>

The lack of disaggregated statistics and monitoring of human rights violations of people living with HIV makes it difficult to analyse a situation with multiple forms of discrimination, and aggravates the plight of women with intersecting forms of discrimination. For example, official statistics of sex workers living with HIV is significantly lowered as a result of the refusal of women to report their occupation in sex work due to its criminalization.

A participatory study, which was based on interviews with 1,000 women living with HIV/AIDS conducted by “Positive Women” with UN Women support, which focused on the gender dimensions of the HIV epidemic and national HIV/AIDS policies, revealed multiple challenges related to reproductive health, discrimination, stigmas, and violence<sup>87</sup>.



<sup>81</sup> According to UNAIDS <http://www.unaids.org/ru/regionscountries/countries/ukraine>

<sup>82</sup> <http://kff.org/news-summary/conflict-in-ukraine-increasing-countrys-hiv-cases-ngos-say/>.

<sup>83</sup> Гармонізований Звіт України Про Досягнутий Прогрес У Здійсненні Національних Заходів У Відповідь На Епідемію Сніду (GARPR, 2014). (Harmonized Report of Ukraine on Progress in Implementing National Measures in Response to the AIDs Epidemic, (in Ukrainian)).

<sup>84</sup> According to the Union of Women of Ukraine Affected by HIV “Positive Women”.

<sup>85</sup> A medicine the World Health Organization recommends to reduce use of and craving for heroin.

<sup>86</sup> Source: interview with NGO “Svitanok” and NGO “New Day” in Kramatorsk.

<sup>87</sup> “Sexual and reproductive health, gender equality and human rights, gender-based violence, economic, political opportunities of women living with HIV in Ukraine”, Positive Women/UN Women, 2017



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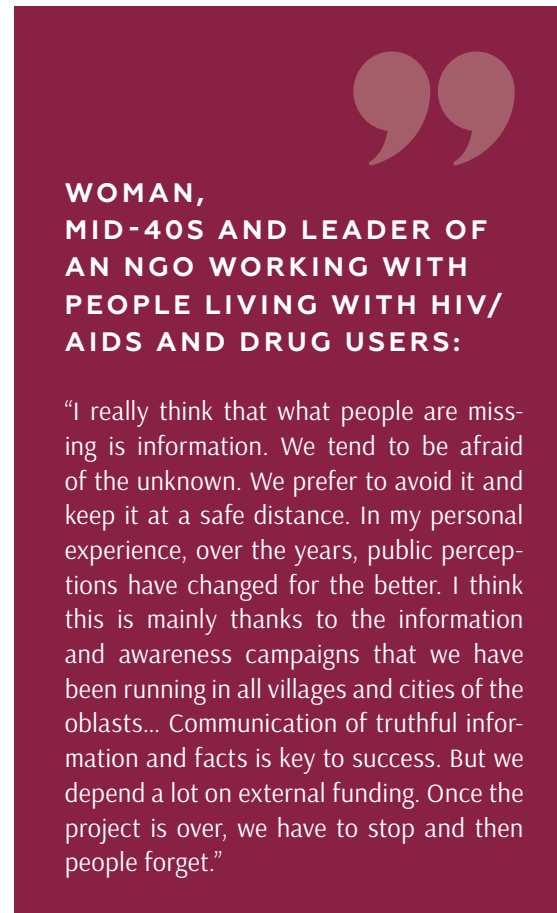
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## Equality and Non-discrimination

The armed conflict and resulting deteriorating economic climate significantly affected people living with HIV. The economic crisis, armed conflict, humanitarian crisis, and mass internal migration contribute to increasing the spread of communicable diseases. Marginalized women experience increasing levels of poverty and gender-based violence, which further hinder their access to medical and social services.

As in the rest of the country, in Donetsk and Luhansk oblasts HIV-positive people and drug users are stigmatized. In some cases, landlords might refuse to rent housing out of fear, or due to the prevalent negative social stereotypes. Stigma from the medical profession against persons living with HIV/AIDS is a major barrier to their accessing information and services. Respondents noted that medical personnel are often unprepared to deal with HIV/AIDS patients, and cases of refused treatment have been reported to local human rights defenders and NGO activists. Furthermore, when the status of a person living with HIV/AIDS becomes known, finding or maintaining a job is practically impossible. Formally, the person would not be fired on such grounds, but the end result is the loss of employment.

Social stereotypes and stigmatization double the pressure on women living with HIV/AIDS, es-



**WOMAN,  
MID-40S AND LEADER OF  
AN NGO WORKING WITH  
PEOPLE LIVING WITH HIV/  
AIDS AND DRUG USERS:**

“I really think that what people are missing is information. We tend to be afraid of the unknown. We prefer to avoid it and keep it at a safe distance. In my personal experience, over the years, public perceptions have changed for the better. I think this is mainly thanks to the information and awareness campaigns that we have been running in all villages and cities of the oblasts... Communication of truthful information and facts is key to success. But we depend a lot on external funding. Once the project is over, we have to stop and then people forget.”

pecially in rural areas, where they face challenges in accessing quality medical, psychosocial, legal and social services, including the necessary testing and medication. The interviewed NGOs reported that women living with HIV/AIDS also experienced discriminatory treatment in maternity wards.

The criminalization of HIV transmission also adversely affects women, in particular, increas-



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ing the vulnerability of sex workers and drug users. Part 1 Article 130 of the Criminal Code of Ukraine<sup>88</sup> provides criminal penalties for posing a risk to others being infected with HIV or other incurable infectious disease, even without there being any actual intention to infect another person. Although this provision is intended to reduce the incidence of HIV infection, according to

the NGOs in practice it has the reverse effect – it increases the stigmatization of people living with HIV, limits their access to treatment, and reduces the effectiveness of government measures to combat HIV/AIDS. For women, it contributes to a higher risk of HIV infection, violence and gender inequality in healthcare facilities, society, and the family.

## Participation and Inclusion

According to interviewed members of NGOs and women and men living with HIV/AIDS, the level of participation in political and public life among this group of population is very low. Due to stigma and discrimination, people living with HIV/AIDS and former drug users are often afraid of public “naming and shaming” and prefer to remain out of the spotlight. Additionally, people who are active drug users do not feel the need to be active members of society and get involved in community life. Nevertheless, there are some representatives in this group, mostly those who are recovering from drug addiction, who set up NGOs or initiative groups and advocate for the rights and needs of this group, including for the provision of educational and psycho-social support.

### WOMAN, 40 YEARS OLD



“I don’t even remember why I started taking drugs. Then one day I also discovered that I was HIV positive. Life used to be simple back in Donetsk city, I didn’t care at all about politics, elections; they could have taken any decision they wanted, if you ask me. But then the war came and I had to move. And all of a sudden I had different priorities. I gave up drugs and I started volunteering at the centre. ... I am not afraid to go to meetings or be shown on local TV. Everyone deserves a second chance; we are citizens too and we deserve to be heard and taken into account!”



<sup>88</sup> Article 130, Criminal Code of Ukraine, “Deliberately placing another person in danger of contracting HIV or any other incurable infectious disease dangerous to humans.”

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## Accountability and Rule of Law

In the reform of the healthcare system, and in its humanitarian responses, Ukraine's government has made advances with the integration of measures to address the needs of women and men living with HIV. However, with the increase in HIV/AIDS, among women, particularly in the conflict-affected areas, there is a dire need to intensify the implementation of strategies to combat HIV/AIDS, in particular preventive strategies, and continue the provision of free antiretroviral treatment to all women with HIV/AIDS, as well as strategies to combat alcoholism and drug consumption among women through on-going decentralization and local service delivery.<sup>89</sup>

Since the beginning of the armed conflict, a number of state programs serving marginalized groups have been cut. For instance, the regional AIDS centre in Donetsk Oblast, which used to provide diagnostic services, is now inaccessible, and the whole coordination and monitoring system of HIV/AIDS services has drastically deteriorated. The regional TB and HIV council has not been in operation for the last two years, whereas the number of cases of HIV infection among pregnant women in the region is steadily on the rise<sup>90</sup>. Thus, on the one hand, the armed conflict makes marginalized groups of women more vulnerable to social and economic injustice, and on the other hand, they become even less important in regard to budget relocations and respect for human rights.<sup>91</sup>



**WOMAN, MID-THIRTIES,  
NGO "SVITANOK"**

"There was good co-operation between the authorities, hospitals and civil society organizations in both oblasts before the war. We had an information mechanism in place that allowed us to know if and when hospitals were running low on free tests or antivirals. All that is gone now. We are rebuilding our network and co-operation little by little. The problem is that when it comes to war, the needs of drug addicts and HIV positive people are pretty low on the priority list."

The conflict has resulted in the destruction of medical buildings and the shutting down of many government assistance programs for people living with HIV/AIDS and for drug users. People living with HIV/AIDS are particularly susceptible to diseases such as TB, which is currently rising in conflict zones. The existing services and medical treatment for this group of patients are insufficient in Donetsk and Luhansk oblasts. Deliveries of HIV test kits and anti-retroviral medicines suffer from regular disruption, and medical personnel often partner up with local NGOs who receive funding from the Global Fund and are thus able to cover some of the needs that should be covered by the government.



<sup>89</sup> Committee on the Elimination of Discrimination against Women, Concluding Observations on the Eighth Periodic Report of Ukraine, March 3, 2017

<sup>90</sup> "Positive Women", Project "HIV positive women and women affected by HIV are empowered and capacitated to participate in HIV/AIDS policy processes," October 2016.

<sup>91</sup> Shadow Report prepared by NGOs: "Legalife-Ukraine", "Insight", "Positive Women", and "Svitanok" for the submission to the 66th CEDAW Session, February 2017

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Rehabilitation and harm reduction services like syringe swapping and distribution of condoms are provided by NGOs alone, with support from international organizations. Women living with HIV in eastern rural areas close to the contact line and in conflict-affected areas are especially vulnerable.<sup>92</sup> The conflict further exacerbates the risks of HIV transmission amongst IDP populations, due to a

lack of awareness and access to services as well as an increase in unsafe practices. Women are often less able to negotiate safe sex due to factors such as their lower status, economic dependence, fear of violence or low self-esteem. At present, there has been a significant increase in newly registered cases of HIV infection in women infected through sexual contacts.<sup>93</sup>

## OLDER PEOPLE

The older people are among the most vulnerable due to lack of mobility, very limited income and lack of adequate care. In GCAs, 33% of older people and 43% in NGCAs suffer from severe psychological distress.<sup>94</sup> Older persons comprise 25% of the whole population of Luhansk and Donetsk oblasts, and about 65% of them are women.<sup>95</sup> Both oblasts have a high number of older persons affected by the conflict and in need of assistance: 58.8% of IDPs in Donetsk oblast and 72.6% in Luhansk oblast are pensioners.<sup>96</sup>

The majority of the older people in Ukraine (64.29%) are women, who are more likely to be widowed and to live alone. In eastern Ukraine, older women are some of the most vulnerable people affected by the conflict. They account for more than 70% of the conflict-affected older people, including IDPs. The complexity of the needs they had prior to the conflict was exacerbated by



**WOMAN,  
79 YEARS OLD**

“Being old in eastern Ukraine today is almost like being dead. We live today in worse conditions than during World War II or in the aftermath of the war. Nobody needs us today, with all our incapacities and illnesses.”

the armed conflict, which has destabilized social networks and family support, leaving extremely vulnerable older people alone and in need of external support. In conflict-affected areas they suffer particularly from limited access to information, healthcare, markets and social payments.<sup>97</sup> Among the older people, more women than men live alone.<sup>98</sup>



<sup>92</sup> HIV-infection in Ukraine Bulletin #43, Kyiv, 2015 p.p. 10-15.

<sup>93</sup> Gender dimension of HIV and AIDS epidemic in Ukraine, 2016. “Positive Women” Union of Women of Ukraine Affected by HIV.

<sup>94</sup> UNICEF/CDC (2016) Assessment of Pregnant Women in GCA of Donetsk and Luhansk oblasts.

<sup>95</sup> State Statistics Service of Ukraine, as of 1 January, 2016.

<sup>96</sup> Ministry of Social Policy, as of January 2017.

<sup>97</sup> Humanitarian Needs Overview 2017, OCHA

<sup>98</sup> The HelpAge/UNHCR Baseline Report “Humanitarian Needs of Older Women and Men in Government Controlled Areas of Luhansk Oblast” (October 2016) reports that 46% of older people are living alone (84% of those living alone are women); proportionally 52% of all older women are living alone, compared to 28% of men.

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## Equality and Non-discrimination

The older persons face specific age-related restrictions, such as job discrimination in hiring, promotion and dismissal. The most common manifestation of discrimination against older is that they are left out of community and public life. As one older woman put it, “we are not a priority anymore and people tend to forget about us.”

As both oblasts struggle to adapt their social and economic policies to the ageing of their populations, many older persons live in conditions of poverty and deprivation. In Donetsk and Luhansk oblasts, the poor social protection system and the migration of younger family members have left the older to fend for themselves. Their main sources of income are pensions, and social payments for those of the older people who live with disabilities.

While the majority of older people rely on pensions, with 99% reporting it as their main source of income, women’s pensions/income is, on average, likely to be lower in value than that of older men, thus increasing their already extreme vulnerability.<sup>99</sup>

Having no alternative sources of income, most of them are forced to reduce food expenditures, sell their assets, or buy food on credit. Pension-

### WOMAN, 81 YEARS OLD

“I feel that back in the old times there was a lot more respect for the elderly. I remember when I was a young girl, I could have never imagined saying to someone much older than me the things I hear young people say today... One day they will be in my shoes, maybe they will understand then.”

ers are in the most difficult situation among IDPs, in part due to the requirement to re-register at offices operating in the GCAs, and then to go to other places to receive benefits. These trips are both costly and dangerous. In practice, many pensioners have been left destitute.<sup>100</sup>

The changes in the laws affecting access to pensions and social benefits, price increases for basic goods, and the inability to continue livelihood and agricultural activities along the contact line all result in severe economic vulnerability. Nearly one in three of the assessed households rely on an older person’s pension as the main source of income - 80% of older people (74% women) reported a decrease in income since the beginning of the conflict, with only 1% of older people being able to buy the same goods as they did before the conflict<sup>101</sup>.



<sup>99</sup> HelpAge/UNHCR Baseline Report, Humanitarian needs of older women and men in GCAs of Luhansk oblast, October 2016.

<sup>100</sup> The hunger protests seen at the end of November 2014 in a few places (including Yenakieve and Torez) were incited above all by older people who had no money to buy food.

<sup>101</sup> Ibid





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## Participation and Inclusion

Participation levels are low among older populations in the east, as they are mostly concerned with meeting their basic needs in terms of food, health and housing. Older women in particular suffer from limited access to healthcare and struggle to meet their basic needs, including hygiene items and mobility aids. The level of awareness among the older people is also low. Many do not read or subscribe to local papers and do not listen to local radio or watch local television or have access to the Internet, thus further limiting their participation and inclusion in public and political life.

Older IDPs expressed strong nostalgia about their homes and wish to return. They maintain regular contact, mainly through phone calls, with their family and friends in their places of origin. Older people with limited mobility who are dependent on aid have to overcome the additional challenge of accessing it, as it is not always delivered to them directly (e.g. home visits are rare, as the number of social workers

**WOMAN,  
80 YEARS OLD**

“You know, dear, back in the day, I was so active. I couldn’t stand still one second! I was a member of all the groups there were in my town. First I was a pioneer, then I was in the Komsomol. It may sound irrelevant today, but for us it was mostly about being socially engaged and fighting for a good cause ... Today I am happy when I meet my neighbour to exchange a couple of sentences”

has drastically reduced, even more so in rural areas). Many older persons were unable to flee with other members of their family due to disability or limited mobility. IDPs whose older relatives did not move with them often travel back and take additional risks to visit them.

## Accountability and Rule of Law

Accountability and transparency levels for decision-making (particularly related to policies affecting the older people) is low. Respondents believe that for authorities “the job is done” when payments are made. There are no programmes

or initiatives in place to deal with the causes or consequences of the limits on their human rights, and the focus is on providing a minimum financial level to avoid cases of extreme poverty.

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Accountability, is perhaps, at its lowest when it comes to older IDPs. As of June 2016, IDP pensioners started receiving special bank cards (meant to also serve as identity documents) from the state-owned bank Oshchadbank. All social benefits and pensions must be paid to IDPs only via this bank, while all other recipients of social entitlements are free to use any other bank in Ukraine. IDP pensioners are also required to undergo physical identification in Oshchadbank branches twice during the first year, followed by an annual visit. If they fail to do so, all operations with the person's account will be suspended automatically by the bank until the IDP presents themselves. This provision imposes an additional burden on older people and older people with disabilities and IDPs living in rural and remote areas, as they have less mobility and access to information.

The failure of pension benefits to keep up with the rising costs of goods renders older persons particularly vulnerable. Older women reported that they have been coping with price increases by purchasing expired food items and generally deprioritizing the purchase of personal or household non-food items until they feel there is extreme need.<sup>102</sup>

**MAN,  
79 YEARS OLD**



“I used to follow all the legislative changes passed by our local council closely. I wanted to understand the logic behind the changes and tried to figure out where the money went (laughs). Needless to say I stopped this - we will never have the full picture and we will never know what happens in reality... All these promises of millions... Just words”



<sup>102</sup> Inter-Agency Vulnerability Assessment in Luhansk and Donetsk Oblasts Government Controlled Areas of Ukraine, November 2016 Humanitarian Country Team



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## FEMALE-HEADED HOUSEHOLDS

The conflict has transformed many families into single-headed and mainly female-headed households, affecting female IDPs and women from host communities alike. While many women have lost their husbands due to hostilities, thousands of other women have had to leave their places of origin with their children and relocate while their husbands stayed behind (for example to look after relatives or the house). Many of them lack a social network, income, access to housing, and opportunities for employment and professional development. Female-headed households often have no access to social benefits or psychological support. For instance, while the families of soldiers who have gone missing or who are held in captivity are entitled to receive their salaries, the families of civilians are left with little support.

Female-headed households are considerably more likely to be caring for older family members, and have more family members with chronic illnesses. Given that they are more likely to be unemployed and typically have lower incomes than male headed households, the additional potential

**WOMAN,  
MID-40s**

“ I never thought it would come to that...I am in my mid-40's, a mother of two teenage children, and here I am back at my mother's house with two suitcases full of memories of a life that doesn't exist anymore ... I consider myself lucky because at least I have some family and a home on this side... I know so many others that have nothing...At least my elderly mother is happy because now I can take care of everything... I used to cry a lot before, but now I've stopped. What's the point?”

expenses of caring for children (including other people's children) and older parents or grandparents exacerbates the economic and social vulnerability of female-headed households, particularly those in rural areas.<sup>103</sup>



<sup>103</sup> Inter-Agency Vulnerability Assessment in Luhansk and Donetsk Oblasts Government Controlled Areas of Ukraine, November 2016 Humanitarian Country Team



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## Equality and Non-discrimination

Single mothers are more likely to experience discrimination at all levels and in almost all areas. Respondents provided numerous examples of discriminatory situations they face in everyday life. For example, landlords don't want to rent them apartments, as they do not trust them to be able to pay the rent regularly. While looking for jobs, employers are often reluctant to hire single mothers, considering them to be "unreliable," since having young children in a single-parent household implies frequent medical leave. Those applying for social assistance often hear negative comments such as "you should have known better before bringing that child into the world."

Female-headed households, in particular single mothers, are more likely to have poorer food consumption. As confirmed during interviews, women are more likely to provide the best available options to their children, while reducing food intake for themselves. According to the respondents, single mothers rely on charities and religious communities to help them provide food and clothing for their households.

The share of female-headed households among IDPs is very high constitutes 73%.<sup>104</sup> The

### WOMAN, 27 YEARS OLD

"Sometimes I have the feeling that no matter how hard I try, it's just not enough...I can't even complain to my own mother, she's of the older generation and keeps telling me: "that's our female fate, we have to suffer" ...I am ready to be strong and power through, but often I feel it's in vain...It's not my fault he left me when our daughter was 18 months... But sometimes it feels that maybe I could have done something more, I could have been better and prevented it... And I wouldn't have to go through all of this alone."

lack of adequate social support services in host communities has resulted in an increased burden on female-headed households. Female-headed households face particular problems and stigma in the GCAs, which trigger untimely and potentially unsafe returns to the NGCAs.<sup>105</sup>



<sup>104</sup> National Monitoring System of the Situation with IDPs in Mach-June 2016 (IOM).

<sup>105</sup> Humanitarian Needs Overview, 2016, Ukrainian Humanitarian Country Team. p.10.

## Participation and Inclusion

Notwithstanding the overall high level of social activities among women, single mothers have low rates of participation in public and political life. Securing employment, finding kindergartens and schools for children, while at the same time working or searching for employment and providing housing and food is particularly difficult for single mothers, leaving them very little time for anything else. The respondents noted that limited access to kindergartens and affordable childcare is one of the main problems for women, and this affects their livelihood options. Many single mothers rely on support from their family and relatives, and often end up living with them.

## Accountability and Rule of Law

Ukraine decentralization policy and legislation, as well as reform of existing social care system have been very slow in responding to the growing demand for care services. Women's work associated with childbearing, rearing and care is exacerbated due to conflict-related displacement in Luhansk and Donetsk oblasts.



**WOMAN,  
40 YEARS OLD**

“A couple of weeks ago, I participated in an event organized by an NGO in our village. We talked about the importance of being active and making your voice heard. I agree with that. In theory. In practice, I was thinking all the time: where am I going to find the time and energy to do that? I am a widow and I have two small children and elderly parents. I also have poultry and grow vegetables in our garden. I wake up at 5 am and I don't stop until midnight. So, I ask you: when? And how...”



**WOMAN,  
MID-40s**

“Accountability? (laughs) Do you really think anybody cares about me and the likes of me and our children? You have to fend for yourself in this day of age... Live or die, as they say, it's a jungle out there!”

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Like the other women from the vulnerable groups in eastern Ukraine, single mothers struggle to access medical services. In addition, they face specific difficulties due to having inadequate financial income to access medical facilities, including maternity hospitals, medical screenings and treatment. Female-headed households were also found to be more likely to reduce expenditure on health in order to cope with other competing priorities. In addition, access to sexual and reproductive healthcare was found to be challenging, leaving some pregnant women with no opportunity to make regular visits to the doctor.

High prices for medications and the need for continuous treatment for those with chronic illnesses were also highlighted as specific difficulties faced by this group. Interviewed mothers mentioned the lack of affordable psychosocial support for those of their children who witnessed conflict or experienced trauma due to displacement. Single mothers living in rural areas are often not able to access specialized treatment due to distances and high transport costs. While single mothers benefit from financial aid from the state in the form of monthly payments, depending on the number of children and their age, these payments are not nearly enough to cover the basic needs of the mother and her children.

Some of the single mothers interviewed reported that they lacked skills or qualifications. The quality and availability of vocational training

is low. Highly-limited access to professional re-orientation courses or any other type of formal education has an impact on the employability of women/single mothers. In Luhansk and Donetsk oblasts, female-headed households face particular problems and stigma, and this triggers untimely and possibly unsafe returns to the areas controlled by armed groups. In addition, there are reports of women and girls engaging in survival sex.<sup>106</sup> For single-female-headed households, having to take care of children makes their job search difficult. Lack of affordable childcare can be a barrier to employment. Single mothers among IDPs find it particularly difficult to find a job in the areas of their displacement. The likelihood that single mothers engage in informal, unprotected employment is high. In this context, there is a higher risk of displaced women becoming victims of trafficking in human beings.



<sup>106</sup> Ukraine: Rapid Multi-Sectorial Needs Assessment in Villages Located on the Contact Line, OCHA, July 2015



# Risks and Opportunities of Decentralization for Vulnerable Groups

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Healthcare, education and social protection are the services that raise most concerns for vulnerable groups during the process of decentralization, as confirmed by this analysis. While men and women have difficulties claiming their rights in current conditions, uncertainties about the decentralization process increase the insecurity.

It is still unclear, both for authorities and citizens, what kind of changes will be brought by the decentralization process to the **healthcare** system. Even if almost 88% of public expenditure in health is done by the sub-national levels, an important concern is that some of the newly created hromadas will not have enough resources to maintain the medical facilities, resulting in a decrease in the availability and quality of services. The closing of medical facilities or their transfer to the regional level may result in people having to travel longer to get health care, particularly when it comes to specialized services, resulting in a reduced access to services, especially for the most vulnerable. The closing of healthcare facilities may be accompanied by job losses which will affect disproportionately the women, currently accounting for 82% of the staff.<sup>107</sup>

The strategic priorities and impact of decentralization on the **social services** is as well unclear. The availability of own resources, at the hromada level, for social services is believed to be insufficient. There is a perception that there is a discrepancy between the declared increase in mandates of local authorities and the actual financial means they are assigned to carry out those mandates. As the autonomy of local decisions increases, local priorities may change and financing of social services may not remain as important for the newly established hromadas (for example, local councils may decide to prioritize reconstruction of transport infrastructure over social services). This could result in even fewer services being offered to the most vulnerable populations, especially in rural areas. Given the limited resources, the perceived risk is that social protection will merely aim to meet the most pressing needs of vul-



<sup>107</sup> According to the State Statistics Service of Ukraine, 2015.

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nerable groups. Additionally, there is a risk from unclear allocation of responsibilities among levels of government, leaving hromada authorities in the dark about the extent of their powers and responsibilities, with negative impact on service provision.

Differences in **education** service levels between urban and rural areas are likely to deepen. There is concern that the urban population will be able to access better quality education, while the drop-out rate among rural and vulnerable groups will continue to rise. Financial resources for education are likely to remain low on the priority list of local councils. The low remuneration of teachers and the poor state of education infrastructure will not attract or retain well-trained teachers in the rural hromadas, which will result in weaker quality of education and the further marginalization of vulnerable populations. Local authorities in the rural areas will most likely resist the reform, particularly since an optimization of the school network is needed, where rural schools are most at risk of being closed. Persisting concerns in the community, such as “no school – no village”, may result in a resistance to close old schools, especially since schools remain one of the few employment opportunities. Women, who represent 77% of school employees, will be disproportionately affected<sup>108</sup>. Alternative employment opportunities, through retraining or local economic development, will have to be created.

If implemented correctly, based on gender equality and HRBA principles, the decentralization reform can produce important **opportunities** for vulnerable groups. Respondents were asked to identify the positive changes decentralization may bring about in the key sectors of concern to them.

In the **health sector**, respondents noted that the system could benefit from a more efficient allocation of resources. Eventually this could lead to moving from an input-based model, focused on the



<sup>108</sup> State Statistics Service of Ukraine, 2015, <http://www.ukrstat.gov.ua/>

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number of hospital beds, to a patient-based financing model. The number of healthcare facilities can also be reduced to eliminate duplication and reduce waste by restructuring and consolidating facilities.<sup>109</sup> Increased transparency and accountability (e.g. through consolidated and transparent payment mechanisms, purchasing, and management arrangements) will eventually reduce rampant corruption.

In the **social sector**, the transfer of financial resources for social protection to the regional and local levels should allow for a more efficient use of resources and long-term planning. The creation of social protection departments at the local level should increase access to services and could facilitate the application process for different types of benefits, thus avoiding the need for people to visit several institutions. The introduction of a single (unified) database on social assistance, and improvement of the reporting procedure should improve transparency, accountability and traceability.

With regard to **education**, the introduction of such concepts as financial, academic and administrative autonomy (in particular for higher education institutions), and of a national qualifications framework, will improve education quality. The creation of “enhanced schools” (i.e. schools that will offer the full cycle of primary and secondary education, with highly qualified teachers and up-to-date equipment) is positive. These schools will be located in the regional centre serving several settlements belonging to the same hromada. The decision to create “enhanced schools” will be made by the communities themselves. This also entails ensuring transport for pupils and teachers from those communities where schools with smaller numbers of children will be closed.



<sup>109</sup> Ukraine has an oversized number of hospitals and hospital beds, approximately 40% more than the EU average <https://goo.gl/kF3Cyb>.

PART 4

# Conclusions



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**The aspiration to “leave no one behind”** is particularly relevant in Donetsk and Luhansk oblasts, in the context of the ongoing decentralization reform and addressing the consequences of the conflict. It is obvious that no development objective can be met unless the policy making, decentralized planning and service provision go beyond averages and aim to reach everyone. In practice, the implementation of the decentralization reform should unpack the development challenges, entrenched inequalities and discriminatory practices, and use data and evidence to look beyond the averages to find groups that are left behind and understand what the issues are. Such an approach will help to address the multidimensional causes of inequalities and discrimination, and reduce the vulnerabilities of the most marginalized women and men in Donetsk and Luhansk oblasts.

The VA revealed that women and men from the vulnerable populations discussed in Section III are likely to continue to be discriminated against, marginalized and socially excluded, and thus not be able to benefit equally from decentralized local development, if both the authorities and the community do not take comprehensive measures to ensure the full realization of their rights. Based on the views collected during the field study, this section formulates overall conclusions.

The decentralization reform policy making, implementation, monitoring and evaluation, at the moment do not **prioritize addressing the situation of those most marginalized, discriminated against and excluded**, and do not consider any measures to empower them as active agents of development. Individual women, men, girls and boys, as well as the vulnerable groups they represent, still remain at risk of being left behind - not only because of their personal vulnerabilities, but also because their distinct and specific entitlements and needs are not visible, recognized or prioritized by their communities, resulting in their marginalization and social exclusion. The capacities of oblast and hromada authorities to collect, analyse and apply multiple disaggregated data for policy making, planning and budgeting requires strengthening.

**Eliminating inequalities and discrimination.** Decentralization reform policy making, planning, implementation, monitoring and evaluation are not guided by the international gender equality and human rights norms and standards, or by Ukraine's international commitments, or by the respective national policy and legal frameworks of Ukraine. These, could potentially provide a normative basis to address the situation of individuals and groups that are, or that are at risk of, being left behind - not only because of their vulnerabilities but as a result of entrenched inequalities and discrimination, which prevents them from accessing decentralized services and resources in their communities.

Non-discrimination - the only right found in all of the major human rights treaties - has not been integrated or comprehensively applied to the implementation of the reform. Non-discrimination requires both formal equality - that no person is treated differently than any other person on arbitrary grounds - as well as actions to ensure that there is no indirect or unintentional discrimination. Decentralization reform in Ukraine should embody these legal requirements by ensuring that the reform is implemented on an equitable basis, and that it aims to reach those who are the furthest behind, to ensure equal opportunities and benefits for all.

**The principle of participation and inclusion is not fully applied in decentralization reform.** As result, the stakeholders at the oblast and decentralized hromada levels have limited ownership and control over development processes at all phases of the reform cycle: analysis and policy making, planning, implementation, monitoring and evaluation. While the number of consultative processes, including meetings, workshops and surveys, over various aspects of the reforms have increased over the last two years, for them to be truly participatory, they should reflect the requirement for "active, free and meaningful" participation<sup>110</sup>. However, the right to participate in public affairs<sup>111</sup> did not necessarily give particular groups of women an unconditional right to choose any mode of participation in Donetsk and Luhansk oblasts. There is only a little evidence of special,



<sup>110</sup> United Nations Declaration on the Right to Development

<sup>111</sup> International Covenant on Civil and Political Rights, art. 25

tailor-made measures being taken to reach the most excluded and vulnerable groups of women and men. The government and development partners are not always mindful of the risks of avoid “elite capture,” where only a small, privileged part of the population is given a voice – a voice that may not be representative of everyone.

In order to apply the principle of participation and inclusion in decentralization reform, local policy and programme should be designed based on the differentiated needs and rights of women and men in vulnerable groups. Oblast authorities, in co-operation with hromadas should create policies and programmes that address the needs of women and men from vulnerable groups. As part of the planning process, it is essential to have a context-specific analysis to determine what the key development challenges are, and what human rights are not being fulfilled. It is important to remember that social exclusion has many dimensions, and the relevance of each dimension varies from group to group, and on reform area to reform area. It is important to recall that group-based inequalities are not necessarily uniform across all areas of reform, meaning that it is not always the same groups of women and men that are impacted in a specific way by reform measures. It is important to take a holistic approach, and analyze legal, institutional and policy frameworks in order to fully understand a development challenge, and who will be affected by it. This analysis needs to be evidence-based, and draw on disaggregated data and statistics available at the oblast level, as well as human rights treaty body reports, such as the CEDAW Concluding Observations (2017), other human rights treaty body reports, and national reviews.

**Accountability for human rights and gender equality obligations in decentralization reform requires improvement.** Accessible, transparent and effective mechanisms of accountability at national, oblast and hromada levels require strengthening. The duty bearers in oblast administrations and decentralized local governments often lack the knowledge and capacities required to strengthen governance systems and processes of accountability, and thus are not able to monitor the progress and the impact of the decentralization reform



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on women and men, or provide timely remedies to problems. Sustainable multi-stakeholder collaboration to raise awareness of rights and responsibilities is not yet in place. The capacities of duty-bearers to fulfil their obligations, setting up mechanisms for empowering women and men from vulnerable groups who are left behind or at risk of falling behind, particularly in the conflict affected areas of Luhansk and Donetsk oblasts, are still to be strengthened.

The demand side of accountability is equally weak. Human rights awareness among women and men from vulnerable groups in Donetsk and Luhansk oblasts is low. The rights-holder capacity needs comprehensive assessment, and capacity building interventions - so that vulnerable groups can claim their rights effectively in the course of decentralization reform - have not been implemented so far.

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