



Proposals to Ensure Gender Equality in the Ukrainian Parliament

Policy paper

November 2017

Table of Contents

Analysis of the main aspects of the gender component integration in the parliamentary work.....	2
Proposals to introduce mandatory gender-based analysis of the bills by the Verkhovna Rada.....	5
Proposals to counteract sexism and discrimination in the parliamentary conduct in accordance with ethical norms	8
Proposals to improve the balanced representation of women and men in the Verkhovna Rada	11
Conclusions.....	14

Abbreviations

CMU – Cabinet of Ministers of Ukraine
MoJ – Ministry of Justice of Ukraine
LoU – Law of Ukraine
VRU – Verkhovna Rada of Ukraine

RoP or Rules – Rules of Procedure
CEC – Central Election Commission
NBU – National Bank of Ukraine
RoP Amendments – Bill No. 7283

Analysis of the main aspects of the gender component integration in the parliamentary work

Implementation of the policy of equal rights and opportunities for men and women always serves as an indicator of ethics, transparency, and readiness to democratic transformations, and the Ukrainian parliament takes important steps in this direction as is required by the international standards and the time.

The 8th Verkhovna Rada is different from the previous convocations not only by the biggest number of women among its members over the entire time of the Parliament's existence, but also by the active promotion of "gender interests" in terms of the public policy making. And it is not by chance that the Verkhovna Rada gender sensitivity is on the agenda, as it is one of the main components of the parliamentary reform in accordance with the Pat Cox recommendations and the Jean Monnet Dialogues.

The gender sensitive parliament can be defined as an institution that meets the needs and interests of both men and women in its structure, operations, methods, and work generally. The aim of the gender sensitive parliament is to overcome the obstacles faced by women on the way to the full-fledged participation in politics, as well as to demonstrate a positive example and to define the model of opportunities for the society in general¹.

The Verkhovna Rada reform in accordance with the need to ensure equal rights and opportunities for women and men should aim at the introduction of the gender-based analysis of the legislation, development of the gender sensitive parliamentary infrastructure, integration of the gender-sensitive budgeting, ensuring parity representation of women and men in the Ukrainian parliament, as well as introduction of the Code of Conduct with prohibition of gender discrimination and expressions of sexism.

The Law of Ukraine (**LoU**) on Ensuring Equal Rights and Opportunities for Women and Men defines the *gender-based analysis* as the analysis of the current legislation, as well as draft legal acts and regulations to provide a conclusion on their compliance with the principle of ensuring equal rights and obligations for women and men².

The Cabinet of Ministers of Ukraine (**CMU**) Resolution No. 504 of 12 April 2006 on Gender-based analysis assigns such analysis to the Ministry of Justice (**MoJ**). Having defined the specific subject of the analysis, this resolution not only renders the whole process inefficient due to the weak capacity of a small Ministry unit, but also limits the possibility of other public authorities to take the responsibility for such analysis³.

A new mechanism should be set for such analysis with an extended circle of subjects.

The *Parliament gender-sensitive infrastructure* can be defined as the work place infrastructure meeting the needs of both men and women and ensuring beneficial and comfortable conditions for staying and working at the Parliament. Generally, such gender-sensitive infrastructure means provision of equal opportunities both to women and men as in terms of the access to the working facilities, means of communication, bathrooms etc. This

¹ Gender-Sensitive Parliaments: A Global Review of Good Practice, Inter-Parliamentary Union, Reports and Documents. – 2011. – No. 65. – P. 6 <http://www.ipu.org/pdf/publications/gsp11-e.pdf>

² Law of Ukraine on Ensuring Equal Rights and Opportunities for Women and Men No. 2866-IV of 08.09.2005 // <http://zakon4.rada.gov.ua/laws/show/2866-15>

³ CMU Resolution on Gender Legal Expert Analysis No. 504 of 12.04.2006 "

category should also include the infrastructure that takes into account the possibility of child care, e.g. child rooms and swaddling tables in bathrooms⁴.

The gender-guided and gender-sensitive budgeting. The gender-sensitive budgeting aims at integrating the gender component into the budget process. It should be considered as an influential element of the managerial activities associated with the budgeting at different levels, which provides important information to the experts making decisions on the distribution of public funds.

The gender-guided budgeting makes it possible to see how the revenues and expenses influence the social and economic conditions and opportunities of women and men, as well as the aspects of equality between men and women in the country. As a managerial technology instrument, the gender-guided budgeting enables assessment of how and to what extent the public policy in the area of budget expenses distribution impacts women and men as the service consumers, infrastructure users, and taxpayers. It is the gender-based analysis at its basis that lays the ground for the introduction of the principle of equal opportunities for women and men in all areas and ensures the sustainable development of the society⁵.

The gender-sensitive budgeting mechanism is distinguished by the fact that it is envisaged by the provisions of the international strategic documents, according to which this mechanism should be taken into account for the purpose of the public policy-making based on the principle of equal rights and opportunities, including in the budget sector.

Parity representation of men and women in the Verkhovna Rada includes balanced representation in the parliamentary, as well as committee leadership, official delegations, interparliamentary relations groups, and task forces. It is one of the main indicators reflecting gender equality and provision of equal opportunities for decision-making.

The Verkhovna Rada composition evidences that women and men are not represented there on a parity basis. This, in its turn, is one of the main obstacles to the full-fledged representation of women in the public policy-making process. In addition, apart from the unequal representation in the general composition of the parliament, an insufficient number of women in the leadership positions creates the problem of access to the decision-making process. This situation can be changed through introduction of various mechanisms, e.g. gender quotas for selection to various positions.

The Code of Conduct as an instrument to regulate the behaviour of the members of parliament aims to define the main ethical principles that will be used as a basis for the relations among MPs, including respect of each other's dignity and defence from gender discrimination and sexism.

One of the reasons of the failure to observe the ethical principles of behaviour is lack of legislative norms defending from the expressions of sexism and discrimination, as well as defining and assigning relevant punishments for such expressions.

⁴ Gender Sensitive Parliaments: Advancements in Workplace -2012- №. 2012-40-E – P.1
<https://lop.parl.ca/Content/LOP/ResearchPublications/2012-40-e.pdf>

⁵ Elizabeth Klatzer, Tetyana Ivanina. Gender Guided Budgeting: Analysis of the Budget-Funded Programme from the Perspective of Gender Equality. Manual for Public Authorities and Local Self-Governance Staff – p. 6 –
<http://www.fes.kiev.ua/new/wb/media/genderresponsivebudgeting2015ukr.pdf>

It is important to provide the Parliamentary Rules Committee with the powers to consider the cases on the violation of the established rules of conduct and to introduce sanctions.

Not only MPs are involved in the process of ensuring the principles of equal rights and opportunities for women and men in the Verkhovna Rada, but also representative of the executive branch, civil society organisations, and international technical assistance projects. An example of the combined efforts in this area is the Gender Issues Public Council established under the *Equal Opportunities* interfaction union.

One of the main tasks of the Gender-Sensitive Parliament working group created within the above Public Council is to develop proposals on how to amend the Parliamentary Rules of Procedure (**RoP**) to make the Verkhovna Rada indeed gender-sensitive.

Such proposals laid the foundation for amendments to the RoP on ensuring equal rights and opportunities for women and men (Bill No. 7283 of 10.11.2017) initiated by MPs Svitlana Voytsekhovska, Maria Ionova, Olena Kondratyuk, Alyona Babak, Iryna Lutsenko, and Iryna Herashchenko (**the RoP amendments**)⁶. The amendments introduce the gender-based analysis of the legislation; set the rules for gender-balanced parliamentary and committee leadership, official delegations, interparliamentary relations groups, task forces etc; and regulate the ethical conduct of the MPs with prohibition of gender discrimination and expressions of sexism.

The stakeholders interested in ensuring gender equality in the Parliament include those in charge of law-making and introduction of the gender equality policies, individuals providing organisational, expert, logistic, and other support to the Verkhovna Rada directly cooperating with it, in particular:

- MPs who are vested with the right of legislative initiative, i.e. the possibility to implement the policy of equal rights and opportunities for women and men at the legislative level;
- Parliamentary staff providing legal, research, organisation, documentation, financial, and information support to the Parliament;
- Parliamentary assistants providing, among other, comprehensive support to the MPs in the development of legislation, including in relation to the gender equality;
- Parliamentary interns assisting the parliamentary staff during their internship;
- Representatives of the civil society and donor organisations providing expert, logistics assistance, monitoring the observance of equal rights and opportunities for women and men, and supporting development of public policy in this area; as well as
- Journalists cooperating with the Verkhovna Rada and covering its activities.

Thus, having defined the main aspects of the gender integration into the parliamentary work, a parallel can be drawn between these provisions and the Parliamentary Rules of Procedure as the main regulative act defining the formation and organisation of the parliamentary work. Amendment of this document in accordance with the gender-sensitivity proposals is an important tool in fighting for the equality of rights and opportunities of women and men and counteracting discrimination.

⁶ Draft amendments to the Parliamentary Rules of Procedure (to ensure equal rights and opportunities of women and men) №7283 of 10.11.2017 http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=62864

Proposals to introduce mandatory gender-based analysis of the bills by the Verkhovna Rada

The gender-based analysis means the examination of the current and proposed legislation to check their compliance with the principle of equal rights and opportunities for women and men.

Such analysis is a very much needed instrument to ensure equal rights of women and men at the legislative level. It is supposed to improve the legislative efficiency through development of the legal mechanisms to cover all spheres of life and provide for the possibility of parity representation of women and men, equal access to resources, decision-making and equal responsibility.

The gender-based analysis of the legal framework is governed by the following acts in Ukraine:

- the Law on Ensuring Equal Rights and Opportunities for Women and Men. Its Art. 4 sets that the gender-based analysis opinion is an obligatory component of the file submitted together with the draft legal act for consideration⁷;
- the Law on the Principles to Prevent and Counteract Discrimination in Ukraine. Under its Art. 8.2, the antidiscrimination analysis is done to reveal the discriminatory features in draft legal acts⁸.

The methodology of the gender-based analysis should be applied in accordance with the provision of the above laws and cover both the principles of equal rights, freedoms, and opportunities for women and men, and expressions of direct and indirect discrimination.

The CMU Resolution on the Gender-based Analysis (No. 504 of 12.04.2006) assigns the task of the gender-based analysis of the current and proposed legislation in all spheres of legislation related to human rights and freedoms to the Ministry of Justice⁹.

The MoJ has been in charge of the gender-based analysis for more than ten year checking the draft legislation since 1 June 2006 and the valid legislation – since 1 January 2007.

Such situation, however, does not seem to be satisfactory, as the scope of the legislative acts and regulations exceeds the capacity of a small MoJ unit. In addition, such approach limits the possibilities of developing the capacity of the public authorities involved in the legislative drafting, depriving them of the relevant motivation, which only adds to the marginalisation of the gender integration generally¹⁰.

According to the 2017 Legislation Gender-based Analysis Plan, the MoJ intended to audit only ten legislative acts, while the 2016 Plan targeted only eight.

⁷ Art. 4 of the LoU on Ensuring Equal Rights and Opportunities for Women and Men (No. 2866-IV of 08.09.2015) <http://zakon3.rada.gov.ua/laws/show/2866-15>

⁸ Art. 8 of the LoU on the Principles to Prevent and Counteract Discrimination in Ukraine (No. 5207-VI of 06.09.2012) <http://zakon2.rada.gov.ua/laws/show/5207-17>

⁹ CMU Resolution on the Gender Analysis (No. 504 of 12.04.2006) <http://zakon3.rada.gov.ua/laws/show/504-2006-%D0%BF>

¹⁰ O. Suslova. Analysis of the Public Policies and Regulations in Terms of Their Compliance with the Principle of Equal Rights and Opportunities of Women and Men – Kyiv, 2017 – p. 36
http://www.radaprogram.org/sites/default/files/publications/gender_public_policy_web.pdf

The experience of the pilot analysis of the draft legislation in terms of their compliance with the principle of equal rights and opportunities conducted by the *USAID RADA Programme: Responsible Accountable Democratic Assembly*, when during two and a half months a group of 6 experts examined more than 3,000 bills, having found 30 direct violations and discrimination cases, suggests that MoJ demonstrates a rather low efficiency in this area.

The gender-based analysis is an important component of the amendments to the Parliamentary Rules of Procedure developed by the Gender Sensitive Parliament working group established by the Gender Issues Public Council under the Equal Opportunities interfaction union.

The amendments propose to word Art. 93.1 as follows: “Upon its registration, each bill or any other draft act shall, not later than within a five-day period, be sent by the Chair of the Verkhovna Rada or, according to the distribution of duties, by the First Deputy Chair or Deputy Chair of the Verkhovna Rada to the committee which, according to its competence, is defined as the profile one for the preparation and preliminary consideration of the bill or any other draft act, as well as to the budget committee to analyse its influence on the budget indicators and compliance with the laws regulating budget relations, the anticorruption committee to audit its compliance with the anticorruption legislation and the committee in charge of inspecting the bills as to their compliance with Ukraine’s international legal obligations in the area of European integration to for preparation of the expert opinion, **and to the committee in charge of the legislative support to the equal rights and opportunities for women and men for preparation of the expert opinion.** Not later than within a three-day period each bill shall be sent by the budget committee to the CMU to assess its impact on the budget indicators and compliance with the laws regulating budget relations”¹¹.

The advantage of the gender-based analysis is that it requires no excessive human and financial resources.

The optimal way to introduce the gender-based analysis into the Verkhovna Rada work would be to establish a three-stage system to audit legislative initiatives.

Thus, when a bill is prepared for the first reading, *at the initial stage*, it shall be sent for the analysis of its compliance with the principles of equal rights and opportunities to the Parliamentary Main Research and Expert Department.

At the second stage, the bill should be examined by the profile committee which should have a staff member with the necessary expert knowledge and skills for the gender-based analysis.

At the third stage, when the bill is prepared for the second reading, it should be checked by the Parliamentary Main Legal Department.

In this context, it should be noted that the *USAID RADA Program: Responsible Accountable Democratic Assembly* arranged the first course on public policy gender-based analysis successfully completed on 31 May 2017. The course lasted for four months and was attended by 22 staff members of the parliamentary committee and unites dealing with gender-based analysis of legislation. They studied the basic gender-based analysis concepts

¹¹Draft amendments to the Parliamentary Rules of Procedure (to ensure equal rights and opportunities of women and men) №7283 of 10.11.2017 http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=62864

and the mechanisms to integrate the equal rights and opportunities principle into the public policy.

In order to encourage the committee staff to do the gender-based analysis, it would be helpful to use CMU Resolution No. 15 of 18.01.2017 on the Remuneration of the Public Authorities Staff for additional payments in the form of premia and other bonuses for making the above analysis¹².

An important factor for the implementation of the gender-based analysis is the fact that it requires no amendment of the Rules of Procedure or any other legal acts and can be introduced by an instruction of the Verkhovna Rada Chair.

¹² CMU Resolution No. 15 of 18.01.2017 on Remuneration of the Public Authorities Staff
<http://www.kmu.gov.ua/control/uk/cardnpd?docid=249668347>

Proposals to counteract sexism and discrimination in the parliamentary conduct in accordance with ethical norms

Even though the main provisions of the parliamentary ethics are set forth in the Parliamentary Status Law (Articles 8, 10, 24, 37)¹³, as well as the RoP Law (Articles 36, 51, 52, 53)¹⁴, the MPs' behaviour contradicting the generally accepted ethical rules can quite often be witnessed at at plenary and committee meetings and in the media.

Regulation of the members of parliament behaviour and establishment of clear ethical principles is an important instrument of restoring the public trust to the parliament as an institution representing the will of the people. As public figures delegated the law-making powers, those who establish the rules of conduct for the entire country, the MPs should meet the highest standards in their behaviour.

To set clearer and more defined rules of conduct and to introduce the relevant sanctions for their violation, either legislative amendments or a new legal act should be passed to regulate in detail the parliamentary conduct starting with the presentation of the ethical principles and their integration into the professional parliamentary life and ending with the regulation of lobbyism and counteraction of sexism and discrimination.

Special parliamentary codes of conduct exist in quite a number of countries, like, for example in the US with its Senate Code of Official Conduct as an indispensable part of the Rules of Procedure, or in Germany where the parliamentary ethics is regulated by the Code of Conduct for Members of the German Bundestag being an annex to the Rules of Procedure¹⁵.

In terms of the compliance with the ethical norms and fight against sexism, the Gender-Sensitive Parliament task force developed the following amendments to the Parliamentary Rules of Procedure:

- Art. 51.2. Respect of Discipline and Ethical Norms by Members of Parliament at Plenary Sittings: "At plenary sittings, members of parliament shall not prevent presentation and perception of the interventions (by shouts, applause, standing up, talks on the mobile phone etc), use obscenities, **make discriminatory, sexist comments**, call on illegal actions".
- Art. 51.2. Respect of Discipline and Ethical Norms by Speakers at the Parliamentary Plenary Sitting: "At the Verkhovna Rada sitting, the speaker shall not use offending, **discriminatory, sexist** expressions, obscenities, call on illegal actions. Should the speaker violate this requirement, the member presiding over the plenary sitting shall warn the speaker of the inadmissibility of such expressions and calls or shall terminate their intervention. In case of repeated violation, the presiding member shall deprive such speaker of the right to participate in such plenary sitting."

¹³ Articles 8, 10, 24, and 37 of the Parliamentary Status Law No. 2790-XII of 17.11.1992
<http://zakon3.rada.gov.ua/laws/show/2790-12>

¹⁴ Articles 36, 51, 52, and of the Parliamentary Rules of Procedure Law No. № 1861-VI of 10.02.2010
<http://zakon2.rada.gov.ua/laws/show/1861-17>

¹⁵ A. Kohut, O. Savchuk. Ethical and Legal Regulation of the Parliamentary Conduct: International Experience and Proposals for Ukraine (Policy Paper) – p. 9 http://www.radaprogram.org/sites/default/files/infocenter/piblications/etychne_ta_pravove_blok_165h235_2015-07-21_preview_1.pdf

As to a special legal act, already for some time the civil society and some MPs have been working on the development of the Parliamentary Code of Conduct.

Thus, on 9 February 2017, MPs signed a letter of intent “Support to the Democratic Political Culture in the Verkhovna Rada through Political Dialogue and Ethical Standards”. The Code of Conduct is being developed by the Agency for Legislative Initiative within the framework of the Support to the Democratic Political Culture in the Verkhovna Rada through Political Dialogue and Ethical Standards Project supported by the Matra Programme (the Dutch Embassy) in partnership with the OSCE/ODHIR Project “Strengthening the Dialogue between the Civil Society and the Key State Institutions in Ukraine in the Area of Human Dimension”, the Dutch Institute of Multiparty Democracy and with the support of the USAID RADA Program: Responsible Accountable Democratic Assembly implemented by the Eastern Europe Foundation.

Adoption of the Code of Conduct is an essential element of the parliamentary reform in accordance with Para. 52 of the Recommendations on the Internal Reform and Improvement of the Verkhovna Rada Institutional Capacity, an annex to VRU Resolution No. 1035-VIII of 17 March 2016, setting that “it is necessary to develop and institutionalise the Code of Conduct in the Verkhovna Rada. The Code shall be implemented with due regard of the principles of comprehensiveness, transparency, and in accordance with the best world practice”¹⁶.

In terms of the regulation of the existing norms of behaviour, the Code of Conduct is one of the most efficient mechanisms to counteract gender discrimination and sexism.

Reflecting the culture of the institution, it should stress the respect of dignity and honour of the individuals of both genders, promote the use of the gender-sensitive language, encourage positive actions, and define clear procedures for observance of the anti-discriminatory rules and use of sanctions for their violation.

Thus, for sexism, discrimination, or sexual harassment, clear procedure shall be established for inflicting liability. Starting with registration of the violator’s name in the minutes of the meeting and ending with the deprivation of the right to speak. Systemic violations should be subject to a fine, prohibition to attend the session or committee hearings.

An important element is that the scope of the Code should cover not only MPs, but also the faction and parliamentary staff, parliamentary assistants, journalists, and interns.

The MP’s behaviour should be monitored by a specially set up ethical board under the Rules Committee or under an ad hoc committee in charge of the ethical norms and gender policy.

The punishment for demonstrating no respect, sexism and discrimination expressions should be public by nature, which should have an impact on the MPs’ reputation vis-a-vis their colleagues and, most importantly, voters. The possibility of election losses should become the main and most painful instrument of punishment for the violators.

Under the current legislation, MPs bear a rather limited liability for the parliamentary ethics violations, while it is also quite problematic to single out the expressions of sexism

¹⁶ VRU Resolution on the Measures to Implement the Recommendation of Internal Reform and Strengthening the VRU Institutional Capacity of 17.03.2016

and gender-based discrimination. Thus, the RoP law envisages the following types of liability¹⁷:

Article 51. Respect of Discipline and Ethical Norms by Members of Parliament at Plenary Sitzings

4. If a Member uses insulting words in relation to another Member or parliamentary faction/group, the chair of the plenary sitting shall warn such Member on inadmissibility of such expressions or terminate their intervention.

5. If the Member or parliamentary faction/group that have been subject to the insulting words consider that the conflict has not been exhausted and the understanding among the Members has not been reached, they may address in writing the Committee in charge of the Rules of Procedure, which shall consider the issue at its sitting. In such cases, on the conclusions of the Committee in charge of the Rules of Procedure, the Verkhovna Rada may, without discussion, make a decision to deprive the Member of the right to participate in the plenary sitting (up to five plenary sittings).

Article 52. Respect of Discipline and Ethical Norms by Speakers at the Parliamentary Plenary Sitting

1. If the speaker violates such request, the chair of the plenary sitting shall warn them of inadmissibility of such expressions and calls or stop their intervention. Should the speaker commit a repeated violation, the chair shall deprive them of the right to speak at such plenary sitting.

For comparison, application of sanctions can be studied on the example of the international experience. In the Israeli parliament, Knesset, for example, sanctions for the violation of the ethical norms are much stricter. The behaviour is supervised and sanctions are imposed by the Ethics Committee which can also suspend the violator's right to attend the plenum for up to six months, recall the right to speak at the plenum or the committee for up to two meetings, and prohibit submission of bills and proposals to the agenda.

The Knesset also has a special Committee for the Status of Women and Gender Equality which has become a permanent committee on the results of the thirteenth convocation. The Committee deals with the such issues as raising the personal status of women and equal opportunities in representation, prevention of discrimination due to gender or sexual advantages in all areas, provision of equal opportunities in education and economy, prevention of sexism and discrimination, as well as counteraction to violence against women¹⁸.

Thus, next to the main principles of the parliamentary ethics, there is a need to make clear emphasis on counteraction to sexism and gender-based discrimination in order to avoid contradictions when defining the violation of the norms of parliamentary ethics or assigning relevant punishments.

¹⁷ Articles 51-52 of the Parliamentary Rules of Procedure Law No. 1861-VI of 10.02.2010 № 1861-VI
<http://zakon2.rada.gov.ua/laws/show/1861-17>

¹⁸ The Representation of Women in Israeli Politics A Comparative Perspective, Assaf Shapira, Ofer Kenig, Chen Friedberg, Reut Itzkovitch-Malka <https://en.idi.org.il/media/4123/the-representation-of-women-in-israeli-politics.pdf>

Proposals to improve the balanced representation of women and men in the Verkhovna Rada

The balanced representation of women and men in the leadership positions and access to the decision-making is one of the important indicators of the respect of gender equality.

On the results of the 2014 parliamentary elections, the number of female members of parliament in the Verkhovna Rada made up 12%, which is much less than in other European countries. In the majority of the European countries, such as Sweden and France, the equal representation was achieved not at once, but through various mechanisms, including quotas.

As to the current composition of the Verkhovna Rada, as of November 2017, the Chair is a man while his two deputies are women, which does reflect the parity representation of women and men. For this process to become sustainable, however, such proportionality should be anchored in the Parliamentary Rules of Procedure.

In general terms, the parity representation should be not singled out at some stage, but should rather cover all organisational work of the parliament, from the first sitting until the last one.

In accordance with this requirement, the Rules require further amendments. Thus, Art. 13 “Formation and Organisation of Preparatory Working Group” defines how the preparatory group should be formed from the newly elected members of parliament to prepare proposals for the organisation and conduct of the plenary sittings of the first session of the new Verkhovna Rada. It would be rather advisable to amend Para 2 of this article, which should start with such words: “The following are delegated to the Preparatory Working Group **with due regard of the parity representation of women and men:...**”

Further on, there is a need to regulate formation of the parliamentary committees as the bodies working on specified legislative topics, preparing and dealing with the preliminary consideration of the issues attributed to the parliamentary powers, and fulfilling oversight functions¹⁹.

Composition of the 8th Verkhovna Rada committees evidences no equal representation of women, when 8 out of 27 committees are made up only of men, with two of such committees being among the biggest ones: the Committee for Agrarian Policy and Land Affairs and the Budget Committee.

To avoid such situations, the committee-making procedure regulated by Art. 81 of the RoP Law should be amended, for example in accordance with the proposals developed by MP Svitlana Voytsekhovska: “Art. 81.2. The Verkhovna Rada sets up committees composed of chairs, first deputy chairs, deputy chairs, secretaries, and members. The chairs, first deputy chairs, deputy chairs, secretaries, and the personal composition of the Verkhovna Rada shall be elected by the majority of votes of the members of parliament from its constitutional composition **with due regard of the parity representation of women and men**. A member of parliament can join only one committee”.

¹⁹ Art. 1 of the LoU on Parliamentary Committees No. 116/95-BP of 04.04.1995 № <http://zakon2.rada.gov.ua/laws/show/116/95-%D0%B2%D1%80>

Due to the disproportionate representation of women and men in the parliamentary committees, the same disbalance is observed among the committee chairs as well. In terms of the spheres of influence, women are in the lead in the international relations sector, i.e. the International Affairs Committee and the European Integration Committee.

The other four committees are those for social policy, employment, and pension support; freedom of speech and information policy; healthcare; and taxation and customs policy.

In view of this, it would be advisable to amend the Rules, in particular Art. 82.3, as follows: “The election list for committee chairs, first deputy chairs, deputy chairs, and secretaries shall contain the names of all committees, the candidates’ names, patronymics and surnames, names of parliamentary factions/groups that have nominated the candidates with **due regard of the calculation quote and shall meet the principle of equal rights and opportunities for women and men**”.

Comparison of the representation of women in the committees in charge of international relations and European integration with representation of women in international delegations reveals quite a negative trend. Thus, only two out of ten delegations are headed by women: the Permanent Delegation to the Parliamentary Assembly of the Organisation of Black Sea Economic Cooperation and the Permanent Delegation to the NATO Parliamentary Assembly.

On average, women represent only about 30% of the general composition of the interparliamentary delegations. The parity of the women-men representation is almost observed in the Permanent Delegation to the OSCE Parliamentary Assembly, while the biggest disbalance is in the Permanent Delegation to the EURONEST Parliamentary Assembly where women make up only 15%.

To overcome this disbalance, Art. 204.1 of the RoP Law should be amended as follows: “Annually, the Verkhovna Rada approves a plan for cooperation with foreign parliaments. The plan is drafted by the committee in charge of the foreign policy principles with due regard of the proposals of the Verkhovna Rada Chair, the committees, and parliamentary factions/groups. The Verkhovna Rada official delegations **shall be formed with due regard of the parity participation of women and men in their composition.**”

Unequal representation of women and men is not limited only by the parliamentary committees and international delegations. The Rules should also be amended in terms of appointment of the Chair and other members of the Accounting Chamber, members of the Central Election Commission, members of the National Bank Board, as well as members of the National TV and Radio Broadcasting Council.

MP Svitlana Voytsekhovska proposes to word the RoP articles below as follows:

- Art. 208².5. Appointment/Dismissal Procedure for the Accounting Chamber Chair and Members: “The Accounting Chamber members shall be selected by the Verkhovna Rada through open rating voting on each candidate separately. The Verkhovna Rada shall appoint the Accounting Chamber members by the list defined on the results of the rating voting in accordance with the number of vacancies through an open voting by the majority of the MPs from the constitutional composition of the Verkhovna Rada **with due regard of the parity representation of women and men.**”

- Art. 209.1: Procedure for Appointment and Termination of Powers Upon the President's Submission of the CEC Members: "According to Art. 85.1.21 of the Ukrainian Constitution, the appointment and termination of powers of the CEC members shall be considered on the submission of the President of Ukraine with due observance of the requirements as to the information on the candidates (Art. 205.2 of the Rules) presented at the plenary sitting by the representative authorised by the President of Ukraine **with due regard of the parity representation of women and men.**"
- Art. 210.1: Appointment and Dismissal Procedure for the NBU Board Members and the National TV and Radiobroadcasting Council Members: "According to Art. 85.1.19 and .20 of the Ukrainian Constitution, the Verkhovna Rada appoints and dismisses half of the NBU Board Members and appoints half of the National TV and Radiobroadcasting Council Members in accordance with the procedure established by Art. 208 of the Rules and due regard of the special provisions set in the NBU Law and the Law on the National TV and Radiobroadcasting Council **with due regard of the parity representation of women and men.**"

The proposed amendments to the Rules will not only ensure equal representation of women and men, but will also have their impact on the staffing policy of the political parties when forming their parliamentary election lists.

Conclusions

For the comprehensive reform of Ukrainian parliament with the aim to ensure gender equality, the Parliamentary Rules of Procedure need to be amended in accordance with the proposals developed by the Gender Sensitive Parliament working group established by the Gender Issues Public Council under the Equal Opportunities interfaction union.

Such proposals are presented in the RoP amendment bill to ensure equal rights and opportunities of men and women (No. 7283 of 10.11.2017) and include the following²⁰:

- *Mandatory gender-based analysis of the legislative initiatives.* This expert analysis should improve the legislation efficiency through development of legal mechanisms to cover all spheres of public life and to ensure the possibility of the parity representation of women and men, equal access to the resources and the decision-making opportunities, as well as equal responsibility;
- *Counteraction of sexism and discrimination in the conduct of MPs in accordance with the ethical norms.* Together with the main parliamentary ethics principles, it is necessary to stress the counteraction to gender-based sexism and discrimination in order to avoid contradictions in the definition of the violation of the norms of parliamentary ethics, as well as in the assignment of the relevant punishments;
- *Improvement of the balanced representation of women and men in the Verkhovna Rada.* For complete and comprehensive representation of the needs of the Ukrainian citizens, the parity representation of women and men should be ensured. Introduction of quoting through legislative amendments should be an efficient instrument in this direction.

Implementation of the above changes to ensure equal rights and opportunities for women and men in the Parliament will enable further reform of the Verkhovna Rada in this area with the following next steps related to the organisation of its work:

- *Development and introduction of the women/men rotation mechanism for the leadership positions* which will not only improve the women's access to the decision-making, but will also make it possible to consider and to settle issues from the perspective of the needs of both women and men;
- *Involvement of the parliamentary media into the dissemination of information on the gender policy development and condition* is important not only to inform the society, but also to use the method of influence on the state policy-making and ensuring monitoring of the situation in this sector;
- *Implementation of the gender-sensitive language policy in the legislation* aims to stress the role of women in the public policy-making and to form their proper perception by the society;
- *Development and introduction of the gender-sensitive budgeting* in accordance with the flexible mechanism for development of the targeted strategies for fair distribution of resources to ensure the needs of both women and men;
- As concerns *improvement of the infrastructure gender sensitivity and parliamentary culture*, the work-family obligations balance should be put into focus. This means that the plenary sittings agenda should be made with avoidance of evening meetings and with due

²⁰ Draft amendments to the Parliamentary Rules of Procedure (to ensure equal rights and opportunities of women and men) №7283 of 10.11.2017.



regard of school schedules, the number of child and family rooms should be increased, as well as alternative voting possibilities should be offered to the members of parliament feeding children;

- An important element for *improvement of staff gender sensitivity* is introduction of the gender equality training sessions and courses which should be obligatory both for men and women.

To distribute responsibility among male and female MPs in terms of ensuring gender equality in the parliamentary activities, it is important to pay more attention to involving men into the gender equality measures and development of joint legislative initiatives by men and women in this area.

If the above recommendations are implemented, the Verkhovna Rada should become a positive example and a model of changes demonstrating the efficiency of work of a legislative body in case the equal rights of women and men are observed.

References

1. LoU on Ensuring Equal Rights and Opportunities for Women and Men (No. 2866-IV of 08.09.2015) <http://zakon3.rada.gov.ua/laws/show/2866-15>
2. LoU on the Principles to Prevent and Counteract Discrimination in Ukraine (No. 5207-VI of 06.09.2012) <http://zakon2.rada.gov.ua/laws/show/5207-17>
3. LoU on Parliamentary Committees (No. 116/95-BP of 04.04.1995) <http://zakon2.rada.gov.ua/laws/show/116/95-%D0%B2%D1%80>
4. LoU on Parliamentary Rules of Procedure (No. 1861-VI of 10.02.2010) <http://zakon2.rada.gov.ua/laws/show/1861-17>
5. LoU on the Parliamentary Status (No. 2790-XII of 17.11.1992) <http://zakon3.rada.gov.ua/laws/show/2790-12>
6. VRU Resolution on the Measures to Implement the Recommendation of Internal Reform and Strengthening the VRU Institutional Capacity of 17.03.2016
7. CMU Resolution on Public Bodies Staff Salaries (No. 15 of 18.01.2017) <http://www.kmu.gov.ua/control/uk/cardnpd?docid=249668347>
8. CMU Resolution on the Gender-based analysis (No. 504 of 12.04.2006) <http://zakon3.rada.gov.ua/laws/show/504-2006-%D0%BF>
9. Amendments to the LoU on Parliamentary Rules of Procedure (to ensure equal rights and opportunities for women and men) (No. 7283 of 10.11.2017)
10. Elizabeth Klatzer, Tetyana Ivanina. Gender Guided Budgeting: Analysis of the Budget-Funded Programme from the Perspective of Gender Equality. Manual for Public Authorities and Local Self-Governance Staff – p. 6 – <http://www.fes.kiev.ua/new/wb/media/genderresponsivebudgeting2015ukr.pdf>.
11. A. Kohut, O. Savchuk. Ethical and Legal Regulation of the Parliamentary Conduct: International Experience and Proposals for Ukraine (Policy Paper) – p. 9 http://www.radaprogram.org/sites/default/files/infocenter/publications/etychne_ta_pravo_ve_blok_165h235_2015-07-21_preview_1.pdf
12. O. Suslova. Analysis of the Public Policies and Regulations in Terms of Their Compliance with the Principle of Equal Rights and Opportunities of Women and Men – Kyiv, 2017 – p. 36 http://www.radaprogram.org/sites/default/files/publications/gender_public_policy_web.pdf
13. Gender Sensitive Parliaments: Advancements in Workplace -2012- №. 2012-40-E – P.1 <https://lop.parl.ca/Content/LOP/ResearchPublications/2012-40-e.pdf>
14. Gender-Sensitive Parliaments: A Global Review of Good Practice, Inter-Parliamentary Union, Reports and Documents. – 2011. – No. 65. – P. 6 <http://www.ipu.org/pdf/publications/gsp11-e.pdf>
15. The Representation of Women in Israeli Politics A Comparative Perspective, Assaf Shapira, Ofer Kenig, Chen Friedberg, Reut Itzkovitch-Malka <https://en.idi.org.il/media/4123/the-representation-of-women-in-israeli-politics.pdf>



16. Sharp R. Budgeting for Equity: Gender Budget Initiatives within a Framework of Performance Oriented Budgeting – http://www.unifem.org/resources/item_detail.php?ProductID=3 – P.11

Анотація: Інтеграція гендерного компоненту в діяльність Верховної Ради України є необхідним чинником повного та всебічного реформування роботи парламенту. Викладені пропозиції мають на меті сприяти організації діяльності Верховної Ради України відповідно до інтересів та потреб жінок і чоловіків.

Аналіз викладених положень, що охоплюють структуру та методи роботи Верховної Ради України, ґрунтується на пропозиціях змін до Регламенту Верховної Ради України, які включають запровадження проведення гендерно-правової експертизи законопроектів, засоби забезпечення протидії сексизму і дискримінації в поведінці парламентарів, дотримання збалансованого представництва жінок і чоловіків у Верховній Раді України.

Abstract: Integration of the gender component into the functioning of the Verkhovna Rada of Ukraine is the important factor of a full-fledged and comprehensive parliamentary reform. The proposals presented herein aim to facilitate the organisation of the Verkhovna Rada functioning in accordance with the interests and needs of women and men.

Analysis of the provisions governing the structure and methods of the parliamentary work is based on the proposals to amend the Verkhovna Rada Rules of Procedure in order to introduce the gender-based analysis of draft laws, instruments to counteract sexism and discrimination in the behaviour of the members of parliament, as well as to ensure the balanced representation of women and men in the Ukrainian parliament.