
Committee on the Elimination of
Discrimination against Women
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Concluding comments of the Committee on the Elimination of
Discrimination against Women: Ukrainian Soviet Socialist
Republic

Initial report

152. The Committee considered the initial report of the Ukrainian Soviet Socialist Republic (CEDAW/C/5/Add.11) at its 16th and 21st meetings, held on 5 and 10 August 1983 (CEDAW/C/SR.16 and 21).
153. The report was introduced by the representative of the State party who underlined that the Ukrainian SSR, a sovereign Soviet socialist State associated with other Soviet republics in the USSR, had its own Constitution, which took into account the specific features of the Republic. According to article 74 of the USSR Constitution and article 71 of the Ukrainian Constitution, the laws of the USSR applied in the territory of the Ukrainian SSR; however, the Republic enacted its own legislation based on the principles contained in the Constitution of the USSR.
154. As a result of the Great October Socialist Revolution, the principle of equality of the sexes had come to be applied for the first time in history and had become an integral part of the policy of the State.
155. The principle of equality of the sexes was expressly laid down in the Constitution of the Ukrainian SSR and was guaranteed by a broad spectrum of legislative, economic and social measures. The policies of both the Party and the Government for the advancement of women had been further developed since the 26th Congress of the Communist Party of the Ukraine, which had adopted a social development programme for 1981 to 1985 and for the period ending in 1990, with a view to establishing favourable conditions for women to combine their work more completely with social and political activity and with motherhood. The legislation of the Republic had been altered to reflect that problem. In particular, the Presidium of the Supreme Soviet of the Ukrainian SSR, by its decree of 24 January 1983, had introduced amendments and additions to the Labour Code.
156. The law adopted by the Supreme Soviet of the USSR concerning work co-operatives and their roles in the administration of enterprise institutions and bodies directly influenced the application of the principle of equality between the sexes by, inter alia, entrusting the co-operatives with the task of formulating and implementing measures designed to improve the working conditions of women workers and to increase protection for mothers and children.

157. The observance of legislation to protect women in matters relating to work, social life and motherhood was monitored by the Standing Commission of the Supreme Soviet of the Ukrainian SSR and similar committees at the regional level. The Standing Commission was empowered to sponsor legislative proposals concerning health, culture and social life. It also investigated the working conditions of women in various industrial sectors and formulated appropriate recommendations.

158. The representative of the State party was commended both on her presentation and on the organization of the report. Members were impressed with the measures taken to implement the Convention and with the details on legislative measures given in the report. Similarities between the Ukrainian SSR and the USSR reports were noted by some experts and they were attributed to the similarities of the social, political and economic systems.

159. It was observed that there was a definite emphasis placed on motherhood, its protection and emulation as reflected in references to the honorary title of "Mother Heroine", the order of "Glory of Motherhood" and the maternity medals, first and second class. Clarification was sought about the basis for the granting of such awards.

160. Regarding article 2 of the Convention, the experts asked in what ways constitutional guarantees were implemented and if the Convention could be referred to in the courts. They were also interested to know if women were informed about their rights, what were the remedies available for women who were victims of discrimination, whether such cases had been brought before the courts and whether legal aid was provided. In that connection, the experts noted that there had been a special committee on the problems of women and children since 1976 and asked if it had been inspired by the World Conference of the International Women's Year, held at Mexico City in 1975, or had anything to do with the United Nations Decade for Women. They wished to know whether the special committee could make recommendations and, if so, to which body, and, if women could make a complaint to it and what, if any, were the remedies provided.

161. Noting the mention in the report of the task of eliminating all prejudices (article 5), the experts wished to know if all prejudices and stereotyped attitudes had disappeared from Ukrainian society and, if not, what measures were being taken to that end, particularly regarding customs based on the idea of superiority of one of the sexes. Regarding matters covered by article 16 of the Convention, the experts were interested in knowing what were the "customs of the past" referred to in the reports, and to what extent it was expected that the law could really achieve their eradication. They also asked for examples of such customs.

162. Regarding the participation of women in political life and in the decision-making process (article 7), the experts requested examples of legislative initiatives taken by women in such bodies. Since the report stated that Ukrainian women represented their country in international forums as well as in the United Nations system, statistics on numbers, proportions and levels of those women were also requested.

163. The experts noted the detailed information given in the report about the acquisition and loss of nationality (article 9) and asked whether a choice was given to the spouses in case one of them wanted to acquire the nationality of the other. Noting that the nationality of a child was to be determined by agreement between the parents, the experts wished to know what happened if no agreement could be reached.

164. Several members were also satisfied that the Government had tried to eradicate "harmful relics and customs" from the past, as well as prostitution, and it was asked what those customs were and how they, including prostitution, were being eliminated.

165. The experts said that they were impressed by the achievements of the Ukrainian SSR in the field of education and asked if education before school age was of a sexist nature. Commenting on the system of scholarships given to students, their access to specialized schools and institutes of higher education, some experts asked for clarification as they felt that the provisions might be in contradiction to the stated principle of equal access to education.

166. Noting that public education was free, some experts requested clarification regarding the "total State support" mentioned in the report and asked what criterion of selection was applied. The experts also wished to know to what extent women had access to higher learning, if they used the system of evening classes and correspondence courses, and what was the number of women working in the education sector and their level.

167. Various experts wished to know what were the rules governing the validity of marriage (article 16, 1 (b)), as the report, while stipulating mutual consent, also referred to "other conditions". Also they inquired about the reasons for the provision of different minimum ages of marriage for men and women and inquired regarding the choice of family name. The experts asked what were the rights and duties of parents after divorce and how the upbringing of children was organized in cases of dissolution of marriage.

168. Additional information was requested on the situation of children born out of wedlock or born in common law unions and whether adoption by a single person - man or woman - was possible.

169. The report contained several references to marriage or counselling centres, but it did not say, as one expert remarked, whether there were family-planning centres. It was asked whether spouses had access to contraception and free abortion and if they had a free choice in the spacing and number of their children. In order to have an idea of the general implications of laws pertaining to family and motherhood, the Committee requested population indicators to facilitate its consideration of the report.

170. Several experts said that additional clarification about the status of property and the question of inheritance was needed. They asked for information on how spouses could dispose of common property and whether inherited goods became part of the common property. Since divorce could take place by mutual consent and also by decision of the court, they wondered under what circumstances the court intervened. Several experts remarked that mothers were given many privileges and advantages even when adopting a child, but it was not mentioned what rights were extended to couples living together, but not legally married. It also seemed that both persons in a marriage had the right to choose residence but it was not specified what that meant exactly.

171. Considering the achievements of the Ukrainian SSR in the matters covered by article 11, 2 (c) of the Convention, some experts commented that the tendency to stress the need to "create favourable conditions enabling women to combine motherhood and work" might prevent the eradication of stereotyped attitudes. They

asked if the same emphasis was put on fatherhood and wondered if there was not a certain ambiguity in the main policy on that problem.

172. The experts were very interested in the facilities given to young workers to study and work at the same time and wished to know how many women continued their studies and to what level. The experts also asked whether the provisions concerning maternity leave also applied to men and under what conditions.

173. Considering the provisions of article 38 of the Ukrainian SSR Constitution about the right to guaranteed employment at a salary "commensurate with the quantity and quality of labour", some experts asked if it referred to the principle of equal pay for equal work.

174. It was asked how the trial period mentioned in the report applied to working women, whether it also applied to men under the same conditions and what were the consequences of failing, especially since the report stated that there was no unemployment in the country. In that connection, provisions were needed regarding the conditions of workers - men and women - under fixed-term contracts.

175. The experts noted the legislation which provided a solid framework of protection for pregnant women and nursing mothers and observed that there was no indication in the report of what sanctions were imposed on delinquent enterprises. It was noted that there were different allocations of days of rest and vacations for different types of occupations and voluntary work, such as the militia, and information was requested on the types of occupation that warranted such differential treatment. It was asked if that could be interpreted as a privilege granted to certain activities. Clarification was also sought as to whether there were only women in the voluntary corps of the militia.

176. Concerning the system of pensions (article 11, 1 (e)), some experts asked what was the reason for the differences in ages for the allocation of pensions to blind workers in different sectors of the economy. They also asked if there was a pension for widows, and additional information was requested on the pensions given to mothers of many children.

177. The experts felt that more statistical information was needed about the types of occupation held by women and in what fields of industry they worked, as well as what was the number of women managers. Some experts asked what was the situation of women involved in creative work and whether they received the same advantages.

178. Noting that mothers of young children could not be requested to travel, some experts asked whether other working women were asked to do so and what happened if they refused.

179. Information was also requested regarding the prohibition of night work and work in hard or dangerous conditions and about professions which were closed to women. The experts also wished to know what were the exact functions of the State Labour Committee.

180. Several experts, although impressed by the various benefits provided by the laws of the Ukrainian SSR, wondered if there was not an over-protection of women which could possibly lead to discrimination.

181. The representative of the Ukrainian SSR reiterated that the reason her country had enacted its labour and social security legislation was that the function of motherhood should not interfere with the professional or occupational life of women. The upbringing of children was the joint responsibility of both parents even after the marriage had been dissolved. The Family Court, on the other hand, decided on matters on which parents could not reach an agreement, which could include domicile, custody and visiting rights. The same applied for couples not legally married, whose children had the same rights as those born in wedlock. The provisions of Soviet law and the coverage of social guarantees in areas where they had a direct bearing on the performance of childbearing-related functions applied equally to women and men.

182. As regards the granting of awards for motherhood, the representative stated that statistics showed that most families averaged only one or two children. Nevertheless, as a result of the Government's family protection policy, a trend towards more families with three children was observed. The honour of "Mother Heroine" was awarded by decree of the Presidium of the Supreme Soviet of the Ukrainian SSR to mothers of 10 children, all of whom were still living when the last-born celebrated its first birthday. The motherhood medal was awarded to mothers of five children or more.

183. The age at which women could marry was set at 17 for biological, social and historical reasons: women generally matured earlier than men, secondary schooling ended at age 17 and Ukrainian women had traditionally been able to marry at 16 years of age. Marriage was subject to no conditions other than the minimum age and the consent of the spouses. However, article 17 of the Code laid down certain prohibitions: marriage was forbidden if one of the future spouses was already married, if the future spouses were related, whether directly, collaterally or through adoption, or if one of the spouses was recognized to be incapacitated for marriage owing to disease or mental deficiency.

184. Replying to a question regarding the effect of marriage on the names of the spouses and of the children, the representative referred to article 19 of the Code on marriage and the family according to which the spouses, at the time of marriage, could choose either to use the name of one spouse, or to retain their own names, or to add the name of the other spouse to their own name. As to children, article 62 of the same Code provided that children should have the name of their parents or the name of one of them if the parents had different names. In the latter case, if the parents could not agree on the name to be given to the child, it was for the guardianship body to decide. Dissolution of marriage did not give rise to any change in the names of the children. However, if after the dissolution of the marriage, the parent who had custody of the children wished to give them his name and they had the name of the other parent, the guardianship body could authorize the change of name with the agreement of the other parent.

185. The Constitution and the entire legislation of the Ukrainian SSR considered men and women as equal under the law.

186. The establishment of the Standing Commission of the Supreme Soviet of the Ukrainian SSR on Women's Life and Labour and the Protection of Mother and Child in 1976 is linked to the Republic's compliance with the decisions adopted on the occasion of the United Nations Decade for Women. The Commission had been invested with broad powers, including the right to veto the activities of the ministries and departments for compliance with the existing legislation on women's rights. In

addition, it examined complaints and claims by individual women and took the necessary steps to satisfy their legitimate demands.

187. Women were informed of their rights by various organs of the national and local press. Conferences were organized and brochures were circulated and women with special problems could have free legal aid.

188. With regard to article 6 of the Convention, the representative stated that prostitution did not exist because the social cause of that problem had been eliminated. As a preventive measure, the Penal Code provided penalties for prostitution and pimping.

189. Property acquired during marriage was considered joint property, as was remuneration. However, goods brought into the marriage either by inheritance or by gift were kept by the owner. Royalties on copyright were considered as salary earned.

190. With regard to article 15 of the Convention, the representative said that under the Constitution, the Civil Code and the Marriage and Family Code, Soviet citizens were free to choose their place of residence, and the parents chose for children under the age of 15. Married couples chose their home by mutual agreement. Men and women of the Ukrainian SSR were free to leave the country and permission was granted in accordance with the legislation in force.

191. A single person could adopt a child. The laws pertaining to citizenship were the same for both sexes and dissolution of marriage did not affect that right. Abortion was free and the decision to abort depended exclusively on the spouses. It was performed in clinics, where women were also given birth control counselling and information.

192. Replying to a question concerning divorce, she said that under article 40 of the Code on Marriage and the Family, divorce could not be declared in the absence of the consent of the spouses, unless the continuation of life together and the maintenance of the family unit were impossible. In order to be sure, the court, before declaring a divorce, set a period of reconciliation which might last up to six months.

193. The rights of women in the matter of nationality were set forth in the Law of 1 December 1978 on USSR nationality. Under Soviet and Ukrainian legislation, women enjoyed the same rights as men with regard to nationality. An alien spouse wishing to acquire Soviet nationality must submit an application to that effect, pursuant to article 15 of the Law on Nationality. In the consideration of such an application, no account was taken of the race, belief, national origin or sex of the person concerned. When parents of whom one had Soviet nationality and who were both domiciled outside the territory of the Soviet Union could not agree on the nationality of a child, the question was settled in accordance with the agreements in force between the Soviet Union and the country concerned.

194. Fifty-two per cent of all workers were women. There had been a substantial increase in women's participation in the specialized technical fields where 58 per cent of women held managerial positions; 34 per cent of all engineers were women as were 35 per cent of agronomists; 71 per cent of economists were women; 62 per cent of doctors and 73 per cent of teachers, librarians and workers in related fields were women; 35.7 per cent of directors of eight-year schools were women and 34.4 per cent in secondary schools.

195. Education was free and scholarships with stipends were granted to students who received the highest marks. Financial assistance was also given to those who needed such assistance. The system of education included pre-school, mandatory general secondary, out-of-school, technical vocational, special secondary and higher education. The two sexes attended class together, and all persons had the same access to education. Concerning the access of women to higher learning, the representative stated that 700 women held doctorates, 400 were members of the Academy and 15,500 were pursuing studies leading to a university degree. In 1959, out of every 1,000 women, 18 had completed advanced studies and 32 had secondary studies; in 1979, 20 years later, 58 of every 1,000 women had completed advanced studies and 524 had completed their secondary studies. In accordance with article 211 of the Labour Code, men and women working in the field of education were entitled to additional paid leave to sit for examinations. Under article 209 of the same Code, during the school year they were given lighter schedules or periods of leave during which they received up to 50 per cent of the average wage and in no case less than the minimum wage.

196. Concerning women's participation in the political life of the country, there were 234 elected women deputies, which represented 35.9 per cent of the total deputies of the Supreme Soviet of the Ukrainian SSR, a deputy chairman in the Presidium and another in the Council of Ministers. Two women headed the Social Security Ministry and the State Committee on Natural Preservation (Environment) and many women were vice-ministers in other ministries. Ukrainian women participated in large numbers in the work of international bodies, in which they were widely represented. Nevertheless, despite the requests of the Government, there were still too few of them in the United Nations Secretariat.

197. As to labour practice, the trial period mentioned in the report referred to both men and women. Labour disputes could be looked at by People's Courts but were mostly dealt with by trade unions. By law, it was forbidden not to hire either a pregnant woman or a nursing mother and recourse could be sought through the trade union or the courts.

198. The principles of work ethics in the country were: each according to his or her abilities and to each according to his or her work. Pay scales were set up in conjunction with trade unions. Harmful work from which women were barred included underground mining, steel welding and work in hardship places as in the north of the country. Additional leave was extended to men who worked in those sectors, as well as to men and women who worked irregular hours and had a long record of service or who engaged in voluntary work in social order committees. In addition, pregnant women or nursing mothers could not do night work or overtime. Women were not conscripted into the armed forces, and the number of female volunteers who were assigned to technical positions, to the commissariat or to work as mechanics, was insignificant.

199. Some experts recommended drawing the attention of States parties to the desirability of using the positive experiences referred to in the above-mentioned report in order to make further progress in eliminating discrimination against women, not only de jure, but also de facto.