



## **Gender Dimensions of SMM's Monitoring: One Year of Progress**

**22 June 2015**

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## 1. Summary

Under the overall aim to reduce tensions and foster peace, stability and security, the OSCE Special Monitoring Mission to Ukraine (SMM) continues to monitor developments in line with its mandate in Ukraine.<sup>1</sup> This report sets out SMM's gender-mainstreaming efforts and outlines the relevant gender dimensions of SMM's monitoring, reporting and dialogue facilitation activities, from the SMM's inception until May 2015. It provides a brief analysis of gender concerns relevant to armed servicemen and servicewomen, and highlights SMM's steps to incorporate gender perspectives into dialogue-facilitation efforts in Ukraine in accordance with its mandate. In doing so, this report reflects how the SMM, through its monitoring and reporting, emphasizes protection concerns related to women and men, and further strives for the inclusion, representation and meaningful participation of women in dialogue processes and in the work of the Mission.

In order to improve its mission-wide monitoring, reporting and facilitation efforts, the SMM continues to introduce gender mainstreaming into its internal trainings and mission focus as well as expanding its reporting focus and capabilities on gender topics. These efforts are further supported by visits from the OSCE Secretariat's Senior Adviser on Gender Issues and from the OSCE Special Representative and Co-ordinator on Combating Trafficking in Human Beings, which have helped draw attention to these issues. As a result, the SMM has progressively monitored changes in the gender dynamics regarding: the role of men and women in ongoing demonstrations and civic protests; women's political participation and representation in civil society; the challenges faced by internally displaced persons, the majority of whom are women and children; the impact of deteriorating socio-economic conditions on the family unit, including the disruption of family ties due to displacement; and potential increased risks of sexual and gender-based violence and trafficking in human beings.

The SMM has also paid particular attention to the role of gender during the fourth wave of mobilization and newly instituted de-mobilization efforts. Although not comprehensive, SMM findings show that women have not been forcibly enlisted into service, in accordance with the relevant legislation, but have been accepted as volunteers serving in the armed forces. The SMM, however, has also received reports that communities throughout Ukraine will need assistance in providing psychosocial support to de-mobilized returning soldiers, the majority of whom are men. In this regard, the SMM further highlights the importance of such services as women and children are particularly at risk to gender-based violence, including domestic violence that may result from returning male soldiers who are

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<sup>1</sup> OSCE Permanent Council Decision No. 1117, "Deployment of an OSCE Special Monitoring Mission to Ukraine", PC.DEC/1117, 21 March 2014. In particular, the SMM is tasked, *inter alia*, to: Gather information and report on the security situation in the area of operation; Establish and report facts in response to specific incidents and reports of incidents, including those concerning alleged violations of fundamental OSCE principles and commitments; Monitor and support respect for human rights and fundamental freedoms, including the rights of persons belonging to national minorities; Facilitate the dialogue on the ground in order to reduce tensions and promote normalization of the situation; Co-ordinate with and support the work of the OSCE executive structures, (...) as well as co-operate with the United Nations, the Council of Europe and other actors of the international community

unable, or unwilling, to gain access to necessary services following traumatic experiences in combat operations.

## **2. SMM's Gender-Mainstreamed Monitoring**

### **2.1. Background**

Almost one year into the crisis in Ukraine, from April 2014 to 15 May 2015, at least 6,362 people (including at least 625 women and girls) were documented as killed and at least 15,775 as wounded.<sup>2</sup> By 27 April 2015, the Ministry of Social Policy had registered 1,255,700 internally displaced persons (IDPs) across Ukraine<sup>3</sup>, the majority of whom are women and children. A series of inferences can be drawn against the backdrop of these figures on how the ongoing conflict has impacted differently on women and men, dividing families and the family unit, and changing the respective dynamics in gender roles and gender relations.

SMM's efforts to gender mainstream its monitoring and reporting activities have increased in tandem with streamlining the implementation of the Mission's mandate to reduce tensions and foster peace, stability and security in Ukraine. Since 15 February 2015, in supporting the respect of the "package of measures for the implementation of the Minsk agreements", the SMM is tasked to monitor and verify the withdrawal of heavy weapons. Thus, the Mission is balancing the challenges of an increased focus on ceasefire monitoring while continuing to monitor the effects on the civilian population and on the social infrastructures of protracted displacement, continuing human rights violations and abuses, a deteriorating humanitarian situation, an overall socio-economic downturn, and relevant gender components.

### **2.2. SMM's efforts to implement the OSCE Action Plan for the Promotion of Gender Equality, the OSCE Action Plan to Combat Trafficking in Human Beings, and the Women, Peace and Security agenda**

In accordance with the OSCE Action Plan for the Promotion of Gender Equality (2004)<sup>4</sup>, the OSCE Action Plan to Combat Trafficking in Human Beings (2003)<sup>5</sup>, the OSCE Ministerial

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<sup>2</sup> The breakdown of casualties by sex is not available for the Luhansk region and is not reported by medical establishments. *See* Office of the United Nations High Commissioner for Human Rights, Report on the Human Rights Situation in Ukraine, 16 February to 15 May 2015, <http://www.ohchr.org/Documents/Countries/UA/10thOHCHRreportUkraine.pdf>

<sup>3</sup> The Ministry of Social Policy and its regional and local departments do not provide sex-disaggregated data on IDPs with disabilities, children or older persons. *See* OCHA, Ukraine Situation report No.39 as of 8 May 2015, [https://www.humanitarianresponse.info/en/system/files/documents/files/ocha\\_ukraine\\_situation\\_report\\_39\\_-\\_8\\_may\\_2015.pdf](https://www.humanitarianresponse.info/en/system/files/documents/files/ocha_ukraine_situation_report_39_-_8_may_2015.pdf)

<sup>4</sup> OSCE Ministerial Council Decision No. 14, "2004 OSCE Action Plan for the Promotion of Gender Equality", MC.DEC/14/04, 7 December 2004.

Council Decision on women in conflict prevention, crisis management and post-conflict rehabilitation (2005)<sup>6</sup> and United Nations Security Council Resolution 1325 on Women, Peace and Security, the SMM strives to gender mainstream its work.<sup>7</sup> This requires the SMM to ensure a professional, gender-sensitive management culture and working environment but also to continue building the capacity of its monitors to examine and report on the gender-specific dimensions of the conflict.

### **2.2.1. Gender mainstreaming into internal training programs**

The SMM ensures that gender issues are being mainstreamed into the diverse set of training programs within the mission. On a regular basis, SMM conducts a session on gender mainstreaming and trafficking in human beings in Ukraine for all incoming monitors. The SMM tool “Gender-Sensitive Monitoring and Reporting and Sex-Disaggregated Data” is also presented during induction training, as well as in specific training for field teams’ reporting officers to ensure gender-sensitive reporting and language. The session of the induction training further illustrates the provisions of the OSCE Code of Conduct related to preventing OSCE staff from engaging with individuals suspected of human trafficking or presumed victims. All monitors are also informed and receive Staff Instruction 21/2006 on the Professional Working Environment (Harassment, Sexual Harassment and Discrimination).

In April 2015, the SMM, in collaboration with the OSCE Office of the Special Representative on Combatting Trafficking in Human Beings and the OSCE Project Coordinator in Ukraine, conducted training on “Monitoring Trafficking in Human Beings in Ukraine” for 25 monitors. The training focused on raising the awareness of monitors while conducting patrols and related daily work in order to detect possible cases of trafficking in human beings and to identify possible groups at risk and their vulnerabilities.

In May 2015, the SMM also conducted Gender Awareness sessions and coaching on Women, Peace and Security for Monitoring and Reporting Officers stationed in the Dnepropetrovsk, Kharkiv, Donetsk and Luhansk Regions.

### **2.2.2. Challenges in mainstreaming gender into SMM’s monitoring and reporting activities**

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<sup>5</sup> OSCE Ministerial Council Decision No.2, “Combating Trafficking in Human Beings”, MC.DEC/2/03, 2 December 2003

<sup>6</sup> OSCE Ministerial Council Decision No.14, “Women in conflict prevention, crisis management and post-conflict rehabilitation”, MC.DEC/14/05, 6 December 2005. But also, the Ministerial Council Decision on preventing and combating violence against women (MC.DEC/15/05); Ministerial Council Decision on women’s participation in political and public life (MC.DEC/07/09); Ministerial Council Decision on promoting equal opportunity for women in the economic sphere (MC.DEC/10/11); Ministerial Council Decision on preventing and combating violence against women (MC.DEC/07/14); Ministerial Council Decision on elements of the conflict cycle, related to enhancing the OSCE’s capabilities in early warning, early action, dialogue facilitation and mediation support, and post-conflict rehabilitation (MC.DEC/3/11).

<sup>7</sup> This also includes the SMM’s attendance and presentation on gender issues at the OSCE-UN Women Vilnius conference on the implementation on UNSCR 1325 held in Vilnius, Lithuania on 20 April 2015.

Since the establishment of the SMM in March 2014, monitoring teams have gathered information on the gender aspects of the conflict. However, the information obtained is often difficult to triangulate via multiple sources, especially when related to hidden and stigmatized violations such as sexual and gender-based violence and human trafficking. Interlocutors have provided inconsistent information and the SMM is often unable to systematically obtain sex-disaggregated data.<sup>8</sup> Internally, the gender imbalance of the mission has also added to these impediments. As of 3 June 2015, out of 465 monitors, only 88 monitors (19%) are women. This shortcoming is related to a lack of relevant nominations of female applicants by participating States and, accordingly, lies outside the SMM's reach of influence. These limitations have constrained SMM's gender mainstreamed reporting.

As of 15 February 2015, the SMM was tasked to monitor and verify the withdrawal of heavy weapons as outlined in the "Package of measures for the implementation of the Minsk agreements". In the ensuing period, the SMM has increased its focus on the monitoring of the ceasefire which has resulted in additional operational challenges to gender mainstream SMM's monitoring and reporting activities and to monitor and report on gender issues.<sup>9</sup>

### **2.2.3. Facilitating the work of OSCE institutions and bodies on gender issues and human trafficking related to Ukraine**

Finally, the SMM, in co-operation with the OSCE Project Co-ordinator in Ukraine, continues to facilitate visits from OSCE institutions and bodies on gender issues and human trafficking intended to raise awareness and support Ukrainian state institutions in the implementation of UN Security Council Resolution 1325. The purpose of these visits is to combat sexual and gender-based violence and trafficking in human beings more effectively. As of May 2015, the SMM has hosted three visits by the OSCE Secretariat's Senior Adviser on Gender Issues<sup>10</sup>, and three visits by the OSCE Special Representative and Co-ordinator on Combating Trafficking in Human Beings.<sup>11</sup> The visits resulted in enhanced SMM capacities to monitor and report on gender issues and raise awareness on human trafficking and to support gender-inclusive dialogue facilitation efforts, and Ukraine's capacity to draft and implement a more inclusive and effective National Action Plan on UN Security Council Resolution 1325 on Women, Peace and Security.

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<sup>8</sup> For example, the Ministry of Social Policy and its regional and local departments do not provide sex-disaggregated data on IDPs with disabilities, children or older persons. As well, the breakdown of casualties by sex is not available for the Luhansk region and is not reported by medical establishments.

<sup>9</sup> The prioritization of "hard security" issues in SMM's monitoring and reporting tasks has added increased operational challenges in the collection and analysis of information on gender issues and sex-disaggregated data, including the low number of female monitors, separate patrols and language assistants necessary to enable meetings with women's groups, and other issues. Further, a lack of dedicated staff in the field tasked to mainstream gender into daily activities and reporting has made the process more challenging.

<sup>10</sup> The OSCE Senior Adviser on Gender Issues Ambassador Miroslava Beham visited Ukraine on 8-12 Sept. 2014, 2-5 February 2015, and 23-25 March 2015. On 23-24 April 2015, she also organized a workshop on developing Ukraine's National Action Plan on UN SCR 1325 in co-operation with the OSCE Project Co-ordinator to Ukraine.

<sup>11</sup> The OSCE Special Representative and Co-ordinator on Combating Trafficking in Human Beings visited Ukraine on 14-16 December 2014, on 6-8 April 2015, and on 18-22 May 2015 to meet with authorities and NGOs in Kyiv, Dnepropetrovsk and Kharkiv, and to develop the SMM's capacity to detect cases of trafficking.

## **2.3. Gender-specific dimensions highlighted in SMM's monitoring and reporting in 2014**

### **2.3.1. Women's participation in public demonstrations**

While there were equal distributions of women and men participating in the Maidan demonstrations in its early months,<sup>12</sup> SMM's monitoring has highlighted different grievances voiced by different gender groups in demonstrations following the beginning of armed fighting. Soldiers' mothers and wives from the western regions have demonstrated against the conditions soldiers experience in combat. They have also collected funds to improve those conditions and asked that soldiers be rotated or be returned from the east.<sup>13</sup> More recently, women who had lost relatives serving in combat have started to explore ways to earn a living following the loss of their families' breadwinners. While demonstrations advocating for reforms and against corruption have tended to be composed of both men and women, men dominate in protests headed by right-wing forces (e.g. the Right Sector.) There have been instances when these groups have prevented gatherings by peace advocates, both men and women, who were perceived as "unpatriotic".

### **2.3.2. Women's representation in civil society**

Since the events of Maidan, Ukraine has experienced heightened civic activism featuring a greater participation of women. While maintaining constant contact with civil society, between October and November 2014, the SMM conducted interviews with approximately 260 civil society organizations (CSOs) across Ukraine to gather information on their activities and their views on confidence-building, conflict resolution, dialogue and reconciliation opportunities. The results of these interviews are featured in SMM's thematic report on "Civil Society and the Crisis in Ukraine", providing a preliminary overview of civil society dynamics in relation to the crisis in Ukraine that highlighted a number of gender-related issues.<sup>14</sup>

The report, *inter alia*, considers the impact of the crisis on the work of civil society organizations, including women's non-governmental organizations (NGOs) that reported to the SMM constraints in their human rights and gender equality-related work in order to assist IDPs and other conflict-affected groups. The report notes that the gender balance amongst civil society organizations was relatively good. Organizations working in IDPs support, psychological assistance, the support of Ukrainian servicemen in the east, and charity were often run by women while those focused on business or legal aid appear to have stronger

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<sup>12</sup> November 2013 to February 2014. See Women's International League for Peace and Freedom, *Voices from Ukraine: Civil Society as a Driver for Peace*, September 2014 at <http://www.wilpfinternational.org/wp-content/uploads/2014/09/Report.pdf>

<sup>13</sup> For example, in Mykolaiev monitoring teams reported that protests by soldiers' mothers and wives characterised the pre-2014 parliamentary election campaign period to a certain degree.

<sup>14</sup> See OSCE SMM Thematic Report "Civil Society and the Crisis in Ukraine" of 11 February 2015 at <http://www.osce.org/ukraine-smm/141046?download=true>



male membership and management. The report further found that women's organizations interviewed were particularly interested in engaging in dialogue processes between people from western and eastern Ukraine and in re-establishing former relations with women's groups in the Russian Federation, including soldiers' mothers. A women's organization in Dnepropetrovsk wanted to re-establish its former contacts with Russian women's groups and mothers of soldiers in particular. The SMM also observed that in 2014 some women's NGOs had to relocate from areas outside Ukrainian Government control to areas under Ukrainian Government controlled territory.

### **2.3.3. Women's political participation in the October 2014 parliamentary elections.**

Following the October 2014 parliamentary elections, the number of women members of Parliament slightly increased from 9.7% of the deputies of the previous Verkhovna Rada, to 11.8%. In total, 50 women were elected to parliament, including 48 on party lists and 2 in single-mandate districts.<sup>15</sup> At the same time, the October parliamentary elections served to strengthen the profile of female leaders among both politicians and civil society active in the Maidan protests.<sup>16</sup>

In November 2014, SMM monitors were tasked to undertake an analysis of the impact, at the regional level, of the 2014 parliamentary elections. The majority of interlocutors interviewed nationwide did not anticipate that the election results would have a significant impact on women or women's issues, further noting that political parties did not adequately address key gender-equality issues in their programs and that there were insufficient efforts from the political parties to engage women in their organizational structure and programs.<sup>17</sup> Interestingly, in Ivano-Frankivsk, monitors were told by civil society representatives that none of the women candidates had been elected due to the voters' perception that men are in a better position to solve the conflict.<sup>18</sup>

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<sup>15</sup> OSCE/ODIHR Election Observation Mission, Ukraine, Early Parliamentary Elections, 26 October 2014: Final Report, p. 16, <http://www.osce.org/odihr/elections/ukraine/132556>. Furthermore: "While around a quarter of the candidates on party lists were women, an increase of 6 percentage points compared to the 2012 elections, women accounted for only approximately 13 per cent of all single-mandate candidates. Amendments to the Law on Political Parties adopted in 2013 introduced a 30 per cent quota for women on party lists, but the law remains silent on the ranking of candidates on party lists, and there are no enforcement mechanisms in place".

<sup>16</sup> Two examples are Iryna Gerashchenko, who was re-elected as MP and appointed as the Presidential Envoy to the Peaceful Settlement of the Conflict in the Donetsk and Luhansk regions, and Ganna Gopko, head of the "Reanimation Package of Reforms", a grassroots platform promoting reforms, who was elected as a new MP.

<sup>17</sup> These findings confirm those of the OSCE/ODIHR Electoral Observation Mission: "Issues of equal participation of men and women in elections and the country's political life more broadly received very little attention in the campaign and generally did not feature prominently in party or candidate programmes." OSCE/ODIHR Election Observation Mission, Ukraine, Early Parliamentary Elections, 26 October 2014: Final Report, p. 16, <http://www.osce.org/odihr/elections/ukraine/132556>. Furthermore "[t]he nexus of the continued use of a mixed electoral system and the high cost of running for parliament in Ukraine was cited by some OSCE/ODIHR EOM interlocutors as a main reason for the low number of women candidates, especially in single-mandate constituencies." OSCE/ODIHR Election Observation Mission, Ukraine, Early Parliamentary Elections, 26 October 2014: Final Report, p.4, <http://www.osce.org/odihr/elections/ukraine/132556>.

<sup>18</sup> "The campaign environment was heavily influenced by continued violence in Donetsk and Luhansk oblasts, and the uncertainty over the future status of these regions. Themes of national unity, territorial integrity and



Another important aspect to note is that voters' rights were indirectly impacted by the Anti-Terrorist Operation (ATO) and internal displacement. The lack of information on voting arrangements, lack of documentation, insecurity, residency restrictions and the lack of access to polling stations were all factors that disproportionately impacted the right of internally displaced voters, of which a majority are women.<sup>19</sup>

#### **2.3.4. School Curriculum syllabus of the “Protection of Motherland” Subject**

In August 2014, the Ministry of Education issued a letter recommending that grades 10 and 11 (to 16 and 17-years-old students) introduce courses on the “bravery of the Ukrainian military and volunteers and their loyalty to the Ukrainian people, their willingness to give their lives for peace and tranquillity in Ukraine, and the heroism of Ukrainians who, from the first day of the ATO, helped provide the army with protective equipment, medicine and food and, despite the risks, evacuated civilians from captured towns and villages.”<sup>20</sup>

SMM's monitoring teams have reported that though the courses feature different topics for male students<sup>21</sup> (namely military tactics) and female students<sup>22</sup> (namely first aid and medical care) (which are related to traditional roles of men and women), up to 10% of students have indicated their interest in attending lessons proposed for the opposite gender. Male students who are exempted from studying the fundamentals of military science because of health issues or their religious views, are able to study the “female” student topics. Additionally, SMM's monitoring has revealed that some schools have been cooperating closely with military battalions, including by organising financial and material donations.

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defense, decentralization and ‘special status’ for the territories in the east dominated the campaign rhetoric.” OSCE/ODIHR Election Observation Mission, Ukraine, Early Parliamentary Elections, 26 October 2014: Final Report, p. 16, <http://www.osce.org/odihr/elections/ukraine/132556>.

<sup>19</sup> The question of whether internally displaced persons (IDPs) could vote in the elections was a major concern. Only 19 days before Election Day did a simplified procedure to facilitate the participation of IDPs and other voters from Donetsk and Luhansk oblasts was adopted. These simplified procedures in place for voters residing in territories currently not under government control required two out-of-region trips, for registration and voting, and entailed travel, expense and security risks. “As of the 20 October deadline, some 190,200 voters (out of 430,059 IDPs according to the State Emergency Services) had applied for a change of residency for registration and voting.” OSCE/ODIHR Election Observation Mission, Ukraine, Early Parliamentary Elections, 26 October 2014: Final Report <http://www.osce.org/odihr/elections/ukraine/132556>.

<sup>20</sup> This letter followed the adoption of a Presidential Decree of 03 Nov 2014 which put into effect the National Security Defense Council decision of 12 September 2014 “On a complex of measures aimed at enhancing the defense capacity of the state and on the proposals to the Law of Ukraine “On the State Budget of Ukraine for 2015” regarding the articles related to the guarantees of national security and defense of Ukraine”.

<sup>21</sup> Armed Forces of Ukraine at the defense of Motherland; International humanitarian law; Tactical training Weapons training; Manuals of the Armed Forces of Ukraine; March drills; Military topography; Applied physical training; Military medicine training; Fundamentals of civil defense

<sup>22</sup> Fundamentals of civil defense; International humanitarian law regarding the protection of civilians; Fundamentals of medicine and medical aid; First aid in emergencies; First aid to sick persons, care of sick persons.

### 2.3.5. Internally displaced persons

In August 2014, the SMM issued a thematic report on “Internal displacement in Ukraine” which highlighted important gender-related issues.<sup>23</sup> The report noted, *inter alia*, that over half of those interviewed for the report were adult women; that the majority of IDPs are women exposed to a number of socio-economic challenges related to proper housing, humanitarian assistance and schooling for their children; and that there had been reports of adult men used as forced labour to dig trenches or build barricades.

Despite the lack of consistent sex-disaggregated data as gathered by state authorities, the SMM observed that women with children compose the majority of IDPs, along with the elderly. Men tend to stay behind, either in combat or to protect land or property. Many men of military age have avoided registering as IDPs for fear of being mobilized. Similarly, they also have refrained from applying for the government’s special entry/exit permit (as foreseen by the Temporary Order<sup>24</sup> regime regulating the movement of conflict-affected civilians) needed to move across the contact line, due to the belief that these permits are issued together with military draft notices. Soldiers’ mothers and wives in Western Ukraine have complained about male IDPs residing in their regions, arguing that IDP men should “be in combat in the east” instead of their husbands and sons.

The SMM has also conducted focus group discussions with female IDPs and local residents of regions away from the conflict zone. In co-operation with the NGO Faith, Hope and Love the SMM in Odessa conducted a focus group discussion on 26 January 2015 with 10 female IDPs from the Luhansk and Donetsk regions, some of whom had been sex workers prior to their displacement. All of them currently resorted to sex work as a means of survival. They said that the work was dangerous and they did not feel safe. They in particular said they sometimes felt threatened if their origin was revealed, and therefore they tended to avoid any mention of the situation in Donbas.

In relation to the movement of civilians, the SMM monitored the implementation and impact of a temporary-order regime regulating the movement of conflict-affected civilians from January to April 2015.<sup>25</sup> The SMM has received some allegations regarding differences in how men and women are treated at checkpoints. Older people and women have reportedly received better treatment at checkpoints, e.g., while men have been more likely to be treated with suspicion and are at risk of being mobilized or arrested.

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<sup>23</sup> See OSCE SMM Thematic Report “Internal displacement in Ukraine” of 12 August 2014 at <http://www.osce.org/ukraine-smm/122620?download=true>.

<sup>24</sup> On 11 January 2015, the Security Service of Ukraine (SBU) announced the introduction of the Temporary Order on Control of the Movement of People, Transport Vehicles and Cargo along the Contact Line in Donetsk and Luhansk regions, which regulates movement into and out of the ATO zone and came into effect on 21 January 2015. The Temporary Order requires all movement into and out of the ATO zone to be conducted through seven designated government-controlled checkpoints located along seven main corridors. See OSCE SMM Thematic Report “Protection of Civilians and their Freedom of Movement in the Donetsk and Luhansk Regions” of 6 May 2015 at <http://www.osce.org/ukraine-smm/156791?download=true>

<sup>25</sup> See OSCE SMM Thematic Report “Protection of Civilians and their Freedom of Movement in the Donetsk and Luhansk Regions.” of 13 May 2015 at <http://www.osce.org/ukraine-smm/156791>

At the same time, the SMM observed further limitations to freedom of movement following an order adopted in May 2015 by the Luhansk region's Governor linked to security concerns.<sup>26</sup> In government-controlled Stanytsia Luhanska, the SMM observed crowds of up to 300 people, mainly middle-aged and older women, denied passage across the line of contact in both directions by Ukrainian Armed Forces checkpoint personnel.

### **2.3.6. Sexual and gender-based violence**

The SMM has received reports from civil society organizations of gender-based violence and violence against children in families of dismissed riot police and de-mobilized soldiers, as well as in connection with the exacerbation of the socio-economic situation and increased alcohol abuse. The SMM has received allegations from civil society and psychologists related to sexual violence connected to the conflict, but has so far been unable to corroborate them. Interlocutors explain the low number of first-hand reports may be due to the victims' fear of stigma or retaliation.

### **2.3.7. Trafficking in human beings**

SMM monitoring teams have conducted a mapping of interlocutors in certain locations involved in identifying, assisting and treating survivors of trafficking in human beings.<sup>27</sup> Interlocutors have reported on the increased vulnerabilities of IDPs who are at greater risk of trafficking due to their economic hardship and lack of ties in their host communities. Rural populations are at an even greater risk because the residents there have fewer job opportunities and are less informed about the risks of human trafficking. In Lviv region, the monitoring team has followed up a case reported by the media announcing the arrest of a suspect at the end of January 2015. The suspect was a citizen of Israel arrested at Lviv International Airport for allegedly recruiting four female IDPs from eastern Ukraine to work in a nightclub in Israel, with sexual exploitation as the purpose. They were to travel there at a later date and remained free in Lviv when the arrest was made.

More recently, in government-controlled areas of Donetsk region, the SMM met with the director of the Human Trafficking and Vice Unit of the Donetsk Region Prosecutor's Office. The director said that the number of cases of human trafficking reported in the region has decreased since the beginning of the ATO due in part to control exerted by the so-called "DPR" over certain areas in the Oblast thus preventing the regional police and prosecutor from investigating and prosecuting cases. This situation highlights the technical concerns posed by the relocation of state institutions as files from the Prosecutor's Office have been left in areas that are currently not under government-control. There is also an ensuing shortage of skilled investigation and prosecution staff to work on potential cases of human trafficking. As a result, the functioning of the National Referral Mechanism has been

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<sup>26</sup> Henadiy Moskal, the Head of Luhansk Oblast Military Civil Administration, issued a decree "On undertaking additional measures concerning restriction of vehicle movement through the line of contact" which was adopted on 12 May 2015. The decree is available at: <http://www.unian.ua/war/1077007-moskal-zakriv-ruh-transportu-v-okupovanirayoni-luganskoji-oblasti-dokument.html>.

<sup>27</sup> They were conducted, in particular, in the Lviv and Chernivtsi regions.

negatively affected, in part because the regional authorities are scattered across the region, and many documents and experts were left behind in “DPR”-controlled parts of Donetsk region, including Donetsk City, when authorities fled.

At the same time, in May 2015 anti-trafficking police units in the Dnepropetrovsk and Kharkiv regions reported to the SMM an increase in cases of human trafficking of women, including a case involving a minor, and of IDPs for sexual exploitation since the beginning of 2015,<sup>28</sup> a reverse trend from previous years in which the majority of victims were men trafficked for labour exploitation.

### **2.3.8. Women in self-defence groups and volunteer battalions**

Self-defence groups (SDGs) emerged throughout Ukraine during the fall and winter of 2013-2014 as one of the main features of the “Maidan revolution”. These informal groups, predominantly composed of men, provided security for the protesters at Kyiv’s Independence Square (Maidan) but also in other cities, mainly in the west of the country, where local “Maidan” protests also took place.<sup>29</sup> Dissatisfied by being assigned solely support roles by the men in these protests,<sup>30</sup> a group of more than 100 women created the “Women’s Sotnya” in Kyiv<sup>31</sup> (or “Women’s Hundred”) and took up leadership roles including in self-defence and women’s empowerment classes.

In spring 2014, confronted with the deterioration of the situation in Donbas and the challenges facing the Armed Forces and the law enforcement authorities in tackling the crisis, the government encouraged the creation of volunteer battalions. These battalions were to assist the efforts of the police in providing law and order throughout the country but also to provide assistance in the ATO. Many SDGs members joined these battalions.<sup>32</sup>

The SMM met many SDGs in May and June 2014. Although it was difficult to obtain figures as most SDGs were working in an informal manner, women’s participation rose to 20 – 25 % in some organizations. Women’s participation seemed to concentrate on supporting positions as opposed to combat positions. An exception was the National Defence Headquarters, an NGO established in Dnepropetrovsk region that worked as a resource centre for many SDGs and volunteer battalions established in the area. Among its components, the

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<sup>28</sup> This information was provided to the SMM during meetings held by the SMM and the OSCE Project Coordinator in Ukraine during the visit of the OSCE Special Representative and Co-ordinator on Combating Trafficking in Human Beings on 19-21 May 2015.

<sup>29</sup> When the Yanukovich regime collapsed many of SDG members who had been operating in Kyiv and who had returned home developed or strengthened local SDGs in their home regions. In some places, where people had lost faith in the police, some SDGs imposed themselves as law enforcement actors, substituting or supplementing the legal actors. Eventually the police regained their positions, but SDGs continued to play a role in public life.

<sup>30</sup> See Women’s International League for Peace and Freedom, *Voices from Ukraine: Civil Society as a Driver for Peace*, September 2014 at <http://www.wilpfinternational.org/wp-content/uploads/2014/09/Report.pdf>

<sup>31</sup> Women also set up two smaller “women’s sotnyas” in the Kyiv Maidan.

<sup>32</sup> Currently 72 such battalions or regiments have been established: 34 special purpose battalions, which are nominally under the structures of the Ministry of Internal Affairs; 35 territorial defence battalions, which are part of the structures of the Ministry of Defence; and three regiments that are under the National Guard of Ukraine, which is subordinate to the Ministry of Internal Affairs.

NGO encompassed a group called the Sister's Sotnia, which was predominantly if not exclusively composed of women and whose 150 members had a primary role in supporting IDPs. Another component of the National Defence Headquarters NGO exclusively composed of women was the Medical Sotnia, whose 30 members provided medical care to SDGs.

When deployed to the ATO zone, volunteer battalions have primarily been assigned to policing tasks in the areas controlled by the Ukrainian Army Forces. Relatively few battalions have actually been involved in military operations in direct support of the Ukrainian Armed Forces. The number of women serving in volunteer battalions in the ATO has been reported to be relatively low.

SDGs have significantly decreased their activity and visibility throughout Ukraine since fall 2014. Many members have joined volunteer battalions or been mobilized in the regular armed forces. A network of supporters, including many women, has been essential to collect financial and material support and to manage a supply chain from regions where aid is collected to the ATO zone.

### **2.3.9. Mobilization**

During March and April 2015, SMM's monitoring teams were tasked to survey issues affecting men and women in the context of ongoing mobilization and de-mobilization efforts throughout Ukraine.<sup>33</sup> The SMM conducted surveys with civil society, local and national government, the armed forces and other interlocutors.

While the SMM's findings are not comprehensive, they have established that women are not being forcibly mobilized into the armed forces, in accordance with relevant legislation.<sup>34</sup> SMM's interlocutors have also stated, although the SMM has not been in a position to independently verify, that children are not subject to mobilization in government-controlled territory.

While women are not allowed to be forcibly mobilized, the SMM has found that women are able to volunteer to serve in the armed forces although they have not done so in high percentages.<sup>35</sup> Many interlocutors have informed the SMM that women are not allowed

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<sup>33</sup> On 20 January 2015, the Law On approving the Presidential Decree "On Partial Mobilisation" (the "Law on Partial Mobilization") came into force. Subsequently, on 30 of January 2015 Presidential Decree No. 40/2015 on additional measures to ensure partial mobilization in 2015 also came into force. The Law on Partial Mobilization requires three waves of mobilization during 2015, for a total of 210 days, throughout the entire territory of Ukraine (including the city of Kyiv) with the exception of the Autonomous Republic of Crimea (and the city of Sevastopol). Various state agencies are responsible for the process of de-mobilization. De-mobilization should be carried out for all persons within 10 days of having served a one year term.

<sup>34</sup> As the Government of Ukraine has not declared a state of war, the applicable peacetime legislation concerning the mobilization of women and children is in force and outlined in the Law of Ukraine "On Military Duty and Military Service" adopted on 25 March 1992. Article 12 of the law states that "[i]n peacetime, women can be enlisted in military service and service in military reserve only voluntarily (on a contractual basis)". Article 15 of the law requires that only persons aged 18 years or older may join the armed forces.

<sup>35</sup> Interlocutors have given general estimates of the number of women volunteers, composing approximately 5% of incoming personnel into the armed forces. These are only interlocutors' estimates and could not be corroborated by official statistics.



to serve in active combat formations and are in general assigned to support roles such as medical or communications staff.<sup>36</sup> This is in contrast to the initial stage of the conflict, during which time there were reports of a higher prevalence of women serving in active combat roles in volunteer/paramilitary battalions. The SMM received limited reports of women serving as active combatants in roles in which they are unlikely to be captured, such as snipers. Also, the SMM found that women are generally unable to climb to higher levels within military structures.

With respect to de-mobilization, interlocutors have noted instances of de-mobilized soldiers suffering significant negative effects due to inadequate or a lack of psychosocial services. Soldiers have been reported to suffer from numerous issues, including: post-traumatic stress disorder (PTSD); depression; anxiety; problems related to loss of status, self-identification, and raised levels of aggression; obsessive compulsive disorder; sexual disorders; and sleeping disorders. The SMM has observed that the government and armed forces are training volunteers and increasing available services to address these issues.<sup>37</sup> For example, the President of Ukraine, on 18 March 2015, signed a decree tasking the government to: take measures to increase the number of staff psychologists in medical institutions that provide rehabilitation services; to increase the funding of these institutions and to approve the relevant budgets where necessary; to consider the creation of new institutions; and to engage qualified experts in this field.<sup>38</sup> The SMM has observed the following types of services throughout Ukraine: psychiatrists present at mobilization offices and military hospitals; pre-existing psychiatric hospitals and mental health institutes; local counselling centres; volunteer psychologists and psychiatrists.<sup>39</sup>

The SMM has found, however, that available services appear to be severely lacking and that de-mobilized men and women are often unable to access such services. The majority of interlocutors stated that there are simply not enough resources to serve the needs of all of the returning soldiers and that, despite their best efforts, authorities are still often slow to respond.<sup>40</sup> Some interlocutors have raised concerns over services predominantly focused on psychiatric treatment rather than psychosocial support which they have said may better suit different needs. Interlocutors have also noted that de-mobilized servicewomen are more likely to seek out psychosocial services than servicemen.

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<sup>36</sup> The SMM observes that this is only the opinion of interlocutors. The SMM has been unable to verify the extent of limitations (or the absence of any limitations) placed on female soldiers in the armed forces.

<sup>37</sup> For example, interlocutors in Kharkiv noted as a positive development that a “special passport”, not intended for travel but for storage of data, is being issued for de-mobilized persons which includes information relating to the living conditions of the family, need for financial or other support, and the health and psychological status of the individual.

<sup>38</sup> Presidential Decree no.150/2015 “On additional measures concerning social security of the ATO participants” available at <http://www.president.gov.ua/documents/19084.html>.

<sup>39</sup> For example, there are reports of volunteer networks of psychiatrists being formed to provide assistance to returning soldiers, funded by NGO activities or in some occasions where psychiatrists are willing to provide their services without charge.

<sup>40</sup> The Chief Doctor of the Chernivtsi Regional Psychiatric Hospital, for example, noted that there is an increase in PTSD symptoms and a need for more psychosocial services. Many interlocutors throughout the country noted a similar lack of available services.



These issues have been reported to be severely compounded by ingrained cultural norms in Ukraine which lead to difficulties for those in need of help to seek help or be willing to directly address the issue.<sup>41</sup> This unwillingness further exacerbates the lack of counselling as additional resources may need to be allocated to attempt to provide support to those who are hesitant to receive it. As a result, returning soldiers turn to other coping mechanisms, including alcohol, which often exacerbates their underlying suffering. This lack of services and ability to properly reach out to de-mobilized and returning servicemen and servicewomen has a direct and disproportionate effect on men. As one NGO interlocutor told the SMM, “soldiers with physical wounds get treatment and are regarded as heroes [whereas] those with psychological needs are forgotten, and this will have consequences for the next generation”.

The absence of these services also has direct and indirect effects on women and children, who may bear the consequences of the effects of PTSD and increased alcoholism and violence in the family unit. The SMM has not yet found conclusive evidence of widespread increased domestic violence or other disruptive behaviour. However, numerous interlocutors have warned of the particular vulnerabilities of those living in close proximity to soldiers who do not receive the necessary treatment, including an increased risk of physical abuse against women and children, a loss of the earning capacity of the returned servicemen, and other related harms. Moreover, women and children family members of mobilized and de-mobilized soldiers will also need direct access to psychosocial support for issues related to PTSD of returned servicemen and servicewomen as well as to the deaths of mobilized men and women.

The SMM will continue to monitor any evidence of incidents of domestic violence and sexual and gender based violence in the homes and communities of mobilized and de-mobilized men and women, as well as the possibility of increased trafficking in human beings and prostitution in areas with active servicemen and servicewomen. While the SMM’s monitoring is as yet inconclusive in light of the difficult and sensitive nature of the subject, the SMM intends to continue to monitor and report on these issues in light of their significance.

### **3. Women’s Participation in Dialogue and Mediation Efforts**

The SMM has also engaged in dialogue facilitation efforts at the grassroots level. Women have been active in this sphere as mediators and dialogue facilitators both in civil society organizations and among local authorities. Notably, the Odessa mediation process, which followed the 2 May 2014 tragedy involving the deaths of 48 protesters, was initiated by the Odessa Regional Deputy Governor and the head of the Odessa Group of Mediators. The SMM Chief Monitor personally met with both on several occasions, offering the SMM’s support to further empower the Odessa mediation process and to help replicate this good

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<sup>41</sup> The SMM was informed that where individuals did choose to go to counselling, results were often positive, but that even in these instances it took considerable time to create a space in which de-mobilized soldiers could engage in a discussion about the potential issues they face upon returning from combat operations.

practice in other regions of Ukraine. On 24 April 2015, the SMM facilitated an activists' roundtable in Odessa to work towards reducing the risk of violence on the anniversary of the tragic events of 2 May 2014. Women are also active in leading positions in Civil Society Organizations, in particular those engaged in reconciliation and mediation initiatives between former Berkut riot police officers and victims of the Maidan demonstration and other grassroots initiative between divided communities<sup>42</sup>

Women in other regions have also been active participants in mediation and reconciliation efforts. During a visit by the OSCE Senior Adviser on Gender Issues in March 2015, a group of women Members of Parliament stated their interest in initiating dialogue with women from areas currently not under government control, and they requested the OSCE's participation in facilitating the dialogue process. At the same time, women's inclusion in reconciliation processes at the regional level has not been matched by the political decision-makers' engagement at the national level in including women in early dialogue efforts in 2014.

#### **4. Recommendations**

The SMM has found that a proactive and engaged focus on gender mainstreaming, led by the SMM's Human Dimension Unit, has positively impacted daily and weekly reporting and also led to the inclusion of gender-related issues in its thematic reporting. The SMM plans to continue to build on these activities and expand gender mainstreaming throughout its internal training and future guidance.

Accordingly, the SMM has identified a list of recommendations and priority areas, which include:

- Advocating with Ukrainian authorities to improve available sex-disaggregated figures;
- Working with international organizations such as UNHCR to get an overview of the extent of sexual violence in conflict;
- Noting the results of the thematic report on civil society, promote women's participation and leadership and the inclusion of their concerns in future SMM dialogue-facilitation efforts at the local level to assist in reconciliation throughout Ukraine;
- Continue to advocate with participating States to nominate more women with both military and civilian expertise, and both male and female gender experts to the SMM;

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<sup>42</sup> For example, the SMM has observed that women's representation is prominent in the National Association of Mediators of Ukraine, the Ukraine Mediation Centre based at the Kyiv Mohyla Academy in Kyiv, and the Dignity Space NGOs.