

## PROJECT FICHE

Title	Women's and Children Rights
Indicative budget	€14 million
Aid Method	Project approach – centralised management
DAC-code	15063 – Human Rights 42010 - Women in Development 15050 – Strengthening Civil Society

### 1. RATIONALE

#### 1.1. Strategic framework

The opportunity for TACIS to work in the area of women and children rights has only materialized with the recent change in government in Ukraine. The project falls under point 3.2.2 of the National indicative Programme 2004/2006 for Ukraine, *"to develop integrated social assistance policies and services for vulnerable groups"*. In addition, the proposed project is fully aligned with the *EU-Ukraine Action Plan* adopted on 22 February 22, 2005 in the framework of the European Neighbourhood Policy. The following precise objectives are included in Section 2.1 of the same, on Political Dialogue and Reform: (9) *Ensure equal treatment* / Continue efforts to ensure the equality of men and women in society and economic life; and (10) *Ensure respect of Children's Rights* / i. implement the recommendations by the UN Committee on the Rights of the Child of 2002; ii. Ensure full implementation of juvenile justice standards in line with relevant international standards; iii. Exchange of information on the results of the implementation of the UN and Hague Conventions on protecting the rights of the children in the EU and Ukraine.

#### 1.2. Lessons learnt

There is no precedent of direct TACIS project in the field of women's and children rights in Ukraine, from which lessons could be drawn to formulate the project. The framework provided by the "EC Toolkit on mainstreaming gender equality in EC development cooperation" (EC 2004) will anchor methodological reference in the formulation phases, as to lessons learned with similar initiatives. Three main assessments conducted respectively by UNDP, UNICEF, and the World Bank in recent years are back-stopping the situation analysis presented in this document.

#### 1.3. Complementary actions within EC program

- TACIS – *Civic Education Project* – [AP 2002]– There will be substantial cross-fertilization (on findings, needs assessments, and best practice exchange) between the activities currently implemented under the civic education project and the proposed project. Proposed project allocations should not be affected, however.
- TACIS – *Integrated Social Services* – [AP 2003] - This project already brings strong focus on the issue of preventing and reducing institutionalization of children in Ukraine, as well as in the provision of integrated social services to support families in crisis. Thus, these issues will not be covered under the proposed project.
- TACIS – *Contracting for social services* – [AP 2004] TORs pending. This project will provide further vehicle to deal with poverty issues, including for families. Women and children poverty issues will therefore not be covered under the proposed project.

- Finally, the use of other EC instruments is under consideration as a support to this sector program. This concerns particularly *TAIEX*, *Twinning*, and *UPLAC*; the selected approach is detailed in Section 4.1 below.

#### 1.4. Donor’s action and donor’s coordination

Several donors and international organizations are involved in the area of women and children rights, the most active ones being UNDP, UNICEF, and SIDA. The project team has consulted all the donors mentioned below in Table 1, which summarizes their past, current and future focus in this area. Donor’s were also invited to three whole-day participatory workshops focused on project design that were held on January 23<sup>d</sup>, 24<sup>th</sup>, and 25<sup>th</sup>, and which involved government, donors, and civil society.

The following summarizes the main observations retained from donor’s consultations:

- (1) donor’s funding in the field of women and children rights has been very limited in Ukraine;
- (2) while many small projects were implemented over time, funding lacked for a more comprehensive and sustained approach;
- (3) the scope of action required – on awareness increasing, policy and legal reform, and capacity building – is vast and will remain under-funded, even with the EU support;
- (4) good communication and coordination, as well as the involvement of UN agencies in project implementation – as envisaged under the project -- will increase coherence of purpose and help prevent overlaps across donors action;
- (5) given the scope of the EU project, however, (which conceptually amounts to a SWAP) and the fact that donor’s programming cycles are far from synchronized, some amount of flexibility should exist in the EU project design to accommodate reallocation in case of future overlaps.

*Table 1: Summary of Donor’s Involvement in Women and Children Rights Issues*

<b>Donor</b>	<b>Current and Planned Action Main Areas of Intervention</b>	<b>Key Planning or Strategy Documents</b>
<b>UNDP</b>	UNDP is the main depository of gender knowledge within donors in Ukraine. UNDP led 2 major gender assessments, and has gained more than 10 years of experience working on policy development, awareness increasing, and capacity building. Supported Ministry of Family, Sports and Youth in passing legislation on equality of rights and opportunities.	UNDAF 2006-2010
<b>UNICEF</b>	UNICEF is the lead donor on Children welfare and right. In 2005, it published, together with the Ministry for Family Youth and Sports a landmark study called: “The State of Children and Women in Ukraine”. Its main pillars of action for the future are: Policy advice and advocacy to benefit children; women and children rights; HIV-AIDS prevention for children and youth; child protection; improvement of juvenile justice system; mother and child health; empowerment of women and girls to protect themselves against HIV.	Draft Country Program Document  UNDAF 2006-2010
<b>SIDA</b>	Main donor having financed gender activities in Ukraine. Has funded most of UNDP’s activities in this field. Global gender focus for SIDA is on two central themes: “men and gender” and “mainstreaming gender in ministries”. Main SIDA priorities for the next phase of their gender program in Ukraine have not been decided yet.	
<b>ILO</b>	Had project focused on women worker’s rights in the past (1997-99). Currently working on the promotion of fundamental principles and rights in the workplace (2001-2006). Contributed to	UNDAF 2006-2010

reform of labour legislation and harmonisation of the same with European Directives. Future program will focus on the following themes: child-labour prevention; labour equality and equal access to opportunities; labour and representation rights of vulnerable groups.

<b>IMO</b>	Protection of victims of trafficking (mostly women and children); health care access for itinerant population groups.	UNDAF 2006-2010
<b>World Bank</b>	A Gender Assessment was conducted in 2003 – On-going projects in health and education accrue benefits to women and children, but operations have not targeted issues of gender directly.	Country Assistance Strategy (CAS) and CAS up-date
<b>Council of Europe</b>	Has been and is planning to be involved in issues of approximation of Ukrainian legislation with European Human Rights standards; protection and promotion of human rights; trafficking in human beings; culture and education.	Action Plan for Cooperation with Ukraine -- 2005
<b>OSCE</b>	Currently fund-raising for project on violence against women	
<b>USAID</b>	Does not fund directly gender activities in Ukraine, but has been very proactive in mainstreaming gender into programs and projects that they fund (gender team composition is part of contract compliance)	

## 2. COUNTRY (OR REGIONAL) CONTEXT

### 2.1. Cooperation related policy of beneficiary country

Promotion of equality of rights and opportunities between women and men and promotion of children rights are at the core of the European values, and are enshrined into a number of formal commitments.<sup>1</sup> Ukraine has signed most international agreements in this area, which are also supported by the EU and ratified by all Member States. This set of conventions and treaties constitutes the framework of reference for any future work on women and children rights between the EU and Ukraine and will provide direction to any legislative approximation work, as well as to enforcement efforts. Major studies and surveys led by other donors in the past ten years as well as a number of small-size projects have developed a solid basis of knowledge on existing gaps.

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- The principle of gender equality is affirmed in the EC Treaty (Article 2 and 3.2) as well as in the Charter of Fundamental Rights of the European Union (2000);
- Children's rights are covered in Article 24 of the Charter of Fundamental Rights of the European Union, and include right to education, equality and non discrimination, prohibition of child labour and protection of working youth.
- Promotion of Women and Children Rights are also the object of numerous policy statements and commitments on the part of the European Union, such as:
  - The EU Guidelines on Children and Armed Conflict; Council, 2003
  - the Brussels Declaration on Preventing and Combating Trafficking in Human Beings, 2002.
- The TACIS program received a clear mandate to contribute to "the promotion of equal opportunities for women", in its founding document (the Council Regulation (EC, Euratom) No. 99/2000 of 29 September 1999).

*Table 2: International Obligations and Commitments of Ukraine and EU*

<b>Children's Rights</b>	<b>Ukraine</b>	<b>EU Member Countries</b>
- Convention on the Rights of Children (CRC -1991) – First Report submitted by Ukraine in 1993, second in 2002	Yes	Yes
- Optional Protocols to the CRC (1. Children in Armed Conflict; and 2. Sale of children, child prostitution and child pornography)	Yes	Yes
- UN General Assembly Special Session on Children's Rights (UNGASS) of May 2002 and its Plan of Action "A World fit for Children"	Yes	Yes
- Millennium Declaration and Millennium Development Goals (2000) – Goal 1: Poverty reduction; Goal 4: Improved maternal health and reduced child mortality.	Yes	Yes
<b>Women's Rights</b>		
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW--1979)	Yes	Yes
Beijing Platform for Action (PFA --1995)	Yes	Yes
Declaration of the Millennium Development Goals (2000) – Goal 1: Poverty reduction; Goal 4: Improved maternal health and reduced child mortality; and Goal 6: Gender equality.	Yes	Yes

As mentioned in Section 1, the policy dialogue between Ukraine and the EU is anchored in the Partnership and Cooperation Agreement (PCA) signed in 1994 (in force since 1998). The PCA provisions have been supplemented early 2005 by an EU-Ukrainian Action Plan (ENP AP) within the framework of the European Neighbourhood Policy). The ENP AP is aiming at establishing an increasingly close relationship between EU and Ukraine, involving gradual economic integration and a deepening of political co-operation. The ENP AP has established clear objectives in the field of women and children rights, which are being monitored under the Action Plan Implementation tool. Since the proposed project is solidly anchored in the stated objectives of the ENP AP, the monitoring instrument and periodic reporting which is in place already will offer a convenient platform for review and evaluation.

## **2.2. Sector context**

### Children Rights: An Enforcement Gap rather than a Legal Gap

Children rights already receive strong protection under the Constitution and the Law of Ukraine. The Constitution of Ukraine, adopted in 1996, incorporates in its Art 52 the main provisions of the *UN Convention on Children Rights* which Ukraine ratified in 1991. The *Law of Ukraine on Protection of Childhood* (1991) as well as the *Family Code of Ukraine* (2002), provided considerable strengthening of legal protection of children rights. A study commissioned by UNICEF and the Ministry of Family,

Youth and Sports in Ukraine concluded in 2005 that the body of Ukrainian legislation is in fact largely in compliance with the provisions of the UN Convention on Children Rights.<sup>2</sup>

On the other hand, considerable gaps in the *implementation* of Ukraine's commitments under the *UN Convention on the Rights of Children* have been documented, as part of the periodic reporting process planned under the Convention, in 1993 and in 2002. A number of more specialized assessments, led by NGOs, have also been produced, and UNICEF provides regular monitoring. The main gaps concern the rights of children in vulnerable situations, handicapped children, orphan children, children deprived of parental care, children raised in institutions, children living with HIV-AIDS, homeless and refugee children, as well as children in trouble with the Law. For these children, there is evidence of wide-spread *de facto* discriminatory practices in particular in what concerns access to education and health, access to the protection of the Law, and protection of property rights. In the absence of effective monitoring and evaluation systems within Government programs as well as of dedicated institutions and enforcement mechanisms to support the advancement of children rights, these gaps are difficult to document in practice. The main specific gap identified and targeted by the ENP AP concerns the absence of a juvenile justice system in Ukraine. This consideration, as well as the Government's clear intention to address this gap within the next four years, led to the selection of this area as one of the main focus of project intervention.

#### Gender: From Main Issues to Selection of Project Focus

Gender gaps are well documented in Ukraine at this stage. Several comprehensive gender assessments have taken place over the past ten years, which have diagnosed and quantified – where feasible -- the main challenges<sup>3</sup>. *Annex I* summarizes some of the most striking facts and numbers brought to light by gender analysis conducted in Ukraine in the past 5 years. It is important to note that a number of areas (health, poverty, and women in politics) have not been selected for action under the project, mostly because other vehicles, either under TACIS or led by other donor's were already in place.

To complement the initial stock-taking, three consultative one-day workshops were run during the formulation phase. They involved officials, civil society and private sector representatives, as well as donors and focused on the following issues: (1) gender and education; (2) gender culture; and (3) economic empowerment of women. The contributions of the participative workshops focused on issue identification and on proposed solutions and were taken on board in the formulation of the project components and activities.

#### Summary of Main Issues Underpinning Project Design Choices:

Consultations with public officials, representatives of civil society, as well with other donors, confirmed that the issue of gender balance and women rights is linked in many ways with that of children rights and protection. The idea of extending the initial project concept -- gender mainstreaming -- to the broader concept of women and children rights encountered wide-spread support, when put to consultation.

The following table summarizes the main set of issues in women and children rights which have been identified as important and urgent priorities and have been retained for consideration under the project. They underpin the selection of objectives, components, and activities proposed in Section 3 of this document.

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<sup>2</sup> "The State of Children and women in Ukraine – Situation Analysis: 1991-2003", UNICEF, The Ministry of Ukraine for Family, Youth and Sports; The State Institute for Family and Youth; 2005 (127 p.)

<sup>3</sup> The main comprehensive gender assessments produced to date are, chronologically, the following: a/ UNDP, Gender Analysis of Ukrainian Society, Kyiv 1999, 287 p.; b/ World Bank, Ukraine – Gender Review, 2002, 58 p.; c/ UNDP, Gender Issues in Ukraine – Challenges and Opportunities, Kyiv 2003, 87 p; d/ The National Concept of Gender Transformation in Ukraine under finalization by MAFYS includes a detailed stock-taking of gender challenges in Ukraine, 2005; e/ The State of Children and women in Ukraine – Situation Analysis: 1991-2003, UNICEF, The Ministry of Ukraine for Family, Youth and Sports; The State Institute for Family and Youth; 2005 (127 p.). Many large scale statistical surveys have been conducted by public institutions, and a number of specific sub-issues (domestic violence, legal rights of women) have also been thoroughly investigated by NGOs.

*Table 3: Summary of main issues identified which will be targeted by the project*

<b>Topic</b>	<b>Main issues identified</b>
<b>Knowledge, legal, and implementation gaps</b>	<ul style="list-style-type: none"> <li>- Residual legal and regulatory discrepancies between Ukraine current framework and its international engagements in the area of women and children rights;</li> <li>- Existence of a large implementation and enforcement gap of current legal standards</li> <li>- Insufficient capacity in public administrations (central, regional, and local) to implement the challenging changes promoted by the new Action Plans (Gender Transformation and Children Rights)</li> <li>- Insufficient exposure of decision makers to international best practices and European approaches on gender equality, children rights, and juvenile justice;</li> </ul>
<b>Education</b>	<ul style="list-style-type: none"> <li>- Evidence exists of gender bias in educational manuals, teacher's behaviours, program design, and choices of career orientation;</li> <li>- Insufficient exposure to gender issues of key education sector decision-makers and managers; resistance to introduction of gender training is wide-spread;</li> <li>- Need to support and strengthen the capacity of the Ministry address gender issues;</li> <li>- Programs in gender training implemented with the support of international agencies at the national level lacked sustainability;</li> <li>- Sharp gender unbalance in access to decision-making positions in the educational system, in spite of the large basis of female staff in the sector.</li> <li>- Insufficient availability of skills, training, and professionals in the field of gender;</li> </ul>
<b>Economic empowerment of women</b>	<ul style="list-style-type: none"> <li>- High salary differential between men and women (about 30% in average), in spite of high educational and activity levels for women;</li> <li>- Hidden as well as open discrimination in job selection processes and at during employment; while sex discrimination is prohibited by law, there is no enforcement;</li> <li>- "glass-ceiling" resulting in under-representation of women in decision-making, and management; severe under-representation of women in politics, except at the local level; women tend to internalize the constraint and self-select out of promotions path.</li> <li>- Gender discrimination remains wide-spread and un-challenged in advertisement, media coverage, career management, and vocational decisions / orientation;</li> <li>- Absence of any sort of data on sexual harassment in the work place; the topic remains off-limits even in gender supportive circles; high incidence suspected.</li> <li>- Two thirds of the women who find jobs via the State employment centres after unemployment, do so at the lowest possible level.</li> </ul>
<b>Gender Culture</b>	<ul style="list-style-type: none"> <li>- Evidence of wide-spread stereotyping in daily life, media, educational support material, recruitment and management practices;</li> </ul>

- Active but limited civil society network to support the advancement of gender issues and to advocate women and children rights.

- Limited capacity in civil society and particularly among government officials at all levels to deal with gender issues.

### **Violence against women and children**

- Knowledge gap (under-reporting, lack of detailed statistics, secrecy)

- Evidence of high incidence of family violence touching mostly women and children and generating high social and economic cost for society;

- Persistence of legal gaps in spite of Law on Domestic Violence (2002);

- Insufficient enforcement mechanisms and insufficient cross-sectoral coordination of enforcement (legal, health, police, justice);

- Existence of perception and training gap for all professionals involved

- Support programs (shelters, centres, rehabilitation options) virtually non-existent (for both men and women);

### **Protection of children rights & status of juvenile justice system**

- there is no juvenile justice system in Ukraine, in spite of the fact that the Law "On the Judicial system" provides the basis for it; similarly, no specialized assistance (lawyers, social workers, probation officers, etc) is available to children;

- regulatory instruments translating legal commitments into action are still missing;

-lack of proper statistical knowledge and monitoring capacity for juvenile delinquency and for children in need for legal protection;

- 145,000 children are registered with the Juvenile Services (children who are homeless, begging, vagrant, substance users, or juvenile delinquents); about 20,000 get sentenced for crime every year (21,806 in 2004); most of those did not have legal support during investigation or court proceedings

- violations of children's rights in institutions and juvenile prisons continue to be wide-spread

- police and court activities do not include extending law protection or fostering rehabilitation.

### Assessment of Sector Approach: Gender

Article 24 of the Ukrainian Constitution guarantees equal rights for women and men, as well as the right for women to combine work and motherhood. In addition, Ukraine has signed all major international conventions on Women and Children Rights. A large enforcement gap, however, remains between legal and constitutional commitments and daily life of women and children. Since January 2005, the new Government of Ukraine has brought into increased focus this discrepancy. In particular, the new Government of Ukraine has shown clear commitment to bring gender issues into focus; within the past year, the following key documents have been developed:

- A new Law "On the Provision of Equal Rights of Women and Men and Equal Opportunities to Exercise Them" has recently been passed by the Verkhovna Rada and signed by the President;
- A Presidential decree (#1135) has been adopted on July 26<sup>th</sup> 2005 "On improving central and local governments' performance in promoting equal rights and opportunities for women and men";

- A national gender strategy, the *National Concept for Gender Transformation in Ukraine*, is currently being finalized by the Ministry for the Affairs of Family, Youth and Sport (MAFYS), which is responsible within the Government for the coordination of gender issues;
- A *National Action Plan (2006-2015)* for the advancement of gender equality in the Ukrainian society is under development within MAFYS;

#### Assessment of Sector Approach: Children's Rights

The Ministry of Family, Youth and Sports is responsible for coordinating the activities of all central executive bodies around the issue of children protection, welfare, and rights. In the past year, a new level of government focus and activity on issues concerning children rights and welfare has been observed in Ukraine. The following key documents have been developed:

- A draft “*National Action Plan on the implementation of the Convention on Children Rights*” has been prepared by the Ministry of Family, Sports and Youth to cover the period 2006-2010. It includes a detailed list of actions, clear attribution of implementation responsibilities across government agencies, and monitoring provisions. It sets clear targets for the implementation of a juvenile justice system.
- A presidential decree 1086/2005 was issued at the end of 2005 “*On priority actions for the protection of children rights*”. There is a particular focus on orphan children and children deprived from parental care.
- A Law amending the Family Code was adopted by the Verhovna Rada on January 12<sup>th</sup>, 2006. This law mandates the Cabinet of Ministers to set up a governmental institution as the central executive agency responsible for both adoption and children rights protection.
- A Presidential Decree (1873/2005) recently designated year 2006 as the year of “*Proclaiming and Enforcing Children Rights Protection in Ukraine*”.

### **3. DESCRIPTION**

A number of key underlying principles were retained to guide the design of the program and the arbitrages in selection of components and initial funding allocation. They are exposed below:

- The need to provide direct support to Government's on-going efforts to bring about change
- The need to institutionalize approaches to rise to the implementation challenges
- The importance of awareness-raising and broad-based capacity building efforts to create the critical mass of support necessary to long-term sustainability
- The importance of providing access to international experience to support the drive for change
- The efficacy of advocacy approaches and persuasion, by contrast with strict enforcement
- The key role of partnerships with civil society to advance results

#### **3.1. Objectives**

##### **Overall Objective:**

Support the Government's and civil society's efforts to advance the status of women and children rights, in line with Ukraine international, constitutional and legal commitments, and within the framework of Government's Action Plans.<sup>4</sup>

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<sup>4</sup> To assist the Ukrainian Ministry of Youth, Family and Sports Affairs (focal point), all other relevant Ministries and institutions, regional and local administration and civil society organizations, to effectively implement key provisions of its *National Strategy for Gender Transformation in Ukraine* and its *National Action Plan on Convention on Children Rights Realization*.

### **Specific Objectives:**

1. Support relevant Government agencies' and regional/local administrations capacity's to implement current Action Plans; provide targeted support to civil society organizations
2. Promote education without gender bias
3. Increase women's empowerment in the work place
4. Changing gender stereotypes across society
5. Improve society awareness of and response to violence against women and children.
6. Improve protection of children rights and establishment of an effective juvenile justice system
7. Conserve flexibility to focus on evolving government concerns, as dialogue matures

### **3.2. Components, Expected Results and Main Activities**

#### **Component 1: Support the Government and Civil Society in targeting knowledge, legal, and implementation gaps**

##### **Expected Results:**

Institutional mechanisms and human capacity to implement Government's key women and children rights action plans improved; strengthened civil society organizations.

##### **Main activities:**

**Activity 1:** International review of Government national gender implementation mechanisms

**Activity 2:** Support to key Ministries in Gender strategy development and gender mainstreaming

**Activity 3:** Cross-cutting technical assistance to government agencies

**Activity 4:** Establish and run a small grant program targeting civil society organizations (functions targeted: networking, knowledge sharing, dissemination, awareness increasing, capacity building, all relating to issues of women and children rights)

#### **Component 2: Education without bias**

##### **Expected Results:**

Increased capacity to deal constructively with gender biases across education system; improved gender balance of programs, textbooks, curricula, and management.

##### **Main activities:**

**Activity 1:** Stock-taking of existing analysis, system-wide diagnostic of gender biases in education, and identification of main entry-points for mainstreaming

**Activity 2:** Design and implement a capacity building program targeting teachers, education administrators and state officials, and students

**Activity 3:** Support to the introduction of gender studies as a compulsory step in teacher's training

**Activity 4:** Program to overcome gender unbalance in management of educational institutions

#### **Component 3: Economic Empowerment of Women**

##### **Expected Results:**

Reduced invisible discrimination in the workplace; increased awareness about and response to sexual harassment situations; reduced levels of discrimination in advertisement and employment practices; increased awareness of women of their potential as leaders

##### **Main activities:**

**Activity 1:** Develop capacity to enforce equality of rights and opportunity in the work place

**Activity 2:** Program to Fight Sexual harassment

**Activity 3:** Eradicate gender discrimination in job advertisement and employment procedures

**Activity 4:** Large scale leadership training for women leaders and potential leader

## **Component 4: Gender Culture**

### **Expected Results:**

Increased awareness about the definition and social cost of gender stereotypes; active network of trainers, advocates and role models established; improved availability of information, messages, and media supports for sustaining campaign against stereotypes.

### **Main activities:**

**Activity 1:** Build a broad-based partnership against stereotyping

**Activity 2:** Training of trainers program and delivery of gender mainstreaming

**Activity 3:** Deploy a range of Ad Hoc Activities to help change gender culture

## **Component 5: Violence against Women and Children**

### **Expected Results:**

Implementation gap reduced and response capacity improved; awareness increased across society; support systems to victims and perpetrators improved.

### **Main activities:**

**Activity 1:** Comprehensive review of legal and administrative environment (Law on prevention of domestic violence, Criminal Code, Criminal procedure Code, Housing Code, etc) as well as of enforcement mechanism.

**Activity 2:** Establish network for violence prevention and victims support (police officers, forensic doctors, prosecutors and judges, relevant NGOs); organize cross-cutting capacity building events and dissemination.

**Activity 3:** Capacity building with front-line district police officers, medical profession, judges, teachers, and public officials (at the oblast and local level)

**Activity 4:** Piloting support centres for women

**Activity 5:** Piloting training and resource centres for men with a history of violence

## **Component 6: Protection of Children Rights and Establishment of Juvenile Justice System**

### **Expected Results:**

Government children protection systems and effectiveness improved; juvenile justice system launched; capacity improved across system.

### **Main activities:**

**Activity 1:** Review & disseminate international best practices in juvenile justice systems

**Activity 2:** Support Ministries in up-grading tools, systems and capacity to implement the Law

**Activity 3:** Support the piloting, equipment, and establishment of the first juvenile courts, as mandated by the Law (subject to further feasibility assessment)

**Activity 4:** Capacity building towards implementation of juvenile justice system

**Activity 5:** Extend support to civil society organizations active on promotion of children rights.

## **Component 7: Blank Component**

### **Expected Results:**

Ability to respond effectively to further needs

### **Main activities:**

**Activities unplanned – Intended to maintain flexibility to focus on additional government priorities, as dialogue develops.**

### **3.3. Stakeholders**

#### **Main beneficiaries:**

The main direct beneficiaries targeted by the project would be women and children of Ukraine, with particular emphasis on the most vulnerable sub-groups among them. As demonstrated by the body of

analysis in gender and development, men would also benefit from improved gender balance in society, as would the overall growth and development objectives of the country. Intermediary beneficiaries would be civil society organizations involved in promoting women and children rights, as well as government institutions and international agencies tasked with the mission of enhancing equality of rights and opportunities in Ukraine.

**Main findings from consultation:**

The proceedings and main findings of the consultative workshops that were conducted during the formulation phase are available from the project file upon request. The same observation applies to the minutes of the inter-ministerial meetings which were held during the identification phase. The main findings of these essential consultations steps have been reflected at several levels of project formulation, and in particular in order: (1) to further issue analysis and needs assessment; (2) to select the main principles under-pinning project design; and (3) to inform the choice of components and the selection of activities.

**Assessment of ownership:**

Government’s ownership of the women and children rights agenda is appropriately demonstrated by the high level of legislative, regulatory, and strategic activity which has taken place in the past year, as evidenced in Section 2.2 above. Further test of ownership will require focusing on implementation gaps and undertaking the required budgetary commitments. Civil society commitment to both agendas runs high, though access to financial resources, gender expertise, and effective advocacy skills are still scarce. Developing awareness, ownership and capacity across relevant groups for greater sustainability is a core goal and a central strategy of the proposed project.

**Assessment of institutional capacity:**

Capacity limitations in the area of the enforcement of women and children rights are still considerable in Ukraine. The main ones identified by our consultation process are: (1) absence of wide-spread knowledge and awareness on gender issues; (2) skills limitations in the field of gender expertise in the society at large; (3) limitations of available funding for improving the real status of women and children rights, including from national budget; and (4) persistence of wide-spread stereotypes. A good foundation for further work exists however, with highly motivated and active organizations, both in Kyiv and in the regions.

**3.4. Risks and assumptions**

The main risks identified at this time are explained below, together with suggested mitigation mechanisms.

Main risks identified	Level of Risk	Mitigation mechanism
Imminent parliamentary elections in Ukraine may affect current government’s commitment to key policy directions on women and children rights, or delay the adoption of the key policy documents which have been drafted.	Medium	Mitigating factors exist which include: (1) Ukraine’s commitment to relevant international conventions; (2) the existence of new legal provisions in several recent laws of Ukraine; (3) ENP AP commitments undertaken by Ukraine and subject to monitoring.
As the Ukraine-EU policy dialogue is very recent in this area, there is a high probability that unforeseen Government requests	Medium	The project design includes a Euros 1 million blank component in order to allow flexible responses to develop.

might materialize in the near future.

Government budgetary commitment to the enforcement of women and children rights agenda has not yet materialized. Long-term sustainability may be compromised if this situation continues.

Medium

The project places important emphasis on awareness raising and capacity building of all stakeholders; components and activities have been pre-selected to deliver most of their targeted value within the project time-frame.

Given the cross-sectoral nature of the project, Government ownership of project components will need to be sustained across a number of ministries; commitment reversal may happen during later stages of project preparation (TORs drafting) for some of the proposed components/activities

Medium

The project should keep some flexibility to change the relative emphasis across the various components proposed (and implied financial allocations), should such risk materialize.

Civil society organizations have played and continue to play a major role in influencing the policy agenda on women and children rights in Ukraine; on the other hand, their capacity is very constrained by under-funding.

High

The project is envisaging to extend small grants to civil society organization, most likely via an implementation contract with a UN agency. Conditions of eligibility would closely reflect projects objectives and components.

### 3.5. Conditionalities

*None*

### 3.6. Crosscutting issues

Development/crosscutting objectives	Directly targeted objective	Significant indirect impact
Poverty reduction		X
Good Governance		X
Democracy, Human rights	X	
Integration in world economy		
Environment		
Gender	X	
Conflict resolution/Peace building		X

## 4. IMPLEMENTATION ISSUES

### 4.1. Implementation method

The project will be implemented via centralized management by the EC Delegation in Kiev; it is envisaged that a small number of grants to eligible organizations (UN Agencies and Council of Europe) as well as service contracts will be established. The exact break-down of grants/services contracts will be determined later, based on detailed activity definition during the drafting of terms of

reference, and further capacity assessment of the delivery organizations considered. A small grant facility to civil society organizations will also be available under the project, most likely via the implementation role of a UN agency.

Section 3.4 on Risks and Assumptions above has already underlined the areas where flexibility with project design will be required. The following considerations are also critical as they may affect the ultimate selection and design of components and activities to be implemented under the project:

- The project team will explore the *possibility of furthering the legislative and regulatory achievements targeted by the project by working within UPLAC*; initial assessments of legal and regulatory gaps will be conducted under the project to determine the need for such work; the close alignment of the project objectives with the targets of the ENP AP should facilitate this approach;
- Similarly, the project will *explore the potential roles of TAIEX and Twinning* arrangements in relaying the substantial capacity building objectives selected; adjustments will be made to project design and to planned funding allocations, as needed;
- Given the large relative size of the project compared to other donor’s programs, *there will be a de facto responsibility of the project team to dynamically secure donor’s coordination*. The goal will be to maximize synergies and avoid overlaps. It will therefore be necessary -- particularly during the early phase of project preparation leading to the drafting of the terms of reference -- to demonstrate substantial flexibility with respect to programming decisions of other donors which in many cases are yet to come. This might include the need to refocus or adapt some components, as needed; this caveat mostly concerns the respective programs of UNDP, UNICEF and SIDA.
- One or several steering committee(s) will be set up to monitor project implementation, which should include all relevant ministries and local/regional administrations, key donors, and representative civil society organizations.

**4.2. Calendar and budget**

**Calendar:** It is envisaged that the project will be implemented over a period of 36 months.

**Costing:** Detailed bottom-up costing of activities is not available yet, and will require further definition of planned activities to be finalized. The budget break-down presented below are therefore tentative and based on estimates that incorporate the substantial project experience of TACIS in the field of social sector.

Component	Estimated Proportion of Budget	Percentage equipment/supply envisaged
Targeting gaps (knowledge, legal, implementation)	10%	TBD
Education	10%	TBD
Economic Empowerment of Women	15%	TBD
Gender Culture	10%	5%
Domestic Violence	20%	30%

<b>Juvenile Justice</b>	<b>25%</b>	<b>30%</b>
<b>Blank Component</b>	<b>10%</b>	<b>Could be up to 50%</b>

**Finalization of Activities:** The project team, assisted by a consultant is currently working on sub-activity selection and on bottom-up costing of the same. A preliminary table summarizing work in progress on the selection of sub-activities is attached in a separate file as Annex IV.

#### **4.3. Procurement and award of grants procedures**

All contracts implementing the financing agreement must be awarded and implemented in accordance with the procedures and standard documents laid down and published by the Commission for the implementation of external operations, in force at the time of the launch of the procedure in question.

All programme estimates must respect the procedures and standard documents laid down by the Commission, in force at the time of the adoption of the programme estimates in question.

#### **4.4. Performance monitoring**

The performance monitoring approach for the project has not been finalized yet. However, the performance monitoring plan will obey the following principles:

- The ENP-AP Implementation Tool will provide a high-visibility platform for the monitoring of those of the project objectives which are anchored in the ENP AP as explicit targets.
- The relevant parts of the national Action Plans (on Gender Transformation and on Children Rights), which include targets and indicators will be a primary source for the performance monitoring approach.
- Existing reporting mechanisms, such as the periodic UNICEF reporting or periodic reporting on UN Conventions commitments will be integrated.
- Where quantifiable information exists (national statistics) or can be generated (i.e. Base-line study on sexual harassment proposed by the project), they will be the bases of period monitoring requirements
- Where capacity building and training is concerned, number of training days and trainees reached, post-training evaluation, and ex-post qualitative evaluations of absorption will be relied on.
- In addition, the project will be monitored according to standard procedures, based on periodic assessment of progress and delivery of specified project results.
- A steering committee will be established at the onset of the project, which will involve all government entities involved in implementation, main donors, as well as representatives of civil society, in order to monitor and assess project implementation.
- Specific monitoring indicators will be decided upon at the time of TORs preparation, and will be confirmed, together with a quantified base-line wherever possible, during the inception phase of contracts/grants implementation.

#### **4.5. Evaluation and audit**

The project will follow standard procedures for evaluation and audit.