

UKRAINE

CESCR E/1987/28

86. The second periodic report (E/1986/4/Add.5) of the Ukrainian Soviet Socialist Republic on the rights covered in articles 10 to 12 of the Covenant was considered by the Committee at its 9th to 11th meetings (E/C.12/1987/SR.9-11), held on 13 and 16 March 1987.

87. The report was introduced by the representative of the State party. He provided further information and informed the Committee about new legislation which had been adopted since the submission of the report. With reference to the new legislation, the representative indicated, inter alia, that the provision of the additional three days' paid leave for working mothers with two or more children under the age of 12, mentioned in the report (E/1986/4/Add.5, para. 12), had been extended, in November 1985, to single working fathers in the same situation. In 1986 and 1987 the Presidium of the Supreme Soviet of the Ukrainian SSR had adopted a number of decrees establishing, inter alia: (a) the minimum alimony for one child; (b) the increase in the family allowances to be paid for children of fathers performing national service with the armed forces; (c) the provision for children of low-income, single-parent families of free school, sports and young pioneer uniforms, free school lunches and free vacations in holiday resorts; and (d) the increases in disability benefits for young persons who had been invalid from birth.

88. The attention of the Committee was also drawn to the consideration by the Supreme Soviet of the Ukrainian SSR of a series of new laws concerning, in particular, the issues of education, environmental protection and entitlement to paid leave. The representative informed the Committee about various aspects of national policy and gave additional statistical data on the growth of national income; the average monthly pay for manual and non-manual workers as well as for collective farm workers; the progress made in the provision to the population of new apartments and houses; and the construction of new schools, hospitals and polyclinics.

89. As for a number of difficulties which had been encountered despite the progress achieved, mention was made of those existing in the sphere of housing construction, medical coverage for people living in rural areas; and environmental protection.

General observations

90. The Committee commended the Government on the report and expressed their appreciation for the excellent and frank oral presentation by the representative of the State party. Members noted that the State party had complied with the deadline for submission of its report and with the reporting guidelines, and that much progress had been made in securing implementation of the relevant rights since the submission of the initial report (E/1980/6/Add.24).

91. It was observed that no mention was made, either in the second periodic report or in the initial report of how the Government had regulated observance of the provisions of the Covenant through its own internal legislation. Members of the Committee expressed their wish to have more information on what kind of body - public authority, trade unions or independent - was actually

responsible for ensuring that the relevant rights were respected. It was observed that the second report lacked information concerning the adverse impact of economic development or the systemic or structural shortcomings which impeded the realization in the Ukrainian SSR of the rights enunciated in the Covenant. It was suggested that, although the representative of the State party had provided relevant information in his oral statement it would be preferable in the future for such information to be included in the report itself.

92. Questions were also asked concerning the role of law in the realization of economic, social and cultural rights in the Ukrainian SSR. It was asked whether there were any institutional arrangements, including provisions for judicial review, which enabled citizens to ensure that their constitutional rights were not violated and, if they were violated, to seek legal remedies. Clarification was requested as to the role of case law in the recognition and protection of economic, social and cultural rights. Information was requested regarding the federal and republican legislation and their co-relationship and, in particular, as to how legislative competence in the fields of social security and labour was divided between the Soviet Union and the Ukrainian SSR.

93. The representative of the Ukrainian Soviet Socialist Republic gave detailed responses to all the questions and provided the Committee with additional information. Replying to the general questions, and with particular reference to the important concept of an “adequate standard of living”, he said that the objective set out in his country’s Constitution was essentially to meet the basic needs of the individual, which were not necessarily immutable, bearing in mind the evolution of society, scientific progress and rises in educational and cultural levels.

94. Regarding the decision-making machinery for the application of the rights set out in the Covenant, the political system was dynamic, and all social organizations in the Republic had the right to take initiatives in the field of legislation. As a part of the current democratization effort, new social organizations had been set up to represent various interest groups, particularly women.

95. With reference to the division of competence between the Soviet Union and the Union republics in the legislative field, the representative mentioned article 73 of the Constitution of the USSR, which stipulated the fields of competence of the USSR. Outside the limits indicated in that article, a Union republic acted with full independence in the exercise of State authority over its territory. Consequently, legislation could be of three kinds: first, legislation relating solely to the Union, as for example in the field of social security and public health; second, legislation within the joint competence of the State and the republics, where the fundamental principles were established by the State and each republic was free to adapt the legislation to its own traditions or living conditions, on the understanding that, in the event of any divergence, the decision of the State had precedence over that of the republic; third, legislation falling solely within the responsibility of each republic. Consequently, norms were not all the same for every republic, but were established in accordance with traditions and customs.

96. In response to the question concerning protection of the rights set out in articles 10 to 12 of the Covenant by institutions other than the courts, mention was made of the competence of the administration of enterprises and establishments, administrative bodies and trade unions in that area, and to the right of the individual to lodge complaints with the Public Prosecutor for any illegal act,

of which he had been a victim, committed by a superior.

97. Concerning inclusion in the report of the information presented orally, it was said that if the Committee adopted a recommendation on that subject, account would be taken of it when the next periodic report was being prepared.

Article 10: Protection of the family, mothers and children

98. With respect to the implementation of article 10, members requested more information as to the scope of the application of the laws concerning fathers raising their children alone: on the legal status of unmarried couples living together and especially the rights of their children; and on the allowances paid by the State to a single mother. With respect to alimony, it was suggested that additional measures might be needed to obtain the money from the father. Questions were also asked on the attribution of nationality to the children born of mixed marriages.

99. It was further asked whether a family planning scheme had been established and what was the present rate of population growth and its effects on the enjoyment of economic, social and cultural rights.

100. With respect to the differences in marriageable age for women (17) and men (18), mentioned in the initial report, it was asked whether the legislation on the subject had been modified and whether the Government regarded the age difference as a possible source of discrimination, in the light of the provisions of article 2, paragraph 2, and article 3 of the Covenant.

101. Replying to specific questions, the representative cited the social and material steps taken by the State to encourage child-bearing, from which 110,000 women had benefited, as well as leave for single fathers. The decision concerning marriageable age had been taken in the light of historic traditions and the actual situation, and there was no question of any discrimination whatsoever.

Article 11: Right to an adequate standard of living

102. Clarification was requested regarding the daily per capita intake of calories and, in view of the frankness and openness of the discussion of economic problems in the Soviet Union, a wish was expressed to have more information on the consumption of alcohol in the Ukrainian SSR and the measures which were being taken to combat a level of alcohol consumption considered excessive by the authorities.

103. Noting that, in November 1986, a law on individual labour activities had been adopted, members of the Committee were interested in having information as to what steps had already been taken to implement that law and how the law was expected to affect the standard of living.

104. Questions were also asked concerning housing and difficulties encountered with respect to the continuous improvement of living conditions. In that context, reference was made to the decision of the General Assembly to proclaim 1987, through its resolution 37/221 of 20 December 1982, as International Year of Shelter for the Homeless, and it was asked whether there were homeless people

in the Ukrainian SSR and whether the right to housing was fully realized in keeping with the objectives of the Year.

105. The representative of the Ukrainian SSR provided further information on the housing situation, pointing out that State housing was provided free of charge, and that rents did not exceed a third of the real maintenance costs incurred by the State. There were no homeless in the Ukraine.

106. As far as purchasing power was concerned, it was indicated that the prices of the main foodstuffs and consumer goods had remained more or less stable since 1960. In that context, the representative said that measures taken to combat alcoholism had already borne fruit: in 1986 alcohol consumption had fallen by a third.

107. The law on individual labour which would enter into force on 1 May 1987 had been adopted, among other reasons, to enable working people to increase their incomes.

Article 12: Right to physical and mental health

108. Referring to the implementation of article 12 of the Covenant and noting the progress made by the Ukrainian SSR since the submission of the initial report, members of the Committee expressed their wish to have more information concerning "social consumption funds" which provided the population with free medical care, education and other benefits, on the structure of the birth rate, and on legislation relating to contraception and abortion.

109. Members were also interested in more detailed information concerning the risks associated with the peaceful use of atomic energy and the preventive measures being taken by the Ukrainian SSR in the light of the Chernobyl accident and the information which it provided to the population on the subject. It was asked what legal and administrative means existed in the Ukrainian SSR to secure healthy working conditions and if there were any sanctions in case of occupational diseases caused by neglect or lack of proper working conditions. Members of the Committee also requested more information on how the Comprehensive Programme of Work to Increase Disease Prevention and Strengthen the Health of the Population for the period 1985-1990 was being applied in the Ukrainian SSR.

110. The representative of the Ukrainian SSR enumerated the measures taken after the Chernobyl accident to minimize the impact of radiation and reduce it to a level in keeping with WHO and IAEA standards and to inform the population about it.

111. Legal guarantees in the field of labour security had been described at three levels in the legislation of the Republic.

112. Turning to the social consumption funds and the implementation of economic and social development plans, it was stated that 390 billion roubles had been earmarked for social expenditure under the current five-year plan, more than double the figure under the previous plan.

113. Finally, the representative of the Ukrainian SSR pointed out that his Government was making

every effort to ensure the fullest possible implementation of the provisions of the Covenant and he assured the members of his country's complete co-operation in helping to achieve that end.

114. In concluding the consideration of the report, the Chairman thanked the representative of the State party for having co-operated with the Committee in a spirit of constructive dialogue and with the common objective of implementing the rights recognized in the Covenant.

CESCR E/1996/22

248. The Committee considered the third periodic report of Ukraine on articles 1 to 15 of the Covenant (E/1994/104/Add.4) at its 42nd, 44th and 45th meetings on 28 and 29 November 1995 and, at its 57th meeting on 7 December 1995, adopted the following concluding observations.

A. Introduction

249. The Committee welcomes the third periodic report submitted by Ukraine, the first to be considered by the Committee since the State party achieved independence in 1991. The Committee notes with satisfaction that the report complies with its revised general guidelines for the preparation of reports and was well complemented by the written answers presented in response to the Committee's list of issues. It further takes note of the detailed oral answers to its questions by the delegation headed by the Minister of Labour of Ukraine. The Committee expresses its appreciation for the frank responses and willingness of the State party to provide additional information as requested by the Committee.

B. Positive aspects

250. The Committee welcomes the legislation passed in recent years, including the Ukrainian Act on State Succession, the Act on the Effect of International Agreements on Ukrainian Territory, the Declaration on the Rights of Nationalities of the Ukraine, all adopted in 1991, and the Act on Ukraine's International Treaties of 1993. According to these laws, the international human rights instruments to which Ukraine is a party constitute an integral part of national law. The Committee further welcomes the recent establishment of the National Centre for Human Rights, which should work closely with international and national human rights organizations and institutions.

251. The Committee notes the progress achieved towards securing representation for the Crimean Tartars in the Parliament of the Autonomous Republic of Crimea and the modest success in reintegrating them into the region.

252. On the right to employment, the Committee notes with satisfaction the efforts made by the Government to help the unemployed find new employment by establishing the State Employment Service, whose tasks are to provide them with guidance and training, as well as with material assistance.

253. The Committee welcomes the substantial budgetary allocation to social protection. It notes with satisfaction the social security legislation introduced to protect pensioners, children, persons with disabilities and others unable to care for themselves, and it further takes note of the fact that the mechanisms to distribute benefits were established in time to help the needy prepare for the last winter season. It welcomes the provision of special subsidies to allow persons living in poverty to satisfy their basic needs and to make it possible for certain vulnerable groups to meet their payment obligations towards communal services and housing. It views with satisfaction that the elderly continue to benefit from free transportation and other special social services. It also welcomes the

attention given to mothers with young children and to single mothers.

254. The Committee notes the efforts made by the Government and the institutions concerned to ensure health services to all and to fight the nefarious health consequences of the Chernobyl nuclear power plant accident of 1986.

255. The Committee views with satisfaction the general success in maintaining compulsory free primary education in the State party. It also expresses satisfaction with the efforts made to ensure enjoyment of cultural rights, including the considerable proportion of the national budget allocated to culture.

256. The Committee views with satisfaction the fact that the Government has been making effective use of international assistance provided in connection with the grave effects of the Chernobyl nuclear accident and to overcome current economic difficulties.

C. Factors and difficulties impeding the implementation of the Covenant

257. The Committee notes that the State party is passing through an extremely turbulent period in its existence due to the deep political, economic and social reforms it is undertaking, consequent to its recent constitution as an independent State. The difficulties encountered are aggravated by the legislative vacuums that exist in many areas. The Committee notes that the elections for Parliament have not been completed and that a new draft constitution has not been adopted. Until new legislation is adopted, many of the laws in force in Ukraine as part of the former USSR continue to apply, unless found to be in direct contradiction with its new laws.

258. The Committee notes that the immediate costs of economic transition in Ukraine have included a steep decline in national production, a balance-of-payments deficit and uncontrollable inflation over the past several years. It notes in this connection that the State party is highly dependent on foreign energy supply. The dramatic rise in price for energy imports since independence has induced an enormous increase in the domestic price index. The Committee also notes that efforts to privatize public enterprises have already led to rising levels of unemployment, although, at present, economic reforms are only at the initial stages. Having in mind the experience of other countries in the region, the Committee is aware that a full transition to a market economy in Ukraine will require much time and a radical change in economic and social concepts and behavior.

259. At the same time, the Committee notes that a large number of individuals who were deported in different parts of the former USSR are returning to their places of origin in Ukraine and are seeking jobs and shelter. Solving these problems puts further strain on resources at the disposal of the Government and will demand special attention from the authorities.

260. Finally, it appears that the Government has been unable to establish mechanisms for comprehensive data collection. The Committee notes that the population data presented to it date back to a 1989 census and draws the attention of the Government to the fact that such outdated or insufficient data would not serve as a good basis for government policy.

D. Principal subjects of concern

261. The Committee expresses its concern at the sharp decline of purchasing power of the great majority of the population and the subsequent deterioration of its standard of living due to the overall unfavorable evolution of the economic situation in Ukraine.

262. The Committee calls attention to the difficulties experienced by members of minority groups, including the Crimean Tartars, who were deported decades ago and are now returning to resettle in Ukraine on the land of their ancestors. The Committee considers that the failure to resolve the question of citizenship for the Crimean Tartars is not in conformity with the State party's obligations under the Covenant. In particular, the Committee is concerned that the consequent exclusion of such persons from certain social indicators, such as those on employment and poverty, may deprive them of the full enjoyment of their economic, social and cultural rights. In this connection, it recalls the provisions of article 2 of the Covenant, which states that the rights enunciated in the Covenant must be exercised without discrimination of any kind as to, inter alia, national or social origin.

263. The Committee expresses grave concern at the lack of practical measures aimed at creating adequate working conditions for women and at eliminating discrimination against them. The Committee is concerned about the possible discriminatory effects of imposing different retirement ages for men and women, particularly in market economies where one's standard of living and professional fulfilment depend largely on one's employment. In this light, the current national debate in which the maintenance of varying retirement ages is contemplated is a subject of concern. The Committee is concerned at the violence perpetrated against women, the generally low professional qualifications of women and their consequently high representation among low-paid workers and the unemployed. In this connection, it considers that the Government and the authorities as a whole have not made all necessary efforts to understand and face the phenomenon of discrimination, by collecting and analyzing relevant data, by trying to eliminate the phenomenon through legislative measures and education, and by providing protection to victims of discrimination and violence against women.

264. The Committee is concerned at the excessive number of industries and other employment activities in which organization of trade unions is prohibited. Workers in civil aviation, communications and other sectors are subject to such prohibition. In this connection, the Committee takes note of the draft law which would restrict the sectors under prohibition to those in which a cessation of operation would disrupt the whole economy or threaten national security or public order.

265. The Committee regrets the lack of data on the situation of children, particularly orphans and those with disabilities, which may cause ineffective monitoring of their enjoyment of economic, social and cultural rights.

266. The Committee notes with concern that social services are not adequate to ensure a minimum standard of living for the most vulnerable groups, including pensioners, unemployed persons, persons with disabilities and non-citizens.

267. Attention is called to the fact that the official minimum wage is far below the level of the official poverty line. The Committee regrets the lack of information on the extent to which inflation is taken

into account in determining the poverty line and the level of pensions or material assistance provided to these groups.

268. The Committee recalls that fulfilment of the right to education involves an obligation for the Government to provide free primary education for all, including children with disabilities and children assigned to homes or institutions. The Committee regrets the absence of information regarding human rights education.

E. Suggestions and recommendations

269. The Committee recommends that the international human rights instruments to which Ukraine is a State party, including the International Covenant on Economic, Social and Cultural Rights, be made fully applicable by Ukrainian courts. Steps towards this end would include making the instruments widely known so that the general public as well as law enforcement officials are made aware of the rights contained therein.

270. The Committee recommends that, in its next periodic report, the Government include detailed information on the mandate and operation of the National Centre for Human Rights. Such information should include, in particular, whether individual complaints of human rights violations may be lodged with the Centre and whether its mandate includes the protection and promotion of economic, social and cultural rights.

271. The Committee recommends that the civil status of repatriated members of minorities, especially the Crimean Tartars, be regularized as soon as possible. It recommends that steps be taken immediately to reintegrate them fully into the region and to guarantee their rights to work and to an adequate standard of living, as defined in articles 6 and 11 of the Covenant. The Committee recommends that every effort be made in order to obtain international assistance towards this end.

272. The Committee recommends that specific legislative measures be taken to prohibit all forms of gender-based discrimination and that efforts be made, including through the educational system, to promote awareness and understanding of the human rights of women. It further recommends the establishment of institutions to provide protection and assistance to victims of violence and discrimination.

273. The Committee recommends that, in its next report, the Government include information on any developments regarding the new legislation regulating trade unions rights, including the right to strike.

274. The Committee urges the Government to elaborate, as part of the preparatory work for the 1996 United Nations Conference on Human Settlements (Habitat II), a comprehensive national plan of action with respect to housing and to make it available to the Committee, along with information on its subsequent implementation, in time for the consideration of Ukraine's fourth periodic report. In this connection, the Committee recommends that the next report also include detailed information on the 1992 State Privatization Act, as well as any other housing laws that might be enacted in the meantime, and on their impact on the enjoyment of the right to adequate housing by the people of

Ukraine.

275. The Committee recommends that the Government continue to make full use of international assistance in the collection and analysis of data in general, including data regarding the most vulnerable groups of persons, and in addressing their needs. Such categories of persons include pensioners, the unemployed, children with disabilities and children assigned to homes or institutions, members of repatriated minority groups and victims of the Chernobyl accident. With regard to the latter group, the Committee urges that special assistance and medical care be further granted to the persons concerned and that special measures continue to be taken to clean the environment and to dispose of contaminated objects and consumable items with which people may come into contact.

276. The Committee recommends that steps be taken to incorporate human rights education in all school curricula, in accordance with the goals and objectives of the United Nations Decade for Human Rights Education, and that education in the field of human rights be provided to law enforcement officials.

277. The Committee suggests that the Government request the United Nations Centre for Human Rights to evaluate the assistance needs of Ukraine in order that the State party might draw on the technical assistance programmes available from the Centre, in particular for the Ukrainian National Centre for Human Rights.

CESCR E/2002/22 (2001)

482. The Committee considered the fourth periodic report of Ukraine on the implementation of the Covenant (E/C.12/4/Add.2) at its 40th and 41st meetings, held on 20 August 2001, and adopted, at its 54th meeting, held on 29 August 2001, the following concluding observations.

A. Introduction

483. The Committee welcomes the submission of the report of the State party as well as its written replies to the list of issues (E/C.12/Q/UKR/2). The Committee appreciates the frank dialogue that took place and the delegation's efforts to address the questions raised during the discussion.

B. Positive aspects

484. The Committee notes with satisfaction the recent enactment of legislation relating to the protection of human rights, including the Law on Refugees of 2000, the Law on Immigration and the Law on Citizenship of 2001, and the Penal Code.

485. The Committee welcomes the national plan of action to improve the situation of women and enhance their role in society.

486. The Committee welcomes the establishment of the Office of the Authorized Human Rights Representative of the Parliament (Verkhovna Rada), which has considered many complaints in relation to economic, social and cultural rights.

487. The Committee further welcomes the State party's willingness, as expressed by the delegation during the dialogue, to cooperate with specialized agencies and other international organizations in such areas as poverty reduction, gender equality, integration of the Crimean Tatars, women and children's health, the review of human rights legislation, support for the Authorized Human Rights Representative of the Parliament, and the fight against trafficking of persons.

488. The Committee welcomes the establishment by the State party of a fund for social insurance.

C. Factors and difficulties impeding the implementation of the Covenant

489. The Committee notes that the State party's transition to a market economy has had a negative impact on the implementation of the rights contained in the Covenant.

D. Principal subjects of concern

490. The Committee is concerned about the high level of poverty in the country and the inadequate measures taken by the State party to combat it. This is exacerbated by, among other things, the privatization policies that the State party has implemented, high unemployment, the low level of

pensions and wages, a legal minimum wage which is below the recognized subsistence level, and the scarcity of adequate housing.

491. The Committee continues to express concern at the situation of women in society and the insufficient measures taken by the State party to eliminate discrimination against them. Most low-paid workers and 80 per cent of the unemployed are women. They are also frequently victims of violence in the family and of sexual harassment in the workplace.

492. The Committee is concerned at the large-scale trafficking and commercial sexual exploitation of women and children.

493. The Committee notes with concern de facto discrimination against ethnic minorities, such as the Crimean Tatars and Roma, and harassment of foreigners of African origin by law enforcement officials.

494. The Committee is concerned about the large number of children, especially newborns and children with disabilities, who are abandoned or are otherwise deprived of a family environment, and regrets the absence of an effective strategy to address this phenomenon.

495. The Committee expresses its concern about the scale of the arrears in the payment of wages and pensions, depriving the people concerned of the means for survival.

496. The Committee notes with deep concern the high number of accidents owing to inadequate health and safety standards in the workplace and obsolete industrial equipment, particularly in the mining sector, as well as the insufficient efforts of the State party to enforce the existing standards.

497. The Committee is concerned about restrictions on trade union freedoms, including the right of everyone to join a trade union of his/her choice, as well as acts of intimidation by local authorities against independent trade unions and their leaders.

498. The Committee notes with concern that the budgets allocated for education and scientific research have fallen sharply, leading to a deterioration in the quality of education. The Committee is particularly concerned about obsolete teaching materials and equipment in schools and colleges, and the low levels of remuneration for teachers.

499. The Committee is concerned at the deterioration in the health of the most vulnerable groups, especially women and children, and in the quality of health services. The Committee notes with concern the rise in the incidence of sexually transmitted diseases (STD) and the spread of HIV/AIDS. It is also concerned about the high incidence of alcohol abuse and tobacco use, especially among persons under 18 years.

E. Suggestions and recommendations

500. The Committee recommends that the State party evaluate the economic reform policies with respect to their impact on poverty, and make efforts to adjust its programmes in a manner consistent

with safeguarding the economic, social and cultural rights of the most vulnerable segments of society. In this regard, it draws the attention of the State party to the Committee's Statement on poverty and the International Covenant on Economic, Social and Cultural Rights adopted by the Committee on 4 May 2001 (see annex VII below).

501. The Committee recommends that the State party take into account its obligations under the Covenant in all aspects of its negotiations with international financial institutions, thus ensuring that economic, social and cultural rights, particularly of the most vulnerable groups, are duly protected.

502. While welcoming the Ukrainian delegation's confirmation of the State party's intention to prepare a human rights plan of action with the assistance of the Office of the United Nations High Commissioner for Human Rights, the Committee recommends that the State party elaborate, through an open and consultative process, a comprehensive national plan of action aimed at implementing its obligations under international human rights instruments, including the Covenant. The Committee requests the State party to annex a copy of the national human rights plan of action to its fifth periodic report, and to inform the Committee about the progress made in its implementation.

503. The Committee recommends that the State party strengthen the provisions in its legal order with respect to the prohibition of discrimination in accordance with article 2, paragraph 2, of the Covenant, in particular on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Recalling the Code of Conduct for Law Enforcement Officials,^{16/} the State party should take all necessary steps to prevent incidents of racially motivated ill-treatment and ensure that timely and thorough investigations and effective prosecutions are carried out.

504. The Committee calls upon the State party to take all effective legal measures to prohibit gender discrimination in all fields of civil, political, economic, social and cultural life.

505. The Committee recommends that the State party include in subsequent reports comparative data on levels of employment, including the representation of women at the various administrative levels, and in areas such as law enforcement, the legal profession and the judiciary, stressing the progress made during the reporting period.

506. The Committee calls upon the State party to ensure that employees are remunerated in a timely manner and that legislation on minimum wages is fully enforced.

507. The Committee recommends that the State party ensure that adequate resources are allocated for workplace accident prevention programmes, and that it continue to strengthen the resources and powers of the labour inspectorate. The Committee recommends that the State party consider ratifying ILO Convention No. 81 (1947) concerning labour inspection in industry and commerce.

508. The Committee emphasizes that the right of trade unions to function freely shall be subject to

^{16/} General Assembly resolution 34/169 of 17 December 1979, annex.

no restrictions, other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others. The Committee requests the State party to ensure that such restrictions contained in the labour law are fully in line with article 8 of the Covenant, and that acts of intimidation against trade unions and their leaders are prohibited.

509. The Committee recommends that the State party adopt all appropriate measures to prevent and combat incidents of domestic violence and sexual harassment, as well as appropriate measures to reduce unemployment among women.

510. The Committee encourages the State party to strengthen its efforts to combat the trafficking and commercial sexual exploitation of women and children. It recommends that the State party vigorously pursue the enforcement of criminal laws in this regard; ensure that victims are not penalized and are provided with rehabilitation; ensure that the National Coordination Council against Trafficking in Human Beings is adequately resourced and staffed; and reinforce its cooperation with international and regional organizations, as well as on a bilateral basis. The Committee recommends that the State party, in its fifth periodic report, provide full information on the trafficking and commercial sexual exploitation of women and children, including data on the scale of the phenomenon.

511. The Committee urges the State party to take effective measures, including the development of strategies and awareness-raising activities, aimed at reducing and preventing the abandonment of children. In particular, the Committee recommends that the State party promote, through counselling and community-based programmes, the family as the best environment for the child and assist parents to keep their children at home. Moreover, it is recommended that the State party take effective measures to increase and strengthen family-based alternative care, so that children are placed in institutions only as a last resort.

512. The Committee recommends that the State party ensure that its commitment to primary health care is met by adequate allocation of resources and that all persons, especially from the most vulnerable groups, have access to health care. The Committee suggests that the State party establish comprehensive reproductive health programmes, as well as measures to ensure that abortion is not perceived as a method of contraception. It further recommends that adolescents have access to and be provided with reproductive health education, as well as with sexually transmitted disease and HIV/AIDS prevention programmes. The Committee recommends that the State party provide children with accurate and objective information about alcohol and tobacco use, and discourage activities on public mass media promoting their consumption.

513. The Committee recommends that the State party take all necessary measures to allocate the required resources to implement effectively the Law on Education adopted in 1991. The Committee recommends that the State party ensure that General Comments No. 11 (1999) on plans of action for primary education (art. 14 of the Covenant) and No. 13 (1999) on the right to education (art. 13 of the Covenant), as well as General Comment No. 1 (2001) of the Committee on the Rights of the Child on the aims of education (art. 29, para. 1, of the Convention on the Rights of the Child), are duly taken into consideration when elaborating its educational policies. The Committee on

Economic, Social and Cultural Rights recommends that the State party promote the participation of parents and communities, especially ethnic minorities, in school governance in order to improve enrolment rates and monitor the quality of education.

514. The Committee encourages the State party to consider ratifying the 1951 Convention relating to the Status of Refugees as well as its 1967 Protocol, the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

515. The Committee recommends that the State party develop an ongoing programme for the dissemination of information regarding the content of the Covenant and its implementation among the public, civil society, and all sectors and levels of administration. Moreover, the Committee recommends that the State party develop systematic and ongoing training programmes on the provisions of the Covenant for professional groups, including parliamentarians, judges, lawyers and local government officials.

516. Finally, the Committee requests the State party to ensure the wide dissemination in Ukrainian society at all levels of the present concluding observations and to inform the Committee of steps taken to implement the recommendations in its fifth periodic report, to be submitted by 30 June 2006.