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**IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON  
ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**Fifth periodic reports submitted by States parties  
under articles 16 and 17 of the Covenant**

**Addendum**

**UKRAINE\* \*\* \*\*\***

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\* The fourth periodic report (E/C.12/4/Add.2) concerning rights covered by articles 1 to 5 was considered by the Committee on Economic, Social and Cultural Rights at its twenty-sixth session (see documents E/C.12/2001/SR.40; E/C.12/2001/SR.41).

\*\* The information submitted by Ukraine in accordance with the guidelines concerning the initial part of reports of States parties is contained in the core document (HRI/CORE/1/Add.63/Rev.1).

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**Fifth periodic report by Ukraine on implementation of the International  
Covenant on Economic, Social and Cultural Rights**

**CONTENTS**

	<i>Paragraphs</i>	<i>Page</i>
I. SOCIAL AND ECONOMIC DEVELOPMENT OF UKRAINE .....	1 - 30	3
II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT .....	31 - 92	6
Article 1 .....	31 - 34	6
Article 2 .....	35 - 51	7
Article 3 .....	52 - 92	9
III. ISSUES RELATING TO SPECIFIC RIGHTS RECOGNIZED IN THE COVENANT .....	93 - 502	14
Article 6 .....	93 - 105	14
Article 7 .....	106 - 180	15
Article 8 .....	181 - 211	24
Article 9 .....	212 - 252	27
Article 10 .....	253 - 336	34
Article 11 .....	337 - 374	44
Article 12 .....	375 - 462	49
Article 13 .....	463 - 487	61
Article 15 .....	488 - 502	63

## I. SOCIAL AND ECONOMIC DEVELOPMENT OF UKRAINE

1. Ukraine's social policy has as its aim the steady improvement of the quality of life of its people, the elimination of social inequalities, the upholding of the social rights of Ukrainians and the reduction of poverty.
2. In accordance with the Millennium Declaration of the United Nations, containing the Millennium Development Goals, Ukraine has as its primary targets for the period 2001-2015 eradication of the worst forms of poverty, attainment of a substantial increase in the actual income of the population, prevention of the spread of chronic and hereditary poverty and elimination of economic inequality.
3. Ukraine has taken note of the comments in paragraph 9 of the concluding observations by the Committee on Economic, Social and Cultural Rights.
4. In recent years, significant progress has been made towards overcoming poverty. A number of instruments have been adopted and systematic measures are being put into effect to tackle the problem of poverty and to prevent its recurrence in the future.
5. Work has been under way since 2001 on a strategy for eradicating poverty and, to that end, a comprehensive programme for the implementation of the strategy has been developed. In addition, a set of specific measures designed to tackle poverty is ratified every year and poverty indicators are constantly monitored.
6. Regional poverty programmes are also developed and put into effect. In this context, efforts are focused on the following undertakings:
  - (a) Ensuring the growth in the income of the population and reducing economic disparities by raising salary levels;
  - (b) Increasing the share of the gross national product constituted by labour remuneration;
  - (c) Boosting the country's pension fund as part of a programme of pension reform;
  - (d) Strengthening targeted support measures for members of the public.
7. Stabilization of the country's macroeconomic situation has led to a strong upward trend in people's actual income and their purchasing power. Nominal incomes increased by 38.4 per cent over the course of 2005. By comparison with 2004, disposable income, available for the purchase of goods and services, increased by 36.4 per cent, representing a real increase, when corrected for inflation, of 20.1 per cent.
8. Average monthly wages and salaries rose in 2005 to 806.18 hryvnias, representing a 36.7 per cent increase over 2004. In real terms, earnings increased by 20.3 per cent.

9. Levels of minimum State social safeguards also rose significantly. Thus, the minimum wage was increased in 2005 by 26.7 per cent. In January 2006, it stood at 350 hryvnias per year and it is expected to rise to 400 hryvnias per year over the course of the year, representing 79 per cent of the subsistence minimum, while in 2001 the minimum wage constituted a mere 36 per cent of the subsistence minimum for able-bodied persons.

10. The minimum pension level is pegged to the subsistence minimum for people who are no longer able to work. Since January 2006, the level has been raised to 350 hryvnias.

11. Practical steps are being taken to reform the social welfare system and to develop a network of social facilities, thereby enhancing the quality of social services.

12. Monitoring results of the poverty situation since 2001, over the period of implementation of the poverty strategy, show steady trends. While, in absolute terms, the poverty thresholds have been raised to twice their previous levels, from 170 hryvnias in the first half of 2001 to 340 hryvnias in the first half of 2005, in relative terms, the poverty level over this period has remained at 28 per cent while the extreme poverty level has dropped from 16.4 per cent to 15.3 per cent.

13. A detailed analysis of the way the poverty situation has changed, with the application of different criteria for the determination of poverty, also reveals upward trends in this area.

14. Analysing poverty in absolute terms, taking US\$ 4.3 as the daily consumption index (at purchasing power parity), which is used as a point of reference for the United Nations Millennium Development Goals, poverty levels in Ukraine are shown to have dropped significantly, from 11 per cent in 2001 to 3.2 per cent in 2004.

15. In order to ensure the success of the reform process in Ukraine, a number of tasks are being carried out to implement the third phase of the poverty eradication strategy over the period 2005-2009, focusing on providing a sound financial basis and effective administrative system for social welfare.

16. According to findings from random household surveys, studying economic activities over the period January-September 2005, the average monthly total of economically active members of the population between the ages of 15 and 70 was 22.3 million, 20.7 million - or 93.0 per cent - of whom were employed in gainful activities and the remainder, while not employed, were actively seeking work and ready to start working and therefore, in accordance with International Labour Organization (ILO) criteria, were classified as unemployed. The average monthly total of unemployed persons (by ILO criteria) of employable age (persons independently seeking work and those registered with the State employment service) amounted to 1.5 million, or 7.6 per cent of the total number of economically active members of the population.

17. In 2005, 2.9 million unemployed citizens availed themselves of the facilities of the State employment service, 65.4 per cent of them personally visiting the service over the course of the year. As of 1 January 2006, there were 903,500 unemployed citizens on the books of the State

service, roughly half of whom were from the rural areas. Of those, 97.6 per cent were officially categorized as unemployed, and more than two thirds of those unemployed persons were granted unemployment benefit.

18. In December 2005 the number of registered unemployed persons grew by 8.9 per cent, to 881,500. The growth rate in rural areas was 13.9 per cent, bringing the total to 452,700, and 4.0 per cent in urban areas, with a total of 428,800.

19. In previous years the number of unemployed had also increased in the month of December, owing to seasonal employment patterns in the agricultural sector.

20. Taken as a whole, registered unemployment levels in the country rose in December 2005 by 0.2 per cent, reaching 3.1 per cent of the total employable population as at 1 January 2006. Most of this increase occurred in the rural areas, where the rate of increase was 0.7 per cent, affecting 5.5 per cent of the employable population. In urban areas, unemployment remained at its November level, with a percentage of 2.1 per cent.

21. Imbalances in the distribution of production resources and the workforce are also responsible for a considerable variation in registered unemployment levels in the different regions. Thus, the highest level of registered unemployment is to be found in Ternopil province, at 6.6 per cent, and the lowest in the city of Kyiv, at 0.4 per cent.

22. According to figures submitted by enterprises, institutions and organizations, the number of job vacancies in December 2005 had shrunk by 7.1 per cent and, as of 1 January 2006, totalled 186,600, although this was still 12.1 per cent higher than at the same time in the previous year.

23. In December 2005, the unemployment load, represented by those seeking jobs through the State unemployment service, measured on average between four and five applicants per job vacancy in the country as a whole. Across the various regions, this figure fluctuated from 0.2 in Kyiv to 27 in Cherkasy province.

24. Taken as a whole, 45.4 per cent of unemployed citizens seeking work through the State employment service had previously been employed as blue-collar workers while 25.5 per cent had worked in the white-collar sector. The remainder were made up of people without profession or performing jobs which did not require any special training.

25. Ranked by job categories, heaviest pressure was placed on those job vacancies which agricultural workers were qualified to fill (27 persons per vacancy) and those available to persons without profession (12 persons per vacancy).

26. In December 2005, with the assistance of the State employment service, 53,700 persons were placed in jobs, 21.0 per cent less than the figures for the previous months but 9.0 per cent more than in December 2004. Among those placed, almost half - 49.9 per cent - were women. Compared to the total number of persons on the unemployment registers in December, the number of persons placed in employment represented 5.2 per cent. This proportion varied from region to region and was highest in Kyiv, with 24.3 per cent, and lowest in Chernivtsi province, with 2.1 per cent.

27. As a result of self-employment, 71,500 persons were removed from the unemployment registers in December and, in addition, 3,700 persons of pre-pension age were assigned early retirement pensions.

28. Alongside constant efforts to place unemployed persons in jobs, social protection for the unemployed also takes the form of community service, which provides a form of temporary employment. Accordingly, 10,900 unemployed persons were sent on community service assignments in December 2005. The number of persons involved in such work has declined by more than 75 per cent between 1 November 2005 and 1 January 2006 and now amounts to a mere 1,800 persons, or 0.2 per cent of the total number on the unemployment registers.

29. Vocational training and retraining play an important role in boosting the competitiveness of unemployed persons on the job market. In all, 11,000 unemployed persons were assigned to training in new trades and skills by the State employment service in December 2005, and 13,500 were so assigned in November 2005. Taken as a whole, at the beginning of January 2006, 33,000 persons were undergoing various forms of vocational training in colleges and other establishments of all profiles, representing 3.7 per cent of all registered unemployed persons.

30. A total of 121.8 million hryvnias was assigned in December 2005 from the compulsory State social insurance fund for unemployment measures. The average number of unemployed persons receiving such subsidies in December 2005 was 631,200, or 71.6 per cent of the total number of persons categorized as unemployed. The average level of such assistance grew in December 2005 by 3.8 per cent over the November 2005 level and by 31.8 per cent over the December 2004 level, amounting to 192.89 hryvnias, or 58.1 per cent of the legally established minimum wage for that period (332 hryvnias).

## **II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT**

### **Article 1. Right of self-determination**

31. The preamble to the 1996 Ukrainian Constitution states, among other things, that the Supreme Council of Ukraine adopted the Ukrainian Constitution on behalf of the Ukrainian people, namely, the citizens of Ukraine of all nationalities, as an expression of the sovereign will of the people.

32. In its article 13, the Constitution affirms that the land, the subsoil and its resources, the atmospheric air, the water and other natural resources situated within the territorial limits of Ukraine, the natural resources of its continental shelf and of its exclusive economic zone are the property of the Ukrainian people. Rights of ownership are exercised on behalf of the Ukrainian people by the State and local authorities within the limits set down by the Constitution.

33. Each citizen has the right to make use of natural facilities falling under the people's right of ownership in accordance with the law.

34. Pursuant to article 11 of the Constitution, the Ukrainian State is responsible for promoting the consolidation and development of the Ukrainian nation, awareness of its history, traditions and culture, and the development of the specific ethnic, cultural, linguistic and religious identity of all the indigenous peoples and ethnic minorities of Ukraine.

### **Article 2. Non-discrimination**

35. Pursuant to article 24 of the Ukrainian Constitution, citizens have equal constitutional rights and freedoms and are equal before the law. No privileges may be granted or restrictions imposed on the grounds of race, colour, political, religious and other convictions, sex, ethnic or social origin, wealth, place of residence, language or other characteristics.

36. Ukraine has taken note of the comments in paragraph 12 of the concluding observations by the Committee on Economic, Social and Cultural Rights.

37. The Ukrainian Government regards it as one of its central undertakings to uphold the rights and freedoms of ethnic minorities, including the Ukrainian Tatars, to suppress racism, xenophobia and anti-Semitism and to ensure harmonious ethnic relations.

38. The Ukrainian Citizenship Act of 18 January 2001 sets no time limits for the acquisition of Ukrainian citizenship by persons originally from Ukraine, and it also simplifies the procedure for acquiring Ukrainian citizenship.

39. Article 38 of the Ukrainian Constitution enshrines the right of citizens to participate in the administration of State affairs, to vote in Ukrainian national and local referendums, and freely to elect and to be elected to the central and local authorities. Citizens have equal access to the public service and also to serve in local authorities.

40. Following the elections to the Ukrainian Supreme Council, to the Supreme Council of the Autonomous Republic of Crimea and to local government bodies, held on 31 March 2002, 3 representatives of the Crimean Tatars were elected to the Supreme Council of Ukraine, 8 Crimean Tatar representatives were elected to the Supreme Council of the Autonomous Republic of Crimea, and 992 Crimean Tatar representatives were elected deputies to local authorities in the Autonomous Republic of Crimea, constituting 14 per cent of the total number of deputies in councils at all levels. There are 203 public servants of Crimean Tatar ethnic origin working in the local government offices of the Crimean Republic.

41. By presidential decree No. 518/99 of 18 May 1999, the Council of Representatives of the Crimean Tatar People has been set up under the authority of the Ukrainian President. The Council is a consultative and deliberative body which has as its main function the implementation of measures to tackle political, legal, social, economic, cultural and other problems associated with the return and resettlement of Crimean Tatars, the preparation and submission of proposals to the President regarding ways of tackling these problems and participation in the drawing up of draft legislation and State programmes dealing with these matters.

42. A number of special programmes have been set up to implement State policy relating to the resettlement, rehabilitation, adaptation and reintegration of formerly deported Crimean Tatars and persons of other ethnic backgrounds into Ukrainian society.

43. Since 1991, budgetary resources have been allocated for deported people, primarily earmarked for the construction and purchase of housing, for the construction of communications infrastructure and other social and cultural amenities. Over recent years, more than 800 million hryvnias has been spent on capital construction work for the resettlement of deportees, funding the construction of 400,000 square metres of housing, seven schools, the laying of 793 km of water piping, 1,144 km of electricity lines, 110 km of roads, 178 km of gas pipeline and the commissioning of other social and cultural facilities.

44. Two programmes were set in operation in 2002: a programme, for the period up to 2005, for the resettlement and rehabilitation of deported Crimean Tatars and persons of other ethnic origin who have returned to take up permanent residence in the Autonomous Republic of Crimea, and a programme for the rehabilitation and reintegration into Ukrainian society of deported Crimean Tatars and persons of other ethnic origin and for the revival and development of their culture and education.

45. These programmes were scheduled for conclusion in 2005. The problems of the resettlement and rehabilitation of deported Crimean Tatars and persons of other ethnic origins who have returned to take up permanent residence in Ukraine from their places of deportation are far from resolved, however. A draft programme for the period up to 2010 for the resettlement and rehabilitation of Crimean Tatars and persons of other ethnic origin who have returned to Ukraine and for their rehabilitation and reintegration into Ukrainian society has been developed by the Ukrainian Government and will soon be ratified. It is planned to allocate 71.4 million hryvnias from the country's State budget for implementation of the plan in 2006, 28,007,000 hryvnias for 2007, 94,758,000 hryvnias for 2008, 108,620,000 hryvnias for 2009, and 124,615,000 hryvnias for 2010. In all, over the period 2006-2010, it is planned to allocate 481,402,000 hryvnias.

46. In addition, work is under way on a programme to fund social and cultural activities for the benefit of deportees returning to take up permanent residence in Ukraine, which will include reimbursing them for their travel and the shipment of their effects and providing lump-sum benefits to enable them to complete construction of their homes. It is also planned to allocate funding for media outlets broadcasting or publishing in Crimean Tatar and other ethnic minority languages; for the provision of logistical support for educational establishments providing Crimean Tatar-medium tuition and tuition in the languages of other ethnic minorities, and to equip libraries in such establishments with educational, training, public information and literary materials; and for cultural and other measures to cater to the social and cultural needs of deportees and to help them become reassimilated in Ukrainian society.

47. Data from the 2001 census show that there are 47,600 Gypsies resident in Ukraine, representing 0.1 per cent of the country's population.



48. The Ukrainian Roma Congress, an association of voluntary organizations set up in June 2002 at the Ukrainian Congress of Cultural Associations of Ethnic Minorities, is working together with the central authorities and with international organizations to tackle problems related to the reintegration and assimilation of Gypsies in social processes and to meeting their particular educational, linguistic and information needs.

49. The President of the Ukrainian Roma Congress, P.D. Grigorichenko, has been officially ratified as the country's candidate for membership of the Council of Europe specialist group on Gypsy or Sinti matters.

50. In view of the gravity of current problems faced by the Gypsy ethnic minority in Ukraine, and the keen attention given to these problems by international organizations, with a view to creating the necessary conditions for the integration of Gypsies in Ukrainian society and to enable members of this ethnic group to exercise their social, economic, cultural and educational rights and freedoms, on 11 September 2003 the Ukrainian Cabinet of Ministers ratified the programme for the period up to 2006 for the social and cultural revival of the Gypsies of Ukraine.

51. To extend this programme, the local authorities have developed appropriate regional programmes in most provinces where there are Gypsy ethnic communities, including Zakarpattia, Odessa, Dnipropetrovsk, Kirovohrad and Kyiv.

### **Article 3. Equality of men and women**

52. Ukraine has taken note of the comments in paragraphs 10, 23 and 24 of the concluding observations by the Committee on Economic, Social and Cultural Rights, regarding its fourth periodic report.

53. Sexual equality and equal opportunities for men and women are fundamental principles, values and standards recognized in Ukraine. These principles are viewed not only as fundamental prerequisites of social justice and democracy but also as essential conditions for the exercise of their human rights by both women and men.

54. Ukraine is a party to the principal international treaties in this area - the International Covenant on the Elimination of All Forms of Discrimination against Women, the Beijing Declaration and Platform for Action, the Millennium Declaration and the resolutions of European conferences on equality between the sexes - and is actively fulfilling the obligations which it has assumed.

55. Notwithstanding the country's anti-discriminatory legislation, it must be conceded that, in practice, Ukrainian women encounter discrimination in many spheres of life. This applies in particular to the representation of women in the country's parliament and in the upper echelons of the State and private sectors and to their participation in decision-making processes at all levels of State authority.

56. The composition of the houses of people's deputies is indicative of the attitude of Ukrainian society to the capacities of women in the political sphere and the level of gender-awareness among Ukrainians.

57. Thus, in 1998, 36 women were elected as people's deputies to the country's Supreme Council out of a total of 450 deputies, a proportion of 8 per cent, and in 2002, only 23 women were elected - 5.1 per cent. The fact that men constitute 94.9 per cent of all the people's deputies clearly demonstrates the lack of equality between the sexes in the political sphere. Only 2 of the Supreme Council's 25 subject committees are headed by women.

58. In local government, the level of women's representation is much higher than in the Supreme Council: in some provinces, women constitute between 20 and 50 per cent of the members of local councils.

59. There are currently two women judges on the bench of the Constitutional Court, or 14 per cent of the total. The bench of the Supreme Court includes eight women judges, or 46 per cent of the total. The governing bodies of both these courts include no women, however.

60. Women are in the majority in the public service, both as managers and specialists, although the level of their representation declines sharply with the level of seniority. Thus, among managers at grade 6, women constitute 67.6 per cent of the total, while they are a mere 6.6 per cent of those at grade 1. Women constitute 50 per cent of middle-level managers and 80 per cent of all specialists.

61. Only two central State bodies are headed by women: the State Property Fund and the State Nuclear Regulation Committee.

62. A comparable situation may be observed with the representation of women in State executive bodies. Thus, taking the government service as a whole, women are in the majority, including among managers and specialists. That said, the proportion of women decreases sharply at higher levels in the service. Thus, women constitute 65 per cent of civil servants working in central administrative bodies at grades 5 and 6, but only 13 per cent of those at grades 1 and 2.

63. Over the course of 2005 there has, however, been a significant increase in the number of women on the part-time professional staff of the central State Government.

64. At the same time, while women make up 53.8 per cent of the country's population, there is not a single woman in the Cabinet of Ministers. For the first time, three provincial administrations are now headed by women.

65. Among the main impediments facing women in achieving their potential, particularly in the political sphere, we note the following: economic poverty, the low social status of women, lack of confidence in women as politicians, entrenched sexual stereotypes and the absence of any systematic gender-based policies in society.

66. Although a gender-based analysis of Ukrainian electoral law reveals no evidence of discriminatory restrictions on the basis of sex, the law also fails to ensure any real balance in the representation of men and women. The current law includes no procedures or arrangements actually stipulating that men and women must be equally represented in the electoral authorities.

67. A gender analysis of the 2002 parliamentary elections revealed a 1:4 ratio of women to men candidates, while the ratio of elected deputies was 1:19.
68. Of the 165 candidates heading the electoral lists of political parties and electoral blocs, 31 were women, giving a ratio of 1:5.
69. In all, 30 of the 33 political parties and blocs registered with the Central Electoral Commission included no women among the first five candidates on their lists.
70. Taken as a whole, there is a lack of balance between the sexes in the Supreme Council elected in 2002, which, accordingly, is not very receptive to gender issues.
71. Given that the issue of balance between the sexes is an indication of how successfully human rights issues are being tackled and, in general, of the level of the country's human development, it must be conceded that humanitarian considerations are of secondary importance on the agenda of the Ukrainian Parliament.
72. Six parliamentary committees - on freedom of speech and information; on European integration matters; on combating organized crime and corruption; on pensioners, veterans and the disabled; and on national security and defence - do not include a single woman among their members. This absence of women is highly symptomatic, since these are the very bodies which should be introducing international gender priorities and legal standards in the country's domestic law.
73. With such a low presence of women in the country's Supreme Council, it is too much to expect any radical changes in gender relations in the country as a whole.
74. At the same time, the idea of introducing gender quotas has not been widely supported either by the general public or by most political parties - and, by extension, the people's deputies. Accordingly, all draft laws making provision for quotas of women in party electoral lists have been rejected by parliament.
75. A major step towards introducing gender-based approaches to State policy was the adoption by the Supreme Council at its second reading on 8 September 2005 of the draft act on equal rights for women and men and the means of ensuring such rights. The draft act includes provisions on such issues as the need for legal safeguards of the equal rights and opportunities of women and men in all aspects of public life; the need to eradicate discrimination on the grounds of sex; the need to define the underlying principles and arrangements to give effect to a State policy on sexual equality; and the need to make it an offence to breach the law on the equal rights and opportunities of women and men.
76. The State policy to give effect to the rights and opportunities of men and women rests on such fundamental principles as the need to uphold the equal rights and freedoms of men and women and to set in place equal opportunities for them; to ensure identical legal and social protection of women and men; to establish conditions to promote the health and safety at work of women and men; and to provide protection under law and material and moral support for motherhood, fatherhood and childhood.

77. The draft act also makes provision for the creation of an institutional arrangement to ensure that the equal rights and opportunities of women and men are duly upheld, in the form of a consultative and deliberative body: the Women's and Men's Equal Rights and Opportunities Council. The different sections of the draft act contain guarantees relating to electoral rights, work and its remuneration, education, social services and information, the need to ensure equal opportunities when collective agreements are being concluded, and so on and so forth. The responsibility for monitoring application of the act is to be assigned to the Human Rights Commissioner.

78. On 26 July 2005, the Ukrainian President signed into law a decree on measures to improve the work of central and local authorities to ensure equal rights and opportunities of women and men. Under the terms of the decree, those in charge of central and local authorities are required to assign responsibility for ensuring the equal rights of women and men to one of their deputies.

79. Although the educational level of women in Ukraine is very high - 48 per cent of working women have higher and secondary specialized education - the overwhelming majority of management-level staff in both the government and private sectors are still men.

80. An analysis of the situation shows that the higher the level of a representative or executive body, the less accessible it is to women.

81. In recent years, a number of measures have been conducted at government level to tackle what is perceived as one of the country's most serious problems: high unemployment levels among women.

82. Moves towards the equality of the sexes in Ukraine are largely driven by the social activism of women and the influence of the women's movement, an important component in the campaign to involve women more fully in the decision-making process.

83. Currently, there are 44 national and international women's voluntary associations operating in Ukraine and some 1,500 regional women's associations. The activities of these bodies cover a wide range of problems, including efforts to combat trafficking in people and domestic violence, to support women's entrepreneurship and to promote gender awareness. Regrettably, voluntary organizations in Ukraine do not have the right to initiate legislation and are therefore very limited in the extent to which they can influence government policy.

84. With a view to involving women's voluntary associations in the formulation and implementation of government policy relating to the family, children and young people, in demographic processes, in ensuring the equal rights and opportunities of women and men, in preventing domestic violence and in other areas, a public advisory board has been set up under the Ministry for Youth and Sport, which includes, among its primary tasks, coordinating cooperation between the Ministry and non-governmental organizations and ensuring their involvement in the process of preparing laws and regulations falling within the remit of the Ministry.

85. In 2005, implementation of the national plan of action for 2001-2005 to improve the status of women and to promote sexual equality in Ukrainian society was completed. The Ministry for Family, Youth and Sport is currently developing a new State programme for the period up to 2015, to ensure sexual equality in Ukrainian society.
86. According to figures from the quarterly surveys by the Ukrainian State Statistics Committee of economic activity in the country, over nine months of 2005 unemployment levels among women aged 15-70 averaged 53.4 per cent and, among those of employable age, 62.5 per cent. The corresponding figures for men were 63.0 per cent and 68.3 per cent. Over the same nine months of 2005 unemployment levels, applying the ILO criteria, among women averaged 6.6 per cent of the economically active population and, among those of employable age, 7.4 per cent. The corresponding figures for men were 7.3 per cent and 7.7 per cent.
87. The legislation in force in Ukraine guarantees the equal rights of Ukrainian citizens in the area of labour and its remuneration, regardless of their origin, social status, wealth, race, nationality, sex, language, political views, religious convictions, membership of trade unions or other civil associations, nature of employment and place of residence. Women enjoy these rights on an equal footing with men.
88. Under article 8 of the Ukrainian Labour Remuneration Act, the conditions and levels of labour remuneration for employees of central budget-funded institutions and organizations are determined by the Cabinet of Ministers.
89. The Cabinet of Ministers adopts decisions to ratify wage and salary scales, which are graded according to the difficulty of the work performed, the organizational and legal level of the post, the functions exercised by the units in which the employee concerned is working and certain other labour conditions. The conditions for the remuneration of work by the employees of central budget-funded institutions and organizations are determined without regard to their origin, social status, wealth, race, nationality and sex.
90. The right of employees in the production sector to equal remuneration for the same work is ensured by the adoption of sectoral agreements setting out wage and salary scales for the various professions graded by level of qualification. There is no difference between the two sexes in the scales. Accordingly, wage and salary levels do not depend on whether the required production tasks are being performed by men or by women. The principle of equal pay for equal work is upheld in this manner.
91. The only actual difference in the levels of remuneration of men and women is observed in cases where women exercise their right to work part-time (on a daily, weekly or monthly basis) in order to be able to spend more time with their families and raising children. In addition, women are not employed in jobs with harmful or hazardous conditions, such as in underground work, where salary scales are accordingly higher.
92. No additional government decisions are therefore required in this area.

### **III. ISSUES RELATING TO SPECIFIC RIGHTS RECOGNIZED IN THE COVENANT**

#### **Article 6. Right to work**

93. One area where efforts are being made to promote exercise of the right of citizens to work is through the government regulations on employment, which are being implemented pursuant to the Ukrainian Employment Act and the Compulsory State Unemployment Insurance Act, through the development and implementation of central and local employment programmes.

94. The employment programmes make provision, in particular, for efforts and measures to extend the scope of employment by creating new jobs, offering incentives for legal productive employment, building the skills of the labour force, aligning the country's professional workforce and levels of qualification with the needs of the labour markets, regulating inter-State migration in search of work, and improving the modalities for social support for the unemployed with a view to returning them to productive work.

95. Implementation of the State employment programme for the period 2001-2004, duly ratified by a parliamentary act, has helped boost employment by creating more than 2.3 million new jobs.

96. Pursuant to presidential decree No. 1073 of 11 July 2005 on measures to improve government regulations in the area of employment and the job market in Ukraine and to the employment programme for 2005, ratified by Cabinet resolution No. 744 of 12 August 2005, employment was further boosted in 2005 with the creation of more than 1.1 million new jobs.

97. As of the current time, a bill on the government employment programme for the period 2006-2009 has been drafted and tabled for consideration by the Cabinet. Under the programme, it is planned to extend employment over the coming four years through the creation of no fewer than 4 million new jobs.

98. The Ukrainian Employment Act makes provision for additional employment safeguards for certain categories of people who require social protection and are unable to compete on an equal level on the job market. Among these categories are women with children aged under 6 and single mothers with children under 14 or with disabled children. The safeguards are provided through a system of quotas reserving up to 5 per cent of the total number of jobs in certain enterprises, institutions and organizations for people in these categories. In 2005, 27,800 jobs were reserved for women in these categories and over the course of the year 21,100 women were placed in such jobs.

99. The Ukrainian Compulsory State Unemployment Insurance Act makes provision for the placement of unemployed persons in jobs through a system of providing sponsorship to employers, thanks to which more than 48,900 unemployed women were placed in jobs over the period January-September 2005.

100. To enhance the competitive status of women on the job market, in 2005 117,600 women, or 60.8 per cent of the total, were sent on vocational training courses.

101. Close attention is given to training in skills which will enable unemployed persons and, in particular, women to gain job satisfaction as self-employed small-scale entrepreneurs, in such areas as dressmaking, hairdressing and others.

102. Women applying to the employment service receive vocational guidance and advice on their choice of profession, taking into account the actual needs of the job market, and are invited to attend courses. During these courses, particular attention is given to developing women's self-assurance and their confidence in their own skills, to strengthening their ability to compete on the job market, to enhancing their self-presentations skills in such areas as job interviews, telephone techniques, preparation of curricula vitae, and so on and so forth. These programmes are bearing positive fruit. Unemployed women are recovering a sense of self-assurance, particularly important to those who have been out of work for long periods.

103. A considerable boost to women seeking a future career is provided by the public activities organized by the State employment service such as job vacancy markets, open days, held together with educational establishments, round tables, job presentations and job auctions, competitions and other similar measures.

104. With a view to providing temporary employment and material support for the unemployed, the State employment service, working together with local authorities, also organizes community work. In 2005, 284,900 unemployed women registered with the employment service were engaged in such work, representing 68.0 per cent of the total number of people assigned to perform community work.

105. In 2005, 1,617,000 women applied to the State employment service and, of these, 531,000 were placed in jobs, accounting for half of all those placed in employment, and, in addition, 21,300 women received lump-sum unemployment benefits to help them start up their own small businesses.

#### **Article 7. Just and favourable conditions of work**

106. As part of the social welfare programme launched by the Cabinet of Ministers under the slogan "Meeting people half-way", government efforts are being focused on strengthening social protection for employees, ensuring that people are productively employed, raising salary and wage levels and reducing income disparities in the population.

107. Since the system of State guarantees relating to remuneration for work is based on the minimum wage, the Government is taking careful steps to increase the minimum wage and gradually to bring it into line with the subsistence minimum for able-bodied persons.

108. The issue of setting an economically and socially sound level for the minimum wage cannot be tackled in isolation from the state of the economy and other conditions set out in article 9 of the Ukrainian Labour Remuneration Act, which is in line with international labour standards, in particular, article 3 of ILO Convention No. 131, which has been ratified by Ukraine.

109. The rate of increase in the minimum wage must keep pace with the development of the economy over recent years and its forecast development for the future, since an increased outlay on wages and salaries in the production sphere resulting from raising the minimum wage without a corresponding increase in labour productivity will lead to an increasingly high cost of production and services, rising prices on the consumer market, growth in inflation, job cutbacks and an increasing number of unemployed.

110. With due consideration for all the relevant economic and social factors, minimum monthly wage levels under the Ukrainian 2006 State Budget Act were set as follows: from 1 January 2006 - 350 hryvnias, from 1 July 2006 - 375 hryvnias, and from 1 December 2006 - 400 hryvnias.

111. Minimum wage levels in 2006 rose by 20 per cent over their 2005 levels.

112. While in 2005 the minimum wage for able-bodied persons (453 hryvnias) measured 73.3 per cent of the subsistence minimum, in 2006 this proportion will rise to 79.2 per cent. At the same time, the subsistence minimum for able-bodied persons is expected to rise by 11.5 per cent in 2006.

113. It should also be noted that, from 1 January 2006, the minimum wage is measured as the basic wage only, as stipulated by Act No. 2190-I of 18 November 2004, in other words, it does not include bonuses, supplementary payments or other incentives and compensation.

114. Thanks to the rise in the general level of macroeconomic and sectoral development in Ukraine, it has been made possible to raise wage and salary levels by a considerable margin.

115. According to the most recent figures from the Ukrainian State Statistics Committee, there is a strong upward trend in monthly wages and salaries across the country compared to those for the same period in 2004.

116. Thus, over the period January-December 2005, average monthly salaries and wages rose by 36.7 per cent, reaching 806.18 hryvnias, or 78 per cent of the subsistence minimum for able-bodied persons in Ukraine in 2005 (453 hryvnias).

117. In December 2005, salaries and wages rose by 44.9 per cent over their December 2004 levels, reaching 1,019.71 hryvnias, or 125.1 per cent of the subsistence minimum for able-bodied persons in Ukraine in 2005.

118. The increase in wages and salaries in December 2005 over their December 2004 levels can be seen across all economic and industrial sectors.

119. The first phase of the system for basing employees' salaries on a single scale of labour remuneration rates and levels for employees in institutions and organizations of the different sectors under the State budget was launched on 1 September 2005. This has led to an average increase of 15 per cent in the salaries paid to employees in this category.

120. Employees of central and local authorities received salary increases in 2005 of 10.5 per cent.



121. Future efforts to reform the wages and salaries system will be designed to ensure an increase in average wages and salaries, to remove the economically unjustified disparities in labour remuneration and to provide the safeguards stipulated under law through agreements and a process of collective bargaining.

122. Ukraine has taken note of the comments in paragraph 17 of the Committee's concluding observations.

123. From 1 September 2005, salary levels for employees in educational establishments and scientific institutions will be determined on the basis of the same criteria as those for employees in other central budget sectors, and in accordance with Cabinet resolution No. 1298 of 30 August 2002, as amended, and its implementing order No. 557 of the Ukrainian Ministry of Education and Science, as amended.

124. Under the above-mentioned order, the salaries of teachers and scientific workers would be aligned with salary scales 7-24, currently representing monthly salaries of between 392 and 1,052 hryvnias.

125. If an educational establishment has national status, the same incremental rates may be applied to its staff salary levels as those applied to scientific and teaching staff under Cabinet resolution No. 992 of 11 July 2002, up to a level of 100 per cent of the official salary.

126. In addition, when the unified salary scales for employees in central budget-funded establishments were introduced, the existing system for awarding supplements for academic degrees and titles was retained.

127. Management staff of teaching establishments are entitled to the following benefits within the limits of the salary fund as approved in the establishment's budget:

(a) Supplements of up to 50 per cent of their salary for outstanding achievements, the performance of particularly important work (paid upon completion of such work), for difficult conditions and pressure at work (for teaching establishments of a national status, such supplements may be accumulated, to a total of 150 per cent of the salary level);

(b) Provision of material assistance, including for health recuperation purposes, to a limit of one month's salary per year, and the payment of bonuses to employees for their individual contribution to overall productivity, in accordance with prescribed procedure and the approved bonus scales.

128. In other words, under the existing rules and regulations on labour remuneration there is already provision, on condition that the funding of the teaching establishments concerned - including the salary fund - is fully secured, for increases in its wages and salaries.

129. Under the Ukrainian Labour Remuneration Act, provision is made for wages and salaries to be paid to employees regularly during working days on dates stipulated in the collective agreements and not less frequently than twice per month at intervals which are not to exceed

16 calendar days. If a payday falls on a weekend, holiday or non-working day, the wages or salary are paid on the preceding day. With the personal written consent of the employees concerned, wages and salaries may be paid through banking establishments, or by postal transfers to an account (or address) indicated by them, on the proviso that all charges are borne by the employers or agencies delegated by them.

130. In addition, the Ukrainian Labour Code stipulates termination conditions for employees being laid off. In particular, on termination, employees must be paid all the amounts owing to them on the day of the termination of their employment.

131. If an employee does not work on the date of termination of his or her employment, these amounts shall be paid no later than the day following the submission of the settlement claim by the terminated employee. In the event of doubts regarding these amounts on the part of the employee, the enterprise is still obliged to pay at least that amount which it deems itself bound to pay, within the stipulated period, as set out in article 116 of the Labour Code.

132. Provision is also made for the liability of employers for any delays in settling all outstanding payments to employees upon their termination. If, through the fault of the employer or the agency delegated by the employer, an employee being terminated is not paid out all the sums owing to him or her and if there is no dispute surrounding the amounts of such payments, the enterprise, institution or organization concerned is obliged to continue paying the employee his or her average earnings for the entire period of such delay until the date of final settlement.

133. Should pay disputes arise regarding the amounts of payments owing to terminated employees, the employer or the agency delegated by the employer shall be liable for damages only in the event that the dispute is decided in the employee's favour. If the dispute is only partially decided in the employee's favour, the amount of such damages incurred over the period of delay in making the final payment shall be determined by the authority responsible for the final settlement of the dispute.

134. At the same time, under Ukrainian law, where there is a delay of one or more calendar months in making due salary payments to employees, the enterprises, institutions and organizations concerned, of whatever form of ownership or management, shall be obliged to calculate and pay out compensation to such employees for the loss of that part of their wages or salaries incurred through failure to keep to the prescribed payment schedules.

135. The procedure for compensating employees for the loss of that part of their wages or salaries incurred through failure to keep to prescribed payment schedules has been ratified by a resolution of the Cabinet of Ministers.

136. Ukraine has taken note of the comments in paragraph 14 of the Committee's concluding observations.

137. According to figures provided by the State Statistics Committee, as on 1 January 2006, the total arrears in the payment of wages and salaries amounted to 959.7 million hryvnias, representing the lowest level of such arrears over the entire period that such matters have been subject to State monitoring. The 2006 arrears are 151.6 million hryvnias, or 13.6 per cent, lower than those recorded for the beginning of 2005.

138. The country's overall salaries and wages arrears for December 2005 amounted to 10.7 per cent of the salary fund.

139. Of the total amount of arrears, 369.2 million hryvnias, or 38.5 per cent, is accounted for by enterprises under receivership or declared bankrupt and 129.0 million hryvnias, or 13.4 per cent, by economically inactive enterprises, in other words, those which had suspended their production or other business activities in 2004 and preceding years. In 2005, the arrears owing to economically inactive enterprises declined by 29.9 million hryvnias, or 18.8 per cent.

140. As on 1 January 2006, the arrears owing to employees of economically active enterprises amounted to 461.4 million hryvnias. Over the course of 2005, these arrears were reduced by 123.6 million hryvnias, or 21.1 per cent.

141. By comparison with early 2005, the number of regular employees of economically active enterprises who were not being paid on time was reduced by 321,200 employees, or 46.4 per cent of the total, amounting to 370,900 persons, or 3.4 per cent of the total number of such employees. Of those, 283,700 persons, or 76.5 per cent of the total, were owed salary or wages arrears for less than three months. The average arrears owing to each such worker was 908 hryvnias, 13 hryvnias - or 3.2 per cent - less than in the previous month.

142. The proportion of the average monthly salary fund represented by the salary arrears owing to employees of economic active enterprises, calculated as an average over the period January-November 2005, amounts to 5.7 per cent for the country as a whole.

143. Pursuant to the instructions issued by the President of Ukraine and the Cabinet of Ministers to improve the situation regarding the payment of wages and salaries, central and local authorities monitor implementation by enterprises and organizations under their control of measures to ensure the timely payment of wages and salaries and to adhere to the arrears-repayment schedules.

144. The process of clearing salary and wage arrears is systematically reviewed with the participation of employers and trade union representatives and efforts made to analyse the reasons underlying discrepancies between the repayments of salary and wage arrears and the financial and economic capacity of enterprises in different economic sectors and different regions.

145. Every month, by the twentieth day of the month following the accounting period, central and local authorities are required to report in the legally prescribed manner to the Ministry of Labour and Social Policy on their efforts to clear salary and wage arrears for the employees of enterprises, institutions and organizations under the direct control of the central and local authorities and situated within the corresponding regions.

146. The specific obligations regarding compliance with the labour legislation and with general and sectoral agreements are spelled out in regional agreements and collective bargaining contracts concluded between the heads of local authorities, employers' associations and trade unions.

147. The State department responsible for overseeing compliance with the labour legislation, Gosnadzortrud, under the Ukrainian Ministry of Labour and Social Policy, constantly monitors compliance with the country's labour legislation, including with regard to the timely payment of wages and salaries. Thus, in 2005, government labour inspectors attached to Gosnadzortrud carried out 18,123 checks on 12,443 enterprises with salary payment arrears.

148. On the basis of these checks, 12,483 suits were filed for administrative offences, in approximately 10,261 - or 82.2 per cent - of which decisions were handed down by the courts. In 6,867 such cases fines were imposed, generating a total in fines revenue of 1,965,900 hryvnias.

149. In addition, State labour inspectors issued 5,511 decisions on the imposition of fines for failure to comply with the legal requirements imposed by Gosnadzortrud officials. The fines totalled 981,800 hryvnias.

150. Following these checks, 4,556 recommendations were issued to proprietors on pressing disciplinary charges against those responsible, 1,362 of which were acted upon, leading to the cancellation of 114 contracts with company directors, and 4,417 reports of these checks were submitted to the law-enforcement authorities, leading to the institution of 974 criminal proceedings for failure to pay wages or salaries on time.

151. State labour inspectors in Gosnadzortrud conduct annual verifications of compliance with the law on women's labour. The primary purpose of these verifications is to ensure observance of constitutional law relating to the use of women's labour and of the provisions of the United Nations Convention on the Elimination of All Forms of Discrimination against Women of 18 December 1979 relating to the right of women to work; of the right to equal employment opportunities; of the right to free choice of profession or occupation; of the right to career mobility; of the right to full remuneration for work, including allowances and benefits; of the right to equal treatment in respect of work of equal value, and also to equality of treatment in the evaluation of the quality of work; of the right of employees to assistance in the event of incapacity to work and the right to paid leave; and the right to safe conditions of work.

152. During the checks, attention is also focused on compliance with the Convention provisions prohibiting dismissal on the grounds of pregnancy or maternity leave; prohibiting discrimination in dismissals on the basis of marital status; on the right of women to paid maternity leave without loss of former employment and on the provision of special protection to women during pregnancy.

153. In 2005, State labour inspectors carried out such verifications in 1,752 companies, institutions and organizations employing women. In 975 of these the inspectors identified breaches of the law relating to use of women's labour.

154. State labour inspectors in the regional inspectorates issued 1,066 injunctions against the directors of companies, institutions and organizations, ordering them to desist from unlawful activities relating to the use of women's labour.

155. In response to identified violations of the law on the use of women's labour, 660 reports of administrative offences were filed with district and city courts and 119 inspection reports were submitted for the purposes of instituting criminal proceedings against offenders.

156. Pursuant to article 188-6 of the Ukrainian Administrative Offences Code, fines were imposed on 171 directors of companies, institutions and organizations for failure to comply with the legitimate demands of State labour inspectors that they desist from practices manifestly in breach of the labour legislation.

157. Over 11 months in 2005, the regional State labour inspectors conducted checks in 29,198 companies relating to issues of compliance with minimum wage and salary guarantees. They identified 4,967 companies (17.0 per cent of the total) which had failed to comply with the rules under article 95 of the Ukrainian Labour Code regarding minimum wage and salary levels.

158. Following verifications, 8,050 orders were issued against those responsible to desist from practices in breach of the law on minimum wages and 5,367 reports were filed with the courts for the institution of administrative proceedings against offenders. In addition, State labour inspectors passed 2,786 decisions on the bringing of administrative charges against offenders for failure to comply with their legitimate demands to cease violations of the labour law relating to minimum wage and salary guarantees. These resolutions resulted in the imposition of fines totalling 314,325 hryvnias. In addition, 1,407 case-files were opened with the law-enforcement authorities on these matters. A total of 1,796 recommendations were issued on the institution of disciplinary proceedings against employers and directors and action was taken on 237 of these.

159. Sectoral checks are carried out by regional offices of Gosnadzortrud to ensure constant monitoring of compliance with the law on the employment of minors. These checks are conducted every year in companies, institutions and organizations and also on individuals conducting business activities. In December 2005, 1,241 companies underwent such checks.

160. Breaches of the law on the employment of minors, including use of their labour on weekends and holidays, at night and after hours were identified in 613 companies, constituting 49 per cent of all those checked. The majority of violations (82 per cent) were identified in privately owned companies.

161. During the checks, violations were identified of article 190 of the Ukrainian Labour Code, ILO Convention No. 182, on the worst forms of child labour, and ILO recommendation No. 190, on children working in arduous and harmful conditions of work. The checks led to the identification of 37 minors - or 2 per cent of the total number working in the companies concerned - who were working in arduous and harmful conditions.

162. Administrative action is taken against the directors of companies permitting such violations of the law. Thus, in the light of checks carried out, 422 reports were filed with the courts for the institution of administrative proceedings against company directors for breaching the law on the employment of minors.

163. Failure to comply with the legitimate demands of State labour inspectors led to administrative charges being filed against 59 company directors, under article 188-6 of the Ukrainian Administrative Offences Code.

164. Ukraine has taken note of the comments in paragraph 26 of the concluding observations by the Committee on Economic, Social and Cultural Rights.

165. Ukraine ratified ILO Convention No. 81 (of 1947), on labour inspection, on 10 November 2004.

166. Ukraine has taken note of the comments in paragraph 15 of the concluding observations by the Committee on Economic, Social and Cultural Rights.

167. Efforts to improve safety at work are a central priority of government policy in Ukraine. Tackling this problem is seen as a strategic task for the central Government at both the executive level - the Ukrainian Ministry for Emergencies and Protecting the Population from the After-Effects of the Chernobyl Disaster - and the administrative level - the State Department for Industrial Safety, Labour Protection and Mining Oversight.

168. The "Meeting people's needs" programme run by the Cabinet of Ministers sets both as its priority activity and its principal goal the protection of the rights and freedoms of people and the promotion of European social, economic and democratic standards in the daily life and work of the population.

169. Guided by the main thrusts of State policy in industrial safety, the authorities responsible for overseeing the mining and industrial sectors are working to uphold the constitutional right of employees to safe working conditions, the prevention of accidents and emergencies, and measures to protect workers from unsafe situations and occupational illnesses.

170. Contemporary economic relations, the development of new forms of property ownership, the rapid growth of the manufacturing sector and Ukraine's aspirations to join the European Union all necessitate a fundamentally new approach to the issues of safety at work and job security in Ukraine, and also changes in the mindset of employers regarding their responsibility for the lives and health of their employees.

171. An analysis of occupational safety practices shows that the rate of occupational injuries, accidents and emergencies in Ukraine is steadily declining. The country's accident rate is still high, however.

172. Although 2005 saw the reorganization of the country's supervisory and oversight authorities, resulting in the loss of a number of gains made over recent years, the oversight system continued to operate effectively, thanks to its previous level of development.

173. Over the course of 2005, injury levels declined as a whole by 8.3 per cent (with 20,817 victims, 1,840 fewer than in the previous reporting period) and that of fatal injuries by 6.5 per cent (1,088 victims, 76 fewer than before).

174. Injury rates have dropped in such sectors as coal mining (157 deaths, as against 200), construction (129 deaths, as against 142), agribusiness (236 deaths, as against 265) and transport (101 deaths, as against 102).

175. The rate of fatal injuries has risen more than fivefold in the oil and gas prospecting and geological sector (16 deaths, as against 3), nearly doubled in the communications sector (20, as against 11), risen by half in the engineering sector (67, as against 45), by 22 per cent in the mining and non-metallic minerals sectors (39, as against 32) and by 8.7 per cent in the social, cultural and trade sectors (137, as against 126).

176. In 2006, injuries in coal mines dropped by 15.5 per cent (7,768 miners were injured, as compared to 9,195 in 2005), with fatal injuries dropping by 21.5 per cent (157 deaths, as against 200), which included the deaths of 27 miners from cardiovascular disorders, constituting 20.3 per cent of all fatalities in underground work. Fatal injuries in this sector accounted for 14.4 per cent of all fatalities in all industrial sectors (totalling 1,088).

177. In 2006, figures for injuries sustained in underground work are 37 lower than in 2005. Of the total number of underground accidents, 26 - or 19.5 per cent - occurred at the mine face, 14 - 10.5 per cent - in development headings and 93 - 70.0 per cent - in live workings.

178. Following the 2.2 million ton drop in coal production in 2005, the rate of fatal injuries dropped to 2.0 per 1 million tons of mined coal from the 2005 rate of 2.5 per 1 million tons. The highest rate was in the Lviv province mines, with 2.6, and the lowest in the Pavlohrad mine Pavlogradugol, with 0.58. Notwithstanding the drop in fatal injuries in the coal mines of Donetsk province, every million tons of coal mined in the province cost the lives of more than two miners (with a rate of 2.5).

179. In 2005, 22 group accidents occurred in Ukrainian mines, resulting in injuries to 88 miners, 21 of them fatal, representing 13.5 per cent of all the injuries in the sector. The worst accidents in terms of both human and material loss occurred on 16 April in the Rossiya mine operated by the State enterprise Selidovugol, in which three miners perished and two were injured when the top covers caved in, and on 25 June in the Lesnaya mine run by the State enterprise Lvovugol, when five miners died and two were injured in a methane gas explosion. In 2005 there were eight more accidents in the coal mining sector than in 2004 (22, as compared to 14), but with fewer fatalities: in all, 28 fewer miners lost their lives.

180. Over recent years there have, however, been some positive developments in Ukraine in the area of safety at work. At the same time, if the country is to match the safety levels of countries with the best records in this area, it is essential that the relevant authorities continue to apply themselves to the following priority tasks:

- (a) Enhancing industrial safety in the performance of dangerous tasks and the use of hazardous equipment;
- (b) Promoting entrepreneurial initiatives related to streamlining the permits procedure;
- (c) Boosting safety at work in the handling of explosives and the carrying out of explosions;
- (d) Improving safety in people's daily lives in regions with the worst accident rates;

(e) Organizing preventive measures in the area of safety at work as part of national, sectoral and regional programmes to improve safety, to promote a healthy workplace and generally to enhance working conditions in the country over the period 2006-2011, through the introduction of state-of-the-art technology and the use of up-to-date individual and group protective devices;

(f) Strengthening State monitoring of compliance with the safety rules relating to pulverized coal and gas in coal mines;

(g) Developing the required legal principles on safety at work for Ukraine's entry into the European Union.

### **Article 8. Trade union rights**

181. Trade union rights in Ukraine are guaranteed by the Constitution, the Citizens' Associations Act, the Trade Unions (Rights and Guarantees) Act, the Contracts and Agreements Act, the Collective Labour Disputes and Conflicts (Settlement Procedure) Act, and the Code of Labour Laws.

182. Thus, pursuant to the Ukrainian Trade Unions (Rights and Guarantees) Act, Ukrainian citizens have the right, as an expression of their free will and without the need for any permissions, to form, join and leave trade unions and to participate in their work in accordance with their statutes.

183. No one may be constrained to join or not to join a trade union. Article 13 of the Trade Unions (Rights and Guarantees) Act stipulates that the State shall be responsible for upholding the right of citizens to form trade unions and ensuring that the rights and interests of trade unions are fully respected.

184. The State recognizes trade unions as fully legitimate representatives of employers and protectors of their labour, social and economic rights and interests and cooperates with trade unions in giving effect to those rights and interests, assisting them in establishing working relations with employers and their associations.

185. Under article 16 of the Trade Unions (Rights and Guarantees) Act, trade unions and their organizations shall operate independently of the central and local authorities, of employers and of other voluntary associations and political parties, and shall not be accountable to them or under their control.

186. Pursuant to article 126 of that Act, trade unions and their associations acquire legal status following confirmation of their compliance with their statutes.

187. Where membership of trade unions is concerned, the bodies operating under the statutes of a trade union submit notifications to the authorizing body in their area, citing the certificate of legal status of the trade union, on the basis of which they are inscribed in the register of citizens' associations. The parent trade unions also notify the employer of such membership in writing.



188. Trade unions of enterprises, institutions or organizations acting pursuant to their own statutes acquire legal status in the manner set out in the above-cited article.
189. The law prohibits any interference by the central or local authorities, or by employers or employers' organizations in the statutory activities of trade unions or their associations and confederations.
190. The process of according legal status to national trade unions and their associations is the responsibility of the Ukrainian Ministry of Justice, and to other trade unions and their associations the responsibility of the Ministry's Central Justice Office in the Autonomous Republic of Crimea, of provincial level justice offices, of the Kyiv and Sebastopol municipality justice offices and of district, urban district and urban (for cities of province status) justice offices.
191. The right to strike is an important guarantee of the protection of citizens' collective, economic and social rights and interests. Article 44 of the Constitution states that all employed persons have the right to strike to protect their economic and social interests. The procedure for exercising the right to strike is outlined in the Collective Labour Disputes and Conflicts (Settlement Procedure) Act, adopted by the Supreme Council on 3 March 1998.
192. No one may be compelled to participate or be prevented from participating in a strike. Strikes may only be prohibited by law. The Collective Labour Disputes and Conflicts (Settlement Procedure) Act states that a strike is a method of last resort for the settlement of labour disputes and conflicts (when all other possibilities have been exhausted) following the refusal by an employer or his authorized agent or representative to meet the demands of employees or their authorized agent, trade union, trade union association, or authorized agent thereof.
193. Restrictions on strike action are listed in the Collective Labour Disputes and Conflicts (Settlement Procedure) Act, article 24 of which stipulates that a strike is prohibited if a work stoppage would endanger life, health, or the environment, or interfere with the prevention of natural disasters, accidents, epidemics, epizootics or management of the consequences thereof.
194. Employees of the procuratorial system, the courts, the Ukrainian armed forces, government bodies, and agencies responsible for State security and law and order are not permitted to strike (except technical and service personnel).
195. When a state of emergency has been declared, the Supreme Council or the President may prohibit strikes for a period not exceeding one month. The prohibition of strikes for a longer period must be approved by a joint act of the Supreme Council and the President. When martial law has been declared, strikes are automatically prohibited until martial law has been lifted.
196. In addition, the Act states that a strike is deemed illegal:
- (a) If the strike aims to change the constitutional system, State borders or administrative and territorial structure of Ukraine, or if the strikers' demands violate human rights;

(b) If the strike has been called by employees, a trade union, an association of trade unions or the authorized agents thereof in violation of the provisions of the Collective Labour Disputes and Conflicts (Settlement Procedure) Act concerning the procedure for examining labour disputes and the procedure for organizing and holding strikes;

(c) If the strike is called or held while conciliation procedures established by law are still in progress.

197. Ukraine has taken note of the comments in paragraph 16 of the concluding observations of the Committee on Economic, Social and Cultural Rights.

198. The Government has imposed no restrictions on the exercise by trade unions of the right to form federations and join international trade union organizations. These rights are exercised by the trade unions themselves without government interference.

199. There are no statutory rules restricting the rights of trade unions to operate freely. Articles 22-24 of the State of Emergency Act adopted by the Supreme Council on 26 June 1999 stipulate that certain measures which restrict the rights and freedoms of citizens, social organizations and entrepreneurs may be enacted during a state of emergency. These include: first, prohibition of strikes; and, second, suspension following appropriate warning of the operation of political parties, social organizations, mass movements and voluntary associations of citizens, if their activities impede the normalization of the situation.

200. Article 31 of the Citizens' Associations Act states that in order to curb illegal activity by an association of citizens pursuant to an application from a certifying body or a procurator, a court may provisionally prohibit certain kinds of activity or the operation of an association of citizens for up to three months.

201. Under article 36 of the Ukrainian Constitution, "citizens have the right to join trade unions in order to protect their labour, social and economic rights and interests. Trade unions are social organizations that unite citizens bound by common interests according to the nature of their occupational activity. Trade unions are formed without prior permission on the basis of the free choice of their members".

202. The largest association of trade unions in Ukraine is the Federation of Trade Unions of Ukraine, established as a voluntary society for coordinating the efforts of trade unions (or associations thereof) in order to articulate and protect the economic, social, labour, legal and spiritual interests of their membership.

203. The main tasks of the Federation of Trade Unions of Ukraine are to protect the labour, social and economic rights and interests of members of trade unions; to ensure legal protection of members of trade unions; to help shape the country's political landscape and develop civil society; to improve the system of social partnership between trade unions, employers and the Government; and to strengthen the Federation's international ties. The Federation cooperates with ILO, taking part in its activities and helping with the elaboration of conventions of

importance to the trade union movement, and takes full advantage of the opportunities afforded by ILO for the expert appraisal of legislation submitted for consideration by the country's Supreme Council. Relations between the Federation of Trade Unions of Ukraine and the International Confederation of Free Trade Unions are constantly expanding.

204. In 2005, the Federation of Trade Unions of Ukraine became a member of the International Confederation of Free Trade Unions.

205. The Federation brings together 43 national and sectoral trade unions and 26 regional trade union federations.

206. In addition, some 41 other national trade unions and associations have been set up and are now operating in the country which are not part of the Federation. The largest of these in terms of their membership are the National Confederation of Ukrainian Trade Unions, the Independent Union of Ukrainian Miners and the Ukrainian Confederation of Free Trade Unions.

207. The development of the trade union movement is also amply demonstrated by the large number of national trade unions and the active and influential role played by these in public life. Currently, the trade unions of Ukraine constitute an influential force in the country, actively involved in implementing the policy of social dialogue and striking a balance between the interests of employees, employers and the Government. In its work, the Government treats all trade unions equally, irrespective of their size.

208. The Trade Unions (Rights and Guarantees) Act adopted by the Supreme Council stipulates that particular aspects of the implementation of this law in the Ukrainian armed forces (in respect of military personnel), internal affairs agencies and the national security service shall be dealt with by relevant statutes.

209. Article 18 of the Militia Act stipulates that militia officers have the right to form trade unions. Under article 5 of the Military Personnel and Family Members (Social and Legal Protection) Act, military personnel have the right to form their own social associations.

210. There is currently a trade union for performance-evaluated employees of the internal affairs agencies, and there are two trade unions for military personnel.

211. Since the submission of the previous report, the Supreme Council has adopted the Collective Labour Disputes and Conflicts (Settlement Procedure) Act and the Trade Unions (Rights and Guarantees) Act. Pursuant to presidential decrees of 17 November 1998, a national mediation and conciliation service has been established, together with 35 regional offices, and of 29 December 2005, the National Trilateral Social and Economic Council has been established and is currently setting up 27 regional offices.

#### **Article 9. Right to social security**

212. For the purposes of putting into effect the Outline for a Public Social Insurance System in Ukraine, a set of principles of compulsory national social insurance legislation were elaborated and adopted as a constitutional law on 14 January 1998. This opened the way to the drafting of a number of bills on a wide range of social insurance issues.

213. The following measures are envisaged in the principles of compulsory national social insurance legislation:

(a) Introduction of five separate types of compulsory national social insurance (pension insurance; medical insurance; temporary incapacity insurance to offset childbirth and funeral expenses; unemployment insurance; and insurance against accidents at work and occupational illnesses);

(b) Determination of categories of people entitled to compulsory national social insurance;

(c) Provision of State guarantees to protect the rights and interests of citizens entitled to pensions or to social benefits, and to material assistance in the case of permanent or temporary incapacity, unemployment, childbirth, childcare for infants and toddlers, family illness, death of a contributor or a contributor's family members.

214. The Supreme Council has adopted the following legislation in this area: the Compulsory State Insurance (Accidents at Work and Occupational Illnesses resulting in Disability) Act, adopted on 23 September 1999; the Compulsory State Unemployment Insurance Act, adopted on 2 March 2000; the Compulsory State Maternity and Bereavement Insurance (Temporary Incapacity and Associated Expenses) Act, adopted on 18 January 2001; and the Compulsory State Pension Insurance Act, adopted on 9 July 2003. A bill on compulsory State medical insurance is under consideration, but has not yet been adopted by the Supreme Council.

215. The provision of funding for the various types of social insurance has been assured by statutes setting out the insurance tariffs for compulsory State insurance against accidents at work and professional occupational illnesses resulting in loss of working capacity and stipulating the levels of contributions for the various kinds of compulsory State insurance.

216. Under the principles of compulsory State insurance and in the acts already adopted on the specific types of such insurance, all employees have been issued certificates of their compulsory State insurance. The Cabinet of Ministers has ruled that these certificates shall be registered and issued by the State pension fund. Insurance certificates are issued in a standard format for all types of compulsory State insurance and the certificate documents are subject to a strict registration system, confirming the rights of the insured party to receive social services and material benefits under the compulsory State insurance concerned.

217. In this way, the legislative conditions have been set in place in Ukraine for the development of a system of compulsory State insurance, based on the requirements of the 1964 European Code of Social Security and ILO recommendation No. 67 of 1944.

218. The categories of persons entitled to social insurance are determined by the acts on the various types of compulsory State insurance.

219. The policy-holders are employers and other individuals who make use of hired labour and, in accordance with the established insurance tariffs, are obliged to pay insurance contributions for the employees in their hire. The insurers are special funds for:

- (a) Pension insurance (Pension Fund);
- (b) Insurance against temporary loss of working capacity and expenses associated with maternity and bereavement (Social Insurance Fund for Temporary Incapacity);
- (c) Insurance against accidents at work and occupational illnesses resulting in loss of working capacity (Social Insurance Fund for Accidents at Work and Occupational Illnesses);
- (d) Unemployment insurance (Compulsory State Unemployment Insurance Fund).

220. The social insurance funds are non-profit independent organizations which operate on the basis of their own statutes and are ratified by boards of the funds. The funds are legal entities, with their own seal (including the Ukrainian State coat of arms and their name) and logo. The social insurance funds are responsible for the collection and accrual of insurance contributions and for operating an autonomous funding system.

221. Under Ukrainian law, the social insurance funds are managed by boards comprising 15 representatives of the Government, employers and trades unions. The term of office of board members is six years. The boards are headed by chairs elected from among the members for periods of two years: the chairmanship rotates among representatives of the three constituent groups. The chair of the board has two deputies, one from each of the other two groups, so that the three together represent the tripartite partnership. The members of the board discharge their functions on a voluntary basis.

222. The executive body is the executive directorate of the fund, which is responsible for implementing the decisions of the board. The directorate exercises its functions on behalf of the insurance fund in accordance with the procedure set out in its statutes and the directorate's regulations. The directorate also works through local offices which serve as its operational bodies.

223. The activities of the special purpose funds for compulsory State insurance are overseen by observer councils. The observer councils monitor compliance with the statutory tasks and ensure that the funds in the insurance fund concerned are being put to their prescribed use. The observer councils comprise 15 members, with 5 each from the insured parties, the employers and the Government.

224. State supervision in the area of compulsory State insurance is performed by a specially empowered central executive body. This State supervisory body is responsible for monitoring compliance by the policy-holders and insurers with Ukrainian law on compulsory State insurance.

225. In that this process, the State supervisory body identifies breaches of conduct and sets deadlines for these to be rectified. If, by the expiry of these deadlines, the policy-holders or insurers fail to rectify the breaches of conduct, their unlawful decisions are set aside. This body may request meetings of the directors of the fund and if this request is not fulfilled, they may call the meeting of the fund themselves.

226. Members of the boards of insurance funds may, by decision of the State supervisory body, be relieved of their duties for failure to comply with their obligations. Policy-holders or insurers may appeal to the courts against such decisions by the State supervisory body.

227. The basic rule underlying establishment of the social insurance system, as set out in the basic principles, is the principle of solidarity. This principle is applied primarily in the funding of specific types of social insurance.

228. Provision is also made for the following:

(a) The special purpose insurance funds shall conduct their activities on the basis of the insurance contributions paid by employers and the employees in their hire. One exception to this rule is social insurance against accidents at work and against occupational illnesses, the contributions for which are paid exclusively by the employers;

(b) The levels of the insurance contributions for compulsory State insurance are set each year for the coming calendar year by the Ukrainian Supreme Council both for employers and for other insured persons as percentages of the total expenditure for labour remuneration and are ratified at the same time as the State budget;

(c) Insurance contributions to the special purpose funds must be assigned for insurance payments and to cover the cost of social services prescribed by law, for the funding of measures designed to prevent insurance risks, to establish funding reserves and to cover the administrative costs of the insurer.

229. The primary tasks of the Compulsory State Insurance (Accidents at Work and Occupational Illnesses resulting in Disability) Act include:

(a) The conduct of preventive measures designed to remove harmful and hazardous production factors, to prevent accidents at work and occupational illnesses and other circumstances which threaten the health of the insured persons and are attributable to their working conditions;

(b) Restoring the health and ability to work of victims of accidents and persons affected by occupational illnesses in the course of their work;

(c) Paying compensation for material and non-material injury to the insured persons and to members of their families.

230. The entitlement to compulsory social insurance against accidents at work and occupational illnesses is exercised by persons working on the basis of labour contracts concluded with an employer, to pupils and students at educational establishments, nurses and medical

interns, postgraduate students and doctoral students, engaged in employment during, prior to or after their classes; during classes designed to impart occupational skills; during work practices (internships) and during the performance of work in production centres.

231. Social insurance against accidents at work and against occupational illnesses is provided in the form of subsidies paid when employees become temporarily unable to work or as monthly benefits or lump-sum payments and also in the form of additional payments scaled to the extent of injury suffered by the victim.

232. Provision is made under law for lump-sum insurance payments to insured persons or other persons who have the right to receive such payments in the event of the death of a victim and also as monthly insurance benefits to insured persons or persons who were formerly supported by the victim.

233. Both lump-sum and monthly insurance benefits are paid out:

(a) To insured persons in accordance with the finding of a medical and social expert commission, if the case in question covered by the insurance was the reason for their loss of ability to work;

(b) To persons entitled to receive such payments if the case covered by the insurance resulted in the death of the insured person.

234. The principal source of funds for the social insurance fund against accidents is constituted by the insurance contributions paid by employers, which are categorized according to their type of economic activity and the level of occupational risk. The levels of such risk are established by the Supreme Council. At the current time, 67 categories of occupational risk have been identified and a corresponding 67 insurance tariffs are being applied.

235. The Ukrainian Compulsory State Social Maternity and Bereavement Insurance (Temporary Incapacity and Associated Expenses) Act sets out the legal, organizational and financial underpinnings of this type of social insurance. Material support provided under this type of insurance includes the following:

(a) Temporary incapacity benefits;

(b) Pregnancy and childbirth benefits;

(c) Benefits payable on the birth of a child;

(d) Childcare benefits until the child reaches the age of 3;

(e) Funeral benefits.

236. Benefits for temporary incapacity are paid to insured persons in accordance with their salary (income) and the length of time that they have been paying into the insurance fund.

237. Responsibility for giving effect to the right of employees to receive benefits for temporary inability to work, for pregnancy and childbirth, on the birth of a child and for funerals is assigned, pursuant to the current law, to the management of the enterprise (establishment or organization) and the individuals making use of the employees' hired labour.

238. Besides providing material benefits, the law contains an entire range of measures to provide health-spa treatment and recuperation for insured persons and members of their families. This takes the form of funding health-spa treatment, rest and recuperation at sanatoriums, health resorts, clinics and children's health camps and partly funding children's and young people's sports schools and after-school activities.

239. The purpose of the Ukrainian Compulsory State Social Insurance (Unemployment) Act is to cater for cases where insured persons lose earnings as a result of being laid off from their jobs through circumstances beyond their control.

240. Compulsory State social insurance for unemployment is to be provided for hired employees working in enterprises, institutions and organizations of all types of ownership and management and also those working for individuals, since it is precisely this latter category of employees who suffer the worst from forced lay-offs. Among these are also included employees who work part-time and those performing alternative (non-military) service, in so far as labour contracts are concluded with them by the proprietor of the business or a duly delegated agency for the period of their service.

241. Although all hired employees are entitled to insurance, the material benefits paid out under such insurance differ widely in accordance with the reasons for which they become unemployed. Priority in the provision of social protection is accorded by the act to that category of unemployed who lose their jobs for reasons beyond their control, in other words, through downsizing, voluntary resignation for compelling reasons or inability to continue work for reasons of health or lack of the required qualifications; on the expiry of fixed-term labour contracts; and in event of call-up for military service or assignation to alternative (non-military) service.

242. Since the arrangements for the provision of social services and material benefits to the unemployed are fairly well established and have been in operation for some time by the State employment service, the functions of the executive authority of the fund are assigned under the act to the existing bodies of the State employment service, to ensure the fullest possible use of its material and information resources and its qualified staffing potential. This relieves unemployed persons of the unnecessary burden of registering with and making frequent visits to a number of different offices.

243. Persons who in circumstances beyond their control have lost their jobs and for a period of 12 months prior to becoming unemployed have worked for no less than 26 calendar weeks are entitled to an unemployment benefit calculated as a percentage of their average earnings (income), scaled to the period of time that they have been paying into the insurance fund, as follows:

- (a) Up to 2 years: 50 per cent;



- (b) From 2 to 6 years: 55 per cent;
- (c) From 6 to 10 years: 60 per cent;
- (d) More than 10 years: 70 per cent.

If persons remain employed for long periods, their unemployment benefits are reduced as follows:

- (a) For the first 90 calendar days: 100 per cent of the stipulated amount;
- (b) For the next 90 calendar days: 80 per cent; thereafter: 70 per cent.

In addition to the provision of material support under a uniform legal framework in the event of unemployment, the entire range of measures designed to ensure the earliest possible return of unemployed persons to gainful employment is retained. This is achieved through the provision of such social services as vocational training and retraining, vocational guidance, information and advisory services, the award of subsidies to employers for the creation of additional jobs for the placement of unemployed persons and the organization of paid community service for the unemployed.

244. The Ukrainian Compulsory State Insurance (Pensions) Act, which introduced pension insurance and provided for the creation of a new three-tier pensions system, with a foundation level (the first level), compulsory accumulation of funds (second level) and a public voluntary pension fund (third level), entered into force on 1 January 2004.

245. Under the new pensions system, the level of retirement pensions depends on the period of time that payments had been made into the insurance fund and the income on the basis of which insurance contributions were paid into the Ukrainian pensions fund.

246. Ukraine has maintained the right of retirement at the age of 55 (for women) and 60 (for men), with the possibility of retirement at a later age with higher pension levels calculated on the basis of a 3 per cent increment per year for deferment of retirement, up to a limit of 85.32 per cent for a 10-year deferment of retirement.

247. The cost of paying out pensions increases from year to year. With effect from January 2005, the level of minimum retirement pensions has been pegged to the subsistence minimum for persons who have lost the ability to work.

248. Thanks to the range of measures designed to enhance the pension status of citizens, it has been possible to raise pensions by a considerable margin. Thus, over the last five years, the minimum pension has been increased approximately tenfold (from 34 hryvnias in 2001 to 350 hryvnias in 2006). The average level of pensions as at 1 January 2006 was above 400 hryvnias, representing an almost fivefold increase since the same date in 2001 (83.66 hryvnias).

249. The pensions system is supplemented by a system of benefits, compensation payments and guarantees and a programme of housing subsidies and other forms of State social assistance for elderly citizens, the disabled and families with children.

250. Ukraine has taken note of the comments in paragraph 14 of the concluding observations of the Committee on Economic, Social and Cultural Rights.

251. The country's pensions arrears were finally settled in September 2000. All pension payments are made in full and in accordance with the prescribed schedules.

252. In order to ensure the further improvement of the pensions system, on 15 December 2005 the Ukrainian Cabinet of Ministers approved a strategy for the development of the Ukrainian pensions system, setting out measures to strengthen the application of insurance principles in the system of joint and several liability, to promote the contributory system of pensions insurance and the further development of private pension funds, so as to ensure the financial stability of the pensions system in Ukraine.

#### **Article 10. Protection of the family, mothers and children**

253. Ukraine has taken note of the comments in paragraph 28 of the concluding observations by the Committee on Economic, Social and Cultural Rights.

254. The family is the mainstay of society and must be afforded special protection by the State. Accordingly, society and the State are joining efforts to combat domestic violence and working together to devise and improve systems for opposing this problem.

255. The problem of violence against women is not something specific to Ukrainian society, just as it is not an inherent problem of any other country. It is a problem common to all humankind.

256. In 2002, the Domestic Violence (Prevention) Act entered into force in Ukraine and the procedure for the processing of complaints and reports of actual or threatened domestic violence was ratified by the Cabinet of Ministers. A major step towards solving the problem of domestic violence was taken by the Ministry of Internal Affairs with its initiative on amending the Ukrainian Code of Administrative Offences, to introduce liability clauses for the commission of domestic violence or the failure to comply with injunctions, which provides the legal and organizational underpinnings for measures to prevent domestic violence.

257. Domestic violence in Ukraine is viewed as one of the fundamental causes of homelessness, drug addiction and alcoholism. More often than not, the victims of violence are women. Domestic violence has a negative impact on children, heightening the risk of their becoming alcoholics, drug addicts or engaging in crime.

258. Under the act amending the Code of Administrative Offences, special services are being set up under the internal affairs system, comprising neighbourhood police inspectors and criminal police inspectors dealing with cases involving juveniles, who are assigned responsibility for the conduct of measures to prevent domestic violence.

259. In order to give effect to the provisions of the above act, the Ukrainian Ministry for Family, Youth and Sport, working together with the Ministry of Internal Affairs, has taken certain organizational and practical measures. These include:

- (a) Preparation of a special order, ratifying the instructions relating to the procedure for interaction between departments and offices dealing with family and youth matters, the juvenile affairs services, the social services centres for young people and the internal affairs authorities responsible for implementing measures to prevent domestic violence;
- (b) Development of a procedure for the monitoring of families in crisis situations, designed to prevent the phenomenon of irresponsibility among fathers, which leads to the neglect and abandonment of children;
- (c) Development and ratification of a procedure for the consideration of reports and complaints relating to cruelty or the threat of cruelty to children and of instructions giving guidance to the various services dealing with families, children and young people, the social services centres for young people and the internal affairs authorities, on how to cooperate in preventing domestic violence and its consequences, namely, the abandonment and cruel treatment of children.

260. In order to assist women who have been the victims of violence, certain specialized establishments are being set up by the State authorities. Thus, the first refuge for the victims of violence commenced operation in Kyiv in the summer of 1998. Currently, a network of comparable establishments is being set in place, which will provide assistance in each region.

261. Steps have been taken to launch cooperation between the Ministry of Internal Affairs and its various local bodies and non-governmental organizations, on whose initiative training courses are being held for neighbourhood police inspectors on ways of preventing domestic violence.

262. In collaboration with the Ministry of Health and the Scientific Research Institute for Social and Forensic Psychiatry and Toxicology, guidelines have been developed on the conduct of measures by the internal affairs authorities to prevent offences within the family.

263. Together with the Ministry for Family, Youth and Sport (formerly the Ministry for Youth and Sport), a manual has been prepared and published for neighbourhood police inspectors, to assist them in preventing domestic violence; in 2005, the manual was distributed to all police stations.

264. Changes have been made to the way statistics are collected by the Ministry of Internal Affairs regarding reported offences involving domestic violence.

265. In addition, the task of preventing domestic violence requires special expertise, the grooming of qualified specialists for the services run by the neighbourhood police inspectors and the criminal police dealing with cases involving juveniles and the conduct of essential training measures for them. Accordingly, specialists are currently being prepared in the various training institutions in the internal affairs system, to work in the neighbourhood police services.

266. By decision of the board of the Ministry of Internal Affairs, study of the act was included in the syllabus of training establishments run by the ministry.

267. The range of organizational and practical measures carried out over recent years, designed to strengthen preventive work with persons committing acts of domestic violence and other domestic offences, has considerably helped curb the growth of crime in Ukraine and reduce the number of offences committed in private homes, in particular against women and children.

268. Thus, over 11 months of 2004, the number of offences committed as a result of family disputes, jealousy or on other domestic grounds, by comparison with the same period in 2003, dropped by 12.7 per cent and, among those, homicides and acts of grievous bodily harm dropped by 4.4 per cent.

269. In 2005, 51,000 persons were placed on the registers of the internal affairs authorities for the commission of domestic violence, 61,100 official warnings were handed down and 6,500 injunctions issued. Administrative charges were brought against more than 77,000 persons.

270. At the same time, the experience of implementing administrative law demonstrates that, in most cases, the offenders get away with a fine. Bearing in mind that the victims of domestic violence, primarily women, are often financially dependent on their aggressors, the levying of fines has the effect of punishing the victims more than the offenders. Accordingly, the courts are encouraged to take a more nuanced approach to cases of domestic violence.

271. The problem of how to prevent violence against children remains a matter of particular concern. Because they are still unaware of the need to combat violence, a problem compounded by the lack of information presented in a form accessible to the young, children tend to conceal the fact that they have been subjected to violence in the home and do not appeal for help either to their teachers at school or to the police. For their part, the teachers themselves often fail to pass on information about violence to the authorities, even when cases of violence against children are brought to their attention. Special classes are held in schools, with a view to overcoming this problem, and awareness-raising work is continuously conducted among various population groups with the help of voluntary associations.

272. Under current arrangements, the social welfare system is responsible for providing support for families with children aged under 18 who permanently reside with them. The support is provided pursuant, in particular, to the State Social Assistance for Families Act and the State Social Assistance for Needy Families Act and through the programme of rental and housing cost subsidies for the purchase of heating fuel and to cover other domestic expenses.

273. Across the country as a whole, some 3 million families benefit from this system and the expenditure on such benefits totals some 3,000 million hryvnias per year.

274. Over recent years a number of steps have been taken to standardize the country's laws relating to social welfare, in order to move to a system of social welfare based on the provision of targeted assistance to families and the safeguarding of their rights and social guarantees.

275. The preconditions are already largely in place for a standardized approach to the provision of all kinds of targeted assistance, dependent on the income and property status of the would-be beneficiaries. The subsistence minimum is taken as the basic criterion for assessing the entitlement of families or individuals to the corresponding level of benefit.

276. Given its financial constraints, the State is unable to provide all social guarantees at the level of the subsistence minimum. Consequently, the Supreme Council stipulates the level of the various benefits as a percentage of the subsistence minimum, and this is termed the “guaranteed minimum”.

277. The 2006 State Budget Act sets out a scale of guaranteed minimum benefits, graduated in accordance with the various population categories, for the payment of social welfare to needy families. For able-bodied beneficiaries it is set at 110 hryvnias; those unable to work (pensioners and children aged under 18) at 155 hryvnias; and for the disabled at 165 hryvnias.

278. For each child being raised in a needy family, the subsistence minimum percentage is increased by 10 per cent, raising the benefit to 178.5 hryvnias. For each child being raised in a single-parent family or needy family with many children or in a family in which one of the parents has a category I or category II disability, the subsistence minimum percentage is raised by 20 per cent, bringing the benefit to 186 hryvnias.

279. A targeted approach is followed in the provision of benefits to families. Of the five types of assistance allocated under the Ukrainian State Social Assistance for Families Act, three are allocated on the basis of the family’s gross income; this assistance is intended to cover childcare until the child reaches the age of 3 for children of single mothers and children being raised in the families of guardians or foster parents.

280. The following benefits are allocated without regard to the family’s gross income:

(a) Maternity and childbirth benefits;

(b) Lump-sum payment on the birth of the child, which, in 2006, is set at 8,500 hryvnias.

281. A programme of housing subsidies has been in effect in Ukraine since 1995. Entitlement to such subsidies is exercised by families whose outlay on rent and utilities, provided in accordance with the established rules for the ownership or use of the premises, exceeds 20 per cent (or, in the case of the most needy families, 15 per cent) of the family’s aggregate income. The 15 per cent level is set for those families consisting entirely of pensioners and other categories of persons unable to work or families with children or with family members who have category I or II disabilities. In addition, the aggregate monthly income of any given beneficiary may not exceed 50 per cent of the subsistence minimum.

282. Subsidies for rent and utilities are allocated on a six-monthly basis, and those for natural gas used for heating are paid for each cold weather period. Subsidies for water-heating gas, coal and oil are paid once per calendar year. Reimbursement of rental and utilities payments are provided in the form of credits, while subsidies for the purchase of gas, coal and oil for heating are paid in cash.

283. The homeless and ex-convicts are among the most disadvantaged sectors of the population.

284. Attention was first drawn to the problem of these groups in the 1990s. On 27 April 1998, the Cabinet of Ministers adopted its resolution No. 573 on the construction of special facilities for persons in these categories. As part of their efforts to implement this resolution, the labour and social welfare departments of the local authorities in Dnipropetrovsk, Donetsk, Mykolayiv, Odessa, Rivno and Kherson provinces have built shelters and other special facilities for their homeless citizens.

285. As at 1 January 2006, there were five overnight shelters accommodating 168, which provided shelter over the course of 2005 for 1,893 persons, and eight special facilities for the homeless, catering for 220 persons, which provided services for 1,762 people.

286. A centre for the social rehabilitation of homeless women has been set up in Kyiv under a joint Ukrainian-Netherlands project. The centre is designed for 80 women, and over the course of 2005 accommodated 84 women, and on 1 January 2006 a social welfare shelter, with a night-stay centre accommodating 150, started operation. In addition, a centre for the social rehabilitation of elderly, disabled and other homeless citizens is in operation in Kyiv, catering for 350 such persons, and has provided services to 627.

287. A provincial residential centre for the socially disadvantaged has been set up in the village of Korshiv, in Ivano-Frankivsk province, providing accommodation and other services, including for the homeless.

288. At the same time, social work is being conducted in a number of areas with homeless citizens by non-governmental organizations. According to updated figures, establishments have been set up in Zaporizhzhie, Luhansk, Odessa, Chernivtsi and Chernihiv provinces by charitable, voluntarily and religious organizations, for the purpose of providing social assistance and psychological and legal services to homeless citizens.

289. In 2003, in response to the growing urgency of this problem, parliamentary hearings were held on the issue of homeless citizens and neglected children and ways of tackling these problems.

290. In June 2005, the Homeless Citizens and Neglected Children (Social Protection) Act was adopted and the act entered into force on 1 January 2006, setting out the framework for the social protection of homeless citizens and neglected children and the legal provisions governing the treatment of such people in society. The act is designed to ensure that the rights and freedoms of the homeless and of neglected children, as enshrined in the Ukrainian Constitution and current law, are duly upheld and it sets in place the necessary conditions for work by voluntary and charitable organizations to provide social protection for this population group.

291. The act makes provision for the establishment of social welfare facilities for the homeless, including night shelters, rehabilitation centres and welfare hotels. The operation of these establishments is designed to facilitate a phased approach to social work with the homeless, based on experience gained in Austria and the Netherlands.

292. In addition, it is planned to set up a registration centre for the homeless, with the principal aim of identifying such persons (including through the conduct of so-called “social patrolling”, or street patrols), registering them and issuing them with temporary identity cards, an important measure in particular for those homeless citizens who have no documents.

293. The social protection of persons released from detention facilities is ensured under the Persons Completing Custodial or Semi-Custodial Fixed-Term Sentences (Social Rehabilitation) Act, which was adopted in July 2003.

294. The forms of social protection provided to the disabled and elderly include their placement in residential homes, retirement centres and residences for war and labour veterans, and also the provision of social services and amenities in local centres set up to serve elderly citizens and those unable to work and living alone.

295. Notwithstanding the shortage of funds in local budgets for the maintenance of residential homes, the Ukrainian Ministry of Labour and Social Policy and local labour and social welfare authorities have been able to increase the number of residential places in such establishments under the authority of the Ministry, by commissioning new residential centres and extending the accommodation facilities in those already in operation.

296. As of the current time, the following facilities are in operation under the auspices of the Ministry of Labour and Social Policy:

(a) 316 residential homes accommodating a total of 57,700 citizens, in which 54,500 disabled persons, veterans and elderly citizens are living entirely at the expense of the State;

(b) 746 local centres, providing services for elderly persons and other citizens living alone and unable to work, catering for more than 900,000 persons;

(c) 1,979 social welfare and medical rehabilitation units and inpatient centres providing temporary and full-time care.

297. As part of efforts to implement the presidential decree on priority measures for the protection of children’s rights, adopted on 11 July 2005, and the Ukrainian Organizational and Legal Conditions for the Social Protection of Orphans and Children Deprived of Parental Care (Implementation) Act, a national programme to overcome the problem of abandoned children for the period 2006-2010 has been developed, together with an outline for the reform of the system of facilities of all types of ownership for orphans and children deprived of parental care, a national plan of action on the implementation of the United Nations Convention on the Rights of the Child, draft legislation on Ukraine’s accession to the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, and other measures.

298. Ukraine has taken notice of the comments in paragraph 29 of the concluding observations of the Committee on Economic, Social and Cultural Rights.

299. Any endeavour to solve the problem of trafficking in people, in particular women, is directly contingent, first, upon efforts to solve the economic problems affecting both the country and society and, second, better coordination among the relevant departments and non-governmental organizations both within specific countries and at the international level.

300. Over the last few years, Ukraine has steadily and systematically stepped up its efforts to set in place conditions conducive to resisting and combating this crime.

301. The Ministry for Family, Youth and Sport has been designated as the government body responsible for coordinating measures by ministries and other central government bodies designed to prevent trafficking in people.

302. An interdepartmental coordination council for the prevention of trafficking in people has been set up under the Cabinet of Ministers with an expert working group responsible for its day-to-day operation, whose membership includes representatives of non-governmental organizations.

303. Working in cooperation with voluntary associations, the Government has developed and implemented two programmes in this area: a programme to prevent trafficking in women and children, for the period 1999-2001, and a comprehensive programme to combat trafficking in people in general, for the period 2002-2005. Work has been concluded on the elaboration of a draft outline for a programme to combat trafficking in people for the period 2006-2010, and the draft is currently being appraised by legal experts.

304. One of the primary tasks facing the comprehensive programme is to implement an entire range of awareness-raising measures, targeted at the public in general and, in particular, at women in the so-called high-risk groups, for whose benefit a continuous programme of educational measures is being conducted.

305. Considerable efforts have been made by Ukraine to this end, in cooperation with voluntary associations: the 950 young people's social service centres operate more than 200 confidential telephone support lines and helplines; handbooks have been prepared for teachers in educational establishments and for social workers; and a number of related documentary films and docudramas have been broadcast on television.

306. In November 2002, with support from the Organization for Security and Cooperation in Europe (OSCE) and the assistance of the Ukrainian Ministry for Youth and Sport, a nationwide telephone hotline was set up for the purpose of preventing trafficking in people. This is also free of charge and accessible by all women in any part of the country.

307. Extensive assistance is provided by the office of the International Organization for Migration (IOM) in Ukraine to government bodies and voluntary associations working in this field. A number of training courses have been held on ways of identifying and protecting the victims, in particular children, of trafficking, of promoting effective methods of investigation and of improving the systems for opposing such practices.

308. Taking into account the transboundary nature of trafficking in persons, during 2005 the Ukrainian Ministry of Internal Affairs worked to extend its cooperation with such bodies as the



International Criminal Police Organization (Interpol), the Southeast European Cooperative Initiative (SECI) Centre for Combating Transnational Crime, the European Police Office (Europol), international intergovernmental and non-governmental organizations and the law-enforcement agencies of other States in its endeavour to fight this outrage against human rights and freedoms.

309. Thanks to these efforts, the Ministry of Internal Affairs now has a permanent information exchange arrangement with the police forces of other countries relating to criminal gangs and individuals trafficking Ukrainian citizens, including minors, across the State frontier for the purpose of their further sexual or labour exploitation.

310. Experience has shown that regional cooperation offers the most effective means of blocking the routes used by international traffickers, in particular, through international preventive operations coordinated with Europol, the SECI regional centre and other international law-enforcement agencies.

311. Ukraine was in fact one of the first countries in Europe to amend its own criminal code by introducing a special article designating trafficking in people as a criminal offence. Thus, in January 2006 the Ukrainian Supreme Council adopted an act amending the Criminal Code to impose heavier penalties for trafficking in persons and luring others into prostitution.

312. Since the entry into force of that clause, between March 1998 and January 2006 more than 1,287 criminal proceedings have been instituted by the law-enforcement agencies, including 2 in 1998, 11 in 1999, 42 in 2000, 90 in 2001, 169 in 2002, 289 in 2003, 269 in 2004 and 415 in 2005.

313. The country's law-enforcement agencies have set up special units to combat offences relating to trafficking in people. An important step in fighting this particular crime was marked with the creation in 2005, as part of the criminal affairs division of the police service, of a department to combat offences relating to trafficking in persons. Following the establishment of this body, 415 criminal proceedings were instituted in 2005, representing a 54.3 per cent increase over the number instituted during 2004.

314. In general terms, according to assessments by international experts, Ukraine is in the vanguard of efforts to combat this phenomenon.

315. In addition to suppressing such offences and punishing the perpetrators, the task of assisting the victims is one deemed particularly important by Ukraine. To that end, for instance, it is planned to set up a number of rehabilitation centres, the first of which commenced operation, with the support of IOM, in Kyiv in 2002. Over the course of 2005, a further five centres were opened, in Zhytomyr, Lviv, Chernivsti and Volhynia provinces and in the Autonomous Republic of Crimea.

316. There is a steady upward trend in the number of women receiving comprehensive assistance in this area, with a view to their social rehabilitation.

317. The conduct in Ukraine of programmes to suppress trafficking in people could serve as an example of productive cooperation between the authorities, at both central and local levels, and women's non-governmental organizations, which have rendered significant assistance not

only in practical terms but also in ensuring the adoption in Ukraine of major government decisions.

318. With a view to coordinating efforts in this area by the central authorities and by voluntary and international organizations, consideration is being given to the creation in Ukraine of a national office for the combating of trafficking in persons.

319. As part of its detective work in this area, the department set up to combat offences associated with trafficking in persons identifies and exposes such offences and documents the activities of criminal gangs and individuals engaged in the preparation, marketing and dissemination of pornographic materials over the Internet, including with the involvement of minors.

320. Thus, over the period 2000-2005, the Ukrainian internal affairs authorities instituted 1,343 criminal prosecutions of offences falling under article 301 (Smuggling, preparation, marketing and dissemination of pornographic materials) of the Criminal Code of Ukraine.

321. Trafficking in children is a problem which defies easy solution. Given the considerable gap between theoretical analyses of this phenomenon and hard facts about effective ways of tackling its multiple components, including preventive measures, the identification, freeing and protection of victims and efforts to clamp down on culprits profiting from this trade and exploiting children by taking advantage of their helplessness.

322. From the standpoint of criminal law, trafficking in children represents a complex subset of the offence of trafficking in people. The offence of trafficking in minors primarily jeopardizes those social institutions set up to safeguard the lives, health, personal safety and interests of the minors concerned.

323. The main purposes for which children are trafficked, as demonstrated by past experience, are commercial adoption and sexual exploitation.

324. The Ukrainian Criminal Code sets out penalties for the abduction of and trafficking in people, and exploitation of the prostitution of others. Under article 146 of the Code, criminal penalties are prescribed for the unlawful deprivation of freedom or the abduction of persons for the purpose of their sale or sexual exploitation. Article 149 sets out direct liability for trafficking in persons, which is defined as “the sale, other transfer for payment or any other illegal transaction with regard to persons, involving the legal or illegal movement of such persons, with or without their consent, across the State frontier of Ukraine for further sale or other transfer to any person or persons for the purpose of sexual exploitation, use in the pornography business, engagement in criminal activities, placement in debt bondage, adoption for commercial purposes, use in armed conflicts, or the exploitation of their labour”.

325. The problem of the commercial sexual exploitation of children, a shady enterprise involving enormous sums of money, ranges from child prostitution and pornography, through child sex tourism to trafficking in children proper. The figures are incontrovertible: the number of children lured into the sex industry in Ukraine is rising at an alarming rate.

326. There are a number of factors conducive to this problem. First, the vast majority of cases of sexual exploitation are never revealed. Second, children are impelled to participate in pornographic ventures or prostitution by their desire to earn money for their own keep (and sometimes for their unemployed parents' keep) and by the handsome sums to be earned. Third, in many cases, the modern entertainment business effectively legalizes comparable forms of sexual exploitation (strip-tease performances, peep-shows, etc.). Fourth - and most appalling - there are many established cases of parents themselves using their own children for the preparation of pornographic materials or forcing them to prostitute themselves, and in the process making substantial profits.

327. It can be stated with a high level of probability that street children, child victims of domestic violence, orphans and the inmates of children's homes are the most likely to fall into the hands of traffickers. Particularly appealing to criminals in this area are runaway children, who find themselves in strange towns without protection or support.

328. Under article 6, paragraph 2, of the Ukrainian Criminal Code, an offence is deemed to have been committed on the territory of Ukraine if it has been initiated, continued, completed or discontinued on the territory of Ukraine. The territory of Ukraine, in accordance with Ukrainian law and international treaties, includes: civilian boats or other vessels registered in Ukrainian ports and sailing under the flag of Ukraine on the open sea (i.e., beyond the territorial and inland waters of other States); civilian aircraft registered in Ukraine and flying in open airspace (beyond the territory of Ukraine or the territory of other States).

329. Under article 10 of the Ukrainian Criminal Code, Ukrainian citizens and stateless persons permanently resident in Ukraine who have committed offences outside Ukraine may not be extradited to foreign States for the purposes of criminal prosecution.

330. Foreigners who have committed offences in Ukraine and have been sentenced for such offences in accordance with the country's Criminal Code may be handed over for the serving of their sentences to the State of which they are citizens, if provision is made for such handover in the international treaties signed by Ukraine.

331. Foreigners and stateless persons who are not permanently resident in Ukraine and who have committed offences outside Ukraine but who are temporarily present in the country may be extradited to foreign States for the purposes of criminal prosecution or handed over for the serving of sentences if such extradition or handover is provided for under international treaties signed by Ukraine.

332. Under article 22 of the Criminal Code, criminal liability is incurred by persons who have attained the age of 16 at the time of commission of an offence. Persons aged between 14 and 16 who commit offences only incur criminal liability for murder, the wilful infliction of grievous bodily harm, the wilful infliction of moderate bodily harm, rape, robbery, theft, extortion, criminal mischief and certain other categories of offences.

333. Pursuant to article 150 of the Ukrainian Criminal Code, the exploitation of children who have not yet reached a legally employable age through the use of their labour for the purposes of financial gain shall be punished by short-term rigorous detention for periods of up to six months or by deprivation of liberty for up to three years.

334. Concerted efforts are made by the criminal police responsible for dealing with minors under the Ministry of Internal Affairs to identify minors who have dropped out of school and to ensure their return to school, and also to overcome negative influences on young people. Legal action is taken against parents, officials and other adults who have a negative influence on the raising of children. To that end, a range of nationwide preventive campaigns are organized every year in Ukraine.

335. In order to identify children who have dropped out of school, police officers, working together with representatives of the education authorities, the juvenile affairs services of government authorities and public organizations, conduct systematic checks of educational establishments and of disadvantaged and needy families and those with large numbers of children, and information programmes about the law in this area are broadcast on the media. Efforts are under way to implement measures to eradicate the causes and conditions conducive to the criminality of minors and to their abandonment and also to inspect and, where necessary, shut down, food stores and other commercial outlets purveying alcoholic beverages and tobacco products in areas where children's establishments are situated and near to facilities used for the leisure and recreation of children. Awareness-raising efforts are constantly being conducted through the mass media.

336. As part of Ukraine's cooperation with ILO, the joint international projects are under way in the country in the following areas:

- (a) Eradicating the worst forms of child labour in Ukraine;
- (b) Exploring prospects for the use of vocational training, employment opportunities and domestic policy as means of preventing and reducing the scale of trafficking in women in Albania, Moldova and Ukraine;
- (c) Combating trafficking in children for the purpose of their sexual and labour exploitation in countries of the Balkan region and in Ukraine.

#### **Article 11. Right to an adequate standard of living**

337. The food industry is one of the most important branches of the Ukrainian agribusiness sector and of the country's economy as a whole. Manufactured food products and processed agricultural production constituted 15.1 per cent of the country's total manufactured production in 2004. In terms of its production, the food and agricultural sector occupies third place in the country's economy, following the iron and steel and metal-working sectors.

338. Among all the sectors of Ukraine's industry, the food industry represents its most stable and reliable source of income. More than 60 per cent of the total outlay by the Ukrainian people on material comforts is accounted for by expenditure on food products.

339. The food industry is fully able to meet the needs of the country's domestic consumer market and also has considerable export potential and a positive foreign trade balance.

340. Thus, according to 2005 figures from the State Statistics Committee, overall levels of food production and of processed agricultural raw materials rose in Ukraine by 13.7 per cent over their 2004 levels. Production of most food items also increased.

341. Ukraine is largely self-sufficient in food production, meeting the needs of its population from its own produce without depending on imports.

342. The food industry occupies one of the top positions in terms of foreign investment in the Ukrainian economy and, as at 1 October 2005, had attracted a total of \$1,159 million (measured cumulatively from 1992) or 29 per cent of the total volume of investments in the Ukrainian industry, \$28 million of which had been invested over nine months of 2005.

343. The foreign trade turnover of the main manufactured food items (groups 1-24) measured \$4,796.6 million in 2005, representing an increase of \$839.7 million, or 21.2 per cent, over 2004 levels. The foreign trade balance in this sector was positive, measuring \$745 million.

344. Over this period, food exports amounted to \$2,770.6 million, representing an increase of \$297.6 million - or 12 per cent - over 2004.

345. The export of milk products, margarine products, molasses, sugar confectionery, chocolates, grain and cereal products, natural and mineral waters, beers, wines, spirits and other alcoholic beverages, vinegar, salt, soap, tobacco and tobacco products and other consumables has also grown.

346. In 2005, food imports measured \$2,025.9 million, representing an increase of 75.3 per cent, or \$542 million, over the corresponding period in the previous year.

347. Development of the food sector and boosting the pace of food production are directly dependent on the income levels of the public and the country's export potential.

348. In Ukraine, more than 22,000 enterprises are engaged in food processing and manufacture, employing more than 1 million people.

349. In recent years, the Ukrainian President, the Supreme Council and the national Government have adopted a number of laws and regulations designed to enhance the competitiveness of Ukrainian manufactured goods. Work has been completed on an outline of State policy in the area of quality control, which has given new impetus to the conduct of concerted efforts in various branches of the country's industry.

350. The ministry has already conducted appropriate steps to generate a body of Ukrainian rules and regulations, duly harmonized with international and European standards, for the food industry.

351. Over the period 2002-2004, 142 regulatory instruments were brought into line with international requirements. In 2005, work has been under way on the development of 142 standards and 12 sets of technical regulations. More than 100 regulatory instruments still require further development and harmonization.

352. In order to integrate the Ukrainian food manufacturing sector into the global food industry, with its modern quality-control methods and environmental standards complying with ISO 9000 and ISO 14000 standards and safety standards based on the hazard analysis and critical control points (HACCP) system, quality-control systems have been developed, introduced and certified in 44 different enterprises, based on ISO standard 9000; in 4 enterprises environmental

protection standards based on ISO standard 14000 have been introduced; in 6 enterprises food safety control systems based on the HACCR principles have been introduced; and in 32 enterprises the necessary work is under way for the introduction of such standards.

353. In matters relating to quality control and production safety, the Ministry of Agricultural Policy is engaged in active cooperation with government and voluntary organizations. Work is under way with the Ukrainian Quality Association on the conduct in Ukraine of the quality weeks traditionally held in Europe, of national quality competitions for Ukraine and, with the Ukrainian consumer standards organization, on the organization and conduct of a national quality competition for the 100 best Ukrainian products and on the celebration of World Food Day in the framework of Ukraine's cooperation with the Food and Agriculture Organization of the United Nations (FAO).

354. One of the primary tasks faced by the Ministry of Agricultural Policy at the current stage is the further development of market-oriented agriculture, the creation and setting in operation of a marketing system coordinated with measures to create a market infrastructure for the manufacturing, processing and sale of produce, to promote and boost domestic markets and to identify new foreign markets.

355. A key link in the marketing chain from food producer to consumer is occupied by agricultural servicing cooperatives, which defend the interests of their members - agricultural producers, by involving them more directly in commercial transactions, enabling them to influence prices and facilitating their access to wholesale markets. In order to ensure that the fresh produce market is properly supplied with agricultural goods, and to improve the services provided to agricultural producers, work is under way to expand the network of such cooperatives, of which, as at 1 November 2005, more than 1,000 had already been set in place.

356. Additional tasks relating to the promotion of wholesale marketing of agricultural produce are undertaken by district and regional agricultural marketing centres, of which there are now 390 operating at provincial and district levels. Most of these still operate on a commercial basis, however, and only 103 of them as cooperatives.

357. One of the most acute problems faced by Ukraine is the need to develop organized wholesale and retail markets for its agricultural produce, as one of the basic elements of an agricultural market infrastructure. Spontaneously emerging market arrangements are not sustainable and require organizational inputs from both producers and consumers of agricultural products, and also from the State.

358. The issue of how to reform the country's agriculture is inalienably tied up with the development of the countryside. State support for rural development is regulated by the Ukrainian Rural and Agribusiness Sector (Priority Social Development in the Domestic Economy) Act, together with a number of other pieces of legislation.

359. Rural Ukraine currently includes 28,585 villages and other settlements, with a total population of 15,271,000, or 32 per cent of the country's total population. The proportion among this population of persons over retirement age is 39 per cent. As at 1 January 2004, the number of rural settlements had decreased by 12, and the rural population by 204,000.

360. The main tasks to be accomplished in promoting the social development of rural areas remain the following:

- (a) Setting in place conditions for the productive employment of rural populations, based on the effective use of the natural-resource potential of villages and promoting entrepreneurship with a view to creating new jobs and boosting income levels;
- (b) Encouraging young people to work and live in rural areas;
- (c) Developing a social infrastructure capable of meeting the daily needs of the rural population;
- (d) Preventing the deterioration of rural settlements and expanding the opportunities available to rural communities to meet their day-to-day needs.

361. All the tasks outlined above are priorities in the State policy for the development of rural areas in both the immediate and the medium term.

362. Article 47 of the Ukrainian Constitution enshrines the right of all Ukrainian citizens to housing, as a fundamental social and economic right. The State is setting in place conditions to ensure that all citizens have the opportunity to build their own houses or to acquire or rent homes. The citizens' right to a home is upheld by the State by promoting the construction and restoration of both government and public housing, and also privately-owned housing.

363. Citizens in need of social protection are provided housing by the State and local authorities free of charge or at a rental within their means, as determined by law.

364. Needy citizens in this category include those in economic hardship, the disabled, war veterans and victims of the Chernobyl disaster.

365. The Government grants housing construction loans on preferential terms primarily to young families and individuals who have been on the waiting list for improved housing for a long time. The main pieces of legislation governing matters relating to credit facilities for young people are the following:

- (a) Social Advancement and Development of Young People in Ukraine (Promotion) Act, of 5 February 1993;
- (b) Decision No. 584 of the Cabinet of Ministers of 29 May 2001 on government loans on preferential terms for young families and young single people for the purpose of housing construction (refurbishment);
- (c) Decision No. 1089 of the Cabinet of Ministers of 29 July 2002 ratifying the State housing programme for young people for the period 2002-2012.

366. On 13 January 2005, the Ukrainian Organizational and Legal Conditions for the Social Protection of Orphans and Children Deprived of Parental Care (Implementation) Act was passed into law, under which children in this category must be provided with housing upon attaining the age of 18, if they do not already have their own housing, in accordance with official housing standards.

367. On 12 January 2006, the Social Housing Fund Act was adopted, setting out the legal, organizational and social framework for a State policy to uphold the constitutional right to housing of the socially disadvantaged sectors of the population.

368. Pursuant to the above act, social housing includes housing of all forms of ownership, with the exception of hostel accommodation, from the social housing fund, which is provided free of charge to Ukrainian citizens in need of social assistance, on the basis of fixed term occupancy agreements.

369. With the adoption of the State Housing Fund (Privatization) Act on 19 June 1992, Ukrainian citizens gained the right to private ownership of flats and houses from the State housing fund, acquired with the use of housing credit vouchers.

370. Under article 12 of the above act, owners of privatized flats have the right to dispose of their flats as they see fit. The procedure for giving effect to these rights is governed by civil law.

371. To ensure that effective use is made of privatized flats and, for the purposes of their management, owners of such flats in blocks of flats may set up owners' associations, in accordance with the Sectional-Title Buildings (Owners' Associations) Act of 29 November 2001 and decision No. 1521 of 11 October 2002 of the Cabinet of Ministers on owners' associations of sectional-title buildings.

372. Article 30 of the Ukrainian Constitution guarantees the inviolability of the home. No one is permitted to intrude into homes or any other property of citizens or to conduct searches or inspections in such homes or property other than by decision of the courts. No persons may be forcibly deprived of their homes except by decision of the courts. Homes which have been built by Ukrainian citizens or acquired by them on the basis of agreements under civil law are their property. The Housing Code of the Ukrainian Soviet Socialist Republic, which remains in force in Ukraine, stipulates that the housing rights of citizens are upheld by law and protected by the State.

373. Housing rights are protected by the State as part of its maintenance of law and order in the country as a whole. The functions of the State executive and administrative authorities may be defined at the current stage as preventing housing violations, taking steps promptly to halt any irregularities and the conduct of preventive measures. The moment the property rights of citizens are violated, the State, through its juridical authorities, takes steps to restore those rights by a process of dispute settlement and by appraising the actions of the individual or other subject of law from the point of view of their legitimacy, with the application of legal sanctions against offenders.



374. All citizens of Ukraine are entitled to seek protection of their rights through the courts and from the Human Rights Commissioner under the Supreme Council of Ukraine and, once all domestic remedies have been exhausted, to appeal to the appropriate international bodies or procedures under international organizations of which Ukraine is a member.

### **Article 12. Right to physical and mental health**

375. Ukraine has taken note of the comments in paragraph 13 of the concluding observations of the Committee on Economic, Social and Cultural Rights.

376. The country still has a low birth rate (8.7 per 1,000 people in 1997, 7.7 in 2001 and 9.5 in 2004), set against a high death rate. The growth in the birth rate over the period 2002-2004 was not sufficient to reverse the downward trend in the country's child population.

377. In this unfavourable demographic context, the health situation of the country's younger generation is continuing to decline. Over the last three years, virtually every third newborn child has had some form of birth defect and illness and infection rates among children remain high, while their disability rates continue to rise. The percentage of premature and underweight births remains high, with concomitant high costs for their care.

378. Accordingly, particular efforts are being made by all branches to bring the country's current legislation in the area of maternity and childcare into line with international standards, to uphold the rights of mothers and children in all areas under the authority of the State and to boost the country's reproductive rates. Pursuant to its Constitution, the democratic rule-of-law State being built in Ukraine accords particular importance to the family and children and priority is given to their interests.

379. Over the last five years, Ukraine has adopted a number of measures, in the form of government and national strategic programmes, designed to protect and improve the health of mothers and children, including the following:

- (a) Measures to support family health, safe motherhood and responsible fatherhood, decision of the Cabinet of Ministers of 3 June 1999;
- (b) National reproductive health programme for the period 2001-2005, presidential decree of 26 March 2001;
- (c) Supplementary measures for the implementation of the Ukrainian children's programme to the year 2005, presidential decree of 24 January 2001;
- (d) National plan of action for the period 2001-2005 to improve the situation of women and to promote gender equality in Ukrainian society, Cabinet decision of 6 May 2001;
- (e) Measures to promote childbirth in Ukraine, Cabinet decision of 3 January 2002;
- (f) Safe motherhood plan, order of the Cabinet of Ministers of 29 March 2002;
- (g) Comprehensive childbirth promotion plan for the period 2002-2007, Cabinet decision of 1 July 2002.

380. Work has also been completed on the preparation of a State reproductive health programme for the period 2006-2015.

381. The problem of abandonment of children remains particularly acute. According to figures from special research studies, as many as 4 out every 1,000 new-born children are rejected by their parents, even in maternity home conditions. To tackle this problem, the President issued a decree on 11 July 2005 on priority measures for the protection of children's rights, designed to step up efforts to prevent child abandonment and to promote alternative forms of family upbringing.

382. Ukraine has taken note of the comments in paragraph 18 of the concluding observations of the Committee on Economic, Social and Cultural Rights.

383. Pursuant to the 2005 Ukrainian Cabinet programme entitled "Meeting people half-way", the Government's principal task in the area of women, children and the family is to combat the rapid decline in the country's population.

384. Notwithstanding the difficulties of the transition period, Ukraine has been able to maintain a level of properly qualified obstetricians and gynaecologists adequate for the population (2.5 per 10,000), paediatricians and other specialists in paediatric care (1.9 and 2.2 per 10,000, respectively). The number of qualified obstetricians and gynaecologists grew by 14.22 per cent in 2004 to 77.59 per cent and that of certified paediatricians by 6.1 per cent in 1999, to 74.4 per cent in 2004.

385. The existing network of health-care establishments providing treatment and preventive care for women and children in Ukraine is sufficient to ensure equal access by all women and children, from all social strata, to perinatal and paediatric services at all three levels.

386. Medical care for mothers and children is provided in 92 maternity centres, which run 90 women's consulting services, and in the women's clinics of 462 prevention and treatment centres, in the gynaecological and maternity clinics of 1,298 medical centres, in 2,076 check-up centres, in 73 marriage and family consultation centres, in 93 medical genetics consultation clinics, in 54 independent children's clinics and 3,094 children's clinics in mobile outpatient centres, in the Ohmatdit ("Mother and Child Safety") specialist hospital and 28 provincial children's hospitals, in 100 municipal children's hospitals, in 6 children's infectious diseases hospitals, in 4 children's tuberculosis hospitals and in 48 children's homes. In 2004, across the country as a whole, there were a total of 55,895 hospital beds, of which 23,631 were for children and delivering mothers and 21,862 for gynaecological patients.

387. Over the period during which the national family planning programme and the reproductive health programme for the period 2001-2005 have been under implementation, an extensive network of family planning services has been put in place, comprising more than 500 family planning centres and clinics and 19 health-care centres for children and teenagers. Priority funding has been secured from the central budget for these programmes and steps have been taken to run children's immunization campaigns.

388. Medical assistance in Ukraine, including health care for mothers and children, is organized in such a manner as to ensure not only that the health status of the population is monitored at different developmental stages, but also to raise public awareness of problems relating to sexual and reproductive health and to help people tackle these problems.

389. One effective measure to protect the reproductive potential of the younger generation consists in a specially developed system, including a range of medical and organizational measures designed to foster safe sexual behaviour among young people, to encourage them to safeguard and improve their health and to promote the fundamental notions of responsible fatherhood as the basic components of a family planning system.

390. The quality of medical services for women and children is ensured in Ukraine by a system which includes the licensing and certification of medical establishments, efforts to improve the work of prevention and treatment centres and measures to standardize the provision of medical assistance.

391. A process of certifying treatment and prevention centres was launched pursuant to decision No. 765 of 15 July 1997 of the Ukrainian Cabinet of Ministers, ratifying the procedure for the State certification of health-care facilities. Virtually all treatment and prevention centres, both State-owned and communal, have now received State certification.

392. The process of standardizing medical services was commenced in Ukraine in 1998, pursuant to order No. 226 of 27 July 1998 of the Ukrainian Ministry of Health, ratifying the interim sectoral unified standards for the medical equipment used in the inpatient diagnosis and treatment of adult citizens in the prevention and treatment facilities of Ukraine and the interim standards for the scope of diagnostic studies, treatment procedures and quality criteria applied in the treatment of children, and standards for the provision of hospital-based medical assistance of all kinds to the Ukrainian people.

393. Interim rules for the provision of outpatient care and medical services at clinics to children and the rules for the provision of obstetric and gynaecological care to women in outpatient establishments and clinics have been ratified by, respectively, orders No. 502 of 28 December 2002, ratifying the interim standards for the provision of medical assistance to children at outpatient facilities and clinics, and No. 503 of 28 December 2002 on measures to improve obstetric and gynaecological outpatient services in Ukraine.

394. In 2003, rules for the provision of obstetric and gynaecological medical assistance are updated in the light of modern diagnostic and therapeutic science and ratified by order No. 620 of 29 December 2003 of the Ukrainian Ministry of Health, on the organization of obstetric, gynaecological and neonatal hospital care in Ukraine.

395. In 2003, work commenced in Ukraine on the development of national clinical protocols in the field of obstetrics and gynaecology, based on technologies with proved effectiveness. Forty-one such clinical protocols have been developed to date; these have been ratified by corresponding orders of the Ukrainian Ministry of Health and introduced in the facilities offering health-care services for mothers and children.

396. Over recent years, negative trends in the reproductive health of women in different age groups have persisted.

397. The overall morbidity rates among teenage girls have risen, largely owing to the increase in illnesses affecting the reproductive function of women: the incidence of illnesses of the genito-urinary system has risen by 17.6 per cent; of menstrual disorders by 27.7 per cent; and of inflammatory illnesses of the uterus by 16.3 per cent.

398. Morbidity rates among women aged 15 and older have also risen, from 51,182.7 per 100,000 women in this age group in 1996 to 61,628.9 in 2004.

399. Morbidity rates among women aged 15 and above are generally 13.8 per cent higher than those among men in the same age group, and the extent of illnesses is 17.3 per cent greater among women. This discrepancy is particularly marked with certain specific illnesses. Thus, women are 2.8 times more likely than men to suffer from disorders of the blood and haematogenous organs, 4.8 times more likely to suffer from diseases of the genito-urinary system and 1.6 times more likely to develop neoplasms.

400. Cancer morbidity and mortality rates are rising steadily among the women of Ukraine. Cancer of the reproductive system currently accounts for almost 19.4 per cent of all cancer cases affecting both sexes and 38.3 per cent of those affecting women.

401. The proportion of women suffering from cervical cancer has risen from 17.7 per 10,000 in 1999 to 18.7 in 2004, of those suffering from hysterocarcinoma from 21.7 to 24.7, and of those suffering from breast cancer from 56.4 to 59.5.

402. The status of women's reproductive health is strongly affected by sexually transmitted diseases, including syphilis, gonorrhoea, trichomoniasis, chlamydia, mycoplasmosis and others. Thanks to concerted efforts to tackle this problem, over recent years there have been some improvements in the syphilis, gonorrhoea and trichomoniasis infection rates for women. Chlamydia infection rates, however, have nearly doubled over the last five years and those for mycoplasmosis have more than tripled.

403. An analysis of official figures relating to syphilis and gonococcal infection rates in Ukraine over the period 1999-2004 shows a steady downward trend. In 2004, compared to 1999, syphilis infections more than halved (from 103.9 to 48.7 per 100,000) and those for gonococcal infections dropped by about a quarter (from 52.4 to 48.8 per 100,000).

404. Over the years during which these indicators have been monitored, a clear discrepancy may be observed in the infection rates for these venereal diseases according to place of residence and also according to the sex of sufferers. In 2004, syphilis infection rates among the urban population were 30 per cent higher than those in rural areas and gonococcal infection rates 90 per cent higher. In 2004 syphilis infection rates for women were 11.2 per cent lower than those for men. With gonococcal infections, this discrepancy was even greater, women showing a rate 60 per cent lower than that for men.

405. Among other diseases primarily transmitted through sexual contact, a positive trend can be seen with trichomoniasis, the levels of which had dropped by 13.1 per cent in 2004 from

those of 1999, from 321.4 to 279.3 per 100,000. The reverse tendency obtains for the genito-urinary infections mycoplasmosis and chlamydia, which over the last five years have risen by 230 and 20 per cent, respectively.

406. One of the primary causes for the high rates of sexually transmitted infections over the last few years is the general deterioration in the country's social and economic circumstances. As a result of the epidemic control measures conducted by dermatological and venereal clinics and regional branches of the medical prevention and treatment network, the detection of venereal diseases has considerably improved. To tackle the situation, prompt and effective treatment must be provided for sufferers.

407. The spread of sexually transmitted infections is creating conditions conducive to the spread of HIV infection. While, prior to 1995, Ukraine was among the countries with the lowest HIV infection rates, between 1995 and 1998 there was a dramatic growth in HIV infections in the country.

408. The decrease in the number of recorded HIV infections from 1999 onward is due to a drop in the number of tests carried out, following the adoption in March 1998 of a new version of the Acquired Immunodeficiency Syndrome (Prevention of Infection and Social Protection of the Population) Act, which made AIDS tests voluntary.

409. In 2004, more than 2,000 pregnant women, who gave birth to a total of 2,115 children, were registered as HIV-positive, representing a 290 per cent increase over the 1999 figure. The transmission of infection from mother to newborn child (HIV vertical transmission) is one of the established pathways for the spread of the virus, which, in Ukraine, in contrast to the world's developed countries, is the most prevalent method by which children become infected during pregnancy and childbirth. The programme on prevention of vertical transmission, launched in Ukraine in 2000, offers the most effective means of preventing this form of infection from mother to child.

410. In 2004, the number of patients detected for the first time as HIV-positive increased by 26.0 per cent from the 2003 level, totalling 12,500 (or 26.2 per 100,000), while those infected with AIDS increased by 45.1 per cent to 2,743 (or 5.76 per 100,000). In total, 78,300 people are officially registered in Ukraine as HIV-positive and 9,700 as infected with AIDS.

411. In terms of HIV infection rates, in 2003 Ukraine ranked second in Eastern Europe after the Russian Federation, and in terms of its AIDS infection and mortality rates, it ranked 10th and 14th, respectively, in Europe as a whole. Over the last five years alone, the number of persons identified for the first time as HIV-positive increased by 120 per cent, and those infected with AIDS by 400 per cent. According to forecasts, the sharpest increase in infection levels is expected to occur over the period 2007-2016, during which between 900,000 and 2.1 million Ukrainians are expected to die of AIDS. AIDS has become one of the primary causes of infant mortality, following the increase in the number of HIV-positive expectant mothers. The average infection risk during pregnancy now stands at between 25 and 30 per cent, if not even higher.

412. At the current stage, Ukraine's policy in the area of HIV/AIDS control is based on measures to tackle two priority problems: the need to prevent infection and the need to support people living with HIV/AIDS, ensuring their access to special treatment, care and social assistance.

413. On Ukraine's initiative the United Nations General Assembly convened and held a special session on the problem. In December 2003, on World AIDS Day, parliamentary hearings were held on the social and economic problems of HIV/AIDS, drug addiction and alcoholism in Ukraine and ways of tackling these problems.

414. The Ukrainian Supreme Council has established a special interim commission on HIV/AIDS, tuberculosis and drug addiction. In 2005, the Government set up a national coordinating council on HIV/AIDS prevention.

415. Until 2003, the country's HIV/AIDS control strategy consisted primarily of prevention measures. Since 2004, work has been launched in Ukraine on the application of antiretroviral treatment. In total, 1,700 AIDS sufferers are currently receiving treatment in Ukraine, 1,600 of them paid for by the Global Fund to Fight HIV/AIDS, Tuberculosis and Malaria. Conduct of these measures is covered by Cabinet decision No. 264 of 4 March 2004, ratifying the outline for a government strategy to combat the spread of HIV/AIDS over the period up to 2011.

416. The latest version of the country's HIV/AIDS programme was adopted by the Cabinet of Ministers for the period 2004-2008, setting out a comprehensive approach to prevention of the epidemic and the broad involvement of non-governmental organizations and the international community in these efforts. The national HIV/AIDS control programme in Ukraine makes provision for a range of preventive and treatment measures and for a substantial increase in the available funds, both from the central budget and by fund-raising with international donor organizations and securing loans from the International Bank for Reconstruction and Development. For the purpose of monitoring implementation of the national HIV/AIDS control programme, the Government has ratified instructions on the monitoring and appraisal of the effectiveness of measures to control the HIV/AIDS epidemic.

417. The Ukrainian parliament gives considerable attention to the problem of HIV/AIDS. Under article 17 of the Ukrainian Acquired Immunodeficiency Syndrome (Prevention of Infection and Social Protection of the Population) Act, Ukrainian citizens who are HIV-positive or infected with AIDS enjoy all the rights and freedoms established by the Constitution and the country's law, and by other statutes and regulations of Ukraine.

418. In July 2004, a tuberculosis and HIV/AIDS monitoring project was launched in Ukraine. An agreement has been signed between the Ukrainian Government and the International Bank for Reconstruction and Development on a loan for the conduct of the project, whose main purposes are to stabilize HIV/AIDS infection levels, to halve the number of HIV-infected children born from HIV-positive mothers and to reduce AIDS mortality levels by 10 per cent.

419. In June 2004, during the International AIDS Conference in Bangkok, Ukraine joined other countries in supporting the Conference's declaration on combating this epidemic of the

twenty-first century, the Declaration of Commitment on HIV/AIDS “Global Crisis - Global Action”. The State parties to the declaration recognize that the HIV/AIDS epidemic has ceased to be an exclusively medical problem and is having a negative impact on the social and economic development of countries, with irreversible consequences for society.

420. Since 2001, an international project has been successfully under way in Ukraine with the support of the United States Academy for Educational Development on the joint strategic management of measures to combat HIV/AIDS in the industrial arena, which has as its task building the capacity of the Government, labour collectives, enterprises and non-governmental organizations at the domestic level to support HIV/AIDS prevention programmes and strategies in the workplace and to coordinate these efforts with other HIV/AIDS prevention programmes.

421. In 2004, a project on strengthening Ukraine’s response to the HIV/AIDS epidemic through the provision of the necessary services and information, known as the “Sunrise Project”, was presented by the United States Agency for International Development (USAID) in Ukraine, Moldova and Belarus. The project is designed to promote prevention among those population groups most at risk from HIV/AIDS and is aimed to supplement the resources provided by the global AIDS, tuberculosis and malaria control fund. Most of the funding for Ukraine’s HIV/AIDS control efforts comes from these two organizations.

422. Preventive care measures to prevent HIV vertical transmission were administered to 52 pregnant women in 1999, to 1,024 in 2003 and to 1,825 in 2004. Thanks to carefully programmed measures to prevent the HIV infection of newborn infants and to integrate these measures into maternity and childcare services, it has been possible to lower the level of HIV transmission from 40.0 per cent in 2000 to 8.2 per cent in 2004.

423. Ukraine has taken note of the comments in paragraph 31 of the concluding observations of the Committee on Economic, Social and Cultural Rights.

424. The application of quality control measures to medical assistance and the conduct of the national family planning and 2001-2005 reproductive health programmes have significantly influenced the number of abortions performed in Ukraine, which remains one of the primary methods of birth control.

425. The total number of abortions in Ukraine dropped from 468,800 in 1999 to 264,100 in 2004, representing a ratio per 100 births of 121.3 and 64.0 respectively. The decline in the number of abortions was accompanied by an increasing uptake by women of modern contraception methods: the use of hormonal contraceptives rose from 62.0 per 1,000 women of childbearing age in 1999 to 137.8 per 1,000 in 2004, and that of intrauterine devices from 143.8 to 145.1 per 1,000.

426. The low level of women’s reproductive health even before pregnancy has an adverse effect both on the pregnancy itself and on childbirth. Currently, every third pregnant woman shows symptoms of anaemia and every sixth suffers from infections of the genito-urinary system, while the level of normal births remains low, at 36.2 per cent.

427. Thanks to the introduction in Ukraine of modern and effective perinatal techniques, as recommended by WHO, in particular, of childbirth methods geared towards participation of the

family, the promotion of exclusive breastfeeding and improvements in the medical care provided for children and newborn infants, it has been possible to lower the incidence of infants born with illnesses or with a birth weight below 1 kg from 271.80 per 1,000 live births in 1999 to 244.30 in 2004; to lower the incidence of infants born with congenital defects from 31.41 per 1,000 live births in 1999 to 22.86 in 2004, in other words, by 27.2 per cent; and to lower the mortality of newborn infants in maternity hospitals by some 35 per cent over the past five years.

428. The level of pregnancies not carried to term has also been lowered, by reducing the numbers of miscarriages and of premature births, although this indicator still remains on the high side, at 6.7 per 100 pregnancies.

429. A system has been set in place in Ukraine for the screening of newborn infants for phenylketonuria: thus, in 2004, 95.8 per cent of all newborn infants underwent such screening and a system of State diagnostic testing was set in place to ensure mass screening of newborn infants for hypothyroidism.

430. An important role in Ukraine's paediatric services is assigned to preventive work; thus, 99.2 per cent of all children, upon attaining the age of 1, receive initial immunization against diphtheria, whooping cough and tetanus; at the age of 2, 99.3 per cent of all children are inoculated against measles and 99.2 per cent against mumps. These indicators, which date back to 1990, are above the average immunization levels for the WHO European region. This high level of immunization has been made possible by a steady drop in the level of diphtheria infections, which declined from 61 cases per 1,000 in 1999 to 14 in 2004; and of measles, which dropped from 20.4 cases per 100,000 in 1999 to 2.12 in 2004.

431. The focus placed on prevention by the paediatric services is also demonstrated by figures from preventive screening campaigns. Thus, the coverage of such preventive campaigns for children aged between 0 and 14 measured 98.7 per cent in Ukraine in 2004, as against 95.6 per cent in 1999.

432. Maternal mortality rates in Ukraine have dropped over the last 25 years by 60 per cent. While in the 1980s this indicator measured 40-50 per 100,000 live deliveries, in the early 1990s it stood at 39.7-32.4, and then, from 1996, it declined steadily to 13.8 in 2004. Current maternal mortality levels have dropped to 48.0 per cent of those of 1999.

433. Mortality rates among infants also show a positive trend, dropping to 9.6 per 1,000 live births in 2004. This downward trend has been made possible by the conduct of preventive measures to combat infectious and parasitic diseases and respiratory illnesses.

434. Health-related legislation promulgated over the years since Ukraine's independence is based on the country's Constitution and geared towards upholding both the social and individual rights of citizens. In fulfilment of the State programme for the adaptation of Ukrainian legislation to that of the European Union, domestic law in the arena of health care is being developed in parallel with a process of bringing this law into line with the legislation of the European Union and with international medical law.

435. In 1992, the Ukrainian Supreme Council adopted the Ukrainian Health Legislation (Basic Principles) Act. The preamble to the basic principles contained in the act stipulates that



all people have a natural and inviolable right to health care. The principles lay down, for the first time in Ukrainian law, the rights and obligations of citizens relating to health care, the basic legal rules relating to the rights of patients and safeguards of their rights to health care.

436. A number of other pieces of legislation have been adopted to develop further the system for regulating relations between patients, doctors and health-care facilities. These include acts on psychiatric care, infectious disease, tuberculosis and AIDS control and an array of administrative, civil and criminal laws.

437. The health legislation principles also set out the basic legal rules, modelled on European rules, applicable in particular to the obligation to provide medical information to patients (art. 33), the rights of patients freely to choose their doctors and health-care facilities (arts. 34 and 38), the procedure and conditions for consenting to the use of preventive, diagnostic and treatment methods (arts. 42 and 44), doctor-patient confidentiality (art. 40) and consent to medical intervention (art. 43).

438. In fulfilment of WHO and Council of Europe recommendations, a bill on the rights of patients has been tabled with the Ukrainian Supreme Council, drafted by S. Shevchuk, one of the deputies in the Ukrainian parliament.

439. Under the legislative programme of the Cabinet of Ministers for the period 2004-2005, priority is to be given to work to bring Ukraine's legislation on the protection of life and health into line with European standards. To that end, a bill to amend the basic principles of Ukrainian health legislation has been drafted, substantially extending and adding to the range of legal instruments relating to patients.

440. Thus, the notion of "patient" has been defined for the first time. The rights of patients to accessible and equal medical care, to the safety and effectiveness of such care, and to respectful treatment by medical and other service personnel are all enshrined in article 16 of the draft principles. This article also establishes the rights of persons receiving in-patient care in health-care facilities to be seen by other medical employees, to receive visits from family members, guardians, lawyers and notaries, and also by ministers of religion for the purposes of the performance of religious services and other religious rites. These provisions are in line with the Declaration of Lisbon on the Rights of the Patient, adopted by the World Medical Association at its thirty-fourth assembly in 1981. In article 15, the draft principles stipulate the right to the availability of medical care, in terms consistent with ILO Convention No. 30 of 1969 concerning medical care and sickness benefits and the Statement on Access to Health Care, adopted by the World Medical Association at its fortieth assembly in Vienna in 1988.

441. The draft principles also distinguish between the rights of patients in different social groups. In particular, the rights of foreigners are laid down in accordance with the Charter of Fundamental Rights of the European Union; the rights of the child, with those enshrined in the Convention on the Rights of the Child, adopted by the United Nations General Assembly on 20 October 1989; the rights of elderly citizens are based on the provisions of the European Social Charter (revised), adopted in Strasbourg in 1996; the rights of the disabled have been aligned with the requirements of the United Nations Declaration on the Rights of Disabled Persons, of 1975; the rights of detainees, persons held in custody and those serving custodial sentences have been set out in accordance with the European Prison Rules, adopted by the Council of Europe

and the Cabinet of Ministers on 12 February 1987; in addition, the rights of citizens in situations of natural and human-caused emergencies and the rights of military personnel and citizens subject to military call-up or performing contract enlisted service are also spelled out.

442. The draft principles also extend the range of rights applicable to protection of the confidentiality of patients' health information, following the European standards in this area. In particular, under the principles, it is prohibited to obtain information relating to the diagnosis and treatment of individuals or to divulge such information to employers or to educational establishments and liability is also established for the unlawful disclosure of confidential information about persons' state of health.

443. The provisions of article 67 of the draft principles stipulate that any health-related intervention may only take place with the free and conscious consent of the person concerned. In this way, the principle of patients' informed consent has been enshrined in law, in accordance with the basic European standards in this area.

444. The recommendations in the draft principles relating to sterilization methods, sex-change operations, organ transplants and the transplanting of other anatomical materials are based on standards set out in such European instruments as the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine, adopted by the Council of Europe on 4 April 1997; the Charter of Fundamental Rights of the European Union, 994-524, of 7 December 2000; the resolution on harmonization of legislations of member States relating to removal, grafting and transplantation of human substances, adopted by the Council of Europe on 11 May 1978; the Madrid Declaration on Human Organ Transplantation, adopted by the World Medical Association at its thirty-ninth assembly, in October 1987; and others.

445. The draft principles mark a departure from existing law in that they enshrine the basic principle that medical assistance is to be provided to persons when their state has been defined as irreversibly terminal, to a degree necessary to alleviate the final stages of the illness, and they also prohibit euthanasia. These additions have been made on the basis of the Declaration on Euthanasia, adopted by the World Medical Association on 30 October 1987, and of the Statement on Physician-Assisted Suicide, adopted by the World Medical Association at its forty-fourth assembly in 1992.

446. The current text of the principles contains no provisions regulating reproductive and therapeutic cloning and, efforts are currently being made to amend the bill to define the concept of reproductive cloning and to include a prohibition against such practices, as one of the conditions for upholding the right to the integrity of the person, as set out in the Charter of Fundamental Rights of the European Union. At the same time, therapeutic cloning is permitted for the purpose of regenerating the organs of the same person or for the production of medications. In this way, the additions which have been made to the draft principles of Ukraine's health care legislation with a view to upholding the rights of patients are, by and large, consistent with the rules of international law.

447. Ukraine's State policy in the area of health care takes as one of its priorities the development of primary health care, designed to improve the organization of medical assistance for the population, to make it more accessible and to raise its quality.

448. Measures to make primary health-care services more accessible and to improve their quality are being conducted in Ukraine as part of the implementation of the outline for reform of the public health-care system, adopted in 2001, and other strategic legal instruments relating to health care. Work has started on systematic reform of the primary health-care system, based on the principles of family medicine, under a programme of comprehensive measures to promote the family health-care system ratified in 2000 by decision No. 989 of the Cabinet of Ministers. In addition, the institution of the family doctor has been included as one of the priorities in the “Meeting people half-way” programme of action adopted by the Government in 2005.

449. Over the reporting period, a legal and regulatory framework for the family health-care system has been developed in Ukrainian, a family health-care training centre has been set up under the Ministry of Health and a training centre to prepare teachers to work in theoretical and practical centres for family medicine has been established, the system of undergraduate and postgraduate training of family health-care specialists has been improved and brought closer to the educational standards of the European Union, the network of family health-care establishments in cities and the countryside has been extended and measures have been put in place to provide staffing, financial, logistical and information support.

450. Over the period since the adoption by the Cabinet of Ministers of its decision No. 989, the number of facilities operating on a family health-care basis has grown fivefold, with 2,732 such facilities in operation as at 1 July 2005, and the number of full-time positions for family doctors has increased elevenfold, to 5,623, while the number of individual doctors performing such functions has increased eightfold, to 4,580 doctors.

451. The great majority (85 per cent) of family health-care facilities are situated in rural areas. Similarly, 70 per cent of the total number of full-time posts for doctors in general practice and family doctors are allocated to primary health-care facilities in rural districts.

452. The development of Ukraine’s family health-care infrastructure is being effected by converting the general practice and paediatric units of existing urban outpatient facilities and polyclinics into family doctor practices; by establishing a network of new general practice and family health-care centres both in the cities and in rural areas and by converting rural outpatient facilities (including poorly equipped and economically unviable district hospitals and maternity clinics) in rural districts into general practice and family health-care centres.

453. Most (67.5 per cent) family health-care facilities operate their own outpatient services; under one third (27.4 per cent) of such health-care facilities are health-care facilities with their own wards and 4.8 per cent have general practice and family health-care centres. A very small number (0.3 per cent) of family health-care facilities are privately run.

454. One positive trend towards the development of a family health-care system is the increase in coverage by services of this kind, which has grown from 7.8 per cent of the population in 2001 to 20 per cent in 2005.

455. In order to increase the number of doctors trained in family health care, 1,320 Ukrainian medical graduates served their internships in general practice and family medicine, 220 per cent more than in 2004.

456. Coverage of the country by doctors in general practice is growing from year to year. Compared to 1999 levels, this coverage has increased more than sixteenfold and is now at the level of 0.97 doctors per 10,000 persons. The country's need for family doctors, which is estimated in the order of 30,000, is still far from having been fulfilled, however, with only 12.6 per cent of that number attained to date.

457. According to monitoring figures, 85 per cent of patients seeking medical attention from family doctors complete their treatment entirely at the primary level. In this way, family doctors are able to provide qualified - including emergency - medical assistance to the great majority of patients, including those with multiple pathologies.

458. The information adduced above demonstrates the gradual development in Ukraine of a family medical health-care system and the prospects for the reorganization of primary health care along these lines. The scope and pace of this development are still insufficient to meet today's needs, however.

459. If the task of converting the country's system to family-based health care is to be achieved, it is essential that support be provided by the Government, in the form of financial and other resources and through other legal and regulatory measures, by improving the management of the health-care system at all levels, by promoting cross-sectoral partnerships, by assigning a greater role to voluntary associations in the fields of health care and by expanding international cooperation in this domain.

460. Through reorganization of the primary health-care system along the lines of the general practice and family doctor system, it will be possible to improve the health status of the population by providing better-quality medical care, made more accessible to each family, and by enhancing its availability, quality and effectiveness through the sound use of resources in this field.

461. As part of the process of general education and upbringing of the younger generation, over recent years the schools' health education programme has been substantially amended. Since 2001, in the standardized educational curriculum, primary schools now include a course on the basics of health, which forms a component of the State syllabus from grade 1. Textbooks and the corresponding teachers' manuals have been prepared for grades 1-4. Since 2005, this course has also been taught to children in the fifth grade of general education schools, representing the first stage in the general health education syllabus of secondary education.

462. The Tobacco Products (Measures to Prevent and Reduce Consumption and their Harmful Influence on Public Health) Act, adopted as Act No. 2899 on 22 September 2005, places certain restrictions on the advertising of tobacco products: the use of texts which could mislead people as to the properties of tobacco products is prohibited, including such descriptions as "light", "soft", etc., and more extensive information regarding the harmful consequences of smoking to the consumer is to be provided: thus, each package containing tobacco products must, in addition to the basic medical warning, include an additional warning (in all, it is planned to include six additional medical warnings).

### **Article 13. Right to education**

463. Under article 53 of the Ukrainian Constitution, article 3 of the Ukrainian Education Act and articles 6 and 29 of the Ukrainian General Secondary Education Act, Ukrainian citizens, without distinction as to sex, race, nationality, social status, wealth, outlook on life, party affiliation, religion, beliefs, health status, place of residence, linguistic or other attributes, are entitled to free access to full secondary education in State and community educational establishments.

464. The entire cycle of general secondary education is compulsory.

465. Parents or persons acting in their stead have the right to choose educational establishments and types of education for minor children, and the network of general education establishments has developed in line with the educational preferences of parents and their children, accordingly.

466. In the 2005-2006 academic year, there were 20,601 general education establishments operating in the country, including 521 secondary schools specializing in humanities, 353 in the sciences and 41 colleges, with a total of 5,207,213 pupils. Among these 16,924 were Ukrainian-medium (catering to 3,603,643 pupils); 1,345 Russian-medium (catering to 525,260 pupils); 94 Romanian-medium (22,365 pupils); 70 Hungarian-medium (14,823 pupils); 14 Crimean Tatar-medium (3,472 pupils); 8 Moldavian-medium (3,127 pupils); and 4 Polish-medium (943 pupils). In addition, 2,141 general education establishments provided tuition in two and more languages.

467. The transition of the primary school system to the new syllabus and teaching structure was completed in 2005. In order to ensure the quality of primary education, in May 2005 the Ukrainian Ministry of Education and Science, working together with the Ukrainian Academy of Teaching Sciences and the National Testing Centre in the Autonomous Republic of Crimea, has been conducting tests to monitor the quality of education for grade 4 pupils in the Autonomous Republic of Crimea, in the Donetsk, Kyiv, Lviv, Odessa and Kharkiv provinces and in the city of Kyiv. The purpose of these tests was to identify the extent to which pupils were able to read and understand texts and to apply the knowledge and skills imparted to them in situations as close as possible to the real-life situations of children. In the light of these monitoring tests, changes were made to the State standards for primary education and to the standardized curriculum. Work is currently under way on amending the syllabuses and textbooks.

468. On 1 September 2005, pupils in grade 5 started following the new syllabuses and textbooks.

469. To ensure transparency and openness in the work of educational institutions and equal access by all to education, the Cabinet of Ministers adopted resolution No. 1312 on 31 December 2005 on urgent measures to introduce a system of external independent assessment and monitoring of the quality of education, and ratified the statute of the Ukrainian Education Quality Assessment Centre.

470. Ukraine has taken note of the comments in paragraph 17 of the concluding observations of the Committee on Economic, Social and Cultural Rights.

471. In 2005, with central budget funds, 1,168 computer workstations were purchased for general education schools and 47 new computer programmes were developed for schools.

472. In 2006, it is planned to make allocations from the State budget to local budgets for the purchase of school buses to a total of 68 million hryvnias and to a total of 21.8 million hryvnias for information technology and computer equipment for educational establishments.

473. Through the school bus programme, educational services have been considerably improved in rural general education schools. In 2005, 800 school buses were provided through this programme, 342 of which were paid for by the State. For the first time, buses have been acquired which are specially equipped for transporting disabled children.

474. By its decision No. 905 of 13 July 2004, the Cabinet of Ministers ratified a comprehensive programme for the provision to general education, vocational, technical and higher educational establishments of modern teaching equipment and visual aids for the natural sciences, mathematics and technological subjects. Through this programme it is planned to promote the manufacture of scientific education equipment by Ukrainian companies and to upgrade the materials and technology used by teaching establishments.

475. Thanks to steps taken by the Government, the funding of textbooks has been considerably boosted. Thus, in 2005, some 8 million textbooks were published, for a total of 76.5 million hryvnias. With this, the textbook requirements for children in grades 1-5 have now been fully met.

476. The network of preschool, general education and specialized teaching establishments for children with special mental and physical needs and of vocational, technical and higher education establishments of all levels is being developed to meet the needs of the Ukrainian population. Work is continuing on an educational experiment, to promote the social rehabilitation and reintegration into society of children with special mental and physical needs by integrating them into general education schools.

477. By its decision No. 848 of 5 July 2004, the Ukrainian Cabinet of Ministers adopted the State standards for the primary education of children with special physical and mental needs, which is designed to meet the educational needs of children with disabilities.

478. The situation of teachers and their social welfare remain a constant concern of the Government, which is working to ensure that the country's teaching establishments have at their disposal properly qualified teaching staff, given the vital role played by teachers in meeting the educational needs of the population.

479. With a view to implementing the Ukrainian Salary and Wage Arrears (Restructuring) Act, as provided for in article 57 of the Ukrainian Education Act, a procedure has been developed for settling outstanding arrears in the State budget relating to the payment of long service supplements, health recuperation benefits and free housing, heat and lighting.

480. The Government has taken steps to raise teachers' salaries, which as at 1 January 2001 amounted to 804 hryvnias. This has made it easier to fill teaching vacancies.

481. As of the current time, more than 21,000 teachers are eligible for free housing, with more than 5,000 of these living in rural areas. In 2005, 557 flats were allocated to members of the teaching profession, the first time such benefits have been granted.

482. To ensure that the country's scientific and educational sectors are properly integrated into the European Community system, it is essential that Ukraine radically reform its higher education system. Work is currently under way to bring the country's legislative and regulatory framework and standards for higher education into line with generally accepted European rules and standards: to that end, lists of special fields are being coordinated, syllabuses reviewed, a module-and-credit system introduced, access to education ensured to people throughout their lives and the scope of free quality education extended. Accordingly, the number of students at higher education establishments receiving State-funded education has increased by almost 50 per cent, rising from 36.5 per cent of the total in the 2004/2005 academic year to 51 per cent in 2005/2006.

483. The educational level of the Roma population remains the lowest in Ukraine. The central and local authorities are taking steps to upgrade the schools attended by Roma children, to ensure that they meet the State standards applicable in this area.

484. The syllabuses of these schools include courses on Roma history and customs and teaching methods are being introduced for the instruction of Roma pupils that take account of the Roma customs and practices for bringing up children. In view of the relatively needy state of Roma pupils, the Government accords them special benefits, including free school meals.

485. The network of Roma Sunday schools is being extended to include, among other subjects, Ukrainian and Roma language tuition. For example, in the 2003/2004 school year in Zakarpattya province, which has the greatest concentration of Roma, there were 4,861 Roma children enrolled at general education schools. In addition, there were four Sunday schools for Roma.

486. An interesting example is the Tatarbunary Sunday school in Odessa province, which offers a wide range of educational services. At the school, pupils study the Ukrainian and Roma languages, culture and history. The basic subjects are taught by teachers from the centre, while the Roma language, culture and history are taught by members of the Roma women's association who have university degrees and are proficient in the Roma language.

487. It is planned to hold round tables to explore ways of meeting the educational needs of the Roma in Ukraine, with the involvement of members of the teaching community. The programmes for the teachers' refresher and retraining courses held at provincial postgraduate teacher-training colleges include lectures on such topics as the history, traditions and customs of the Roma people.

#### **Article 15. Right to take part in cultural life**

488. Ukraine recognizes the right of peoples and individuals to cultural development and to take part in cultural life. To this end, it is actively involved in cultural cooperation in international organizations with a view to developing intercultural dialogue, to promoting its cultural identity and to developing cultural self-expression.

489. Ukraine gave its support to the Universal Declaration on Cultural Diversity, adopted by the General Conference of UNESCO in Paris on 2 November 2001, at its thirty-first session.

490. Ukraine is currently working on the formalities for accession to the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions.

491. Ukraine's outstanding achievement in the promotion of intercultural dialogue was the Kyiv initiative for democratic development through culture, adopted by Armenia, Azerbaijan, Georgia, Moldova and Ukraine during the fifth ministerial colloquium on the STAGE project of the Council of Europe, held in Kyiv on 15 and 16 September 2005.

492. In Ukraine, discrimination on the grounds of sex is prohibited in all aspects of cultural life, a principle enshrined in the Ukrainian Constitution and in the Equal Rights of Women and Men Act.

493. Ukraine is making every possible effort to meet the cultural and spiritual needs of ethnic minorities living in its territory.

494. There are more than 130 ethnic minorities in Ukraine. The country's Constitution and law provides an appropriate framework for the work of ethnic minority voluntary associations and for the fostering of inter-ethnic tolerance and interaction with the authorities.

495. Particular attention in Ukraine is accorded to the development of the cultures of the deported peoples of Crimea. In that context, increasingly large allocations are made from the country's State budget for the development of the culture of the Crimean Tatars.

496. In this way, the cultural life of the Crimean Tatars is steadily being enriched in Ukraine, together with that of other ethnic groups residing in its territory.

497. The Ukrainian State budget makes annual allocations for measures to revive the culture of ethnic minorities, including, in particular, the Roma.

498. There are 79 Roma cultural associations in Ukraine, which have as their primary task the revival of the language, culture, traditions and customs of the Roma people.

499. In November 2004, under the auspices of the Ukrainian Roma Congress, the first ever all-Ukrainian festival of Roma performing groups was held, in the town of Bila Tserkva, and Amala-2004, an international Roma festival, was held in Kyiv in 2004.

500. On 12 April 2005, the Supreme Council's Committee on Questions of Human Rights, Ethnic Minorities and Interethnic Relations held a series of hearings on the current situation of the Roma people in Ukraine, with the participation of representatives of the central Government, people's deputies, leading specialists in the field of ethnic policy and the leaders of Roma associations.

501. In order to ensure more effective interaction between the associations of ethnic minorities and the central and local authorities and acting in accordance with article 5 of the Ukrainian Ethnic Minorities Act, a consultative body has been set in operation under the Ukrainian State



Committee for Ethnic Minorities and Migration: the Council of Representatives of All-Ukrainian Associations of the Ethnic Minorities of Ukraine, which includes among its members the president of the Ukrainian Roma Congress.

502. Issues that pertain to promoting the rights of national minorities are discussed at meetings of the Council, to which leading scholars, cultural figures, politicians and representatives of central government bodies are invited. The Council promotes the activities of voluntary associations, involving them in the implementation of nationwide cultural measures and participating in the preparation of various regional programmes and the publication of teaching and training materials.

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