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Implementation of the International Covenant on Economic, Social and Cultural Rights

Consideration of the sixth periodic reports of States parties
under articles 16 and 17 of the Covenant

Ukraine**

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Information relating to articles 1–3, 6–13 and 15 of the Covenant

Article 1

The right of peoples to self-determination

1. In response to paragraph 59 of the suggestions and recommendations made by the Committee on Economic, Social and Cultural Rights in its concluding observations on the fifth periodic report submitted by Ukraine with regard to the implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/UKR/CO/5) (“The Committee, while noting that, according to the core document of the State party, only Ukrainians are considered to be an indigenous ethnic group, encourages the State party to recognize the right of self-identification of all ethnic groups in Ukraine, as well as their right to the preservation, protection and development of their cultural heritage”), Ukraine submits that the preamble to the country’s 1996 Constitution specifies the right of the Ukrainian people to self-determination as that of Ukrainian citizens belonging to all ethnic groups, and that this was indicated in the aforementioned report.
2. Modern-day Ukraine is a vivid example of a multinational country with no serious ethnic conflicts. It is a State that has created and implements an appropriate legal and regulatory framework.
3. The rights of Ukrainian citizens, irrespective of ethnicity, and the guarantees of these rights are enshrined in the Ukrainian Constitution, the Declaration of Rights of Nationalities of Ukraine, the acts on Ethnic Minorities, Education, Print Media (Press), Citizens Associations, Freedom of Conscience and Religious Organizations, Citizenship, and Culture, as well as in international instruments ratified by the Verkhovna Rada (parliament of Ukraine), including, inter alia, the Council of Europe Framework Convention for the Protection of Ethnic minorities and the European Charter for Regional or Minority Languages.
4. Although the current legal framework regulating inter-ethnic relations provides a solid foundation for reconciling the interests of all the ethno-national components of Ukrainian society, present realities are generating new challenges that call for the adoption of appropriate legislative and administrative solutions.
5. With this in mind, and in order to refine legislation protecting the rights of ethnic minorities, the State Committee on Ethnic and Religious Affairs is proceeding to draft a bill on the Outline Plan for State Ethno-National Policy that states the latter’s purpose, core principles, tasks and implementation mechanisms. The bill specifies that the Government’s ethno-national policy is to be treated as an integral part of State policies geared towards regulating ethno-national relations with the aim of promoting the harmonious development of the Ukrainian nation, indigenous peoples and ethnic minorities in Ukraine. The bill has been crafted so as to meet international norms and standards relating to the protection of human and civil rights and freedoms. Once adopted, it will serve to consolidate social and political stability, promote inter-ethnic and inter-faith harmony in society, as well as help to establish a suitable environment for the development of the ethnic, cultural, linguistic and religious identity of all nationalities in Ukraine.
6. Additionally, the State Committee on Ethnic and Religious Affairs is working to finalize a bill that amends legislation ratifying the European Charter for Regional or Minority Languages in recognition of the need to extend the list of languages protected under the Charter, namely, Armenian, Romany, Krymchak and Karaim. This follows in the

wake of an objective assessment of the actual status of these languages in Ukraine and is also occasioned by the need to correct inaccurate references to languages termed “Jewish” and “Greek” by re-designating them “Yiddish” and “Modern Greek”, respectively.

7. According to the nationwide census of 2001, there are over 130 ethnic groups living in Ukraine. Ukrainians make up the majority, numbering 37,541,700, or 77.8 per cent of the population, while other nationalities total 10.7 million and account for 22.2 per cent.

8. At the present time, ethnic minorities are continuing to organize themselves, resulting in the formation of various voluntary organizations such as associations, unions, societies, federations, councils, congresses, etc. As specified in their statutes, the activities of these organizations are geared towards meeting the social, economic, cultural, linguistic, educational, information and spiritual needs of their members.

9. As of 1 January 2010, the Ukrainian judiciary had registered 1,458 ethnic minority voluntary organizations, 44 of which operate on a nationwide basis. Figures compiled by provincial government agencies reveal that 1,268 organizations pursue the activities stipulated in their statutes.

10. As a measure to enhance relations between the Government and ethnic minority voluntary organizations, May 2009 saw the setting up of the Council of Representatives of All-Ukrainian Ethnic minority Voluntary Associations under the auspices of the State Committee on Ethnic and Religious Affairs. By the same token, most provincial administrations have under their authority consultative and deliberative councils staffed by representatives of ethnic minority voluntary organizations.

11. The State works to promote the cultures and languages of ethnic minorities in a practical way by providing institutional and financial support for those activities of ethnic minority voluntary organizations that are focused on preserving ethno-national identity.

12. Special allocations are earmarked annually by the Ukrainian State Budget and distributed to the appropriate central government agencies under individual budget programmes.

State funding of programmes supporting the ethno-national development of ethnic minorities

<i>Programme code</i>	<i>Title</i>	<i>Annual funding (thsd. hrv.)</i>		
		<i>2008</i>	<i>2009</i>	<i>2010</i>
5321030	State Committee on Ethnic and Religious Affairs: Measures to encourage the revival of ethnic minority culture, and financial support for newspapers in ethnic minority languages	2 675	1 317.5	1 381.6
5321080	Measures to implement the European Charter For Regional or Minority languages	963	96.3	1 060
5321040	Programme for the resettlement and rehabilitation of deported Crimean Tatars and persons of other ethnic groups who have returned to take up residence in Ukraine, their adaptation and integration into Ukrainian society for the period until 2010	71 420.8	53 305.6	48 289.2
1801260	Ministry of Culture and Tourism: Measures to encourage the revival of ethnic minority culture	1 500	150	3 150

Programme code	Title	Annual funding (thsd. hrv.)		
		2008	2009	2010
2201360	Ministry of Education and Science: Measures to implement the European Charter for Regional or minority languages	–	–	1 609.6
1701070	State Television and Radio Broadcasting Committee: Information and cultural services for the population of Crimea on the revitalization and development of its peoples' cultures	842.6	945.1	1 018

Note: Combined annual budget spending at all levels on the education, nurturing and maintenance of children attending preschool educational institutions providing tuition in minority languages totalled 701,776,200 hrv (hryvnias) in 2008, 964,270,600 hrv in 2009, and 1,202,837,700 hrv in 2010. Combined annual budget spending at all levels on the education and maintenance of students at general educational institutions with tuition in minority languages totalled 3,454,300,300 hrv in 2008, 3,802,715,900 hrv in 2009, and 4,641,618,800 hrv in 2010.

13. In order to uphold the right of ethnic minorities to receive and impart information in their mother tongues, the State is working to promote, and renders financial assistance to, media committed to furthering the development of minority languages and cultures in Ukraine.

14. Since 2005 the State Committee on Ethnic and Religious Affairs has co-founded six newspapers published in minority languages: Aragats in Armenian, Golos Kryma (Voice of Crimea) in Crimean Tatar, Dzennik Kiiovski in Polish, Evreiskie vesti (Yiddish news) in Yiddish, Konkordia in Romanian and Roden Krai in Bulgarian. The Committee annually allocates funding for their activities.

Funding for newspapers co-founded by the State Committee on Ethnic and Religious Affairs

Newspaper title	Annual funding (thsd.hrv.)				
	2006	2007	2008	2009	2010
Agarats	170	185	205	130.566	180.2
Golos Kryma	260	280	288	190.400	230.1
Dzennik Kiiovski	180	195	210	122.700	183.2
Evreiskie vesti	190	210	221	117.956	185.7
Konkordia	250	265	288	208.650	190.7
Roden Krai	250	265	288	177.600	230.1
Total	1 300	1 400	1 500	947.872	1200

Article 2

1. International assistance and cooperation

15. A priority area of State cultural policy is implementing joint projects with other countries and international organizations in order to create a suitable environment for acquainting outsiders with Ukrainian culture, while also providing an opportunity to demonstrate the profound cultural and historical ties that exist between nations.

16. Scheduled to run in 2009–2011, the “Kyiv Initiative for the Democratic Development through Culture of Azerbaijan, Armenia, Georgia, Moldova and Ukraine” is a regional programme launched by the Council of Europe with the aim of developing cultural policy and strategy as a way to consolidate democracy, intercultural dialogue and cultural diversity in the aforementioned countries. The Kyiv Initiative is designed to develop cultural policy, cultural identity and intercultural dialogue with the objective of strengthening European democratic values. For the first time, this Council of Europe programme combines not only issues of cultural policy, but also those dealing with cultural heritage, cultural tourism and funding for cultural projects. The Initiative immediately drew wide support from participants and the Council of Europe Member States, was praised in the Faro Declaration as a driver for intercultural dialogue (October 2005) and was identified as a priority by the Romanian Chairmanship of the Council of Europe Committee of Ministers (November 2005 – May 2006). In 2006, a meeting of the Council of Europe Steering Committee for Culture and the Steering Committee for Cultural Heritage and Landscape adopted a decision to include the Kyiv Initiative in the Council of Europe list of priority cultural activities for 2007. The programme’s importance was also emphasized in respect of its use as a regional gauge of Council of Europe activities in developing intercultural dialogue.

17. In Ukraine the Kyiv Initiative Regional Programme has involved much work on a number of projects, respectively entitled “Cultural Policy and Cultural Exchange”, “Cross-Border Cinema Culture”, “Wine Culture Tourism Exchange” and “Rehabilitation of Cultural Heritage in Historic Towns”.

18. On 4-5 February 2010 a delegation from the Ministry of Culture and Tourism attended a 2nd coordination meeting to discuss the elaboration and implementation of a Plan of Action for 2010 in respect of the Council of Europe “Rehabilitation of Cultural Heritage in Historic Towns” project, part of the Kyiv Initiative. The Ukrainian party approved a list of ten priority towns, which was forwarded to the Council of Europe.

19. In December 2010, a 3rd coordination meeting was held in Strasbourg on implementing the “Rehabilitation of Cultural Heritage in Historic Towns” project, attended by a representative of the Ministry of Culture and Tourism. The meeting specified the number of pilot towns in each State Member and approved the Action Plan for 2011.

20. Since 2006 the Ministry and the relevant central authorities have taken steps to put in place the domestic procedures required prior to the country’s ratification of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions adopted by the 33rd General Conference of the United Nations Educational, Scientific and Cultural Organization in Paris on 20 October 2005.

21. On 20 January 2010, the Verkhovna Rada adopted Act No. 1811-VI ratifying the Convention on the Protection and Promotion of the Diversity of Cultural Expressions. Underpinning this international legal instrument is the contention that cultural diversity acts as a driver for the full realization of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and other famous documents. Furthermore, ratification of the Convention by Ukraine marks a milestone towards aligning Ukrainian laws protecting the cultural rights of ethnic minorities with those of Europe.

22. Ukraine has taken note of the observations in paragraph 11 and the recommendations in paragraph 34 of the concluding observations by the Committee on Economic, Social and Cultural Rights on the fifth periodic report submitted by Ukraine with regard to the implementation of the International Covenant on Economic, Social and Cultural Rights.

23. Ukraine is moving ahead with grant projects designed to resolve specific problems faced by the Roma community (protection of rights; healthcare). These include the “Roma

of Ukraine” programme operated by the International Renaissance Foundation and projects launched by the European Roma Rights Centre in Budapest. Thanks to the International Renaissance Foundation, Roma voluntary organizations are successfully implementing projects to provide Roma with identification documentation.

2. Non-Discrimination

24. Ukraine guarantees all ethnic groups, citizens and stateless persons living in its territory equal political, economic, social and cultural rights.

25. In the year since independence, Ukraine has created a legal framework that regulates community relations so as to ensure equality and non-discrimination.

26. 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.

27. In accordance with article 38 of the Constitution and article 9 of the Ethnic Minorities of Ukraine Act, all citizens of Ukraine, regardless of race or ethnicity, have the right to participate in the administration of State affairs and freely to elect and be elected to central and local authorities.

28. Discrimination on the basis of nationality is prohibited under article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination (ratified by Ukraine in 1969) and article 1 of the Declaration on the Rights of Ethnic Groups, adopted by the Verkhovna Rada on 1 November 1991, and other legislative acts.

29. Article 37 of the Constitution prohibits the creation and activities of political parties and voluntary organizations whose programme objectives or actions are aimed at advocating war or violence, incitement to racial, ethnic and religious hatred or encroachment on human rights and freedoms.

30. Article 3, paragraph 2 of the Local Government Act prohibits any restriction of the rights of Ukrainian citizens to participate in local government on the grounds of race, colour, language, political, religious or other convictions or period of residence in the respective locality.

31. Article 119, paragraph 3 of the Constitution states that local government agencies are to implement State and regional socio-economic and cultural development programmes, environmental conservation programmes and, in places where indigenous peoples and ethnic minorities are concentrated, programmes promoting their national and cultural development.

32. Local government agencies are also to ensure access to free education and health care in the relevant locality, to schools providing tuition in the official language and mother tongues, as well as the opportunity to study one’s mother tongue in State and communal educational institutions or in ethnic cultural associations,

33. The Legal Status of Foreign Nationals and Stateless Persons Act stipulates that foreigners and stateless persons are equal before the law, regardless of origin, social status and wealth, race or ethnicity, sex, language, attitude toward religion, occupation or other characteristics. Foreign nationals and stateless persons legally resident in Ukraine enjoy the same rights and freedoms and have the same responsibilities as Ukrainian citizens.

34. Pursuant to article 4 of the Citizens Associations Act, citizens associations whose purpose is to advocate war, violence or cruelty, fascism or neo-fascism, to incite ethnic or religious hatred or to restrict universally recognized human rights are not entitled to legal

registration and the activities of such associations which have been registered are prohibited by law.

35. The Education Act specifies that education in Ukraine is founded on the principles of democracy, ethnic awareness and mutual respect between nations and peoples. Article 6 of the Act defines, *inter alia*, the following basic principles of education: equal opportunities for all in the full realization of abilities, aptitudes and all-round development, and empathy with world and national history, culture and traditions. Teachers and educators are tasked with preparing pupils and students for a responsible life in a spirit of understanding, peace and harmony between peoples and ethnic, national and religious groups (art. 56).

36. The first part of article 8 of the Advertising Act stipulates that advertisements may not include terms that discriminate against a person on the grounds of status, social position and wealth, race or ethnicity, sex, education, political opinions, attitude towards religion, language and other characteristics.

37. Article 3 of the Print Media (Press) in Ukraine Act prohibits the use of print media for the purpose of incitement to racial, ethnic and religious hatred. This prohibition is also specified in article 2 of the Television and Radio Broadcasting Act and article 46 of the Information Act.

38. The Code of Administrative Procedure contains a number of provisions designed to prevent discrimination against parties to administrative proceedings on any grounds. This refers, *inter alia*, to preventing persons in authority from engaging in active or passive discriminatory practices. Article 10 of the Code guarantees that all parties to administrative proceedings are equal before the law and court, and that said parties may not be accorded privileges, nor have their rights curtailed, on the grounds of race, skin colour, political, religious or other convictions, sex, ethnic or social origin, language or other grounds. Persons involved in legal proceedings with no or insufficient command of the official State language have the right to use their mother tongue or a language in which they are conversant, as well as the services of a translator in accordance with the procedures provided for by the Code.

39. In compliance with article 9 of the Organization of the Courts and Status of Judges Act, the administration of justice in Ukraine is based on the principle that all parties to legal proceedings are equal before the law and court, regardless of race, skin colour, political, religious or other convictions, sex, ethnic or social origin, wealth, place of residence, language or other characteristics. Pursuant to article 12 of the Act, court administration proceedings are conducted in the official language. Courts ensure that the linguistic rights of citizens involved in litigation are upheld. Courts use the official language in legal proceedings and guarantee the right of citizens involved in litigation to use their mother tongue or a language in which they are conversant. These provisions are also included in the Code of Civil Procedure and the Code of Criminal Procedure

40. Domestic legislation regulates responsibility for the violation of civil rights in respect of race and ethnicity. Under the Criminal Code, when sentencing, a crime motivated by racial, ethnic or religious hatred or discord is considered an aggravated offence.

41. For the most part, the Ukrainian Constitution is a directly applicable act. Recourse to law for the purpose of protecting constitutional human and civil rights and freedoms is automatically guaranteed by the Constitution.

42. In addition to the Constitution, Ukraine enforces a number of sectoral acts, codes and laws containing regulations to ensure equality and prevent discrimination in different areas of public life. Beside the aforementioned Ethnic Minorities of Ukraine Act, also

falling into this category is the Act of 8 September 2005 on the Provision of Equal Rights for Men and Women and Equal Opportunities in their Realization.

43. As a measure to prevent the spread of xenophobia and the dissemination of racist and anti-Semitic material through computer systems, in April 2005 Ukraine signed the Additional Protocol to the Convention on Cybercrime concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems.

44. Consequently, Ukraine has created a legal framework with enforcement mechanisms that offer considerable opportunities for preventing any manifestation of racism, racial discrimination, xenophobia, intolerance or prejudice against people on account of their ethnicity.

45. Pursuant to Ministry of Justice Order No. 42/5 of 12 May 2006 on procedures for conducting gender equality impact assessments of legislation, an instruction on undertaking such assessments was approved, as was a report submitted by experts in gender equality who had examined the legislative act. The instruction specifies procedures for carrying out gender equality impact assessments of current and draft legislation in order to confirm compliance with the principle of ensuring equal rights and opportunities for women and men.

46. Since 1 July 2006, departments of the Central Administration of the Ministry of Justice responsible for examining legislation have conducted gender equality impact assessments of all draft laws and regulations submitted to the Ministry for legal review. Based on the results, a report on gender equality impact assessment is in preparation that forms an integral part of the Ministry of Justice report on the findings of legal experts with regard to the draft regulation. As of 1 November 2010, the Ministry had submitted 15 reports on gender equality impact assessment of legislative acts.

47. Efforts to combat racism and xenophobia are closely monitored by the President and Government of Ukraine and the central authorities. In this regard, on the President's instructions, an office for the development and implementation of a strategy to combat ethnically motivated offences has been established within the Ministry of Internal Affairs and, within the National Security Service, a unit for the detection and suppression of actions aimed at inciting racial or ethnic enmity; a post of Ambassador-at-Large to combat racism, xenophobia and discrimination has been instituted in the Ministry of Foreign Affairs.

48. In April 2003, the President tasked the Procurator's Office and the Ministry of Internal Affairs (MIA) with strengthening measures to combat xenophobia and racial intolerance and to devise an effective programme for combating all forms of xenophobia and to prosecute offenders.

49. Analysing the situation, identifying the causes of intolerance and comprehensively addressing efforts to combat xenophobic, anti-Semitism, ethnic and racial intolerance are some of the tasks undertaken by the State Committee on Ethnic and Religious Affairs. For this reason, the Committee coordinates the activities of the Interdepartmental Working Group on combating xenophobia and ethnic and racial intolerance, which was set up in accordance with Instruction No. 11273/3/1-08 issued by the Cabinet on 2 April 2008. In the period 2008–2010 the Group held nine meetings:

- 2008 – 5 meetings
- 2009 – 3 meetings
- 2010 – 2 meetings

50. Made up of representatives of central and local authorities, the Group held its first organizational meeting on 17 April 2008. Its activities fall within the competence of its component bodies and are funded by their respective budgets.

51. The activities of the Interdepartmental Working Group are open to public participation, attracting involvement from representatives of Ukrainian and international human rights organizations, ethnic minority voluntary organizations, specialists and other interested parties. Details of the Group's work, as well as the items covered at its meetings, are available on the State Committee on Ethnic and Religious Affairs website.

52. With a view to implementing preventative measures to combat racial and ethnic intolerance and prejudice against individuals on account of their ethnicity, the Working Group, in conjunction with departments of the State Committee on Ethnic and Religious Affairs, conducts monitoring exercises in the regions. Central and local authorities are engaged in on-going outreach operations among different nationalities to raise awareness regarding the equality of human and civil rights and freedoms regardless of race, ethnicity, religion or membership of public associations.

53. In July 2008 the Interdepartmental Working Group considered and approved the Plan of Action to Combat Xenophobia and Racial and Ethnic Discrimination in Ukrainian Society for the period 2008–2009, which has largely been implemented.

54. In view of the positive results achieved by the Interdepartmental Working Group, a Plan of Action to Combat Xenophobia and Racial and Ethnic Discrimination in Ukrainian Society for the period 2010–2012 has been developed.

55. Ukraine has taken note of the observations in paragraph 10 and the recommendations in paragraph 33 of the concluding observations.

56. On 5 November 2009, the Verkhovna Rada adopted the Act on Amending the Criminal Code regarding Liability for Crimes Motivated by Racial, National or Religious Intolerance, which, inter alia, strengthened the sanctions specified in article 161 of the Code and also amended a number of other articles. Punishment is prescribed for “intentional acts aimed at inciting ethnic, racial or religious enmity or hatred, demeaning ethnic honour and dignity or causing offence to citizens in connection with their religious beliefs, and the direct or indirect restriction of citizens' rights or the granting to citizens of direct or indirect privileges on the basis of race, skin colour, political, religious or other beliefs, sex, ethnic or social origin, wealth, place of residence, language or other characteristics.”

57. The second parts of articles 115 (Premeditated murder), 121 (Intentional grievous Bodily harm), 126 (Assault and Battery) and 127 (Cruel Treatment) of the Criminal Code have been amended to include criteria classifying the commitment of a crime motivated by racial, ethnic or religious intolerance.

58. Also classified as a criminal offence is the importing, manufacturing or disseminating of products such as cinematic and video materials glorifying violence and cruelty, racial, ethnic or religious intolerance and discrimination (art. 300 of the Criminal Code).

Article 3

1. Equality of men and women

59. On 21 January 2010 in Geneva, at the forty-fifth session of the Committee on the Elimination of Discrimination against Women, Ukraine successfully defended its combined sixth and seventh periodic report on the implementation of the provisions of the Convention on the Elimination of All Forms of Discrimination against Women.

60. The Ministry for Family, Youth and Sport of Ukraine is engaged in a systematic effort to develop and enforce public policies ensuring equal rights and opportunities for women and men. The office of pro bono advisor to the Prime Minister on gender equality issues has been established, and an expert council tasked with reviewing submissions regarding occurrences of gender discrimination (Order No. 3036 of 6 September 2010) has resumed work.

61. With the support of the Equal Opportunities and Women's Rights in Ukraine Programme, various training seminars on the use of gender statistics have been conducted in Lviv, Poltava, Sumy and other oblasts (provinces).

62. Efforts are underway to monitor compliance with the State Programme on Consolidating Gender Equality in Ukrainian Society for the period until 2010 at oblast and district levels, approved by Cabinet Decision No. 1834 of 27 December 2006.

63. 26 April 2010 saw the signing of the Communication Strategy of the communication component of the programme "Women's and Children's Rights in Ukraine", led by the United Nations Development Programme (UNDP), and the Work Programme for 2010 – a unique document offering an opportunity to strengthen cooperation with governmental and non-governmental organizations in areas relating to the protection of children's and women's rights.

64. The Ministry for Family, Youth and Sport is a beneficiary and partner of international projects such as the UNDP-backed "Equal Opportunities and Women's Rights in Ukraine", "Strengthening and Protecting Women's and Children's Rights" (the Council of Europe), "Developing Comprehensive Preventive Services for Children Deprived of Parental Care and Children in Difficult Circumstances" (UNICEF), and "Employment Equality of Women and Men" (Youth Public Chamber).

65. In 2010 the Ministry held a national conference to discuss efforts to promote equal rights and opportunities for women and men. Taking the results of the conference as its basis, as well as the Richelieu Academic Readings on the "Modernization of Public Administration and Civil Service HR Policy", and the implementation of Instruction No. 56610/01/1-10 of 20 September 2010 issued by the Deputy Prime Minister for Economic Affairs, the Ministry elaborated a number of legislative instruments and recommendations for amending existing legislation, namely, the Act on Elections of People's Deputies of Ukraine, the Act on Elections of Deputies of the Parliament of the Autonomous Republic of Crimea, Local Councils and Village, Settlement and City Mayors, the Central Electoral Commission Act and the Civil Service Act.

66. For the purpose of elaborating the legislative instruments, an interdepartmental working group was set up composed of representatives of central government agencies, international and national voluntary organizations and academics.

67. In order to carry into effect the decision taken by the national conference on promoting equal rights and opportunities for women and men, the Cabinet issued Instruction No. 34187/4/1-10 of 1 July 2010, on whose basis a series of legislative instruments were formulated:

- A draft social programme for the targeted State-wide promotion of equal rights and opportunities for women and men until 2015;
- A draft model provision for an advisor on issues relating to the promotion of equal rights for women and men;
- A draft model provision for a gender centre.

68. Ukraine has taken note of the observations in paragraph 12 and the recommendations in paragraph 35 of the concluding observations.

69. As of 18 March 2010 women accounted for 7.9 per cent of the Verkhovna Rada. In village, settlement and district councils the number approaches 40 per cent, whereas in oblast councils it remains less than 10 per cent.

70. It should, moreover, be pointed out that there are 140 women with higher education to every 100 men. Data compiled by the State Statistics Committee show that in 2009 a woman's average monthly wage was 1,677 hrv, while that of a man was 2,173 hrv. Accordingly, the pay gap in this period stood at 22.8 per cent. Women's average monthly income is typically 69 per cent of men's. Women control a mere 5-10 per cent of economic resources. Women account for 38 per cent of entrepreneurs running their own business and manage 26 per cent of the total number of small companies, 15 per cent of medium-sized companies and 12 per cent of large companies. Women hold only 2 per cent of top business management positions in industry.

71. In the period March 2009 – February 2011, Ukraine implemented a Technical Cooperation Project, initiated by the International Labour Organization (ILO) and supported by the European Union, called "Gender Equality in the World of Work", with the object of promoting institutional reform in the workplace and, more specifically, to ensure that international labour standards are properly applied. The tasks undertaken included:

- Formulating recommendations for State institutions (individually for the Labour Inspectorate and the State Employment Service) and social partners (individually for trade unions and employers) with a view to these agencies introducing gender mainstreaming, including within the agencies themselves. The recommendations were submitted in 2010;
- Developing training programmes for staff at the State Employment Service (SES) and two inspectorates;
- Conducting gender training for 600 SES employees and 260 labour inspectors in order to promote greater awareness and refine mechanisms for implementing national gender-equality laws, including the country's international commitments in this area;
- In October 2010, a tripartite delegation (the Ministry of Labour and Social Policy, the State Employment Centre, the State Department for Monitoring Compliance with Labour Legislation, the State Committee of Ukraine on Industrial Safety, Labour Protection and Mining Supervision, and social partners) visited the Labour Inspectorate in Spain to learn about implementing best practices in relations between the Inspectorate and social partners to ensure successful application of gender-equality laws in the workplace.

72. Where social partners are concerned, separate training programmes for trade unions and employers are already underway. Trade union programmes are themed as follows:

- Gender mainstreaming in collective bargaining;
- From prohibition of discrimination to promoting equality;
- Gender-neutral job evaluation;
- Gender audit.

73. Taking part in the programme were representatives from three professional associations: the Federation of Trade Unions, the Confederation of Free Trade Unions and the All-Ukrainian Union of Workers' Solidarity. Trade union trainers who were trained in international labour standards under the Project are now themselves conducting training courses. In 2010, 580 trade union members from all over Ukraine underwent training.

74. Employer organizations received training on the following issues:

- Equal opportunities in the workplace;
- Gender-neutral job evaluation;
- Gender audit.

75. The programme was attended by representatives from three associations of employer organizations: the Federation of Employers of Ukraine, the Confederation of Employers of Ukraine and the All-Ukrainian Association of Employers. In 2010, 220 employers, or their representatives, underwent training.

76. The development of small and medium-sized enterprises plays a key role in overcoming the effects of the economic crisis and in creating new jobs, particularly for young people. The Ministry of Labour and Social Policy and the State Employment Service are encouraging entrepreneurship by pursuing policies to actively stimulate employment, promoting professional training for the unemployed and providing a lump-sum unemployment benefit payment to set up a private business.

77. Throughout 2010, the Ministry and SES participated in a women's entrepreneurship assistance programme under the "Start and Improve Your Business" programme operated by the International Labour Office, which already runs in 90 countries worldwide. Although the programme is not geared towards a specific sex, its adoption in Ukraine as part of the Project was restricted to women as a positive discrimination measure, given that women account for only 38 per cent of entrepreneurs. The aim of the programme was to promote entrepreneurship among women starting or already running their own businesses.

78. Under the programme, which was technically implemented by the GURT Resource Centre, some 800 women from different parts of Ukraine received training. So far, the results indicate that more than a quarter of them went on to start their own businesses.

Article 6

Right to work

79. Pursuant to Presidential Decree No. 1073 of 11 July 2005 on Measures to Improve State Regulations in the Area of Employment and the Job Market in Ukraine, in the period 2006–2009 employment was boosted by the creation of over 4 million jobs.

80. As a result of the financial and economic crisis, since October 2008 the labour market has witnessed an upward trend in redundancies and unemployment, further aggravating the employment situation. The number of unemployed persons registering with the State Employment Service rose dramatically, while that of registered job openings diminished in virtually all sectors of the economy. Hardest hit were farming, trade, the hotel industry, transport and communications, real estate transactions, companies providing community or personal services, culture and sport, primary and secondary industries and construction. Employment in the construction sector dropped 16.2 per cent, 11.9 per cent in industry, 8.1 per cent in the hotel and catering industry and 7.1 per cent in farming.

81. With a view to minimizing the toll taken by the financial and economic crisis on the labour market, on 13 January 2009 a law came into force amending specific items of existing legislation. A series of legislative instruments were adopted in order to carry the law into effect.

82. In order to boost economic activity, stimulate employment and strengthen social protection against unemployment, on 8 September 2010 the Cabinet of Ministers adopted Decision No. 831 approving the Basic Directions for Pursuing State Employment Policy

for 2010–2011. This document sets out ways of tackling the problem of unemployment, stipulates measures for consolidating the efforts of all parties to the social dialogue that are geared towards regulating processes as they occur on the national labour market, and specifies the areas (priority tasks) on which State regulation of the labour market is to focus. To give effect to the Cabinet decision, the Ministry of Labour and Social Policy adopted Order No. 314 of 8 October 2010, approving actions taken to solve the problem of unemployment among the population in 2010–2011.

83. Following the Government's adoption of anti-recessionary measures and the revitalization of the country's economy, there are signs that the employment situation is improving at both national and regional levels.

84. Thus, in the first nine months of 2010 employment among persons aged 15-70 increased, while unemployment in this age group, measured using ILO methodology, fell in all regions of Ukraine compared with the same period in 2009. Taking the country as a whole, the employment rate rose 0.7 per cent to 58.9 per cent, whereas unemployment among economically active persons aged 15-70 dropped 0.6 per cent to 8 per cent. It is noteworthy that during this period the unemployment rate was below the European Union average of 9.6 per cent.

85. The number of employees taking mandatory unpaid leave at the request of their employers and that of employees working shorter days (weeks) is steadily declining. Whereas in December 2008 they amounted, respectively, to 829,000 (7.5% of the average number of full-time employees) and 928,000 (8.5%), in December 2009 these figures were 359,300 (3.5% of the average number of full-time employees) and 991,600 (9.6%) and in December 2010 56,300 (0.5% of the average number of full-time employees) and 498,600 (4.7%).

86. Today the existence of a skilled workforce is a key prerequisite for improving labour productivity, producing competitive goods and integrating Ukraine into the global economic community. For this reason, the Government accords particular emphasis to the professional training of enterprise personnel.

87. To help companies, institutions and organizations enhance employee skills, the Government has:

a) Approved the necessary statutory guidelines for organizing and conducting the professional on-site training of staff and set up an interdepartmental advisory council focused on addressing problems that arise in the training process;

b) Implemented measures to provide teaching and learning materials for on-site staff training.

88. To improve the professional skills of enterprise personnel, a Policy Framework for developing a system for the further training of employees in the period until 2010 was approved by Cabinet Order No. 158 of 20 March 2006.

89. The Ministry of Labour and Social Policy and other relevant central and local authorities are working to execute a plan, approved by Cabinet Order No. 429 of 26 July, for implementing the Policy Framework. This involves taking steps to improve the provision of standardized teaching and learning materials required for the on-site training of employees, as well as encouraging employers to upgrade the professional skills of personnel.

90. To ensure that the system for the on-site training of personnel operates successfully and that employees improve their skills and competitiveness, the Government has prepared a draft law on professional training and proficiency testing in the workplace, which stipulates the legal framework governing the professional development of employees and

the economic support mechanisms underpinning the training process, while also specifying the procedures to be applied in evaluating and certifying professional competencies.

91. Data compiled by the State Statistics Committee show that in the first half of 2010 the country's employed population increased to 20.2 million, accompanied by a rise in the employment rate to 58.4 per cent compared with 57.7 per cent in the first half of 2009. Measured using ILO methodology, the number of people out of work fell by 140,000, totalling an average of 1.9 million during the first half of 2010. At the same time, the unemployment rate declined (based on ILO methodology) from 9.1 per cent to 8.5 per cent, while all regions of Ukraine showed signs that employment and unemployment levels were improving.

92. As part of measures to enhance the competitive viability of the labour force, the State Employment Service organizes professional training courses at vocational schools and higher education institutions, including SES educational establishments, enterprises, institutions and organizations.

93. In the period 2006–2009 unemployed persons received vocational training under schemes organized by the State Employment Service: 203,400 in 2006, 229,400 in 2007, 245,300 in 2008, 157,100 in 2009 and 158,200 in the first nine months of 2010.

94. In compliance with legislation, the State Employment Service provides additional employment guarantees for individual categories of citizens who are unable to compete on equal terms in the labour market, such as school leavers and graduates from vocational or higher educational institutions, minors, orphaned children and young people with no professional skills.

95. These additional guarantees are implemented using a range of integrated measures, including, first and foremost, selecting suitable work and enhancing the job-seeker's motivation to find employment by providing career guidance and arranging vocational training, as well as other focused initiatives.

96. Orphans who are registered as unemployed with the State Employment Service are helped to find work in accordance with the Employment Act and the Compulsory State Unemployment Insurance Act.

97. For specific categories of citizens, additional employment guarantees are implemented by earmarking job vacancies at enterprises in compliance with the Employment Act and the Procedures for Job Reservation. This process takes into account the state of the labour market, the projected number of citizens requiring social protection, as well as the economic situation of those enterprises to which quotas have been assigned. Where targeted recruitment for orphans is concerned, due regard is given to their residential address when finding them work. Orphans who have nowhere to live are assigned to enterprises that are able to arrange accommodation for them in a hostel.

98. In order to counter unemployment, steer young people towards the needs of the labour market, encourage them to find work and to think hard about their choice of profession, Ukraine is moving ahead with the State Employment Service Youth Professional Guidance Programme for 2008–2013.

99. Outreach and organizational initiatives for providing career guidance to all youth categories have been factored into territorial employment programmes. New employment-orientation strategies and job promotion schemes are being implemented nationwide. Various measures are being undertaken that are designed to inform students about the labour market and current developments, to teach them job-search skills and to prevent young people from becoming involved in illegal labour migration and human trafficking. This work is carried out with the assistance of social partners and voluntary organizations.

100. During the holiday period specialists from the State Employment Service conduct career guidance work in summer youth camps. Assistance from volunteers in this area is growing.

101. An innovative project entitled “Professional Guidance Terminal”, operated under the slogan “Live and Work in Ukraine”, has been introduced at almost 2,000 general educational institutions. Computer terminals are used to instruct pupils in vocational guidance and choosing a profession, to raise parents’ awareness and to conduct training seminars for teachers.

102. The State Employment Service has issued over 400,000 pupils at rural schools and children in correctional facilities with copies of “The Pupil’s Career Guidance Business Diary”, which is designed to help them choose their future profession and a vocational training school.

103. In collaboration with enterprises, educational institutions, local internal affairs offices, juvenile affairs units and education authorities, the State Employment Service conducts regular career guidance activities for young people. These include “The Benefits of Choosing Professions”, “Career Days”, “Profession Fairs”, “Graduate Auctions”, “Round Tables for Young People”, and so on. Minors uncertain as to which profession to choose may obtain personalised advice at employment centres.

104. Pursuant to article 19 of the Refugee Act, persons granted refugee status are deemed foreign nationals or stateless persons legally resident in Ukraine, enjoying the same rights and freedoms and bearing the same responsibilities as Ukrainian citizens, except as provided for by the Constitution and laws of Ukraine, as well as by international treaties to which the Verkhovna Rada has consented to be bound.

105. The State’s employment policies are based on the principle of ensuring equal opportunities for all citizens, regardless of origin, social status and wealth, race and ethnicity, sex, age, political conviction and attitude towards religion, when exercising the right to choose freely their type of work in accordance with their abilities and vocational training, taking into account their personal interests and the needs of society.

106. Pursuant to the applicable legislation regulating employment and unemployment insurance, the State Employment Service ensures that employment centres provide refugees with social services on an equal basis with other citizens. The latest data indicate that in 2010 58 refugees received SES advisory services in Donetsk (1), Odesa (6) and Kharkiv oblasts (25) and the city of Sevastopol (26).

107. Refugees receive free advisory services with regard to choosing a profession, taking into account the needs of the regional labour market, and are encouraged to participate in various seminars and job fairs organized by employment centres. On 18 November, 2010, for example, the Odesa Municipal Employment Centre conducted a workshop for refugees entitled “Starting Your Own Business”, at which refugees were informed of procedures for officially registering natural and legal persons. The workshop was attended by representatives from the Sympathy Charitable Foundation, which assists refugees and settlers.

108. On the initiative of the Odesa Oblast Employment Centre, a job fair was held at the temporary accommodation centre in Odesa to mark International Migrants Day, attended by around 100 people. Asylum-seekers and refugees were told about current vacancies in the city and were invited to take part in basic computer literacy workshops; tests were held in a mobile recruitment centre and print media materials containing information on employment services were distributed.

109. Since 2009, Kyiv City Employment Centre has collaborated with the Rokada Charitable Foundation. In order to provide job placement services for refugees, a General

Action Plan has been approved calling for the organization and holding of seminars for employers with a view to building good relationships with citizens with refugee status, as well as raising awareness as to the rights and responsibilities of refugees needing help to find work. The Plan likewise provides for informative consultancy services and individual and vocational guidance consultations. Refugees also receive help in finding a job and writing a curriculum vitae, are given the information required for choosing a profession, as well as access to psychological support and counselling services, etc.

110. Each month Kharkiv Regional Employment Centre sends the Directorate of the Migration Service in Kharkiv Region for Refugee Information the schedules for variously themed seminars on job search skills. The Directorate took part in an International Forum entitled "Employment Service: 20 years on the Labour Market", held on 17 December 2010. Over a five-day period starting 20 December 2010, refugees were invited to attend a basic computer literacy course organized by the Kharkiv City Employment Centre using a training programme specially adapted to meet the needs of foreign nationals.

111. To promote the integration of refugees into Ukrainian society, the State Employment Centre has produced an information booklet for employers on refugees' legal status with regard to job recruitment entitled "How Can Refugees Exercise Their Rights?" which has been made available to employers.

112. Ukraine has taken note of the observations in paragraph 13 and the recommendations in paragraph 36 of the concluding observations.

113. Gender equality in job recruitment is regulated by the Labour Code, the Act on Ensuring Equal Rights and Opportunities for Women and Men and the Employment Act.

114. Equal employment rights are regulated by article 2.1 of the Labour Code. Ukraine guarantees equal employment rights for all citizens regardless of origin, social status and wealth, race and ethnicity, sex, language, political opinions, religious convictions, type and nature of occupation, place of residence or other characteristics.

115. Article 17 of the Act on Ensuring Equal Rights and Opportunities for Women and Men stipulates that women and men are ensured equal rights and opportunities in recruitment, promotion at work, further training and re-training.

116. Pursuant to article 9 of the Act, citizens who apply to the State Employment Service as job-seekers have the right to free professional guidance, consultation, training and re-training, as well as to receive information free of charge pertaining to their choice of occupation, profession, workplace and terms of employment.

117. Article 24 of the aforementioned Act specifies that the State Employment Service is responsible for organizing the professional training, further training and re-training of citizens by referring them to educational establishments, enterprises, institutions and organizations (regardless of which authority they come under) in accordance with concluded agreements, or to SES educational establishments specially created for this purpose with money provided by the Compulsory State Unemployment Insurance Fund. The procedures for selecting educational establishments for organizing the professional training, further training and re-training of persons unemployed using Fund resources have been approved by the Fund's board.

118. With regard to enhancing women's legal literacy and awareness in respect of exercising and protecting their rights and those of their children when seeking employment, the State Employment Service operates a series of initiatives to reduce the amount of pressure exerted by employers.

119. All local employment programmes incorporate plans and schemes to support women on the labour market. Their object is to help unemployed women to develop a professional

identity and adapt to market conditions, as well as to acquire professional competence and find professional fulfilment.

120. The main aims of these programmes are to:

- Assist in adaptation to the labour market and engagement in active employment;
- Provide guidance in acquiring a viable profession;
- Develop entrepreneurial potential and render assistance in starting a private business;
- Develop social partnerships with different state and voluntary organizations to promote gender equality and combat human trafficking;
- Encourage mass media coverage of the problems faced by women in the labour market.

121. All employment centres have created specially designated areas for women (“For you, women”) providing information on legal safeguards protecting them with regard to employment, professional fulfilment, running a business and so forth.

122. In large cities gender centres have been set up that are engaged in systematic efforts to assist unemployed women by involving them in various job promotion schemes, providing counselling, enhancing their professional competencies and helping them to find a new career.

123. Women’s clubs hold special thematic workshops and meetings attended by lawyers, human resources specialists, psychologists, teachers and successful women entrepreneurs. The topics discussed at meetings are varied, with titles such as “Business for Women”, “I am a Successful Women”, “Woman and Modern Times: Specifics of Women’s Recruitment Today”, “The Components of a Professional Career”, “Presentation of Modern Professions”, “Preventing Illegal Labour Migration, Human Trafficking and Exploitation of Child Labour” and “Working Abroad”.

124. Workshops are held for rural women on effective household management, aspects of village entrepreneurship and working in rural green tourism.

125. Information seminars and awareness-raising discussions are held with employers on gender-related issues. Titles have included: “Gender Policy and the Labour Market”, “Overcoming Gender Stereotypes in the Labour Market” and “Specifics of Women’s Recruitment”.

126. Ukraine has taken note of the observations in paragraph 18 and the recommendations in paragraph 41 of the concluding observations.

127. The minimum amount of unemployment benefit is determined in accordance with the principle of maintaining a balance between the benefit’s dual function as providing a work incentive and material support when seeking employment. This is consistent with the provisions of ILO Convention No. 168 concerning employment promotion and protection against unemployment.

128. In accordance with the Convention, the amount of unemployment benefit is to total not less than 45 per cent of the minimum wage. As of 1 December 2010, minimum unemployment benefit for insured persons was increased to 700 hrv (75.9% of the subsistence minimum for able-bodied persons), or 4.4 times more than at the start of 2006, while that for uninsured persons was raised to 500 hrv (54.2% of the subsistence minimum for able-bodied persons), or 4.3 times more than at the start of 2006.

Article 7

Just and favourable conditions of work

129. Gradual economic recovery has facilitated an increase in wages throughout Ukraine. The latest statistics show that the average monthly wage in January-October 2010 rose 19.7 per cent on the same period in 2009, totalling 2,191 hrv.

130. Likewise, in the first ten months of 2010 real wages climbed, 9.9 per cent on the year-earlier period, compared with the previous year when they fell 9.2 per cent.

131. As regards fair wages and equal pay for work of equal value, current labour legislation in Ukraine guarantees citizens equal rights in respect of labour and its remuneration, regardless of origin, social status and wealth, race and ethnicity, sex, language, political view, religious convictions, membership of a trade union or other citizens association, type and nature of occupation and place of residence. Women enjoy these rights on an equal basis with men.

132. Actual differences in the amount of wages paid to women and men occur only because women exercise their right to work part-time (days, weeks, months) in order to devote more time to caring for their families and bringing up their children. Additionally, women do not work in forms of employment with hazardous and hard working conditions (underground, for example) which are better paid.

133. According to statistics, in 2009 a woman's average monthly wage was 1,677 hrv, whereas that for men was 2,123 hrv. In percentage terms, a woman's wage was 77 per cent of a man's.

134. Ukraine has taken note of the observations in paragraph 15 and the recommendations in paragraph 38 of the concluding observations.

135. The Government's priority focus areas are: improving social protection, reducing income inequality and poverty among Ukrainian citizens and bringing workers' wages gradually into line with those of Europe.

136. The first step in this direction has been to increase the national minimum wage. Pursuant to the Labour Remuneration Act, the principal State guarantee with regard to labour compensation is the minimum wage, which is the lowest remuneration payable for a fixed monthly work norm (i.e. the amount of work) fulfilled by an employee. The minimum wage rate is established with all due consideration for the subsistence minimum for able-bodied persons and economic development indicators. These criteria meet the provisions of ILO Convention No. 131 concerning Minimum Wage Fixing, with Special Reference to Developing Countries, which entered into force in 1972.

137. As of 1 November 2009, the minimum wage rate was set at 744 hrv per month, equal to that of the subsistence minimum for able-bodied persons.

138. Article 53 of the 2010 State Budget of Ukraine Act establishes the minimum wage rate, which is equal to that of the subsistence minimum for able-bodied persons. As of 1 January 2010, the monthly minimum wage was 869 hrv, as of 1 April 884 hrv, as of 1 June 888 hrv, as of 1 October 907 hrv and as of 1 December 922 hrv, increasing 24 per cent compared with December 2009.

139. Thus, in 2010 the minimum wage continued to be set at the same rate as the subsistence minimum for able-bodied persons in accordance with legislative requirements. In future year the Government will ensure that the minimum wage rate does not fall below that of the subsistence minimum.

140. Ukraine has taken note of the observations in paragraph 30 and the recommendations in paragraph 53 of the concluding observations.

141. With due regard for the country's social and economic situation and the capabilities of the State budget, the Government is today gradually taking steps to raise teachers' wages as part of measures to increase the remuneration paid to all public-sector employees.

142. Pursuant to Cabinet Decisions No. 337 of 12 May 2010, No. 518 of 30 June 2010 and No. 863 of 22 September 2010, amendments have been incorporated into Cabinet Decision No. 1298 of 30 August 2002 concerning the remuneration of employees based on the unified salary scale of grades and ratios for the payment of employees of various public-sector institutions, establishments and organizations, and Decision No. 939 of 25 October 2008 concerning the remuneration of employees of public-sector establishments, institutions and organizations. These amendments result from the fact that in 2010 salaries (base wages) were calculated on the basis of the monthly salary rate (wage rate) of a salary grade 1 employee, i.e. as of 1 January 555 hrv, as of 1 April 567 hrv, as of 1 July 570 hrv, as of 1 October 586 hrv and as of 1 December 600 hrv. This has made it possible to increase the salaries of employees with other pay grades. For example, in 2010 the salary of a teacher in the highest salary grade rose from 1,115 hrv to 1,272 hrv. Heads of schools, educational establishments and academic institutions have been tasked with scaling the wages of employees who have been set equal salaries by introducing supplements, increments and bonuses.

143. Similarly, existing salary provisions for teachers and educators are making it possible, with sufficient funding, to raise pay higher than in other sectors.

144. Teachers are paid an increment for length of service that ranges from 10 – 30 per cent every month, depending on how long they have spent in teaching. They may also receive financial assistance for rest and recuperation breaks during their annual leave, as well as a yearly gratuity payment equal to their fixed salary (wage rate) for diligent work and exemplary performance of their official duties in accordance with the norms established in article 57 of the Education Act.

145. In accordance with Cabinet Decision No. 1096 of 25 August 2004, since 1 January 2005 teaching staff have been entitled to a number of bonuses for various kinds of teaching activities (classroom administration, marking of exercise books and written assignments, etc.), calculated as a percentage of base salary (10-25%).

146. Further to Cabinet Decision No. 643 of 20 April 2007, since 1 May 2007 higher salary (wage) rates have been established for specific educational activities, ranging from 5-30 per cent for the possession of academic degrees and titles and for work in certain types of educational institution, and additional pay of 5-40 per cent for knowing and using a foreign language in a professional capacity, supervising study rooms, laboratories or school residential facilities, for taking physical education classes as an out-of-school activity, etc.

147. Furthermore, salary provisions also stipulate awarding teaching staff supplements of up to 50 per cent of their salary for outstanding achievements, the performance of particularly important tasks, for difficult conditions and pressure at work. Extra pay is also given to holders of PhDs (up to 15 per cent of salary) and advanced doctoral degrees (up to 25 per cent of salary). Teachers who stand in for temporarily absent colleagues and staff who combine functions (professions) receive up to 50 per cent in additional pay.

148. Additionally, heads of educational institutions are entitled to assist staff financially, including for health recuperation purposes, to a limit of one month's salary, and to award employees bonuses for their individual contribution to overall performance.

149. With a view to enhancing the prestige of the teaching profession, Cabinet Decision No. 1130 of 5 October 2009 stipulates that, as of 1 January 2010, teachers and tutors at

general educational institutions, teachers and instructors at vocational training schools and State and community higher education institutions of first and second accreditation levels and heads and deputy heads of the aforementioned institutions who, by virtue of their occupation, are classified as teachers receive a supplement equal to 20 per cent of their official salary (wage rate).

150. Similarly, by Cabinet Decision No. 418 of 29 December 2009, which approves procedures for paying bonuses for length of service to doctors and specialists with basic and incomplete higher medical education gained at State and community medical institutions, doctors and specialists falling into this category who work at educational establishments are paid a long service bonus.

151. Pursuant to Cabinet Decision No. 1073 of 30 September 2009 on raising wages for library workers, as of 1 October 2009 staff employed in the libraries of educational institutions who are engaged in cultural, educational, information, research and training activities are to be paid a bonus equal to 50 per cent of their salary for extra-duty assignments.

152. Directors of local executive authorities and local government agencies with a centralised accounting department, and directors of State-sector agencies, institutions and organizations are entitled to set specific salary rates, supplements and bonuses for employees within the limits of the salary fund approved in their budgets, as well as to render personnel material assistance and approve the procedures and rates for the awarding of staff bonuses commensurate with their individual contribution to overall performance within the limits of their payrolls.

153. The issue, tabled by the Ministry of Education and Science, of raising the salary rates of teachers of Ukrainian language and literature who work in general educational institutions where tuition is conducted in the languages of ethnic minorities will be considered after the effects of the financial crisis have been overcome.

154. The State Department for Monitoring Compliance with Labour Legislation, (the Labour Inspectorate), reporting to the Ukrainian Ministry of Labour and Social Policy, closely oversees compliance with the country's labour legislation, including with regard to the timely payment of wages and salaries.

155. In 2010 State labour inspectors carried out 45,008 checks on 36,667 companies with salary arrears. On the basis of these checks, 30,569 suits were filed for administrative offences. For failure to comply with the requirements of labour inspectors that these violations of labour legislation be rectified, 5,587 rulings were issued imposing fines on administrators under article 188-6 of the Code of Administrative Offences. A total of 36,156 company administrators were held administratively liable. In addition, State labour inspectors forwarded law-enforcement agencies 6,290 reports on checks undertaken for the purpose of adjudication in accordance with article 97 of the Code of Criminal Procedure. Since the start of 2010, on the initiative of labour inspectors, 17,096 recommendations have been issued to company directors and owners with regard to pressing disciplinary charges against administrators.

156. State labour inspectors annually verify compliance with laws on women's labour. The primary purpose of these verifications is to ensure observance of constitutional law regarding 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 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.

157. 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.

158. In 2010, State labour inspectors carried out such verifications at 2,537 companies, institutions and organizations employing women. In 1,952 of these the inspectors identified breaches of the law relating to use of women's labour.

159. State labour inspectors in the regional inspectorates issued 1,041 injunctions against the directors of companies, institutions and organizations, ordering them to desist from unlawful activities relating to the use of women's labour.

160. In response to identified violations of the law on the use of women's labour, 806 reports of administrative offences were filed with district and city courts and 159 inspection reports were submitted for the purpose of instituting criminal proceedings against offenders.

161. Pursuant to article 188-6 of the Ukrainian Administrative Offences Code, fines were imposed on 46 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.

162. In the first 10 months of 2010, regional State labour inspectors conducted checks in 28,068 companies to verify compliance with minimum wage and salary guarantees. They identified 2,005 companies which had failed to comply with the rules under article 95 of the Ukrainian Labour Code regarding minimum wage and salary levels.

163. Following verifications, 6,538 orders were issued against those responsible to desist from practices in breach of the law on minimum wages and 5,044 reports were filed with the courts for the institution of administrative proceedings against offenders. In addition, State labour inspectors passed 1,690 decisions on bringing 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. Furthermore, 1,080 case-files were opened with the law-enforcement authorities on these matters. A total of 1,233 orders were issued for the institution of disciplinary proceedings against employers and directors.

164. Ukraine has taken note of the observations in paragraph 21 and the recommendations in paragraph 44 of the concluding observations.

165. Sectoral checks are carried out by regional offices of the Labour Inspectorate 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 2010, 441 companies underwent such checks.

166. Breaches of the law on the employment of minors, including use of their labour during weekends and holidays, at night and after hours were identified in 251 companies, constituting 56.9 per cent of all those checked. The majority of violations were identified in privately-owned companies.

167. During the checks, violations were identified of article 190 of the Labour Code, ILO Convention No. 182 on the worst forms of child labour, and ILO Recommendation No. 190, on children working in difficult and hazardous conditions. The checks led to the identification of 16 minors who were working in difficult and hazardous conditions.

168. Administrative action is taken against the directors of companies permitting such violations of the law. Thus, in the light of checks carried out, 195 reports were filed with the courts for the institution of administrative proceedings against company directors for breaching the law on the employment of minors.

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

170. The Labour Protection Act specifies the principles governing employees' exercise of their constitutional right to protection of life and health at work, regulates, with the involvement of the appropriate central authorities, relations between the employer and employee in issues relating to occupational safety and establishes uniform procedures for organizing labour protection in Ukraine.

171. State labour protection policies are underpinned by the principle that the life and health of employees takes priority and that employers bear full responsibility for creating a safe and healthy working environment.

172. The State Committee of Ukraine on Industrial Safety, Labour Protection and Mining Supervision (the Industrial Safety Committee), prepares recommendations for developing State policies on occupational safety and health and related enforcement mechanisms, carries these policies into effect, organizes and conducts oversight inspections to ensure compliance with laws and regulations pertaining to labour protection, investigates, and keeps records of, accidents requiring special analysis, exams their causes, and prepares proposals for preventing similar accidents. The Committee supervises how central and local government agencies and local authorities implement the State's occupational safety and health management systems, also monitoring their performance in this area, and holds consultations between employers and employees, or their representatives, as well as between all social groups when addressing occupational safety issues at the State and local level.

173. Recommendations have been formulated on interaction between regional offices of the Committee and local authorities and local government agencies with regard to improving occupational safety and health in the regions. To provide guidance for employees, the Committee has drawn up recommendations for establishing an occupational safety and health management system in the workplace. With a view to bringing labour protection in Ukraine closer into line with European standards, draft laws and government decisions have been prepared that aim to make employers more responsible for occupational safety.

174. A draft law, currently being prepared by the Committee, ratifying ILO Convention No. 155 of 1981 on occupational safety and health and the working environment, marks an important step towards incorporating international law into the domestic legal system.

175. The Committee has drawn up a draft law effecting amendments to the Budget Code of Ukraine with regard to the financing of occupational safety measures from State and local budgets.

176. In order to give effect to the Act on Basic Principles of State Supervision (Oversight) in the Sphere of Economic Activity, Cabinet Decision No. 413 of 28 April 2009 stipulates the criteria for assessing occupational safety and health hazards and how often routine State oversight inspections are to be conducted.

177. Particular emphasis is given to adapting occupational safety and health laws and regulations to European Union legislation, to developing new laws and regulations in this area and to reviewing those currently in force. Efforts are underway to improve the methods

and the system used to train, enhance and test company administrators' and State officials' knowledge of occupational safety and health, as well as that of other specialists in the field.

178. With a view to organizing and improving training in occupational and everyday safety and civil protection in higher educational institutions, The Industrial Safety Committee, the Ministry of Education and Science and the Ministry of Emergency Situations issued joint Order No. 969/922/216 of 21 October 2010, which stipulates the full range of core occupational safety and health disciplines to be covered in accordance with the European Credit Transfer Accumulation System.

179. As part of efforts to integrate industrial and occupational safety management procedures, special emphasis has been placed on developing a policy framework for a State programme to improve occupational safety and health and the working environment in the period 2012–2016. The industrial safety Committee is preparing a draft Cabinet order in this connection.

180. Ukraine has taken note of the recommendations in paragraph 57 of the concluding observations.

181. In order to ensure that steps to refine domestic legislation show due regard for European values, on 4 March 2011 Ukraine approved ILO Convention No. 174 on the Prevention of Major Industrial Accidents and ILO Convention No. 176 on Safety and Health in Mines.

182. Ukraine has taken note of the observations in paragraph 16 and the recommendations in paragraph 39 of the concluding observations.

183. In recent year, the rate of occupational injuries, accidents and emergencies in Ukraine has been steadily declining. Unfortunately, the number of accidents is still high.

184. Compared with 2006, figures for 2010 show a decline in the total number of injuries at work in virtually all economic sectors, falling 38 per cent from 18,992 to 11,698, while fatal injuries decreased 40 per cent from 1,077 to 644. Fatalities declined in such sectors as coal mining (131 deaths, as against 168 in 2006), metallurgy (27 deaths, as against 42), machine engineering (31 deaths, as against 61), construction (72 deaths, as against 152), agribusiness (102 deaths, as against 197), boiler inspection (11 deaths, as against 31) and telecommunications (4 deaths, as against 18). In 2010, there were 4,888 coal-mining injuries, compared with 5,251 in 2009, including 131 miners killed (as against 151). In 2010 the ratio of fatal injuries for every 1 million tonnes of coal extracted was 1:75, as against 2:1 in 2009. In 2010, 30 miners died from cardiovascular disorders while working underground, compared with 27 in 2009, during which year in Ukrainian mines there were 27 accidents and group accidents resulting in 193 injuries, 44 of them fatal. In 2010, 28 accidents and group accidents occurred in mines that left 107 injured, 22 of them fatally.

185. The group accidents in coal mines were caused primarily by breaches in safety regulations regarding pulverized coal and gas and haulage procedures, non-compliance with the occupational safety and health management system and violation of safety rules.

186. Ukraine regularly adopts measures designed to reduce the number of coal-mining accidents. In the period 2004–2009, 26 mines were fitted with unified telecommunication systems for dispatch control and for automated control of mining equipment and process systems (UTAS). In the meantime, installation of UTAS continued at another three mines. In 2009 UTAS became fully automated, i.e. operating without human assistance, greatly increasing its capacity to prevent explosions, fires and group accidents in coal mines and, most importantly, miners from being killed. This has resulted in a smaller number of accidents and industrial injuries.

187. An on-going priority of the Industrial Safety Committee is to strengthen State monitoring of compliance with occupational safety and health laws and regulations by businesses, administrators and employees. In 2010, regional offices of the Committee carried out 171,295 comprehensive inspections of businesses and production facilities in order to verify compliance with safety laws and regulations and the safe handling of industrial explosives. They identified 1,632,271 violations. Where there was a threat to the life and health of employees, in 131, 248 cases Committee officers ordered a halt in production, business and services. Charges were filed against 88,694 employees, including 19,044 directors, for failing to comply with occupational safety and health legislation, while reports on 2,233 employees were forwarded to public prosecution offices.

188. Over recent year there have been a number of positive developments in Ukraine as regards occupational safety. 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 Committee continues to focus on the following priority tasks:

- Enhancing industrial safety in the performance of dangerous tasks and the use of hazardous equipment;
- Strengthening State monitoring of underground work at coal mines;
- Improving the occupational safety and health management system at euro-2012 venues;
- Implementing measures to improve the work of gas-supply and gasification companies with regard to the everyday use of natural gas;
- 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 through the introduction of state-of-the-art technology and the use of up-to-date individual and group protective devices;
- Refining further the legal principles governing safety at work with the objective of bringing them into line with European Union standards.

Article 8

Trade union rights

189. Under article 36 of the Ukrainian Constitution, citizens have the right to belong to trade unions in order to protect their labour, social and economic rights and interests.

190. Pursuant to article 243 of the Labour Code and article 6 of the Act on Trade Unions, Their Rights and Guarantees relating to Their Activities (hereinafter, "the Act"), citizens have the right, as an expression of their free will and without the need for any permission, to form, join and leave trade unions and to participate in their work in accordance with the terms and procedures defined in their statutes.

191. Furthermore, in accordance with article 7, parts 1-3 of the Act, trade union members may be persons working for a company, institution or organization, irrespective of the form of ownership or type of economic activity, persons working for an individual using hired labour, persons who are self-employed or persons studying at an educational establishment. Ukrainian citizens are free to choose the trade union they wish to join. The basis for admission to a trade union is the submission of an application by the citizen (worker) concerned to the primary organization. In cases where a trade union is newly established, the application is submitted to the constitutive meeting. No one may be compelled to join or not join a trade union.

192. Article 5 of the Act prohibits discrimination on grounds of trade union membership. Thus, where membership or non-membership of trade unions is concerned, no restrictions are imposed on the labour, social, economic, political or personal rights and freedoms of citizens guaranteed under the Constitution and other laws. When concluding, amending or terminating a contract of employment, any restriction of rights or conferring of advantages as a result of membership of trade unions, or belonging, joining or leaving a specific trade union, is forbidden.

193. Practical realization of the right of every person to form and join trade unions is evidenced by the fact that 146 national trade unions and 15 national professional associations were established and operating in Ukraine as of late 2010.

194. In fulfilment of their statutory tasks, under article 8 of the Act trade unions and their organizations (if provided for by the charter) have the right voluntarily to form associations (councils, federations, confederations, etc.) on a sectoral, territorial or other basis and to join and freely leave associations. Trade unions wishing to form an association of trade unions conclude the appropriate agreement and approve the articles (rules) of association.

195. Article 9 of the Act establishes that, pursuant to their statutory tasks and objectives, trade unions and their associations are entitled to join international trade unions and other international organizations and associations representing workers' interests and to participate in their activities, collaborate with trade unions of other countries and conduct other activities not inconsistent with Ukrainian law.

196. Thus, the Federation of Trade Unions of Ukraine, the Ukrainian Confederation of Free Trade Unions and the All-Ukrainian Union of Workers' Solidarity are all members of the International Confederation of Trade Unions. Trade unions operate in accordance with legislation and their charters. In addition, article 10 of the Act provides that all trade unions are equal before the law and have equal rights in representing and protecting the rights and interests of their members.

197. Article 12 of the Act stipulates that trade unions and their associations operate independently of the central and local authorities, of employers and of other voluntary associations and political parties, and are not accountable to them or under their control. Trade unions organize their activities independently, conduct assemblies, conferences, congresses and meetings of their bodies, as well as other events not inconsistent with law.

198. The law prohibits any interference by the central or local authorities, their officials, or by employers or employers' organizations in the statutory activities of trade unions or their associations and confederations.

199. The activities of trade unions and their associations that violate the Constitution and laws of Ukraine may be prohibited only by the decision of a local court, and the activities of an all-Ukrainian or national trade union and associations with corresponding status only by the decision of the Supreme Court.

200. Compulsory dissolution, termination or prohibiting the activities of trade unions and their associations by the decision of any other bodies is illegal.

201. Article 44 of the Constitution states that all employed persons have the right to strike to protect their economic and social interests. Strikes may only be prohibited by law.

202. Article 17 of the Collective Labour Disputes and Conflicts (Settlement Procedure) Act defines a strike as "a temporary collective and voluntary cessation of work by employees (refusal to show up at work and to perform one's work duties) of a company, institution or organization (unit) with the objective of resolving a collective labour dispute or conflict."

203. 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 trade unions, trade union association, or authorized agent thereof.

204. 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.

205. Pursuant to article 42 of the Mining Act, No. 1127 of 6 October 1999, strike action is not allowed by persons working in particularly dangerous underground conditions.

206. Strikes at electric power companies are prohibited at times when they could jeopardize the continuous operation of an integrated energy grid or heat supply system during the autumn and winter months.

207. Under various laws, State officials, administrative staff of local authorities, the military, the police, emergency rescue and fire service personnel, and employees at nuclear power plants and installations are prohibited from taking strike action. During a state of emergency, or the imposition thereof, strikes are not permitted.

208. Restrictions on membership of trade unions are established solely by the Constitution or the laws of Ukraine. Pursuant to article 127 of the Constitution, professional judges may not be trade union members.

209. Under article 17 of the Armed Forces Act, military personnel cease to be members of trade unions for their period of service. Military personnel are permitted to belong to voluntary organizations, apart from organizations whose statutory provisions are at variance with the principles underpinning the activities of the Ukrainian armed forces, and may involve themselves in their work during periods of free time away from military service when not performing their professional duties.

210. Membership and participation of intelligence officers in the activities of citizens associations that pursue political aims is prohibited under the Security Service of Ukraine Act and Intelligence Agencies of Ukraine Act. Membership of national security service personnel in such associations ceases for their period of service or for the duration of their employment contract. By way of exception, permission is granted to membership in trade unions of employees who have signed a contract of employment with the country's intelligence agencies or with the national security service.

211. Article 18 of the Militia Act stipulates that militia officers are entitled to form trade unions.

212. On 23 December 2010, the Verkhovna Rada adopted the Act on Social Dialogue in Ukraine, which provides a legal framework for organizing and conducting social dialogue in Ukraine with a view to formulating and implementing State social and economic policies, regulating labour, social and economic relations, and improving the quality of citizens' lives and social stability.

213. The above-cited Act specifies the principles and forms of social dialogue, the agencies responsible for its implementation at all levels, as well as the parties to the dialogue and the criteria for trade union and employer representation:

- Legalization (registration) of said organizations (associations) and their status;

- For trade unions, their organizations and associations: total membership; for employer organizations and associations: total number of employees at companies belonging to the relevant employer organizations;
- Sectoral and regional branch network.

214. Additionally, pursuant to article 6, paragraph 5 of the aforementioned Act, trade unions and their associations and employer organizations and their associations that do not meet the representation criteria may, if decided by their elective bodies, authorize representative organizations of appropriate status to represent their interests or, alternatively, submit their proposals to the relevant agencies promoting social dialogue. It is mandatory that the parties consider these proposals when establishing consensus and adopting decisions. This particular provision of the Act will help unite the parties to social dialogue at all levels and consolidate their actions, while also promoting the realization of the rights of all trade unions and employer organizations when representing and protecting the rights and interests of their members.

215. Where trade union representation at the local level is concerned, it is noteworthy that, pursuant to article 6, paragraph 4 of the Act, for purposes of collective bargaining aimed at concluding collective agreements, parties accorded representative status are:

- The party representing the employees, composed of primary trade union organizations or, in the event of their absence, freely elected representatives or representative;
- The party representing the employer, composed of the employer and/or the employer's authorized representatives.

216. The Act establishes no other representation criteria for trade unions at the company level.

217. Ukraine has taken note of the observations in paragraph 17 and the recommendations in paragraph 40 of the concluding observations.

218. Under article 25 of the Employer Organizations Act, employer organizations and their associations recognize trade unions as authorized representatives of employees, protecting their labour, social and economic interests, and encourage their activities.

219. Employer organizations and their associations interact with trade unions, their associations and other employee organizations on the basis of social partnership. Disputes and conflicts arising between them are resolved in the manner prescribed by law.

220. Employer organizations and their associations are not permitted to interfere in the activities of trade unions, their associations and other employee organizations, or to prevent employees in any manner or by any means from forming trade unions, their associations and other employee organizations.

221. Pursuant to article 46 of the Act on Trade Unions, Their Rights and Guarantees relating to Their Activities, persons who impede citizens' right to form trade unions, as well as public and other officials who are guilty of violating legislation with regard to trade unions and who, through their actions or lack of action, obstruct the lawful activities of trade unions or their associations bear disciplinary, administrative or criminal liability in accordance with applicable laws.

222. As regards collaboration with the Federation of Trade Unions of Ukraine, it is notable that, with membership of over 8 million, the Federation is the country's most representative trade union organization.

223. In the period 2006–2010, the Government took steps to ensure the freedom to form trade unions, to prevent the persecution of members and leaders of independent trade unions and to promote the equality of trade unions in law and in practice.

224. The Government has issued central and local authorities with a series of orders regarding the rights of trade unions and employer organizations and guarantees relating to their activities.

225. On 26 December 2006, a meeting of the collegium of the Ministry of Labour and Social Policy reviewed compliance with the provisions of ILO Convention No. 87 on Freedom of Association and Protection of the Right to Organize in Ukraine. Taking part in the meeting were people's deputies of Ukraine, the ILO National Coordinator in Ukraine, representatives of the Secretariat of the Cabinet of Ministers, central and local authorities, the Prosecutor-General's Office and the National Security Service, of virtually all national trade unions and their associations, and national associations of employer organizations.

226. The meeting resulted in the issuing of Order No. 6 of 10 January 2007 concerning compliance with the provisions of ILO Convention No. 87 on Freedom of Association and Protection of the Right to Organize. The order outlined the steps to be taken to refine existing legislation and tasked department heads of central and local authorities with organizing training seminars to improve staff competencies in respect of the Convention. Stipulations were also made for State labour inspectors to be trained in monitoring compliance with labour laws regarding the application in practice of regulations covered by the Convention.

227. On 11 April 2007, the Parliamentary Committee on Social Policy and Labour held hearings on the status of the country's compliance with the rights of trade unions and employer organizations in respect of ILO Convention No. 87. At the hearings it was noted that a priority focus area of the Government's activities was the promotion of constructive social dialogue, which would be impossible if the rights and freedoms of employees and employers were not accorded due respect. The hearings resulted in approval being given to recommendations specifying the main tasks of ministries, central and local authorities, the Prosecutor-General's Office and social partners with regard to improving efforts to comply with applicable legislation and the provisions of the Convention. Issues concerning compliance with trade union rights and guarantees relating to their activities were also examined by virtually all central and local authorities.

228. The Government ensures that complaints from trade unions, including those submitted to the International Labour Organization, are investigated. For example, the Government examined ten reports in 2006 dealing with violations of trade union rights, four in 2007, six in 2008 and four in 2009. A further four reports have been submitted since the start of 2010.

229. It should be emphasized that each complaint is studied in detail and that independent commissions are formed for this purpose with broad representation from State supervisory authorities and social partners.

230. It is also noteworthy that since 2006, in line with ILO recommendations, the Federation of Trade Unions of Ukraine has monitored violations of trade union rights, details of which it records in the Unified Register of Violations of Trade Union Rights. The Federation reported 83 cases of violations in 2006, 150 in 2007, 35 in 2008 and 71 in 2009. The Ministry of Labour Social Policy is expecting the Federation to submit details of violations in 2010.

231. Submissions made by the Federation regarding cases registered by trade unions are taken up by the Ministry of Labour and Social Policy, which, together with local government agencies and the State Department for Monitoring Compliance with Labour

Legislation, conducts on-site investigations of violations of trade union rights and takes appropriate action to rectify them.

232. Furthermore, it is significant that, in conducting their activities, government agencies treat all trade unions equally, collaborate not only with the Federation, but also with trade unions who are not its members. This is evidenced by the fact that national trade unions not affiliated with the Federation are represented in the National Trilateral Social and Economic Council and are parties to the General Agreement, including the new General Agreement, signed this year on 9 November, regulating the main principles and procedures for implementing social and economic policy and labour relations in Ukraine in the period 2010–2012.

233. Independent trade unions also sit on the management and supervisory boards of compulsory State social insurance funds and belong to collegia and community councils set up under the auspices of central and local authorities.

234. The Government will continue to take appropriate action to protect freedom of the right to organize, uphold the rights of trade unions, prevent the persecution of members and leaders of independent trade unions and guarantee trade union pluralism and equality in law and in practice.

Article 9

Right to social security

235. Under article 46 of the Constitution, citizens have the right to social protection, including the right to support in the event of complete, partial or temporary disability, the loss of the principal wage earner, unemployment due to circumstances beyond their control, as well as in old age and other cases established by law. This right is guaranteed by compulsory State social insurance, which is funded using the insurance contributions of citizens, companies, institutions and organizations, as well as by budgetary and other social security resources.

236. Since 1 April 2008, minimum pensions and other types of social security benefits and allowances constituting the primary means of support for persons no longer able to work have been fixed no lower than the minimum subsistence level established by law.

237. With a view to further improving the social insurance system, on 8 July 2010 the Verkhovna Rada adopted the Act on Collection and Registration of the Single Contribution for Compulsory State Social Insurance, which entered into force on 1 January 2011.

238. The single contribution for compulsory State social insurance is a consolidated insurance payment covering all types of mandatory national insurance, i.e. contributions to the Pension Fund, the Unemployment Insurance Fund, the Temporary Disability Insurance Fund and Occupational Accident Insurance Fund.

239. The task of registering persons making single social insurance payments, collecting and recording insurance contributions, ensuring that they are paid in full and on time and maintaining a national compulsory social insurance register has been assigned to offices of the Pension Fund. Insurance policy-holders will be required to pay their single contributions into the fund's accounts with the State Treasury and the sum total will then be divided among the four social insurance funds cited above.

240. Today, all four funds in the compulsory State insurance programme have different reporting forms and different deadlines for their submission. Consolidating social payments will make it simpler for the State and businesses to administer them, reduce expenses incurred by contributors and enable them to submit just one contributions statement instead

of four by registering with a single fund, which will monitor single social contribution payments.

241. It is anticipated that the new payment procedures will boost the number of social insurance fund contributions, making it possible, with time, to increase insurance pay-outs. Also, with their administrative duties significantly reduced, the funds will be able to redirect their activities to working with policy-holders.

242. Single social contribution rates are equal to total current contributions to all four social insurance funds. The above-cited Act establishes the single social contribution rate payable by individual categories: for employers, depending on their occupational risk category, it ranges from 36.76 – 49.7 per cent of the payroll; for employees it totals 3.6 per cent of base salary. The Act also specifies its proportional distribution to the different funds. Separate rates have been assigned to companies and organizations that employ disabled persons, which pay a single contribution rate equal to 8.41 per cent of the contribution base for employees with disabilities.

243. If, over the course of the calendar year, the average monthly salary in sectors of national economy increases, as of 1 March of the following year monthly insurance pay-out amounts are recalculated using data compiled by the State Statistics Service. Once it is set, the monthly insurance payout amount cannot be decreased.

244. Thus, in 2006 the occupational accident insurance fund raised the monthly insurance pay-out rate 20.3 per cent:

- As of 1 March 2007: 18.3 per cent;
- As of 1 March 2008: 12.5 per cent;
- As of 1 March 2009: 6.3 per cent.

245. Until 2007, money from the Temporary Disability Insurance Fund was allocated to childbirth and childcare allowances for children under three year old (since 2007 these allowances have been financed by the State budget and paid out by labour and social welfare authorities).

246. The Act on Compulsory State Social Insurance against Temporary Loss of Ability to Work and Burial Expenses stipulates that temporary incapacity benefit is given to the insured person by way of material support that fully or partially compensates loss of earnings (income).

247. Temporary incapacity benefit is paid to insured persons respective to the length of time they have been paying into the insurance fund, as follows:

- Up to 5 year : 60 per cent of average earnings (income);
- 5-8 year : 80 per cent of average earnings (income);
- More than 8 year : 100 per cent of average earnings (income);
- 100 per cent of average earnings (income) is paid to insured persons in categories 1-4 of individuals who have suffered as a result of the Chernobyl disaster; one of the parents or somebody acting in their stead and caring for a sick child under 14 year old affected by the Chernobyl disaster; war veterans and persons covered by the Act on the Status of War Veterans and the Guarantee of their Social Protection, persons classified as victims of Nazi persecution, pursuant to the Act on Victims of Nazi Persecution, donors entitled to benefits under article 10 of the Act on Donating Blood and its Components.

248. Benefit for the funeral of an insured person or somebody whom he/she supports is paid in accordance with the rate set by the fund board, although not less than the minimum

subsistence level established by law. Pursuant to the decision adopted by the Temporary Disability Insurance Fund, since 1 January 2008 the fund has provided a funeral allowance of 1,400 hrv.

249. Ukraine has taken note of the observations in paragraph 18 and the recommendations in paragraph 41 of the concluding observations.

250. Given that the minimum wage is still below the subsistence minimum for an able-bodied person (it was fixed at the subsistence minimum level only in late 2009), and in order to avoid exerting a negative impact on the labour market, paragraph 3 of the concluding provisions of the Compulsory State Unemployment Insurance Act states that, until the economy stabilizes, the minimum unemployment benefit is to be set annually by the Verkhovna Rada at the same time as insurance contribution rates, paying due all regard to the actual possibilities of the Compulsory State Unemployment Insurance Fund.

251. Subsistence minimum data:

- 2006: 483-505 hrv; minimum wage: 350-400 hrv (72.5-79.2% of subsistence minimum);
- 2007: 525-568 hrv; minimum wage: 400-460 hrv (76.2-81% of subsistence minimum);
- 2008: 633-669 hrv; minimum wage: 515-605 hrv (81.4-90.4% of subsistence minimum);
- 2009: 669-744 hrv; minimum wage: 605-744 hrv (90.4-100% per cent of subsistence minimum);
- 2010: 869-922 hrv; minimum wage: 869-922 hrv (100-100% of subsistence minimum).

252. Mindful of the possibilities of the Compulsory State Unemployment Insurance Fund, the fund's board established minimum unemployment benefit rates. For insured persons, for whom the amount of unemployment benefit they receive is dependent on the period of time they have been paying into the insurance fund, and for armed forces personnel dismissed on grounds of redundancy, they were as follows:

- 2006: 160-190 hrv (33.1-37.6% of subsistence minimum);
- 2007: 190-235 hrv (36.2-41.4% of subsistence minimum);
- 2008: 290-500 hrv (45.8-74.7% of subsistence minimum);
- 2009: 500-500 hrv (74.7-67.2% of subsistence minimum);
- 2010: 500-700 hrv (57.5-75.9% of subsistence minimum).

For other insured and uninsured persons:

- 2006: 118-132 hrv (24.4-26.1% of subsistence minimum);
- 2007: 132-160 hrv (25.1-28.2% of subsistence minimum);
- 2008: 210-360 hrv (33.2-53.8% of subsistence minimum);
- 2009: 360-360 hrv (53.8-48.4% of subsistence minimum);
- 2010: 360-500 hrv (41.4-54.2% of subsistence minimum).

253. The Act on State Social Assistance for Persons Disabled since Childhood and Disabled Children is underpinned by the principle of ensuring the material security of persons disabled since childhood and disabled children, calculated as a percentage of the

subsistence minimum provided for persons no longer able to work and children of appropriate age.

254. Since 2006, the amount of social security benefit paid to persons disabled since childhood and children with disabilities, as well as supplementary care allowances, has been calculated as a percentage of the subsistence minimum allocated to persons unable to work and children of appropriate age without pegging it to the rate set for the subsistence minimum. Since 1 April 2008, the amount of benefit has been no less than the subsistence minimum established for persons no longer able to work.

255. In January 2010, depending on the disability group, benefit increased by 151-306.85 hrv on the year-earlier period, totalling 734-1,249.20 hrv as of 1 December 2010. Over the course of 2010, the amount of benefit increased by 39-68.95 hrv.

256. Based on reported data, average monthly pension rates were as follows:

- 2006: 451.9 hrv;
- 2007: 589.3 hrv;
- 2008: 879.5 hrv;
- 2009: 986.9 hrv.
- first nine months of 2010: 1,131.10 hrv.

	<i>1 January 2006</i>	<i>1 January 2007</i>	<i>1 January 2008</i>	<i>1 January 2009</i>	<i>1 January 2010</i>
Minimum pension (hrv.)	350	380	470	544	695
Disability pension (hrv.)					
Group I	350	380	470	544	695
Group II	315	342	423	544	695
Group III	175	190	235	544	695
Loss-of-breadwinner pension (hrv.)					
For 1 dependant	284.69	284.69	284.69	544	695
For 2 dependants	284.69	284.69	284.69	652.8	834
For 3 dependants	284.69	284.69	284.69	816	1 042.5
Minimum income support for persons not entitled to a pension and the disabled (hrv.)					
Mother-heroine	155	170	470	544	695
Clergy	77.50	95	235	544	695
Old age	46.50	51	141	544	695
Disability group I	165	181.50	470	544	695
Disability group II	132	145.20	376	544	695
Disability group III	99.00	108.90	282	544	695

All pensions were paid in full and on time

257. The Compulsory State Unemployment Insurance Act stipulates that social security benefits be paid to persons in the event of partial unemployment, i.e. a temporary reduction in normal or statutory working hours, delayed payment or reduction of wages due to a temporary halt in operations without termination of employment for economic, technical or structural reasons (art. 1, para. 7 of the Act). This provision was enforced only in 2009.

258. In addition to the provision of material support in the event of unemployment, a range of measures are in place that are designed to ensure the earliest possible return of unemployed persons to gainful employment. This is achieved through the provision of such social services as vocational training, retraining, further training 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.

259. The financial crisis impacted the Ukrainian economy as a whole, also affecting the country's social protection system. This resulted in:

- An increase in the number of people applying to employment offices, prompting bigger spending on security benefits;
- An increase in the number of employees working part-time;
- A reduction in the number of wage and salary earners, entailing a decrease in the fund's income.

260. With a view to stabilizing the situation on the labour market, a law was passed that amended legislation designed to minimize the consequences of the global financial crisis. Measures implemented under the law in 2009 included:

- Carrying into effect articles 24-26 of the Compulsory State Unemployment Insurance Act that guarantee that benefits for partial unemployment are paid to employees who lose part of their wage or have it reduced for economic reasons resulting from the global financial crisis;
- Increasing the size of contributions to the Compulsory State Unemployment Insurance Fund by 0.4 per cent and fixing them at 2.2 per cent of the wage pool (1.6 per cent for employers and 0.6 per cent for employees) by reducing employer contributions to the Occupational Accident Insurance Fund and the Temporary Disability Insurance Fund by 0.1 per cent and further increasing the size of employer and employee insurance contributions to the Compulsory State Unemployment Insurance Fund by 0.1 per cent;
- Expanding the scope of persons paying compulsory unemployment insurance by including those providing services under civil-law agreements, military personnel, working pensioners and foreign nationals temporarily employed in Ukraine, unless otherwise provided by international agreements to which Ukraine is a party;
- Taking actions geared towards protecting the national labour market.

261. In order to facilitate the smooth running of the fund's accounting system, ensure prompt reaction to changes in the labour market and full payment of social security benefits, in 2009 the cost side of the fund's budget was brought into compliance with regulations governing the organization of budgetary operations.

262. Ukraine has retained the right of citizens to retire at the age of 55 (for women) and 60 (for men), with the option of retiring at a later age with a bigger pension based on a 3 per cent increment each year for deferment of retirement, ranging up to a maximum 85.32 per cent for a ten-year deferment.

263. 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, persons with disabilities and families with children.

264. Following the adoption of the 2010 State Budget Act, social security standards are now being met. In view of increases in subsistence minimum rates, the following have been recalculated:

- Minimum pension rates (including those for miners);
- Pension supplements for above-standard length of service (calculated on the basis of minimum subsistence level);
- Supplements, increments, supplementary pensions and other payments whose rate is based on the minimum subsistence level (bigger pensions for war veterans, victims of nazi persecution, supplementary pension for persons affected by the chernobyl disaster, pension bonuses, donors, pensions for special services).

265. Also in the same period, pursuant to government resolutions:

- Pension rates for certain categories of citizens were increased as of 1 March 2010 following a 1.1 per cent rise in average monthly wages paid to permanent employees, corresponding to a 20 per cent increase in a permanent employee's average monthly wages in Ukraine over the previous year;
- Procedures were systematised for recalculating the pensions of military personnel who worked with nuclear weapons and various other employee categories, thus rectifying discrepancies in the size of pensions paid to former members of the armed forces;
- Terms and conditions governing participation by self-employed workers in the pension insurance programme were established by law and their insurance contributions set at a fixed rate.

266. 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, the minimum pension as of 1 October 2010 (723 hrv) represented a 107 per cent increase on that of January 2009 (350 hrv) and by the end of the year totalled 734 hrv.

267. After being recalculated, as of 1 October 2010 the average pension equalled 1,123.58 hrv, or nearly 225 per cent more than in January 2006 (316.2 hrv).

268. The Government of Ukraine has adopted a programme of economic reform for the period 2010–2014 entitled “Prosperous Society, Competitive Economy, Effective State”, which sets out clear guidelines for reforming the economy, including the extensive reorganization of the pension insurance system. These reforms are intended to strengthen social protection for persons no longer able to work and to ensure them a decent standard of living. It is envisaged that the various measures covered by the programme will be implemented in the period 2010–2013 in three stages.

269. In order to achieve this stated objective, it is paramount that the pension system maintains financial stability. This involves:

- Attaching greater importance to insurance coverage length and salary when calculating pension size;
- Eliminating discrepancies in the size of pensions granted in different year;
- Limiting the size of pensions paid from the pay-as-you-go system and/or from the State budget.

270. In 2011–2012 there are plans to optimize procedures designed to improve control over the activities of pension savings funds.

271. Issues relating to the granting and payment of pensions to Ukrainian citizens, including persons who permanently reside outside the country, are regulated by the Compulsory State Pensions Insurance Act, other laws and enactments, as well as international treaties (agreements) on the provision of pensions by which the Verkhovna Rada has consented to be bound.

272. Pursuant to article 51 of the aforementioned Act, if a pensioner is leaving to take up permanent residence in another country, he/she may receive six months worth of pension prior to departure, counting from the month following that in which his/her name was removed from the local residence register. When the pensioner is abroad, the pension is paid, provided that effecting such payments is covered by an international treaty by which the Verkhovna Rada has consented to be bound. By early 2011 Ukraine had entered into international treaties (agreements) on the provision of pensions with 21 countries. Under treaties concluded with 14 countries, pensions are paid by the country where the beneficiary resides, under the other treaties on a pro rata basis.

273. Ukraine has taken note of the recommendations in paragraph 56 of the concluding observations.

274. As regards the implementation of the Constitutional Court's decision of 9 July 2007 that the provisions on social safeguards specified in the 2007 State Budget Act comply with the Ukrainian Constitution, it is worth mentioning that the provisions relating to social security have been fully enforced.

275. State policies aimed at providing social protection for the elderly, the disabled and other citizens who are unable to work are based on the provisions of the Constitution and the Act on the Status of War Veterans and Guarantees of their Social Protection, the Act on the Basic Principles of Social Protection for Labour Veterans and other Elderly Citizens, the Act on Basic Principles of Social Protection of the Disabled, the Social Services Act and other legislative instruments.

276. Operating under the auspices of the Ministry of Labour and Social Policy, the country's State social services system is today geared first and foremost to providing social assistance and protection for war and labour veterans, pensioners, elderly people living alone and the disabled. Social and care services, social and medical rehabilitation, financial assistance, in-kind aid and other services are provided for the aforementioned categories via an extensive network of institutions.

277. Furthermore, in accordance with Ukrainian legislation, specifically Cabinet Decision No. 558 of 29 April 2004, the unemployed have the right to provide social services for persons requiring nursing care who, for various reasons, are not rendered these services by the local authorities. Also, those who provide care services are entitled to monetary compensation, the size of which is set as a percentage of the subsistence minimum. Thanks to the introduction of this essentially new way of providing social services directly to those most in need, personal social services now reach over 90,000 people.

278. There is a growing need for social services in Ukraine due to the prevailing demographic situation, which is marked by an increasing number of elderly and disabled citizens in the population at large, indicating that changes need to be made.

279. Ukraine is starting to reform its social services system with a view to replacing it with a social care system. Following the adoption of the Social Services Act in 2004, an organizational structure and legal framework were established for rendering social care services to persons in difficult circumstances who need outside assistance, the scope of persons entitled to receive social services was extended and the basic principles defined for providing social care services, as well as their forms and types, and the rights and responsibilities of persons and organizations delivering them.

280. With the adoption of the Social Services Act, the country's social policy makers have been faced with a number of new tasks, one of the most important being the development and deployment of effective modern mechanisms for operating the social care system. The more rigorous demands imposed on the system follow as a result of the State's assumption of responsibility for delivering high-quality care services to all who need them.

281. Today, the Ministry of Labour and Social Policy is heavily focused on developing a conceptual framework for new social care policies. The work carried out by Ministry specialists, other central authorities, voluntary organizations and under various international technical assistance programmes in Ukraine resulted in the elaboration of the Policy Framework for Reforming the Social Services System, adopted by the Government in April 2007.

282. With a view to organizing efforts to meet the strategic objectives of the Policy Framework, the Ministry has drawn up an Action Plan for its implementation until 2012, which was approved by Cabinet Order No. 1052-r of 30 July 2008 (hereinafter, "the Action Plan").

283. The Action Plan specifies the main strategic areas on which central and local authorities are to focus. The outcomes anticipated following its implementation are a more personal approach to human needs, better targeted delivery of care services and enhancement of their quality, improvements in organization and in inter-budgetary and interdepartmental relations, as well as the deployment of systems for managing service quality and monitoring and supervising their delivery.

284. By achieving the Action Plan's primary objectives, Ukraine will be able to construct an up-to-date framework for the provision of care services that accords not only with modern social work principles, but also with the standards of the European Union, thereby ensuring that the entire population realizes its right to quality care services.

285. Where social protection for the disabled is concerned, it is notable that Ukraine has adopted a considerable number of key items from the Council of Europe Action Plan to promote the rights and full participation of people with disabilities in society: improving the quality of life of people with disabilities in Europe 2006–2015 and included them in its programme to develop the system for the rehabilitation and employment of people with physical disabilities, mental illnesses and mental retardation for the period until 2011.

286. Giving effect to the Council of Europe Action Plan has involved the use of scientific resources. In 2008, the Scientific Research Institute of Labour and Employment of the Population, which reports to the Ministry of Labour and Social Policy, studied the problems involved in expanding the field of employment for persons with physical disabilities, mental illnesses and mental retardation. In 2009, the Ministry tasked the Institute with formulating recommendations for legislation regulating procedures for forming social and economic (integrated) companies with a view to improving the system for the vocational rehabilitation and employment of disabled persons in Ukraine. Part of this work entailed analysing domestic law governing policies and practices related to the employment of disabled persons from the standpoint of implementing the provisions of the Council of Europe Action Plan.

287. In 2010, the Scientific Research Institute of Labour and Employment of the Population formulated recommendations for incorporating anti-discrimination regulations into domestic legislation with regard to the employment of disabled persons, pursuant to Council of European Union directive 200/78/EU of 27 November 2000.

288. Ukraine has taken note of the recommendations in paragraph 60 of the concluding observations.

289. On 16 December 2009 the Verkhovna Rada adopted the Act on Approving the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, which entered into force on 6 March 2010. In light of this, the Ministry of Labour and Social Policy drew up amendments to the Act on Basic Principles of Social Protection of the Disabled and the Act on Rehabilitation of the Disabled in Ukraine. These amendments included adopting the term “discrimination on the grounds of disability”. On 30 March 2011, the draft act was approved by the Cabinet of Ministers and on 31 March 2011 was referred to the Verkhovna Rada for consideration.

290. The Ministry of Labour and Social Policy, in collaboration with other central authorities and voluntary organizations of persons with disabilities, formulated a policy framework for the State programme “National Action Plan for Realizing the Convention on the Rights of Persons with Disabilities and Developing the System of Rehabilitation of the Disabled” for the period until 2020, which was approved by Cabinet Order No. 245-r on 30 March 2011.

291. As part of collaboration between the Ministry of Labour and Social Policy and the Federal Ministry of Labour, Social Affairs and Consumer Protection of the Republic of Austria in the area of social policy, in the period 2007–2010 steps were taken to ensure equal opportunities in the vocational rehabilitation and employment of persons with disabilities in accordance with Council of Europe directives.

292. As a result of these collaborative efforts, Ukraine now has 37 socio-economic (integrated) branches based on the Austrian model operating under the auspices of vocational rehabilitation centres for persons with disabilities.

293. As of late 2010, labour and social welfare authorities oversaw the activities of 209 rehabilitation centres for adults and children with disabilities, 12 of which are vocational rehabilitation centres for persons with disabilities, 73 social rehabilitation centres for children with disabilities, 120 rehabilitation units for adults and children, 3 mixed rehabilitation facilities for persons with disabilities and mentally retarded children and a short- and long-term care facility for mentally retarded persons. Each year these facilities provide rehabilitation services for over 20,000 adults and children with disabilities. Labour and social welfare authorities also administer 325 residential care centres (including 152 psycho-neurological nursing homes, 55 children’s homes, 5 special-care homes, 74 residential facilities for senior citizens and 39 care homes for war and labour veterans) and 743 regional social service centres delivering more than 47 different kinds of care services to nearly two million people.

294. On average, in the course of a single year around 18,000 children with disabilities receive rehabilitation services, 2,000 of whom attend 99 occupational therapy workshops to acquire vocational skills. Annually, some 15,000 children are integrated into general educational institutions. Persons with special needs receive instruction at vocational rehabilitation centres for persons with disabilities only in occupations currently in demand on the labour market. These centres provide training in 58 non-professional occupations, such as tourism manager, computer typesetter, guide, class B driver, bartender and folk craftsman/woman.

295. Ukraine has taken note of the recommendations in paragraph 58 of the concluding observations.

296. Ukraine has various laws and regulations designed to ensure the social welfare of persons with disabilities, including, among others, the Act on Basic Principles of Social Protection of the Disabled and the Act on Rehabilitation of the Disabled in Ukraine.

297. Pursuant to these enactments, persons with disabilities are provided with benefits and guarantees, as well as social and rehabilitation care services. Accordingly, the approval

of the CIS Agreement on Cooperation in Solving Problems of Disability and Persons with Disabilities (1996) is considered inappropriate. The Ministry of Foreign Affairs informed the CIS Executive Committee with regard to this matter in 2005 (letter No. 611/35-612/1-980 of 13 July 2005).

Article 10

Protection of the family, mothers and children

298. In the period 2008–2009, in spite of the difficult economic situation, the Government substantially increased the amount of financial assistance paid to families with dependent children, economically disadvantaged families, persons disabled since childhood and disabled children, and also raised temporary child support allowances.

299. In 2008 and 2009, 12.7 billion hryvnias and 16.6 billion hryvnias, respectively, were allocated to providing financial support for families with dependent children, economically disadvantaged families, persons disabled since childhood and disabled children, as well as temporary assistance for children, fully covering the respective financial commitments of local budgets in these particular areas of spending.

300. Under the 2010 State Budget Act, spending on families with dependent children, economically disadvantaged families, persons disabled since childhood and disabled children and temporary child support allowances was fixed at 23.7 billion hryvnias, or 7.1 billion more than in 2009.

301. In the period 2006–2010, the Ministry of Labour and Social Policy focused on the important issue of improving the quality of life of families, children and young people, starting with pregnancy, childbirth and childcare, as well as helping the more vulnerable members of society, such as one-parent, low-income and large families, by steadily raising social security benefits to match the subsistence minimum.

302. Particularly notable in this regard was the increase in benefit payments, as stipulated by the Act on State Assistance to Families with Children. One example of this was the setting of higher rates for childbirth benefit, which in 2006 equalled 8,500 hrv.

303. Since 1 January 2007, childbirth and childcare allowances for children under three year old paid to persons covered or not covered by compulsory social insurance is disbursed by the labour and social welfare authorities using funds from the State budget.

304. Since 2008 the childbirth benefit rate has been calculated with regard to the number of children born and amounts to 12,240 hrv for the first child, 25,000 hrv for the second and 50,000 hrv for the third.

305. In the period 2006–2007, childcare benefit for children under three year old totalled 90 hrv, rising in 2008–2010 to 130 hrv. Also, the maximum benefit rate gradually increased to equal that of the subsistence minimum established for able-bodied persons: i.e. 252.5 hrv in 2006 (50%), 284 hrv in 2007, 334.5 hrv in 2008 and 558 hrv in 2009 (75%), finally equalling the subsistence minimum in 2010: 869 hrv as of 1 January, 884 hrv as of 1 April, 888 hrv as of 1 July, 907 hrv as of 1 October and 992 hrv as of 1 December.

306. Since 2007 minimum benefit for the children of single mothers has grown from 10 per cent to 30 per cent of the subsistence minimum for a child of appropriate age, amounting for a child under six year old to: 141 hrv in 2007, 167.1 hrv in 2008 and 189.6 hrv in 2009, rising in 2010 to 226.5 hrv as of 1 January, 230.1 hrv as of 1 April, 231.3 hrv as of 1 July, 236.1 hrv as of 1 October and 239.7 hrv as of 1 December.

307. Minimum child benefit for children aged 6-18 was 181.2 hrv in 2007, 210.3 hrv in 2008, 232.8 hrv in 2009, rising in 2010 to 270.3 hrv as of 1 January, 275.1 hrv as of 1 April, 276.3 hrv as of 1 July, 282.3 hrv as of 1 October and 287.1 hrv as of 1 December.

308. Maximum child benefit equalled 50 per cent of the subsistence minimum for a child of appropriate age, i.e.:

- For a child under six year old: 231.5 hrv in 2007., 78.5 hrv in 2008, 316 hrv in 2009, rising in 2010 to 377.5 hrv as of 1 January, 383.5 hrv as of 1 April, 385.5 hrv as of 1 July, 393.5 hrv as of 1 October and 399.5 hrv as of 1 December;
- For a child aged 6-18: 302 hrv in 2007, 350.5 hrv in 2008, 388 hrv in 2009, rising in 2010 to 450.5 hrv as of 1 January, 458.5 hrv as of 1 April, 460.5 hrv as of 1 July, 470.5 hrv as of 1 October and 478.5 hrv as of 1 December.

309. Benefit rates for children under tutorship or guardianship were equal to the difference between the established subsistence minimum for a child of appropriate age and the average monthly total of child support payments and pensions received in the previous six calendar months.

310. If a tutor did not receive support payments or a pension for the child, in the period 2006–2008 the benefit rate was 418 – 557 hrv for children under six year old and 514 – 701 hrv for children aged 6-18.

311. In 2009 maximum benefit payments were increased to twice the subsistence minimums for a child of appropriate age, i.e.:

- 1,264 hrv for children under six, rising in 2010 to 1,510 hrv as 1 January, 1,534 hrv as of 1 April, 1,542 hrv as of 1 July, 1,574 hrv as of 1 October and 1,598 hrv as of 1 December;
- 1,552 hrv for children aged 6-18, rising in 2010 to 1,802 as of 1 January, 1,834 hrv as of 1 April, 1,842 hrv as of 1 July, 1,882 hrv as of 1 October and 1,914 hrv as of 1 December.

312. Additionally, in 2007 a new type of State benefit was introduced for orphans and children deprived of parental care in accordance with the principle “money follows the child”. The mechanism for calculating allocations is the same as that for children under tutorship or guardianship.

313. In 2009 a new form of State support for families that adopt a child was introduced. The amount paid is equivalent to that of benefit allocated for the birth of a first child and in 2010 totalled 12,240 hrv.

314. Social protection for low-income families is implemented in compliance with the State Social Assistance for Families Act. Eligibility is dependent upon the size of a family’s income in relation to the subsistence minimum. Given that lack of sufficient funds prevented the State from providing social security payments covering the minimum cost of living, a minimum subsistence level was therefore established.

315. The minimum subsistence level is calculated in accordance with the real expenditure possibilities of the State budget and is approved at the same time the State Budget Act for the respective year is passed. For able-bodied persons: 110 hrv in 2006, 121 hrv in 2007, 133 hrv in 2008-2009 and 182.21 hrv in 2010; for non-working persons (children and pensioners): 155 hrv in 2006, 170.5 hrv in 2007, 187.5 hrv in 2008-2009 and 266.25 hrv in 2010; for persons with disabilities: 165 hrv in 2006, 181.5 hrv in 2007, 200 hrv in 2008–2009 and 294 hrv in 2010.

316. Since 2008, each child in a large low-income family with three or more children aged under 16 (or under 18 if the child is in education) has been allocated a minimum

subsistence allowance (guaranteed minimum). For a child under six year of age: 278.5 hrv in 2008-2009, rising in 2010 to 377.5 hrv as of 1 January, 385.5 hrv as of 1 April, 385.5 hrv as of 1 July, 393.7 hrv as of 1 October and 399.5 hrv as of 1 December; for a child aged 6-18: 350.5 hrv in 2008-2009, rising in 2010 to 450.5 hrv as of 1 January, 458.5 hrv as of 1 April, 460.5 hrv as of 1 July, 470.5 hrv as of October 1 and 478.5 hrv as of 1 December 1.

317. Furthermore, this allowance increases by 10 per cent for each child, and by 20 per cent for every child supported by an unmarried mother (father, adoptive parent) and whose father's (mother's) name has been duly entered in the register of births in accordance with the mother's instructions, as well as for every child with a parent or parents in disability group I or II.

318. On 14 July 2010 the Cabinet of Ministers adopted Decision No. 621 in order to improve social protection for citizens paying for housing and public utility services. Pursuant to this decision, the Government approved various measures aimed at enhancing social protection programmes by, inter alia, reducing the mandatory payment threshold for housing and public utility services as follows:

- From 15 – 10 per cent of total income for families made up of pensioners, persons with disabilities and children under 18 year old;
- From 20 – 15 per cent for all other families with able-bodied members.

319. Each month State assistance allocations are paid to more than 3.5 million families and citizens in need of them. Total government spending on assisting families with children, low-income families, persons with a disability since birth, and children with disabilities reaches 24 million hryvnias.

320. Ukraine has taken note of the observations in paragraph 19 and the recommendations in paragraph 42 of the concluding observations.

321. Efforts to combat and prevent domestic violence in Ukraine are underpinned by the following fundamental legislative instruments:

- The Domestic Violence Prevention Act of 25 September 2008;
- The Social Services Act of 19 June 2003;
- Cabinet decision No. 616 of 26 April 2003 on Procedures for Considering Complaints and Reports of Actual or Threatened Domestic Violence;
- Cabinet decision No. 1834 of 27 December 2006 on the Approval of the State Programme for Gender Equality in Ukrainian Society in the Period until 2010;
- The Criminal Code;
- The Code of Administrative Offences.

322. On 1 December 2010, the Cabinet of Ministers adopted Order No. 2154-r approving a plan of action for the National Campaign "Stop Violence" for the period until 2015. The plan provides, inter alia, for:

"1. Elaborating:

- Elective and selective course programmes and special courses on preventing violence in the family;
- Family violence education programmes for social workers and other professionals delivering social services;

- An awareness-raising programme on promoting gender equality and preventing all forms of domestic violence for use in extra-curricular and extra-mural activities at general educational institutions.
2. Conducting awareness-raising activities among convicted offenders aimed at combating all forms of violence;
 3. Incorporating training seminars on combating domestic violence into postgraduate degree courses;
 4. Preparing and disseminating public-service announcements on preventing domestic violence;
 5. Devising and conducting assessments of intervention programmes and preparing guidelines for working with domestic violence offenders, as well as reviewing intervention programmes and teaching materials based on the findings of such assessments;
 6. Holding training seminars on combating domestic violence for the employees of government agencies, institutions and organizations involved in efforts to prevent violence in the family.

323. The organizational structure and legal framework underpinning efforts to prevent domestic violence and the agencies and institutions tasked with implementing measures to prevent it are specified in the Domestic Violence Prevention Act of 25 September 2008

324. Article 1 of the Act defines domestic violence as any willful physical, sexual, psychological or economic actions directed by one family member against another family member where such actions violate the constitutional rights and freedoms of the latter as a human being and citizen and cause him/her emotional distress and damage his/her physical or psychological well-being.

325. Pursuant to article 17 of the Act, family members who commit domestic violence bear criminal, administrative or civil liability in accordance with the law. In this regard, article 173² of the Code of Administrative Offences establishes liability for acts of domestic violence, i.e. the wilful commitment of any physical, psychological or economic actions (including physical abuse not causing physical pain and which does not inflict bodily harm, threats, insults or victimization, deprivation of accommodation, food, clothing, other property or means to which the victim has a legal right, etc.) that could have or have resulted in causing physical or psychological injury to the victim, for failure to comply with a restraining order by the person to whom it has been issued, as well as for failure on the part of a domestic violence offender to attend an intervention programme.

326. Domestic violence can also take the form of socially dangerous acts that endanger a person's life and well-being and encroach on his/her personal liberty, honour and dignity, as well as on his/her sexual freedom and integrity. Persons who commit such acts are liable to criminal prosecution.

327. Section II of the Criminal Code establishes liability for crimes against life (arts 115-120 and 129) and crimes against health (arts. 12-127, 130 and 133). Sections III and IV of the Code establish responsibility for crimes against personal liberty, honour and dignity (arts. 146-151) and for crimes against a person's sexual freedom and integrity (art 152-156).

328. The Domestic Violence Prevention Act provides for special measures to be taken to prevent violence in the family: official warning, placement on the preventive social services register and the issuing of a restraining order.

329. In cases where the actions of a family member who has committed domestic violence reveal no physical evidence of crime, he/she is issued with a cease and desist order by the local police department or the criminal police unit dealing with children.

330. The local police department or the criminal police unit dealing with children place family members issued with a cease and desist order on the preventive social services register. The same authorities remove offenders from the register if, for a period of one year after the domestic violence incident, the offender has not committed any further acts of violence within the family. Procedures for placing family members who have been issued with a cease and desist order, as well as for their removal, are approved by the Ministry of Internal Affairs.

331. In the event that a person commits domestic violence after receiving a cease and desist order, he/she is sent to a crisis centre to attend a corrective programme. Attendance is mandatory. A person who commits domestic violence after receiving a cease and desist order may be issued with a restraining order by the local police inspector or the representative of the criminal police unit dealing with children subject to approval by the head of the relevant Internal Affairs authority and a procurator. A restraining order does not have to be approved if the actions committed by the perpetrator of domestic violence reveal physical evidence of crime. A restraining order may be issued to an offender who, at the time of issue, has reached the age of sixteen and may detail the actions the recipient is prohibited from taking in respect of the victim of abuse, e.g. attempting specific acts of domestic violence, endeavouring to discover the whereabouts of and seek out the victim if he/she has chosen to reside somewhere unknown to the perpetrator, visiting the victim if he/she is currently not staying with other family member, or holding telephone conversations with the victim of domestic abuse.

332. Crisis centres have been set up for the members of families in which domestic violence has occurred or in which there exists a threat of it occurring, as well as medical and social rehabilitation centres for the victims of domestic violence.

333. As of late 2010, the country's network of institutions providing help for victims of domestic violence included nine medical and social rehabilitation centres, 21 psycho-social support centres, 88 child shelter-care facilities organized by child-welfare services, and 32 psycho-social support centres for children.

334. Data compiled by regional units of family, youth and sport departments and offices show that in the first half of 2010 there were 53,965 reports of domestic violence, of which 42,722 came from women, 422 from children, and the remainder from men. 2,532 citizens were directed to attend intervention programmes, 165 of whom actually did so.

335. Regional databases lists the names of 70,262 families in difficult circumstances, 3,986 of which were placed on file in the first half of the year with reference to domestic violence. 1,079 of these received social assistance in the reporting period, while another 3,937 continue to receive social services. 249 persons were sent to psycho-social support centres in connection with domestic violence. Local government agencies spent a total of 192,000 hrv on implementing anti-violence initiatives.

336. Data are recorded and assessed in accordance with the instructions on procedures 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 (Order of the Ministry for Family, Youth and Sport and the Ministry of Internal Affairs No. 3131/386 of 7 September 2009).

337. Ukraine has taken note of the observations in paragraph 20 and the recommendations in paragraph 43 of the concluding observations by the Committee on

Economic, Social and Cultural Rights on the fifth periodic report submitted by Ukraine with regard to the implementation of the International Covenant on Economic, Social and Cultural Rights.

338. One of the problems facing Ukraine and the world community today is that of trafficking in human beings. Since gaining independence, Ukraine has accorded special attention to formulating and implementing long-term programmes to tackle this issue.

339. The State Programme on Combating Trafficking in Human Beings for the Period until 2010 was approved by Cabinet Decision No. 410 of 7 March 2007. Pursuant to the action plan designed to carry the programme into effect, in the first nine months of 2010 a series of awareness-raising initiatives (seminars, training events, conferences) were conducted nationwide that were attended by over 5,000 people working with victims of trafficking.

340. The National Security Service ran checks on 27 business entities to verify compliance with license requirements for recruiting Ukrainian citizens for work abroad. As a result, five licenses were revoked and 18 administrative offence reports compiled.

341. The Ministry of Internal Affairs regularly implements organizational and practical initiatives designed to ensure effective coordination in combating trafficking in human beings. Operations conducted by Internal Affairs authorities have resulted in the detection of 189 offences under article 149 of the Criminal Code (“Trafficking in human beings and other illegal transfer deals in respect of a human being”) and the location and return to Ukraine of 254 victims of human trafficking, 21 of whom were minors.

342. Among the significant interventions conducted as part of the State Programme on Combating Trafficking in Human Beings for the Period until 2010, particularly notable are the activities of the Interdepartmental Council for Family Matters, Gender Equality, Demographic Development and Combating Trafficking in Persons and regional coordinating councils on combating human trafficking. These activities are geared towards:

- Formulating procedures for delivering social services;
- Providing assistance and social support to persons in at-risk groups;
- Approving and imposing standards governing the delivery of care services to trafficked persons, creating a network of rehabilitation centres for victims of trafficking and continuing support for existing psycho-social rehabilitation centres working with victims;
- Raising the population’s awareness of current forms of human trafficking, as well as the means and methods used by traffickers, taking action to return/liberate trafficked persons in accordance with the applicable laws of the country where they are located;
- Creating and deploying a national referral mechanism for victims of trafficking in human beings, and other initiatives.

343. In addition, with support from the Ministry for Family, Youth and Sport and the Coordinator in Ukraine for projects operated by the Organization for Security and Co-operation in Europe, a pilot scheme has been launched as part of a project to restructure the national referral mechanism, financed by the Ministry of Foreign Affairs of Denmark under the Danish Programme Against Human Trafficking in Eastern and South Eastern Europe

344. From January to September 2010 the national referral mechanism was implemented in two pilot regions, Donetsk and Chernivtsi oblasts. Combining these two regions in the pilot project provides an opportunity to create an effective victim support mechanism that

can be applied at the national level, while allowing for geographical, economic, social and other differences, and also to gain greater experience in combating human trafficking.

345. Ukraine has taken note of the observations in paragraph 21 and the recommendations in paragraph 44 of the concluding observations.

346. In the period 2001-2009, two projects were implemented as part of trilateral cooperation between the Government, trade unions and employer organizations and the Combating the Worst Forms of Child Labour programme operated by the ILO, represented by the International Programme on the Elimination of Child Labour (IPEC):

- a) Programme to prevent the worst forms of child labour in Ukraine;
- b) Project of Technical assistance against the Labour and Sexual Exploitation of Children, including Trafficking, in countries of Central and Eastern Europe.

347. One result of the ILO-IPEC programme was the progress made in lobbying efforts to ensure children the right to be protected from economic exploitation, given that the issue of child labour was now incorporated into various legislative instruments and national programmes:

- Plan of Action on the Elimination of the Worst Forms of Child Labour (2003);
- Child Protection Act No. 2402 of 26 April 2001, into which, in 2005, the term “worst forms of child labour” was inserted in compliance with article 21 of ILO Convention No. 182, as well as provisions prohibiting the engagement of children in the worst forms of child labour;
- Pursuant to Act No. 3316-IV of 12 January 2006, article 149 of the Criminal Code (“Trafficking in human beings and other illegal transfer deals in respect of a human being”) was brought into compliance with international standards with regard to preventing and countering trafficking in human beings;
- The State Programme on Combating child Homelessness and Neglect for 2006-2010 (adopted 2006), which specifies measures for delivering social support and material assistance to vulnerable families;
- The State Programme on Combating Trafficking in Human Beings for the Period until 2010 (adopted 2007), which accords special attention to combating trafficking in persons.

348. Within the limits of its competence, the Ministry for Family, Youth and Sport organizes the implementation of legislative acts concerning children, supervises their enforcement and coordinates the activities of child-welfare authorities and services.

349. Protecting the rights and interests of children at the regional level is the responsibility of child-welfare services attached to government agencies and local authorities.

350. In 2010, child-welfare services joined with government labour inspectors in carrying out general checks designed to verify compliance with child labour laws. 441 enterprises were inspected, including 108 farms, 108 trading concerns, 74 service businesses and 151 entities in other economic sectors. In all, 251, or 57 per cent of the enterprises inspected, were discovered to have violated child labour law. The inspections revealed that the enterprises employed a combined total of 1,132 children, including:

- 28 aged under 14;
- 134 aged 14-15;
- 144 aged 15-16;
- 826 aged 16-18.

351. It is noteworthy that the inspections found 28 of the children employed to be under 14 year of age, which is a clear violation of article 188 of the Ukrainian Labour Code.

352. Inspections have revealed various breaches of labour law, the most common of which are: breaching working time and pay regulations, hiring workers without medical clearance and hiring without concluding a contract of employment.

353. When carrying out the checks, government labour inspectors and child-welfare services personnel also provided enterprise administrators, parents and children with practical help and guidance materials and conducted awareness-raising activities dealing with the application of labour laws, specifically those pertaining to children. Additionally, recommendations were made concerning the protection of children's rights, including those of orphans and children deprived of parental care, and with regard to preventing involvement in the worst forms of labour. Ukraine is undertaking all essential measures to create a comprehensive programme and to develop the necessary statutory guidelines regulating the employment of minors.

354. Ukraine has taken note of the observations in paragraph 22 and the recommendations in paragraph 45 of the concluding observations.

355. Every year budget allocations to the Ministry for Family, Youth and Sport are committed to the State Programme on Combating Child Homelessness and Neglect for 2006-2010, approved by Cabinet Decision No. 623 of 11 May 2006, under budget project 340520, which is targeted at enforcing government child-related policies and implementing measures to combat child neglect and abandonment. In 2010, these allocations amounted to 1.8 million hryvnias, or 22 per cent more than in the previous year.

356. In 2010, local budgets earmarked 12.3 million hryvnias for such child-protection interventions.

357. In addition, the upkeep of shelters for children is paid for using funds transferred from the State budget to the budgets of local administrative units. Total spending in this area for 2010 was specified at 129 million hryvnias, which is 18.3 per cent more than in 2009.

358. Local budgets fund the activities of 32 psycho-social rehabilitation centres for children and 22 hostels for orphans and children deprived of parental care. In 2010 local authorities allocated 27.9 million hryvnias and 8.93 million hryvnias, respectively, for these purposes.

359. Also, government allocations in 2010 included a subsidy enabling repair and maintenance work to be completed at 14 institutions, whose construction began in 2007, delivering social care services to children and young people, including five welfare hostels.

360. With a view to preventing child homelessness and neglect and combating juvenile delinquency, appropriate steps have been taken to locate and care for children in difficult circumstances by placing them in social welfare institutions and providing them with social, legal and medical support. In 2010, child-welfare services, interacting with criminal police units dealing with minors, mounted 31,763 pro-active operations, which identified a total of 19,636 children (in 2009, 32,505 operations were conducted, identifying 22,781 children).

361. Recent year have witnessed a sustained fall in the number of homeless and neglected children, declining from 11,200 in 2005 to 4,800 in 2009.

362. In 2010, the number of homeless children identified in pro-active operations totalled 0.15 per cent of the total number of children in Ukraine, as against 0.19 per cent in 2009, which indicates that the number of homeless and neglected children is continuing to fall.

363. A logical outcome of the declining number of homeless and neglected children has been a decrease in the amount of children in childcare facilities, from 23,700 in 2005 to 15,300 in 2010.

364. It should be emphasized that shelter facilities for children have served their function and now need to be reorganized more productively as children's psycho-social rehabilitation centres providing a comprehensive child support service.

365. As part of measures to improve shelter facilities' provision of comprehensive support services for children, their rehabilitation, socialization and return to the family or placement within family-type settings, starting in 2011 child shelter facilities are to be converted into children's psycho-social rehabilitation centres.

366. Since 2006, in response to presidential decrees on the protection of children's rights stipulating the wider use and development of childcare settings such as foster families and family-type children's homes, there have been signs nationwide of a steady increase in the number of children placed in these types of care.

367. As of late 2010, 9,024 orphans and children deprived of parental care were being raised in foster families and family-type children's homes, or more than six times the number (1,313) in 2005.

368. The establishment of family-type children's homes and foster families, and the placement of orphans and children deprived of parental care within these settings, has increased, as follows:

<i>Year</i>	<i>Family-type children's homes</i>		<i>Foster families</i>		<i>Total</i>	
	<i>number children placed</i>	<i>number children placed</i>	<i>number</i>	<i>children placed</i>	<i>number</i>	<i>children placed</i>
2006	234	1462	744	1152	978	2614
2007	300	1960	1617	2561	1917	4521
2008	400	2605	2461	4050	2861	6655
2009	484	3185	2931	4934	3415	8119
2010	535	3573	3195	5451	3730	9024

369. This steady growth in the number of family-type care settings is primarily due to the clear boundaries separating the functions of child-welfare services from those of social service centres for families, children and young people when establishing and supporting foster families and family-type children's homes. It is also thanks to new procedures stipulating mandatory training for potential foster parents and house parents, the

introduction of social services for these families, systematic monitoring of the care, nurturing and development of children in such settings, as well as to financial support from the State.

370. From 2006 onward, State social policy has been focused heavily on setting up reintegration programmes for homeless citizens and social adaptation programmes for persons released from penal institutions. These efforts have recently proven especially timely in the light of the economic crisis.

371. In 2010, Ukraine all but finished formulating the legislation required for taking proper care of the homeless and persons released from penal institutions. For the purpose of giving effect to the Act on the Principles of Social Protection for Homeless Persons and Street Children and the Act on the Social Adaptation of Persons Punished by Restriction of Freedom or Term of Imprisonment, in the period 2006–2010 the corresponding models for organizing these procedures were approved and long-term plans for their implementation endorsed. Also elaborated and approved were a number of legislative instruments regulating the work of facilities for homeless citizens and those for persons released from penal institutions, including model regulations on homeless registries, night shelters, reintegration service centres for homeless persons, halfway houses and social adaptation facilities for persons released from penal institutions.

372. With a view to bringing procedures for reintegrating homeless citizens and the social adaptation of persons released from penal institutions closer into line with European standards, amendments to basic laws were drawn up. These draft laws have already been submitted to the Verkhovna Rada for consideration.

373. A standing consultative body, the Council for the Social Protection of Homeless Citizens and Persons released from Custody, has been set up under the auspices of the Cabinet of Ministers, tasked with studying problems involving the implementation of State policies with regard to the social protection of homeless citizens and persons released from penal institutions.

374. Local authorities and local government agencies are taking steps to develop the network of facilities operating in this area.

375. As of 1 January 2010, Ukraine had 67 facilities (on 1 January 2009 there were 25) set up by local authorities and providing services for homeless citizens and persons released from penal institutions, by, inter alia, helping them to find work, accommodating them in night shelters, registering their location area, renewing documents and addressing various ever day problems.

376. Homeless citizens have access to 52 facilities (as of 1 January 2007 there were 14), including 17 night shelters (units), 5 reintegration service centres (units) and 1 halfway house. Night-time and temporary shelters are designed to accommodate around 1,200 persons. There are 44 homeless person registries (units, desks and services) attached to, or operating separately from, the facilities (as of 1 January 2007 there were five).

377. There are 15 facilities (as of 1 January 2007 there were 11) catering for persons released from penal institutions, including two social adaptation centres (units) and 13 special residential facilities (special units, units) for senior citizens and persons with disabilities released from penal institutions.

378. There are an increasing number of private organizations providing support services for these population categories. As of 1 January 2010, there were 64 privately-run facilities of this kind (compared with 31 as of 1 January 2010). Thanks to the growth of this sector, some 18,500 persons were provided with care services in 2009 (as against 23,700 in 2006).

379. Efforts continue to study international practice and to enlist the technical support of other countries, specifically by way of collaboration with Austria, Sweden and Switzerland.

380. In the next few years, until the period 2012–2015, there are plans to implement various measures for preventing and countering the spread of homelessness and rendering urgent assistance to homeless persons and recently released prisoners, to move ahead with developing a network of facilities and to utilize new forms and methods in providing social services to homeless citizens and persons released from penal institutions.

Article 11

Right to an adequate standard of living

381. Ukraine has taken note of the observations in paragraph 23 and the recommendations in paragraph 46 of the concluding observations.

382. The strategic objective of Ukrainian social policy is to achieve a tangible improvement in people's material and living conditions, ensure full and productive employment, reduce the poverty rate and advance the well-being of the nation

383. In the period 2006–2009, Ukraine proceeded to implement the third and last phase of the poverty eradication strategy (2005–2009), annually approving projected measures to carry the strategy into effect in order to ensure they were properly funded (Cabinet Orders No. 74-r of 8 February 2006, No. 25-r of 31 January 2007, No. 936-r of 9 July 2008, No. 192-r of 18 February 2009). Primary emphasis was given to core areas and focused on stimulating employment, increasing household incomes and reducing earnings inequality by raising wages, improving pension provision and strengthening support for specific population groups.

384. Implementing measures to eradicate poverty in stages made it possible to improve the standard of living and reduce the poverty rate, thanks primarily to growth in household income. The period 2006–2007 was marked by an upward trend in per-capita household income, which rose by 11.8 per cent in 2006, by 14.8 per cent in 2007 and by 9.6 per cent in 2008.

385. In 2009, as a result of the financial crisis and the Government's limited ability to pursue active policies to increase household income, per capita household income fell to 91.5 per cent. In January to October 2010, per-capita household income grew 11.8 per cent.

386. The financial crisis also impacted wage growth. Whereas real wages had risen 18.3 per cent in 2006, 12.5 per cent in 2007 and 6.3 per cent in 2008, they dropped to 90.8 per cent in 2009. The following year real wages picked up, increasing 9.9 per cent in January – October 2010.

387. Guaranteed minimum income increased substantially. Specifically, in the period 2006 – October 2010 the minimum wage virtually tripled from 400 hrv to 907 hrv. By November 2009 it was equal to the subsistence minimum for able-bodied persons, since which time it has been set at the same level.

388. The minimum pension is set at the same rate as the subsistence minimum for persons no longer able to work. In October 2010, the minimum pension was increased to 723 hrv, or to almost double that in 2006 (366 hrv).

389. Poverty monitoring reports show poverty indicators at a stable level. The poverty rate, which is measured using a relative benchmark, declined from 28.1 per cent in 2006 to 26.4 per cent in 2009, while the extreme poverty rate dropped from 14.8 per cent to 13 per cent over the same period. This improvement was primarily attributable to families with children, among whom the poverty rate fell by 3.3 per cent, from 35.3 per cent in 2006 to

32 per cent in 2009. Progress was particularly conspicuous in households with three or more children, where poverty declined by 14.6 per cent, from 68.4 per cent in 2006 to 53.8 per cent in 2009. For households with children under three year old the poverty rate dropped by 7.8 per cent. There was also an improvement in rural areas, where the poverty rate fell from 38.4 per cent in 2006 to 36.8 per cent in 2009.

390. Changes in the poverty rate are evaluated using a comprehensive approach that measures poverty by applying different benchmarks and also makes it possible to draw conclusions as regards positive developments. Measuring poverty in absolute terms by taking US\$ 5 as the benchmark for daily consumption expenditure (at purchasing power parity), which is used as a point of reference for the United Nations Millennium Development Goals, indicates that poverty levels in Ukraine have dropped significantly, from 9.3 per cent in 2006 to 3.5 per cent in 2009.

391. In order to tackle poverty in Ukraine, the Government is currently preparing a draft policy document aimed at eradicating and preventing poverty until 2015.

392. Ukraine has taken note of the observations in paragraph 24 and the recommendations in paragraph 47 of the concluding observations.

393. Providing deported Crimean Tatars and persons of other ethnic groups with the facilities necessary to ensure their return, settlement, social adaptation and integration is a key area of government policy and essential for maintaining the social and economic stability, national security and international standing of Ukraine.

394. Following the break-up of the Soviet Union, Ukraine took upon itself essentially all obligations pertaining to the return and settlement of deported Crimean Tatars and persons of other ethnic groups and their adaptation and integration into Ukrainian society. All obligations are gradually being met.

395. Ukraine recognizes and is gradually carrying into effect legislation adopted by the authorities in the former USSR with regard to restoring the rights of deported persons, including, among others, the Declaration adopted by the Verkhovna Rada on 14 November 1989 acknowledging the repressive measures taken against peoples arbitrarily displaced to be unlawful and criminal and the assertion of their rights, as well as the Resolution, passed by the Supreme Soviet of the USSR on 7 March 1991, repealing the State legislative acts specified in the aforementioned Declaration.

396. Since 1991 spending on the settlement of deportees has been itemized separately in the State budget. State funds are primarily allocated to building homes, utilities and social and cultural facilities.

397. Over the past 12 years, 1,143,155,600 hrv has been allocated to capital construction work for the resettlement of returnees, funding the construction of 458,677.7 square metres of housing, the laying of 906.477 km of water piping, 1,193.065 km of electricity lines, 110.44 km of hard-surface roads and 385.982 km of gas piping, the building and renovation of seven schools for 2,043 pupils, as well as on commissioning other social and cultural initiatives to a total cost of 213,872,600 hrv.

398. In the year since independence, difficult social and economic problems faced by deportees have been addressed by means of State programmes, presidential resolutions, orders and instructions.

399. Today, the immediate concerns of returnees are addressed on the basis of Cabinet decisions, including:

- Decision No. 1952 of 17 December 2003 on Approving Procedures for providing Deported Persons and Members of their Families who have returned to Ukraine with Housing built or acquired with Budget Funds;
- Decision No. 626 of 13 May 2004 on Measures for Meeting the Social Needs of Deported Crimean Tatars and Persons of Other Ethnic Origin who have returned to take up Permanent Residence in Ukraine.

400. The composite document used to improve social and economic conditions in the Autonomous Republic of Crimea and to assist Crimean Tatars and other persons deported on grounds of ethnicity to establish themselves is the Programme for the resettlement and rehabilitation of deported Crimean Tatars and persons of other ethnic origin who have returned to take up permanent residence in Ukraine, their adaptation and integration into Ukrainian society for the period until 2010, approved by Cabinet Decision No. 637 of 11 May 2006. The primary objectives of the programme are to build and acquire housing for returnees, construct or renovate schools, establish a suitable utility infrastructure in areas where returnees have concentrated, adopt measures to meet the social needs of deportees by reimbursing them for travel and shipment expenses, providing lump-sum benefits to deportees and their families to complete construction of their homes and to support the revival and development of their culture and education.

401. In the period 2006-2009, 253,386,400 hrv was allocated to implementing measures for resettling and rehabilitating deportees, of which 237,317,800 hrv was spent on capital construction projects and 16,068,600 hrv on social and cultural initiatives, funding the construction of 31,457.5 square metres of housing, the laying of 78.49 km of water piping, 28.965 km of electricity lines, 4.04 km of hard-surface roads and 154.02 km of gas pipeline, the construction and renovation of schools and the commissioning of social and cultural initiatives to a total of 16,068,600 hrv.

402. Pursuant to the 2010 State Budget Act, 48,289,200 hrv were earmarked for implementing measures envisaged by the Programme for the year in question, of which 45 million were allocated to capital construction and 3,289,200 to social and cultural initiatives.

403. The shortage of housing continues to be a problem. As of 1 January 2010, 7,897 returnee families were listed on a separate housing waiting list, while over 20,000 families of deportees building their own homes are unable to finish construction owing to lack of funds.

404. In addition, only 75 per cent of the areas in which deportees are concentrated have a water supply, 96 per cent have electricity, 32 per cent have natural gas and only 9 per cent have hard-surface roads. Educational, cultural and health facilities are sparse. Solving the serious problems faced by deportees is, therefore, impossible without government involvement.

405. Some 720,900 people inhabit the rural areas of the Autonomous Republic of Crimea. Of this number 574,500 are adults, and 109,000, or 19 per cent, of these are Crimean Tatars. 70,900 Crimean Tatars, or 65 per cent of all adults in the Crimean Tatar population, have received, or are in the process of receiving, land allotments covering a total area of 184,900 hectares, of whom:

- 22,900 of former deportees have received land allotments totalling 126,100 hectares;
- 300 returnees have set up farms on land totalling 4,900 hectares;

- 1,600 persons have joined newly created farming businesses totalling 8,500 hectares;
- 24,800 persons have received land allotments for farming purposes totalling 24,300 hectares in area and another 21,300 returnees have been permitted to prepare project documentation in order to obtain licenses to work private allotments covering a total area of 21,100 hectares.

406. Crimean Tatars were previously allocated 1.45 hectares of land each to farm on. However, by taking into account those allotments for which permission has already been granted for projected development, per-capita land allocation will be equal to 1.70 hectares.

407. In 2001, the amount of land provided for private development averaged one hectare for each returnee. In 2002 the amount was 1.45 hectares, in 2003 1.63, in 2004 1.72, in 2005 1.71, in 2006 1.7056, in 2007 1.71, in 2008 1.71, in 2009 1.69 and in 2010 1.70 hectares.

408. Deportees have recently shown themselves less inclined to apply for land allotments to farm on, particularly in the steppe regions of Crimea.

409. In 2004–2005, the Autonomous Republic of Crimea found itself faced with the urgent question of providing previously deported Crimean Tatars with land allotments for purposes other than farming, particularly on the south and south-east coast of Crimea, in Yalta, Alushta, Sudak and Feodosiia. This question has yet to be resolved.

410. As of May 2011, the Autonomous Republic of Crimea had 410,900 land allotments covering 49,400 hectares in area used for private housing construction, of which returnees were allocated 85,480 allotments for private use and ownership totalling 10,100 hectares, or 20.8 per cent of the total area used for private residential construction.

411. Returnees have been allocated 1,140 land allotments totalling 69.72 hectares for business purposes other than farming.

412. Ukraine has taken note of the observations in paragraph 25 and the recommendations in paragraph 48 of the concluding observations.

413. Pursuant to article 116, paragraph 1 of the Land Code of Ukraine (hereinafter, the Code), citizens and legal persons acquire the right to ownership and the right to use land allotments on State or communal property by the decision of central or local government authorities within the limits of the powers conferred on them by the Code, specifically paragraph 12 of the Transitional Provisions of the Code.

414. Article 121 of the Codes stipulates that Ukrainian citizens have the right to hold land allotments on State or communal property transferred to them free of charge for the purpose of:

- Constructing and maintaining a residence, outbuildings and utility buildings (smallholding): maximum 0.25 hectares in villages, maximum 0.15 hectares in small towns; maximum 0.10 hectares in cities;
- Private farming: maximum 2 hectares;
- Gardening: maximum 0.12 hectares.

415. Pursuant to article 119, paragraph 6 of the Code, citizens wishing to assume ownership of a land allotment on State or communal property free of charge for agricultural or private farming purposes, for gardening, constructing and maintaining a residence, outbuildings and utility buildings (smallholding), constructing a personal cottage or garage units within the limits established by free privatization regulations are required to submit an application to the relevant district, Kyiv or Sevastopol city government administration or to

the rural, township or city council closest to where the allotment is located. The application must indicate the purpose for which the land is to be used, as well as its approximate size.

416. Pursuant to paragraph 7 of said article, the district, Kyiv or Sevastopol city administration or the rural, township or city council is required to consider the application within a period of one month and either grants permission for the land in question to be surveyed and its boundaries delineated or refuses to do so, stating its reasons. Applications may be turned down only if the location of the allotment violates legislation, and the enactments passed pursuant thereto, or contravenes the master layout plans of residential localities and other urban planning documentation, land utilization plans and feasibility studies for the use and conservation of land belonging to local administrative units, and land development projects to equip residential localities with amenities approved in accordance with the established legal procedure.

417. It is also noteworthy that, pursuant to paragraph 11 of the same article, if a central or local authority refuses to transfer a land allotment or ignores an application, the matter is then resolved by a court of law.

418. Ukraine has taken note of the observations in paragraph 26 and the recommendations in paragraph 49 of the concluding observations.

419. Reports of substandard living conditions and overcrowding at temporary accommodation centres for refugees and asylum seekers have no basis in fact. The temporary accommodation centre for refugees in Odesa oblast is designed to cater for 200 persons at one time. In 2010 there were 173 persons staying there and 180 people at similar centres in the towns of Mukacheve and Perechyn. All the refugees and asylum seekers living at these centres were fully provided with the necessary requisites, i.e. with bedding and hygiene products and enjoyed full access to health-care services organized by the centre.

Article 12

Right to physical and mental health

420. Pursuant to the Ukrainian Constitution, legislation, and resolutions adopted by the Constitutional Court of Ukraine, preventive medical centres provide comprehensive and free health care to all citizens, regardless of ethnicity and residence.

421. Under article 4 of the Ukrainian Health Legislation (Basic Principles) Act No. 2801-XII of 19 November 1992, the State undertakes to uphold humanitarian principles and to ensure that universal human values take priority over class, ethnic-group or individual interests, to improve the medical and social protection of the more vulnerable sections of the population and to ensure that citizens have equal, democratic and universal access to health care and other medical services.

422. Under article 11 of the Act, foreign nationals and stateless persons who are permanently resident in Ukraine have the same rights and responsibilities as Ukrainian citizens with regard to health care unless otherwise provided by international treaties or the laws of Ukraine.

423. Under article 25 of the Act, the State undertakes to ensure that the population enjoys a standard of living adequate for health and well-being by providing social security in the form of food, clothes, housing, health care, welfare services and sufficient support necessary to maintain health.

424. Cabinet Decision No. 79 of 28 January 1997 established procedures for providing health care to foreign nationals and stateless persons who are temporary residents in

Ukraine and clearly specified the mechanism for rendering medical services to foreign nationals, including those provided for a fee.

425. Details of cancer death rates in Ukraine disaggregated by sex in the period 2005–2009, as well as of birth and mortality rates and natural population growth are given in Annexes 1 and 2.

426. Ukraine has taken note of the observations in paragraph 27 and the recommendations in paragraph 50 of the concluding observations.

427. One of the projected phases of health-care reform involves reallocating funds to primary health care and preventive medicine, including for rural communities.

428. Ukraine has taken note of the observations in paragraphs 28–29 and the recommendations in paragraphs 51–52 of the concluding observations.

429. Data for December 2010 show combating HIV/AIDS to be a priority area of State health-care and social development policy.

430. The efforts of State agencies, companies, institutions, organizations and citizens' associations to step up the fight against HIV/AIDS have been underscored by various important initiatives, namely:

- Amending laws decriminalizing the spread of HIV/AIDS by setting up substitution therapy programmes, which proved a significant achievement for Ukraine and became a global model;
- Monitoring progress towards achieving the targets established in the United Nations Declaration of Commitment on HIV/AIDS and preparing a fourth national report (2010) on implementing the provisions of the Declaration, which was considered one of the best submitted to the United Nations General Assembly Special Session on HIV/AIDS;
- Setting up a Coordinating Council on HIV/AIDS, Tuberculosis and Drug Addiction, reporting to the President of Ukraine, which operated until 2010;
- Setting up a National Council on the Response to Tuberculosis and HIV/AIDS, which reports to the Cabinet of Ministers;
- Setting up in all oblasts regional councils focused on combating tuberculosis and HIV by means of cross-sector collaboration;
- Setting up, in 2007, a government administrative body, the Committee on Counteracting HIV/AIDS and Other Socially Dangerous Diseases, to coordinate and ensure the effective enforcement of State HIV/AIDS policy; in December 2010, following steps to improve interaction between central authorities, a presidential decree established the State Service on Counteracting HIV/AIDS and Other Socially Dangerous Diseases as a central government agency;
- Launching a programme using money provided by the Global Fund to Fight AIDS, Tuberculosis and Malaria in order to raise additional funding for the national programme;
- Setting in place a regulatory framework for counselling, testing, treating, care and support mechanisms and for conducting substitution therapy;
- Conducting a comprehensive external assessment of national interventions to combat the HIV/AIDS epidemic, whose conclusions show that the Government's HIV/AIDS policy is on the right track;

- Gathering important feedback from all areas of the programme and factoring this into the current national programme for 2009–2013.

431. In February 2009, the National Programme of HIV Prevention, Treatment, Care and Support for HIV-positive Persons and AIDS Patients for 2009–2013 was signed into law for the first time. The object of the Programme is to stabilize the epidemic situation and to reduce HIV/AIDS-related morbidity and mortality.

432. For the purpose of implementing the projected tasks and initiatives, provision has been made to increase funding from the State and local budgets. Total funds committed by the State to the Programme operating in 2010 is seven times the amount allocated to the previous one, which ran until 2008.

433. The problem of HIV/AIDS in Ukraine is being managed programmatically by implementing the counteractive measures specified under the national strategy.

434. The Outline Plan for a government strategy to combat the spread of HIV/AIDS for the period until 2011 and the national programme to prevent HIV and to help and treat HIV-positive people and AIDS sufferers for 2004–2008 were approved by Cabinet Decision No. 264 of 4 March 2004. These enactments were amended by Cabinet Decision No. 1321 of 8 November 2007.

435. The aim of the Outline Plan is to control and contain the spread of HIV/AIDS in Ukraine by:

- Enhancing social security and legal protection for vulnerable population groups, HIV-positive people and AIDS patients, as well as for persons who have suffered due to HIV, such as families left without a breadwinner and orphaned children;
- Providing a guaranteed standard of free, expert and multidimensional assistance to HIV-positive persons and AIDS sufferers to the extent required by law;
- Further improving HIV/AIDS public awareness and prevention programmes;
- Effectively harnessing the expertise of international donor, voluntary and charitable organizations.

436. The Outline Plan has come to be used as a framework for preparing action programmes run by central and local authorities, with collaboration from local government agencies, companies, institutions, organizations and citizens associations, as well as for enhancing HIV/AIDS research.

437. The purpose of the National Programme to prevent HIV and to help and treat HIV-positive people and AIDS sufferers for 2004–2008 is to address the tasks set out in the Outline Plan. It specifies the core strategic areas of government action against HIV/AIDS over a five-year period, which, in turn, has proved instrumental in the drive to raise additional funding for interventions geared towards counteracting the spread of the disease in Ukraine. The programme provides for simultaneous action at different levels, ranging from the promotion of safe practices among the public to prevent HIV infection to delivering treatment, care and support to HIV-positive people and AIDS sufferers.

438. Interventions against HIV/AIDS are implemented with the support of international donor organizations: the Global Fund to Fight AIDS, Tuberculosis and Malaria, the Joint United Nations Programme on HIV and AIDS (UNAIDS) and the United States Agency for International Development.

439. As of 2010, it can safely be said that Ukraine has substantially checked the spread of HIV infection. In 2007, for example, HIV-related morbidity increased by 10.5 per cent on the previous year, in 2009 by 5.7 per cent on the previous year, and in 2010 by just 3.3 per cent.

440. In addition, the number of HIV screening tests among vulnerable segments of society increased by 25.7 per cent on 2007, while the number of HIV-infected persons among injecting drug users is falling. In 2006, out of 33,094 injecting drug users screened, 16.5 per cent were found to be HIV-positive. Similar tests conducted in 2009 among 34,749 injecting drug users revealed an infection rate of 13.34 per cent, and in 2010, 33,569 screenings identified 12.3 per cent as HIV-positive.

441. Each year anti-retroviral therapy coverage increases, positively impacting the epidemiological situation of HIV, given that treatment of this type is a powerful tool in secondary prevention of HIV. In 2010, coverage grew 40 per cent. As of December 2010, 22,016 patients had undergone anti-retroviral therapy.

442. Significant progress has been made in preventing mother-to-child transmission of HIV, an area given priority under the national programme to combat the spread of AIDS. The mother-to-child HIV transmission rate declined four-fold from 27.5 per cent in 2000 to 6.8 per cent in 2009. Thanks to an awareness-raising campaign, there has been a substantial decrease in incidence of infection among young people, which fell from 22.8 per cent in 2003 to 12 per cent in 2009, evidencing the adoption of safer behaviours. The reduction in youth HIV rates is helping to curb the spread of HIV in Ukraine.

443. Review of the measures taken under the national programme in 2010 indicates that Ukraine is by and large successfully implementing State policy on combating HIV/AIDS.

444. With a view to refining legislation, on 23 December 2010 a law was passed amending the Act on Prevention of Acquired Immune Deficiency Syndrome (AIDS) and Social Protection of the Population. With the adoption of this law, the country's legal and regulatory framework and policies pursued pursuant thereto aimed at preventing the spread of HIV, treating, caring for and supporting people living with HIV can be brought into compliance with international human rights instruments and closely aligned with best world practice in this area.

445. Thanks to awareness-raising programmes involving the Ministry of Education and Science, the Ministry for Family, Youth and Sport, and non-governmental organizations, AIDS prevention awareness among young people rose from 14 to 40 per cent over a five-year period.

446. In order to ensure that HIV-positive persons and AIDS sufferers have access to health-care services, a network of AIDS prevention and treatment centres has been launched in all regions, providing, inter alia, residential and palliative care for patients.

447. To ensure access to counselling and HIV screening, a network of 727 private counselling rooms has been organized in all provincial capitals and district centres. Effective steps are being taken to prevent the transmission of HIV through blood transfusion. There are 102 HIV diagnostic laboratories, 54 of which operate directly at blood donor centres, testing all blood donations.

448. May 2008 saw the launch of a clinic to treat children with HIV/AIDS, operating under the auspices of the Okhmatdyt National Children's Specialized Hospital.

449. Ukraine is implementing preventive measures to stop the spread of HIV, focusing particularly on vulnerable population groups. Harm reduction programs reach around 200,000 injecting drug users annually. Patients who find it difficult to stop taking drugs can join a substitution therapy support programme, which runs in 27 regions under the aegis of 115 health-care facilities, including six AIDS control and prevention centres.

450. Pursuant to Cabinet Decision No. 143 of 15 February 2006, which specifies the procedures for mandatory preventive examinations of specific population categories to

identify tuberculosis, screening for tuberculosis disease is conducted nearest to places of residence/homes or workplaces.

451. In accordance with key health-care legislation, the Act on Fighting Tuberculosis, and Cabinet Decision No. 143 of 15 February 2006 approving procedures for mandatory preventive examinations of specific population categories to identify tuberculosis, Ministry of Health Order No. 254 of 17 May 2008 approves instructions for specific population categories to undergo periodic x-ray examinations of the thoracic cavity organs in order to ensure timely identification of lung diseases among the population.

452. Article 15 of the Act on Fighting Tuberculosis stipulates that “curative and preventive health-care services at State, community health and clinical research centres, medical (early-stage) care, and sanatorium and spa treatment in specialized tuberculosis sanatoria are provided free of charge to people with tuberculosis and are funded from the State budget, local budgets, social insurance funds and other sources not prohibited by law. Patients undergoing treatment for tuberculosis are provided on an on-going basis with the amount and range of anti-tuberculosis medications fixed by the central government health authorities and in accordance with the regulations governing the treatment of people with tuberculosis”.

453. Article 17 of the above-cited Act establishes that “people with tuberculosis identified as such at pretrial detention facilities are rendered preventive health care at the medical units of said facilities. People with tuberculosis identified at penal institutions are provided with preventive health care at specialized tuberculosis facilities within the correctional system”.

454. Pursuant to the Act approving the National Tuberculosis Programme in 2007–2011, the Ministry of Health and the State Department of Corrections have been allocated budget funds in order to make bulk purchases of medications and health-care products for treating people with tuberculosis.

455. With a view to implementing the tasks and interventions specified in the National Tuberculosis Programme in 2007–2011, approved by Act No. 648-U of 8 February 2007, the Committee on HIV/AIDS and Other Socially Dangerous Diseases and the State Department of Corrections have been tasked with:

- Organizing health-care services and involving preventive medical centres in coordinating procedures for the early detection of tuberculosis and the treatment of patients during the outpatient phase;
- Conducting comprehensive diagnostic tests for tuberculosis;
- Administering standardized and controlled short-course anti-mycobacterial therapy to patients with class 1-3 tuberculosis supervised by a health-care professional;
- Administering standardized and controlled five-component anti-mycobacterial therapy to patients with advanced tuberculosis;
- Administering standardized controlled five- and six-component therapy to patients with multidrug-resistant tuberculosis;
- Providing surgery for patients;
- Supplying tuberculosis centres with I and II class anti-mycobacterial drugs;
- Administering chemoprevention to persons belonging to at-risk groups;
- Ensuring that persons registered with tuberculosis centres have access to voluntary counselling and HIV screening;
- Providing primary and secondary prevention of tuberculosis;

- Setting up specialized units delivering medical support to persons with active tuberculosis at pre-trial detention facilities.

456. For job-seekers, every employment centre has awareness resource areas with materials, booklets, brochures, guides, leaflets, publications and films on HIV/AIDS and tuberculosis prevention. Employment centres invite psychologists, pulmonologists, drug abuse, venereology and other specialists to take part in awareness-raising activities.

457. In order to provide the unemployed with information on the spread of HIV/AIDS in Ukraine and promote healthy lifestyles, the State Employment Centre has introduced a set of educational materials entitled “Healthy Life Style Principles” in accordance with the recommendations of the International Labour Organization, the Ministry of Education and Science Coordinating Council and the Advisory Committee on HIV/AIDS Prevention in the World of Work.

458. As part of efforts to combat the HIV/AIDS and tuberculosis epidemics and in order to promote tolerance towards people living with HIV/AIDS, ensure their social protection and eliminate discrimination against them in the workplace, the State Employment Service plans to continue raising awareness among the population and employers with regard to preventing these diseases and protecting against them.

459. Given the specific nature of the activities conducted by Internal Affairs authorities and agencies, as well as the rate at which HIV/AIDS is spreading among the Ukrainian population, on 1 November 2005 the United Nations Population Fund, the United Nations Development Programme and the Ministry of Internal Affairs signed an agreement to implement a joint project to prevent HIV and sexually transmitted infections among MIA personnel.

460. The main aims of the project were to promote safe and responsible behaviours among MIA staff by elaborating and running comprehensive educational programmes on preventing HIV/AIDS and sexually transmitted diseases, encouraging police personnel to adopt healthy lifestyles, safe and responsible behaviours, and to improve access to social and health-care services.

461. As part of measures to implement the project, in the period 2006-2008 the Ministry of Internal Affairs human resources department, in liaison with regional personnel sections, accorded special attention to organizing initiatives geared towards preventing HIV infection and sexually transmitted diseases among MIA staff, namely by:

- Promoting awareness of practices to prevent HIV infection and sexually transmitted diseases and fostering commitment to healthy life styles among MIA personnel;
- Holding targeted trainer courses for senior officers of MIA authorities in order for them to raise awareness on these issues. A total of 17 specialized trainer courses were run, attended by 447 personnel from MIA authorities and colleges.

462. In 2006–2007, two comprehensive behavioural research studies were carried out to assess the feasibility of providing military and law-enforcement personnel with remedial therapy and to gauge their needs with regard to the treatment of sexually transmitted diseases. A summary of the findings was forwarded to the United Nations Population Fund for the purpose of preparing an information report for the European Union.

463. Active efforts are being made to refine State enactments regulating the activities of central government agencies with regard to preventing HIV/AIDS and sexually transmitted infections.

464. The personnel sections of the Central Department of the Ministry of Internal Affairs and other MIA departments, and senior teaching staff at MIA training colleges are individually conducting awareness-raising activities among a large number of law-

enforcement officers using their acquired professional knowledge and presentation materials.

Article 13

Right to education

465. Pursuant to articles 10 and 53 of the Constitution, the official language of Ukraine is Ukrainian. The State undertakes to ensure that Ukrainian is universally promoted and used in all areas of public life nationwide. Under law, citizens belonging to ethnic minorities are guaranteed the right to mother-tongue tuition or to study their native language in State and community educational institutions or ethnic cultural associations. Citizens' educational rights are ensured by an established network of preschool and general educational institutions providing tuition in Ukrainian and the languages of the country's ethnic minorities.

466. Every year the State budget earmarks funding for the publication, acquisition, storage and shipment of textbooks and manuals for students at higher education establishments and pupils at preschool and general educational institutions and vocational training schools. Under budget programme 2201230, the State budget for 2010 allocates a spending amount of 198.5 million hryvnias for "the publication, acquisition, storage and shipment of textbooks and manuals for students at higher education establishments and pupils at preschool and general educational institutions and vocational training schools". The decision whether to use these funds to prepare specific publications falls within the competence of the Ministry of Education and Science.

467. 19.4 million hryvnias has been committed to the publication of textbooks for pupils studying in grade 10 at general educational institutions with an eleven-year curriculum and for schools providing tuition in Russian and other ethnic minority languages.

468. Higher education institutions offer opportunities to study Russian, Bulgarian, Crimean Tatar, Moldovan, Modern Greek, Polish, Romanian, Slovakian, Turkish and Hungarian.

469. Persons belonging to ethnic minorities dispersed about the country have access to culture and education centres and Sunday schools open to all ages, whose activities are sponsored by the educational authorities, ethnic cultural associations and educational organizations.

470. The centres and Sunday schools offer opportunities to study Azeri, Afghan (Pashto), Belarusian, Bulgarian, Armenian, Hebrew, Italian, Karaim, Korean, Krymchak, Lithuanian, Moldovan, German, Modern Greek, Polish, Romany, Tatar, Turkish and Czech language and literature, as well as the corresponding history, culture and popular traditions.

471. Efforts are on-going to supply textbooks and other teaching and learning materials to general educational institutions providing tuition in minority languages.

472. In the period 2005-2010, State budget funds were used to publish mother-tongue textbooks for pupils in grades 5-10 at general educational institutions providing tuition in minority languages, integrated national and world literature course books, Ukrainian language and literature course books, as well as other textbooks on other subjects translated into minority languages.

473. In 2008-2009, State budgets funds were used to publish bilingual dictionaries on school terminology, namely Russian-Ukrainian and Ukrainian-Russian, Hungarian-Ukrainian and Ukrainian-Hungarian, Romanian-Ukrainian and Ukrainian-Romanian,

Polish-Ukrainian and Ukrainian-Polish, Moldovan-Ukrainian and Ukrainian-Moldovan, Crimean Tatar-Ukrainian and Ukrainian-Crimean Tatar.

474. Ukraine is training teachers for general educational institutions and classes providing tuition in Ukrainian, Russian, Moldovan, Crimean Tatar, Hungarian, Polish, Romanian, Slovak and Bulgarian.

475. In particular, higher education establishments with accreditation at levels I–IV in all the administrative areas of the country offer training for teaching staff for general educational institutions providing tuition in Ukrainian and Russian. Teachers for schools that use Moldovan or Romanian as their language of instruction are trained at the Izmayil State University of the Humanities and the Uzhhorod and Chernivtsi national universities; those using Crimean Tatar are trained at the Crimean State Engineering and Teacher Training University and the Taurida National University; those of Hungarian at the Uzhhorod National University; those of Polish at the Volyn, Drohobych Teacher Training, Kyiv, Lviv, Prykarpattia, East Ukrainian and Khmelnytsky national universities; those of Slovak at the Lviv and Uzhhorod national universities; and those of Bulgarian at the Izmayil State University of the Humanities and the national universities in Kyiv, Lviv and Odesa.

476. Training for teaching staff of general educational institutions providing tuition in ethnic minority languages is also included in the Autonomous Republic of Crimea's special training plan for local professionals in the social and cultural sphere. In order to carry out the plan, the number of specialists graduating from higher education institutions has been increased with a view to meeting the Autonomous Republic of Crimea's social and cultural needs with regard to current specializations, pursuant to the quotas set by the State.

477. The Crimean Engineering and Teacher Training University has broadened the structure and volume of fine arts training it offers. Its faculty of education trains specialists in primary education, preschool education and Crimean Tatar language and literature. The faculty of Crimean Tatar and oriental languages and literature of the Vernadsky Taurida National University provides specialist training in Crimean Tatar language and literature. Simferopol teacher training college, which is part of the Crimean Engineering and Teacher Training University, has an annual budget to train 25 specialists as primary school teachers and teachers of the Crimean Tatar language in primary schools. Postgraduate courses have been introduced at the Crimean Engineering and Teacher Training University and the Crimean Humanities University in Yalta and higher degree courses in Crimean Tatar literature and in Turkic languages leading to the qualification of Candidate of Science are now running at the Vernadsky Taurida National University. The Drahomanov National Teacher Training University offers a postgraduate course to train teaching staff for the Crimean Humanities University.

478. Support is provided for Crimea's institutes of higher education in preparing curricula, regulations and postgraduate examinations.

479. A centre for teaching methodology and modern teaching aids for minority languages has been set up within the Crimean State Engineering and Teacher Training University.

480. Under the Autonomous Republic of Crimea's special training plan for local professionals in the social and cultural sphere, places are offered each year (more than 90 per cent of the target group) to applicants from the Crimean Tatar, Armenian, Bulgarian, Greek and German groups that were deported from Crimea.

481. Almost 7,000 teachers and lecturers from educational establishments are given retraining and further training each year in institutes of postgraduate education in the Autonomous Republic of Crimea.

482. Under current agreements, every year teachers of Bulgarian, Estonian, Polish and Slovakian come from Bulgaria, Estonia, Poland and the Slovak Republic, respectively, to work in Ukraine at the request of the educational authorities. Furthermore, teachers for general educational institutions that provide tuition in ethnic minority languages are given training and further training at postgraduate teacher training institutes in the Autonomous Republic of Crimea, the provinces, and the cities of Kyiv and Sevastopol.

483. The Ministry of Education and Science has developed a number of different study programmes that take account of the specifics involved in teaching the languages and literature of ethnic minorities in different types of educational establishment.

484. Details of mother-tongue tuition and the study of minority languages in educational institutions in the 2009/10 school year are given in the tables (annex 3).

485. Further to recommendations made by the parliamentary Human Rights Commissioner, the Ministry of Education and Science has issued orders to retain in 2010 and 2011 former procedures governing the translation of independent external assessment tests for applicants to academic programmes into the language in which they were taught at secondary school, should they so request.

486. Ukraine has taken note of the observations in paragraph 31 and the recommendations in paragraph 54 of the concluding observations.

487. The Ministry of Education and Science and education authorities, specifically those of Zakarpattia and Odesa oblasts, where Roma are concentrated, and teaching staff at general educational institutions are working hard to register Roma children, ensure their education and social adaptation, and improve the facilities of the schools they attend.

488. Pursuant to the Education Act and the General Secondary Education Act, Roma children of school age are, like the children of other ethnic groups, entitled to choose the form of both tuition and school.

489. In 2010, almost 1,200 Roma children of preschool and school age were living in Odesa.

490. The areas where a significant number of Roma live are Artsyz, Balta, Bilhorod-Dnistrovskyy, Biliaivka, Bolhrad, Mykolaiv, Izmayil, Kominternivske, Sarata, Tatarbunary and Frunzivka districts and the city of Izmayil

491. Should their parents so wish, all Roma children attend preschool educational institutions. Like the children of other ethnic groups, many of them attend such facilities free of charge or on preferential terms in accordance with applicable legislation.

492. Nine hundred Roma pupils, or almost 100 per cent of school-age Roma children, study alongside children of other ethnic groups at general educational institutions at levels I-III in Odesa oblast.

493. Four school-age children in the Artsyz and Izmayil districts are not attending school because their parents do not wish them to do so. Specialists from the district education authorities are conducting appropriate outreach work with these children's parents.

494. Roma pupils have the necessary documentation for instruction: birth certificate, health certificate and certificate bearing their identity code. If these essential documents are lacking, education departments take steps to ensure that the children receive them. For example, in the 2009 school year, 14 Roma pupils received birth certificates with the assistance of the education authorities in Bilhorod-Dnistrovskyy district. Four pupils were transferred to individual teaching suited to the children's physical condition and level of knowledge.

495. In order to ensure equal access to high-quality education in general educational institutions in rural areas, free transport to school is organized as necessary. All Roma pupils are provided with a free hot meal. Roma children are usually taught in general educational institutions alongside children from other ethnic groups.

496. Zakarpattia oblast has a ramified network of general education schools attended by Roma children. More than 6,000 pupils from the province's Roma community make up 3.6 per cent of the total number of children taught at 127 of these schools.

497. The city of Berehove has 11 secondary general education schools that teach 367 Roma children. Attendance rates average 70 per cent. Pupils are provided with computers, textbooks and learning materials. Each school has a cafeteria where pupils in lower grades receive two meals a day and pupils in higher grades one meal. Each school is served by a medical nurse from a local clinic, and a health-care centre is located next to the school.

498. The micro-district also has a preschool educational institution open 24 hours a day, where 24 Roma children are nurtured entirely at the expense of the State.

499. A general secondary education school in the city of Mukacheve is attended by 591 Roma children, 280 of whom are pupils in the lower grades and 311 in grades 5-9. Teaching is conducted using a double-shift system. With support from the organization For the Future of Roma Children and sponsorship funding by the Swiss non-governmental organization FORZA, the school was fitted with a gas heating system, a computer classroom and sewing classroom equipped and sanitary facilities improved. The schoolyard was asphalted and a playground and sports ground built. Musical instruments were bought with funds provided by the Flextronics Foundation (Netherlands). With help from the city authorities, the school's hip roof and facade were repaired and first-floor windows replaced. Teachers daily monitor pupil attendance, which is currently unsatisfactory. To foster the pupils' all-round development, the school has set up a diverse selection of clubs.

500. In 2010, 222 Roma children were attending the Pidvinogradiv general secondary education school in Vinogradiv district. Not far from the Roma encampment there is a primary school for children in grades 1-4 attended by 125 pupils, while older students are taught with other children from Pidvinogradiv village. All pupils are provided with textbooks and hot meals are brought for pupils in the lower grades from the main school.

501. Serednie general secondary education school in Uzhhorod district with accreditation at levels I-III has 181 Roma pupils, 88 of whom are in grades 1-5 and are taught at a separate location within a Roma encampment situated 3km from the main school. All pupils are provided with textbooks and hot meals are brought to them every day. Pupils in grades 6-11 continue their education at the main school, which stands in the urban-type settlement of Serednie.

502. The general secondary education school in the village of Roztoky, Rahiv district, is attended by 112 Roma pupils who live in the village, the satellite settlement of Ust-Reky or in the town of Rahiv. Sixty-three pupils are in grades 1-4 and taught at premises in Ust-Reky. Attendance rates are satisfactory. The pupils are given physical examinations by staff from the Roztoky outpatient clinic according to a fixed schedule. The school provides the children with hot meals. In the 2009 school year, major repairs were carried out to the school building in Ust-Reky using sponsorship funds from the FORZA non-governmental organization. In the 2010 school year, routine maintenance was carried out on classrooms and stoves. After completing primary school, the Roma pupils continue their education in grades 5-11 at general secondary education school No. 4 in the village of Roztoky. They join school activity clubs, primarily those with a sports orientation.

503. Mezhygir general secondary education school No.2 is attended by 44 Roma children, who are taught with children from other ethnic groups. All pupils study at the new school in light-filled, spacious classrooms equipped with appropriate learning materials. Roma pupils are provided with the relevant textbooks and manuals. The attendance rate is over 70 per cent. Teachers have a sound grasp of the methods for teaching Roma children, help them to mix freely with their fellow pupils and encourage them to take part in various extra-curricular activities.

504. In the 2009 school year, Vitaly Lakatosh, a pupil in grade 11, passed independent external assessment tests and went on to become a law student at Vasyl Stefanyk Prycarpathian National University.

505. Kontsev general secondary education school in Uzhhorod district is attended by 216 pupils of different ethnic groups, including 85 Roma children in 8 different grades whose lessons are taught in Hungarian. General secondary education school No.13 in Uzhhorod district has 206 pupils. In recent year, 16,060 hrv has been allocated from the budget for repairs and another 5,000 hrv for purchasing and installing a new gas boiler. The school has an independent heating system and a water pumping system that also provides hot water. Ninety children (pupils in lower grades, orphans and orphans who have lost one parent) receive free meals. For over a year now there has been a computer classroom with five computers, one of which is connected to the Internet. The school has an amateur performance group led by a Roma girl.

506. Founded in 1926, general secondary education school No.14 in the city of Uzhhorod was built by Roma people themselves who at that time were concentrated in a Roma encampment in the micro-district of Shakhta. Like a number of other educational institutions now attended by Roma, the school has provided an education for several generations of Roma people. In 2010, the school had 79 pupils in six different grades. The past three year have seen a substantial improvement in the school's physical plant, catering facilities have been overhauled and a new kitchen and cafeteria seating 30 have been built. Lower grade and socially vulnerable pupils receive free meals. Sewerage facilities and a new water pumping system have been installed and three inside toilets fitted, 15 windows and nine doors have been replaced, a heating boiler substituted with a more economical model, four classrooms repaired, and a mobile room divider set up between classrooms so that they can be used for lectures and physical education.

507. The range of study options includes the history, culture and life of the Roma, for which teacher E.N. Navrotskaya has devised a programme, published in the form of a course manual for use by history teachers at other schools with a view to promoting tolerance towards bearers of Roma culture, and a book on the history of the Roma Holocaust.

508. Thus, the conditions have by and large been created for Roma children to enjoy equal access to high-quality education.

509. It is noteworthy that the teaching process is impeded by Roma children entering primary school with no preliminary preparation and either an extremely limited vocabulary or none at all. In spring and autumn when parents leave to earn a living, taking the entire family with them, a large number of pupils fail to attend school. The children also often miss lessons and go begging for want of shoes and clothing. A central problem is that the education of a significant number of Roma pupils has been neglected, given that their parents make virtually no effort to nurture them. Most Roma live in straitened circumstances, lack regular earnings and the children are often left unattended and to fend for themselves.

510. The Ministry of Education and Science remains focused on the problems involved in educating Roma children and is working together with Roma community organizations towards their resolution.

Article 15

Right to take part in cultural life

511. There are over 130 ethnic minorities in Ukraine that have formed voluntary organizations. Today they number 1,458, of which 44 have national status. Operating under the auspices of these organizations are more than 6,000 performance ensembles.

512. Involving the social sector in specific projects has been an important step in developing Ukrainian cultural policy in accordance with the basic provisions of current European strategy. To support and develop ethnic cultures, the Ministry of Culture has for many years collaborated actively with non-governmental organizations and remains consistent in its efforts to help organize and fund the initiatives of ethnic cultural associations promoting culture, art, education, research and practice at the local, national and international level in different regions of the country and which are aimed at fostering the development of the traditions and cultures of all ethnic groups in Ukraine. The main focus of these efforts has been on enhancing the cross-cultural competence of the country's ethnic groups by developing awareness of cultures and their manifestation, as well as on elaborating effective up-to-date mechanisms for collaboration between the State, social and private sectors.

513. In recent years, the Ministry of Culture's budget for promoting the cultures of the country's ethnic minorities has totalled 1.5 million hryvnias, which has made it possible to implement various cultural, artistic and culturological initiatives, the primary objective of which has been to support, develop and conserve the wealth of ethnic cultural heritage, while testifying to the harmonious coexistence of different ethnicities in Ukraine.

514. Thanks to fruitful collaboration between the Ministry of Culture and ethnic cultural associations, organizational guidance and financial assistance has been provided for cultural and culturological initiatives to, among others, the Council of National Communities of Ukraine, the Crimean Tatar Art and Ethnography Foundation, the Association of Germans, the Federation of Greek Communities, the Union of Poles, the All-Ukrainian Union of Belarusians, the Association of Koreans, the Jewish Foundation, the All-Ukrainian National Cultural Educational Centre "Russian Assembly", the All-Ukrainian Union "Congress of Roma of Ukraine", the All-Ukrainian Union of Armenians, and the Union of National Societies of Mykolaiv Oblast.

515. With a view to promoting the traditions and culture of the Ukrainian nation, raising awareness of the cultural diversity of the country's ethnic minorities, integrating into the European cultural environment, strengthening mutual understanding and improving the coexistence of persons from different cultures, 2008 was declared the Year of Intercultural Dialogue by Presidential decree No. 153 of 25 February 2008. During the year different regions staged wide-ranging events demonstrating the cultural and artistic heritage of all peoples. To round off the Year of Intercultural Dialogue, on 10-12 December 2008 the Ministry of Culture and Tourism organized a national initiative in Kyiv entitled "Together in Diversity".

516. The initiative featured a national exhibition of painting and photographs called "Ukraine is our home", a concert given by ethnic minority ensembles from different regions, a national conference on the multicultural spirit of the country's cultural monuments, a national seminar for members of the Council of National Communities of Ukraine and a workshop for supervisors of summer camps of tolerance groups. Those taking

part included specialists on decorative and applied art, ethnography and folklore, performers in different age groups and the heads of ethnic cultural associations. The participants stressed the importance today of mutual understanding between people, as well as the State's attentive attitude towards the distinctive culture of each ethnic group.

517. In 2009, the Ministry of Culture, other State agencies and voluntary organizations widely marked 150 year since the birth of the eminent Jewish writer Sholem Aleichem. In March that year a series of literary evenings were held, a museum devoted to the writer opened in Kyiv and numerous exhibitions staged.

518. Similarly, various events took place to commemorate the bicentennial of the birth of Juliusz Słowacki. The town of Kremenets in Ternopil'ska oblast held Ukrainian/Polish literary evenings entitled "Dialogue of Two Cultures", an academic conference ("The Known and Unknown Słowacki"), a literary symposium, a conference attended by research staff at Ukrainian and Polish museums, a presentation of the works and books of Polish and Ukrainian writers, a Ukrainian/Polish outdoor painting session, an international outdoor photography meeting, a ceremonial religious service, festivities on Słowacki Street, a concert commemorating Słowacki's birthday, the laying of flowers on the grave of the poet's mother, Salomea Słowacki, and at the monument to Taras Shevchenko, the formal opening and consecration of the commemorative plaque on the former church of the Kremenets Lycee, and an international outdoor photography meeting organized by the National Museum of Przemyśl Earth in Przemyśl. Ukrainian educational academic and cultural institutions and libraries and museums held educational and awareness-raising events marking the bicentennial of the birth of Juliusz Słowacki.

519. The year 2009 lent fresh impetus to the All-Ukrainian Forum of National Culture – "Ukraine: Artistic Diversity and Dialogue of Cultures". The forum's wide programme of events included an international research and practice conference, "Intercultural Dialogue and Ukrainian Ethno-Cultural Policy", an exhibition of literature in ethnic minority languages, a national photography exhibition, "Ethnic Diversity in Ukraine", a concert given by performers from the country's ethnic groups, "We are all your Children, Ukraine!", which provided a vivid demonstration of the responsible attitude taken by the State authorities of Ukraine, a tolerant, multicultural, European country that sees cultural diversity as significant source of potential for the country's development. More than 300 people from different regions took part in the forum, during which prestigious State decorations were awarded to persons belonging to Azerbaijani, Armenian, Russian, Roma, Polish, Belarusian, Crimean Tatar, Georgian, Greek and Moldovan ethnic cultural associations.

520. A book, entitled "The Righteous of Babi Yar" has been published with support from the Ministry of Culture.

521. The Ministry of Culture is actively involved in the work of government authorities focused on combating manifestations of xenophobia, inter-ethnic and racial intolerance in Ukrainian society. The country's libraries are making constructive efforts to promote tolerance and respect for the culture, history, language, customs and traditions of persons belonging to different ethnic groups. Specifically, this involves conducting information sessions with titles such as "Multi-Coloured Country", "Europe – Our Common Home" and "Across Countries and Continents", screening issue-related video films, proving relevant periodical publications, developing training events to promote tolerance among young people, and so on.

522. In 2012, the Ministry of Culture provided organizational guidance and financial support for the preparation and implementation of a wide range of arts and cultural events for ethnic minorities:

- An arts and cultural initiative for children of deported peoples of Crimea entitled “The Joy of Rebirth”, held 29 June – 9 August 2010 in the city of Feodosiia in the Autonomous Republic of Crimea;
- An arts and cultural initiative to support the culture of ethnic groups without an historical homeland and the small-numbered peoples of Crimea, held on 16 September 2010 in Kyiv.

523. Performance ensembles of Crimean Tatars and other peoples deported on ethnic grounds participated in arts and cultural initiatives which the Ministry of Culture and Tourism financed and helped to organize: the All-Ukrainian festival of ethnic minority cultures “Taurida Family”, held 27-29 of August, 2010 in the town of Henichesk, Kherson oblast and the All-Ukrainian Friendship festival of ethnic cultures of southern Ukraine, held 17-20 September 2010 in the city of Mykolaiv.

524. Additionally, in 2010 the Ministry helped to organize and finance the 11th International Roma Festival “Amala 2010”, held in Kyiv from 17-20 September 2010. Roma performance ensembles also took part in arts and culture programmes sponsored by the Ministry of Culture and Tourism, namely, an initiative to support ethnic groups without an historical homeland and the small-numbered peoples of Crimea, held on 16 September 2010 in Kyiv, the All-Ukrainian festival of ethnic minority cultures, “Taurida Family”, held 27-29 of August, 2010 in the town of Henichesk, Kherson oblast, the All-Ukrainian Friendship festival of ethnic cultures of southern Ukraine, held 17-20 September 2010 in the city of Mykolaiv and the All-Ukrainian conference of ethnic cultural associations, “We are Ukrainians”, held 15-17 September in Kyiv.

525. The Ministry of Culture is making active efforts to conserve and enhance ethno-cultural diversity in Ukraine, meet the ethno-cultural needs of ethnic minorities and help revive their customs and traditions, promote all aspects of language and education, amateur and professional art, safeguard and conserve historic and cultural monuments, reinstate cultural values and create periodical publications, etc.

526. Ukraine has taken note of the observations in paragraph 9 and the recommendations in paragraph 32 of the concluding observations.

527. Pursuant to the Act on the Parliamentary Human Rights Commissioner, the Commissioner acts independently of other State agencies and public officials. Central and local authorities, citizens associations, companies, institutions and organizations, irrespective of their form of ownership, administrators and staff, are forbidden to interfere in the activities of the Commissioner (art. 20 of the Act).

528. The activities of the parliamentary Human Rights Commissioner are financed with funds earmarked under a separate article of the State budget. The 2010 State Budget of Ukraine Act stipulates that 21,335,000 hrv (17,823,000 hrv in 2009) be allocated to funding the Secretariat of the parliamentary Human Rights Commissioner.

529. Ukraine has taken note of the recommendations in paragraph 55 of the concluding observations.

530. On 7 July 2010, the Verkhovna Rada adopted the Organization of the Courts and Status of Judges Act, which came into force on 30 July 2010. The Act establishes the legal principles for organizing the judiciary and administering justice in Ukraine with a view to protecting human and civil rights, freedoms and lawful interests, the rights and lawful interests of legal persons and the interests of the State based on the rule of law; defines the system of courts of general jurisdiction, the status of professional judges and procedures governing the exercise of judicial autonomy; specifies the system and general framework for the work of the courts and regulates other issues relating to the judiciary and the status of judges in compliance with international standards.

531. In order to update the law of commercial procedure, the Ministry of Justice has elaborated a draft Code of Commercial Procedure, whose provisions, in compliance with international standards, regulate the procedures governing the protection of infringed, unrecognized or disputed rights, freedoms and interests of parties in an economic relationship in a commercial court. The draft Code is under consideration by the Verkhovna Rada.

532. Article 43 of the Constitutional Court of Ukraine Act enshrines the right of a Ukrainian citizen, foreign national or stateless person to appeal to the Constitutional Court on issues involving the official interpretation of the Constitution and laws of Ukraine. This right is exercised in the form of a constitutional appeal, i.e. by applying in writing to the Constitutional Court underlining the need for an official interpretation of the Constitution and laws with the object of exercising or protecting human and civil rights and freedoms as set forth in the Constitution (art. 42, part 1 of the Act).

533. Ambiguous application of the provisions of the Constitution or laws by Ukrainian courts or other central authorities is deemed sufficient grounds for a constitutional appeal requesting an official interpretation of the Constitution and laws of Ukraine if the party submitting the appeal concerning constitutionality considers that this could result or has resulted in a violation of his/her constitutional rights and freedoms (art. 94 of the Act).

534. Pursuant to article 95, paragraph 2 of the Act, if there are signs of inconsistency with the Constitution, the Constitutional Court will consider whether the law in question (specific provisions thereof) is unconstitutional.

535. Thus, in order to ensure the realization and protection of human and civil rights and freedoms under the Constitution, Ukrainian law guarantees every citizen the right to protect his/her economic, social and cultural rights in courts of general jurisdiction and to appeal to the Constitutional Court.

536. Ukraine has taken note of the recommendations in paragraph 58 of the concluding observations.

537. Central government agencies are currently studying the possibility of Ukraine ratifying ILO Conventions Nos. 102, 117, 118, 121, 128, 130 and 168.

538. Ukraine has taken note of the recommendations in paragraph 61 of the concluding observations.

539. The Ministry of Labour and Social Policy has translated into Ukrainian and posted on the Ministry's official website the concluding observations by the Committee on Economic, Social and Cultural Rights of the United Nations Economic and Social Council on the fifth periodic report submitted by Ukraine with regard to the implementation of the International Covenant on Economic, Social and Cultural Rights.

540. In order to ensure that the sixth periodic report submitted by Ukraine with regard to the implementation of the Covenant was meticulously prepared, in Letter No. 1062/0/10-09/18/1, dated 6 April 2009, the Ministry of Labour and Social Policy sent the aforementioned concluding observations to central government agencies for them to consider and respond to those observations that fall within their area of competence. Their comments were taken into account when preparing the sixth periodic report by Ukraine with regard to the implementation of the International Covenant on Economic, Social and Cultural Rights. A copy of the report has been forwarded to non-governmental organizations and social partners.
