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REVISED EUROPEAN SOCIAL CHARTER

3rd National Report on the implementation of
the Revised European Social Charter

submitted by

THE GOVERNMENT OF UKRAINE

(Articles 7, 8, 16, 17, 27 and 31
for the period 01/01/2007 – 31/12/2009)

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THE GOVERNMENT OF UKRAINE
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for the reference period

2007- 2009

Articles 7, 8, 16, 17, 27, 31

In accordance with Article C of the Revised European Social Charter and article 23 of the European Social Charter, copies of this report have been communicated to the Federation of Trade Unions of Ukraine, the Confederation of Free Trade Unions of Ukraine, the All-Ukrainian Union of Workers Solidarity and the Federation of Employers of Ukraine

All Ukrainian legal acts are available on the Internet at:
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Article 7 – The right of children and young persons to protection

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

1. to provide that the minimum age of admission to employment shall be 15 years, subject to exceptions for children employed in prescribed light work without harm to their health, morals or education;
2. to provide that the minimum age of admission to employment shall be 18 years with respect to prescribed occupations regarded as dangerous or unhealthy;
3. to provide that persons who are still subject to compulsory education shall not be employed in such work as would deprive them of the full benefit of their education;
4. to provide that the working hours of persons under 18 years of age shall be limited in accordance with the needs of their development, and particularly with their need for vocational training;
5. to recognise the right of young workers and apprentices to a fair wage or other appropriate allowances;
6. to provide that the time spent by young persons in vocational training during the normal working hours with the consent of the employer shall be treated as forming part of the working day;
7. to provide that employed persons of under 18 years of age shall be entitled to a minimum of four weeks' annual holiday with pay;
8. to provide that persons under 18 years of age shall not be employed in night work with the exception of certain occupations provided for by national laws or regulations;
9. to provide that persons under 18 years of age employed in occupations prescribed by national laws or regulations shall be subject to regular medical control;
10. to provide that persons under 18 years of age employed in occupations prescribed by national laws or regulations shall be subject to regular medical control.

Appendix to Article 7§2

This provision does not prevent Parties from providing in their legislation that young persons not having reached the minimum age laid down may perform work in so far as it is absolutely necessary for their vocational training where such work is carried out in accordance with conditions prescribed by the competent authority and measures are taken to protect the health and safety of these young persons.

Appendix to Article 7§8

It is understood that a Party may give the undertaking required in this paragraph if it fulfils the spirit of the undertaking by providing by law that the great majority of persons under eighteen years of age shall not be employed in night work.

Information to be submitted

Article 7§1

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

General legal framework

- Labor Code of Ukraine dated 10.12.1971 # 322-VIII
- International Labor Organization Convention # 138 (ratified on 03.05.1979)

Pursuant to Article 188, Labor Code of Ukraine (hereafter LCU) persons under 16 years of age shall not be employed.

As an exception, on consent of one of the parents or of surrogate parent, persons of 15 years of age may be admitted to employment.

Moreover, every company, institution or organization shall have a special registry for employees under 18 years of age indicating their dates of birth (Article 189, LCU).

In accordance with the inspection schedule of State Department for Supervision over Compliance with Labor Legislation in cooperation with Juvenile Services, in August 2007 563 companies were inspected for compliance with legislation regulating employment of minors. Out of these companies 90 were of state form of property, 103 – collective form of property, 370 – private. Out of total number of companies inspected 163 were in agriculture, 122 – in trade, 73 – in services, 205 – performed other kinds of activities.

Companies inspected had 1512 under-age employees, 163 of them were 14 to 15 years of age, 242 persons were 15 to 16 years of age, 991 persons were 16 to 18 years of age. The inspection revealed 76 employees of under 14 years of age. The findings indicate violations of Article 188 of LCU. The largest part of under-age employees under 14 years of age (67 persons) were employed with agricultural companies.

In August 2008 660 companies were inspected for compliance with legislation regulating employment of minors on under-age employees. Out of these companies 121 were of state form of property, 104 – collective form of property,

435 – private. Out of total number of companies inspected 160 are in agriculture, 178 – in trade, 77 – in services, 245 – performed other kinds of activities.

Companies inspected had 2237 under-age employees, 214 of them were 14 to 15 years of age, 390 persons were 15 to 16 years of age, 1521 persons were 16 to 18 years of age. The inspection revealed 66 employees under 14 years of age. The findings indicate violations of Article 188 of LCU. Most under-age employees under 14 years of age (64 persons) were employed with agricultural companies.

In August 2009 347 companies were inspected for compliance with legislation regulating employment of minors.

Companies inspected had 682 under-age employees, 69 of them were 14 to 15 years of age, 76 persons were 15 to 16 years of age, 458 persons were 16 to 18 years of age. The findings indicate violations of Article 188 of Labor code.

Based on the inspection results labor inspectors took appropriate measures within their authorities.

In addition, during inspections state labor inspectors provide constant practical and methodological help to companies' experts on application of labor legislation, in particular on employment of under-age persons.

Article 7§2

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

General legal framework

- Labor Code of Ukraine dated 10.12.1971 # 322-VIII

Pursuant to Article 190, Labor Code of Ukraine, persons under 18 years of age shall not be employed in hard works and in works with unhealthy or hazardous working conditions as well as in underground workings.

List of hard works and works with unhealthy and hazardous working conditions was approved by Decree #46 of Ministry of Health of Ukraine of March 31 1994.

Persons under 18 years of age shall not be employed in lifting or moving objects with weight over the approved limits. Ministry of Health Protection of Ukraine approved limits for lifting and moving heavy objects in its Decree #59 of 22.03.1996.

Draft of new Labor Code stipulates regulation on prohibition of employment of under-age persons in work in which they may be exposed to a threat of

physical, psychological or sexual violence or carrying out of which may lead to health damage, negative impact on their moral development (work in gambling business, transportation and sales of alcoholic beverages, tobacco products, medical preparations etc.).

In 2007 inspections revealed violations of Article 190, LCU, on work of under-age persons in hard and unhealthy conditions. The inspections revealed 33 under-age persons working in hard and unhealthy working conditions. The largest number of such violations was revealed in Sumy Oblast and in the Autonomous Republic Crimea.

In 2008 violations of Article 190, LCU were revealed on work of under-age persons in hard and unhealthy conditions. The inspections revealed 26 under-age persons working in hard and unhealthy working conditions. Most violations were revealed in Mykolaiv and Ternopil Oblasts.

Inspections in 2009 did not reveal violations of Article 190, LCU.

Article 7§3

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

General legal framework

- Labor Code of Ukraine dated 10.12.1971 # 322-VIII

Part Three of Article 188, Labor Code of Ukraine stipulates that in order to prepare youth for productive work students of secondary schools, vocational and specialized secondary schools may be employed to carry out light works not harmful to health and not interfering with educational process, in the time free from studies, upon reaching age of 14 with the consent of one parent or a surrogate parent.

Article 7§4

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

3) Please supply any relevant statistics or other information on the proportion of workers not covered by these limits and the reasons why they are not covered, and state whether any particular measures have been taken to assist young persons under 18 who do not benefit from any restrictions on their working hours.

General legal framework

- Labor Code of Ukraine dated 10.12.1971 # 322-VIII

Short week or short day is established for employees studying in secondary and vocational educational institutions, their salary is preserved in accordance with current regulations, as well as other benefits (Article 208, LCU).

Pursuant to Article 187, Labor Code of Ukraine, under-age persons, i.e. persons who have not reached 18 years of age, are equaled to persons of legal age in labor legal relationship, and with regard to labor protection, working hours, leave and certain other working conditions they enjoy benefits provided for in Ukrainian legislation.

Pursuant to Paragraph 1, Article 51, LCU short working hours are established, in particular, for employees 16-18 of age – 36 hours per week, for persons 15-16 of age (pupils of secondary schools, 14-15 years of age, working during school holidays) – 24 hours per week.

Working hours for secondary school students, working during academic year in time free from studies, shall not exceed half of maximum duration of working hours indicated above for persons of respective age.

Draft of new Labor Code for under-age employees provides for limitation of daily working hours. Daily working hours (shift duration) for employees of 15-16 years of age cannot exceed 5 hours, for employees of 16-18 years of age – 7 hours, secondary and vocational school students, employed in time free from studies in light works, not harmful for their health and not interfering with educational process, of 14-16 years of age – 2.5 hours, 16-18 years of age – 4 hours.

Inspections conducted in 2007 revealed 130 cases of violation of provisions for duration of working hours for under-age employees, stipulated in Article 51, LCU. Proportion of these violations to total number of under-age employees working at the company constitutes 3.9% in companies of collective form of property, 7.5% in companies of collective form of property, 11.4% in private companies. Most cases of violations were revealed in Chernivtsy, Poltava Oblasts.

Inspections conducted in 2008 revealed 250 cases of violation of provisions for duration of working hours for under-age employees, stipulated in Article 51, Labor Code of Ukraine. Proportion of these violations to total number of under-age employees working for company constitutes 4% in companies of collective form of property, 7% in companies of state form of property, 89% in private companies. Most cases of violations were revealed in Dnipropetrovsk, Poltava Oblasts.

Inspections in 2009 revealed that 44 under-age persons worked hours exceeding working hours stipulated by legislation.

State labor inspectors took measures within the boundaries of their authorities.

Article 7§5

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please supply any relevant statistics or other information on the remuneration of young workers as well as on other appropriate allowances for apprentices, and on the adult reference wage or salary.

General legal framework

- Labor Code of Ukraine dated 10.12.1971 # 322-VIII

Pursuant to Article 187, LCU, under-age persons, i.e. persons who have not reached age of 18 years, in labor legal relations are equaled in their rights to adults and with regard to labor protection, working hours, vacations and certain other labor conditions enjoy benefits, provided for by Ukrainian legislation.

Pursuant to Article 194, LCU, wages of employees under 18 years of age with short daily working hours is paid to the same extent as to employees of this respective category with full daily working hours.

Labor of employees under 18 years of age admitted to piece work is paid in accordance with piece-rate with an additional payment according to basic rate for hours to which their work day is reduced in comparison to working hours of adult employees.

Remuneration of students of secondary, vocational and specialized secondary schools working in time free from studies is proportional to hours worked or depending on output. Companies may introduce additional payments for school students.

During industrial training, requalification or training on new professions employees receive wages in order and to the extent regulated by legislation (Article 207, LCU).

In addition, Article 209, LCU stipulates that employees studying at secondary evening schools, classes, groups with resident or distant form of education at secondary schools, are to work short week, reduced by 1 day or by respective number of work hours (in case of reduction of work days through work week). These persons are exempt from work through an academic year for no more than 36 work days in the case of 6-day work week or for respective number of work hours. In the case of 5-day work week

number of work days freed from work is replaced depending on duration of work shift, preserving the number of free from work working hours.

Employees indicated in Part 1 of this Article are paid 50 percent of average salary at the main place of employment, but no less than minimum wage for the time freed from work.

Inspections in 2007 revealed that 161 under-age persons worked without legalization of employment relationship, 150 of them were working for private companies, In addition, 53 employers were paying salaries to 84 under-age employees “in envelopes”.

Certain companies had arrears of wages to 49 under-age employees, as of the date of inspection the arrears of wages amounted to 17.9 thousand Ukrainian Hryvnia.

Inspections in 2008 revealed that 241 under-age persons worked without legalization of employment relationship, 222 of them were working for private companies. In addition, 94 employers were paying salaries to 145 under-age employees “in envelopes”.

Certain companies had arrears of wages to 86 under-age employees, as of the date of inspection, the arrears of wages amounted to 27 thousand Ukrainian Hryvnia (UAH).

Inspections in 2009 revealed that 53 under-age employees had not been paid their wages to the total sum of 17.1 thousand Ukrainian Hryvnia.

State labor inspectors took measures within their authorities.

Article 7§6

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

General legal framework

- Labor Code of Ukraine dated 10.12.1971 # 322-VIII

Pursuant to Article 201, LCU, owner or an organization authorized by the owner, organizes individual, team, class and other types of industrial training at the expense of the company, organization or institution. Aim of these activities is professional training and professional development training of employees, especially of young employees.

Pursuant to Article 202, LCU, in case when employees are undergoing industrial training or education in educational institutions in parallel with working, owner or an organization authorized by the owner shall create conditions necessary for combining work and education.

Theoretical studies and industrial training as part of in-service training for new employees conducted as individual, team and class training shall be conducted during working hours, stipulated by labor legislation for employees of respective age group, profession and industry (Article 204, LCU).

Pursuant to Article 122, LCU, job (position) of an employee is preserved for the time of resident professional development training, with reimbursement stipulated by legislation.

Article 7§7

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

General legal framework

- Labor Code of Ukraine of 10.12.1971 # 322-VIII
- Law of Ukraine of 15.11.1996 # 504/96-BP “On Vacations”

According to Part 8, Article 6 of the Law of Ukraine “On Vacations” persons under 18 years of age are granted annual leave of 31 calendar days.

Pursuant to Article 195, Labor Code of Ukraine, annual leave of persons under 18 years of age is granted for the times requested.

Annual leave for persons under 18 years of age in the first year of their employment with the company shall be granted upon their request before the 6-month term of uninterrupted employment with the company, institution, organization.

In addition, employees obtaining secondary education in secondary evening schools, classes, groups with resident or distant training at secondary schools receive additional paid leave for the period of

- 1) Final exams in main school – up to 10 calendar days;
- 2) Final exams in higher school – up to 23 calendar days;
- 3) End-of-year exams in main and higher schools – 4 to 6 calendar days.

Employees taking external examinations for main or high school receive additional paid leave with respective duration of 21 and 28 calendar days (Article 211, Labor Code of Ukraine).

Inspections did not reveal any violations of leave regulations.

Article 7§8

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

General legal framework

- Labor Code of Ukraine of 10.12.1971 # 322-VIII

Pursuant to Article 192, Labor Code of Ukraine, employees under 18 years of age shall not be employed in night works, overtime works and works on days off.

Draft of new Labor Code provides for prohibition of employment of persons under 18 years of age in night works, overtime works, works on days off, days of state and religious holidays with the exception of under-age employees participating in performing and/or creating art works allowed to work in night time.

Inspections in 2007 revealed 134 cases of employment of persons under 18 years of age in night, overtime works and works on holidays in violation of Article 192, Labor Code of Ukraine. Most cases of violation were revealed in Poltava, Chernivtsi and Zakarpattia Oblasts..

Inspections in 2008 revealed 204 cases of employment of persons under 18 years of age in night, overtime works and works on holidays in violation of Article 192, Labor Code of Ukraine. Most cases of violation were revealed in Poltava, Sumy and Ternopil Oblasts.

State labor inspectors took measures within their authorities.

Article 7§9

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

General legal framework

- Labor Code of Ukraine dated 10.12.1971 # 322-VIII

Pursuant to Article 191, LCU, all persons under 18 years of age shall be employed only after a medical examination, and further shall undergo annual mandatory medical examination till reaching 21 years of age.

In 2007, in violation of Article 191, LCU, medical examinations prior to employment were not conducted in 372 cases. Most cases of violation were revealed in private companies. In addition, inspections revealed 35 persons who had not undergone annual medical examinations.

Draft of new Labor Code also provides for mandatory medical examination prior to practical training or industrial training for under-age persons trained in professions involving carrying out of hard works, works in unhealthy or hazardous working conditions, including underground works.

In 2008, in violation of Article 191, LCU, medical examinations prior to employment were not conducted in 496 cases. Most cases of violation were revealed in private companies. In addition, inspections revealed 31 persons who had not undergone annual medical examinations.

Article 7§10

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

General legal framework

- Labor Code of Ukraine dated 10.12.1971 # 322-VIII
- Law of Ukraine dated 26.04.2001 # 2402-III “On Protection of Childhood”.
- International Labor Organization Convention # 182 „Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour ”, ratified on 14.12.2000
- Law of Ukraine dated 20.11.2003 # 1296-IV „On Protection of Public Morals”

- Law of Ukraine dated 05.03.09 # 1065-VI „On State Program “National Action Plan for Implementation of UN Convention on Children’s Rights till 2016 ”
- Criminal Code of Ukraine dated 05.04.2001 # 2341-III
- Decree of the Cabinet of Ministers of Ukraine dated 07.03.2007 # 410 „On Approval of State Program for Fight on Human Trafficking till 2010”
- Decree of the Cabinet of Ministers of Ukraine dated 16.06.2003 # 364-p „On Approval of Concept for Prevention and Elimination of the Worst Forms of Child Labor”
- Decree of the Cabinet of Ministers of Ukraine dated 29.10.2003 # 648 „On Approval of Action Plan for Implementation of Concept for Prevention and Elimination of the Worst Forms of child Labor”

In June 2002 the Government of Ukraine and International Labor Organization in the person of International Programme on Elimination of Child Labor signed Memorandum of Understanding.

In accordance with the Memorandum All-Ukrainian Monitoring Council (UMC) was established under the aegis of Ministry for Labor and Social Policy of Ukraine, chaired by the Ministry of Labor and Social Policy.

Within the framework of trilateral cooperation with the Government, trade unions and organizations of employers, ILO-IPEC Programme implemented in Ukraine “Project of Technical Assistance against Labor and Sexual Exploitation of Children, including Trafficking in Countries of Central and Eastern Europe”.

During implementation of ILO-IPEC Programme important measures were taken to support protection of children rights from economic exploitation, in particular:

- approval of Concept for prevention and elimination of worst forms of child labor and Action plan for implementation of this Concept;
- the notion “worst forms of child labor” was introduced into Article 21 of the Law of Ukraine “On Protection of Childhood” in 2005.

An important step is the passage of the Law of Ukraine “On State Program “National Action Plan for Implementation of UN Convention on Children’s Rights till 2016” (*of March 5, 2009 #1065-VI*).

National Plan provides for establishment and development of National System for Monitoring of Child Labor and Efficient Mechanisms for Prevention and Elimination of Child Labor.

Article 150, Criminal Code of Ukraine, “Exploitation of Children” provides for criminal responsibility for exploitation of children.

In 2007 17 criminal cases were opened over violations of this Article, in 2008 – 17 cases, in 2009 – 27 cases.

In 2009 Ukrainian Parliament introduced changes into Criminal Code of Ukraine, in particular it introduced Article 150-1 “Employment of Children in Begging”:

Part 1 – employment of a child by parents or surrogate parents in begging (systematic begging for money, goods, other material valuables from strangers) with the purpose of obtaining income shall be punished with limitation of freedom for up to three years or imprisonment for the same period of time;

Part 2 – same actions performed to another’s child or involving violence or threats of violence, as well as actions performed repeatedly or by a person who had previously committed a crime stipulated in Articles 150, 303, 304 of this Code or by a previous concert of a group of persons shall be punished by limitation of freedom for a term of up to five years or imprisonment for a term of three up to eight years;

Part 3 – actions provided for in Parts 1 and 2 of this Article performed by an organized group as well as such actions leading to medium or grave bodily harm shall be punished by imprisonment for a term of five up to ten years.

In 2009 87 criminal cases were opened over violations of this article.

In 2008 Ukrainian Parliament added Part 2 to Article 304 “Implication of children into criminal activities” of Criminal Code of Ukraine and introduced changes to increase responsibility of adults for perpetration of these crimes:

Part 1 – implication of under-age persons in criminal activities, intemperance, begging, and gambling shall be punished with imprisonment for a term of 3 up to 7 years;

Part 2 – same actions performed to an under-age person by his/her father, mother, step-father, step-mother, guardian or custodian or by a person vested with the function of upbringing the victim or care after the victim shall be punished by deprivation of freedom for a term of 4 up to 10 years.

In 2007 2236 aforementioned crimes were documented, in 2008 – 1982 crimes, in 2009 – 1904 crimes.

Main types of commercial sexual exploitation of children are closely intertwined:

- Child prostitution;
- Pornography;
- Child sex tourism;
- Trafficking in children.

Children who became victims of domestic violence, vagrant children, drug addicted children, children from disadvantaged families, children whose parents lead asocial lifestyle, orphaned children, children from boarding schools run higher risk of getting into the risk group and becoming a victim of commercial sexual exploitation. Under-age fugitives, lonely children with no support in a strange city are especially attractive for involvement in pornography and prostitution.

In 2007 3 crimes were revealed in violation of Article 301 “Import, production, sales and dissemination of pornographic items”, Criminal Code of Ukraine, in which under-age persons were involved in production of pornographic items, in 2008 – 12 persons, in 2009 – 16 persons.

In 2007 19 crimes were documented, stipulated in Article 303 “Procuration or involvement of a person into prostitution”, Criminal Code of Ukraine, in which

under-age persons were involved in prostitution, in 2008 – 17 persons, in 2009 – 17 persons.

Spread of prostitution and exploitation in porn-industry is foundation for trafficking in children. In most cases trafficking in children is performed with the aim to involve in prostitution or porn-industry with subsequent sexual exploitation.

In 2007 41 criminal cases were opened over violation of Article 149 “Human trafficking or other illegal agreements on a human being”, Criminal Code of Ukraine, in which victims of the crime were children, in 2008 – 31 children, in 2009 – 42 children.

The government established close cooperation with international governmental and non-governmental organizations protecting rights and legal interests of children, in particular: International Organization for Migration, Organization for Security and Cooperation in Europe, United Nation Development Programme, International women’s rights organization “La Strada – Ukraine”. Within the framework of this cooperation the following activities are performed: conduct of joint studies, drafting of legislation, development of analytical materials and methodological recommendations, publication of reference materials, holding of workshops, trainings and consultations for persons participating in fight against these crimes.

Law of Ukraine “On protection of public morals”, in particular Article 7 provides for protection of under-age persons from negative impact of sexual or erotic items.

Jointly with National Commission of Ukraine on Protection of Public Morals a decision has been made on establishment of an interdepartmental workgroup for coordination of activities and legislative initiatives in protection of public morals with participation of representatives of other central agencies of executive power, interested in this area.

Law-enforcement agencies perform monitoring of the Internet and take measures to establish registration location for web-sites with child pornography and to document persons involved in creation of these web-sites and their contents and call the responsible to account.

In cooperation with other interested agencies of state power inspections of modeling agencies, hotels, employment agencies, computer clubs and night clubs, other entertainment institutions are conducted with the aim of revealing and documenting persons involving under-age persons in prostitution, producing and disseminating pornographic items with participation of minors, as well as children who became victims of these activities and calling perpetrators to responsibility as stipulated by the law.

To raise legal awareness of the public on prevention of crimes against sexual immunity of children, exploitation and cruel treatment on the part of parents (guardians) or other persons in whose custody they are, this subject is regularly covered in mass-media, in Internet publications, in television programmes.

Resolution of the Cabinet of Ministers of Ukraine dated 07.03.2007 # 410 approved State programme for counteraction human trafficking till 2010.

The aim of this programme is to create conditions for counteraction human

trafficking and criminal activities related to it. One of the main tasks of the program is to develop a mechanism for psychological and social rehabilitation of children who suffered from human trafficking.

To implement this program in 2007 Ministry of Education and Science developed and approved in its respective decree dated 04.04.2007 Action plan for implementation of this program.

Within the framework of the aforementioned Programme a sociological study “Problems of children of labor migrants” was conducted.

Informational and educational events on prevention of human trafficking are held in educational institutions of Ukraine. Education agencies involve NGOs and legal institutions into their work. In coordination with the Ministry of Justice of Ukraine Ministry of Education and Science stipulated jurisprudence as a mandatory subject in Typical curriculum for 12-year schools (one hour per week, for 10-12th years of specialized schools – six hours per week).

Ministry of Education and Science of Ukraine approved curriculum for a non-mandatory class “Socio-pedagogic basics for prevention of human trafficking and child exploitation” and a study guide “Learn to protect yourself, say “No!” to human trafficking”.

Educational institutions conduct classes for adolescents “Trust, communication and mutual understanding”, for high school students “Rights and duties of a person in society” developed by Ukrainian Science and Methodology Center for Practical Psychology and Social Works.

To prevent negative impact on physical and psychological health of children, taking into consideration that majority of schoolchildren use phones with video cameras and Internet access devices, in pursuance of the decision of the boards of Ministry of Education and Science of Ukraine, Ministry of Internal Affairs of Ukraine, Ministry for Family, Youth and Sports of Ukraine of April 27, 2007 Resolution dated 24.05.07 # 420 was published “On use of mobile phones during education process” which prohibits use of mobile phones for all participants of educational process in educational institutions during classes.

With the aim of provision educational organizations of Ukraine on with methodological support prevention of crime, cruelty and violence among schoolchildren Methodological recommendations were developed (approved by the decision of Academic Council, Institute for Innovative Technologies and Educational Contents, Ministry of Education and Science of Ukraine, protocol # 7 of October 1, 2008).

In September 2008 courses “My rights”, and “Human rights” were introduced as elective class for students of 9th-11th years of secondary schools.

Within the framework of a monitoring study “Efficiency of introduction of the subject “Health basics” in secondary schools” conducted by Institute for Innovative Technologies and Educational Contents, Ministry of Education and Science in 2006-2009 an evaluation of preventive education for children and youth and level of their awareness on the following questions was performed:

- Child homelessness and neglect;

- Sexual behavior;
- Prevention of negative sexual images;
- Development of vital skills of safe behavior;
- Child begging;
- Legal liability for legal offences

Awareness level of 8th year students was studied on their actions in the case of an attack or mugging, legal liability for legal offences and social pathologies.

Derzhnagladpratsia has a structural department for child labor which performs coordination of joint actions of Ministry for Labor and Social Policy of Ukraine with other governmental agencies, organizations of employees and employers, NGOs on prevention and elimination of worst forms of child labor.

With the aim of development and implementation of monitoring system for child labor within the framework of the programme MOP-IPEC the project "Providing support to implementation of monitoring system for child labor in Ukraine" (April 2008 – March 2009) was implemented with the following results:

1. Implementation analysis for monitoring system for child labor in pilot regions conducted (Donetsk and Kherson oblasts in 2004-2006) and recommendations developed for introduction of modifications to legislative acts pertaining to the area of monitoring of children rights, and respective state agencies for broad implementation of monitoring system for child labor on national and regional levels;

2. Results of the analysis were used to improve handbook "Guidelines for monitoring of child labor in Ukraine" which was developed in the previous phase of the program. The handbook provides a structured monitoring model with a detailed description of authorities of organizations included into it. The handbook was published in 2000 copies and distributed to organizations involved in monitoring of child labor. In addition to the handbook two booklets were developed: a booklet on the worst forms of child labor and a booklet on monitoring of child labor;

3. In cooperation with Institute for Personnel Training of State Placement Service a training "Job placement assistance for the youth as an instrument for prevention of child labor and human trafficking – train the trainer" was conducted for vocational counselors from 27 regional placement service centers. Participants of the event (27 professional vocational counselors) were trained on conduct of trainings in basic placement centers and on work with youth and children from risk groups. As a result aforementioned professionals conduct trainings in their respective areas for professionals from placement centers on the questions of prevention of human trafficking and fight on child labor (within the framework of their authorities). Special attention was paid to vocational counseling for children and youth from groups running high risk of becoming a victim of trafficking in children and worst forms of child labor.

4. Immediate practical rehabilitation and reintegration work with children from vulnerable social groups and working children, especially in informal economy was undertaken. In total this work encompassed 5750 boys and girls in pilot regions in Donetsk and Kherson oblasts. These works included educational help, social and psychological services as well as vocational counseling and job placement assistance. 1178 youth used rehabilitation services of the project during phase II of the project.

5. Nearly 4000 parents of working or extracted children and children from risk group received legal consultation on existing employment opportunities, requalification classes for unemployed offered by State placement service, mechanisms in place for receiving state social help by low-income families. They received information on problems of child labor and possible outcomes of early employment of their children.

6. Starting from 2002 in Ukraine on June 12 World Day against child Labor. Special events with active participation of partner organizations, children and broad public are held on this day.

Documentary “Ukraine: Child Labor. Lessons Learned” and a social video created within the framework of ILO-IPEC program in Ukraine were broadcast on national TV channels and were widely used by partners of ILO IPEC in trainings on child labor as visual aid.

State labor inspectors conduct inspections on compliance with labor legislation including on under-age persons labor.

Article 8 – Right of employed women to protection of maternity

With a view to ensuring the effective exercise of the right of employed women to the protection of maternity, the Parties undertake:

1. to provide either by paid leave, by adequate social security benefits or by benefits from public funds for employed women to take leave before and after childbirth up to a total of at least fourteen weeks;
2. to consider it as unlawful for an employer to give a woman notice of dismissal during the period from the time she notifies her employer that she is pregnant until the end of her maternity leave, or to give her notice of dismissal at such a time that the notice would expire during such a period;
3. to provide that mothers who are nursing their infants shall be entitled to sufficient time off for this purpose;
4. to regulate the employment in night work of pregnant women, women who have recently given birth and women nursing their infants;
5. to prohibit the employment of pregnant women, women who have recently given birth or who are nursing their infants in underground mining, and all other work which is unsuitable by reason of its dangerous, unhealthy, or arduous nature and to take appropriate measures to protect the employment rights of these women.

Appendix to 8§2

This provision shall not be interpreted as laying down an absolute prohibition. Exceptions could be made, for instance, in the following cases :

- a. if an employed woman has been guilty of misconduct which justifies breaking off the employment relationship;
- b. if the undertaking concerned ceases to operate;
- c. if the period prescribed in the employment contract has expired.

Information to be submitted

Article 8§1

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information to demonstrate that the level of maternity benefit is adequate.

General legal framework

- Labor Code of Ukraine of 10.12.1971 # 322-VIII
- Law of Ukraine of 18.01.2001 # 2240-III “On Mandatory State Social Insurance against Temporary Disability and Expenses Caused by Birth and Burial”
- Law of Ukraine of 15.11.1996 # 504/96-BP “On Vacations”

In accordance with Article 179, Labor Code of Ukraine, on the basis of a medical certificate women are granted a paid leave in connection with pregnancy and childbirth of 70 calendar days before childbirth and of 56 (in case of giving birth to two or more children and in case of complications at childbirth – 70) calendar days after childbirth, starting on the day of childbirth.

Duration of leave for pregnancy and childbirth is calculated as a sum and totals at 126 calendar days (140 calendar days in case of giving birth to two or more children and in case of complications at childbirth). It is given to women as a block regardless of the number of days used before childbirth.

On the desire of a woman she can take a child care leave until the child reaches 3 years of age receiving during this period of time support according to the legislation.

Companies, institutions and organizations can at their own expense provide women with a partly paid leave and unpaid child care leave of longer duration.

Child care leave before the child reaches 3 years of age is not granted if the child is supported by the state.

In case when a child requires home nursing, a woman shall obtain an unpaid leave for the period of time indicated in the medical conclusion but no longer than until the child reaches 6 years of age.

Child care leave stipulated in Parts 3, 4 and 6 of this Article also can be used completely or in parts by child’s father, grand-mother, grand-father or other relatives taking care of the child in reality.

A woman or persons mentioned in Part 7 of this Article, during child care leave can work part-time or at home if desired . They also preserve the right to obtain aid during child care leave until the child reaches 3 years of age.

Pursuant to Article 38, Law of Ukraine “On Mandatory State Social Insurance against Temporary Disability and Expenses Caused by Birth and Burial” aid for pregnancy and childbirth is provided to an insured person in the form of material support compensating for the loss of wages (income) for the duration of the maternity leave.

Aid for pregnancy and childbirth is paid to an insured person for the entire period of maternity leave, duration of the maternity leave is 70 calendar days before childbirth and 56 (in case of complications at childbirth or childbirth of two or more children – 70) calendar days after childbirth. To women from categories 1-4 of Chernobyl disaster victims, aid for pregnancy and childbirth is paid for 180 calendar days of this leave (90 days before childbirth and 90 days after childbirth). Extent of this aid is

calculated as an aggregate and is provided to an insured person to the full extent regardless of the number of days of leave used before childbirth.

Aid for pregnancy and childbirth is provided to an insured person in the amount of 100 percent of average salary (income), calculated in accordance with Article 53 of this Law and does not depend on insurance record (Article 39 of this Law).

Total monthly amount of aid for pregnancy and childbirth shall not exceed maximum amount (border sum) of monthly salary (income) from which insurance contributions to state social insurance for temporary loss of working capacity and expenses resulting from childbirth and burial were paid.

Article 8§2

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

General legal framework

- Labor Code of Ukraine dated 10.12.1971 # 322-VIII
- Law of Ukraine dated 01.07.1993 # 3356-XII “On Collective Contracts and Agreements”

Pursuant to Article 184, LCU women shall not be refused in employment and their salary shall not be decreased on the grounds of pregnancy or having a child under 3 years of age, and for single mothers with a child under 14 years of age or a disabled child.

In case of refusal in employment to these categories of women, the owner or an organization authorized by the owner shall inform them on the reasons of refusal in employment in written form. Refusal in employment may be appealed in court.

The owner or an organization authorized by the owner shall not initiate dismissal of pregnant women, women with children who have not reached 3 years of age (6 years of age – Part 6, Article 179), single mothers with a child under 14 years of age or a disabled child. Exceptions are cease of operations of the company, institution, organization in which case a dismissal is allowed with obligatory further job placement. Obligatory job placement of these women is also performed in cases of their dismissal upon expiration of employment agreement.

Their average salary is preserved for the time of job search but no more than for 3 months upon expiration of employment agreement.

Inspections in 2007 revealed 12 cases of violations of Article 184, LCU in the part of prohibition of dismissal of pregnant women and women with children.

State labor inspectors took measures within their authority.

Article 8§3

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

General legal framework

- Labor Code of Ukraine dated of 10.12.1971 # 322-VIII

Pursuant to Article 183, LCU, women with children under 18 months of age in addition to general breaks for rest and meals are granted additional breaks for nursing the infant.

These breaks are granted no more than 3 hours apart for the time no less than 30 minutes each.

In the case when there are two or more infants the duration of a break is no less than an hour.

Schedule and procedure for breaks are defined by the owner or by an organization authorized by the owner in coordination with electoral organization of the primary trade union (trade union representative) of the company, institution, organization taking into consideration desires of the mother.

Breaks for nursing an infant are included into working hours and are paid for according to average salary.

Draft Labor Code of Ukraine simplifies procedure for granting breaks for nursing an infant. It stipulates that the employer defines the procedure upon written request from the mother and may envision consolidation of breaks.

Article 8§4

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

General legal framework

- Labor Code of Ukraine dated 10.12.1971 # 322-VIII

In Ukraine Article 176, LCU provides for prohibition of employment of pregnant women and women with children under 3 years of age in night works.

In accordance with Draft new Labor Code of Ukraine women with children under 14 years of age or with a disabled child shall be employed in night works only upon their written consent. Upon their consent pregnant women may be transferred to lighter works and/or works that exclude unhealthy production factors.

Article 8§5

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

General legal framework

- Labor Code of Ukraine dated of 10.12.1971 # 322-VIII

Pursuant to Article 174, Labor Code of Ukraine, women shall not be employed in hard works, in works with unhealthy or hazardous working conditions as well as in underground works with the exception of certain underground works (non-physical works or sanitary and general services).

Women shall not be employed in lifting and moving objects the weight of which exceeds limits established for women.

List of hard works and works with unhealthy and hazardous working conditions in which women shall not be employed as well as limits for lifting and moving heavy objects for women are approved by Ministry of Health of Ukraine with the approval of State Committee of Ukraine for Supervision of Labour Protection.

In accordance with Article 178, LCU, production rates, and service rates for pregnant women shall be reduced or women shall be transferred to a different, lighter work which excludes influence of unhealthy production factors with preservation of average salary on previous position.

Before the decision on transfer of a pregnant woman to a lighter work which excludes influence of unhealthy production factors in accordance with medical resolution she shall be freed from performing her work with preservation of average salary for every day missed at work at the expense of company, institution, organization.

In case of inability to perform their previous work, women with children under 3 years of age are transferred to a different position with preservation of their salaries until the child reaches 3 years of age.

In case when salary of persons indicated in Parts 1 and 3 of this Article is higher at lighter works than the salary they received before the transfer, they are paid their actual salary.

Pursuant to Article 185, LCU, owner or an organization authorized by the owner shall, when needed, issue a voucher to sanatoriums and holiday centers for pregnant women and women with children under 14 years of age or disabled children, this voucher shall be free of charge or issued on preferential terms, as well as provide them with material aid.

Draft of new Labor Code of Ukraine provides for cases in which this prohibition does not apply, i.e.: underground works for women in senior positions who do not perform physical works, are in sanitary, social and general services, study professions and are allowed to undergo a practical training in underground sections of mines if it is not related to carrying out of physical works as well as for women who are required to descend temporarily in underground sections of mines without carrying out physical works in these sections.

This draft also stipulates that women with children under 3 years of age, in case of inability to carry out their previous work shall be transferred to another position with preservation of their average salary at the previous position until the child reaches 3 years of age.

Article 16 – The right of the family to social, legal and economic protection

With a view to ensuring the necessary conditions for the full development of the family, which is a fundamental unit of society, the Parties undertake to promote the economic, legal and social protection of family life by such means as social and family benefits, fiscal arrangements, provision of family housing, benefits for the newly married and other appropriate means.

Information to be submitted

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information to show that Article 16 is applied in practice, including information on domestic violence, information on child care arrangements and housing for families, the level of family benefits, the number of recipients as a proportion of the total population, as well as information on tax benefits and other forms of financial assistance for families.

General legal framework

- Constitution of Ukraine of 28.06.1996 # 254/96-BP
- Family Code of Ukraine of 10.01.2002 # 2947-III
- Housing Code of Ukrainian SSR of 30.06.1983 # 5464-X
- Law of Ukraine of 12.01.2006 # 3334-IV “On Housing Fund for Social Purposes”
- Law of Ukraine of 05.02.1993 # 2998-XII “On Facilitation of Social Formation and Development of Youth in Ukraine”
- Law of Ukraine of 26.04.2001 # 2402-III “On Childhood Protection”
- Law of Ukraine of 23.05.1991 # 1060-XII “On Education”
- Law of Ukraine of 11.07.2001 # 2628-111 “On Preschool Education”
- Law of Ukraine of 19.06.2003 # 966-IV “On Social Services”
- Law of Ukraine of 24.01.1995 # 20/95-BP “On Organizations and Services for Child Care and Special Institutions for Children”
- Law of Ukraine of 21.11.1992 # 2811-XII “On State Aid to Families with Children”
- Law of Ukraine of 01.06.2000 # 1768-III “On State Social Aid to Low-Income Families”
- Law of Ukraine of 15.11.2001 # 2789-III “On Prevention of Domestic Violence”

- Criminal Code of Ukraine of 05.04.2001 # 2341-III
- Decree of President of Ukraine of 17.04.2002 # 347/2002 “On National Doctrine for the Development of Education”
- Resolution of the Cabinet of Ministers of Ukraine of 26.10.2000 # 1604 “State Specialized Financial Institution “On State Aid Fund for Promotion of Housing Construction for Youth”
- Resolution of the Cabinet of Ministers of Ukraine of 29.07.2002 # 1089 “On approval of State Programme for Provision of Housing to Youth in 2002-2012”
- Resolution of the Cabinet of Ministers of Ukraine of 27.12.2001 p. # 1751 “On Approval of Definition and Disbursement Procedure for State Aid to Families with Children”
- Resolution of the Cabinet of Ministers of Ukraine of 24.02.2003 # 250 “On Approval of Definition and Disbursement Procedure for State Aid to Low-Income Families”

Pursuant to the Constitution of Ukraine (Article 51) family, childhood, maternity, paternity are protected by the state.

Pursuant to Article 3, Family Code of Ukraine, family is the primary and main social unit.

Family is persons sharing joint residence, connected through common everyday life, with mutual rights and obligations.

A married couple is considered to be a family also in the case when wife and husband due to their studies, work, medical treatment, necessity to take care of parents, children or for other good cause do not share joint residence.

A child belongs to the family of his/her parents also in the case when the child does not share joint residence with the parents.

A single person has the rights of a family member.

A family is established on the grounds of marriage, blood relation, adoption as well as on other grounds not prohibited by the law and not contradicting moral standards of society.

1.Social Protection

Pursuant to the Constitution of Ukraine (Articles 47, 48) every person has the right to housing. The state creates conditions under which every citizens shall have the opportunity to build, buy or rent housing.

Citizens in need of social protection receive housing from the state and local governmental bodies free of charge or for an affordable payment in accordance with the law.

Pursuant to Law On Facilitation of Social Formation and Development of Youth in Ukraine (Article 10) the state shall provide young citizens with the right, equal to the right of other citizens to housing, the state shall facilitate housing construction for youth, construction of youth housing complexes etc.

Allocating land for individual housing construction local governmental bodies approve land quotas to be provided to young families for housing construction.

Executive power bodies, local governmental bodies in cooperation with companies, institutions and organizations develop and implement programmes for favorable housing and living conditions for youth residing in dormitories.

Young families and young citizens may receive at the expense of state budget long-term loans at preferential rates for construction and purchase of houses and apartments, for down payments in youth housing complexes, housing associations as well as for purchase of home equipment of first necessity.

Young persons moving to rural areas with manpower problems as well as local young persons employed in agriculture, processing, servicing industries for agriculture, social sphere of these communities are provided with housing and domestic facilities at the expense of the State Budget of Ukraine.

Young families without children shall pay out loans at annual interest rate of 3% of the loan.

Young families with one child are exempt from interest rate on the loan, young families with 2 children are entitled to repayment of 25% of the loan by State Budget, young families with three and more children are entitled to repayment of 50% of the loan by State Budget.

Young persons residing in rural communities and employed in agriculture, processing and servicing industries in rural areas and in local governmental bodies shall receive subsidies stipulated in the Law of Ukraine On Priority of Social Development of Rural Areas and Agriculture in National Economy.

Procedure of granting long-term preferential loans to young families and subsidized repayment of the loans is set by the Cabinet of Ministers of Ukraine.

After a birth of a child in a young family which received a loan, this family may be granted aid for repayment of the loan at the expense of the means that remain at the disposal of the company at which the young couple is employed (mother or father).

Provision of housing to young families

Solution of the housing problem for youth is one of the priority areas of state youth policy in Ukraine.

In 1993 Law of Ukraine On Facilitation of Social Formation and Development of Youth in Ukraine defined basic principles of long-term housing loans for Ukrainian youth.

State Aid Fund for Promotion of Housing Construction for Youth (hereafter "Fund") was established in Ministry for Family and Youth in 1997 upon Decree of President of Ukraine and Resolution of the Cabinet of Ministers of Ukraine. The Cabinet of Ministers of Ukraine passed Resolution On Procedure for Long-Term Loans for Young Families and Young Single Persons for Housing Construction (Reconstruction).

In accordance with the Decree of President of Ukraine, the Cabinet of Ministers of Ukraine in its Resolution dated June 2, 2000 # 885 On Organization of Housing Loans for Residents of Ukraine reorganized Fund into State Aid Fund for Promotion of Housing Construction for Youth in the Cabinet of Ministers of Ukraine. Later that year the Cabinet of Ministers of Ukraine approved in its Resolution Fund Regulations which in 2009 was transformed into Fund Charter.

Today, Fund is a specialized state financial institution with a central body, 26 regional directorates and a mortgage center in Kyiv and Kyiv oblast. Control bodies of the Fund include Supervisory Board and Board of Directors. Supervisory Board is a collegial body formed by Resolution of Government of Ukraine. Supervisory Board includes representatives of leading Ministries, representatives of public, members of parliament from all factions of the Ukrainian Parliament. Supervisory Board monitors activities of the Fund and defines strategic areas of its development, and directs the activities of the Fund to timely and comprehensive measures to solve problems of provision of housing for residents of Ukraine. The Board also distributes funds between regions of Ukraine. Board of Directors and its Chair performs daily control of the Fund.

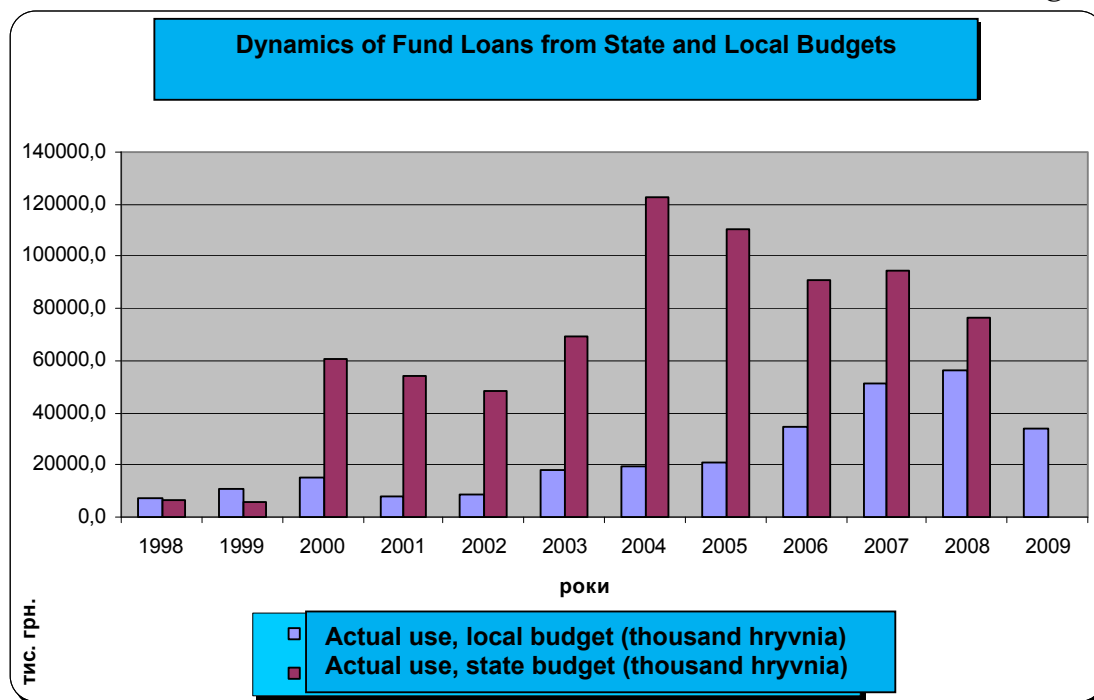
Fund is the executive agency for State Programme for Provision of Housing to Youth in 2002-2012, it implements various mechanisms of state support for young families in purchase or construction of their own housing.

Pursuant to Resolution of the Cabinet of Ministers of Ukraine dated May 29, 2001 # 584 On Procedure for Long-Term Preferential Loans for Young Families and Young Single Persons for Housing Construction (Reconstruction) and Purchase young family couples under 35 years of age, and young single citizens under 35 years of age are provided with long-term loans for construction and purchase of housing. Loans are granted for the term of up to 30 years.

Debtor without children repays the loan with an annual interest rate of 3% of the loan; debtor with one child is exempt from payment of interest, debtor with 2 children in addition to this receives 25% of the loan from budget funds to repay the loan, debtor with 3 and more children receives 50% of the loan.

Volume of loan for housing construction (reconstruction) is defined by regional directorate of the Fund, based on the norm of 21 square meters of floor area per one family member and additional 20 square meters for the family. At the same time estimated cost of 1 square meter of housing should not exceed average cost of its construction in the region based on the data of Ministry for Regional Development and Construction. In 1998-2009 Fund provided 9771 preferential long-term loans for construction and purchase of housing from state and local budgets of different levels for the total of over UAH 1.05 mln.

Figure 1.



It should be mentioned that priority for obtaining preferential long-term loans is defined on the basis of respective computerized ranking system. Every person can find out how wait-line for loans is formed and how it is moving forward. Information is published with open access on official web-site of the Fund. In this way prioritization mechanism for loans is completely transparent and the role of an employee of the Fund is purely technical.

Main social indicator of Fund's work is the fact that the mechanism of preferential long-term loans is used to overcome demographic crisis in the state.

Since Ukraine obtained independence natural population growth has been declining, "minus 5 million 109 thousand of persons". In 1990 population growth indicator was positive (30 thousand persons), in the following five years Ukraine gained frantic depopulation pace – 331 thousand persons per year on average, which remained in place till 2006.

It should be mentioned that the programme is focused on resolving the acute demographic problem in Ukraine. Subsidies (in fact, targeted subsidies) are paid for children and are increased proportional to the number of children. Birth rate in families borrowing from Fund which received housing is significantly higher than the average for this indicator in Ukraine.

Social efficiency of the State Programme for Housing for Youth increases, however, almost in all big cities demand for the loans surpasses capabilities of the budget. That is why attracting non-budgetary sources of financing is one of the constant objects of attention of the Fund. The Fund introduces innovative forms and mechanisms of provision of housing for youth. Namely, on the initiative of the Fund in 2003 the Cabinet of Ministers of Ukraine made a Resolution On Approval of Procedure for Partial Compensation of Interest Rates on Loans from

Commercial Banks for Young Families and Young Single Persons for Housing Construction (Reconstruction) and Purchase (dated June 4, 2003 # 853).

Pursuant to this Resolution debtor (young family) receives compensation to the amount of bank rate of National Bank of Ukraine.

Table 1

Implementation of Program for Partial Compensation of Interest Rates on Loans from Commercial Banks

Year	Number of agreements entered	Bank resources involved, mln UAH	Financed from State Budget, thousand UAH
1	2	3	4
2003	62	7,0	25,0
2004	1143	95,6	1500,0
2005	15800	1750,0	25000,0
2006	-	-	99250,0
2007	205	40,7	114243,0
2008	675	159,0	103729,5
2009	-	-	70000,0

It should be noted that the aforementioned Resolution of the Cabinet of Ministers of Ukraine was an innovative and effective decision which expanded opportunities of young families to obtain their first housing.

Owing to the introduction of this mechanism in 2003-2008 the Fund provided housing to additional 17885 young families and used about UAH 2.1 billion of extra-budgetary resources for implementation of State Program for Provision of Housing to Youth.

Starting from 2007 Fund implemented a pilot innovative project for preferential loans for workers of education and educational research for housing construction and purchase.

Within the framework of this program Fund provided housing to 126 families of workers of education and educational research. State budget financed UAH 25.6 million of preferential loans for workers of education and educational research for housing construction and purchase in 2007-2008.

In the past 3 years regional directorates of the Fund have been working on development and approval of regional programs for provision of housing for workers of education and educational research. The aforementioned programs have already been approved in Zakarpattia, Vinnitsia, Volyn, Sumy, Zhytomyr and Luhansk oblasts. In the respective oblasts local budgetary funds are used for preferential loans for workers of education and educational research.

State program for provision of housing for youth had broad public reaction and enjoys support of local governmental bodies. Geography of program development is represented in Table 2.

Table 2

Development of housing loans for youth in regions

Region	Funds planned in local budget of different levels in 2009					Local budgets which provided funds (2009)
	Total	Oblast	District	City	Village	
AR Crimea						
Vinnysia	6	1	3	2		4
Volyn	7	1	2	4		4
Dnipropetrovsk	3	1		2		3
Donetsk	1			1		1
Zhytomyr	2	1		1		1
Transcarpathian	1	1				1
Zaporizhzhia	4	1	1	2		1
Ivano-Frankivsk	4	1		3		4
Kyiv	2	1		1		1
Kirovohrad	1	1				1
Luhansk	3	1		2		3
Lviv	3		1	2		3
Mykolaiv	2	1		1		2
Odesa	1			1		1
Poltava	4	1		3		4
Rivne	3	1		2		3
Sumy	5	1		4		3
Ternopil	4	1	2	1		4
Kharkiv	2	1	1			1
Kherson	4	1	1	2		2
Khmelnysk	5	1	4			3
Cherkasy	3	1	1	1		3
Chernivtsy	2	1		1		2
Chernihiv	6	1	3	2		4
City of Kyiv						
City of	1			1		1

Sevastopol						
Total	79	21	19	39	0	60

The Fund has a broad network of regional directorates operating in each region of the state (in the city of Kyiv and in Kyiv oblast a mortgage center is operating).

In 2006 a self-financing enterprise “Housing Construction Directorate” (HCD) was established within the Fund. This organization acts as the customer ordering housing construction for young families on the land plots allotted to the Fund for implementation of State Program for Provision of Housing to Youth.

Table 3

Construction projects financed from state and local budgets, customer – HCD of the Fund

#	Region	Construction Address	# of apartments	Notes
1.	Volyn oblast	Kovel, Vatutina St. 70B, 1 st construction stage	30	Customer
		Kovel, Vatutina St. 70B, 2 nd construction stage	30	Customer
		Kovel, Vatutina St. 70B, 3 rd construction stage	25	Customer
2.	Transcarpathian oblast	Mukachevo, Osypenka St. 43	36	Land Plot/ Customer
3.	Luhansk oblast	Luhansk, Generala Lashina St. 185	159	Customer
		Luhansk, Generala Lashina St. 186	121	Customer
4.	Kharkiv oblast	Kharkiv, Horizont district, 2, S. Hritsevnia Ave. 14	120	Customer
5.	Khmelnitsk oblast	Khmelnitskyi, Gastello St. 15, 1 st construction stage	72	Customer
		Khmelnitskyi, Gastello St. 15, 2 nd construction stage	72	Customer
		Khmelnitskyi, Gastello St. 15, 3 rd construction stage	68	Customer

Main aim of the activities of Housing Construction Directorate of the Fund is reduction of construction costs for young families.

Childcare opportunities

All families, regardless of the race and nationality, political, religious and other beliefs, sex, social origin, well-being, place of residence, language etc. have equal access to educational services of preschool educational institutions through a wide network of preschool educational institutions of different types and forms of ownership.

According to data of State Committee for Statistics, in 2007-2009 a trend was in place for incremental increase of total number of preschool educational institutions, including urban and rural areas:

Year	Total number of preschool educational institutions	In cities	In rural area
2007	15,3 thousand	6,6 thousand	8,7 thousand
2008	15,4 thousand	6,7 thousand	8,7 thousand
2009	15,5 thousand	6,7 thousand	8,8 thousand

The right of parents to choose preschool institutions of different forms of ownership for the education of their children has been preserved. In 2007-2009 network of institutions of communal form of ownership was widened, at the same time number of state and private preschool educational institutions somewhat decreased:

Year	Number of preschool educational institutions of different forms of ownership		
	State	Communal	Private
2007	205	14 334	766
2008	202	14 601	611
2009	175	14 837	496

To satisfy needs of the families raising children with special needs, in 2007-2009 sanatorium and special compensatory preschool educational institutions for children requiring correction of physical and mental development were in places. To improve functioning of these facilities Ministry of Education and Science of Ukraine developed a guideline “On functioning of compensatory preschool educational institutions (groups)” (dated December 15, 2008 # 1/9-804). In parallel

with attending preschool institutions children receive a complex of general treatment, rehabilitation and corrective treatment:

Year	Number of compensatory preschool educational institutions	Number of children in these institutions
2007	2,5 thousand	115,2 thousand
2008	2,6 thousand	120,3 thousand
2009	2,5 thousand	119,2 thousand

More and more families choose to give their children preschool education in institutions with Ukrainian as teaching language (state language). To satisfy this need of families number of such institutions in 2007-2009 was gradually increasing, at the same time network of preschool institutions with other languages of education was preserved:

Year	Number of preschool educational institutions with different languages of education	
	Ukrainian	Other
2007	11,9 thousand	2,0 thousand
2008	12,3 thousand	2,0 thousand
2009	12,4 thousand	2,0 thousand

Constitutional right of families to equal access to education for children and to provision of quality educational services to children is realized through a more comprehensive inclusion of children into preschool education of different forms.

In order to increase such coverage of children Ministry of Education and Science of Ukraine developed guidelines “On organization of registration of preschool age children” (dated 07.05.2007 # 1/9-263), “On system of working with children not attending preschool institutions” (dated 04.10.2007 # 1/9-583), “On working hours for preschool educational institutions” (dated 24.01.2007 # 1/9-36), “On admission of children to childcare and educational institutions”, “Secondary educational institutions – preschool educational institution (dated 17.12.2008 # 1/9-812), “On performance of social and educational patronage” (dated 17.12.2008 # 1/9-611), “On organization of work of preschool educational facility with seasonal attendance of children” (dated 26.11.2009 # 1/9-812), Guideline on center

for child development has been developed (Resolution of the Cabinet of Ministers of Ukraine dated 05.10.2009 # 1124).

Inclusion of children into preschool education on the basis of preschool educational institution in 2007-2009 showed a strong dynamics characteristic both for urban and rural areas:

Year	Total number of children in preschool educational institutions	In cities	In rural areas
2007	1 137 488	916 389	221 099
2008	1 194 546	958 651	235 895
2009	1 213 890	971 446	242 444

Due to difficult social and economic situation in the county, the decrease in material well-being of numerous families, more acute problem of employment for young persons, demand for places in preschool institutions for children of early age (under 3 years of age) remains high. This demand is satisfied through organization of work of respective groups:

Year	Number of children under 18 months of age in preschool educational institutions	Number of children of 18 months – 3 years of age in preschool educational institutions
2007	4 645	201 928
2008	3 926	220 113
2009	3 258	215 640

Total percentage of inclusion of children into the system of preschool educational institutions in 2007-2009 remains at 54-56% of the total number of children of preschool age, which is a 2-3% increase in comparison with previous years. At the same time the inclusion index for preschool institutions in cities (66-68%) is higher than this index for rural area (31-33%) almost doubling it. This fact is also reflected in the difference in numbers of children in preschool institutions:

Year	Average capacity usage of preschool educational institutions (%)		
	Total	In cities	In rural area
2007	105	116	75
2008	108	119	78
2009	108	119	79

Total inclusion of children into system of preschool educational institutions has increased in the record period. Other forms of introduction of children to preschool education (other than preschool institutions) were introduced.

For families in which adults work on part-time basis or temporarily do not work and can provide childcare at home, to satisfy the right of children to education and to equal access to education, on the initiative of Ministry of Education and Science of Ukraine, groups of short-term attendance are introduced in all regions as one of the forms for obtaining preschool education.

Year	Number of short-term attendance groups	Number of children in the groups
2007	1,1 thousand	12,1 thousand
2008	Over 1,2 thousand	12,2 thousand
2009	Over 1,1 thousand	14,1 thousand

* Based on the data of State Committee for Statistics of Ukraine

In areas with no or few preschool educational institutions and in areas with insignificant number of children of preschool age 3.8 thousand groups for preparation of children for school education were organized. As of the beginning of 2009/10 academic year over 44.6 children were attending these groups.

Social and educational patronage of families with children who for various reasons do not attend preschool educational institutions becomes more widespread.

Based on the data of Oblast Directorate for Education and Science

Year	Number of children under social and educational patronage
2007	76,5 thousand
2008	108,5 thousand
2009	113,4 thousand

Resulting from the measures taken index for general inclusion of children into all forms of preschool education by the end of report period was 65,3% (in cities – 71,3%, in rural area – 49,9%). Especially notable is the positive dynamics of inclusion of 5-year old children into preschool education:

Year	Number of 5-year old children participating in preschool education (%)		
	State Committee for Statistics Data		Oblast Directorates for Education and Science Data
	Preschool educational institutions (Form 85-K)	General Education Institutions (Form 77-PBK (RVK))	All forms of preschool education (short-term attendance group, social and educational patronage etc.)
2007	65,3	5,5	86,9
2008	66,8	5,4	90,1
2009	69,8	5,9	93,5

In addition, to satisfy individual requirements of child's personality, intellectual, esthetic, motoric, communicative needs as well as requests of families for development of children in preschool educational institutions different groups for artistic development are operating: for development of logical and mathematical skills, language skills, art and esthetics groups, groups for physical training and fitness. In 2009, 613.5 thousand children attended these groups. Order of Ministry of Education and Science of Ukraine "On approval of Action Plan for improvement of foreign language raining in preschool educational institutions and in elementary school of secondary educational institutions in 2009-2012" dated 16.04.2009 # 336 provides for organization of appropriate additional educational services taking into consideration inclinations of children and parents' demands. According to the data of Oblast directorates for education and science in 2009 foreign languages were taught in 898 preschool educational institutions.

Quality of education expected by parents is ensured by professional teachers for preschool educational institutions, and their level of expertise:

According to State Committee for Statistics:

Year	Total teachers in preschool educational institutions	Out of them			
		Graduates from Institutions of Higher Education of Accreditation Levels 1-2		Graduates from Institutions of Higher Education of Accreditation Levels 3-4	
		Number	%	Number	%
2007	131,7	73,9	56,1	56,5 thousand	42,9

	thousand	thousand			
2008	136,6 thousand	74,3 thousand	54,4	61,0 thousand	44,6
2009	138,6 thousand	72,6 thousand	52,4	65,0 thousand	46,9

In comparison with 2007 number of educational workers who graduated from institutions of higher education of accreditation levels 3-4 increased by 4 %.

According to the data of Department for secondary and preschool education of Ministry of Education and Science of Ukraine, the correlation of the number of educational workers in preschool educational institutions to the total number of pupils of these institutions is 0.114 which significantly supersedes index for secondary educational institutions (0.116).

An important factor for ensuring the right of every family to social protection in preschool education for children is establishment of and compliance with appropriate conditions of targeted use of facilities in preschool educational institutions. Unfortunately there is still a significant number of preschool educational institutions renting out their facilities which leads to overburdening groups with children in comparison with established norms (Paragraph 2, Article 14, Law of Ukraine “On Preschool Education”):

According to data of State Committee for Statistics:

Year	Preschool educational institutions renting out their facilities	
	Number	% of total number of preschool educational institutions
2007	918	6,0
2008	843	5,5
2009	811	5,2

At the same time there have been positive developments in the targeted use of facilities in preschool educational institutions for educational needs of children, in particular in re-opening of facilities of the previously closed down institutions, use of facilities adapted for needs of preschool education, introduction of newly built facilities. According to the data of Oblast directorates for education and science:

Year	Number of preschool educational institutions, which renewed activities in their facilities	Number of preschool educational institutions in adapted facilities
2007	247	274
2008	238	173
2009	119	105

According to the data of State Committee for Statistics, in 2007 3 new buildings of preschool educational institutions were set in operation, in 2008 – 9 institutions, in 2009 – 3 institutions.

Exploitation safety in preschool educational institution facilities and safety of children in them, use of equipment and appliances are regulated by a number of regulatory guidelines of the Ministry of Education and Science of Ukraine, including “Guidelines on organization of life and health safety of children in preschool educational facilities” (Decree of Ministry of Education and Science dated 28.10.2008 # 985), instructive letters «On use of preschool educational institutions’ facilities” (dated 17.03.2006 # 1/9-153), “Selection and use of toys for children of preschool age in a preschool educational institution” (dated 18.07.2008 # 1/9-470), Typical list of mandatory appliances, educational manuals and visual aids and toys for preschool educational facility (order of Ministry of Education and Science dated 11.09.2009 # 509).

Right of families raising children of preschool age to social protection is provided for in Article 33, 35 of Law of Ukraine “On Preschool Education”. Pursuant to these Articles parents or surrogate parents pay for meals their children receive at state and communal preschool educational facilities to the amount of no more than 50% (in cities) and 30% (in rural areas) of total cost of the meals per day. Families with aggregate income per member of a families considering the index of advancement in prices is under subsistence minimum. Children requiring correction of physical and/or mental development, long-term treatment and rehabilitation have the right to attend state and communal preschool educational facilities with flexible working hours and stay at these facilities at the expense of the state. The state also provides means of individual correction (transportation, prostheses, means for orientation and perception of information) in the order established by the Cabinet of Ministers of Ukraine to children requiring correction of sight, hearing, musculo-skeletal apparatus.

Consultation Services for Families

Families are provided with consultation services in the following areas:

- domestic violence (crisis centers for members of families who suffered from domestic violence or have a real threat of domestic violence have been established as well as centers for medical and social rehabilitation for victims of domestic violence).

In 2009 21 crisis centers (established by non-governmental organizations) and 9 centers of medical and social rehabilitation for victims of domestic violence were operating. In 2009, 79859 families with cases of domestic violence were reported, out of these cases 2780 were children, 65684 persons were entered into preventive registry as persons with inclination to domestic violence, 2258 children were placed under social patronage and were receiving help as victims of violence. Advisory bodies (commissions) in 2009 discussed the question of provision of aid to 10339 families which suffered from domestic violence and aid to 1938 children.

Data of accounting and analysis is performed in accordance with Guideline for cooperation of Directorates (offices) for family, youth and sports, services for children, social service centers for family, children, and youth, and appropriate departments of interior for domestic violence prevention (Order of Ministry of Ukraine for family, youth and sports, Ministry of Internal Affairs of Ukraine dated September 7, 2009 # 3131/386, registered in Ministry of Justice on September 30, 2009 # 917/16933).

Ukraine has sufficient number of laws for protection of life and health of a human being from illegal pretensions, humiliation in the family. Acts of violence are also prohibited by the Law of Ukraine "On prevention of domestic violence" and Criminal Code of Ukraine: the penalty ranges from fines, public or corrective works (for light physical injuries) or deprivation of freedom of up to 3 years (bringing a person to suicide as a result of cruel treatment, systematic humiliation etc.).

Legislation also stipulates legislative liability for sexual violence (Articles 117, 120, 121). Rape offender shall be punished by freedom deprivation of 3 to 15 years. Article 126 of Criminal Code stipulates liability for insult, Article 184 stipulates liability for failure to fulfill responsibilities on raising children on the part of parents or surrogate parents.

Law of Ukraine "On Prevention of Domestic Violence" stipulates special measures for prevention of domestic violence, which are: official warning and entry into prevention registry and issuance of protective order.

A family member who performed domestic violence receives official warning on unacceptability of domestic violence under conditions of absence in his/her actions of signs of crime. The warning is delivered by local law-enforcement service or criminal police for children, the perpetrator is informed of the warning and signs a receipt. Official warning on unacceptability of domestic violence can be given to a persons who at the moment of perpetration had reached 16 years of age. In the case of domestic violence perpetrator, upon receipt of official warning on unacceptability of domestic violence, is sent to crisis center for correctional program.

Correctional program for such person is mandatory.

Family members who received official warning on unacceptability of domestic violence, are entered into preventive registry by local law-enforcement service.

Striking family members who have committed domestic violence off the registry is performed by bodies which entered the person into registry, in case

when during a year since the last case of domestic violence this person has not committed domestic violence. Procedure of entering into preventive registry and procedure for striking family members off the preventive registry, for the family members who received an official warning on unacceptability of domestic violence are approved by Ministry of Internal Affairs of Ukraine.

Upon receipt of official warning on unacceptability of domestic violence perpetrator of domestic violence can receive a protecting order issued by inspector of local police, employee of criminal service for children upon approval of Head of respective body of internal affairs and prosecutor. Protecting order does not have to be approved in the case when actions of the perpetrator of domestic violence had signs of crime. Protecting order can be issued to an indictable person who at the moment of issuance of protecting order reached 16 years of age. Protecting order can prohibit to perform certain action (actions) toward the victim of domestic violence, in particular: perform specific acts of domestic violence; seek information on the location of the victim of domestic violence, search for the victim of domestic violence in case when the victim of domestic violence is at his/her own wish at a location unknown to the perpetrator of domestic violence; visit the victim of domestic violence if he/she is temporarily staying at a location other than joint residence of family members; have telephone conversations with the victim of domestic violence.

Recovery of funds is performed on general grounds in accordance with current legislation of Ukraine. At the same time Article 14, Law of Ukraine “On Prevention of Domestic Violence” provides for recovery of funds for placing victims of domestic violence in specialized institutions for victims of domestic violence. In particular, the decision on recovery of funds from persons who committed domestic violence for placement and stay of victims of domestic violence in specialized institutions for victims of domestic violence is made by the court upon a request from administration of a specialized institution for victims of domestic violence.

Public organizations representing the interests of parents

- Union of Women of Ukraine;
- International organization “Community of Women”;
- Ukrainian Women Union;
- All-Ukrainian Women’s Public Democratic Organization “Diia”;
- All-Ukrainian Women’s Society named after Olena Teliha;
- All-Ukrainian Union of Mothers of Soldiers Fallen in Peace Time;
- National Council of Women of Ukraine;
- International Federation of Business Women “Lybid”;
- Ukrainian Association “Women in Science and Education”;
- All-Ukrainian Women enter for Information and Social and Economic Adaptation;
- Union of Women of Ukraine “For the Future of Ukrainian Children”;
- Association of Women “For Genetic Fund of Ukraine”;

- All-Ukrainian Association of Women “Solidarnist”;
- All-Ukrainian League of Ukrainian Women;
- All-Ukrainian Public Organization for Human Protection “League of Voting Women of Ukraine “50/50”;
- International Charity Organization “Nadiia I zhytlo dlia ditey” (“Hope and Housing for Children”);
- Communal Parliament of Women of Ukraine;
- All-Ukrainian Charity Fund of Hope and Good;
- Ukrainian Fund “Women of Chernobyl”;
- International public organization “Troianiv shliah” (“Troy’s Path”);
- All-Ukrainian Public Organization “Union of Country Women of Ukraine”
- International women’s rights organization “La Strada – Ukraine”;
- All-Ukrainian Public Organization “Women’s Consortium of Ukraine”;
- All-Ukrainian Movement “Men against Violence”.

2. Legal defense

Pursuant to Family Code (Paragraphs 6, 8, 10, Article 7) a woman and a man have equal rights and responsibilities in family relations, marriage and family.

Regulation of family relations shall be performed with maximum possible consideration of interests of children and incapacitated members of the family.

Every member of family relations has the right to seek defense in court.

Right of a married couple to joint ownership (Article 60): property acquired during marriage belongs to both wife and husband based on the right to joint ownership including cases when one of the spouses on a good cause (studies, housework, childcare, illness etc.) did not have independent income.

Everything acquired during the marriage, with the exception of objects of personal use, is object of joint ownership of spouses.

Wife and husband have equal rights to ownership, use and control of property which they own on the grounds of joint ownership unless other is provided for in an agreement between them (Article 63).

Mother and father have equal rights and responsibilities before a child, whether or not they have been married.

Termination of a marriage of parents, acquiring a separate residence from a child does not influence the extent of their rights and responsibilities before a child (Article 141).

Questions of upbringing of a child are decided jointly by parents.

Parent residing separately from a child shall participate in upbringing of the child and has the right to personal contact with the child.

Parent residing with the child shall not have the right to hinder the parent residing separately from the child in his/her communicating with the child,

participating in the child's upbringing, in the case when this communication does not pose an obstacle to normal development of a child (Article 157).

In case of disputes on participation of the parent residing separately from the child in upbringing of the child, on mothers/ father's request Child Protection Services define ways of participation in upbringing of the child for the parent, residing separately from the child (Article 158).

In the case when parent residing with the child raises obstacles to the parent residing separately for his/her communication with the child and participation and his/her upbringing, in particular when this parent evades the decision of the Child Protection Services, the other parent has the right to file a lawsuit in court seeking to remove these obstacles.

Court defines ways of participation of one of the parents in upbringing of a child (periodic or regular meetings, opportunity to spend holidays together, opportunity for a child to visit the other parent's residence etc), location and time of their communication (Article 159).

With regard to the right of parents and children to property, pursuant to Family Code (Articles 173, 174, 175, 177, 178, 179 Section 14) parents and children, in particular these residing together may be independent owners of property.

Settling a dispute between parents and juvenile, and under-age children, residing together, concerning ownership of property, objects are regarded to be property of their parents unless otherwise ruled by court.

Property purchased by parents (parent) for development, education and raising the child (clothing, other items of personal use, toys, books, musical instruments, sports equipment) is property of a child.

Property acquired by parents and children at the account of their joint labor or joint funds belongs to them on the right to joint ownership.

Parents administer property of a young child without a special authorization.

Parents of a juvenile child do not have the right to perform following legal actions regarding the property rights of a child without a permission from Child Protection Services:

- enter into agreements which require notarization and/or must be entered into state registries, including agreements on division or change of house, apartment;
- give out written obligations on behalf of a child;
- renounce property rights of a child.

Parents shall settle all issues on administration of child's property together, unless other is provided for in an agreement existing between them. Disputes arising between parents on administration of child's property may be settled by Child Protection Services or in court.

Upon completion of administration, parents shall return the property they administered and the profits from this property to the child.

Undue performance of the responsibilities on administration of property on the part of parents may pose grounds for imposition of an obligation on them to repay material damages caused and return profit from administration of property.

Profit obtained from the use of property of juvenile child may be used by parents for the purposes of upbringing other children and for immediate needs of the family.

An under-age child administers profits from his/her property in accordance with Civil Code of Ukraine.

Alimony payments for a child is the property of the parent to whose name the alimony payments are made and shall be used for designated purpose.

Under-age child has the right to participate in administration of alimony payments received for his/her support.

In the case of death of the parent with whom the child was residing, alimony payments are property of the child.

Guardian manages alimony payments received for support of a juvenile child.

Under-age child has the right to receive alimony payments personally and manage them in accordance with Civil Code.

3. Economic Protection

Law of Ukraine “On State Aid to Families with Children” and “On State Social Aid to Low-Income Families” define notions “family with children”, “low-income family”, “subsistence minimum for a family” and “monthly average aggregate income”.

Family with children is a group of persons connected through family ties and obligations on support in which their own, adopted and guarded children are raised.

Low-income family with children is a family which for good reasons or reasons beyond its influence has monthly average aggregate income under subsistence minimum for a family.

Subsistence minimum for a family is a sum of subsistence minimums defined for every family depending on its composition, calculated and approved in accordance with the Law of Ukraine “On Subsistence Minimum” for persons belonging to the main social and demographic population groups.

Monthly average aggregate income of a family is the average income of all family members from all sources per month calculated based on the data for 6 months prior to the application of the family for state social aid.

Article 3, Law “On State Aid to Families with Children” provides for the following types of state aid to families with children:

- aid for pregnancy and childbirth (to persons not insured in the mandatory state social insurance system);
- aid for childbirth;
- aid for childcare till the child reaches 3 years of age;
- aid for children in custodial or guardian care;
- aid to single mothers;
- aid after adoption of a child – starting from January 1, 2009.

Foreign citizens and persons without citizenship with permanent residence in Ukraine as well as persons with refugee status in Ukraine have equal right to state aid as the citizens of Ukraine on conditions stipulated by this Law, other laws of international treaties of Ukraine approved as mandatory by the Parliament of Ukraine.

Procedure of granting and payment of state aid to families with children is approved by the Resolution of the Cabinet of Ministers of Ukraine dated December 27, 2001 # 1751.

Pursuant to the Constitution of Ukraine, the Law of Ukraine “On State Aid to Families with Children” institutes level of material aid for families with children guaranteed by the state and provided for by state financial aid taking into account composition of the family, its income and the age of children and aimed at ensuring priority of the state aid to families with children in the general system of social protection of population.

Expenses for the state aid to families with children are covered by the funds of the State budget of Ukraine in the form of subventions to local budgets.

Procedure of covering expenses stipulated in Part one of this Article does not cover payments of aid for pregnancy and childbirth to women serving in the Armed Forces of Ukraine, State Border Service of Ukraine, Security Service of Ukraine, External Intelligence Service of Ukraine, Civil Defense Forces and other military formations as well as in Special state Transpiration Service and belonging to State Service for Special Communications and Information Protection and State Criminal Executive Service of Ukraine. Expenses for the payment of this state aid to these categories of women are covered by respective budgets (Article 4 of the Law).

State social aid to low-income families (hereafter – state social aid) is monthly aid provided to low-income families in monetary form to the extent which depends on the amount of average monthly aggregate income of the family.

The amount of state social aid is defined as the difference between family subsistence minimum and its monthly average aggregate income calculated according to the methods developed by an authorized central executive body for labor and social policy but the amount of this aid cannot exceed 75% of subsistence minimum for a family.

Until economic situation in Ukraine stabilizes the amount of state social aid shall be defined considering the level of ensuring of subsistence minimum.

Level of ensuring of subsistence minimum is defined based on real possibilities of the spending part of the State Budget of Ukraine and is approved simultaneously with adoption of the Law on State Budget of Ukraine for respective year (Article 5 of this Law).

At the expense of local budgets and special established regional funds for social aid, local governmental bodies can allocate additional payments in addition to the rates of state social aid approved in accordance with this Law based on the approved regional subsistence minimum.

All types of state aid to families with children are allocated and paid by agencies for labor and social protection of population according to the place of residence of parents (adoptive parents, guardian, foster parent).

Starting from January 1, 2007 childcare aid until the child reaches 3 years of age has been provided to the extent equal to the difference between 50% of subsistence minimum for able-bodied persons and monthly average aggregate income of a family per person for the previous 6 months but no less than UAH 90 for non-insured persons and no less than 23% of subsistence minimum established for able-bodied persons, for insured persons (Article 56, Law of Ukraine “On State Budget of Ukraine for 2007”).

That is, maximum amount of this aid for insured and uninsured persons totaled at: starting from January – UAH 262.50, starting from April – UAH 280.50, starting from October – UAH 284.00.

Minimum amount of this aid totaled at: starting from January 1 – UAH 120.75, starting from April 1 – UAH 129.03, starting from October 1 – 130.64, for uninsured persons – UAH 90.

Starting from 2007 childcare aid until the child reaches 3 years of age for insured persons is financed from State Budget of Ukraine.

Aid at childbirth is provided to one parent of the child, to a guardian permanently residing with the child, to create appropriate conditions for full support and education of the child.

The amount of aid for childbirth in 2007 was UAH 8500.

To overcome demographic crisis and create appropriate conditions for healthy development of a child, starting from January 1, 2008, increased amounts of aid were introduced in the case of birth of 2nd, 3rd and every following child.

Aid for birth of a child, born after December 31, 2007 is provided to the amount of UAH 12240 for the first child, 25000 for the second child, 50000 for the third and the following child. This aid is paid in one payment at the birth of the first child to the amount of UAH 4800, second child – UAH 4840, third and the following child – UAH 5000, the rest for the first child is paid over the period of the next 12 months (UAH 620 monthly), for the second child – 24 months (UAH 840 monthly), third and following child – 36 months (UAH 1250 monthly) in equal parts.

Starting from January 1, 2007, in accordance with the Law “On State Aid for Families with Children” dated March 22, 2001 # 2334-III aid for children to single mothers, single adopters (widows, widowers), mother (father) of a child in the case of death of one of the parents, whose marriage had been terminated before the day of death, with children under 18 years of age (if children undergo residence studies in higher educational institutions of 1-4 levels of accreditation and vocational educational institutions – until the child graduates from these educational institutions but no longer than until the child reaches 23 years of age) has been provided to the amount of difference between 50% of subsistence minimum for a child of respective age and monthly average aggregate

income of a family per person for the previous 6 months but no less than 30% of subsistence minimum for the child of respective age.

Maximum amount of this aid was: for the child of 6 years of age – from January 1 – UAH 217, starting from April 1 – UAH 231.5, starting from October 1 – UAH 235. For a child 6-18 years of age respectively UAH 279, UAH 297.5, and UAH 302.0.

Minimum amount of aid – 30% of subsistence minimum for a child of respective age (for a child of under 6 years of age – starting from January 1 – UAH 130.20, starting from April 1 – UAH 138.90, starting from October 1 – UAH 141.0; for a child of 6-18 years of age UAH 167.40, UAH 178.50, and UAH 181.20 respectively).

Social protection of low-income families, to include families with children, is performed in accordance with the Law of Ukraine “On State Social Aid for Low-Income Families”. The criteria for definition of the right to the aid is the income of the family in comparison to the subsistence minimum level.

In 2007 level of ensuring subsistence minimum was for able-bodied persons UAH 121, for non-able bodied persons UAH 170.50, for disabled persons – UAH 181.50.

In addition, for every child in a low-income family the level of ensuring subsistence level was increased by 10% and totaled starting from January 2007 at UAH 187.55. For every child of a single mother, for every child with one or both disabled parents (invalids of 1st or 2nd category), and for every child in low-income families with many children with three or more children under 16 years of age (under 18 years of age, when a child undergoes studies) – up to 20%, totaling at UAH 204.60.

In 2008 this level for able-bodies persons was UAH 133.00, for non-able-bodied persons – UAH 187.50, for disabled persons – UAH 200.00.

To increase state social aid to low-income families with many children, in 2008 the level of ensuring subsistence minimum for children in families with many children was significantly raised.

In particular, for every child in a low-income family with three or more children under 16 years of age (under 18 years of age for children undergoing studies), level of ensuring subsistence minimum (guaranteed minimum) was 50% of subsistence minimum established for a child of respective age (for children under 6 years of age – starting from January UAH 263, starting from April 1 – UAH 269, starting from July – UAH 270, starting from October – UAH 278.50; fro children of 6-18 years of age – UAH 331.5, UAH 339, UAH 340, UAH 350.5 respectively).

In 2009 level of social aid for citizens reached in 2008 was preserved.

One of the main areas Government’s work in 2009 was provision of state aid for citizens who lost employment, wages or part of their wages as a result of financial crisis.

To provide for this aid to low-income families in the shortest term the Cabinet of Ministers of Ukraine adopted Resolution dated December 20, 2008 # 1084 “Certain questions of definition of aggregate income of families for particular

types of social aid” which changed procedure for calculation of family’s aggregate income for allocation of social aid. Period of time for calculation of family’s income was reduced from 6 to 3 months. Citizens who lost employment in this period of time and registered according to established procedure as unemployed, indicate unemployment payments instead of wages for the previous six months for the calculation of aggregate income. It made possible for many families who lost their jobs as a result of decrease in production to receive state aid for children, subsidies for utility payments in the shortest term possible.

On 2009 maximum amount of childcare aid for a child under 3 years of age was raised from 50% of subsistence minimum approved for able-bodied persons to 75% (UAH 501.75). Starting from November 1, 2009 – UAH 558.

Aid for children raised in families of guardians (foster families) provided in accordance with the Law of Ukraine “On State Aid for Families with Children” was doubled from one to two subsistence minimums for the child of respective age. The amount of this aid for a child under 6 years of age was raised from UAH 557 to UAH 1114, and for a child of 6-18 years of age – from UAH 701 to UAH 1402.

Starting from January 1, 2009 aid for adoption of a child were introduced in the amount of UAH 12240.

State aid through social aid system over 2 million of families and citizens in need of support received state aid. General budget expenses for aid for families with children, low-income families, state aid to persons disabled from childhood and disabled children were UAH 16.5 billion (in 2008 – UAH 13.0 billion, in 2007 – UAH 10.2 billions).

As of 01.01.2010 1886.02 thousand persons were receiving aid for families with children to include aid for pregnancy and birth – 259.1 thousand persons; aid for childbirth – 504.5 thousand persons, aid for childcare until the child reaches 3 years of age – 794.8 thousand persons, for children under guardianship or foster care – 84.6 thousand persons, for children of single mothers – UAH 241.4 thousand persons, for adoption of a child – 1.6 thousand persons.

Payments of aid to families with children, low-income families, state aid to persons disabled from childhood and disabled children are made without delays in the timeframes approved.

Article 17 – The right of children and young persons to appropriate social, legal and economic protection

With a view to ensuring the effective exercise of the right of children and young persons to grow up in an environment which encourages the full development of their personality and of their physical and mental capacities, the Parties undertake, either directly or in co-operation with public and private organisations, to take all appropriate and necessary measures designed:

1. a. to ensure that children and young persons, taking account of the rights and duties of their parents, have the care, the assistance, the education and the training they need, in particular by providing for the establishment or maintenance of institutions and services sufficient and adequate for this purpose;
- b. to protect children and young persons against negligence, violence or exploitation;
- c. to provide protection and special aid from the state for children and young persons temporarily or definitively deprived of their family's support;
2. to provide to children and young persons a free primary and secondary education as well as to encourage regular attendance at schools.

Information to be submitted

Article 17§1

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, in particular on the number of public and private schools, their geographical distribution in urban and rural areas, average class sizes and the ratio teacher per pupil; figures on primary and secondary school enrolment; on the number of children in the care of the State, the number placed with foster families and in institutions, the number of children per unit in child welfare institutions; on the number and age of minors in pre-trial detention or imprisoned or placed in a disciplinary institution.

General legal framework

- Constitution of Ukraine dated 28.06.1996 # 254/96-BP
- Family Code of Ukraine dated 10.01.2002 # 2947-III
- Law of Ukraine dated 24.04.2001 # 2402-III „On Protection of Childhood”

- Law of Ukraine dated 14.01.2009 # 862-VI „On Ratification of European Convention on the Legal Status of Children Born out of Wedlock”
- Law of Ukraine dated 13.01.2005 # 2342-IV „On Ensuring Organizational and Legal Conditions for Social Protection of Orphaned Children and Children Deprived of Parental Care”
- Law of Ukraine dated 15.11.2001 # 2789-III „On Prevention of Domestic Violence”
- Criminal Code of Ukraine dated 05.04.2001 # 2341-III
- Code of Criminal Procedure of Ukraine dated 28.12.1960 # 1001-05
- Law of Ukraine dated 24.02.1995 # 20/95-BP „On Agencies and Services for Children and Special Institutions for Children”
- Resolution of the Cabinet of Ministers of Ukraine dated 11.05.2006 # 623 „On Approval of State Program for Overcoming Child Vagrancy and Neglect for 2006-2010”
- Resolution of the Cabinet of Ministers of Ukraine dated 05.11.1991 # 311 „On Delineation of State Property of Ukraine into National (republic) Property and Property of Territorial units (communal) property”

Legal Status of Children

Pursuant to Family Code of Ukraine (Article 6) a person has the legal status of a child until reaching full age.

A child is considered to be juvenile until he/she reaches 14 years of age.

A child is considered to be under-age in the age of 14-18 years.

Pursuant to the Constitution of Ukraine (Article 52) children are equal in their rights regardless of their origin or having been born in or out of a wedlock.

Law of Ukraine “On Ratification of European Convention on the Legal Status of Children Born out of Wedlock” entered into force on February 16, 2009.

European Convention that became part of Ukrainian legislation is another step our state made to ensure effective compliance with and performance of children’s right.

Law of Ukraine “On Protection of Childhood” (Article 11 and 12) in particular, stipulates that a family is a natural environment for physical, spiritual, intellectual, cultural, and social development of a child, his/her material support and is responsible for creation of necessary conditions for such development.

Every child has a right to live in a family with parents or in the family of one parent and right to prenatal care.

Father and mother have equal rights and duties regarding their children. The object of main care and the main duty of parents is to provide for interests of their child.

Upbringing in a family is the basis of development of a child’s personality. Each of the parents has equal responsibility for upbringing, education and development of a child. Parents or surrogate parents have the right and must raise the child, take care of his/her health, physical and moral development, education,

create conditions necessary for development of child's natural talents, respect child's dignity and prepare the child for independent life and work.

Upbringing of a child shall be focused at the development of his/her personality, respect of the rights and freedoms of a human being and citizen, language, national, historical and cultural values of Ukrainian and other nations, preparation of the child to cognizant life in society in the spirit of mutual understanding, peace, compassion, provision of equality of all members of society, peace and friendship between nations, ethnic, national, and religious groups.

State supports parents or surrogate parents in performance of their duties on upbringing of children, protects rights of family, helps the development of network of institutions for children.

Family Code (Article 152) stipulates in particular that a child has the right to seek protection of his/her rights and interests in Child Protection Services, other governmental bodies, local governmental bodies and public organizations.

Child has the right to seek protection of his/her rights and interests immediately in court, in case when the child reached 14 years of age.

In the questions of marriage age, pursuant to Family Code of Ukraine (Article 22) marriage age for a woman constitutes 17, for a man – 18 years of age.

In accordance with Article 23, on request of a person who has reached 14 years of age, this person may obtain the right to marriage on the decision of the court, in the case when it is established that it is in his/her interests.

Social Protection of Children

State policy for protection of children rights in Ukraine is focused at the reform of the system of guardianship over orphaned children and children deprived of parental care. One of priority tasks in reaching the set goal is implementation of State targeted social program for reform of institutions for orphaned children and children deprived of parental care, in particular, creating equal conditions for education and search for new forms of support of children requiring social protection and state help.

Comprehensive plan for development of education in 2009-2013 stipulates activities for enlargement of boarding school for orphaned children and children deprived parental care in accordance with State Program of Reform.

It is important to note that every year number of orphaned children and children deprived of parental care is decreasing. If in 2006 in Ukraine there were 102.9 thousand, in 2009 the number decreased significantly – 100.8 thousand.

However today as in the previous years the question of upbringing children o this category in boarding school remains relevant. In the education system there are 192 educational institutions in which 15.9 thousand children are raised and educated:

- 114 orphanages (5.2 thousand children);
- 33 special schools – boarding school for orphaned children and children deprived of parental care (4.0 thousand pupils);
- 45 boarding schools (6.7 thousand children).

In addition around 11.4 orphaned children and children deprived of parental care study in secondary schools and special secondary schools (boarding schools).

Due to development of family forms of upbringing for orphaned children and children deprived of parental care, certain changes took place in the age composition of boarding school pupils.

Number of pupils in these institutions in 2009 decreased (in comparison to 2007):

- 22 % decrease in the age 3-6 years;
- 31 % decrease in the age 7-15 years;
- 11 % decrease in the age 16 years till full age.

In comparison with 2008 these numbers increased:

- 1 % increase in the age 3-6 years;
- 20 % increase decrease in the age 7-15 years (*decreased*);
- 2 % increase in the age 16 years till full age.

Table 1. Composition of pupils in boarding schools for orphaned children and children deprived of parental care

Type of institution	Year	Under 6 years of age	7-15 years	Over 16 years of age
	2007	357	7093	1695
Secondary boarding schools for orphaned children and children deprived of parental care	2008	276	6115	1535
	2009	280	4918	1517

In boarding schools for orphaned children and children deprived of parental care children are provided full support by the state which means their lodging, education, meals, clothing, shoes, items of hygiene etc. free of charge.

To implement State Targeted Social Aid Program for Reforming this System of Institutions for Orphaned children and Children deprived of Parental Care efficiency of every institution, material and technical base, needs of pupils in the institution are monitored for efficiency in every region of Ukraine; measures are developed to decrease number of pupils in orphanages and bringing the numbers in accordance with current legislation; creating conditions in every institution close to these in family; experimental activities for establishing institutions of new type in the educational system are taken.

In addition, today in all boarding schools new forms of upbringing and education of children, small-scale family groups are created based on family and age factors.

Renewal of preschool sections in secondary boarding schools for orphaned children and children deprived of parental care and involvement into educational process of children raised in families, especially children in need of physical and/or mental development remains one of the priority questions in all regions of Ukraine.

In the last two years educational and equipment basis of boarding schools for orphaned children and children deprived of parental care has significantly strengthened in Vinnytsya, Volyn, Dnipropetrovsk, Donetsk, Zhytomyr, Kyiv, Lviv, Mykolaiv, Rivne, Kharkiv, Kherson oblasts, in the cities of Kyiv and Sevastopol. Separate educational and recreational facilities were built in the institutions of these regions, communication lines were reconstructed, technological and medical equipment was repaired or replaced, computers, audio and video equipment were purchased.

Profound analysis of the reasons for orphanage and to overcome this problem reaches national scale of importance and moves into focus of concerns and intense attention of the bodies of state authorities and local governmental bodies as well as of the broad public.

Ministry of Education and Science of Ukraine developed and improved actions for support of boarding schools which include strengthening of material and technical basis of existing institutions and studying the possibility of establishing in each district, in a city of oblast significance of small-scale institutions taking into account location of a child, creation of conditions for development of a competitive personality. State policy for phased improvement of boarding school system for orphaned children and children deprived of parental care is being implemented.

Attention should be paid to the experience of boarding schools for orphaned children and children deprived of parental care in Radomyshl, Berdychiv (Zhytomyr oblast), Volodymyr-Volynsk in the area of creating family groups in which pupils can live.

Institutions of new type, ensuring appropriate conditions for upbringing and life of children in separate houses were opened: orphanages “Maliatko” (Kyiv), “Sonechko” and “Romashka” (Dnipropetrovsk oblast), “Teremok” and “Radist” (Kherson oblast). Facilities of these institutions remind more a family house than of a traditional boarding school and teacher performs mother’s functions.

Apart from guardianship, adoption and family forms of upbringing, Ukraine, as other countries of the world has a boarding system of education.

Overwhelming majority (around 73%) of orphaned children and children deprived of parental care is boarded in these institutions in educational system, which places an enormous responsibility on them for forming personality and preparation of these children to independent life.

Boarding school system for support and upbringing of orphaned children remains in the first place in the system of state guardianship and protection of orphaned children due to its wide network, regulated activities and ability of fast placement of children.

In connection with the decrease in the numbers of orphaned children in boarding schools, the process of enlarging the facilities is under way which allows

to create comfortable daily conditions, family atmosphere and introduction of innovative educational methods.

Due to the efforts of these institutions, the system of boarding schools has had qualitative changes and obtained positive experience. At the same time the boarding school system requires attention of the state, financial support at the level equal to the support provided to alternative institutions.

Ministry of Education and Science of Ukraine supports the idea of search for new forms of support for pupils in boarding schools, studies experience of other countries and has own developments in this area.

In particular, in Kyiv oblast, boarding schools in Bucha, Pereiaslav-Khmelnitskiy, Volynsk were reorganized.

In addition in the Fastiv Oblast lyceum boarding school is operating with specialization in mathematics and natural sciences, Kyiv oblast lyceum-boarding school for physical culture and sports, and higher pedagogical school of kobzars in Kyiv are also working providing advantages to orphaned children.

Conditions have been created for socialization of pupils from special boarding school #12 in Kyiv.

To implement the Resolution of the Cabinet of Ministers of Ukraine dated October 17, 2007 # 1242 “On approval of Targeted state social program for reform of system of institutions for orphaned children and children deprived of parental care” the Ministry developed:

Comprehensive plan for development of education in 2009-2013 which envisions measures for enlargement of boarding schools for orphaned children and children deprived of parental care in accordance with the State Reform Program.

- order of Ministry of Education and Science dated 15.11.07 p. # 1009 which approved Activities for implementation of Targeted state social program for reform of system of institutions for orphaned children and children deprived of parental care.

Extremely interesting and innovative is the experience obtained Oblast Sanatorium and Recreational Center for social rehabilitation of orphaned children and disabled children “Smaragdove misto” in Donetsk oblast. Main aim of the Center is to perform comprehensive social, pedagogical, and medical rehabilitation, vocational consultations for children from preferential categories, providing them with important skills for independent life. At the same time the Center is a research and methodology unit with a laboratory for innovative research where innovative approaches in social and rehabilitation area in education process with their subsequent generalization and implementation in educational institutions are developed, studied and provided with scientific basis.

In parallel to these activities target work for overcoming objective reasons for negative impact of institutionalization on child’s personality is conducted, as well as search for improving conditions of their stay. In this regard, in Yasenitski orphanage (Rivne oblast) experimental activities for education and social adaptation of children with complicated forms of mental deficiencies of preschool and schooling age were introduced.

In Bucha specialized secondary boarding school for orphaned children and children deprived of parental care with in-depth study of foreign languages (Kyiv oblast), gifted children of this category and children from families are educated.

Oleksandriyska boarding school for orphaned children and children deprived of parental care is an institution with modern conditions of upbringing (Rivne oblast).

The aim of activities in the reorganized institutions to ensure readiness of a child for independent life. It is important that upon leaving the system of boarding school or after upbringing in a family a child or a person from the category of orphaned children or children deprived of parental care, finding himself/herself in society do not have to solve unsolved problems concerning housing, property, work etc.

The following questions remain the priority:

- focus efforts on creation in boarding institutions for orphaned children and children deprived of parental care conditions, close to the conditions of life in a family, in accordance with Orders of the President of Ukraine “On additional measures for protection of rights and legal interests of children”, “On conduct in Ukraine in 2008 of Year of support to national adoption and other forms of family upbringing for orphaned children and children deprived of parental care”;

- introduction of new forms for support of pupils in boarding institutions within the framework of implementation of Targeted state program “On reform of boarding institutions for orphaned children and children deprived of parental care”;

- monitoring of efficiency of boarding schools for orphaned children and children deprived of parental care;

- correction and implementation of developed regional programs for reforming boarding institutions for the children of this category.

- introduction of social passport system for children at boarding institutions for orphaned children and children deprived of parental care;

- involvement of broad public, sponsors, charities to solving the problem of social protection of children of this category.

Annex a

Total number of orphaned children and children deprived of parental care in regions

(as of end of year, persons)

	2004	2005	2006	2007	2008	2009
Ukraine	97590	97829	102912	102924	103542	100787
Autonomous						

Republic Crimea	6229	5882	5974	5682	5337	4863
Vinnitsya	2912	2798	3102	3185	3261	3216
Volyn	1662	1787	1770	1798	1860	1867
Dnipropetrovsk	10392	10771	10963	11058	10947	10355
Donetsk	14742	13715	13815	12270	11755	11153
Zhytomyr	2090	3056	3543	3842	3947	3928
Zakarpattia	1509	1597	1477	1721	1971	2124
Zaporizhzhia	4028	4080	4702	4777	4831	4785
Ivano-Frankivsk	1338	1431	1626	1576	1618	1625
Kyiv	3753	3632	3645	3796	3806	3849
Kirovograd	2617	2193	2876	3340	3479	3556
Luhansk	5449	4869	5580	5684	5652	5421
Lviv	2197	2318	2425	2553	2718	2842
Mykolaiv	3507	3499	3784	4357	4570	4451
Odesa	7391	7548	7651	7297	7192	6885
Poltava	3107	2931	2894	3090	3039	2911
Rivne	1602	1638	1727	1756	1811	1782
Sumy	2555	2680	2704	2670	2670	2617
Ternopil	926	925	1005	1080	1199	1234
Kharkiv	5070	5211	5714	5704	5629	5247
Kherson	2878	2835	3620	3114	3336	3406
Khmelnysk	2516	2676	2108	2549	2384	2462
Cherkasy	2405	2402	2746	2705	2873	2789
Chernivetsy	1101	1229	1087	1097	1225	1258
Chernihiv	1745	2204	2723	2775	2985	2915
City of Kyiv	3170	3230	2958	2770	2751	2618
<u>City of Sevastopol</u>	699	692	693	678	696	628

With regard to children with severe physical and mental deficiencies, agencies for labor and social protection of population provide care after this category of children through the network of 55 boarding schools-orphanages.

Number of boarding schools-orphanages in the system of agencies of labor and social protection of population

Year	Number of boarding schools-orphanages	Actual number of boarding places	Number of children residing in these facilities
2007	56	8587	5050
2008	55	8308	4357
2009	55	8183	4433

In the last years decrease in the number of pupils in orphanages of the Ministry of Labor has been preserved, today these institutions have over 1 thousand unoccupied places. In addition, the practice has been introduced to provide children with severe forms of disablement with secondary education. At this time around 200 children study based on secondary school curriculum.

In accordance with the Resolution of the Cabinet of Ministers of Ukraine dated 05.11.91 # 311 “On Delineation of State Property of Ukraine into National (republic) Property and Property of Territorial units (Communal) Property” boarding schools within the system of labor and social protection of population were transferred to communal property of oblasts, they are established, reorganized and eliminated by the decision of local governmental authorities with the approval of Ministry of Labor. In accordance with Budget Code of Ukraine boarding schools are financed by local budgets.

Guiding document for boarding schools today is Standard regulations on boarding schools, youth department of boarding school-orphanage in the systems of labor and social protection of population, approved by Decree of Ministry of Labor dated 02.04.2008 # 173 registered in Ministry of Justice on 23.07.2008 #675/15366.

Ministry of Labor and Social Policy of Ukraine developed a project for stated minimum standards for quality of services of long-term care and residence of children with severe physical and mental deficiencies (hereafter “Standard”).

Quality standards and regulation frameworks in which they are supposed to function should be considered within the context of general goals of government’s policy for persons requiring long-term resident care. The aim and task of the standards are based on the need to support and encourage independence where it is possible using individual approach for satisfaction of changing problems. Standards are based on understanding of society to provide care and create conditions for development of children with severe physical and mental deficiencies to increase their capabilities to conduct full and decent life and guarantee accessibility of services, protection of rights and dignity of a child.

Standards are based on the principle of normalization which means that children with physical and mental deficiencies have the right to live and develop in the same conditions with other children of the same age, even when they require long-term care. In addition, this document stipulates mandatory actions of providers of services for protection of children from cruel behavior, violence and neglect. It is stipulated that every provider of services shall develop procedures to prevent cruel behavior, acceptance of complaints from children and their subsequent consideration. Standards are focused on satisfying requirements which have the biggest influence on the quality of life of children with severe physical and mental deficiencies: physical health, mental health, personal beliefs, social relations.

To improve the quality of services of long-term care after disabled children, constant works are conducted to improve current legislation aimed at:

- Acquiring by personnel of resident facilities of skills to evaluate status and needs of users of services for long-term resident care;
- Increasing efficiency of individual rehabilitation programs to increase capabilities of children with severe physical and mental deficiencies integration into society.

Organizations of Ministry of Labor, with the support from Association of Psychiatrists of Ukraine, MATRA Project (the Netherlands-Ukraine) introduced an educational program for boarding school employees on care after children with severe physical and mental deficiencies. Educational process also includes courses for advanced training in Ministry of Labor and Social Policy. Chairs of Regional Directorates for Social Protection of Population and boarding schools-orphanages take classes on qualities of social services in these courses. With the support from diverse international and non-governmental organizations experts of boarding schools receive educational and methodological literature on work with disabled children.

In the recent time boarding schools for children have been working to create more favorable conditions for residence and development of pupils:

- Jointly with medical and social expert commissions individual programs for rehabilitation were developed;
- Evaluation of status of individual requirements and skills of charges was conducted and the process for development of individual plans with participation of specialists of different backgrounds has been started;
- Conditions for improved rehabilitation process have been revised, and steps have been taken to improve this process;
- Process for life normalization of users of long-term care has been started, the number of events outside the facilities has been increased (participation in competitions, recreational events etc.);
- Possibilities of use of communication devices, sign language, graphic systems (pictures, photos, symbols), activity calendars, communication charts are being studied;
- Process for decoration and equipment of facilities of boarding schools has started, taking into account needs of children with severe physical and mental deficiencies to include these of blind children, children with hearing deficiencies and deficiencies in orientation in space and time, children in wheel-chairs, on crutches, supports;
- positions of recreation therapists, social workers, social teachers, psychologists were introduced on personnel lists, the number of junior medical personnel has been increased;
- boarding schools entered cooperation agreements with medical, rehabilitation and research institutions;
- public organizations and volunteers have been involved into cooperation.

One of the elements of social protection for orphaned children and children deprived of parental care is protection of their housing and property rights and interests.

Ministry for Family, Youth and Sports of Ukraine developed Draft Law of Ukraine “On introduction of modifications into certain legislative acts of Ukraine (on protection of housing rights of orphaned children and children deprived of parental care as well as of persons belonging to this category)”.

This Draft Law stipulates the following:

- orphaned children and children deprived of parental care who reached 16 years of age shall be entered into the registry of persons requiring improvement of housing conditions and social housing list;
- children from this category shall be entered into the registry of citizens requiring improvement of housing conditions at the place of their origin or residence;
- procedure of preservation and transfer of dwelling premised of children into rent for the period of time of child’s upbringing in a family, institutions for orphaned children and children deprived of parental care shall be developed.

It should be mentioned that the Ministry for the first time introduced state statistic reporting on protection of housing rights of orphaned children and children deprived of parental care as an important element of the system of social protection of orphaned children and children deprived of parental care (*Order of Ministry for Family, Youth and Sports dated 08.12.2008 # 4815 registered in Ministry of Justice of Ukraine on 29.12.2008 # 1251/15942 „On Approval of Reporting Form # 1-3ЖД (ZZhD) „Report on preservation of housing rights of orphaned children and children deprived of parental care” and Guidelines on filling out the Form”*).

By the end of 2009 number of orphaned children and children deprived of parental care is to 100787 persons.

Out of which:

- have housing: 58452, including 14116 owning housing, 44336 – rights of use,
- do not have housing – 42335 children.

In 2009 227 persons from the category of orphaned children and children deprived of parental care obtained dwelling premises, and 134 persons from this category obtained housing from social purpose fund.

Approval of draft Law “On introduction of modifications into certain legislative acts of Ukraine (on protection of housing rights of orphaned children and children deprived of parental care as well as persons belonging to this

category)” will give an opportunity to create conditions under which a child upon leaving the family of a guardian, adoptive family, orphanage of family type or an institution upon reaching 18 years of age within a month obtains ordered housing or social housing as opposed to the procedure of mere entering of this person into the registry of citizens requiring improvement of housing conditions, as is stipulated by legislation today.

Regarding the right to protection from all forms of violence, it is guaranteed by Articles 28, 52 of the Constitution of Ukraine pursuant to which no person shall be subjected to torture, cruel behavior or behavior humiliating dignity, or punishment. Any violence applied to a child or exploitation of a child is prosecuted by the law.

Part 2, Article 10, Law of Ukraine “On Protection of Childhood”, stipulates that the state protects a child from all forms of physical and psychological violence, offence, negligent or cruel behavior, exploitation, including sexual misuse, including from his/her parents or surrogate parents.

The right of children to protection from all forms of domestic violence as well as social protection is regulated by the Law of Ukraine “On Prevention of Domestic Violence”. Through Child Protection Services, Service for Children, Centers of Social Services for Family, Children and Youth state provides necessary help to a child and persons taking care of the child for prevention and revealing cases of cruel treatment of a child, transfer of the information on these cases to criminal police for children for consideration of these cases and taking measures to stop the violence. Information on cruel treatment of a child, molestation and exploitation of a child may come from natural persons who obtained information on such facts as well as from children themselves.

Pursuant to the Decree of State Committee of Ukraine for Family and Youth of Ministry of Internal Affairs of Ukraine, Ministry of Education and Science of Ukraine, Ministry of Health Protection of Ukraine dated 16.01.2004 # 5/34/24/11 “On procedure for consideration of files and information on cruel treatment of children or real threat of such treatment” appropriate measures are being taken for revealing, stopping acts of violence and ensuring health of children.

In the case when information indicates a threat to life or health of a child, agencies of internal affairs shall be immediately informed with the aim of taking appropriate measures for stopping violence, or on the decision of Child Protection Services, decision of prosecutor on taking the child away from parents without deprivation of parental rights the child is extracted from dangerous environment.

System of interaction and cooperation of different structural departments of governmental agencies is defined in the Order of Ministry for Family, Youth and Sports dated 7.09.09 (# 3131/386) “On approval of guidelines for interaction procedure of departments and sections for family, youth and sports, Services for Children and Centers for Social Services for Family, Children and Youth and corresponding departments of agencies of internal affairs for prevention of domestic violence”.

Another efficient mechanism for prevention of sexual crimes against children is social inspections. They are performed with the aim to control compliance with

legislation on protection of children rights and the rights of youth in the areas of social work with them in accordance with Order of Ministry of Ukraine for Family, Youth and Sports dated 31.03.2008 (# 1278) “On approval of procedure for social inspections performed by Centers for Social Services for Family, Children and youth and Families and Children that find themselves in complicated life conditions”.

Social inspections are performed by Centers for Social Services for Family, Children and Youth together with corresponding bodies of executive powers. The task of subjects of social work with children and youth is to provide social, medical, psychological, educational, legal, informational, material and other kinds of support – consultations for children and youth, social and preventive works for children and youth, activities to prevent negative phenomena and overcoming of these phenomena and support for families finding themselves in complicated life conditions.

Pursuant to the Law of Ukraine “On Introduction of Modifications into Criminal and Family Codes of Ukraine on Adoption” dated 4.06.09 # 1452 grounds upon which persons shall not be adopting parents, guardians, wards, foster parents were expanded. From now on, persons who committed crimes against life, freedom, honor and dignity, sexual freedom and sexual immunity of a person, against public safety, public order and morals in the area of drug trafficking, trafficking of psychotropic substances and their analogues, as well as the crimes provided for in other articles of the Criminal Code of Ukraine or have outstanding offences or offences not released in accordance with the procedure stipulated by the law for other crimes, shall not be able to adopt, become guardians, wards, adopting parents and foster parents.

In addition the Parliament of Ukraine approved changes to some legislative acts, in particular to separate provisions of Criminal Code which increase responsibility of parents or surrogate parents and persons with the responsibility of upbringing a juvenile child or taking care of this child as well as other persons for molestation of under-age persons, for employment of a juvenile in begging and involvement of under-age persons into criminal activities, child prostitution and pornography, for domestic violence.

With the regard to provision of necessary support to children, the Law of Ukraine “On Bodies and Services for Children and Special Institutions for Children” stipulates establishment of social protection institutions for children of 3-18 years of age finding themselves in complicated life conditions. They include:

- shelters for children (89 institutions, 2 of them of non-state form of property);
- centers for social and psychological rehabilitation of children (30 institutions) and social rehabilitation centers “children villages” (2 institutions).

Main tasks of the shelters is social protection of children deprived of upbringing in a family, in difficult housing and living conditions, children who left educational facilities; ensuring proper housing, living, psychological, and

educational conditions for normal life of children, providing them with an opportunity for education, work and substantial leisure (Resolution of the Cabinet of Ministers of Ukraine dated 09.06.97 # 565 On Standard Regulations on Shelters for Children).

Standard regulations on the center was approved by Regulation of the Cabinet of Ministers of Ukraine dated 28.01.04. # 87. Main tasks of the Center is to provide children with comprehensive social, psychological, educational, medical, legal and other types of support. Psychological and educational correction taking into account individual requirements of a child, creation of conditions for children to obtain education taking into account their preparedness, support to forming their own world perspective by children, development of recommendations on social and psychological adaptation of children for educational and social workers and parents.

In 2009 shelters provided help to 289 children-victims of different forms of violence: sexual – 5, economical – 148, psychological – 28, physical – 108, 18 children who suffered from violence stayed in centers for social and psychological rehabilitation.

To provide timely help to children who suffered from cruelty and violence, the Law of Ukraine “On National Program National Action Plan for Implementation of UN Convention on Children’s Rights till 2016” dated 05.03.2009 # 1065-VI provides for development of criteria for identifying children who suffered from sexual violence and programs for rehabilitation of children who also suffered from violence.

In 2009 Services for Children registered 10989 cases of child neglect. During the year Services for Children issued official warnings to 3445 parents for improper treatment of a child, 9122 administrative protocols were filed jointly with criminal police for children. 1629 applications were filed for deprivation of parental rights, 1496 of which resulted in deprivation of parental rights; 1909 persons were held liable for different types of offences.

In addition 60 cases of girls’ prostitution were revealed in Chernivetsy oblast – 10 cases, in Donetsk oblast – 7 cases, in Zaporizhzhia oblast – 38 cases, in Rivne oblast – 2 cases, in Ivano-Frankivsk, Sumy oblasts and the city of Sevastopol – 1 case each.

1 official warning was issued, 39 administrative protocols were filed and 14 persons were held liable.

Information was submitted on 12 cases of coercion or involvement into prostitution for which 15 persons were held liable for different types of crimes.

Services for Children received 1747 addresses on cases of violence against children: 897 girls (38 cases of sexual, 68 cases of economic, 296 cases of psychological, 495 cases of physical violence), 850 boys (5 cases of sexual, 69 cases of economic, 234 cases of psychological, 542 cases of physical violence).

Based on the results of the work conducted 1032 official warnings were issued, 1197 administrative reports were filed, 409 cases on deprivation of parental rights were submitted to courts, in 335 cases the judgment was passed on deprivation of parental rights, 711 persons were held liable.

Important step in overcoming child homelessness was the adoption of State program for overcoming child homelessness and child neglect in 2006-2010 approved by Resolution of the Cabinet of Ministers of Ukraine dated 11.05.2006 # 623 which stipulates development and implementation of efficient forms of activities for prevention of child homelessness and child neglect, detection at early stages of families unable or unwilling to perform functions of upbringing a child and protection of rights of children in these families.

As a result of this Program a stable trend for decrease in numbers of children taken away from streets was formed.

To prevent child neglect and child homelessness, child offences, appropriate measures to place children finding themselves in complicated life conditions in institutions for social protection and provision to them of social, legal, medical help by Services for Children in 2009 32505 preventive raids were conducted, in which 22781 children were revealed. In 2008 31089 preventive raids were conducted which revealed 31001 child. As a result of this work number of children revealed in these raids decreased by 26%.

During the raids children were found not only on the street but also in computer clubs, entertainment institutions, gambling halls, in families in complicated life situations or in families life in which posed a threat to life and health of children.

After adoption of the Law of Ukraine “On Banning Gambling Business in Ukraine” number of children in computer clubs and entertainment institutions decreased by 25%.

To prevent involvement of children into illegal actions, violation of children rights Services for Children gave warnings to 1171 officials in 2009, and initiated 1272 cases against officials.

In 2009 Services for Children inspected 59877 families finding themselves in complicated life conditions, extracted 5279 children from unhealthy environment.

For unsatisfying performance of parental duties by parents Service for Children took the following actions:

- warning on liability issued to 28634 parents;
- liability cases initiated against 1272 parents.

Under-age Offenders

Pursuant to Article 22, Criminal Code of Ukraine (hereafter CCU) persons may be liable for criminal offences upon reaching 16 years of age.

Persons who committed crimes at the age of 14-16 years are liable for criminal offences only for deliberate murder, infringement on life of a state or a public person, employee of a law-enforcement agency, member of a public formation for protection of public order and state order, or a serviceman, judge, people’s assessor or jury member in connection with their execution of their activities pertaining to justice, defender or a representative of a person in connection with their activities of legal help, representative of a foreign state, deliberate heavy physical injury, deliberate medium physical injury, sabotage,

banditism, terrorist attack, taking hostages, rape, forcible satisfaction of sexual passion in an unnatural manner, theft, robbery, mugging, extortion, deliberate destruction or damage of property, damage to communication routes and transportation means, theft or capture of equipment (motor equipment) of railroads, an air, sea or river vessel, illegal taking into possession of a transportation means, disorderly conduct.

Pursuant to Article 67 of Criminal Code of Ukraine correctional labor shall not be carried out by pregnant women and by women on maternity leave for childcare, by non-able-bodied persons, by persons under 16 years of age and by persons in retirement age, as well as by servicemen, junior and senior personnel of State Service for Special Communications and Information Protection of Ukraine, employees of law-enforcement agencies, notaries, judges, prosecutors, legal defenders, governmental workers, officials of local governmental bodies.

Pursuant to Article 60 CCU, arrest shall not be applied to persons under 16 years of age, pregnant women, women with children under 7 years of age.

Pursuant to Article 61, CCU, limitation of freedom shall not be applied to under-age persons, pregnant women, women with children under 14 years of age, and persons who reached retirement age, servicemen on compulsory military service and invalids of 1st and 2nd groups.

Pursuant to Article 64, CCU, deprivation of freedom for life shall not be applied to persons who committed crime at age under 18 years and to persons over 65 years of age as well as to women who were pregnant during perpetration of a crime or at the moment of the court ruling.

Pursuant to Article 66, CCU, one of the attenuating circumstances for sentence is the fact that a crime was committed by and under-age person.

At the same time criminal justice in Ukraine does not always set for its aim to hold a perpetrator liable, especially when the crime was perpetrated by an under-age person.

Particularity of liability of under-age persons lies in its individual approach which is based on consideration of development of this category of persons based conditioned by their age.

Individual approach to liability of under-age persons on the grounds indicated in CCU on legal level consists of:

a) their release of criminal liability with application of compulsory measures of educational nature (article 97, CCU);

б) release from punishment with application of compulsory measures of educational nature (Article 105, CCU);

в) release from completion of sentence on parole (Article 104, CCU);

г) imposition of punishment (list of punishments in Article 98, particulars of imposition are stated in Article 103, CCU);

г) release of criminal liability and completion of sentence due to expiry of periods of limitations (Article 106, CCU);

д) release on parole (Article 107, CCU);

е) cancellation of conviction and restoration of pretrial status (Article 108, CCU).

Particularities of freedom deprivation of under-age persons for a particular period of time.

Pursuant to Article 102, CCU, punishment in the form of deprivation of freedom for persons who had not reached the age of 18 years at the moment of crime perpetration can be imposed for six months up to ten years with the exception of cases, provided for in Paragraph 5, Part 3 of this Article. Under-age persons sentenced to deprivation of freedom serve this sentence in special educational facilities.

Under-age person who committed a minor offence for the first time shall not be punished with deprivation of freedom.

Punishment in the form of deprivation of freedom is imposed on an under-age person:

- 1) for a repeated minor offence – to the term of no more than 18 months;
- 2) for crime of medium gravity – to the term of no more than four years;
- 3) for a grave crime – for a term of no more than seven years;
- 4) for an especially grave crime – to the term of no more than ten years;
- 5) for an especially grave crime in combination with deliberate deprivation of human life – to the term of up to fifteen years.

At the same time, in accordance with Article 103, CCU, when deciding on a punishment for an under-age person, in addition to circumstances provided for in Articles 65-67 of this Code court shall take into account particularities of life and upbringing of the under-age person, influence of adults, level of development and other peculiarities of the under-age person.

When deciding on a punishment for an under-age person for a combination of crimes or sentence, the final sentence of freedom deprivation shall not exceed fifteen years.

Peculiarities of conduct of cases of crimes committed by under-age persons.

Code of Criminal Procedure of Ukraine (hereafter CCPU) contains a separate Chapter 32 which stipulates peculiarities of conduct of cases of crimes committed by under-age persons.

Articles of this chapter complement general rules for court procedure but do not replace them. Conduct of cases of under-age persons in parallel to the rules stipulated in this chapter all general rules of CCPU are applied (see Article 432, CCPU).

Article 434 CCPU defines that arrest and detention as a preventive measure may be applied to an under-age person only in exceptional cases when it is caused by the graveness of the crime of which this person is accused when there are grounds and following procedure stipulated in Articles 106, 148, 150, 155 and 157 of this Code.

In case of arrest and detention of an under-age person his/her parents or surrogate parents must be notified.

Article 17§2

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, in particular on the number of children failing to complete compulsory schooling dropping out of education without qualifications and on measures to combat absenteeism.

General legal framework

- Constitution of Ukraine dated 28.06.1996 # 254/96-BP
- Law of Ukraine dated 23.05.1991 # 1060-XII “On Education”
- Law of Ukraine dated 13.05.1999 # 651-XIV “On General Secondary Education”
- Decree of President of Ukraine dated 17.04.2002 # 347/2002 “On National Doctrine for Development of Education and Science”
- Resolution of the Cabinet of Ministers of Ukraine dated 16.11.2000 # 1717 “On Transition of Secondary Educational Institutions to new Contents, Structure and 12-year cycle of Studying”
- Resolution of the Cabinet of Ministers of Ukraine dated 13.04.2007 # 620 “On introduction of changes into paragraph 1 of the Resolution of the Cabinet of Ministers of Ukraine dated November 16, 2000 # 1717”
- Concept of general secondary education (12-year school), approved by the Resolution of The Board of Ministry of Education and Science of Ukraine and Presidium of Academy of Pedagogical Sciences dated 22.11.2001 # 12/5-2

Article 53 of the Constitution of Ukraine guarantees that every person has a right to education.

Full general secondary education is compulsory.

States provides for accessibility and free-of-charge basis of preschool, full general secondary, vocational, higher education in state and communal educational institutions; development of preschool, full general secondary, extra-curricular; vocational, higher and post-graduate education, different forms of education, provision of state grants and subsidies for pupils and students.

Pursuant to Article 6, Law of Ukraine “On General Secondary Education”:

„1. Citizens of Ukraine regardless of their race, color of their skin, political, religious and other beliefs, sex, ethnic and social origin, property, place of

residence, language or other characteristics are provided with access to free-of-charge full general secondary education in state and communal educational institution.

2. Citizens of Ukraine have the right to obtain full general secondary education in private educational facilities.

3. Full general secondary education in educational institution, regardless of their subordination, type and form of property shall meet the requirements of State standard for general secondary education.

4. Foreign citizens and persons without citizenship residing in Ukraine on legal grounds obtain full general secondary education under the procedure established for citizens of Ukraine.

5. Responsibility for obtaining full general secondary education by children is imposed on their parents, for children deprived of parental care – on surrogate parents or on educational institutions in which they are raised.”

In September-November 2009 in accordance with the order of Ministry of Education and Science dated 12.08.2009 # 745 Institute for Innovational Technologies and Educational Contents conducted a monitoring study on the view of youth and other categories of population to educational reforms.

Main aim of this study was to study social and pedagogical point of view on efficiency of reforms in general secondary education, achievements, problems, requirements and prospects of development of education.

Heads of secondary educational institutions of different types and forms of property, pupils of 11th year of school, supervising instructors of 11th year pupils, parents of pupils from Autonomous Republic Crimea, 25 oblasts of Ukraine, the city of Kyiv and Sevastopol.

To establish and support accessible and efficient system of compulsory education until reaching minimum employment age Ukraine implements Concept of vocational education in high school approved in its new edition by the Resolution of the Cabinet of Ministers of Ukraine on 11.09.2009 # 854.

Specialized education is one of the key areas of modernization and improving educational system of our state. Introduction of this education envisions creation of equal access to full education for different categories of pupils in accordance with their capabilities and individual education needs.

Status and prospects of transition to specialized education for secondary educational institutions was the subject of monitoring study conducted by Institute for Innovational Technologies and Educational Contents of Ministry of Education and Science in September-November 2007 in accordance with the Resolution of the Ministry of education and Science dated 11.09.2007 # 801.

Main aim of this study was to study public and pedagogical point of view on possibility to organize pre-specialized training of pupils in secondary educational institutions of 2nd stage, to organize specialized education in high school etc. Head of Oblast Departments for Education, heads of secondary educational institutions of different types and forms of property, pupils of 11th year of school, supervising

instructors of 11th year pupils, parents of pupils from Autonomous Republics, 25 oblasts of Ukraine, the city of Kyiv and Sevastopol.

To ensure that citizens of Ukraine obtain full general secondary education, equal access to quality education a network of educational institutions is operating in the country.

Indicator	Total	Cities	Villages
Institutions in the system of Ministry of Education and Science (communal + state property)			
Number of institutions	20066	6598	13468
Number of institutions of 1 st stage (elementary)	2137	382	1755
Number of institutions of 1 st – 3 rd stages (secondary)	17542	5919	11623
Fullness of groups in years 1-4	17,6	23,3	11,7
Fullness of groups in years 5-11 (12)	18,2	23,2	13,9
Number of pupils in institutions of 1 st stage	80382	55033	25349
Information on elementary school teachers	97337	47214	50123
Number of pupils in 1-st - 3 rd stages	4248957	2817478	1431479
Information on teachers of 5-11 (12) years	278378	151171	127207
Private institutions	218	212	6

According to statistical data provided by Section for Informational and Analytical Systems, Directorate for Science and Education, Institute for Innovational Technologies and Educational Contents of Ministry of Education and Science teacher-pupil correlation is 0.086.

Quality of education largely depends on the quality of school textbooks. In 2009 Ministry of Education and Science developed and new Guideline on competitive selection of textbooks, Guideline on approbation of textbooks, renewed composition of expert commissions of Science and Methodology Council for Education at Ministry of Education and Science.

New textbooks for 12-year cycle school are the object of constant monitoring conducted annually by Institute for Innovational Technologies and Educational Contents in the second year of their approbation. In this way in 2007, 2008, 2009 quality of 118 textbooks for 5th, 6th and 7th grade was studied.

Statistical data provided by provided by Section for Informational and Analytical Systems, Directorate for Science and Education, Institute for Innovational Technologies and Educational Contents of Ministry of Education and Science as of 2009 610 graduates of 9th grade did not receive certificates of basic general secondary education, 593 graduates of 11th grade did not receive certificates of full general secondary education.

Article 27 – The right of workers with family responsibilities to equal opportunities and equal treatment

With a view to ensuring the exercise of the right to equality of opportunity and treatment for men and women workers with family responsibilities and between such workers and other workers, the Parties undertake

1. to take appropriate measures:
 - a. to enable workers with family responsibilities to enter and remain in employment, as well as to re-enter employment after an absence due to those responsibilities, including measures in the field of vocational guidance and training;
 - b. to take account of their needs in terms of conditions of employment and social security;
 - c. to develop or promote services, public or private, in particular child day care services and other childcare arrangements;
2. to provide a possibility for either parent to obtain, during a period after maternity leave, parental leave to take care of a child, the duration and conditions of which should be determined by national legislation, collective agreements or practice;
3. to ensure that family responsibilities shall not, as such, constitute a valid reason for termination of employment.

Appendix to Article 27

It is understood that this article applies to men and women workers with family responsibilities in relation to their dependent children as well as in relation to other members of their immediate family who clearly need their care or support where such responsibilities restrict their possibilities of preparing for, entering, participating in or advancing in economic activity. The terms “dependent children” and “other members of their immediate family who clearly need their care and support” mean persons defined as such by the national legislation of the Party concerned.

Information to be submitted

Article 27§1

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

General legal framework

- Labor Code of Ukraine dated 10.12.1971 # 322-VIII

Pursuant to Article 56 “Part-Time Work”, Labor Code of Ukraine (LCU) upon agreement between employee and the owner or an organization authorized by the owner at the moment of employment or afterwards short work day or short work week may be agreed upon. On a request of a pregnant woman, woman with a child under 14 years of age or with a disabled child, to include a child under her guardianship are taking care after an ill member of a family according to a medical certificate, the owner or an organization authorized by the owner shall institute a short work day or a short work week for her.

Remuneration of labor in this case is performed in proportion to actual work hours or depending on the output.

Part-time work does not imply limitations of labor rights of workers.

Pursuant to Article 175, LCU, employment of pregnant women and women with children under 3 years of age in night time works and work on holidays (days off) and sending these women on business trips is prohibited.

Pursuant to Article 177, LCU women with children under 14 years of age or disabled children shall not be employed in overtime works or sent on business trips without their consent.

Article 27§2

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

General legal framework

- Labor Code of Ukraine dated 10.12.1971 # 322-VIII

Pursuant to Article 179, Labor Code of Ukraine, on the basis of a medical certificate women are granted a paid leave for pregnancy and childbirth of 70 calendar days before childbirth and of 56 (in case of giving birth to two or more children and in case of complications at childbirth – 70) calendar days after childbirth, starting on the day of childbirth.

Duration of leave for pregnancy and childbirth is calculated as a sum and totals at 126 calendar days (140 calendar days in case of giving birth to two or

more children and in case of complications at childbirth). It is granted to women in a block regardless of the number of days used before childbirth.

On the desire of a woman she may be granted a child care leave until the child reaches 3 years of age during which time she receives aid according to the legislation.

Companies, institutions and organizations can at their own expense provide women with a partly paid leave and unpaid child care leave of longer duration.

Child care leave before the child reaches 3 years of age is not granted if the child is supported by the state.

In case when a child requires home nursing, a woman shall obtain an unpaid leave for the period of time indicated in the medical conclusion but no longer than until the child reaches 6 years of age.

Child care leave stipulated in parts 3, 4 and 6 of this Article also can be used completely or in parts by child's father, grand-mother, grand-father or other relatives taking care of the child.

Upon desire of a woman or persons mentioned in Part 7 of this Article, during child care leave they may be employed part-time or work at home. They also preserve the right to aid during child care leave until the child reaches 3 years of age.

Article 181, LCU stipulates that childcare leave until the child reaches 3 years of age and an unpaid leave (Parts 3, 6, Article 179 of this Code) are provided upon request of the woman or persons mentioned in Part 7, Article 179 of this Code, completely or in parts of the period and are documented in the order of the owner or an organization authorized by the owner.

Childcare leave until the child reaches 3 years of age and unpaid leave (parts 3, 6 and 7, Article 179 of this Code) are included into general and uninterrupted work record and into professional record. Period of leaves mentioned in this Article is not included into the work record which entitles for annual leave.

Pursuant to Article 182, LCU, women who adopted new-born babies immediately at maternity hospital are granted a leave started on the day of adoption, with duration of 56 calendar days (70 calendar days in the case of adoption of two and more children) with state aid payment under the approved procedure.

Women who adopted a child older than 3 years are granted a paid leave of 56 calendar days not including holidays and days off, starting from the day of entry into force of decision on adoption of a child. This leave may also be used by the father of the child.

Pursuant to Article 182-1, LCU "Additional leave for workers with children" a working woman with two or more children under 15 years of age or with a disabled child or a woman who adopted a child, a single mother, father raising the child without mother (including cases when mother stays in a hospital for long period of time) as well as a person who took a child under his/her guardianship is annually granted additional leave of 10 calendar days excluding holidays and days-off (Article 73 of this Code).

In the cases when there are several reasons for this leave, duration of the leave may not exceed 17 calendar days.

The leave mentioned in the first part of this Article is granted in addition to annual leaves provided for in Articles 75 and 76 of this Code as well as in addition to annual leaves provided for by other laws and regulations and are transferred for a different period of time or is continued in accordance with procedure indicated in Article 80 of this Code.

Pursuant to Article 186-1 “Guarantees to Persons Raising Juvenile Children without Mother” guarantees instituted by the aforementioned Articles 56, 176, 177, 179, 181, 182, 182-1, 184, 185 (mentioned in Article 6, Paragraph 5), 186 of this Code also cover fathers raising children without mother (including extended stay of mother in a treatment facility) and guardians (wards), adoptive parents.

Article 27§3

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

General legal framework

- Labor Code of Ukraine dated 10.12.1971 # 322-VIII

Pursuant to Article 184 of the Code it is prohibited to refuse employment to women, decrease their wages on the ground of motives connected to pregnancy or their having children under 3 years of age, for single mothers – having children under 14 years of age or a disabled child.

In case of refusal in employment to these categories of women owner or an organization authorized by the owner shall inform them on the reasons of such refusal in written form. Refusal in employment may be appealed in court.

The owner or an organization authorized by the owner shall not initiate dismissal of pregnant women, women with children who have not reached 3 years of age (6 years of age – Part 6, Article 179), single mothers with a child under 14 years of age or a disabled child. Exceptions are closing down of company, institution, organization in which case a dismissal is allowed with obligatory further job placement. Obligatory job placement of these women is performed also in cases of their dismissal upon expiration of employment agreement. Their average salary is preserved for the time of job search but no more than for 3 months upon expiration of employment agreement.

Article 31 – The right to housing

With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed:

1. to promote access to housing of an adequate standard;
2. to prevent and reduce homelessness with a view to its gradual elimination;

Information to be submitted

Article 31§1

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information to demonstrate effective access to adequate housing, including the length of waiting periods.

General legal framework

- Housing Code of Ukrainian SSR dated 30.06.1983 # 5464-X
- Civil Code of Ukraine dated 16.01.2003 # 435-IV
- Law of Ukraine dated 12.01.2006 # 3334-IV « On Housing Fund for Social Purposes”
- Law of Ukraine dated 25.12.2008 # 800-VI “On Prevention of Influence of Global Financial Crisis on Development of Construction Industry and Housing Construction”
- Law of Ukraine dated 04.09.2008 # 500-VI “On Ensuring Realization of Housing Rights of Dormitory Residents”
- Law of Ukraine dated 19.06.1992 # 2482-XII “On Privatization of State Housing Fund”
- Law of Ukraine dated 04.09.2008 # 500-VI “On Ensuring Realization of Housing Rights of Dormitory Residents”
- Law of Ukraine dated 19.06.1992 # 2482-XII “On Privatization of State Housing Fund”
- Resolution of the Cabinet of Ministers of Ukraine dated 11.02.2009 # 140 “On Approval of Procedure for State Aid to Provide Citizens with Affordable Housing”

- Resolution of the Cabinet of Ministers of Ukraine dated 11.11.2009 # 1249 “On Approval of Targeted State Social and Economic Program for Construction (Purchase) of Affordable Housing in 2010-2017”
- Order of the Ministry for Housing and Communal Services of Ukraine dated 16.12.2009 # 396 “On Approval of Regulation on Procedure for Transfer of Apartments (Houses), dwelling premises in dormitories into Ownership of Citizens”

Pursuant to the Constitution of Ukraine (Articles 47, 48) every person has the right to housing. The state creates conditions under which every citizen will have an opportunity to build, purchase or rent housing.

Citizens requiring social protection receive housing from the state and local governmental bodies free of charge or for payment affordable for them in accordance to the law.

No person shall be forcible deprived of housing unless on the basis of the law upon the decision of a court.

Housing Code of Ukrainian SSR defines main principles and guarantees to realize rights of citizens of Ukraine to housing. Under this Code a system for registration of citizens requiring improvement of housing conditions are established in local governmental bodies. This registration is performed in accordance with “Rules for registration of citizens requiring improvement of housing conditions and provision of dwelling premises to them in the Ukrainian SSR” approved by Resolution of the Council of Ministers of Ukrainian SSR and Ukrainian Republican Council of Professional Unions dated 11.12.1984 # 470 with modifications and additions.

In accordance with preferences provided for by laws of Ukraine all citizens in the mentioned registry are divided into three categories, namely with:

- Extraordinary right to housing;
- Priority right to housing;
- Rights to housing on general grounds.

Law of Ukraine “On Housing Fund for Social Purposes” stipulates that a part of citizens (aggregate family income of which is lower than the level established) in the mentioned registry may use the opportunity to be entered into social housing registry and obtain housing from Housing Fund for Social Purposes.

To implement provisions of the Law all necessary laws and regulations have been approved and Draft Law of Ukraine “On Approval of National Program for Development of Social Housing” is being developed. Approval of this programme will finalize legislative regulation of establishment of social housing system.

Taking into account changes under way in the social area of the state and the fact that many provisions of Housing Code are obsolete, the Parliament of Ukraine approved in second reading Draft Housing Code of Ukraine which will replace Housing Code of Ukrainian SSR and will define main directions of housing policy. In particular it will regulate questions of support of access to appropriate level of

housing and establishing affordable prices for housing for persons with low income.

Information on receipt of housing by citizens and status of housing registry of citizens requiring improvement of housing conditions and their receipt of housing is generalized annually by State Committee for Statistics of Ukraine in the Statistics Bulletin "Housing Registry and Number of Apartments Provided in Ukraine" (attached).

To stabilize construction, increase paying capacity of population, ensuring realization of housing rights of citizens requiring state aid, stimulate development of housing and related industries in the global financial crisis on 25.12.2006 Law of Ukraine "On Prevention of Influence of Global Financial Crisis on Development of Construction Industry and Housing Construction" (# 800-VI) was passed.

Article 4 "State Support for Construction of Affordable Housing" in particular stipulates that state aid for construction of affordable housing consists of state paying 30% of construction (purchase) costs of affordable housing and/or provision of preferential mortgage by an authorized bank.

Right to state aid is given to citizens requiring improvement of housing conditions in accordance with legislation.

State aid is provided for no more than 21 square meters per one person and additional 10.5 square meters of floor area for family. The rest of housing cost is paid by the citizens who entered into agreement on construction (purchase) of affordable housing for his/her own costs.

Right to preferential mortgage from an authorized bank is granted to a citizen who according to legislation has the right to receive such housing taking into account requirements of the authorized bank to the person taking the loan.

State aid for construction (purchase) of housing is granted to families and single persons only once. The right to such aid is considered to be realized upon receipt of this housing by the citizen.

Architectural planning and technical requirements for affordable housing are defined by state construction norms with mandatory consideration of energy saving requirements.

Procedure for granting state aid for provision of citizens with affordable housing was approved by the Cabinet of Ministers of Ukraine dated 11.02.2009 # 140 "On Approval of Procedure for State Aid to Provide Citizens with Affordable Housing".

With the aim to form special legislation on this question draft Law of Ukraine "On Provision of Affordable Housing to Citizens" was developed, the draft was submitted to Parliament of Ukraine (#4124 dated 25.03.2009). Draft law was passed in the first reading.

Resolution of the Cabinet of Ministers of Ukraine dated 11.11.2009 # 1249 Targeted state social and economic programme for construction (purchase) of affordable housing in 2010-2017 was passed.

The Programme envisions to build and purchase in 2010-2017 265.8 apartments (16.6 million square meters). Taking into account funds of population

attracted within the framework of the programme, its economic effect is significantly greater than direct financing from the budget.

Law of Ukraine “On state Budget of Ukraine in 2010” provides for allocation of UAH 390 million for construction of affordable housing.

To date procedure for usage of these funds was developed and approved by Resolution of the Cabinet of Ministers of Ukraine.

Under condition of use of these funds to finance 30% of housing costs for citizens, additional UAH 910 million may be attracted into housing construction and 3 thousand apartments can be purchased.

By the Law of Ukraine “On Prevention of Influence of Financial Crisis on Development of Construction Industry and Housing Construction”

On regulatory level economic housing (affordable housing for social purposes) for citizens requiring improvement of housing conditions with state support is formed taking into account the minimization principle on grounds of acceptable comfort level for apartments, architectural planning indicators of which meet construction requirements ДБН В.2.2-15-2005 “Dwelling Houses. Main Provisions” for construction of housing of 2nd category and Modification #1 to these requirements coordinated with the Ministry for Health Protection of Ukraine and approved according to established procedure.

2nd category of housing establishes rationale and economic requirements to architectural planning decisions and engineering equipment of dwelling houses with minimum and optimal standards for dwelling houses for sanitary and hygienic comfort.

Building design for housing for social purposes for temporary residence is ensured by regulated lower boundary for apartment floor space, based on 14-15 square meters of general square space per 1 family member, and of affordable housing is limited by higher boundary for floor space of 20-22 square meters per 1 family member.

For instance, in a building with apartments for social purposes, general floor space of a one-room apartment for a family of 2 persons is 40 square meters, two-room apartment for 3 persons – up to 60 square meters, three-room apartment for 4 persons – up to 70 square meters.

In a building of affordable housing total floor space of one-room apartment for a family of two person may be of up to 40 square meters, two-room apartment for 3 persons – up to 60 square meters, three-room apartment for 4 persons – up to 70 square meters etc.

Housing is provided not only in newly constructed houses but also in the already existing housing fund. In particular, this concerns dwellers of dormitories who until recently in accordance with provisions of Law of Ukraine dated 04.09.2008 # 500-VI “On Ensuring Realization of Housing Rights of Dormitory Residents” received an opportunity to privatize facilities in which they have been residing for a prolonged period of time on legal grounds but do not have ownership rights for it.

Transfer of dormitory residencies into ownership is performed in accordance with the Law of Ukraine dated 19.06.1992 # 2482-XII “On Privatization of State Housing Fund”.

In particular, in accordance with Article 3 of this Law privatization is performed on the basis of free transfer of apartments (houses), rooms in dormitories to citizens at sanitary norm of 21 square meter of total floor area per renter and every member of his/her family and additional 10 square meters per family.

To implement the aforementioned Laws Ministry for Housing and Communal Services in tis order dated 16.12.2009 # 396 Regulation on Procedure for Transfer of Apartments (Houses), dwelling facilities in Dormitories into Ownership of Citizens” was developed and approved.

In particular this procedure stipulates list of documents required for application to a privatization body.

In its turn acquisition of right of ownership for housing by residents of dormitories gives these persons an opportunity to take measures for improvement of condition of dwelling facilities of dormitories.

With the regard to rental of housing and in accordance with Article 810, Civil Code of Ukraine, under an agreement for rent of housing one party – owner of housing transfers or undertakes an obligation to transfer to the other party housing for residence for a certain period of time for payment.

The subject of agreement for rent may be dwelling facilities, in particular, apartment or a part of an apartment, dwelling house or its part.

Rental agreement shall be documented in written form and shall not require mandatory certification by a notary.

Article 5 of the Law of Ukraine “On Prevention of Influence of Global Financial Crisis on Development of Construction Industry and Housing Construction” in particular, stipulates that tenant may receive housing under conditions of long-term (up to 30 years) rent has the right to a buy-out and early-term payment of rent.

Rent relations are created on the grounds of rental agreement for housing with purchase under the condition of tenant’s down payment in accordance with the procedure for housing rent with buy-off approved by the Cabinet of Ministers of Ukraine.

Article 31§2

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information

on the number of homeless, emergency and longer-term measures for homeless, as well as evictions.

General legal framework

- Housing Code of Ukrainian SSR dated 30.06.1983 # 5464-X
- Law of Ukraine dated 12.01.2006 # 3334-IV “On Housing Fund for Social Purposes”
- Law of Ukraine dated 04.09.2008 # 500-VI “On Ensuring Realization of Housing Rights of Dormitory Residents”
- Law of Ukraine dated 02.06.2005 # 2623-IV “On basics of social protection for homeless citizens and homeless children”
- Law of Ukraine dated 10.07.2003 # 1104-IV “On Social Adaptation of Persons who Served Sentence of Limitation or Deprivation of Freedom for a Certain Period of Time”
- Decree of President of Ukraine dated 24.11.08 # 1073/2008 “On Measures for Ensuring Realization of Housing Rights of Dormitory Residents”
- Resolution of the Cabinet of Ministers of Ukraine dated 07.02.07 # 155 “On Approval of Procedure for Payment for Social Housing”
- Resolution of the Cabinet of Ministers of Ukraine dated 07.03.07 # 415 “On Approval of Procedure for Renewal of Documents of Citizens in Temporary Shelters for Adults”
- Resolution of the Cabinet of Ministers of Ukraine dated 16.01.07 # 23 “On Approval of Regulation on supervisory board in the area of granting of social housing”
- Resolution of the Cabinet of Ministers of Ukraine dated 07.02.07 # 175 “On Approval of Regulation on Allocation of State Budget Funds Directed at Provision of Development of Housing Fund for Social Purposes”
- Resolution of the Cabinet of Ministers of Ukraine dated 30.03.06 # 404 “On Approval of Standard regulations for Center of registration of homeless persons”
- Resolution of the Cabinet of Ministers of Ukraine dated 14.01.04 # 12 “On procedure of providing paid social services and approved list of these services”
- Resolution of the Cabinet of Ministers of Ukraine dated 26.11.08 # 1035 “On establishing Coordination council for social protection of homeless persons and homeless children”
- Resolution of the Cabinet of Ministers of Ukraine dated 27.12.08 poky # 1159 “On establishing Interdepartmental working group to solve problems of dormitory residents”
- Order of the Cabinet of Ministers of Ukraine dated 17.04.08 # 639-p “On Approval of Concept for social protection of homeless persons”

- Order of the Cabinet of Ministers of Ukraine dated 05.11.08 # 1402-p “On Approval of Action Plan for realization of Concept for social protection of homeless persons till 2012”
- Order of the Cabinet of Ministers of Ukraine dated 30.10.08 # 1385-p “On Approval of Concept of social adaptation of persons who served sentence in the form of deprivation of freedom for a certain period of time.
- Order of the Cabinet of Ministers of Ukraine dated 01.07.09 # 740-p “On approval of action plan for implementation of Concept of social adaptation of persons who served sentence in the form of deprivation of freedom for a certain period of time till 2015”
- Order of Ministry for Labor dated 14.02.06 # 31 “On approval of Standard regulations on institutions for social protection of homeless persons and persons released from place of detention”
- Order of Ministry for Labor dated 03.04.06 # 98 “On approval of Standard regulations on Social Hotel”
- Order of Ministry for Labor and Ministry for Health Protection dated 24.01.07 # 28/26 “On Approval of laws and regulations on provision of social and medical services to homeless persons and persons released from places of detention”
- Order of Ministry for Labor dated 25.04.08 # 235 “On approval of Methodological recommendation for professionals of social works, specialists for labor bodies and social protection of population on organization of work with persons released from places of detention”
- Order of Ministry for Labor dated 07.05.09 # 175 “On approval of working hours and numbers of workers in registration centers and institutions for social protection of homeless persons”
- Order of State Department for Execution of Sentences, Ministry of Internal Affairs, Ministry for Labor dated 04.03.09 # 38/86/89 “On approval of Procedure for cooperation of bodies and institutions for execution of sentences, organizations for labor and social protection of population, employment centers on providing support for employment and housing, social adaptation to persons who may be released from serving sentence and to persons who served sentence’
- Order of Ministry for Labor, Ministry for Family, Youth and Sports, Ministry for Health Protection, Ministry for Internal Affairs, State Committee for Nationalities and Religions, State Department for Execution of sentences dated 19.02.09 # 70/411/101/65/19/32 “On approval of Procedure for interaction of subjects providing social services to homeless persons”
- Order of Ministry for Labor dated 18.12.09 # 460 “On approval of Working hours and numbers of personnel of Centers for social adaptation released from places of detention”

In 2009 Draft Law of Ukraine “On introduction of changes into Law of Ukraine “On basic social protection of homeless persons and homeless children” in which categories of citizens who run the risk of losing housing and main events for prevention of homelessness are defined.

Resolution of the cabinet of Ministers dated 17.04.08 # 639-p approved Concept for social protection of homeless persons which indicates tasks and strategic ways to solve problem of homelessness which will provide for comprehensive measures for prevention of homelessness, social protection of homeless person, provision of different types of social services to these persons including temporary shelter.

One of the ways to solve problem of homelessness is development of preventive works which envisions in particular improvement of legislation to preserve housing of citizens which belong to group running the risk of losing housing; conduct of informational and explanatory work for public with application of legislation norms on acquisition, alienation, documentation and state registration of ownership rights for real property assets; coverage of status of performance of social programs, and measures of social protection of homeless persons in mass-media; measures to provide support to women-victims of domestic violence, families with children in difficult life situations, orphaned children and children deprived of parental care etc.; treatment and support to persons with addition to psychoactive substances (alcohol and drug addicts).

To implement the aforementioned Concept the Cabinet of Ministers of Ukraine in its Resolution dated 05.11.08 # 1402-p approved respective action plan till 2012.

Another population category running the risk of losing housing are dormitory residents. To prevent illegal deprivation of these persons of housing the Law of Ukraine date 04.09.2008 # 500-VI was approved “On support to realization of housing rights of dormitory dwellers” which came into force on January 1, 2009.

Pursuant to Article 19, Law # 500-VI it is prohibited to evict, move and transfer residents of dormitories covered by this Law without provision of these persons (their families) with other housing appropriate for permanent residence for people.

Eviction, move or transfer of persons from dormitories in accordance with this law is permitted only in the case when the dormitory is deemed to be in unsafe condition or in the condition unacceptable for residence of persons upon the decision taken in accordance with Article 1 of this Law.

Decision on deeming a dormitory unsafe or unacceptable for residence of people is taken by an executive body of respective local council on the grounds of examination of the status of dormitory according to the procedure regulated by current legislation (general housing complex or its part) with subsequent approval at a session of this council.

All residents of dormitory deemed to be in unsafe condition or in a condition unacceptable for residence of people on an expedited basis are provided with

housing acceptable for temporary residence of people by the local governmental body representing interests of local community in which this dormitory is located.

In accordance with the aforementioned Law to protect housing rights of dormitory residents, prevention of their eviction from their dwelling facilities, prevention of alienation of dormitories constructed for state costs, a moratorium was established for alienation (with the exception of transfer to communal property of respective city, town, village councils) of dormitories under full economic jurisdiction or under operational control of companies, organizations, institutions regardless of their forms of ownership or are entered into charters of joint-stock or collective enterprises established in the process of privatization or corporatization in the three-year period of time starting from the date of publishing of this Law. This moratorium for alienation in any way of the aforementioned dormitories as whole housing complexes or separate buildings, constructions, dwelling and other premises and other property in favor of natural persons and legal entities.

Prevention of homelessness

To prevent homelessness in Ukraine appropriate preventive measures are taken to preserve vulnerable layers of society, informational and explanatory work on legal actions with immovable property, provision of social services to persons finding themselves in difficult life situations and run the risk of losing their housing etc. Pursuant to the Law of Ukraine “On basic social protection of homeless persons and homeless children” (Part 3 “Prevention of homelessness of adults and children”, Articles 10-13) and other legislative and regulatory acts.

Pursuant to the law of Ukraine “On basic social protection of homeless persons and homeless children” (article 10) educational and outreach events are conducted with informing population on legislation norms on acquisition, alienation, documentation and state registration of rights for dwelling premises and plots of land and responsibilities of participants of life and social legal relations.

Aforementioned subject is covered in informational and topical programs of state electronic mass-media.

In particular National Broadcasting Company of Ukraine has covered this subject in informational program “Novyny” (News) and in topical programs “Dilovyi Svit” (Business World), “Nadvechiria” (Evening), “Silskyi Chas” (Rural Hour).

National Broadcasting Company of Ukraine has covered relevant problems of homeless persons in informational and topical programs “Obrii” (Horizons), “Za prava liudyny” (For human rights), “Sim’a – fortetsia moia” (My family – my fortress), “Rozмова na zadanu temu” (Discussion on the given topic).

Materials on this subject have also been covered by oblast state broadcasting companies.

In addition respective informational and explanatory work has been conducted for elderly persons and for single non-able-bodied persons by workers of social services. Single non-able-bodied persons registered in social services are

provided with constant care. When necessary upon their request they are sent to boarding facilities.

To protect property rights of children Law of Ukraine “On basic social protection of homeless persons and homeless children” (Article 12) stipulates that to perform and legal actions with immovable property rights or rights of use to which belong to a child, prior consent of Child Protection Services is required.

Granting this consent officials from Child Protection Services are personally liable for protection of rights and interests of children which are protected by the law.

Protection of housing and property rights of children were studied in inspections of activities of Child Protection Services of oblast, district, city state administrations conducted in 2008-2009 by State department for adoption and protection of children rights.

Article 11 of the Law of Ukraine “On basic social protection of homeless persons and homeless children” stipulates that orphaned children and children deprived of parental care and persons of age from orphaned children and children deprived of parental care who did not have housing or lost housing before residing in institutions for orphaned children and children deprived of parental care, in foster families, orphanages of family type, transfer under guardianship, ward charge, upon completion of their residence in these institutions, foster families, orphanages of family type guardianship, ward charge as well as after compulsory service in the Ukrainian Armed Forces or after serving sentence in the form of deprivation or limitation of freedom or after arrest, receive housing on priority basis.

Article 13 of the Law of Ukraine “On basis social protection of homeless persons and homeless children” stipulates that prevention of homelessness of persons released from places of execution of sentences is performed in accordance with the Law of Ukraine “On social adaptation of persons who served sentence in the form of limitation or deprivation of freedom for a certain period of time”.

To ensure social patronage of persons released from places of detention including prevention of homelessness of these persons and in accordance with the Order of State Department for Execution of Sentences, Ministry of Internal Affairs, Ministry for Labor dated 04.03.09 # 38/86/89 “On approval of Procedure for cooperation of bodies and institutions for execution of sentences, organizations for labor and social protection of population, employment centers on providing support for employment and housing, social adaptation to persons who may be released from serving sentence and to persons who served sentence” (in 2008 Order of State Department for Execution of Sentences, Ministry of Internal Affairs, Ministry for Labor dated 12.12.03 # 250/1562/342 was in place) appropriate works are conducted.

Administration of the execution of sentence facility 3 months prior to release of such person jointly with bodies of internal affairs solve the problem of communal settlement in region selected for residence, the issue of their employment is solved jointly with regional employment centers. In the case when a person released from execution of sentence facility who does not have housing, a

disabled person or an elderly person who lost socially useful connections and does not have family or relations, administration jointly with labor and social protection agencies solve the question of their residence in a center for social adaptation for persons released from places of detention, in a specialized boarding house (boarding house for elderly persons and disabled persons, resident department of regions centers for social services for pensioners and single non-able-bodied persons) or to a special department.

In addition, Article 71 of Housing Code of Ukrainian SSR stipulates that in case of temporary absence of a tenant of members of his/her family their dwelling facility for the period of 6 months.

Dwelling facilities are preserved for a temporary absent tenant or members of his/her family for the period of time over 6 months, in particular in the case when this person is detained or sentenced to an arrest, freedom limitation or deprivation for a certain period of time or life sentence during entire period of their being in detention or serving sentence in the case when in this house, apartment (their parts) other family members continue to reside. In the case when no family members of the tenant continue to reside in the house, apartment (their parts), this dwelling can be provided under a renting agreement according to the procedure prescribed by the law to another person until the tenant is released from detention or until they have served their sentence.

According to data of State Department for Execution of Sentences in 2008 41.9 thousand persons were released from places of detention, over 300 of these persons did not have housing. Almost 200 persons were sent to Centers for social adaptation, almost 100 persons were sent to specialized boarding houses.

In 2009 39.9 thousand persons were released from places of detention, nearly 400 of these persons did not have housing. Over 300 persons were sent to Centers for social adaptation, over 60 persons were sent to specialized boarding houses.

To prevent homelessness in Ukraine works with citizens are conducted who run the risk of losing their housing, in particular with drug-addicted persons.

Organization of Support to Homeless Persons

Organization of work to provide help to homeless persons including providing immediate shelter is performed in accordance with the Laws of Ukraine: "On basic social protection of homeless persons and homeless children" which entered into force of January 1, 2006 and is the basis law which regulated general foundations for social protection of homeless persons, creation of network of social services for homeless persons, participation of public, charitable organizations, provision of help to these persons; "On social services" which defines main organizational and legal foundations for provision of social services to persons in complicated life conditions, conditions which objectively --- normal life activity of a person, results of which this person cannot overcome on one's own and which require support of a third party as well as general approaches in organization of work of social services.

A network of social services – institutions for night stay, institutions for temporary stay, services for street works provide services to homeless persons in Ukraine.

These social services provide support to homeless citizens of Ukraine and persons without citizenship residing permanently on legal grounds in Ukraine and who continue to reside in Ukraine after losing housing (Article 4, Law of Ukraine “On basic social protection of homeless persons and homeless children”).

All social works for homeless persons are based on the principles of legality, democracy, equality of citizens, respect of person, recognition of honor and dignity, ensuring of main human rights and freedoms, confidentiality of information, targeted and individual approach, accessibility and openness, free choice of receipt or refusal from social services, comprehensiveness, social justice, humanity (Article 3, Law of Ukraine “On basic social protection of homeless persons and homeless children”, Article 3, Law of Ukraine “On Social Services”).

Homeless persons have the right to respect of their dignity, health protection, social protection, legal help, filing applications and complaints to governmental bodies and local governmental bodies in accordance with legislation, receipt of information on their rights and duties. Homeless persons and homeless children also have other rights and freedoms anchored in the Constitution and in Laws of Ukraine (Article 5, Law of Ukraine “On basic social protection of homeless persons and homeless children”).

All homeless persons without limitations have right to receive informational, consultative services, emergency help.

Informational and consultative services are provided to homeless persons by all social services upon their request.

Emergency help is provided by institutions of night stay, street work services. Social workers from street work services when patrolling city streets visit places of gatherings of homeless persons and provide them with informational, consultative services, daily services – dissemination of food, clothing, shoes, provide medical help, transportation help etc.

In addition, social services for homeless persons, depending on the problems requiring resolution and on the area of work of their service a homeless person may receive other types of social services – social and domestic (provision of a bed at a facility; temporary residence; food; use of shower and laundry facilities; storage of things, documents); psychological (consultation of a psychologist, specialist for psychological diagnostics, specialist on psychological correction, psychological therapy, study of social and psychological characteristics of personality upon request of the customer, methodological advice); social and educational services (help in education; development of individual plans for reintegration, learning to independently solve difficult life problems; organization of leisure, forming respective skills; positive attitude to own personality); social and medical services (first medical help; initial medical examination; organization of doctor’s consultation, referral to facilities of health protection in the region; sanitary and hygienic control. Preventive measures); social and economic services (provision of clothing and shoes etc.); legal services (help in renewal of passports;

explanation of current legislation; consultation on prevention of homelessness etc.); employment services (help for employment; social support for employment).

To receive these services a homeless citizen addresses social service with an application.

For admittance into a facility of night stay additional documents are not required, access is granted immediately after such request to administration or a social worker of this service. Homeless citizens in the state of alcohol and/or drug intoxication are not admitted to a facility of night stay or persons with signs of acute illness. To solve these problems persons are sent to social services providing social services to alcohol and drug addicts or to medical facilities for examination and treatment.

For admittance to social service with provision of temporary shelter a homeless person produce a note form medical records. That is why the duration of admittance to social service from the time of address of a homeless person depends on the time of submission of medical certificate. On average this term is 10 days. In case when it is revealed that a homeless person has illnesses, this person is sent for treatment. Upon completion of treatment homeless person is admitted to social service. Homeless person who at time of their address to social services were in state of alcohol or drug intoxication are not admitted to social services.

Based on information of regional labor and social protection agencies as of 01.01.10 77 social services were operating in Ukraine providing services to homeless persons (as of 01.01.09 – 61).. Social services function in all regions of Ukraine except Vinnytsia, Zakarpattia, Kirovograd, Kharkiv, Kherson oblasts.

Network of institutions (social services) for homeless persons

Year	Total services	Out of which		Including									
				Registration centers (departments, sections)		Houses of night stay (departments, sections)		Reintegration centers (departments, sectors)		Social hotels (departments, sectors)		Other	
		Communal	Non-governmental	Communal	Non-governmental	Communal	Non-governmental	Communal	Non-governmental	Communal	Non-governmental	Communal	Non-governmental
2008 (as of 01.01.09)	61	41	20	30	2	16	2	6	11	1	-	-	5
2009 (as of 01.01.10)	78	52	26	44	3	17	4	5	11	1	-	1	8

Centers for registration of homeless persons in 2009 revealed over 10 thousand homeless persons (in 2008 – 6.3 thousand persons). Institutions for homeless persons (houses of night stay, reintegration centers, social hotels) in 2009 provided over 640 thousand social services to 17.4 thousand persons (in 2008 – 13.8 thousand persons).

In particular following social services were provided:

#	Social services	Number of persons served	
		2008	2009
1.	Social and communal:		
	Night stay	5273	5080
	Alimentation	4811	5588
	Provision of clothing, shoes	3943	4646
2.	Informational services	6716	7559
3.	Sent to organizations (institutions) for labor and social protection of population (for settlement in boarding houses)	115	135
4.	Employment help	1993	1427
5.	Support in receiving temporary or permanent housing, return to family	1	2

In addition, based on data of Ministry of Internal Affairs of Ukraine predominant location of 4773 (in 2008 – 4390) homeless persons was registered, 1440 passports of a citizen of Ukraine were issued (in 2008 – 1346).

Social services are provided free-of-charge or for payments. Payment for social services depends on financial capabilities of homeless persons, on average it amounts to UAH 2-20 per day.

Work of institutions is financed at the expense of their founders – local budget funds, charitable donations of natural persons and legal entities, other sources not prohibited by Ukrainian legislation. State budget does not allocate funds for settlement of problems of homeless persons and support of social services for homeless persons.

Housing to homeless persons is provided in accordance with the Law of Ukraine “On Housing Fund for Social Purposes” and other legislative acts.