



European
Social
Charter

Charte
Sociale
Européenne



COUNCIL
OF EUROPE

CONSEIL
DE L'EUROPE

23/08/2012

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EUROPEAN SOCIAL CHARTER

REPLIES TO SUPPLEMENTARY QUESTIONS

4th National Report on the implementation of
the European Social Charter

submitted by

THE GOVERNMENT OF UKRAINE

(Article 1§2
for the period 01/02/2007 – 31/12/2010)

Report registered by the Secretariat on 21 August 2012

CYCLE 2012

The information of the Ministry of Social Policy of Ukraine
on request concerning Article 1§2 (prohibition of discrimination in
employment/forced labour/ right to earn one's living in an occupational freely
entered upon) for assessing of the fourth report from the Government of Ukraine
on the Revised European Social Charter

- What is the length of, if any, compulsory minimum period of service required of those serving in the professional armed forces?
- Are the circumstances, such as specialized or specific operational requirements, which entail a different compulsory minimum term of service in the professional armed forces and under what conditions may the persons concerned leave the service before the expiry of this term?

The additional information

What is the length of, if any, compulsory minimum period of service required of those serving in the professional armed forces?

Article 12 of the Law of Ukraine "On Pension Security of Persons Discharged from Military Service and Certain Other Persons" dated April 9, 1992 № 2262-XII defines requirements for long-service pension.

Eligibility for long-service pension:

a) officers, non-commissioned officers and warrant officers, extended service military personnel and military personnel under contract and other, regardless of age if they are discharged from the military service:

- on September 30, 2011 and on the day of discharge from military service with long-service of 20 years and more;
- from October 1, 2011 to September 30, 2012 and on the day of discharge from military service with long-service of 20 calendar years and 6 months or more;
- from October 1, 2012 to September 30, 2013 and on the day of discharge from military service with long-service of 21 calendar year or more;
- from October 1, 2013 to September 30, 2014 and on the day of discharge from military service with long-service of 21 calendar year and 6 months or more;
- from October 1, 2014 to September 30, 2015 and on the day of discharge from military service with long-service of 22 calendar years or more;
- from October 1, 2015 to September 30, 2016 and on the day of discharge from military service with long-service of 22 calendar years and 6 months or more;
- from October 1, 2016 to September 30, 2017 and on the day of discharge from military service with long-service of 23 calendar years or more;
- from October 1, 2017 to September 30, 2018 and on the day of discharge from military service with long-service of 23 calendar years and 6 months or more;
- from October 1, 2018 to September 30, 2019 and on the day of discharge from military service with long-service of 24 calendar years or more;



- from October 1, 2019 to September 30, 2020 and on the day of discharge from service with long-service of 24 calendar years and 6 months or more;
- from 1 October 2020 or after and on the day of the discharge from military service with long-service 25 calendar years or more.

b) officers, non-commissioned officers and warrant officers, extended service military personnel and military personnel under contract and other, if they reach on the day of discharge from military service 45 years of age, except persons referred to in Article 5 of this Law, if their insurance period is 25 years and over, of which not less than 12 calendar years and 6 months of military service or service in law enforcement agencies, the State Fire Service, the State Service for Special Communications and Information Protection of Ukraine, bodies and departments of civil protection, the Tax Police or the State Penitentiary Department of Ukraine.

c) officers, non-commissioned officers and warrant officers, extended service military personnel and military personnel under contract upon reaching 45 years of age and if they have long-service of 20 calendar years and more who are discharged from military service under the Law of Ukraine "On State Guarantees of Social Protection of Military Personnel exempt from Military Service in Connection with Reform of the Armed Forces of Ukraine and their families".

d) officers, non-commissioned officers and warrant officers, extended service military personnel and military personnel under contract, other persons who held positions of pilots and floating of submarines of the Armed Forces for at least 20 years, regardless of age if they have on a day of discharge from the military service of 20 years and more.

Are the circumstances, such as specialized or specific operational requirements, which entail a different compulsory minimum term of service in the professional armed forces and under what conditions may the persons concerned leave the service before the expiry of this term?

Article 18 of the Law of Ukraine "On Pension Security of Persons Discharged from Military Service and Certain Other Persones" defines requirements for disability pension. Disability pension to persons who are entitled to a pension under this Law, shall be granted if the disability occurred in the period of their service or not later than three months after discharge from service, or if the disability occurred within three months after discharge from service, but because disease (accident, wound, contusion, injury, etc.), which arose during military service or while in captivity or hostage if the capture or taking of hostages was not voluntary and the person entitled to a pension under this Law, while in captivity or hostage, not committed crimes against peace and humanity.

SECRETARIAT GENERAL

**DIRECTORATE GENERAL
HUMAN RIGHTS AND RULE OF LAW**

DIRECTORATE OF HUMAN RIGHTS

*HEAD OF THE DEPARTMENT
OF THE EUROPEAN SOCIAL CHARTER
AND THE EUROPEAN CODE OF SOCIAL SECURITY,
EXECUTIVE SECRETARY
OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS*

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Ms Natalia Popova
Head of the International Relations and
Protocol Department
Ministry of Social Policy - 8/10
Esplanadna St
01601 Kiev
Ukraine

Strasbourg, 14 June 2012

Dear Ms Popova,

The European Committee of Social Rights is currently examining the States' reports on the European Social Charter with respect to the thematic group on "employment, training and equal opportunities" and has instructed me to forward to you the enclosed questions.

The Committee would be grateful if you could reply to these questions before 27 July 2012 in order to allow the information to be taken into account in Conclusions 2012.

Yours sincerely,

Régis Brillat



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EUROPEAN COMMITTEE OF SOCIAL RIGHTS

COMITE EUROPEEN DES DROITS SOCIAUX

14 June 2012

Questions addressed to Ukraine

Article 1§2 (prohibition of discrimination in employment/ forced labour/ right to earn one's living in an occupation freely entered upon):

- *What is the length of, if any, compulsory minimum period of service required of those serving in the professional armed forces?*
- *Are there circumstances, such as specialised training or specific operational requirements, which entail a different compulsory minimum term of service in the professional armed forces and under what conditions may the persons concerned leave the service before the expiry of this term?*