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EUROPEAN SOCIAL CHARTER

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the European Social Charter
submitted by

THE GOVERNMENT OF UKRAINE

(Articles 7, 8, 16, 17, 27, 31)
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CYCLE 2019

In accordance with Article C of the European Social Charter (Revised) and Article 23 of the European Social Charter the copies of the 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 the Workers Solidarity and the Federation of Employers of Ukraine

All Ukrainian legal acts are available on the website of the Verkhovna Rada of Ukraine at: www.rada.gov.ua

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Article 7 – Right of children and young persons to protection

Paragraph 1 – Prohibition of employment under the age of 15

General legal framework

The relevant legal framework has not changed during the reference period.

Measures taken to implement the legal framework Additional questions and responses

Q.1 The Committee asks whether the prohibition of employment under the age of 15 applies to all economic sectors, all places of work and all forms of economic activity, irrespective of the status of the worker.

The Committee asks what are the measures taken by the authorities (e.g. labour inspection) to improve the supervision and the mechanisms of detecting cases of children under the age of 15 working in the informal economy, outside the scope of an employment contract.

Response

The prohibition of employment of children under the age of 15 applies to all economic sectors, all places of work and all forms of economic activity, irrespective of the status of the worker.

Within the framework of the decentralization reform, the amendments were made, inter alia, to the Law of Ukraine “On Local Self-Government in Ukraine”, according to which the performance of powers to supervise over observance of labour and employment law including child labour law on the respective territory is transferred to the executive bodies of city councils and amalgamated territorial communities.

Accordingly, the State Labour Service of Ukraine (hereinafter referred as “the Labour Inspectorate”) monitors how the executive bodies of city councils and amalgamated territorial communities supervise over observance of labour and employment law including child labour law.

Territorial bodies of the Labour Inspectorate have built collaboration for the purpose of information exchange on cases of violation of the legislation on the child labour, in particular, there are 71 agreements on cooperation regarding information exchange with state employment services, services for children affairs, trades union councils, centers of social services for families, children and youth, structural units for social protection of the

population, structural units of the police; information events for children and employers are held to prevent violation of child labour law and other events.

Q.2 The Committee asks to provide information on any developments in the context of the new draft Labour Code of Ukraine with regard to definition of light work.

Response

Part 5 of Article 299 “Requirements for using child labour” of the draft Labor Code of Ukraine provides for the prohibition of use of child labour in types of work where they may be subjected to threats of physical, psychological or sexual violence, or where performance of work may harm their health, lead to negative consequences in moral development (gambling industry, transportation and sale of alcoholic drinks, tobacco products, medical preparations, etc.).

The list of types of work for which the use of child labour is prohibited shall be approved by the central executive body, that is responsible for formulation and implementation of the public policy in the area of labour and social policy.

Pursuant to Resolution of the Verkhovna Rada of Ukraine No. 2543 of 18 September 2018, the draft Labour Code is included into agenda of the ninth session of the Verkhovna Rada of Ukraine of the eighth convocation. The draft of the Labour Code is recommended to adopt in the second reading and as whole.

Q.3 The Committee wishes to know how the Labour Inspectorate monitors the involvement of children under 15 years of age in the cinema, theatre and concerts.

Response

The current labour law does not provide the separate definition of children, including those under the age of 15, as subjects of labour relations in the cinema, theatre and concerts.

Q.4 The Committee asks whether authorities monitor the conditions of work of children under the age of 15 within the family.

Response

The current labour law does not provide separate monitoring conditions of work of children under the age of 15 within the family (household).

Statistics

Information on the inspections results regarding compliance with labour legislation for children under the age of 15 for the period 2014 – 2017

Indicators	2014	2015*	2016	2017
Number of inspected enterprises where child labour was used	163	2	169	90
Number of working children	334	2	385	17

under the age of 14	0	0	0	0
under the age of 14–15	15	0	79	2

Source: State Labour Service of Ukraine

* Moratorium on inspections from August 2014 to June 2015

Q.5. The Committee asks to provide information on the number and nature of violations detected as well as on sanctions imposed for breach of the regulations regarding prohibition of employment under the age of 15.

Information on the number and nature of violations detected as well as on sanctions imposed for breach of the legislation regarding of employment of children under the age 15 for the period 2014 – 2017

Indicators	2014*	2015*	2016	2017
Number of issued orders	214	5	86	90
Number of protocols submitted to the court regarding bringing to administrative liability	115	0	55	32
Number of registered financial sanctions for the amount (UAH)	-	-	958751	668802
Number of materials submitted to the law enforcement bodies	23	0	12	2
Number of proposals on bringing guilty persons to administrative liability	117	4	39	16
Number of explanatory events	634	205	1821	3308

Source: State Labour Service of Ukraine

* Moratorium on inspections from August 2014 to June 2015

Article 7 – Right of children and young persons to protection

Paragraph 2 – prohibition of employment under the age of 18 for dangerous or unhealthy activities

General legal framework

The relevant legal framework has not changed during the reference period.

Measures taken to implement the legal framework**Additional questions and responses**

Q.1 The Committee asks how the Labour Inspectorate monitors using child labour of persons under the age of 18 years regarding observation of existing sanitary and health norms on labour protection (Order of the Ministry of Health of Ukraine No. 46/31 of 31 March 1994).

Response

Every month the territorial bodies of the Labour Inspectorate inform the central office of the Labour Inspectorate about supervision of the legislation on child labour in the framework of monitoring in order to prevent the performance by children of work dangerous to life and health, compliance with the current sanitary norms, rules and norms of labor protection of children.

Statistics

Q.2 The Committee asks report to provide information on the number and nature of violations detected as well as on sanctions imposed for breach of the regulations regarding prohibition of employment of young workers under the age of 18 in dangerous or unhealthy activities.

Information on the number and nature of violations detected as well as on sanctions imposed for breach of the regulations regarding prohibition of employment of young workers under 18 in dangerous or unhealthy activities for the period 2014 – 2017

	Number of violations detected			
	2014	2015*	2016	2017
Article 190 “Works prohibiting use labour of persons under the age of 18”, Code of Labour Law of Ukraine	3	0	8	7
Sanctions imposed on employers	3 orders for elimination of violations of labour legislation were issued; 3 protocols on bringing to administrative liability were submitted to the court; 3 proposals on bringing the officials to administrative liability were made; materials for 3 inspections were submitted to the law enforcement bodies		4 orders for elimination of violations of labour legislation were issued; 1 protocol on bringing to administrative liability was submitted to the court; 1 proposal on bringing the officials to administrative liability was made; materials for 2 inspections were submitted to the law enforcement bodies	5 orders for elimination of violations of labour legislation were issued; 4 protocols on bringing to administrative liability were submitted to the court

Source: State Labour Service of Ukraine

* Moratorium on inspections from August 2014 to June 2015

Article 7 – Right of children and young persons to protection

Paragraph 3 – Prohibition of employment of children subject to compulsory education

General legal framework

The relevant legal framework has not changed during the reference period.

Measures taken to implement the legal framework

Additional questions and responses

Q.1 The Committee recalls that children under the age of 15 and those who are subject to compulsory schooling are entitled to perform only “light” work. Work considered to be “light” in nature ceases to be so if it is performed for an excessive duration. States are therefore required to set out the conditions for the performance of “light work” and the maximum permitted duration of such work. The Committee considers that children under the age of 15 and those who are subject to compulsory schooling should not perform light work during school holidays for more than 6 hours per day and 30 hours per week in order to avoid any risks that the performance of such work might have for their health, moral welfare, development or education.

According to Article 51 of the Labour Code, employees aged from 15 to 16 years as well as pupils aged from 14 to 15 years are allowed to work 24 hours per week during holidays. Young employees aged from 16 to 18 years may work up to 36 hours per week).

The Committee considers that the duration of working time for children aged 16-18 who are still subject to compulsory education is excessive and therefore cannot be qualified as light work.

Response

The draft Labor Code of Ukraine provides that the list of types of work for which the use of child labour is prohibited shall be approved by the central executive body, that is responsible for formulation and implementation of the public policy in the area of labour and social policy (see para. 1 Article7)

It is envisaged when determining the abovementioned list of work to give a definition “light work” taking into account the maximum permitted duration of such work.

Q.2 The Committee noted from previous report that a person under the age of 18 is entitled to use his/her annual leave at any time or use it in parts, but not less than 14 consecutive days at once.

It asks whether the Labour Inspectorate supervises if young employees under the age of 18 are granted 14 consecutive days of leave in practice and which are the measures/sanctions applied in cases of non-compliance.

Response

The Labour Inspectorate supervises implementation of legislation on leave and in cases of non-compliance it imposes against the employers who violated rights of minors, sanctions according to granted powers.

It is prescribed the financial and administrative liability for the failure to provide the employee with annual leave.

Article 265 of the Labour Code of Ukraine (para. 8, part 2 – violations of other requirements of the labour law) provides the liability in the amount of minimum wage but this provision does not provide the liability for each employee.

Statistics

Q.3 The Committee asks whether fines were imposed on employers who did not comply with the regulations providing short working hours for children who are still subject to compulsory education.

Response

The current labour law does not provide separate monitoring the regulations providing short working hours for children who are still subject to compulsory education.

Article 7 – Right of children and young persons to protection

Paragraph 4 – Working time

General legal framework

The relevant legal framework has not changed during the reference period.

Statistics

Q.1 The Committee asks to provide information on the number and nature of violations detected as well as on sanctions imposed on employers for breach of the regulations regarding the working time for young workers under the age of 18.

Information on the number and nature of violations regarding the working time for young workers under the age of 18 for the period 2014 – 2017

Indicators	2014*	2015*	2016	2017
Number of inspected enterprises where child labour was used	5876	18	5317	3567
Number of children whose rights were violated, of them:	329	2	157	83
worked overtime	11	0	5	6

Source: State Labour Service of Ukraine

* Moratorium on inspections from August 2014 to June 2015

Article 7 – Right of children and young persons to protection

Paragraph 5 – Fair pay

General legal framework

The relevant legal framework has not changed during the reference period.

Measures taken to implement the legal framework Additional questions and responses

Q.1 From the information provided in the report, the Committee notes that the minimum wage corresponds to only 34.44% of the net average wage, which is too low to secure a decent standard of living for young workers

Response

In December 2016, the minimum wage amounted 1600 UAH (100% of the minimum subsistence level for able-bodied persons); in December 2017, the minimum wage amounted 3200 UAH (181,6% of the minimum subsistence level for able-bodied persons)

Statistics

Q.2 The Committee asks how the Labour Inspectorate monitors the actual allowances paid to apprentices in practice for labour during apprenticeship, retraining or training to other professions (Decree No. 700 dated 28 June 1997).

Response

The current labour law does not provide the separate monitoring the actual allowances paid to apprentices for labour during apprenticeship, retraining or training to other professions. A separate inspection covers legislation on remuneration.

Article 7 – Right of children and young persons to protection

Paragraph 6 – Inclusion of time spent on vocational training in the normal working time

General legal framework

The relevant legal framework has not changed during the reference period.

Statistics

Q.1 The Committee asks to provide information on the monitoring activity of the authorities regarding the inclusion of time spent on vocational training by young workers in the normal working time (Decree of the Cabinet of Ministers No. 695 of 28 June 1997) including the number of violations detected and sanctions.

Response

The current labour law does not provide the separate monitoring the inclusion of time spent on vocational training by young workers in the normal working time. A separate inspection covers legislation on reliable accounting of working time.

Article 7 – Right of children and young persons to protection

Paragraph 7 – Paid annual leave

General legal framework

The relevant legal framework has not changed during the reference period.

Statistics

Q.1 The Committee asks whether fines were imposed on employers who did not comply with the regulations concerning paid annual holidays of young workers under the age of 18.

Information on the number of violations concerning paid annual holidays of young workers under the age of 18 for the period 2014 – 2017

	Number of violations detected			
	2014	2015	2016	2017
Article 75 “Annual basic leave period” (Persons under the age of 18 shall be given annual basic leave for the period of 31 calendar day), Code of Labour Law of Ukraine	0	0	0	0
Sanctions imposed on employers	0	0	0	0

Source: State Labour Service of Ukraine

Article 7 – Right of children and young persons to protection

Paragraph 8 – Prohibition of night work

General legal framework

The relevant legal framework has not changed during the reference period.

Statistics

Q.1 The Committee asks to provide information on the number and nature of violations detected as well as on sanctions imposed for breach of the regulations regarding prohibition of night work for young workers under the age of 18.

Information on the number of violations detected as well sanctions imposed for breach of the regulations regarding prohibition of night work for young workers under the age of 18 for the period 2014 – 2017

	Number of violations detected			
	2014	2015	2016	2017
Article 192 “Prohibition to engage employees under the age of 18 in night works, overtime works and works on days-off”? Code of Labour Law of Ukraine	7	0	6	5
Sanctions imposed on employers	7 orders for elimination of violations of labour legislation were issued; 5 protocols on bringing to administrative liability were submitted to the court; 3 proposals on bringing the	0	2 orders for elimination of violations of labour legislation were issued; 2 protocols on bringing to administrative liability were submitted to the court; 1 proposal on bringing the	2 orders for elimination of violations of labour legislation were issued; 2 protocols on bringing to administrative liability were submitted to the court

	officials to administrative liability were made; materials for 3 inspections were submitted to the law enforcement bodies		officials to administrative liability was made	
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Source: State Labour Service of Ukraine

Article 7 – Right of children and young persons to protection

Paragraph 9 – Regular medical examination

General legal framework

The relevant legal framework has not changed during the reference period.

Statistics

Q.1 The Committee asks to provide information on the number and nature of violations detected as well as on sanctions imposed for breach of the regulations regarding the mandatory medical examinations of young workers under the age of 18 years.

Information on the number of violations detected as well sanctions imposed for breach of the regulations regarding the mandatory medical examinations of young workers under 18 years of age period 2014 – 2017

	Number of violations detected			
	2014	2015	2016	2017
Article 191 “Medical examination of persons under the age of 18”, Code of Labour Law of Ukraine	74	2	91	18
Sanctions imposed on employers	67 orders for elimination of violations of labour legislation were issued; 56 protocols on bringing to administrative liability were submitted to the court; 25 proposals on bringing the officials to administrative liability were made;	1 order for elimination of violations of labour legislation was issued; 1 protocol on bringing to administrative liability was submitted to the court	32 orders for elimination of violations of labour legislation were issued; 27 protocols on bringing to administrative liability were submitted to the court; 6 proposals on bringing the officials to administrative liability were made; materials for 5 inspections were	16 orders for elimination of violations of labour legislation were issued; 16 protocols on bringing to administrative liability were submitted to the court; 1 proposal on bringing the officials to administrative liability was made

	materials for 7 inspections were submitted to the law enforcement bodies; 2 regulations according to Article 188-6 of the Code about Administrative Offences of Ukraine were made		submitted to the law enforcement bodies	
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Source: State Labour Service of Ukraine

Article 7 – Right of children and young persons to protection

Paragraph 10 – Special protection against physical and moral dangers

General legal framework

- Resolution of the Cabinet of Ministers of Ukraine “On approval of the concept of the state programme on combating trafficking in human beings for the period until 2020” No. 1053 of 7 October 2015;
- Decree of the Cabinet of Ministers of Ukraine “On state social programme on combating trafficking in human beings for the period until 2020” No. 111 of 24 February 2016;
- Decree of the Cabinet of Ministers of Ukraine “On peculiarities of social protection of children separated from family who are no citizens of Ukraine” No. 832 of 16 November 2016;
- Law of Ukraine “On Amendments to Some Laws of Ukraine Related to Social Protection and Support of Families with Children” No. 936-VIII of 26 January 2016;
- Law of Ukraine “On Preventing and Combating Domestic Violence” No. 2229-VIII of 7 December 2017;
- Decree of the Cabinet of Minister of Ukraine “On the approval of procedure for granting the status of a child affected by hostilities and armed conflicts” No. 268 of 5 April 2017;
- Law of Ukraine “On Amendments to the Criminal and Criminal Procedural Codes of Ukraine with a View to Implementing the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence” No. 2227-VIII of 6 December 2017

During the reference period, the Concept on of the State Programme on Combating Trafficking in Human Beings for the Period until 2020 was approved by the Resolution of the Cabinet of Ministers of 7 October 2015 No. 1053 and the State Social Programme on Combating Trafficking in Human Beings for the Period until 2020 was adopted by the Decree of the Cabinet of ministers of Ukraine of 24 February 2016 No. 111 (hereafter referred to as the Programme).

The aim of the Programme is to prevent trafficking in human beings, to increase effectiveness of detection of persons who commit or facilitate such offences and to ensure protection of the rights of victims of trafficking in human beings, especially children, and to provide them with assistance.

The Action plan on combating trafficking in human beings for the period until 2020 was approved by the Order of the Ministry of Education and Science of Ukraine No.405 of 8 April 2016.

On 7 December 2017, the Verkhovna Rada of Ukraine adopted the Law of Ukraine “On Preventing and Combating Domestic Violence” No. 2229-VIII (hereafter referred to as

the Law No. 2229).

The Law No. 2229 shall define, in particular:

- Child abuse shall mean any form of physical, psychological, sexual or economic violence against a child, in particular domestic violence, as well as any unlawful child-related acts, in particular recruiting, moving, hiding, transfer or receipt of a child committed for the purpose of exploitation using deception, blackmail or child vulnerability;
- Domestic violence shall mean acts (action or inaction) of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between relatives or former or current spouses or other persons who are living (have lived) together as a family, but are not married (were not married), irrespective of whether or not a person who committed domestic violence shares or has shared the same residence with the victim, including threats of such acts;
- Child who has suffered from domestic violence (hereafter referred to as a child affected by domestic violence) shall mean a person under the age of 18 against whom domestic violence has been committed in any form, also a child who has become a witness of domestic violence;
- Sexual abuse shall mean a form of domestic violence which includes any form of sexual nature against an adult without his/her consent or against a child irrespective of its consent or in the presence of a child, coercion to a sexual act with a third person, including other offenses against the sexual freedom or sexual integrity of a person, including those committed against a child or in the presence of a child.

In accordance with Article 22, the Law No. 2229, a child affected by domestic violence has all rights of the victim by insuring that the best interests of the child, its age, sex, health, intellectual and physical development are considered.

In accordance with Article 29, Law 2229, the abuser, who violated the requirements of special measures to combat domestic violence, is liable in accordance with the law. In accordance with Article 30, Law 2229, a person entitled to compensation for material and moral damage caused by domestic violence, moral damage shall be repaired irrespective of material damage that is subject to redress, but not related to its amount. The procedure for compensation for material and moral damage caused by domestic violence shall be determined by the Civil Code of Ukraine and other legislative acts.

Law of Ukraine “On Amendments to Certain Legislative Acts of Ukraine on Strengthening Social Protection of Children and Supporting Families with Children” No. 936-VIII of 26 January, 2016 (hereinafter referred to as the Law No. 936), the Law of Ukraine “On the Protection of Childhood” No.2402-III of 26 April, 2001 (hereinafter referred to as the Law No. 2402) were supplemented in particular by the definition of the terms “a child affected by hostilities and armed conflicts”, “a child in difficult life circumstances”, “child abuse”:

- a child affected by hostilities and armed conflicts shall mean a child who was wounded, contused, injured, suffered physical, sexual or psychological abuse or was abducted or illegally taken outside Ukraine, was involved in military formations or illegally detained, including in captivity;
- a child in difficult life circumstances shall mean a child who finds itself in conditions that adversely affect its life, health and development due to its disability, serious illness, homelessness, conflict with the law, involvement in the worst forms of child labour, dependence on psychotropic substances and other forms of dependence, violence and abuse in the family, avoidance of responsibility by parents or persons who replace them, towards a child, circumstances of natural disaster, man-made disasters, disasters, military actions or armed conflicts, etc. based on the results of the assessment of the needs of the child.

The Law of Ukraine No. 2402 was supplemented with Article 30-1 “Protection of Children in the Zone of Hostilities and Armed Conflicts and Children Affected by Hostilities and Armed Conflicts”, which stipulates that the state shall take all necessary measures to ensure the protection of children who are in the zone of hostilities and armed conflict, and children who have suffered by hostilities and by armed conflicts, their care and their reunification with family members, including search for children, release from captivity, return to Ukraine of children illegally exported abroad. In the event that the age of the person is not determined and there are reasons to believe that this person is a child, the protection shall be provided according to this Article, up to age definition.

All activities of the State in the area of the protection of children in the zone of hostilities and armed conflicts as well as of children affected by hostilities and by armed conflicts shall be carried out in accordance with the rules of international humanitarian law.

The status of a child affected by hostilities and by armed conflicts shall be given by the guardianship and trusteeship body at the place of registration of the child as an internally displaced person.

Procedure for obtaining status of a child affected by hostilities and by armed conflict approved by the Decree of the Cabinet of Ministers of Ukraine No. 268 of 5 April, 2017.

The right to obtain status has a child as well as a person who has not reached the age of 18 years in the period of conducting anti-terrorist operation, who affected by hostilities and by armed conflicts and:

- 1) have been wounded, contused, injured;
- 2) have suffered physical and sexual violence;
- 3) have been abducted or illegally taken outside Ukraine;
- 4) have been involved in military formations;
- 5) have been illegally detained, including in captivity;
- 6) have suffered psychological violence.

The Law No. 936 stipulates that children, including orphans, children deprived of parental care, children in difficult life circumstances, children affected by hostilities or by

armed conflicts, have the right to free secondary legal aid.

In accordance with Article 10, Law of Ukraine “On the Protection of Childhood”, a child has the right to apply in person to the guardianship and trusteeship body, Services for children affairs, Centers of social services for the family, children and youth, to the call-center on preventing and combating domestic violence, violence on the grounds of sex and violence against children and other authorized bodies for the protection of their rights, freedoms and legitimate interests.

The Procedure for reviewing appeals and communications concerning child abuse or threats of such acts was approved by the Order of the Ministry of Social Policy of Ukraine, the Ministry of Internal Affairs of Ukraine, the Ministry of Education and Science of Ukraine, the Ministry of Health of Ukraine № 564/836/945/577 of 19.08.2014 (registered with the Ministry of Justice of Ukraine on 10.09.2014 under No. 1105 / 25882 (hereinafter referred to as the Procedure).

The Procedure has been developed to introduce the effective mechanism for interaction between services for children affairs, social protection institutions for child protection, centers of social services for the family, children and youth, law enforcement agencies, educational institutions, health care institutions.

According to the Procedure:

- child abuse means any form of physical, psychological, sexual or economic violence against a child in or outside the family, including:
 - recruiting a child to participate or forcing it to participate in prostitution using fraud, blackmail, or child vulnerability or committing or threatening of violence;
 - forcing children to participate in the creation of works, images, cinema and video products, computer programs or other objects of a pornographic nature; situations in which the child witnessed a criminal offense, resulting in a threat to its life or health;
 - sexual intercourse and debauchery with a child using: coercion, force, threats, trust, authority or influence on a child, a situation that is especially vulnerable to a child, in particular due to mental or physical incapacity or a dependent environment as well as within the family;
 - any illegal deals in respect of a child, in particular recruiting, moving, hiding, transfer or receipt of a child committed for the purpose of exploitation using deception, blackmail or child vulnerability.

The Verkhovna Rada of Ukraine adopted the Law of Ukraine “On Amendments to the Criminal Code of Ukraine on the Protection of Children against Sexual Abuse and Sexual Exploitation” No. 2334-VIII of 14 March, 2016, (hereinafter referred to as the Law No. 2334).

The Law No. 2334 provides for amendments to Article 155 of the Criminal Code of Ukraine, which criminalized sexual intercourse with a person who has not reached the age of 16 years, committed by an adult. This involves liability in the form of restraint of liberty for a term up to five years or imprisonment for the same term. Thus, the age of consent is established.

The Law of Ukraine “On Amendments to the Criminal and Criminal Procedural Codes of Ukraine in Order to Implement the Provisions of the Council of Europe Convention on the Prevention and Combating of Violence Against Women and Domestic Violence” No. 2227 of 6 December, 2017, which will come into force on 11 January 2019, stipulates, in particular, criminal liability for the rape of a minor in the form of restraint of liberty for a term from seven to twelve years; for the rape of the person under the age of 14 years, regardless of his/her voluntary consent, in the form of restraint of liberty for a term from eight to fifteen years. Sexual abuse of a minor provides criminal liability in the form of restraint of liberty for a term from five to seven years; sexual abuse of a person under the age of 14, regardless of his/her voluntary consent, in the form of restraint of liberty for a term from five to ten years.

During the reference period, the Government of Ukraine has prepared a draft Law of Ukraine “On Amendments to Certain Legislative Acts of Ukraine in Connection with the Ratification of the Convention of the Council of Europe on the Protection of Children against Sexual Exploitation and Sexual Abuse”, which was registered by the Verkhovna Rada of Ukraine No. 6588 of 15 June, 2017.

Measures taken to implement the legal framework Additional questions and responses

It should be noted that the parliamentary hearings titled “The child’s rights in Ukraine: ensuring, observance, protection” took place on 12 October 2016.

The participants of the parliamentary hearings pointed out the situation regarding the children's right to health care, as well as discussed the issues how to strengthen the protection of the rights of vulnerable children, such as orphans, children deprived of parental care, children affected by hostilities and by armed conflicts, children in difficult life circumstances, children who are registered as internally displaced persons, as well as children who are stateless, refugees, children of persons in need of complementary or temporary protection in Ukraine.

On 22 February 2016, the Verkhovna Rada of Ukraine adopted the Resolution “On Recommendations of parliamentary hearings titled “The child’s rights in Ukraine: ensuring, observance, protection”.

On 12 December 2016, the Committee of Verkhovna Rada of Ukraine on Family, Youth Policy, Sport and Tourism held the round table titled “Protection of Children against sexual abuse and sexual exploitation” in cooperation with the Presidential Administration of Ukraine, the Ministry of Social Policy of Ukraine and the Council of Europe Office in Ukraine.

All-Ukrainian NGO “Women's Consortium of Ukraine” has presented the outcomes of the study of the preconditions for the introduction of a new practice of interrogation / interview of a child who experienced sexual abuse.

All Ukrainian Charity “Child Well-being Fund Ukraine”, established in 1997, has created Information and Resource Center “Childhood without Violence”. In 2014, the project “Prevention Sexual Abuse and Sexual Exploitation of Children in the countries of Central and Eastern Europe – Comprehensive Approach” has been launched and will be implementing up to 2019 in cooperation with the Empowering Children Foundation (Poland) with financial support provided by OAK Foundation (Switzerland).

The methodological manual “Formation of the Skills for Safe Children's Behavior” was approved by the Ministry of Education and Science in Ukraine (Minutes No. 1 of 14 February, 2017) within the framework of the project to be used in educational institutions. Additionally, the methodological manual “Teach your child to protect oneself” has been developed as well.

On 2 June 2017, the thematic workshop took place titled “Prevention of commercial sexual exploitation of children”.

Within the framework of the above-mentioned project, One in Five campaign was held in June-November 2015 in cooperation with the Council of Europe, the Nobody's Children Foundation (Poland) and the Ministry of Social Policy of Ukraine.

In 2015, within the framework of the project of the Council of Europe “Strengthening and Protecting Children’s Right in Ukraine” the Recommendations on interviewing of children who were witnesses and/or victims of violence, as well children who have committed violence themselves, were provided.

Technical assistance in implementing the Lanzarote Convention in Ukraine within the framework of the project “Fighting violence against women and children in Ukraine” (2016-2017) was provided by the Council of Europe. At present time, the possibility of introducing best practices (Iceland) Barnahus model in the pilot regions of Ukraine is being explored.

According to the Decree of the Cabinet of Ministers of Ukraine No. 29 of 18 January, 2012, the Ministry of Social Policy of Ukraine is the coordinator in the sphere of combating trafficking in human beings.

The official Ministry of Social Policy of Ukraine website <https://www.msp.gov.ua/timeline/Protidiya-torgivli-lyudmi.html> provides information on the whole range of issues related to the prevention of human trafficking at the national level, including reports on implementation of state programs on combating trafficking in human beings.

If information is received about child trafficking, the local state administration on the territory of which a child has been found, shall identify the child, make an assessment of the circumstances and develop a plan of measures to be taken aimed at supporting the child, before making a decision on status of victim of trafficking in human beings.

If the child suffered from trafficking in human beings has a status of orphan or child deprived of parental care, the local state administration immediately decides on the placement of a child.

Centers for social and psychological rehabilitation of children, shelters for children in cooperation with educational and health facilities shall develop and implement individual child care programs that have suffered from trafficking in human beings.

In general, for the period from 2012 to 2017, 50 children were identified as persons suffered from trafficking in human beings.

The updated information is also contained in the report of the Group of experts on actions against trafficking in human beings (GRETA) and available at: <https://rm.coe.int/greta-2018-20-fgr-ukr-en/16808f0b82>

The action plan for the implementation of the National Strategy for the Prevention of Social Orphanhood for the period up to 2020, approved by the Cabinet of Ministers of Ukraine No. 419 of 27 March, 2013, is in particular aimed at preventing difficult life circumstances for families. Implementation of the action plan has contributed to lowering homelessness among the children.

Children who were removed from the street during raids shall be sent to shelters for children (emergency care), centers for social and psychological rehabilitation (long-term care) and foster families.

In accordance with the Law of Ukraine “On the Protection of Childhood”, the state, through the authorized bodies, shall take the necessary measures to ensure the protection of refugee children and children in need of complementary or temporary protection in Ukraine. The central executive authority, implementing the state policy in the field of migration (immigration and emigration), shall facilitate the search for parents or other legal representatives of refugee children and children in need of complementary or temporary protection, separated from their families as well as shall arrange the accommodation of such children in appropriate children's establishments or families. The guardianship and trusteeship body shall take measures for temporary placement in appropriate institutions or families of refugee children and children in need of complementary or temporary protection or divorced from families; for establishment of guardianship or trusteeship for such children, to support refugee children and children in need of complementary or temporary protection, separated from their families, in exercising of their rights.

The Decree of the Cabinet of Ministers of Ukraine No. 832 of 16 November, 2016 “On specifics of social protection of children separated from the family, who are non-citizens of Ukraine” approved the Procedure for interaction between state bodies and local self-government bodies in identifying children separated from the family who are non-citizens of Ukraine (hereinafter referred to as the Procedure).

The Procedure shall determine the mechanism of interaction between state bodies and local self-government bodies when working with children separated from the family who are foreigners or stateless persons and have expressed their desire to personally or through other persons to acquire refugee status or a person in need of complementary or temporary in accordance with the Law of Ukraine “On Refugees and Persons in Need of Complementary or Temporary Protection”.

The Procedure covers the following issues:

- Detection of children separated from the family;
- Temporary accommodation of a child separated from a family;
- Powers of legal representatives and authorized bodies for social protection of a child separated from a family.

Article 8 – The right of employed women to protection of maternity
Paragraph 1 –Maternity leave

I. General legal framework

The relevant legal framework has not changed during the reference period.

II. Measures taken to implement the legal framework

Additional questions and responses

As indicated in the previous report, according to Article 179 of the Code of Labour Law of Ukraine (hereafter referred to as CLL) based on a medical certificate, women employees are entitled to a paid pregnancy and maternity leave of 70 days before birth and 56 days after birth

The length of pregnancy and maternity leave is calculated in total, that is, women are given pregnancy and maternity leave of a total duration of 126 days.

This means that the postnatal leave is adjusted if the leave before birth was more or less than the established period

From the date indicated on the medical certificate issued for pregnancy and maternity leave, an insured woman is on pregnancy and maternity leave, and from that day on the woman is entitled to pregnancy and maternity benefit.

Since pregnancy and maternity leave is a right and not a duty, a woman has the right to continue to work for some time after providing pregnancy and maternity leave, as well as to interrupt the leave and start to work earlier than the date indicated on the medical certificate.

However, if a woman continues to work of her own free will despite the issued medical certificate for pregnancy and maternity leave, or if she starts to work earlier, the social insurance institution shall pay only for actual pregnancy and maternity leave days, and for the period that woman worked, she shall be paid wage.

The current legislation does not provide the payment of wages simultaneously with maternity benefits.

Recalling from annual leave shall be allowed solely in exceptional cases specified by law (Article 179 of the CLL and Article 12 of the Law of Ukraine “On Leaves”

Accordingly, the legislation does not provide recalling of a female worker from pregnancy and maternity leave.

Q.1 The Committee asks whether the minimum rate of maternity benefits corresponds at least to the poverty threshold, defined as 50% of the median equalised income, calculated on the basis of the Eurostat at-risk-of-poverty threshold value. Statistics

Response

In accordance with Articles 25 and 26, Law of Ukraine “On Compulsory State Social Insurance”, the maternity benefit per month cannot be less than the amount of the benefit calculated from the minimum wage established at the date of the insured case. Maternity benefit shall be calculated in full and provided to the insured person in full regardless of the number of maternity leave days actually used before childbirth.

Maternity benefit is not subject to taxation/no contributions.

2015	2016	2017
Minimum wage UAH 1378.	Minimum wage UAH 1600.	Minimum wage UAH 3723.
Minimum rate of maternity benefit UAH 5704,02.	Minimum rate of maternity benefit UAH 6622,56.	Minimum rate of maternity benefit UAH 15411,06.

Statistics

	Number of violations detected			
	2014	2015	2016	2017
Article 179 “Maternity leave”, Code of Labour Law of Ukraine	2	2	6	1
Sanctions imposed on employers	2 orders for elimination of violations of labour legislation were issued; 1 protocol on bringing to administrative liability was made; 1 proposal on bringing the officials to administrative liability was made; material for 1 inspection was submitted to the law enforcement bodies	2 orders for elimination of violations of labour legislation were issued	6 orders for elimination of violations of labour legislation were issued; 21 protocols on bringing to administrative liability were made; 5 proposals on bringing the officials to administrative liability were made; materials for 3 inspections were submitted to the law enforcement bodies	1 order for elimination of violations of labour legislation was issued; 1 protocol on bringing to administrative liability was made

Source: State Labour Service of Ukraine

Article 8 – The right of employed women to protection of maternity

Paragraph 2 – Illegality of dismissal during maternity leave

I. General legal framework

The relevant legal framework has not changed during the reference period.

II. Measures taken to implement the legal framework Additional questions and responses

Q.1 The Committee asks to confirm, in the light of any relevant examples of case law, that no ceiling applies to the award of moral damages in cases of illegal dismissal of employees during pregnancy or maternity leave.

Response

The information provided in the previous report remains valid, namely, when determining the amount of compensation, the requirements of reasonableness and fairness must be taken into account. No ceiling applies to award of moral damages. The maximum value for determining the size of the refund is not applicable.

III. Statistics

	Number of violations detected			
	2014	2015	2016	2017
Article 184 “Guarantees at employment and prohibition of dismissal of pregnant women and women having children”, Code of Labour Law of Ukraine	26	7	13	13
Sanctions imposed on employers	15 orders for elimination of violations of labour legislation were issued; 7 protocols on bringing to administrative liability were made; 3 proposals on bringing the officials to administrative liability were made; materials for 10 inspections were	7 orders for elimination of violations of labour legislation were issued; 6 protocols on bringing to administrative liability were made; 1 proposal on bringing the officials to administrative liability were made; materials for 2 inspections were	13 orders for elimination of violations of labour legislation were issued; 6 protocols on bringing to administrative liability were made; 4 proposals on bringing the officials to administrative liability were made; materials for 7 inspections were	13 orders for elimination of violations of labour legislation were issued; 4 protocols on bringing to administrative liability were made; 1 proposal on bringing the officials to administrative liability was made; materials for 1 inspection was

	submitted to the law enforcement bodies	submitted to the law enforcement bodies	submitted to the law enforcement bodies	submitted to the law enforcement bodies
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Source: State Labour Service of Ukraine

Article 8 – The right of employed women to protection of maternity

Paragraph 3 – Time off for nursing mother

I. General legal framework

The relevant legal framework has not changed during the reference period.

II. Statistics

	Number of violations detected			
	2014	2015	2016	2017
Article 183 “Breaks for nursing”, Code for Labour Law of Ukraine	-	-	-	-
Sanctions imposed on employers	-	-	-	-

Source: State Labour Service of Ukraine

Article 8 – The right of employed women to protection of maternity

Paragraph 4 – Regulation of night work

I. General legal framework

The relevant legal framework has not changed during the reference period.

II. Measures taken to implement the legal framework Additional questions and responses

Q.1 The Committee asks to clarify whether the employed women concerned are transferred to daytime work until their child is three years old and what rules apply if such transfer is not possible.

Response

On 5 September 2018, the Verkhovna Rada of Ukraine registered a draft Law of Ukraine “On Amendments to Certain Legislative Acts of Ukraine on Additional Guarantees for Conciliation between Family Life and Work” under No. 9045.

In particular, the draft Law of Ukraine provides for prohibition on engagement of pregnant women in night and overtime works, works on day-off and business trip.

III. Statistics

	Number of violations detected			
	2014	2015	2016	2017
Article 176 “Prohibition on engagement of pregnant women and women having children under three years old in night works, overtime works, works on days-off, and business trips”, Code of Labour Law of Ukraine	3	1	3	3

Sanctions imposed on employers	2 orders for elimination of violations of labour legislation were issued; 1 protocol on bringing to administrative liability was made	1 order for elimination of violations of labour legislation was issued; 1 protocols on bringing to administrative liability was made	3 orders for elimination of violations of labour legislation were issued; 3 protocols on bringing to administrative liability were made	3 orders for elimination of violations of labour legislation were issued
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Source: State Labour Service of Ukraine

Article 8 – The right of employed women to protection of maternity

Paragraph 5 – Prohibition of dangerous, unhealthy or arduous work

I. General legal framework

➤ Order of the Ministry of Health of Ukraine “On the List of heavy works and works with harmful and hazardous conditions, where employment of women is prohibited” No. 256 of 29 December 1993 (registered with the Ministry of Justice of Ukraine on 30 March, 1994 under No. 51/260) was cancelled by the Order of the Ministry of Health No. 1254 of 13 October 2017 (registered with the Ministry of Justice of Ukraine on 13 December, 2017 under No. 1508/31376), (list consisted 450 professions)

➤ Order of the Ministry of Health of Ukraine “On approval State Norms and Regulations “Hygienic classification of indicators of harmfulness and danger factors of the production environment, the severity and intensity of the labor process” No. 248 of 8 April 2014 (registered with the Ministry of Justice of Ukraine on 6 May, 2014 under No. 472/25249)

The hygienic classification of working conditions are divided into 4 classes:

https://booksforstudy.com/1253121238274/bzhd/ogiyenichna_klasifikatsiya_pratsi.htm

➤ Class 1 – optimal working conditions - such conditions, which preserve not only the health of workers, and create the preconditions for maintaining high level of labour productivity.

➤ Class 2 – acceptable working conditions - the conditions are characterized by such levels of factors of production environment and labour process which do not exceed the established hygienic standards (possible changes in the functional state of the organism are recovered during regulated rest or before starting next shift) and have no adverse effect on the health of workers and their offspring in the near and far period.

➤ Class 3 - harmful working conditions – the conditions are characterized by the presence of harmful production factors, exceeding hygienic standards and are able to have an adverse effect on the body of the worker and/or his/her offspring.

➤ Class 4 - dangerous (extreme) working conditions - working conditions are characterized by such levels of harmful factors of the working environment, the impact of which within the working shift (or part thereof) poses a threat to life, high risk of severe forms of acute occupational injuries.

Thus, hygienic assessments of working conditions are established taking into account of

- chemical factor;
- biological factor;
- noise, infrasound, ultrasound influence;
- production vibration;
- microclimate indicators;
- atmospheric pressure;
- influence of electromagnetic fields and radiation;
- influence of ionizing radiation;

- light environment;
- severity and intensity of the labour process;
- air ionization;
- general hygienic assessment of working conditions.

II. Measures taken to implement the legal framework

Additional questions and responses

Q.1 The Committee reiterates its question as to whether and how activities involving exposure to benzene, ionizing radiation, high temperatures, vibration or viral agents are prohibited or strictly regulated for pregnant women as well as women who have recently given birth and/or are nursing their infant. It furthermore asks whether underground work in mining is prohibited for these categories of women.

Response

The Third report stated that 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 certificate 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.

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 abovementioned categories of women is higher at lighter works than the salary they received before the transfer, they are paid their actual salary.

III. Statistics

	Number of violations detected			
	2014	2015	2016	2017
Article 174 “Jobs at Which Employment of Women Is Not Allowed”, Code of Labour Law of Ukraine	-	-	1	-
Sanctions imposed on employers	-	-	1 order for elimination of violations of labour legislation were issued; 1 protocol on bringing to administrative liability was made	

Source: State Labour Service of Ukraine

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

I. General legal framework

- Law of Ukraine “On Amendments to the Criminal and Criminal Procedural Codes of Ukraine with a View to Implementing the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence” No. 2227-VIII of 6 December 2017;
- Law of Ukraine “On Preventing and Combating Domestic Violence” No. 2229-VIII of 7 December 2017

On 6 December 2017, the Verkhovna Rada of Ukraine adopted the Law of Ukraine “On Amendments to the Criminal and Criminal Procedural Codes of Ukraine with a View to Implementing the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence” No. 2227-VIII which will come into force on 11 January 2019.

On 7 December 2017, the Verkhovna Rada of Ukraine adopted the Law of Ukraine “On Preventing and Combating Domestic Violence” No. 2229-VIII (hereafter referred to as the Law No. 2229).

The Law No. 2229 shall define the organizational and legal principles of prevention and counteraction to domestic violence, the main directions of implementation of the state policy in that area in order to protect the rights and interests of persons who have suffered from such violence.

The following definitions shall be used:

- domestic violence (please see Article 7, paragraph 10);
- economic violence shall mean a form of domestic violence that includes deliberate deprivation of housing, food, clothing, other property, funds or documents or the ability to use them, abandonment of care, obstruction in obtaining the necessary services for treatment or rehabilitation, forbidding to work, forcing to work, the prohibition on studying and other offenses of an economic nature;
- psychological violence shall mean a form of domestic violence that includes verbal abuse, threats, including towards third parties, humiliation, persecution, intimidation, other acts aimed at limiting the will of the person, control in the reproductive sphere, if such actions or inactivity cause the victim to feel fear for his/her safety or security towards third parties, emotional insecurity, inability to protect herself/himself or to feel harm to his/her mental health;
- sexual violence (please see Article 7, paragraph 10);
- physical violence shall mean a form of domestic violence that includes the following violent acts:
 - slapping
 - kicking
 - pushing

- pinching
- shoving
- biting as well as illegal deprivation of liberty
- beatings
- mutilation, causing bodily harm of varying degrees of severity
- leaving in danger
- failure to provide assistance to a person in danger of life
- causing death
- and committing other violent crimes.

Assistance and protection to victims involve the following acts:

- providing victims with information about their rights and the possibility of exercising such rights in a language they understand or through an interpreter or a third person who speaks a language understood by the victims;
- providing access to general and specialized support services for victims in order to be able to receive medical, social, psychological assistance;
- provision of temporary shelter if necessary for the safe placement of victims;
- providing access to justice and other mechanisms of legal protection, including free legal assistance in accordance with the procedure established by the Law of Ukraine “On Free Legal Aid” for victims;
- setting up around-the-clock free call center on prevention and counteraction of domestic violence, gender-based violence and violence against children in order to ensure immediate response to domestic violence cases, counselling about all forms of domestic violence for subscribers anonymously or in due observance of the legal regime of information which has restricted access.

A victim has the rights to:

- effective and immediate protection in situations of domestic violence, prevention of repeated situations of domestic violence;
- apply personally or through his/her representative to subjects engaged in the prevention and counteraction to domestic violence;
- receive exhaustive information from subjects involved in the prevention and counteraction to domestic violence on his/her rights and social services, medical, social and psychological assistance that he/she may receive;
- social services free of charge, medical, social and psychological assistance according to the legislation when he/she needs it;
- free legal aid in accordance with the procedure established by the Law of Ukraine "On Free Legal Aid";
- respect for honor and human dignity, attentive and humane treatment from subjects engaged in the prevention and response to domestic violence;
- confidentiality of personal information that has become known to subjects engaged in the prevention and counteraction to domestic violence during work with the victim and protection of personal data;
- choose an expert by gender (if possible);
- compensation by perpetrators of material damage and damage caused to physical and mental health, in the manner to be prescribed by law;

- appeal to law enforcement bodies and the court with the purpose of bringing the offenders to justice, applying to them special measures to counteract domestic violence;
- timely received information on final court's decision and procedural decisions of law enforcement bodies related to the consideration of the fact of committing domestic violence against he/her, including those related to the isolation of the offender or his/her release;
- other rights prescribed by law on prevention and combating domestic violence as well as international treaties which were approved as binding by the Verkhovna Rada of Ukraine.

The Law No. № 2227 provides that domestic violence, that is, deliberate systematic committing physical, psychological or economic violence against a spouse or ex-spouse or other person with whom the perpetrator linked by marriage or other close relations, which leads to physical or psychological suffering, health disorders, incapacity for work, emotional dependence or deterioration in the quality of life of the victim shall be punishable by public works for a period of one hundred and fifty to two hundred and forty hours, or arrest for a term up to six months or by restraint of liberty for a term up to five years, or by imprisonment for a term up to two years.

II. Measures taken to implement the legal framework

Additional questions and responses

Economic protection of families

Family benefits

***Q.1** The Committee asks to provide the median equalized income or similar indicators, such as the national subsistence level, average income or the national poverty threshold, etc. The Committee wishes the next report to indicate the percentage of families receiving child benefit*

Response

The Third report consisted detailed information on the legal framework of Family Assistance law, in particular:

- On State Assistance to Families with Children No. 2811-XII of 21 November, 1992 (hereinafter referred to as Law No.2811)
- On State Social Assistance to Low-income Families No.1768-III of 1 June, 2000 (hereinafter referred to as Law No. 1768)
- On State Social Assistance to Persons with Disabilities and Children with Disabilities No. 2109-III of 16 November, 2000 (hereinafter referred to as Law No.2109)
- On State Social Assistance to Persons Without Retirement and Disabled Persons No. 1727-IV of 18 May, 2004 (hereinafter referred to as Law No. 1727)

The Law No. 2811 shall establish a state-guaranteed level of material support for families with children through the provision of state financial assistance based on family-size, its income and the age of children.

In accordance with the Law of Ukraine “On the subsistence level” No. 966 of 15 July, 1999, the subsistence level shall be applied, in particular for establishing assistance size for families with children

The subsistence level (hereinafter referred to as SL) shall be determined on a monthly basis per person, as well as separately for those belonging to the main social and demographic groups, in particular children under the age of 6 and children aged 6 to 18 years.

In accordance with the Law No. 2811, the following types of state assistance for families with children shall be assigned:

- maternity benefit; allowance for childbirth;
- adoption assistance;
- assistance for children under guardianship and trusteeship;
- assistance for children to single mothers.

Adoption assistance

Adoption assistance shall be granted in the amount of the legally established allowance for childbirth according to the Procedure adopted by the Cabinet of Ministers of Ukraine.

Assistance for children under guardianship and trusteeship

Assistance for children under guardianship and trusteeship shall be granted in the amount of two subsistence level for a child of a respective age.

Assistance for children to single mothers

Assistance for children to single mother, single adopter, mother (father) in case of the death of one of the parents having children under the age of 18 (if children are enrolled in full-time education in general education, vocational and higher education institutions of I-IV levels of accreditation – until finishing educational institution but not longer than until reaching the age of 23) shall be granted in the amount equal the difference between 100 % of subsistence level for a child of a respective age and the average monthly total income of a family per person received over the preceding six months.

The Law No. 1768 provides for securing the standard of living not lower than the subsistence level by providing financial assistance to vulnerable families.

State social assistance shall mean a monthly allowance provided to low-income families in cash in the amount depends on the average monthly total income of the family.

The Law No. 2109 provides for granting of monthly allowance for children with disabilities (information will be provided in the Report, thematic group I (Article 15 – The right of persons with disabilities to independence, social integration and participation in the life of the community)).

III. Statistics

- SL in 2016 for children under the age of 6 amounted 1355 UAH;
in 2017 році – 1492 UAH.
- SL in 2016 for children aged 6 – 18 amounted 1689 UAH;
in 2017 – 1860 UAH.

State assistance assigned in accordance with the Law No. 2811

Allowance for childbirth in 2016 and in 2017 amounted 41280 UAH (one-time payment – 10320 UAH and monthly payment – 860 UAH).

Assistance for children under guardianship and trusteeship (maximum) in 2016 for children under the age of 6 – 2710 UAH; in 2017 році – 2984 UAH; in 2016 for children aged 6 – 18 – 3378 UAH; in 2017 – 3720 UAH.

Assistance for children to single mothers (maximum) in 2016 for children under the age of 6 – 1355 UAH; in 2017 – 1492 UAH; in 2016 for children aged 6 – 18 – 1689 UAH; in 2017 – 1860 UAH; in 2016 for children aged 18 – 23 (full time education) – 1600 UAH; in 2017 – 1762 UAH.

State assistance assigned in accordance with the Law No. 1768

Assistance to Low-income Families

The amount of assistance shall be determined for each individual family depending on its property status and total income. The amount of assistance shall be calculated based on the subsistence level, which shall be approved at the same time as the adoption of the Law on the State Budget of Ukraine for the corresponding year.

The average amount of assistance to low-income families in 2016 was - 2,780, 4 UAH.; for large families - 3,886, 56 UAH.

The average amount of assistance to low-income families in 2017 was 3 120, 5 UAH, for large families - 4 054, 84 UAH.

Equal treatment of foreign nationals and stateless persons with regard to family benefits

Q.2 The Committee asks to indicate the criteria to receive family benefits for foreign nationals, stateless persons and refugees and, if relevant, the criteria to get permanent residence. In the meantime, it considers that the situation is not in conformity with the Charter on the ground that it has not been established that there is equal treatment of nationals of other States Parties and stateless persons with regard to family benefits. The Committee asks the next report to indicate whether refugees are treated equally with regard to family benefits.

The third and seventh reports indicated that in accordance with the Law No. 2811 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.

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

Paragraph 1 - Assistance, education and training

I. General legal framework

- Law of Ukraine “On Probation” No.160 –III of 5 February 2015;

- Decree of the Cabinet of Ministers of Ukraine “On specifics of social protection of children separated from family who are no citizens of Ukraine” No. 832 of 16 November 2016;
- Resolution of the Cabinet of Ministers of Ukraine “On approval of the State social programme concept “National action plan for the implementation of the UN Convention on the Rights of Persons with Disabilities” until the period 2021” No. 230 of 5 April 2017;
- Resolution of the Cabinet of Ministers of Ukraine “On National Strategy for Reforming of Institutional Child Care and Upbringing for the period 2017 – 2026” and Action Plan for the implementation of the first stage of the Strategy No. 526-r of 9 August 2017;
- Resolution of the Cabinet of Ministers of Ukraine “On approval of the action plan for the stage by stage creation of additional places in education institution for preschool children” No.871-r of 6 December 2017

During the reference period the Verkhovna Rada of Ukraine adopted the Law of Ukraine “On Probation” No. 160-VIII of 5 February 2015 (hereafter referred to as Law No. 160)

Article 12 of the law No. 160 defines that probation which applies to minors is probation for children aged 14 – 18. Probation shall be carried out with the aim of ensuring their normal physical and mental development, prevention of aggressive behavior, motivation for positive changes in the person and improvement of social relations taking into account the age and psychological characteristics of minors.

State social programme concept “National action plan for the implementation of the UN Convention on the Rights of Persons with Disabilities” until the period 2021” was approved by the Resolution of the Cabinet of Ministers of Ukraine No. 230 of 5 April 2017 (hereafter referred to as the Concept).

The Concept shall provide for, in particular:

- improving the situation of families with children, minimizing the risks of unsatisfactory upbringing children in families and removing children from them;
- creating a child friendly environment in society;
- ensuring the access of children to all types of quality health care from birth;
- ensuring an effective, accessible and friendly learning educational environment aimed at the development of the child, its talents, mental and physical abilities;
- exercising of the right of every orphan child and a child deprived parental care, to family upbringing;
- modernization of the system of protection of the rights and interests of children who committed offenses through improving preventive measures, reducing the level of recurrent crime by 2 per cent annually;
- introduction of an effective mechanism allowing to take into account the child's thoughts during resolving issues related to its life, increasing the number of children covered by various forms of social activities, up to 30 percent

The National Strategy for Reforming of Institutional Child Care and Upbringing for the period 2017 – 2026” and Action Plan for the implementation of the first stage of the Strategy were approved by the Resolution of the Cabinet of Ministers of Ukraine No. 526-r of 9 August 2017 (hereafter referred to as the National strategy).

The purpose of the National strategy is to change the system of institutional child care and upbringing into a system that provides for the care and upbringing of the child in family environment.

Three stages are envisaged for realization of the goals and tasks defined by the National Strategy.

First stage (2017 – 2018) – preparatory stage – defines the following actions

- drafting and adoption of legislation necessary for the implementation of the institutional care and upbringing reform, methodological support;
- analyzing an existing network of institutions for institutional care and upbringing in order to assess the exercising of the right of the child to upbringing in the family, approval of regional plans for reforming the institutional care and upbringing;
- creating and training interagency working group on implementation of the National strategy;
- developing the training programs for the training and retraining of specialists, in particular who are working with children with disabilities;
- developing the criteria for monitoring the institutional care and upbringing reform;
- attraction of investments for the reform of the institutional care and upbringing reform.

II. Measures taken to implement the legal framework Additional questions and responses

Rights of children in public care

Q.1 The Committee notes that the information is still awaited on the outcome of the proceedings before the domestic courts in execution of the ECHR ruling in the case Saviny v. Ukraine. The Committee wishes to be kept informed about the execution of this judgment.

Response

The Resolution of 31 January, 2018 CM / ResDH (2018) 39 recognized that Ukraine executed the judgment of the European Court in the case of “Saviny v. Ukraine” (Application No. 39948/06).

Q.2. The Committee wishes to be kept informed of the situation regarding foster care. As regards institutions, it asks what is the average size of a single institution.

In accordance with Article 254 “The rights of the child placed in foster family” of the Family Code of Ukraine (as amended by the Law No. 936 of 26 January, 2016), the placement of a child in foster family requires the consent of the child if he/she has attained the age and level of development of being able to express it.

The placement of the child in foster family is carried out with the written consent of

his/her parents, other legal representatives. If the mother or father of the child or both are minors, in addition to their consent for placement of the child in the foster family the consent of their parents is required.

The placement of the child in foster family is carried out without the consent of parents, other legal representatives if they were deprived their rights; if lack of information about the place of their staying, as well as if there is an immediate threat to the life or health of the child.

During the period of the child's placement in foster family, his/her rights acquired before foster placement to maintenance, pension, other social benefits, as well as to compensation for the loss of breadwinner would remain valid.

The child, who is placed in foster family, has the right to maintain personal contacts with parents and other relatives. The child has other rights under national law.

According to data of State Statistics Service, by the end of 2017 there were 3677 foster families in Ukraine, in which there were 6880 foster children and 2,065 own children (or adopted).

Regulation on orphanages and boarding schools for orphans and children deprived of parental care was approved by the Order of the Ministry of Education and Science of Ukraine, Ministry of Youth and Sport of Ukraine, Ministry of Social Policy of Ukraine № 995/557 of 9 October 2012 (registered with the Ministry of Justice Ukraine No. 1629/21941 of 10 September).

The Class Size Norms were approved by the Order of the Ministry of Education and Science of Ukraine No. 128 of 20 February, 2002 (registered with the Ministry of Justice of Ukraine No. 229/6517 of 6 March, 2002).

Indication	Class size shall not exceed
Boarding schools for orphans and children deprived of parental care	
Preschool groups for children of the same age	20
Preschool groups for children of the different age	15
1st – 9 th classes and educational groups	25
10th – 12 th classes and educational groups	20

Young offenders

Q.3. The Committee notes from the reply to its supplementary question to the Government

that minors in detention are kept separately from adults. Pursuant to Article 197 of the Criminal Code the maximum duration of a pre-trial detention is six months for crimes of small or medium gravity and 12 months in respect of grave or especially grave crimes. The Committee asks whether young offenders can be detained for 12 months pending trial.

Response

According to the Information Note of the High Specialized Court of Ukraine for Civil and Criminal Cases No. No. 223-1346 / 0 / 4-17 of 18 July 2017, detention/ remand of minors in custody may only be applied in case if a minor is accused of committing a serious or especially grave crime.

At the same time, the prosecutor must prove that the use of a milder preventive measure will not be sufficient to prevent the risks specified in Article 177 “Purpose and grounds for enforcement of measure of restraint” of the Criminal Procedure Code. When choosing a measure of restraint for a minor, the courts shall apply the case law of the ECHR. It should be taken into account that keeping of minors in custody shall be apply as an exceptional measure, and the terms of validity should be as short as possible.

Moreover, courts must periodically review the decisions on applying the most severe measure of restraint to minors. There must be good reasons for extending the time of keeping under custody, and there is not enough one existence of a reasonable suspicion. Also, for this category of cases, more stringent requirements regarding the reasonableness of the terms of consideration are put forward. Such cases should be prioritized and considered by the court in the first place.

Q.4. The Committee asks what assistance is given to children in irregular situation (unaccompanied minors) to protect that against negligence, violence or exploitation (including medical assistance).

Response

The Decree of the Cabinet of Ministers of Ukraine No. 832 of 16 November, 2016 “On specifics of social protection of children separated from family who are not citizens of Ukraine” No. 832 of 16 November 2016 approved the Procedure for the interaction between state bodies and local self-government bodies in identifying children separated from the family who are not citizens of Ukraine (hereinafter referred to as the Procedure).

The procedure shall determine the mechanism of interaction between state bodies and local self-government bodies when working with children separated from the families who are foreigners or stateless persons and have expressed the desire to personally or through other persons to acquire refugee status or a person who needs additional protection in accordance with the Law of Ukraine “On Refugees and Persons who in need of complementary or temporary protection”.

In accordance with the above-mentioned Law of Ukraine a child separated from the family is a person under eighteen years old who arrives or has arrived to the territory of Ukraine unescorted by parents or one of them, grandfather or grandmother, adult brother or sister, custodian or guardian appointed in accordance with laws of the country of origin, or other adult persons who prior to arrival in Ukraine, voluntarily or owing to the practice of

the country of origin have undertaken the responsibility for bringing up the child.

In accordance with the Procedure, the work of state bodies and local authorities with a child separated from the family shall be done in compliance with the following principles:

- protection of the rights and interests of the child;
- protection of children against discrimination;
- consideration of the child's view and taken into account in all matters affecting him or her life;
- ensuring the confidentiality of information about the child.

Upon the detection of a child separated from the family, a representative of the Service for children affairs with the assistance of the representative of the territorial office of the State Migration Service of Ukraine immediately shall provide:

- accompanying a child to the hospital at the place of his/her detection for medical examination and provision of urgent medical assistance if necessary;
- taking measures on the ground of health certificate received from the health unit about the state of health of the child separated from the family for the temporary placement of a child.

The delivery of a child separated from the family for temporary placement shall be carried out by a representative of the Service for children affairs and by a representative of the territorial body of the State Migration Service of Ukraine within 24 hours after the detection of such child. The representative of the territorial body of the State Migration Service shall provide, if necessary, the presence of an interpreter and the use of means of remote translation.

The Service for children affairs at the place of detention of a child separated from the family, after temporary placement, shall immediately involve the Centre for social services for the family, children and youth to assess the needs of the child.

The Centre for Social Services for Family, Children and Youth shall inform the Service for children affairs on the results of the assessment of the needs of the child, as well as on measures shall be taken for social support of the child in the format approved by the Ministry of Social Policy not later than within seven working days

This information may be taken into account when drawing up an individual plan for social protection of the child.

Information on protection against negligence, violence or exploitation please see Article 10, paragraph 7.

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

Paragraph 2

I. General legal framework

- Law of Ukraine “On Education” No. 2145-VIII of 5 September 2017

During the reference period, the Verkhovna Rada of Ukraine adopted the Law of Ukraine “On Education” No. 2145-VIII of 5 September 2017 (hereafter referred to as Law No. 2145)

The Law 2145 has launched education reform that foresees introduction of 12 years system of secondary education from 2018. The law defines types of education “formal education”, “non-formal education”, “informal education”.

The main forms of obtaining education are:

- institutional (intramural (daytime, evening), extramural, distance, network);
- individual (externship, family (home), pedagogic wardship, on-the-job (on the production site));
- dual.

The complete general secondary education has three levels:

- primary secondary education lasting four years;
- basic secondary education lasting five years;
- field-specific secondary education lasting three years.

In accordance with the Law № 2145, the State shall insure free-of-charge basis of the preschool education, complete general secondary education, vocational education and training, professional pre-higher and higher education according to educational standards.

The State shall guarantee the right to free-of-charge basis complete general secondary education to all citizens of Ukraine and other persons legally residing in Ukraine.

The State shall guarantee free-of-charge provision with textbooks (including e-textbooks, handbooks for all seekers of complete general secondary education and pedagogical workers according to the procedure established by the Cabinet of Ministers of Ukraine.

Persons who are in complete general secondary education in educational institutions far away from place of residence shall be provided with temporary accommodation and/or transportation for this period.

The local authorities shall provide preferential public transit for pupils, students and pedagogical workers to the place of study and back home according to the rules and amounts determined by them at the expense of expenditures of corresponding local budgets.

The public and local authorities under the jurisdiction of which public and municipal educational institutions are located, shall provide free hot meals: to orphans, children deprived of parental care, children with special educational needs attending special and inclusive classes (groups), children from families receiving assistance in accordance with the Law of Ukraine “On State Social Assistance to Low-income Families” who are subject of pre-school education, general secondary education, vocational or professional pre-higher education.

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

Paragraph 1

I. General legal framework

- Regulation of the Cabinet of Ministers of Ukraine “On approval of the Concept of the State social programme for ensuring equal rights and opportunities for women and men for the period until 2021” No. 229 of 5 April, 2017

During the reference period, the Cabinet of Ministers of Ukraine approved the Concept of the State social programme for ensuring equal rights and opportunities for women and men for the period until 2021 by the Regulation No. 229 of 5 April, 2017 (hereafter referred

to as the Concept).

The Concept provides for the development of the State social programme for ensuring equal rights and opportunities for women and men for the period until 2021.

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

Paragraph 2

- Decree of the Cabinet of Ministers of Ukraine “On amendments to the Procedure on assigning and payment of the state assistance to families with children” No. 208 of 25 June 2014

I. General legal framework

In accordance with the Decree of the Cabinet of Ministers of Ukraine “On amendments to the Procedure on assigning and payment of the state assistance to families with children” No. 208 of 25 June 2014, childbirth allowance and childcare allowance up to the age of three

years have been united in a single assistance form – childbirth allowance.

Childbirth allowance also fulfills the role of incomes, which make it possible to enroll the childcare leave up to the age of three years in the insurance period.

Childbirth allowance should be granted to a person who takes or plans to take such a leave.

II. Measures taken to implement the legal framework

Additional questions and responses

Q.1 The Committee asks what is the average amount of parental benefit and how the average total family income is calculated. The Committee understands that if the family income is above the subsistence minimum, no benefit will be paid. It asks whether this understanding is correct.

Response

According to the above-mentioned the allowance for childbirth and assistance for childcare up to the age of three years have been united in a single assistance form – childbirth allowance. It is a fixed payment – 41 280 UAH.

After the birth of a child, the family shall receive a one-time amount of 10 320 UAH. Another part of the allowance of UAH 30,960 shall be granted to the family within 36 months at the monthly basis of UAH 860.

If the person who has been assigned the childbirth assistance has expressed a desire to work, the benefit will be paid before the expiration of its assignment within 36 months.

Q.2 The Committee recalls that with a view to promoting equal opportunities and equal treatment between men and women, the leave should, in principle, be provided to each parent and at least some part of it should be non-transferable. It asks whether there is a part that is individual and non-transferable for each parent.

Response

Currently, the individual and non-transferable part of leave the is not part of domestic law. At the same time, the Association Agreement between Ukraine and the European Union provides for the incorporation the Council Directive 2010/18 / EC of 8 March 2010 implementing the revised Framework Agreement on parental leave into domestic legislation.

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

Paragraph 3

I. General legal framework

The relevant legal framework has not changed during the reference period.

Article 31 – The right to housing

Paragraph 1

I. General legal framework

- Decree of the Cabinet of Ministers of Ukraine “About establishment of the state social standards in the sphere of housing and municipal servicing” No. 409 of 6 August, 2014
- Decree of the Cabinet of Ministers of Ukraine “On approval of the procedure and conditions for provision of state budget to subvention to local budgets to take measures aimed at supporting the areas affected by the armed conflict in Eastern Ukraine” No.769 of 4 October 2017
- Resolution of the Cabinet of Ministers of Ukraine “On approval of the Strategy of Integration of Internally Displaced Persons and implementation of long-term solutions to internal displacement until 2020” No. 908 of 15 November 2017.

Decree of the Cabinet of Ministers of Ukraine No. 409 of 6 August, 2014 established the state social standards in the sphere of housing and municipal servicing for the purpose of reduction of the existing regulations of consumption of housing and communal services to their actual amount of consumption and of respect for principle of social justice by provision of privileges and subsidies.

The families have the right to receive housing subsidies when the payment for housing and communal services is more than their mandatory payment. The mandatory payment percentage is calculated individually for each family according to the established formula and depends solely on family income.

The Strategy of Integration of Internally Displaced persons and implementation of long-term solution to internal displacement until 2020” was approved by the Resolution of the Cabinet of Ministers of Ukraine No. 908 of 15 November 2017.

The Strategy contains a separate section “Simplification of the procedure for implementation and protection of property rights of displaced persons” (securing of the right to housing).

It is envisaged:

- to make appropriate changes to national legislation in order to give priority to internally displaced persons to receive social and temporary housing;
- to apply a credit and financial mechanism to provide internally displaced persons with permanent and affordable housing;
- to introduce a mechanism for reducing tax rates and / or exemptions for residential property renting for internally displaced persons;
- to create appropriate conditions for providing free legal assistance to internally displaced persons and members of host territorial communities in the process of concluding housing lease agreements, as well as informing the public about the benefits of concluding such contracts.

Measures taken to implement the legal framework Additional questions and responses

Criteria for adequate housing

***Q.1** The Committee asks what are criteria for adequate housing.*

Response

In accordance with Article 379 of the Civil Code of Ukraine, the housing of an individual shall be a residential building, flat and other living premises intended and suitable for permanent or temporary residence in them.

In accordance with Article 50 of the Housing Code of the Ukrainian SSR, the living premises provided to citizens for living must be well-equipped according to the conditions of the inhabited locality, comply with the established sanitary and technical requirements.

The State Construction Standards of Ukraine were approved by the Order of the State Committee of Ukraine for Construction and Architecture No. 80 of 18 May, 2005. Residential buildings. The main provisions of the DBN B.2.2.-15-2005 (effective from 1 January 2006).

The main provisions determine:

- architectural, planning and design solutions;
- sanitary and hygienic requirements;
- fire safety requirements;
- requirements for engineering equipment of buildings;
- requirements for garbage disposal;
- requirements for water supply and sewage;
- requirements for heating;
- requirements for ventilation and air conditioning;
- gas supply requirements;
- requirements for electrical appliances and automatics;
- requirements for communication and signalling system;
- requirements for energy efficiency saving.

Responsibility for adequate housing

Q.2 The Committee recalls that it is incumbent on the public authorities to ensure that housing is adequate through different measures such as, in particular, an inventory of the housing stock. It asks how adequacy of housing is monitored.

Response

The Order of the State Committee of Ukraine on Housing and Communal Services No. 76 of 17 May 17, 2005 (registered with the Ministry of Justice of Ukraine No. 927/11207 of 25 August, 2005,) approved the Rules for the maintenance of residential buildings and adjoining territories (hereinafter - the Rules).

The rules determine the procedure for providing maintenance services houses and adjoining areas:

- ensuring the normal functioning of residential buildings and adjoining areas throughout the period of their use for appointment;
- implementation of a unified technical policy in the residential sector, which ensures compliance with the requirements of current standards for maintenance, current and capital repairs and reconstruction of residential buildings and adjoining territories.

Monitoring of observance of legislation on protection of consumers rights is carried out in accordance with the Laws of Ukraine “On local Self-Government in Ukraine” and “On Protection of Consumer Rights” and other regulatory acts.

The Order of the State Committee of Ukraine for Housing and Communal Services approved the Exemplary List of Services for the maintenance of buildings and structures

and adjoining territories and services for the repair of premises, buildings, structures No. 150 of 10 August, 2004, (registered with the Ministry of Justice of Ukraine No. 1046/9645 of 21 August, 2004.).

Preventive maintenance of buildings is an integral part of technical maintenance and covers elimination of small faults of elements of buildings in order to ensure their uninterrupted work, as well as prevention of violations of sanitary and hygiene requirements for the premises of buildings, adjustment and regulation of certain types of technical devices.

The frequency of preventative maintenance of elements of residential buildings and the deadlines for the immediate elimination of identified faults in elements of residential buildings are determined by relevant annexes.

The Schedule of preventative maintenance of elements of residential buildings and their results are recorded in relevant journals.

Legal protection

Q.3 The Committee recalls that the effectiveness of the right to adequate housing requires its legal protection through adequate procedural safeguards. The Committee asks the next report to provide detailed information on legal protection in view of its case-law.

Response

The previous report provided detailed information on the protection of the right to adequate housing, which remains relevant.

In particular, the report stated that, in accordance with Article 55 of the Constitution of Ukraine, Article 4 of the Civil Procedure Code of Ukraine, everyone person has the right to apply to court for the protection of his/her violated, unrecognized or disputed rights, freedoms or interests.

In accordance with Article 6 of the Code of Administrative Legal Procedure of Ukraine, each person has the right, in accordance with the procedure established by this Code, to apply to the administrative court if he/she considers that the decision, action or inaction of the subject of authority has infringed his/her rights, freedoms or interests.

In accordance with Article 16 of the Civil Code of Ukraine, everyone has the right to apply to court to protect his/her personal non-property or property rights and interests. A list of ways to protect civil rights and interests was provided.

In accordance with Article 20 of the Civil Code of Ukraine, a person may exercise the right to protection at his/her own discretion. Thus, a citizen of Ukraine, a foreigner or a stateless person have the right to protect his/her right to housing independently in the manner prescribed by law (self-defense), as well to apply to the authorized state, self-governing or public body for the protection of their right.

Measures in favour of vulnerable groups

The Decree of the Cabinet of Ministers of Ukraine approved the Regulations on the procedure for the assignment of housing subsidies No.848 of 21 October, 1995 (updated version) (hereafter referred to as the Regulation).

According to the Regulations, a housing subsidy is irrevocable targeted state social assistance to citizens - residents of households living in residential premises (houses) and cannot pay for housing and communal services independently and for the management of an apartment building.

Citizens of Ukraine, foreigners and stateless persons who are legally staying in the territory of Ukraine, who live in residential premises (houses) have the right to receive a housing subsidy.

The right to receive housing subsidies has families in which the payment for housing and communal services is more than their defined mandatory payment.

Currently, the mandatory payment percentage is calculated individually for each family according to the established formula and depends solely on family income. Appointment of housing subsidies and control over their targeted using are carried out by the structural subdivisions on the issues of social protection.

Q.4 The Committee asks to provide information what measures are taken by public authorities to improve the substandard housing conditions of Roma.

Response

The Action Plan to implement the Strategy on the Protection and Integration of the Roma Minority into Ukrainian Society for the period until 2020, approved by the Resolution of the Cabinet of Ministers of Ukraine No. 701 of 11 September 2013, provides involvement in its implementing as state authorities and regional, Kyiv and Sevastopol city state administrations.

The Ministry of Regional Development of Construction and Housing and Communal Services of Ukraine has established a permanent working group on Roma housing issues. At its meetings Zakarpattia, Odesa and other regional state administrations reports on creation of housing and living conditions in places of compact residence of Roma.

Residents of Roma settlements can also use state-targeted long-term preferential loans under the regional program "Own Home". Plots of land are allocated to persons belonging to Roma minority for private agricultural designation and individual housing construction in accordance with the legislation of Ukraine.

Q.5 The Committee asks to indicate the measures that are taken on adequate housing in favour of internally displaced persons.

The Decree of the Cabinet of Ministers of Ukraine approved the Procedure and conditions for granting subvention from the state budget to local budgets for implementing measures to support territories affected by the armed conflict in Eastern of Ukraine No. 769

of 4 October 2017 in accordance with the Law on the State Budget of Ukraine for the corresponding year.

The subvention is fully allocated:

- 1) for the construction, reconstruction, overhaul of housing stock of communal ownership, including objects of social purpose, for the provision of accommodation for internally displaced persons;
- 2) for the reconstruction, overhaul of housing stock of communal ownership for temporary use by internally displaced persons;
- 3) for acquisition of housing for communal ownership for a temporary use by internally displaced persons.

In 2017, subvention in the amount of 17.0 UAH million was allocated for the purchase of 9 apartments in City of Pokrovsk (15,000,000) and for the purchase of 42 apartments for communal ownership for a temporary use by internally displaced persons in City of Mariupol. The Ministry for Temporary Territories and Internally Displaced Persons of Ukraine is the mail administrator.

Article 31 – The right to housing

Paragraph 2

I. General legal framework

- Order of the Ministry of Social Policy of Ukraine “On approval of the State standard of supported housing for homeless persons” No. 372 of 3 April 2015 (registered with the Ministry of Justice of Ukraine No. 458/26903 of 22 August, 2013)

II. Measures taken to implement the legal framework Additional questions and responses

Q.1 The Committee asks to indicate the number of homeless persons and whether the demand for emergency solutions corresponds to the offer.

Response

In 2014, there were 119 institutions for homeless persons and specialized institutions for the released prisoners, in 2013 – 113 institutions, in 2016 – 119 institutions, in 2017 – 119 institutions. Above-mentioned institutions provided services to 17,115 persons in 2014; 27,173 persons in 2015; 23,347 persons in 2016 and 23,715 persons in 2017.

The Order of the Ministry of Social Policy of Ukraine approved the Procedure for the placement of homeless elderly persons and persons with disabilities to stationary social and

medical institutions and other institutions of social support (care) No.312 of 12 August 2011 (registered with the Ministry of Justice of Ukraine No. 1031 / 19769 of 31 August, 2011).

Above-mentioned institutions take up homeless persons who have reached statutory retirement age and homeless persons with disabilities of I and II groups at public expenses who for health reasons, need external care, domestic services, medical care, have no employable relatives who are obliged to take care of them under the law (lonely person), have lost socially useful connections with employable relatives who are obliged to take care of them under the law.

The placement of homeless people in institutions is carried out at the place residence / stay of these persons.

The Order of the Ministry of Social Policy of Ukraine approved the State Standard of shelter for homeless persons No. 495 of 13 August, 2013 (registered with the Ministry of Justice № 1447/23979 of 22 April, 2015).

Provision of social service of shelter for homeless persons is a complex of measures for the provision of assistance to homeless persons, delivered within the time period necessary for granting them the shelter. It is aimed at reducing the number of such persons by arranging for them overnight stay and / or temporary stay;

The Order of the Ministry of Social Policy approved the State Standard of supportive housing for homeless persons No. 372 of 3 April 2015 (registered with the Ministry of Justice No. 458/26903 of 22 August, 2013).

Social service of supportive housing is a complex of measures for the assistance of adult homeless persons who work or have another permanent legal source of income, insufficient for rent (hire), purchase of housing. It is aimed at creating social and living conditions for their independent living and protection of rights and interests persons who receive such service.

Dormitories

Q.2 Concerning dormitory residents, the Committee asks to provide information on the implementation of the National Targeted Programme to transfer dormitories into ownership of local communities for 2012-2015 approved on 21 June 2012.

Response

During the period of implementation of the National target programme to transfer dormitories into ownership of local communities for 2012-2015, 336 dormitories were transferred from state ownership into communal ownership.

As of October 1, 2016, there were 2996 dormitories of state ownership which were subject to the Law of Ukraine “On Securing of housing rights of dormitory residents”. 1634 dormitories were transferred into communal property.

Forced eviction

Q.3 The Committee notes that in case of eviction due to insolvency or wrongful occupation, the person has the obligation of leaving the premises within the month when he/she receives a written request from the owner. If the person refuses to leave the premises during this period, compulsory eviction is carried out by judicial procedure. Eviction does not give rise to an alternative solution.

Response

The previous report stated that in accordance with Article 47 of the Constitution of Ukraine, a citizen may be deprived of his/her housing only on the basis of a court decision and in accordance with the law. The report indicated all cases of eviction without delivery of another dwelling premise.

Eviction without delivery of another dwelling premise may take place in the following cases:

- 1) destruction or damage to dwelling premises by tenant or other person whose actions he/she is responsible for;
- 2) use of dwelling premises for purposes other than intended by tenant or other person whose actions he/she is responsible for;
- 3) systematic breach of neighbors' rights and interests by tenant or other person whose actions he/she is responsible for;
- 4) illegal taking up the dwelling premises (squatting);
- 5) recognition of the Housing Allocation Order – Permit to Move invalid because of illegal actions of its beneficiaries.

There is no provision for eviction due to insolvency.

In Ukraine there is a Programme of housing subsidies, which provides for financial support of citizens who are not able to independently pay for housing and communal services.

(See above Measures in favour of vulnerable groups).

The previous report stated that citizens evicted from dwelling premises shall be provided with another permanent dwelling premise, except for cases of eviction when it takes place foreclosure of dwelling premises acquired through a loan from bank or other person, whose return is secured by mortgage of respective premises. Dwelling premise that will be provided to the evicted person shall be indicated in the court or prosecutor's decision.

Foreclosure of dwelling premises under mortgage is a ground for eviction of all citizens residing there, with the exceptions established by law. After taking by the lender a foreclosure decision for the mortgaged dwelling premises, all the citizens living therein shall on written request from the lender or the new owner of the premise release it within one month from receipt date of the request. If citizens not release the dwelling premises within the prescribed period or other period as voluntarily agreed by the parties, their compulsory eviction shall be carried out by judicial procedure. That is, in addition to the abovementioned term for one month, there is a possibility of another agreed upon by the parties of the term.

Eviction of citizens in cases foreclosure of dwelling premises acquired through a loan from bank or other person, whose return is secured by mortgage of respective premises is a ground for delivery of dwelling premises to such citizens out of temporary housing stocks in accordance with Article 132-2 of the Housing Code.

The Procedure for the formation of housing stock for temporary residence and the

Procedure for the provision and using of residential premises from the housing stock for temporary residence was approved by the Decree of the Cabinet of Ministers of Ukraine No. 422 of 31 March, 2004.

Concerning illegal occupation of residential premises, it should be noted that in accordance with Article 151 of the Code of Administrative Offenses of Ukraine, self-occupation of residential premises in the buildings of a state or public housing fund or housing construction cooperatives entails a fine of five to ten tax-free minimum incomes of citizens.