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EUROPEAN SOCIAL CHARTER
5th National Report on the implementation of
the European Social Charter

submitted by

THE GOVERNMENT OF UKRAINE

(Articles 3, 11, 14, 23 and 30 of the Charter
for the period 01/01/2008 – 31/12/2011)

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CYCLE 2013

REVISED EUROPEAN SOCIAL CHARTER

5th National Report on the implementation of the European Social Charter (revised)

**submitted by
THE GOVERNMENT OF UKRAINE
(Articles 3, 11, 14, 23, 30
for the period 2008- 2011)**

In accordance with Article C of the Revised European Social Charter
and Article 23 of the European Social Charter,
copies of this report have been communicated to the Joint
Representative Body of All-Ukrainian Trade Unions
at National Level and the Joint Representative Body of the
Employers Side at National Level

All Ukrainian legal acts are available on the Internet at:
www.rada.gov.ua.

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Article 3 – The right to safe and healthy working conditions

Article 3§1

National policy on labour protection (safety and health)

In the framework of the Programme of Economic Reforms for 2010-2014 *Prosperous Society, Competitive Economy, Efficient State*, the matter of workers' labour and health protection is one of the most important and relevant aspects in the national state policy to provide a modern safe and healthy working environment and to minimise working hazards.

Up to the 1st quarter of 2011, the State Committee of Ukraine for Industrial Safety, Labour Protection and Mining Supervision (hereinafter referred to as the Committee) had been the specially designated central executive authority for industrial safety, labour protection, state mining supervision and state regulation of safe handling of explosives, according to Article 38, Law of Ukraine on Labour Protection, and pursuant to the Cabinet of Ministers of Ukraine Resolution No. 1640 of 23.11.2006.

In late 2010, the President of Ukraine issued the Decree No. 1085/2010 of 9.12.2010 to optimise the system of central executive authorities, wherefore the Committee was dissolved, and its relevant functions were assigned to the State Service of Mining Supervision and Industrial Safety of Ukraine (hereinafter referred to as Derzhhirpromnahliad).

Article 2 of the Decree of the President of Ukraine No. 408/2011 of 6 April 2011 *On the Regulations on the State Service of Mining Supervision and Industrial Safety of Ukraine* specifies that the State Service of Mining Supervision and Industrial Safety of Ukraine shall be the legal successor of the Committee.

Derzhhirpromnahliad performs its functions directly and via its territorial bodies, and exercises functions for management of state property entities belonging to its scope of governance.

At present, Derzhhirpromnahliad is a central executive authority, with its activities directed and coordinated by the Cabinet of Ministers of Ukraine via the Minister for Emergencies of Ukraine.

Derzhhirpromnahliad's key areas of work include:

- exercising comprehensive management in the field of industrial safety, labour protection; monitoring performance of functions related to state management of labour protection by ministries, other central executive authorities, the Council of Ministers of the Autonomous Republic of Crimea, local state administrations, and local governments;

➤ organising and exercising state supervision (control) over compliance with laws and other regulatory legal acts on labour protection.

According to the tasks assigned thereto, Derzhhirpromnahliad:

- ensures conduct, and provides within the scope of its authorities scientific and methodological support and coordination, of scientific research (research works) in the field of industrial safety, labour protection, state mining supervision, and safe handling of industrial explosives, via the State Institution “National Research Institute for Industrial Safety and Labour Protection”;

- specifies a procedure for training and knowledge testing on industrial safety and labour protection for officials and other employees, and supervises compliance with requirements of the procedure;

- exercises state supervision over the activities of the Fund for Social Insurance against Occupational Accidents and Diseases concerning:

- implementation of preventive measures aimed at eliminating harmful and dangerous production factors, and at preventing occupational accidents, occupational diseases, and other threats to the insured persons’ health caused by working conditions;

- financing and realisation of national, sectoral and regional programmes for improvement of occupational safety, occupational health and the working environment.

Considerable work to establish a mechanism of the enterprise owner’s economic motivation and responsibility for the provision of harmless and safe working conditions, prevention of incidents, occupational accidents and occupational diseases was carried out by Derzhhirpromnahliad with account of the activities envisaged in the State Programme of Economic and Social Development of Ukraine for 2010.

The current labour protection situation calls for taking state-level measures because it concerns actually all economic activities, covers the country’s entire production potential, and substantially affects the nation’s sustainable economic development.

Labour protection problems and objectives must be comprehensively addressed on the basis of implementation of tasks and activities envisaged in the Nation-wide Target Social Programme for Improvement of Occupational Safety, Occupational Health and the Working Environment, formulation and development whereof is prescribed by Articles 4, 19, 32 and 33, Law of Ukraine on Labour Protection.

The Cabinet of Ministers of Ukraine Resolution No. 889-p of 31 August 2011 approved the Concept of the Nation-wide Target Programme for Improvement of Occupational Safety, Occupational Health and the Working Environment for 2012-2016 (hereinafter referred to as the Programme).

Derzhhirpromnahliad was appointed as the Programme’s state customer.

A working group was established to elaborate the draft Programme, and Derzhhirpromnahliad’s Order No. 88 of 5.10.2011 approved its membership including representatives of Derzhhirpromnahliad, other central executive

authorities concerned, the Fund for Social Insurance against Occupational Accidents and Diseases, and all-Ukrainian associations of trade unions and employers.

As of today, the draft Programme has been submitted in due course to the Cabinet of Ministers of Ukraine for consideration.

According to preliminary forecasts, implementation of the Programme activities will enable creating a modern safe and health working environment, minimising hazards of occupational injuries, occupational diseases and industrial incidents, and reducing the occupational injury frequency rate and the fatal occupational injury frequency rate to 0.7 and 0.03, respectively, by 2016. Realisation of such preventive measures will allow preserving the health of 850 workers and life of 270 ones. That would promote ensuring reduction of social and economic losses caused by their negative consequences and foster sustainable growth of national economy.

At a meeting of the Council for National Security and Defence of Ukraine (17 November 2010), President of Ukraine Viktor Yanukovich initiated the need for developing a long-term Strategy of Development of Ukraine.

The Administration of the President of Ukraine and the Government of Ukraine required Derzhhirpromnahliad to draft a special section on the reform of the occupational safety provision system in Ukraine for the above-mentioned Strategy, the Ministry of Economic Development and Trade being its principal developer, and to take provisions of that section into consideration in a respective state target programme.

For that purpose, Derzhhirpromnahliad established a working group, and the draft text of the separate section *Reforming the Occupational Safety Provision System in Ukraine* for the Strategy of Development of Ukraine (hereinafter referred to as the draft Strategy section) was elaborated on the basis of the group's work results.

The goal of the developed draft Strategy section is to secure radical changes for improving labour protection and industrial safety through the implementation of relevant strategic tasks and activities with overall timeframe being ten years.

Implementation performance of the tasks and activities envisaged in the draft Strategy section is evaluated with the following rates: the occupational injury frequency rate (**Rf**), the fatal occupational injury frequency rate (**Rff**), and the ratio between the fatally injured and the total injured counts (**Ro**).

As of today, the draft Strategy section, jointly elaborated with social partners, has been sent to the draft Strategy's principal developer for consideration.

For the first time ever during Ukraine's independence years, the parliament hearings *On the Industrial Safety and Labour Protection Situation* were held on 17 November 2010.

The hearings decided that it was necessary to modernise the system for management of occupational safety and production hazards.

Besides, in order to improve industrial safety and labour protection, reduce occupational injury rates, and provide safe and healthy working conditions at enterprises in all economic branches, the following Government meetings were held by the Cabinet of Ministers of Ukraine:

- on the labour protection, working environment, and occupational diseases (20 July 2011);
- on the labour protection and industrial safety at coal mining enterprises (17 August 2011).

Based on results of consideration of the Ukrainian Government's 1st Report, the European Committee for Social Rights requested more detailed information on sectoral programmes for improvement of occupational safety and health and working environment, particularly on their scope of application.

According to Article 4, Law of Ukraine on Labour Protection, state policy on labour protection is grounded on the principles of, inter alia, comprehensive addressing of labour protection objectives based on nationwide, sectoral and regional programmes on this matter and with account of other areas of economic and social policy, achievements in science and technology and environmental protection.

In terms of its orientation, a sectoral programme is a social programme designed to address topical problems in the field of occupational safety and health and the working environment at the sector level, generally with a long-term duration (3-5 years).

The application scope of sectoral programmes includes realisation of sector-level activities in order to improve safe and harmless working conditions at enterprises in a certain sector by means of achieving specific objectives related to organisational, logistical, scientific and legal support for labour protection activities, and through further enhancement of labour protection management at the sectoral level.

Sectoral programmes for improvement of occupational safety and health and the working environment (hereinafter referred to as sectoral programmes) are developed and implemented, as per Article 33, Law of Ukraine on Labour Protection, by ministries and central executive authorities involving trade unions and the Fund for Social Insurance against Occupational Accidents and Diseases of Ukraine.

Sectoral programme activities are formulated on the basis of:

- analytical materials on occupational injuries and occupational diseases as well as on the preventive work situation at sectoral enterprises;
- occupational safety problems identified in a respective sector and the ways of addressing them;
- proposals by ministries, other central and local executive authorities, all-Ukrainian associations of employers, trade unions, research

institutes, sectoral enterprises, other enterprises and institutions that initiate addressing of labour protection problems in the sector;

- expert examination of activities for their relevance and efficiency for handling the above-mentioned problems at a sector level;
- analysis of contemporary trends in scientific and technological progress, and international experience in this field.

According to the core tasks, preventive activities on labour protection in a sectoral programme mainly envisage:

- developing and implementing measures to eliminate sector-specific harmful and hazardous working environment factors (dust and gas contamination, noise, vibration, ultrasound, ionising and other harmful types of radiation, etc.);
- developing and implementing measures for metrological, staffing and organisational support for workplace assessment in terms of working conditions;
- establishing industrial sanitary laboratories (including mobile ones) to provide assistance to sectoral enterprises in workplace assessment in terms of working conditions;
- creating and implementing automated information systems for labour protection at the sectoral level, and standard automated expert systems for analysis and forecasting of hazardous and emergency situations in production;
- implementing safe production means and technologies at enterprises in a respective sector;
- developing and implementing special technical means for mechanisation of heavy, hazardous and harmful works;
- designing, and organising production of, personal and collective protective equipment for workers of sectoral enterprises;
- providing workers of sectoral enterprises with personal and collective protective equipment;
- establishing, and providing material and technical support to, certification laboratories for certification of means of production and collective protective equipment;
- addressing occupational health issues;
- training and advanced training of workers on labour protection;
- conducting research and development works to handle labour protection issues in a relevant sector;
- developing and realising training and information programmes to improve workers' knowledge on labour protection;
- establishing sectoral training centres on labour protection;
- designing and manufacturing simulators to train workers engaged in works featuring high occupational hazard levels, working models and prototypes of production equipment;

- advocating safe and harmless working conditions, providing information to workers on occupational safety and health and the working environment (holding conferences, meetings, seminars, review competitions on labour protection; ensuring permanent exhibitions of personal protective equipment used at sectoral enterprises);
 - drafting and publishing sectoral regulations on labour protection, providing them to labour protection services of sectoral enterprises;
 - organising the production of safety signs, posters, memos, data sheets on labour protection and catalogues of worker personal protective equipment, and providing them to enterprises;
 - studying other countries' experience, taking part in the work of international organisations and in holding of international seminars, meetings and exhibitions on labour protection;
 - encouraging work collectives and individuals to address labour protection issues, etc.

According to the legislation in force, sectoral programmes are financed from the resources of the Fund for Social Insurance against Occupational Accidents and Diseases of Ukraine, state budget funds, resources of enterprises, organisations and institutions regardless of their ownership pattern, as well as from other sources not prohibited by the current legislation.

Derzhhirpromnahliad, as an authority exercising comprehensive management of labour protection and supervising performance of functions related to state management of labour protection, carries out annual monitoring of the sectoral programmes implementation based on reports of ministries and central executive authorities.

Findings of the above-mentioned analysis are considered by Derzhhirpromnahliad board meetings and social dialogue parties' meetings, placed on Derzhhirpromnahliad's website, and covered in mass media and in the annual information analytical reference book entitled *The industrial safety situation in Ukraine and work results of Derzhhirpromnahliad bodies*.

During the 2008-2011 reporting period, 6 sectoral programmes were in force in Ukraine, responsible for which were: the Ministry of Infrastructure of Ukraine, the Security Service of Ukraine, the State Department of Ukraine for Execution of Punishments, the State Property Fund of Ukraine, the State Border Guard Service Administration, and the State Commission for the Regulation of the Financial Services Market of Ukraine.

Measures to improve the situation in occupational safety and health and the working environment in the most injury-prone sectors are designed and implemented under separate programmes approved by the Cabinet of Ministers of Ukraine and enjoying considerable financial support from the state budget funds.

For example, the Ministry of Coal Industry, with trade unions participation, designed the Programme for Improving Occupational Safety at Coal Producing and Mine Building Enterprises for 2006-2010 that was

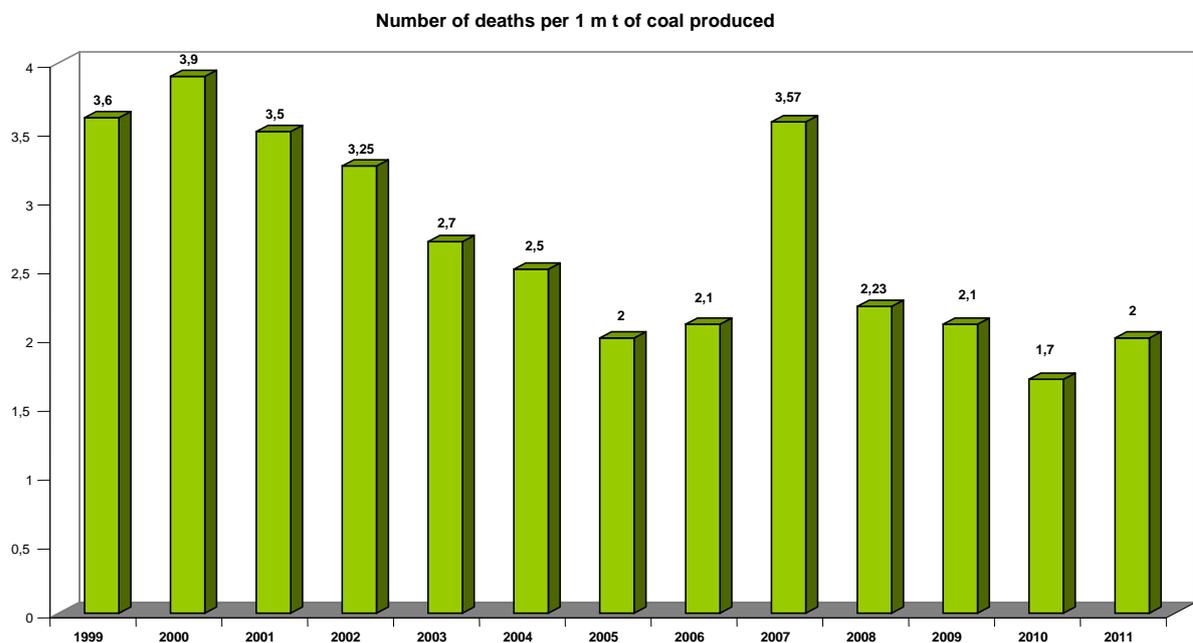
approved by the Cabinet of Ministers of Ukraine Resolution No. 374 of 29.03.2006 (hereinafter referred to as the Programme). The Programme envisages implementation of measures for improving the level of labour protection and industrial safety by means of realising a package of organisational activities, implementing a comprehensive programme of coal bed degasification, reconstructing mine ventilation systems, preventing gas and dust contamination of active mine openings, providing regulatory legal support for occupational safety and health in mining works, improving the miners' working conditions and state of health, ensuring accident-prevention protection of coal mines, mine sections and workplaces.

Due to realisation of the Programme activities, the sector managed to intensify works on design and implementation of new safety equipment, systems, devices and apparatus. Allocation of budget funds allowed improving provision with personal and collective protective equipment, and reducing accident probability, first of all at mines having low solvency and unsafe production.

Implementation of the state policy concerning safe conduct of mining works at coal industry enterprises

Problems of industrial safety in Ukraine's coal industry are currently in a category of national and social significance, and addressing them at the highest state level is a top priority task.

Miners' occupational safety, provision of safe and healthy working conditions in coal industry, and prevention of accidents and worker injuries remain one of the paramount areas in Derzhhirpromnahliad's work.



The sector employs about 332 thousand workers, including 202 thousand at state-owned enterprises and about 120 thousand at private ones.

As of late 2011, the state policy on industrial safety and labour protection at Ukrainian coal-mining enterprises was being implemented by 3 mining districts, 8 state regional mining inspectorates, 4 state mining inspectorates, and 5 specialised inspectorates in 5 oblasts of Ukraine: Volyn, Dnipropetrovsk, Donetsk, Luhansk, and Lviv. The specialised inspectorates allow addressing the most urgent supervision matters such as supervision of mine ventilation and dust and gas parameters, fixed equipment conditions, and mineral resource conservation.

Reformation of the state supervision system in 2010-2011 affected mining supervision most of all.

Before February 2011, i.e. prior to commencement of administrative reform, state supervision in coal industry had been provided by more than 350 inspectors. After the reform, state supervision in 2011 was provided by 188 state mining inspectors at 870 enterprises, institutions and organisations, including at 18,464 industry facilities with various ownership patterns employing 336 thousand persons.

The Cabinet of Ministers of Ukraine Resolution No. 521 of 18 May 2011 amended the Programme for Improving Occupational Safety at Coal Producing and Mine Building Enterprises approved by the Cabinet of Ministers of Ukraine Resolution No. 374 of 29.03.2006.

One of the essential objectives in the Programme consists of implementation of measures to introduce and upgrade unified telecommunications systems at coal mines for supervisory control and automated management of mining machines and process complexes (UTAS).

By late 2011, such control systems have been installed and operating at 29 coal enterprises in Donetsk, Luhansk and Lviv oblasts; of them, at seven mines UTAS has been installed with a function of electric equipment cut-off at excess of allowable methane concentration rates.

To ensure continuous monitoring and supervision of safe conduct of mining works and to prevent dangerous accident situations, it was decided in 2011 to establish within the Derzhhirpromnahliad system a Centre of Integrated Safety of Coal Industry Enterprises.

In June 2011, Derzhhirpromnahliad and the Trade Union of Coal Industry Workers of Ukraine signed an Agreement on cooperation and interaction between the two parties.

The parties agreed to coordinate their activities and assist each other in the exercise of the rights and powers specified for them in legislation, exchange information on labour protection and occupational injuries at enterprises and in regions, submit relevant proposals and take agreed-upon joint measures aimed at creating safe working conditions at workplaces, improve efficiency of state supervision and public control, and secure proper safeguarding of coal mining workers' legitimate rights.

Organising the occupational hazard prevention system at enterprise level

The information submitted in the 1st Report on the employer's duty of securing the operation of the labour protection management system remains relevant. Labour protection is financed by employers according to Article 19, Law of Ukraine on Labour Protection.

The said expenses must be used by the employer on proper functioning of the enterprise labour protection management system and on provision of social guarantees on labour protection to workers.

The Cabinet of Ministers of Ukraine Resolution No. 994 of 27.06.2003 approved the *List of labour protection measures and means expenses on implementation and procurement of which are included in the costs* (hereinafter referred to as the List), which was amended and brought into conformity with the Tax Code of Ukraine by the Cabinet of Ministers of Ukraine Resolution No. 321 of 30.03.2011.

The amounts of expenses incurred to finance the labour protection measures and means envisaged in the List can be included by employers in their costs when calculating a taxable item for preparing accounting and tax statements. Such labour protection measures and means are implemented with account of requirements set forth in Articles 138 and 140, Tax Code of Ukraine.

Industrial enterprises employing rather large numbers of workers, where ISO 14001 and ISO 9001 international quality standards or OHSAS 18001 standards have been implemented, mainly operate Labour Protection Management Systems (LPMS).

An economic entity defines a policy for the general organisation management system, with a LPMS as part thereof, by itself.

The Derzhhirpromnahliad's Order No. 35 of 22.02.2008 approved *the Recommendations for design, implementation and improvement of a labour protection management system* (hereinafter referred to as the Recommendations).

According to the Recommendations, a LPMS must provide for:

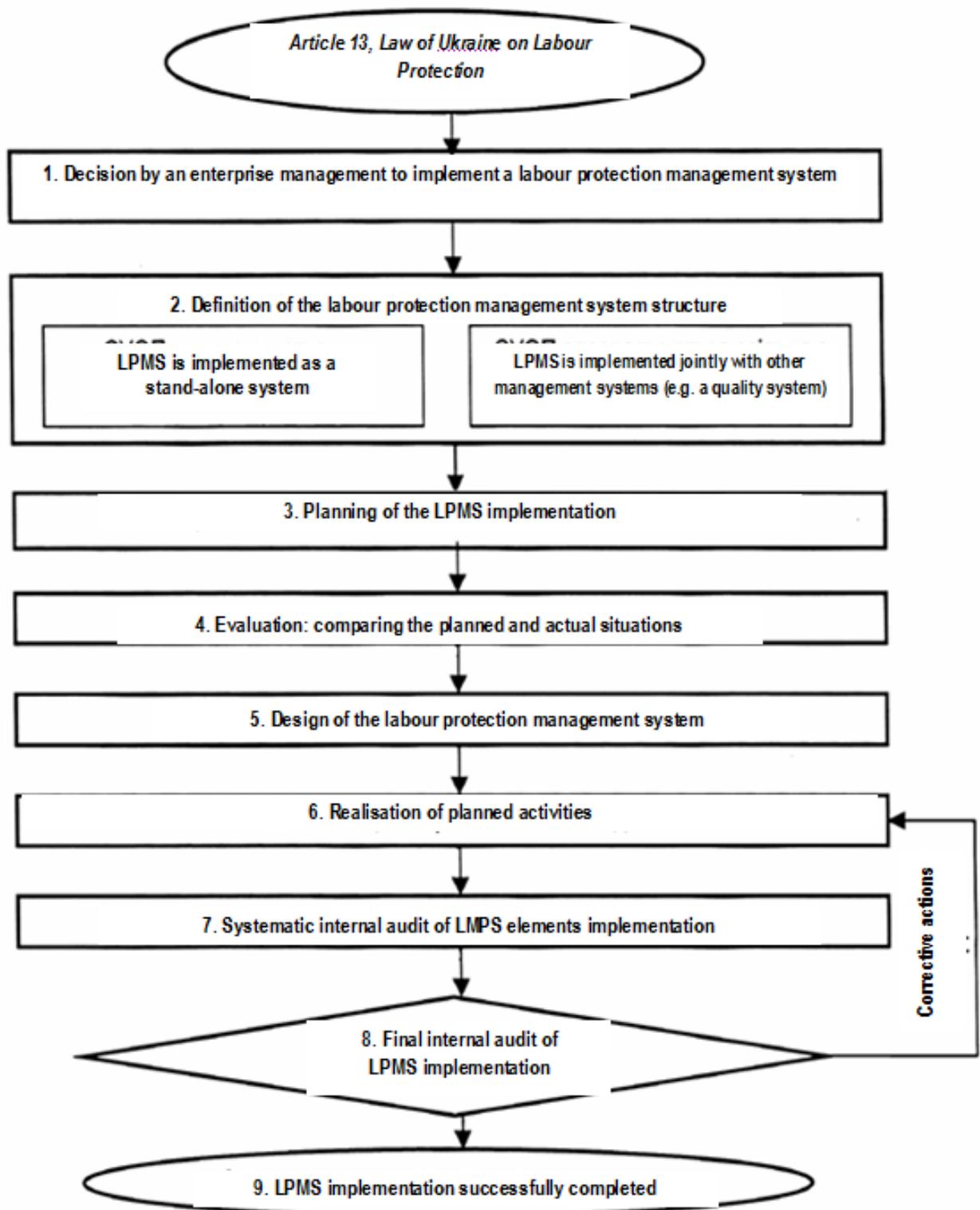
- planning labour protection activities;
- supervising the implementation of current and operational plans;
- possible taking of corrective and preventive actions;
- possible adaptation to changing circumstances;
- possible integration into a general management system.

Prospects of further LPMS development at Ukrainian enterprises consist of improving labour protection management and establishing unified

requirements on labour protection for all economic entities regardless of their ownership patterns, activity types, and employee numbers.

According to analysis of inspections carried out at economic entities, LPMS have been implemented and in operation at more than 60% of enterprises in the country: more than 80% of enterprises are covered by LPMS in the energy sector, more than 90% are in gas facilities whereas a LPMS operates only at every second enterprise in construction, housing and public utilities, and forestry.

Implementation algorithm for a labour protection management system



Since 2010, a new guideline document has been functioning in the coal mining, namely the standard of the Ministry of Coal Industry of Ukraine *The system of production and labour protection management in the coal industry of Ukraine* (COY19.1.00174088.018:2009), that sets forth a unified procedure for operation of a mining enterprise and aims at securing safe conduct of mining works and labour protection according to the requirements specified in the Mining Law of Ukraine, the Law of Ukraine on Labour Protection, and the Coal Mine Safety Rules.

According to the System requirements, actually at all coal mining enterprises there are Regulations in force – on the labour protection management system, on the labour protection service – as well as job descriptions and labour safety regulations by occupation; orders have been issued to establish labour protection services; meetings of permanent commissions (PC) on labour protection are regularly held; plans of improvement of working conditions and labour protection have been developed and approved; a labour protection PC membership and annual work plans of labour protection services have been approved.

For breaches of the LPMS and order system requirements, the Donetsk mining district alone held in 2010 administratively liable 249 officials and other employees of coal enterprises, and 442 persons were held disciplinary liable. Managers of state-owned enterprises and independent mines were issued summary injunctions, and results of inspections were considered at the meetings of the labour protection PCs.

Based on results of consideration of the Ukrainian Government's 1st Report, the European Committee for Social Rights requested more detailed information on the preventive role of Derzhhirpromnahliad.

During the 2008-2011 period, state supervision was exercised according to requirements of the Law of Ukraine on the Basic Principles of State Supervision (Oversight) in the Field of Economic Activities (No. 877-V of 5 April 2007) to the extent not in conflict with the International Labour Organisation Conventions concerning Labour Inspection in Industry and Commerce, 1947 (No. 81), and concerning Labour Inspection in Agriculture, 1969 (No. 129), ratified by the Laws of Ukraine of 8.09.2004 No. 1985-IV and No. 1986-IV.

Occupational accidents are investigated by a specially established commission. Such a commission is formed by the employer if a worker was injured during discharge of employment duties at work, or by Derzhhirpromnahliad (for a special investigation) in case of a fatal accident, an accident with severe consequences, a group accident, a worker's disappearance during discharge of employment duties, or a worker's death at the enterprise.

One of the key tasks of the commissions for investigation of occupational accidents consists of development of measures to prevent such cases further on.

Upon completion of an investigation, the employer is required to issue, within five days, an order on implementation of the measures suggested by the commission and on prevention of such cases in the future; the order must be added to the investigation findings. The employer must inform Derzhhirpromnahliad in written on implementation of the measures within a prescribed time limit.

Derzhhirpromnahliad keeps continuous control of implementation of the suggested measures and checks, within its scope of competence, efficiency of accident prevention work.

The Law of Ukraine on Labour Protection authorises Derzhhirpromnahliad officials to hold administratively liable any workers guilty of breaches of labour protection legislation, send employers representations on some officials' inconsistency with positions held, and submit materials to prosecution authorities for holding such persons liable according to laws.

In case of failure to take the above-mentioned measures, the employer is held administratively liable. All the findings of special investigations are submitted to prosecution authorities for proper response.

Analysis of the situation as of late 2011 in the field of industrial safety and labour protection proved an increase in the number of offences in the above-said areas.

One of the reasons for such a situation consisted of inefficiency of fines in the amounts specified by legislation in force.

The maximum fine amount in 2011 was 238 hryvnias, and it had no 'punitive' function under contemporary conditions, hence it lost the goal of administrative sanctions aimed, first and foremost, at bringing up offenders and at preventing offences.

Taking the above-stated into consideration, in order to increase responsibility of officials and workers, Derzhhirpromnahliad elaborated a draft Law of Ukraine envisaging stronger administrative and criminal penalties on the basis of increased fines imposed on persons guilty of breaches of the legislation on labour protection and natural resources conservation.

The corresponding Law of Ukraine on Amending the Code of Ukraine on Administrative Offences and the Criminal Code of Ukraine to Strengthen Liability for Breaches of the Legislation on Labour Protection and Natural Resources Conservation was passed by the Verkhovna Rada of Ukraine in May 2012.

**Improving the system for securing occupational safety and health
(research and training)**

Based on results of consideration of the Ukrainian Government's 1st Report, the European Committee for Social Rights requested additional

information on the functions and activities of the Council for Policy-Making in Expert Examination of Industrial Safety and Labour Protection.

The Council for Policy-Making in Expert Examination of Industrial Safety and Labour Protection (hereinafter referred to as the Council) functioned from February 2008 to early 2010 as an advisory and consultative body under Derzhhirpromnahliad.

The Council worked on a pro bono basis, and its work was grounded on the principles of openness and publicity.

The Council's working goal was to provide advice to Derzhhirpromnahliad on securing improvement of the system of expert examination on industrial safety and labour protection, impartiality of actions of the system entities, representation of stakeholders' interests in the matters related to expert examination of industrial safety and labour protection for working coordination of expert organisations of all ownership patterns.

The Council included Derzhhirpromnahliad representatives and heads of expert organisations of various ownership patterns.

The Council's main form of work consisted of meetings addressing topical issues arising in everyday activities of all the expert organisations of the country.

Representatives of public authorities, academic institutions, trade unions, other non-governmental organisations, enterprises and institutions as well as mass media were invited to the Council's meetings as necessary.

Within the framework of the Council's functioning, proposals on transparency and impartiality of all the experts carrying out examination were elaborated. According to an endorsed plan, draft regulatory legal acts and concepts on creation of new non-destructive testing methods were developed.

The Council's resolutions were of advisory nature and were implemented by Derzhhirpromnahliad orders as required.

Scientific support for state supervision is mainly provided by the National Research Institute for Industrial Safety and Labour Protection functioning under Derzhhirpromnahliad. Its core activity areas include systematisation of labour protection legislation, analysis of occupational injuries, improvement of state supervision forms and methods, labour protection management including with economic methods, scientific and technological policy on industrial safety and labour protection. The Institute conducts research and developments in the areas of technical regulation, standardisation and certification, and engages in scientific cadre training and publishing. Within its activity areas, the Institute prepared 21 draft laws, 89 regulatory acts and 145 standards; carried out dozens of scientific examinations; developed and published 15 monographs and more than five hundred scientific publications; received 15 invention patents; conducted more than two hundred research works on the matters relevant to

Derzhhirpromnahliad, other public authorities and local governments, various enterprises and organisations.

To discuss the most important issues concerning the application of scientific and technological achievements in the field of labour protection, safe conduct of works, industrial safety, use of subsurface resources, ensuring compliance with legislative requirements on these matters, providing labour protection training, improving state supervision of labour protection and industrial safety, determining scientific and technological basics for the development of science and technology aimed at improving occupational safety and health and the working environment, the Derzhhirpromnahliad's Scientific and Technical Council has been established.

Derzhhirpromnahliad has created a system of scientific and technological support for state supervision of labour protection and industrial safety that includes 25 state-owned expert technical centres.

The expert technical centres carry out almost 300 thousand works annually concerning technical support for state supervision of industrial safety and labour protection.

The centres conduct about 50 thousand expert examinations of project documents for their compliance with regulatory legal acts on labour protection, carry out expert review of more than 20 thousand items of highly hazardous equipment, and perform technical inspection of 90 thousand machines and mechanisms. Besides, they issue almost 15 thousand expert examination opinions concerning compliance of the labour protection situation at enterprises with legislative requirements. The centres provide training on labour protection issues to about 100 thousand persons every year. They maintain a database on technical conditions of highly hazardous equipment operated at enterprises all over the country, the database being a ground for planning of the Derzhhirpromnahliad inspector staff's supervisory activities.

Training on labour protection matters

One of the most important areas for reducing the rate of accident, injury and occupational disease risks consists of the training quality of staff conversant in industrial safety and labour protection matters.

The system of training on labour protection matters has been operating in Ukraine for 17 years already.

The regulatory legal framework in this area envisages a system of continuous training on labour protection matters for officials and other employees when hired for work and in the process of their work, once every three years on general terms or every year on special terms.

Derzhhirpromnahliad pays great attention to training on labour protection matters at every level: heads of central and local executive authorities responsible for the labour protection situation in respective sectors and regions, enterprise heads, heads and teaching staff of higher educational

institutions, responsible employees directly connected with organisation of safe conduct of works, and persons employed in highly hazardous works.

In the Derzhhirpromnahliad system, training on labour protection is provided on the basis of the Chief Training and Methodological Centre (CTMC) and the expert technical centres (ETC).

INFORMATION¹
on training on labour protection matters for 2008-2011

	2008		2009		2010		2011	
	ETC	CTMC	ETC	CTMC	ETC	CTMC	ETC	CTMC
Total number of persons trained on labour protection matters (officials and specialists), including:	50064	4785	46680	4319	50716	5131	55237	5950
- managers	10437	1007	9695	938	11684	1400	14155	941
- chief engineers	4534	414	3989	492	4074	626	4227	458
- labour protection specialists	5721	1389	4675	1342	5866	1471	5714	1117
- other specialists	29372	1975	28321	1547	29092	1634	31141	3434
Technical experts	-	1326	-	1156	-	1030	38	1200
Specialists entitled to conduct mining works	779	-	1114	10	2195	11	2324	22
Officials and specialists on labour protection (Derzhhirpromnahliad), total, including:	-	611	-	-	-	618	16	444
- structural unit heads and deputy heads, inspectorate heads and deputy heads	-	107	-	-	-	-	-	52
- state inspectors	-	481	-	-	-	-	-	388
- specialists	-	23	-	-	-	-	16	4
TOTAL	50843	6722	47794	5485	52911		57615	7616

Systematic work is carried out to improve training on labour protection matters at all levels.

In order to improve quality of training of labour protection specialists, the Sectoral Higher Education Standard “The Bachelor’s Educational and Qualification Profile” (training area - “Labour Protection”, qualification – “Labour Protection Inspector”) has been elaborated within the framework of cooperation with the Ministry of Education and Science.

¹ Based on data of the State Service of Mining Supervision and Industrial Safety of Ukraine.

As part of cooperation with other central executive authorities, the Ministry of Education and Science, the Ministry of Emergencies and Derzhhirpromnahliad issued a joint order *On the organisation and improvement of training on labour protection, safe vital activities, and civil defence in Ukrainian higher education institutions* that was approved on 21.10.2010 under No. 969/922/216 and registered with the Ministry of Justice on 9.11.2010 under No. 1057/18352. The order provides for immediate measures to address problematic issues of labour protection training in Ukrainian higher educational institutions; in particular, it specifies the scopes of study of pre-requisite subjects on labour protection according to the credit-unit system (the European Credit Transfer System, or ECTS).

In pursuance of that order, in March 2011 the Ministry of Education and Science, Youth and Sports developed and Derzhhirpromnahliad agreed the Model Curriculum for the Basics of Labour Protection pre-requisite subject for higher educational institutions for all specialities and training areas at junior specialist and bachelor educational and qualification levels, and the Model Curriculum for the Labour Protection in a Sector pre-requisite subject for higher educational institutions for all specialities and training areas at specialist and bachelor educational and qualification levels.

According to Derzhhirpromnahliad's orders, when exercising state supervision at enterprises, its territorial bodies are required to check if the managers and employees who must undergo labour protection trainings and briefings as per labour protection legislation have confirming documents.

Public awareness on labour protection matters

Awareness raising activities constitute an important aspect of Derzhhirpromnahliad's work.

On the occasion of the World Day for Safety and Health at Work, 28 April, that is officially recognised in Ukraine as well, Derzhhirpromnahliad, in cooperation with other central and local executive authorities, local governments and social partners, conducts activities on celebration of the Day, which allows drawing additional attention of employers and workers to the need for implementation and operation of a labour protection management system because it's an optimal way to preserve human life, health and working capacity in the process of labour activity.

To draw society's attention to existing problems in the labour protection field, popularise preventive methods for averting occupational accidents and diseases, and impart a high labour protection culture at Ukrainian enterprises to young people as future employers and workers, the All-Ukrainian Action *Labour Protection through the Children's Eyes* was organised in 2010 for the first time, initiated by Derzhhirpromnahliad and supported by the Cabinet of Ministers of Ukraine (hereinafter referred to as the Action).

During November-December 2010, education hours and open lessons entitled *Parents' Labour Protection is My Happy Future* were held for pupils and students of Ukrainian schools, vocational and higher educational institutions.

Within the Action framework, a children's crafts competition (hereinafter referred to as the competition) in three sections – drawings, literary works, and video works – was conducted by Derzhhirpromnahliad for schoolchildren aged 8 to 16.

The number of competition works submitted to Derzhhirpromnahliad's territorial directorates (more than 5,000 all over Ukraine) shows that the competition drew a wide response in society.

The best competition works are arranged in public places, public transport, and at enterprises; they are printed in thematic publications and demonstrated in specialised art exhibition facilities of Ukrainian oblast and district centres.

In 2011, Derzhhirpromnahliad's territorial directorate in Luhansk oblast designed a social video clip – a lesson for adults entitled *Safety at a Mine: Children to Parents*. In the clip, five-year-old children reflect on what a mine is, what miners' work is, and what safe conduct rules in a mine are. The children advise their parents to be attentive and careful. The video disk copies were delivered to labour protection specialists of all mining enterprises in Luhansk oblast. It can also be viewed at the Derzhhirpromnahliad's website. Work is underway concerning possible airing of the clip in Ukrainian TV channels.

Press organs belonging to Derzhhirpromnahliad's scope of management include two state enterprises – *Okhorona Pratsi (Labour Protection) Magazine Staff* and *Tekhnopolis Magazine Staff* – that promote implementation of the state policy aimed at providing safe working conditions and foster higher industrial safety in Ukraine.

Derzhhirpromnahliad closely cooperates on the pages of its official website with members of the Public Council.

Measures taken to implement the national policy in consultations with employers' and workers' organisations

Based on results of consideration of the Ukrainian Government's 1st Report, the European Committee for Social Rights requested more detailed information on the scope and context of the General Agreement between the Cabinet of Ministers of Ukraine, all-Ukrainian associations of employers' and entrepreneurs' organisations, and all-Ukrainian trade unions and trade union associations.

The General Agreement (hereinafter referred to as the Agreement) is concluded according to the Law of Ukraine on Collective Agreements between the Cabinet of Ministers of Ukraine, all-Ukrainian associations of employers'

and entrepreneurs' organisations, of the one part, and all-Ukrainian trade unions and trade union associations, of the other part (hereinafter referred to as the Parties).

During the Agreement validity period, the Parties focus their coordinated efforts on attaining top-priority objectives in socioeconomic and labour fields, increasing the population's employment rate, securing proper material support for workers, developing social dialogue further on, achieving stability and concord in society.

The Agreement envisages interaction between the parties to social dialogue concerning coordination of their interests and joint activities to secure meeting the obligations and arrangements specified in the following sections:

- Section I. Promoting development of domestic production, securing productive employment;
- Section II. Labour remuneration;
- **Section III. Occupational safety and health, conditions of work and rest;**
- IV. Social protection and satisfaction of spiritual needs.

Before 2008, the Agreement dated 19 April 2004 had been in force in Ukraine.

In order to coordinate efforts to attain top-priority objectives in socioeconomic and labour fields, increase the population's employment rate, secure proper material support for workers, develop social dialogue further on, achieve stability and concord in society, the Agreement for a new period, 2008-2009, was concluded on 15 April 2008.

The Cabinet of Ministers of Ukraine order No. 1250-p of 17.09.2008 approved the Action Plan for Realisation of the Provisions of the Agreement for 2008-2009.

In Section III of the Agreement for 2008-2009, *the Parties agreed to direct their joint efforts on implementing priority measures on occupational safety and health, conditions of work and rest, particularly:*

- promote incorporation of obligations on taking comprehensive measures aimed at eliminating harmful and dangerous working environment factors into sectoral, regional, and company-level collective agreements;
- hold annual tripartite consultations to define areas and specific measures for prevention of occupational accidents and diseases, with subsequent identification of their financing amounts;
- explore the question on compliance with regulatory legal acts and on possible ratification of some ILO Conventions;
- when entering into sectoral agreements, envisage obligations on annual trainings for owners' and trade union representatives in order to improve legal education of the parties to collective agreements and to ensure efficient supervision of their implementation (as a recommendation to the Parties).

Within the framework of implementing the Action Plan for Realisation of the Provisions of the Agreement, Derzhhirpromnahliad took a number of measures for implementation of the Plan, within the scope of its competence and involving central executive authorities and social partners.

At the trade unions' request, the Cabinet of Ministers of Ukraine issued Order No. 1513-p of 2.12.2009 *On holding negotiations to conclude an Agreement between the Cabinet of Ministers of Ukraine, the joint representative body of the employers' party at the national level, and all-Ukrainian trade unions and trade union associations, and sectoral and regional agreements for a new term.*

On 9 November 2010, the owners' Party represented by the Cabinet of Ministers of Ukraine and the Joint Representative Body of the employers' party at the national level, of the one part, and the trade unions' Party represented by the Joint Representative Body of all-Ukrainian trade unions and trade union associations for collective bargaining and social dialogue at the national level, of the other part, entered into the Agreement on regulation of basic principles and norms of realisation of socioeconomic policy and labour relations in Ukraine for 2010-2012.

The Cabinet of Ministers of Ukraine Order No. 261-p of 30.03.2011 approved the Action Plan for Realisation of the Provisions of the new Agreement.

Important labour protection points in the new Agreement include training of students, cadets and trainees of higher educational institutions in labour protection subjects; establishment of labour protection services in executive authorities and local state administrations according to Ukrainian laws; introduction of unified state statistical reporting on labour protection matters; revision and updating of model sectoral rates for free-of-charge provision of special clothes, special footwear and other personal protective items to the staff of health care and social security facilities, medical research institutions and educational establishments, workers and employees of higher educational institutions.

Negotiations and consultations between Derzhhirpromnahliad, executive authorities, trade union representatives, employers' and workers' organisations concerning the measures to improve occupational safety and health practices at national, sectoral and regional levels

As proposed by all-Ukrainian trade unions, employers' associations and the Cabinet of Ministers of Ukraine, the President of Ukraine with its Decree No. 1871 of 29 December 2005 *On development of social dialogue in Ukraine* established a consultative and advisory body under the President of Ukraine entitled the National Tripartite Social and Economic Council (hereinafter referred to as the National Council) for the first time, including representatives of the above-mentioned parties.

As the Law of Ukraine on Social Dialogue in Ukraine (No. 2862-VI of 23 December 2010) came into force, legal basics for the organisation and procedure of social dialogue in Ukraine were finally defined.

In this connection, in order to elaborate and implement the state social and economic policy, regulate labour relations (including labour protection), social and economic relations, secure improvement of people's living standards and quality, and ensure social stability in society, the National Council for established by the President of Ukraine for the second time already as a permanent body (Decree No. 347 of 2.04.2011).

At present, the National Council has a tripartite structure of representation of the parties to social dialogue: 20 representatives from each of the executive authorities' party, the trade unions' party, and the employers' party. The Council is headed by the Chairperson appointed by the President of Ukraine for one year as nominated by the National Council Presidium.

The National Council Co-Chairpersons are party coordinators. The National Council's personal membership is determined according to the procedure set forth in Article 9, Law of Ukraine on Social Dialogue in Ukraine. Derzhhirpromnahliad is represented in the Council by the 1st Deputy Head.

Key tasks of the National Council include:

1) shaping a consolidated stand of the parties to social dialogue concerning the strategy of economic and social development of Ukraine and concerning ways of addressing the problems existing in this field;

2) drafting and submitting agreed-upon recommendations and proposals to the President of Ukraine, the Verkhovna Rada of Ukraine, and the Cabinet of Ministers of Ukraine on shaping and implementation of the state economic and social policy as well as on regulation of labour, economic and social relations.

A permanent auxiliary body of the National Council is its Secretariat providing organisational, expert analytical, legal, informational, logistical and other support to the National Council's activities.

The National Council's priority activity areas include, inter alia, improving efficiency of the system of labour protection, occupational safety and health, and state supervision of labour protection.

Implementation of the respective area envisages, in particular, drafting of summary proposals on enhancement of the system of public awareness on labour protection matters.

All the activities relating to current and problematic labour protection issues are carried out by Derzhhirpromnahliad and its territorial bodies in cooperation with trade union associations and employers' associations at the central, sectoral and regional levels.

During 2009-2011, in order to join efforts for ensuring observance of the workers' labour rights guaranteed by the Ukrainian Constitution and laws as well as to exchange information on the labour protection and occupational

injuries situation, Derzhhirpromnahliad signed agreements on cooperation at the top management level with:

- the Federation of Trade Unions of Ukraine (24.06.2009, new current one – 28.04.2011);
- the Central Committee of the Trade Union of Metal and Mining Workers of Ukraine (July 2010);
- the Central Committee of the Trade Union of Agro-Industrial Complex Workers of Ukraine;
- the Trade Union of Gas Facility Workers;
- the Trade Union of Coal Industry Workers of Ukraine (30.06.2011).

In order to organise interaction in the course of implementation of state supervision activities, an agreement on interaction was concluded on 31.05.2010 between Derzhhirpromnahliad and the Ministry of Labour and Social Policy.

The agreement is a component of an optimal relations design when powers, especially in the areas where they intersect, are used as efficiently as possible, promote addressing the existing problems, improving general economic indicators, and affirming the best world (European) standards in Ukraine.

Still in force are the agreements concluded between Derzhhirpromnahliad and the Ministry of Defence of Ukraine (8.06.1994) and the Ministry of Internal Affairs of Ukraine (2.08.1995) on the procedure of state supervision at the facilities of the Ministries where individuals work under employment contracts.

The basis for signing the agreements was provided by longstanding fruitful cooperation in securing a proper level of industrial safety and labour protection in Ukraine, in taking joint measures to reduce the rates of occupational injuries and diseases of workers, and in creating proper, safe and healthy working conditions at enterprises, institutions and organisations of the country.

At the regional level, there are cooperation agreements in force between sectoral, territorial trade union associations (organisations thereof) and Derzhhirpromnahliad's territorial directorates, particularly in Vinnytsia, Donetsk, Dnipropetrovsk, Zaporizhia, Odesa, Chernihiv, Rivne, Mykolaiv, Kherson and Khmelnytskyi oblasts. Conclusion of agreements on cooperation continues.

During 2008-2011, Derzhhirpromnahliad's cooperation with social partners was also implemented by means of participation of representatives of trade union associations and employers' organisations in Derzhhirpromnahliad board meetings, within the Councils of their territorial bodies, during development of legislative and regulatory acts on labour protection. They are invited to take part in the work of commissions on:

- labour protection knowledge testing of officials and other employees of enterprises, institutions and organisations regardless of their ownership and economic management patterns;
- investigation of occupational accidents and occupational diseases.

One of the ways to ensure realisation of the state policy on labour protection at the regional level consists of cooperation with oblast state administrations (ODAs).

Priority areas of such cooperation are as follows:

- improving the labour protection management system at enterprises, institutions and organisations;
- exchanging experience on industrial safety and labour protection;
- taking coordinated measures to prevent industrial incidents and occupational accidents at enterprises, institutions and organisations;
- exchanging information on the circumstances, reasons and consequences of industrial incidents and occupational accidents at enterprises, institutions and organisations.

In order to ensure all-round implementation of the above-listed areas, to shape systemic approaches to performance of state supervision and control functions, and to address jointly urgent problems on labour protection at the regional level, Derzhhirpromnahliad signed cooperation agreements with the following ODAs:

- Dnipropetrovsk (10.12.2010);
- Luhansk (29.03.2011);
- Zaporizhia (23.06.2011);
- Poltava (15.12.2011).

Within the framework of the agreements, the parties agreed on joint participation, within the scope of competence, of Derzhhirpromnahliad inspectors and ODA specialists in inspection of economic entities in the above-listed oblasts for their compliance with the current laws on labour protection, industrial safety, natural resources conservation, and handling of industrial explosives, as well as agreed to organise and hold conferences, seminars and working meetings.

According to the Order No. 70 of 5.08.2011, Derzhhirpromnahliad carried out monitoring of the agreements signed with Dnipropetrovsk, Luhansk and Zaporizhia ODAs. Findings of the monitoring were submitted to the territorial bodies for considering them in their work and for experience dissemination.

The regulations on Derzhhirpromnahliad's territorial bodies and job descriptions of their officials envisage tasks and functions for interaction with local executive authorities and local governments, working bodies of the executive directorate of the Fund for Social Insurance against Occupational Accidents, and other state supervisory bodies.

Derzhhirpromnahliad's territorial bodies provide to local authorities on the annual basis analytical information on the occupational injury situation in

Ukraine's oblasts and on measures to prevent occupational injuries, and such materials are subsequently considered by ODA board meetings.

Derzhhirpromnahliad's respective territorial bodies provide their proposals to the target regional (oblast, city) programmes for improvement of occupational safety and health and the working environment.

Representatives of Derzhhirpromnahliad's territorial bodies are involved in the work of road traffic safety commissions, regional expert commissions for accreditation and licensing of educational institutions, for people's safe vital activities, for harvesting, for readiness for harvest intake by elevators and grain receiving stations, and other commissions organised by oblast and district state administrations.

International cooperation

In 2009-2010, Derzhhirpromnahliad was actively studying experience of the Federal Republic of Germany concerning the use of the bonus-malus system (BMS) that affects increase and decrease in the insurance rate for general compulsory state social insurance against an occupational accident and an occupational disease.

The problem of reducing the occupational injury rate in coal mining remains the most pressing. Within the framework of the Mine Safety in Ukraine Ukrainian-U.S. project, a series of training workshops was provided to Derzhhirpromnahliad staff concerning investigation of occupational accidents, using the U.S. experience.

Based on results of the cooperation, the Mining Safety Training Centre was opened in Luhansk in September 2011 with the U.S. Government participation. In 2011, the centre trained 47 mining inspectors, and for 2012 it is planned to train 120 working inspectors and 160 inspectors expected to be recruited.

Cooperation is underway with the People's Republic of China, aimed at improving the occupational safety and health situation at coal mines.

In order to improve occupational safety standards, Derzhhirpromnahliad cooperates with the Chief Mining Office of Poland within the framework of the European Commission's Coal Sector Policy Support Programme. With the help from the Polish counterparts, experience of Poland and other EU Member States in the organisation of state supervision and the application of European rules and standards for design of a supervision system was studied.

Cooperation with Poland's State Labour Inspectorate has been launched, particularly to study experience of the organisation of state supervision in construction during the erection of facilities for the EURO 2012 football championship.

In 2010, Derzhhirpromnahliad attended the VIII meeting of the CIS Interstate Council for Industrial Safety in Yerevan, Armenia, due to which a fruitful dialogue with Russia and Belarus has been going on.

For the purpose of more in-depth examination of supervisory bodies' work in the European Union Member States, Derzhhirpromnahliad started establishing cooperation with the European Agency for Safety and Health at Work (hereinafter referred to as the Agency) that deals with the matters of occupational safety and health as well as work-related risk assessment and management, which is important both to employers and workers.

The goal of cooperation for the near future is to develop a system of knowledge on operation of labour protection systems in European countries and to draft proposals for reform in Ukraine's system.

The goal for a long-term period consists of Derzhhirpromnahliad's participation in the work of the Agency as a partner, establishment of its contact point in Ukraine, and development of programmes with the European Commission's support for their implementation in Ukraine.

In the framework of the joint EU-ILO Gender Equality in the World of Work in Ukraine project, working experience of the Labour and Social Security Inspectorate of Spain was studied in 2010 to address problematic gender policy issues in the field of occupational safety and health and to use the experience further on in Ukraine.

Article 3§2

Safety and health regulations

The Law of Ukraine on Labour Protection No. 2694-XII of 14 November 1992 (hereinafter referred to as the Law) is the basic law specifying main provisions on the exercise of the workers' constitutional rights to protection of their life and health at work, proper, safe and healthy working conditions; it regulates, with involvement of relevant public authorities, employer-worker relations on occupational safety and health and the working environment, and establishes a unified procedure of labour protection organisation in Ukraine.

During the reporting period, 2008-2011, the Law was amended and supplemented for seven times, which was caused by contemporary requirements and by standards of international and European law.

In order to bring the Law into conformity with requirements of the Law of Ukraine on the Authorisation System in Economic Activities, the Law of Ukraine No. 3395-VI of 19.05.2011 amended Article 21 of the Law accordingly to specify more clearly Derzhhirpromnahliad's powers on the issuance of authorisations for conduct of highly hazardous works and for operation (use) of highly hazardous machines, mechanisms and equipment.

In this regard, Derzhhirpromnahliad developed an appropriate Procedure that was then approved by the Cabinet of Ministers of Ukraine Resolution No. 1107 of 26.10.2011.

For the purpose of economic stimulation of the employer's responsibility for provision of proper, safe and health working conditions, relevant amendments were made Articles 19 and 43 of the Law, according to which labour protection measures are financed in percentage of the wage fund of the previous year. Besides, the amendments envisage functions of imposition of fines on legal and natural persons using hired labour.

In addition, Derzhhirpromnahliad elaborated a new Procedure for investigation and recording of occupational accidents, occupational diseases and industrial accidents, which was approved by the Cabinet of Ministers of Ukraine Resolution No. 1232 of 30 November 2011.

During 2008-2011, Derzhhirpromnahliad carried out a number of measures aimed at improving the regulatory legal framework for labour protection and industrial safety.

Considering a great number of outdated regulatory legal acts on labour protection, Derzhhirpromnahliad approved, with its Order No. 225 of 1.11.2010, the Action Plan for stock-taking and systematisation of the USSR regulatory legal acts applied in Ukraine according to the Verkhovna Rada of Ukraine Resolution No. 1545 of 12 September 1991 *On the procedure of temporary validity of some USSR legislative acts in the territory of Ukraine*, and of the Ukrainian SSR regulatory legal acts in force in Ukraine and not declared null and void, as well as the Action Plan for stock-taking and systematisation of the regulatory legal acts on labour protection adopted in 1991-2001, in order to bring them into conformity with the Constitution and laws of Ukraine.

For that purpose, a working group on legislation stock-taking and systematisation was established with the key task of composing a list of regulatory legal acts on labour protection that had been adopted before 1991 and require immediate revision or amendment.

The working group conducts continuous analysis of the acts included in the State Register of Regulatory Legal Acts on Labour Protection for their relevance.

Derzhhirpromnahliad prepares a consolidated Plan for development (revision) of regulatory legal acts (draft laws, resolutions of the Cabinet of Ministers of Ukraine, regulatory legal acts on labour protection, etc.) on the annual basis proceeding from proposals submitted by ministries, other central executive authorities, and social partners.

Strengthening of economic and political ties between Ukraine and the European Union consists of approximation of Ukraine's current and future legislation to the Community laws, as stated in provisions of the Partnership and Cooperation Agreement between Ukraine and the European Communities and their Member States.

Over the period of 2008-2011, Derzhhirpromnahliad developed nine Safety Rules and 30 Labour Protection Rules in productions of various economic branches, and registered them with the Ministry of Justice.

One of important reasons for development of the above-mentioned regulatory legal acts on labour protection consists of the fact that, up to the present day, enterprises used the rules developed in the USSR time and failing to take account of all the matters of legal regulation of economic and administrative relations arising in the conduct of economic activities and contemporary requirements of Ukrainian laws. The above-mentioned acts have been drafted with account of the regulatory legal acts in force.

In the course of drafting, the said documents were considered and endorsed by the Joint Representative Body of all-Ukrainian trade unions and

trade union associations and by the Joint Representative Body of the employers' party at the national level.

The main goal of development of the said acts was to improve industrial safety at enterprises by means of implementing new regulatory legal acts harmonised with international and European standards.

With its Order No. 62 of 22.03.2010, Derzhhirpromnahliad approved new Coal Mine Safety Rules registered with the Ministry of Justice on 17.06.2010 under No. 398/17693. As the Rules came into force, the similar Rules, approved by Derzhhirpromnahliad's Order No. 257 of 16.11.2004, lost force.

The Rules cover operating mines, mines under construction or reconstruction, those in the process of closure or closed hydroprotected mines, enterprises and organizations performing works in coal mines, regardless of their ownership patterns.

The new Coal Mine Safety Rules have been prepared in pursuance of the Cabinet of Ministers of Ukraine Resolution No. 374 of 29.03.2006 *On approval of the Programme for improving occupational safety at coal producing and mine building enterprises*. This document establishes a procedure for safe conduct of mining works and for the use of mining, transport and electrical equipment, ventilation and emergency protection of mine openings, dust and gas parameters, industrial health and labour protection.

As a result of implementation of the above-mentioned regulatory legal acts, there has been a stable downward trend in fatal injury rates at supervised enterprises.

Based on results of consideration of the Ukrainian Government's 1st Report, the European Committee for Social Rights asks whether the relevant economic activities (*specified in the 1st Report 2008*) cover the overwhelming majority of workers and whether application of those regulatory legal acts to all sectors is envisaged.

Derzhhirpromnahliad drafts and revises regulatory legal acts for their compliance with contemporary requirements, considering modern trends in development of scientific and technical progress and technological development. Continuous work is underway to improve and draft new regulatory legal acts that detail general norms, supplement them, and cover various economic activity sectors or special norms.

According to the Regulations on the State Register of Regulatory Legal Acts on Labour Protection, approved by Derzhhirpromnahliad's Order No. 151 of 8.06.2004 and registered with the Ministry of Justice of Ukraine on 23.06.2004 under No. 778/9377, the existing body of regulatory legal acts is delimited. It is entered into the Index of the State Register of Regulatory Legal Acts on Labour Protection (hereinafter referred to as the Index) based on the principle of use in a relevant economic activity sector and based on the general

scope of application if the economic entities' activity is not on the existing list of economic activities.

As of 2011, the Index of regulatory legal acts on labour protection approved by Derzhhirpromnahliad's Order No. 109 of 7.07.2009 includes 828 acts.

Provisions of 133 regulatory legal acts are aimed at securing the application in *several economic activities*.

For example:

- the Regulations on the procedure of providing workers with special footwear and other personal protective items, approved by Derzhhirpromnahliad's Order No. 53 of 24.03.2008 and registered with the Ministry of Justice of Ukraine on 21.05.2008 under No. 446/15137;

- the Rules of construction and safe operation of loaders, approved by Derzhhirpromnahliad's Order No. 308 of 31.12.2008 and registered with the Ministry of Justice of Ukraine on 3.02.2009 under No. 103/16119.

The regulatory legal acts cover all economic areas, namely: extraction of minerals, industry, production and processing, protection of subsurface resources, all fields of social services to the population, transport and means of communications, and, in particular:

- financial mediation - 3;
- informatization - 1;
- research and development - 3;
- provision of services - 12;
- public administration - 1;
- education - 10;
- health care - 10;
- cesspool cleaning, street cleaning, and waste disposal – 2
- Entertainment, recreation, culture and sports - 18;
- individual services - 9.

According to Article 13, Law of Ukraine on Labour Protection, one of the methods for securing safe working conditions consists of the employer's duty of drafting and approving regulations, instructions and other acts on labour protection, valid within the enterprise, and of establishing the rules of work and workers' behaviour in the enterprise territory, manufacturing areas, construction sites, and workplaces according to regulatory legal acts on labour protection.

Hence, a layer of local norms on labour protection is established, regulating labour protection matters within the enterprise, institution or any economic entity regardless of its ownership pattern and activity types.

Risks that require regulation

Creation, replacement and maintenance of workplaces – production equipment

According to Article 21, Law of Ukraine on Labour Protection, production buildings, structures, machines, mechanisms, equipment, and transport means put into operation after construction (manufacture) or reconstruction, overhaul, etc., as well as manufacturing processes must meet requirements of regulatory legal acts on labour protection.

Conduct of highly hazardous works and operation (use) of highly hazardous machines, mechanisms and equipment is only allowed subject to an appropriate authorisation from Derzhhirpromnahliad based on the Procedure for issuance of authorisations for conduct of highly hazardous works and operation (use) of highly hazardous machines, mechanisms and equipment, approved by the Cabinet of Ministers of Ukraine Resolution No. 1107 of 26.10.2011.

Process systems, their individual elements and equipment must have necessary means of control and blocking that ensure their safe operation.

For explosive manufacturing processes, there should be automatic control and emergency protection systems that prevent formation of an explosive environment and other accident situations in case of deviation from maximum allowable parameters envisaged by regulations in all working modes and that also secure safe shutdown or switch of the process into a safe mode.

As of 31.12.2011, there were 7,928 highly hazardous facilities in Ukraine, owned or used by 3,515 economic entities.

Based on results of consideration of the Ukrainian Government's 1st Report, the European Committee for Social Rights requests more detailed information on the Nationwide Programme for Adaptation of Ukrainian Legislation to the European Union Legislation approved by the Law of Ukraine No. 1629-IV of 18.03.2004 to the extent related to occupational safety and health.

The Partnership and Cooperation Agreement between Ukraine and the European Communities and their Member States regards occupational safety and health as one of the most important areas for adaptation of legislation to that of the EU.

Adaptation of the Ukrainian legislation provides for reforming the legal system of Ukraine and gradually bringing it into conformity with European and international occupational safety standards in order to determine unified and universally accepted legal, socioeconomic, organisational and technical, sanitary and hygienic, and treatment and preventive measures and means aimed at preserving human life, health and working capacity in the process of labour activity.

The Law of Ukraine No. 1629-IV of 18.03.2004 approved the Nationwide Programme for Adaptation of Ukrainian Legislation to the European Union Legislation (hereinafter referred to as the Programme).

In pursuance of the Programme, the Cabinet of Ministers of Ukraine annually drafts and approves an action plan for implementation of the Nationwide Programme for Adaptation of Ukrainian Legislation to the

European Union Legislation, envisaging expenditure to finance the plan realisation measures in the draft State Budget of Ukraine for a respective year.

On the labour protection matters, the following European Union directives were taken into account in regulatory legal acts in pursuance of the annual plans:

- Directive 94/9/EC of the European Parliament and of the Council of 23 March 1994 on equipment and protective systems intended for use in potentially explosive atmospheres is taken into consideration in the Technical Regulation on confirmation of compliance of equipment and protective systems for use in potentially explosive atmospheres, approved by the Cabinet of Ministers of Ukraine Resolution No. 898 of 8.10.2008;

- Council Directive 92/104/EEC of 3 December 1992 on the minimum requirements for improving the safety and health protection of workers in surface and underground mineral-extracting industries is taken into consideration in the General Requirements on labour protection at mining enterprises, approved by the Ministry of Emergencies Order No. 459 of 19.07.2006, registered with the Ministry of Justice on 4.08.2006 under No. 943/12817;

- Directive 2000/9/EC of the European Parliament and of the Council of 20 March 2000 relating to cableway installations designed to carry persons is taken into consideration in the Cabinet of Ministers of Ukraine Resolution No. 1076 of 14.10.2009 *On approval of the Technical Regulation on cableways designed to carry persons*;

- Council Directive 92/58/EEC of 24 June 1992 on the minimum requirements for the provision of safety and/or health signs at work is considered in the Cabinet of Ministers of Ukraine Resolution No. 1262 of 25 November 2009 *On approval of the Technical Regulation on worker safety and health signs*;

- Council Directive 98/24/EC of 7 April 1998 on the protection of the health and safety of workers from the risks related to chemical agents at work, supplemented by Commission Directive 2000/39/EC of 8 June 2000 establishing a first list of indicative occupational exposure limit values in implementation of Council Directive 98/24/EC on the protection of the health and safety of workers from the risks related to chemical agents at work and Commission Directive 91/322/EC establishing indicative limit values by implementing Council Directive 80/1107/EU on the protection of workers from the risks related to exposure to chemical, physical and biological agents at work.

Taking account of the requirements set forth in Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work, Council Directive 89/654/EEC of 30 November 1989 concerning the minimum safety and health requirements for the workplace (first individual directive within the meaning of Article 16(1) of Directive 89/391/EEC), Directive 2009/104/EC of the

European Parliament and of the Council of 16 September 2009 concerning the minimum safety and health requirements for the use of work equipment by workers at work (second individual directive within the meaning of Article 16(1) of Directive 89/391/EEC), Derzhhirpromnahliad in 2010-2011 developed *the General requirements to securing workers' labour protection by employers* that were approved by the Ministry of Emergencies of Ukraine Order No. 67 of 25.01.2012 and registered with the Ministry of Justice on 14.02.2012 under No. 226/20539.

Taking account of the requirements set forth in Council Directive 98/24/EC of 7 April 1998 on the protection of the health and safety of workers from the risks related to chemical agents at work, Commission Directive 91/322/EEC of 29.05.1991 establishing indicative limit values by implementing Council Directive 80/1107/EU on the protection of workers from the risks related to exposure to chemical, physical and biological agents at work, Commission Directive 2000/39/EC of 8 June 2000 establishing a first list of indicative occupational exposure limit values in implementation of Council Directive 98/24/EC on the protection of the health and safety of workers from the risks related to chemical agents at work, Commission Directive 2006/15/EC of 7.02.2006 establishing a second list of indicative occupational exposure limit values in implementation of Council Directive 98/24/EC and amending Directives 91/322/EC and 2000/39/EC, Derzhhirpromnahliad in 2010-2011 developed *the Requirements to employers for the protection of workers from harmful exposure to chemical agents* that were approved by the Ministry of Emergencies of Ukraine Order No. 627 of 22.03.2012 and registered with the Ministry of Justice on 10.04.2012 under No. 521/20834.

A special role in Derzhhirpromnahliad's work is played by ensuring the state supervision on labour protection and industrial safety according to requirements of the International Labour Organisation Conventions ratified by Ukraine.

In order to ensure Ukraine's consistent compliance with its commitments for the provision of safe and harmless working conditions, pursuant to the Law of Ukraine on the International Treaties of Ukraine, Derzhhirpromnahliad in 2010-2011 ensured elaboration and follow-up of the draft laws of Ukraine:

- on Ratification of the International Labour Organisation Convention concerning the Prevention of Major Industrial Accidents, 1993 (No. 174), passed by the Verkhovna Rada of Ukraine on 15 February 2011, No. 3021-VI;
- on Ratification of the International Labour Organisation Convention concerning Safety and Health in Mines, 1995 (No. 176), passed by the Verkhovna Rada of Ukraine on 15 February 2011, No. 3020-VI;
- on Ratification of the International Labour Organisation Convention concerning Occupational Safety and Health and the Working Environment, 1981 (No. 155), passed by the Verkhovna Rada of Ukraine on 2 November 2011, No. 3988-VI.

Derzhhirpromnahliad carries out work to prepare measures for the implementation of requirements of the Conventions into the national legislation in force.

Harmful and poisonous substances and materials

Protection of workers against asbestos

Based on results of consideration of the Ukrainian Government's 1st Report, the European Committee for Social Rights requests information on the application of relevant international standards (e.g. the International Labour Organisation Convention No. 162).

According to the State Sanitary and Epidemiological Service of Ukraine, 9 enterprises manufacturing their products with the use of chrysotile asbestos currently operate in Ukraine. The number of workers directly connected with production is about 4,000 whereas about 50,000 are engaged in services to production.

Two types of asbestos are distinguished in the world practice: chrysotile and amphibole. Unlike European countries, Ukraine uses only chrysotile asbestos in asbestos cement and asbestos technical industries.

The Committee for Hygienic Regulation under the State Sanitary and Epidemiological Service has ensured regulation of chrysotile asbestos and entered it into the State Register of Hazardous Factors. The harmful substance, chrysotile asbestos, is mainly used in construction and metallurgy. Amphibole asbestos is not used in Ukraine.

State sanitary and epidemiological supervision over the asbestos-using enterprises is exercised in pursuance of Article 9 of the ILO Convention concerning Safety in the Use of Asbestos, 1986 (No. 162), SP 5809-91 *Sanitary Rules for Work with Asbestos*, and other regulatory legal acts.

In pursuance of Article 10 of the above-mentioned Convention, enterprise owners (employers) replace prohibited asbestos cement pipes for underground communications with plastic pipes, asbestos-board roofing with metal tiles or other roofing materials, inflow air ducts and exhaust ventilation systems with metal structures.

All the workers working with asbestos or asbestos-containing materials are provided medical examinations annually – preliminary examinations when hired for work and periodic ones – considering an integral exposure to all production factors, including asbestos, according to the Ministry of Health of Ukraine order No. 246 of 21.05.2007 *On approval of the Procedure for medical examination of certain worker categories*. At workplaces where asbestos or asbestos-containing materials are used, workplace assessment in terms of working conditions is conducted, and laboratory instrumental monitoring of workplace air parameters is carried out.

According to operational data of the State Sanitary and Epidemiological Service facilities for 2008-2011, 1 case of occupational coniotuberculosis in

work with asbestos was recorded – at Dzerzhynskiy Dniprovsky Metal Works PJSC (Dniprodzerzhynsk city).

During 2005-2007, in order to obtain reliable data on assessment of risks for the workers' health due to the use of chrysotile under contemporary conditions, the leading research institution in the field of occupational health – the Institute of Labour Medicine of the National Academy of Medical Sciences of Ukraine (NAMS) – studied impacts of working conditions upon the workers' state of health in Ukraine's asbestos cement production. The data obtained confirm that the chrysotile asbestos fibre content at most workplaces in asbestos cement enterprises is within the strictest international regulations (SILA - 0.1 fpml for all asbestos types). The above-mentioned study did not confirm occupational oncopathology cases among workers employed in Ukrainian asbestos cement production either with clinical or epidemiological data.

According to Article 10 of the Global Plan of Action on Workers' Health 2008-2017 and Article 10 of the Parma Declaration on Environment and Health, the NAMS Institute of Labour Medicine drafted the State Sanitary Regulations and Standards (DSanPiN) *Use of chrysotile and chrysotile-containing materials* that, for the purpose of harmonisation of legislation with international standards, include monitoring of asbestos fibre content in workplace air.

The above-mentioned sanitary regulations and standards specify requirements to the protection of life and health persons employed at civilian enterprises where chrysotile asbestos, chrysotile-containing materials and items are used; requirements to the protection of health of the population living in the coverage area of industrial emissions of such enterprises; and requirements to the existing system of hygienic assessment of such enterprises and their products, according to the Ukrainian legislation in force and with account of the ILO Convention concerning Safety in the Use of Asbestos, 1986 (No. 162), the ILO Recommendation No. 172, and the Safety in the Use of Asbestos - ILO Codes of Practice.

More than 200 measures of administrative influence were applied to officials and operation of more than 150 facilities was suspended for violation of the health legislation requirements for the use of asbestos.

Protection of workers against ionising radiations

Based on results of consideration of the Ukrainian Government's 1st Report, the European Committee for Social Rights requests information on the protection of workers against ionising radiations.

According to the State Sanitary and Epidemiological Service of Ukraine, protection of workers in their work with ionising radiation sources is provided with account of the International Labour Organisation Convention No. 115 and

Recommendation No. 114 concerning the Protection of Workers against Ionising Radiations.

The principal state document establishing a system of radiation hygiene regulations to ensure acceptable radiation exposure levels both for an individual and for society at large consists of the Radiation Safety Standards of Ukraine (NRBU-97) approved by the Resolution of the Chief State Health Officer of Ukraine No. 62 of 1.12.97. The goal of NRBU-97 is to specify key requirements to the protection of human health against possible damage caused by ionising radiation sources and to safe operation of ionising radiation sources.

The general requirements to measures for ensuring radiation protection in practical work are regulated by the state sanitary regulations entitled the Principal Sanitary Regulations for the Provision of Radiation Safety in Ukraine, as approved by the Ministry of Health of Ukraine Order No. 54 of 2.02.2005 and registered with the Ministry of Justice of Ukraine on 20.05.2005 under No. 552/10832.

The necessary level of radiation protection for enterprise staff is provided by:

- radiation health, organisational and technical measures to ensure safe working conditions;
- restricting, in due course, permit to work with ionising radiation sources depending on the workers' age, sex and state of health;
- organising and conducting radiation control.

One of the measures to maintain occupational health and provide protection of workers against ionising radiations is to carry out preliminary (when hired for work) and periodic medical examinations the procedure whereof was approved by the Ministry of Health of Ukraine order No. 246 of 21.05.2007 and registered with the Ministry of Justice of Ukraine on 23.07.2007 under No. 846/14113. Preventive medical examination is carried out in order to:

- determine a worker's state of health and record initial objective health indicators, and a possibility of performing professional duties with no impairment of the state of health under specific harmful and hazardous working environment factors and the working process;
- detect occupational diseases (poisonings) that emerged earlier in employment at previous workplaces, and prevent work-related and occupational diseases (poisonings);
- timely detect early symptoms of acute and chronic occupational diseases (poisonings), general and work-related diseases in workers;
- ensure case follow-up of the workers' state health under harmful and hazardous production factors and working process;
- decide about the worker's ability of continuing to work under specific harmful and hazardous production factors and working process;

- develop individual and group treatment and preventive and rehabilitation measures for the workers included in a risk group based on results of their medical examination;

- provide appropriate health-improving activities.

In case of an accident involving workers at nuclear installations, a special investigation is conducted according to the Cabinet of Ministers of Ukraine Resolution No. 1232 *Some matters concerning investigation and recording of occupational accidents, occupational diseases and industrial accidents.*

According to information provided by the State Nuclear Regulatory Inspectorate of Ukraine (hereinafter referred to as Derzhatomrehuliuvannia), proper hygienic and sanitary conditions for inspectors' work on nuclear power plant (NPP) sites are continuously maintained in order to provide favourable working conditions (work with potential sources of harmful and hazardous production factors able to affect the workers' state of health adversely).

Based on workplace assessment results, the rights of workers of State Inspectorates for Nuclear Safety on NPP Sites employed in works with harmful conditions have been confirmed for preferential pension coverage according to Lists Nos. 1 and 2, an additional paid leave, reduced work week, extra pays to salaries, provision with therapeutic and preventive meals and with personal protective equipment. All these provisions are enshrined in the Law of Ukraine on Labour Protection and are complied with in full.

The principal criterion for labour protection of inspectors on Ukrainian NPP sites consists of non-excess of the individual radiation dose limit (15-20 mSv). If talking about the entire staff of Ukraine's NPPs, the number of persons subject to control is more than 12 thousand, of which more than 10 thousand receive less than 1 mSv.

Individual radiation monitoring is provided to the Category A staff continuously or temporarily working directly with ionising radiation sources.

During the recent years (2008-2011), no case of excess of an individual radiation dose limit or a collective radiation dose has been recorded at Ukrainian NPPs.

In pursuance of occupational safety requirements and according to Article 17, Law of Ukraine on Labour Protection, annual medical examinations of both inspectors working on NPP sites and those inspecting other organisations and enterprises outside NPP sites are carried out.

No breach of regulations, rules and standards on labour protection has been recorded in recent years. Absence of occupational accidents and diseases among inspectors in the post-Chornobyl tragedy period shows that the work carried out by Derzhatomrehuliuvannia ensures full compliance with the requirements of the current legislation on labour protection.

Derzhatomrehuliuvannia pays great attention to cooperation with Derzhhirpromnahliad and its territorial bodies.

In August 2009, a joint board meeting was held under the title *On determination of principal areas and coordination of activities between Derzhatomrehuliuvannia and Derzhhirpromnahliad*. It resulted in drafting of the regulatory legal act entitled *The Regulations on interaction between Derzhatomrehuliuvannia and Derzhhirpromnahliad in the matters of state regulation on labour protection and safety in the use of nuclear energy* and registered with the Ministry of Justice of Ukraine on 22 March 2010 under No. 234/17529.

Basic principles of interaction between Derzhhirpromnahliad and Derzhatomrehuliuvannia are as follows:

- jointly formulating a state policy on labour protection and safety in the use of nuclear energy;
- increasing efficiency and effectiveness of the exercise of state supervision functions, and improving responsiveness in reaction to violations of regulatory legal acts on labour protection and on nuclear and radiation safety
- increasing efficiency of the state system of training and knowledge testing on labour protection, nuclear and radiation safety;
- shaping systemic unified approaches to the performance of functions of state regulation on labour protection and safety in the use of nuclear energy.

At present, Derzhatomrehuliuvannia inspectors together with Derzhhirpromnahliad specialists can carry out, if required, joint inspections at Ukrainian NPP for compliance with requirements concerning labour protection and safety in the use of nuclear energy.

Protection of temporary workers

Based on results of consideration of the Ukrainian Government's 1st Report, the European Committee for Social Rights request information on medical examination of temporary workers, particularly in high-risk sectors (e.g. mining or construction) and whether they have the right to their representation at work.

According to the Ministry of Health of Ukraine Order No. 246 of 21.05.2007 *On approval of the Procedure for medical examination of certain worker categories*, registered with the Ministry of Justice of Ukraine on 23 July 2007 under No. 846/14113, medical examinations are also envisaged for workers in high-risk sectors (particularly in mining industry).

The Procedure applies to workers employed in heavy works, works with harmful or hazardous working conditions or works requiring professional selection, and persons younger than 21 years of age at enterprises, institutions and organisations regardless of their ownership patterns.

These (certain) categories include workers of all mining occupations, including temporary ones.

According to Article 17, Law of Ukraine on Labour Protection, an employer must ensure financing, at its own expense, of preliminary (when

hired for work) and periodic (throughout work activities) medical examinations of workers employed in heavy works, works with harmful or hazardous working conditions or works requiring professional selection, and annual compulsory medical examination of persons younger than 21 years of age. Based on findings of periodic medical examinations, the employer must ensure appropriate health-improving measures as necessary.

Individual scope of regulation

Based on results of consideration of the Ukrainian Government's 1st Report, the European Committee for Social Rights asks to confirm whether the regulatory legal acts on labour protection apply to all self-employed workers and domestic workers.

The requirements of regulatory legal acts on labour protection apply to all the legal and natural persons using, according to legislation, hired labour, and to all working persons, including natural persons providing themselves with work independently, including temporary workers, i.e. the requirements are of general and universally binding nature.

Article 3§3

State supervision and industrial safety situation. Work-related injuries and occupational diseases

Analysis of the industrial safety situation (based on Derzhhirpromnahliad data) shows that the total number of work-related accidents in Ukraine has decreased by 41% over the recent five years whereas the number of fatal work-related accidents has reduced by 42%.

In 2008, the total number of work-related accidents decreased by 1,983 as compared to 2007 (16,211 persons were injured at Ukrainian enterprises in 2008, and 18,194 in 2007) whereas the number of fatal work-related accidents decreased by 168 (1,013 persons were fatally injured at Ukrainian enterprises in 2008, and 1,181 in 2007).

In 2009, the total number of work-related accidents decreased by 3,841 as compared to 2008 (12,370 persons were injured at Ukrainian enterprises in 2009, and 16,211 in 2008) whereas the number of fatal work-related accidents decreased by 338 (675 persons were fatally injured at Ukrainian enterprises in 2009, and 1,013 in 2008).

In 2010, the total number of work-related accidents decreased by 672 as compared to 2009 (11,698 persons were injured at Ukrainian enterprises in 2010, and 12,370 in 2009) whereas the number of fatal work-related accidents decreased by 31 (644 persons were fatally injured at Ukrainian enterprises in 2010, and 675 in 2009).

In 2011, the total number of work-related accidents decreased by 1,041 as compared to 2010 (10,657 persons were injured at Ukrainian enterprises in 2011, and 11,698 in 2010) whereas the number of fatal work-related accidents increased by 41 (685 persons were fatally injured at Ukrainian enterprises in 2011, and 644 in 2010).

At the same time, it should be pointed out that the increase in the number of deaths in 2011 is observed amid substantial growth of gross domestic product. Whereas the number of fatal injury cases increased by 6%, GDP grew by 20%.

Annual growth rates of Ukraine's gross domestic product are 17% on average in recent years. Therewith, the number of fatal work-related injuries over a year does not reach 700 persons since 2009 whereas it was over 1,000 before 2008.

The data presented in a table below² shows that a substantial decrease in the number of work-related deaths in Ukraine during 2008-2011 occurred exactly during a financial crisis: the death count in 2009 dropped by 33% as compared to 2008.

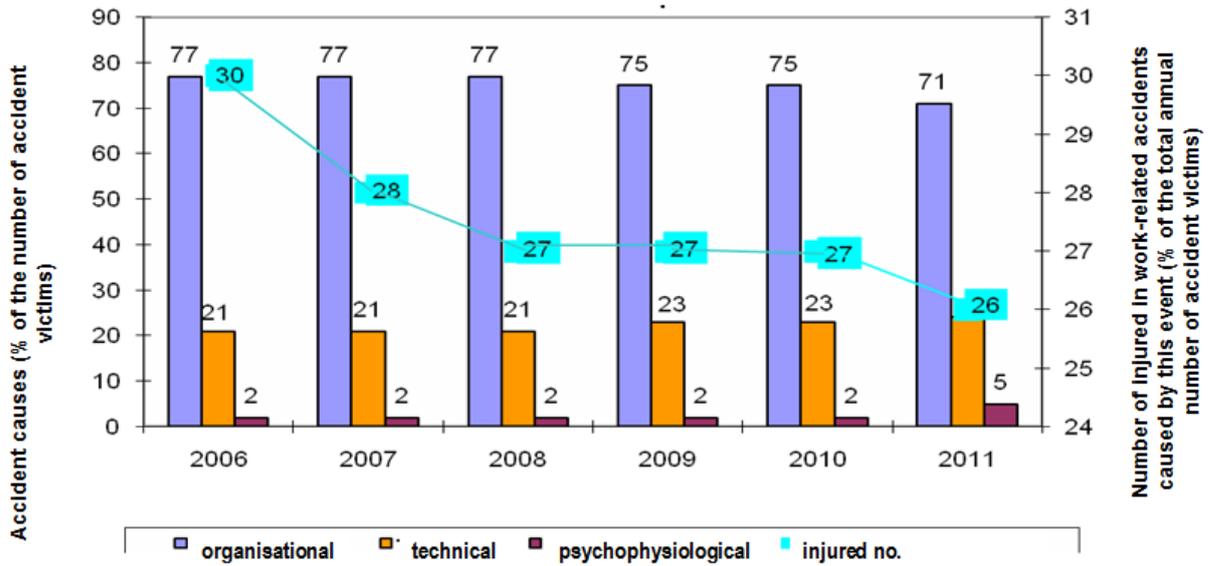
Years	2007	2008	2009	2010	2011
Number of injured (persons)	18194	16211	12370	11698	10657
Increase/decrease in the number of injured		-11%	-24%	-5%	-9%
including fatal injuries (persons)	1181	1013	675	644	685
Increase/decrease in the number of fatal injuries		-14%	-33%	-5%	+6%
GDP (UAH 10 m)	72073	94806	91472	109461	131660
GDP increase/decrease		+32%	-4%	+20%	+20%

Monitoring of the events resulting in occupational accidents over 2006-2011 reveals that on average 28% of the total number of accident victims were injured by exposure to moving, flying or revolving items and parts; of them the largest number was caused by organisational reasons (75% of the number of injured), followed by technical reasons (21%) and psychophysiological reasons (4%). Year-by-year behaviour is presented on Chart 1.

Chart 1

Exposure to moving, flying or revolving items and parts

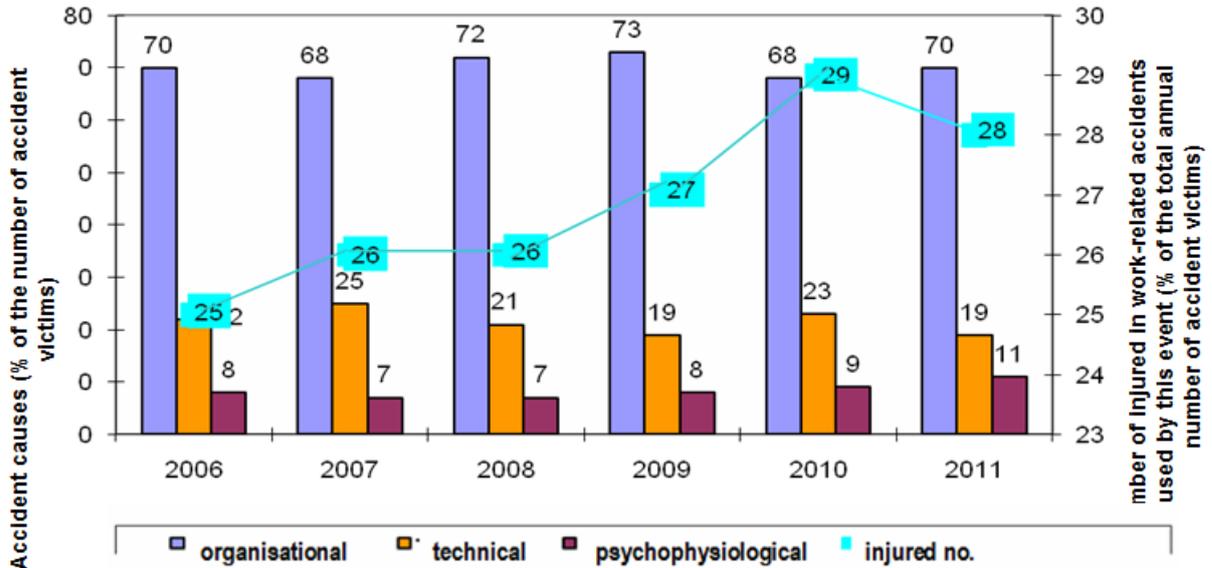
² Data by the State Service of Mining Supervision and Industrial Safety of Ukraine.



The percentage of injured due to falling is on average 27% of the total number of injured in work-related accidents. Broken down by cause, the accidents happened for the following reasons: 70% organisational, 22% technical, and 8% psychophysiological. Year-by-year behaviour is presented on Chart 2.

Victim falling

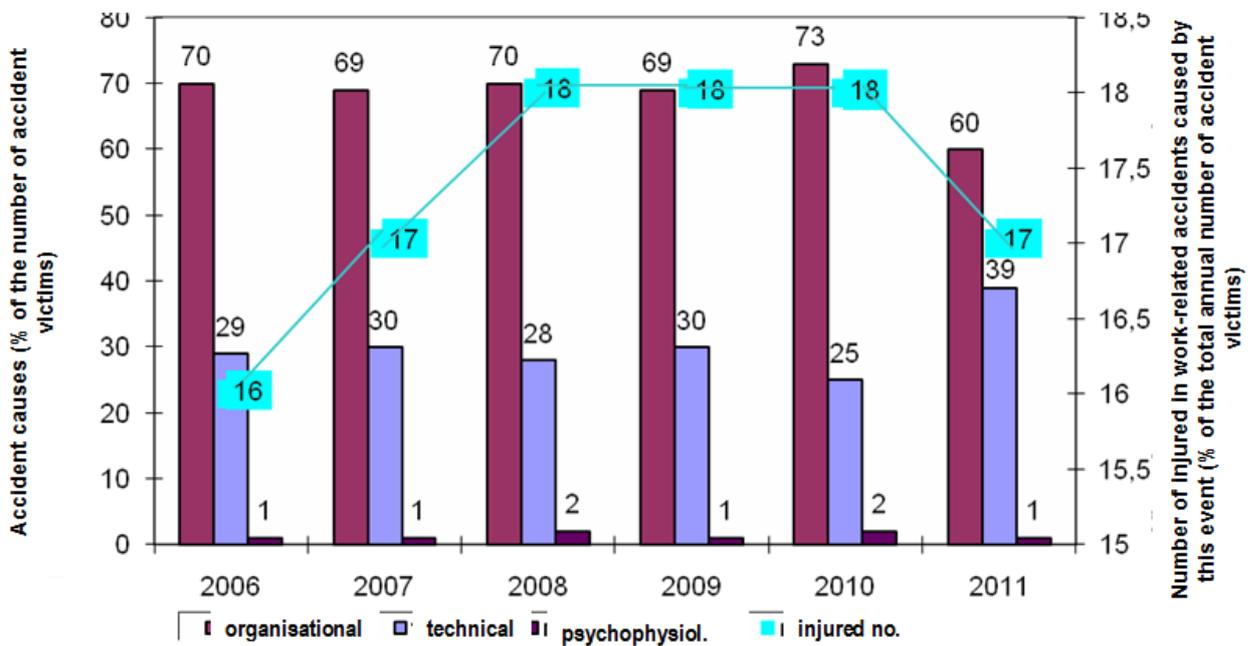
Chart 2



The percentage of injured due to dropping, collapsing or crumbling items, materials, rocks, soil, etc. is on average 17% of the total number of injured in work-related accidents. Broken down by cause, the accidents happened for the following reasons: 69% organisational, 30% technical, and 1% psychophysiological. Year-by-year behaviour is presented on Chart 3.

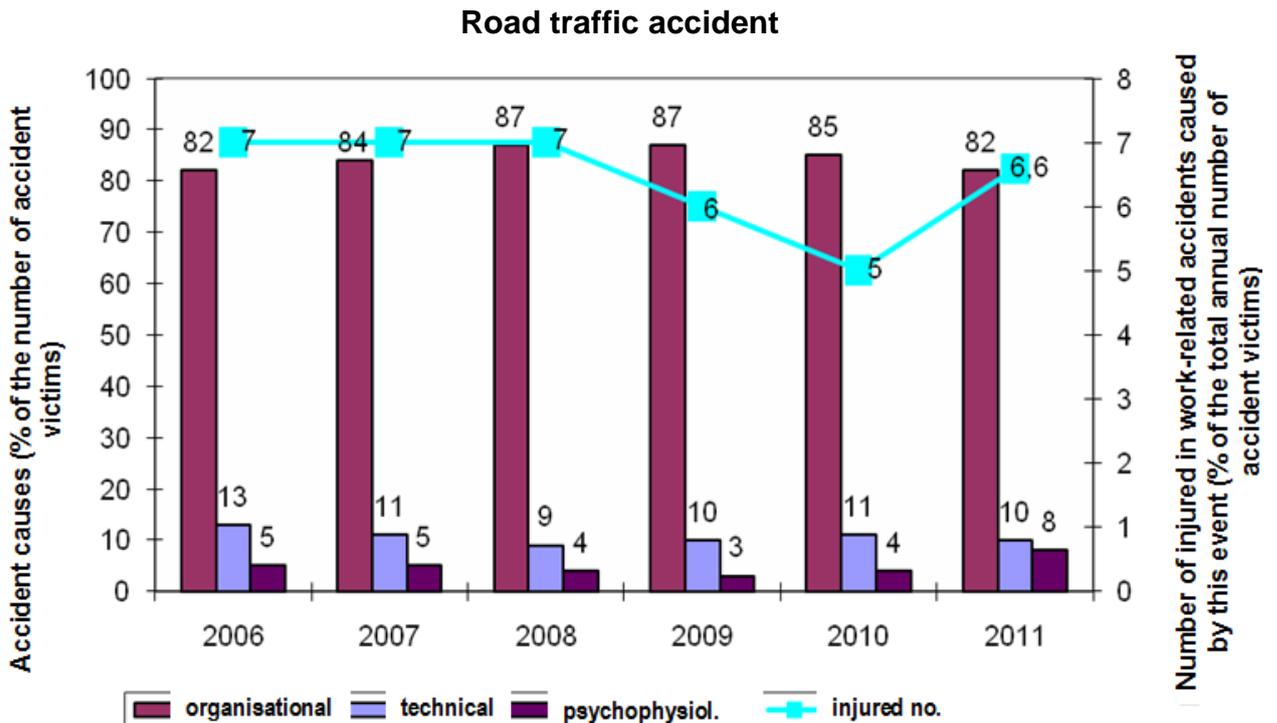
Chart 3

Dropping, collapsing or crumbling items, materials, rocks, soil, etc.



The percentage of injured in road traffic accidents is on average 6.4% of the total number of injured in work-related accidents. Broken down by cause, the accidents happened for the following reasons: 85% organisational, 11% technical, and 4% psychophysiological. Year-by-year behaviour is presented on Chart 4.

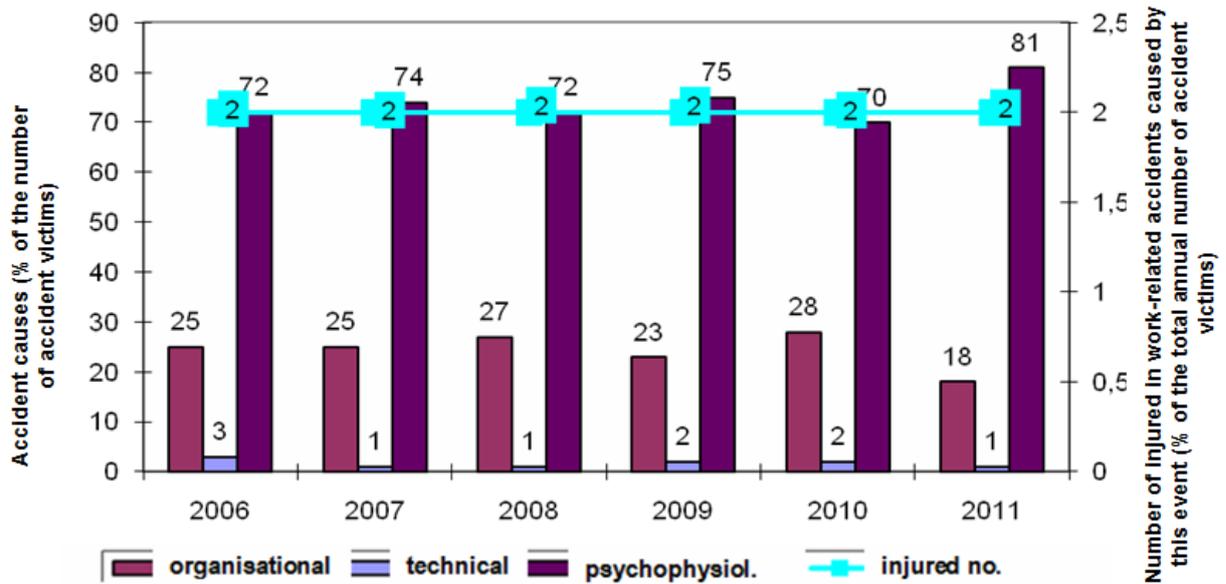
Chart 4



The percentage of injured due to a willful homicide or injury caused by some other person is on average 29% of the total number of injured in work-related accidents. Broken down by cause, the accidents happened for the following reasons: 24.3% organisational, 1.7% technical, and 64% psychophysiological. Year-by-year behaviour is presented on Chart 5.

Chart 5

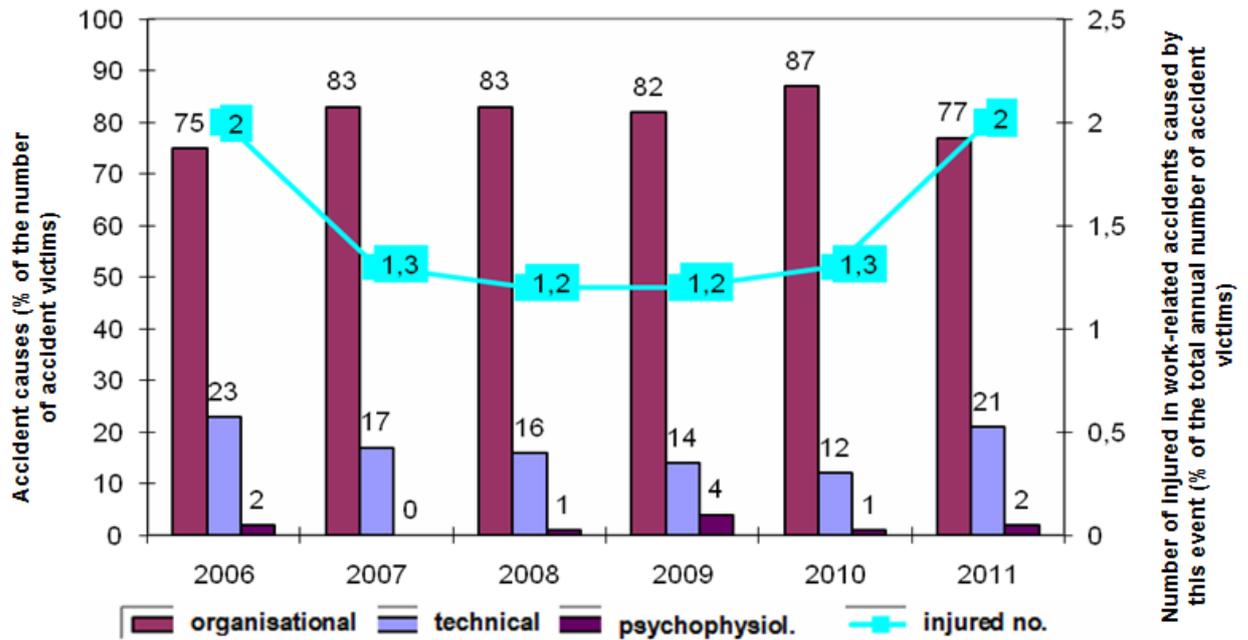
Wilful homicide or injury caused by some other person



The percentage of injured due to exposure to temperatures is on average 1.5% of the total number of injured in work-related accidents. Broken down by cause, the accidents happened for the following reasons: 81% organisational, 17% technical, and 2% psychophysiological. Year-by-year behaviour is presented on Chart 6.

Exposure to temperatures

Chart 6



Monitoring of the occupational injury situation over the independence years in Ukraine demonstrates that the total number of work-related injuries continuously decreases. For example, the number of injured in work-related accidents in 2011 decreased as much as almost 12 times compared to 1992.

Years	1992	1994	1996	1998	2000	2002	2004	2006	2008	2010	2011
Number of injured (persons)	124971	94224	64775	50872	34288	26168	22691	18992	16211	11698	10657
including fatal injury cases (persons)	2619	2279	1900	1551	1325	1285	1164	1077	1013	644	685
GDP (KRB 1,000 bn prior to 1996; UAH 10 m)	5.0	120.4	8152	10259	17007	22581	34511	54415	94806	109461	131660

A steady tendency of improving occupational injury rates per 100,000 employed can be seen in Ukraine. For example, the total injury rate in 2011 decreased by 7% year-on-year; the decrease was 5% in 2010, 16% in 2009, and 6% in 2008.

Years	2007	2008	2009	2010	2011
Occupational injury rate (per 100,000 employed)	108.26	101.79	85.99	81.59	75.68
Increase/decrease		-6%	-16%	-5%	-7%
Fatal occupational injury rate (per 100,000 employed)	7.03	6.36	4.69	4.49	4.86

Increase/decrease		-10%	-26%	-4%	+8%
Number of employed (100,000)	168.07	159.26	143.86	143.82	140.82

Such a situation became possible due to the state supervision measures implemented by Derzhhirpromnahliad and having great influence on improvement of the occupational injury situation indicators in Ukraine.

Organising and exercising state supervision over observance of laws and other regulatory legal acts concerning industrial safety and labour protection, exploration, use and protection of subsurface resources, use and processing of mineral raw materials, and safe conduct of the utilisation of conventional ammunition, missile fuel and military explosives is one of the key tasks of Derzhhirpromnahliad of Ukraine that is specified by the Regulations on the State Service of Mining Supervision and Industrial Safety of Ukraine approved by the Decree of the President of Ukraine No. 408/2011 of 6 April 2011.

In pursuance of this task, in order to ensure safe conduct of works at supervised enterprises, Derzhhirpromnahliad officials carried out about 200 thousand inspections of enterprises and production facilities during 2008-2011 on average. In the course of those inspections, they detected on average more than 1.7 million breaches and effected almost 150 thousand suspensions of facility operation and work process in case of a threat to workers' life and health.

For violation of requirements of the current legislation on occupational safety and protection of subsurface resources, on average about 100 thousand workers were held administratively liable every year.

More than UAH 32 million worth of fines was paid to the State Budget, as imposed on infringers during implementation of state supervisory measures during 2008-2011.

Supervisory activity indicators for 2008-2011³

	Years	Ukraine total
Number of inspections	2008	206990
	2009	193366

³ Data by the State Service of Mining Supervision and Industrial Safety of Ukraine.

	2010	171295
	2011	140200
Number of breaches found	2008	2118681
	2009	1904208
	2010	1632271
	2011	1379386
Number of suspensions of production, works or services	2008	178463
	2009	166414
	2010	131248
	2011	114422
Number of fines imposed on workers	2008	103515
	2009	96904
	2010	88694
	2011	82062
Amount of fines imposed on workers, UAH 1,000	2008	8640,96
	2009	8074,49
	2010	7489,09
	2011	7570,48

Use of worn-out and obsolete equipment, owners' unwillingness to invest money in modern technologies and provide safe working conditions, absence of a sufficient social package at enterprises, sick people's unwillingness to see doctors in early stages of pathology, imperfect health care aid to the working population, and other objective and subjective factors considerably affect also occupational disease rates, most often making them go down, which leads to understatement of the actual level of occupational pathology.

Based on results of consideration of the Ukrainian Government's 1st Report, the European Committee for Social Rights requests information on occupational diseases.

The number of occupational disease cases recorded in Ukraine in recent years varies within 5-6 thousand (2008: 6,794 occupational disease cases; 2009: 6,046; 2010: 4,965).

According to data collected by the Ministry of Health of Ukraine and the Fund for Social Insurance against Occupational Accidents and Diseases of Ukraine, the number of occupational disease cases decreased in 2011 by 8.68% year-on-year (from 4,965 to 5,396).

The greatest number of occupational disease cases is detected annually in Donetsk, Luhansk and Dnipropetrovsk oblasts, which is caused by the

economic complex structure, namely concentration of the bulk of occupational disease cases in large mining industrial oblasts.

Patient breakdown by economic branch shows that the greatest percentage of occupational diseases is detected in coal industry (76%). Metallurgy (9%) and machine-building (6%) rank second and third, respectively.

Occupational disease case breakdown by main pathology form indicates that their greatest percentage accounts for respiratory diseases (pneumoconiosis and chronic bronchitis, the latter being in majority) – 67-71% of the total number in Ukraine. The second position belongs to musculoskeletal system diseases – 18-20%.

Vibration- and noise-caused pathologies rank third. Vibration disease's percentage is about 4% of the total number of occupational disease cases. Neuron sensory bradyacuasia accounts for about 3% of cases.

Key causes of occupational disease incidence in Ukraine include:

- imperfect manufacturing processes due to which workers are exposed to harmful working environment factors during performance of process operations;

- imperfect process equipment due to which it is impossible to comply with maximum allowable workplace dust content and noise and vibration limits;

- low mechanisation of labour-intensive operations, especially in coal mining;

- long time spent by workers in harmful working conditions.

The amount of payments to persons affected by occupational accidents and diseases, as made by the Fund's executive directorate, totaled UAH 3.7 billion in 2011 and increased:

- by 9.7%, or UAH 327 million, as compared to 2010;

- by 29%, or UAH 824 million, as compared to 2008.

About 63% of these sums is paid to the miners who got an occupational disease or a work-related injury.

Labour inspection activities

Based on results of consideration of the Ukrainian Government's 1st Report, the European Committee for Social Rights requests more detailed information on the supervision exercised, inter alia, by the State Nuclear

Regulatory Committee of Ukraine, the State Fire Safety Department, and the State Sanitary and Epidemiological Service.

The State Nuclear Regulatory Inspectorate of Ukraine

The State Nuclear Regulatory Inspectorate of Ukraine (hereinafter referred to as Derzhatomrehuliuvannia), according to the Regulations approved by the Decree of the President of Ukraine No. 403/2011 of 6 April 2011 (*between 2000 and 2010, the State Nuclear Regulatory Inspectorate of Ukraine had the status of the State Nuclear Regulatory Committee of Ukraine*) is a central executive authority being the chief one in the system of central executive authorities for making and implementation of the state policy on safety of the use of nuclear energy.

Core tasks of Derzhatomrehuliuvannia are as follows:

- making and implementation of the state policy on safety of the use of nuclear energy;
- providing, within the scope of its competence, state regulation of safety of the use of nuclear energy;
- exercising powers of a competent authority for physical protection of nuclear material and nuclear installations according to the Convention on the Physical Protection of Nuclear Material and Nuclear installations; for safe transportation of radioactive materials according to the rules of nuclear and radiation safety of transportation of radioactive materials; for alarm notification and information according to the Convention on Early Notification of a Nuclear Accident.

Derzhatomrehuliuvannia:

- drafts and approves regulations, rules and standards on nuclear and radiation safety according to the procedure established by the Cabinet of Ministers of Ukraine;
- drafts and approves regulations and rules on the physical protection of nuclear installations, nuclear materials, radioactive waste, and other ionising radiation sources;
- drafts and approves safety requirements and conditions (licensing conditions) for activities in the use of nuclear energy;
- ensures the organisation of establishment and functioning of a unified state system of monitoring and recording of individual radiation doses;
- approves a procedure for radioactive waste administration;
- registers ionising radiation sources;
- ensures information exchange with the International Atomic Energy Agency on trafficking of radioactive materials and on accumulation of radioactive waste in Ukraine;
- approves a list of documents and data required for radiological monitoring on the Ukrainian border;
- exercises licensing according to the procedure specified in law;

- approves a procedure for inspection checks of licensees and for inspection surveys;

- approves a procedure of training and knowledge testing on nuclear and radiation safety for staff and officials securing nuclear and radiation safety, and for economic entities in the field of the use of nuclear energy subject to state regulation; checks, participates in, and supervises knowledge testing on nuclear and radiation safety among the above-mentioned staff and officials;

- exercises state supervision over observance of legislation, conditions of issued authorisation documents, regulations, rules and standards on nuclear and radiation safety, physical protection of nuclear installations, nuclear materials, radioactive waste, and other ionising radiation sources, recording and control of nuclear materials and other ionising radiation sources;

- provides supervision of: technical conditions, operation modes and emergency preparedness of systems (elements) important for nuclear power plant safety; qualifications and actions of the nuclear power plant staff ensuring its nuclear and radiation safety; implementation of the measures aimed at preventing accidents in the process of production and use of ionising radiation sources at nuclear installations, facilities designed for radioactive waste handling and uranium facilities, as well as at ensuring readiness of enterprises, institutions and organisations for elimination of accident consequences;

- applies, within the scope of its competence, coercive measures to legal and natural persons in case they infringe laws, conditions of issued authorisation documents, regulations, rules and standards on nuclear and radiation safety, requirements on physical protection of nuclear installations, nuclear materials, radioactive waste, and other ionising radiation sources, recording and control of nuclear materials and other ionising radiation sources;

- applies in due course financial sanctions to enterprises, institutions and organisations and other entrepreneurial entities in case they infringe laws, conditions of issued authorisation documents, regulations, rules and standards on nuclear and radiation safety, requirements on physical protection of nuclear installations, nuclear materials, radioactive waste, and other ionising radiation sources, recording and control of nuclear materials and other ionising radiation sources;

- holds liable according to the procedure specified by legislation the persons guilty of infringement of laws, conditions of issued authorisation documents, regulations, rules and standards on nuclear and radiation safety, requirements on physical protection of nuclear installations, nuclear materials, radioactive waste, and other ionising radiation sources, recording and control of nuclear materials and other ionising radiation sources;

- restricts, suspends or stops operation of enterprises, institutions, organisations, nuclear installations, facilities for radioactive waste handling, and facilities having ionising radiation sources in case they infringe requirements of nuclear or radiation safety or are unable to comply with the requirements;

- suspends staff from any work related to direct control of a reactor unit, and suspends an operating organisation's officials from their official duties on organisational and managing functions related to provision of nuclear and radiation safety, in case they infringe laws, conditions of issued authorisation documents, regulations, rules and standards on nuclear and radiation safety, requirements on physical protection of nuclear installations, nuclear materials, radioactive waste, and other ionising radiation sources, recording and control of nuclear materials and other ionising radiation sources;

- submits to law-enforcement bodies inspection certificates on infringement of the requirements, set forth by laws and other regulatory legal acts, concerning nuclear and radiation safety, physical protection of nuclear installations, nuclear materials, radioactive waste, and other ionising radiation sources, recording and control of nuclear materials and other ionising radiation sources;

- coordinates interaction between the executive authorities and the International Atomic Energy Agency and other international organisations working in the field of ensuring nuclear and radiation safety;

- endorses standards, technical specifications and other documents for instruments of labour and manufacturing processes to the extent of ensuring nuclear and radiation safety;

- sets forth requirements to systems (elements) important for safety of nuclear installations, facilities designed to handle radioactive waste, and uranium facilities, as well as a procedure of registration and recording of the said systems (elements);

- approves requirements for quality management in the use of nuclear energy to the extent related to nuclear and radiation safety;

- specifies a procedure for exemption from regulatory control of operations with radioactive materials and of activities on the sites of nuclear installations and facilities designed to handle radioactive waste (except radioactive waste storage sites) after completion of their decommissioning;

- assesses safety of nuclear installations, facilities designed to handle radioactive waste, uranium facilities, and other ionising radiation sources;

- agrees upon draft state and sectoral standards on nuclear and radiation safety and labour protection.

Derzhatomrehuliuvannia carries out state expert examination of:

- nuclear and radiation safety of nuclear installations, facilities designed to handle radioactive waste, uranium facilities, and other ionising radiation sources;

- physical protection of nuclear installations, facilities designed to handle radioactive waste, uranium facilities, and other ionising radiation sources.

The State Inspectorate for Technogenic Safety of Ukraine

The State Inspectorate for Technogenic Safety of Ukraine (hereinafter referred to as Derzhstekhnogenbezpeky) is the legal successor of the State Department of Fire Safety of Ukraine according to the Decree of the President of Ukraine No. 392/2011 of 6 April 2011.

Core tasks of Derzhstekhnogenbezpeky are as follows:

- implementing the state policy on fire and technogenic safety, civil defence, and state supervision (control) in these fields and over the work of emergency rescue services, and submitting proposals for formulation of that policy;

- exercising state supervision (control) over observance of and compliance with legislative requirements on fire and technogenic safety and civil defence of the population and territories against natural and technogenic emergencies, as well as over the work of emergency rescue services;

- carrying out inquiries in the cases concerning fires and breaches of fire safety rules.

According to the tasks assigned thereto, Derzhstekhnogenbezpeky:

- organises and exercises, directly and through its territorial bodies, state supervision (control) over observance of and compliance with legislative requirements on fire and technogenic safety and civil defence by ministries, other central and local executive authorities, the Council of Ministers of the Autonomous Republic of Crimea, local governments, enterprises, institutions and organisations, and other economic entities regardless of their ownership patterns as well as by Ukrainian citizens, foreigners and stateless persons;

- exercises, within its scope of competence, state supervision (control) over the work of emergency rescue and dispatch services and over their readiness for response to accidents and emergencies, as well as terminates activities of uncertified emergency rescue services;

- organises and checks readiness of the unified state system of civil defence and its relevant management bodies for possible emergencies;

- carries out state expert examination of construction projects of urban development facilities and other facilities and investment programmes for compliance with the requirements of legislation, state construction regulations and rules of fire and technogenic safety, as well as conducts state expert examination of projects and solutions for technogenic safety of industrial and social facilities that can cause technogenic and natural emergencies and affect protection of the population and territories against their consequences;

- exercises, according to the procedure specified by legislation, supervision over observance of and compliance with fire safety requirements envisaged by standards, regulations and rules, in the course of designing, construction, reconstruction, enhancement, technical re-equipment and overhaul of enterprises, buildings, structures and other supervised facilities;

- exercises state supervision (control) over implementation of engineering and technical measures for civil defence in the process of

construction of buildings and structures and deployment of other economic entities, engineering and transport communications;

- organises and carries out inspections of compliance with legislative requirements on civil defence, technogenic safety and organisation of measures to protect the population and territories against technogenic and natural emergencies in enterprises, institutions and organisations being part of railway, road, air, sea and river transport, in bases, storages, arsenals, places of production or utilisation of missile and artillery armaments, and liquid missile fuel components;

- organises development of organisational and scientific and technological measures in the field of state supervision (control) concerning civil defence, fire and technogenic safety, and the work of emergency rescue services and other units;

- exercises control over the accumulation, storage and purposeful use of the material resources designed for elimination of emergency consequences by central and local executive authorities, local governments, enterprises, institutions and organisations regardless of their ownership pattern;

- draws up inspection certificates, issues injunctions and orders on elimination of legislation breaches in the field of fire and technogenic safety and civil defense, gives rulings on the application of special preventive measures;

- develops national rules of fire and technogenic safety, and takes part in drafting of regulatory legal acts related to ensuring fire and technogenic safety and to civil defense;

- issues guidelines for development and preparation of regulations, instructions, and other regulatory acts on fire and technogenic safety that are in force in enterprises, institutions, organisations and other economic entities regardless of their ownership pattern;

- supervises observance of the rules of human life protection on water;

- exercises control over availability or absence of certificates (history cards) of equipment, devices and appliances or systems for securing their uninterrupted (trouble-free) operation in producing units using dangerous substances;

- supervises availability of a plan of localisation and elimination of accident situations and accidents at potentially hazardous and highly hazardous facilities as well as of special accident protection measures developed according thereto;

- checks readiness for the intended use of emergency rescue equipment designed to ensure facility safety, localisation and elimination of emergency consequences;

- exercises supervision and control over the intended use of fire-fighting equipment and fire-extinguishing means;

- inspects the organisation and status of the working staff's training in enterprises, institutions and organisations concerning actions in case of accident situations, accidents, and technogenic and natural emergencies;

- takes part in formulation of the scientific and technological policy on technogenic and fire safety, in coordination of scientific research, and in practical implementation of best practices, scientific achievements, novel technologies and other fire-fighting products;

- takes part in investigation of the causes of technogenic emergencies and of failure to take measures to prevent accidents, disasters and natural calamities, as well as in assessment of actions taken by management bodies and forces concerning the organisation and conduct of rescue and other urgent works thereby.

The State Sanitary and Epidemiological Service

The State Sanitary and Epidemiological Service (hereinafter referred to as Derzhsanepidsluzhba) carries out selective monitoring of X-ray diagnostic and radiological units of health care facilities and dentist's rooms for observance of workplace radiation parameters, and issues sanitary certificates for the right to work with ionising radiation sources in pursuance of the *Hygienic requirements to arrangement and operation of X-ray rooms and to the conduct of X-ray procedures* State Sanitary Regulations and Standards (DSanPiN 6.6.3-150-2007), the Principal Sanitary Rules for the Provision of Radiation Safety in Ukraine (OSPU-2005), and the Radiation Safety Standards of Ukraine (NRBU-97).

Works with radioactive substances and other ionising radiation sources are carried out with the state sanitary and epidemiological service's permission, its form being a sanitary certificate. This document certifies compliance with the sanitary legislation requirements as to ensuring radiation protection of staff in work spaces and at workplaces. The procedure for obtaining a sanitary certificate is regulated by the Principal Sanitary Regulations for the Provision of Radiation Safety in Ukraine, as approved by the Ministry of Health of Ukraine Order No. 54 of 2.02.2005 and registered with the Ministry of Justice of Ukraine on 20.05.2005 under No. 552/10832.

For example, 345 facilities became certified during 2008-2011 in Zakarpatia oblast alone.

One occupational disease case of non-Hodgkin lymphoma in the work with ionising radiation sources was recorded in Ukraine during 2008-2011 (X-ray laboratory assistant at Zhytomyr city dental polyclinic).

In order to improve control of incidence of malignant neoplasms caused by harmful working conditions (due to exposure to work-related carcinogenic agents) among the working population and to prevent occupational cancer at the national level, the NAMS Institute of Labour Medicine issued the guidelines *Prophylaxis of occupational pulmonary cancer among the miners engaged in underground extraction of radium-bearing iron ore* (2010). The

systemic measures of primary, secondary and tertiary prophylaxis of pulmonary cancer among workers of the mines engaged in underground extraction of radioactive iron ores, presented in the guidelines, will provide better control of carcinogenic hazard and cancer incidence in Ukraine's extractive industry.

In order to improve disease incidence control among workers of cancer-hazardous production entities, the guidelines *Incidence monitoring of malignant neoplasms among the workers employed at cancer-hazardous production entities in Ukraine (using analytical epidemiology methods)* (2009) were prepared and published.

In 2011, Derzhsanepidsluzhba specialists applied 851 measures of administrative influence to various officials; territorial chief state health officers issued 542 rulings on termination of operation of entities, of them 25 (4.6%) were stopped on the permanent basis; 26 cases were submitted to investigation authorities, of them decision were made to hold guilty persons liable in 24 cases (92.3%). At five entities, the range of products was limited, and 93 persons were temporarily suspended from work for failure to undergo periodic medical examination.

Derzhsanepidsluzhba exercised state sanitary and epidemiological supervision at 467 coal industry entities employing 341,045 persons including 77,655 women.

Working conditions at coal industry enterprises remain the most difficult. The number of staff working under negative impact of the working environment and working process factors is 67,192 including 7,590 (52.3% and 29.1%, respectively). 37,058 persons including 3,226 women work under harmful impact of noise; 14,914 (including 206 women) work under harmful impact of vibration; 60,827 (including 4,825 women) work in the conditions of high dust and gas content.

According to Derzhsanepidsluzhba's preliminary data, about 5,000 occupational disease cases were detected in coal industry in 2011. In Donetsk oblast alone, more than 1,700 occupational disease cases at coal industry enterprises were recorded in 2011 (97.14%), and 1,365 in 2010 (95.5%).

For detected breaches of sanitary regulations and standards, 1,000 fines were imposed in 2011, chief state health officers issued 119 rulings on termination of operation of entities, and 7,192 persons were suspended from work for failure to undergo medical examination in time.

Based on results of consideration of the Ukrainian Government's 1st Report, the European Committee for Social Rights requests more detailed information concerning the conditions of case submission to prosecution bodies, legal proceedings and relevant sanctions, as well as concerning the circumstances under which workers can be held liable for breaches of legislation on labour protection and under which fines were imposed.

Derzhhirpromnahliad's functions include prevention of industrial and occupational accidents, integral management of industrial safety and labour

protection on the state, sectoral and regional levels, and investigation of industrial and occupational accidents.

One of Derzhhirpromnahliad's principal objectives is to supervise that employers adhere to all laws and regulatory acts on labour protection.

According to Article 39, Law of Ukraine on Labour Protection, officials of the central executive authorities for labour protection supervision are entitled to:

- hold the workers guilty of breach of labour protection legislation administratively liable;
- send employers notices on certain officials' inconsistency with jobs, and submit materials to prosecution bodies for holding such persons liable according to the Law.

Besides, according to *the Procedure for investigation and recording of occupational accidents, occupational diseases and industrial accidents*, approved by the Cabinet of Ministers of Ukraine Resolution No. 1232 of 30 November 2011, if elements of crime are found in the course of a special investigation, heads of Derzhhirpromnahliad and its territorial bodies are required to submit the case materials in due course to prosecution bodies for holding guilty persons liable.

Article 43, Law of Ukraine on Labour Protection envisages penal sanctions for legal and natural persons using, according to legislation, hired labour as well as for officials and workers.

For violation of the labour protection legislation or for failure to comply with orders issued by officials of the bodies of state supervision over labour protection, the legal and natural persons using, according to legislation, hired labour are obliged by the bodies of state supervision over labour protection to pay fines according to the procedure specified by law.

Penal sanctions to officials and workers for breach of laws and other regulatory legal acts on labour protection are applied according to the Code of Ukraine on Administrative Offences.

According to the Code of Ukraine on Administrative Offences, workers' liability is envisaged for:

- breaking the requirements of legislative and other regulatory acts on labour protection;
- breaking the requirements of legislative and other regulatory acts on the safe conduct of works in the industries and facilities supervised to Derzhhirpromnahliad bodies;
- breaking the requirements of legislative and other regulatory acts on the storage, use and recording of explosives in the industries;
- failing to comply with legitimate demands of Derzhhirpromnahliad officials on eliminating breaches of the labour protection legislation, or for creating obstacles for Derzhhirpromnahliad bodies' work.

Creation of safe and harmless working conditions in Ukraine is an employer's duty. It is the employer that must establish appropriate services,

organise staff training on labour protection, draft and approve instructions on the safe conduct of works, communicate them to workers, and make sure that workers fully realise existing hazards and have skills of the safe conduct of works. According to legislation, the employer must introduce a system of workplace labour protection management, with risk management and behavioural audit as components.

Based on results of consideration of the Ukrainian Government's 1st Report, the European Committee for Social Rights requests explanation on whether the state inspectorates work at all coal sector enterprises.

The state mining inspectorates exercise state supervision over the observance of the Coal Mine Safety Rules and requirements of the current regulatory legal acts on labour protection in coal mining at any and all coal industry enterprises, regardless of their ownership pattern, that use hired labour and carry out their activities within the framework of legislation in force.

For example, as of 31.12.2011, 377 coal enterprises of various ownership patterns were registered in coal districts, of which 207 belong to the scope of management of the Ministry of Energy and Coal Industry.

Based on results of consideration of the Ukrainian Government's 1st Report, the European Committee for Social Rights requests explanation on various inspectorate types.

An inspectorate is a structural unit of Derzhirpromnahliad's territorial body, specialising in performance of state supervision functions with respect to economic entities in a certain industry or a certain region.

The need for establishment of inspectorates is explained by specificity of the organisation and conduct of supervisory work as well as of its forms and methods according to a certain industry, which is caused by specificity of production in a certain industry and sectoral regulatory legal acts on labour protection.

Existence of such an intermediate link in the territorial body's state supervision system allows concentrating the inspector staff in industrial areas for efficient supervision in the most injury-hazardous manufacture branches (coal mining, oil and gas production, ore mining, metallurgy, chemical industry, etc.).

In terms of specialisation of supervision, there are various types of inspectorates. For example, mining inspectorates exercise supervision in coal and ore mining, the inspectorate of industrial safety and labour protection in the oil and gas complex - at oil and gas production enterprises, the inspectorate of industrial safety and labour protection in the agro-industrial complex - at agricultural enterprises, etc.

At present, inspectorates exist within all the 26 territorial bodies of Derzhirpromnahliad. An inspectorate is not a legal person. Inspector staff numbers in the inspectorates depend on the quantity of supervised economic entities and their production outputs.

Article 3§4

The information on the work of occupational safety services at enterprises, presented in the 1st Report, remains relevant.

For the purpose of experience sharing in the field of the labour protection management system operation at metallurgical and machine-building enterprises, as well as for interaction with territorial bodies of Derzhhirpromnahliad, collegiate consultative and advisory bodies – councils of experts of occupational safety services of the above-mentioned industries' enterprises – were established in Dnipropetrovsk and Poltava oblasts.

Derzhhirpromnahliad suggested disseminating this experience to other oblasts of Ukraine.

Based on results of consideration of the Ukrainian Government's 1st Report, the European Committee for Social Rights pointed out that the occupational service services mentioned in the 1st Report did not specialise in occupational health but rather cover occupational safety in a broader meaning. Although some preventive measures envisaged within the work of these services comply with requirements of Article 3§4, the Committee underlines importance of medical supervision over all workers. The Committee requests information on occupational health services and the percentage of enterprises at which such services have been established.

Medical and sanitary support at coal industry enterprises is provided according to Article 40 of the Mining Law of Ukraine, Article 17 of the Law of Ukraine on Labour Protection, the Coal Mine Safety Rules, and *the Coal Industry Enterprises State Sanitary Regulations and Standards* approved by the Ministry of Health of Ukraine order No. 468 of 13.12.02.

According to Article 17, Law of Ukraine on Labour Protection, an employer must ensure financing, at its own expense, of preliminary (when hired for work) and periodic (throughout work activities) medical examinations of workers employed in heavy works, works with harmful or hazardous working conditions or works requiring professional selection, and annual compulsory medical examination of persons younger than 21 years of age. Based on findings of periodic medical examinations, the employer must ensure appropriate health-improving measures as necessary. Medical examinations are carried out by relevant health care facilities, and their staff is responsible, according to legislation, for medical opinion conformity with the worker's actual state of health. The procedure for medical examinations is specified by the central executive authority for health care.

An employer is entitled to hold a worker evading compulsory medical examination disciplinarily liable according to the procedure established by law, and is required to suspend the worker from work on the unpaid basis.

An employer must ensure extraordinary medical examination of workers at his own expense:

- upon the worker's application is the worker believes that aggravation of his health is caused by working conditions;
- on his own initiative if the worker's state of health prevents the worker from performing his employment duties.

The workers retain their place of employment (position) and average earnings for the period of medical examination.

According to the above-mentioned Coal Mine Safety Rules and *the Coal Industry Enterprises State Sanitary Regulations and Standards*, the enterprise's

health care service consists of a medical and health-improvement complex with a health assessment section, a vocational selection section, etc., and of underground and ground health care posts. Its activities are financed by the enterprise or by several enterprises based on an agreement.

The enterprise's health care service carries out preventive work, ensures immediate provision of medical aid to workers in case of an acute disease or an occupational accident, organises, and takes part in, preliminary and periodic medical examinations, occupational selection and health improvement, and supervises availability of the means of premedical first aid at mine sections.

Preliminary and periodic medical examinations of occupational miner groups are carried out according to *the Procedure for medical examination of certain worker categories*.

Within a month upon the receipt of data on the occupational miner groups subject to periodic medical examination, the employer must compile a nominal list of persons specifying production units, shops, occupations, levels of harmful and hazardous factors, length of service under these conditions, and ensure timely referral of workers to medical examination.

Any worker subject to examination must undergo it in time. If a worker evades medical examination, the enterprise manager does not admit the worker to work.

According to the Mining Law of Ukraine, the mining enterprise workers engaged in works with special character, harmful and hazardous working conditions undergo health assessment, after-shift rehabilitation and medical treatment in case of diseases caused by the above-mentioned works.

Medical and health-improvement complexes must provide all necessary preventive, treatment, health-improving and rehabilitation activities against the impacts of such factors as dust, vibrations and noise, chemicals, musculoskeletal system overload, stresses, etc.

Health-improvement activities, hygienic education and staff training on the provision of first medical aid and the basics of industrial health and personal hygiene are financed by the employer according to a comprehensive plan involving skilled health care workers.

An underground health care post must have a reception and registration section and a dressing room.

In shower rooms of administrative-household complexes, the working staff of mining enterprises is provided with soap and shower puffs, towels and bathing footwear.

If an occupational or chronic general disease is detected in a coal mining enterprise worker and there is a medical opinion on the impossibility for the worker to continue work in sections with harmful working conditions, such a worker must be transferred to a job not connected with exposure to hazardous and harmful workplace factors.

If a worker is transferred to some other production unit or to some other position, safer in terms of working conditions, the employer must organise extraordinary medical examination of that worker.

Health and recreation resorts are organised for improvement of workers' health.

The issues of working conditions and occupational disease incidence at coal industry enterprises are submitted for hearing, on the annual basis, at the meetings of oblast, city and district councils on safe vital activities of the population, executive committees, medical conferences, and extended meetings with industrial enterprise heads, including with participation of the Fund for Social Insurance against Occupational Accidents and Diseases, representatives of trade unions in Donetsk, Dnipropetrovsk, Luhansk and other oblasts.

An important step consisted of adoption by the Verkhovna Rada of Ukraine on 10 March 2010 of the Law of Ukraine No. 1954-VI on the Ratification of the International Labour Organisation Convention concerning Occupational Health Services, 1985 (No. 161), which was drafted by the Ministry of Health of Ukraine according to the Law of Ukraine on the Nationwide Programme for Adaptation of Ukrainian Legislation to the European Union Legislation, and in pursuance of the Cabinet of Ministers of Ukraine Resolution No. 821-p of 11 June 2008 *On approval of the action plan for implementation in 2008 of the Nationwide Programme for Adaptation of Ukrainian Legislation to the European Union Legislation*, the Cabinet of Ministers of Ukraine Resolution No. 1250-p of 17 September 2008 *On approval of the action plan for realisation of the provisions of the General Agreement between the Cabinet of Ministers of Ukraine, all-Ukrainian associations of employers' and entrepreneurs' organisations, and all-Ukrainian trade unions and trade union associations for 2008-2009*.

Article 11 – The right to protection of health

Article 11§1

The Programme of Economic Reforms for 2010-2014 “Prosperous Society, Competitive Economy, Effective State” (hereinafter referred to as the Programme) provides for a reform of health care aimed at improving people's health and securing equal and fair access of all citizens to medical services of proper quality.

The following objectives were set forth to achieve the above-mentioned goal:

- improve quality of medical services;
- enhance availability of medical services;
- improve efficiency of public financing;
- create incentives for people's healthy lifestyle and healthy working conditions.

Success indicators must be as follows:

- total child mortality rate decreased to 6.5%;
- maternal mortality rate decreased to 13%;
- premature mortality decreased by 25%;
- tuberculosis-related mortality decreased by 30%;
- the share of general practitioners in the total number of physicians increased from 4% to 8-10%;
- the share of households in which some member could not receive medical aid, buy medicines and medical supplies when required during a year decreased from 20% in 2009 to 3%;
- the share of shadow payments for medical services decreased from 10-15% to 5-7%.

The Programme is implemented according to the annual national plans approved by presidential decrees (the Decree of the President of Ukraine No. 504/2011 of 24.04.2011 *On the National Action Plan for 2011 concerning the implementation of the Programme of Economic Reforms for 2010-2014 "Prosperous Society, Competitive Economy, Effective State"* and the Decree of the President of Ukraine No. 187/2012 of 12.03.2012 *On the National Action Plan for 2012 concerning the implementation of the Programme of Economic Reforms for 2010-2014 "Prosperous Society, Competitive Economy, Effective State"*).

Annual regional action plans for the realisation of the above-mentioned Programme are drafted and approved in regions.

On 7 July 2011, the Verkhovna Rada of Ukraine passed the Law of Ukraine on Amending the Basics of the Legislation of Ukraine on Health Care to Improve the Provision of Medical Aid (No. 3611-VI) and the Law of Ukraine on the Procedure of Reforming the Health Care System in Vinnytsia Oblast, Dnipropetrovsk Oblast, Donetsk Oblast, and the City of Kyiv (No. 3612-IV), which allowed commencing a medical servicing reform and set forth a vector and basic steps of reforms, namely:

- ensuring organisational, functional and financial delimitation of primary, secondary and tertiary medical aid;
- establishing a new type of facilities – multi-field intensive treatment hospitals, hospitals of remedial routine treatment, hospices, specialised medical

centres, and forming hospital districts to provide secondary medical aid to the population with account of peculiarities of administrative territories;

- implementing new mechanisms for funding of health care facilities and for labour remuneration.

The model and mechanisms of health care system reform are being tested in pilot regions – Vinnytsia oblast, Dnipropetrovsk oblast, Donetsk oblast, and the city of Kyiv – for further implementation on the national level.

By 2014, health care system facilities will have been delimited in terms of medical aid types: primary, secondary (specialised), tertiary (highly specialised), and emergency aid.

As a top priority task, a system of primary level facilities is being established: centres of primary medical and sanitary aid (hereinafter referred to as CPMSA) with a network of outpatient general family medicine facilities, medical and obstetrical posts, and first aid stations.

Reorganisation of the network of health care facilities providing secondary medical aid envisages phased structural rebuilding of the regional health care system by means of optimising the network of health care facilities. For example, advisory diagnostic centres will be created on the basis of polyclinics of central city hospitals and strong independent polyclinics. Hospitals will be specialised in terms of the medical aid intensity level – routine, intensive and remedial treatment and medico-social aid.

Tertiary medical aid will be provided by highly specialised oblast-level health care facilities.

According to the approved schedules of health care system modernisation, the work on structural and financial delimitation of primary and secondary medical aid has been carried out in the above-mentioned pilot regions.

In order to bring primary aid closer to people, reorganisation of outpatient facilities and units has been carried out resulting in the establishment of CPMSAs.

Vinnytsia oblast:

35 CPMSAs have been established and operating (8 in cities and 27 in rural areas), which include 262 outpatient facilities and 921 medical and obstetric posts (hereinafter referred to as MOP). All the district hospitals in the oblast have been reorganised into outpatient general family medicine facilities.

Dnipropetrovsk oblast:

53 CPMSAs have been established and operating, with a network of 379 subordinated outpatient general family medicine facilities brought as close to people's places of residence as possible.

Donetsk oblast:

72 CPMSAs have been established and operating in the oblast (55 in cities and 17 in rural areas). Structural units of the CMPSAs include 439 outpatient facilities and 466 MOPs.

Kyiv:

The pilot project on health care system reform involves 2 districts – Darnytskyi and Dniprovskyi where 9 CMPSAs have been established. In 2011, 70 outpatient family medicine facilities were put into operation in Kyiv.

In all the CMPSAs established, the patient’s right to freely choose a doctor of the primary medical aid level is secured.

To support the primary medical aid reform, targeted funds in the amount of UAH 327 million have been allocated from the State Budget aimed at improving the material and technical basis and purchasing medical transport means.

In the initial stage of health care sector reform, major attention is paid to the development of primary medical aid on the principles of family medicine and emergency medical aid.

The Verkhovna Rada of Ukraine passed the Law of Ukraine on the Emergency Medical Aid (No. 5081-VI of 5 July 2012) that provides a legislative framework for the development of a new approach to the system of emergency aid organisation that will take effect on 1 January 2013.

This Law envisages centralisation of the emergency medical aid management and funding on the oblast level by means of establishing integrated centres of emergency medical aid and integrated dispatch services.

To implement the pilot projects on health care sector reform, a relevant regulatory legal framework has been prepared, and a number of executive orders and resolutions have been issued by the Cabinet of Ministers of Ukraine, particularly:

- Cabinet of Ministers Executive Order of 31.10.11 No. 1078-p *On the preparation and implementation of the management by objectives approach in the pilot regions;*

- Cabinet of Ministers Resolution of 08.02.2012 No. 84 *On the approval of the Model Regulations on the Centre of Emergency Medical Aid and Disaster Medicine;*

- Cabinet of Ministers Resolution of 08.02.2012 No. 86 *On amending the Procedure of drafting, consideration, approval, and basic requirements to execution of state-financed institutions’ budgets (as to a simplified funding mechanism for primary-level health care facilities in pilot regions);*

- Cabinet of Ministers Resolution of 06.06.2012 No. 546 *On approval of the Regulations on the electronic patient register;*

- Cabinet of Ministers Resolution of 24.09.2012 No. 946 *On approval of the Procedure for stock-taking of highly expensive equipment in the health care*

facilities providing secondary and tertiary medical aid in Vinnytsia oblast, Dnipropetrovsk oblast, Donetsk oblast, and the city of Kyiv.

In pursuance of the Decree of the President of Ukraine of 27 April 2011 No. 504/2011 *On approval of the National Action Plan for 2011 concerning the implementation of the Programme of Economic Reforms for 2010-2014 “Prosperous Society, Competitive Economy, Effective State”*, the Cabinet of Ministers Executive Order of 31 October 2011 No. 1164-p approved the Concept of the National Programme “Health 2020: Ukrainian Dimension” for 2012-2020.

The Concept is aimed at maintaining and strengthening health, preventing and reducing morbidity, disability and mortality, improving quality and efficiency of medical and sanitary aid, and securing social justice and protection of people’s rights to health care.

As of today, the draft Law of Ukraine on the Approval of the National Programme “Health 2020: Ukrainian Dimension” has been developed.

The National Programme “Health 2020: Ukrainian Dimension” is designed to prevent and control diseases. The draft Law of Ukraine on the Approval of the National Programme “Health 2020: Ukrainian Dimension” includes measures to ensure awareness-raising, training and education of all population groups on prevention of diseases and formation of healthy lifestyle by means of advocating the principles and benefits of healthy lifestyle, implementing population strategies and strategies aimed at risk groups, including organisation and conduct of information campaigns, special programmes in mass media, and creation of a hotline and crisis telephone networks. It also envisages providing material and technical preconditions for disease prevention, formation of healthy lifestyle, and prevention of bad habits by means of creating cinematographic, video and audio materials, allocating air time, developing training programmes for higher medical educational institutions and educational programmes for general population, publishing health education materials and popular scientific literature, and equipping health care facilities with equipment sets to assess individual health levels.

Demographic and health of the population

Ukraine’s resident population was 45.6 million in 2011. The share of children aged 0-17 in the population structure is almost 18% of the total population, or 8.0 million.

Some increase in average life expectancy at birth has been recorded in recent years. Women's average life expectancy at birth was 75.88 years in 2011, or 9.90 higher than men's.

In 2011, 502.6 thousand children were born in Ukraine. The crude birth rate in Ukraine was 1.459 in 2011.

Based on results of consideration of the Ukrainian Government's 1st Report, the European Committee of Social Rights requests the information on mortality rates and causes of mortality, distinguishing between urban and rural areas.

In terms of population, Ukraine steadily ranks fifth among the European countries and second among the CIS states following Russia. Mortality exceeded fertility for the first time in 1991, and the country entered a brand new stage of its development – depopulation. The annual number of deaths has been greater than the number of births in Ukraine for 20 years already.

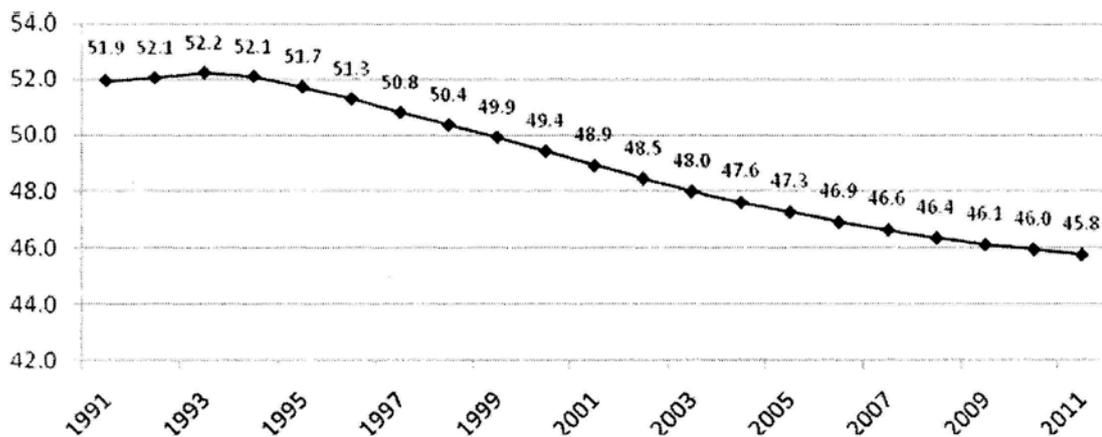


Fig. 1.1. Ukraine's enumerated population dynamics, 1990-2010, million (as of 1 January 2011)

The population dynamics on the regional level demonstrate certain variations caused by peculiarities of both natural and mechanical movement. The former case concerns Vinnytsia oblast, Zhytomyr oblast, and Chernihiv oblast, the oldest ones in demographic terms. Intensive depopulation processes are going on in the above-mentioned oblasts. In terms of population dynamics specificity, Kyiv oblast, Odesa oblast, Sumy oblast, and Cherkasy oblast can also be included in the same group.

Due to high fertility rates and lower mortality, population increase in Volyn oblast, Zakarpattia oblast, Ivano-Frankivsk oblast, and Rivne oblast continued for the longest period in Ukraine prior to 2003, and later population decrease rates in the above-mentioned oblasts were considerably lower than in other regions of the country. It should be pointed out that prevalence of the number of births over the number of deaths was recorded in 2010 in the three western oblasts (Volyn, Zakarpattia, Rivne) and in Kyiv.

A separate group can consist of the Autonomous Republic of Crimea, Kharkiv oblast, Odesa oblast, and Kyiv. A positive migration balance is typical for these regions, partially compensating for natural population decline. Other oblasts have population dynamics similar to the western Ukrainian trend, when steady population decrease has been recorded in recent years without any sign of situation improvement.

Unfavourable mortality dynamics have been and remain to be Ukraine's acutest demographic problem. The current critical mortality situation emerged amid lengthy negative trends of 1965-1984 that were dramatically aggravated by the Chornobyl disaster consequences and by an adverse impact of a protracted socio-economic crisis in the transition period.

Number of deaths and crude death rates in Ukraine, 2006-2010

Year	Deaths (thousand)				Crude death rates (‰)			
	Urban settlements and rural areas	Urban settlements	Rural areas	Urban settlements in % to rural areas	Urban settlements and rural areas	Urban settlements	Rural areas	Urban settlements in % to rural areas
2006	758.1	461.8	296.3	155.8	16.2	14.5	19.8	73.2
2007	762.9	466.3	296.6	157.2	16.4	14.7	20.1	73.1
2008	754.5	462.9	291.6	158.8	16.3	14.7	19.9	73.9
2009	706.7	432.3	274.4	157.5	15.3	13.7	18.9	72.5
2010	698.2	431.1	267.1	161.4	15.2	13.7	18.6	73.7

The current death rate in Ukraine features substantial regional variations: the crude death rate in 2010 varied between 10.3‰ (Kyiv) and 19.6‰ (Chernihiv oblast). A relatively lower crude death rate is recorded in the western part of Ukraine (12.0-14.4‰) whereas the highest figures can be seen in the northern oblasts (17.3-19.6‰). To a considerable extent such variations are explained by impact of a structural factor. In particular, a relatively young age structure in the western oblasts shifts their crude death rates towards lower figures whereas oblasts having an older age structure (in the north and centre of Ukraine) feature an upward movement of that indicator.

Mortality exceeds morbidity. In 2011, there were 756 newborns per 1,000 deaths.

Female mortality is lower than male mortality (1,382.9 and 1,549.6 per 100 thousand resident population of a respective sex); female mortality in 20-60 age groups is three times lower than the male indicator.

Based on results of consideration of the Ukrainian Government's 1st Report, the European Committee of Social Rights requests the information on the main causes of maternal mortality, distinguishing between urban and rural areas, and on the policy to combat infant and maternal mortality.

Infant mortality is one of the most sensitive indicators of the society's socio-economic development degree, which accumulates in itself education and culture levels, environmental situation, efficiency of preventive measures, availability and quality of medical aid, distribution of social and material values in the society. Viability of newborns responds most of all to improvements in medical services and sanitary situation in the country. Changes in living standards and diet quality affect infant mortality rates through their parents' state of health, living standards and diet quality.

As the socio-economic situation became worse in the first half of the 1990s, infant mortality increased substantially. The highest infant mortality rates were recorded in 1993, 1994 and 1995 when the figures reached 14.9‰, 14.5‰, and 14.7‰, respectively. A steady tendency towards lower mortality in this age group has emerged since 1997. In 2011, infant mortality rate was 9.07‰.

Ukraine has shifted to the European criteria of child mortality recording since 1 January 2007.

Infant death risk is the highest in the first 28 days of life. The structure of infant mortality by death cause has undergone minor changes over the recent decade. Like in the previous years, the top position was occupied by some conditions arising in the perinatal period, followed by congenital development defects, deformations and abnormalities, whereas external mortality causes ranked third.

Infant mortality rates

(infant deaths per 1,000 live births)

	2008	2009	2010	2011
Ukraine	10.0	9.4	9.1	9.0

The mortality rate of children aged 0-4 years has declined by 28% over the 2000-2010 period (2000: 15.6; 2010: 11.03 per 1,000 live births of the respective year of birth).

The mortality structure for children aged 0-4 shows no substantial difference from the infant mortality structure.

If one does not consider infant mortality in the perinatal period of life, a great share in this age belongs to congenital development defects, deformations and chromosomal abnormalities accounting for 19.8%. Mortality from external causes ranks third having 10.0% of all the death causes related to negligent care on the part of adults. Other mentioned causes of death among under-5

children are less significant. Child mortality from principal causes of death has decreased considerably over the recent 5 years. Child mortality from external causes has declined by 53%, confirming the opinion on the adults' more careful attitude to younger children.

The maternal mortality rate is one of the key strategic indicators of a country's socio-economic development.

According to the State Statistics Service of Ukraine, the maternal mortality rate per 100 thousand live births was as follows:

Ukraine	Years			
	2008	2009	2010	2011
	15.5	23.4	23.1	16.3

The increase in this indicator in 2009-2010 was caused by the Californian influenza A(H1N1) epidemic in late 2009 and early 2010. During 2009 (November-December), 53 pregnant and lying-in women died of influenza-related complications, i.e. the share of influenza-caused deaths in the maternal mortality structure was 40%. In the first months of 2010, 37 pregnant and lying-in women died (31%).

In the maternal mortality structure, urban residents account for almost 70% whereas rural ones have 30%.

The top position among maternal mortality causes belongs for a few years to the causes related to extragenital pathology, followed by obstetrical bloodsheds hemorrhages in the second position, and by tromboembolic and septic complications ranking third and fourth, respectively.

In order to improve people's reproductive health, reduce maternal and infant morbidity and mortality, and enhance quality of medical services for pregnant and lying-in women, new mothers and newborns, the Ministry of Health (MoH) Order No. 52 of 2.02.2011 approved the Concept of further development of perinatal care and an action plan for its implementation. The Concept is aimed at improving medical services provided to pregnant and lying-in women and new mothers, and at reducing maternal morbidity and mortality rates. One of the priorities in the Concept belongs to the National Project "New life – new quality of motherhood and childhood protection" which envisages improvement of perinatal care quality. Hence, protection of motherhood and childhood as well as care for the coming generations are included in the range of national priorities such as energy security and other components of the country's independence.

The perinatal care reform project is designed to achieve the UN Millennium Development Goals, particularly reduce by three quarters between 1990 and 2015 the maternal mortality ratio and achieve by 2015 universal access to reproductive health.

Eight oblast perinatal centres were put into operation in 2011 (Kirovohrad, Dnipropetrovsk, Donetsk, Zhytomyr, Odesa, Ternopil, Kharkiv oblasts, and the Autonomous Republic of Crimea).

Primary medical assistance

On 22 January 2010, the Verkhovna Rada of Ukraine passed the Law of Ukraine No. 1841-VI on the Approval of the National Programme for the Development of Primary Medical and Sanitary Aid on the Family Medicine Principles for the Period until 2011 (hereinafter referred to as the Programme). The Programme is aimed at securing decrease in the rates of morbidity, disability and mortality by means of establishing, and organising efficient operation of, a system for the provision of affordable and high-quality primary medical and sanitary aid to the population based on family medicine principles.

The Programme activities envisage provision of specialised vehicles and medical equipment as per a recommended equipment list to the facilities providing primary medical and sanitary aid (outpatient medical facilities – outpatient general family medicine facilities) during 2010-2011 at the state budget expense.

Implementation of the Programme will promote the creation of a system of affordable and high-quality medical services to the population based on the family medicine principles, which will ensure lower demand for expensive types of medical aid; the coordination by a family medicine physician of the provision of specialised and inpatient medical aid to patients; increase in the share of primary-level medical services; better work on disease prevention; wider availability of medical aid in rural areas (covering up to 80% of the population).

In order to implement the above-mentioned Programme and the Cabinet of Ministers Resolutions of 17.02.2010 No. 208 *Some matters of the health care system improvement* and of 13.06.2007 No. 815 *On approval of the National Plan for Health Care System Development for the Period until 2010*, the MoH Order No. 728 of 27.08.2010 approved the Procedure of Health Survey. The health survey includes annual medical examination of the population involving a specified amount of laboratory and instrumental tests, additional examination of persons needing it, identification of persons with risk factors causing emergence and development of diseases, timely detection of diseases, development and implementation of a set of necessary medical and social measures, dynamic observation of people's state of health.

In the health survey process, periodic preventive examinations (conducted in due course) of certain population groups (persons involved in heavy works, works with harmful or hazardous working conditions, or works needing occupational selection) are still carried out; their procedure was approved by the MoH Order No. 246 of 21.05.2007 *On approval of the*

Procedure for medical examinations of certain worker categories registered with the Ministry of Justice of Ukraine on 23 July 2007 under No. 846/14113.

On 7 July 2011, the Verkhovna Rada of Ukraine passed the Law of Ukraine on Amending the Basics of the Legislation of Ukraine on Health Care to Improve the Provision of Medical Aid (No. 3611-VI). Among major novelties, it should be pointed out that the Law clearly defines such notions as “medical aid”, “medical servicing” and “patient” as well as defines more accurately the notion of “a health care facility”. Article 8 of the Basics of the Legislation of Ukraine on Health Care was supplemented with the following provision:

“Every citizen shall have the right to obtain, in state-owned and communal health care facilities, medical aid that shall include:

emergency medical aid;

primary medical aid;

secondary (specialised) medical aid provided as per medical indications according to the procedure established by the central executive authority for health care;

tertiary (highly specialised) medical aid provided as per medical indications according to the procedure established by the central executive authority for health care;

tertiary (highly specialised) medical aid provided as per medical indications according to the procedure established by the central executive authority for health care;

palliative care provided as per medical indications according to the procedure established by the central executive authority for health care.

The State shall guarantee free provision of medical aid in state-owned and communal health care facilities also as per epidemic indications, and shall guarantee free conduct of medico-social expert examination.”

Based on results of consideration of the Ukrainian Government’s 1st Report, the European Committee of Social Rights asks if access to health care is guaranteed equally to all foreign nationals residing and working lawfully in Ukraine.

According to Article 3(1) of the Law of Ukraine on the Legal Status of Foreigners and Stateless Persons (No. 3773-17 of 22.09.2011), foreigners and stateless persons lawfully staying in Ukraine shall exercise the same rights and freedoms as well as have the same responsibilities as Ukrainian nationals.

Medical and sanitary servicing for foreigners and stateless persons unlawfully staying in Ukraine is regulated by the Order of the Ministry of Internal Affairs of Ukraine No. 390 of 16.10.2007 *On approval of the Regulations on the temporary accommodation centre for foreigners and stateless persons unlawfully staying in Ukraine* registered with the Ministry of Justice of Ukraine on 14 November 2007 under No. 1268/14535.

The Cabinet of Ministers Resolution of 22 June 2011 No. 667 approved the Procedure for provision of medical aid to foreigners and stateless persons

temporarily staying in Ukraine, which governs all the possible options for securing medical aid to foreigners subject to their having an insurance policy from an Ukrainian insurer or a non-resident insurer as well as having no insurance agreement (policy, certificate).

Foreigners may apply for medical aid, including emergency aid, to any state-owned or communal health care facility.

Financing of health care
Some indicators of human development

	1990	1995	2000	2005	2007	2008	2009	2010	2011
Consolidated budget expenditure for health care, as % of									
GDP		4.8	2.9	3.5	3.7	3.5	4.0	4.1	3.7 ¹
total amount of expenditure	...	10.7	10.2	10.9	11.3	10.9	11.9	11.8	11.7 ²
Average life expectancy at birth, years ²	70.7	67.2	67.9	68.0	68.3	68.3	69.3	70.4	
Crude death rate, %	12.1	15.4	15.4	16.6	16.4	16.3	15.3	15.2	14.5
Infant mortality rate, %	12.8	14.7	11.9	10.0	11.0	10.0	9.4	9.1	9.0
Population per 1 doctor, persons	228	222	218	209	207	207	204	203	203

¹ Preliminary data

² Average life expectancy at birth is calculated for two adjacent years.

Crude death rate is the ratio between the number of deaths during a year and the average annual population. Calculated per 1,000 enumerated population.

Infant mortality rate is the ratio between the number of infant deaths and the number of live births. Calculated per 1,000 persons.

**NETWORK, ACTIVITIES AND STAFF OF
HEALTH CARE FACILITIES**

**KEY INDICATORS OF HEALTH
CARE IN UKRAINE**

	1990	1995	2000	2005	2007	2008	2009	2010	2011
Number of physicians of all specialties thousand per 10,000 population	227 44.0	230 45.1	226 46.2	224 47.9	223 48.3	222 ¹ 48.3 ¹	225 ¹ 49.1 ¹	225 ¹ 49.3 ¹	224 ¹ 49.3 ¹
Number of nursing staff									
Thousand per 10,000 population	607 117.5	595 116.5	541 110.3	496 106.2	488 105.5	465 101.1	467 102.0	467 102.4	459 101.0
Number of health care facilities, thousand	3.9	3.9	3.3	2.9	2.8	2.9	2.8	2.8	2.5
Number of hospital beds, th. per 10,000 population	700 135.5	639 125.1	466 95.0	445 95.2	440 95.2	437 95.1	431 94.2	429 94.0	412 90.6
Number of outpatient medical facilities, ² thousand	6.9	7.2	7.4	7.8	8.0	8.8	8.8	9.0	8.2
Planned capacity of outpatient facilities									
thousand visits/shift per 10,000 population	895 173.1	966 189.0	973 198.4	990 211.7	992 214.7	987 214.8	1000 218.3	993 217.7	999 219.8
Number of emergency aid stations (departments) (MoH)	970	1064	1039	976	987	997	998	990	940
Number of persons attended on the outpatient basis and during emergency aid visits (MoH)									
million per 1,000 population	17.8 345	16.0 313	14.0 285	13.8 294	13.9 300	13.6 295	13.5 295	13.4 294	12.8 281
Number of independent dental polyclinics (MoH)	311	324	320	309	300	288	282	279	270
Number of facilities having dental departments or offices (MoH)	4782	4676	4593	4645	4719	4690	4728	4751	4452

continued

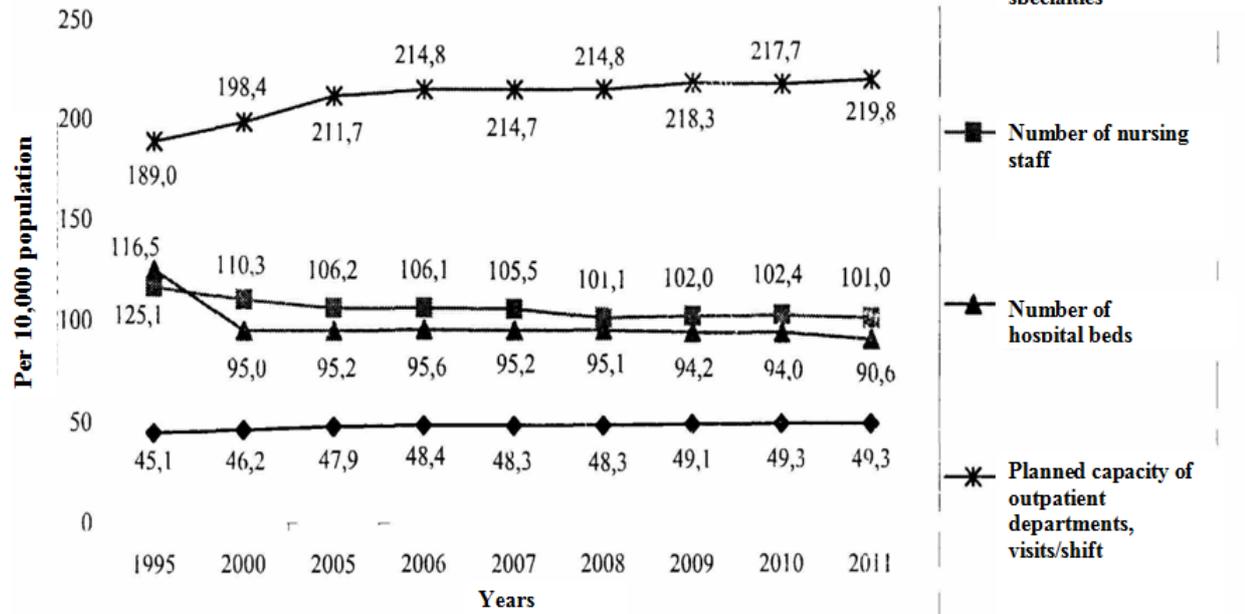
	1990	1995	2000	2005	2007	2008	2009	2010	2011
Number of visits to doctors for outpatient reception and of doctors' visits to patients at home, including emergency and scheduled consulting aid (MoH)									
million	500.5	495.8	491.9	499.0	498.4	497.3	491.8	494.5	484.9
per 1 resident	9.7	9.7	10.0	10.6	10.8	10.8	10.7	10.8	10.7
Number of persons admitted to health care facilities (MoH)									
million	12.6	11.2	9.6	10.1	10.4	10.4	10.3	10.5	10.3
per 100 persons	24.4	21.9	19.4	21.6	22.5	22.6	22.4	22.9	22.6
In the total number of those admitted to health care facilities - children ³									
million	2.1	1.9	1.5	1.6	1.8	1.8	1.9	1.9	1.9
per 100 children	19.1	17.9	17.7	22.0	21.9	21.9	23.0	24.1	23.6
Average period of patient stay in inpatient settings (MoH), days	12.5	12.2	16.4	16.8	14.9	13.5	12.9	12.8	12.7

1) Without dentists.

2) The number of outpatient medical facilities includes all the health care facilities providing outpatient reception (polyclinics, outpatient clinics, outpatient units in health care facilities, dispensaries, doctor's health care posts, etc.)

3) Before 2006 – children aged 0-14 inclusive; since 2006 – children aged 0-17 inclusive.

Dynamics of key health care indicators in Ukraine



Medical professionals and facilities

Based on results of consideration of the Ukrainian Government's 1st Report, the European Committee of Social Rights asks what is the geographical distribution of medical professionals.

The average staffing rate of staff physician positions by natural persons in Ukraine is 80.6%. Provision with physicians, including scientific-pedagogical and scientific staff, health care organisers and dentists is 43.1 per 10,000 population. As of 1.01.2012, 220,408 out of 243,162.5 staff physician positions are filled whereas the number of working physicians – natural persons is 196,085.

The staffing rate of junior medical specialist positions in Ukraine is 94.5%, their provision is 92.84 per 10,000 population. The number of nursing staff in the MoH system facilities has decreased from 510.5 thousand to 422.0 thousand (by 17.4%) during 15 years.

NETWORK AND STAFF OF HEALTH CARE FACILITIES¹

	Number of physicians of all specialties, thousand	Number of nursing staff thousand	Number of health care facilities, thousand	Number of hospital beds in them, thousand	Number of outpatient medical facilities, <u>thousand</u>
2005	224	496	3	445	8
2006 ²	225	493	3	444	8
2007	223	488	3	440	8
2008	222 ³	465	3	437	9
2009	225 ³	467	3	431	9
2010	225 ³	467	3	429	9
2011	224 ³	459	2	412	8

² Estimated data

³ Without dentists

**HEALTH CARE FACILITIES BY REGION,
END OF 2011**

	Number of health care facilities	Number of beds in them	Number of outpatient medical facilities	Planned capacity of outpatient medical facilities (visits/shift)	Per 10,000 population		Number of population per 1 bed
					Beds	Visits per shift	
Ukraine	2473	411947	8239	998946	90.6	219.8	110.3
Autonomous							
Republic of Crimea	87	16700	334	34636	85.5	177.2	117.0
Vinnitsia oblast	68	13537	122	26432	83.2	162.4	120.2
Volyn o.	57	8521	158	18258	82.3	176.3	121.6
Dnipropetrovsk o.	149	31048	468	93440	93.6	281.7	106.8
Donetsk o.	211	37133	537	84937	84.6	193.5	118.2
Zhytomyr o.	71	10076	303	31931	79.1	250.6	126.4
Zakarpattia o.	60	9758	350	27950	78.2	224.0	127.9
Zaporizhia o.	100	16289	291	36694	91.0	204.9	109.9
Ivano-Frankivsk o.	85	11968	263	23397	86.9	169.9	115.1
Kyiv o.	94	14780	442	37239	86.2	217.3	116.0
Kirovohrad o.	76	9504	208	28699	95.4	288.1	104.8
Luhansk o.	143	21833	418	48410	96.3	213.4	103.9
Lviv o.	128	24304	458	48987	96.3	194.2	103.8
Mykolaiv o.	67	10093	248	23769	85.7	201.9	116.7
Odesa o.	129	21224	419	49420	89.3	207.9	112.0
Poltava o.	94	13029	345	38499	88.7	262.0	112.8
Rivne o.	69	9995	209	24330	86.7	211.0	115.4
Sumy o.	72	10877	288	27757	94.6	241.3	105.7
Ternopil o.	67	9827	222	21010	91.2	195.0	109.6
Kharkiv o.	127	24748	400	62817	90.8	230.4	110.2
Kherson o.	68	10927	165	20535	101.0	189.8	99.0
Khmelnitskyi o.	82	11712	284	25409	88.9	192.9	112.4
Cherkasy o.	87	11026	332	29823	86.6	234.1	115.5
Chernivtsi o.	62	7486	226	17064	83.0	189.1	120.5
Chernihiv o.	86	12096	199	23873	112.0	221.1	89.3
Kyiv city	116	30075	493	85687	108.5	309.0	92.2
Sevastopol city	18	3381	57	7943	89.1	209.4	112.2

**NETWORK OF HEALTH CARE FACILITIES IN RURAL AREAS
OF UKRAINE**
(facilities in the scope of management of the Ministry of Health of Ukraine)

	<i>(year end)</i>						
	2000	2005	2007	2008	2009	2010	2011
Health care facilities	1007	707	645	612	577	543	333
beds <i>therein</i>	20275	14136	13039	12478	12842	12277	7586
<i>In the total number of health care facilities:</i>							
central district hospitals	6	6	6	6	6	6	6
district hospitals	25	30	29	29	28	28	22
divisional hospitals	943	658	598	566	531	497	301
dispensaries	12	3	3	3	3	3	2
specialised hospitals	17		7	7	8	8	1
other facilities	4	1	2	1	1	1	1
Independent outpatient medical facilities and polyclinics	2321	3056	3274	3366	3399	3440	2956
Emergency aid stations and departments	207	181	164	176	179	175	
Medical and obstetrical posts	16113	15459	15229	15101	15028	14934	12484

Apart from the facilities situated in rural areas, medical aid to rural residents is provided at the facilities situated in urban settlements, namely at central district hospitals, district and city hospitals of rural administrative districts, oblast hospitals, dispensaries, etc.

**HEALTH CARE FACILITIES FOR
WOMEN AND CHILDREN**

(year end)

	Antenatal clinics and facilities with antenatal clinics, obstetrical and gynecological departments (rooms)	Children's polyclinics and facilities with children's departments (rooms)	Children's health care facilities (MoH system)	Number of medical maternity hospitals ² (MoH system)	Beds therein	Number of hospital beds for pregnant and lying-in women	
						Total	Per 10,000 women aged 15-49
Ukraine							
2000	2094	3479	143	93	14440	25495	20.1
2004	2131	3302	138	92	13916	24323	19.6
2005	2183	3192	137	89	13276	23874	19.3
2006	2195 ¹	3126 ¹	138	90	13446	23898 ¹	19.5 ¹
2007	2142	3015	136	89	13386	23628	19.5
2008 ³	1752	2690	135	89	13351	23177	19.4
2009 ³	1717	2602	133	87	13196	22936	19.4
2010 ³	1690	2495	132	87	13116	22838	19.7
2011 ³	1652	2178	130	88	12981	22291	19.5

¹ Estimated data

² In addition to maternity hospitals, maternity departments in hospitals were working.

³ Data for the Ministry of Health system.

MEDICAL ASSISTANT CARE

(year end)

Ukraine	Number of medical and obstetrical posts		Number of medical assistant health care posts	
	2000	16354	2635	
	2004	15689	1917	
	2005	15609	1840	
	2006 ¹	15504	1780	
	2007	15322	1609	
	2008	15167	1347	
	2009	15108	1337	
	2010	15019	1377	
	2011	12576	1295	

¹ Estimated data

EMERGENCY AID
(Ministry of Health system)

	Emergency hospitals	Emergency aid stations (departments) – independent and those within other facilities	Calls attended by emergency aid stations (departments)	Persons attended on the outpatient basis and during visits	
				Total	Per 1000 Population
Ukraine					
2000	12	1039	13646302	14014778	285.0
2004	12	975	13408623	13846032	292.9
2005	12	976	13347087	13805402	294.2
2006	12	982	13431039	13836450	296.9
2007	12	987	13455278	13906550	300.2
2008	14	997	13163552	13577373	294.7
2009	14	998	12972180	13521208	294.8
2010	14	990	12924605	13432900	294.0
2011	14	940	12531847	12808666	281.4

KEY INDICATORS OF INPATIENT ACTIVITIES
(Ministry of Health system)

	Persons hospitalised	<i>including</i> children aged 0-17 ¹ inclusive	Per 100 persons of respective age		Average duration of patient's stay in the inpatient department, days
			Total	children aged 0-17 ¹ inclusive	
Ukraine					
2000	9557968	1531289	19.4	17.7	14.9
2004	9961281	1522817	21.1	21.4	13.9
2005	10141343	1568702	21.6	22.0	13.5
2006	10227862	1763499	21.9	20.3	13.3
2007	10446391	1846591	22.5	21.9	12.9
2008	10391302	1810372	22.6	21.9	12.8
2009	10258524	1870681	22.4	23.0	12.7
2010	10453690	1941289	22.9	24.1	12.5
2011	10292916	1887884	22.6	23.6	12.2

Before 2006: children aged 0-14 inclusive, since 2006: children aged 0-17 inclusive.

**MEDICAL STAFF BY REGION,
2011 END**

(persons)

	Numbers of		Per 10000 population		Population per	
	Physicians of all specialties ¹	Nursing staff	Physicians of all specialties	Nursing staff	1 physician	1 nursing worker
Ukraine	224123	459112	49.3	101.1	203	
Autonomous Republic of Crimea	9621	18557	49.2	95.0	203	105
Vinnitsia oblast	8079	17439	49.7	107.2	201	93
Volyn o.	3982	11156	38.4	107.7	260	93
Dnipropetrovsk o.	16139	31368	48.7	94.6	206	106
Donetsk o.	19507	40713	44.4	92.7	225	108
Zhytomyr o.	4903	14203	38.5	111.5	260	90
Zakarpattia o.	5271	11451	42.2	91.8	237	109
Zaporizhia o.	8487	17805	47.4	99.4	211	101
Ivano-Frankivsk o.	8517	15137	61.8	109.9	162	91
Kyiv o.	7189	15624	41.9	91.2	238	110
Kirovohrad o.	3615	10425	36.3	104.7	276	96
Luhansk o.	9822	21895	43.3	96.5	231	104
Lviv o.	15113	28673	59.9	113.7	167	88
Mykolaiv o.	4292	9988	36.4	84.8	274	118
Odesa o.	11604	21863	48.8	92.0	205	109
Poltava o.	7150	14925	48.7	101.6	206	98
Rivne o.	4830	13256	41.9	115.0	239	87
Sumy o.	4580	12560	39.8	109.2	251	92
Ternopil o.	5655	12149	52.5	112.8	190	89
Kharkiv o.	16149	25989	59.2	95.3	169	105
Kherson o.	3911	10188	36.1	94.2	277	106
Khmelnyskyi o.	5583	13908	42.4	105.6	236	95
Cherkasy o.	5025	13269	39.5	104.2	253	96
Chernivtsi o.	5725	9533	63.5	105.7	158	85
Chernihiv o.	4002	12114	37.1	112.2	270	89
Kyiv city	23333	31170	84.1	112.4	11	89
Sevastopol city	2039	3754	53.8	99.0	18	101

¹ Without dentists

**NURSING STAFF BREAKDOWN BY SPECIALTY IN UKRAINE,
2011 END**

	(persons)	
	Total	Per 10,000 population
Nursing staff number	459112	101.0
including		
Medical assistants	39773	8.8
Midwives ¹	22809	5.0
Nurses in all facilities	322283	70.9
Laboratory assistants (laboratory attendants)	37702	8.3
X-ray laboratory assistants	9750	2.1
Other nursing staff	26795	5.9

¹ Number of midwives was 9.3 per 10,000 women overall, and 19.9 per 10,000 women aged 15-49.

**PHYSICIANS BREAKDOWN
BY SPECIALTY IN UKRAINE, 2011 END**

	(persons)	
	Total	Per 10,000 population
Number of physicians of all specialties¹	224 123	49.3
<i>including</i>		
therapists	46 156	10.2
surgeons	32 041	7.0
obstetrician-gynecologists	13528	3.0 ²
pediatricians	14 601	3.2 ³
ophthalmologists	4788	1.1
otolaryngologists	4032	0.9
neuropathologists	7895	1.7
psychiatrists and narcologist-psychiatrists	6159	1.4
phthisiatricians	2953	0.6
dermatovenerologists	4035	0.9
roentgenologists and radiologists	5114	1.1
physicians for therapeutic physical training and sports medicine	646	0.1
physicians of the sanitary and anti-epidemic group	8107	1.8
dentists	29746	6.5
family doctors	9275	2.0
other specialties	35047	7.7

¹ Without dentists.

Number of dentists was 2,274 in 2011, or 0.5 per 10,000 population.

² Number of obstetrician-gynecologists was 5.5 per 10,000 women overall, and 11.8 per 10,000 women aged 15-49.

³ Number of pediatricians per 10,000 children aged 0-17 inclusive was 18.3, and that per 10,000 children aged 0-14 inclusive was 22.4.

Article 11§2

Based on results of consideration of the Ukrainian Government's 1st Report, the European Committee of Social Rights asks if there are also specific information campaigns intended to inform the public about other subjects such as alcohol and illegal drugs, food, sexuality and the environment.

The MoH's cooperation with non-governmental organisations and international projects is aimed at implementing measures to shape and promote healthy lifestyle, advocate family values, prevent mortality, and improve the system of medical aid organisation and provision to Ukrainian adolescents and youth.

Joint activities with the UN Children's Fund (UNICEF) envisage development of a network of Child-Friendly Hospitals and Youth-Friendly Clinics (YFC), and implementation of the project "Preventing mother-to-child HIV transmission, caring for and supporting children and families affected by the epidemic".

Cooperation with the "Maternal and child health" project is aimed at implementing modern perinatal technologies and shaping safe maternity.

The project "Together to health" is aimed at improving the family planning service's work and has been extended to cover most regions.

In 2010, 91 YFCs worked in Ukraine; 13 YFCs were established during 2011; 104 YFCs were in operation in Ukraine as of 1.01.2012 (*21 YFCs were established with UNICEF support*). At present, the following YFC models are also working: 11 centres, 37 branches, 54 rooms, and 2 networks in Sevastopol and Ternopil cities including 21 rooms. Units providing medico-social assistance to adolescents and youth have been established in working in 123 health care facilities.

The Reproductive Health of the Nation State Programme for the period until 2015 envisages increasing the rate of implementation of the Youth-Friendly Clinic service system in outpatient pediatric facilities to 90%.

YFC activities are carried out with active social partnership with the staff of the centres of social services for family, children and youth.

Core areas of joint work include:

- conducting awareness-raising and educational work to popularise healthy lifestyle and prevent socially dangerous diseases in educational institutions and hostels;
- carrying out prophylactic work to prevent sexually transmitted infections, including HIV, in educational institutions and hostels;
- organising and conducting comprehensive prophylactic work of mobile teams jointly with YFC in rural areas;
- providing trainings aimed at maintaining reproductive health and at preparing for conscious parenthood; shaping responsible behaviour in sexual and interpersonal relations;

- disseminating social advertisements on the propaganda of healthy lifestyle, protection of reproductive health, and prevention of socially dangerous diseases among children and youth;
- organising the work of an advisory unit to provide psychological, socio-pedagogical and information services to pupils and students;
- securing the work of hot lines on pressing issues related to reproductive health and sexual education of adolescents and youth;
- ensuring social support for YFC clients finding themselves in difficult life circumstances, as recommended by doctors of YFCs and other health care facilities;
- jointly developing, producing and disseminating methodological, information and advertising, and health education materials on maintenance of reproductive health, prevention of sexually transmitted diseases, etc.;
- informing children, young people and their parents on provision of medical aid and social services;
- involving state and non-governmental institutions and public organisations, including international, in the cooperation to implement and disseminate principles of the youth-friendly approach.

In order to ensure educational activities, the following events are planned to be held: 366 round tables, 1,716 video lectures, 4,475 lectures, 435 social and cultural actions, and 1,967 workshop trainings.

Organisational and methodological support and monitoring of implementation of the activities envisaged by the joint projects of the MoH of Ukraine and UNICEF concerning child and maternal health care are provided by the methodological, organisational and monitoring centre of Okhmatdyt National Children's Specialised Hospital.

For the purpose of advocating a healthy and safe lifestyle, the MoH Order No. 687 of 27.11.2008 *On improving educational work in higher medical and pharmaceutical educational institutions of I-IV accreditation levels, postgraduate institutions, research centres, and health care facilities* approved an action plan in pursuance of the programme of educational work in higher medical and pharmaceutical educational institutions of I-IV accreditation levels, postgraduate institutions, research centres, and health care facilities. The above-mentioned order regulates provision of conditions for implementation, among students, intern physicians (pharmacists), learners, resident physicians, postgraduate students, doctoral candidates and medical workers, of the principles of healthy lifestyle, conscious and responsible parenthood, and formation of a socially active, physically healthy and spiritually rich personality. In addition to the above, study of vocational training subjects in all MoH educational institutions now includes the healthy lifestyle issues.

Higher medical (pharmaceutical) educational institutions of I-IV accreditation levels hold discussions, disputes, round tables, trainings, lectures, reports, educative hours, and thematic conferences on the following topics: "Drug addiction and AIDS", "Your health is in your hands", "Drugs and law: no

alternative”, “Healthy diet culture”, “Impact of information and communication technologies on a young person’s mental and physical conditions”, “What is hepatitis?”, “Disorderly sexual life is a step to infection”, “Alcohol and you”, “World without tobacco”, and other forms of work.

According to the MoH Order No. 687 of 27.11.2008, students of higher medical (pharmaceutical) educational institutions take part in the actions dedicated to the World Health Day (7 April), the World No Tobacco Day (31 May), the World AIDS Day (1 December), the World TB Day (24 March), etc. Students of all medical educational institutions were actively involved in the all-Ukrainian actions: “Anti-drug”, “Life without smoking”, “Sobriety”, “Anti-AIDS”, “Human rights movement in Ukraine: history and present day”, “Save the planet together”, “Heart to heart”. On the regional level, the following student actions were held: “Youth chooses a healthy lifestyle”, “Philosophy of health”. For this purpose, highly skilled specialists are engaged such as medical experts, officials from prosecution bodies, bodies of internal affairs, etc. Students of higher medical (pharmaceutical) educational institutions regularly deliver lectures on the above-mentioned topics in general education and higher education institutions in their regions.

In pursuance of the Action Plan for the Implementation of the Concept for Realisation of State Policy on Controlling the Spread of Drug Addiction and Combating Trafficking in Narcotic Agents, Psychotropic Substances and Precursors for 2011-2015, approved by the Cabinet of Ministers Executive Order of 22.11.2010 No. 2140-p, the following courses have been included in the curricula for the specialist education level (physician qualification) in the MoH higher educational institutions of IV accreditation level: “Basics of prevention of smoking, alcoholism, toxicomania and drug addiction”, “Basics of prevention of alcoholism and drug addiction”, “Topical problems of prevention of smoking, alcoholism, toxicomania and drug addiction”.

Such topics as primary prevention of key disease groups, correction of risk factors, and shaping of healthy lifestyle, including prevention of drug addiction and toxicomania, have been included in the following curricula for undergraduate training of physicians and pharmacists in higher medical educational institutions of III-IV accreditation levels: safety of life activities, basics of social psychology, internal medicine, neurology, medical psychology, psychiatry, narcology, environmental psychology, psychology of dependence, basics of bioethics and biosafety, basics of sexology and sexual pathology, general practice (family medicine), basics of Christian ethics and morality.

Measures of health at schools

Based on results of consideration of the Ukrainian Government's 1st Report, the European Committee of Social Rights asks for information on the frequency of medical examinations at school and the proportion of pupils involved.

Article 22 of the Law of Ukraine on General Secondary Education (No. 651-XIV) envisages that health care facilities, together with education authorities and health care authorities, shall ensure, on the annual basis, free medical examination of pupils (alumni), monitoring and correction of the state of health, and implementation of treatment and preventive measures in general education institutions regardless of their subordination and ownership types and forms.

The Cabinet of Ministers Resolution of 5.08.2004 No. 532 approved the list of population categories undergoing compulsory annual medical examinations, including children aged 6-17.

The MoH Order No. 434 of 29.11.2002 *On approval of outpatient and polyclinic care for children in Ukraine* regulates the working procedure for the school and preschool service, which specifies the scope of medical examinations.

According to the order, regular medical examinations are implemented in schools by expert teams of territorial health care facilities, as organised and carried out by a pediatrician working in the school.

A considerable achievement consists of the approval and implementation of the MoH Order No. 682 of 16.07.2010 *On improvement of medical services for pupils of general primary education classes*, registered with the Ministry of Justice of Ukraine on 10 September 2010 under No. 794/18089.

Its basic purpose is to make the regular medical examinations result-oriented and to involve parents in the process of children's health formation.

Annual medical preventive examinations of schoolchildren are carried out:

- in the territorial health care facility at the child's place of residence, thereby improving their quality;
- on the individual basis;
- in the presence of parents;
- during a year, once per year;
- in the time convenient to parents.

An additional component to the preventive examination has been implemented since 2012. For the purpose of early detection of risk factors concerning alcohol and drug problems in children, the MoH Order No. 382 of 23.05.12 approved the form of primary recording documentation No. 086-2/o "Map of preventive work with pupils of general education institutions, their parents or legal representatives to detect risk factors concerning alcohol and drug problems" and the Instruction on its filling-out.

According to the above-mentioned order, an annual survey of pupils of general education institutions and their parents (legal representatives) must be conducted during compulsory preventive medical examinations to detect risk factors concerning alcohol and drug problems, and parents must be informed, on the annual basis, on prevention of the use of strong drinks and drug substances by

children and adolescents. Besides, model lists of questions for the above-mentioned survey have been approved.

Pregnant women

Based on results of consideration of the Ukrainian Government's 1st Report, the European Committee of Social Rights requests more information on consultation and screening for pregnant women and children and asks whether they are provided free of charge.

In pursuance of the Decree of the President of Ukraine No. 504 of 27.04.2011 *On the National Action Plan for 2011 concerning the implementation of the Programme of Economic Reforms for 2010-2014 "Prosperous Society, Competitive Economy, Effective State"*, in order to improve the organisation of provision of outpatient obstetrical and gynecological care in line with the contemporary requirements of health care in Ukraine, the MoH issued Order No. 417 of 15.07.2011 *On the organisation of outpatient obstetrical and gynecological care in Ukraine* that governs the frequency of a pregnant woman's visits to a maternity clinic, and the pregnancy management algorithm both for normal and complicated pregnancy. All pregnant women are entitled to free observation and examination during pregnancy and in the postnatal period.

Specialized medical care (counseling and diagnosing diseases that are main causes of death)

The current structure of mortality causes in Ukraine combines elements of traditional and modern pathology structures, were a high rate of mortality caused by endogenous diseases (blood circulatory system diseases and neoplasms) neighbours upon no less considerable mortality from exogenous causes (accidents, poisonings and injuries, infectious and parasitic diseases, respiratory and digestive system diseases). On average, up to 86% of all deaths in Ukraine currently accounts for three major classes of causes: blood circulatory system diseases, external causes, and neoplasms). In the Ukrainian mortality cause hierarchy in 2010, like in previous years, the first five positions are occupied by the following classes: blood circulatory system diseases (66.6% of the total number of deaths), neoplasms (12.7%), external causes (6.2%), digestive system diseases (3.8%), and respiratory diseases (2.8%). The mortality cause structure has undergone no considerable changes in 2010 as compared to 2009.

The next class of mortality causes in terms of significance is neoplasms. Every year, neoplasms cause 15-17% of all deaths among working-age persons. The rate of oncologic mortality among working-age men in Ukraine is 40% higher than in advanced countries, that among women being 20% higher.

The central position among cancer sites in men is occupied by neoplasms of trachea, bronchi and lungs (20%), followed by stomach, bowels and rectum (12%). For women, the top position belongs to neoplasms in a mammary gland (16%) and female reproductive organs (5%).

Mortality from infectious and parasitic diseases among men has grown. Results of mortality trend analysis for this class of mortality causes show that it is

tuberculosis, prevalent mainly among men, that plays a determinant role in the mortality. Tuberculosis-caused mortality rate has increased three times over the recent 17 years in Ukraine. Almost 7-8 thousand persons die of tuberculosis in Ukraine every year.

Trends in the mortality of the Ukrainian population, especially male, caused by digestive system diseases are also extremely negative: the most considerable increase in this mortality indicator was recorded in 2002-2010. As far as age-related risks of death are concerned, they are the highest in 45-49 years for men and 30-44 years for women.

Prevention and treatment of cardiovascular and cerebrovascular diseases

The National Strategy for reducing mortality from cardiovascular and cerebrovascular diseases was based on the implementation of the State Programme for the prevention and treatment of cardiovascular and cerebrovascular diseases for 2006-2010 (hereinafter referred to as the Programme) approved by the Cabinet of Ministers Resolution of 31.05.2006 No. 761.

The main goal of the Programme is to prevent and decrease the morbidity rate of cardiovascular and cerebrovascular diseases, disability and mortality caused by their complications as well as to increase people's life expectancy and improve their life quality.

Core objectives of the Programme are as follows:

- creating a legal framework, and developing social and economic standards on key aspects of control of cardiovascular and cerebrovascular diseases;
- raising people's awareness on cardiology and cardiac surgery by means of involving mass media;
- improving timely early diagnostics of cardiovascular and cerebrovascular diseases, providing advanced training to medical staff on early disease detection and treatment of patients in specialised settings;
- carrying out continuous monitoring of the morbidity rate of cardiovascular and cerebrovascular diseases as well as of the provision of cardiologic and cardiosurgical care to people;
- identifying needs and priorities in the organisation of provision of cardiologic and cardiosurgical care to people with account of the morbidity rate, dynamics and structure.

Among the measures aimed at preventing and treating cardiovascular and cerebrovascular diseases for 2006-2010, the following should be pointed out: primary and secondary prevention, timely provision of specialised medical aid, rehabilitation, and occupational re-adaptation.

In 2010, 22 cardiac surgery centres were working in Ukraine: 5 in Kyiv, 17 in other oblast centres.

To provide highly specialised medical aid to patients with cardiovascular and cerebrovascular diseases, regional centres in Lviv, Odesa and Donetsk have been equipped at the state budget expense within the Programme framework.

The number of treated patients with cerebral strokes has increased 1.3 times during 4 years since 2006 (from 6,663 to 8,772); the number of operated patients has grown 1.6 times (from 2,398 to 3,885). As surgical activity has increased from 36% to 44.3%, a decline has occurred in the rates of overall mortality (from 10.5% to 9.5%, i.e. by 1%) and post-operative mortality (from 16.9% to 14.2%, i.e. by 2.7%).

A 1% decrease in overall mortality and a 2.7% decrease in post-operative mortality has been achieved in the neurosurgical network of health care facilities while surgical activity has grown substantially.

Implementation of the State Programme for the prevention and treatment of cardiovascular and cerebrovascular diseases during 2006-2010 indicates the following: the rate of detection of patients with arterial hypertension has increased almost 2 times; cerebral stroke incidence and mortality from vascular brain disorders have stabilised; cerebral stroke frequency has decreased by 14.5%; mortality from cerebrovascular diseases has declined by 5.7%; primary disablement caused by hypertonic disease has decreased by 44%; the share of deaths caused by arterial hypertension in working age has decreased by 10% (data from statistical reports of the MoH and the State Statistics Committee of Ukraine).

National program on fighting against Oncologic diseases for the period until the year 2016

The Law of Ukraine No. 1794-VI of 23.12.2009 approved the National Programme on fighting against Oncologic diseases for the period until 2016 (hereinafter referred to as the Programme).

The goal of the Programme is to increase efficiency of state-wide measures for the prevention of malignant neoplasms, improve quality of primary prevention of oncologic diseases and enhance availability of medical care for patients, increase the cure rate, reduce mortality of oncologic patients dying within a year after having been diagnosed, and reduce mortality from malignant neoplasms in some sites (mammary gland cancer, cervical cancer, prostate cancer).

In 2010, the National Cancer Institute, the Institute of Hematology and Transfusiology, the Institute of Medical Radiology under the Academy of Medical Sciences, interregional oncologic centres, the republican oncologic dispensary of the Autonomous Republic of Crimea, oblast oncologic dispensaries, local oncologic dispensaries in Kyiv and Sevastopol, oncologic hospitals and departments were supplied with chemotherapeutical, radiopharmaceuticals and supporting medicines for patient treatment in 2010 amounting to UAH 194,317.7.

The Joint Order of the MoH and the National Academy of Medical Sciences of Ukraine No. 409/36 of 14.05.2010 approved the Action Plans for the implementation of tasks and measures of the National Programme for the control of oncologic diseases for the period until 2016.

In 26 oblasts of Ukraine, regional programmes for the control of oncologic morbidity were approved, with relevant allocations from local budgets endorsed. In Luhansk oblast, the programme for the control of oncologic diseases is included in the Programme for health care reform in Luhansk oblast.

Article 11§3

Sanitary and anti-epidemic measures

According to data of the operational system “Sanitary and epidemiological situation at facilities of high epidemiological risk”, the State Sanitary and Epidemiological Service of Ukraine conducted 490.5 thousand inspections at the facilities of high epidemiological risk during 12 months of 2011; 59% of them (289.5 thousand) concern food objects.

Breaches of sanitary legislation requirements were recorded at the facilities in every third inspection, i.e. in 153.8 thousand inspections (31.4% of their total quantity against 29.8% during the same period of 2010).

Food Safety

818.5 thousand sample tests of food products, drinking water and environmental items for bacteriological indicators were conducted. Of them, 24,925 samples (3.1%, nearly equal to the last year’s level – 3.3%) did not comply with standards. In cases of the breaches of sanitary legislation found, measures of administrative influence, adequate to the situation, were applied. During 12 months of 2011, 150,252 fines amounting to UAH 18,850.8 thousand were imposed on the entities violating sanitary legislation; 572 cases were submitted to prosecution authorities for consideration; operation of 34,575 facilities of high epidemiological risk was suspended for some time. 971.9 tons of low-quality and epidemiologically unsafe food products were withdrawn from sale, 76,4% of them being of domestic make. For sale of low-quality and epidemiologically unsafe products 12,392 financial sanctions amounting to UAH 1,370.6 thousand were applied.

During 12 months of 2011, the State Sanitary Service conducted 289,479 inspections of entities in food industry, public catering and trade, including 2,242 inspections of dairy factories. Breaches of sanitary standards were found in 116,654 cases (40.3% against 38.3% during the same period of 2010), including 483 at dairy factories (21.5% against 18.3% year-on-year).

Quality of food products in terms of microbiological indicators has remained stable in recent years. 494,524 sample tests of food products were conducted in terms of bacteriological indicators, including 32,992 samples of dairy products. Of them, 13,963 samples of food products did not meet standards (2.8%, the same as last year), including 366 samples of dairy products (1.1% against 1.4% in the same period of 2010).

114,718 fines were imposed on officials for detected breaches of sanitary legislation; operation of 25,557 facilities was suspended until the elimination of the detected breaches; 433 cases were submitted to prosecution authorities. In particular, 488 fines were imposed and operation of 130 facilities, workshops and divisions was suspended at dairy factories. 12,392 financial sanctions amounting to UAH 1,370.6 thousand were applied; 971.9 tons of low-quality and epidemiologically unsafe food products were withdrawn from sale at the facilities in food industry, public catering, and trade.

Based on results of consideration of the Ukrainian Government's 1st Report, the European Committee of Social Rights asks for more information on the legal standards in the food safety area.

The matter of withdrawal from commerce, reprocessing, utilisation, destruction or further use of low-quality and unsafe products in order to prevent negative impact of such products upon human life and health, property and environment is regulated by the Law of Ukraine on Safety and Quality of Food Products (No. 771/97-BP of 23.12.1997), the Law of Ukraine on the Withdrawal from Commerce, Reprocessing, Utilisation, Destruction or Further Use of Substandard and Unsafe Products, and the Cabinet of Ministers Resolution of 24.01.2001 No. 50 *On approval of the general requirements to reprocessing, utilisation, destruction or further use of substandard and unsafe products withdrawn from commerce.*

The National Action Plan for 2012 concerning the implementation of the Programme of Economic Reforms for 2010-2014 "Prosperous Society, Competitive Economy, Effective State", approved by the Decree of the President of Ukraine No. 187/2012 of 12.03.2012, envisages specific measures to harmonise and adapt the system of sanitary and phytosanitary standards to the European Union legislation, including the drafting and adoption of the Law of Ukraine on Amending Some Legislative Acts of Ukraine on Safety of Food Products and the Law of Ukraine on Exercising Public Control of Safety of Food Products and Fodders, Animal Health and Well-being, which establish mechanisms for monitoring of the entire food chain.

Based on results of consideration of the Ukrainian Government's 1st Report, the European Committee of Social Rights asks for information on the standards set in the water safety area.

The state sanitary regulations "Hygienic requirements to drinking water intended for human use", approved by the MoH Order No. 400 of 12.05.2010 and registered with the Ministry of Justice on 1.06.2010 under No. 452/17747, are in force in Ukraine. They are compulsory for executive authorities, local governments, enterprises, institutions and organisations of whatever ownership pattern and subordination, operations of which are connected with the designing, construction and operation of drinking water supply systems, production and trade of drinking waters, supervision and control of drinking water supply to the population.

Hygienic assessment of drinking water safety and quality is conducted in terms of the indicators of epidemic safety (microbiological, parasitological), sanitary and chemical indicators (organoleptic, physicochemical, sanitary and toxicological), and radiation indicators.

The State Sanitary and Epidemiological Services conducts continuous laboratory control of drinking water quality at water intake sites, water supply facilities, and in networks of centralised industrial and drinking water supply; appropriate measures are taken in case of breaches. During 12 months of 2011 in Ukraine, 37,252 inspections of water supply facilities were carried out; gross breaches of sanitary legislation were found in 5,203 cases (14% against 12.5% in

the same period of 2010). In terms of bacteriological indicators, 299.7 thousand samples of centrally supplied drinking water were tested; deviations from sanitary standards were found in 8,328 samples (2,78% against 3.25% in the same period of 2010). 4,712 fines were imposed on officials of the water supply facilities. Operation of 2,881 water supply facilities was suspended for some time; 81 cases were submitted to prosecution authorities for the breaches found in drinking water supply to the population.

Preventive measures and Epidemiological monitoring

Immunoprophylaxis remains an important component in the reduction of morbidity and mortality rates.

Legal framework for that is provided by the Law of Ukraine on Securing People's Sanitary and Epidemiological Well-being and the Law of Ukraine on the Protection of the Population against Infectious Diseases.

The Law of Ukraine No. 1658-VI of 21.10.2009 approved the State Programme for Immunoprophylaxis and Protection of the Population against Infectious Diseases for 2009-2015. The Programme envisages state targeted financing for immunoprophylaxis activities. Financing of the State Programme for Immunoprophylaxis in 2011 allowed coverage of infants by vaccinations against: tuberculosis – 89.9%; poliomyelitis – 54.3%; pertussis, diphtheria, tetanus – 45.9%; hemophilic infection – 26.2%; measles, parotitis, rubella – 67.0%; hepatitis B – 21.6%.

Reduction of environmental risks

Air pollution

Article 11 of the Law of Ukraine on the Protection of Atmospheric Air (No. 2707-XII of 16.10.1992) envisages, in particular: to ensure environmental safety, provide a favourable environment for life activities, and prevent harmful impact of atmospheric air upon human health and environment, emissions of most widespread and hazardous pollutants shall be regulated, according to a list specified by the Cabinet of Ministers of Ukraine.

On the state level, regulation covers emissions of the most widespread and hazardous pollutants the list of which was approved by the Cabinet of Ministers Resolution of 29.11.2001 No. 1598, and emissions of the pollutants under state recording (Annex 1 to the Instruction on the procedure and criteria for state recording of facilities that harmfully affect or can affect human health and atmospheric air conditions, types and amounts of pollutants emitted into atmospheric air) the list of which was approved by the Order of the Ministry of Ecology and Natural Resources No. 177 of 10.05.2002, registered with the Ministry of Justice on 22.05.2002 under No. 445/6733).

Local authorities can additionally establish a list of substances subject to regulation, taking into account the respective territory's environmental situation.

Emission limit norms restrict mass concentration of pollutants in organised emissions of stationary sources (mg/m³). Process norms of acceptable emissions

restrict mass concentration of pollutants in gases (mg/m³) drawn off certain types of equipment and facilities at the point of their exit from equipment (the list of equipment types approved by the Ministry of Ecology and Natural Resources No. 317 of 16.08.2004, registered with the Ministry of Justice on 6.09.2004 under No. 1102/9701).

Pursuant to the Cabinet of Ministers Resolution of 28.12.2001 No. 1780, the Ministry of Ecology and Natural Resources Order No. 309 of 27.06.2006 (registered with the Ministry of Justice on 1.08.2006 under No. 912/12786) approved the emission limit norms of pollutants for operating stationary sources and stationary sources under design, construction or modernisation.

Acceptable limit values of pollutants in atmospheric air are specified in the “State sanitary regulations for the protection of atmospheric air in settlements (against contamination by chemical and biological substances)” (DSP-201-97).

On 21.01.2012, the Verkhovna Rada of Ukraine passed the Law of Ukraine on Amending Some Legislative Acts of Ukraine on Waste Management (No. 1825-VI) that amended the Ukrainian laws on waste management, particularly concerning domestic waste. Article 35-1 envisages that owners or tenants, users, including leaseholders of residential houses and land plots, shall conclude agreements with a legal person that has been duly designated as a provider of services for withdrawal of domestic waste, shall pay for such services, and shall secure separate collection of domestic waste.

On 21.12.2010, the Verkhovna Rada of Ukraine passed the Law of Ukraine on the Basic Principles (Strategy) of the State Environmental Policy of Ukraine through 2020 (No. 2818-VI).

The goal of the national environmental policy is to stabilise and improve the conditions of Ukraine’s environment by means of integrating the environmental policy into Ukraine’s socio-economic development to guarantee ecologically safe natural environment for human life and health, implement an environmentally balanced nature management system, and preserve natural ecosystems.

The natural environmental policy is aimed at achieving strategic objectives, particularly increasing the level of public environmental consciousness, improving the ecological situation, enhancing environmental safety, and achieving the state of natural environment safe for human health.

The Cabinet of Ministers Executive Order of 25 May 2011 No. 577-p approved the National Action Plan for Environment Protection for 2011-2015.

The Cabinet of Ministers Executive Order of 18 August 2005 No. 346-p, as reworded by the Cabinet of Ministers Executive Order of 5 March 2009 No. 272-p, approved the National Action Plan for the Implementation of the Kyoto Protocol to the UN Framework Convention on Climate Change.

The state policy on encouraging energy saving and reduction of greenhouse gas emissions in the energy sector is formulated in the Energy Strategy until 2013 approved by the Cabinet of Ministers Executive Order of 15 March 2006 No. 145.

Noise

Based on results of consideration of the Ukrainian Government's 1st Report, the European Committee of Social Rights asks for information on legislation and performance indicators if possible in the field of noise pollution.

Excess of allowable noise levels unfavourably affects human health. According to the Law of Ukraine on Securing People's Sanitary and Epidemiological Well-being (No. 4004-XII of 24.02.1994), establishment of the safety requirements (indicators) for human life and health is solely within the medical professional competence. Requirements to protection of people against noise are specified in the "State sanitary regulations for settlement planning and development" approved by the MoH Order No. 173 of 19.06.1996, registered with the Ministry of Justice of Ukraine on 24.07.1996 under No. 379/1404. Sanitary norms of allowable noise in residential and public buildings and residential development territories have been in force in Ukraine since 3.08.1984. Levels of infrasound and equivalent sound levels at workplaces are fixed by the "State sanitary norms of industrial noise, infrasound, and ultrasound" (DSN 3.3.6.037-99).

Ionising radiation

Based on results of consideration of the Ukrainian Government's 1st Report, the European Committee of Social Rights asks whether the general principles of radiation protection regulations (dose justification, optimisation, and limitation) conform with the recommendations of the International Commission on Radiological Protection (ICRP).

According to the State Sanitary and Epidemiological Service of Ukraine, basic principles of regulatory acts on radiological protection are in full compliance with the recommendations of the International Commission on Radiation Protection.

Measures to combat smoking, alcoholism and drug addiction

Based on results of consideration of the Ukrainian Government's 1st Report, the European Committee of Social Rights asks whether smoking is prohibited in public places.

According to the provisions of the WHO Framework Convention on Tobacco Control (ratified by the Verkhovna Rada of Ukraine on 15.03.2006), advertising of tobacco on television, radio, outdoor advertising media and in printed media is prohibited in Ukraine.

On 22 September 2011, the Verkhovna Rada of Ukraine passed the Law of Ukraine on Amending Some Legislative Acts of Ukraine on the Prohibition of Advertising, Sponsorship and Encouragement of the Sale of Tobacco Products (No. 3778-VI).

On 24 May 2012, the Verkhovna Rada of Ukraine passed the Law of Ukraine on Amending Some Laws of Ukraine on Refinement of Some Provisions on Restriction of Tobacco Product Smoking Areas that completely prohibits

smoking of tobacco products, electronic cigarettes and hookahs in public places, transport, enterprises, institutions and organisations of all ownership patterns.

According to the Global Adult Tobacco Survey, the share of those exposed to passive smoking every day or almost every day has decreased from 53% to 33% to the strengthened measures of enforcement of existing prohibitions of smoking in public places and at workplaces.

During recent years, excise rates for tobacco products have been raised several times, which has become one of the major drivers for reduction of tobacco consumption in our country. According to the Global Audit Tobacco Survey, prevalence of everyday smoking among the population aged 15 and older in Ukraine has decreased from 37% in 2005 to 26% in 2010.

In March 2010, the Ministry of Health of Ukraine signed a respective Licensing Agreement with the European Union on the use of colour photos and other illustrations from the EU collection as medical warnings on tobacco product packs in Ukraine.

The Cabinet of Ministers Resolution of 19 January 2011 No. 306 approved a list of colour pictures and pictograms included in additional medical warnings on tobacco product packs.

Alcohol

The Law of Ukraine No. 481/95-BP of 19 December 1995 (*Section IV-1, the Basics of State Policy concerning the Consumption of Alcoholic Drinks and Tobacco Products; Articles 15-1, 15-2, 15-3*) envisages, inter alia, that general education and vocational education curricula of all the Ukrainian education institutions, regardless of their ownership patterns, must be supplemented with the provisions on harmful impact of the consumption of alcoholic drinks and tobacco products upon human organism as well as on benefits of healthy lifestyle. Besides, it provides for the prohibition of sale of beer (except non-alcoholic), alcoholic and low-alcoholic drinks, table wines, and tobacco products to persons younger than 18. A seller of beer (except non-alcoholic), alcoholic and low-alcoholic drinks, table wines or tobacco products is obliged to obtain from a customer who wants to buy beer (except non-alcoholic), alcoholic and low-alcoholic drinks, table wines or tobacco products a passport or other documents confirming the customer's age if the seller has doubts that the customer has attained 18 years of age.

Preventing drug abuse

Based on results of consideration of the Ukrainian Government's 1st Report, the European Committee of Social Rights asks for information on measures taken to prevent drug abuse.

The Cabinet of Ministers Executive Order of 13 September 2010 No. 1808-p approved the Concept for the implementation of the state policy on counteracting the spread of drug addiction and on combating trafficking in narcotic agents, psychotropic substances and precursors for 2011-2015.

The Concept is aimed at determining ways and priorities of the state policy on counteracting the spread of drug addiction and on combating trafficking in

narcotic agents, psychotropic substances and precursors, strengthening the health of the nation, and reducing negative social, economic and other consequences related to the consumption of narcotic agents and psychotropic substances.

Implementation of the Concept is scheduled for 2011-2015.

The Cabinet of Ministers Executive Order of 22 November 2010 No. 2140 approved the Action Plan for the realisation of the Concept for the implementation of the state policy on counteracting the spread of drug addiction and on combating trafficking in narcotic agents, psychotropic substances and precursors for 2011-2015.

Preventing accidents outside work

Based on results of consideration of the Ukrainian Government's 1st Report, the European Committee of Social Rights asks to provide information on accidents.

According to the Regulations on the Ministry of Emergencies of Ukraine, approved by the Decree of the President of Ukraine of 6 April 2011 No. 402/2011, one of the key MoE tasks is to formulate and realise the state policy on the prevention of non-occupational injuries.

Basic acts on the prevention of non-occupational injuries include:

- The Cabinet of Ministers Resolution of 22 January 1996 No. 114 *On the Concept of organisation of work for the prevention of non-occupational injuries* that specifies key areas of the organisation of executive authorities' work on the prevention of non-occupational injuries, in particular priority of the requirements on the protection of human life and health;

- The Cabinet of Ministers Resolution of 22 March 2001 No. 270 *On the approval of the Procedure for investigation and recording of non-occupational accidents* that specifies a mechanism for investigation and recording of non-occupational accidents happened to Ukrainian nationals, foreigners and stateless persons in the territory of Ukraine;

- The Cabinet of Ministers Executive Order of 8 November 2007 No. 980-p *On the approval of the Plan of urgent measures for the prevention of non-occupational injuries* that approved the Plan of urgent measures for the prevention of non-occupational injuries;

- The Cabinet of Ministers Executive Order of 10 June 2009 No. 632-p *On the approval of the Concept of the draft Law of Ukraine on the Basic Principles of the State Policy on the Prevention of Non-occupational Injuries*.

In pursuance of the Concept, the MoE drafted the Law of Ukraine on the Basic Principles of the State Policy on the Prevention of Non-occupational Injuries. It was considered by a plenary meeting of the Verkhovna Rada of Ukraine on 5 July 2011 that decided to send the draft for additional elaboration.

The practice of applying the above-listed acts on the prevention of non-occupational injuries has positive dynamics in the reduction of the number of deaths caused by non-occupational injuries since 2008 when the number of deaths outside workplace was 60,516 whereas the figures for 2010 and 2011 were 42,826 and 41,217, respectively.

Article 14 – The right to benefit from social welfare services

Article 14§1

For the purpose of reforming the system of social services to increase its operating efficiency and bring it closer to beneficiaries' needs, the Executive Order of the Cabinet of Ministers of Ukraine No. 178-p of 13.04.2007 approved the Concept of Reform of Social Services through 2012 (hereinafter referred to as the Concept).

The following key components of the reform were determined:

- implementing social service standards aimed at improving life quality for service beneficiaries;
- introducing a system to control quality of social services and their compliance with the standards set by the State;
- implementing market mechanisms into the social services domain to encourage service providers to improve service quality on the continuous basis;
- improving the management of public expenditure on social services to ensure their flexible and rational use.

In order to carry out consistent work for the achievement of the Concept objectives, the Executive Order of the Cabinet of Ministers of Ukraine No. 1052-p of 30 July 2008 approved the Action Plan for its implementation.

As part of the plan's realisation, the Law of Ukraine on Amending Some Legislative Acts of Ukraine on the Provision of Social Services was passed. The law amended the Law of Ukraine on Social Services, the Law of Ukraine on Citizens' Associations, and the Law of Ukraine on State Social Standards and State Social Guarantees. Adoption of this law provides legal grounds for the development and approval of state social service standards for various citizens categories. It also allows involving the non-governmental sector – non-for-profit public associations and other non-governmental entities – on the competition basis to the social services market more actively and improving quality of social services.

The Cabinet of Ministers of Ukraine Resolution No. 1417 of 29.12.2009 approved a new wording of the Model Regulations on a territorial centre of social servicing (hereinafter referred to as the territorial centre) and the List of social services, conditions and procedure of their provision in a territorial centre's structural units. These documents introduced a number of new provisions, in particular they provide for broader person categories having the right to receive services in the territorial centres. The entitlement to such services has been additionally provided to:

- persons with group III disabilities;
- sick persons (from among working-age individuals for the period until assignment of a disability group thereto) in case they are unable to serve themselves;

- low-income individuals being a complicated life situation because of unemployment, provided that they are registered with the state employment service as job seekers;

- persons affected by a natural calamity or disaster and maintaining minor children, disabled children, elderly persons or persons with disabilities.

Local executive authorities and local governments are entitled to establish, as required, specialised departments for the domiciliary servicing of disabled persons with musculoskeletal system disorders, vision or hearing impairments, mental disorders, and other categories of individuals unable to serve themselves. Hence, the foundations have been created for taking the greatest possible account of the needs for certain social service types of those residents of a specific community who find themselves in difficult life circumstances.

Restrictions have been lifted as to accepting disabled persons with mental diseases and persons having clinical group IV oncologic diseases or AIDS to a territorial center for services.

The Cabinet of Ministers of Ukraine Resolution No. 469 of 31 May 2012 established the Council on Development of the Social Services Provision System.

Based on results of consideration of the Ukrainian Government's 1st Report, the European Committee for Social Rights requested information on what services must be paid for and what must not.

An exhaustive list of social services, conditions for provision thereof, and a procedure to regulate their payment tariffs are established by the Cabinet of Ministers of Ukraine.

The Cabinet of Ministers of Ukraine Resolution No. 12 of 14 January 2004 (as amended according to the Cabinet of Ministers of Ukraine Resolution No. 745 of 16 May 2007) specified *the Procedure of providing paid social services and their list*.

The list of paid social services

1. Housekeeping
2. Procurement and delivery of foodstuffs, industrial and household goods, medicines, books and periodicals
3. Arrangement of catering
4. Provision of a service on the use of a bed in the establishments (institutions) providing social services
5. Provision of soft and hard implements for use
6. Transport services
7. Hairdressing services
8. Linen and clothes laundering
9. Provision of services for supply of technical and other means of rehabilitation and for their repair
10. Fabrication and mending of clothes and footwear
11. Provision of repair services
12. Assistance in the use of communications services

13. Assistance in agricultural works, including with the use of agricultural equipment, and care for domestic animals
14. Assistance in payment for utility services and in making other payments
15. Assistance in execution of documents and writing of letters
16. Organisation of consulting on legislation matters (execution of legal documents, lawyer and notary services)
17. Representation of interests in public authorities, institutions, enterprises, and organisations
18. Education services
19. Organisation of services provision by defectologists
20. Organisation of leisure
21. Organisation of the provision of services on psychodiagnostics, psychological correction and psychological rehabilitation
22. Prophylactic and sanitary-hygienic activities at the place of residence (place of stay)
23. Providing escort
24. Organisation of advice provision by doctors at the place of residence (place of stay)
25. Assistance in job placement (except for employment abroad)

In order to provide methodological assistance to the bodies of labour and social protection, the Ministry of Labour and Social Protection of Ukraine with its Order No. 32 of 24.02.2010 approved the Guidelines for the calculation of tariffs for paid social services provided by the territorial centres.

Based on results of consideration of the Ukrainian Government's 1st Report, the European Committee for Social Rights requested information on the possibility of choosing social service providers: how does it work in practice, particularly whether there are alternative providers for all types of services, and what is geographic coverage.

According to Article 5, Law of Ukraine on Social Services, main forms of the provision of social services consist of material aid and social servicing.

Material aid

Material aid can have two forms: cash and in-kind.

In-kind aid includes: foodstuffs, clothes, footwear, medicines, personal hygiene products, articles of prime necessity, auxiliary means of transport, prostheses, wheelchairs, children care articles, books, educational items, technical devices, etc.

Social servicing

Social servicing is provided by means of rendering social services:

- at the person's place of residence (at home);
- in residential boarding institutions and establishments;
- in rehabilitation institutions and establishments;

- in daycare institutions and establishments;
- in institutions and establishments with temporary or permanent residence;
- in territorial centres of social services provision;
- in other social support (care) facilities.

Basic types of social services:

- social welfare services;
- psychological services;
- socio-pedagogical services;
- socio-medical services;
- socio-economic services;
- legal services;
- job placement services.

Depending on what category a person belongs to and on what kind of services the person needs, he/she may apply for social assistance to the bodies of labour and social protection, the bodies for family, youth and sports, or directly to the institution providing the services the person needs.

In case of an elderly individual, a handicapped person, a child with disabilities, a single pensioner, a person with no fixed abode, or a victim of family violence, the person should apply to the bodies of labour and social protection.

In case of an orphan child, a homeless child, a child left with no parental care, a person in critical conditions particularly caused by a natural calamity or a crime or family violence against him/her, families with children finding themselves in difficult life circumstances and unable to overcome them by themselves, in connection with disability of parents or children, forced migration, a family member's drug or alcohol addiction, a family member's being in imprisonment, HIV infection, family violence, or unemployment of a family member registered with state employment service as a job seeker, it is necessary to apply to the social welfare service centres for family, children and youth.

Based on results of consideration of the Ukrainian Government's 1st Report, the European Committee for Social Rights requested information on the means of appeal.

According to the Law of Ukraine on Citizens' Addresses No. 393-96-BP of 2.10.1996, Ukrainian citizens have the right to address public authorities, local governments, citizens' associations, enterprises, institutions or organisations of whatever ownership form, mass media or officials according to their functional duties, with observations, complaints and proposals related to their statutory activities, applications or claims concerning the exercise of their socio-economic, political and personal rights and legitimate interests as well as with complaints on their infringement.

The addresses properly executed and submitted in due course are subject to mandatory acceptance and processing.

It is prohibited to accept and process an address with reference to political opinions, party affiliation, sex, age, religion, nationality, or ignorance of the language of address.

If the question raised in the address received by public authority, local government, enterprises, institutions or organisations of whatever ownership form, citizens' associations, or officials is not within their scope of competence, the question must be referred thereby within at most five days to a relevant authority or official concerned, and the addresser must be notified thereon. If the address contains no data required for the authority or official to make an informed decision, the address is sent back to the addresser within the same time limit with appropriate explanations.

It is prohibited to send citizens' addresses for processing to the authorities or officials whose actions or decisions are appealed against.

Public authorities, local governments, enterprises, institutions or organisations of whatever ownership form, citizens' associations, or officials must consider the proposals (observations) and inform the addresser on results of the consideration.

The person who addressed public authorities, local governments, enterprises, institutions or organisations of whatever ownership form, citizens' associations, or mass media with an application or complaint has the right to:

- present his/her arguments personally to the individual who verified the application or complaint, and to take part in verification of the filed complaint or application;
- become familiar with findings of the verification;
- file additional materials or insist on requesting them by the body considering the application or complaint;
- be present during consideration of the application or complaint;
- use services of a lawyer or a working collective's representative, or an organisation performing a human rights function, upon legalising such authorisation according to a procedure specified by law;
- receive a written reply on results of consideration of the application or complaint;
- express orally or in written a demand on observing secrecy of consideration of the application or complaint;
- claim damages if they resulted from violation of the prescribed procedure for consideration of addresses.

Addresses are considered and decided within at most one month from their filing, and those requiring no additional examination must be considered and decided promptly, but no later than 15 days from the date of their filing. If it is not possible to settle the matter raised in the address within one month, the head or deputy of the relevant body, enterprise, institution or organisation fixes a necessary time limit for its consideration, and the addresser is notified thereon. The total time limit for deciding about the matters raised in the address may not be longer than 45 days.

On the addresser's written request, the above-mentioned consideration time limit may be shortened.

The addresses filed by the individuals enjoying statutory privileges are considered as a matter of priority.

Public authorities, local governments, enterprises, institutions and organisations of whatever ownership form, citizens' associations, and officials consider citizens' addresses without charging any fee.

Heads and other officials of public authorities, local governments, enterprises, institutions or organisations of whatever ownership form, and citizens' associations must receive citizens personally.

The personal reception takes place regularly on the fixed days and hours, in time convenient to citizens, at the latter's place of employment and residence. Visiting hours are communicated to citizens.

Any officials guilty of violating the Law on Citizens' Addresses are held civilly, administratively or criminally liable according to the legislation of Ukraine.

Supervision over compliance with the legislation on citizens' addresses is exercised, according to their competence, by the Verkhovna Rada of Ukraine, People's Deputies of Ukraine, the President of Ukraine, the Cabinet of Ministers of Ukraine, the Human Rights Commissioner of the Verkhovna Rada of Ukraine, the Verkhovna Rada of the Autonomous Republic of Crimea, state administrations of oblasts, Kyiv and Sevastopol cities, districts, of districts in Kyiv and Sevastopol cities, village, settlement and city councils and executive committees thereof, members of local councils as well as ministries and other central executive authorities concerning the enterprises, institutions and organisations subordinated thereto.

Based on results of consideration of the Ukrainian Government's 1st Report, the European Committee for Social Rights requested information on whether the citizens of other Parties to the Charter, lawfully residing and working in Ukraine, have the right to equal treatment.

According to the Law of Ukraine on Social Services, the right to benefit from social services is provided to Ukrainian citizens as well as to the foreigners and stateless persons, including refugees, lawfully residing in Ukraine and being in complicated life circumstances.

According to Article 26 of the Constitution of Ukraine, foreigners and stateless persons staying in Ukraine on legal grounds shall enjoy the same rights and freedoms and bear the same duties as citizens of Ukraine, except as restricted by the Constitution, laws, or international treaties of Ukraine.

Based on results of consideration of the Ukrainian Government's 1st Report, the European Committee for Social Rights requested information on the mechanism of supervision over compliance of social services provision both by public and private structures.

For the purpose of state regulation of activities of the entities working in the provision of social services, *the Licensing Conditions for professional activities in the social services provision* and *the Procedure for supervision over their observance* were drafted and approved in 2008 by the Joint Order of the State

Committee of Ukraine for Regulatory Policy and Enterprise and the Ministry of Labour and Social Policy of Ukraine No. 141/519 of 11.11.2008 (registered with the Ministry of Justice of Ukraine on 10.12.2008 under No. 1178/15869). Licensing as a state regulation mechanism will promote higher quality of the provision of social services rendered on the professional basis.

Meanwhile, the Law of Ukraine on Amending Some Laws of Ukraine to Simplify Business Environment in Ukraine (No. 1759-VI) came into force on 15 December 2009.

The Law cancelled the requirement on licensing of 5 of the economic activities previously subject to licensing, including “professional activities on the provision of social services”.

Lack of state regulation of activities of entities having various ownership forms as to the provision of social services according to established standards and rules, which would guarantee quality of the services, causes ambiguous interpretation of these activities and different approaches to their organisation. However, making such a decision under the global financial crisis was an objective need.

At the same time, in pursuance of the Ukrainian President’s social initiatives, it is planned to develop and approve by late 2012 draft standards of the social services provision to various categories of individuals being in complicated life circumstances. The standards aim at ensuring the provision of high-quality social services to such categories by establishments and institutions of a relevant profile. According to the amendments made to the Law of Ukraine on Social Services, requirements to social service providers are set forth, and implementation of the social order principle is envisaged to provide non-governmental and private structures access to the social services market.

Access to social welfare services

According to the Regulations on the Ministry of Social Policy, approved by the Decree of the President of Ukraine No. 389/2011 of 6 April 2011, one of the Ministry’s key objectives is to formulate the state policy on the provision of social services to elderly persons, persons with disabilities, homeless persons, and other socially vulnerable populations.

Provision of social services to vulnerable populations

To secure state social support for families, children and youth, creation of a network of social welfare service centres for families, children and youth and social servicing establishments began as far back as 1992.

As far as the reporting period is concerned, 845 centres operated in 2008, 1876 in 2009, and 1900 in 2010.

In 2011, the network of centres included 1400 centres: 27 regional-level, 484 district-level, 165 city-level, 34 city-district-level, 181 village-level, 52 settlement-level ones, and 457 branches of district-level centres.

The centres' activities aim at provision of social services in every village and city to the families, children and youth being in complicated life circumstances and needing outside help.

The centres provide social servicing, social follow-through and patronage for the families and individuals being in complicated life circumstances; social follow-through for family-type children's homes and foster families; social adaptation of orphan children, children deprived of parental care, and persons from among them; prevention of family violence; social assistance to young drug addicts, HIV-infected children and youth; prevention of abandonment of newborns by their mothers.

The number of centre clients increased from 5 categories in 2008 to 17 in 2011.

Staff number in the centres increased by 735 over that period (2008: 3,900 specialists; 2011: 4,635 specialists).

During 2011, social services provided by the social servicing centres and establishments covered about 700 thousand persons; in particular, the social welfare service centres for family, children and youth provided services to 676 thousand persons whereas the social servicing establishments provided services to 13,600 persons.

The services provided by the centre staff aim at reducing vulnerability and prevent risks. They constitute a cost-effective and efficient mechanism to secure individual/family well-being.

The workers of the centres and facilities provide the following services to the families/persons being in complicated life circumstances directly on the domiciliary basis:

- follow-through and patronage;
- social prevention, adaptation and rehabilitation;
- social and psychological adaptation by means of early detection of crisis occurrences in families;
- social inspection, and assessment of family needs for social services.

According to statistical data, the centres and facilities in 2011:

- provided one-off social services to 37,296 families (having 69,423 children);
- provided social follow-through to 22,524 families finding themselves in complicated life circumstances (having 48,067 children);
- managed to prevent social orphanage in 1,630 families (the child withdrawal risk was prevented in 1,273 families; children were returned from state institutional centres to 357 families);
- covered 7,126 orphan children and children deprived of parental care from among boarding facility graduates and persons from among them, who were rendered 57,366 individual services;
- provided services to 9,952 persons affected by HIV;
- provided assistance to 52,882 minors and young individuals having problems with the law;
- covered 15,790 guardians and tutors with services (80,797 individual services provided thereto);

- provided services to 28,028 children and 13,286 adults having disability problems;
- provided services to 895 women to prevent abandonment of a newborn;
- provided services to 30,912 persons having addiction problems (psychoactive substance users, injection drug users).

The centres provided follow-through to 3,588 foster families and 609 family-type children's homes.

Training was provided to 633 candidate foster and adoptive parents.

Social follow-through was provided to 2,174 families bringing up a child in guardianship or tutorship.

Social support and assistance was provided in 2011 by 79 social servicing establishments:

- 21 centres of socio-psychological assistance;
- 18 social hostels for orphan children and children deprived of parental care;
- 15 centres of socio-psychological rehabilitation of functionally handicapped children and youth;
- 15 mother-and-baby social centres;
- 7 centres for HIV-infected children and youth;
- 3 centres for re-socialisation of young drug addicts.

During 2011, 18,421 persons in complicated life circumstances (family crises, pregnant women, women intending to abandon a newborn, boarding facility graduates, functionally handicapped children) received assistance when staying in the social servicing establishments. Of them, 923 persons had their housing problems settled and were registered for housing provision, 994 persons were placed in a job and sent for training, and 258 persons were provided with state social assistance.

A more efficient form of social servicing as compared with residential facilities consists of the social servicing directly on the domiciliary basis. Such a form of social services is provided to persons with disabilities by the territorial centres. The network of these facilities includes 745 establishments servicing more than 1.5 million elderly people, persons with disabilities, and other incapacitated categories.

The following units work within the territorial centres: 894 departments of domiciliary social assistance (servicing 518.3 thousand persons); 601 departments of social domestic rehabilitation (470.9 thousand); 204 departments of medico-social rehabilitation (157.9 thousand); 340 residential departments for temporary or permanent residence (8,869 beds) able to provide residential care services to 13,400 persons; 562 departments for organisation of provision of cash and in-kind aid to low-income incapacitated individuals (various types of in-kind aid were provided to more than 600 thousand persons). The total number of persons with disabilities receiving various types of social services in the structural units of territorial centres is currently more than 384 thousand.

In 2011, the territorial centres provided paid social services to more than 159.2 thousand persons having no relatives required to give them care and support, for more than UAH 20.2 million, that being almost two times more than in 2010.

More than 38 thousand social workers provide about 47 various types of social services to people with disabilities (delivery of foodstuffs and medicines, cooking, calling a doctor, laundering, house cleaning, execution of documents, social domestic adaptation services, information services, legal services, etc.).

74 departments for children with disabilities work under the territorial centres of social servicing.

On average, about 14 thousand handicapped children receive rehabilitation services during a year in such establishments; of them, 2 thousand children study in 128 labour workshops to acquire occupational skills.

The social servicing work for people is being continuously improved. In order to support the regions' initiative concerning expansion of the social services range, the Ministry of Labour and Social Policy promoted introduction of novel forms of work. Within the framework of the Law of Ukraine on Psychiatric Care, in order to provide social protection to persons with mental disorders, a specialised department of domiciliary social assistance to persons with mental disabilities has been established and working in Kyiv. At present, it provides social services to 721 persons with mental disabilities. Transport service centres for persons with disabilities have been established in Kyiv and some other Ukrainian cities. With the Ministry of Labour and Social Policy assistance, the new form of work organisation has been extended to other regions. As part of development of innovative social services, provision of domiciliary palliative care is being implemented in Kyiv for elderly persons, persons with disabilities, and patients who have fatal illnesses and need social servicing because of that. The Ministry issued Order No. 342 of 28.10.2010 *On designating the Kyiv Pecherskyi district territorial centre of social servicing (provision of social services) as a pilot institution for approval of a new model of the organisation of social services provision.*

Improvement of social servicing of handicapped persons was promoted by the establishment in a number of regions of specialised residential homes for war and labour veterans, elderly persons, and handicapped persons, having a complex of social welfare services and round-the-clock medical attendance. At present, nine such homes function in Ukraine where about 700 persons are living: 3 in Kyiv, 2 in Odesa oblast, 1 each in the Autonomous Republic of Crimea, Donetsk oblast, Lviv oblast, and Kyiv oblast. Work is underway to establish such social facilities in regions.

Refugees

According to the Regulations on the State Migration Service of Ukraine, approved by the Decree of the President of Ukraine No. 405/2011 of 6 April 2011, one of the Service's tasks is to take measures within its competence to promote the exercise of the rights of refugees and other migrant categories.

In order to build capacity of the Ukrainian public authorities and non-governmental organisations in addressing the issues related to refugee integration, the project “Local Integration of Refugees in Belarus, Moldova and Ukraine” has been implemented in Ukraine since 2009 by the UNHCR Regional Representation with the European Union’s support.

The project’s implementation involves the Ukrainian Red Cross Society; HIAS (The Hebrew Immigrant Aid Society) Office providing legal and advisory assistance to refugees and asylum-seekers in Kyiv and Kyiv oblast; Rokada charitable foundation providing psychological support (psychologist and psychiatrist advice), social follow-through (human rights consultations), legal support (legal counselling and assistance in receiving state aid), and humanitarian and educational aid; and other organisations.

Homeless people

In the reporting period of 2008-2011, the Cabinet of Ministers of Ukraine issued the Resolution No. 639-p of 17.04.08 approving the Concept of Social Protection of Homeless People that specifies objectives and strategic routes to address the homelessness problem. The Cabinet of Ministers of Ukraine Executive Order No. 1402-p of 5.11.2008 approved the Action Plan for the Implementation of the Concept of Social Protection of Homeless People through 2012. It allowed joining efforts of various sectors involved in addressing the homeless people’s problems, and enabled taking measures to develop the network of social protection facilities for those persons to provide them social services and urgent aid.

A network of appropriate social welfare services – social protection facilities (recording centres, night-stay homes, reintegration centres, social hotels) and social patrolling service units operates in Ukraine to provide social services to homeless persons.

Clients of a social welfare service providing temporary shelter include homeless persons aged 18 and older, and homeless persons with children having no medical contra-indications and lawfully staying in the territory of Ukraine.

The Law of Ukraine on the Basics of Social Protection of Homeless Persons and Uncared-For Children of 02.06.2005 № 2623-IV envisages establishment of the comprehensive service centres for homeless persons and other facilities providing services to such people.

According to the regional bodies of labour and social protection, development of the network of social welfare service units providing social services to homeless persons is underway: 91 social welfare service units were operating as of 1.01.2012 (against 51 mentioned in the previous Report) including 30 established by non-governmental organisations. The social welfare service units function in all regions of Ukraine except Vinnytsia, Zakarpattia, Zhytomyr, Kirovohrad, Kyiv, and Kherson oblasts.

During 2011, municipal and non-governmental social service units provided services to more than 18 thousand people (against 11 thousand in 2007).

The financing situation for the above-mentioned establishments remains unchanged; they are funded at the expense of their founders – local budget funds, charitable donations by legal and natural persons, and other receipts not prohibited by Ukrainian laws.

Persons released from imprisonment

In the reporting period of 2008-2011, the Cabinet of Ministers of Ukraine issued the Executive Order No. 1385-p of 30.10.2008 approving the Concept of Social Adaptation of Persons Who Served Imprisonment Sentences for a Certain Term. The concept specifies strategic ways of establishing a system of social adaptation of released persons and basic areas of assistance to such persons in order to adjust them to social environment conditions and reduce the crime repetition rate.

In order to join efforts of various sectors involved in addressing the released persons' problems, ensure operation of the social adaptation centres for released persons and special boarding homes for elderly persons and persons with disabilities released from imprisonment, and ensure preparation of release of persons staying in imprisonment facilities to address the issues of their further employment, housing provision and restoration of ties with families, etc., the Cabinet of Ministers of Ukraine Executive Order No. 740-p approved the Action Plan for the Implementation of the Concept of Social Adaptation of Persons Who Served Imprisonment Sentences for a Certain Term through 2015.

As of 1.01.2012, two municipal social adaptation centres for released persons were working, in Zhytomyr and Cherkasy oblasts (compared with 1 such centre mentioned in the previous Report).

Non-governmental organisations established 32 social adaptation centres (compared with 23 centres mentioned in the previous Report).

During 2011, municipal institutions and non-governmental organisations provided services to about 1,000 persons that is actually the same as mentioned in the previous Report.

Activities of the establishments for released persons are funded at the expense of their founders – local budget funds, charitable donations by legal and natural persons, and other receipts not prohibited by Ukrainian laws.

To ensure community control over observance of the prisoners' rights during the period of criminal punishment execution and to promote social adaptation of persons released from places of confinement, supervisory commissions are established acting on the basis of the Code of Criminal Proceedings of Ukraine and the relevant regulations approved by the Resolution by the Cabinet of Ministers of Ukraine No. 429 of 1.04.04 *On the approval of regulations on supervisory commissions and boards of guardians under special educational institutions.*

According to regional departments of labour and social protection, 636 supervisory commissions were working in Ukraine as of 1.01.2012. They were approached by 8.6 thousand released persons whom the following assistance was provided:

- renewal of documents – 2,000 persons;
- job placement – 1,800 persons;
- provision with housing – 266 persons;
- referral to training – 329 persons;
- referral to medical treatment – 1,000 persons;
- referral to boarding houses – 121 persons.

To coordinate work, the Cabinet of Ministers of Ukraine with its Resolution No. 538 of 30.06.2010 established the Council for Social Protection of Homeless Persons and Persons Released from Imprisonment (hereinafter referred to as the Council).

The Council is a permanent advisory body to the Cabinet of Ministers of Ukraine established thereby to examine problematic issues related to the implementation of the state policy on social protection of homeless persons and persons released from imprisonment.

The Council's core objectives are as follows:

- coordinating actions of executive authorities for social protection of homeless persons and persons released from imprisonment;
- drafting proposals for the formulation and implementation of the state policy on social protection of homeless persons and persons released from imprisonment;
- determining ways, mechanisms and methods of addressing the problematic issues arising in the course of implementation of the said state policy;
- promoting the activities of central and local executive authorities and local governments in the field of social protection of homeless persons and persons released from imprisonment;
- improving the regulatory legal framework on social protection of homeless persons and persons released from imprisonment.

According to the tasks assigned thereto, the Council:

- analyses the situation and reasons of problems in the process of implementation of the state policy on social protection of homeless persons and persons released from imprisonment;
- examines activity results of central and local executive authorities, local governments, enterprises, institutions and organisations in the field of social protection of homeless persons and persons released from imprisonment;
- monitors performance by executive authorities of the tasks assigned thereto as regards social protection of homeless persons and persons released from imprisonment;
- takes part in development of draft regulatory legal acts on the matters pertaining to its competence;
- submits recommendations and proposals proceeding from results of its work to the Cabinet of Ministers of Ukraine.

Based on results of consideration of the Ukrainian Government's 1st Report, the European Committee for Social Rights requested information on qualification requirements to the staff engaged in the provision of social services.

According to Article 17, Law of Ukraine on Social Services, qualification requirements to social workers and other specialists providing social services as well as a procedure of their assessment are determined by relevant central executive authorities.

In order to implement the provisions of the above-mentioned law, the Ministry of Labour and Social Policy of Ukraine developed and approved in 2005 *the Procedure for assessment of social workers of territorial centres for social servicing of pensioners and single incapacitated persons*. Besides, *the Guide of job descriptions of worker occupations (Issue 80 Social services)* was developed and approved in 2005. It was specified that higher vocational education is one of the unconditional requirements that a social worker must meet.

Elderly persons

Information on the provision of social services to elderly persons is presented in Article 23.

Article 14§2

Non-profit organisations are being actively involved in the provision of social services.

Every region has non-governmental, charitable and religious organisations providing social services to vulnerable populations. Territorial centres cooperate with volunteer, charitable, religious and the Red Cross Society organisations; social welfare service centres for family, children and youth cooperate with 180 non-governmental organisations and charitable foundations, associations and unions, particularly with 13 international organisations and foundations, 73 non-governmental and 11 religious organisations, 63 charitable foundations, 20 associations and unions.

The social welfare service centres for family, children and youth cooperate on the contractual basis both for a fixed term (from 1 to 5 years) and on the non-fixed-term basis. The largest number of centres cooperating with non-governmental organisations and charitable foundations operates in Ternopil oblast (18), Odesa oblast (17), and Poltava oblast (14).

The centres cooperate with non-governmental organisations in the areas being of priority for the centres' work:

- providing social support and assistance to families, children and youth in complicated life circumstances unable to overcome them by themselves – 74 centres;

- developing family-type forms of bringing-up of orphan children and children deprived of parental care (placement in a family-type children's home or a foster family, guardianship, tutorship) – 3 centres;

- preparing for independent life, social adaptation of orphan children and children deprived of parental care from among senior school pupils and boarding facility graduates – 9 centres;

- improving quality of services by means of training of social workers for work with critical families and children – 1 centre;

- providing socio-psychological support to functionally handicapped children and young persons, assisting them in job placement – 24 centres;

- providing social services to minors and young persons having problems with the law, young drug and alcohol addicts – 35 centres;

- preparing youth for family life and responsible parenthood, family planning – 7 centres;

- preventing family violence, countering human trafficking – 5 centres.

At the same time, the centres cooperate with the non-governmental and charitable organisations activity areas of which are not of priority to the centres. In particular, analysis of regional information shows that 96 out of 151 centres cooperate with non-governmental and charitable organisations in the implementation of activities aimed at:

- raising awareness, advocating healthy lifestyles, preserving reproductive health, preventing crime and other negative phenomena among children, juveniles and youth, preventing contraction of tuberculosis, reducing HIV infection rates;

- ensuring equal rights and opportunities of women and men;
- involving young people in intense public activities, realising personal potential, providing free access to urban social infrastructure facilities;
- assisting in provision of aid to war and labour veterans.

Overall in Ukraine, about 3,000 social service providers operate; they provided services to about 3 million people from among elderly persons, persons with disabilities, sick persons, addicts, homeless persons, former prisoners, violence victims, etc.

In order to regulate the relations connected with volunteer activities in Ukraine, the Verkhovna Rada of Ukraine passed the Law of Ukraine on Volunteer Activities (No. 3236-VII of 19 April 2011).

Volunteer activities are carried out, inter alia, in the following areas:

- providing volunteer aid in order to support low-income, unemployed persons, persons having many children, homeless and derelict persons, persons needing social rehabilitation;
- caring for sick people, persons with disabilities, single persons, elderly persons, and other persons who need support and help because of their physical, material or other specificities;
- providing help to the people affected by natural calamities, environmental, man-caused and other disasters, as a result of social conflicts or accidents, as well as to victims of crime and refugees;
- providing help to the persons who are restricted in the exercise of their rights and legitimate interests due to their physical or other impairments.

The State, represented by its authorities and officials, supports the public initiative on volunteer activities, and guarantees and secures protection of the rights, freedoms and legitimate interests of volunteers, volunteer organisations, and volunteer aid beneficiaries, as enshrined in the Constitution and laws of Ukraine.

Volunteer aid beneficiaries are natural persons receiving such aid on the basis of a volunteer aid agreement concluded with a volunteer organisation.

Public authorities and local governments, organisations, institutions (establishments) of whatever ownership form are volunteer aid beneficiaries in case they conclude an agreement with volunteer organisations on the provision of volunteer aid to natural persons or on the provision of volunteer aid in the volunteer activity areas that do not envisage provision of aid to concrete persons.

Volunteer organisations may carry out volunteer activities upon their own initiative without volunteer aid agreements if such activities are carried out in the areas that do not envisage provision of aid to concrete persons.

Volunteer aid beneficiaries have the right to:

- apply for volunteer aid;
- be treated by volunteers and volunteer organisations in the respect and humane manner;
- select volunteers and volunteer organisations, and forms of volunteer aid provision;
- obtain information on their rights, duties and conditions of volunteer aid provision;

- observe the legal procedures for restricted information;
- protect their rights and legitimate interests according to law.

Ukrainian state social welfare services – territorial centres of social servicing (provision of social services), boarding homes for elderly persons and persons with disabilities – currently cooperate with volunteers.

Public associations are involved in the volunteer activities. For example, *the Pensioner* volunteer centre has been established within the Council of the Ukrainian Veterans Organisation that belongs to non-governmental organisations. The centre is the main organiser of work of primary veteran organisations' volunteer units. There are more than 20 thousand of such units all over Ukraine, involving over 4,000 pensioners and veterans in volunteer activities. The volunteer pensioners work in such areas as *Pensioner to Pensioner*, *Pensioner to Children and Youth*, *Children and Youth to Pensioners*, etc.

The number of volunteer movement participants increased by 29,000 over the reporting period and is currently about 700 thousand. The number of persons cared for by the volunteers also increased, by almost 100 thousand, and reached more than 700 thousand persons.

The volunteer movement among pensioners is not only intended to help those in need but also gives the volunteer pensioners wider opportunities for remaining socially active as long as possible.

During 2009-2011, the Ministry of Social Policy cooperated with the MATRA's international project "Improving the quality of life and standards of services for children with disabilities through capacity building and strengthening of civil society". The project was implemented in 8 children's boarding houses and envisaged provision of a training course on the Basic Care for Children with Disabilities by specialists of Dzherelo training and rehabilitation centre, in cooperation with Dutch experts, for the staff of profile III-IV children's boarding houses of the system of bodies of labour and social protection. Realisation of the project aimed at creating opportunities for the provision of quality socio-medical and rehabilitation services to children with disabilities, and at encouraging such children's social integration by means of shaping new capacities of service providers.

There are 32 establishments working in all regions of Ukraine, founded by non-governmental organisations and religious confessions and providing various types of social services to homeless persons and released prisoners. They cooperate with the bodies of labour and social protection.

Article 23 – The right of elderly persons to social protection

Out of 13 million persons of retirement age living in Ukraine, nearly 5 million are at the age of 70 and above.

The Government of Ukraine pays great attention to social protection of elderly persons from among war veterans.

As of early 2012, about 2.0 million war veterans were recorded in Ukraine, including:

- combat action participants – 258.7 thousand;
- disabled war veterans – 165.8 thousand;
- war participants – 1,178.9 thousand;
- members of families of the perished (deceased) war veterans – 323.7 thousand.

Pension provision

Concerning the changes that occurred during the reporting period, it should be pointed out that the value of one insurance record year for pension calculation was increased from 1% to 1.35% in 2008, which allowed ensuring compliance of with the provisions of the ILO Convention concerning Minimum Standards of Social Security (No. 102) as regards ensuring old-age pension equal to 40% of earnings given 30 years of service record.

Since 1 April 2008, compliance with Article 46 of the Constitution of Ukraine has been ensured: minimum pension benefit has been fixed at the level of no less than the minimum of subsistence established for persons who lost working capacity, including to persons having no pension entitlement (to men – upon attainment of 63 years, to women – upon attainment of 58 years) according to legislation in force.

State social standards and guarantees in the reporting period 2008-2011

	2008 (December)	2009 (December)	2010 (December)	2011 (December)
Minimum of subsistence for persons who lost working capacity	UAH 498	UAH 573	UAH 734	UAH 800
Minimum pension benefit	UAH 544	UAH 601.40	UAH 734	UAH 800

As of 1 January 2012, 2,857 persons who have no pension entitlement and attained 63 years of age (men) or 58 years of age (women) were recipients of state social aid amounting to UAH 822.

Working pensioners are paid pensions with no account of the wages (income) received or pension benefits, which allows this category of individuals to remain full members of society for as long as possible.

Employment of pensioners in 2008-2011¹

Year	Workers receiving pension, thousand	Share in the accounting number of staff workers, %	Working pensioner breakdown by pension type, %		
			Old-age	Long-service pension	Disability pension
2008	1,951.2	17.3	74.4	6.6	19.0
2009	1,903.7	17.7	74.5	6.5	19.0
2010	1,960.5	17.8	74.2	6.6	19.2
2011	1,907.3	17.7	74.0	6.4	19.6

Pensions are indexed according to the legislation on indexation of people's monetary income. In particular, subject to indexation are pension amounts within the minimum of subsistence established for persons who lost working capacity. Besides, if the average monthly wage for the previous year increased, the pension size is increased beginning from 1 March of the current year by the factor that corresponds to no less than 20% of the average monthly wage growth rate compared to the previous year, unless increase in pension benefits during the previous year exceeded that factor.

The Government adopted the Programme of Economic Reforms for 2010-2014 *Prosperous Society, Competitive Economy, Efficient State* that sets forth clear reference points, particularly for reform of the pension insurance system.

A top-priority task consists of securing the pension system's financial stability and taking measures to implement the 2nd tier of the pension system – a mandatory contributory system of pension insurance.

For this purpose, the Law of Ukraine on the Measures of Legislative Support for Pension System Reform was passed and came into force on 1 October 2011.

According to the Law, in particular, retirement age for women is gradually raised (from 55 to 60 years); the insurance record necessary to become entitled to a pension is increased (from 5 to 15 years); the standard length of service required to calculate a minimum pension is increased (from 20/25 years to 30/35 years).

Implementation of the above-mentioned measures will allow securing 100% payment of pensions from the pay-as-you-go system and eliminating disparities in the amounts of pensions assigned in different years as well as setting a socially fair system of pension provision.

¹ According to data provided by the State Statistics Service

Social protection of elderly persons from among war veterans, labour veterans, war children, and victims of Nazi repressions is supported by a system of privileges and compensations described in the 1st Report by the Government of Ukraine.

Labour veterans

According to the Law of Ukraine on the Basic Principles of Social Protection of Labour Veterans and Other Elderly Persons in Ukraine, labour veterans are citizens who worked at/in/for enterprises, institutions, organisations, citizens' associations or natural persons and have service record of 40 years (men) or 35 years (women).

Labour veterans also include:

- a) persons whom pensions are assigned on preferential terms:
 - according to the List No. 1 of productions, works, occupations, positions and indicators in underground works, in works with especially harmful and especially arduous working conditions where full-time employment entitles a person to an old-age pension on preferential terms – given service record of 25 years (women) or 30 years (men);
 - according to the List No. 2 of productions, works, occupations, positions and indicators in works with harmful and arduous working conditions where full-time employment entitles a person to an old-age pension on preferential terms – given service record of 30 years (women) or 35 years (men);
 - according to Articles 13(B-3) and 52, Law of Ukraine on the Pension Provision - given service record of 30 years (women) or 35 years (men);
 - according to the first part of Article 18, Law of Ukraine on the Pension Provision - given service record of 25 years (women) or 30 years (men);
- b) pensioners awarded with the Labour Veteran medal according to the former USSR legislation;
- c) persons with group I or II disabilities receiving disability pensions provided that they have no less than 15 years of service record.

War children

Since 2010, war children with disabilities have the right to in-patient medical aid in hospitals for war veterans and in military health care institutions (military hospitals).

Based on results of consideration of the Ukrainian Government's 1st Report, the European Committee for Social Rights requested information on whether there is anti-discrimination legislation to protect elderly people outside employment as well as information on a legal framework for making decisions concerning elderly persons and, in particular, if there are guarantees to prevent arbitrary deprivation of elderly persons of their right to make independent decisions.

According to Article 2, Law of Ukraine on the Basic Principles of Social Protection of Labour Veterans and Other Elderly Persons in Ukraine (No. 3712-

XII of 16.12.1993), it shall be prohibited to discriminate against elderly persons in employment, health care, social security, use of housing, and other fields, and the officials violating these guarantees shall be held liable according to legislation in force.

According to the Law of Ukraine on the Basic Principles of Social Protection of Labour Veterans and Other Elderly Persons in Ukraine (No. 3712-XII of 16.12.1993), associations of war veterans and elderly persons shall, according to their statutes: take part in the drafting of decisions by public authorities and public administration bodies directly concerning their interests; represent and protect legitimate interests of their members (participants) in public and non-governmental bodies; exercise other powers provided for by the legislation of Ukraine on citizens' associations.

Labour veterans and elderly persons have the right to take part in making decisions that directly concern their interests, and to obtain necessary information.

Housing

According to the Law of Ukraine on the Basic Principles of Social Protection of Labour Veterans and Other Elderly Persons in Ukraine (No. 3712-XII of 16.12.1993), elderly persons, on equal terms with other citizens, have the right to housing that includes the right to receive and permanently use suitable residential space in state-owned stock houses, and to purchase residential space in public or individual stock houses. This right is additionally guaranteed by the provision to elderly persons of housing in specially equipped houses or by adaptation of the premises they occupy to meet their specific needs.

The elderly people in need of better living conditions are provided with residential space free of charge or on the paid basis with account of their material security according to the procedure specified in the current legislation.

Elderly people are provided, at their request, with residential space, including on the exchange basis, close to the place of residence of their near and dear ones. Besides, they can have their residential space on top floors in walk-up houses exchanged for housing on lower floors or in elevator-equipped houses. They also have the right to be assisted in the exchange of excessive living area for smaller space.

Elderly persons are provided with land plots for individual housing construction as well as for gardening and vegetable growing, in the amounts and according to the procedure specified by legislation of Ukraine.

Based on results of consideration of the Ukrainian Government's 1st Report, the European Committee for Social Rights requested more specific information concerning the Law of Ukraine on the Housing Stock of Social Purpose mentioned therein, and concerning the way the local administrations establish homes for residence of veterans and persons with disabilities equipped with a set of domestic and socio-medical services according to the Cabinet of Ministers of Ukraine Resolution No. 76 dated 31.01.2007 *On the approval of the Procedure of establishment of a specialised home for residence of war and labour veterans,*

elderly persons, and persons with disabilities, and provision of living space in such a home, and of the Model Regulations of a specialised home for residence of war and labour veterans, elderly persons, and persons with disabilities.

The Law of Ukraine on the Housing Stock of Social Purpose defines legal, organisational and social basics of the state policy on securing the constitutional right of the socially unprotected Ukrainian population strata to housing.

Social housing is provided by local governments free of charge.

Local governments establish a housing stock of social purpose at the expense of local budget funds and other sources of financing.

The Law specifies the grounds for creation to an individual of the right to be registered for social housing. This right can be exercised, inter alia, by persons entitled to social protection in case of: total, partial or temporary loss of working capacity; loss of breadwinner; unemployment because of circumstances beyond their control; old age; and in other cases envisaged by law.

Individuals are registered for social housing by the decision of a local government based on their written applications.

Refusal to register individuals for social housing can be appealed against in a judicial procedure.

A specialised home for war and labour veterans, elderly persons, and persons with disabilities (hereinafter referred to as the specialised home) is established subject to availability of financial resources upon a local government's decision.

The specialised home is a legal entity.

For construction of the specialised home building, the local government allocates a land plot the use of which does not require extra costs for prevention of man-caused and natural acts, wrecking of existing buildings, payment of compensation to previous land owners, laying external engineering communications, and share interest in securing development of the given settlement's engineering, transport and social infrastructures.

The specialised home building is provided with necessary engineering equipment, energy-efficient heating and hot water supply systems, energy-saving heat regulators, and heat, gas and water meters.

The building consists of separate single-room residential units having all amenities and designed for one person or a married couple. Area of such unit must be sufficient to secure a proper living comfort level, considering the minimum living area norm set forth by laws, and meet sanitary and hygienic standards.

Apart from residential units, the specialised home can have social welfare and health care services in its lower floors.

The specialised home building is equipped with special means and appliances for unhindered access of physically handicapped persons to the building and all its premises.

The right to obtain residential space in the specialised home is granted to persons who, according to legislation, belong to the category of war and labour veterans, elderly persons and persons with disabilities, are registered for provision

of social housing out of order, as a matter of priority or on general terms, require social protection and servicing, and have filed a proper application.

An application on provision of residential space in the specialised home should be filed by the individual or a person authorised thereby with the local government where the individual is registered for social housing.

Persons residing in the specialised home are entitled to medical and social servicing and to receive social services according to the procedure specified by laws.

Persons who, according to an opinion of the body of labour and social protection, require social servicing and social services, have the right to choose a way of their provision (social and domestic services or health care services functioning in the specialised home, a relevant division of a territorial centre of social servicing, or other social service providers with which an appropriate agreement has been concluded).

Pensions, state social aid, compensations and other benefits that, according to legislation, have been assigned to persons residing in the specialised home are paid in full amounts.

Persons residing in the specialised home have the right to equip the residential units granted thereto with their own furniture, domestic appliances, other devices and equipment, subject to compliance with safety rules as well as with the architectural planning, technical and sanitary and hygienic standards.

Financial support for the specialised home is provided within the limits of the funds envisaged annually in the local budget as well as from other sources.

Health care

According to the Law of Ukraine on the Basic Principles of Social Protection of Labour Veterans and Other Elderly Persons in Ukraine (No. 3712-XII of 16.12.1993), elderly persons are guaranteed free skilled medical aid in geriatric centres, hospitals for elderly persons, and other in-patient and out-patient polyclinic facilities, as well as at home, with due account of achievements of gerontology and geriatrics, according to the procedure specified by the Ukrainian legislation on health care.

Elderly persons benefit from health resort treatment on equal terms with other citizens. The procedure of medical selection and referral to health resort treatment is specified by the Ministry of Health of Ukraine and the Ministry of Social Policy of Ukraine as well as by collective agreements.

The Cabinet of Ministers of Ukraine Resolution No. 879 of 24 June 2006 approved the Strategy of Demographic Development for the period until 2015. It includes the section *Overcoming negative consequences of population ageing* and envisages, inter alia, securing a guaranteed level and high quality of free skilled medical aid to elderly persons, and ensuring access to modern means of diagnostics, prophylaxis, treatment and rehabilitation of elderly persons from among unprotected low-income population groups.

Based on results of consideration of the Ukrainian Government's 1st Report, the European Committee for Social Rights requested more detailed information concerning:

- health care programmes and services (particularly primary medical services) intended for elderly persons: any instructions on health care for elderly persons, programmes concerning mental disorders for persons having dementia and other similar diseases, palliative services for this category of individuals);
- any services or establishments (e.g. temporary care) for families caring for an elderly person, particularly persons highly dependent on care, as well as any specific service for those having dementia or Alzheimer's disease.

The Cabinet of Ministers of Ukraine Resolution No. 14 of 10 January 2001 approved *the Health of the Nation* Intersectoral Integrated Programme for 2002-2011.

This Programme includes Section VI *Old-Age Health Maintenance* that provides for implementation of measures concerning maintenance of health in old age in order to address the problems related to improving elderly people's health and increasing average life expectancy.

The D.F. Chebotariov Institute of Gerontology state institution has a clinic in its structure, the main work areas of which include diagnostics, treatment and rehabilitation of patients of old and senile age having cardiovascular diseases, respiratory diseases, nervous system disorders (residual effects of an acute cerebrovascular accident, parkinsonism, mild cognitive impairment, Alzheimer's disease), and musculoskeletal disorders.

The therapy and geriatrics department of the P.L. Shupyk National Medical Academy of Postgraduate Education works on the clinic's basis.

The curriculum for family practitioners training at the General Practice – Family Medicine faculty now includes lectures on the role of family physicians in the organisation of medico-social assistance to elderly persons; family medicine standards in the geriatric service; family medicine's interaction with social and non-governmental services; peculiarities of socio-psychological rehabilitation of patients of older age groups; methods of teaching people healthy lifestyles; forms of work with families having severely ill persons; patients' rights; specific features of palliative medicine.

Four centres have been organised:

1. The Ukrainian Scientific and Methodological Geriatric Rehabilitation Centre.
2. *Gerontolog* Treatment and Consulting centre.
3. The Ukrainian Scientific and Medical Centre for the Osteoporosis Problems.
4. The State Training and Methodological Geriatric Centre of the P.L. Shupyk National Medical Academy of Postgraduate Education.

Actively working are, inter alia, the Ukrainian Association of Parkinsonism Patients and the Association for Alzheimer's Disease Problems.

The centres and associations provide treatment and counselling assistance to elderly patients from various Ukrainian regions, and develop programmes of their medical and social rehabilitation.

To secure information support for elderly persons in Ukraine, the website of the Gerontological Information and Consulting Centre under the Institute of Gerontology of the Academy of Medical Sciences of Ukraine was created in 2009 according to the recommendations in the Madrid International Plan of Action on Ageing within the framework of the UN Population Fund's project *Support for the Gerontological Information and Consulting Centre*.

The website provides information on the ways of addressing medico-social, domestic and other problems of elderly people, gives them opportunities to communicate, promotes their active participation in community life, and fosters deeper interaction between relevant public and non-governmental organisations.

Specialists of the Gerontological Information and Consulting Centre developed the Handbook for Elderly Persons – Ukraine's first publication covering a variety of public, medical, social, cultural and legal information intended for elderly people. The centre specialists provide necessary consultations at its website.

The issue of providing palliative care to elderly people is vital to Ukraine.

The Ministry of Health of Ukraine Order No. 159-0 of 24 July 2008 established the Institute of Palliative and Hospice Care under the MoH of Ukraine as a state enterprise.

The MoH Order No. 463 of 26 June 2009 approved measures for the palliative care development in Ukraine for 2009-2010.

The Law of Ukraine on Amending the Basics of Legislation of Ukraine on Health Care to Improve Provision of Medical Aid (No. 3611-VI of 7 July 2011) added, inter alia, Article 35-4 *Palliative Care* to the above-mentioned legislation.

Working at city and regional levels are *Turbota* (Care) and *Veteran* social assistance programmes designed to improve social protection of single incapacitated persons, low-income urban residents, war and labour veterans, persons with disabilities, as well as to secure compliance with the current legislation concerning social protection of the above-mentioned population category, enhancement of quality of their social and medical servicing, improvement of living standards of war and labour veterans, their provision with means of rehabilitation, and improvement of health resort treatment by means of strengthening social guarantees.

Network of social institutions for elderly persons and persons with disabilities

By now, a social servicing system has been established in Ukraine, which includes residential institutions and daycare institutions.

The network of residential institutions consisted of 324 boarding homes as of 1.01.2012.

More than 56 thousand people live in the residential institutions, of them about 20 thousand being elderly persons and persons with disabilities, 7 thousand war veterans, and 5 thousand labour veterans.

The boarding homes where elderly persons live have health care departments equipped with doctor attendance rooms, manipulation rooms, physiotherapeutic units, dental offices, isolation wards, reception and quarantine units. The departments have necessary diagnostic and treatment equipment, inventories, medicines, and sanitary transport. The residents are able to get skilled medical aid on the round-the-clock basis.

The elderly persons and persons with disabilities permanently living in residential institutions of social servicing are given additional social support guarantees. They are provided in those institutions with living conditions meeting sanitary and hygienic requirements, care, medical aid, free prosthetic and orthopedic assistance, social and medical rehabilitation, social adaptation, and medico-social expert examination carried out to establish or change a disability group; besides, they are rendered socio-psychological, legal and consulting services.

An alternative form of residential social servicing consists of the provision of social services to elderly persons, persons with disabilities, and sick persons through territorial centres of social servicing (social services provision) (hereinafter referred to as territorial centres).

The territorial centres operate in every district, city, and city district in Ukraine. As of late 2011, their number amounted to 735 institutions that provided social services during the year to more than 1.5 million persons in complicated life circumstances. The territorial centres employing more than 40 thousand social employees and social workers provided about 50 types of social services via their structural units.

The following units work within the structure of territorial centres:

894 departments of domiciliary social assistance;

601 departments of social domestic adaptation;

204 departments of socio-medical services;

340 residential departments for temporary or permanent residence;

562 departments for organisation of provision of cash and in-kind aid;

The departments of domiciliary social assistance provided social services at the place of residence (at home) to about 500 thousand single incapacitated elderly persons, persons with disabilities, and sick persons (until assignment of a disability group thereto).

The departments of social domestic adaptation and socio-medical services provided services to about 535 thousand elderly persons and persons with disabilities.

For people who are already not able to live at home by themselves because of their state of health, local communities establish small departments, similar in terms of their working procedure to boarding homes, but with a considerably less number of residents (between 10 and 40-50 persons) – residential departments for permanent or temporary residence. Such a form of residential social servicing enjoys considerable demand among the population because it allows frail elderly persons and persons with disabilities to keep living within the settlement where they were born, resided and worked, i.e. to avoid breaking their long-standing

social ties with acquaintances, relatives and friends. Such an approach to the organisation of community-based residential social services positively influences well-being and mental health of those in need of care services.

As of late last year in Ukraine, 340 residential departments worked, accommodating and providing services to more than 10 thousand single incapacitated persons.

Based on results of consideration of the Ukrainian Government's 1st Report, the European Committee for Social Rights asks if the provision of services at home meets demand for them, and how their quality is monitored. Do elderly persons have a possibility to complain of services? Besides, the Committee wants information on whether the volume of their provision varies by municipality, and if it is possible to change them.

As mentioned above, 894 departments of domiciliary social assistance operated in Ukraine as of 1.01.2012, ensuring servicing and providing social services to about half a million people.

In order to bring the regulatory framework, based on which territorial centres' activities are organised, into conformity with provisions of legislation in force, particularly of the Law of Ukraine on Social Services, the Cabinet of Ministers of Ukraine Resolution No. 1417 of 29.12.2009 *Some matters of the activities of the territorial centres of social servicing (social services provision)* was adopted. It approved a new wording of the Model Regulations on a territorial centre of social servicing (social services provision) and the List of social services, conditions and procedure of their provision in structural units of the territorial centre of social servicing (social services provision). These documents introduced a number of new provisions.

In particular, local executive authorities and local governments are entitled to establish, as required, specialised departments for the domiciliary servicing of disabled persons with musculoskeletal system disorders, vision or hearing impairments, mental disorders, and other categories of individuals unable to serve themselves. Hence, the foundations are created for taking the greatest possible account of the needs for certain social service types of those residents of a specific community who find themselves in difficult life circumstances.

The list of social services that the territorial centre can provide has been extended, which will promote improvement of social servicing of elderly persons, persons with disabilities, and other persons in difficult life circumstances.

The work of the territorial centre's structural units has been streamlined, tasks for its departments have been concretised, and model forms of documents that the territorial centre must maintain have been established.

Implementation of the new Model Regulations on a territorial centre of social servicing (social services provision) and the List of social services, conditions and procedure of their provision in structural units of the territorial centre of social servicing (social services provision) promoted a stronger individual approach to consideration of people's needs for social services and their targeting,

which will generally allow increasing the level of social protection of persons in need of social assistance and support from the State.

At the same time, a new form of the social services provision has been introduced, namely providing elderly persons, persons with disabilities, and sick persons who, according to a medical opinion, need permanent outside help in domiciliary conditions, with social care services rendered by natural persons not engaged in work activities. Such a form of social servicing is becoming increasingly common. In particular, as of late 2011, more than 95 thousand persons enjoyed their right of receiving social services from natural persons. Introduction of this form of social services provision allowed not restricting the right of an elderly person or a person with disability to receive social services in a residential institution or through a territorial centre. Besides that, social services have been brought directly closer to the place of residence of the person in need of permanent outside care.

Work is underway to secure support from local executive authorities and local governments for further development of new types of social services and innovative forms of social work.

New types of social services of elderly persons and persons with disabilities are designed with account of individual needs and demand for such services from community residents. An innovative form of social servicing of persons having mental disorders is becoming common. In addition to Kyiv, last year social services were provided to this category of individuals already in such cities as Lutsk and Uman, Chuhuev and Lozova (Kharkiv oblast).

One of the new forms of social servicing being actively introduced in regions consists of providing transport services to elderly persons and persons with disabilities. Specially established transport service units operate in some oblasts, particularly in Volyn oblast, Odesa oblast, Kharkiv oblast, Poltava oblast, Kirovohrad oblast, and Kyiv.

In the city of Komsomolsk, Poltava oblast, a new structural unit, *Social Office*, started its work aimed at identifying people's needs for social services, rendering information services to pensioners and persons with disabilities, providing social follow-through, rendering "emergency social aid", giving legal advice, etc.

According to the Law of Ukraine on Social Services, a decision to deny provision of social services, limit their scope or terminate their provision by public and communal entities can be appealed against to the central or local executive authority or local government that issued an authorisation for provision of social services (for non-governmental entities providing social services – to the body that issued an authorisation for provision of social services) or to a court.

In order to ensure supervision over observance of the rights of persons residing in boarding homes, the governmental telephone hotline has been established, and the supervisory councils for the activities of boarding home institutions as well as public councils at every boarding home have been created.

Training – Third Age Universities

Since 2008, provision of such form of innovative services as the Third Age Universities has been launched aiming to implement and practically realise the lifelong learning principle.

In order to provide methodological assistance to the bodies of labour and social protection of administrations in oblasts, districts and city districts as well as of executive committees of city councils, *the Methodological Recommendations for the organisation of the Third Age University socio-pedagogical service in a territorial centre of social servicing (social services provision)* were approved by the Ministry of Social Policy of Ukraine Order No. 326 of 25 August 2011, pursuant to the Law of Ukraine on Social Services, the Action Plan for the Implementation of the Concept of Reform of Social Services through 2012 approved by the Cabinet of Ministers of Ukraine Executive Order No. 178-p of 13.04.2007, and the Cabinet of Ministers of Ukraine Resolution No. 1417 of 29.12.2009 *Some matters of the activities of the territorial centres of social servicing (social services provision)*.

According to the recommendations, provision of the Third Age University socio-pedagogical service (hereinafter referred to as the service) is secured by a structural unit of a territorial centre of social servicing (social services provision) (hereinafter referred to as the territorial centre). The service is provided subject to attendance of no less than 30 senior-age students. The goal of the service is to implement the principle of lifelong learning for senior-age persons and to support physical, psychological and social abilities. The course can be attended by elderly persons having any level of education and interested to take part in educational programmes.

The key objectives of the service are to organise and provide free-of-charge training and educational activities for elderly persons according to the service curricula and organisation plans approved by the territorial centre director.

Provision of the service should ensure:

- creating conditions for and promoting all-round development of elderly persons;
- reintegrating elderly persons into active life of society;
- assisting elderly persons in their adaptation to modern life conditions by means of mastering new knowledge, particularly concerning:
 - the ageing process and its peculiarities;
 - modern methods of health maintenance;
 - acquisition of self-help skills;
 - shaping healthy lifestyle principles;
 - basic legislation concerning elderly persons and its practical application;
 - formation and development of skills for the use of novel technologies, first of all information and communication technologies;
 - capacity and opportunities for volunteer activities;
 - improving life quality of elderly persons by securing access to modern technologies and adaptation to technological change;
 - shaping practical competences and skills;

- opportunities for broadening the social circle and experience exchange;
- promoting, together with the public employment service, further job placement of the students (given their wish).

In the course of organisation of the service provision the following departments are established depending on the students' needs:

- literature;
- arts;
- information and communication technologies;
- basics of medicine and healthy lifestyle;
- foreign languages;
- other.

Organisation of elderly people's training may involve specialists of local public authorities (subject to their consent), local directorates of labour and social protection, health care, justice, Pension Fund of Ukraine, employment service, and a territorial centre.

Teaching in the Third Age Universities is provided by both lecturers and volunteers.

The "peer-to-peer" principle is a fundamental one in the organisation of service provision and envisages as broad as possible involvement of elderly persons, having relevant experience and education, fluent in the subject and issues provided for by the curriculum, in the teaching and training. To teach the course subjects, it is reasonable to engage lecturers of higher educational institutions of various accreditation levels, students, scientists from academic institutes and research centres, teachers of general education schools, and high-school children, and representatives of non-governmental organisations.

The training process for elderly persons should be based on the voluntariness principles and adult training methods (combination of theoretical and practical knowledge).

Training of elderly persons envisages:

- considering the students' life experience and available knowledge and skills;
- an interactive form of interaction among the training process parties.

Training of elderly persons should take place at the student's request and without the use of formal testing of the knowledge and skills acquired.

The training process should use both conventional learning methods and training techniques as well as modular training based on adult training methods.

Organising a training process, one should consider individual physiological features of the students, their state of health and needs.

An optimal size of study groups is 15 persons; a greater size is possible, but usually no more than 25 persons.

If lectures are planned within a training course, the number of participants can be increased.

Organisation of seats for training should take place with account of individual features of the students (for example, if a student has hearing impairment, he/she should be invited to sit closer to the front).

The number and duration of lessons must be planned with account of physical capacities (duration must not exceed 45 minutes).

The training process should include breaks.

Training of elderly persons should be conducted in specially equipped premises meeting sanitary and hygienic standards and having appropriate facilities. When selecting premises for training, attention should be paid to making sure that the entrance was equipped with handrails or a ramp and that a toilet room was near by.

A training (basic) course lasts for an academic year (the study starting and ending dates are specified by the director). The recommended course length is 72 academic hours, which envisages training for 1 hour 40 minutes (two lessons 40 minutes each, a 20 minute break) every week on specified days.

If the students completed the basic course, they can join to make groups (departments) according to their interests and continue learning subject to their needs, likings and interests.

The course evaluation is aimed solely at encouraging the Third Age University students because the key principle of the training organisation is to ensure that the students be satisfied by their training and participation in the training process.

The territorial centre encourages the students by issuing them certificates that confirm their mastering of the basic curriculum of a relevant course.

The students have the right to:

- know the underlying principles of the service provision;
- receive the service and complete the training on their own accord;
- take part in the training process;
- accessibility;
- obtain information on the services provided.

Article 30 – The right to protection against poverty and social exclusion

Throughout 2008-2009, realisation of the third stage of the Poverty Overcoming Strategy (2005-2009), approved by the Decree of the President of Ukraine No. 637/2001 of 15 August 2001, was being secured. In particular, measures were taken to satisfy people's needs more efficiently, improve the material situation of a greater part of the population, and enhance the social indicators describing people's living standards.

Realisation of these areas was ensured by means of providing economic and legal conditions for greater income and higher economic activity of able-bodied persons as well as for social support for the most vulnerable population groups.

Efficiency of the measures for realisation of the Poverty Overcoming Strategy is demonstrated by the indicators of living standards.

People's real available income increased by 7.6% in 2008.

Amid the financial crisis in 2009, because of the State's limited capability of pursuing an active social policy on people's income growth, people's real income decrease was seen despite increase in its nominal size. Real available income decreased by 10%.

In 2010, 17.1% increase in real income was recorded.

Therewith, the real wage index was 106.3% in 2008, 90.9% in 2009, and 110.2% in 2010.

As a result of measures to promote employment, a stable situation in the Ukrainian labour market was achieved.

The employment rate of the population aged 15-70 was 59.3% in 2008, 57.7% in 2009, and 58.5% in 2010.

The unemployment rate as per the ILO methodology was 6.4% in 2008, 8.8% in 2009, and 8.1% in 2010.

Increase in people's monetary income was secured by means of raising the rates of state social guarantees and bringing them closer to the minimum of subsistence.

According to the Law of Ukraine on State Social Standards and State Social Guarantees (No. 2017-III of 5 October 2000), a statutory minimum of subsistence is a basic state social standard, based on which state social guarantees and standards are determined in such fields as people's income, housing and utility services, personal services, social and cultural services, health care, and education.

The basic state social guarantees are as follows:

- minimum wage rate;
- minimum old-age pension rate;
- tax-free minimum personal income;
- rates of state social assistance and other social benefits.

The state social guarantees that are the major source of livelihood may not be lower than the statutory minimum of subsistence.

In order to provide social support to the Ukrainian population as a whole and to certain categories of individuals, state guarantees are established concerning:

- social protection of the population affected because of the Chernobyl NPP accident;
- scholarships to pupils of vocational educational institutions and to students of state-owned higher educational institutions;
- indexation of people's income in order to maintain their sufficient living standards and purchasing power of their monetary income amid growing prices;
- provision of guaranteed amounts of social and cultural services, housing and utility services, transport services, personal services, and services in the field of education, health care, physical training and sports, trade and public catering;
- provision of preferential terms for meeting the demand for goods and services to certain population categories in need of social support, including war and labour veterans, persons with disabilities, low-income families, orphan children, and children deprived of parental care.

The minimum wage rate has increased by 69.2% during 2008-2010, and amounted to UAH 922 in December 2010 against UAH 605 in December 2008.

The minimum pension was set at a level not lower than the minimum of subsistence for persons who lost working capacity. Its rate has grown by 35% during 2008-2010. As the minimum of subsistence was increased, the amount of increments and mark-ups, calculated proceeding from this standard, was also raised.

As a result, the principal goal of stabilising the living standards and eliminating the acutest manifestations of poverty has been achieved.

State social standards and guarantees

	2008	2009	2010	December 2011
Monthly minimum of subsistence per person:	Since 1 October – UAH 626	Since 1 November – UAH 701	Since 1 December – UAH 875	UAH 953
for children under 6	Since 1 October - UAH 557	Since 1 November – UAH 632	Since 1 December – UAH 799	UAH 870
for children aged 6-18	Since 1 October - UAH 701	Since 1 November – UAH 776	Since 1 December – UAH 957	UAH 1042
for able-bodied persons	Since 1 October - UAH 669	Since 1 November – UAH 744	Since 1 December – UAH 922	UAH 1004
for persons who lost working capacity	Since 1 October - UAH 498	Since 1 November – UAH 573	Since 1 December – UAH 734	UAH 800
Minimum wage	Since 1 October - UAH 605	Since 1 November – UAH 744	Since 1 December – UAH 922	UAH 1004
Minimum pension	Since 1 October - UAH 544	Since 1 November – UAH 601.40	Since 1 December – UAH 734	UAH 800

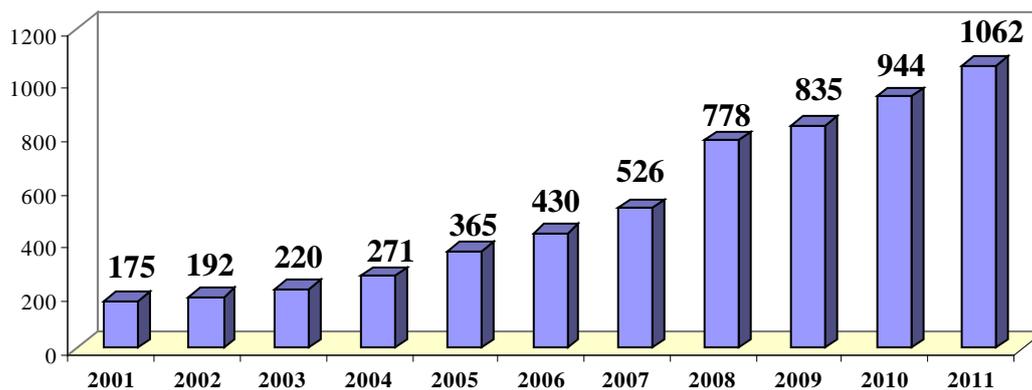
Based on results of consideration of the Ukrainian Government's 1st Report, the European Committee for Social Rights requested to specify in the next Report the percentage of the population at risk of poverty after social transfers, i.e. the percentage of the population whose net income is lower than the poverty level – 60% of median national income after social transfers.

According to the Methodology for Integrated Assessment of Poverty, two indicators are determined in Ukraine: poverty level as per the relative criterion (75% of median cumulative income (spending) per typical adult), and extreme poverty level (60% of median cumulative income (spending) per typical adult).

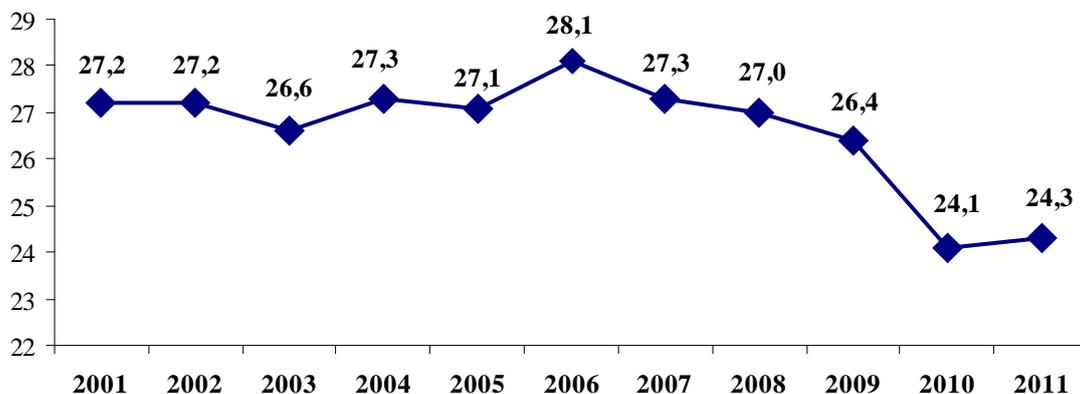
The principal information base for assessing the poverty situation in the country consists of a household survey conducted by the State Statistics Service of Ukraine.

Behaviour analysis of main poverty indicators over 2008-2011 shows: as the poverty line increased from UAH 778 in 2008 to UAH 1062 in 2011, the relative-criterion-based poverty level was 27% in 2008, 26.4% in 2009, 24.1% in 2010, and 24.3% in 2011.

Poverty line, UAH per 1 person per month
(relative criterion)



Poverty level as per relative criterion, %
(data for 2001-2011)

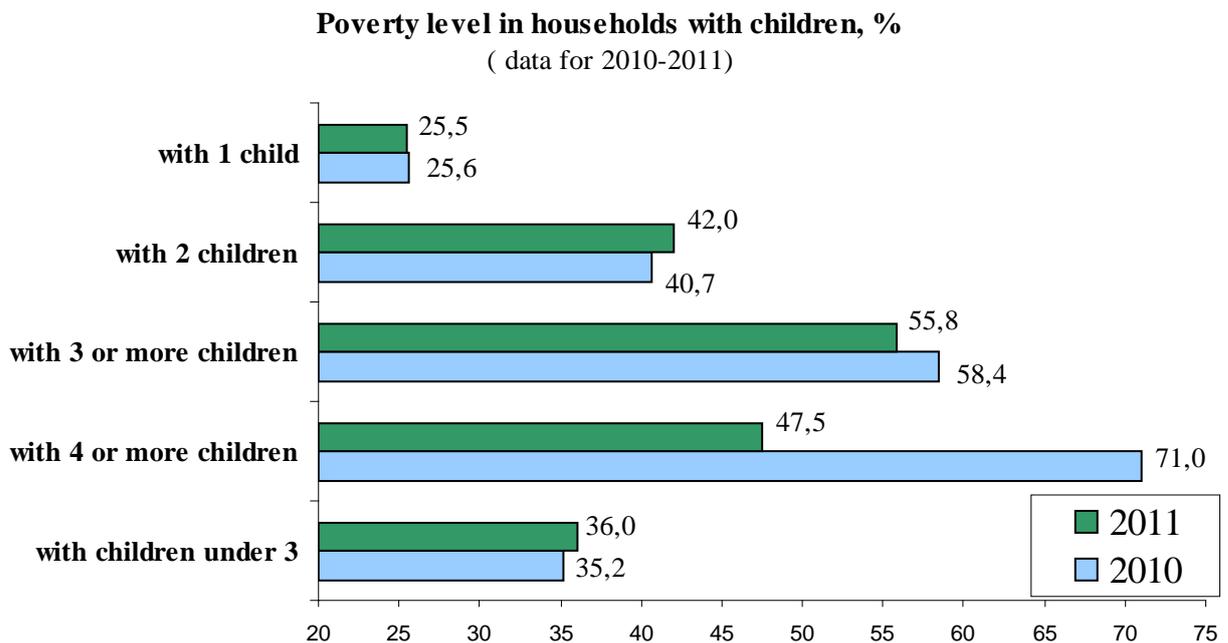


Extreme poverty line (as per the relative criterion) was UAH 850 in 2011; it was UAH 95, or 12.6%, higher than in the previous year. Extreme poverty level was 10.7% against 11.2% in 2010.

Poverty depth ratio, demonstrating how much an extremely poor population prevails among the poor population, was 20.6% against 20.9% in 2010.

Poverty level by household type

The poverty level indicator for households with children in 2011 decreased as compared to the previous year and amounted to 31.2% against 31.3%.



The lowest poverty level is recorded in one-child households; besides, it decreased as compared to the previous year and amounted to 25.5% against 25.6% in 2010.

Considerable poverty level decrease took place in households with four or more children, where it declined by 23.5 percentage points to 47.5% against 71% in 2010.

Poverty level also went down in households with three or more children, by 2.6 percentage points.

Poverty level growth was observed in households with 2 children – by 1.3 percentage points, and in households with children under 3 – by 0.8 percentage points.

In households without children, poverty level was 16.2% against 15.7% in 2010.

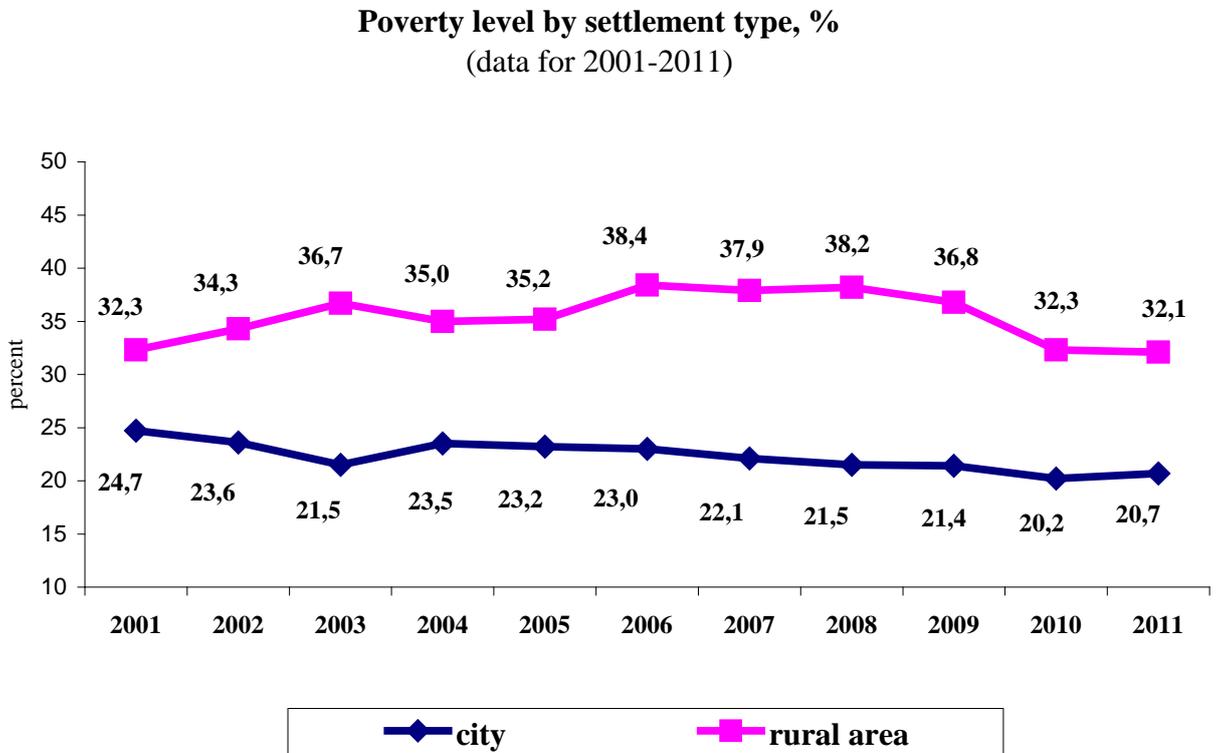
In households with all members older than 75, poverty level decreased by 1.1 percentage points to 22.5% against 23.6% in 2010.

Poverty level among working individuals decreased to 19.6% against 23.5% in 2010.

Poverty level among children declined to 32.0% against 32.7% in 2010.

Poverty level by settlement type

The poverty situation in rural areas has improved but the rural population's poverty level remains high as compared to the urban poverty level.



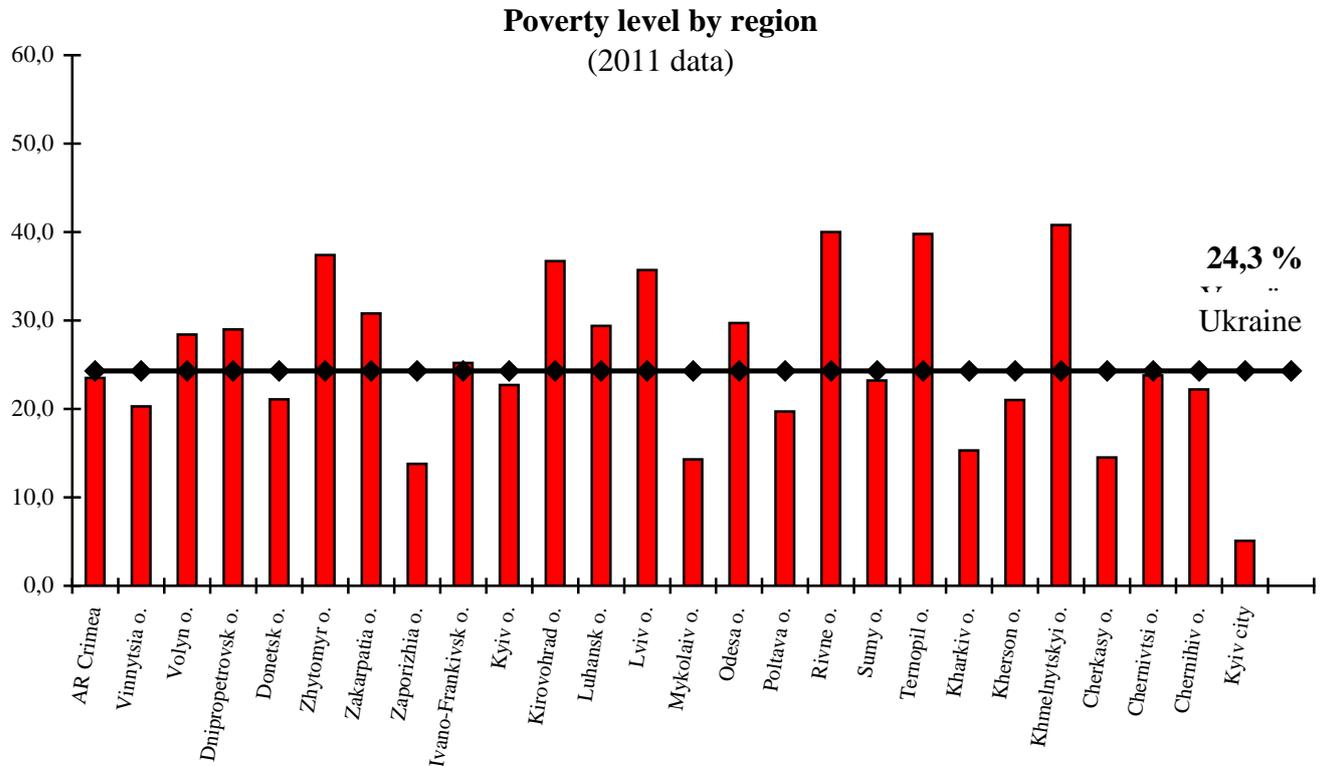
Poverty level by region

During 2011, poverty level decreased in 13 out of 26 regions under study. The lowest poverty level figure is in the city of Kyiv; it decreased twice as compared to 2010 and amounted to 5.1% against 10.0%.

Poverty level declined considerably in Kherson oblast (from 36.8% to 21.0%), Volyn oblast (from 37.4% to 28.4%), Poltava oblast (from 26.0% to 19.7%), Vinnytsia oblast (from 26.2% to 20.3%), Mykolaiv oblast (from 18.7% to 14.3%), Zaporizhia oblast (from 18.1% to 13.8%), Kharkiv oblast (from 19.1% to 15.3%), Zhytomyr oblast (from 40.8% to 37.4%), Kirovohrad oblast (from 39.6% to 36.7%), Chernivtsi oblast (from 25.8% to 23.8%), AR of Crimea (from 25.4% to 23.5%), and Sumy oblast (from 24.0% to 23.2%). The poverty level increased in 13 regions.

Poverty level increase was recorded in Khmelnytskyi oblast (from 28.8% to 40.8%), Luhansk oblast (from 20.0% to 29.4%), Lviv oblast (from 29.1% to 35.7%), Rivne oblast (from 33.7% to 40.0%), Zakarpatia oblast (from 25.7% to 30.8%), Kyiv oblast (from 18.2% to 22.7%), Odesa oblast (from 25.9% to 29.7%), Ivano-Frankivsk oblast (from 21.8% to 25.2%), Ternopil oblast (from 37.3% to

39.8%), Chernihiv oblast (from 19.7% to 22.2%), Donetsk oblast (from 19.5% to 21.1%), Dnipropetrovsk oblast (from 27.9% to 29.0%), and Cherkasy oblast (from 14.1% to 14.5%).



Poverty level as per the absolute criterion

Poverty line as per the minimum of subsistence criterion (spending below the minimum of subsistence) was UAH 914 in 2011 (on average), that being UAH 71 or 8.4% more than its figure in 2010 (UAH 843).

Poverty level as per the minimum of subsistence criterion decreased in 2011 by 2.2 percentage points, to 14.6% (2010: 16.8%).

The population's poverty problem became even more acute amid the financial and economic crisis that affected the Ukrainian people's socio-economic situation.

The Decree of the President of Ukraine No. 274/2010 of 26 February 2010 *On urgent measures to overcome poverty* described elimination of poverty, first of all its acutest manifestations, as the most important priority in implementation of reforms in Ukraine. The Cabinet of Ministers of Ukraine was instructed to:

- ensure unconditional compliance with the Law of Ukraine on Establishing the Minimum of Subsistence and the Minimum Wage;
- with the participation of the National Academy of Sciences of Ukraine, leading scientific centres, social partners, and non-governmental organisations, considering national and foreign experience and documents of international organisations, particularly the International Labour Organisation's Global Jobs

Pact, develop a draft state programme for overcoming and preventing poverty in Ukraine for 2010-2015, and submit it within three months according to the established procedure; envisage, inter alia, the following measures in the programme:

- implementing new mechanisms for production recovery and stimulation of economic growth and social progress, particularly ensuring efficient employment by means of creating viable enterprises;
- creating conditions for decent work, in particular securing respect and observance of human rights at work, productive and freely chosen employment and social protection, as well as development and intensification of social dialogue on all levels;
- implementing, in crisis conditions, short-term measures to provide urgent assistance to the most vulnerable population groups, overcome chronic poverty and poverty among working individuals;
- ensuring reforms in the systems of labour remuneration, social protection, pension insurance, health care provision, and medical services;
- implementing an efficient mechanism to provide young people, first of all graduates of higher educational institutions, with the first job;
- expanding opportunities for job placement of persons with special needs and for employment of elderly people;
- implementing a system of efficient targeted social assistance.

Analysis of the social sphere situation over 2011 indicates positive tendencies as to improvements in the indicators of people's living standards.

The following increase in social standards and guarantees was ensured during 2011: 8.9% in the minimum of subsistence (on average, as compared to December 2010); 8.9% in the minimum wage; 9% in the minimum old-age pension. Therewith, consumer price index amounted to 104.6%. Along with rise in the minimum of subsistence, rates of social benefits to families with children, unemployed, persons with disabilities, and low-income individuals were also increased.

The above-mentioned positively affected growth of people's monetary income.

People's nominal income grew by 13.6% in 2011 year-on-year. Available income that may be used for purchase of goods and services increased by 14.5% whereas real available income, calculated with account of the price factor, rose by 6.1%.

Average monthly wage of staff workers by economic activity was UAH 2,633 in 2011, or 17.6% more than in the previous year. Real wage increased by 8.7% over that period.

Positive tendencies were observed in the labour market as to growing employment and decreasing unemployment. The number of employed population as per the International Labour Organisation's methodology increased during 2011 by 58.2 thousand against the previous year, to 20.3 million. Employment rate rose from 58.5% to 59.2%. At the same time, unemployment volume and rate declined.

The number of the unemployed decreased by 52.9 thousand to 1.7 million. Unemployment rate went down from 8.1% to 7.9%.

Based on results of consideration of the Ukrainian Government's 1st Report, the European Committee for Social Rights requested to specify in the next Report how many people belonging to the socially vulnerable group had benefited from skills improvement and training activities.

Number of off-the-job persons registered with employment service, and their social protection

	2008	2009	2010	2011
Number of off-the-job persons registered with employment service, thousand	2 500.7	2 143. 3	1847.4	1 855.0
of them placed in a job, thousand	1 084. 0	702. 7	744.5	762.7
underwent vocational training, thousand	245.2	157.1	203.3	215.6
took part in public works, thousand	428.5	240.9	318.2	363.0
Had the unemployed status, thousand	1 782.3	1 690.5	1384.5	1 401.6

In order to reform pension provision, the Law of Ukraine on the Measures of Legislative Support for Pension System Reform was passed, providing for a package of measures to stabilise the pay-as-you-go pension insurance system and establishing a mechanism for implementation of a defined-contribution system.

Pensions to some categories have been increased since March 2011 owing to growth of average month wage by 1.04 factor, which corresponds to 20% growth rate of a staff worker's average monthly wage in Ukraine during the previous year.

The average amount of assigned pensions was UAH 1,246.34 as of 1.01.1012, that being 8.2% higher as compared to the corresponding period of the previous year.

Rates of some categories of social support for families with children have been increased substantially. In particular, childbirth benefit has been raised 1.5 times: by UAH 13,860 for the first child (from UAH 12,240 in 2010 to UAH 26,100 in December 2011); by UAH 27,200 for the second child (from UAH 25,000 to UAH 52,200); by UAH 54,400 for the third and every next child (from UAH 50,000 to UAH 104,000).

According to the Law of Ukraine on the State Social Assistance to Low-income Families (No. 1768-III of 1 June 2000), state social assistance is provided

to low-income families. A low-income family is a family whose average monthly cumulative income is, for valid reasons or reasons beyond its control, lower than the minimum of subsistence for a family.

The minimum of subsistence for a family is a sum, determined for each family depending on its composition, of the minimums of subsistence calculated and approved according to the Law of Ukraine on the Minimum of Subsistence.

The rate of securing the minimum of subsistence for the state social assistance provided according to the Law of Ukraine on the State Social Assistance to Low-income Families

	2008	2009	2010	2011
Granting of benefits to:				
able-bodied persons	UAH 133.0	UAH 133.0	UAH 182.21	UAH 210.84 <i>(21% of the minimum of subsistence)</i>
incapacitated persons	UAH 187.5	UAH 187.5	UAH 266.25	UAH 600 <i>(70% of the minimum of subsistence)</i>
persons with disabilities	UAH 200	UAH 200	UAH 294	UAH 600 <i>(70% of the minimum of subsistence)</i>
children under 6 from large families	UAH 278.5	UAH 278.5	UAH 399.5. (266.25 – for all children)	UAH 435 – for all children <i>(50% of the minimum of subsistence)</i>
aged 6-18	UAH 350.5	UAH 350.5	UAH 478.5	UAH 521 – for all children <i>(50% of the minimum of subsistence)</i>

Gradual increase in the amount of state social assistance for low-income families with children aged 3-18 has been ensured: in particular, by UAH 60 for children aged 3-13 since 1 January 2011, and by UAH 100 for every child aged 13-18.

Considering urgency of addressing the poverty problem, pursuant to the Decree of the President of Ukraine No. 274/2010, the Cabinet of Ministers of Ukraine Resolution No. 1057 of 31.08.2011 approved the State Targeted Social

Programme for Overcoming and Preventing Poverty through 2015 (hereinafter referred to as the Programme).

The Programme defines basic areas for overcoming poverty, namely raising social standards, promoting employment, improving labour remuneration, increasing pensions, and reforming of the pension system, social insurance, social protection, health care services, social support for youth and families, and protection of children's rights.

The goal of the Programme is to reduce the number of poor population among working persons, families with children, especially large families, orphan children, children deprived of parental care, homeless children, unemployed, persons with disabilities, pensioners, derelict persons, in rural areas, and to prevent chronic poverty.

It is envisaged to address the problem in the following directions:

renewing production, and encouraging economic growth;

promoting employment and labour market development;

improving the labour remuneration mechanism and social dialogue as key factors in creation of conditions for decent work;

developing the social insurance system;

perfecting the pension system;

reforming the social protection system;

social support for families, children and youth;

improving medical services for the population;

perfecting methodological approaches to poverty assessment, and monitoring efficiency of the Programme implementation.

In order to renew production and encourage economic growth, it is envisaged to:

implement new mechanisms for production renewal;

encourage development of the domestic market;

create conditions for ensuring stable development of industries by means of:

implementing technological and organisational transformations at the enterprises not subject to privatisation, with targeting their work at the realisation of state programmes as much as possible;

determining the most important segments of regional industrial complexes, and forming on their basis respective investment areas to attract private capital into their development;

carrying out efficient privatisation of industrial enterprises in order to improve their operating performance and capacity of the industrial complex as a whole;

manufacturing high-technology products and providing services on the innovative basis, increasing the level of scientific support for development of industries, and improving innovative activity of industrial enterprises.

promote the development of entrepreneurial activities by means of:

establishing territorial units of the advisory service to provide consultations to entrepreneurs on the matters related to agricultural production;

ensuring implementation of an educational programme on carrying out entrepreneurial activities for entrepreneurs and wide sections of the population, particularly on starting and doing one's own business, on application of authorisation procedures, registration, licencing, and on realisation of regulatory policy;

conducting the All-Ukrainian Contest of business plans of entrepreneurial activities among young people;

perfect the regulatory legal framework on production, labour and occupational qualifications;

secure state support for the development of depressed territories;

promote development of city-forming enterprises;

promote implementation of the corporate social responsibility programmes and international standards by economic entities.

In order to promote employment and labour market development, it is envisaged to focus efforts of central and local executive authorities on:

promoting the development of entrepreneurship and self-employment of the population;

implementing the regulatory legal framework to encourage development of innovative and investment activities, and developing state and sectoral programmes aimed at creation of high-quality and high-technology jobs;

ensuring a greater share of employed population in high-technology industries;

promoting higher demand for labour with the help of a governmental order for the creation of social infrastructure facilities;

reducing unemployment among the rural population by means of encouraging agro-industrial cooperation and through developing industrial and social infrastructures, a system of agricultural service, processing enterprises, and a trade network accessible for manufacturers;

improving quality and competitiveness of national labour force;

promoting staff training by higher and vocational education institutions according to the needs of the national economy and labour market;

ensuring occupational training, retraining and advanced training of workers;

strengthening motivation for legal productive employment;

preventing curtailment of labour formalisation;

promoting job placement of persons in need of social protection and unable to compete in the labour market on equal terms, and of elderly persons;

providing equal opportunities for job placement of women and men;

realising the existing mechanisms for provision of the first job to young persons, first of all graduates of higher and vocational education institutions;

creating conditions for young persons to work during non-study time;

supporting green tourism, domestic services and catering; reviving folk crafts; organising farms;

promoting employment of persons with disabilities by means of:

top-priority use of the resources of the Fund for Social Protection of Persons with Disabilities for the creation of jobs to employ persons with disabilities;

improvement of accessibility and efficiency of occupational rehabilitation of persons with disabilities, their occupational training in professions and specialisations according to the labour market needs;

enhancement of the system of quotas for job placement of persons with disabilities in order to take account of peculiarities of enterprises with harmful and hazardous working conditions;

minimising negative consequences of external labour migration, taking measures to encourage return of labour migrants to Ukraine and assist in their adaptation, expanding the system of intergovernmental agreements on mutual job placement of individuals and on their social protection;

improving organisational basics of, and implementing a mechanism for, regulation of the use of foreigners' labour.

In order to improve the labour remuneration mechanism and social dialogue as key factors in creation of conditions for decent work, it is envisaged to:

improve the mechanism for determination and rising of the minimum of subsistence;

raise the minimum wage;

take measures to legalise wages;

improve labour remuneration conditions for the state-financed sector workers and civil servants, and to raise their labour remuneration rates;

secure growth of real wages;

ensure timely payment of wages and prevent any wage arrears;

eliminate wage arrears at state-owned enterprises, and take more active measures to reduce wage arrears at enterprises of other ownership forms;

strengthen the role of collective-agreement-based regulation of labour remuneration;

secure protection of workers' rights;

involve all-Ukrainian trade unions and their associations and all-Ukrainian associations of employers' organisations in the formulation of social and economic policy of the State;

strengthen social dialogue institutions;

promote conclusion of collective agreements on the national, sectoral, territorial, and local levels.

In order to develop the social insurance system, it is necessary to:

increase working efficiency of the funds for general mandatory state social insurance by means of improving the unified system of collection of insurance contributions, their recording, and supervision over complete and timely payments, as well as of the unified information system of insurance contribution payers and insured persons;

optimise expenditures of the funds and use their resources mainly to reimburse payments on insured events, as well as avoid non-insurance payments, which will promote prevention of poverty among the population;

ensure preparation for the implementation of general mandatory state medical insurance, which will promote higher quality of medical services for the population and help ensure provision of skilled medical aid;

secure gradual increase of minimum payment rates in the system of general mandatory state social insurance to the statutory minimum of subsistence.

In order to perfect the pension system, it is necessary to:

improve material security for workers of education, culture and health care upon retirement;

improve the procedure of pension assignment and indexation;

ensure development of a defined-contribution pension insurance system.

In order to reform the social protection system, it is envisaged to:

shift to the targeting principle in provision of social benefits and privileges;

develop and implement a system of monitoring and evaluation of social assistance programmes;

improve the social assistance system with account of results of performance evaluation of its specific programmes;

introduce the unified criterion for the family's means test carried out for determination of its right to social assistance;

bring the rate of securing the minimum of subsistence in assignment of social assistance according to the Law of Ukraine on the State Social Assistance to Low-income Families close to the minimum of subsistence;

prepare proposals on amending the legislative acts on provision of privileges to unprotected population groups and to persons having special merits for the Fatherland;

secure functioning of the information analysis system on social protection and of the unified data base of social assistance recipients;

ensure reception of the persons applying for social assistance at the bodies of labour and social protection on the "one-stop shop" basis;

raise the rate of state assistance to families with children according to the Law of Ukraine on the State Social Assistance to Low-income Families, with account of increase in the minimum of subsistence;

improve the system of social servicing for persons in difficult life circumstances and in need of outside help, particularly:

secure such persons' unhindered access to social services;

provide conditions for involvement of non-governmental entities in the provision of social services;

improve quality of social services;

secure social protection of persons with disabilities, including:

priority provision of prosthetic and orthopedic appliances to children with disabilities subject to their individual needs; increase of the rates of state social assistance according to the Law of Ukraine on State Social Assistance to Persons Disabled Since Childhood and Children with Disabilities, with account of increments in the minimum of subsistence for persons who lost working capacity and children of respective age;

comprehensive rehabilitation of persons with disabilities and children with disabilities at operating rehabilitation facilities;

creation of conditions for implementation and development of inclusive and integrated training for persons with disabilities in vocational and higher educational institutions;

address problems of homeless persons and persons released from imprisonment, particularly:

operation of facilities for homeless persons and facilities for persons released from imprisonment;

provision of social and educational services, medical aid, assistance in job placement, in document restoration and in registration of place of residence to homeless persons and persons released from imprisonment, with account of their individual needs;

providing social patronage to persons released from imprisonment;

promote charitable activities;

increase state budget expenditure for provision of housing to socially vulnerable population groups and young persons.

For the purpose of social support for families, children and youth, it is necessary to secure:

increasing competitiveness in the labour market by means of vocational guidance, training, re-training and advanced training of young people;

preventing possible negative manifestations among the youth by means of developing youth initiatives in the world of work;

building an integral system of health improvement and recreation for children, particularly those with disabilities, enhancing quality and availability of health-improvement and recreation services;

availability of pre-school education regardless of the place of residence by means of optimisation of the network of pre-school education facilities on a brand new basis, and by means of encouraging parents to acquisition of compulsory pre-school education by their children;

providing loans to young people for acquisition of higher education;

exercising and protecting the rights of orphan children and children deprived of parental care, and children with disabilities; preventing and overcoming child homelessness;

quality and availability of social services, early detection, recording and social follow-through of persons being in difficult life circumstances;

providing legal, economic and social conditions for the functioning and consolidation of the family, improving the demographic situation, ensuring equal

rights and opportunities of men and women, consolidating social partnership between the family and the State, shaping parents' responsible attitude to securing their children's all-round development and rearing, preventing family violence.

In order to improve medical services for the population, it is envisaged to:

increase the amount of financing for the state programmes and activities aimed at improving quality of medical aid provision;

introduce standards of medical treatment;

strengthen state supervision of the quality of medical aid, medicines and medical supplies as well as of their pricing;

advocate healthy lifestyles;

take measures to improve maternal and child health.

The State Targeted Social Programme for Overcoming and Preventing Poverty through 2015 defined criteria according to which poverty is assessed:

poverty line defined as per the relative criterion - 75% of median cumulative equivalent spending per adult

extreme poverty line defined as per the relative criterion - 60% of median cumulative equivalent spending per adult – and adapted to the European Union's criterion;

absolute poverty line defined as per the minimum of subsistence criterion;

absolute poverty line defined according to the criterion of daily consumption equal to USD 5, measured in purchasing power parity, for the purpose of its comparison with international indicators.

To assess poverty according to the above-listed criteria, it is envisaged to:

use data of the comprehensive sample household survey;

develop a methodology for comprehensive poverty assessment on the national and regional levels;

design and implement measures aimed at increasing reliability of poverty indicators on the regional level.

To evaluate efficiency of the Programme implementation, it is envisaged to conduct monitoring of poverty indicators and measures aimed at overcoming poverty, studying efficiency of measures of social support for certain population groups, and of experimental research of the population's poverty behaviour in terms of living conditions at the Programme beginning and after its implementation.

In order to ensure transparent systematic analysis of the performance of tasks under specific Programme areas, the following core indicators of socio-economic development will be monitored:

real gross domestic product index;

per capita gross domestic product;

job creation dynamics (growth rate of the quantity of newly created jobs);

employment rate of the population aged 15-70;

unemployment rate of the population aged 15-70 determined according to the International Labour Organisation's methodology;

ratio between the state social guarantees and the minimum of subsistence;

average monthly wage;

real wage index;

percentage of workers whose accrued wage is equal to or less than the minimum wage;

percentage of workers whose wage is higher than the average level in the country;

ratio between the average monthly wage and the actual minimum of subsistence;

wage payment dynamics (total arrears in percent as compared to the same date of the previous year and to 1 January of the current year);

ratio between the minimum pension and the average pension;

ratio between the average pension and the average wage;

amounts of state social benefits (by type);

ratio between the number of the homeless persons and persons released from imprisonment in need of re-integration into society and social adaptation, on the one hand, and the number of beds in facilities for homeless persons and facilities for persons released from imprisonment, on the other hand;

number of homeless persons and persons released from imprisonment who were rendered assistance for re-integration into society and social adaptation, according to yearly estimate;

poverty level as per the relative criterion;

poverty level as per the relative criterion of extreme poverty;

poverty level as per the absolute criterion;

poverty level as per the absolute criterion for comparison with international indicators.

EXPECTED PERFORMANCE RESULTS
of the State Targeted Social Programme for Overcoming and Preventing
Poverty through 2015

Target name	Target achievement indicator names	Indicator values by years				
		2011	2012	2013	2014	2015
Poverty level reduction	Poverty level, percent:					
	as per the relative criterion	24.1	24	24	23.9	23.9
	including:					
	among working persons	19.5	18.5	18	17	15
	among children	32	31.5	31	30	29
	as per the relative criterion of extreme poverty	11.2	11.1	11.1	11	10.9
	as per the absolute criterion	14	12.5	10	8	5
	as per the absolute criterion for comparison with international indicators	2	1.5	1	1	0.5

Based on results of consideration of the Ukrainian Government's 1st Report, the European Committee for Social Rights requested to specify in the next Report information on the percentage of the socially excluded population, and to provide indicators used to measure social exclusion, with relevant statistical data.

Performance results of the State Targeted Social Programme for Overcoming and Preventing Poverty through 2015 for 2011:

- poverty level as per the relative criterion amounted to 24.3%;
- extreme poverty level amounted to 10.7%;
- poverty level as per the absolute criterion (minimum of subsistence) amounted to 14.6%;
- poverty level as per the absolute criterion for comparison with international indicators amounted to 1.7%.

Based on results of consideration of the previous Report, the European Committee for Social Rights requested to specify in the next Report information on the way the organisations of trade unions, employers, scientists and representatives of non-governmental organisations are involved in review of poverty reduction measures, and to give examples.

The State Targeted Social Programme for Overcoming and Preventing Poverty through 2015 was agreed upon with the parties to social dialogue and with non-governmental organisations.

To keep the parties to social dialogue continuously informed on the poverty situation, according to the General Agreement on regulation of basic principles and norms of realisation of socio-economic policy and labour relations in Ukraine for 2010-2012, the parties to social dialogue are provided information on the quarterly basis concerning:

- actual minimum of subsistence per capita per month, and for persons belonging to main social and demographic population groups, Ukraine-wide;
- basic indicators of living standards and poverty;
- status of development and approval of social standards and rates.