



European
Social
Charter

Charte
sociale
européenne



25/04/2015

RAP/RCha/UKR/7(2015)

EUROPEAN SOCIAL CHARTER

7th National Report on the implementation of
the European Social Charter

submitted by

THE GOVERNMENT OF UKRAINE

- Article 7, 8, 16, 17, 27, 31 for the period
01/01/2010 – 31/12/2013
- Complementary information on Articles 3§4, 11§2
and 30 (Conclusions 2013)

Report registered by the Secretariat on
25 April 2015

CYCLE 2015

REVISED EUROPEAN SOCIAL CHARTER

7th

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

submitted by

THE GOVERNMENT OF UKRAINE

(Articles 7, 8, 16, 17, 27, 31 for the period 2010–2013)

Complementary information on Article 3§4, Article 11 §2 and
Article 30 (Conclusions 2013)

REVISED EUROPEAN SOCIAL CHARTER

7th

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

for the reference period

2010– 2013

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

Complementary information on Article 3§4, Article 11 §2 and
Article 30 (Conclusions 2013)

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

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

TABLE OF CONTENTS	Page
ARTICLE 7 – THE RIGHT OF CHILDREN AND YOUNG PERSONS TO PROTECTION PARAS. 1, 2, 4, 5, 6, 7, 8, 9, 10	5-43
ARTICLE 8 - THE RIGHT OF EMPLOYED WOMEN TO PROTECTION OF MATERNITY PARAS. 1, 2, 3, 4, 5	44-53
ARTICLE 16 - THE RIGHT OF THE FAMILY TO SOCIAL, LEGAL AND ECONOMIC PROTECTION	54-67
ARTICLE 17 - THE RIGHT OF CHILDREN AND YOUNG PERSONS TO SOCIAL, LEGAL AND ECONOMIC PROTECTION PARAS. 1, 2	68-91
ARTICLE 27 - THE RIGHT OF WORKERS WITH FAMILY RESPONSIBILITIES TO EQUAL OPPORTUNITIES AND EQUAL TREATMENT PARAS. 1, 2, 3	92-101
ARTICLE 31 – THE RIGHT TO HOUSING PARAS. 1, 2	102-116
Appendix to Article 7§ 1 – 2 pages; to Article 7 § 3 – 2 pages	
Complementary information on Article 3§4, Article 11§2, Article 30	117- 120

Article 7 – The right of children and young persons to protection

Article 7§1

General legal framework

The national legislation has not been changed during the reporting period. The list of relevant legislative acts referred to in the previous report by thematic group “Children, families and migrants” is still valid.

In addition to information provided in the previous report it should be mentioned that the Ukrainian legislation prohibits children engagement to the worst forms of child labor. A list of the worst forms of child labor is laid down in the Article 21 of the Law of Ukraine “On Childhood Protection” dated April 26, 2001 No. 2402-III and includes:

- all forms of slavery or slavery-like practice, in particular child sale and trafficking, indebtedness, as well as forced or compulsory labor including forced or compulsory children recruitment to use them in armed conflicts;
- use, recruitment, or offering child for prostitution, pornographic materials production or pornographic performances;
- use, recruitment, or offering child for illegal activity
- work which may be harmful for child's physical or mental health due to its character and work conditions.

Measures for application of legal regulations Responses to the additional questions of the European Committee of Social Rights

Q. 1. The Committee assesses that the definition of light work provided for in the national legislation is not sufficiently precise because there is no definition of the types of work which may be considered light or a list of those which are not.

Regarding work done at home, States are required to monitor the conditions under which it is performed in practice. The Committee asks what is the situation regarding work done at home for children under 15 years of age: are there certain conditions under which this form of employment may be allowed for children under 15 and how is the monitoring of the situation in practice carried out.

Response: The Ministry of Social Policy of Ukraine approved an expert and consulting council on the European Social Charter (revised) on continuing basis by its order dated April 23, 2013, which includes representatives of ministries, social partners, academia, and NGOs. One of the Council meetings considered proposals regarding a definition to the term „light work”. Research and Development Institute for Labor and Employment

has completed targeted research of legislation and its application in the framework of Article 7§1 of the Charter and provided recommendations on ways of bringing national legislation and case law in compliance with the provisions of the Charter. Currently they are being processed with the participation of social partners. Also a draft Cabinet of Ministers of Ukraine regulation was prepared in regard to activities aimed to implement the provisions of the European Social Charter (revised) in 2015 - 2019 envisaging a study of the issue of definition for the term “light work” in the national law and preparation of light works list for children.

Currently, within the framework of new draft Labor Code of Ukraine preparation it is scheduled to include provisions defining “light work for minors” into the Code, namely: light work for minors means a work that may not endanger health, life, and mental and physical development of minors, and may not prevent them to study in educational institutions. The list of works, where the employment of minors is allowed shall be determined by the central executive body.

It should be mentioned that in 2012, the State Statistics Service of Ukraine with the research participants Ptoukha Institute for Demography and Social Studies of the National Academy of Sciences of Ukraine in cooperation with UNICEF and under support of the United States Agency for International Development (USAID) and the Swiss Agency for Development and Cooperation carried out Multiple Indicator Cluster Survey (hereinafter referred to as MICS) of households, particularly on the situation of the work done at home by children under the age of 15.

The MICS household questionnaire includes a separate module on the issue of child labor among children 5-14 years old (UNICEF methodology differs significantly from the ILO's one).

The child is deemed involved in one or another form of child labor at the moment of survey if during the past week before the survey:

- child of age 5-14 did any work for at least one hour or spent at least 28 hours doing household chores;
- child of age 12-14 did any work for at least 14 hours or spent at least 28 hours doing household chores;

This definition enables distinction between child labor and household chores to determine type of works to be excluded from calculation. Annex to Article 7 para. 1 presents data for child labor with breakdown by the types of work. Please note that percentages in total do not compose the full scope of child labor, since children may be involved in several types of work.

In the age group 5-11 years, doing household chores for less than 28 hours a week prevails. 68.0% children aged 5-14 years were involved in such work. 9.4% children in age group 12-14 years were involved in such work.

Occurrence of paid or unpaid work for someone who is not a member of children's household is at minimum level. Only 0.3% children aged 5–11 years were paid for their work done, and among children aged 12–14 years – 1.3%. Percentage of children who did unpaid work for someone who is not a member of their household was slightly

higher: 2.4% – among children aged 5–11 years and 4.7% – among children aged 12–14 years. 0.6% of children aged 5–11 years and 1.1% of children aged 12–14 years did work for their family business (work on a family farm or in a family business or selling goods in the street). Only insignificant percentage of children in both age groups did household chores more than 28 hours a week.

Pursuant to the MICS results, 3.4% children aged 5–11 years and 0.3% children aged 12–14 years are involved in various forms of child labor. Total percentage of children aged 5–14 years involved in various forms of child labor in Ukraine is 2.4%. Percentage of children aged 5–11 years involved in child labor vary from 1.5% – in the East to 6.6% – in the central part of Ukraine. The percentage in rural area is higher (5.8%) than in urban (2.3%).

Statistics

Pursuant to the Statutes of the State Labor Inspection approved by the Presidential Decree dated April 06, 2011 No. 386/2011 the State Labor Inspection (SLI) shall exercise **state supervision** (control) over the labor sphere in Ukraine, including labor of minors.

	Quantity of violations revealed (items)			
	2010	2011	2012	2013
Article 188 of LCU “Minimum Age for Employment”	19	14	11	23
Measures taken to influence employers	18 prescripts handed over to eliminate violations; 11 administrative offence reports drawn up	14 prescripts handed over to eliminate violations; 12 administrative offence reports drawn up	11 prescripts handed over to eliminate violations; 8 administrative offence reports drawn up	23 prescripts handed over to eliminate violations; 15 administrative offence reports drawn up

Article 7§2

General legal framework

The national legislation has not been changed during the reporting period. The list of relevant legislative acts referred to in the previous report by thematic group “Children, families and migrants” is still valid.

Measures for application of legal regulations Responses to the additional questions of the European Committee of Social Rights

Q. 1. The Committee recalls that if hazardous work proves absolutely necessary for their vocational training, young workers may be permitted to perform it before the age of 18, but only under strict, expert supervision and only for the time necessary. The Labor Inspectorate must monitor these arrangements. The Committee asks for detailed information on possible arrangements for performing hazardous work during vocational training and how is the monitoring ensured.

The Appendix to Article 7§2 of the Charter also permits exceptions in cases where young persons under the age of 18 have completed their training for performing dangerous tasks and, thus, received the necessary information. The Committee asks whether there are any exceptions under Ukrainian legislation permitting for employment of young workers in such a case and if so, what are the rules governing the employment in such case.

Response: Pursuant to the Regulation on vocational training for under-aged persons in professions related to harmful or hazardous work conditions approved by the Order of the State Committee for Occupational Health and Safety Surveillance dated December 30, 1994 No.130 (*registered in the Ministry of Justice of Ukraine on January 20, 1995 under No.14/550*), under-aged persons shall be enrolled at the educational institutions which train under-aged persons in professions related to harmful or hazardous work conditions in accordance with the Typical Rules of Enrollment at Vocational Training Institutions approved by the Order of the Ministry of Education and Science of Ukraine dated June 06.,2006 No.441 (*registered in the Ministry of Justice of Ukraine on July 05, 2006 under No.790/12664*).

Under-aged persons shall pass mandatory medical examination aimed to determine their professional suitability as it pertains to health condition.

Under-aged persons are enrolled at these institutions under condition that they will be aged 18 years when graduated.

Female students shall not be enrolled at these institutions for training in the professions listed in the “List of hard works and works with harmful or hazardous work conditions where use of female labor is prohibited” as approved by the Order of the Ministry of Health of Ukraine dated December 29, 1993 No. 256 (*registered in the Ministry of Justice of Ukraine on March 30, 1994 under No. 51/260*).

Training in health protection

Under-aged persons acquire knowledge and skills in the area of health protection during vocational theoretic and vocational practice training. Training programs and curricula should envisage general training in occupational health and safety for at least 30 hours. In addition, specific issues of occupational health and safety related to hazardous works are considered within the special training courses and integrated in studying of industrial technology.

In the process of under-aged persons training, their knowledge is replenished and solidified with briefings on occupational health and safety issues to be carried out and registered in accordance with the Typical regulation on the procedure for training and examination on occupational health and safety approved by the Order of the State Committee for Occupational Health and Safety Surveillance dated January 26, 2005 No.15 (*registered in the Ministry of Justice of Ukraine on February 15, 2005 under No. 231/10511*) and the Regulation on organization of occupational health and safety work for education/bringing-up process participants in entities and educational institutions approved by the order of the Ministry of Education and Science dated January 08, 2001 No. 563 (*registered in the Ministry of Justice of Ukraine on November 20 2001 under No. 969/6160*).

Carrying out on-the-job training and practicing

Current in-house occupational health and safety regulations, rules, standards and guidelines of the enterprise shall be applied to under-aged persons participating in on-the-job training or practicing in industry conditions at the enterprise.

Under-aged persons shall pass mandatory medical examination before the start of their on-the-job training or practicing at the enterprise.

Under-aged persons shall pass special training on occupational health and safety before the start of their on-the-job training or practicing within the scope of current training programs at the enterprise and with examination of their knowledge in accordance with a procedure established at the enterprise. Duration of the training shall be at least as long as envisaged in the industry occupational health and safety rules.

Under-aged persons when doing their on-the-job training or practice may be located at facilities and workplaces related to works with harmful or dangerous work conditions at most 4 hours per day on condition that current occupational health standards are met there.

Under-aged persons work as alternate trainees on appropriate workplaces during first 10-15 shifts of their on-the-job training. Having completed their internship they shall pass examination on machinery and mechanisms operation skills and rules of equipment safely operation in order to determine preparedness of under-aged persons to further work on regular workplaces.

Permanent professional board for occupational health and safety at the enterprise provides permit for works performance and operation of objects, machinery and mechanisms, hazardous equipment (the hazardous works) to the under-aged trainees who demonstrate needed knowledge and skills. The works have to be done under surveillance of an experienced worker-trainer (foreman of vocational training).

Persons from educational institution responsible for the on-the-job training and practice carrying out shall be appointed by an order of the institution head. They are obliged to control establishing appropriate, safe, and healthy conditions for under-aged persons work at the enterprise, briefing and training the latter on occupational safety, fire safety, and meeting occupational health and safety requirements by under-aged workers.

Persons from host enterprise responsible for the under-aged persons' on-the-job training and practice management shall be appointed by an order of the enterprise head.

Persons responsible for the under-aged persons on-the-job training and practice from the host enterprise and from the educational institution shall not allow use of the under-aged persons at works not envisaged in the agreement between the enterprise and the educational institution or independent works (i.e. without trainer surveillance) included in the list of hazardous works approved by Order of the State Committee for Occupational Health and Safety Surveillance dated January 26, 2005 No. 15 (*registered in the Ministry of Justice of Ukraine on February 15, 2005 under No. 232/10512*) unless they pass through specific training and occupational health and safety knowledge check.)

Assignment of minors to experienced worker-trainers shall be formalized in the same enterprise order, that appoints qualified specialists responsible for organization and safely carrying out the training on site (in the shop) and for assistance delivery to trainees in acquiring their profession.

Only qualified specialists with work experience at least three (3) years in the profession may be appointed as worker-trainers for training under-aged persons. The trainer (foreman of vocational training) shall do the following activities before and during the work execution by his/her under-aged trainee:

- To brief him/her on safely working methods;
- to control the observance of occupational health and safety requirements, fire safety, acquired safe methods of work during the work;
- to monitor the operability of equipment, tools, personal and collective protective equipment used in the work process;
- to take appropriate measures and stop work should any danger to health or life of the under-aged persons or surrounding employees or other minors occurs or if the under-aged person uses unsafe working methods.

An under-aged trainee is obliged:

- care for personal safety and health, as well as for safety and health of people around him/her while executing any work or during being in the enterprise's territory;
- know and meet requirements of regulatory and legal acts on occupational health and safety, guidelines on occupational health and safety for certain professions and types of

work, rules of operation for machinery, mechanisms, equipment and other means of production, use of collective and individual protection equipment;

- to fulfill obligations for occupational health and safety provided in the collective agreement (employment contract) and internal labor regulations of the enterprise;

- to perform any works during their practice or on-the-job training only upon request and under the direct stewardship or supervision of his/her worker-trainer (foreman of vocational training), whom he/she is assigned;

- do not enter shops, production facilities, mines and other objects unrelated to his/her on-the-job training or practice without permission of his/her worker-trainer (foreman of vocational training);

- should the industrial situation occur that threaten his/her life or health of people around or environmental security, to inform his/her worker-trainer (foreman of vocational training) or another officer of the danger, and then act according to the rules of conduct during an accident;

- to fulfill personal and occupational hygiene rules.

Transfer of under-aged trainees from one work object to another (from one type of works to another) shall be done only through an order of the enterprise in consultation with the educational institution, and only after a briefing on occupational health and safety in the new workplace, and in the cases envisaged by regulations on occupational health and safety and after an appropriate specific training and examination.

Should the under-aged trainee repeatedly violate occupational health and safety requirements, the issue of his/her further practicing or on-the-job training shall be decided jointly by the enterprise and the institution management.

Under-aged trainees, who have completed their training but failed to pass examination on occupational health and safety skills and safely methods of work and to get a permit for hazardous works, shall continue their on-the-job practice as alternate trainees. A new examination of their knowledge shall be carried out not earlier than two weeks after.

Statistics

The State Labor Inspection of Ukraine carries out state supervision (control) how employers fulfill requirements of the Article 190 of the Labor Code of Ukraine regarding under-aged persons work in hard and unhealthy conditions.

	Quantity of violations revealed (items)			
	2010	2011	2012	2013
Article 190 of the Labor Code of Ukraine “Works where involvement of persons under 18 years of age is prohibited”	19	17	13	11
Measures taken to influence employers	19 prescripts handed over to eliminate violations; 12 administrative offence reports drawn up	17 prescripts handed over to eliminate violations; 9 administrative offence reports drawn up	13 prescripts handed over to eliminate violations; 8 administrative offence reports drawn up	11 prescripts handed over to eliminate violations; 6 administrative offence reports drawn up

Article 7§3

General legal framework

The national legislation has not been changed during the reporting period. The list of relevant legislative acts referred to in the previous report by thematic group “Children, families and migrants” is still valid.

**Measures for application of legal regulations
Responses to the additional questions
of the European Committee of Social Rights**

Q. 1. To enable it assess the situation concerning Article 7§3, which requires time worked to be limited so as not to interfere with children's school attendance, receptiveness and homework, the Committee asks what daily working hours are permitted during the school year. The Committee wishes to know the number of hours that may be worked per day both during the holidays and in the course of the school year.

Specifically, as regards work during school holidays, the Committee refers to its interpretative statement on Article 7§3 in the General Introduction. It asks the next report to indicate whether the situation in Ukraine complies with the principles set out in this statement. In particular, it asks whether the rest period free of work has duration of at least two consecutive weeks during the summer holiday. It also asks what are the rest periods during the other school holidays.

Response: As provided in the previous report and pursuant to the Article 51 of LCU, short working hours are established as follows:

for employees 16-18 of age – 36 hours per week, for persons 15-16 of age (pupils of secondary schools 14-15 years of age if working during school holidays) – 24 hours per week

Working hours for secondary school students, working during the school year in time free from studies, shall not exceed half of maximum duration of working hours indicated above for persons of respective age. Therefore duration of working hours during the school year for pupils of secondary schools 14-16 years of age is 12 hours per week, and for pupils 16-18 years of age – 18 hours per week. Based on a five-day working week the working hours for pupils from these age groups shall be 3.2 hours per day (for 14 to 16 years of age) and 3.6 hours per day (for 16 to 18 years of age).

Temporary employment of more than 1 thousand persons (pupils and students) wishing to work in their free from studies time is provided yearly under the auspices of State Employment Service, by way of young persons involvement in welfare works organized by employment centers in cooperation with local authorities.

1.3 – 1.7 thousand under-aged persons from among unemployed persons registered in the employment centers.

About 2 thousand clients of employment services (unemployed, under 18 years old) acquire yearly new professions, retrain or improve their skills in order to enhance their employability and competitiveness in the labor market.

About rest time

Article 6 of the Law of Ukraine “On leaves” dated November 15,1996 № 504/96 VR (hereinafter referred to as the Law No. 504/96) envisages that duration of annual main leave for persons under the age of 18 shall be 31 calendar days.

Pursuant to the Article 10 of the Law No. 504/96 the full scope annual leave shall be provided at the request of the employee, inter alia, to the persons under the age of 18 years in the first year of their employment for the company before the six months of their continuous service are completed.

Persons under the age of 18 years are entitled to use their leave whenever it is convenient to them.

It is forbidden to not provide the full scope annual leave within the working year to persons under the age of eighteen years (Article 11 of Law No. 504/96).

If the person under the age of 18 years or other persons wish to divide their leave in parts, the main continuous part of the leave shall be at least 14 calendar days (Article 12 of the Law No. 504/96).

Therefore a person under the age of 18 years is entitled to use his/her annual leave in full scope at any time, or use it in parts, one of which shall not be less than 14 calendar days.

Appendix to Article 7 para.3 presents information regarding:

- services delivery by State Employment Service to youth under 18 years old for 2012-2013;
- services delivery by State Employment Service to youth that at the moment of application were less than 18 years old for 2013.

Statistics

	Quantity of violations revealed (items)			
	2010	2011	2012	2013
Article 51 LCU “Short working hours”	80	48	52	63
Measures taken to influence employers	76 prescripts handed over to eliminate violations; 58 administrative offence reports drawn up	48 prescripts handed over to eliminate violations; 37 administrative offence reports drawn up	50 prescripts handed over to eliminate violations; 34 administrative offence reports drawn up	62 prescripts handed over to eliminate violations; 50 administrative offence reports drawn up

Article 7§4

General legal framework

The national legislation has not been changed during the reporting period. The list of relevant legislative acts referred to in the previous report by thematic group “Children, families and migrants” is still valid.

Measures for application of legal regulations Responses to the additional questions of the European Committee of Social Rights

Q. 1. The Committee asks what is the percentage of the enterprises, out of the total number of enterprises, which are inspected annually by the Labor Inspectorate with regard to working time of young workers.

Response: The percentage of the enterprises, out of the total number of enterprises, which are inspected annually by the Labor Inspectorate with regard to working time of young workers, is about 2 percents.

Article 7§5

General legal framework

The national legislation has not been changed during the reporting period. The list of relevant legislative acts referred to in the previous report by thematic group “Children, families and migrants” is still valid.

Measures for application of legal regulations Responses to the additional questions of the European Committee of Social Rights

Q. 1. The Committee takes note of the activity of Labor Inspectorate. It asks what is the percentage of the enterprises, out of the total of the enterprises, which are inspected annually by the Labor Inspectorate with regard to the pay of young workers and apprentices

Response: The issue of pay of young workers and apprentices is not considered separately during annual inspections by the Labor Inspectorate.

The issue of justice administration with regard to the pay for under-aged person's labor is considered during the annual inspections as a separate focus area.

Q. 2. The report states that young workers under 18 who work short daily working hours are paid the same wage as the employees of their respective category who work full daily working hours. The Committee asks whether this statement should be understood that the young workers receive "same hourly wage", or "same monthly wage", in comparison to adult workers.

Response: Short working hours for under-aged persons means that their reduced working hours are paid at the same wage rate (the same salary) as the standard (normal) work time of adult employee of the same profession, skill and par ceteris paribus.

Q. 3. In order to make its assessment, the Committee would need the same indicators as those requested under Article 4§1, i.e. the net average wage and the net minimum wage.

Since the report does not provide this information, the Committee asks that it be included in the next report.

Response: Taking into account the above information of the short working hours for under-aged persons we would like to note additionally the following.

The minimum wage is 1218 UAH in 2014.

The average monthly salary in January-December 2013 was increased by 7.9 percent as compared with the same period of the previous year and amounted to 3265 UAH.

The average monthly salary in July 2014 was 3537 UAH that is 2.6% more than for the same period of 2013.

The average monthly salary in January- July 2014 was 3395 UAH that is 5.0 % more than for the same period of 2013.

Q. 4. Apprentices may be paid lower wages, since the value of the on-the-job training they receive must be taken into account. However, the apprenticeship system must not be deflected from its purpose and be used to underpay young workers. Accordingly, the terms of apprenticeships should not last too long and, as skills are acquired, the allowance should be gradually increased throughout the contract period: starting from at least one-third of the adult starting wage or minimum wage at the commencement of the apprenticeship, and arriving at least at two-thirds at the end.

The Committee asks that next report indicates what is the situation regarding the pay of apprentices in relation to the points raised above.

Response: Procedure of pay to apprentices during their apprenticeship when carried out immediately in production site is defined in the Regulation on payment for labor during apprenticeship, retraining, or training to other professions approved by the Cabinet of Ministers of Ukraine Decree dated June 28, 1997 No. 700 (hereinafter referred to as the Regulation).

Para 2 of the Regulation stipulates that apprentices are paid in case of individual training for worker professions with piece rate wage system as follows: for the first month of apprenticeship at the rate of 75 percent, for the second – 60%, for the third – 40%, for the fourth and subsequent months till the end of the apprenticeship as envisaged in the program – 20% of the first class grade rate for appropriate profession at the enterprise.

In addition, apprentices are paid for all suitable products produced by them in accordance with current enterprise's standards and rates.

Apprentices are paid in case of individual training for worker professions with time-based wage system as follows: for the first and second months of apprenticeship at the rate of 75 percent, for the third and fourth months – 80%, for the subsequent months till the end of the apprenticeship as envisaged in the program – 90% of the first class grade rate for appropriate profession at the enterprise.

Pursuant to the Para 5 of the Regulation apprentices shall be paid in case of training for the worker professions, where the first grade is not envisaged pursuant to the job and profession skill manual, on the basis of the lowest grade rate for the profession.

In the case of training immediately at production site for worker professions where monthly rate is envisaged, apprentices are paid on the basis of minimum monthly rate for the enterprise in accordance with the procedure envisaged for apprentices training for worker professions with time-based wage system (paragraph 6 of the Regulation).

Statistics

	Quantity of violations revealed (items)			
	2010	2011	2012	2013
Article 194 of LCU “Payment for labor of employees under 18 years with short daily working-hour”	33	27	27	40
Measures taken to influence employers	33 prescripts handed over to eliminate violations; 22 administrative offence reports drawn up	26 prescripts handed over to eliminate violations; 18 administrative offence reports drawn up	27 prescripts handed over to eliminate violations; 19 administrative offence reports drawn up	40 prescripts handed over to eliminate violations; 28 administrative offence reports drawn up

Article 7§6

General legal framework

During the reporting period, the Verkhovna Rada of Ukraine on January 21, 2012 adopted the Law of Ukraine “On Professional Development of Employees”.

The goal of state policy in the area of employee professional development is to increase their competitiveness in accordance with the society needs through facilitating the employer in efficient use of their labor, and ensuring achievement of worthy professional level by staff.

The primary areas of employers' activity in the field of employees' professional development are as follows:

- development of current and prospective plans for professional training of employees;
- determining types, forms and methods for vocational training of employees; development and implementation of working curricula and programs for professional training of employees;
- organization of employees' professional training;
- selection of teachers and specialists for employees' professional training of immediately at the employer's facilities;
- to maintain primary and statistical accounting of workers, in particular, of those who have been trained;
- to facilitate employees' professional promotion.
- to ensure refreshment training for employees immediately at the employer's facility or in educational institutions usually at least every 5 years
- to determine frequency of employees' certification and its organization;
- analyzing results of certification and implementation of measures to improve the professional level of employees.

Measures for application of legal regulations

Responses to the additional questions of the European Committee of Social Rights

Q. 1. The Committee asks what is meant by “resident professional development training” and what are the levels of reimbursement.

Response: In order to meet needs of its business activity or other activity an employer may at its own expense organize skills upgrade training for its employees on a contractual basis with involvement of vocational and higher educational institutions, as well as other enterprises, institutions, or organizations.

The “resident professional development training” means off-the-job skills upgrade training – a professional development training to be carried out within conventional business hours. During the training the employee is not present at his/her workplace and does not fulfill his/her professional assignments and responsibilities. Usually the off-the-job skills upgrade training is carried out through full-time in-class programs or part-time programs.

The skills upgrade training is aimed to ensure consistent improvement of professional knowledge and skills, increase of workmanship and professionalism. The training may take place for example in skills upgrade centers at educational institutions.

Pursuant to the Cabinet of Ministers of Ukraine Decree dated June 28, 1997 No. 695 “On guarantees and compensations for workers who are sent for off-the-job skills upgrade training, primary training, retraining, vocational training for another profession” the following state guarantees are provided for the employees who are sent for the off-the-job skills upgrade training, primary training, retraining, vocational training for another profession:

- Their average wage at their principal place of work is paid them during the whole training period
- Travel expenses are paid for travel to the place of training and back.

The employees are provided with accommodation in hotel-type dormitory for the whole period of training.

Travel expenses, per diem for the period of travel and training, living allowances, reimbursement of expenses for accommodation are paid to the employees who are sent for the off-the-job skills upgrade training at their principal place of work.

***Q. 2.** The Committee asks whether these rules apply also to training followed by young people with the consent of the employer and which is related to the work carried out, but which is not necessarily financed by the latter. It asks also whether there are any exemptions for certain categories of workers or trainings.*

Response: In accordance with the Article 29 of the Law of Ukraine “On Employment of the Population” students of universities and vocational institutions having acquired profession (qualification) with educational and qualification level “qualified worker”, “junior specialist”, “bachelor”, “specialist” and continuing their training at next educational and qualification level have the right to undertake an internship for the profession (specialty) studied at the employers production site and on conditions determined in the contract for internship in time free from studies.

The goal of the internship is to gain experience in performance of professional assignments and responsibilities, to improve professional knowledge and skills, to learn and master new technologies, machinery, and gain additional competencies. Period of the internship shall be recorded by the employer in the student's work record book.

Procedure for the internship contract signing and typical form of the contract are approved by the Cabinet of Ministers of Ukraine Decree dated January 16, 2013 No. 20.

If the student (pupil) performs professional work during the internship, the employer shall pay for all works performed in accordance with the assignments provided as prescribed in the legislation.

Article 7§7

General legal framework

The national legislation has not changed during the reporting period. The list of relevant legislative acts referred to in the previous report by thematic group “Children, families and migrants” is still valid.

Measures for application of legal regulations Responses to the additional questions of the European Committee of Social Rights

Q. 1. The Committee asks whether Ukrainian law allows for young workers to relinquish their annual leave in return for paid work and whether in the event of illness or accident during the holidays, they have the right to take the leave lost at some other time.

Response: The Article 80 of the Labor Code of Ukraine and the Article 11 of the Law No. 504/96 prohibits not granting full scope annual leave for two consecutive years, and not granting them during the working year to persons under the age of eighteen and employees who are entitled to an additional annual leave for work with hazardous and hard or work with specific character of labor.

Also it is not allowed to replace any type of leave with monetary compensation for employees under the age of 18 years (Article 83 of the Labor Code of Ukraine and Article 24 of the Law No. 504/96).

In accordance with LCU, Article 80 “Shifting an annual leave” the annual leave shall be shifted to another time period on the employee's request in the following cases:

- The owner or its authorized body violated deadline for written notice delivery to the employee regarding the time of his/her annual leave (part 5 of Article 79 (LCU));
- The owner or its authorized body fail to pay the employee's salary for his/her annual leave;

The annual leave must be shifted to another period or extended in the following cases:

- temporary incapacity to work as certified in accordance with the established procedure;
- performance of state or community duties by the employee if he/she is to be released from the work during this time with pay;
- coming-in date of maternity and childbirth leave;
- coincidence annual leave and students' leave

On exceptional basis the annual leave may be shifted to another time at the initiative of the owner or its authorized body only with the written consent of the employee and with an approval of primary trade union organization elected body (trade union representative). This may be done if a provision of the annual leave in previously specified period may adversely affect the normal course of running the enterprise,

institution, organization, and provided that the partial leave with duration at least 24 calendar days will be provided in the current working year.

In case of the annual leave shifting, the new date of its delivery shall be agreed between the employee and the owner or its authorized body. If the reasons causing shift of the leave to another period occurred during the leave, the not used portion of the annual leave shall be granted after disappearance of the interrupting reasons or shifted to another period on mutual agreement in accordance with the Article 12 of the Law No. 504/96 .

Not granting the full scope annual leave for two consecutive years in a row, or not granting it during the working year to persons under the age of eighteen or employees who are entitled to an additional annual leave for work with hazardous and hard conditions or work with specific character of labor shall be prohibited.

Q. 2. The Committee asks what is the percentage of the enterprises, out of the total of the enterprises, that are inspected annually by the Labor Inspectorate with regard to the paid annual holidays of young workers.

Response: The percentage of the enterprises, out of the total number of enterprises that are inspected annually by the Labor Inspectorate with regard to the paid annual holidays is 40 through 50 percents.

Statistics

	Quantity of violations revealed (items)			
	With breakdown by years			
	2010	2011	2012	2013
Article 75 of LCU “Duration of annual main leave” (<i>Duration of annual main leave for persons under the age of 18 shall be 31 calendar days</i>).	203	183	121	295
Measures taken to influence employers	196 prescripts handed over to eliminate violations; 64 administrative offence reports drawn up	179 prescripts handed over to eliminate violations; 58 administrative offence reports drawn up	118 prescripts handed over to eliminate violations; 48 administrative offence reports drawn up	290 prescripts handed over to eliminate violations; 120 administrative offence reports drawn up

Article 7§8

General legal framework

The national legislation has not changed during the reporting period. The list of relevant legislative acts referred to in the previous report by thematic group “Children, families and migrants” is still valid.

Measures for application of legal regulations Responses to the additional questions of the European Committee of Social Rights

Q. 1. The report states that, according to Article 192 of the Labor Code, young workers under 18 may not be employed in night work, overtime work and work on days off.

The Committee asks whether there are any exceptions from this rule for certain occupations.

Response: There are no exceptions. Neither the employee consent nor any other condition may be a base for young workers under 18 employment in night work, overtime work, or work on days off.

Q. 2. The Committee notes that a draft of new Labor Code is being prepared which sets rules for prohibition of employment of persons under 18 in night works, overtime works, works on days off, days of state and religious holidays with the exception of young workers participating in performing and/or creating art works allowed to work in night time. The Committee wishes to be informed on the future developments in the next report.

Response: In accordance with the Article 16 of the Law of Ukraine “On Committees of the Verkhovna Rada of Ukraine” the VR Committee for Social Policy and Labor considered the draft Labor Code of Ukraine on June 4, 2014 (registration No. 2902 revised). The draft Code was submitted by the people deputies of Ukraine O. Stoian and Y. Sukhyi and it was proposed to take the draft as a basis.

Statistics

	Quantity of violations revealed (items)			
	With breakdown by years			
	2010	2011	2012	2013
Article 192 (LCU) “Prohibition of employment of persons under 18 in night works, overtime works, works on days off”	53	37	21	8

Measures taken to influence employers	53 prescripts handed over to eliminate violations; 27 administrative offence reports drawn up	37 prescripts handed over to eliminate violations; 22 administrative offence reports drawn up	21 prescripts handed over to eliminate violations; 13 administrative offence reports drawn up	8 prescripts handed over to eliminate violations; 6 administrative offence reports drawn up
--	---	---	---	---

Article 7§9

General legal framework

The national legislation has not changed during the reporting period. The list of relevant legislative acts referred to in the previous report by thematic group “Children, families and migrants” is still valid.

Measures for application of legal regulations Responses to the additional questions of the European Committee of Social Rights

Q. 1. The Committee asks what do the initial and periodic medical check-ups consist in and whether they take into account the specific situation of young workers and the particular risks to which they are exposed. It asks whether the same intervals of one year are applied also in the case of young workers trained in professions involving carrying out of hard works, works in unhealthy or hazardous working conditions.

Response: In pursuance of the Article 17 of the Law of Ukraine “On occupational health and safety” a procedure was developed for conducting medical examinations of certain categories workers (hereinafter referred to as the Procedure) (approved by the Order of the Ministry of Health dated May 21, 2007 No. 246, and registered in the Ministry of Justice of Ukraine on July 23, 2007 under No. 846/14113), that defines the procedure for preliminary (when hiring) and regular (during the work) medical examinations of workers engaged in heavy works, works with hazardous or dangerous conditions, or works where there is a need in professional selection, as well as annual compulsory medical examination of persons under the age of 21 years.

In accordance with item 1.4 of the Procedure the preliminary medical examination shall be carried out when hiring for the following purposes:

- to determine the state of the worker's health, record his/her initial unbiased health indicators and determine possibility to perform professional duties by him/her under specific harmful and hazardous factors of working environment and working process without health reduction;
- to detect occupational diseases (poisoning) that arose earlier when working at previous production sites, to prevent job-caused and occupational diseases (poisoning).

In accordance with item 1.5 of the Procedure the regular medical examinations shall be carried out for the following purposes:

- timely detection of early signs of acute and chronic occupational diseases (poisoning), general and job-caused diseases of workers;
- provide dynamic monitoring of workers' health under and within harmful and hazardous factors of production and the labor process;
- addressing the issue of possibility for the employee to continue his/her work under and within specific harmful and hazardous factors of production and the labor process;

- development of individual and group health care and rehabilitation measures for employees classified within a risk group in accordance with the results of the medical examinations;
- carrying out appropriate curative measures.

Frequency of the examinations is determined depending on the impact of specific hazards to the worker's health, as well as on involvement of specific professionals conducting the medical examinations (in accordance with the List of harmful and dangerous factors of the working environment and working processes at work requiring previous (regular) medical examinations of workers (Annex 4 to the Procedure).

See also information for Para. 2 of the Article 7.

Q. 2. The Committee takes note of the changes that are planned to be introduced by the draft of new Labor Code which provides for mandatory medical examination prior to practical training or industrial training for under-age persons trained in professions involving carrying out of difficult work or work in unhealthy or hazardous working conditions. It wishes to be informed of the future developments in the next report.

Response: Please see response to Q.2 for Para. 8 of the Article 7

Q. 3. The Committee asks what is the percentage of the enterprises, out of the total number of enterprises, that are inspected annually by the Labor Inspectorate with regard to medical examinations of young workers

Response: The percentage of the enterprises, out of the total number of enterprises, that are inspected annually by the Labor Inspectorate with regard to medical examinations of young workers is about 2 percents.

Statistics

	Quantity of violations revealed (items)			
	2010	2011	2012	2013
Article 191 of LCU “Medical examinations of young workers under the age of 18 years”	152	174	98	167
Measures taken to influence employers	152 prescripts handed over to eliminate violations; 93 administrative offence reports drawn up	174 prescripts handed over to eliminate violations; 112 administrative offence reports drawn up	98 prescripts handed over to eliminate violations; 64 administrative offence reports drawn up	167 prescripts handed over to eliminate violations; 107 administrative offence reports drawn up

Article 7§10

General legal framework

The list of relevant legislative acts in addition to those referred to in the previous report by thematic group "Children, families and migrants" is as follows.

- Criminal Code of Ukraine dated April 13, 2012 No. 4651-VI;
- Law of Ukraine “On counteraction to human trafficking” dated September 20, 2011 No. 3739-VI;
- Law of Ukraine “On preventing family violence” dated November 15, 2001 No. 2789-III;
- Law of Ukraine “On ratification of the Convention on Cybercrime” dated September 07, 2005 No. 2824-IV;
- Law of Ukraine “On ratification of the Council of Europe Convention on measures against human trafficking” dated September 21, 2010 No. 2530-VI;
- Law of Ukraine “On ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse” dated June 20, 2012 No. 4988-VI;
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime dated November 15, 2000 (ratified by the Law dated February 04, 2004 No.1433-IV);
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography dated January 01, 2000 (ratified on April 03, 2003 by the Law No. 716-IV);
- Resolution of the Cabinet of Ministers of Ukraine “On approval of the state program on combating human trafficking for the period till 2015” dated March 21, 2012 No. 350;
- Resolution of the Cabinet of Ministers of Ukraine “On the National Coordinator in the area of combating human trafficking” dated January 18, 2012 No. 29;

**Measures for application of legal regulations
Responses to the additional questions
of the European Committee of Social Rights**

Protection against sexual exploitation

Q. 1. The Committee further notes that the Ukrainian law does not contain specific provisions defining child prostitution. The Committee also notes from ECPAT International, with regard to the legal framework, that despite the increase in penalties, there are still some significant gaps in Ukrainian legislation on the prostitution of children as, for example, coercing or enticing a minor into prostitution requires evidence of the use of fraud, blackmail, abuse of power or other such means. Given the relatively low number of criminal proceedings registered, the Committee asks for information regarding number of perpetrators charged and eventually convicted in relation to child prostitution.

Response: The Article 302 of the Criminal Code of Ukraine (CCU) “Creating or running brothels and trading in prostitution” envisages that:

1. Creating or running brothels, and also trading in prostitution, shall be punishable by a fine up to 50 tax-free minimum incomes, or restraint of liberty for a term up to two years.
2. The same actions committed for gainful purposes, or by a person previously convicted of this offense, or by an organized group, shall be punishable by restraint of liberty for a term up to five years, or imprisonment for the same term.
3. Any such acts as provided for by paragraph 1 or 2 of this Article, if committed by engaging a minor, shall be punishable by imprisonment for a term of two to seven years”.

Article 303 of CCU “Pimping or involving a person into prostitution” envisages that:

- „1. Engaging person in prostitution or compulsion to engage in prostitution, involving deceit, blackmail or vulnerable state of a person, with imposition of violence or threat of violence, or pimping - shall be punishable by imprisonment for a term of three to five years.
2. Acts provided for in paragraph 1 of this Article, if committed concerning several individuals or repeatedly, or by a group of persons upon their prior conspiracy, or by an official through abuse of office, from whom the victim was material or otherwise dependent, – shall be punishable by imprisonment for a term of four to seven years.
3. Acts provided for in paragraphs 1 and 2 of this Article, if committed concerning a minor or by an organized group, -shall be punishable by imprisonment for a term of five to ten years, with or without the forfeiture of property.
4. Acts provided for in paragraphs 1, 2 and 3 of this Article, if committed concerning a juvenile or they caused grave consequences - shall be punishable by imprisonment for a term of eight to fifteen years, with or without the forfeiture of property.

Note. 1. Pimping under this Article shall mean any action of a person committed for the purpose of engaging another person in prostitution.

2. The liability for engaging juvenile or minor in prostitution or compulsion to engage in prostitution under this Article should be incurred regardless of that such acts are committed with involving deceit, blackmail or vulnerable state of a person, with imposition of violence or threat of violence, abuse of office, or by a person from whom the victim was material or otherwise dependent”.

Moreover in order to detect and prevent illegal activities in the area of public morals and prevent prostitution, operational and preventive measures are held at the national level that are not only a method for increasing pressure on human traffickers, pimps, pornography marketers, but also an element of prostitution, corruption of minors, dissemination of violations of public morality prevention.

The Ministry of Social Policy of Ukraine by its Order dated February 02, 2013 No.65 approved an Interagency Working Group to process notification on violation of paragraph 10 of Article 7 of the European Social Charter (revised), which also included representatives of the Ministry of Justice, the Ministry of Internal Affairs, President Commissioner for Children's Rights, the Commissioner of the Verkhovna Rada of Ukraine on Human Rights, the social partners, and the International Women's Rights Center “La Strada Ukraine”.

The Interagency Working Group has initiated preparation of proposals from the High Specialized Court of Ukraine for Civil and Criminal Cases, Prosecutor General of Ukraine, National Academy of Sciences of Ukraine, Institute of Legislation of the Verkhovna Rada of Ukraine, Taras Shevchenko National University of Kyiv, National University “Odessa Law Academy”, Ivan Franko National University of Lviv, National Academy of Prosecution of Ukraine, the National School of Judges of Ukraine regarding use the term “child prostitution” and establishment of sexual consent age in the Ukrainian legislation.

Worked out proposals were compiled by the M.V. Ptukha Institute for Demography and Social Studies of the National Academy of Sciences of Ukraine. Draft regulation of the Cabinet of Ministers of Ukraine “On approval of the action plan for implementation of the European Social Charter (revised) provisions for 2015 – 2019” envisages amending some laws of Ukraine for counteracting prostitution in order to protect children who suffer sexual exploitation and to implement the Council of Europe Committee of Ministers Recommendation No. R(91) 11 to Member States Concerning Sexual Exploitation, Pornography and Prostitution of, and Trafficking in, Children and Young Adults.

In December 2013, within the framework of the CoE Action Plan for Ukraine for 2011-2014 a project was launched to enhance and protect children's rights in Ukraine. Action Plan for the Project (Section 1.1.1.2) envisages an expert evaluation of strengths and weaknesses of the national justice system (civil, criminal, administrative law and their relations) by the Council of Europe and recommendations on measures aimed to close gaps in legislation and practice taking into account the final note of the European

Committee of Social Rights of the Council of Europe on non-compliance of the national legislation and practice with paragraph 10, Article 7 of the ESC (revised).

Statistics (Ministry of Internal Affairs of Ukraine)

	Quantity of crimes revealed			
	2010	2011	2012	2013
Article 303 of CCU “Pimping or involving a person into prostitution”	9	17	6	2

Pornography

The Law of Ukraine dated January 20, 2010 No. 1819-IV amended some legal acts of Ukraine in regard to child pornography propagation (hereinafter referred to as the Law No. 1819-IV) .

Article 1 of the Law of Ukraine “On Protection of Public Morality” dated November 20, 2003 No. 1236-IV (hereinafter - the Law 1236 -IV) was appended with a paragraph defining the term “child pornography” as “child pornography is the picturing in whatever way a child or a person who looks like a child being engaged in real or simulated sexually explicit conduct or any depiction of child genitals for sexual purposes”.

Law of Ukraine No. 1236-IV establishes the legal framework for protection of society from the propagation of products negatively impacting public morality.

Article 2 of Law 1236-IV stipulates that production and circulation of pornography-like products in any form is prohibited in Ukraine.

Criteria defining what is pornographic are established by a specially authorized executive body in the sphere of culture and arts. Article 6 “Prohibition of subjects and products of pornographic character circulation” of the Law No.1236-IV envisages prohibition of production and import in Ukraine works, images, and other items of a pornographic nature for the purpose of their sale or distribution, manufacturing, transportation or other movement, advertising, marketing; circulation, demonstration and distribution of printed publications, films, audio-, video-, radio-, and TV products, materials on electronic media and other products promoting pornography. Placing ads on intimate meeting for remuneration and on deviant forms of sexual relations in other media than specialized ones is prohibited. Article 7 “Protecting minors from the negative effects of products of sexual or erotic nature” of the Law No.1236 -IV prohibits the following activities.

- involvement of minors in activities related to producing or circulating products of sexual or erotic nature, pornographic materials, services delivery, as well as organization or holding performances and events of sexual or erotic nature;
- distributing products of sexual or erotic nature, pornographic materials, services delivery, as well as holding performances and events of sexual or erotic nature among under-aged persons;
- use of images of minors in any form of sexual or erotic entertainment and performances of sexual or erotic nature;
- manufacturing (production), storage, advertising, distribution, purchase products containing child pornography, import, export, transit through the territory of Ukraine, mailing such products;
- offering or making available products containing child pornography.

Article 8 “Disseminating products of sexual or erotic nature” of the Law No.1236-IV stipulates that products of sexual or erotic nature may be disseminated only if they are unavailable for minors and are not obtruded upon consumers. Products of sexual or erotic nature may be disseminated only on condition that they are hermetically packed and have special labeling and warning information “sexual product, sale to minors is prohibited”.

For the purpose of implementation and compliance with the applicable legislation in the field of public morals protection, circulation of products and entertainment activities of sexual or erotic nature, products containing propaganda of the cult of violence, cruelty and pornography, the National Expert Commission of Ukraine on Public Ethics (NECUPE) was established. NECUPE is a permanent extra-agency public expert and supervisory body acting in accordance with this Law and current laws of Ukraine. It is responsible for establishment of the healthy lifestyle, good condition of morality, and controls circulation of products and entertainment activities of sexual or erotic nature.

Article 301 of the Criminal Code of Ukraine “Importation, making, sale, or distribution of pornographic items” as further amended by the Law of Ukraine No. 1819-IV (paras 4 and 5) provides that “Importation into Ukraine for sale or distribution purposes, or making, transportation or other movement for the same purposes, or sale or distribution of pornographic images or other items, and also compelling others to participate in their making shall be punishable by a fine of 50 to 100 tax-free minimum incomes, or arrest for a term up to six months, or restraint of liberty for a term up to three years, with the forfeiture of pornographic images or other items and means of their making and distribution.

2. The same actions committed in regard to pornographic motion pictures and video films, or computer programs, also selling pornographic images or other items to minors or disseminating such images and items among them, shall be punishable by a fine of 100 to 300 tax-free minimum incomes, or restraint of liberty for a term up to five years, or

imprisonment for the same term, with the forfeiture of pornographic motion pictures and video films and means of their making and showing.

3. Any such acts as provided for by paragraph 1 or 2 of this Article, if repeated, or committed by a group of persons upon their prior conspiracy, or aimed at obtaining big profit shall be punishable by imprisonment of three to seven years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years and forfeiture of pornographic items, motion pictures, video films, computer programs, and means of their making, dissemination and showing.

4. Acts provided for in paragraphs 1 and 2 of this Article and committed in regard to pornographic works, images or other items containing child pornography, or compelling minors to participate in making pornographic works, images or motion and video films, computer programs shall be punishable by imprisonment of five to ten years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years and forfeiture of pornographic items, motion pictures, video films, computer programs, and means of their making, dissemination and showing.

5. Acts provided for in paragraphs 3 and 4 of this Article, if repeated, or committed by a group of persons upon their prior conspiracy, or aimed at obtaining big profit shall be punishable by imprisonment of seven to twelve years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years and forfeiture of pornographic items, motion pictures, video films, computer programs, and means of their making, dissemination and showing

Statistics (Ministry of Internal Affairs of Ukraine)

	Quantity of crimes revealed			
	2010	2011	2012	2013
Article 301CCU “Importation, making, sale or distribution of pornographic items”	10	3	13	11

Human trafficking

Q. 2. The Committee asks for full information regarding legislative developments and other measures taken to tackle these problems, as well as their implementation in practice. The Committee also asks what is the incidence of child trafficking.

Response: During the reporting period the Law of Ukraine “On combating human trafficking” dated April 13, 2012 No. 4651 - VI was adopted (hereinafter referred to as the Law No. 4651 - VI) defining organizational and legal framework to combat human

trafficking, while guaranteeing gender equality, the primary areas of the state policy and principles of international cooperation in this sphere, responsibilities of executive bodies, procedures for assignment the status of human trafficking victims and for assistance delivery to these persons.

The Law No. 4651 – VI has separate Section VI “Combating human trafficking”, articles 20- 24.

Specifically in accordance with the Article 23 “Assistance delivery to children victims of human trafficking” of the Law No. 4651 – VI the state shall provide assistance to the child from the moment when it seemed likely that he/she suffered child trafficking and until rehabilitation of the child is completed.

Having received the information about a child victim of children trafficking, the local state administration, whose jurisdiction the child was found in, shall immediately establish the identity of the child, assess circumstances and prepare a plan of priority measures to help the child during the period until the status of child trafficking victim is assigned to the child.

If the child victim of human trafficking has the status of an orphan and a child deprived of parental care, the local state administration shall immediately decide the issue of his/her placement under care.

Centers for socio-psychological rehabilitation of children, shelters for children with involvement of educational institutions, healthcare bodies shall develop and implement individual programs to help child victims of human trafficking.

In accordance with the Article 24 “Returning or retaining the child victim of trafficking” of the Law No. 4651-VI should a child victim of trafficking be found in Ukraine which is a foreigner or a stateless person, one of the following decisions shall be taken in accordance with the established procedure:

- 1) returning the child to his/her home country;
- 2) retaining the child in Ukraine.

A child victim of trafficking, shall be returned to his/her home country provided that his/her parents or persons in loco parentis, or institution protecting children in the home country of the child agreed and are able to assume responsibility for the child and provide him/her proper assistance and protection.

When deciding the issue whether to return or to retain the child the child's opinion shall be taken into account, as well as his/her age, level of physical and intellectual development and interests of the child.

A child victim of trafficking shall not be returned to his/her home country if there are indications that such return will threaten his/her safety or is not in the best interests of the child.

On September 21, 2010 the Parliament of Ukraine adopted the Law of Ukraine “On ratification of the Council of Europe Convention on Action against Trafficking in Human Beings” (No. 2530-VI).

Cabinet of Ministers of Ukraine by its Decree dated January 18, 2012 No. 29 appointed the Ministry of Social Policy of Ukraine to be national coordinator for combating human trafficking;

The Cabinet of Ministers of Ukraine by its Decree dated March 21, 2012 No. 350 approved the State Targeted Social Program for combating human trafficking for the period till 2015.

The Ministry of Education, Science, Youth and Sports of Ukraine issued the Order dated July 19, 2012 p. No. 827 “On approval of an Action Plan of the Ministry of Education, Science, Youth and Sports on combating trafficking in human beings for the period till 2015” and the Order dated October 02, 2012 p. No. 1065, which entrusts the Institute of Innovative Technology and Educational Content to carry out independent research on status of preventive education of children and youth in educational institutions by 2016.

Educational institutions of Ukraine when teaching subjects of legal and humanitarian nature and in extracurricular time shall carry out educational work aimed to prevent human trafficking; an Anti-trafficking lesson shall be held each year for students of secondary schools of all types and forms of ownership.

In order to mitigate risks of labor and sexual slavery for children and youth, especially those brought up in problem-prone families, the educational programs shall include the issue of combating human trafficking.

The training course “Fundamentals of Health” shall include materials on prevention of trafficking in children and women.

The Ministry of Social Policy issued the Order dated July 19, 2013 No. 432 “On Approval of Guidelines on social services delivery to victims of human trafficking” to be used for organization and delivery of assistance and services to victims of human trafficking when they address local authorities.

The Ministry of Social Policy Order dated July 30, 2013 No. 458 “On Approval of standards for social services delivery to victims of human trafficking” registered in the Ministry of Justice of Ukraine on August 05, 2013 under No.1327/23859; No. 1328/23860; and No.1329/23861 approves the following standards:

- standard of services delivery on social prevention of human trafficking;
- standard of services delivery on social integration and re-integration for victims of human trafficking;
- standard of services delivery on social integration and re-integration for child victims of human trafficking;

The Order of the Ministry of Social Policy dated August 08, 2013 No. 508 approves a training program for specialists, including specialists from centers of social services for family, children, and youth, on assistance delivery to victims of human trafficking, to be included into curricula and annual training schedules for skills upgrade training carried out in training centers for retraining and advanced training staff employed in state agencies, local authorities, state-owned enterprises, institutions and organizations.

In accordance with the Decree of Cabinet of Ministers of Ukraine dated May 23, 2012 No. 417 “On approval of the Procedure for assignment of status “Victim of human trafficking”, the children who are victims of trafficking are entitled to acquire the status “Victim of human trafficking”, which enables them to get the full package of social services, including monetary aid.

From September 2012 to December 2013 upon submissions from local state administrations, the Ministry of Social Policy assigned status of "human trafficking victim" to 54 citizens, including 9 children (2 cases of baby selling, 1 case of labor exploitation, 5 cases of sexual exploitation and 1 - mixed exploitation (labor and sexual)).

These children take rehabilitation course in accordance with the individual plan of the child in difficult life circumstances social protection (get a package of medical, psychological, social, legal and other services aimed to restore physical and psychological condition of the child).

Children who acquire the status of human trafficking victim are eligible for a one-off material assistance (CMU's Decree dated July 25, 2012 No. 660 “On approval of the Procedure of payment of one-off financial assistance to victims of trafficking” as last amended) in the amount of subsistence minimum for the relevant category of persons.

Within the State Targeted Social Program for combating human trafficking for the period till 2015 (approved by the Cabinet of Ministers of Ukraine Decree dated March 21, 2012 No. 350) series of information activities with children were carried out to prevent child trafficking, in particular;

- Anti-trafficking lessons were held for students of secondary level educational institutions of all types and forms of ownership

- in schools when teaching subjects of legal and humanitarian nature and in extra-curriculum time educational work was carried out aimed to prevent human disappearance and trafficking: international and national legal acts are studied (Declaration of the Rights of the Child, Universal Declaration of Human Rights (Article 4), UN Convention on the Rights of Child, the Constitution of Ukraine, the Concept on the advancement of women situation in Ukraine, etc.).

- movie film “Destination station – LIFE” was demonstrated to students of 8-11 years of upper form students;

- Trainings were carried out “Understanding the problem of human trafficking”, “How to raise the level of competence and security?” as well as roundtables, discussions, interviews;

- literature exhibitions were held in school libraries, classrooms for law and history "How do I exercise my rights," "I am a citizen of my country", "How to avoid becoming a commodity".

Moreover in order to mitigate risks of labor and sexual slavery for children and youth, especially those brought up in problem-prone families, the issue of combating human trafficking was included into educational programs. The educational course “Fundamentals of Health” includes study of materials on prevention of trafficking in children and women. Above mentioned lessons, educational classes, round tables, video

lections were held with participation of employees from social services for children, families and youth, the criminal police of children affairs, family and youth sectors of raion state administrations and city councils.

In addition, in August 2013 Department for fighting crimes related to human trafficking was formed within the Ministry of Internal Affairs of Ukraine as well as its territorial units in the Autonomous Republic of Crimea, cities of Kyiv and Sevastopol (hereinafter - DFCHT), which ensures the implementation of the state policy on combating human trafficking, prevention, detection, suppression and disclosure of criminal offenses related to illegal immigration and crime in the sphere of public morality. DFCHT worked on prevention, detection, suppression and disclosure of administrative and criminal offenses related to the human trafficking, commission of illegal acts in the sphere of adoption, violation of the law prescribed procedure for transplantation human organs or tissues, creating or running brothels and pimping, involving persons into prostitution, production, sale and distribution of pornography, child pornography, items and products that promote violence and cruelty, including through the Internet.

Statistics on combating human (child) trafficking

During 2010-2013 bodies of internal affairs of Ukraine revealed 71 facts of human trafficking committed against children (2010 – 36 facts; 2011 – 15 facts; 2012 – 15 facts; 2013 – 5 facts), 79 juveniles and minors were found who were victims of human trafficking (2010 – 41 persons; 2011 – 17 persons 2012 – 16, and 2013 – 5 persons)

Since 2010, there has been observed a steady trend towards reducing the number of juveniles and minors being victims of trafficking.

Total number of human trafficking facts revealed in 2010-2013 was as follows:

2010 - 257 crimes under Article 149 “Trafficking in human beings and other illegal transfer deals in respect of a human being” of the Criminal Code of Ukraine (hereinafter referred to as the CCU) were revealed, 285 criminal cases were investigated, and bills of indictment for them - submitted to the court. Detention on remand was applied as a preventive measure to 72 persons. 277 victims of human trafficking were ascertained, of which: 204 were women, 35 – under-aged persons, and 6 - minors. Documented and ceased activity of 12 organized criminal groups in the area of human trafficking;

2011 – 197 crimes under Article 149 of the CCU were revealed, 188 criminal cases were investigated, and bill of indictment for them - submitted to the court. Detention on remand was applied as a preventive measure to 80 persons. 294 victims of human trafficking were ascertained, of which: 214 were women, 12 – under-aged persons, and 5 - minors. Documented and ceased activity of 6 organized criminal groups in the area of human trafficking;

2012 – 155 crimes under Article 149 of the CCU were revealed, 167 criminal cases were investigated, and bill of indictment for them - submitted to the court. Detention on remand was applied as a preventive measure to 57 persons. 187 victims of human trafficking were ascertained, of which: 124 were women, 14 – under-aged

persons, and 2 - minors. Documented and ceased activity of 6 organized criminal groups in the area of human trafficking;

2013 – 130 crimes under Article 149 of the CCU were revealed, 82 criminal cases were investigated, and bill of indictment for them - submitted to the court. Detention on remand was applied as a preventive measure to 19 persons, house arrest – to 10 persons. Preventive measures were applied to 29 persons in total. 107 victims of human trafficking were ascertained, of which: 72 were women, 3 – under-aged persons, and 2 - minors. Documented and ceased activity of 2 organized criminal groups in the area of human trafficking;

Child victims

Q. 3. The Committee asks for clarification of the situation of child victims in legislation and practice, in particular it wishes to receive information on any developments and measures taken to provide adequate assistance and rehabilitation to child victims.

Response: In application of CCU in accordance with European standards for interaction with children victims of criminal offenses committed on sexual grounds as well as those who witnessed crimes, the Criminal Police Office for Children, in cooperation with the National Academy of Internal Affairs have developed the “Green room” methodology, whose purpose is to uphold children's rights in the criminal process, keeping atmosphere of trust and mutual understanding adjustment during the interrogation, overcoming fear related to bearing testimony to unfamiliar adults.

In particular the “Green Room” methodology is used when questioning children aged 4 through 14 years, and at the discretion of the investigator or the court – for persons aged 14 to 16 years, who are victims of crimes against sexual freedom and integrity, and other crimes of violent nature or those who witnessed such crimes.

The CCU contains innovations that provide safeguards aimed to protect children's rights in criminal proceedings, in particular Articles 224, 226, 227, and 232 of the CCU envisage an opportunity to incorporate the interests of the victim or witness when determining the location for child interviewing, to use remote interrogation, and envisage obligatory involvement of the legal representative , psychologist, teacher, etc.

When conducting interviews with a child, anatomical toys or drawings of the child may be used, video and audio recording performed, which may be further used in the trials, that eliminates a need in re-examination of the child victim.

In order to implement the methodology, the Kharkiv University of Internal Affairs, the Odessa State University of Internal Affairs in cooperation with civil society organizations have developed the following guidelines: “Psychological peculiarities of work with children in the Green Rooms”, “Recommendations for equipment of the Green Room”, “Regulatory and legal framework for the Green Room use”. At present the “Green Room” methodology is spread across all regions of Ukraine and is successfully used by the criminal police for children affairs.

At the same time, in accordance with the Instruction on organization of the criminal police departments for children affairs work approved by the order of the Ministry of Internal Affairs dated December 19, 2013 No. 1176, law enforcement officers shall conduct interviews with a child who is a victim or witness of a crime using the above mentioned methodology.

Protection against information technology use

Q. 4. The Committee asks for full information concerning supervisory mechanisms and sanctions for sexual exploitation of children through the information technologies. It further asks whether legislation or codes of conduct for Internet service providers is foreseen in order to protect children.

Response: Law of Ukraine “On Telecommunications”, as amended by the Law of Ukraine No. 1819-IV envisages that telecommunications operators may be required by the court decision (Article 39) to restrict access of their Subscribers to the resources used for distribution of child pornography. Telecommunication operators and providers shall retain and provide information about their subscriber connections in accordance with the procedure established by law.

It should be mentioned that on February 20, 2012 Ukrainian ISPs signed the Code on protecting children from abuse in the Internet and on Internet resources.

The Code stipulates principles of IT companies' activity in various areas: in interaction with Internet users; in development of services and software; in dealing with personal information and other materials posted on the web by users.

The primary idea of the document is upholding child interests. The goal of the document is combating the spread of child pornography, as well as materials that promote child abuse, and popularization of tools for combating such negative content, rules of Internet safety, parental control when children use the Internet. Three ISPs—MTC-Ukraine, Kyivstar, and Ukrtelecom have signed the Code.

Cybercrime combating department of the Ministry of Internal Affairs has developed recommendations for parents to help them in protecting children from negative effects of illegal content

Other forms of exploitation

Q. 5. The Committee asks for full information concerning protection and socio-psychological rehabilitation of street children. In particular it asks what measures have been taken to estimate, prevent and reduce this phenomenon in the best interests of these children, how are they provided protection and assistance, and whether there are any measures taken to strengthen the support and assistance available to families, both as a preventive measure and a measure conducive to the return of children to their families or other settings, as appropriate.

In the meantime, the Committee holds that the measures taken address the problem of street children are insufficient and disproportionate in the circumstances.

Response: In addition to information provided in the previous Report, it should be mentioned the following:

1. In 2008, the procedure was approved for performing the activities by care and guardianship bodies aimed to protect children's rights (Resolution of the Cabinet of Ministers of Ukraine dated September 24, 2008 # 866), which clearly defines the measures to be taken by the care and guardianship bodies and other subjects of social work with families, children and youth on social protection of children without parental care, including foundlings and street children.

In particular, the following measures are envisaged:

- immediate measures in response to reports regarding children left without parental care, which include finding out the child, determining his/her age, finding information about his/her parents or persons in loco parentis, specifying circumstances of leaving the child without parental care, and temporary placement of the child in a care facility to serve his/her basic needs;

- measures to ascertain living and care conditions of the child with parents or persons in loco parentis, and considering by the Commission the issue of appropriateness (unreasonableness) of the child's return to his/her family or to a care institution (if established that the child willfully left the institution for orphans or children deprived of parental care);

- measures for the immediate return of the child in his/her family (if expedient), or for assignment the status of child deprived of parental care to the child and placement him/her into a permanent care facility (family forms such as foster care, adoption and placement in family-type homes are priority options).

2. In 2014, the Ministry of Social Policy approved a new Procedure for accounting children in difficult life circumstances by the services for children affairs (the Order of the Ministry of Social Policy dated January 20, 2014 # 27), which regulates organization of social protection process for children in difficult life circumstances, carrying out social work with them and their families (if any).

Definition of the term “street child” and statistics on street and neglected children

In accordance with the Law of Ukraine "On Childhood Protection" the term "street children" means children who have been abandoned by their parents, willfully leaved their family, or child care facility where they lived, and **have no fixed abode**. At present time in Ukraine majority of children left neglected have permanent place of residence (registration), but for whatever reason do not have adults who would care of them, or their parents (persons in loco parentis), evade fulfillment their parental responsibilities.

Such children are considered as:

- “children in difficult life circumstances” in accordance with the Procedure for accounting children in difficult life circumstances by the services for children affairs approved by the order of the Ministry of Social Policy dated January 20, 2014 No. 27), if

they have parents but their parents evade fulfillment of parental responsibilities, or if children willfully leave their home systematically.

- “children left without parental care” (in accordance with the Procedure of carrying out children right upholding activity by custody and guardianship agencies as approved by the CoM Decree dated September 24, 2008 # 866).

In recent years a steady trend exists in Ukraine toward reducing quantity of street children. This is evidenced by a significant decrease in quantity of children being in difficult life circumstances found during the systematic implementation of preventive activities such as “Railway Station”, “Street Children”, “Teenager”, as well as children placed in social care institutions, including shelters run by Services for Children Affairs and Centers for socio-psychological rehabilitation of children.

More than 33 thousand preventive activities were held in 2013 during which 13,285 street children were revealed, of which 2469 children were removed from streets (for comparison: in 2012 - 15,988 street children were revealed, of which 3147 were removed from streets; in 2011 - 19,437 street children were revealed, of which 4167 children were removed from streets; in 2010 - 19,636 street children were revealed, of which 4840 were removed from streets; in 2009 - 31,001 street children were revealed, of which 5707 - were removed from streets; in 2008 - 31 thousand street children were revealed, of which 6163 were removed from streets).

Thus, as compared with 2008, the number of children identified during preventive activities once again has been decreased by 4 times.

Logical continuation of the process leading to reduced numbers street and neglected children is the reduced number of children with difficult life circumstances, children located in social care institutions (orphanages run by Services for Children Affairs and Centers for socio-psychological rehabilitation of children): thus, in 2013 - 12,542 children received care in these institutions (for comparison: in 2012 - 12,929 children received the care; in 2006 - 36.3 thousand children received the care), i.e. number of children placed to these facilities decreased by 65% as compared to 2006, and by 3% as compared to 2012.

Measures to prevent and combat the phenomenon of street and neglected children in children's environment

1. The positive trend toward reducing numbers of neglected children is caused, in particular, by the fact that the State Program to Combat Child Homelessness and Neglectness for 2006-2010, approved by the Decree of the Cabinet of Ministers of Ukraine dated November 11, 2006 No. 623 was implemented successfully during 2006-2010.

The primary objectives of the Program were as follows: to develop and implement efficient forms of child homelessness and neglectness prevention, to identify families unable or unwilling to perform care giving functions and protect the rights of children living in such families at early stage; implement efficient form and methods of work with

children placed in social care institutions; form a network of social care institutions for children and improve their performance, etc.

2. Currently the National Program “National Action Plan on implementation of the UN Convention on the Rights of the Child” for the period until 2016 is underway.

The annual action plans for National Program “National Action Plan on implementation of the UN Convention on the Rights of the Child” for the period until 2016 implementation in 2010, 2011, 2012 and 2013 approved by appropriate Decrees of the Cabinet of Ministers of Ukraine include a section on “Preventing social abandonment, overcoming homelessness and neglectness among children” which contains a number of measures to tackle the problem outlined, such as: preparation and placement in TV programs and other media a series of materials on children homelessness and neglectness, searching missed children; prevention activities and raids for detection and subsequent placement of children who actually are without parental care; development of the program on social and psychological rehabilitation and adaptation of children at the center of social and psychological rehabilitation of children, etc.

3. In order to prevent child abandonment, child neglecting and homelessness, as well as offenses among under-aged persons series of preventive actions (raids) are carried out in the regions of Ukraine such as: “Street Children”, “Railway Station”, “Vacation”, “Lesson” with participation of all structures whose competence includes protecting the rights of children such as: services for children affairs; centers of social services for families, children, and youth; departments of criminal police for children, health and educational authorities.

Traditional locations of homeless children are examined in the course of these preventive measures: basements, heating pipelines, railroad stations, markets, electric trains. Work aimed to clarify the law of Ukraine on childhood protection is done with the children and their parents; measures are taken to provide financial assistance to families with children in need.

During these activities attention is paid to the prevention of using by or sale to children of alcoholic and tobacco products, narcotic drugs and psychotropic substances, involvement of children in the worst forms of child labor, commission violence against them, child abuse.

4. In view of significant deterioration of weather conditions in autumn and winter and in order to provide social protection to children in difficult life circumstances, the Ministry of Social Policy of Ukraine annually requires its services for children affairs to organize additional preventive measures on finding children who may suffer from deterioration of weather conditions; carry out immediate inspections of all places where the children may be found (heating pipelines, attics, markets, rail road stations, non-residential buildings), and verify life conditions of children in families in difficult life circumstances.

5. Professional care for children aged 3 to 18 years with difficult life circumstances (including the homeless and street children), children left without parental care shall be provided by shelters subordinated to the Services for children affairs (The model statutes

of a shelter for children were approved by the Cabinet of Ministers of Ukraine Decree dated September 06, 1997 No. 565) and by centers for socio-psychological rehabilitation of children (The model statutes of a center for social and psychological rehabilitation of children were approved by the Cabinet of Ministers of Ukraine Decree dated January 28, 2004 No. 87).

The centers not only provide comprehensive social, psychological, educational, medical, legal and other aid to children but also ensure psycho-pedagogical correction and rehabilitation tailored to the individual needs of children, including the children who have experienced various types of violence or are victims of child trafficking.

The main objectives of aforementioned facilities for social protection are as follows:

- delivery of social protection to children admitted to the center;
- delivery of a social services package to the children;
- carrying out socio-pedagogical correction taking into account the individual needs of each child;
- facilitation of a child's return to his/her biological family ;
- ensuring attendance of secondary school or other educational institutions or individual education tailored to the needs and circumstances of the child;
- facilitating children in formation of their own life position to overcome the habits of asocial behavior;
- delivery of psychological and other types of assistance to parents (or persons in loco parentis) of children placed in the center, aimed to returning the child to the family;
- developing recommendations on socio-psychological adaptation of children for teachers, social workers, and parents.

As a result of preventive measures, Services for Children Affairs initiated a prosecution for children's rights violation toward 12 168 parents in 2013, and 32 870 parents were warned in this year.

For the purpose of upholding rights and interests of children, the services for children affairs initiated prosecution for various types of liability toward 1563 officials in 2013 and 1447 officials were warned in this year (for the same period of 2012 the figures were 1542 and 1481 respectively).

During 2013 the services for children affairs carried out appropriate work on social protection of children revealed during the preventive measures: 34.1% of these children were placed to shelters and centers for social and psychological rehabilitation, 14.9% of children - to public health institutions.

In general the conducted preventive measures contribute to improving situation in children's environment, specifically enable timely detection of homeless and neglected

children and children in difficult life circumstances and delivery of necessary assistance and comprehensive social protection to them.

Professional comprehensive social, psychological, educational, medical, legal and other assistance to children in difficult life circumstances is provided by such institutions of children social protection as shelters for children run by the services for children affairs and by centers for socio-psychological rehabilitation of children.

As of 01.01.2014 there were 20 shelters for children and 87 centers for social and psychological rehabilitation of children in Ukraine.

Article 8 – Right of employed women to protection of maternity

Article 8§1

General legal framework

The national legislation has not changed during the reporting period. The list of relevant legislative acts referred to in the previous report by thematic group “Children, families and migrants” is still valid.

Measures for application of legal regulations Responses to the additional questions of the European Committee of Social Rights

Right to maternity leave

Q. 1. The Committee asks whether part of the prenatal leave can be postponed until after childbirth. It asks whether there is a six-week compulsory postnatal. If not, it asks what legal safeguards exist to avoid any undue pressure from employers to shorten their maternity leave. It also asks whether there is an agreement with social partners on the question of postnatal leave which protects the free choice of women, and whether collective agreements offer additional protection. In addition, it asks for information on the general legal framework surrounding maternity (for instance, whether there is a parental leave system whereby either parents can take paid leave at the end of the maternity leave).

Response: The leave to women in connection with pregnancy and childbirth is provided to women with duration of 126 calendar days (70 calendar days - before birth, and 56 calendar days (70 calendar days - in the event of the birth of two or more children or in case of complicated childbirth) after the childbirth, i.e. for entire period specified in mother's medical certificate. Women are also entitled to pregnancy and childbirth benefits during this period in full scope. If she fails to exercise the right to this leave with duration of 126 days from the date indicated in her medical certificate, and will continue to work, the mentioned leave will be provided only from the date when she become willing to go on leave and actually stop working. In this case, duration of the leave shall be reduced by the number of days actually worked by the insured person during the period specified in her medical certificate. The pregnancy and childbirth benefits in this case shall also be paid only for the days of actual being on leave in connection with pregnancy and childbirth.

Shifting the leave in relation with pregnancy and childbirth beyond the deadline set out in the medical certificate because of untimely use of the right to receive this leave from the date indicated in the medical certificate is not allowed.

In accordance with the legislation on collective agreements, these agreements are signed in Ukraine at national level (General Agreement), industry level (industry (or inter-industry) agreement), and territorial level (territorial agreement) on a bilateral or trilateral basis.

On November 9, 2010 the Cabinet of Ministers of Ukraine, national associations of employers, and national associations of trade unions signed the General Agreement, which governs the basic principles and norms of social and economic policy and labor relations, including regime of work and rest, occupational health and safety conditions, etc. (as of January 1, 2014 the General Agreement was in force).

The General Agreement contains agreements between the parties on measures aimed to ensure minimum guarantees of financial aid to insured persons during their being on leave for nursing children under age of three at level not less than the subsistence minimum for workable persons.

Provisions of the General agreement shall be taken into account during preparation of industry and territorial agreements, as well as collective agreements.

The collective agreements of sectoral and territorial level shall include additional (in comparison with the current Ukrainian legislation) social guarantees, benefits for pregnant women and women being on leave for nursing children until the age of three, including the following:

- guarantees for women employed in oil and oil product supplying industry, petroleum product transport companies regarding women's withdrawal from works with hazardous conditions beginning from the date of pregnancy establishment with preservation of average wage and benefits available at previous job;
- reduction of production rate for pregnant women up to 20 percent;
- Delivery of assistance and preservation of benefits to women who are on leave for nursing children until the age of three;
- delivery of monthly financial assistance to women who are on maternity leave, taking into account financial and economic abilities of enterprises.

In accordance with the Article 25 of the Law of Ukraine “On leave” dated 15.11.1996 No. 504/96-BP (hereinafter - the Law No. 504/96) a leave without pay- up to 14 calendar days long - shall be provided on request of the employee on mandatory basis to any employee whose spouse is on the postnatal leave.

Currently, a draft Law of Ukraine on Amendments to the Law No. 504/96 is under preparation regarding the right to additional paid leave for the period of 7 days to a father at birth of his child.

In addition, a draft law “On Amendments to Certain Legislative Acts of Ukraine” (concerning the equalization of parents' rights). In accordance with the project a couple by mutual agreement may share the additional paid leave envisaged by the Article 19 of the Law No. 504/96, among them in equal parts or otherwise, and use their leaves simultaneously or in different periods defined together by them to meet interests of children as fully as possible.

Statistics

	Quantity of violations revealed (items)			
	2010	2011	2012	2013
Article179 of LCU “Leaves to women in connection with pregnancy and childbirth and for nursing children until the age of three”	8	9	11	7
Measures taken to influence employers	8 prescripts handed over to eliminate violations; 6 administrative offence reports drawn up	9 prescripts handed over to eliminate violations; 7 administrative offence reports drawn up	11 prescripts handed over to eliminate violations; 5 administrative offence reports drawn up	7 prescripts handed over to eliminate violations; 4 administrative offence reports drawn up

Article 8§2

General legal framework

The national legislation has not changed during the reporting period. The list of relevant legislative acts referred to in the previous report by thematic group "Children, families and migrants" is still valid.

Measures for application of legal regulations Responses to the additional questions of the European Committee of Social Rights

Illegality of dismissal

Q. 1. Domestic law must not prevent courts from awarding a level of compensation that is sufficient both to deter the employer and fully compensate the victim of dismissal. The Committee asks whether there is a ceiling on the amount that can be awarded as compensation. If so, it asks whether this upper limit covers both pecuniary and non-pecuniary damage or whether unlimited non-pecuniary damage can also be sought by the victim through other legal avenues (e.g. anti-discrimination legislation). It also asks whether both types of compensation are awarded by the same courts, and how long it takes on average for courts to award compensation.

Response: In accordance with the Article 235 of the Labor Code of Ukraine in case of illegal dismissal or illegal reassignment employee must be reinstated at his/her previous work by the body considering the labor dispute. When taking a decision on reinstatement, the body considering the labor dispute shall take a decision on payment average wages to the employee for the period of enforced truancy or difference in earnings for the period of being on lower paid job, but not more than for one year. If the application for reinstatement is considered more than one year through no fault of the employee, the body considering the labor dispute, shall take a decision on payment of average earnings for all the time of enforced truancy.

In accordance with the Article 236 of the Labor Code of Ukraine in case of delaying in fulfillment of the decision of authority that considered the labor dispute on reinstatement of illegally dismissed or transferred to another job worker by the owner or by its authorized body, the authority shall take a decision on paying an average wages or difference in earnings for the all period of the delay.

In accordance with the Article 237-1 of the Labor Code of Ukraine, the owner or its authorized body shall reimburse the employee moral damages if the violation of his/her legal rights have led to mental suffering, loss of normal life connections and requires extra effort from the employee for organizing his/her life.

A procedure for moral damage reimbursement is determined by the legislation.

In accordance with the Article 23 of the Civil Code of Ukraine "Reimbursement of moral damage" the amount of monetary compensation for moral damage shall be

determined by the court, depending on the nature of the offense, depth of physical and mental suffering, deterioration of the victim's abilities or depriving him/her the possibility of their implementation, degree of guilt of the person who inflicted the moral damage if the guilt is the basis for the reimbursement, as well as the other important circumstances. When determining the amount of compensation, requirements of reasonableness and fairness shall be taken into account.

Statistics

	Quantity of violations revealed (items)			
	2010	2011	2012	2013
Article 184 of LCU “Guarantees upon entry into employment and prohibition to dismiss pregnant women and women with children”	41	34	45	51
Measures taken to influence employers	41 prescripts handed over to eliminate violations; 22 administrative offence reports drawn up	34 prescripts handed over to eliminate violations; 15 administrative offence reports drawn up	45 prescripts handed over to eliminate violations; 23 administrative offence reports drawn up	51 prescripts handed over to eliminate violations; 28 administrative offence reports drawn up

Article 8§3

General legal framework

The national legislation has not changed during the reporting period. The list of relevant legislative acts referred to in the previous report by thematic group “Children, families and migrants” is still valid.

Statistics

	Quantity of violations revealed (items)			
	2010	2011	2012	2013
Article 183 of LCU “Breaks for child feeding”	2	0	0	0
Measures taken to influence employers	2 prescripts handed over to eliminate violations; 2 administrative offence reports drawn up	-	-	-

Article 8§4

General legal framework

The national legislation has not changed during the reporting period. The list of relevant legislative acts referred to in the previous report by thematic group “Children, families and migrants” is still valid.

Measures for application of legal regulations Responses to the additional questions of the European Committee of Social Rights

Regulation of night work

Q. 1. According to Article 176 of the Labor Code, night work is prohibited for pregnant women and women with children less than 3 years’ old. The Committee notes that this regime also applies to women employed in the public sector.

In view of the length of the prohibition the Committee asks whether there are any exceptions to it, for example in respect of certain professions.

Response: In accordance with the Article 176 of the Labor Code of Ukraine “Prohibition to involve pregnant women and women with children less than 3 years’ old to night work, overtime, work on weekends and to send them on a business trips” it is not allowed to involve the pregnant women and women with children less than 3 years’ old to work in night time, to overtime work, and work on weekends, as well as to send them on business trips. This provision shall be applied to all enterprises, institutions, and organizations regardless of their ownership form, type of activity, way of business, and to physical persons using hired labor, as well as to work of physical persons employed in the public sector.

Statistics

	Quantity of violations revealed (items)			
	2010	2011	2012	2013
Article 176 of the Labor Code of Ukraine “Prohibition to involve pregnant women and women with children less than 3 years’ old to night work, overtime, work on weekends and to send them on a business trips”	12	6	2	10
Measures taken to influence employers	12 prescripts handed over to eliminate violations; 9 administrative offence reports drawn up	6 prescripts handed over to eliminate violations; 3 administrative offence reports drawn up	2 prescripts handed over to eliminate violations; 2 administrative offence reports drawn up	10 prescripts handed over to eliminate violations; 8 administrative offence reports drawn up

Article 8§5

General legal framework

The national legislation has not changed during the reporting period. The list of relevant legislative acts referred to in the previous report by thematic group “Children, families and migrants” is still valid.

Measures for application of legal regulations Responses to the additional questions of the European Committee of Social Rights

Prohibition of dangerous, unhealthy or arduous work

Q. 1. The Committee asks more specific information on whether dangerous activities such as those involving exposure to lead, benzene, ionizing radiation, high temperatures, vibration or viral agents are either prohibited or strictly regulated for the group of women concerned.

The Committee has held that women should have the right to return to their previous employment after they no longer need to nurse their child. It therefore asks whether this is guaranteed under Ukrainian law.

Response: Order of the Ministry of Health No. 256 dated December 29, 1993 (registered with the Ministry of Justice of Ukraine on March 30, 1994 under No. 51/260) approved the List of heavy works and works with harmful and hazardous conditions, where employment of women is prohibited. The order includes inter alia foundry work, work with lead, general professions in ferrous and non-ferrous metallurgy, electrical production, electronic engineering, chemical industry, manufacture of rubber compounds and their processing, logging, cement production, general professions in textile production, food production, bakery, tobacco and fermentation production, works associated with the use of lead alloys.

In accordance with the Article 2 of the Law No. 504/96 and Article 74 of the Labor Code, for the period of leave (including leave on pregnancy and childbirth, and leave on nursing a child) employees have guarantee of their job (position) protection. Employment relationship between the employer and the employee is not terminated during the period of leave. After the end of the leave the employee returns to her job (position), where the leave was provided.

Article 184 of the Labor Code also stipulates that dismissal of pregnant women and women with children aged up to three years (up to six years, Article 179), single mothers with a child aged under fourteen years or a disabled child at the initiative of the owner or its authorized body is not permitted, except for cases of complete liquidation of the enterprise, institution, or organization, when dismissal with mandatory employment at other job is allowed.

Statistics

	Quantity of violations revealed (items)			
	2010	2011	2012	2013
Article 174 of LCU “Works where use of woman's labor is prohibited”	6	7	0	0
Measures taken to influence employers	6 prescripts handed over to eliminate violations; 5 administrative offence reports drawn up	7 prescripts handed over to eliminate violations; 6 administrative offence reports drawn up	-	-

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

General legal framework

Series of legal acts were adopted during the reporting period such as:

- Law of Ukraine “On charge-free legal aid” dated June 02, 2011 No. 3460-VI;
- Decree of the Cabinet of Ministers of Ukraine dated December 01, 2010 No. 2154 “On approval of the plan for the national campaign” Stop Violence!” for the period till 2015”;
- Decree of the Cabinet of Ministers of Ukraine “On Approval of the National Program for Family Support for the period till 2016” dated May 15, 2013 No. 341;
- Decree of the Cabinet of Ministers of Ukraine “On Approval of the Statute of the Center for Social Services to Family, Children, and Youth” dated January 08, 2013 No. 573.

Law of Ukraine dated June 2, 2011 No. 3460-VI “On charge-free legal aid” (hereinafter - the Law No. 3460) determines the essence of the right to charge-free legal aid, procedure for exercising this right, the grounds and procedure for delivery of the charge-free legal aid, government guarantees of its delivery.

In accordance with the law, the right to charge-free primary legal aid is given to all persons within the jurisdiction of Ukraine. Categories of persons entitled to get charge-free secondary legal aid are referred to in the Article 14 of the Law.

The Centers for providing charge-free secondary legal aid shall be established by the Ministry of Justice of Ukraine at the Main Departments of Justice in the Autonomous Republic of Crimea, oblasts, cities of Kyiv and Sevastopol taking into account needs of appropriate administrative-territorial unit (Article 16 of the Law No. 3460).

In this way, the state defines mechanism for delivery of accessible, high-quality, and properly funded charge-free legal aid.

The Decree of the Cabinet of Ministers of Ukraine dated May 15, 2013 No. 341 approves the National Targeted Program for Family Support until 2016. The goal of the National Program for Family Support (hereinafter - the Program) is to preserve traditional family values, increase motivation to marriage registration, conscious childbirth and parenting, as well as improving social protection for families in difficult life circumstances. The program is aimed to implement integrated activities at national and regional levels for creation of value system oriented on family life among the population and increase of motivation to marriage registration, childbirth and upbringing of desired children in families, increase of social benefits and social services programs efficiency, delivery of targeted support to families in the community, prevention of and combating domestic violence, delivery of social care and support to families in difficult life circumstances. The Program implementation also envisages providing services on

preparation to future parenthood to families; introduction of young people preparation to family life in order to prevent divorces and instability in relationships.

**Measures for application of legal regulations
Responses to the additional questions
of the European Committee of Social Rights**

The Law of Ukraine “On social work with families, children and youth” dated June 21, 2001 No. 2558-III (hereinafter - the Law No. 2558) envisages that the main areas of the state policy in the field of social work with families, children and youth are inter alia as follows: to establish favorable conditions for functioning and strengthening families; to promote the responsible attitude of parents to establishment of conditions needed for comprehensive development and upbringing of their children; to develop of various forms of family care for orphans and children deprived of parental care; to promote healthy lifestyles in family, children and youth environment; to carry out social and preventive work, rehabilitation measures aimed to restore social functions, psychological and physical condition of children and young people who have experienced violence and abuse, are victims of human trafficking, were involved in the worst forms of child labor; to provide social support to HIV-infected children, youth and members of their families; to assist NGOs and other citizens' associations, individuals in implementation of their socially relevant initiatives and projects in the area of social work with families, children and youth in accordance with the law prescribed procedure; development and support of volunteer movement in the area of social work with families, children and youth.

Social servicing families, children and youth includes the following: delivery of psychological services on psycho-diagnostics, psychological correction, psychological rehabilitation, methodological advising; health promotion, maintaining health of families, children, and youth; social adaptation, social support of orphans and children deprived of parental care; protection of personal rights and interests, mediation and representation of families', children' and youth's interests.

In accordance with the Article 17 of the Law No. 2558 social work with families, children and youth shall be carried out by: republican (the AR of Crimea), oblast (regional), Kyiv and Sevastopol city, district, city, city raion, township, and village centers of social services for families, children and youth; as well as by specialized units to be established by raion(district), city, city raion, township, and village centers of social services for families, children and youth.

Decree of the Cabinet of Ministers of Ukraine dated January 08, 2013 No. 573 approves the Statutes of the Center for Social Services to Family, Children, and Youth. Activities of the centers for social services to family, children and youth is financed out of funds envisaged in the local budgets under relevant code of expenditures program classification and out of other sources not prohibited by the law. Services provided by the

Centers for Social Services to Family, Children, and Youth are public services and shall be provided free of charge.

Center for Social Services to Family, Children and Youth (hereinafter - CSSFCY) may, in particular, take measures to protect rights, freedoms and legitimate interests of families, children and youth; be an intermediary representing interests of families, children, and youth; request a prosecution of officials which are guilty of law violation on social work with families, children and youth, and to ensure access to charge-free legal aid on the grounds and in accordance with the procedure provided in the law of Ukraine “On charge-free legal aid”.

Family counseling services

Q. 1. The Committee asks for information to be included in the next report on family counselling services.

Response: Order of the Ministry of Social Policy dated September 03, 2012 No. 537 (registered in the Ministry of Justice of Ukraine on September 19, 2012 under No. 1614/21926) approves a list of social services to be provided to persons in difficult life circumstances and unable to overcome them by their own efforts.

This list in particular envisages delivery of the following services:

- placement into family forms of care – selection of and training foster parents, houseparents, guardians/trustees; preparation of the child to placement; counseling families; social support of families; protection of proprietary, housing and other rights of the child; promotion of training and development of the child; work aimed to return the child into his/her biological family; assistance in building-up/restoring family ties and community relations; settlement, suspending conflicts in the family; correction of psychological status and behavior in everyday life;
- crisis and emergency intervention i.e. psychological support (counseling, support, diagnosis, counseling, correction, psychotherapy, rehabilitation); delivery of information on population social protection issues; assistance in the organization of interaction with other professionals and agencies; representation of interests, correction of family relations; assistance in getting charge-free legal aid; organization of emergency medical care delivery; organization of shelters;
- counseling i.e. assistance in analysis of life situation, identifying major problems and ways to solve them, preparing plan how to overcome the difficult life situation; psychological counseling; assistance in getting legal aid;
- mediation i.e. assistance in resolving conflicts; negotiation; finding ways and conditions for the conflict resolution.

Beneficiaries of CSSFCY's services are:

- families where there is a problem of orphanhood (foster parents/guardians);
- families where there is risk of placement a child in an institution for orphans and children deprived of parental care (risk of a child removal from the family);
- women who intend to abandon newborn child;
- families with children in residential institutions (excluding orphans and children without parental care and children who are raised in special sanatoriums and boarding schools);
- one-parent families (single mother, one parent raising a child, under-aged mothers);
- families where there are conflicts between family members (negative relationship between family members, problems in children care, neglect of children, etc.);
- families with children that have committed an offense, and are registered in police records;
- families where there is the problem of unemployment of one family member, if he/she is registered in an employment agency, as needing employment;
- families where there is a threat, or real facts of violence against a family member or ill-treatment of children;
- families where one of family members is in prison or returned from it;
- families where there is a health problem (alcohol, drug addiction, TB, HIV, disability);
- individuals and families with children needing social benefits, privileges.

Services provided by CSSFCY's specialists:

- information services
- psychological services
- social and pedagogical services
- social and medical services
- legal services
- social and economic services

State targeted social program of family support until 2016 envisages delivery of comprehensive knowledge to youth about family life, peculiarities of interpersonal relationships within a family, various aspects of parenthood, etc.

The Ministry of Social Policy of Ukraine by its order dated December 27, 2013 No. 906 approved the training program for specialists on youth preparation to family life. The Program implementation has been started. In particular, more than 250 people were trained on the basis of the Donetsk Oblast State Administration during 2013, including social workers, health professionals, teachers who will prepare families and youth to family life in future and series of centers for preparation to family life were opened. Training and methodological manual for specialists to be involved in youth preparation to family life was developed. In 2013, the manual was published under the aegis of the State Institute for Family and Youth Policy of the Ministry of Education and Science of Ukraine (Minutes of the Academic Council Meeting No. 03/13 dated September 04, 2013).

Participation of family representing associations

Q. 2. To ensure that families' views are catered for when family policies are framed, the authorities must consult associations representing families. The Committee asks for information in the next report on the participation of relevant associations representing families in the framing of family policies.

Response: The Ministry of Social Policy of Ukraine cooperates with and regularly involves appropriate family oriented community-based organizations to the framing of family policies. For example, the community-based organizations are involved in the development of state standards of services delivery to families as follows: All-Ukrainian NGO "League of social workers", "Partnership "To Every Child", International Charitable Organization "Right to health" (Health Right International) in Ukraine, International NGO "International Center for Development and Leadership", "Ukrainian Foundation for Public Health", Charitable Fund "Caritas Ukraine", Rinat Akhmetov Charitable Fund "Development of Ukraine", Representation Mission of Charitable Organization "Hope and Homes for Children" in Ukraine of Charitable Fund "SOS children's villages".

Legal protection of families

Mediation services

Q. 3. The Committee points out that states are required to set up family mediation services. The Committee asks for information in the next report on access to such services, whether they are free of charge, how they are distributed across the country and how effective they are.

(Please see the above information)

In accordance with the order of the Ministry of Social Policy dated September 03, 2012 No. 537 “On approval of the list of social services to be provided to persons in difficult life circumstances and unable to overcome them by their own efforts” the mediation service i.e. assistance in resolving conflicts; negotiation; finding ways and conditions for the conflict resolution is included in the list of the social services. The Ministry of Social Policy of Ukraine plans development of national standard for mediation services.

Domestic violence against women

Resolution of the Cabinet of Ministers of Ukraine dated December 1, 2010 No. 2154 approves the “Action Plan for the National Campaign" Stop Violence!" for the period till 2015” aimed to attract people's attention to the problem of domestic violence; to form gender culture of the population for prevention of violence in all its forms; to inform citizens about the agencies and institutions to contact in case of violence, about peculiarities of work with victims of domestic violence and persons committing the violence.

Order of the Ministry of Social Policy dated September 17, 2012 No. 581 approves the recommendations for carrying out annual action “16 days against violence”, to be held annually in Ukraine from November 25 to December 10, which involves entities competent to carry out such activities and international organizations and NGOs.

Organization of such action is imposed on Departments of the Ministry of Education, Science, Youth and Sports of the AR of Crimea, oblast state administrations, Kyiv and Sevastopol city state administrations, that coordinate issues of domestic violence prevention.

The following activities are held in regions within the Action:

- Meetings of the Coordinating council for domestic violence, equal opportunities for women and men and combating trafficking in human beings;
- Thematic events of informational, educational and pedagogical nature (lectures, discussions, seminars, workshops, round tables, trainings for parents, educational classes, school-wide lines, open lessons, contests) among students, teachers, and parents community on issues of domestic violence, prevention of child abuse.

- Weeks of legal education and literature exhibitions “World Without Violence”, “Domestic Violence” aimed to prevent the domestic violence.

Conducting the annual event is widely covered in the media, in particular regional TV and Radio companies permanently support its activities, newspapers publish regular columns, social video spots are broadcasted in TV programs and at official websites of the AR of Crimea government, oblast state administrations, Kyiv and Sevastopol city state administrations.

In order to improve national legislation on domestic violence prevention, the Ministry of Social Policy, has developed a new draft Law of Ukraine “On Preventing and Combating Domestic Violence”.

In addition, in 2014 the project “Prevention of violence against women and domestic violence and combating these phenomena” (for the period 2014-2016) was launched. One of the main objectives of the project is preparation to ratification of the Convention on preventing and combating violence against women and domestic violence.

Appropriate measures for combating domestic violence, prevention of family problems and violence against women are included in the National Targeted Programme on family support until 2016, approved by the Cabinet of Ministers of Ukraine Decree dated May15, 2013 No. 341.

Ministry of Social Policy prepared a training program on domestic violence prevention for social workers, social work professionals and other specialists providing social services, which is aimed to improve their professional competence, and help to expand the cross-sectoral and inter-agency relationships when providing social services to victims of violence.

This program will enable specialists to get theoretical knowledge on general characteristics of various types of violence, responsibilities of bodies, institutions, and organizations in regard to implementation of measures aimed to prevent domestic violence, on inter-agency cooperation as a condition of efficiency in combating violence, on interaction of structural units responsible for implementation of public policy on prevention of Domestic Violence.

In addition, the Ministry prepared the following drafts:

- draft Typical correction program for perpetrators of domestic violence;
- draft Training programs on implementing the corrective programs for perpetrators of domestic violence;
- draft Methodical recommendations on organization of correctional programs for perpetrators of domestic violence.

In accordance with the order of the Ministry of Internal Affairs dated September 07, 2009 No. 3131/386 “On approval of the Instruction regarding a procedure for interaction between departments (divisions) of Family, Youth and Sports affairs, services for children affairs, social services for families, children and youth and the relevant departments of the Ministry of Internal Affairs on implementation of

measures to prevent domestic violence” the Ministry of Internal Affairs carried out the following activities during the reporting period:

#	Activity	2010	2011	11 month of 2012	2013
1.	Total number of persons registered as perpetrators of domestic violence for preventing purpose	102 133	109468	116 800	92 772
2.	Number of persons registered as perpetrators of domestic violence for preventing purpose during the appropriate year	81 135	87 540	82 962	95 466
3.	Number of persons whom official warning was sent on unacceptability of domestic violence during the appropriate year	96 182	98 597	88 183	96 191
4.	Number of persons whom protective record was provided after warning on unacceptability of domestic violence during the appropriate year	6684	5026	4278	6605
5.	Number of administrative offence reports drawn up pursuant to Article 173-2 of the Code of Ukraine on Administrative Offences (CoUAO)	12 1065	126 682	101 076	116 524
6.	Number of administrative offence reports pursuant to Article 173-2 of CoUAO considered by courts with the following judgments:	82 859	79 085	79 085	70 629
6.1.	Warning	1797	1754	1149	1235
6.2.	Fine	59 332	67 197	53 612	63 983
6.3.	Correctional tasks	102	626	187	117
6.4.	Administrative arrest	10 730	8457	5132	3857
7.	Number of domestic violence victims placed into specialized rehabilitation facilities	317	170	194	421

8.	Number of domestic violence perpetrators placed into crisis centers for passing through the correctional program	3673	3742	1957	4335
----	--	------	------	------	------

In 2010, the Ministry of Family, Youth and Sports trained specialists from regions of Ukraine (5-7 persons per region) on delivery of rehabilitation programs for perpetrators of domestic violence, developed by the Ministry jointly with the Coordinator of OSCE in Ukraine, and provided recommendations for approval of corrective programs at the local level. In 2012, the Ministry of Social Policy with support from the Coordinator of OSCE prepared and published a “Methodological manual for professionals implementing corrective programs for perpetrators of domestic violence”. The Manual was approved for use in practical work and sent to Ukrainian regions.

In pursuance of the Instruction regarding a procedure for interaction between structural divisions responsible for implementation of state policy on preventing domestic violence, services for children affairs, social services for families, children and youth and the relevant departments of the Ministry of Internal Affairs on implementation of measures to prevent domestic violence (order MFYS and MIA dated September 07.,2009 No. 3131/386), regional structural divisions provide information on prevention of domestic violence, which is analyzed and summarized by the Ministry of Social Policy.

Produced statistics objectively reflect the scope of this socially dangerous phenomenon.

Number of complaints (addresses) regarding domestic violence:

2010 there were 110 252 addresses (of them – 96152 from women);

2011 – 126,514 addresses (of them – 113,872 from women);

2012 – 110 012 addresses (of them – 93402 from women);

2013 - 144 848 addresses, in 126 498 addresses women are victims of the violence.

Affected individuals, particularly women, can get assistance from the state in centers of social services for families, children and youth and centers for social and psychological assistance.

The social service centers maintain a register for families in difficult life circumstances because of domestic violence. The register included:

in 2010– 8593 families;

In 2011 – 4335 families;

In 2012 – 6608 families;

during 2013 – 8573 families.

Help to such families is provided by the social service centers on individual basis (if required), and within social support of the family where violence was committed in order to provide comprehensive assistance and solve the problems having led to its commission.

Ad hoc assistance (on request) was provided to the following quantity of domestic violence victims:

2010– to 9521 persons;

2011 – to 12105 persons;

2012 – to 15140 persons;

during 2013 – to 27022 persons.

Number of families being under social support:

2010– 3309 families;

2011 – 2109 families;

2012 – 2549 families;

during 2013 –3509 families.

If necessary, temporary shelter and comprehensive support is provided by centers of socio-psychological assistance to victims of domestic violence (including women). As of 1 January 1, 2014 twenty two such centers were operated in regions of Ukraine (in the AR of Crimea, Volyn, Dnipropetrovsk, Donetsk, Zhytomyr, Zakarpattia, Zaporizhzhia, Ivano-Frankivsk, Kirovohrad, Luhansk, Lviv, Mykolaiv, Odesa, Rivne, Sumy, Ternopil, Khmelnytskyi, Cherkasy, Chernivtsi, and Chernihiv oblasts, and in cities of Kyiv and Sevastopol). In 2013 these institutions provided assistance in relation to domestic violence to 991 persons.

Economic protection of families

Family benefits

In accordance with the Law of Ukraine “On State Social Standards and State Social Guarantees” dated October 05, 2000 No. 2017-III the subsistence minimum is a basic social standard used for determining social guarantees in Ukraine.

The median equivalised income is used for determining level of poverty.

In accordance with the State Targeted Program for poverty reduction and prevention for the period till 2015 (approved by the Decree of the Cabinet of Ministers of Ukraine dated August 31, 2011 No. 1057), the relative poverty level is defined as 75% of median level of total equivalent expenditure.

According to Household Living Conditions Survey 2010, the poverty line under a relative criterion was UAH 944 per month in 2010, and the poverty rate was 24.1%;

in 2011 the poverty line under a relative criterion was UAH 1062 per month, and the poverty rate was 24.3%;

in 2012 the poverty line under a relative criterion was UAH 1125 per month, and the poverty rate was 25.5%;

For the first 9 month of 2013 the poverty line under a relative criterion was UAH 1173 per month, and the poverty rate was 24.7%.

Since January 1, 2010, the benefit for nursing children under the age of three years shall be paid in the amount equal to the difference between 100 percent of the subsistence minimum for able-bodied persons and the average total family income per capita over the last six months, but not less than UAH 130 per month.

As of January 01, 2014, the maximum amount of the above benefit is UAH 1218 per month .

As of January 01, 2014, the assistance at child birth is provided for the first child in the amount of UAH 30,960, for the second child – UAH 61,920, and for the third child and subsequent children – UAH 123,840. The assistance is paid in accordance with the following scheme: one-off payment in the amount of UAH 10,320 and remaining amount is paid *ana partes aequalis* during 24 months for the first child, 48 months for the second child, and 72 months for the third child and subsequent children).

To strengthen social protection of families with many children, improve their public support, create more favorable conditions for raising children in such families, the Law of Ukraine “On Amendments to Certain Legislative Acts of Ukraine concerning social protection of families with many children” adopted by the Verkhovna Rada of Ukraine on May 19, 2009 became effective since January 1, 2010. According to this law, families with many children got a right to some additional benefits, including: 50% discount of payment for housing and utility services (*gas supply, electric supply, etc.*).

Children from multi-child families have the right of free passage in all kinds of public passenger transport (except for taxis), in railway and water commuter transport, commuter and intercity buses; they shall obtain free medicines if prescribed by doctors and have other benefits.

In accordance with the Unified register of families with many children as of January 02, 2014, there were more than 323 thousand multi-child families in Ukraine, where about 1 million 90 thousand children are raised. Thus the number of families with many children increased by 25 percent as compared with 2010 (242 thousand families).

For economic support of women with many children, since 2008, President of Ukraine introduced a one-off remuneration payment to women having the honorary title “Hero Mother” (Decree of the President of Ukraine of 25.12.2007 No. 1254 “On payment one-off remuneration to women whom the honorable title “Hero Mother” is assigned). The amount of the payment is equal tenfold subsistence minimum established for the workable persons for the year when the honorary title is assigned to the woman.

The amount of the payment was UAH 8 690 in 2010, and increased almost by 25% (to UAH 11470) in 2013. In general more than 108 thousand of mothers with many children get the honorary title “Hero Mother” during the period 2010-2014.

Vulnerable families

Q. 4. States' positive obligations under Article 16 include implementing means to ensure the economic protection of various categories of vulnerable families, including Roma families. The Committee consequently asks what measures are taken to ensure the economic protection of Roma families.

Response: As of 1 January 2014, the state social assistance to low-income families is provided based on the level of the subsistence minimum, namely:

- For able-aged persons – 21% of subsistence minimum (since January 2014 – UAH 255.78 per month);
- for children aged under 6 years – 85% of subsistence minimum (since January 2014 –UAH 877.20 per month).
- for children aged 6 through 18 years – 85% of subsistence minimum (since January 2014 –UAH 1093.10 per month).
- for children aged 18 through 23 years (if they are students) – 85% of subsistence minimum (since January 2014 – UAH 1035.30 per month);
- for persons who became unable to work, and disabled persons - 100% of the subsistence minimum (since January 2014 – UAH 949.00 per month)

Also, for each child aged 3 to 13 years who is brought up in low-income family an additional benefit is paid in the amount of UAH 250, and for a child aged 13 to 18 years –500 UAH.

Regarding assistance to single mothers please be informed that assistance to single mothers (widows, widowers), is provided in the amount equal to the difference between 50 percent of the subsistence minimum for a child of appropriate age and the average total family income per capita in the previous six months but not less than 30 percent of the subsistence minimum for a child of appropriate age.

As of 1 January 2014, the minimum amount of the benefit is as follows: for children aged up to 6 years – UAH 309.60, for children aged 6 to 18 years – UAH 385.80, for children aged 18 to 23 years – UAH 365.40. Maximum amount of the benefit is as follows: for children aged up to 6 years – UAH 516.00, for children aged 6 to 18 years – UAH 643.00, for children aged 18 to 23 years (if they are students) – UAH 609.00.

Additionally please be informed that in accordance with the Law of Ukraine “On State Support for Families with Children”, citizens of Ukraine, foreigners and stateless persons permanently residing in Ukraine, persons who are recognized as refugees in Ukraine or as persons who need extra protection are entitled to receive this state benefit. Taking the above into account Roma families receive the assistance on the same basis as everyone else.

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

Q.5. Foreign nationals and stateless persons residing permanently in Ukraine and persons with refugees status have the same rights as Ukrainian citizens with regard to family benefits. The Committee asks whether the granting of permanent residence is subject to a length-of-residence requirement.

Response: Law of Ukraine “On Immigration” dated June 07, 2001 No. 2491-III (hereinafter - the Law No. 2491) defines the term “immigration quota” as the maximum number of foreigners and stateless persons, whom permit for immigration may be provided during the calendar year. Article 4 “Immigration quota” set forth grounds for delivery the immigration permit.

The immigration quota is established by the Cabinet of Ministers of Ukraine in accordance with the procedure set forth by it with breakdown by the following categories of immigrants:

- scientists and cultural workers whose immigration is in the interests of Ukraine;
- highly qualified specialists and workers, urgently needed for Ukrainian economy;
- foreign investors in Ukraine having invested convertible currency in an amount not less than one hundred (100) thousand US dollars, that was registered in accordance with the procedure set forth by the Cabinet of Ministers of Ukraine;
- persons who are birth siblings, grandfather or grandmother, or grandchild of Ukrainian citizens;
- persons who have previously been citizens of Ukraine;
- immigrant's parents, spouse, and under-aged children;
- persons who have continuously resided in Ukraine for three years from the date when the status of human trafficking victims was assigned to them.

Immigration permit is provided in excess of the quota for the following persons:

- those married to an Ukrainian citizen for more than 2 years, children and parents of Ukrainian citizens;
- persons who are guardians or trustees of Ukrainian citizens, or are under guardianship of Ukrainian citizens;
- persons who are entitled to the citizenship of Ukraine because of their territorial origin;
- persons whose immigration is a state interest for Ukraine;
- foreign Ukrainians, spouses of foreign Ukrainians, their children, in case of their joint entry and residence in the territory of Ukraine.

In this way, the granting of permanent residence is subject to a length-of-residence requirement in the territory of Ukraine only for one category of people - namely, persons who have continuously resided in Ukraine for three years from the date when the status of human trafficking victims was assigned to them.

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

General legal framework

Series of legal acts were adopted during the reporting period, including as follows:

- Law of Ukraine dated March 15, 2012 No. 4525-UI “On Amendments to the Family Code of Ukraine as regards Increase of the Minimum Legal Age of Marriage”;
- Law of Ukraine dated February 15, 2011 No. 3017-VI “On Ratification of the European Convention on Adoption of Children (revised)”;
- Decree of the President of Ukraine dated October 22, 2012 No. 609/2012 “On the National Strategy for Prevention of Social Orphanhood for the period until 2020”;
- Decree of the President of Ukraine dated May 24, 2011 No. 597/2011 “On approval of the Concept of Criminal Justice Development for Minors in Ukraine”;
- Cabinet of Ministers of Ukraine Decree dated 12.10.2011 No. 1039 “On Approval of the Action Plan for Implementation of the Concept of Criminal Justice for Minors in Ukraine”;
- Cabinet of Ministers of Ukraine Decree dated 30.11 2011 No. 1209 “On approval of the Concept of State Policy in the Area of Crime Prevention for the period till 2015”;
- Order of the Ministry of Education, Science, Youth and Sports of Ukraine and the Ministry of Social Policy of Ukraine dated 10.09.2012 No. 995/557 (registered with the Ministry of Justice of Ukraine on September 20, 2012 under 1629/21941) “On Approval of the Statutes of Orphanages, and Secondary Education Boarding Schools for Orphans and Children Deprived of Parental Care”.

Measures for application of legal regulations Responses to the additional questions of the European Committee of Social Rights

Legal Status of Children

Q.1. The Committee notes the difference in the minimum legal age of marriage of 18 for men and 17 for women and asks what are the reasons for such differentiation and whether it is envisaged to equalise the minimum age of marriage for women and men.

The Committee recalls that Article 17 guarantees, in principle, the right of a child to know his or her origins. It asks whether the law concerning adoption has changed or is envisaged to be changed, in view of the recommendations of the Committee on the Rights of the Child contained in its Concluding observations (2002) in respect of Ukraine.

The Committee further recalls that under Article 17§1 the Committee examines the procedures available for the establishment of maternity and paternity, and in particular it examines the situations where the establishment of maternity or paternity is not possible and where the right of a child to know his or her origins is restricted. It therefore asks the next report to provide information on this issue. In particular, the Committee would like

to know examples of cases in which a child was refused information on his/her parents on the ground that it was considered harmful.

Response: Law of Ukraine dated March 15, 2012 № 4525-UI "On Amendments to the Family Code of Ukraine as regards Increase of the Minimum Legal Age of Marriage" has amended the first paragraph of Article 22 of the Family Code of Ukraine (hereinafter referred to as FCU), and set up the equal minimum legal age of marriage of eighteen for men and women.

Pursuant to the Article 15 of the Law of Ukraine "On Protection of Childhood" a child is entitled to information about his or her "absent parents", if such information is not harmful to the child's mental or physical health. In turn, article 16 of the Law of Ukraine "On establishing organizational and legal conditions for social protection of orphans and children deprived of parental care" from 13.01.2005 № 2342-IV (hereinafter referred to as the Law № 2342) envisages that the central executive authority ensuring formation of state policy on family and children issues shall develop and approve a sample accounting and statistical card of an orphan or a children deprived of parental care. The accounting and statistical card shall contain data about the child, his/her heredity, health, place of origin, place of residence, information about parents, brothers, sisters and near relatives, information about his/her property, house or apartment where the child lived or which had in ownership or which is fixed for the child on other grounds, information about institutions and families where the child was cared, plan and the results of social support of the child, information about the child development, educational outcomes, etc.

After reaching the age of majority the orphan or child deprived of parental care may access the information contained in its accounting and statistical card which shall be provided by the guardianship&custody body on request of the child within three days from the date of address. In the case of adoption of the orphan or child deprived of parental care, the information contained in its accounting and statistical card shall be provided to the adoptive parents after taking an appropriate decision by court.

It should be mentioned that, in accordance with paragraphs 26 and 27 of The Procedure for carrying out Children's Rights Protection Activity by Guardianship&Custody Bodies approved by the Cabinet of Ministers of Ukraine dated September 24, 2008 № 866, the child loses the status of orphan or child deprived of parental care in case of his/her adoption.

Pursuant to the Article 226 of FCU, any adopted person is entitled to obtain information about their adoption after achieving the age of fourteen. In particular, this information includes the information about the legal basis for the child's adoption that is regarding the child's parents.

Restriction and termination of parental rights

Q.2. The Committee asks what are the criteria for the restriction of custody or parental rights and what is the extent of such restrictions. It also asks what are the procedural safeguards to ensure that children are removed from their families only in exceptional circumstances. It further asks whether the national law provides for a possibility to lodge an appeal against a decision to restrict parental rights, to take a child into public care or to restrict the right of access of the child's closest family.

The Committee asks for updated information on the total number of institutions caring for children, their nature and object and the number of children placed in them as opposed to those placed in foster care or placed for adoption. The Committee further asks who is responsible for governance and monitoring of these institutions (state or local authorities).

In this connection the Committee recalls that under Article 17§1 of the Charter long-term care for children should take place primarily in foster families and only if necessary in institutions. The Committee notes from the report that in recent years, considerable efforts have been made to place orphans and children without parental care in family-type settings and the Government programme for reforming the system of institutions has been adopted. The Committee would like to be informed about details and results of this reform.

Response: Article 164 of FCU defined grounds of parental rights deprivation, and the mother, the father may be deprived of their parental rights by the court, if he/she:

- 1) did not pick up the child from a maternity hospital or other health institution without serious reason and did not give parental care to the child;
- 2) evade fulfillment their child-caring obligations;
- 3) abuse their child;
- 4) are chronic alcohol or drug abusers;
- 5) practice any types of child exploitation; compel the child to beggary or vagrancy;
- 6) were convicted for premeditated criminally punishable act in regard to the child.

Mother, father may be deprived of their parental rights on the grounds established in paragraphs 2, 4 and 5 of Part 1 of this Article, only if they have reached adulthood. Mother, father may be deprived of parental rights for all their children or for some of them.

In turn, grounds and procedure for restoration of parental rights are stipulated in Article 169 of FCU.

Mother, father deprived of parental rights, have the right to apply to the court for restoration of parental rights.

Restoration of parental rights is impossible if the child has been adopted and the adoption was not canceled or revoked by the court. Restoration of parental rights is impossible if at the moment of court trial the child has reached the age of adulthood.

The Court shall examine how much changed behavior of the person deprived of parental rights and circumstances which were the grounds for deprivation of parental rights, and take its decision in accordance with the interests of the child.

When deciding the case on restoration of parental rights of one parent, the court shall take into account opinion of other parent, other persons whom the child lives with.

The court's decision on restoration of parental rights shall be sent by the court to civil registration office at the place of birth of the child after its entry into force.

In the case of dismissal of a claim for parental rights restoration a new such claim may be submitted not earlier than one year from the entry into force of the dismissal judgment.

Moreover, in accordance with paragraphs 15-17 of the Supreme Court of Ukraine Decree dated March 30, 2007 # 3 "On practice of law application by courts when considering cases on adoption, deprivation or restoration of parental rights", deprivation of parental rights (i.e. rights to child care, to protection his/her interests, to taking the child from other persons detaining him/her illegally etc.) provided to the parents until their child reaches the age of majority and based on relationship with the child, is an extreme measure of influence for people who do not fulfill their parental duties, and therefore the issue of its application should be decided only after a full, comprehensive, objective study of circumstances of the case, in particular of parents' attitude to children.

Persons may be deprived of parental rights only for a child under the age of eighteen, and only on the grounds provided for in Article 164 of FCoU.

parents evasion to fulfill their child-rearing obligations takes place if they do not care about the child's physical and intellectual development, his/her education, preparation for independent living, in particular: If they do not provide the necessary food, medical care, treatment, that adversely affect the child's physical development as a part of care; if they do not communicate with the child to the extent necessary for its normal self-consciousness; do not give the child access to cultural and other intellectual values; it does not contribute to getting generally accepted standards of morality; do not show interest to his/her inner world; do not establish conditions for the child's education.

These factors taken individually or collectively may be regarded as an evasion to fulfill their child-rearing obligations only if there is guilty behavior of parents, and they disregard their responsibilities consciously.

Abuse is physical or mental violence, use of inadmissible methods of child-rearing, abasement of the child's human dignity, etc.

Chronic alcoholism disease of parents or drug abuse have to be supported by relevant medical opinions.

Child exploitation means his/her engagement in hard labor, prostitution, criminal activity or forcing into begging.

If a claim for deprivation of parental rights is based on various grounds, courts shall verify and justify each reason in its decision.

Along with the deprivation of parental rights, the court may decide on alimony for the child at the request of the claimant or on its own initiative.

Minor father or mother may be deprived of parental rights only in cases specified in paragraphs 1 and 3 of Article 164 FCoU, in particular, if they have not picked up the child from a maternity hospital or other health institution without serious reason and did not give parental care to the child for six months, or if they abuse their child.

It is not possible to deprive parental rights a person who does not fulfill their parental duties because of mental illness, dementia or other serious illness (except for chronic alcoholism or drug addiction) or for other reasons beyond his/her control.

Pursuant to the Article 170 of FCoU a court may render a decision or a judgment to remove the child from both parents or from one of them, without depriving them of parental rights in cases provided for in paragraphs 2-5 of part 1 of Article 164 of FCoU, and in other cases when keeping the child with parents threaten his/her life, health and morale.

In this case, the child shall be turned over to other parent, grandmother, grandfather, other relatives (should they so wish) or to guardianship and custody body.

In exceptional cases, if there is an immediate threat to the child's life or health, the guardianship and custody authority or the prosecutor have the right to decide the immediate removal of the child from the parents.

In this case, the guardianship and custody authority shall immediately notify the prosecutor, apply to the court for depriving one or both parents of parental rights or for the removal of the child from the mother, father without depriving them of parental rights within seven days after their judgment.

The prosecutor may apply to the court with this claim.

Should the reasons that prevented proper child-rearing by his/her parents disappear, the court at the parents request may take a decision to return their child.

When sustaining a claim on removing the child from the mother, father without depriving them of parental rights, the court shall decide on recovering alimony for the child support.

Provisions of parts 1-3 of the Article shall be applied to the removal of the child from other persons whom the child lives with.

Children in public care

Law of Ukraine № 2342 establishes the legal, organizational and social principles and guarantees of state support for orphans and children deprived of parental care, as well as persons out of them, and is a part of child protection legislation. The state provides full support of orphans and children deprived of parental care, as well as persons out of them. Assistance and allowance for these children can not be lower than minimum standards ensuring every child life standards adequate for physical, mental, intellectual, moral and social development at the level not less than subsistence minimum for these persons.

The right to full public care in educational institutions is provided to orphans and children deprived of parental care under age of eighteen, as well as persons out of them if they continue education until the age of 23 or until the graduation of educational institution.

Persons from among orphans and children deprived of parental care who are on study obtain (in addition to full state care) stipend in the amount of 150 percent of usual size of the stipend in their educational institutions, and 100 percent of wages accrued during training and work practice in industrial conditions.

Persons from among orphans and children deprived of parental care who are on study obtain annual aid for purchasing textbooks in the amount of three monthly stipends. This aid is paid within 30 days after the school year beginning out of funds envisaged for educational institutions in respective budgets.

When academic leave for a medical report is provided to persons from among orphans and children deprived parental care being on study, they keep full public support and stipend for the entire period of the academic leave. The educational institution facilitates organization of their treatment.

Graduates of educational institutions from among orphans and children deprived of parental care are provided with clothing and footwear, as well as one-off cash assistance in the amount of at least six subsistence minimums for the relevant age out of funds of the school or educational institution in accordance with the procedure prescribed by the Cabinet of Ministers of Ukraine. Standards of clothing and footwear provision are approved by the Cabinet of Ministers of Ukraine. At the request of graduates they may be granted cash compensation in the amount required to purchase clothing and footwear.

The value of full state support in monetary equivalent for children 0-3 years old, 3-7 years old, 7-10 years old, 10-14 years old, 14-18 years old, and persons from among orphans and children deprived of parental care up to twenty-three year old is determined according to the Law of Ukraine “On Subsistence Minimum”.

Ukrainian social protection system operates 52 residential-type care facilities (that literally means “boarding school-orphanages”) where 6.2 thousand pupils and wards live, of which 2.9 thousand are children with physical and mental developmental disabilities.

Orphanages and boarding schools for orphans and children deprived of parental care

Order of the Ministry of Education, Science, Youth and Sports of Ukraine and the Ministry of Social Policy of Ukraine dated 10.09.2012 No. 995/557 (registered with the Ministry of Justice of Ukraine on September 20, 2012 under No. 1629/21941) has approved statutes of orphanages, and general education boarding schools for orphans and children deprived of parental care.

Orphanages and boarding schools for orphans and children deprived of parental care of all types and forms of property (hereinafter – residential institutions) are educational institutions establishing orphans and children deprived of parental care conditions for living, comprehensive development, care, education, vocational guidance and training, and prepare children to independent life.

These residential institutions are established for orphans and children deprived of parental care, and they are cared there from age of 3 until obtain a base or full secondary education and, if necessary, - until adulthood. These orphans and children deprived of parental care are on full state support at the expense of relevant budgets and other (not prohibited by law) sources of funds.

The following categories of children are enrolled in these residential institutions

- children-orphans
- children deprived of parental care;
- children separated from their families in accordance with the Law of Ukraine “On refugees and persons that need additional or temporary protection”.

Orphans and children deprived of parental care which were placed into family-type forms of care (guardianship, foster care, and small family type homes) cannot be enrolled in these residential institutions.

In case of graduating or transfer to another educational institution, a student (educatee) shall obtain:

- certificate of residence in the residential institution;
- documents of education (for school age children);
- pecuniary aid in accordance with the current education;
- certificate of birth or passport for persons in the age of 16;
- information about parents or near relatives;
- documents confirming rights of educatees to property, living space where they or their parents lived before, property certificates, savings books, securities, pension book, taxpayer's registration number, other documents, etc.

Medical services to residential institution students (educatees) regardless of their subordination, type and form of ownership is provided by local government bodies and local authorities through health workers being on staff in these institutions, or medical personnel of medical institutions based on territorial principle.

Health care institutions together with health workers of the residential institutions carried out medical examinations for all students (educatees) twice a year, and take them (if necessary) to clinical records, carry out permanent medical supervision and timely treatment of them.

Educational process in a residential institution, regardless of its subordination, type, and form of ownership is based on curricula to be drawn up on the basis of standard curricula approved by the Ministries of Education&Science, and of Youth and Sports of Ukraine.

The educational process for pre-school children is carried out in accordance with the Law of Ukraine "On Preschool Education" and other regulatory and legal acts.

Students (educatees) of the residential institutions have rights to:

- Conditions of living, education, care and development, close to the family-type;
- pre-school, basic, and full-scope secondary education and extracurricular education;
- medical and social assistance in accordance with the current legislation;
- care in state and municipal educational institutions paid out of respective budgets care in private institutions at the expense of the owner (founder);
- adequate high quality nutrition;
- keeping family relations
- safe and harmless conditions of living, care, education, work;
- obtaining skilled assistance in training and in correction of mental and physical development;
- recreation, leisure, organized entertainment on weekends, holidays and during the school holidays;
- choosing form of training, optional courses, special courses, extracurricular activities;
- development of their creative abilities and interests through participation in various forms of educational, scientific, and practical activity, conferences, contests, exhibitions, competitions, etc.;
- use of educational&industrial, scientific, logistical, cultural, sport, correctional and rehabilitation as well as therapeutic base of the residential institution;
- free expression of their views and beliefs
- protection of their personal, housing and property rights;
- protection against any form of exploitation, psychical, physical and other types of violence by employees violating their rights, honor and dignity;
- participation in self-governance bodies of the residential institution.

The students (educatees) may be adopted by citizens of Ukraine or foreigners, turned over to guardians or custodians, placed in foster families or small family-type homes in accordance with the procedure prescribed by Ukrainian legislation.

Founder (owner) of the residential institution shall organize recreation and rehabilitation of children during school vacations in children's sanatoria, health and sports camps, recreation camps etc. Children who need sanatorium and health resort treatment obtain vouchers to appropriate facilities in the first place.

The state guarantees to graduates of the residential institutions (if they have the appropriate level of training) favorable conditions for enrollment to state and municipal vocational and higher educational institutions of all accreditation levels.

Residential institutions are usually located in health-friendly area, they have land parcels, tree and shrub planted playgrounds, air recreation area, and sports-ground.

A residential institution shall have required number of buildings, facilities and equipment for the educational process, living premises for educatees, premises for extracurricular work, vocational training and care to ensure appropriate conditions for educational, medical staff work, health treatment and preventive measures.

The premises shall have close-to-family conditions, rooms for 1-3 persons, living rooms, kitchen, where children can cook.

The primary form of state control over the activities of residential institutions of all types and forms of ownership is their state appraisal conducted in accordance with the procedure prescribed by the Ministry of Education, Science, Youth and Sports of Ukraine.

Between appraisals, the state conducts checks (inspections) of the residential institution on matters related to its financial-economic and educational-care activities.

Number of boarding schools of various types in Ukrainian educational system and number of their educatees

	2010/2011	2011/2012	2012/2013	2013/2014
Total number of boarding schools*	685	675	661	658
Total number of children in these schools**, persons	120984	120647	118182	114239
of them orphans and children deprived of parental care	17487	15435	12720	10238
Out of total number: general-type boarding schools	349	344	333	324
Total number of children in these schools	78942	78679	77468	73508
of them orphans and children deprived of parental care	10153	8982	7092	5521
Special boarding schools	336	331	328	334
Total number of children in these schools	42042	41968	40714	40731

of them orphans and children deprived of parental care	7334	6453	5628	4717
--	------	------	------	------

* including boarding schools for orphans and children deprived of parental care

** including children of pre-school age living in groups established for them

Data regarding orphanages

	2010	2011	2012	2013	2014
Number of orphanages	114	113	107	94	64
Total number of children in these orphanages**, persons	5154	4771	4332	3458	2109
of them orphans and children deprived of parental care	3953	3648	2995	2256	1288

Development of family-type care in Ukraine

Governmental targeted social program of reforming institutions for orphans and children deprived of parental care approved by the Cabinet of Ministers of Ukraine Decree dated October 17, 2007 No. 1242 envisages establishment of conditions for placement of children in citizens families or family-type facilities, retraining educational and social workers to work in these institutions.

Due to the decrease in number of orphans and children deprived of parental care and implementation of family-type forms of care, oblast state administrations approved and implemented regional programs of education development envisaging formation of an educational institution network needed to provide educational services to meet the needs of the population. Certain sections of the programs envisage activities aimed to reforming and improvement of residential institutions network of all types, to conversion and optimization of their operation to ensure priority placement of children in citizen families, to strengthening preventive work aimed to support families with children in difficult life circumstances, to delivery of assistance in vocational training for upperclassmen, establishment of family-type conditions of living and care in each institution (conversion of bedrooms in the hotel-type rooms, establishment of utility rooms and kitchens, sports and gaming zones), etc.

In 2011-2013 Ministry of Education and Science approved reorganization of 86 residential institutions into educational institutions of various types.

For example, in 2011-2013, 21 residential institutions were reformed in Dnipropetrovsk oblast, and 14 institutions - in Kharkiv oblast.

As a result of work carried out over the past three years, network of orphanages decreased by 49 units (in 2010 their quantity was 113 (with 4771 children); in 2013 – 64 units with 2109 children) and quantity of boarding schools for orphans and children deprived of parental care decreased by 30 units (in 2010 – 77 units with 10135 children; in 2013 – 47 units with 4722 children).

In cooperation with services for children affairs, education departments place orphans and children deprived of parental care in family forms of care (small family-type homes, foster families).

For example, 78 orphans and children deprived of parental care from residential institution have been placed in family forms of care in Sumy oblast during the past three years; and 80 children - in Kherson oblast.

According to requirements of the National strategy on child abandonment through implementation of family forms of care, the Ministry continues its work with local education authorities on operation of residential institutions and reducing quantity children placed therein. Residential institutions for orphans and children deprived of parental care are intended for placement children whom it is not possible to place in family forms (guardianship, custody, foster care, family type homes) for certain reasons.

In accordance with statistic data as of 01.01.2014, there were 881 children in MoE's orphanages (on 01.01.2013 – 1286 children), and 1392 children – in MoE's boarding schools for orphans and children deprived of parental care (in 2013 – 2104 children).

Education authorities together with the heads of educational institutions establish conditions for education and care of orphans and children deprived of parental care, close to family-type ones, applying the principle of family living and childcare, and take steps to strengthen logistics of educational institutions.

Decree of the President of Ukraine of 22.10.2012 No. 609/2012 approved the National Strategy for Prevention of Child Abandonment for the period till 2020.

The goal of the Strategy is to create duly conditions to exercise the right of every child to be cared in family, and to prevent child abandonment.

In order to prevent child abandonment and provide required assistance to families where parents (persons acting on their behalf) do not fulfill their responsibilities in relation to child, the Social Services for Families, Children and Youth provide their services to 16,062 such families where 32,922 children live.

In 2013 due to the work of the centers it became possible to avoid termination of parental rights cases in regard to 23 712 children, that is almost 8 times more than for the same period of 2012 (during 2012, as a result of social assistance provided, only 2982 child remain in their families).

Ukraine implements a range of activities to ensure children's right to care in family environment and protect interests of orphans and children deprived of parental care. As a result, we observe a stable tendency to reducing number of orphans and children deprived of parental care in our country.

Whereas this category included 100,787 children at the end of 2009, their quantity was 90 720 at the end of 2013.

As of December 31, 2013, there were 881 small family type homes where 5890 children live; and 4199 foster families, where 7579 children live.

During 2013, 2488 children were placed in foster families and small family-type homes that is more than in all previous years and 81 children more than in 2012.

164 small family-type homes were established in 2013 that is 14 such homes more than in 2012.

As of December 31, 2013 family-type care (guardianship, custody, foster care, family type homes) covered 77,156 orphans and children without parental care, that is 85% of total quantity of orphans and children without parental care (in 2012 the figures were 75,010 children and 80.7%). With this 14.8% orphans and children without parental care are placed in foster care, family type homes and 70,1% of these children are placed in guardianship and custody.

Protection of children from ill treatment and abuse

Joint order of the Ministry of Social Policy, Ministry of Interior, Ministry of Education, and Ministry of Health dated 19.08.2014 No. 564/836/945/577 (registered with the Ministry of Justice on September 10, 2014 under No.1105/25882) approves the Procedure for consideration of addresses and notifications on child abuse or threat of such abuse.

The procedure was designed to promote efficient mechanism of interaction between services for children affairs, child social protection bodies, centers of social services for families, children and youth, internal affairs bodies, educational institutions, health care institutions (hereinafter referred to as “the subjects”).

Whenever used in this Procedure, the terms set forth below have the following meanings:

- “Child abuse” means any form of physical, psychological, sexual or economic violence against a child in the family or outside it, including: engaging the child in child prostitution or forcing him/her into prostitution using deception, blackmail or vulnerable status of the child or using threat of violence; forcing children to participate in creation of works, images, film and video products, software or other items of pornographic nature; situations where the child witnesses criminal offenses resulting in a threat to his/her life or health; sexual intercourse and lewd acts with a child using: coercion, force, threats, trust, authority or influence on the child, a particularly vulnerable situation for the child, in particular because of mental or physical disability or dependent situation, including situation in the family; any lawless agreements in regard to the child, specifically: recruitment, transportation, harboring, transfer or receipt of a child committed for the purpose of exploitation by means of deception, blackmail, or vulnerable state of the child;
- “Securing the best interests of the child” means a package of activities aimed to protect rights and provide full scope life, education and development to the child.

Procedure for submission and registration of addresses and notifications on child abuse or threat of such abuse

1. Addresses about facts of child abuse or threatening their commission may be submitted to any subject in oral or in written form at the place residence of the child by the following persons: the child per se, his/her the parents, one parent or the person/persons acting on their behalf, any physical or legal persons.

Notification on child abuse or treat of such abuse, shall be drawn up by the subjects informed of these facts within their duties, in writing and sent to service for children affairs and to law-enforcement agency at the place of residence of the child.

2. All the addresses and notifications on child abuse or threat of such abuse shall be registered by the subjects that receive the information in the register of adresses and notification on child abuse or threat of such abuse and send to the service for children affairs and to law-enforcement agency at the place of residence of the child within 24 hours.

Consideration of addresses and notifications on child abuse or threat of abuse

Coordinator of activities aimed to protect children from abuse or threat of such abuse is the Service for Children Affairs.

If the address or notification has signs of criminal offence or threat of such offence, the information shall be turned over to Internal Affairs Body to take appropriate actions.

If necessary the subjects shall organize emergency medical assistance (call an ambulance), psychological and other types of assistance to the child victim of abuse.

All the subjects within their jurisdiction shall be involved in taking urgent actions to eliminate effects of child abuse or threat of abuse.

In case of threat of child abuse the subjects shall ensure taking necessary actions to eliminate the treat.

Services for children affairs:

- shall be engaged in receipt of addresses and notifications on child abuse;
- shall account children in difficult life circumstances because of child abuse or threat of abuse;
- coordinate activities of the subjects when deciding issues of social protection in regard to child abuse victims;
- delivery of required assistance to child victims of abuse, in interaction with other subjects taking into account the best interests of the child;
- shall send the child to health facilities to examine his/her health condition and provide necessary medical care, including inpatient treatment, and document evidences of abuse;
- if necessary, shall represent interests of child victims of abuse or threat of abuse (inter alia, in courts).

Internal Affairs Bodies:

- shall receive information about child abuse or threat of abuse in 24/7/365 mode. Addresses and notifications on child abuse or threat of abuse shall be received by any officer of Internal Affairs Bodies;
- if it is impossible to receive written application the officer of an Internal Affairs Body shall draw up a form of oral application or report of child abuse or threat of abuse fact where the following details shall be indicated: surname, name and patronymic name of the child victim, the information about the person who committed the child abuse or really had such an intention, as well as time and place of the event, other necessary circumstances;
- having received the information of child abuse or threat of abuse the officer of an Internal Affairs Body shall take actions to enter it into Unified Record of Applications and Notifications of Criminal Offences Committed and other Events;
- all applications, reports, forms of oral application, statements on facts of child abuse or threat of abuse shall be considered by management of the internal affairs body, that shall provide written resolution to the internal affairs department staff in regard to necessary actions to make further decisions in accordance with the law;
- having received the application, drawn the form of oral application or report of the fact of child abuse or threat of abuse, the officer of an Internal Affairs Body (if there are signs of criminal offense) shall report this to the chief of investigative unit for entering the appropriate information by investigators to the Unified Register of Pre-Trial Investigations and inform the Head of the Internal Affairs Body of this fact;
- having considered the address or notification on child abuse or threat of abuse employees of the authorized internal affairs body are obliged to inform the child's parents

or persons in loco parentis (unless they are the perpetrators of child abuse or threat of abuse), service for children affairs, and (if necessary) prosecutors and court.

Educational institutions:

- shall be engaged in receipt of addresses and notifications on child abuse;
- shall urgently (within 24 hours) turn over a written notice to service for children affairs, internal affairs bodies about a case of child abuse or threat of abuse;
- within their competence, shall take actions for revealing and stopping facts of child abuse or threat of abuse in educational institutions;
- organize work of psychological service within education system to help child abuse victims;
- carry out explanation work with parents and other participants of educational process on preventing and combating adverse effects of child abuse.

Health facilities:

- shall be engaged in receipt of addresses and notifications on child abuse;
- shall urgently (within 24 hours) turn over a written notice to service for children affairs, internal affairs bodies at the place of the health facility location about a case of child abuse or threat of abuse;
- shall ensure reception of child abuse victims, and provide them necessary medical and psychological aid (if psychologist is available in the health care facility), as well as document facts of child abuse;
- when examining a child, health professionals shall pay attention to damage that could occur due to child abuse, notify the doctor who provides primary care to the child, and send information to service for children affairs and internal affairs body;
- shall treat victims of child abuse and provide psychological aid (if psychologist is available in the health facility).

Centers of social services for families, children and youth:

- shall be engaged in receipt of addresses and notifications on child abuse;
- shall urgently (within 24 hours) turn over a written notice to service for children affairs, internal affairs bodies about a case of child abuse or real threat of abuse;
- shall carry out emergency interventions, provide necessary social services to victims of child abuse or those threatened of abuse, and ensure social support to families where these children live;
- shall sent (if necessary) family (or one of the family member) with the child victim of abuse or child suffered because of threat of abuse to the center of social and psychological aid.

Young offenders

Decree of the President of Ukraine dated May 24, 2011 No. 597/2011 approved the Concept of Criminal Justice Development for Juveniles in Ukraine. The aim of this concept is to build-up a full scope system of criminal justice for juveniles in Ukraine capable to ensure legality, validity and efficiency of each decision on any child who came into conflict with the law, related to his/her rehabilitation and further social support. The Concept shall be implemented step-by-step during 2011-2016.

Primary activities for criminal justice for juveniles' development

1) improving preventive and prophylactic work by way of:

- enhancing role of family and community in the process childcare by way of legal, consulting and other information aid delivery to children, their parents and persons in loco parentis;
- organization of a series of integrated educational activities aimed at improving professional knowledge of specialists working with children, encouraging of volunteer programs development on the part of state;
- implementation of innovative methods and forms of work with children who has proclivity for offenses based on rehabilitative and proactive approaches;
- openness and accessibility to the general public of information on principles, norms and rules used as a base for legislation on criminal justice for juveniles;
- improve monitoring of situation in juvenile delinquency and observance of children rights who were in conflict with the law;
- creating appropriate conditions for life, providing necessary medical care in reception centers for children subordinated to internal affairs bodies, detention centers, specialized educational institutions;
- determining mechanisms of cooperation between government bodies in the area of criminal justice;
- ensuring social patronage for the minors serving sentences in special educational institutions and social rehabilitation facilities or those released from there;

2) to ensure right observance for juveniles who have committed offenses, taking into account their age, socio-psychological, mental and other developmental peculiarities in the course of inquiry, preliminary investigation, and justice by way of :

- access of minors to free legal aid;
- training police officers, judges, prosecutors, lawyers, guardianship and custody bodies staff on issues related to carrying out inquiry, pre-trials, and juvenile justice;
- introduction of judges' specialization for juvenile cases;
- providing recommendations to courts on optimal intervention activities (of educational and preventive nature) in regard to juveniles who have committed offenses;
- establishment of emergency aid centers to be operated 24/7, with engagement of lawyers and social workers;

3) promoting development of restorative justice programs for juveniles who have committed offenses by way of:

- implementation of mediation procedures as an effective mean of voluntary reconciliation between the victim and the offender;
- promoting the sense of responsibility for actions among juvenile offenders, encouraging them to take responsibility for damage, as well as stimulation of positive changes in their behavior;
- involvement of community in conflict resolution in the case active participation of the parties in the process of damaged relations restoration, reconciliation, and development of agreements on damage compensation by the offender;

4) establishment of an efficient system for rehabilitation of delinquents with the purpose of their re-education and re-socialization by way of:

- development of correctional, educational-informational, and psychological-educational programs;
- developing measures of educational, preventive, cultural, and spiritual nature and their implementation into the rehabilitation system;
- promoting creation of juvenile probation service, whose features shall include collecting, summarizing, and submission of social and psychological information to the court about the juvenile offender, as well as by ensuring proper patronage for juveniles placed in special educational institutions or released from them, delivery of assistance in their social adaptation and reintegration, specifically through provision of social housing to them, assistance in employment and education;
- delivery of psycho-social support to juvenile offenders and their families;
- involvement of juvenile delinquents in socially useful work.

To implement recommendations of the Verkhovna Rada of Ukraine Human Rights Ombudsman on protection rights of children being in conflict with the law, the Department of Criminal Police for children has initiated maintenance of statistic reports on the number of children's complaints of torture and child abuse within preparation of Human Rights Report in accordance with the provided form by Internal Affairs Bodies of Ukraine. As of 01.01.2014, 1057 such applications and notifications were submitted by children to Internal Affairs Bodies. This allows police officers to respond timely to the facts of child abuse and take appropriate actions. In 2013 131 children became domestic violence victims, 73 of them are infants.

Pursuant to the Decree of the President of Ukraine dated June 1, 2013 No. 312 “On additional measures to guarantee the exercising rights and lawful interests of children”, the Ministry of the Internal Affairs (hereinafter - MIA) has taken measures to ensure strict observance of the children's rights while documenting offenses, mandatory notification of relatives of the reason for detention and place where the child is timely detained with timely observance of their rights to defense, medical, and psychological aid.

Cabinet of Ministers of Ukraine Decree dated 30.11 2011 No. 1209 approved the Concept of State Policy in the Area of Crime Prevention for the period till 2015 (hereinafter referred to as the Concept);

The Cabinet of Ministers of Ukraine Decree dated 08.08.2012, No. 767 approved the Action plan on the implementation of the Concept. To ensure its implementation, MIA has organized monitoring of all forms of violence among children and studying youth in order to determine their causes, whose results will be used for development of individual programs for psychological and educational support to children.

Statistics

	Number of offences revealed			
	2010	2011	2012	2013
Number of physical violence victim children	500	993	1008	1078
Number of psychological violence victim children	253	546	601	793

In order to implement the aforementioned Concept the Ministry of Education, Youth and Sports of Ukraine by its Decree dated August 3, 2012 No. 888 approved the Action Plan for prevention of criminal offences among children and studying youth for the period up to 2015.

Ukrainian Scientific Center for Applied Psychology and Social Work has examined the experience of implementing “School mediation” in the educational process as a way to resolve conflict situations and developed for implementation in each institution the mechanism for analysis of appearance risks of all violence forms among children and school youth.

Implementation of programs for reconciliation among peers is one of the most efficient ways to establish secure, comfortable environment in the educational institution and to resolve conflicts between students. Reconciliation Programs (value circles, mediation) have proven to be highly efficient and provide positive educational impact. The main advantage of these programs is formation of person's and community's responsibility for their behavior and the behavior of others, willingness to help, to resolve conflict. These programs are actively implemented in educational institutions of Vinnytsia, Odesa, Poltava, Ivano-Frankivsk, and other oblasts.

Educational institutions of Ukraine establish a system able to overcome legal nihilism and educate people of democratic style. For this purpose, the package of actions “Youth against violence in all its forms” is implemented to form an active social position among students. Students participate in trainings aimed against violence: “How to talk with a teenager?”, “Prevention of domestic violence”, “Enlightenment mission of psychological services”, “Take care of your children”, “Crime prevention”, “Child and his/her mental health”, “Rights and responsibilities of school students”, “Raising children properly”, “Moral laws of family mirrored in child's behavior”, “Responsibility of Parents for children”, “Violence in the Internet”, “Problems of family microclimate establishment with parents”. Many senior students have become volunteers to implement non-violent communication.

Proper family education is an important aspect in prevention of child cruelty and violence. MoES has developed the Concept of family education in the educational system of Ukraine – “Happy Family” and approved it at the meeting of the Academic Council of the Institute of Innovative Technology and Educational Content dated 11.14.12, minutes No.9.

Q.3 The Committee recalls that prison sentences should only exceptionally be imposed on young offenders and be of short duration. It asks the next report to provide information on the number and age of minors imprisoned or placed in disciplinary institutions and what were the offences committed by them.

The Committee asks what is the maximum length of a prison sentence and under which conditions it is carried out, in particular as regards the possibility of visits during this period. The Committee further asks whether it is prohibited to keep children in custody and in prison together with adults.

Response: In accordance with the provisions of Articles 8 and 9 of the Law of Ukraine “On pre-trial detention”, all the persons arrested shall be kept in a low-populated cells or in common cell. In exceptional cases, to preserve secrets of pre-trial, protect prisoners against possible attacks on their lives, to prevent committing a new crime by them, or when there are medical reasons, they may be kept in single cells after relevant decision of the person or body carrying out criminal proceedings, or the head of pre-trial detention

facility, approved by a prosecutor. This action is not permitted for minors, and in the event of a threat to their life, they shall be transferred to another low-populated or common cell.

Arrested citizens (aged 14 to 35 years) have the right to receive psychological and educational aid from the Centre of Social Services for Families, Children and Youth.

Imprisonment cannot be imposed on a minor who committed a minor offense for the first time.

The penalty of imprisonment for a period not exceeding one year and six months shall be imposed on the juvenile who committed a minor offense repeatedly.

The maximum term of imprisonment for a crime of medium gravity shall be not more than four years, for a grave crime - not more than seven years, for especially grave crimes - not more than ten years.

However, for a particularly grave crime connected with loss of life, a juvenile may be sentenced to imprisonment for up to 15 years.

In regard to criminal justice for juveniles, it should be noted that on November 20, 2012 the Criminal Procedural Code of Ukraine (hereinafter - CPCU) came into force. Chapter 38 defines the procedure for criminal proceedings against juveniles.

In accordance with the Article 488 of CPCU, a minor's legal representatives (parents (adoptive parents), or in their absence - guardians or custodians, other adult relatives and family members, as well as representatives of guardianship and custody bodies, institutions and organizations in the care or custody for the minor) shall be involved in criminal proceedings involving a juvenile suspect or accused.

The legal representatives shall be called for trial. Their failure to attend shall not suspend the proceedings unless the court finds their participation necessary. They shall present in the courtroom during the proceedings and, may be interrogated as witnesses, if necessary.

In exceptional cases where participation of a legal representative may harm the interests of the suspect or accused juvenile, the court at his/her request, the request from the prosecutor or on its own initiative has the right to restrict the participation of the legal representative in certain procedural or legal actions or remove his/her from participating in criminal proceedings and instead involve another legal representative.

Pursuant to the Article 491 CPCU, if the minor has not reached the age of sixteen, or if the minor is recognized as mentally retarded, his interrogation by the decision of the investigator, the prosecutor, the investigating judge, the court or by the attorney shall be carried out with participation of a legal representative, a pedagogue, or a psychologist, and where appropriate – a doctor.

One of general principles of criminal proceedings is transparency and openness of the proceedings.

Pursuant to Article 27 of CPCU participants of proceedings can not be limited in their right to receive in the court oral and written information about outcomes of the trial and in the right to view procedural decisions and obtain their copies.

Criminal proceedings in the courts of all instances shall be done openly. Investigating judge or the court may decide to carry out the criminal proceedings in camera proceedings mode during all the proceeding or in part, for example in cases where the accused person is a minor.

To engage parents in work with juvenile convicts and to exercise public control over observance of rights and freedoms of juveniles in correctional facilities and to protect them from abuse and violence, parent committees and pedagogical councils shall be established at correctional facilities.

"Boxes of trust " are installed in juvenile detention facilities, and juvenile prisoners may ask for psychological support through them.

In addition, it should be noted that the social service centers for families, children and youth carried out social work with children that are in conflict with the law.

In total 7532 such children were accounted during 2013 in social centers for families, children and youth. Of them:

- 6582 children were sentenced to punishment not related with imprisonment;
- 224 persons under age of 18 have been released from imprisonment.

As a result of services delivered by the centers

- 168 children were employed;
- 626 children were placed in educational institutions;
- 677 children received assistance with medical checkup and treatment;
- 975 children were placed to circles and athletics classes.

Pursuant to the Law of Ukraine "On pre-trial detention", centers of social services for families, children and youth carried out social work with persons being in detention centers, including delivery of psychological and educational assistance to arrested persons with age from 14 to 35. In general, such aid was provided to 726 minors.

Centers of Social Services for Families, Children and Youth carried out work with children who returned from "schools of social rehabilitation" after their liquidation.

To provide necessary support to families, whose children returned from the above facilities, as well as to promote their re-socialization and social adaptation, centers of social services for families, children and youth take steps to restore their generally useful relations.

In general, social services for families, children and youth have reached 82 children that returned from schools of social rehabilitation, and 34 families where these children returned obtained social support and comprehensive assistance to solve problems arisen.

In addition to social work with this category of persons, in order to provide them necessary support in solving current problems, centers of social services do also preventive work aimed at preventing repeated offenses.

In particular during 2013, specialists from the centers held 2178 educational actions for children being in conflict with law, of which 1511 group events aimed to social adaptation of children and youth were held in cooperation with penal institutions.

As part of the project "Reform of the criminal justice system for juveniles in Ukraine", the Centre of visits was opened for families, children, and youth being in conflict with the law at the Melitopol City Centre of Social Services for Families, Children and Youth. The objective of the Centre is to implement a program of rehabilitation for children who have committed an offense and serve a sentence without imprisonment, in order to ensure their social rehabilitation and prevent new crimes.

Based on positive experience of the project, a decision was taken to pilot its implementation in four cities of Ukraine. In particular, pilot projects are being launched in the cities of Ivano-Frankivsk, Odesa, Mariupol, and now one more pilot is prepared to open such center in Kyiv.

Statistics

	Number of offences revealed			
	2010	2011	2012	2013
Number of persons under 18 released from liberty deprivation facilities	141	131	122	224
Number of persons under 18 sentenced to punishment not related with imprisonment	4854	5191	6161	6582
Number of persons under 18 who are in detention				<u>726</u>

Article 17§2

General legal framework

During the reporting period, the Decree of the President of Ukraine dated 25.06.2013 No. 344/2013 has approved the National Strategy for Development of Education in Ukraine until 2021. The goal of the Strategy is to improve accessibility of high-quality, competitive education in accordance with the requirements of innovative sustainable development of society and economy, and personal development in accordance with individual abilities, needs, and based on lifelong learning.

Cabinet of Ministers of Ukraine Decree dated 11.09.2013 No. 701 has approved Action Plan on implementing Strategy of Roma national minority protection and integration into Ukrainian society for the period till 2020. A separate section of the Strategy is devoted to raising educational level of the Roma minority.

Measures for application of legal regulations Responses to the additional questions of the European Committee of Social Rights

Education

Q.1. The Committee acknowledges the information about the total number of educational establishments in cities and villages; however it wishes to receive statistics on the geographical distribution of schools in urban and rural areas.

The Committee asks for exhaustive explanation of the situation of Roma children with regard to access and conditions of education.

The Committee asks to receive information on measures taken to ensure equal access to education as well as measures taken to ensure that children belonging to these groups are integrated into mainstream educational facilities and ordinary educational schemes.

The Committee also wishes to know whether refugee and asylum seeking children may attend school and, if so, are they encouraged to do so in order to avoid their isolation in the society.

The Committee asks for updated and complete data regarding enrolment rates, absenteeism and drop out rates in compulsory education and measures introduced to improve school attendance, in particular in rural areas, and results obtained.

Response: On October 23, 2013 the Parliament hearings were held on the topic “Availability and quality of secondary education: Situation and ways of its improvement” where it was stated that the coverage of children with appropriate to their age education in Ukraine, according to UNESCO data is 99%, and according to the regional offices data - 99.9%.

In order to ensure full coverage of Ukrainian citizens with general secondary education, registration of children and teenagers of school age is carried out every year. The registration covers children and adolescents aged 6 to 18 years and children who will achieve age of 5 before September 1 of current year and who are permanent residents of Ukraine.

The Ministry of Education and Science of Ukraine keeps control over the issue of obtaining complete secondary education by children and teenagers, and coordinates work of local educational bodies for fulfillment of The instruction on registration of children and teenagers of school age, approved by the Cabinet of Ministers of Ukraine Decree dated 12.04.2000 No. 646.

Pursuant to Article 53 of the Ukrainian Constitution, complete general secondary education is compulsory, therefore dropout at completion of initial and basic education is not performed.

In pursuance of the Ministry of Education and Science of Ukraine Order dated 22.12.2009 No.1175 "On improving control over children and teenagers enrollment" local education bodies shall inform the Ministry about number of minors who fail to study in secondary schools, and the measures taken for their involvement in the studying three times a year (on September 15, on December 20, and on May 1) .

Analysis of the information received from regions in December 2013 shows that only 435 children are not covered with education in secondary schools, that represents 0.009% of children and adolescents aged 6 to 18 years.

As of September 15, 2013, 624 children were not enrolled to secondary education, and as of December 20, 2013 the figure decreased to 435 persons. As compared with the same period of last year, the number of children not covered by education decreased by 40 persons (435 vs. 475).

According to data from regional educational bodies, during the first semester of 2013 -2014, the most juveniles were returned to studying in the following oblasts: Dnipropetrovsk (42), Volyn (13), Zhytomyr (12), Zakarpattia (42), Zaporizhzhia (15), Kirovohrad (19) Lviv (13), Rivne (13), Odesa (20), Poltava (31), Ternopil (13), and Khmelnytskyi (13).

State statistics does not gather information on schools attendance by students with breakdown by age, sex, and citizenship. This information is analyzed by local departments for education and science.

According to data from the State Statistics Service of Ukraine, 12 467 secondary schools of all types, forms of ownership and subordination were operated in Ukraine in 2013-2014 academic year in rural area, that enrolled almost 1 289 thousand students, and 6827 schools were operated in urban areas - with more than 2 915 000 students.

An average class size in day-form secondary schools was:

in rural area– more than 12.3 students;

in urban area - almost 23,6 students

Roma children of preschool and school age as well as representatives of any other nationality are entitled to a pre-school, secondary and higher education, and choosing the appropriate form of studying and educational institution in accordance with the Constitution of Ukraine, Laws of Ukraine "On Education", "On Preschool Education", "On General Secondary Education", "On University Education".

In the 2013/2014 academic year in the regions of Ukraine densely inhabited by Roma population the following number of Roma children and students attended pre-school and secondary schools of various types: in Zakarpattia oblast - 1119 children in pre-schools (8802 students in secondary schools); Odesa oblast - 300 children (900 students), Luhansk oblast - 81 children (764 students), Khmelnytskyi oblast - 38 children (215 students), Kharkiv oblast - 9 children (335 students).

Romani is taught in Saturday and Sunday schools in Donetsk, Odesa, and Zakarpattia oblasts. Moreover, Roma children are studying history, culture and traditions of the Roma people here.

Roma children at the wish of their parents may attend preschool facilities at no cost or on privileged conditions, their parents may choose various forms of pre-school education (short staying groups, consulting units). This also applies to secondary schools where Roma students are taught together with students of other nationalities and have the same right to quality education as others.

In September 2013 the Cabinet of Ministers of Ukraine approved the Action Plan on implementing Strategy of Roma national minority protection and integration into Ukrainian society for the period till 2020. In pursuance of this document, serious work was started with regional offices (departments) of education and science.

First of all, teaching staff of secondary schools, education authorities representatives of local state administrations and local governments carry out awareness improvement work with Roma minority on importance of education, especially for children and youth. Parents are invited to parent meetings, individual conversations, and appropriate specialists are involved if necessary from services for children affairs, psychologists and social pedagogues from schools.

Permanent control is exercised over systematic school attendance by all students, including Roma students. The services for children affairs together with parent community organized systematic raids to control attendance of secondary schools by students. Teaching staff carries out continuous work to increase the number of Roma students who complete education in secondary schools.

School psychologists constantly provide psychological assistance to Roma students aimed to their successful adaptation in educational process. For this purpose, school practical psychologists use a systematic approach working with Roma students. Many regions have developed programs for psycho-pedagogical support of Roma students' adaptation to school education. The main objectives of the program are: formation of positive students' motivation to studying, social and cultural development of individuals, mastering students' skills of independent work.

As a result of socio-psychological research, practical psychologists, social pedagogues prepare thematic presentations at pedagogical council meetings, communicate results of the comprehensive research of Roma students attitude to schooling, provide methodological recommendations for teachers of secondary schools how to adapt each child to school life.

In order to ensure psycho-pedagogical support of Roma pupils who have difficulties with socio-psychological adaptation, psychological service specialists carry out correctional and developmental activities to enhance self-esteem of such students, reduce aggression and anxiety, and develop tolerance.

Group sessions are held in the game form that encourages pupils to manage their behavior and enhances children's abilities through their interaction with peers. These sessions provide psychological support to children, develop their ability to communicate with peers and adults in new situations, improve the skills of individual and collective labor, and explain basic rules of behavior in school.

Practical psychologists pay special attention to work with Roma students. They offer sessions to familiarize adults with primary problems and difficulties of initial period of adaptation, tactics of communication and help to children. This area is implemented within educational and consulting areas of psychologist work.

Ministry of Education and Science of Ukraine developed and published curricula in the Roma language and reading for grades 1-4, Romani for 5-11 grades of secondary schools.

Representatives of the Donetsk Oblast Cultural-Educational Association of Roma Women “Miriklia” have developed the following textbooks: “ABC”, “The History of Roma. New Look”, “Tutorial of Roma language”, “Ukrainian-Roma Phrasebook”.

In secondary school of I-II levels, No.14 in Uzhhorod (Zakarpattia oblast) as a subject of variable component, such course as “History, Culture and Life of Roma” is taught. A teacher of this school, E.M. Navrotska, has written and published a handbook and book on history of the Roma Holocaust. They are used by history teachers from other schools to foster tolerance towards Roma people and Roma culture.

Special attention to studying customs, life, and national culture of the Roma is paid in secondary school No.10 (city of Pryluky, Chernihiv oblast), where the school festival of Roma culture is held. In relation to the International Day of the Roma Holocaust, thematic cultural events, educational classes, lessons, lectures, conversations are carried out in the region.

National Roma folklore ensemble "Black Pearl" exists on the basis of Meref'ya secondary school No. 3 (Kharkiv raion, Kharkiv oblast).

In the Poltava oblast in relation to the International Day of the Roma Holocaust, secondary schools of Lokhvytsia raion, where the largest Roma settlements exist, carry out on-going round tables "Roma in Ukraine: Yesterday and Today".

Ministry of Education and Science of Ukraine, Institute of Postgraduate Pedagogical Education in cooperation with Roma community organizations carry out workshops, trainings, round tables for teachers from secondary schools, where Roma students are taught.

All regions provide vocational guidance to students of advanced school age on issues of vocational and higher education, including students from Roma minority.

Educational departments and divisions together with local employment centers develop joint activities on career guidance.

schools in regions carry out information and educational activities aimed at combating prejudice against Roma minority (presentations at parents' meetings, weeks of legal knowledge, special training courses, etc.).

Cities where there are Roma associations promote cooperation between them and educational institutions.

According to Article 6 of the Law of Ukraine “On General Secondary Education” foreigners and stateless persons who legally live in Ukraine get complete secondary education in the manner prescribed for the citizens of Ukraine.

In order to address issues of secondary education and obtaining appropriate educational documents by children seeking asylum and refugee children, the Ministry has prepared and sent to local educational authorities the letter dated 30.04.2014 No. 1 / 9-229 “Some issues of delivery documents on basic or complete secondary education to citizens of Ukraine, foreigners, and stateless persons”, where mechanisms are described aimed to ensure unimpeded access to education for children separated from their families, those who have applied for their recognition as refugee or a person needing additional protection, as well as the issuance of education documents to such children on the basis of information on application for protection in Ukraine.

The Ministry also sent a letter of 08.05.2012 No. 1 / 9-342 to educational authorities to involve children being in Ukraine on illegal grounds to obtaining a general secondary education.

There is developed The procedure of education and caring in state-funded and municipal preschools, secondary and vocational schools for children from among foreigners and stateless persons whom have been granted temporary protection in

Ukraine as approved by the Ministry of Education and Science of Ukraine Order dated 07.05.2013 No. 488 registered with the Ministry of Justice of Ukraine May 27, 2013 under No. 813/23345.

Clause 5 of this Procedure stipulates that in the case of absence child's birth certificate and/or his/her personal file and documents about education body, whom the general education school is subordinated shall organize individual psychological, medical and pedagogical examination of the child within three working days, determine level of educational achievements of the student (educatee), and provide recommendations for his/her enrollment to appropriate grade.

In order to integrate refugee children into educational process in secondary schools, there was developed educational and methodical set "Speak Ukrainian"; general standard of Ukrainian as a foreign language; guidelines on peculiarities of learning refugee children and children recognized as persons who need extra protection in preschool and secondary schools.

As a result of 2013/2014 academic year, 335 persons received documents about secondary education (of state prescribed form) in correctional facilities of the State Penitentiary Service of Ukraine (hereinafter - SPSU) .

In cooperation with the Ukrainian Center for Educational Quality Assessment, an external independent assessment (EIA) is conducted annually for persons being in prisons and detention centers.

As a result of this work, 94 persons educated in juvenile correctional facilities and 7 juvenile prisoners from detention centers registered for EIA this year .

To organize vocational training for convicted juveniles in correctional institutions, 6 vocational schools and 1 branch of a vocational educational institution have been established, where 216 persons acquire currently a profession; training is provided for 19 licensed professions.

In order to ensure comprehensive vocational guidance for studying youth, each correction facility has software-hardware kit for vocational guidance "Vocational Guidance Terminal", where students can find a lot of interesting and useful information that is timely updated, vacancies and professions that are in demand in the labor market.

In order to assist prisoners in fulfillment of their educational needs, steps were taken towards their involvement in distance learning and e-learning.

Currently 6 juvenile delinquents obtain university education using this form.

In addition, to regulate specificity of juvenile prisoners studying the Department of Secondary and Preschool Education in cooperation with the State Penitentiary Service of Ukraine have prepared the Joint Order of the Ministry of Education and Science and the Ministry of Justice of Ukraine "On approval of Procedure for organization of teaching process in secondary schools at correction facilities and detention centers subordinated to the State Penitentiary Service" dated 10.06.2014 No. 691/897/5.

This legal act is innovative and was developed to implement principle of equal access to education for persons isolated from society. The Order has expanded powers of local educational bodies and local offices of SPSU for the establishment of secondary schools, delineated responsibilities of correctional facilities administrators and secondary schools administrations.

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

Article 27§1

General legal framework

- Constitution of Ukraine dated 28.06.1996 No. 254k/96-BP;
- Law of Ukraine dated 08.09.2005 No. 2866-IV “On equal rights and opportunities for women and men”;
- Law of Ukraine dated 05.07.2012 No. 5067-VI “On Employment”;
- Law of Ukraine dated 12.01.2012 No. 4312-VI “On the professional development of employees”;
- Law of Ukraine dated 22.10.1999 No.1196-XIV “On ratification of the ILO Convention No.156 concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities”;
- Cabinet of Ministers of Ukraine Decree dated January 27, 2010 No.150 in the wording of the Cabinet of Ministers of Ukraine Decree dated 14.11.2012 No.1069 “On approval of a plan for implementation of the Concept of vocational guidance for the population”;
- Cabinet of Ministers of Ukraine Decree dated 21.11.2012 No.1002 “On approval of the Concept of State Program ensuring equal rights and opportunities for women and men for the period up to 2016”;
- Decree of the Cabinet of Ministers of Ukraine dated 26.09.2013 No. 717 “On approval of the State Program ensuring equal rights and opportunities for women and men for the period up to 2016”.

Employment, vocational guidance and training

In accordance with the Article 24 of the Constitution of Ukraine equal rights for men and women are ensured by providing women with equal opportunities in social, political and cultural activity, in getting education and training, in employment and remuneration; by special activities ensuring safety and health of women, by delivery of pension benefits; by establishing conditions that allow women to combine work and motherhood; by legal protection, material and moral support to mothers and children, including paid leave and other privileges for pregnant women and mothers.

Pursuant to the Law of Ukraine "On Equal Rights and Opportunities for Women and Men" (hereinafter referred to as the Law # 2866) the main areas of the state policy on equal rights and opportunities for women and men are as follows:

- gender equality strengthening;
- non-discrimination on grounds of sex;
- use of affirmative actions;
- ensuring equal participation of women and men in decision-making on socially important issues;
- Ensuring equal opportunities for women and men to combine professional and family responsibilities;
- support of families and responsible parenthood formation;
- education and promotion of gender equality culture, propagation of public awareness activities in this area among the population of Ukraine;
- protection of society against information aimed to sex discrimination.

Pursuant to the Article 12 of the Law No.2866, government bodies and local authorities shall carry out the following activities within their competence:

- provide equal rights to women and men;
- implement of national and regional programs for ensuring equal rights and opportunities for women and men;
- establish conditions for men and women to combine professional and family responsibilities;
- provide affordable social and personal services, including day care for infants, pre-school education and organization ensuring children's leisure;
- cooperate with civil society associations to ensure equal rights and opportunities for women and men.

Pursuant to the Article 17 of the Law No. 2866 men and women are provided with equal rights and opportunities in employment, promotion, training, and retraining.

The Employer is obliged:

- establish conditions that would allow men and women to have employment on an equal basis;
- ensure men and women the opportunity to combine labor activities with family responsibilities.

The State Program ensuring equal rights and opportunities for women and men for the period up to 2016 as approved by the Cabinet of Ministers of Ukraine Decree dated September 09, 2013 No. 717 (hereinafter referred to as the Program) envisages, inter alia, carrying out information campaigns aimed to highlight the need for equal sharing of family responsibilities between men and women regarding child care. One of the goals of the Program is to establish appropriate conditions enabling women and men to combine labor activities with family responsibilities.

Pursuant to the Article 7 of the Law of Ukraine “On Employment” (hereinafter referred to as the Law No. 5067) everyone has the right to vocational guidance, which is ensured through delivery of vocational guidance services enabling choose or change of individual's profession, type of activity, and other vocational guidance services.

Individuals have the right for free vocational guidance services aimed to choose or change type of activity, job, and labor mode.

Vocational guidance services for the Ukrainian population are provided by educational institutions, healthcare facilities, rehabilitation facilities, medical and social expert commissions, territorial government bodies responsible for implementing the State policy on employment and labor migration, by centers of vocational guidance for the population, youth centers of labor, military registration and enlistment offices, penitentiary institutions, enterprises, institutions and organizations (regardless of their form of ownership, economic activity and economy) providing vocational guidance.

Availability of up-to-date and high quality vocational guidance services for all segments of the population is ensured through the implementation of the Action Plan on implementation of the Concept of state vocational guidance system for the population as approved by the Cabinet of Ministers of Ukraine Decree dated January 27, 2010 No. 150 (in wording of the Cabinet of Ministers of Ukraine Decree dated November14, 2012 No.1069).

Pursuant to the Article 33 of the Law No/ 5067, vocational guidance services are provided to persons who apply to territorial bodies of the central government body implementing the state policy in the field of employment and labor migration.

All of territorial employment programs include measures aimed to develop vocational guidance. Some regions additionally approved regional programs of vocational guidance or complex regional programs aimed to solving urgent problems of social policy and employment whose components are measures of vocational guidance for the population.

Vocational guidance services are provided to all social groups and age categories of persons, including workers with family responsibilities.

Vocational guidance services to persons are provided by the State Employment Service in accordance with the Procedure for delivery of vocational guidance services by territorial bodies of the central government body implementing the state policy in the areas of employment and labor migration, as approved by the Ministry of Social Policy Order dated 03.01.2013 No. 2 registered in the Ministry of Justice of Ukraine on 01.17.2013 No. 131/22663.

Vocational guidance services to individuals who applied to the state employment service are provided by way of professional information, professional counseling and professional selection. Upon consent of the services' beneficiary the professional counseling and professional selection services may be accompanied with psychodiagnostic testing.

Equal opportunities are guaranteed to all persons in obtaining vocational guidance services regardless of their place of residence (registration), job, education, age, gender, race, ethnic or social origin, political, religious, and other beliefs, property status.

Most basic employment centers provide an opportunity to leave child in nursery room, while parents communicate with specialists of the employment center, search job or are trained.

The All-Ukrainian NGO “League of Social Workers of Ukraine” implements EU-funded project “Back to work: The reintegration of mothers and fathers in professional life after parental leave”. There were published guidelines on the implementation of mechanisms for parents' reintegration to work which contain 15 chapters, each referring to implementation of a specific mechanism for such reintegration to work after parental leave:

1. Professional training for staff;
2. Regulation on training employees in enterprises, institutions, and organizations;
3. Tutorship
4. Regulation on tutorship
5. Freelance work
6. Flexible time schedule
7. Delivery of additional leave
8. Transportation of employees to work and home
9. Childcare room
10. Assistance in child placement in a preschool
11. Financial assistance
12. Corporative medical insurance for staff and their children
13. Psychological counseling for staff
14. Delivery of assistance for health, sanatorium and health resort treatment and children recreation

15. Support, organization and holding sports and recreation and cultural events for employees and their children

In order to propagate social advertising “Family and work are our concerns” the Ministry of Social Policy of Ukraine has organized the exhibition of social advertising competition winning works aimed to raise public awareness of necessity to ensure gender equality in Ukraine as it pertains to combining family responsibilities with professional career, as well as to establish civilized forms of relations between employers and employees with family responsibilities. In addition, the project carried out a research on professional reintegration after parental leave; practices / initiatives on returning to work after parental leave based on Ukrainian and international experience.

**Measures for application of legal regulations
Responses to the additional questions
of the European Committee of Social Rights**

Working conditions, social security

Q.1. The Committee asks if a man is the parent raising a child or nursing a sick family member if there is also an obligation to grant him part time work when requested or whether this may depend on the employer’s discretion.

Article 27§1 requires State Parties to take account of the needs of workers with family responsibilities in terms of social security. The Committee asks in this respect whether such workers are entitled to social security benefits under the different schemes, in particular health care, during periods of parental/childcare leave.

The Committee also wishes to know to what extent periods of leave due to family responsibilities are taken into account for determining the right to pension and for calculating the amount of pension. It recalls in this respect that crediting of periods of childcare leave in pension schemes should be secured equally to men and women.

Response: Article 186¹ of the Labor Code envisages that guarantees set out in Articles 56 “**Part Time Job**”, 176, 177, segments 3-8 of Article 179, Articles 182, 182-1, 184, 185, 186 of the Code encompass also male parents nursing children without mother (including cases of mother's long-term treatment in hospital), as well as guardians (custodians) and foster parents.

Therefore if a man is the parent raising a child there is an obligation to grant him part time work when requested.

In other cases the part time work is granted on mutual agreement.

Pursuant to the Article 20 of the Law No. 2866 government bodies, local authorities, enterprises, institutions and organizations shall equally take into account interests of men and women performing activities for their social protection. It is unacceptable to worsen situation of persons irrespective their gender when applying social insurance system, pension provision, and social assistance.

Ukrainian legislation on compulsory state social insurance envisages that compulsory state social insurance is applied to working individuals.

Thus provisions of the Ukrainian legislation on compulsory state social insurance cover all the insured persons regardless of their sex (except for assistance for pregnancy and childbirth). As the case law on compulsory state social insurance indicates, there are no complaints regarding deterioration of situation of insured persons based on their sex.

Pursuant to the para 13 of Article 11 in the Law of Ukraine “On Compulsory State Pension Insurance” the persons that are subject to mandatory state pension insurance include persons that obtain nursing aid for children under age of three in accordance with Ukrainian legislation. Therefore persons (regardless mother or father) nursing child under age of three will have their nursing leave included in their pensionable service period if they obtain nursing aid for children under age of three.

When calculating pension for the above persons, the coefficient of wages (income) for the period of insurance premiums paying for insured persons referred to in para 13 of Article 11 of the above Law shall be calculated on the basis of the minimum wage.

Child day care services and other childcare arrangements

Q.2. Under section 35 of the Pre-school Education Act, parents receive up to 50% in cities and 30% in rural areas of the total cost of meals taken by their children in state or municipal pre-school facilities. The Committee asks if there is provision for other forms of financial assistance for the parents of children attending childcare facilities.

The Committee takes note of the increase in childcare provision during the reference period. However, in order to determine whether this provision meets family needs, it asks for the next report to contain a detailed list of the number of places in crèches and other childcare institutions broken down by age bracket and the number of rejected applications.

Response: The Cabinet of Ministers of Ukraine Decree dated 26.08.2002 No. 1243 “On urgent issues of pre-school and residential educational institutions activity” envisages that payment for child nutrition pursuant to the Law of Ukraine "On Preschool Education" shall not be paid by parents or persons in loco parentis in families where the total income per person in the previous quarter based on index of price increase does not exceed the level of the subsistence minimum (guaranteed minimum) set annually by the Law on the State Budget of Ukraine for determining eligibility for exemption from payment for child nutrition in state and municipal preschool institutions.

Also discounted fee is envisaged for parents with children attending state and municipal kindergartens and residential homes with the following rate:

- for families with 3 or more children – 50 percent of rate for child nutrition in state and municipal kindergartens and residential homes;
- for parents who work and live on line railway stations and spans - 50 percent of rate for caring children in residential homes;
- for parents of residential homes pupils living in families, but eating and dressing out of the state funds- 20 percent.

Statistics

Appendix to this para shows the data from the Statistical Bulletin “Preschool Education in Ukraine 2013” issued by the State Statistics Service of Ukraine.

Article 27§2

General legal framework

The list of relevant legislative acts referred to in the previous report by thematic group “Children, families and migrants” is still valid.

Measures for application of legal regulations Responses to the additional questions of the European Committee of Social Rights

Parental leave

Q.1. The Committee asks for information on the financial aspects of the childcare leave under Article 179, as the reference in the report to the granting of “aid” during this period is too vague. It would like to know what financial compensation or benefits are provided during the period of parental leave. The Committee also asks for a clarification on the ground indicated in the report on which leave can be refused, that is, when the child is supported by the state.

The Committee asks if at the end of the parental leave workers have the right to return to the same job.

Response: The Law of Ukraine “On State Support to Families with Children” (in the version in force until 01.07.2014) envisaged delivery of nursing aid for children under age of three. The above aid was paid to one of parents, adoptive parents, guardian, grandfather, grandmother or other relative who actually nursed the child. Beginning from January 1, 2010, the amount of the aid was equal to the difference between - 100 percent of the subsistence minimum for able-bodied persons, and the average total family income per person for the previous six months, but it could not be less than 130 UAH.

In view of necessity to implement measures for economical and efficient use of public funds, since July 1, 2014 the assistance at child birth was merged with the nursing aid for children under age of three in one type of assistance and the fixed amount of the assistance at child birth was set in the amount UAH41 280, regardless how many children were born in the family.

The aid is paid in a lump sum of UAH10320.00 plus monthly payment in the amount of UAH860 during 36 months.

Article 20 of the Law of Ukraine “On leaves” envisages that leave to care for children under age of three shall not be provided to the employee whose child is on full state support(except for foster children in foster families).

Pursuant to the national legislation provisions placement of the child in an infant home with full state support may occur in the following cases:

death of a single mother, both parents, adoptive parent(s), guardian;

when parents were deprived of their parental rights, have been recognized as missing or incapable;

if the parents left their child in maternity hospital or other health institution;

if the parents left their child in maternity hospital or other health institution for the reason of serious physical and/or mental disability or other reasons of important significance;

if children under the age of one were foundling or their parents were not identified;

if a child is taken from an assistance beneficiary without deprivation of parental rights;

temporary placement of a child on full state support at the request of parents.

In these circumstances a leave to care for children under age of three shall not be provided. If such a leave was provided earlier, it must be ceased and the employee who was on a leave to care for children under age of three should get back to work.

Pursuant to the Article 2 of the Law of Ukraine "On leaves" the right to leave is ensured by way of granting a leave of defined duration with retaining job (position), wages (benefits) in cases prescribed by this Law.

Therefore, at the end of their parental leave workers do have the right to return to the same job.

Article 27§3

General legal framework

The list of relevant legislative acts referred to in the previous report by thematic group “Children, families and migrants” is still valid.

Measures for application of legal regulations Responses to the additional questions of the European Committee of Social Rights

Protection against dismissal

Q.1. The employer is prohibited under Article 184 of the Labour Code from dismissing a woman employee for reasons related to having a child under the age of three, or the age of six when the child requires nursing, as well as when a mother is single and has a child under fourteen years or a disabled child. An exception to this prohibition is the closing down of a company or institution, in which case the dismissal is allowed subject to an obligatory job placement. The Committee asks if this protection applies also to male employees.

Since the notion of "family responsibilities" in the Appendix of the Revised Charter is understood as obligations in relation to dependent children as well as other members of the immediate family who need care and support, the Committee asks if the above-mentioned Section 184 also extends to the protection of employees against dismissal because of obligations with respect to other members of the immediate family (elderly parents, for example) that require care.

Response: Article 186¹ of the Labor Code envisages that guarantees set out in Articles 56 176, 177, segments 3-8 of Article 179, 182, 182-1, 184 „Guarantees at hiring and prohibition to dismiss pregnant women and women having children”, 185, and 186 of the Code, encompass also male parents nursing children without mother (including cases of mother's long-term treatment in hospital), as well as guardians (custodians) and foster parents.

Article 42 of the Labor Code envisages that in case of reducing the number of employees or staff in view of changes in organization of production and labor, the preferential right to remain employed is provided to workers with higher qualification and productivity.

If the qualification and productivity are equal, an advantage in keeping employment is provided, in particular, to employees with family responsibilities who have two or more dependants and persons whose family has no other person with independent income.

Effective remedies

Q.2. The report states that an employee that has been unlawfully dismissed has the right to demand reinstatement in his/her position. If the reinstatement does not take place, the labour dispute body will order payment of the employee's average wages for the period of the forced absence.

The Committee asks whether there is a ceiling to the amount that can be awarded as compensation. If so, it asks whether this upper limit covers both pecuniary and non-pecuniary damage or whether unlimited non-pecuniary damage can also be sought by the

victim through other legal avenues (e.g. anti-discrimination legislation). It also asks whether both types of compensation are awarded by the same courts, and how long it takes on average for courts to award compensation.

Response: Article 235 of the Labor Code of Ukraine stipulates that in case of dismissal without legal grounds or unlawful transfer to another job worker must be reinstated in his/her position by the body that considers the labor dispute.

When deciding on the reinstatement, the body considering the labor dispute shall at the same time take a decision regarding paying the employee his/her average wage for the all the period of forced absence or difference in earnings for the period of lower paid job, but not more than for one year. If the application for reinstatement is considered more than one year, not through the fault of the employee, the labor dispute body shall order payment of the employee's average wages for all the period of the forced absence.

Should the formulation of the reasons for dismissal be wrong or not complying with current legislation, when this does not entail reinstatement of the worker, the labor dispute body shall rephrase wording and indicate the reason for dismissal in its decision precisely in accordance with the wording provided in the applicable law and with reference to the relevant article (item) of the law. If the wrong wording of the reason for dismissal written in the workbook has impeded further employment of the employee, the labor dispute body shall at the same time take a decision to pay him/her average wages for period of forced absence in accordance with the procedure and subject to terms and conditions envisaged in the part 2 of this Article.

The decision on reinstatement of illegally dismissed or transferred to another job worker taken by the labor dispute body shall be executed immediately.

Pursuant to the Article 157 of the Civil Procedure Code of Ukraine, a court hears cases within a reasonable time, but not later than one month from the date of the inception of legal proceedings regarding reinstatement.

Resolution of the Supreme Court of Ukraine Plenum “On practice of labor disputes consideration by courts” dated 06.11.1992 No. 9 envisages that considering cases on reinstatement courts have to reveal reasons for dismissal as indicated in the dismissal order (ordination) and check their compliance with the law.

The Court cannot recognize the dismissal as correct using circumstances which were not used as a base for the dismissal by the owner or its authorized body. If circumstances used as a base for the dismissal were incorrectly qualified in the dismissal order (ordinance), the court may change the wording of the dismissal reasons and bring it in compliance with current labor law.

In case if the employee has been dismissed without legal grounds or in violation of the established order, but his/her reinstatement is impossible because of liquidation of the enterprise, institution, organization, the court shall recognize the dismissal unlawful and oblige a liquidation commission or the owner (an authority empowered to manage the property of the liquidated company, institution, organization, or (where appropriate) the successor) to pay this employee wages for the period of forced absence. At the same time the court shall recognize the employee as dismissed in view of the enterprise, institution or organization liquidation (paragraph 1 of Article 40 of the Labor Code).

Resolution of the Supreme Court of Ukraine Plenum “On judicial practice in cases of moral (non-pecuniary) damage” dated 03.31.1995 No. 4 envisages that the court determines reimbursement of moral (non-proprietary) damages depending on the nature and extent of suffering (physical, emotional, mental, etc.), which the plaintiff

experienced, the nature of non-proprietary losses (their duration, possibility of recovery, etc.) and taking into account other circumstances. In particular there shall be taken into account health status of the victim, severity of forced changes in his/her life and labor relations, the degree of losses in prestige, business reputation, time and effort required to restore the previous status, voluntary - on its own initiative or at the request of the victim – revocation of information by media. The court shall take a decision based on the principles of reasonability, prudence, and justice.

In cases, where non-pecuniary damage limits shall be determined in relation to the minimum wage or nontaxable minimum citizens' income, the court when deciding the matter shall take into account the minimum wage or nontaxable minimum income being in force at the moment of legal proceedings.

When determining the amount of the compensation for moral (non-pecuniary) damages, the court shall provide a reasons for the decision.

Cases of reinstatement and compensation of moral damages in connection with the unlawful dismissal shall be considered by one court.

Article 31 – The right to housing

Article 31§1

General legal framework

- Law of Ukraine “On legal status of foreigners and stateless persons” dated 22.09.2011 No.3773-VI ;
- Decree of the Cabinet of Ministers of Ukraine dated 24.10.2012 No. 967 “On approval of the State programs for provision of youth with housing in 2013-2017”;
- Decree of the President of Ukraine dated 08.04.2013 No. 201/2013 “On the Strategy of Roma national minority protection and integration into Ukrainian society for the period till 2020”;
- Decree of the Cabinet of Ministers of Ukraine dated 11.09.2013 No. 701 “On approval of the Action Plan on implementing Strategy of Roma national minority protection and integration into Ukrainian society for the period till 2020”.

Pursuant to Article 34 “Grounds for recognizing citizens as those who need improvement of housing conditions” of the Housing Code of Ukraine (hereinafter - HCU) the following citizens shall be recognized as those who need improvement of housing conditions:

1) those whose residential area is less than the level defined in accordance with the procedure set forth by the Council of Ministers of Ukrainian SSR and the Ukrainian Republican Council of Trade Unions;

2) those living in premises that not comply with official sanitation and technical requirements;

3) those suffering from severe forms of some chronic diseases, and, for this reason, cannot live in a shared apartment or in one room with other family members. The list of these diseases shall be approved by the Ministry of Health of the Ukrainian SSR and agreed with the Ukrainian Republican Council of Trade Unions;

4) those living in the dwelling houses owned by state or community on sub-rental conditions or in dwelling houses owned by housing co-operatives on rental conditions;

5) those living for a long time in houses (apartments) privately owned by other citizens under rental agreements;

6) those living in dormitories.

Citizens may also be recognized as those who need improvement of housing conditions on other grounds stipulated in the legislation of the USSR and Ukrainian SSR.

Citizens who need improvement of their housing conditions shall be registered for obtaining premises in houses of state and community dwelling stock in Unified State Register of citizens who need improvement of housing conditions whose maintenance procedures are determined by the Cabinet of Ministers of Ukraine.

Another way to ensure housing to citizens is their participation in government programs, including the Program of reducing mortgage costs to ensure affordable housing to citizens who need improvement of housing conditions. The Cabinet of Ministers of Ukraine Decree dated April 25, 2012 No. 343 approved the Procedure for reducing mortgage costs to ensure affordable housing to citizens who need improvement of housing conditions through partial reimbursement of interest for loans provided for housing construction (reconstruction) or its purchase in the objects under construction.

Partial reimbursement of interest means interest rate for a loan minus 3 per cent per annum. In accordance with this Procedure, the persons who need improvement of housing conditions are as follows:

- citizens that have been registered in housing queue records in accordance with Article 34 of Housing Code;

- Citizens who have at their duly registered place of residence living area that does not exceed 9 square meters per each family member, or those who live (and are duly registered) in dormitory, as evidenced by a certificate of family composition issued at the place of residence. The borrower shall be a citizen who needs improvement of housing conditions and meets requirements of the bank to borrowers.

In addition, people can buy a dwelling under the State targeted socio-economic program of construction (purchasing) affordable housing for 2010-2017, approved by the Cabinet of Ministers of Ukraine Decree dated November 11, 2009 No. 1249, and State program of housing provision to youth for 2013-2017, approved by the Cabinet of Ministers of Ukraine Decree dated October 24, 2012 No. 967. The mechanism of affordable housing delivery to citizens is identified in the Procedure approved by the Cabinet of Ministers of Ukraine Decree dated February 11, 2009 No.140. Affordable housing delivery to citizens is ensured by way of state support, which means paying 30 percent of the construction (purchasing) costs of affordable housing by the state and/or granting privileged mortgage loan (state support). State support is provided by way of paying 30 per cent costs of the regulatory defined area of affordable housing by the state and/or local government. The citizen shall pay to his/her current account opened with an authorized bank, 70 per cent costs of the regulatory area of affordable housing.

Measures for application of legal regulations Responses to the additional questions of the European Committee of Social Rights

Criteria for adequate housing

On March 22, 2012, the Verkhovna Rada of Ukraine adopted the decree “On withdrawal of the draft Law of Ukraine on Provision of Affordable Housing to Citizens”.

However, affordable housing may be provided to citizens on the basis of the Law of Ukraine “On prevention of the global financial crisis affect for the construction industry and housing” dated 25.12.2008 No. 800-VI (hereinafter - the Law No. 800) and the aforementioned Decree of the Cabinet of Ministers of Ukraine dated 11.02.09, No. 140 “On Approval of the Procedure for State Support to Provision of Affordable Housing to Citizens”.

Article 4 “State support for affordable housing construction” of the Law No. 800 defines the affordable housing as - dwelling houses (facilities) and apartments built up or being under construction with government support.

State support of affordable housing construction (purchasing) is provided at the expense of the national and/or local budgets.

Reducing cost of affordable housing is ensured due to:

- providing land for construction of affordable housing to developer by local governments without auction with annual fees for use of the land at the level of land tax established by the Tax Code of Ukraine. The developer shall start design and construction works at such land parcels not later than three years from the date of the

land provision. Failure to fulfill this term will lead to returning the land parcel back in the ownership of local authorities;

- exemption of the housing construction from share in (contribution for) development of engineering, transport and social infrastructure of human settlements;
- determining architectural and planning and technical standards and requirements for affordable housing;
- cost-cutting of mortgage loans through refinancing authorized banks by the National Bank of Ukraine or the State Mortgage Institution against security of bonds issued by that institution under the state guarantee;
- reducing the tax burden on citizens through introduction of tax credit mechanism for expenses incurred by them for construction (purchasing) of affordable housing;
- use of economic and thermally efficient designs for residential houses of massive use based on typical designs;
- involvement of techoparks, technopolises, and zones of investment and innovation development created in regions to execution of works;
- use of reasonable designing and engineering solutions, implementation of energy efficient innovative technology, including nanotechnology;
- use of local raw materials and domestic products.

Article 26 of the Constitution of Ukraine and Article 3 of the Law of Ukraine “On Legal Status of Foreigners and Stateless Persons” dated 22.09.2011 No. 3773-VI ensure that foreigners and stateless persons who legally reside in Ukraine shall enjoy the same rights and freedoms, and bear the same responsibilities as citizens of Ukraine – except for cases envisaged by the Constitution, laws, or international treaties of Ukraine. Foreigners and stateless persons being under jurisdiction of Ukraine, regardless of legality of their residence are entitled to recognition of their legal capacity and competence as well as their fundamental rights and freedoms.

Legal protection

Article 55 of the Constitution of Ukraine guarantees everyone the right to appeal the decisions, acts, or inactivity of government bodies, local authorities, officials, and service persons. Everyone has the right to apply for protection of their rights to the Verkhovna Rada Ombudsman for Human Rights. Everyone has the right to seek protection of their rights and freedoms in relevant international judicial institutions or in bodies of international organizations, whose member Ukraine is after exhaustion of domestic remedies. Everyone has the right to protect his/her rights and freedoms from violations and illegal encroachments using any means not prohibited by law.

In accordance with Article 3 of the Civil Code of Ukraine, everyone has the right to apply to court for protection of his/her violated unrecognized or disputed rights, freedoms and interests in accordance with the procedure established by this Code. In cases prescribed by law, agencies and persons who have a right to protect the rights, freedoms and interests of other persons, state or public interests also may apply to the court. Denial of the right to appeal to the court for protection is illegal.

In accordance with Article 6 of the Code of Administrative Procedure of Ukraine, everyone has the right to apply to administrative court in accordance with the procedure established by this Code, if he/she considers that a decision, act or inactivity of subject of authority violates his/her rights, freedoms or interests. In cases prescribed by law, agencies and persons who have a right to protect the rights, freedoms and interests of other persons also may apply to the court.

Foreigners, stateless persons, and foreign legal entities have the same right to judicial protection in Ukraine as citizens and legal entities of Ukraine.

According to Article 16 of the Civil Code of Ukraine “1. Everyone has the right to apply to court to protect his/her property or non-property rights and interests.

2. There are the following ways to protect civil rights and interests:

- 1) recognizing the right;
- 2) recognizing the legal act void;
- 3) stopping the action that violates the law;
- 4) restoring situation that existed before the violation;
- 5) forced fulfillment of the responsibility in nature;
- 6) changing legal relations;
- 7) stopping legal relations;
- 8) compensation of damage and other methods of compensation for property damage;
- 9) compensation for moral (non-material) harm;
- 10) recognition of decisions, actions or inactivity government body, authority of the Autonomous Republic of Crimea or local authority, their officers and public servants as unlawful.

The court can protect civil right or interest in other way that is envisaged in a contract or law”.

Measures in favor of vulnerable groups

The President of Ukraine Decree dated 08.04.2013 No. 201/2013 has approved the Strategy of Roma national minority protection and integration into Ukrainian society for the period till 2020.

The goal of the Strategy is to determine principles of Roma minority protection and integration into Ukrainian society by ensuring equal rights and opportunities for their participation in socio-economic and cultural life of the country, as well as to increase cooperation with Roma associations.

The key objectives of the strategy are inter alia to improve the living conditions of Roma through action aimed to improve social infrastructure in the areas of Roma residence; assistance to Roma in provision of housing to them, participation in programs privileged lending for acquisition and construction of housing.

Cabinet of Ministers of Ukraine Decree dated 11.09.2013 No. 701-p has approved the Action Plan on implementing Strategy of Roma national minority protection and integration into Ukrainian society for the period till 2020.

The Action Plan is a practical instrument for the Strategy implementation. However, it should be noted that a great role in its implementation have local authorities; taking into account immediate needs and uneven settlement of Roma national minority in the territory of Ukraine, they make their own regional action programs at regional level.

Regarding the right to housing, it should be mentioned that in accordance with Article 47 of the Constitution of Ukraine everyone has right to housing. Citizens who need social protection may obtain housing from the state or local authorities for free or for affordable fee in accordance with the law.

Citizens' right to housing is entrenched in Article 1 of the Housing Code of Ukraine (HCU). According to the HCU, every citizen of Ukraine who needs improvement of housing conditions is entitled to receive in their use dwelling premises in the houses of dwelling stock (state and community owned) in accordance with the procedure prescribed by legislative acts of Ukraine.

As indicated above, in accordance with Article 34, there are several categories of persons who need improvement of housing conditions.

According to the Ministry of Regional Development, Construction, Housing and Utilities of Ukraine, they have not received applications from Roma persons on matters of housing provision or participation in the social housing program.

At the same time, Zakarpattia Oblast State Administration with reference to information from raion state administrations and municipal executive committees, Roma people, who submit appropriate applications and documents, are drawn on the housing queue in local authorities at the place of residence. In order to improve living conditions, social infrastructure, appropriate communications, and land improvement in the areas of the Roma people compact settlement within the financial capacity of government and local bodies, repair of street pavement and appropriate engineering communications are carried out.

Poltava Oblast State Administration said that Roma minority does not have separate settlements in the oblast and live together with other nationalities. They have equal access as any other residents to social infrastructure and utility services. Improvement of social infrastructure of human settlements in the oblast is carried out within the framework of social and economic development program for local communities in the region.

The executive committee of Kremenchuk city council provides Roma people (to the extent possible) with living premises for temporary improvement of their living conditions without deregistering in the housing queue. Roma people who have been registered in housing queue in executive committee of the city council are mainly women with children who do not work.

Rivne Oblast State Administration informed, that during the reporting period, their Department of Housing, Municipal Economy, Energy, and Energy Efficiency did not received applications from Roma people regarding improvement living conditions, social infrastructure, appropriate communications and landscaping.

Kharkiv Oblast State Administration has reported that according to information from raion administrations and executive committees of oblast subordinated cities, Roma persons live at various addresses and there are no , areas of their compact residence in the oblast. In view of this, housing and municipal services are provided to all residents of apartment buildings in full scope and appropriate quality.

Areas being in common use in areas inhabited by Roma persons, namely in Kharkiv. (Volodarsky str., Orlovsky lane, Hatyshevskiy lane, Medychnyi lane., Buzkovyi lane, Novorubanivskiy lane, Sosonova str., Tsepkiivska str.), city of Merefy (Kharkiv oblast) and village Katerynivka of Lozova raion are in good sanitary condition and with improved land.

Chernivtsi Oblast State Administration informed that as of now, there were no applications for improving the living conditions of Roma persons.

Cherkasy Oblast State Administration informed that executive committees of village councils provide private living houses that are located in the village council to Roma persons. Improvement of domestic and living conditions and landscaping of the territory shall be carried out by residents of private estates out of their own funds.

To ensure distribution of information about programs of privileged lending for housing construction and acquisition to solve housing problem, in areas where Roma persons reside, TV "Tisa - 1", as PSA, a promotional video is broadcasted to inform population about the cost-cutting programs for mortgages. In addition radio "Tysa – FM" as social advertising, broadcasts an audio spot on the same topic. Moreover Zakarpattia Directorate of SOE "Ukrposhta" (postal services) participates in distribution of information

leaflets about the cost-cutting program for mortgages.

As **Kirovohrad** Oblast State Administration informed, the Department of Regional Development, City Planning and Architecture of the OSA provided information to the Head of Kirovohrad Roma Congress, Mr. Adam I.I., of housing programs that are run in the oblast.

According to information from the State Agency for Land Resources of Ukraine (SALRU) the agency is promoting allocation of land parcels for personal farming, construction and maintenance of residential homes, commercial buildings and structures, construction of housing cooperative buildings provided to Roma persons in accordance with current law.

As of January 15, 2014, Zakarpattia oblast provided the following land parcels to Roma people: for personal farming (PF) - 50 land parcels (total area - 20.6 hectares) and for construction and maintenance of residential homes (CMRH), commercial buildings and structures - 3 land parcels (total area - 0.9 ha) in use and 101 land parcels (total area -14.8 ha) in ownership. In addition, in Perechyn raion, permissions were provided to develop land arrangement designs for 129 parcels (8.4 hectares) for CMRH and 1 parcel (0.08 hectare) for PF and in Svaliava raion – for 37 CMRH parcels with estimated area of 1.0 hectares.

To organize territory of compact Roma residence, in particular in Berehovo raion, detailed plans of territories were developed in village of Yanoshi (Lisova str.), village Badalovo (Hrabarivska str.), that envisage individual house building, organization of driveways and landscaping package.

In Berdiansk raion of **Zaporizhzhia** oblast, 9 land parcels for individual (cooperative) housing construction and personal farming was allocated to Roma persons.

According to current information from territorial units of the SALRU's Main Department in Odesa oblast, there were no applications from Roma persons for allocation of land parcels for individual (cooperative) housing construction and personal farming. However, the Department of infrastructure, housing and utilities of Odesa OSA is developing a program in the area of housing and utility services that will envisage implementation and financing of projects in the housing field, landscaping, development of utility communications in human settlements of Odesa oblast out of the oblast budget, raion budgets, budgets of cities, towns and villages, and other sources not prohibited by Ukrainian law. Mentioned program upon due discussion and approval by the session of Oblast Council may include infrastructure projects in Roma-populated areas.

Settlement and outfitting of formerly deported Crimean Tatars and other nationalities

Since 1991, the state budget has separate article to fund costs of returnees' settlement. Budget funds are used mainly to build housing, utilities, objects of social and cultural orientation.

5891 families were provided with housing for budget funds, but 7533 families are still registered in queue for housing.

Cabinet of Ministers of Ukraine Decree dated 11.05.2006 No. 637 approved the Program of Settlement and Outfitting Formerly Deported Crimean Tatars and Other Nationalities. In particular, in 2013, 413 former deportees obtained compensation of costs associated with moving and transportation of baggage from places of deportation to Ukraine out of the state budget, financial assistance was provided to 104 families for completion of housing construction.

Article 31§2

General legal framework

- Law of Ukraine “On Refugees and Persons that need additional or temporary protection” dated 08.07.2011 No. 3671-VI.
- Law of Ukraine “On the National Targeted Program of Dormitories Transfer into Ownership of Local Communities for 2012-2015” dated 21.06.2012 No. 4995-VI;
- Cabinet of Ministers of Ukraine Decree dated 22.08.2012 № 605 “On an Action Plan for Integration of Refugees who Need Additional Protection into Ukrainian Society till 2020”;
- Cabinet of Ministers of Ukraine Decree dated 13.03.2013 No. 162 “On Approval of the Guidelines for Preventing Homelessness till 2017”.

Measures for application of legal regulations Responses to the additional questions of the European Committee of Social Rights

Reduction of homelessness

Cabinet of Ministers of Ukraine Decree dated 13.03.2013 No. 162 approved Guidelines for Preventing Homelessness till 2017.

The priority tasks of state regulation in the area of social protection of homeless persons are, inter alia, as follows:

in the area of homelessness prevention

- improvement of legislation to ensure housing rights of persons being at risk of loss housing or right to its use;
- activation of local authorities to prevent illegal alienation of housing, including housing that belongs to children;
- fulfillment of requirements provided in law by notaries in regard to signing agreements related to alienation of housing and issuance of powers of attorney to deregistration of citizens at the place of residence in the community;
- Carrying out activities to assist victims of domestic violence or human trafficking;
- treatment and support to people with mental disorders, drug addicts and chronic alcoholics;
- providing guardianship to incapacitated and partially capable persons;
- improvement of legal acts and activities of central and local executive bodies, local authorities regarding custody and guardianship for incapacitated and partially capable persons;
- protection and support for elderly and disabled single persons;
- ensuring rights of dormitory residents;
- protection of housing, property, and other rights of the following categories of persons:
 - orphans and children deprived of parental care, who are raised in residential institutions;
 - persons released from liberty restraining facilities or after deprivation of freedom for a determined period;

- solution of social and domestic issues of persons that were released from liberty restraining facilities or after deprivation of freedom for a determined period, including delivery them housing or temporary shelter;
- assistance to convicts shortly before their release from prison and confinement in obtaining passports of Ukrainian citizens;
- providing monetary assistance to convicts shortly before their release from prison and confinement in accordance with the current legislation;
- control of observing legislation on the legal status of foreigners and stateless persons by foreigners and stateless persons residing or staying in Ukraine,
- improvement of supervisory committee's activities aimed to preserve dwelling premises of persons serving a sentence of restraint of liberty or imprisonment, to provide housing or temporary shelter to persons released from liberty restraining facilities or after deprivation of freedom for a determined period;
- improving activity of residential facilities, where children-orphan and children deprived of parental care are educated, to prepare this category of children to independent living, including assistance in receiving of Ukrainian passport by them, protection of their property and housing rights, etc.;
- strengthening information and public awareness work on application of the legislative norms for acquisition, alienation, formalization, renewal of formalization and state registration of ownership rights to real property;
- media coverage of information about social programs implementation, social protection for homeless persons and street children, tolerant attitude to them;
- towards improving efficiency of facility network for homeless persons and street children
- improvement of registration centers for homeless persons activity in the area of coordination and information exchange with institutions for homeless persons and street children;
- logistic support of the registration centers for homeless persons;
- registering place of residence or staying for homeless persons with address of residence at specialized social institutions, social services and social protection bodies, as well as restoring identity documents;
- Development and implementation of state standards for social services delivery to homeless persons;
- Involvement of charitable, community-based and religious organizations to social services delivery to homeless persons, including holding competitions for local budgets funds in accordance with the law;
- Development of unified registry of homeless persons to improve relevant statistical reports;
- implementation of trainings for registration centers for homeless persons staff;
- initiating of field reception activities to ensure delivery of social services to homeless persons;
- delivery of timely medical care to homeless persons in health care facilities at their place of residence or staying;
- studying the issue of homelessness prevention in each region taking into account lessons learned by European countries in the area of homeless persons reintegration into society;

in the area of homeless persons reintegration

- delivery of social services to homeless persons people outside the social protection bodies through social patrolling with involvement of relevant services;
- delivery of temporary shelter service to homeless persons;
- forming of special purpose dwelling stock;
- deciding the issue of temporary residence for homeless persons, including families with children, women, men, persons with mental disorders, drug addicts and chronic alcoholics, incapable or partially capable persons;
- implementation of measures for temporary placement in children's institutions or families the children separated from their families, that are not citizens of Ukraine, and have addressed to the competent authority with application for recognition them a refugee or a person needing additional protection, and delivery them to asylum seekers reception centers;
- Establishment of special dormitories for temporary residence of persons released from liberty restraining facilities or after deprivation of freedom for a determined period who need improvement of their housing conditions or whose dwelling is temporarily settled or cannot be returned to them;
- assistance in delivery of housing from dwelling stock for social purposes and dwelling stock for temporary residence to homeless persons;
- support of independent living for persons who work and are able to pay for their housing, with periodic visits of social workers;
- envisaging expenditures for reintegration of homeless persons in local budgets taking into account needs and financial capacity of the region.

To coordinate actions of central executive authorities and other shareholders involved in resolving problems of homeless people, a permanent advisory body of the Government - the Council on Social Protection of homeless persons and persons released from prison - was established in 2010. In 2013 its composition was changed and in 2014 – personal composition was approved.

In order to improve operation of facilities for the homeless persons and increase quality and accessibility of social services for these persons, the Ministry of Social Policy Order dated 19.04.2011 No. 135 approved the Typical Statute of a Registration Center for Homeless Persons (registered with the Ministry of Justice of Ukraine on June 22, 2011, No. 750 / 19 488)

The objectives of the Centre are, inter alia, identifying and registering of homeless persons; issuance of registration certificate of standard form; studying of presence institutions of social protection for the homeless persons and free beds in these institutions organize temporary shelter for the persons; assistance in registering place of residence or staying by them; assistance in restoration of identity documents for homeless persons, protection of their property and housing rights, employment, and health care; assistance in exercising by homeless persons their constitutional right to participate in elections and delivery relevant information to responsible bodies of the State Register of Voters in accordance with the law; delivery of legal and other social services to homeless persons.

The Center provides its services upon written application to homeless persons aged 18, including homeless persons with children, as well as foreigners and stateless persons lawfully residing in Ukraine.

When homeless persons with children contact the Center, its staff provide information about the children to the Service for Children Affairs on territorial location basis. The

children are sent to the children shelter run by of the Service for Children Affairs upon consent from their parents.

Street children applying to the Center without parents are sent to the children shelter run by of the Service for Children Affairs on territorial basis accompanied by the Center's staff.

Personal file is drawn up for each client of the Center. Client database of the Center is formed on the basis of these personal files

Homeless persons obtain services at their place of residence in facilities intended for them and outside such facilities using mobile form of social services delivery- social patrolling.

These facilities for homeless persons may provide the following services taking into account individual needs: temporary shelter, social, medical, legal, educational, rehabilitation and other social services in accordance with the Law of Ukraine "On Social Services".

The network of facilities for homeless persons increased by 12% as compared with 2010, and as of 01.01.2014 consists of 102 subjects, including 92 facilities being in municipal ownership.

The above mentioned facilities serviced about 24 thousand persons in 2013 (17 thousand persons – in 2010; 18 thousand - in 2011; 21 thousand – in 2012).

Street children

Information is provided in answer to Article 7, para 10.

Dormitories

On June 21, 2014 the National Targeted Program to transfer dormitories into ownership of local communities for 2012-2015"was approved. The Program shall be funded out of the state and local budgets and other sources envisaged by law.

Forced eviction

Housing law envisages three types of eviction:

- 1) with delivery of another comfortable dwelling premise;
- 2) with delivery of another dwelling premise;
- 3) without delivery of dwelling premise.

According to part three of Article 47 of the Constitution of Ukraine, a citizen may be deprived of his/her housing only on the basis of a court decision and in accordance with the law. In accordance with Article 109 of the Housing Code of the Ukrainian SSR (hereinafter - the HC-UkrSSR) eviction from residential premises is permitted on grounds established by law. Eviction may be carried out voluntary or by judicial procedure. Eviction by administrative procedure with prosecutor's authorization is possible only with regard to squatters or persons living in homes with threat of collapse.

Citizens evicted from dwelling premises shall be provided with another permanent dwelling premise, except for cases of eviction when it takes place foreclosure of dwelling premises acquired through a loan from bank or other person, whose return is secured by

mortgage of respective premises. Dwelling premise that will be provided to the evicted person shall be indicated in the court or prosecutor's decision.

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

Eviction of citizens in cases foreclosure of dwelling premises acquired through a loan from bank or other person, whose return is secured by mortgage of respective premises is a ground for delivery of dwelling premises to such citizens out of temporary housing stocks in accordance with Article 132-2 of the Code. Lack of dwelling premises in appropriate temporary housing stocks or refusal to provide such dwelling does not entail suspension of the citizen's eviction from mortgaged premises.

Eviction with delivery of another comfortable dwelling premise

Article 110 of the Code envisages that citizens shall be evicted from residential buildings of state and municipal housing stock with delivery of another comfortable dwelling premise in the following cases:

building where the dwelling premise is situated shall be demolished;

house (dwelling premise) threatens to collapse;

house (dwelling premise) is subject to conversion into non-dwelling one.

Also a comfortable dwelling shall be provided in cases of eviction of the following categories: officers and warrant officers of Ukrainian army and navy, additional active military service men and similar persons retired from active military service, or retired in stock, as well as persons living with them. The same procedure is used in case of eviction other persons that have lost their relations with the Armed Forces of Ukraine from military communities.

In addition, in case of small family-type homes liquidation, the houseparents have to free dwelling premise provided to them and in case of their refusal – they may be evicted with delivery of another comfortable dwelling premise.

The law also may envisage other cases of eviction with delivery of another comfortable dwelling premise.

If the building, where the dwelling premise is located, is a subject to demolition *in connection with withdrawal of a land parcel for state or community needs*, citizens evicted from this building shall get another comfortable dwelling premise from the executive committee of the local council, and when this land parcel will be allocated to state-owned, cooperative or other community organization – from this organization. In the case of the demolition of residential buildings, being in private ownership of individuals, *in connection with withdrawal of land parcels for state or community needs*, those citizens, their families, and other citizens, who are permanent residents in these

homes, shall get apartments in the houses of state or community dwelling stock in accordance with the established standards.

During demolition of residential houses privately owned by citizens, persons living in these houses under rent contracts shall be evicted without delivery them another dwelling.

Eviction from the house threatening to collapse related with necessity to take urgent measures and resettle citizens living in these building for security reasons.

Statement on technical condition of the residential building, depending on its ownership, shall be prepared by a panel of appropriate specialists established by the executive committee of appropriate municipal council whose jurisdiction the building is located within. The panel opinion on threat of collapse shall be approved by the executive committee of the council irrespective of agency whose jurisdiction encompasses the building with delivery of another comfortable dwelling premise to the persons evicted.

Another comfortable dwelling premise depending on the house owner shall be provided by the executive committee of the local council or state-owned, cooperative, or other community organization, and should the organization fail delivery of the premises - they shall be provided by the executive committee of the local council.

Eviction from dwelling house that is subject to conversion into non-dwelling one. Transfer of dwelling houses and premises suitable for living in state and community housing stock to non-dwelling ones is usually not allowed. On exceptional base, transfer of dwelling houses and premises into non-dwelling ones may be done by the Executive Committees of oblast and city councils (Articles 7 and 8 of the Code).

The legal basis for termination of rental agreement and eviction of tenant from the premises occupied by him is the change of the building purposeful use, which is to be excluded from housing stock as a result of the transfer.

Categories of persons eligible for housing delivery and procedures of such a delivery are the same as in the case of eviction in view of the building demolition.

Eviction from dwelling premises in military communities. The ground for rent agreement termination and eviction from the premises in military communities is the fact of ceased military service due to retirement from service or transfer into reserve and as a result lost relations with the Armed Forces of Ukraine.

The comfortable dwelling premise to be provided in case of such an eviction does not have to be located in a military community.

Admissible cases of eviction with delivery of another dwelling premise

The following categories of people may be evicted with delivery of another dwelling premise:

- former employees who have ceased their employment relations with enterprises, institutions and organizations having provided them dwelling premises of their own volition without good cause, or who were fired because of labor discipline breach or for a crime;
- citizens deprived of parental rights if they live together with their children, in whose regard they were deprived of parental rights;
- former house parents detached from further care of children.

Eviction with delivery of another dwelling premise may be done by judicial procedure only.

Cases of eviction without delivery of another dwelling premise

Such an eviction may be can a mean of civil liability for breach of a contract, a law, or subjective rights of other persons.

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

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

It should be mentioned that there are certain peculiarities in cases of eviction from employer-provided dwelling premises and dormitories. They are as follows:

Current legislation envisages eviction from employer-provided dwelling with delivery of another dwelling premise or without its delivery.

Employees that have ceased their employment relationship with the enterprise, institution, or organization of their own volition shall be evicted from employer-provided dwelling premise (together with all persons living with them) without delivery of another dwelling premise (Article 124 of the Code).

At the same time, Article 125 of the Code defines several categories of persons that shall never be evicted without providing them other dwelling premises, namely:

- disabled veterans and other disabled persons from among military personnel who became disabled due to injury, concussion or mayhem, they received defending the USSR or performing other military duties, or because of a disease connected with staying at the front; participants of the Great Patriotic War that serviced active army; families of military men and guerrillas killed or missing when defending the USSR or performing other military duties; families of military men; disabled persons from among the ranks and officers of the Ministry of Internal Affairs of the USSR, who became disabled due to injury, concussion or mayhem they received while being on duty;
- persons who had worked for the enterprise, institution, or organization having provided them service dwelling for at least ten years;
- persons dismissed from the position being a reason for the dwelling delivery, but having not ceased employment relations with the enterprise, institution, or organization that provided the premises;
- persons dismissed in connection with the liquidation of enterprise, institution, or organization or because of staff downsizing;
- age related pensioners, retirees personal; family members of a deceased worker, whom the service dwelling was given; disabled workers of I and II groups, disabled persons of I and II groups from among military men and similar persons;
- single persons with minor children living with them.

With regard to eviction from dormitories it should be noted that in the same way as with eviction from employer-provided dwelling premises, it may be done with delivery of other premises or without such a delivery.

Seasonal, temporary workers and persons employed under fixed-term contracts, that stopped employment, and persons that studied in educational institutions and dropped out of them shall be evicted from the dormitory provided them in connection with employment work or study, without delivery them other premises.

Other employees of enterprises, institutions, and organizations resided in the dormitory in connection with their employment may be evicted without delivery of other premises in the event of resignation of their own volition without good cause, failing for violation of labor discipline or committing a crime. Persons who ceased employment for other reasons may be evicted only with delivery them another dwelling premise.

The categories of persons that may not be evicted from employer-provided service dwelling without providing them other dwelling premises also may not be evicted without that from dormitories.

Dormitory residents may also be evicted in the case of the dormitory demolition or conversion into non-dwelling building, and when the building threatens to collapse. In these cases other dwelling places in dormitory or other dwelling premise shall be provided to them.

Citizens who have squatted their dwelling places in dormitory shall be evicted without delivery them another dwelling premises.

Right to shelter

Cabinet of Ministers of Ukraine Decree dated 17.07.2003 No.1110 (in wording of the Cabinet of Ministers of Ukraine Decree dated February 8, 2012 No. 70) approved the Typical statutes of temporary shelter for foreigners and stateless persons who illegally reside in Ukraine.

A temporary shelter for foreigners and stateless persons who illegally reside in Ukraine (hereinafter - temporary shelter) is a state-owned institution that is designed for temporary detention of foreigners and stateless persons in cases where they are not fulfilled in due time and without good cause decision on their compulsory return to their home country; or if there are reasonable grounds to believe that they will evade execution of this decision; or if there is a decision of an administrative court about their forced expulsion from Ukraine; or if they arrive in Ukraine in accordance with international agreements on readmission; or if they have no legal reasons to reside in Ukraine and have to be forcibly expelled abroad.

The primary objectives of these institutions is to establish appropriate conditions of foreigners detention, providing them with individual beds, bedding, 3 meals daily, utility services, and health care.

Children of foreigners and stateless persons shall be placed in temporary shelters together with their parents, if there are no time parents – with close relatives.

Foreigner children aliens from their families shall not be placed in the temporary shelters, and are sent to a children shelters subordinated to services for children affairs at oblast administrations (please see relevant information provided above, in regard to Article 7 (10)).

It should also be mentioned that the Law of Ukraine “On Refugees and Persons that need additional or temporary protection” dated 08.07.2011 No. 3671-VI envisages the right to unimpeded access to the procedure of recognition the non-citizen children separated from their families as refugees or persons needing additional protection and set

forth sequence of actions for officials of government bodies from the moment of identification a child separated from his/her family at the border of Ukraine till placement of the child in a care facility or a family.

Article 3 – The right to safe and healthy working conditions

§ 4 to promote the progressive development of occupational health services for all workers with essentially preventive and advisory functions

Pursuant to the clause 2.4 of the Procedure for conducting medical examinations of certain categories workers approved by the Ministry of Health Order dated 21.05.2007 No.246, registered with the Ministry of Justice on 23.07.2007 under № 846/14113 (hereinafter – Procedure), in order to carry out prior (periodic) medical examinations of its employees the employer shall sign or timely renew the contract with a health care facility and provide them a list of staff who are subject to prior (periodic) medical examination. When hiring or transferring an employee to hard work, or work in hazardous or dangerous conditions, the employer shall issue a referral to a mandatory prior medical examination of the employee.

As of 2013, there were 135 surface medical stations in state coal mines served by 725 health workers; as well as 71 underground medical stations, served by 416 health workers. According to current information all medical stations at structural (separate) units of state coal enterprises are provided with necessary medicines according to treatment protocols approved by the Ministry of Health of Ukraine Order dated 17.01.2005 No. 24. In 2013, the plan medical examination was implemented almost 100% (it was planned to examine 119 thousand persons; actually examined 116 thousand persons. Of them 93 thousand were examined in underground medical stations and 23 thousand – in surface ones).

Enterprises of energy sector at they own expense operate 435 medical stations or medical centers, where 103 doctors and 594 middle-and junior medical staff are employed. In 2013, 82.7 thousand persons passed the regular medical examination, (planned figure - 72.9 thousand persons).

Enterprises of oil and gas sector at they own expense operate 87 medical stations or medical centers, where 404 medical staff employed (84 doctors and 320 middle-and junior medical staff are employed. Moreover contracts for medical servicing of employees were signed with 5 polyclinics. In 2013, 47.0.7 thousand persons passed the regular medical examination, of them 284 persons were sent to repeated medical examination.

As a whole as a result of medical examinations 561 employee in fuel and energy cluster were transferred to other positions.

In addition, when hiring employees for hazardous work in the energy sector, psychophysiological examination is conducted by psychologist that is included in labor protection service, and psychophysiological testing is carried out from time to time by operative officer on the job. In addition the enterprises carry out mandatory pre-shift medical examinations of employees working in dangerous conditions.

Based on the results of annual medical examinations, in accordance with the recommendation of the Final Certificate of Health Condition, necessary health (treatment) measures are carried out in health prevention and treatment facility.

The total number of objects (businesses) supervised by the State Sanitary and Epidemiological Service of Ukraine in 2013 was - 407,719, of which 83,103 were objects with defined categories of workers employed to work in harmful or hazardous conditions.

There are 55 724 objects that have defined categories of employees subject to prior (periodic) medical examination.

State sanitary and epidemiological supervision for compliance with sanitary legislation on labor hygiene, sanitation and medical servicing employees in productive sectors of the economy was carried out at 56,791 objects of industrial, municipal, and other sectors in 2013. At these objects 2026417 persons have passed medical examinations (out of 2109281 persons planned) that is about 96%. The best rates of coverage (from 99.7% to 100.0%) are in Lviv, Dnipropetrovsk, and Cherkasy oblasts, the lowest - in Donetsk, Luhansk, and Zhytomyr oblasts. Medical examinations were carried out in 971 state-owned medical facilities, 44 private facilities, and in 62 medical and sanitary stations.

The goal of these mandatory preventive medical examinations is to prevent the spreading infectious or dangerous diseases, and ensure dynamic monitoring of health condition among workable population.

Pursuant to par. 2.1 of the Procedure, prior (periodical) medical examination of workers shall be carried out by medical and preventive treatment facilities (hereinafter - MPTF) determined by appropriate orders of the Ministry of Health of the Autonomous Republic of Crimea, Healthcare Main Departments and Departments of oblast administrations, city administrations of Kyiv and Sevastopol, ministries and other central government bodies (the Ministry of Defense, the Ministry of Internal Affairs, Ministry of Ukraine for Emergencies and Population Protection from Consequences of the Chornobyl disaster, the Ministry of Transport and Communications, the State Border Service, the State Security Service of Ukraine, the State Penitentiary Department, the State Nuclear Regulatory Committee of Ukraine, etc.) in coordination with the Ministry of Health of Ukraine, as well as by specialized health care institutions having right to make a diagnosis for occupational diseases, whose list was approved by the Ministry of Health of Ukraine Order dated 25.03.2003 No. 133, registered with the Ministry of Justice on 10.04.2003. under № 283/7604, and by medical universities of III -IV accreditation level having departments and teaching courses of occupational diseases.

Pursuant to the clause 2.4 of the Procedure, in order to carry out prior (periodic) medical examinations of its employees, the employer shall sign or timely renew the contract with a health care facility and provide them a list of staff that is subject to prior (periodic) medical examination.

Pursuant to the clause 2.5 of the Procedure, the employer at its own expense shall ensure carrying out medical examinations and pay the costs of in-depth medical examination of an employee with suspected occupational or production-caused diseases and his/her medical rehabilitation, as well as costs of clinical examination of workers at risk of occupational diseases.

In view of the above, employees are to have medical examination in the healthcare facilities specified in clause 2.1 of the Procedure, whom the employer has signed with or timely renewed a contract.

In accordance with current data, harmful and dangerous working conditions have 1,164,707 persons in Ukraine (293,741 of them are women). Thus in coal industry, harmful and hazardous working conditions have 202,783 persons (21,247 of them are women). Figures for metallurgy are as follows: total -109,846 persons (32,547 of them are women). Work conditions were improved for 175,587 workers, 62,493 of them are women. Significant work to improve working conditions was carried out in coal industry: in Donetsk oblast working conditions were improved for 2465 persons, including 435 women. In steel industry in Dnipropetrovsk oblast working conditions were improved for

9951 persons, including 2601 women. In machinery industry in Luhansk oblast - for 1335 persons, including 471 women. In light industry in Lviv oblast working conditions was improved for 665 employees, including 519 women.

5158 cases of occupational diseases were registered in 2012 (in 2011 - 5019 cases). Most of them were registered in coal industry, metallurgy and machine building in Donetsk (1721), Luhansk (1517), Dnipropetrovsk (978), and Lviv (583) oblasts. Among basic forms of occupational pathology the most widespread were respiratory diseases - acute bronchitis, pneumoconiosis, etc.; next - diseases of the musculoskeletal system - polyradiculopathies; then - vibration and noise pathology - vibration disease local and general, sensorineural hearing loss, cochlear neuritis. There was observed disturbing increase in the number of professional tuberculosis cases among medical staff in TB facilities.

3 cases of acute occupational poisoning were registered in 2012. In Donetsk oblast - 6 cases; in Luhansk oblast - 5 cases, 1 case- in Odessa and 1 - in Cherkasy oblast. Acute occupational diseases were registered in the steel industry.

All the cases were investigated and registered in accordance with current legislation.

In 2012, in connection with violations of the sanitary law requirements 2487 chief sanitary doctor decisions on stopping facilities were taken. 320 objects have ceased their operation permanently, 2167- temporarily. There were fined 13 114 persons, 61 cases were submitted for investigation. The largest number of cases regarding officials were submitted for investigation in Kyiv oblast - 10, Cherkasy, Odesa, Vinnytsia oblasts - 9 in each oblast. 20 758 persons were suspended from work pursuant to suggestions from the State Sanitary and Epidemiological Service.

Remark:

It should be noted that according to the Decree of Cabinet of Ministers of 10 September 2014 No. 442 “On the optimization of the system of central governments executive bodies” the State Labour Service of Ukraine has been established through reorganization of State Inspectorate of Ukraine for Labour and State Service of Mining Supervision and Industrial Safety of Ukraine. Taking into consideration the above mentioned the updated information on the Article 3§4 will be submitted in the next report.

Article 11 – The right to protection of health

§ 2 to provide advisory and educational facilities for the promotion of health and the encouragement of individual responsibility in matters of health

According to the Action plan for implementation of the Program of Government and the Strategy for Sustainable Development “Ukraine-2020” in 2015, approved by the Decree of Government on 4 March 2015 No. 213, it is foreseen:

- to develop and to submit to the Government the proposals on National Strategy for health physical activity for the period up to 2025;
- to conduct All-Ukrainian awareness and preventive action “Responsibility begins with me”;
- to ensure the use of social advertising in the media to promote a healthy lifestyle; to develop the National action plan for implementation principles policy Health — 2020: based on European policy actions to support the state and society in the interests of health and well-being on noncommunicable diseases for the period up to 2020”;
- to create the National (Ukrainian) center for public health.

Taking into consideration the above mentioned the updated information on the Article 11§2 will be submitted in the next report.

Article 30 – The right to protection against poverty and social exclusion

The draft of Strategy to overcome poverty is currently under preparation. The intergovernmental working group was approved by the Order of Ministry for Social Policy on 16 March 2015 No. 288/ It will develop the draft of Strategy considering Conclusions 2013 of European Committee of Social Rights

Taking into consideration the above mentioned the updated information on the Article 30 will be submitted in the next report.