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## **EUROPEAN SOCIAL CHARTER**

14th National Report on the implementation of  
the European Social Charter

submitted by

**THE GOVERNMENT OF UKRAINE**

Articles 7, 8, 16, 17, 19, 27, and 31  
for the period 01/01/2018 – 31/12/2021

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**CYCLE 2023**

**European Social Charter (Revised)**

**Fourteenth National Report on the  
implementation of the European Social  
Charter**

**European Social Charter (Revised)**

**Articles 7, 8, 16, 17, 19, 27, 31**

**for the period 01/01/2018 - 31/12/2021**

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## Answers to additional questions from the European Committee of Social Rights

### Article 7

#### The right of children and young persons to protection

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

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

#### Article 7, paragraphs 1-4

In accordance with subparagraph 6 of paragraph 4 of the Regulation on the State Labor Service of Ukraine, approved by the Cabinet of Ministers of Ukraine Resolution #. 96 dated February 11, 2015, the SLS, in accordance with its tasks, carries out state control over compliance with labor legislation on the part of legal entities, including their structural and separate subdivisions, that are not legal entities, and the individuals who use the hired labor.

In 2018-2021, the State Labor Service of Ukraine carried out 13,043 state control activities, during which the issues of compliance with the legislation on the labor of minors were studied.

In general, violations of children's rights in the field of labor were committed by 239 employers in relation to 397 minors, in particular:

- 292 children worked without registration of labor relations with 168 employers;

- 44 minors were paid illegal wages ("in envelopes") by 29 employers.

As a result of the state control activities:

- 78 reports on administrative offenses were drawn up and submitted to the court;
- materials of 52 inspections were sent to law enforcement agencies for appropriate response;
- 222 orders to eliminate violations of labor legislation were issued.

Article 265 of the Labor Code of Ukraine envisages imposition of penalties for violations of labor legislation, in particular on the labor of minors.

**Information  
on application of penalties for violation of legislation  
on the labor of minors**

Type of violation/penalty	Amount of imposed fines, UAH			
	2018	2019	2020	2021
Actual admission of an employee to work without signing an employment contract, employment for part-time work or under an employment contract with non-fixed working hours in the case of actual performance of work full time, during the entire working hours established at the enterprise, and payment of wages (remuneration) without accrual and payment of the Unified contribution for mandatory state social insurance and taxes	5 472 810	3 630 510	892 830	3 960 000
Violation of the established timeframe for payment of wages to employees, other payments envisaged by the labor legislation, for more than a month, or payment them not in full scope	22 338	12 519	0	0
Non-compliance with minimum state guarantees regarding wages	37 230	2 086 500	0	0
Non-admission for carrying out an inspection to identify the actual admission of an employee to work without signing an employment contract, employment for part-time work or under an employment contract with non-fixed working hours in the case of actual performance of work full time, during the entire working hours established at the enterprise, and payment of wages (remuneration) without accrual and payment of the Unified contribution for mandatory state social insurance and taxes	372 300	0	0	0

In accordance with Article 187 of the Labor Code of Ukraine, minors ( i.e. persons under 18 years of age), have the same rights in labor relations as adults, and in the field of labor protection, working hours, vacations and certain other working conditions, they enjoy privileges established by the Ukrainian legislation.

In accordance with Article 188 of the Labor Code of Ukraine, employment of persons under 16 years of age is prohibited.

Upon consent from a parent or a person in loco parentis, persons who have reached 15 years of age may, as an exception, be hired.

In order to prepare young persons for productive work, it is allowed to employ graduates of general secondary, professional (vocational-technical), professional pre-university or higher education institutions who are acquiring any form of primary, basic secondary or specialized secondary education to perform light work, which does not harm health and does not disrupt the learning process, in the time free from learning after they reach 14 years of age upon consent from a parent or a person in loco parentis.

**Information  
on the results of state supervision (control) over compliance with the legislation  
on the labor of minors**

	Number of minors whose rights have been violated			
	2018	2019	2020	2021
Article 188 "Age from which hiring is allowed" of the Labor Code of Ukraine	4	4	1	3
Response measures	There have been issued 4 prescriptions to eliminate the identified violations; and drawn up 4 administrative offense protocols	There have been issued 4 prescriptions to eliminate the identified violations; and drawn up 4 administrative offense protocols	There have been issued 1 prescription to eliminate the identified violations; and drawn up 1 administrative offense protocol	There have been issued 3 prescriptions to eliminate the identified violations; and drawn up 3 administrative offense protocols

**Article 7, paragraph 5**

*a) Please provide information on the net monthly minimum wage and increments paid to persons under 18 years of age.*

Pursuant to Part 1 of Article 194 of the Labor Code of Ukraine (LCU), wages of employees under 18 years of age with short daily working hours is paid to the same extent as to employees of this respective category with full daily working hours.

Pursuant to Part 2 of Article 194 of the Labor Code of Ukraine (LCU), Labor of employees under 18 years of age admitted to piece work is paid in accordance with piece-rate with an additional payment (increment) using the basic hourly rate for hours to which their work day is reduced in comparison to working hours of adult employees.

Remuneration of students of secondary, vocational and specialized secondary schools working in time free from studies is proportional to hours worked or depending on output. Pursuant to Part 3 of Article 194 of the Labor Code of Ukraine, companies may introduce additional payments (increments) for school students.

**Information  
on the results of state supervision (control) over compliance with the legislation  
on the labor of minors**

	Number of minors whose rights have been violated			
	2018	2019	2020	2021
Article 194 of the Labor Code of Ukraine "Wages of employees under 18 years of age	1	2	1	0

with short daily working hours".				
Response measures	There have been issued 1 prescription to eliminate the identified violations; and drawn up 1 administrative offense protocol	There have been issued 2 prescriptions to eliminate the identified violations	There have been issued 1 prescription to eliminate the identified violation	0

***b) Please provide information on the measures taken to ensure the efficient implementation of this right (for example, through labor inspection and similar law enforcement agencies, trade unions) (General Question, Conclusions 2019).***

In accordance with the current legislation, the State Employment Service ensures implementation of the constitutional right of unemployed young citizens to work and social protection against unemployment.

Youth applying to the State Employment Service are provided with assistance in selecting a suitable job, including temporary employment, assistance in arranging entrepreneurial activity, vocational information and vocational counseling services, including online services, individual career guidance consultations on choosing a profession, including use of professional diagnostic methods, participation in various webinars, trainings aimed at expanding awareness of the realities of the labor market and acquisition of the skills that may help in employment is offered.

Unemployed youth under 35 years of age have got the following services from the State Employment Service: in 2018 - 377,000 persons; in 2019 – 767,000 persons; in 2020 - 762.1 thousand persons; in 2021 – 676.1 thousand persons.

The following number of persons have been employed with the assistance from the State Employment Service: in 2018 - 298,4 thousand persons under 35 years of age; in 2019 - 282,3 thousand persons; in 2020 - 177,6 thousand persons; in 2021 – 130,4 thousand persons.

The Law of Ukraine "On Employment of the Population" establishes additional guarantees in the promotion of employment for citizens who are uncompetitive on the labor market, including young persons who have graduated or stopped studying in secondary, professional (vocational-technical), professional pre-university and university education institutions, resigned from fixed-term military or alternative (non-military) service, military service by conscripting reservists in a special period and persons hired for the first time.

When a young person who has completed or stopped studying is employed in a new workplace, the employer is compensated for the actual costs in the amount of the Unified contribution to the mandatory state social insurance for the relevant person. Such a compensation is paid monthly during one year from the date of employment of the person, provided that the person remains employed for at least two years.

The following numbers of young persons have been employed with the provision of the compensation to employers: in 2018 -214 persons; in 2019 – 151 persons; in 2020 - 290 persons; in 2021 – 55 persons.

The State Employment Service provides the opportunity of temporary employment to both unemployed and employed persons. Thus, one of the effective forms of material support for the unemployed providing them the opportunity to secure their employment is organization of public and other temporary works. The following numbers of young persons were engaged in the such works: in 2018 - 56,3 thousand persons, in 2019 – 48,5 thousand persons, in 2020 - 22,9 thousand persons, in 2021 – 14,5 thousand persons.

## **Article 7, paragraph 10**

***a) Please provide updated information on measures taken to strengthen protection of children, including migrant, refugee and displaced children, from sexual exploitation and abuse (including in response to the risks associated with the Covid-19 pandemic) during the reporting period, including information on cases of such abuse and exploitation.***

*The Law of Ukraine dated 18.02.2021 No. 1256-IX "On Amendments to Some Legislative Acts of Ukraine for Implementation of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse" (The Lanzarote Convention) has amended, in particular, the Law of Ukraine "On the Protection of Childhood", according to which employees of educational, health care, social protection, physical culture and sports, health and recreation institutions who come into contact with children must be familiarized with information on the protection of children from all forms of violence, including domestic violence, exploitation, the worst forms of child labor or other forms of child abuse.*

*The administration of enterprises, institutions and organizations, regardless of their form of ownership and management, whose staff includes persons contacting with children in their work, is obliged to inform them from time to time about protection of children against all forms of violence and exploitation.*

It is forbidden to work in contact with children for, the persons whose information is entered in the Unified register of persons convicted of crimes against the sexual freedom and sexual integrity of a minor (Article 10).

The Ministry of Social Policy, as the national coordinator in the field of combating human trafficking and authorized authority in the field of prevention and combating domestic violence, conducts on regular basis large-scale information campaigns for: The World Anti-Trafficking Day (July 30); The European Day against Human Trafficking (October 18); The World Day of Zero Discrimination (March 1); and the annual campaign "16 days against violence" (from November 25 to December 10).

Cooperation with international associations in the field of prevention and counteraction of human trafficking, domestic violence and/or gender-based violence is carried out on an ongoing basis. The Ministry of Social Policy, together with international associations, develops and distributes informational materials (postcards, brochures, posters) on this topic on an ongoing basis.

The Ordinance of the CMU dated July 14, 2021 No. 800-r approved the Concept of the State Targeted Social Program for Combating Human Trafficking for the period until 2025, which contains tasks to prevent human trafficking, including children, and provide assistance to victims.

Currently, the Ministry of Social Policy of Ukraine has developed a draft of the State Program for the implementation of the above-mentioned Concept, which has been agreed with the interested authorities, revised taking into account the challenges related to Russia's war of aggression against Ukraine. Package of documents is being prepared for submission to the Cabinet of Ministers of Ukraine for consideration.

***b) Please provide information on the impact of the Covid-19 pandemic on monitoring of child exploitation and abuse, as well as measures taken to strengthen monitoring mechanisms.***



Since 2020, the state institution "Government Contact Center" has received calls and reports about/from persons who have suffered from human trafficking, domestic violence, gender-based violence, and violence against children in 24/7/365 mode at phone number 15-47.

***c) Please provide information on protecting children against all forms of violence, exploitation and abuse in the digital environment, including sexual exploitation and abuse and sexual solicitation (grooming).***

The Ministry of Internal Affairs of Ukraine and the National Police of Ukraine are constantly working on the above-mentioned issue, in particular, they took part in development and elaboration of the Procedure for ensuring social protection of children being in difficult life circumstances, including children who have suffered from child abuse, approved by a resolution of the Cabinet of Ministers of Ukraine dated June 1, 2020 No. 585. The Procedure defines the mechanism of interaction between government bodies, local self-government authorities, educational institutions, health care facilities, institutions for social protection of the population, other institutions and facilities during the provision of social protection for children being in difficult life circumstances, including children who have suffered from abuse, during their identification, consideration of addresses and reports about such children, ensuring their safety, as well as delivery of needs-based assistance;

The Ministry of Internal Affairs of Ukraine and the National Police of Ukraine participated in development and elaboration of the Law of Ukraine "On Amendments to Some Legislative Acts of Ukraine for Implementation of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse" (The Lanzarote Convention No. 1256-IX, adopted by the Verkhovna Rada of Ukraine on February 18, 2021, that:

Introduces a special mechanism for prevention of violence against children for the employees contacting them;

Specifies measures for the protection of children who have suffered from (or witnessed) sexual violence;

Establishes liability for committing acts of a sexual nature with a person under 16 years of age;

Supplements the Criminal Code of Ukraine with Article 156-1 (Harassment of a child for sexual purposes), Article 301-1 (Obtaining access to child pornography, its acquisition, storage, importation, transportation or other movement, production, sale and distribution), Article 301-2 (Conducting a spectacular event of a sexual nature with the participation of a minor).

The Criminal Procedural Code of Ukraine stipulates that criminal proceedings regarding crimes against the sexual freedom and sexual integrity of minors shall be carried out immediately and considered in court as a matter of priority. Additional guarantees of taking into account the best interests of the child during the interrogation are also envisaged.

The National Police of Ukraine took part in the development and elaboration of the draft Procedure for identifying signs of sexual violence against children, conducting an interview of a child who suffered from sexual violence or became a witness (eyewitness) to it, using the child-friendly methodology.

The Criminal Procedural Code of Ukraine stipulates that criminal proceedings regarding crimes against the sexual freedom and sexual integrity of minors shall be carried out immediately and considered in court as a matter of priority. Additional guarantees of taking into account the best interests of the child during the interrogation are also envisaged.

At the same time, the National Police of Ukraine actively participated in the implementation of joint projects with the Council of Europe in Ukraine "Combating violence against children in Ukraine" and "End Online Child Sexual Exploitation and Abuse @ Europe" (EndOCSEA@Europe).

With the assistance of the Office of the United Nations Children's Fund (UNICEF) in Ukraine and the Interagency Coordination Council on Juvenile Justice during the implementation of the project "Implementation of the Barnahus model for the protection of children victims of violence" with the participation of the Department of Juvenile Prevention of the National Police of Ukraine in the cities of Vinnytsia, Mykolaiv, Ternopil, Kyiv and Chernivtsi, Centers for protection and socio-psychological support in the justice process were opened for children who suffered or witnessed violence ("Barnahus" model) - specialized institutions for conducting procedural actions in the child-friendly environment, taking into account the relevant provisions of the Criminal Procedure Code of Ukraine.

***For information:*** Taking into account the armed invasion of the Russian Federation in the territory of our country, the "Barnahus" model is also intended for documenting war crimes committed against children, in particular for conducting interrogations/surveys of children who suffered from abuse and violence, and contributes to increasing the level of protection of their rights under legal conditions of the Martial Law.

Currently, with the assistance of the United Nations Children's Fund (UNICEF) Representative Office in Ukraine and with participation of non-governmental organizations, it has been delivered a training course for police officers on working with children affected by military actions, using the "Green Room" method and the "Barnahus" mode.

Also, the National Police of Ukraine, as a participant of the Interdepartmental Coordination Council for Juvenile Justice, took part in the development of methodological recommendations for organization of work with children according to the "Green Room" method for investigative units and units of juvenile prevention with, the purpose to improve the system of pre-trial investigation, court proceedings in criminal proceedings and interviews with the participation of children, as well as the need to ensure a uniform approach to the interrogation/interview of children, regardless of their status in criminal proceedings (the suspect, the accused, the witness, the victim).

## **Article 8**

### **The right of employed women to protection of maternity**

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

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

#### **Article 8, paragraph 1**

According to the Ministry of Economy of Ukraine, no changes (supplementing provisions) were made to the national legislation in the reporting period that would limit or cancel the right of women to paid leave in connection with pregnancy and childbirth due to the COVID-2019 crisis. During the period of social leave in connection with pregnancy, childbirth and child care, it is envisaged that a woman keeps her job (position).

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

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

#### **Information on the results of state supervision (control) over compliance with the legislation on the labor of women**

	<b>Number of female workers whose rights have been violated</b>		
	2018	2019	2020
Article 179 "Leaves in connection with pregnancy, childbirth and child care" of LCU	2	8	1

Response measures	There have been issued 2 prescriptions to eliminate the identified violations; and drawn up 1 administrative offense protocols	There have been issued 8 prescriptions to eliminate the identified violations; and drawn up 3 administrative offense protocols	There have been issued 1 prescription to eliminate the identified violations; and drawn up 1 administrative offense protocol
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Provision of one-time in-kind aid "baby packages" or monetary compensation for its cost is a socially important factor in supporting families who have a child, especially in wartime conditions.

The provision of such assistance is provided for by the Law of Ukraine "On State Assistance to Families with Children", as well as by Resolutions of the Cabinet of Ministers of Ukraine dated 29.07.2020 No. 744, "Some issues of the implementation of the pilot project on the monetization of one-time in-kind assistance, "baby packages" (in the editorial Resolution of the Cabinet of Ministers of Ukraine dated 23.12.2021 No. 1390) and No. 1180 dated 25.11.2020, "Some issues of providing one-time in-kind assistance, "baby packages" at the birth of a child (as amended by Resolution of the Cabinet of Ministers of Ukraine dated 23.12.2021 No. 1390).

According to the Law of Ukraine "On State Assistance to Families with Children", parents of newborn children have the right to choose between one-time in-kind assistance "baby package" or monetary compensation for the cost of one-time in-kind assistance "baby package". The amount of monetary compensation per child is 3 times the subsistence minimum established for children under 6 years of age.

During 2020, 154,000 people received one-time in-kind assistance "baby package"; 82.3 thousand people received monetary compensation for the cost of one-time in-kind assistance "baby packages" in the total amount of UAH 416 million. In 2021, 49,300 people received one-time in-kind assistance "baby package"; 150.3 thousand people received monetary compensation for the cost of one-time in-kind assistance "baby packages" in the total amount of UAH 833.9 million.

As of December 19, 2022, 34,170 "baby packages" have been delivered.

As of 11/15/2022: 46,754 "baby packages" were issued;

143,197 people received monetary compensation in the total amount of UAH 917.1 million

***a) Please provide information on whether the Covid-19 crisis has affected the right to paid maternity leave (in particular whether all eligible employed women – both in the private and public sectors – continue to get at least 70 % of their salary during the entire duration of compulsory maternity leave during the Covid-19 crisis).***

In accordance with the first part of Article 25 of the Law of Ukraine "On Mandatory State Social Insurance" dated 23.09.1999 No. 1105, the pregnancy and childbirth assistance is provided to the insured person in the form of financial benefits, which compensate the loss of wages (income) for the period of the leave in connection with pregnancy and childbirth.

According to the first part of Article 26 of Law No. 1105, maternity benefits are provided to an insured person (except for employees and gig resident specialists of Diia City) in the amount of 100 percent of the average salary (income), calculated in accordance with the procedure established by the Cabinet of Ministers of Ukraine, and their amount does not depend on insurance experience.

Pregnancy and childbirth benefits are provided to an insured person who is an employee or gig resident specialist of Diia City in the amount of the salary (income) of such

a person, from which the insurance contributions to the Fund were actually paid, regardless of insurance experience.

Taking into account the above, in 2018-2021, during the period of leave in connection with pregnancy and childbirth, the maternity benefits were provided to insured persons in the form of financial benefits, which compensate the loss of wages (income) for the period of the leave in connection with pregnancy and childbirth, that is, the Covid-19 crisis has not affected the right to the paid leave in connection with pregnancy and childbirth during the specified period.

**Article 8, paragraph 2**

According to the third part of Article 184 of LCU, dismissal of pregnant women and women with children under three years of age (under six years of age in accordance with part six of Article 179 of LCU), single mothers with a child under 14 years of age or with a disabled child at the initiative of the employer is not allowed, except for cases of complete liquidation of the enterprise, institution, organization (in this case dismissal with mandatory employment is allowed). Mandatory employment of these women is also carried out in cases of their dismissal after the end of their fixed-term employment contract. For the period of employment, their average salary is kept, but not longer than for three months from the end of the fixed-term employment contract.

**Information  
on the results of state supervision (control) over compliance with the legislation on the  
labor of women**

	<b>Number of female workers whose rights have been violated</b>		
	2018	2019	2020
Article 184 "Guarantees upon hiring and prohibition of dismissal for pregnant women and women with children" of LCU	14	5	7
Response measures	There have been issued 14 prescriptions to eliminate the identified violations; and drawn up 2 administrative offense protocols	There have been issued 5 prescriptions to eliminate the identified violations; and drawn up 1 administrative offense protocol	There have been issued 7 prescriptions to eliminate the identified violations; and drawn up 2 administrative offense protocols

**Article 8, paragraph 4**

In accordance with Article 176 of LCU, it is not allowed to involve pregnant women and women with children under three years of age in work at night, in overtime work and in work on weekends. According to information from the State Labor Service of Ukraine, no violations of labor legislation were detected in 2018-2020.

## **Article 8, paragraph 5**

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

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

It is also forbidden to involve women in lifting and moving things, the mass of which exceeds the limits set for them.

The list of heavy jobs and jobs with harmful and dangerous working conditions, in which the use of women's work is prohibited, as well as the maximum standards for lifting and moving heavy objects by women shall be approved by the central government body, which ensures forming of the state policy in the field of health care on agreement with the central government body, which ensures forming of the state policy in the field of labor protection.

The list of heavy jobs and jobs with harmful and dangerous working conditions, in which the employment of women is prohibited, was approved by the order of the Ministry of Health of Ukraine dated 29.12.1993 No. 256, registered in the Ministry of Justice of Ukraine on 30.03.1994 under No. 51/260.

The mentioned order was canceled by the order of the Ministry of Health of Ukraine dated 13.10.2017 No. 125, however, Chapter 3 (Mining works) in Section I of the above-mentioned List remained in force. It should expire from the date when Ukraine completes the procedure of denunciation of the Convention on the Employment of Women on underground works in mines of any kind No. 45.

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

Until the issue of providing other job (which is easier and excludes the influence of adverse production factors, in accordance with a medical opinion,) to a pregnant woman is decided, she is subject to dismissal from work with preservation of average wage for all work days missed as a result of this at the expense of the enterprise, institution, organization.

Women having children under 3 years of age, in the case of their inability to perform the previous job, shall be transferred to another job with preservation of the average wages at their previous job until their children reach 3 years of age.

If the earnings of the persons specified in parts one and three of this article are higher at the lighter job than they received before the transfer, they shall be paid their actual earnings.

According to information from the State Labor Service of Ukraine, no violations of labor legislation were detected in 2018-2020.

In addition, to implement item 2 of the action plan for implementation of the Concept of reforming the labor protection management system in Ukraine, approved by the Cabinet of Ministers of Ukraine Ordinance dated 12.12.2018 No. 989, the Ministry of Economy of Ukraine developed the draft Law of Ukraine "On Worker's Safety and Health at Work" .

Article 28 of the draft Law envisages that pregnant workers, workers who have recently given birth, and workers who are breastfeeding are not obliged to perform the work recognized by the central government body, which ensures forming of the state policy in the

field of health care, harmful for their health or constitutes a significant occupational risk for their health and/or the health of the child of such workers.

The employer shall take measures to prevent harm to the health of such workers and negative impact on pregnancy or breastfeeding by temporarily adjusting working conditions, regimes and work schedules, regulating the length of their working day, as well as preventing the occurrence of occupational risks to which they are exposed.

If it is technically and/or objectively impossible to change the working conditions and/or the length of the working day for pregnant workers or workers who are breastfeeding, or this cannot be reasonably requested taking into account the reasons duly substantiated by the employer, the employer shall take measures to provide such employees with another job in accordance with the medical opinion.

If the provision of another job in accordance with the part 4 of this article is technically and/or objectively impossible, or it cannot be reasonably requested, taking into account the reasons duly justified by the employer, the pregnant worker shall be provided a leave of absence of necessary duration with preservation of the average salary in accordance with the medical opinion.

Currently, the draft Law is being agreed with interested stakeholders.

At the same time, in order to provide additional social and economic guarantees in connection with the spread of the COVID-2019 coronavirus disease, in 2020, amendments were made to Article 60 of LCU, which regulate flexible work mode, remote or at-home work.

Such newly introduced forms of work organization made it possible to expand economic opportunities for women's employment and to duly combine family and work responsibilities.

It is separately guaranteed right to work remotely and at-home (if possible, taking into account the job nature) for pregnant women, employees who have a child under 3 years of age or take care of a child according to a medical opinion until the child reaches 6 years of age, employees who have two or more children under 15 years of age or a disabled child, parents of a person disabled since childhood of subgroup IA, as well as persons who took care of a disabled child or a person disabled since childhood of Group IA.

According to the results of a survey carried out by the Ministry of Economy in December 2020 among employers, the introduction of flexible forms of work organization was assessed by employers as the most efficient initiatives aimed at overcoming consequences of the acute respiratory disease pandemic COVID-19. Since the start of the COVID-19 pandemic, up to 4 million workers have used the opportunity to work remotely.

In 2021, the Verkhovna Rada of Ukraine adopted the Law of Ukraine "On Amendments to Some Legislative Acts of Ukraine on Ensuring Equal Opportunities for Mothers and Fathers in Caring for a Child", which balances the right of a child's father and mother to social leave, envisages the child's father's right to paid leave in connection with the birth of a child up to 14 calendar days. The adoption of the Law has established conditions for the development of responsible parenthood in Ukraine, increasing the level of women's competitiveness in the labor market.

Moreover, the Verkhovna Rada of Ukraine has registered the draft Law of Ukraine "On Amendments to Some Legislative Acts of Ukraine regarding Improvement of the Legal Regulation of Labor for Certain Categories of Employees" (reg. No. 6392 dated 03.12.2021), which reflects the main progressive provisions of the ILO Convention No. 183 ( which revised the ILO Convention No. 103 on Maternity Protection No. 103) and removes unreasonably harsh (for the 21st century) prohibitions for women's work (work at night, engaging in overtime work or work on weekends if they have a child under 3 years of age).

In particular, provisions of the draft law envisage:

- abolition of the prohibition for women's work at night;
- payment of severance pay in the amount of two minimum wages upon termination (at the employer's initiative) of the employment contract with pregnant women and women with children under 1,5 years of age, in case of liquidation of the enterprise, institution, organization;
- prohibition of employment of pregnant women and women who are nursing a child under 1,5 years of age, in heavy works and in work with harmful or dangerous working conditions, as well as in underground work, except for some underground work (non-physical work or work on sanitary and household servicing);
- release of a pregnant woman from work during the period of medical examinations recommended by a doctor, which are carried out in connection with pregnancy, during working hours, while maintaining the average salary for this time;
- extension of the part of the paid leave in connection with pregnancy and childbirth, which precedes the birth, by the number of calendar days equal to the period between the expected date of the medical report and the actual date of delivery, without reducing the post-delivery part of this leave;
- the prohibition of terminating (at the initiative of the employer) the employment contract with pregnant women and women who have children under 1,5 years of age, except for the case of liquidation of the enterprise, institution, organization and prohibition of dismissal in certain cases of women or men who have children under 3 years of age or a disabled child under 14 years of age.

It should be mentioned that during 2021, labor inspectors carried out 17,398 control measures at 16,110 enterprises as regards compliance with labor legislation, including women's labor issues.

In the course of the control measures carried out by the State Labor Service of Ukraine, 26 violations regarding women's labor issues were identified, in particular, articles 176, 178, 179, 184 of the Labor Code of Ukraine.

To eliminate the detected violations, labor inspectors issued 26 prescriptions to employers.



## Article 16

### The right of the family to social, legal and economic protection

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

***a) Please provide updated information on measures taken to reduce all forms of domestic violence against women, including information on incidence and convictions.***

According to the information from the National Social Duty Service as on December 15, 2022, collection and generalization of information on the prevention and counteraction of domestic violence and gender-based violence is carried out in accordance with the form approved by the order of the Ministry of Family, Youth and Sports of Ukraine and the Ministry of Internal Affairs of Ukraine dated September 7 .2009 No. 3131/386, registered in the Ministry of Justice of Ukraine on September 13, 2009 under No. 917/16933.

In this way, information from entities that carry out measures in the field of prevention and counteraction of domestic violence (centers for social services, children's services, internal affairs bodies), within the limits of their powers, is provided for generalization on a quarterly basis in accordance with the form specified by the Order (Appendix 1 to the Instructions). According to Appendix 1 of the Order, structural divisions received 232,210 complaints from women regarding domestic violence in 2021.

The National Social Duty Service also records specialized support services for victims of domestic violence and gender-based violence. In order to provide social services to victims of domestic violence and/or gender-based violence, the following network of specialized support services operated in Ukraine in 2021, according to operational information from oblast state administrations and the Kyiv city state administration: 46 shelters, 28 round-the-clock crisis rooms (for up to 10 days), 23 day centers of social and psychological assistance, 49 specialized services for primary social and psychological counseling of individuals, 478 mobile teams of social and psychological assistance to victims, 14 hotlines for prevention and counteraction of domestic violence and gender-based violence, 21 other facilities and institutions designated for victims of domestic violence and/or gender-based violence. The list of specialized services is placed on the official website of the National Social Duty Service: <https://nssu.gov.ua/domashnyenasilstvo/specializovani-sluzhbi-pidtrimki>.

According to the Ministry of Justice of Ukraine, the Criminal Code establishes criminal liability for the following:

- domestic violence, i.e. intentional systematic perpetration of physical, psychological or economic violence against a spouse or ex-spouse or another person with whom the perpetrator is (was) in family relationship or close relationship, which leads to physical or psychological suffering, health disorders, loss of workability, emotional dependence or deterioration of the victim's quality of life (Article 126-1);

- >sexual activities involving vaginal, anal, or oral penetration into the other person's body with the use of genitals or any other items, committed without voluntary consent of the victim (rape); The article also includes activities regarding the spouse (former spouse), another person with whom the offender is in a close relationship; or a person in connection with the performance of an official duty by this person (Article 152);

- committing any sexual violence not involving the penetration of another person's body without the voluntary consent of the victim (sexual violence) (Article 153);
- coercing an individual without his/her voluntary consent into a sexual activity with other person, whom the victim is financially or professionally dependent on (Article 154).

The victim may demand from the offender compensation for her expenses for treatment, obtaining consultations, renting housing that she rents (rented) in order to prevent domestic violence against her, as well as periodic expenses for her maintenance, maintenance of children or other family members, who are (were) the offender's dependents.

According to Article 215 of the Law of Ukraine "On Ensuring Equal Rights and Opportunities of Women and Men", in the event of violence, the victim or her representative has the right to apply to the court for the issuance of a restraining order against the offender.

A restraining order shall establish one or more measures to temporarily limit the rights of the offender or impose the following obligations on him:

- prohibition to stay in the place of common residence with the victim;
- elimination of obstacles in use of common property;
- restriction of communication with the victim child;
- prohibition to approach the place of stay of the victim within the specified distance;
- prohibition to contact the victim.

The decision to issue a restraining order shall be made on the basis of risk assessment. It shall be issued for a period of 1 to 6 months. The judge shall inform the National Police about issuing the restraining order to the offender.

In May 2020, amendments to the Law of Ukraine "On Free Legal Aid" entered into force that envisage *granting the right to free secondary legal aid for victims of criminal offenses against sexual freedom and sexual integrity, torture or cruel treatment during hostilities or armed conflict.*

This category of persons can now get appropriate services in criminal proceedings initiated for the commission of such criminal offenses.

In 2021, it was adopted the Cabinet of Ministers of Ukraine Resolution dated February 24, 2021 No. 145 "Issues of the State Social Program for Prevention and Counteraction of Domestic Violence and Gender-Based Violence for the period until 2025", which approved the State Social Program for Prevention and Counteraction of Domestic Violence and Gender-Based Violence for the period until 2025.

The program envisages improvement of the system for prevention and counteraction against domestic violence and gender-based violence; introduction of systemic response to violence; providing victims access to comprehensive services focused on their needs; provision of high-quality social services to victims of violence. It is also envisaged formation of an intolerant attitude towards violence in the society; increasing the level of awareness of the population about the forms, manifestations, causes and consequences of domestic violence and gender-based violence; providing each victim with information about their rights and the possibility of exercising such rights.

The program envisages the following steps:

- development of typical programs for victims of domestic violence and/or gender-based violence and corresponding programs for child offenders with methodical recommendations for their implementation; statistical reporting forms, etc.;
- establishment of specialized support services for victims of domestic violence and/or gender-based violence;

- update of the State Standards for ensuring the inclusion of value guidelines for non-violent behavior in the component of preschool, primary, secondary, professional, and university education;
- introduction of measures to ensure an individual approach to questioning children regardless of their status in criminal proceedings;
- involvement of business in development of a system for prevention and counteraction against violence and/or gender-based violence, including the prevention of violence in work groups, as a part of corporate social responsibility.

The Law of Ukraine "On the State Budget of Ukraine for 2021" has allocated expenditures in the amount of UAH 274, 2 million for the budget program KPKVK 2511240 "Subvention from the state budget to local budgets for the establishment of a network of specialized support services for persons who have suffered from domestic violence and/or gender-based violence".

In accordance with the Cabinet of Ministers of Ukraine Ordinance dated 30.06.2021 No. 696-r "On the approval of the allocation of subvention from the state budget to local budgets for the establishment of a network of specialized support services for persons who have suffered from domestic violence and/or gender-based violence", 124 communities has received funds for establishment and improvement of specialized services.

In total, due to the Subvention, 30 new shelters, 38 new day centers, 58 new counseling services were established in Ukraine during 2021, 41 cars were purchased for mobile teams operating at shelters, and the level of social services in 16 existing shelters was improved.

***For information:** According to operational data provided by oblast military administrations and the Kyiv city military administration, as on November 11, 2022, the average use of funds in Ukraine is 221.5 million UAH, i.e.80.83% of the total amount of the Subvention.*

*In accordance with the Law of Ukraine "On the State Budget of Ukraine for 2021" (as last amended), the remaining funds from the subvention are kept in the accounts of appropriate local budgets for implementation of relevant expenses in 2022, taking into account their intended purpose.*

*In January 2022, the Ministry of Social Policy continued the work. At the same time, in accordance with the Law of Ukraine "On the State Budget of Ukraine for 2022", in view of introduced martial law in Ukraine, expenditures on the Subvention in the amount of UAH 235.8 million were directed to the Reserve Fund of the State Budget.*

*For 2023, the Program's activities envisage expansion of the specialized services network. Expenditures (for consumption and development) for this purpose amount to UAH 175.4 million. (13 shelters, 29 day centers and 78 counseling services).*

In 2021, the Ministry of Social Policy of Ukraine updated the Model Program for offenders, as well as approved the Model Program for victims.

## Statistics for 2021

The number of complaints about domestic violence received during the reporting period, of which:	284 221
- regarding children	5 334
- regarding women	233 210
- regarding men	45 677
- regarding disabled persons	265
The number of persons committed to programs for offenders, of them:	438
- women	98
- men	340
The number of persons committed to programs for offenders:	290
The number of restraining orders issued	5 213
The number of urgent prohibitive orders	46 799

The National Police of Ukraine, in accordance with the tasks assigned to it, takes measures to prevent and counteract domestic violence or gender-based violence.

The powers of the authorized divisions of the National Police of Ukraine in the field of prevention and counteraction against domestic violence are determined in Clause 18 of Part One of Article 23 (Basic Powers of the Police) of the Law of Ukraine "On the National Police", Article 10 of the Law of Ukraine "On Prevention and Counteraction of Domestic Violence".

In particular, clauses 1 and 3 of the first part of Article 24 (Special measures to counteract domestic violence) of the Law envisage special measures to counteract domestic violence, in particular issuance of an urgent prohibitive order against the offender (hereinafter referred to as the UPOO), taking the offender onto preventive registration and carrying out preventive work with his/her.

According to the second part of Article 25 (Urgent prohibitive order against the offender) of the Law, the UPOO may include the following measures: obligation to leave the place of residence (stay) of the victim; prohibition on entering and staying at the place of residence (stay) of the victim; prohibition to contact the victim in any way.

At the same time, the Order of the Ministry of Social Policy of Ukraine and the Ministry of Internal Affairs of Ukraine dated March 13, 2019 No. 369/180 approved the Procedure for assessing the risks of committing domestic violence.

The procedure for issuance of an urgent prohibitive order against the offender by authorized units of the National Police of Ukraine was approved by Order No. 654 of the Ministry of Internal Affairs of Ukraine dated August 1, 2018, registered in the Ministry of Justice on August 27, 2018 under No. 965/32417.

Resolution No. 658 of the Cabinet of Ministers of Ukraine dated August 22, 2018 approved the Procedure for the interaction of subjects implementing measures in the field of prevention and counteraction of domestic violence and gender-based violence.

The procedure for taking the offender onto preventive registration, carrying out preventive work and removing the offender from preventive registration by an authorized unit of the National Police of Ukraine in order to prevent repeated acts of domestic violence, to ensure control over the offender's compliance with temporary restrictions on his rights and the fulfillment of the duties assigned to him in connection with perpetration of domestic violence was established by the Procedure approved by the order of the Ministry of Internal Affairs of February 25, 2019 No. 124, registered in the Ministry of Justice on March 18, 2019 under No. 270/33241.

Domestic violence is subject to administrative and criminal liability, in particular, in accordance with Article 173-2 (Commitment of domestic violence, gender-based violence,

failure to comply with an urgent prohibitive order or failure to report the place of temporary residence) of the Code of Ukraine on Administrative Offenses, Article 126-1 (Domestic Violence ) of the Criminal Code of Ukraine and other articles of this Code.

***c) Are the family or child benefits means-tested? If yes, what percentage of families are covered?***

The procedure for granting and paying of the state social assistance for low-income families, approved by the Cabinet of Ministers of Ukraine Resolution dated 24.02.2003 No. 250 (as last amended) and the Procedure for granting and paying of state assistance to families with children, approved by Cabinet of Ministers of Ukraine Resolution dated 27.12.2001 No. 1751 (as last amended) established that when applying for state social assistance for low-income families and child benefits for single mothers, a person shall fill out, in particular, the Declaration on income and property status for the persons applying for all types of social assistance.

The mentioned Procedures define that the structural subdivisions for social protection of the population:

shall receive information on income based on formed requests (for the purpose of state assistance granting) - from the State Register of Mandatory State Social Insurance (Pension Fund of Ukraine), the State Register of Individuals - Taxpayers (State Tax Service); information about vehicles in owned - from the Unified State Register of Vehicles (Ministry of Internal Affairs);

shall verify trustworthiness of information received from persons applying for the state assistance by way of accessing the State Register of Real Property Rights; State register of acts of citizen civil status; The Unified State Register of Legal Entities, Individuals - Entrepreneurs and Public Organizations (after putting into operation the relevant technical and software tools);

have the right to make requests and receive from enterprises, institutions, organizations (free of charge) information necessary for granting the state social assistance and for verification of trustworthiness of data received from persons applying for the social assistance.

Verification of trustworthiness of information to be submitted by persons for getting of state assistance (including data about their material (property) status) is carried out in accordance with the Procedure for Verification and Monitoring of State Benefits, approved by the Cabinet of Ministers of Ukraine Resolution No. 136 dated February 18, 2016 (as last amended).

The Procedure envisages that structural division for social protection of the population in real time during the application for state benefit shall get confirmation that the information provided by the person for getting the state benefit complies with requirements of the law (preventive verification). This affects eligibility for the benefit and its amount or a recommendation to carry out additional verification of the information containing inconsistencies, if the necessary information is available in the information and analytical platform for electronic verification and monitoring held by the Ministry of Finance of Ukraine.

During the period of accrual and payment of state benefits, there shall be carried out ongoing verification. Based on its results, the Ministry of Finance of Ukraine shall provide recommendations for verification of the information by structural divisions for social protection of the population (its confirmation or refutation), as well as making relevant decisions.

The verification of state benefits contributes to the improvement of targeting accuracy of their granting – state benefits go to those who need support.

The authority to monitor results of state benefits verification is assigned to the Ministry of Finance.

According to information from the National Social Duty Service, **checks for compliance with the requirements of the legislation are carried out on an ongoing basis during granting of the state social assistance for low-income families and the child benefits for single mothers.**

During 2021, territorial bodies of the National Social Duty Service carried out 51 state control activities on the above-mentioned issue, including 28 activities as regards the state social assistance for low-income families and 23 activities as regards the state assistance for children of single mothers.

As a result of the mentioned control activities, it was revealed overpayment of the state social assistance for low-income families in the amount of UAH 1,314.8 thousand (for 66 families); and overpayment of the the state assistance for children of single mothers in the amount of UAH72.7 thousand (for 15 persons). Also it was revealed underpayments of the mentioned assistances in the amount UAH 367.0 thousand (for 46 families) and UAH 10.9 thousand (for 8 persons) respectively.

As on 01.12.2022, territorial bodies of the National Social Duty Service carried out 357 state control activities on the above-mentioned issue, including 198 activities as regards the state social assistance for low-income families and 159 activities as regards the state assistance for children of single mothers.

As a result of the mentioned control activities, in the current year, it was revealed overpayment of the state social assistance for low-income families in the amount of UAH 6,388.4 thousand (for 357 families); and overpayment of the the state assistance for children of single mothers in the amount of UAH 615.5 thousand (for 115 persons). Also it was revealed underpayments of the mentioned assistances in the amount UAH 1 608.4 thousand (for 164 families) and UAH 280.5 thousand (for 81 persons) respectively.

#### **Number of the state assistances beneficiaries as on 01.01.2021 and on 01.01.2022**

	Type of assistance	Number of the state assistances beneficiaries as on 01.01.2021 (Families)	Number of the state assistances beneficiaries as on 01.01.2022 (Families)
1.	Pregnancy and childbearing assistance (maternity benefit)	28 344	19 656
2.	Social benefit for child birth	862 438	813 682
3.	Child adoption benefit	2 814	2 690
4.	State assistance for children of single mothers	118 643	93 034
5.	Social benefit for children under custody and guardianship	35 356	34 119
6.	Assistance for children with severe perinatal nervous system disorders, severe congenital malformations, rare orphan diseases, oncological, oncohematological diseases, cerebral	902	1 218

	palsy, severe mental disorders, type I diabetes mellitus (insulin-dependent), acute or chronic kidney disease of IV degree, for a child who has suffered a serious injury, needs an organ transplant, needs palliative care, which are not have the disabled status		
7.	Temporary state assistance to children whose parents evade paying of alimony, do not have opportunity to care the child or whose place of residence is unknown	8 010	7 497
8.	Social benefit to a person living with and taking care of category I and II mentally disabled person that (in opinion of a medical panel at a healthcare facility) need permanent nursing care	64 119	62 880
9.	State social assistance for low-income families	246 829	194 969
10.	Social benefits to persons disabled since childhood and disabled children	446 724	455 886
11.	Assistance for children raised in families with many children	212 865	204 652

***d) Please provide information on the amounts paid as child/family benefits and the average equivalent income for the reporting period.***

Various types of assistance are provided to families with children: Social benefit for child birth, Social benefit for children under custody and guardianship, Social benefit to single mothers, Child adoption benefit, Assistance for children with severe perinatal nervous system disorders, severe congenital malformations, rare orphan diseases, oncological, oncohematological diseases, cerebral palsy, severe mental disorders, type I diabetes mellitus (insulin-dependent), acute or chronic kidney disease of IV degree, for a child who has suffered a serious injury, needs an organ transplant, needs palliative care, which are not have disabled status, Social benefit for children under custody and guardianship, Social benefits to persons disabled since childhood and disabled children under 18 years of age, State social assistance for low-income families, Assistance for children raised in families with many children, Temporary state assistance to children whose parents evade paying of alimony, do not have opportunity to care the child or whose place of residence is unknown, accommodation benefits for internally displaced persons.

The amount of the assistances depends on the amount of the subsistence minimum. Due to the targeted approach to granting state support to families with children, the average amount of assistance to low-income families has been increased. In particular, by the end of 2021, this amount was UAH6,300 per month, and for large low-income families with three or more children - UAH6,800.

According to the information from the National Social Duty Service, as on January 1, 2021, there were 2,027,044 beneficiaries of various types of assistance, and as on January 1, 2022, there were 1,890,283 beneficiaries.

**Statistics regarding average equivalent income**

Year	Total average equivalent monthly income per person, UAH
2018	4607

2019	5616
2020	5832
2021	6785

**For information:** The information is provided based on the results of the sampled household budget survey, without taking into account the temporarily occupied territory of the Autonomous Republic of Crimea and the city of Sevastopol and part of the temporarily occupied territories in the Donetsk and Luhansk oblasts. When calculating average per capita indicators in Ukraine, it is used the scale, where the first person in the household is assigned a coefficient of 1, and all others - 0.7.

The system of social protection of the population in Ukraine is aimed at ensuring social protection for the most vulnerable categories of the population, in particular low-income families, families with many children, single mothers, children whose parents avoid paying alimony, other vulnerable citizens who need assistance and social support from the state, by way of providing them state social benefits.

State assistance for children of single mothers is granted in accordance with provisions of the Law of Ukraine "On State Support for Families with Children" and the Procedure for Granting and Paying the State Assistance for Families with Children, approved by the Cabinet of Ministers of Ukraine Resolution No. 1751 dated December 27, 2001 (as last amended).

The state social assistance for low-income families is granted in accordance with provisions of the Law of Ukraine "On the state social assistance for low-income families" and the Procedure for granting and paying of state social assistance for low-income families approved by the Cabinet of Ministers of Ukraine Resolution dated 24.02.2003 No. 250 (as last amended).

The temporary state assistance to children whose parents evade paying of alimony, do not have opportunity to care the child or whose place of residence is unknown is provided in accordance with the Procedure for granting and paying of the temporary state assistance to children whose parents evade paying of alimony, do not have opportunity to care the child or whose place of residence is unknown approved by the Cabinet of Ministers of Ukraine Resolution dated 22.02.2006 #189.

The period for taking income into account is the two quarters preceding the month that precedes the month of applying for benefits.

The average monthly total family's income shall be determined in accordance with the Procedure for calculating the total family's (household's) income for all types of state social assistance, approved by the Cabinet of Ministers of Ukraine Resolution dated 07/22/2020 No. 632 "Some issues of state social assistance payment".

State assistances are granted and paid to:

Ukrainian citizens

foreigners and stateless persons permanently residing in Ukraine, persons recognized in Ukraine as refugees or persons that need additional protection, other foreigners who are eligible for state assistance under the conditions envisaged by Ukrainian legislation, other laws or international treaties of Ukraine, approved as binding by the Verkhovna Rada of Ukraine.

As on 01.01.2022, in accordance with current data of social protection bodies, the Ukrainian population got:

State assistance for children of single mothers - 93.0 thousand persons for 149.5 thousand children.



State social assistance for low-income families – 195 thousand families with 409 thousand children.

Temporary state assistance to children whose parents evade paying of alimony, do not have opportunity to care the child or whose place of residence is unknown – 7.5 thousand persons for 8.5 thousand children.

***f) Whether there is a length of residence requirement for nationals of other participating states legally residing in your country to be eligible for child/family benefits?***

Various types of state assistance are granted for a period determined for a specific type of assistance . The following categories are eligible for the assistance: foreign citizens that are permanent residents of Ukraine well as the persons that have the refugee status. These categories are eligible for the assistance on the same grounds as Ukrainian citizens

The state social assistances are provided to foreigners and stateless persons permanently residing in Ukraine, persons recognized in Ukraine as refugees or persons that need additional protection, other foreigners who are eligible for state assistance under the conditions envisaged by the Law of Ukraine "On the state social assistance to families with children", other laws or international treaties of Ukraine, approved as binding by the Verkhovna Rada of Ukraine.

Various types of state assistance are granted for a period determined for a specific type of assistance.

**f) What measures have been taken to ensure that vulnerable families can meet their energy needs to ensure their right to adequate housing (which includes access to basic services)?**

***g) If certain temporary financial support measures for vulnerable families were put in place during the Covid-19 pandemic, will they be maintained or withdrawn? If they were removed, what impact would this have on vulnerable families?***

The program of housing subsidies remains the main mechanism for ensuring social protection of the population as it pertains to payment for housing and public utility services.

Through the HUS program, the state compensates families for the costs of payment for housing and utility services (within the service consumption standards) that exceed the amount of mandatory payment determined for each family individually using the unified formula and depending on the size of the average monthly total income of the household as calculated per person. This principle ensures social justice - the lower the household income is, the lower the percentage of the mandatory payment for housing and utility services would be.

In 2020, to ensure efficient state social support for the population as it pertains to payment of housing and public utility services in the conditions of spreading the coronavirus disease COVID-19 in the territory of Ukraine, the Cabinet of Ministers of Ukraine Resolution dated 03.25.2020 No. 247 "On the peculiarities of HUS subsidies delivery" (with following amendments), envisaged the following for the quarantine period:

Granting the HUS subsidy in May 2020 for the next period to all households that received it in the heating period of 2019–2020, without their applications;

additional measures for the social protection of persons who have been dismissed from work due to the quarantine (taking into account (for the purpose of granting HUS subsidy) their amount of unemployment benefit instead of the salary they got at their previous job);

additional compensation of the costs for some public utility services to recipients of HUS subsidies by way of increasing by 50% the social norms for consumption of electricity, natural gas for cooking and heating water, cold and hot water, water drainage, taking into account forced permanent stay at home and increased consumption of relevant services.

In 2021, it was amended the procedure for granting HUS subsidies to the population aimed at strengthening of their targeting accuracy, ensuring the efficient and reasonable use of budget funds. According to the amendments, the criteria for the targeted approach to HUS subsidies granting have been revised, and eligibility requirements (as regards material and property status taken into account when granting the HUS subsidies) have been formulated more precisely: having bank deposits, making expensive purchases, transactions for the purchase of foreign currency, bank metals, etc. (Resolutions of the Cabinet of Ministers of Ukraine dated 04.14.2021 No. 420, dated 05.19.2021 No. 505, dated 08.11.2021 No. 842, and dated 11.15.2021 No. 1184) .

In May 2021, the HUS subsidy monetization reform was completed by way of switching to only the cash form of its payment.

In accordance with the Government resolution, in May 2021, the HUS subsidy was granted for the next period to all households that received it in the heating season of 2020–2021 without their applications on the basis of information from the Ministry of Finance and based on the results of data verification procedure for HUS subsidies beneficiaries.

Moreover, to implement the Strategy of Digital Transformation for the Social Sphere, approved by the Cabinet of Ministers of Ukraine Ordinance No. 1353 dated /October 28, 2020, it was implemented the possibility of applying for the HUS subsidy in electronic form through the Unified State Web Portal of Electronic Services.

In 2022, under the martial law conditions, in the territories where some social protection bodies are unable to accrue assistances, privileges for payment housing and public utility services, and HUS subsidies, in accordance with the Cabinet of Ministers of Ukraine Resolution dated 07.03.2022 No. 215 "On the peculiarities of accrual and payment of assistances, benefits and HUS subsidies for the period of martial law" (as last amended), it is used a centralized mechanism for accrual and payment of assistances, privileges for payment housing and public utility services, and HUS subsidies, which envisages financing of payments by the Ministry of Social Policy through JSC "Oshchadbank" based on the data available in the databases of the state-own enterprise "Data Processing Center of the Ministry of Social Policy".

In addition, the Cabinet of Ministers of Ukraine Resolution No. 462 dated 04/19/2022, "Some issues of granting privileges and HUS subsidies under the martial law conditions" envisages that HUS subsidy for the next period to the households that had the HUS subsidy in the heating season of 2021-2022, was granted in May 2022 by the social protection bodies without citizens' address.

In addition, the Resolution of the Cabinet of Ministers of Ukraine dated September 16, 2022 No. 1041, "Some issues of granting HUS subsidies and privileges for payment of housing and public utility services, the purchase of solid and liquid furnace fuel and liquefied gas by the Pension Fund of Ukraine" envisages transfer of functions for granting, accrual and payment of HUS subsidies, privileges for payment of housing and public utility services, the purchase of solid and liquid furnace fuel and liquefied gas to the Pension Fund of Ukraine bodies operating under extraterritorial principle.

In this way, citizens may apply (with the necessary documents) for housing subsidy or privileges for payment of housing and public utility services to any service center of the Pension Fund of Ukraine, regardless of their place of residence..

Pursuant to the Law of Ukraine "On amendments to some legislative acts aimed at providing additional social and economic guarantees in connection with the spread of the coronavirus disease (COVID-19)", it was adopted the Cabinet of Ministers of Ukraine Resolution dated April 8, 2020 No. 264 "Some issues of granting the state social assistance", provisions of which were aimed at ensuring the state social assistance to citizens during the period of quarantine and restrictive measures related to the spread of the acute respiratory disease COVID-19, caused by the SARS-CoV-2 coronavirus.

The Resolution № 264 envisages:

granting, recalculation and payment of various types of state social assistance during the quarantine period without the need for citizens to apply in person to the social protection bodies.;

extension of the payment period of previously granted state benefits for the whole period of quarantine and for one month after its cancellation.

extension of the application deadlines for granting state benefits for the whole period of quarantine and for one month after its cancellation.

continuation of payment of the state social assistance to persons disabled since childhood and disabled children, state social assistance to persons who are not eligible for a pension, and disabled persons for the period until the end of the quarantine, with subsequent recalculation of the amount of the paid assistance based on the results of the review and the statement of the recipient or his parents/ other legal representatives, in case if beneficiaries of the assistance miss the period of health re-examination by medical and social examination bodies or medical and advisory commissions.

In order to support individual entrepreneurs with children under the conditions of quarantine restrictions, in the period from 01.05.2020 to 30.09.2020 and from 01.11.2020 to 31.12.2020, the payment of child benefit was introduced to individuals - entrepreneurs who chose a simplified taxation system and belong to the first and second groups of single tax payers, which was paid out of funds of the Fund for combating the acute respiratory disease COVID-19, caused by the SARS-CoV-2 coronavirus and its consequences.

The assistance was provided in the amount of the subsistence minimum established for children of relevant age groups as on January 1, 2020: for children under 6 years of age - UAH 1,779; for children 6 to 10 years of age – UAH2,218).

In order to support low-income families with many children, in 2021, a one-off financial assistance was introduced for children from low-income families with many children for the purpose of preparation for the school year in the amount of UAH2,000 for each child that is 6 to 18 years of age (inclusive) as on August 1, 2021.

In view of introduction of the martial law, support for low-income families and families with children has been extended.

## Article 17

### The right of children and young persons to social, legal and economic protection

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

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

#### Article 17, paragraph 1

*a) to ensure that children and young persons, taking account of the rights and duties of their parents, have the care, the assistance, the education and the training they need, in particular by providing for the establishment or maintenance of institutions and services sufficient and adequate for this purpose*

According to official data of the State Statistics Service of Ukraine, as on January 1, 2018, the absolute number of young persons was 11 million 227,951 thousand, as on January 1, 2022 - 9 million 969.3 thousand persons.

In the field of youth policy, Ukraine is guided by the standards of the European Union and the Council of Europe. Therefore, youth policy is focused on creating a comfortable environment for the life and development of youth in communities, and its priority components are financial and staff support, development of youth infrastructure, and involvement of youth in the process of developing and making decisions and monitoring their implementation.

The implementation of youth policy is carried out through institutions and facilities working with young persons, including youth centers, civil society institutions, youth consultative and advisory bodies, pupil and student self-government bodies, youth workers, youth work carried out by young persons or together with youth and focused on its comprehensive development, partner organizations.

Since 2017, youth centers and spaces have been actively created and developed in Ukraine. In accordance with Typical Regulation, a youth center is an institution established to solve issues of social formation and development of youth, and the purpose of the center's activity is to promote:

- socialization and self-realization of youth;
- intellectual, moral, spiritual development of youth, release of their creative capacities;
- national and patriotic upbringing of youth;
- health promotion for young persons;
- youth employment and leisure time employment, youth entrepreneurship;
- ensuring civic education of youth and development of volunteerism;

increasing mobility level of youth.

As on the end of 2021, more than 300 youth centers and youth spaces of various forms of ownership were operating in Ukraine at the national, regional, and local levels.

At the national level, there is the government agency "All-Ukrainian Youth Center" subordinated to the Ministry of Youth and Sports. Its aim is to promote development of regional and local youth centers, development and popularization of new forms, methods and tools of work with young persons, its organizational, methodical and resource support.

Regional youth centers are backbone ones. They are formed and operate with the aim of ensuring equal access of young persons to the services provided by youth centers within the framework of the tasks of youth policy, reasonable and efficient use of resources, organization and development of the network of local youth centers, general coordination of their activities, development and support of youth initiatives.

Local youth centers are institutions, organizations, enterprises formed by local self-government authorities and belonging to their management sphere.

Youth spaces in Ukraine are formed by local government bodies, local self-government authorities, educational, cultural, health care, physical culture and sports institutions, enterprises, institutions and organizations, irrespective of their form of ownership and subordination, for the implementation of youth-focused activities, taking into account the peculiarities of the institution, building, construction, other premises.

The Ministry of Youth and Sports cooperates with and supports the development of youth and children's public non-governmental organizations through the mechanisms of financial, informational and methodological assistance.

In accordance with the "Procedure for carrying out competitions for identifying programs (projects, activities) developed by civil society institutions that will be financially supported" approved by the Cabinet of Ministers of Ukraine Resolution dated October 12, 2011 No. 1049, a yearly competition for projects developed by children's and youth public organizations is carried out. The projects are then implemented using funds from the state budget.

In 2018-2021, the financial support was provided to 134 youth and children's public organizations for implementation of 189 projects for a total amount of UAH 43,617.7 thousand that involve 3,264,9 thousand persons.

"The physically active nation" is one of the priority areas for the implementation of state policy in the field of physical culture and sports. During the reporting period, the network of physical health centers of the population "Sports for all", that belong to the management sphere of the Ministry of Youth and Sports and whose centers are located in all regions of Ukraine, actively worked and developed. The network activities are also aimed at involving children in sports.

There is an extensive network of children's and youth sport schools in Ukraine. The schools develop the abilities of their students in the chosen sport, establish conditions for upbringing, physical development, full-fledged recovery, meaningful rest and leisure for children and young persons, self-realization, acquisition of healthy life skills, preparation of a sports reserve for national sport teams of Ukraine.

In 2015, an administrative-territorial reform started in Ukraine, which envisages empowering local self-government authorities (decentralization) and changes in administrative-territorial division. Instead of more than 11,000 local councils, 1,469 capable territorial communities were formed. And instead of 490 old raions — 136 new ones. The main powers of raion councils were transferred to the lower (community councils) and higher (oblast councils) levels. The administrative-territorial reform is the most important part of decentralization reform in Ukraine which envisages a package of changes in the legislation

with the main purpose - to transfer of significant powers and funds from central government bodies to local self-government authorities.

Territories that earlier were part of a district are now transferred to various territorial communities, and as a result, children's and youth sports schools, which were owned by raion councils, are closed and reorganized. Currently, newly formed territorial communities form a structure of these schools in accordance with their capacity.

In recent years, there has been a tendency to decreasing the number of the children's and youth sports schools (CYSS) in Ukraine (in 2015 there were 1,363 institutions; in 2016 – 1,293 institutions; in 2017 – 1,281 institutions; in 2018 – 1,267 institutions; in 2019 – 1,245 institutions; in 2020 – 1,238 institutions; in 2021 - 1,167 institutions) and the percentage of students 6 to 18 years of age that are involved in regular activities therein (2015 - 12%; 2016 - 11.8%; 2017 - 10.8%; 2018 - 10.5%; 2019 – 10.3%, 2020. – 10.2%, 2021. – 9.5%).

## **Article 17, paragraph 1**

***a) Please provide information what measures have been taken by the State to :***

***i) reduce statelessness (such as ensuring that every stateless migrant child is identified, simplifying procedures for obtaining nationality, and taking measures to identify children unregistered at birth.)***

According to the information from the State Migration Service of Ukraine, on December 14, 2021, the Verkhovna Rada of Ukraine adopted the Law of Ukraine dated December 14, 2021 No. 1941-IX "On Amendments to the Law of Ukraine "On Citizenship of Ukraine" Regarding Simplified Acquisition of Ukrainian Citizenship by Certain Categories of Persons", which improved the procedure of citizenship acquisition by children (persons under 18 years of age) who are foreigners or stateless persons as a result of the establishment of guardianship or guardianship over the child, placement the child in a health care facility, educational institution or other children's institution, in a small family-type home or foster family by an adult who at the time of adoption was a foreigner or stateless person and was adopted in accordance with the legislation of Ukraine before reaching the age of majority; and it is also established by law that the decision regarding acquisition of Ukrainian citizenship cannot be revoked in respect of a person who at the time of making such a decision was a minor or incapacitated, except for cases of submission of false information or false documents, concealment by a person of any material fact, in the presence of which a person cannot acquire Ukrainian citizenship.

***a) Please provide information what measures have been taken by the State to :***

***ii) facilitate birth registration, particularly for vulnerable groups, such as Roma, asylum seekers and children in an irregular situation. (General issue defined in Conclusions 2019).***

Ukraine initiates attempts to improve and simplify procedure for birth registration, particularly for vulnerable groups, such as Roma, asylum seekers and children in an irregular situation. During the reporting period, the pilot project of the Ministry of Justice of Ukraine "Birth Certificate at the Maternity Hospital" was implemented, which envisages establishment of front offices at health care institutions that will provide services for receipt and issuance documents necessary for the state registration of a childbirth. At this step, the project was limited only to the Odesa oblast: as on 2020, 34 such front offices were operated. In order to establish favorable conditions aimed at simplifying citizens' access to administrative services related to registration of childbirth (order of the Ministry of Justice of

Ukraine dated August 26, 2015 No. 1593/5 "Some issues of organization the work of Civil Status Registration Offices related to state registration of childbirth"), as on January 1, 2021, all Civil Status Registration Offices in Ukraine had the opportunity to provide the service of receiving documents necessary for the state registration of childbirth, including representatives of the Roma national minority, and issuance of the corresponding certificates immediately in maternity wards. In 2020 the service was provided to 60,487 persons.

In all regions of Ukraine, information and public awareness raising are held annually to encourage and ensure the registration of all children, including those of Roma nationality. In 2019, the state Civil Status Registration Offices held more than 300 roundtables with participation of charities, NGOs and representatives of the Roma nationality, as well as 1,111 lectures for persons of Roma national minority in order to encourage registration of childbirth and increase the level of awareness regarding provisions of the family law in Ukraine. During 2020–2021, the Civil Status Registration Offices held round tables with participation of charities, NGOs and representatives of the Roma nationality (240 in 2020, 67 within three quarters of 2021); interdepartmental meetings with government bodies (1,007 in 2020, 450 within three quarters of 2021); lectures for persons of Roma national minority to encourage registration of childbirth and increase the level of awareness regarding provisions of the family law in Ukraine (in 2020 – 679 lectures, within the three quarters of 2021 – 148 lectures); it was prepared appearances and publications in the mass media and street information actions (3,232 in 2020, 1,468 within the three quarters of 2021). In addition, the possibilities of free legal assistance is envisaged. Thus, according to the information from the Coordination Center for the legal aid delivery, more than 1,000 persons of Roma national minority got such assistance during 2019–2020.

*Regarding the simplification of the state registration of the childbirth (according to data from the Ministry of Justice of Ukraine)*

An application that may also contain information for delivery of other services included in the service package "e-Maliatko" (in particular, granting the assistance at the childbirth; determining whether a newborn child is eligible for Ukrainian citizenship; delivery of one-off in-kind assistance "The Baby Package"; granting monetary compensation instead of the one-off in-kind assistance "The Baby Package"), is formed using software tools of the Unified State Web Portal of Electronic Services, which ensures interaction with the State Register of Civil Status Acts of Citizens and the interaction of the Register with other information and telecommunication systems of government bodies that ensure delivery of relevant services.

A birth certificate can be obtained upon completion of the state registration of childbirth in person - at a Civil Status Registration Office or at a Center for Administrative Services Delivery (TsNAP) , or at the health care institution, where the child was born (in case of submitting an application for state registration through such a center or institution ), or by mail (at the expense of the applicant) not later than the next working day after the day of service provision.

In case of the death of the parents or their inability for other reasons to register the childbirth, registration shall be carried out upon request from relatives, other persons, an authorized representative of the health care institution where the child was born or where he/she is currently staying, as envisaged in Article 144 of the Family Code of Ukraine.

To simplify access to the state registration of childbirth under martial law conditions, in situation of a large-scale invasion of the Russian Federation into the territory of Ukraine in temporary occupied areas or where active warfare is ongoing, it was issued the Ministry of Justice Order No. 3734/5 dated September 03, 2022 "On streamlining relations of state

registration of childbirth under martial law conditions", which envisages possibility of state registration of childbirth in the relevant territory, based on an application for state registration of childbirth, an electronic copy of which together with an electronic copy of a medical document, as defined by legislation shall be submitted to the e-mail address of the Civil Status Registration Office in the Chernivtsi oblast at South-Western Interregional Department of the Ministry of Justice of Ukraine.

On 09.12.2022, the Ministry of Justice issued Order No. 5523/5 "On Amendments to the Ministry of Justice of Ukraine Order dated 03.09.2022 No. 3734/5", *which expanded the circle of persons who have the right to receive documents on state registration of childbirth under martial law* irrespective of the date of state registration of the childbirth and origin of the person.

In particular, the following persons may obtain a birth certificate and, in cases provided for by law, an extract from the State Register of Citizens Civil Status Acts on the state registration of childbirth: in addition to the person per se mentioned in the record, his/her parents, adoptive parents, guardians, custodians, a representative of a health care institution, an educational institution or other children's institution where the child permanently stays, the body of custody and guardianship, the right currently have his/her grandmother, grandfather, adult brother or sister, aunt, uncle, stepmother, stepfather of the child or their representative, acting on the basis of a notarized power of attorney or one of the documents, certifying authorizations in accordance with the Law of Ukraine "On Advocacy and Attorneyship", as well as the Human Rights Commissioner of the VRoU in person or through his/her representative.

***For information:*** *As a result of the large-scale armed invasion of the Russian Federation in Ukraine, millions of Ukrainian citizens were forced to leave abroad. A significant part of them has need for obtaining documents, in particular those certifying acts of civil status, which requires a long time according to the standard procedure of requesting them from Ukraine.*

*To ensure for foreign diplomatic institutions of Ukraine possibility of providing services in the field of state registration of civil status acts using the State Register of Citizens Civil Status Acts, the Ministry of Justice developed a draft CMU's Resolution "On ensuring powers by foreign diplomatic institutions of Ukraine in the field of state registration of civil status acts under conditions of martial law" (is currently under reconciliation with interested government bodies) which envisages possibility for foreign diplomatic institutions of Ukraine to use this Register, under conditions of the martial law( until duly legislative settlement of the issue) for the following actions: to make state registration of acts of civil status, to make changes in records of civil status acts, renew and cancel them, to re-issue certificates of state registration of civil status acts and extracts from the Register, irrespective the place of storage of the paper carrier of the civil status act record.*

*Citizens of Ukraine who stay abroad have the possibility of receiving services in the field of state registration of civil status acts irrespective their place of residence or stay.*

### ***Regarding state registration of Roma children***

During 2018-2022, in all regions of Ukraine, employees of the Civil Status Registration Offices carried out legal clarification work and an information and public awareness raising campaign regarding rights of all citizens in Ukrainian society, including *Roma national minority*, the need to document their civil status and obtain birth certificates; the practical possibility of implementing relevant legislation, as well as identifying children for whom the state registration of childbirth has not been carried out, namely:



- It was provided appropriate clarifications through preparation of articles (1,897) for printed mass media, appearances in radio broadcasting (672) and television (174);
- It was carried out round tables with representatives of the Roma minority (823), interdepartmental meetings with representatives of children's services at state migration services (3,206), lectures for representatives of the Roma minority (2,314);
- appropriate information was placed on the stands of the executive committees of village, township, and city councils, as well as on the websites of raion state administrations, city councils, and city web portals;
- it was produced and distributed information leaflets, carried out thematic flash mobs, street awareness campaigns (10,109).

During the specified period, it was drawn up 8,810 act records of childbirth for Roma nationality, of which only 628 exceeded the prescribed one-month period.

***Regarding state registration of asylum seekers children***

Foreigners or stateless persons who intend to be recognized as refugees in Ukraine or persons that need additional protection may have national passports (documents certifying identity and confirming citizenship).

The submission of such documents, if they exist, is required when these persons apply to the central government body implementing state policy in the field of refugees and persons that need additional or temporary protection (Article 7 of the Law of Ukraine "On Refugees and Persons that Need Additional or Temporary Protection"). If the persons who have applied for protection in Ukraine have the mentioned documents, the state registration of childbirth is carried out on general grounds in compliance with the requirements of the law.

In case of impossibility to present a passport document, foreigners or stateless persons who intend to be recognized as refugees in Ukraine or persons that need additional protection may provide a certificate of application for protection in Ukraine for state registration of childbirth, provided that such persons have a decision taken to issue them documents necessary for starting process of recognition as a refugee or a person that needs additional protection.

Such a decision shall be formalized by an order of the territorial body of the State Migration Service of Ukraine according to the established form envisaged in the "Rules for the consideration of applications and drawing up documents required for the process of a person's recognition as a refugee or a person that needs additional protection, granting or deprivation of the status of a refugee or a person that needs additional protection, and cancellation of the decision on person's recognition as a refugee or a person that needs additional protection", approved by the order of the Ministry of Internal Affairs of Ukraine dated September 7, 2011 No. 649.

According to information from the State Migration Service of Ukraine, asylum seekers who do not have national passport documents and have got a decision to start processing documents for recognition them as a refugee or a person that needs additional protection can submit for state registration of children born in the territory of Ukraine copies of corresponding orders of the territorial body of the State Migration Service of Ukraine.

***b) Please provide information what measures have been taken by the State to:  
j) reduce child poverty, including non-monetary measures such as ensuring access to quality and affordable services in the areas of health, education, housing etc..***

The strategy for poverty elimination, approved by the Cabinet of Ministers of Ukraine Ordinance dated 16.03.2016 No. 161-r identified priority areas for poverty elimination as it

pertains to expanding access to productive employment, promoting the growth of the population's employment income and payments in the state social insurance system to ensure decent work conditions; access for the population to social services regardless of place of residence, minimizing risks of social alienation for rural population; counteracting social alienation and minimizing risks of poverty for the most vulnerable categories of the population; prevention of poverty and chronic poverty and social exclusion among internally displaced persons.

To ensure implementation of the strategic areas and tasks defined by the Strategy, the Government annually approved a specific action plan of which implementation the Ministry of Social Policy, together with other central government bodies and oblast state administrations informed the Cabinet of Ministers of Ukraine quarterly.

In 2021, to ensure further implementation of tasks aimed at improving the citizen's standard of living, the Human Development Strategy was approved (the President of Ukraine Decree dated 02.06.2021 No. 225), which defined strategic goals and objectives in the areas of demographic development, health care, education, science , culture and sports, ensuring equal rights of women and men to expand people's opportunities and freedoms. It has also been defined a block of issues aimed at raising the standard of living, activation for employment and ensuring social support to the population, which will contribute to reducing the level of poverty in the country, .

Cabinet of Ministers of Ukraine Resolution dated 09.12.2021 No. 1617 approved the Action Plan for the Human Development Strategy Implementation for 2021-2023 and envisages that the Ministry of Social Policy shall monitor implementation of the Action Plan using the Unified e-Governance web portal and prepare an annual report on implementation of the Human Development Strategy.

In addition, since 2014, monitoring of social support programs is carried out for the purpose of studying the impact of certain types of social protection areas on poverty indicators and increasing welfare of households.

In particular, all considered social assistance programs in 2021 had significant impact on the poverty level of their beneficiaries - the indicator decreased by 4.1 to 15.9 percent points (depending on the type of social assistance). At the same time, the greatest impact was ensured by the GMI program (The State Social Assistance for Low-Income Families), which indicates the exceptional importance of the benefits for their beneficiaries.

The most effective programs are the assistance for low-income families and child assistance for single persons, which evidences better targeting accuracy of these programs to the poor population and the importance these benefits for their beneficiaries.

To increase the efficiency state social protection programs, the existing mechanisms of support for vulnerable groups of the population were steadily improved to adapt them to modern requirements, .

***For information*** *At the same time, it should be noted that at present time the armed aggression of the Russian Federation against Ukraine has a significant impact on the standard of living of the population, which, in particular, provoked a large wave of forced migrants who were forced to flee from the war without having the necessary things and financial support, income and sources of livelihood. All this forces us to pay special attention to the protection and support of citizens who have suffered from warfare.*

*Therefore, under wartime conditions, the tasks aimed at support of the citizens who were forced to leave their homes, delivery them shelter, material support and necessary social services become a top priority.*

In order to track the process of solving the poverty problem, the Ministry of Social Policy steadily monitors it in accordance with the Methodology of Comprehensive Assessment of Poverty (approved by the Order of the Ministry of Social Policy, the Ministry of Economic Development, the Ministry of Finance, State Statistics Service and the National Academy of Sciences of Ukraine dated 05.18.2017 No. 827/403/507/113/232, registered by the Ministry of Justice 12.06.2017 under No. 728/30596).

Thus, in 2021, the poverty level according to the absolute criterion (income below the actual subsistence minimum) decreased and amounted to 20.6% as against 27.6% in 2018.

Among the households with children, the absolute poverty rate decreased and amounted to 22.4% in 2021 as against 32.9% in 2018.

With this, the poverty rate among children decreased and amounted to 24.3 % in 2021 as against 35% in 2018.

Among various types of households, the highest absolute poverty risks (by absolute criterion) exist for households with three or more children (53.6% in 2021 as against 54.5% in 2018), households with two adults with three or more children (54.3% in 2021) as against 58.7% in 2018), as well as households with children having at least one unemployed person (48.7% in 2021 as against 55.0% in 2018).

***b) Please provide information what measures focused on:***

***ii) combating discrimination against and promoting equal opportunities for, children from particularly vulnerable groups such as ethnic minorities, Roma children, children with disabilities, and children in care.***

The National Police of Ukraine takes measures to combat discrimination and promote equal opportunities for children of particularly vulnerable categories, such as ethnic minorities, Roma children, etc.

In particular, Article 7 (Observance of human rights and freedoms) of the Law of Ukraine "On the National Police" defines the right of every citizen, in particular a child, to respect for their dignity without any discrimination, regardless of race, color, gender, language, religion, political or other beliefs, national, ethnic or social origin, property status or health status.

Part 5 of this article defines as follows:

"In police activities, there are prohibited any privileges or restrictions based on race, skin color, political, religious and other beliefs, gender, ethnic and social origin, property status, place of residence, language or other characteristics."

At the same time, in accordance with the Strategy for promotion of rights and opportunities of persons belonging to the Roma national minority in Ukrainian society for the period until 2023, the order of the National Police of Ukraine No. 379 dated 30.05.2022 approved the plan of preventive activities to prevent offenses related to the violation of citizen's equality for 2022, aimed at preventing conflicts on ethnic grounds, preventing illegal activities against representatives of Roma national minority, in particular, Roma children.

In particular, police officers, within the scope of their competence, implemented a package of measures to ensure safety and protection of children's rights, carry out public awareness raising activities aimed at prevention of crime among children and regarding them, taking into account regional, gender or other characteristics, namely:

carry out preventive work among children, youth and adults aimed at prevention of their participation in informal radical groups created on the basis of intolerance on the basis of racial and national affiliation;

in cooperation with civil society institutions, implement preventive measures for persons of the Roma national minority who have children, on issues of responsible parenthood, prevention of the use of minor children for begging, prevention of their involvement in criminal activities and ensuring their right to education;

in cooperation with raion and city raion state administrations, as well as city, township and village councils, territorial communities, services for children's affairs, take measures in accordance with the legislation that are related to the protection of children's right to education;

ensure implementation of preventive and information and public awareness raising activities in educational institutions, aimed at countering prejudiced attitudes towards persons of Roma national minority, in particular on the following topics: "We are different - we are equal", "The rights of national minorities", "Protection against discrimination of the Roma national minority", "Manifestations of xenophobia are punishable by law", etc.

During 2013-2020, measures aimed at preventing and counteracting discrimination against **Roma national minority** were implemented within the framework of the Strategy for the Protection and Integration of the Roma National Minority into Ukrainian Society for the period until 2020. The report on the implementation of the Strategy in 2020 is available on the official website of the State Service of Ukraine for Ethnopolitics and Freedom of Conscience at the link: <https://dcss.gov.ua/roma-action-plan-2020-report/>.

On July 28, 2021, the Cabinet of Ministers of Ukraine, by its Ordinance No. 866, approved the "Strategy for promoting implementation of rights and opportunities for persons of Roma national minority in Ukrainian society for the period until 2030" (hereinafter referred to as the - the Roma Strategy), which was developed by the State Service of Ukraine for Ethnopolitics and Freedom of Conscience in cooperation with other government bodies with participation of representatives of Roma NGO associations and international organizations working in Ukraine.

The purpose of the Roma strategy is to establish conditions for implementation rights and opportunities for persons of Roma national minority, taking into account the challenges associated with difficult life circumstances and aspirations for full-scale self-realization in cultural, social, economic and political life of society.

In the context of implementation of the relevant article of the European Social Charter, in particular regarding the Roma, there is an important package of measures within the framework of the implementation of Objective 2 "Ensuring legal protection and combating discrimination of persons belonging to the Roma national minority". To achieve the mentioned objective, the following main activities are envisaged:

1) Delivery of assistance to persons legally residing in the territory of Ukraine, in particular those of the Roma national minority, in obtaining birth certificates and state registration of civil status acts, documents certifying identity, confirming Ukrainian citizenship or special status;

2) ensuring compliance with the provisions on prohibition and prevention of manifestations of prejudice and discrimination based on ethnic or racial grounds by employees of government bodies, in particular, law enforcement agencies, local self-governance authorities, medical workers, workers of social and emergency services, centers for administrative services delivery, mass media through:

- making appropriate changes to educational programs and including anti-discrimination sections in the programs of skills improvement courses, in particular for law enforcement officers, medical workers, social and emergency services staff;
- Skills improvement for civil servants and local self-governance officials in respecting human rights, in particular, combating discrimination;

3) development of a methodology for monitoring and responding to manifestations of hate speech and violence on ethnic or racial grounds;

4) increasing the level of personal security for persons of Roma national minority in the territorial communities densely inhabited by them;

5) establishing favorable conditions for delivery of free legal aid to persons who do not have documents certifying identity, confirming Ukrainian citizenship or a special status, by developing new and improving existing mechanisms for access to the specified assistance for this category of persons;

6) 10) reducing the level of prejudice against persons of Roma national minority by way of development, support and carrying out relevant information campaigns and public awareness raising activities, in particular, spreading information about successful interaction Roma national minority with representatives of other nationalities, contribution of Roma people in development of territorial communities where they live;

7) increasing the level of awareness of Roma people about operation of social institutions, the rights guaranteed by the legislation and the duties established by the legislation by way of carrying out public awareness raising work with the representatives of the Roma national minority in the places densely inhabited by them regarding their rights and obligations, possibility of getting social assistance, as well as on identifying and counteracting discrimination, in particular on ethnic and racial grounds;

8) improvement of interaction between government bodies, local self-governance authorities and the Roma national minority, in particular in the places densely inhabited by them, by means of:

- support of mediation programs, which include special training of persons (mediators) and coordination of their work in delivery of social support services, promotion of interaction of Roma people with social duty services and local self-governance authorities in territorial communities densely inhabited by Roma;

- development of recommendations on establishment of Roma national minority advisor positions at heads of local government bodies and local self-governance authorities;

- promoting participation of NGO associations and representatives of the Roma people in consulting and advisory bodies at government bodies and local self-governance authorities in places densely inhabited by Roma national minority.

The Roma Strategy also defines as one of the main problems the presence of a significant number of school-age children from Roma families who have stopped getting education, insignificant number of Roma who get professional (vocational/technical), or university education, which is caused usually by difficult life circumstances of their families, social maladaptation, insufficient awareness of their right to high quality and affordable education resulting from their social alienation. These problems are particularly relevant for girls and young women from the Roma national minority, who may stop early getting their education because of early marriage. Such a situation prevents overcoming illiteracy and acquisition of professional qualifications necessary for employment and improving quality of life, creates additional barriers for the full realization of person's rights and freedoms.

In order to correct this situation, a package of activities is envisaged within the framework of the implementation of Objective 3. "Expanding the access of Roma people to quality education."

1) increasing the number of Roma children attending preschool education institutions by way of:

- establishment of short-term stay groups for Roma children of preschool age for whom Ukrainian is not their native language, with the aim of getting preschool education and learning Ukrainian as the official language;
  - inclusion of additional activities in educational programs of preschool education institutions that contribute to socialization and participation in community life for Roma children, and help to reveal their talents and abilities;
  - ensuring that psychologists of preschool education institutions provide psychological assistance to Roma children to ensure their successful adaptation to the educational process;
  - provision of skills improvement training and internships for pedagogical staff of preschool education institutions where Roma children got their education;
  - ensuring of awareness-raising activities for persons of Roma national minority by representatives of structural divisions on education and science of local state administrations and local self-governance authorities, as well as, by pedagogical staff of preschool education institutions regarding the importance of getting preschool education and participating in the social life of children from Roma national minority;
- 2) promotion of further access and prevention of early stop in getting full general secondary education by persons of the Roma national minority, by means of:
- ensuring implementation of awareness-raising activities for persons of Roma national minority in territories densely inhabited by the minority by representatives of structural divisions on education and science of local state administrations and local self-governance authorities, as well as, by pedagogical staff of secondary education institutions on clarification of provisions of the Laws of Ukraine "regarding the possibilities of the individual educational trajectory of the person acquiring an education, as well as the importance of getting the education and the responsibility of parents for the education of their children;
  - improvement the quality of education in general secondary education institutions by local self-governance authorities;
  - ensuring (by local self-governance authorities) getting of full general secondary education for Roma children, in accordance with their needs by full-time (daytime), distance, online, external, family (home) form or form of pedagogical patronage, as well as by full-time (evening ) or extramural form (at the level of basic and specialized secondary education);
  - strengthening (by the Council of Ministers of the Autonomous Republic of Crimea, oblast, Kyiv and Sevastopol city state administrations) of control over keeping records of children of preschool and school age;
  - ensuring that post-graduate pedagogical education institutions, other institutions and organizations carry out skills improvement for pedagogical workers regarding the peculiarities of working with Roma national minority students;
  - continuation of ongoing seminars&workshops for pedagogical staff of general secondary education institutions, where study persons from the Roma national minority, by post-graduate pedagogical education institutions, structural units for education and science of local state administrations and local self-governance authorities;
  - ensuring that psychologists of general secondary education institutions provide if necessary psychological assistance to Roma children to ensure their successful adaptation to the educational process;
  - continuation of cooperation with international organizations regarding exchange of lessons learned in ensuring realization of the right to quality and accessible education

for Roma national minority, by education institutions, structural units for education and science of local state administrations and local self-governance authorities;

3) promoting an increase in the number of Roma people who get professional (vocational) education;

4) increasing the level of fluency with the state language by introducing free government-funded language courses at the regional or local level for representatives of national minorities and indigenous peoples of Ukraine, in particular, for Roma national minority.

For the efficient implementation of the Strategy, in August 2021, the State Service of Ukraine for Ethnopolitics and Freedom of Conscience started work on preparation of a draft Cabinet of Ministers of Ukraine Ordinance "On the approval of the Action Plan until 2023 regarding the implementation of the Strategy for Facilitating Implementation of Rights and Opportunities for Persons of Roma National Minority in Ukrainian society for the period until 2030". For its formation, 8 working groups were created, in accordance with the goals defined by the Strategy. The working groups included specialists from government bodies, experts and representatives of the non-governmental sector working with Roma communities. From September 9 to September 22, 2021, meetings of the working groups were held, in which more than 70 participants took part. The public discussion of the draft Action Plan took place on the official website of the State Service of Ukraine for Ethnopolitics and Freedom of Conscience (a report on its results is available at the link: <https://dcss.gov.ua/roma-strategy-action-plan-2023-public-discussion-announcement/> ), as well as during the following activities:

- roundtable "Safety aspects of implementation of the Strategy for Facilitating Implementation of Rights and Opportunities for Persons of Roma National Minority in Ukrainian society for the period until 2030" (on September 02, 2021) arranged by the State Service of Ukraine for Ethnopolitics and Freedom of Conscience.
- meetings with activists of Roma non-governmental organizations during the visit of the delegation of the State Service of Ukraine for Ethnopolitics and Freedom of Conscience to Zakarpattia Oblast on September 13-15, 2021;
- seminar "Development of regional plans for the implementation of the Roma Strategy 2030: exchange of ideas and lessons learned, search for optimal solutions" (December 03-04, 2021), arranged by the State Service of Ukraine for Ethnopolitics and Freedom of Conscience;
- round table "Actual issues of Roma national minority integration into Ukrainian society" (November 11, 2021), prepared and held by the Verkhovna Rada of Ukraine Committee for Human Rights, Deoccupation and Reintegration of Temporarily Occupied Territories in Donetsk, Luhansk Oblasts and the Autonomous Republic of Crimea, the city of Sevastopol, national minorities and international relations.

***For information*** The draft Action Plan has passed public discussion and interagency reconciliation, however, the beginning of full-scale Russian aggression and the introduction of martial law in Ukraine postponed consideration of the prepared draft Action Plan due to forced changes in the structure of budget expenditures for the needs of defense against the Russian invasion and overcoming its negative consequences.

The Cabinet of Ministers of Ukraine considered the proposals developed by the SSU EPFC and on April 19, 2022, adopted its resolution No. 468 "On establishment of the Interdepartmental Working Group on Coordination of the Strategy for Facilitating

*Implementation of Rights and Opportunities for Persons of Roma National Minority in Ukrainian society for the period until 2030" implementation.*

*The full-scale Russian armed invasion, which began on February 24, 2022, dramatically affected the entire Ukrainian society. The main challenge under conditions of full-scale Russian aggression is obviously the large scale number of internally displaced persons (IDPs). According to data of NGO associations, from 200,000 to 400,000 Roma lived in Ukraine before the start of the full-scale Russian invasion, most of them in Zakarpattia, Odesa, as well as in Donetsk and Kharkiv oblasts. The latter two became the epicenter of warfare. According to Mykola Burlutskiy, a Roma activist from the city of Merefa, Kharkiv Oblast, evacuation of Roma families were carried out under permanent artillery fire, and the majority of Roma families from the oblast center and other cities in the region became refugees. Currently, the majority of Roma people temporarily relocated to the Western part of Ukraine. Because of the mass migration caused by the full-scale war, it would be expedient to actualize the list of the places densely inhabited by national minorities, in particular Roma.*

*Social protection bodies do not collect data on the national identity of forcibly displaced persons, the IDP status registration is, in most cases, carried out through the government portal "Diia". According to reports from representatives of the International Charitable Organization "Chirikli", who conducted a survey among Roma IDPs in Zakarpattia and Odesa oblasts on protection of national minority rights and delivery of social and administrative services in May 2022, the number of internally displaced Roma people may reach 50 thousand persons.*

*Zakarpattia Oblast hosts a significant number of internally displaced Roma. The Zakarpattia Oblast Military Administration holds regular meetings with representatives of Roma NGOs, leaders of Roma settlements, including meetings directly in places densely inhabited by Roma. The Zakarpattia OMA promotes interaction between internally displaced persons belonging to Roma national minority and social duty services, other government bodies and medical institutions, and makes efforts to properly ensure the realization of their right to education. Representatives of Roma community also work as advisers or officers for Roma issues in some territorial communities of the oblast. Cooperation with representatives of the clergy, who also contribute to delivery of assistance to internally displaced Roma, has also become an important tool.*

***b) Please provide information on measures focused on:***

***iii) States should also make clear the extent to which child participation is ensured in work directed towards combating child poverty and social exclusion.***

According to these indicators of social exclusion for 2021, the share of households spending more than 60% of total expenses on food decreased from 26.7% in 2018 to 22.6% in 2021.

It should be mentioned that the indicator of extremely high risk of alienation, when households had less than 10% of total resources left after spending on food and mandatory payments for housing and public utility services decreased from 7.6% to 6.5 percent in 2021 (as compared with 2018).

Increasing the level of coverage of target groups with social services contributes to reducing risks of their social exclusion. In 2021 (as compared to 2018), the number of children covered with rehabilitation services among disabled persons 0-17 years of age increased significantly - from 18.2 to 25.0 thousand.



At the same time, the share of children not covered by family forms of care among children who have the status of an orphan and a child deprived of parental care, was 12.6% in 2021 as against 14.9% in 2018.

***b) Please provide information on measures adopted to protect and provide assistance to children in crisis or emergency situation.***

Data from the Ministry of Justice of Ukraine in the context of additional information to the section of the Committee's Conclusions 2019 "Children in conflict with the law"

1. On June 4, 2021, the draft Law of Ukraine "On Child-Friendly Justice" (Reg. No. 5617) was submitted of consideration of the Verkhovna Rada of Ukraine. It was developed for the purpose of strengthening protection of the rights and resocialization of minors who have committed criminal offenses, establishing conditions for the organization and effective functioning of justice, friendly to a child, which meets the requirements of the Convention on the Rights of the Child and other international standards on the rights of the child and is the legal basis for ensuring prevention of offenses in the children's environment, proper treatment of children in contact with the law and their social rehabilitation, prevention of secondary victimization of children who are victims or witnesses.

It is proposed to envisage the principles of child-friendly justice, provisions on the interaction of the subjects of justice with regard to children, standards of treatment for children who have committed offenses and entered the justice system, as well as for children who are victims or witnesses and require the application of social rehabilitation measures .

It is envisaged alternative mechanisms of responding to children's offenses other than criminal prosecution and court proceedings, in particular, carrying out a restorative reconciliation procedure (mediation) and/or the application of one or more restorative measures, such as a warning or imposing some obligations on the child (not to change the place of residence, to liquidate damage, undergo a correctional program, etc.), aimed at the social rehabilitation of the child and prevention of repeated offenses by the child .

Taking into account the severity of the criminal offense committed by the child and information about the child's identity and his/her living conditions, upon his/her consent and consent of his/her legal representative, the child may be removed from criminal proceedings by agreement with the prosecutor on the grounds and in accordance with the procedure prescribed by criminal and criminal procedural laws .

Fulfillment of the agreement signed as a result of the mediation and other restorative activities may be grounds for exemption of the child from criminal liability, exemption from punishment or serving a sentence, and may be taken into account as mitigating circumstances.

The draft law envisages making amendments to a number of legal acts, in particular, to the Law of Ukraine "On Free Legal Aid" regarding the delivery of free services for restorative reconciliation (mediation) in criminal proceedings against a minor.

2. On June 4, 2021, it was submitted to the Verkhovna Rada of Ukraine a draft Law of Ukraine "On Amendments to the Code of Ukraine on Administrative Offenses, the Criminal Code of Ukraine, and the Criminal Procedure Code of Ukraine regarding Child-Friendly Justice" (Reg. No. 5618).

The amendments to the Criminal Code of Ukraine envisage improvement of provisions regarding the specifics of the criminal liability of minors, in particular, it is proposed to supplement the Criminal Code of Ukraine with a new Article 105-1 of the Criminal Code of Ukraine, which defines such a basis for the release of a minor from criminal liability as fulfillment by the child the terms of the agreement on withdrawal him/her from criminal proceedings .

It is proposed to set forth Article 97 of the Criminal Code of Ukraine in new wording and enshrine general provisions regarding the peculiarities of criminal liability of minors to recognize the interests of the child as the highest priority during criminal proceedings.

By amendments to Article 100 of the Criminal Code of Ukraine, it is proposed to determine that community works can be assigned to a minor from 14 years of age.

By Article 105 of the Criminal Code of Ukraine, in the wording of the said draft law, it is proposed to establish a possibility of releasing a minor who has committed a criminal misdemeanor or a minor crime from the imposition of punishment with use of restorative measures.

Amendments to the Criminal Procedure Code of Ukraine envisage the following:

- granting powers to the prosecutor to decide the issue of removing a minor from criminal proceedings and taking restorative measures in relation to him/her, monitoring implementation of the agreement on removing a minor from criminal proceedings (amendments to Article 36 of the Criminal Procedure Code of Ukraine);

- to supplement the list of persons participating in proceedings against a minor by such persons as a pedagogue, psychologist, representative of the duty service for children's affairs (amendments to Articles 79, 80, 83 of the Criminal Procedure Code of Ukraine);

- improvement of the procedure for pretrial investigation of criminal offenses committed by minors, in particular, carrying out interrogations and other investigative (search) actions (amendments to Article 225 of the Criminal Procedure Code of Ukraine, exclusion of Articles 226, 227 of the Criminal Procedure Code of Ukraine and transfer of their provisions to Chapter 38 of the Criminal Procedure Code of Ukraine);

- To supplement the Criminal Procedure Code of Ukraine with a new Chapter 38, which establishes the peculiarities of criminal proceedings against minors and with their participation.

The draft law establishes: obligation to take into account the interests of the child to the fullest extent during criminal proceedings (Article 483-1 of the Criminal Procedure Code of Ukraine); specialization of persons carrying out criminal proceedings where a minor is a participant (Article 484 of the Criminal Procedure Code of Ukraine); peculiarities of conducting investigative actions with the participation of a minor (Article 491 of the Criminal Procedure Code of Ukraine); improvement of the application of preventive measures to minor suspects and accused persons (Article 492 of the Criminal Procedure Code of Ukraine); peculiarities of examining a minor and obtaining samples for examination (Article 496-1 of the Criminal Procedure Code of Ukraine); the procedure for the application of restorative measures to a minor accused, which envisages the right of a court based on the results of the trial of the indictment in the presence of the grounds envisaged by the Criminal Code of Ukraine, by its decision to release the minor accused from punishment (upon his/her consent) and to apply to him/her one or more restorative measures provided for by the draft Law No. 5617, as well as the consequences of the minor's evasion of the restorative measures assigned to him/her (Article 497 of the Criminal Procedure Code of Ukraine).

It is proposed to establish the peculiarities of carrying out criminal proceedings with a minor victim or witness, which are conducted in the presence of a legal representative, a psychologist and/or a pedagogue using a special method ("Green Room", "Barnahus"), using a video recording with the consent of a minor or a juvenile, whom the possibility of using a video records by the court instead of an interrogation in a court session shall be explained (Article 496-2 of the Criminal Procedure Code of Ukraine); peculiarities of questioning a minor or a juvenile witness or victim in a court session (Article 496-3 of the Criminal Procedure Code of Ukraine).

In accordance with the changes proposed by the draft law, paragraph 2 of chapter 38 of the Criminal Procedure Code of Ukraine will establish the procedure, peculiarities, and consequences of removing a minor from criminal proceedings. In particular, Article 497-1 of the Criminal Procedural Code of Ukraine (as amended by the draft Law), establishes the procedure for considering the issue of removing a minor from criminal proceedings.

Peculiarities of removing a minor from criminal proceedings are established in Article 497-2 of the Criminal Procedure Code of Ukraine (as amended by the draft Law). The list of procedural activities depending on compliance or non-compliance with the agreement on removal of a minor from criminal proceedings is established in Article 497-3 of the Criminal Procedural Code of Ukraine (as amended by the draft Law).

In the case of getting information about the minor's full compliance with the agreement on removal of the minor from criminal proceedings, the prosecutor shall issue a resolution on resumption of the pre-trial investigation and submit to the court a petition for the release of the minor from criminal liability based on Article 105-1 of the Criminal Code of Ukraine and the closure of the criminal proceedings and sends the criminal proceedings.

In case of willful non-compliance with the agreement by the minor, the prosecutor shall issue a resolution on the resumption of the pre-trial investigation and send the criminal proceedings to the investigator or may offer the minor to change the agreement by replacing the measures with more severe ones, the willful non-compliance with which also entails the resumption of the pre-trial investigation.

If a minor refuses from changes in the measures or the change of measures is recognized by the prosecutor as insufficient to correct the minor or the minor commits a new criminal offense before the expiration of the period of the agreement, the prosecutor shall issue a resolution on the resumption of the pre-trial investigation.

The mechanism for ensuring the procedural rights of the parties and the interests of society when considering the issue of removal of a minor from criminal proceedings is established in the Criminal Procedural Code of Ukraine (Article 497-5 of the Criminal Procedural Code of Ukraine)(as amended by the draft Law).

The draft Law proposes to regulate the issue of criminal proceedings for the commission of a socially dangerous act, which falls under the characteristics of an act envisaged in the Special Part of the Criminal Code of Ukraine, and its peculiarities committed by a person who has not reached the age of criminal responsibility (paragraph 3 of Chapter 38 of the Criminal Procedure Code of Ukraine).

It is proposed to establish in provisions of Article 499 of the Criminal Procedure Code of Ukraine (as amended by the draft Law) that a minor who has not reached the age of criminal responsibility, in criminal proceedings about a socially dangerous act committed by his/her, which falls under the characteristics of an act provided for by the Special Part of the Criminal Code of Ukraine has the status of a witness with the rights of a minor suspect (accused), including the mandatory participation of his/her legal representative and a defense attorney and right to familiarization with the materials of the pre-trial investigation.

If there is sufficient evidence of the commission of a socially dangerous act, which falls under the characteristics of an act provided for by the Special Part of the Criminal Code of Ukraine, by a minor before reaching the age from which criminal responsibility can be imposed, hi/she shall be notified of the commission of such a socially dangerous act.

In accordance with Article 501 of the Criminal Procedure Code of Ukraine (in the the draft Law wording), the prosecutor shall be empowered to close criminal proceedings with a reasoned resolution in view of not having reached the age of criminal responsibility by the minor, a copy of which must be immediately sent to the interdisciplinary team for social

protection of children who are in difficult life circumstances in accordance with the requirements of Article 23 of the draft Law No. 5617.

3. Since 2019, the pilot project "Rehabilitation Program for the minors who are suspected of committing a criminal offense" is implemented in Ukraine (joint order of the Ministry of Justice and the General Prosecutor's Office of Ukraine dated 21.01.2019 No. 172/5/10 "On the implementation of the pilot project "Rehabilitation Program for the minors who are suspected of committing a criminal offense"), the purpose of which is the early removal of minors from the criminal process with the mandatory implementation of agreed measures for their resocialization and prevention of repeated criminal offenses.

Implementation of the pilot project has started in six regions of Ukraine - Donetsk, Odesa, Lviv, Luhansk, Mykolaiv and Kharkiv oblasts. In 2020, taking into account successful implementation of the pilot project, its coverage was extended to the entire territory of Ukraine.

The pilot project envisages mediation in criminal cases involving minors who have committed a criminal misdemeanor or minor crime for the first time.

The restorative justice program for minors is applied under four conditions: there is an injured party – an individual who has suffered moral, physical or property damage as a result of a criminal offence, or a legal entity who has suffered property damage as a result of a criminal offence; if the minor committed a criminal misdemeanor or a minor crime for the first time; if a minor admits the fact of having committed a criminal offense; both the minor and the victim have agreed to participate in the program.

In accordance with the third and seventh parts of Article 154 of the Criminal Executive Code of Ukraine as regards the convicted person, in respect of whom, in accordance with Articles 81, 82 of the Criminal Code of Ukraine, conditional early release from serving a sentence, replacement of a sentence of life imprisonment with a sentence of deprivation of freedom for the determined period may be applied or replacement of the unserved part of the sentence with a milder one, the body or institution for the execution of punishments sends a petition to the court within a month in accordance with the procedure established by the criminal procedural legislation.

The administration of the body or institution for the execution of punishments, after the convict has served the term of punishment established by the Criminal Code of Ukraine is obliged within a month to consider the possibility of presenting his/her for conditional early release from serving the sentence, replacement of the punishment in the form of life imprisonment with the punishment in the form of a sentence of deprivation of freedom for the determined period or replacement of the unserved part of the sentence with a milder one.

In case of court refusal regarding parole from serving the sentence, substitution of the sentence or the unserved part of the sentence with a milder one, re-submission in this matter in relation to persons sentenced to life imprisonment for serious and especially serious crimes to imprisonment for a term of at least five years, may be entered no earlier than one year from the date of the ruling on refusal, and *in the case of those convicted for other crimes and juvenile convicts - no earlier than six months.*

*In the context of additional information to the **Committee Conclusions section 2019** regarding the measures taken to repeal the legislation that allows placement of minors in disciplinary solitary confinement for up to 5 days*

1. According to the provisions of the first and second parts of Article 8, the third part of Article 15 of the Law of Ukraine "On Pretrial Detention", detained persons are kept in small or general cells.

In exceptional cases, in order to preserve the secrecy of the pre-trial investigation, or to protect prisoners from possible attacks on their lives or to prevent them from committing a new criminal offense, or for obvious medical reasons, according to the relevant decision of the person or body conducting criminal proceedings, or head of the institution for pre-trial detention, authorized by the prosecutor, the prisoners can be kept in solitary cells. *The application of this measure to minors is not allowed, and in the case of a threat to their life, they are transferred to another small-capacity or general cell.*

Minors taken into custody are placed in cells separately from adults.

Persons taken into custody who maliciously violate the requirements of the regime may be placed in solitary confinement for a period of up to ten days, *and minors - for a period of up to five days*, based on a reasoned decision of the head of the place of pre-trial detention.

2. Article 19 of the Criminal-Executive Code of Ukraine stipulates that upbringing colonies execute serving prison terms for a certain period of time for convicted minors.

Peculiarities of serving a sentence in the form of deprivation of liberty for minors are defined by Chapter 21 of the Criminal and Executive Code of Ukraine.

In accordance with paragraph 7 of the first part of Article 145 of the Criminal Executive Code of Ukraine, for violation of the established procedure and conditions of serving the sentence, the punishment in the form of placement in a disciplinary isolation ward for a period of up to five days with or without taking to study or work may be applied to convicted minors.

## **Article 17, paragraph 2**

***a) What measures have been taken to introduce anti bullying policies in schools, i.e., measures relating to awareness raising, prevention and intervention? (General issue defined in Conclusions 2019).***

The National Police of Ukraine takes measures to combat bullying of participants in the educational process.

Liability for committing bullying (harassment) is defined in Article 1734 "Bullying (harassment) of a participant in the educational process" of the Code of Ukraine on Administrative Offenses.

Along with this, the Law of Ukraine "On Amendments to Some Laws of Ukraine for Improvement of Legislation on Combating Bullying (Harassing)" was adopted. Its purpose is to improve the concept of bullying (harassment) at the legislative level and expand its scope of application, in particular, through establishing a mechanism for the protection of children's rights and rights of other persons who are participants in the process of recovery and recreation, educational process, training and sports activities (Journal of Verkhovna Rada, 2019, No. 5, Article 33).

To establish safe educational environment, the project "Specialist in safety in the educational environment" was implemented at the initiative of the Juvenile Policy Office of the National Policy of Ukraine. Its purpose is to build a communication platform between local self-governance authorities, territorial units of the police, education and science bodies, the student and parent community through establishing in educational institutions the responsible person from the territorial community, whose powers include the functions in creating a safe environment for children during the educational process, in particular, counteracting bullying (harassment) of participants in the educational process.

In order to prevent cyber-bullying when children use the Internet, trainings have been organized to increase the level of professional skills of police officers on the following topic:

"Prevention of violence against children on the Internet and forming of safe behavior on the Internet" and prepared the guide "Your safety on the Internet: "Prevention of violence against children on the Internet and forming of safe behavior on the Internet"

In addition, a number of other preventive measures have been implemented, including "Safe School", "Stop School Bullying", "I have the right to be myself", "Building the future together", "Walking to school safely", aimed at establishment of safe educational environment for children.

## Article 19

### The right of migrant workers and their families to protection and assistance

With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:

1 to maintain or to satisfy themselves that there are maintained adequate and free services to assist such workers, particularly in obtaining accurate information, and to take all appropriate steps, so far as national laws and regulations permit, against misleading propaganda relating to emigration and immigration;

2 to adopt appropriate measures within their own jurisdiction to facilitate the departure, journey and reception of such workers and their families, and to provide, within their own jurisdiction, appropriate services for health, medical attention and good hygienic conditions during the journey;

3 to promote co-operation, as appropriate, between social services, public and private, in emigration and immigration countries;

4 to secure for such workers lawfully within their territories, insofar as such matters are regulated by law or regulations or are subject to the control of administrative authorities, treatment not less favourable than that of their own nationals in respect of the following matters: a remuneration and other employment and working conditions; b membership of trade unions and enjoyment of the benefits of collective bargaining; c accommodation;

5 to secure for such workers lawfully within their territories treatment not less favourable than that of their own nationals with regard to employment taxes, dues or contributions payable in respect of employed persons;

6 to facilitate as far as possible the reunion of the family of a foreign worker permitted to establish himself in the territory;

7 to secure for such workers lawfully within their territories treatment not less favourable than that of their own nationals in respect of legal proceedings relating to matters referred to in this article;

8 to secure that such workers lawfully residing within their territories are not expelled unless they endanger national security or offend against public interest or morality;

9 to permit, within legal limits, the transfer of such parts of the earnings and savings of such workers as they may desire;

10 to extend the protection and assistance provided for in this article to self-employed migrants insofar as such measures apply;

11 to promote and facilitate the teaching of the national language of the receiving state or, if there are several, one of these languages, to migrant workers and members of their families;

12 to promote and facilitate, as far as practicable, the teaching of the migrant worker's mother tongue to the children of the migrant worker.

All citizens, including migrant workers and their family members, who return to Ukraine after a long stay abroad and wish to work or change their place of work, may address the State Employment Service for employment assistance. For employment assistance, they may address any employment center that is convenient for them to visit.

Labor migrants and members of their families who have addressed the employment service receive the full range of social services provided by the State Employment Service, including information and consultation services, information on the possibilities of finding a suitable job, assistance in finding employment using the knowledge and skills they have

acquired abroad, as well as career guidance, organization of professional training or retraining, skills improvement, starting-up own business.

Citizens of Ukraine, working abroad, if they wish, may familiarize themselves with information about the services provided by the State Employment Service in accordance with the law, available vacancies in all regions of Ukraine by viewing the Internet resource of the State Employment Service [www.dcz.gov.ua](http://www.dcz.gov.ua): the official web portal [www.dcz.gov.ua](http://www.dcz.gov.ua), Facebook pages of State and regional employment centers, Telegram channel and Viber channel of the State Employment Service.

#### **Regarding services delivery to women and men.**

During January-November 2022, 839,100 registered unemployed persons received the services of the State Employment Service, of them 60% (507,600 persons) were women and 40% (331,500 persons) were men.

With assistance from the State Employment Service, 289.4 thousand persons got a job in 2022, of them 49% (141.2 thousand persons) were women, and 51% (148.2 thousand persons) were men.

Vocational guidance services covered 733.4 thousand unemployed persons, of which 60% (443.3 thousand persons) were women and 40% (290.1 thousand persons) were men.

To increase competitiveness on the labor market, in January-November 2022, 45.5 thousand unemployed were involved in professional training with referral from the State Employment Service, of them 47% (21.5 thousand persons) were women and 53% (24.0 thousand persons) - men.

In January-November 2022, 26.5 thousand persons participated in community works and other temporary works, of them 49% (12.9 thousand persons) were women and 51% (13.6 thousand persons) were men.

#### **Regarding services delivery to young persons.**

In 2022, 241,200 young persons under 35 years of age had the status of unemployed (29% of the total number of unemployed).

With assistance from the State Employment Service, in January-November 2022, 66,100 persons under 35 years of age were employed, including 49,300 unemployed.

In 2022, 206,500 unemployed young persons and 51,300 persons studying at various educational institutions were covered with career guidance services.

In January-November 2022, 10,300 unemployed persons under 35 years of age received professional training at the request of employers.

5,000 young persons were involved in community works and other works of a temporary nature.

#### **Regarding services delivery to citizens who have additional guarantees of employment promotion.**

In January-November 2022, the services of the State Employment Service were used by 162.7 unemployed persons who had additional guarantees in the promotion of employment, in particular, 48.2 thousand parents with children under 6 years of age and, 3.7 thousand graduates of educational institutions.

With the assistance of the state employment service, 28,800 unemployed persons were employed, in particular, 8,000 unemployed parents with children under 6 years of age, and 1,000 graduates of educational institutions.

According to the information from the State Migration Service of Ukraine, the notion of "migrant workers and their family members" is not defined by the legislation of Ukraine,



which regulates the status of stay for foreigners and stateless persons in the territory of Ukraine.

Instead, Part 4 of Article 4 of the Law of Ukraine "On the Legal Status of Foreigners and Stateless Persons" envisages that foreigners and stateless persons who, in accordance with the law, arrived in Ukraine for employment and got a temporary residence permit, are considered legally staying in the territory of Ukraine for the period of work in Ukraine.

According to part 4 of Article 5 of the specified Law, the grounds for issuance of a temporary residence permit for the purpose of employment is an application from a foreigner or a stateless person, a valid health insurance policy, a permit to use the labor of foreigners and stateless persons (for persons whose employment in accordance with the legislation of Ukraine does not require a permit for the employment of foreigners and stateless persons, instead of such a permit, it shall be submitted an employment contract and the employer's obligation to notify the competent authorities of the early termination or dissolution of the employment contract with such a foreigner or stateless person.

Articles 42 - 42<sup>10</sup> of the Law of Ukraine "On Employment of the Population" define the basic principles of employment of foreigners and stateless persons in Ukraine and requirements for the employment procedure as regards some categories of migrants.

Part 1 of Article 19 of the Charter envisages support or provision of appropriate and free services to assist such workers, in particular, in obtaining accurate information, and taking all appropriate measures to counteracting disinformation regarding emigration and immigration activities. It should be mentioned that such services shall be provided to foreigners by their host party.

Clause 20 of Part 1 of Article 1 of the Law "On the Legal Status of Foreigners and Stateless Persons" defines the host party as follows: The host party means Ukrainian enterprises, institutions and organizations representative offices (branches) of foreign enterprises, institutions, organizations, representative offices of international organizations registered in accordance with the procedure established by law, as well as natural persons (citizens of Ukraine, foreigners and stateless persons) who permanently reside or temporarily stay in the territory of Ukraine in connection with study, internship, work, or on other legal grounds, and invite or host foreigners and stateless persons.

To a greater extent, the issue of establishing of work mode at least as favorable as the mode provided to their own citizens, depends on the host party (employer), in relation to which the state may apply control and administrative measures.

As regards facilitating the reunion of the family of a foreign worker permitted to establish himself in the territory (Part 6 of Article 19 of the Charter), it should be noted that in 2011, the Law of Ukraine "On the Legal Status of Foreigners and Stateless Persons" defined for the first time the notion "family reunion", namely: entry and temporary or permanent residence in Ukraine of family members of a foreigner or a stateless person who reside in Ukraine on legal grounds and can confirm with appropriate documents availability of sufficient financial resources to support family members in Ukraine, for the purpose of family cohabitation, regardless of when the family relations arose - before or after the arrival of a foreigner or stateless person to Ukraine.

Family members of a foreigner or a stateless person include a spouse, minor children, including minor children of the spouse, not workable parents and other persons who are considered family members according to the law of their country of origin. Part 15 of Article 4 of the Law envisages that foreigners and stateless persons who arrived to Ukraine for the purpose of family reunion with persons staying in Ukraine for the purpose of employment and received a temporary residence permit are considered legally staying in the territory of Ukraine for the period of work in Ukraine of the person to whom they arrived.

Part 8 of Article 19 of the Charter declares the right of migrant workers and members of their families, when they are in the territory of our state on legal grounds, such workers shall not be deported unless they threaten national security or harm state interests or public morals.

As mentioned above, the legality of the stay of foreigners and stateless persons who arrived to Ukraine for the purpose of employment, as well as their family members is confirmed by a temporary residence permit. Clause 63 of the Procedure for drawing up,, issuing, exchanging, canceling, sending, withdrawing, returning to the state, invalidating and destroying a temporary residence permit, approved by the Cabinet of Ministers of Ukraine Resolution No. 322 dated April 25, 2018, specifies that a temporary residence permit shall be canceled by the territorial body or unit of the State Migration Service of Ukraine that issued it, in the following cases:

1) receiving data from the databases of the Register, from relevant automated information and reference systems, registers and databases of other government bodies or information from the National Police, the Security Service of Ukraine, another government body that, within the limits of its powers, ensures compliance with the requirements of the legislation on the legal status of foreigners and stateless persons of information that the certificate was issued on the basis of false information, forged or invalid documents;

2) receiving a reasoned petition from the host party about cancellation of the permit (including in the case of dismissal of a foreigner or a stateless person from a position) or termination of the activity of the host party as a legal entity;

3) when a foreigner or stateless person is sentenced to imprisonment in Ukraine;

4) when actions of a foreigner or a stateless person threaten national security, public order, public health, affect protection of rights and legitimate interests of citizens of Ukraine and other persons residing in Ukraine;

5) when an authorized state body has taken a decision on the forced return of a foreigner or a stateless person or their forced deportation outside Ukraine or on the prohibition of their further entry into Ukraine;

6) getting a passport of a citizen of Ukraine (temporary certificate of a citizen of Ukraine), a permanent residence permit, a refugee certificate, a certificate of a person that got granted additional protection;

6<sup>1</sup>) if it is revealed that the reasons for staying a foreigner or a stateless person in the territory of Ukraine have disappeared, or if after issuing a passport it turns out that the legal fact confirmed/certified by the document specified in parts 5-17 of Article 5 of the Law of Ukraine "On the Legal Status of Foreigners and Stateless Persons", which was submitted by the foreigner or the stateless person for the issuance of a passport, was recognized as invalid, cancelled, void or never existing;

6<sup>2</sup>) receiving from a foreigner or a stateless person an application with a request to cancel the issued permit;

7) in other cases envisaged by the law.

Summarizing the above, it is possible to conclude that currently Ukraine has an effective mechanism for ensuring the legality of stay of foreigners and stateless persons who, in accordance with the Law, arrived to Ukraine for employment, as well as their family members in the territory of Ukraine.

At the same time, it should be noted that on December 1, 2022, the Verkhovna Rada of Ukraine adopted Law of Ukraine No. 2813 "On Amendments to Some Legislative Acts of Ukraine for Improvement of Legislation in the Field of Migration" (on December 6, 2022 it was submitted to the President of Ukraine for signature), where, among other things,

amendments were made to the Law of Ukraine "On the Legal Status of Foreigners and Stateless Persons" and some definitions were clarified (in particular, "host party"). In addition, the procedure for extending the period of temporary stay was introduced, which will be applied when exchanging permits for temporary residence in Ukraine, which, in turn, will make conditions for documenting foreigners and stateless persons staying in Ukraine for the purpose of employment more favorable.

## Article 27

### The right of workers with family responsibilities to equal opportunities and equal treatment

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

1 to take appropriate measures:

a to enable workers with family responsibilities to enter and remain in employment, as well as to reenter employment after an absence due to those responsibilities, including measures in the field of vocational guidance and training;

b to take account of their needs in terms of conditions of employment and social security;

c to develop or promote services, public or private, in particular child daycare services and other childcare arrangements;

2 to provide a possibility for either parent to obtain, during a period after maternity leave, parental leave to take care of a child, the duration and conditions of which should be determined by national legislation, collective agreements or practice;

3 to ensure that family responsibilities shall not, as such, constitute a valid reason for termination of employment.

#### Article 27, paragraph 1

The Law of Ukraine "On Amendments to Some Legislative Acts of Ukraine Regarding the Improvement of Legal Regulation of Remote, Home-based and Work with Flexible Working Hours" dated 02.04.2021 No. 1213-IX has supplemented the Labor Code of Ukraine with Article 60<sup>2</sup> regarding the procedure and conditions for introducing remote work

According to Article 60<sup>2</sup> of the Labor Code of Ukraine, remote work is a form of work organization when the work is performed by the employee outside the work premises or the employer's territory, in any place at the employee's choice and using information and communication technologies.

In the case of remote work, the employee independently determines his/her workplace and is responsible for ensuring safe and harmless working conditions there.

When working remotely, the employee allocates working time at his/her own discretion, the rules of internal labor regulations shall not apply to him, unless otherwise is determined by the employment contract.

An employee who performs remote work is guaranteed a period of free time for rest (disconnection period), during which the employee can interrupt any information and telecommunication connection with the employer, and this is not considered a violation of the terms of the employment contract or labor discipline. The period of free time for rest (disconnection period) is defined in the labor contract for the remote work.

During the threat of the spread of an epidemic, a pandemic, the need for self-isolation of an employee in cases established by law, and/or in the event of a threat of armed aggression, an emergency situation of a man-made, natural or other nature, remote work may be introduced by order (ordinance) of the employer without necessity of concluding an

employment contract contract on remote work in written form. The employee shall get acquainted with such an order (order) within two days from the day of its acceptance, but before the introduction of remote work. In this case, the rules of part 3 of Article 32 of this Code shall not apply.

Pregnant women, employees with a child under 3 years of age or taking care of a child in accordance with a medical opinion until 6 years of age, employees with two or more children under 15 years of age or a disabled child , parents of a person disabled since childhood of Group IA, as well as persons who have taken custody of a disabled child or a person disabled since childhood of Group IA, may work remotely, if it is possible, taking into account the work performed, and if the employer has the appropriate resources and means for this.

Also, in order to establish conditions for employees and visitors of institutions/organizations to combine their professional and family responsibilities and to ensure the possibility of temporary stay of employee's and visitor's children of the institution/organization (unaccompanied by parents/legal representatives or in their presence, if necessary) order of the Ministry of Social of the Policy of Ukraine dated April 19, 2022 No. 136, registered with the Ministry of Justice of Ukraine on May 24, 2022 under No. 557/37893, approved the Regulation on the activities of children's rooms in institutions and organizations.

## **Article 27, paragraph 2**

In order to increase the level of state support for families with children, the Ministry of Social Policy has developed the draft of the Law of Ukraine "On Amendments to the Law of Ukraine "On State Assistance to Families with Children" regarding increasing the amount of child birth assistance (reg. No. 5585 dated 05/28/2021).

The draft law has become the basis of the draft Law of Ukraine "On Amendments to the Law of Ukraine "On State Assistance to Families with Children" (aimed at stimulation of the birth rate increase)" (reg. No. 5585-1 dated 01.06.2021) which envisages increase in payments for the first child birth– up to UAH 50,000, for the second child birth– up to UAH 100,000, for the third and each subsequent child – up to UAH 150,000). It is also proposed to increase the amount of child birth allowance every year by the forecasted growth of the consumer price index.

At the same time, it should be noted that the state policy is currently focused on the redistribution of expenditures for both state budget and local budgets, and directing them to the key needs of the armed forces, ensuring the country's defense capability, and implementing of activities to ensure safety of the population.

Amendments were made to some legislative acts of Ukraine to ensure equal opportunities for mothers and fathers in caring for a child (from 15.04.2022 No. 1401-IX), in particular, a new type of social leave was established - a one-time paid leave upon the childbirth for up to 14 calendar days, which can be taken by the child's father.

The Cabinet of Ministers of Ukraine Resolution dated 07.07.2021 # 693 approved the Procedure for granting the leave upon childbirth.

According to the Part 3 of Article 179 of the Labor Code of Ukraine, at the request of the child's mother or father, one of them may take a leave for nursing care of the child until he/she reaches 3 years of age with payment assistance for these periods in accordance with the law.

Part 4 of Article 179 of the Labor Code of Ukraine envisages that enterprises, institutions and organizations, at their own expense, may provide one of the child's parents with partially paid leave or unpaid leave for child nursing care for longer periods.

According to Part 6 of Article 179 of the Labor Code of Ukraine, if a child needs home nursing care, an unpaid leave shall be compulsorily granted to one of the child's parents for the duration determined in the medical opinion, but not longer than until the child reaches the 6 years of age.

The leave for child nursing care, envisaged in parts 3, 4, 6 of this article, may be used in full or in parts also by the grandmother, grandfather or other relatives of the child who actually take care of the child, or by the person who adopted or took the child into custody, one of adoptive parents or foster parents.

At will of the child's mother, father or grandmother, grandfather or other relatives of the child who are actually taking care of the child, or the person who adopted the child or took the child into custody, one of adoptive parents or foster parents, during their stay on the leave for child nursing care, they can work part-time or home-based.

## Article 31 Right to housing

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

- 1 to promote access to housing of an adequate standard;
- 2 to prevent and reduce homelessness with a view to its gradual elimination;
- 3 to make the price of housing accessible to those without adequate resources

### Article 31, paragraph 1

***a) Please provide complete up-to-date information on the percentage of the population living in inadequate housing, including overcrowded housing, as well as practical measures taken to improve the situation***

#### Statistical information on the population living in overcrowded housing

Year	Percentage of the population living in overcrowded housing, %
2018	53,7
2019	50,2
2020	49,3
2021	49,8

***For information*** The information is provided based on the results of the sampled household budget survey, without taking into account the temporarily occupied territory of the Autonomous Republic of Crimea and the city of Sevastopol and part of the temporarily occupied territories in the Donetsk and Luhansk oblasts.

According to the information of the Ministry of Justice of Ukraine, in the context of the availability of *extrajudicial means of protection* for the "right to adequate housing", the determination of the relevant mechanisms and bodies to which a person whose housing rights are violated (not recognized, contested) can apply for protection will depend on the content of such a right, subject composition of relations, presence (absence) of a legal dispute, etc.

The laws of Ukraine "On local self-governance in Ukraine" and "On local state administrations" define some powers in the field of housing and public utility services, which belong to the executive bodies of village, settlement, or city councils and local state administrations.

Article 16 of the Civil Code of Ukraine envisages that every person has the right to apply to the court for the protection of his/her personal non-property or property right and interest.

In accordance with Article 19 of the Civil Procedural Code of Ukraine, courts shall consider cases arising from civil, land, labor, family, housing and other legal relations in accordance with the civil proceeding ;procedure, except for cases which are considered in accordance with of other proceeding procedure.

In accordance with Article 13 of the Law of Ukraine "On Housing Pool for Social Purposes", the refusal to register citizens for social housing may be challenged in court.

Disputes that arise during the privatization of apartments (houses) and residential premises in dormitories of the state housing pool shall be resolved by the court (Clause 11 of Article 8 of the Law of Ukraine "On the Privatization of the State Housing Pool").

The Ministry for Development of Communities and Territories of Ukraine, as a central government body that ensures the formation and implementation of the state housing policy, is developing of *a new version of the Housing Code of Ukraine, which envisages updated approaches in the area, taking into account changes in the legislation of Ukraine and transformation of the specified social relations as a whole.*

***b) Please provide relevant and updated figures relating to the adequacy of housing (e.g. number of substandard dwellings; overcrowding, water, heating, sanitary facilities, electricity).***

***c) Please provide information on measures taken, in particular during the Covid-19 crisis, to provide adequate housing to vulnerable groups, including refugees, asylum seekers, Roma and nomadic people.***

According to the information from the State Migration Service of Ukraine, in accordance with Articles 13 and 15 of the Law of Ukraine "On Refugees and Persons that Need Additional or Temporary Protection", the persons recognized as refugees or persons that need additional protection have the right to use housing provided them at the place of residence; and persons in respect of whom a decision has been made to process documents to resolve the issue of recognition them as a refugee or a person that needs additional protection have the right to live with relatives, in a hotel, sublease housing premises or use housing provided them in a temporary refugee accommodation facility.

According to Clause 18 of Article 1 of the Law, the temporary accommodation facilities for refugees are places for temporary accommodation of persons who have submitted an application for recognition them a refugee or a person that needs of additional protection, in respect of whom a decision has been made to process documents to resolve the issue of recognition as a refugee or a person that needs additional protection, and who have been recognized as a refugee or a person that needs additional protection.

According to Clause 11 of Part 1 of Article 27 of the Law, establishment, reorganization, maintenance and liquidation of temporary accommodation facilities for refugees falls under the authority of the State Migration Service of Ukraine.

Currently, the State Migration Service of Ukraine operates three temporary refugee accommodation facilities in Yagotyn, Kyiv oblast, Odesa, and Zakarpattia oblast.

Placement of persons in temporary refugee accommodation facilities takes place on the basis of their personal application and the corresponding referral from the territorial body of the State Migration Service of Ukraine. Individuals have the opportunity to live in multi-person living rooms equipped with individual beds, furniture, bed linen and blankets. In accordance with sanitary standards, toilets and showers with hot and cold water supply are equipped at the facilities; they also have special premises for cooking with household appliances and equipment, as well as rooms for studying, carrying out religious ceremonies, playrooms for children, sports grounds, playgrounds, etc.

In order to prevent the spread of the coronavirus infection (COVID-19), a number of organizational and practical measures were taken to ensure an appropriate anti-epidemic state.

Placement of persons in temporary refugee accommodation facilities was carried out in exceptional cases and after mandatory quarantine. Separate isolated rooms were provided for quarantine measures during the placement of persons with symptoms of coronavirus in temporary refugee accommodation centers.

The mandatory use of medical masks was introduced on the territory of the facilities, entry in the territory or premises without a mask is prohibited. Means for disinfecting hands were placed in places of intensive movement of people, inside the premises.



It was introduced prohibition on visiting the temporary accommodation facilities, except for persons who provide legal assistance to their inhabitants.

Daily cleaning of premises using disinfectants, treatment of door handles with disinfectants, irradiation of premises with bactericidal lamps 2-3 times a day, ventilation every 3 hours for 15-20 minutes was implemented in the temporary accommodation facilities for refugees.

Temperature screening of personnel was carried out daily at the beginning and at the end of the working day; it was ensured enhanced monitoring of the health status of inhabitants through daily examination and temperature measurement.

Regarding the granting of asylum to minors, according to Article 5 of the Law, a child separated from his/her family, who declares an intention to be recognized as a refugee or a person that needs additional protection shall be temporarily placed in appropriate children's institution or family.

Measures for the temporary placement of a child separated from his/her family shall be carried out by bodies for custody and guardianship in accordance with Clause 31 of the Procedure for conducting activities related to the protection of children's rights by custody and guardianship bodies, approved by the Cabinet of Ministers of Ukraine Resolution dated September 24, 2008 No. 866 "Issues of activities related to the protection of children's rights by custody and guardianship bodies."

In accordance with the Cabinet of Ministers of Ukraine Resolution dated November 16, 2016 No. 832 "On the peculiarities of social protection of children separated from their families who are not citizens of Ukraine", the legal representatives of a child separated from his/her family, until the child gets the status of a child deprived of parental care, are:

1) the body of custody and guardianship, the head of which shall issue a power of attorney to an employee of the Children's affairs duty service to represent interests of such a child;

2) a patronage tutor, head of a health care institution, educational or other children's institution where the child separated from his/her family is temporarily placed.

The legal representatives of such a child shall resolve all issues related to protection of his/her rights and interests with the mandatory consideration of the child's opinion.

According to the State Fund for Support of Youth Housing Construction (SFYH) among the main and most difficult tasks that have arisen on the way to the support and adaptation of internally displaced Ukrainian citizens is ensuring their right to housing.

On November 15, 2017 the Cabinet of Ministers of Ukraine approved the Decree No. 909-r on the Strategy for the Integration of Internally Displaced Persons and the Implementation of Long-Term Decisions on Internal Displacement until 2020 in Ukraine. This document was the first Strategy in Ukraine on ensuring the right to housing of internally displaced persons. According to this Strategy the right to housing of internally displaced persons was ensured by using of a credit and financial mechanism that provided permanent and affordable housing.

It is worth noting that the Strategy for the Integration of Internally Displaced Persons and the Implementation of Medium-Term Decisions on Internal Displacement for the period until 2024 is currently in force. It was approved by the Decree of the Cabinet of Ministers of Ukraine dated October 28, 2021 No. 1364. One of the strategic goals of this document is the implementation of housing and property rights of internally displaced persons. To achieve this goal, one of the main tasks is defined as:

expansion of credit and investment mechanisms to provide internally displaced persons with housing;

provision of internally displaced persons with permanent and affordable housing, taking into account the social aspect;

ensuring the formation of social housing funds, housing funds for temporary residence and provision of such housing for internally displaced persons, etc.

The State Fund for Support of Youth Housing Construction is the direct executor of a number of state and local housing programs. It does not stand aside from the problem of ensuring the right to housing of internally displaced persons.

A number of housing programs implemented by the State Fund for Support of Youth Housing Construction have been improved and adapted taking into account the rights of internally displaced persons. In addition, the State Fund for Support of Youth Housing Construction together with executive authorities and international partners are constantly looking for new ways and introducing new mechanisms for providing housing for internally displaced persons.

**The State Fund for Support of Youth Housing Construction implements the following mechanisms (directions) of providing housing for internally displaced persons:**

#### **I. PREFERRED MORTGAGE.**

Preferential mortgage loans are provided in accordance with:

1. The procedure for using the funds provided for in the state budget to increase the authorized capital of the State Specialized Financial Institution "State Fund for Support of Youth Housing Construction" with further direction to the implementation of the State Program for Providing Housing to Youth for 2013-2023, approved by Resolution of the Cabinet of Ministers of Ukraine dated May 11, 2011 No. 488;

2. The procedure for using the funds provided for in the state budget for the provision of preferential long-term state credit to internally displaced persons, participants in the anti-terrorist operation (ATO) and/or participants in the operation of the United Forces (UF) for the purchase of housing, approved by the resolution of the Cabinet of Ministers of Ukraine from November 27, 2019 No. 980;

3. The procedure for the use of funds provided for in the state budget under the program "Granting preferential mortgage loans to internally displaced persons" and the Procedure for preferential mortgage lending to internally displaced persons at the expense of grant funds provided by the Credit Institution for Reconstruction (CIR), approved by the resolution of the Cabinet of Ministers of Ukraine dated 28 April 2021 No. 451.

#### **II. COMPENSATION OF PART OF HOUSING COST.**

Provision of housing for citizens of Ukraine through the implementation of this mechanism takes place in accordance with the terms of the Procedure for providing state support and providing citizens with affordable housing, approved by Resolution of the Cabinet of Ministers of Ukraine dated October 10, 2018 No. 819.

It is worth noting that internally displaced persons have the right to compensation of the cost of housing in the amount of 50 percent.

#### **III. SOCIAL (TEMPORARY) HOUSING.**

The provision of temporary housing for internally displaced persons is carried out in accordance with the Resolution of the Cabinet of Ministers of Ukraine of April 29, 2022 No. 495 "Some measures for the formation of housing funds intended for the temporary residence of internally displaced persons." This resolution approved other four orders, namely:

“The procedure for the formation of housing funds intended for temporary residence, accounting and provision of such housing for temporary residence of internally displaced persons”;

“The procedure for the purchase and construction of housing for the purpose of transfer for temporary residence of internally displaced persons”;

“The procedure and conditions for granting subvention from the state budget to local budgets for the purchase, construction of housing for the purpose of transfer for temporary residence of internally displaced persons”;

“The procedure for providing housing purchased by the State Youth Housing Department at the expense of humanitarian and other aid funds for temporary residence of affected persons”.

#### IV. LOCAL HOUSING PROGRAMS.

The conditions for the implementation of local programs are regulated by Decrees approved by local authorities.

**Regarding the effective indicators of providing housing for internally displaced persons through the implementation of the above-mentioned mechanisms (directions), we provide the following information:**

Direction (mechanism)	A financial resource has been spent (million UAH)		Provided housing for families	
	2022	2017-2022	2022	2017-2022
<b>I. Preferential mortgage loan:</b>				
➤ The State Program (Resolution of the Cabinet of Ministers of Ukraine dated 27.11.2019 № 980)	-	117,52	-	116
➤ Program of the CIR (Resolution of the Cabinet of Ministers of Ukraine dated 28.04.2021 № 451)	387,95	668,08	271	512
➤ Other preferential mortgage lending programs (Resolution of the Cabinet of Ministers of Ukraine dated 11.05.2011 No. 488 and local housing programs)	9,77	117,86	13	172
<b>II. Compensation of part of housing cost (Resolution of the Cabinet of Ministers of Ukraine dated 10.10.2018 No. 819)</b>	-	386,37	-	908
<b>III. Social housing (Resolution of the Cabinet of Ministers of Ukraine dated 29.04.2022 No. 495)</b>	100,45	-	60	60

Above mentioned mechanisms are in great demand among internally displaced persons, whose number due to the full-scale military aggression of the Russian Federation has reached an unprecedented scale. The effectiveness of the mechanisms is proven by the results and requests of participation in these housing programs. But the obstacle to large-scale implementation of such mechanisms is the insufficient level of funding.

#### Article 31, paragraph 2

**b) Please provide information on whether the Covid-19 crisis has affected the prevention of homelessness. In particular, indicate whether measures have been taken to:**

- i) provision of safe housing for homeless persons. If so, how many persons were accommodated, in what form, where and for how long?**
- ii) ensuring that those provided with temporary housing have access to a housing after the crisis.**

### **Regarding provision of safe housing for homeless persons**

Legal regulation of relations in society, which are aimed at the realization of the rights and freedoms by homeless persons that are envisaged by the Constitution of Ukraine and Ukrainian laws is ensured by the Law of Ukraine "On the Basics of Social Protection for Homeless Persons and Homeless Children".

In accordance with the mentioned Law, homeless persons shall get social services at their place of their residence or place of stay, in particular in facilities for this category of persons, which are established by local government bodies and local self-governance authorities, associations of citizens, religious organizations, enterprises, institutions, and organizations irrespective of their forms of ownership.

In these facilities, homeless persons get a package of social services, taking into account their individual needs, in particular: "shelter provision", "social integration and reintegration", "social support during employment and at the workplace".

As of January 1, 2022, the network of the facilities for homeless persons consisted of 73 entities of various forms of ownership, in particular:

63 centers (wards) for registration of homeless persons, in which social services were provided to 19,100 persons;

25 night-stay houses (wards), in which more than 6,100 persons were served;

16 centers (wards) for reintegration, in which 7,300 persons were served;

5 branches of social hotels visited by 166 persons.

In total, during 2021, facilities for homeless persons served 32,600 persons.

One of the urgent needs of a homeless person is to receive the social service of a shelter, which, in addition to providing a bed, establishes conditions for implementing sanitary and hygienic measures, observing personal hygiene, getting medical services, etc., which not only meets the needs of a homeless person, but also protects the population from spreading socially dangerous diseases (infectious and parasitic diseases, tuberculosis, hepatitis, etc.).

### **d) Has your country declared an eviction moratorium/prohibition during the pandemic?**

According to information from the Ministry of Justice of Ukraine, Part 4 of Article 311 of the Civil Code of Ukraine establishes that a natural person cannot be evicted or otherwise forcibly deprived of housing, except for cases established by law.

According to Part 4 of Article 9 of the Housing Code of the Ukrainian SSR (hereinafter referred to as the Housing Code), no one can be evicted from the occupied residential premises or be restricted in the right to use the residential premises other than on the grounds and in accordance with the procedure prescribed by law.

According to Article 109 of the Housing Code, eviction from the occupied residential premises is allowed on the grounds established by law. Eviction is carried out voluntarily or through judicial procedures.

*Citizens who are evicted from residential premises shall be simultaneously provided with another permanent residential premises, with the exception of eviction in the event of foreclosure on residential premises purchased by them at the expense of a credit (loan) from a bank or other person, the return of which is secured by the mortgage of the corresponding*

*residential premise. The permanent residential premise provided to the evicted person must be specified in the court decision.*

Foreclosure on mortgaged residential premises is a legal ground for eviction of all citizens residing there, with exceptions established by the law.

After the creditor has made a decision to foreclose on the mortgaged residential building or residential premises through an out-of-court settlement on the basis of the contract, all residents are obliged to vacate voluntarily the residential building or residential premises within one month from the date of receipt of this demand, at the written request of the mortgage holder or the new owner, unless a longer term have been agreed between the parties.

If citizens do not vacate the residential premises voluntarily within the established or other agreed upon period, their forced eviction is carried out on the basis of a court decision.

Eviction of citizens upon foreclosure on residential premises purchased by them at the expense of a credit (loan) from a bank or other person, the return of which is secured by the mortgage of the corresponding residential premises is the basis for providing these citizens with residential premises from housing pools for temporary residence in accordance with Article 132 -2 of this Code.

The absence of residential premises from the housing pools for temporary residence or the refusal to provide them on the grounds established by Article 132-2 of this Code does not entail termination of the citizen's eviction from the residential premises, which is the subject of a mortgage, in the manner established by part 3 of this article.

Cases of eviction with provision of other well-equipped residential premises to evicted citizens are in Articles 110 "Eviction with provision of other well-equipped residential premises to citizens", 114 "Eviction with provision of other residential premises to citizens", 115 "Eviction from residential premises with provision of other residential premises to citizens in other cases" of the Housing Code

*In the context of legal protection in case of eviction of children, part 4 of Article 19 of the Family Code of Ukraine establishes that when the court considers disputes, in particular regarding the eviction of a child, de-registration of the child at the place of residence, recognition of the child as having lost the right to use residential premises requires mandatory participation of the custody and guardianship body, represented by the appropriate legal entity.*

### **Article 31, paragraph 3**

#### **Regarding housing and public utility services subsidies and privileges.**

There is the Housing and Public Utility Services Subsidy (HUS) program in the territory of Ukraine, through which the government compensates households for the costs of paid for housing and public utility services and purchase of solid and liquid furnace fuel and liquefied gas within the social standards of their use.

As of January 1, 2022, about 2.7 million households have been recognized eligible for the HUS subsidy at their place of registration or actual place of residence (for tenants and internally displaced persons).

In addition, a number of legislative acts envisage a discount on payments for housing and public utility services, purchase of solid and liquid furnace fuel and liquefied gas within the established social standards of their use for certain categories of citizens (combatants, disabled persons due to war, parents of fallen servicemen, war veterans, children of war, victims of the Chernobyl disaster, victims of Nazi persecution, families with many children, etc.).

### **Regarding access to legal assistance for vulnerable categories of persons**

According to information from the Ministry of Justice of Ukraine, the Law of Ukraine "On Free Legal Aid" establishes that the right to **free primary legal aid in accordance with the Constitution of Ukraine and this Law is available for all the persons** who are under the jurisdiction of Ukraine (Article 8) - consultations and clarifications regarding any legal issues, assistance in drafting applications, complaints and other legal documents (except for procedural documents).

During the period from 01.01.2018 to 30.11.2022, 2,708,018 persons got the free primary legal aid on issues that concerned them.

Article 14 of the Law defines an exhaustive list of persons entitled to **free secondary legal assistance**, which envisages provision of such types of legal services as defense; representation of interests in courts, other government bodies, local self-governance authorities, before other persons; drawing up procedural documents.

Legal aid bureaus operate throughout Ukraine, where all persons, in particular, victims of sexual and domestic violence, children, refugees, and persons that need additional or temporary protection have the opportunity to get free legal aid.

To bring legal services closer to socially vulnerable categories of persons, employees of local centers shall organize and ensure on a permanent basis operation of consulting points in the premises of government bodies, local self-governance authorities, offices for social protection of the population, centers for administrative services delivery, general and specialized support duty services for victims of domestic violence, territorial social servicing centers, in the premises of territorial bodies of the State Migration Service of Ukraine, facilities for temporary stay of foreigners and stateless persons and facilities for temporary accommodation of refugees.

Vulnerable categories of persons may get free legal assistance, in particular, by applying in person or by sending an e-mail to one of the local legal aid centers or bureaus; by calling on the single telephone number of the free legal aid system; through communication channels in Telegram/Viber; through the "Client's Dashboard" service located on the system's website, the mobile applications "Free Legal Aid" and "Your Right", as well as through the reference and information platform of legal consultations "WikiLegalAid", which is available on the Internet (<https://wiki.legalaid.gov.ua>).

During the period from 01.01.2018 to 30.11.2022, local centers for delivery of free secondary legal aid (hereinafter referred to as "the local centers") made 5,623 decisions to provide free secondary legal aid to persons who suffered from domestic violence or gender-based violence.

During the same period, 44 orders were issued for delivery of free secondary legal assistance to children who suffered from domestic violence or gender-based violence.

In May 2022, the amendments to the Law entered into force that envisage *granting the right to free secondary legal aid for victims of criminal offenses against sexual freedom and sexual integrity, torture or cruel treatment during hostilities or armed conflict..*

Clause 8 of Part 1 of Article 14 of the Law defines that the persons *who are subject to the Law of Ukraine "On Refugees and Persons that Need Additional or Temporary Protection" have the right to free secondary legal assistance.*

The specified category of persons has the right to legal services envisaged in Part 2 of Article 13 of the Law, from the moment when the person submits an application for recognition as a refugee or a person that need of additional protection in Ukraine, until the final decision on the application is made (*during the period from 01.01.2018 to 30.11. 2,022, the local centers made 1,606 decisions on delivery of free secondary legal assistance to the specified category of persons*).

According to paragraph 2 of the first part of Article 14 of the Law, *all children, including Roma children, have the right to free secondary legal assistance* and have the right to get appropriate types of legal services. The provisions of the Law also define the procedure for realization of the right of children to receive free legal aid.

Part 2 of Article 18 of the Law envisages that applications for delivery of free secondary legal assistance concerning children shall be submitted by their legal representatives at the place of actual residence of the child, regardless of the registration of the place of residence or the place of stay of the person (*during the period from 01.01.2018 to 30.11.2022 the local centers made 8,400 decisions on delivery of free secondary legal assistance to children on the basis of written appeals submitted by their legal representatives*).

Persons *that have been forcibly evicted from their housing and/or who have not been provided with social housing* at an affordable price for the poorest segments of the population are not separate category of subjects entitled to free secondary legal assistance and may get appropriate legal services in case of confirmation of their belonging to one of the vulnerable categories defined by part 1 of Article 14 of the Law (*During the period from 01.01.2022 to 30.11.2022, the local centers registered 216 requests for free legal assistance on matters related to forced eviction from housing; of them, consultations and clarification were provided in 198 cases and 18 persons got free secondary legal assistance on the issue*).