



**EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITÉ EUROPÉEN DES DROITS SOCIAUX**

April 2017

**SECOND REPORT
ON THE NON-ACCEPTED PROVISIONS
OF THE EUROPEAN SOCIAL CHARTER**

UKRAINE

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I. SUMMARY

The procedure on non-accepted provisions is based on the decision adopted by the Ministers' Deputies in December 2002 in relation to Article 22 of the 1961 Charter. The Deputies decided that "states having ratified the Revised European Social Charter should report on the non-accepted provisions every five years after the date of ratification" and "invited the European Committee of Social Rights to arrange the practical presentation and examination of reports with the states concerned".

In accordance with this decision, five years after ratification of the Revised Charter ("the Charter"), and every five years thereafter, the European Committee of Social Rights ("the Committee") reviews non-accepted provisions with the authorities of the state concerned with a view to securing a higher level of acceptance. Experience has shown that governments tend to overlook that selective acceptance of Charter provisions is intended to be transitory. The aim of the new procedure is therefore to require them to review the national situation at regular intervals and encourage them to accept more provisions.

The Charter entered into force for Ukraine in 2006 and this country was therefore concerned by the procedure on non-accepted provisions for the first time in 2011. The Committee published its report in June 2012.

In 2016 the Committee and Ukrainian Government agreed to hold a meeting in Kyiv on 23 March 2016.

Upon ratification, Ukraine accepted 74 of the Charter's 98 paragraphs and the purpose of the meeting was to examine the law and practice of Ukraine, in the light of the Committee's case law, in respect of the 24 non-accepted provisions and, where possible, to encourage the Ukrainian authorities to accept additional provisions.

The meeting was opened by Serhii Ustymenko, Vice-Minister for European Integration, Ministry of Social Policy of Ukraine. In his opening remarks, Mr Ustymenko, confirmed the willingness of the Ukrainian authorities to take an active part in the Turin process and informed of the Action Plan on social rights' adopted by the Verkhovna Rada. He considered that, despite the very difficult situation Ukraine was confronted with, a reasonably positive approach was being taken.

The meeting was moderated by Natalia Popova, Head of the International Relations Department, Ministry of Social Policy of Ukraine, representative of Ukraine to the Governmental Committee and member of the Bureau of the Committee.

The representatives of Ukraine presented the situation in law and in practice relating to the non-accepted provisions, on the basis of an extensive study prepared by Natalia Polak of the Scientific Research Institute, and by several

presentations made by representatives of different ministries (see detailed Programme in Appendix I).

The Committee delegation consisting of Lauri Leppik, General Rapporteur of the Committee, Marcin Wujczyk, member of the Committee, assisted by Régis Brillat, Executive Secretary of the Committee.

On the basis of the information presented at the meeting and the exchanges that took place, the Committee is of the view that there are no significant obstacles in law and in practice to the acceptance of the following provisions of the Charter:

- Article 2§3 - *Annual holiday with pay (provided that the extension to 28 days is adopted)*
- Article 12§2 - *Maintenance of a social security system at a satisfactory level at least equal to that required for ratification of the European Code of Social Security*
- Article 12§3 - *Development of the social security system (provided there is a political commitment on reforming the system)*
- Article 13§2 - *Non-discrimination in the exercise of social and political rights*
- Article 13§3 - *Prevention, abolition or alleviation of need*
- Article 19§1 - *Assistance and information on migration*
- Article 19§2 - *Departure, journey and reception*
- Article 19§3 - *Co-operation between social services of emigration and immigration states*
- Article 19§5 - *Equality regarding taxes and contributions*
- Article 19§6 - *Family reunion*
- Article 19§7 - *Equality regarding legal proceedings*
- Article 19§8 - *Guarantees concerning deportation*
- Article 19§9 - *Transfer of earnings and savings*
- Article 19§10 - *Equal treatment for the self-employed*
- Article 19§12 - *Teaching mother tongue of migrant*

With respect to the following provisions it appears to the Committee that the situation in Ukraine at present is not fully in compliance with the Charter:

- Article 4§1 - *Decent remuneration*
- Article 12§1 - *Existence of a social security system*
- Article 12§4 - *Social security of persons moving between states*
- Article 13§1 - *Adequate assistance for every person in need*
- Article 19§4 - *Equality regarding employment, right to organise and accommodation*
- Article 19§11 - *Teaching language of host state*
- Article 25 - *Right of workers to protection of their claims in the event of insolvency of the employer*
- Article 31§3 - *Affordable housing*

II. EXAMINATION OF THE NON-ACCEPTED PROVISIONS

During the meeting the Committee's case law was presented by the delegation members while the national situation was presented on the basis of a detailed study prepared by Natalia Povlak and of additional infraction or comments by officials from the different Ukrainian ministries and agencies (see the programme at Appendix II). Representatives of the social partners and civil society organisations also took part in the discussions.

The description of the situation in Ukraine as well as the Committee's opinions set out below are based on the information presented at the meeting and the discussions that took place.

Article 2§3

Situation in Ukraine

The Ukrainian authorities confirmed the legal framework as described in the First report on non-accepted provisions.

They also indicated that the Government had proposed to the Parliament to increase the minimum length of annual paid leave from 22 to 28 days.

Opinion of the Committee

The Committee, referring to its comments in the First Report on non-accepted provisions, considers that the planned reform would clarify the situation in respect of the minimum number of days (28) and allow for the acceptance of this provision.

Article 4§1

Situation in Ukraine

The Ukrainian authorities confirmed the legal framework as described in the First report on non-accepted provisions.

In respect of the actual level of the minimum wage, the Ukrainian authorities provided updated information which completes the information provided during the previous meeting on non-accepted provisions as follows:

The Dynamic of the National Minimum Wage

Period	Average weighted minimum wage (MW), UAH.	Average weighted monthly wage (AMW), UAH.	MW or AMW ratio (per cent)
2006	364,58	1041	35.0
2007	430.00	1351	31.8
2008	532.50	1806	29.5
2009	643.17	1906	33.7
2010	888.25	2239	39.7
2011	963	2633	36,7
2012	1134	3026	37.5
2013	1218	3265	37.3
2014	1218	3480	35
2015	1378	4195	32.8

Opinion of the Committee

The Committee recalls that in order to be considered fair within the meaning of Article 4§1, a wage must not fall too far short of the national average wage. The threshold adopted by the Committee is 60%.¹ If the minimum or lowest actual wage lies between 50% and 60%, the state is asked to demonstrate that the wage is sufficient for a decent standard of living, e.g. by providing detailed information on the cost of living.² However, a net wage which is less than half the net national average wage will be deemed to be unfair and therefore the situation of the Party concerned will not be in conformity with Article 4§1.

From the information provided by the Government, it appears that the minimum wage in Ukraine is well below 50% of the average wage and the Committee therefore encourages the Ukrainian authorities to continue their efforts towards bringing the situation into conformity with Article 4§1.

Article 12§1

Situation in Ukraine

A detailed legal framework was presented during the previous meeting including references to the legislation in force (see First Report).

During the meeting on 23 March 2016, the Ukrainian authorities confirmed the detailed information appearing in the first report and they referred to Article 46 of the Constitution, which reads as follows:

¹ Conclusions XIV-2, Statement of Interpretation on Article 4§1, pp. 50-52.

² Conclusions 2003, France, p. 120.

“Citizens shall have the right to social protection including the right to financial security in cases of complete, partial, or temporary disability, loss of the principal wage-earner, unemployment due to circumstances beyond their control, old age, and in other cases determined by law.

This right shall be guaranteed by the mandatory state social insurance based on insurance payments made by citizens, enterprises, institutions, and organisations, as well as by budgetary and other sources of social security; and by establishing a network of state, communal, and private institutions caring for incapacitated persons.

Pensions and other types of social payments and assistance that are the principal sources of subsistence shall ensure a standard of living not lower than the minimum living standard established by law. “

They also mentioned the following recent legislation:

- Decree of the Government of Ukraine No 955 of 11 July 2002 on the program to provide free medical aid by the State;
- Law on State budget of Ukraine for 2016 No 928-VIII of 25 December 2015;
- Law on Remuneration of Labour No 966-XIV of 15 July 1999;
- Law on State social standards and State social guarantees No 2017-III of 5 October 2000;
- Law on State Assistance to Families with Children No 2811-XII of 21 November 1992;
- Law on State social assistance to disabled persons from childhood and disabled children No 2109-III of 16 November 2000.

Opinion of the Committee

The Committee confirms its opinion according to which the social security system covers most of the traditional risks addressed by Article 12§1: mandatory state social insurance comprises unemployment benefits, sickness and maternity benefits, occupational accidents and diseases and pensions (old-age, disability, survivors). Medical care is provided on the basis of the Constitution (Article 49) and health care legislation. It is according to the Government provided free of charge to 100% of the population.

It also appears that the system has a significant personal scope.

However, no information was provided on the level of the minimum rates of benefits in the different branches. In order to be in compliance with Article 12§1, a social security system must guarantee the adequacy of the benefits served. Indeed, the Charter is a human rights instrument with a special emphasis for persons in a vulnerable situation.

In the previous report on non-accepted provisions, the Committee had noted that the amount of several types of benefits was insufficient to meet the criteria of adequacy. Therefore, without information indicating that the level of benefits has significantly improved, the Committee confirms its opinion that acceptance of Article 12§1 is not yet possible.

Article 12§2

Situation in Ukraine

No specific information was given under this provision. Reference is made to the previous report as well as to inflation provided under article 12§1.

Opinion of the Committee

The Committee takes note of the willingness of the Ukrainian authorities to ratify ILO Convention No 102, as well as the European Code of Social Security. It takes note of the signature of the European Code of Social Security by Ukraine on 10 November 2016.

The Verkhovna Rada ratified ILO Convention No 102 (Parts II, III, IV, V, VI, VII, VIII, IX), which will enter into force on 6 June 2017.

Article 12§3

Situation in Ukraine

The Ukrainian authorities did not provide specific information on this provision.

Opinion of the Committee

During the last assessment, the Committee considered that the information at its disposal did not indicate any major obstacle to acceptance of Article 12§3 by Ukraine.

On the basis of the information at its disposal, the Committee confirms this opinion.

Article 12§4

Situation in Ukraine

No specific information was provided under article 12§4. The previous report on non-accepted provisions contains a description of the legal framework, as well as the list of Agreements and treaties concluded by Ukraine.

Opinion of the Committee

The Committee confirms its previous assessment i.e.:

“The Committee recalls that Article 12§4 applies to nationals of other States Parties who no longer reside on the territory concerned but who did reside or worked regularly there in the past and acquired social security rights. The guarantee of equal treatment within the meaning of Article 12§4 requires states to remove all forms of discrimination from their social security legislation against foreigners in so far as they are nationals of other States Parties.

The Committee notes that mandatory social insurance shall be extended to foreigners, stateless persons and members of their families who reside in Ukraine, unless otherwise stipulated by international treaties of Ukraine ratified by the Verkhovna Rada of Ukraine. Having noted that equal treatment under the Law of Ukraine on "Mandatory State Pension Insurance" should be granted "on conditions and in the manner stipulated by that law" clarification would be needed as to whether the legislation stipulate any restrictive conditions or eligibility criteria, for instance length of residence requirements.

With respect to the principles retention of accrued rights (exportability) and maintenance of accruing rights (aggregation) the Committee takes note of the bilateral agreements concluded by Ukraine. However, as this "network" of agreements only covers a limited number of States Parties, the situation is not in conformity unless it can be demonstrated that the above-mentioned principles by unilateral measures or through multilateral agreements.

As no information has been provided to indicate that this is the case, it would appear that the situation is not currently in conformity with Article 12§4 of the Charter."

Article 13§1

Situation in Ukraine

In addition to the legal framework described in the first report, the Ukrainian authorities referred to Decree of the Government of Ukraine No 955 of 11 July 2002 on the program to provide free medical aid by the State and the Law "On Fundamental principles of legislation of Ukraine on health care" No 2801-XII of 19 November 1992 (Article 18 Financing of health care by the State).

It confirmed that the subsistence minimum level is set based on the actual capabilities of the expenditure part of the State Budget of Ukraine and approved simultaneously with the adoption of the Law on the State Budget of Ukraine for the respective year.

The law "On State Budget of Ukraine for 2016" (No 928-VIII of 25 December 2015) sets the subsistence level (guaranteed minimum) for awarding of benefits under the Law of Ukraine "On state social assistance to low-income families" as a percentage share of the subsistence minimum level for main social and demographic groups, for labour-capable persons – 21% (from 1 January 2016 – UAH 289.38), for children - 85% (from 1 January 2016: for children under 6 years – UAH 991.95, from 6 to 18 years – UAH 1236.75); for those persons who lost labour-capacity and for the disabled - 100% (from 1 January 2016 – UAH 1074) of the respective subsistence minimum.

Opinion of the Committee

In its previous assessment, the Committee recalled that:

"Article 13 assistance must be "appropriate", i.e. make it possible to live a decent life and to cover the individual's basic needs. In order to assess the level of assistance, the Committee takes into account basic benefits, additional benefits and the poverty threshold in the country, which is set at 50% of the median equivalised income. In this respect the Committee noted that social assistance in Ukraine is set as a percentage share of the national subsistence minimum, for instance 21% or UAH 210.84 for a "labour-capable" person (the 2011 subsistence minimum was UAH 800). Although the Government does not provide information

on median equivalised income, the Committee having regard to other indicators such as the average wage considers this level of assistance to be manifestly inadequate.

In view of the inadequate level of social assistance and having regard to the key issues where clarifications are outstanding, the situation in Ukraine cannot at present be considered to be in conformity with Article 13§1.”

The Committee takes note of the evolution in the level of the benefits. However, it notes that they are still below the threshold and, therefore, the situation in Ukraine cannot still be considered to be in conformity with Article 13§1.

Article 13§2

Situation in Ukraine

The legal framework described in the previous report was confirmed:

“Legal framework

- Constitution of Ukraine, dated June 28, 1996, № 254/96-VR;
- International Covenant on Economic, Social and Cultural Rights (ratified by Ukraine on 19 October 1973)

In accordance with Article 24 of the Constitution of Ukraine, citizens enjoy equal constitutional rights and freedoms and are equal before the law. There can be no privileges or restrictions based on race, colour, political, religious and other beliefs, gender, ethnic or social origin, property status, place of residence, linguistic or other characteristics. Equal rights of women and men is ensured: by providing women equal opportunities with men in public, political and cultural activities, education and professional training, in work and remuneration; by special measures for occupational safety and health of women and by establishing pension privileges; by creating conditions that enable women to combine work and motherhood; by legal protection, material and moral support for mothers and children, to include granting of paid vacations and other privileges to pregnant women and mothers.

In accordance with Article 46 of the Constitution of Ukraine, citizens have the right to social protection, including the right to material support in cases of complete, partial or temporary labour incapacity, loss of the sole family supporter, unemployment for circumstances beyond their control, as well as in old age and in other cases provided by law. That right is guaranteed by the general mandatory state social insurance based on insurance contributions by citizens, enterprises, institutions and organizations, as well as budgetary and other sources of social security; by creation of a network of state, municipal and private institutions to care for those incapable of labour. Pensions and other social payments and benefits that are the main source of livelihood, should ensure a standard of living that is not lower than the subsistence minimum established by law. ”

The Ukrainian authorities also mentioned the Constitution of Ukraine :

Article 38

- Citizens have the right to participate in the administration of state affairs, in All-Ukrainian and local referendums, to freely elect and to be elected to bodies of state power and bodies of local self-government.
- Citizens enjoy the equal right of access to the civil service and to service in bodies of local self-government.

Article 40

· Everyone has the right to file individual or collective petitions, or to personally appeal to bodies of state power, bodies of local self-government, and to the officials and officers of these bodies, that are obliged to consider the petitions and to provide a substantiated reply within the term established by law.

Article 48

· Everyone has the right to a standard of living sufficient for himself or herself and his or her family that includes adequate nutrition, clothing and housing.

Article 49

· Everyone has the right to health protection, medical care and medical insurance.

· Health protection is ensured through state funding of the relevant socio-economic, medical and sanitary, health improvement and prophylactic programmes.

· The State creates conditions for effective medical service accessible to all citizens. State and communal health protection institutions provide medical care free of charge; the existing network of such institutions shall not be reduced. The State promotes the development of medical institutions of all forms of ownership.

· The State provides for the development of physical culture and sports, and ensures sanitary-epidemic welfare.

Opinion of the Committee

The Committee recalls that under Article 13§2, persons receiving assistance must not suffer as a result any diminution of their political or social rights. Any discrimination against persons receiving assistance that might result from an express provision must be eradicated.

It draws the attention of the Ukrainian authorities on the situation of Internally Displaced Persons and confirms that although certain clarifications are needed, such as on the political rights of assistance recipients and on the situation of persons without a fixed place of residence, the information in the Committee's possession does not indicate any particular obstacles to immediate acceptance by Ukraine of Article 13§2.

Article 13§3

Situation in Ukraine

In addition to the legal framework described in the previous report:

“Legal framework

- Law of Ukraine "On Social Services", dated 19 June 2003, № 966-IV;
- Resolution by the Cabinet of Ministers of Ukraine, dated 29 December 2009, № 1417, "Some issues of activities by territorial centres of social services (provision of social services)";

- Order of the Ministry of Labour and Social Policy of Ukraine, dated 29 December 2001, № 549 "On approval of the standard provisions on boarding homes for the elderly, disabled persons and children"

In order to provide social services to citizens who are in difficult life circumstances and require external assistance at home, on the permanent, temporary or day-care basis, territorial centres shall be established.

The right to state social assistance is granted to low income families who reside in the territory of Ukraine.

As of 1 January 2011, the network of territorial centres of social services (provision of social services) encompassed 736 institutions that served about 2 million people. “,

The following new texts were referred to by the Ukrainian authorities:

- Decree of the Government of Ukraine concerning the order of social payments for families with low income, No 250 of 24 February 2003;
- Decree of the Cabinet of Ukraine on the strategy to defeat poverty in Ukraine before 2020 No 161 of 16 March 2016; the strategy considers how to reduce risks of poverty and social exclusion of vulnerable persons providing social help together with steps for social integration and increasing the level of social payments for low income families as well as increasing the capacities to work in the labour market.

Opinion of the Committee

The Committee understands, from the information given under Article 13§4, that equal treatment is granted to foreigners. However the other issue mentioned in the previous opinion i. e. whether there are possibilities of appeal in case access to services is refused remains to be clarified before the Committee is in a position to assess the situation in Ukraine.

Article 13§4

Situation in Ukraine

Ukraine is not a State Party to the European Convention on Social and Medical Assistance, signed in Paris on 11 December 1953.

The Ukrainian authorities referred to the following legislation:

- Law No 3773 of 22 September 2011 on the Legal status of foreigners, according to which foreigners have the same rights and freedoms as nationals (according to Article 26 of the Constitution). This also applies to stateless permanently residing in Ukraine as well as to refugees who enjoy the same medical care as Ukrainian citizens. According to Article 10 of the law, they also enjoy the right to social protection including the right to pensions and other social help according to the Ukrainian legislation and the international treaties to which Ukraine is a Party.

Opinion of the Committee

The Committee considers that the information which complements the information given last time provides clarification on the entitlement to emergency social and medical assistance of foreigners who are lawfully present, but not resident, on the territory of Ukraine.

The Committee confirms that, based on the information at its disposal, there would seem to be no legal obstacles to the immediate acceptance by Ukraine of Article 13§4.

Article 19

Article 19 §§ 1, 2, 3, 7, 9 and 12

Opinion of the Committee

During its previous examination, the Committee took note of the detailed information provided in respect of Article 19 §§ 1, 2, 3, 7, 9 and 12. While the situation practice would require more detailed examination, the Committee did not find that there are any major legal obstacles to acceptance by Ukraine of these paragraphs.

The information provided during the meeting on 23 March 2016 confirmed the situation. Therefore, the Committee confirms its opinion on these paragraphs.

Article 19§1

Situation in Ukraine

The Ukrainian authorities referred to the following legislation:

- Law of Ukraine “On External Labour Migration” No 761-VIII dated 5 November 2015

Article 19§2

Situation in Ukraine

In addition to the legal framework in the first report, the Ukrainian legislation referred to the following legislation:

- Resolution of the Cabinet of Ministers of Ukraine No 121 "Procedure of medical assistance for foreigners and stateless persons permanently residing or temporarily staying in Ukraine, who filed an application for recognition as a refugee or a person in need of additional protection, concerning whom a decision was met to process documents for resolving the issue of recognition as refugee or person in need of additional protection and who are recognised

as refugees or persons in need of additional protection" of 19 March 2014.

In accordance with the Resolution of the Cabinet of Ministers of Ukraine No 121, foreigners and stateless persons temporarily staying in Ukraine are being provided medical assistance, including emergency, for a fee if the laws or international treaties of Ukraine provide otherwise. Medical care to foreigners and stateless persons residing in the territory of Ukraine, foreigners and stateless persons who are recognized as refugees or persons in need of additional protection, is provided through budgetary funds allocated for this purpose in the state and local budgets. The entrance of foreigners to Ukraine without a valid medical insurance policy is limited, because according to the Law of Ukraine "On Legal Status of Foreigners and Stateless Persons" it is a prerequisite for the issuance of a temporary residence permit. Lack of health insurance and possibilities of its registration in Ukraine is one of the reasons for refusal of visa.

Article 19§7

Situation in Ukraine

The Ukrainian authorities referred to the following legislation:

- Law of Ukraine "On legal aid" No 3460-VI of 2 June 2011
- Criminal Code of Ukraine No 2341-III of 5 April 2001 (participants in criminal proceedings have the right to use their mother tongue or the language they speak, and to use an interpreter)

Article 19§9

Situation in Ukraine

The Ukrainian authorities referred to the following legislation:

- Resolution of the National Bank of Ukraine "Rules for transfers abroad and within the territory of Ukraine by individuals for current exchange non-commercial transactions and their payments in Ukraine" No 496 of 29 December 2007

In accordance with the Resolution of the National Bank of Ukraine No 496, non-resident individuals are allowed without opening current accounts in foreign currency to transfer abroad an amount that does not exceed the equivalent of 15 000 hryvnia per one working day on the basis of documents confirming the source of foreign currency. Transfers in foreign currency outside Ukraine from current accounts of non-resident individuals are allowed to be made without limitation of the amount.

Article 19§4

Situation in Ukraine

The previous report contains a detailed presentation of the legal framework in Ukraine.

Opinion of the Committee

The Committee notes that the situation is unchanged: foreigners may join trade unions, but are not allowed to form trade unions. The Committee considers that this is contrary to the Charter.

In conclusion, the Committee considers that the situation in Ukraine is not fully in compliance with Article 19§4 as migrant workers do not have the right to form trade unions.

Article 19§5

Situation in Ukraine

The previous report contains a short presentation of the legal framework in Ukraine. The Committee had asked for confirmation that there is no distinction between nationals and foreigners as regards any taxes, dues and contributions.

The information given during the meeting indicate that foreign workers are under the same obligations as citizens of Ukraine.

Opinion of the Committee

On the basis of the information provided, the Committee considers that there are no major legal obstacles to acceptance by Ukraine of this paragraph.

Article 19§6

Situation in Ukraine

The general legal framework described in the previous report remains valid.

Opinion of the Committee

In order to be able to reach a firm opinion as to the conformity of the situation in Ukraine in relation to Article 19§6, the Committee would need precise information on the conditions and modalities to which family reunion is subjected as well as information on the actual number of persons applying for family reunion and of those benefitting from family reunion.

Article 19§8

Situation in Ukraine

The general legal framework described in the previous report remains valid.

Opinion of the Committee

The information provided concerns mainly the extension of work permits and the Committee is therefore unable to reach a firm opinion as to whether the situation in Ukraine meets the requirements of Article 19§8.

Article 19§10

Situation in Ukraine

The legal framework described in the previous report remains valid.

The Ukrainian authorities also mentioned the following legislation:

- Tax Code of Ukraine No 2755-VI of 2 December 2010

According to Article 14.1.226 of the Tax Code of Ukraine, a self-employed person is a taxpayer who is an individual entrepreneur or performs independent professional activity, provided that such person is not an employee of such business or independent professional activity.

An independent professional activities refer to individual participation in scientific, literary, artistic, artistic, educational or teaching activities, the activities of doctors, private notaries, lawyers, insolvency officer (asset manager, external administrator, liquidators), auditors, accountants, appraisers, engineers or architects, persons engaged in religious (missionary) activities other similar activities, provided that such person is not an employee or an individual entrepreneur and employs staff of no more than four people

The Ukrainian authorities informed that the self-employed migrant workers enjoy the same rights on protection and assistance as the self-employed citizens of Ukraine. However, there was no additional legislation provided in the Presentation to support this statement.

Opinion of the Committee

The Committee understands the information provided by the Ukrainian authorities as a confirmation that self-employed migrants workers enjoy the same rights as self-employed citizens of Ukraine and, in particular, the rights provided for in all paragraphs of Article 19.

On the basis of this information, there seem to be no obstacles to immediate acceptance by Ukraine of Article 19§10.

Article 19§11

Situation in Ukraine

The legal framework described in the previous report remains valid.

The Ukrainian authorities also mentioned the following legislation:

- Decree of the Cabinet of Ministers of Ukraine “On Action Plan for the realization of the Concept of state migration policy” No 1058-p of 12 October 2011
- Decree of the Cabinet of Ministers of Ukraine “On Action Plan for the integration of refugees and persons in need of additional protection in the Ukrainian society for the period until 2020” No 605-p of 22 August 2012

In accordance with the above-mentioned Decrees of the Cabinet of Ministers, Ukraine has developed a procedure for determining the level of Ukrainian language of persons, who apply for the citizenship of Ukraine, studying the state language by Ukrainians, migrants and refugees abroad, and also creating multi-level educational programs for learning Ukrainian language as a foreign language, including programs for adults as well.

Opinion of the Committee

The Committee confirms its assessment i. e. that, in the absence of specific language-teaching measures benefitting migrant workers and their families, in addition to the teaching provided as part of the ordinary formal education, the situation in Ukraine would appear to be not fully in compliance with Article 19§11.

Article 25

Situation in Ukraine

The legal framework described in the previous report remains valid.

The Act, adopted on 22 December 2011 "On Amendments to the Law of Ukraine On Restoring of Debtor Solvency or Declaring a Debtor Bankrupt", which provided for improvements in the bankruptcy procedures and a first-priority meeting of claims concerning payment of back wages to working and dismissed employees of the bankrupt enterprise, entered into force on 18 January 2013.

Opinion of the Committee

The Committee understands that the envisaged creation of a fund for labour compensation guarantees has not been carried.

On the basis of the information at its disposal, the Committee confirms its previous assessment that the situation in Ukraine is not at present in compliance with Article 25.

Article 31§3

Situation in Ukraine

The legal framework described in the previous report remains valid.

The Ukrainian authorities also mentioned the following legislation:

- Resolution of the Cabinet of Ministers of Ukraine "On approval of the State Program for youth housing for years 2013-2017" No 967 of 24 October 2012;
- Resolution of the Cabinet of Ministers of Ukraine "On increasing the authorised capital of the State of specialised financial institution "State Fund for Youth Housing"" No 742 of 11 October 2016;
- Law of Ukraine "On Social Housing Stock" No 3334-IV of 12 January 2006;
- The Law on amendments to Article 4 of the Law of Ukraine "On prevention of the global financial crisis on the construction industry and housing" No 1954-VIII of 16 March 2017.

The authorities also confirmed that State support is provided by:

- payment of 30% of the price of the specified area of affordable housing from the state and / or local budget. At the same time, a citizen deposits funds on their current account, opened with an authorized bank, in the amount of 70% of the price of the specified area of affordable housing;
- provision, by authorized banks or by a contractor (in case it is envisaged by law), of a preferential mortgage loan for up to 30 years. The interest rate for such loans is set at no more than the discount rate of the National Bank of Ukraine plus 2%.

The right to state support is granted to the following citizens:

- those who are registered as citizens who require improvement of housing conditions and are defined by central bodies of executive power or bodies of local self-government in charge of such registration as being eligible for affordable housing;
- those whose average monetary income (wages, pension, social and financial benefits, scholarships and other social benefits, income from business, academic, teaching, creative activities and other independent professional activities, all types of rewards, monetary allowance of military personnel, dividends, interest, royalty, income from alienation of securities and corporate rights), together with those of members of their families per capita, does not exceed five times the size of the average wage in the region, calculated according to data of the State Committee for Statistics.

In respect of the State target-oriented social and economic programme for construction (purchase) of affordable housing for years 2010-2017 (hereinafter referred to as "the Programme"), the Ukrainian authorities indicated the State stopped financing the Program in 2014.

The Law on amendments to Article 4 of the Law of Ukraine "On prevention of the global financial crisis on the construction industry and housing" No 1954-VIII of 16 March 2017 establishes state support of 50% of the cost of construction (purchase) of affordable housing and / or preferential mortgage loan for veterans and internally displaced persons. They will receive assistance within the funds provided by the state budget for the State target-oriented social and economic programme for construction (purchase) of affordable housing for years 2010-2017, the financing of which was stopped in 2014.

Opinion of the Committee

On the basis of the information at its disposal, the Committee is not able to conclude that the situation as regards Article 31§3 is in conformity with the Charter.

III. THE COLLECTIVE COMPLAINTS PROCEDURE

During the meeting, the Committee delegation made a detailed presentation of the collective complaints procedure and a discussion took place on this issue.

The Committee delegation, confirming that the collective complaints procedure is an essential instrument in ensuring the proper implementation of the Charter, referred to the Declaration of the Committee of Ministers adopted under the Ukrainian chairmanship in October 2012 which invites the member States of the Council of Europe to consider acceptance of this procedure (see Appendix III). The Committee delegation also emphasised that States, having accepted the procedure, are exempted from part of the reporting obligations under the Charter.

APPENDIX I: Programme of the meeting on the non-accepted provisions of the European Social Charter, Kiev, 23 March 2016



PROGRAMME

**SECOND MEETING ON THE NON ACCEPTED PROVISIONS
OF THE EUROPEAN SOCIAL CHARTER**

organised by

Council of Europe

and

Ministry of Social Policy of Ukraine

Kyiv, 23 March 2016

Venue: Ministry of Social Policy of Ukraine, 8/10 Esplanadna Str., room 1907

Working languages: English and Ukrainian

The meeting is organised within the framework of the procedure provided for by Article 22 of the 1961 Charter on “non-accepted provisions”. It will consist of an exchange of views and information on the provisions not accepted by Ukraine with a view to evaluating the prospects for acceptance of additional provisions. There will also be an exchange of views on the collective complaints procedure.

Background

Ukraine ratified the European Social Charter on 21 December 2006, accepting 74 of its 98 paragraphs. It has not accepted the Collective Complaints procedure.

The first meeting on the non-accepted provisions by Ukraine took place in Kyiv on 29-30 September 2011. On the basis of the information presented at the meeting and the detailed written contribution provided subsequently - in May 2012 - by the Government, the Committee was of the view that there were no significant obstacles in law and in practice to the immediate acceptance by Ukraine of the following provisions of the Charter:

- Article 2§3 - *Annual holiday with pay*
- Article 12§3 - *Development of the social security system*
- Article 13§2 - *Non-discrimination in the exercise of social and political rights*
- Article 13§4 - *Specific emergency assistance for non-residents*
- Article 19§1 - *Assistance and information on migration*
- Article 19§2 - *Departure, journey and reception*
- Article 19§3 - *Co-operation between social services of emigration and immigration states*
- Article 19§7 - *Equality regarding legal proceedings*
- Article 19§9 - *Transfer of earnings and savings*
- Article 19§12 - *Teaching mother tongue of migrant*

In respect of the following provisions the Committee was not in a position to reach a firm opinion, in particular due to further clarifications being needed on key issues or due to lack of relevant information:

- Article 12§2 - *Maintenance of a social security system at a satisfactory level at least equal to that required for ratification of the European Code of Social Security*
- Article 13§3 - *Prevention, abolition or alleviation of need*
- Article 19§5 - *Equality regarding taxes and contributions*
- Article 19§6 - *Family reunion*
- Article 19§8 - *Guarantees concerning deportation*
- Article 19§10 - *Equal treatment for the self-employed*

With respect to the following provisions it appeared to the Committee that the situation in Ukraine was not fully in compliance with the Charter:

- Article 4§1 - *Decent remuneration*
- Article 12§1 - *Existence of a social security system*
- Article 12§4 - *Social security of persons moving between states*
- Article 13§1 - *Adequate assistance for every person in need*
- Article 19§4 - *Equality regarding employment, right to organise and accommodation*
- Article 19§11 - *Teaching language of host state*
- Article 25 - *Right of workers to protection of their claims in the event of insolvency of the employer*
- Article 31§3 - *Affordable housing*

No additional provision has been accepted by Ukraine since the ratification of the Charter.

Programme

Moderator: Natalia Popova, Head of the International Relations Department, Ministry of Social Policy of Ukraine

9.30 Opening of the meeting

- *Serhii Ustymenko, Vice-Minister for European Integration, Ministry of Social Policy of Ukraine*
- *Régis Brillat, Executive Secretary of the European Committee of Social Rights, Council of Europe*

9.45 Article 2§3 (Annual holiday with pay) and Article 4§1 (Decent remuneration)

Situation in law and in practice in Ukraine, reasons for non-acceptance

- *Natalia Polyak, Scientific Research Institute*
- *Oleksandr Tovstenko, Director of the Department for Remuneration and Working Conditions, Ministry of Social Policy of Ukraine*

Comments in the light of the Committee's conclusions and decisions

- *Marcin Wujczyk, member of the European Committee of Social Rights*

Discussion

10.15 Article 12§§1-4 (Right to social security)

Situation in law and in practice in Ukraine, reasons for non-acceptance

- *Oleksandr Savenko, Director of the Department for Social Insurance and Partnership, Ministry of Social Policy of Ukraine*
- *Tatiana Matyuch, Deputy Director of the Department for Pension Security - Head of Division, Ministry of Social Policy of Ukraine*
- *Diana Rakus, International Relations Department, Ministry of Social Policy of Ukraine*

Comments in the light of the Committee's conclusions and decisions

- *Lauri Leppik, General Rapporteur of the European Committee of Social Rights*

Discussion

11.00 Coffee break

11.15 Article 13§§1-4 (Right to social and medical assistance)

Situation in law and in practice in Ukraine, reasons for non-acceptance

- *Natalia Polyak, Scientific Research Institute*
- *Vitaliy Muzychenko, Director of the Department for Social Assistance, Ministry of Social Policy of Ukraine*
- *Oksana Sulima, Head for the Elderly and Social Services Department, Ministry of Social Policy of Ukraine*

Comments in the light of the Committee's conclusions and decisions

- *Lauri Leppik, General Rapporteur of the European Committee of Social Rights*

Discussion

12.00 Article 25 (Right of workers to protection of their claims in the event of insolvency of the employer)

Situation in law and in practice in Ukraine, reasons for non-acceptance

- *Natalia Polyak, Scientific Research Institute*
- *Oleksandr Tovstenko, Director of the Department for Remuneration and Working Conditions, Ministry of Social Policy of Ukraine*

Comments in the light of the Committee's conclusions and decisions

- *Marcin Wujczyk, member of the European Committee of Social Rights*

Discussion

12.30 Article 31§3 (Affordable housing)

Situation in law and in practice in Ukraine, reasons for non-acceptance

- *Natalia Polyak, Scientific Research Institute*

Comments in the light of the Committee's conclusions and decisions

- *Marcin Wujczyk, member of the European Committee of Social Rights*

Discussion

13.00 Lunch break

14.30 Article 19§1 (Assistance and information on migration), Article 19§2 (Departure, journey and reception), Article 19§3 (Co-operation between social services of emigration and immigration states), Article 19§4 (Equality regarding employment, right to organise and accommodation), Article 19§5 (Equality regarding taxes and contributions) and Article 19§6

(Family reunion) Article 19§7 (Equality regarding legal proceedings), Article 19§8 (Guarantees concerning deportation), Article 19§9 (Transfer of earnings and savings), Article 19§10 (Equal treatment for the self-employed), Article 19§11 (Teaching language of host state) and Article 19§12 (Teaching mother tongue of migrant)

Situation in law and in practice in Ukraine, reasons for non-acceptance

- *Serhii Kikina, Director of the Department for Labour Market and Employment, Ministry of Social Policy of Ukraine*

Comments in the light of the Committee's conclusions and decisions

- *Régis Brillat, Executive Secretary of the European Committee of Social Rights*

Discussion

15.30 Coffee break

16.00 The collective complaints procedure

- *Introduction by Régis Brillat, Executive Secretary of the European Committee of Social Rights*

Progress towards acceptance of the procedure by Ukraine

- *comments by Natalia Popova, Head of the International Relations Department, Ministry of Social Policy of Ukraine*

Discussion

17.00 Conclusions of the meeting

- *Lauri Leppik, General Rapporteur of the European Committee of Social Rights*
- *Serhii Ustymenko, Vice-Minister for European Integration, Ministry of Social Policy of Ukraine*

APPENDIX II: Situation of Ukraine with respect to the European Social Charter



— Ukraine and the European Social Charter —

Signatures, ratifications and accepted provisions

Ukraine ratified the Revised European Social Charter on 21/12/2006, accepting 74 of the 98 paragraphs of the Charter.

It has not accepted the system of collective complaints.

Charter in domestic law

Automatic incorporation into domestic law.

Table of accepted provisions

1.1	1.2	1.3	1.4	2.1	2.2	2.3	2.4	2.5	2.6	2.7	3.1	
3.2	3.3	3.4	4.1	4.2	4.3	4.4	4.5	5	6.1	6.2	6.3	
6.4	7.1	7.2	7.3	7.4	7.5	7.6	7.7	7.8	7.9	7.10	8.1	
8.2	8.3	8.4	8.5	9	10.1	10.2	10.3	10.4	10.5	11.1	11.2	
11.3	12.1	12.2	12.3	12.4	13.1	13.2	13.3	13.4	14.1	14.2	15.1	
15.2	15.3	16	17.1	17.2	18.1	18.2	18.3	18.4	19.1	19.2	19.3	
19.4	19.5	19.6	19.7	19.8	19.9	19.10	19.11	19.12	20	21	22	
23	24	25	26.1	26.2	27.1	27.2	27.3	28	29	30	31.1	
31.2	31.3							Grey = Accepted provisions				

Reports on non-accepted provisions

The European Committee of Social Rights ("the Committee") examines the situation of non-accepted provisions of the Revised Charter every 5 years after the ratification. It adopted a [report concerning Ukraine](#) in 2012.

Further information on the reports on non-accepted provisions is available on the [relevant webpage](#).

Monitoring the implementation of the European Social Charter ³

I. Reporting system ⁴

Reports submitted by Ukraine

Between 2008 and 2016, Ukraine submitted 7 reports on the application of the Revised Charter.

The 8th report, which was submitted on 5 July 2016, concerned the accepted provisions relating to Thematic Group 1 "Employment, training and equal opportunities" (Articles 1, 9, 10, 15, 18, 20, 24 and 25 of the Revised Charter).

In addition, the report provided the information required by the Committee in the framework of Conclusions 2014 relating to Thematic Group 3 "Labour rights" (Articles 2, 4, 5, 6, 21, 22, 26, 28 and 29 of the Revised Charter), in the event of non-conformity for lack of information.

Conclusions with respect to these provisions were published in January 2017.

The 9th report, which was to be submitted by 31/10/2016, should concern the accepted provisions relating to Thematic Group 2 "Health, Social security and social protection", namely:

- the right to safe and healthy working conditions (Article 3),
- the right to protection of health (Article 11),
- the right to social security (Article 12),
- the right to social and medical assistance (Article 13),
- the right to benefit from social welfare services (Article 14),
- the right of elderly persons to social protection (Article 23),
- the right to protection against poverty and social exclusion (Article 30).

In addition, the report should provide the information required by the Committee in the framework of Conclusions 2015 relating to Thematic Group 4 "Children, families, migrants" (Articles 7, 8, 16, 17, 19, 27 and 31 of the Revised Charter), in the event of non-conformity for lack of information.

The conclusions related to these provisions will be published in January 2018.

³ The Committee monitors compliance with the Charter under two procedures, the reporting system and the collective complaints procedure, according to Rule 2 of the Committee's rules: « 1. The Committee rules on the conformity of the situation in States with the European Social Charter, the 1988 Additional Protocol and the Revised European Social Charter. 2. It adopts conclusions through the framework of the reporting procedure and decisions under the collective complaints procedure ». Further information on the [procedures](#) may be found on the [HUDOC database](#) and in the [Digest of the case law of the Committee](#).

⁴ Following a [decision taken by the Committee of Ministers in 2006](#), the provisions of the Charter have been divided into four thematic groups. States present a report on the provisions relating to one of the four thematic groups on an annual basis. Consequently each provision of the Charter is reported on once every four years.

Following a [decision taken by the Committee of Ministers in April 2014](#), States having accepted the collective complaints procedure are required, in alternation with the abovementioned report, to provide a simplified report on the measures taken to implement the decisions of the Committee adopted in collective complaints concerning their country. The alternation of reports is rotated periodically to ensure coverage of the four thematic groups.

Detailed information on the Reporting System is available on the [relevant webpage](#). The reports submitted by States Parties may be consulted in the [relevant section](#).

Situations of non-conformity ⁵

Thematic Group 1 "Employment, training and equal opportunities" - Conclusions 2016

► *Article 1§1 - Right to work - policy of full employment*

It has not been established that employment policy efforts have been adequate in combatting unemployment and promoting job creation

► *Article 1§2 - Right to work -freely undertaken work (non-discrimination, prohibition of forced labour, other aspects)*

-It has not been established that the prohibition of discrimination in employment is effectively implemented in practice;

-Legislation does not provide for a shift in the burden of proof in discrimination cases.

► *Article 1§3 - Right to work Paragraph -free placement services*

It has not been established that public employment services operate in an efficient manner.

► *Article 9 - Right to vocational guidance*

It has not been established that the right to vocational guidance within the labour market is guaranteed.

► *Article 10§1 - Right to vocational training -technical and vocational training; access to higher technical and university education*

It has not been established that the system of secondary and higher vocational education operates in an efficient manner.

► *Article 10§2 - Right to vocational training- apprenticeship*

It has not been established that there is an effective system of apprenticeship.

► *Article 10§4 - Right to vocational training - long term unemployed persons*

It has not been established that special measures for the retraining and reintegration of the long-term unemployed have been effectively provided or promoted.

► *Article 10§5 - Right to vocational training -full use of facilities available*

It has not been established that there is a system of financial assistance for vocational education and training

► *Article 15§1 - Right of persons with disabilities to independence, social integration and participation in the life of the community -vocational training for persons with disabilities*

The right of persons with disabilities to mainstream education is not effectively guaranteed.

► *Article 15§2 -Right of persons with disabilities to independence, social integration and participation in the life of the community- employment of persons with disabilities*

-It has not been established that the reasonable accommodation obligation is effectively respected;

-Mainstreaming in employment is not effectively guaranteed in respect of persons with disabilities.

► *Article 15§3 - Right of persons with disabilities to independence, social integration and participation in the life of the community- Integration and participation of persons with disabilities in the life of the community*

It has not been established that the anti-discrimination legislation covers the fields of housing, transport and communications.

⁵ Further information on the situations of non-conformity is available on the [HUDOC database](#).

Article 18 - Right to engage in a gainful occupation in the territory of other States Parties - simplifying existing formalities and reducing dues and taxes

It is not established Ukraine has simplified existing formalities and reduced chancery dues and other charges payable by foreign workers or their employers

Article 18 - Right to engage in a gainful occupation in the territory of other States Partie - liberalising regulations

Loss of employment leads to the cancellation of the residence permit.

Article 20 - Right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex

-The legislation does not provide for a shift in the burden of proof in sex discrimination cases;
-It has not been established that the right to equal treatment in employment without discrimination on grounds of sex is guaranteed in practice.

Thematic Group 2 "Health, social security and social protection" - Conclusions 2013

► *Article 3§2 - Right to safe and healthy working conditions - Safety and health regulations*

The coverage of occupational hazards by specific occupational health and safety legislation and regulations is insufficient and the level of protection against asbestos-related occupational hazards is insufficient.

► *Article 3§3 - Right to safe and healthy working conditions - Enforcement of safety and health regulations*

Measures taken to reduce the excessive number of fatal accidents are insufficient and the labour inspection system is inefficient.

► *Article 3§4 - Right to safe and healthy working conditions - Occupational health services*

It has not been established that there is a strategy to progressively institute access to occupational health services for all workers in all sectors of the economy. (Conclusions 2015)

► *Article 11§1 - Right to protection of health - Removal of the causes of ill-health*

Prevailing high infant and maternal mortality rates.

► *Article 11§2 - Right to protection of health - Advisory and educational facilities*

It has not been established that prevention through screening is used as a contribution to the health of the population. (Conclusions 2015)

► *Article 14§1 - Right to benefit from social services - Promotion or provision of social services*

There are no mechanisms for supervising the sufficiency of social welfare services.

► *Article 23 - Right of the elderly to social protection*

The level of the minimum pension is manifestly inadequate.

► *Article 30 – Right to be protected against poverty and social exclusion*

There is no effective overall and coordinated approach to combat poverty and social exclusion. (Conclusions 2015)

Thematic Group 3 "Labour rights" - Conclusions 2014

► *Article 2§7 - Right to just conditions of work - Night work*

There is no provision in the legislation for a compulsory medical examination for persons about to take up night work. It is not established that the law provides for possibilities of transfer to daytime work, and it is not established that continuous consultation is ensured with workers' representatives on night work conditions and on measures taken to reconcile the needs of workers with the special nature of night work.

► *Article 4§4 - Right to a fair remuneration - Reasonable notice of termination of employment*

Notice periods are not reasonable in the following circumstances:

- termination of employment for refusal to agree to a transfer when the undertaking relocates or refusal to accept essential changes in working conditions; dismissal as a result of changes in the organisation of production or labour or a reduction in staff numbers; dismissal for unfitness for medical reasons, lack of qualification or withdrawal of access to top-secret information; or the reinstatement of the previous post holder, beyond seven years of service;
- termination of employment or dismissal on all other grounds, beyond two years of service;
- no notice is required for dismissal during the probationary period.

► *Article 4§5 - Right to a fair remuneration - Limits to deduction from wages*

Deductions from wages are not reasonable and may deprive workers and their dependents of their very means of subsistence.

► *Article 5- Right to Organise*

It has not been established that the fees charged for the registration of the employers' organisations are reasonable nor that domestic law provides effective sanctions and remedies in case of discrimination and reprisals based on trade union membership and activities. Further it has not been established that domestic law provides for compensation that is adequate and proportionate to the harm suffered by the victim in case of discrimination and reprisals based on trade union membership and activities nor the criteria used to determine representativeness are open to judicial review. In addition the right of nationals of other Parties to the Charter to form trade unions is restricted.

► *Article 6§4 - Right to bargain collectively - Collective action*

The restrictions on the right to strike for employees working in the emergency and rescue services, at nuclear facilities, in underground undertakings as well as at electric power engineering enterprises do not comply with the conditions established by Article G of the Charter; further the restrictions on the right to strike for employees working in the transport sector do not comply with the conditions established by Article G of the Charter and all civil servants are denied the right to strike.

► *Article 26§1- Right to dignity in the workplace - Sexual harassment*

It has not been established that employees are given appropriate and effective protection against sexual harassment in the workplace or in relation to work.

► *Article 26§2- Right to dignity in the workplace – Moral harassment*

It has not been established that employees are given appropriate and effective protection against moral (psychological) harassment in the workplace or in relation to work.

► *Article 28- Right of workers' representatives to protection in the undertaking and facilities to be accorded to them*

It has not been established that workers' representatives, other than trade union representatives, are granted adequate protection nor that appropriate facilities are granted to workers' representatives.

- ▶ *Article 7§1 - Right of children and young persons to protection - Prohibition of employment under the age of 15*
The definition of light work is not sufficiently precise.
- ▶ *Article 7§3 - Right of children and young persons to protection – Prohibition of employment of children subject to compulsory education*
 - The definition of light work is not sufficiently precise;
 - The duration of working time for children aged 16-18 who are still subject to compulsory education is excessive and therefore cannot be qualified as light work.
- ▶ *Article 7§5 - Right of children and young persons to protection – Fair Remuneration*
Young workers' wages are not fair.
- ▶ *Article 7§10 - Right of children and young persons to protection - Special protection against physical and moral dangers*
 - child prostitution is only criminalised until the age of 16;
 - child pornography is not criminalised until the age of 18.
 - simple possession of child pornography is not a criminal offence.
- ▶ *Article 16 - Right of the family to social, legal and economic protection*
It has not been established that:
 - there is an adequate legislation on domestic violence against women;
 - there is equal treatment of nationals of other States Parties and stateless persons with regard to family benefits.
- ▶ *Article 31§1 - Right to housing - Adequate housing*
 - the right to adequate housing is not guaranteed;
 - It has not been established that the supervision of housing standards is adequate;
 - It has not been established that measures are taken by public authorities to improve the substandard housing conditions of Roma.
- ▶ *Article 31§2 - Right to housing - Reduction of homelessness*
 - The legal protection for persons threatened by eviction is not adequate;
 - It has not been established that the right to shelter is adequately guaranteed.

The Committee has been unable to assess compliance with the following provisions and has invited the Ukrainian Government to provide more information in the next report:

Thematic Group 1 "Employment, training and equal opportunities"

- ▶ Article 10§3 - Conclusions 2016
- ▶ Article 18§4 - Conclusions 2016

Thematic Group 2 "Health, social security and social protection"

- ▶ Article 11§3 - Conclusions 2013

Thematic Group 3 "Labour rights"

- ▶ Article 2§5 - Conclusions 2014
- ▶ Article 4§3 - Conclusions 2014
- ▶ Article 29 - Conclusions 2014

Thematic Group 4 "Children, families, migrants"

- ▶ Article 17§1 - Conclusions 2011
- ▶ Article 27§2 - Conclusions 2015

II. Examples of progress achieved in the implementation of rights under the Charter *(update in progress)*

- ▶ As a result of measures taken in 2008-2009, the average size of pensions increased by 64.5% compared to 2007.
- ▶ The Law on Professional Development of Employees of 21 January 2012, which provides rules for organising employees' professional training, was adopted.
- ▶ The Law of 15 March 2012 on amendments to the Family Code has amended Article 22 of the Family Code and set the equal minimum legal age of marriage at 18 for both genders.

APPENDIX III: Declaration of the Committee of Ministers on the 50th anniversary of the European Social Charter



Declaration of the Committee of Ministers on the 50th anniversary of the European Social Charter

*(Adopted by the Committee of Ministers on 12 October 2011
at the 1123rd meeting of the Ministers' Deputies)*

The Committee of Ministers of the Council of Europe,

Considering the European Social Charter, opened for signature in Turin on 18 October 1961 and revised in Strasbourg on 3 May 1996 (“the Charter”);

Reaffirming that all human rights are universal, indivisible and interdependent and interrelated;

Stressing its attachment to human dignity and the protection of all human rights;

Emphasising that human rights must be enjoyed without discrimination;

Reiterating its determination to build cohesive societies by ensuring fair access to social rights, fighting exclusion and protecting vulnerable groups;

Underlining the particular relevance of social rights and their guarantee in times of economic difficulties, in particular for individuals belonging to vulnerable groups;

On the occasion of the 50th anniversary of the Charter,

1. Solemnly reaffirms the paramount role of the Charter in guaranteeing and promoting social rights on our continent;
2. Welcomes the great number of ratifications since the Second Summit of Heads of States and Governments where it was decided to promote and make full use of the Charter, and calls on all those member states that have not yet ratified the Revised European Social Charter to consider doing so;
3. Recognises the contribution of the collective complaints mechanism in furthering the implementation of social rights, and calls on those members states not having done so to consider accepting the system of collective complaints;

4. Expresses its resolve to secure the effectiveness of the Social Charter through an appropriate and efficient reporting system and, where applicable, the collective complaints procedure;
5. Welcomes the numerous examples of measures taken by States Parties to implement and respect the Charter, and calls on governments to take account, in an appropriate manner, of all the various observations made in the conclusions of the European Committee of Social Rights and in the reports of the Governmental Committee;
6. Affirms its determination to support States Parties in bringing their domestic situation into conformity with the Charter and to ensure the expertise and independence of the European Committee of Social Rights;
7. Invites member states and the relevant bodies of the Council of Europe to increase their effort to raise awareness of the Charter at national level amongst legal practitioners, academics and social partners as well as to inform the public at large of their rights.