



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights Sixty-seventh session

### Summary record of the 8th meeting

Held at the Palais Wilson, Geneva, on Thursday, 20 February 2020, at 3 p.m.

*Chair:* Mr. Zerbini Ribeiro Leão

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Consideration of reports (*continued*)

- (a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

*Seventh periodic report of Ukraine*

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*The meeting was called to order at 3 p.m.*

**Consideration of reports** *(continued)*

**(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant** *(continued)*

*Seventh periodic report of Ukraine (E/C.12/UKR/7; E/C.12/UKR/QPR/7)*

1. *At the invitation of the Chair, the delegation of Ukraine took places at the Committee table.*
2. **Mr. Klymenko** (Ukraine), providing an overview of recent developments and current challenges in the area of economic, social and cultural rights in his country, said that, in implementation of the National Human Rights Strategy, legislation to promote human rights standards was being intensively developed. The Government's Action Plan for the Strategy set out a series of priorities, which included the development of human capital and the economy, the creation of new employment opportunities and the upgrading of infrastructure. Key objectives had been set for each ministry in order to ensure effective implementation of the Covenant.
3. With regard to labour, the priority of national policy was to promote decent work in order to reduce labour migration and encourage Ukrainian migrant workers to return to the country. Steps were being taken to deregulate the economy, develop small- and medium-sized businesses, update labour and employment legislation, and promote social dialogue with a view to creating new jobs. The Cabinet of Ministers had approved a bill aimed at reforming labour legislation, balancing the interests of employees and employers, reducing unemployment, incentivizing business development, facilitating employee mobility and establishing effective unemployment protection mechanisms. In recent years, nominal and real wage growth had remained stable. The State budget for 2020 provided for a 13.2 per cent increase in the minimum wage.
4. The wage scales for certain professions were set out in legislative acts and sectoral agreements, which ensured equal pay for work of equal value. Occupational segregation was one of the main reasons for the gender pay gap. Men were more likely than women to occupy senior positions and to work in harsh conditions or at night, which were factors associated with higher wages.
5. In December 2018, the Government had approved a framework on reform of the occupational safety management system. Preparations were being made for ratification of the International Labour Organization (ILO) Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187). The employment rate was rising and the unemployment rate falling. The Government had approved the main priorities of State employment policy for the period up to 2022.
6. In May 2019, a collective agreement had been signed to regulate the basic principles and rules of the implementation of socioeconomic policy and labour relations in Ukraine for the period 2019–2021. A bill aimed at harmonizing national anti-discrimination legislation with European Union law had been submitted to the Verkhovna Rada (parliament).
7. Despite the ongoing military aggression against Ukraine, which had lasted for over six years and had resulted in the displacement of some 1.4 million Ukrainians, the implementation of the Poverty Reduction Strategy had continued in order to improve living standards. The current focus was on raising the incomes of persons belonging to vulnerable groups through increases in guaranteed benefits. Pensions had increased by 70 per cent since the reforms of 2017. The Government was endeavouring to further enhance the social insurance system. The Social Services Act had improved the provision of social services.
8. Ukraine was taking steps to ensure that persons with disabilities had access to health care, education and rehabilitation. A network of transport services was being developed for persons with locomotor impairments. National and local government websites had been adapted for use by persons with visual and hearing impairments, who also received assistive devices. A specially designed information system had been implemented in over 100 united territorial communities to enable persons with disabilities to submit documentation remotely. In the context of the external aggression that Ukraine was

experiencing, the Government was devoting particular attention to persons with disabilities. According to the United Nations, around 30,000 persons had been injured in the conflict. The Government kept records of internally displaced persons with a view to regulating the payment of social security benefits.

9. The Government was also introducing new forms of support for families with children and was expanding opportunities for placement of orphaned children with families. The Cabinet of Ministers had approved the National Action Plan on Implementation of the United Nations Convention on the Rights of the Child for the period up to 2021, the State Social Programme on Equal Rights and Opportunities for Women and Men for the period up to 2021, and the National Action Plan on Implementation of the Recommendations made in the Concluding Observations of the United Nations Committee on the Elimination of Discrimination against Women. Considerable efforts were also being made to combat trafficking in persons and to reduce the level of violence in society. The new version of the Education Act, which had recently been adopted, provided for measures to increase the accessibility of various forms of education and for the introduction of inclusive education for persons with special educational needs. The country had also launched a reform of the health-care sector.

10. **Ms. Liebenberg** (Country Rapporteur), recognizing the significant challenges that the State party faced in connection with the temporary occupation of the Autonomous Republic of Crimea and the city of Sevastopol by the Russian Federation and the ongoing conflict in eastern Ukraine, said that she wished to know what progress had been made in developing plans and strategies for the integration of internally displaced persons and the realization of their economic, social and cultural rights for the period after 2020, and what specific programmes were planned to address the gender-specific challenges faced by internally displaced women. She wondered whether any legislative or administrative mechanisms had been developed to decouple the payment of pensions from registration as an internally displaced person and to facilitate the payment of pensions in arrears to such persons, and whether consideration would be given to the introduction of interim solutions, for example online verification procedures or a mechanism by which pensioners living in territories not under the Government's control could engage with the Pension Fund through representatives authorized by power of attorney, notarized remotely. She would be grateful if the delegation could indicate whether the State party would consider ratifying the Optional Protocol to the Covenant.

11. It would be useful to know whether the downward trend in social spending as a percentage of the State budget over the period 2014–2018, reflected in the statistics provided in the State party report (E/C.12/UKR/7, table 4), had continued into 2020. Updated data on social spending would be welcome. It was unclear whether the State party had undertaken an assessment of the adequacy of the social budget in the light of its obligation to devote the maximum available resources to the full realization of the rights recognized in the Covenant and, in particular, whether the Government had carried out a human rights impact assessment of the medium-term fiscal consolidation programme implemented to meet the requirements set by the International Monetary Fund (IMF).

12. She would be interested to learn why the relative poverty rate had increased in the State party, whether that increase was indicative of a broader trend towards greater inequality in the distribution of household income and wealth and, if so, what specific measures, including in the context of tax policy, were planned to monitor and reduce income and wealth inequality. She wondered what measures had been adopted or were planned to tackle tax evasion, including the practice of paying a portion of an employee's wages in untaxed benefits.

13. It would be instructive to discover what measures were in place to ensure the enjoyment of economic, social and cultural rights in poorer municipalities and to prevent disparities in the enjoyment of such rights between richer and poorer municipalities. How did the Government ensure that local and regional authorities implemented national strategies and action plans on human rights?

14. It would be helpful if the delegation could indicate what initiatives had been introduced to prevent acts of intimidation and violence against anti-corruption activists and journalists, and to implement the recommendations recently made by the Independent Expert on the effects of foreign debt and other related international financial obligations of

States on the full enjoyment of all human rights, particularly economic, social and cultural rights.

15. She wished to know whether the State party planned to establish a general ban on discrimination on the basis of sexual orientation or gender identity, as the current ban applied only in the field of labour relations, and whether the Government had carried out a review of the effectiveness of existing provisions to combat hate crimes against lesbian, gay, bisexual and transgender persons. She would appreciate an update on the current status of the legislation drafted to tackle discrimination and harmonize relevant legislative acts with European Union law, and on any other plans to create an integrated legal and institutional framework for tackling discrimination in all sectors and on all grounds of discrimination recognized under international human rights standards.

16. It would be useful to know what progress had been made in drafting a new strategy for the protection and integration of the Roma national minority into Ukrainian society for the period after 2020, and what measures were planned to provide for more effective protection against discrimination for that minority. She would appreciate more information on the main outcomes of the evaluation of the current strategy and associated national action plan, carried out with the support of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) in May 2019, and on any measures planned in response.

17. She wondered what policy, educational and legislative measures were planned to eradicate stereotypical assumptions regarding caregiving roles; whether progress had been made towards enactment of the bill on combining family and work responsibilities; whether that bill would grant women and men an equal entitlement to parental leave; and whether any programmes had been introduced to strengthen preschool services and establish an affordable network of afterschool childcare services.

18. She wished to know what progress had been made in improving the collection of gender-disaggregated statistics, particularly on issues such as the impact of poverty on specific groups of women, and what challenges remained in that regard. She would appreciate more information on the status of the gender budgeting initiative approved pursuant to Order No. 1 of 2019. Did it provide for time-use surveys? Lastly, she wondered what progress had been made in developing a set of objective job evaluation tools that would compensate for the traditional undervaluing of the jobs performed by women; what measures were planned to reduce the persistently high gender wage gap, including any measures to reduce horizontal and vertical segregation in the labour market; and whether the proposed amendments to the Labour Code would provide for mechanisms to reduce that gap.

*The meeting was suspended at 3.40 p.m. and resumed at 3.45 p.m.*

19. **Ms. Kudin** (Ukraine) said that the three days spanning the period 18 to 20 February 2020 marked six years since the deaths of the Heroes of the Heavenly Hundred in central Kyiv. The impact of those events on the country had been profound. On 14 July 2014, the executive bodies had ceased to carry out their functions in Donetsk and Luhansk provinces. It had immediately been necessary to make critical operational decisions, for example regarding which executive bodies should be moved to the territory under the Government's control. Many persons living in those provinces had moved to other areas of the country, principally to neighbouring provinces. The Ministry of Social Policy had established a general register of internally displaced persons, in order to determine their demographic characteristics and specific needs. Of the 1.4 million internally displaced persons currently on the register, around 700,000 were pensioners, and only 50,000 were unemployed: the remaining persons of working age had been able to find work independently.

20. Internally displaced persons were one of several groups that enjoyed privileged access to housing. In 2016, the Government had decided that they should be granted the right to receive housing compensation. In addition, a programme was being implemented to provide them with favourable housing loans. Such initiatives were administered at the local level. Income support was also available to help internally displaced persons pay their utility bills on time.

21. The Government did not have reliable information on the situation in the territories no longer under its control, but records showed the number of persons in those territories

who had applied to the Pension Fund bodies on at least one occasion prior to August 2014. There was a need to identify which of those pensioners had since been granted Russian nationality and were in receipt of pensions paid by the Russian Federation. Ukraine had signed an international agreement with other countries in the region to ensure that no person received more than one State pension.

22. The Government required persons who wished to receive a pension to undergo a registration process in the territory under its control. In 2019, measures had been taken to streamline the procedure for crossing the contact line. Regrettably, despite various proposals made to the Government, the application process could not be administered remotely. The Government had nevertheless simplified the procedure for the resumption of the payment of pensions to internally displaced persons. Pension applications had to be accompanied by a document verifying the identity of the applicant and his or her internally displaced person certificate, which indicated his or her place of residence. Pensioners who were resident in the territory under the Government's control did not have to register as internally displaced persons in order to receive their pensions.

23. Certain categories of persons, including persons with category I disabilities, could apply to have their pension delivered to their place of residence, provided that they lived in the territory under the Government's control. The Ministry of Social Policy and the Ministry of Temporarily Occupied Territories and Internally Displaced Persons would reflect further on the appropriateness of the current definition of an internally displaced person. Continued efforts would be made to simplify the procedure for the payment of pensions to persons living in territories not under the Government's control.

24. Internally displaced persons had the opportunity to benefit from preferential access to employment opportunities. However, job seekers did not always apply for the vacancies on offer. The population of Ukraine included approximately 20 million persons of working age, but only around 13 million persons were officially in full-time work. Some employers withheld a portion of their employees' wages in order to lower their tax burden. The wages of jobs advertised through the Employment Centre were not as high as those available in neighbouring countries, such as Poland or Lithuania. In 2016, measures had been taken to raise the minimum wage. In 2017, it had been doubled, which had resulted in wage increases across the labour force. That positive trend had since continued, albeit at a slower pace.

25. In 2018 and 2019, government spending had been higher than usual as a result of increased defence commitments, which had led to a re-evaluation of social spending. There had been no change in social spending between 2019 and 2020. With regard to the budget for 2020, the Ministry of Social Policy had made a commitment to submit to parliament proposals regarding the possibility of reviewing the subsistence minimum.

26. It was expected that the joint efforts being made by the State Labour Inspectorate, the Pension Fund and the State Fiscal Service to regularize the payment of wages and employment would boost gross domestic product. The full regularization of employment relations in Ukraine nevertheless represented a major challenge. Employers in the country were reporting that it was becoming increasingly difficult to hire mid-level workers. It was possible that the current labour shortages would encourage employers to offer higher wages, which in turn would encourage Ukrainians who were working abroad to return to the country.

27. With regard to decentralization, relevant projects were being carried out in close cooperation with the World Bank. As part of that process of cooperation, experts monitored local authorities in which conditions for development were suboptimal. The Government was working to promote the creation of employment opportunities in such local authorities. The Ministry of Communities and Territories Development was working closely on decentralization issues. In that context, special attention was being paid to vulnerable groups, including orphaned children, large families, pensioners and persons with special needs or disabilities.

28. **Ms. Rohozianska** (Ukraine) said that, pursuant to the Act on Particular Aspects of Public Policy Aimed at Safeguarding the Sovereignty of Ukraine over the Temporarily Occupied Territory of the Donetsk and Luhansk regions of Ukraine, all legal documents issued in connection with the activities of illegal armed forces in the temporarily occupied territories were invalid, with the exception of those confirming the birth or death of a

person in those territories. However, civil registration bodies did not currently register births or deaths on the basis of such documents, as it was impossible to verify their authenticity. Consideration was being given to the possibility of introducing a simplified procedure for the civil registration of births and deaths in the temporarily occupied territories. In that regard, a bill on the introduction of such a procedure had been drafted by the Ministry of Temporarily Occupied Territories and Internally Displaced Persons and was currently under consideration.

29. Across the country, local bodies of the Ministry of Justice ran campaigns to raise awareness among Roma communities of the importance of birth registration.

30. Like various other categories of persons, internally displaced persons had the right to secondary legal aid free of charge. Over 2,000 internally displaced persons had availed themselves of that right in relation to a wide range of legal matters.

31. The bill on amendments to certain legislative acts of Ukraine (concerning the harmonization of legislation on preventing and combating discrimination with European Union law) contained definitions of such terms as discrimination by association, multiple discrimination and victimization. It clarified the powers of the Ombudsman with respect to preventing and combating discrimination and established administrative liability for violations of relevant legislation. The bill had yet to be submitted for second reading. The existing Act on the Principles of Preventing and Combating Discrimination in Ukraine prohibited all forms of discrimination. It granted victims the right to complain to State bodies, the Ombudsman or directly to the courts and established a procedure for carrying out anti-discrimination reviews of legislative proposals.

32. In October 2019, a law on amendments to certain legislative acts concerning the seizure of illegal assets from persons authorized to perform State or local government functions and punishment for the acquisition of such assets had been adopted. Pursuant to separate provisions that had entered into force on 1 January 2020, corruption whistle-blowers had the right to secondary legal aid free of charge. In 2019, the National Agency on Corruption Prevention had analysed the various incidents of corruption reported over the previous year. In that connection, detectives affiliated with the National Anti-Corruption Bureau were currently investigating around 90 criminal cases. In 2019, 67 persons had been indicted, including 1 member of parliament, 6 senior civil servants and 11 judicial officers. The High Anti-Corruption Court had held its first hearings in September 2019. Of the persons convicted by the Court, two had been sentenced to probation, two had been fined and two had been deprived of the right to hold certain offices or engage in certain activities. In December 2019, the National Agency on Corruption Prevention had gained access to 16 relevant databases and had in turn facilitated access to those databases for the National Anti-Corruption Bureau. In June 2019, the provisions under which anti-corruption activists had been required to complete online asset declarations had been found unconstitutional, and they no longer had the force of law.

33. The Ministry of Social Policy was currently considering the possibility of ratifying the Optional Protocol to the Covenant.

34. **Mr. Yurash** (Ukraine) said that, in 2016, a standing interministerial working group on the realization of the Strategy for Protection and Integration of the Roma National Minority into Ukrainian Society for the period up to 2020 had been established under the Cabinet of Ministers. It had five subgroups, which were responsible for media and communications; housing; cultural and educational issues; security and cooperation with the police; and social services and health care. In 2019, UN-Women had supported the efforts being made to implement the current Strategy and develop a new strategy for the period 2021–2027. In 2017, with the assistance of NGOs, a secretariat had been established under the interministerial working group in order to facilitate coordination among State bodies. In 2019, Ukraine had decided to establish a dedicated State body for ethnic policy, which would have a special branch for Roma issues.

35. In order to develop a new strategy for integration of the Roma minority, the interministerial working group had requested all regional administrations to prepare specific local plans, because the strategy would need to take into account wide regional variations in the level of the Roma population and their local traditions. Several regions, including those with the greatest concentration of Roma persons, had already submitted their plans. Particular emphasis would be placed on issues of gender equality and the

problems of Roma children, both at national level and in the regional plans, with support from UN-Women.

36. To benefit from international experience, the Government had been working since 2015 with the Ad hoc Committee of Experts on Roma and Traveller Issues of the Council of Europe. Representatives of the Ad hoc Committee had visited Ukraine in 2017 to investigate the social services provided to Roma communities and in 2019 to discuss the self-reliance and empowerment of Roma organizations in implementation of the strategy. The inclusion of Roma community leaders was a priority; to that end, the Government had mapped all the active Roma organizations and placed cooperation with them at the heart of its activity, at the national and local levels. Finally, the Government wished to address the current lack of reliable and consistent statistics on the Roma population, in order to use such data to inform its strategy.

37. **Mr. Matveitsov** (Ukraine) said that, in line with the national plan for implementation of the strategy for integration of the Roma minority, the police and social services were conducting campaigns in areas with high concentrations of Roma persons, in order to prevent child neglect and the involvement of children in criminal activities, domestic violence, smoking and alcoholism. The police and other relevant authorities visited Roma families, inspected the living conditions of children and reminded parents of their responsibility to ensure adequate education and care for their children and to prevent their involvement in begging. During the 2019 campaign, approximately 320 areas had been visited, with over 11,000 adults and 9,000 children reached.

38. In 2019, the police had received 119 complaints of missing children, 14 children had been victims of crime and 12 children had been victims of domestic violence. In each of the missing person incidents, appropriate measures had been taken to locate the children. In 2018, violent assaults against members of the Roma community, including physical violence, property damage, persecution and intimidation, had occurred in Kyiv, Ternopil and Lviv. All the incidents had been investigated, several suspects had been arrested and the cases had been referred to the courts. The only such offence recorded in 2019 had been the stabbing of a Roma woman who, together with her non-Roma husband, had engaged in civil society activism. A suspect had been arrested and the case had been referred to court.

39. The national police had approved an action plan to prevent crimes against the Roma community, which included measures to prevent ethnic conflict and promote public safety and public order. In order to improve the response to complaints of discrimination against the Roma community, the police had organized meetings with representatives of social services, educational establishments, teachers' associations, students, Roma elders and mediators. Furthermore, to promote information-sharing between the police, members of the Roma community and other stakeholders, more local police officers and youth offending prevention workers had been deployed to areas with a high concentration of Roma persons. The police were also cooperating with the education department, children's services and the local authorities in conducting inspections of children's shelters, as well as of railway stations and other locations where young persons gathered, with a special focus on Roma children. The routes of police patrols had been moved closer to areas with high concentrations of Roma persons.

40. A permanent working group on law enforcement and migration, set up within the Ministry of Internal Affairs, included representatives of the police, other relevant ministries, the migration and security services, the secretariat of the Ombudsman and Roma civil society organizations. The group's main task was to develop joint measures for the prevention of crime against the Roma community. It had elaborated a draft procedure for joint action by government agencies, local authorities and representatives of Roma civil society organizations following the formation of spontaneous Roma settlements. The group had also developed content for various government websites, in order to raise awareness of the importance of tolerance of persons of different ethnicities.

41. There were no official statistics on offences committed against human rights defenders working to combat corruption, protect the rights of lesbian, gay, bisexual, transgender and intersex persons and promote gender equality. However, according to information collated from media monitoring and other sources, the police had determined that 82 criminal cases had been opened in 2018 for offences committed against civil society activists; the equivalent figure for 2019 was 73 cases. Of the cases registered in 2019, 14

had been referred to court, 16 had been closed and 43 remained under investigation. The role of the law enforcement authorities in upholding the rights of activists consisted in responding to and investigating complaints. The investigation of such cases was overseen by the national police force at the highest level.

42. **Mr. Chen** (Country Task Force) said that it was difficult to judge the unemployment situation in Ukraine because the data had been provided in the form of raw numbers, rather than percentages. He would appreciate clearer statistics on unemployment, including among marginalized groups such as internally displaced persons, Roma and persons with disabilities, and would like to know what measures would be taken to address the issue. The Committee was concerned by a number of bills on labour issues currently before parliament which, if passed, would erode the right to work and trade union rights. He would be interested to hear the views of the delegation on the possible negative impacts of the legislative changes. Lastly, it would be useful to have more information on the enforcement of labour laws, the number of labour inspectors and measures taken to ensure the full payment of wages. He wished to know the outcomes of the orders issued by labour inspectors and how effective they were in preventing violations.

43. **Ms. Kudin** (Ukraine) said that a total of 1,224,000 persons had been registered as unemployed at some point in 2019, while the number of unemployed at the end of the year was 338,000. Over the course of 2019, 826,000 persons had found employment, 355,000 of whom had been referred by the State Employment Service. In addition to employment assistance, a specific programme provided cash grants to persons who wished to start their own business. The unemployment rate was decreasing; it was forecast to fall further, to reach 8.1 per cent in 2020.

44. All the bills on labour issues had been proposed to address the same problem, which was that existing labour legislation dated from the 1970s and current mobile and flexible forms of work did not fit into its framework. The bills presented by the Government had been criticized by members of parliament and trade unions for proposing changes to the rules on termination of employment and on time off. Legislation currently stipulated special benefits for persons in various professions. For example, a person with difficult working conditions who had participated in an emergency response and had two or more children could be entitled to as much as five months' leave per year. Since no agreement on the necessary changes had been reached in parliament, a working group had been established, with the participation of trade unions, employers, civil society organizations, members of parliament and representatives of the relevant ministries, to develop a single bill, taking into account the concerns raised by trade unions. The group had held four meetings and work was still at the drafting stage.

45. Wage arrears were a serious problem in Ukraine; as at 1 January 2020, the total amount of unpaid wages had stood at 3.34 billion hryvnias (Hrv), with Hrv 560 million owed by State-owned companies and Hrv 781 million owed by bankrupt companies. A group had been established to find alternative solutions to address the issue. It had been proposed to establish an agency funded by contributions from employers; however, conflicts could arise if employers who complied with their obligations were obliged to subsidize failing companies. Nonetheless, she was confident that an appropriate mechanism would be found.

46. The labour inspectorate had been established in 2016 through a merger of two previously separate departments. It had the power to impose fines on employers who did not comply with certain legal requirements, such as the obligation to give notification of any recruitment within seven days and to cooperate with tax inspections.

47. Amendments had been proposed to the Family Code to encourage a more equitable distribution of parental leave, which could be taken until three years after the birth of the child. A trade union reform bill was being drafted by a working group operating under the auspices of the High Council of Justice.

48. **Ms. Lemus de Vásquez** (Country Task Force) said that, according to reports, free State legal assistance, for which there was a pressing need, was available only to persons in possession of an identity document. However, identity verification processes tended to be slow, costly and bureaucratic, especially for those affected by the conflict. Current legislation established that children born to stateless parents could obtain Ukrainian citizenship only if their parents were legal residents of Ukraine, yet no process for the



determination of statelessness had been adopted, rendering it impossible for stateless persons to prove legal residency. With that in mind, she wished to know what measures were being taken to harmonize domestic legislation with the Convention on the Reduction of Statelessness, whether consideration had been given to relaxing the requirements for applicants for free legal assistance, and whether statistics were available on the number of individuals who had benefited from such assistance.

49. Despite the adoption of Act No. 2268, which provided for the registration of births in the temporarily occupied and non-Government controlled territories of Ukraine, neither local nor national authorities recognized medical documents issued by the so-called authorities in those territories, which meant that births could be registered only through the courts. She would appreciate data on children who had actually received a birth certificate in recent years, especially in the conflict-affected areas, and details of any measures taken to establish an administrative procedure for birth registration as an alternative to court proceedings.

50. The Committee had been informed that the official subsistence minimum set by the Ministry of Social Policy was significantly lower than the actual minimum. The shortfall affected the standard of living of all persons on social benefits. The delegation should indicate whether the official minimum would be recalculated on the basis of objective indicators that reflected the real cost of living.

51. Noting that, in paragraph 243 of its periodic report (E/C.12/UKR/7), the State party asserted that no housing surveys had been carried out since 2015, she asked whether alternative tools were being used to implement policies on the right to housing and monitor relevant indicators, and how the State party was keeping track of progress made in meeting the needs of persons who applied for access to housing. Information on the budget line established to provide dignified housing, especially to vulnerable groups, would be welcome.

52. It was the Committee's understanding that a non-discriminatory and comprehensive administrative mechanism for assessment, restitution and compensation for property damaged or destroyed owing to the armed hostilities had yet to be established, and that the issue of compensation for the military use of civilian property had yet to be resolved. She would be grateful for an update on efforts to adopt the mechanism referred to in paragraph 256 of the State party's report. If the mechanism had already been adopted, the delegation should provide details of its operation.

53. She would appreciate information, including statistics, on child malnutrition, its causes and the measures taken by the State party to address the problem. According to reports, the Ministry of Health's budget as a percentage of gross domestic product had been reduced by 3.2 per cent in 2020 compared to 2019. In that connection, the delegation should provide information on the steps taken and challenges faced in establishing a compulsory State health insurance scheme, indicate when the bill to eliminate obsolete provisions of domestic law pertaining to the unintentional transmission of HIV would be adopted and describe the steps taken to boost support for the bill. A time frame for the actions outlined in paragraph 280 of the State party's report, concerning analysis of two models for the delivery of HIV/AIDS and tuberculosis services, would be helpful. If the actions had already been carried out, she would be interested to know the outcome. She also wished to know what additional measures were being considered to fulfil the State party's commitment to achieve the 90-90-90 target set by the Joint United Nations Programme on HIV/AIDS.

54. She asked whether the State party had thought about developing a comprehensive legal and policy framework to raise awareness of the rights of lesbian, gay, bisexual, transgender and, in particular, intersex persons, protect such persons from discriminatory stereotypes and exclusion, and ensure their access to health services. It was alleged that minors who identified as intersex had been subjected to unnecessary surgical and medical treatment, and that neither the minors in question nor their parents had been given adequate counselling prior to the treatment. In that regard, she would be grateful for information on how common such treatment was and on the measures taken to offer legal, social, medical and psychological support to victims of the treatment and their families. The delegation should also provide detailed information on the measures adopted to protect sex workers from violence and discrimination.

55. She wished to know how many children affected by war and armed conflict had benefited, in 2019, from the one-time financial assistance referred to in paragraph 298 of the State party's report, and what was being done to extend the provision of such assistance to as many children as possible. She would be interested to know what steps were being taken to develop systematic State policies and programmes to provide mental health and psychosocial support services to all persons affected by the conflict, including internally displaced persons, and teachers, social workers and school psychologists, especially those living in areas close to the conflict zones. She would also appreciate information on efforts to ensure the adequate training of providers of mental health and social services, including for former combatants, to guarantee appropriate oversight of those services by the relevant authorities, and to break down taboos surrounding mental health and social problems.

56. **Mr. Uprimny** said that, although commendable programmes had been introduced for people who used drugs, bureaucratic obstacles and a lack of resources reportedly hindered their implementation. Moreover, the legal threshold for possession of certain types of drugs was so low as to entail a de facto criminalization of drug users, many of whom therefore ended up in prison, where their health situation often deteriorated. The prevalence of HIV and hepatitis B infection among drug users in Ukraine was one of the highest in Europe, and drug users continued to face stigma from health professionals, which made them reluctant to seek treatment. He wished to know whether the State party was considering adopting a coherent human rights approach to drug use, which would imply decriminalizing possession for personal use; what measures it intended to take to eliminate stigma against drug users; whether adequate financial and administrative support would be provided to ensure the proper delivery of opioid substitution therapy and other harm reduction measures; and what State oversight there would be to guarantee the quality of private opioid substitution programmes.

57. **Mr. Mancisidor de la Fuente** (Country Task Force) said that he would welcome the delegation's thoughts on whether a humanitarian agreement could be reached with the so-called authorities in the temporarily occupied and non-Government controlled territories of Ukraine with a view to giving effect to the right to education in those territories. The delegation should also comment on whether the figures provided in paragraph 318 of the State party's report could be interpreted as demonstrating that the conflict had had a disproportionate impact on the access to education of children with disabilities.

58. Available statistics revealed the existence of de facto discrimination against the Roma community. Referring to paragraph 325 of the State party's report, he asked whether there were plans to develop indicators on the enrolment and completion rates of Roma children at all levels of education.

59. Act No. 2145 of 2017 on education raised issues with regard to non-discrimination and cultural and educational rights. It should be recalled, in that regard, that the legitimate interest of the State in protecting Ukrainian could not excuse any form of discrimination, whether direct or indirect, or a failure to promote other national languages. The limitations that the Act imposed on the use of those languages, particularly Russian, which was the mother tongue of around 17 per cent of the population, created a problematic imbalance. He would be grateful to know whether the road map mentioned in paragraph 331 of the State party's report would address issues raised in respect of implementation of article 7 of the Act, on "language of education", and, if so, how and within what time frame.

60. Noting concerns expressed by the European Commission for Democracy through Law about the State language law of 2019, he asked how the restrictions that the law imposed on scientific research and publishing in Russian were compatible with article 15 (3) and (4) of the Covenant. Recalling the need to protect the right to use a language in private activities, he said that requiring that all materials for cultural events should be translated into Ukrainian could overburden event organizers with costs and amount to indirect discrimination. In that connection, he asked when the bill on national minorities would be submitted to parliament and whether it would address the shortcomings that had been identified in the State language law of 2019 and in Act No. 2145 of 2017 on education.

61. Lastly, while recognizing the difficulty of protecting and conserving cultural and natural heritage properties in the temporarily occupied and non-Government controlled territories, he wished to know whether the State party was taking measures to fulfil its international obligations in that regard, for example by reporting any damaged caused,

publishing information on the condition of the properties and raising awareness of them among the general population.

*The meeting rose at 6 p.m.*