



Economic and Social Council

Distr.: General
14 November 2018

Original: English
English, French and Spanish only

Committee on Economic, Social and Cultural Rights

List of issues prior to submission of the seventh periodic report of Ukraine*

A. Issues of particular relevance

Host communities

1. Please provide information on the general impact of the temporary occupation of the Autonomous Republic of Crimea and the ongoing armed conflict in eastern Ukraine (Donetsk and Luhansk oblasts) on host communities.

Internally displaced persons

2. Please provide information on the main challenges faced by internally displaced persons from Donetsk and Luhansk oblasts and from the Autonomous Republic of Crimea, and on the measures taken to realize their economic, social and cultural rights. Please provide information on the impact of the action plan for the National Strategy for the Integration of Internally Displaced Persons and the Implementation of Long-Term Solutions to Internal Displacement (adopted by the Cabinet of Ministers of Ukraine on 15 November 2017) and on the specific challenges encountered in its implementation. In particular, please provide information on:

(a) Specific employment programmes targeting internally displaced persons and measures tailored to facilitate the integration of such persons into the local labour market, particularly female heads of household;

(b) The impact of Cabinet of Ministers Resolution No. 365 and related residence inspections on the access of internally displaced persons to social benefits. Please include information on the measures taken to facilitate access to social benefits (including pensions) in the context of the implementation of the Integration of Internally Displaced Persons and Implementation of Long-Term Solutions Strategy. Please specify the total number of internally displaced persons whose residence has been inspected on the basis of the above-mentioned resolution, and whose social benefits have been suspended based on residence inspections and not subsequently reinstated;

(c) The mechanisms and funding allocated to support internally displaced persons in accessing adequate housing. Please describe the impact of the affordable housing programme on internally displaced persons, and that of Cabinet of Ministers Resolution No. 20 (adopted on 17 January 2018) granting internally displaced persons the right to temporary housing, noting in particular the number of such persons who have already benefited from these measures.

* Adopted by the pre-sessional working group at its sixty-third session (15–19 October 2018).



Situation in the non-Government-controlled areas of Donetsk and Luhansk oblasts

3. Please provide information on the measures taken to guarantee that persons living in the non-Government-controlled areas may enjoy their economic, social and cultural rights. In particular, please provide information on:

(a) The progress made towards establishing an accessible birth registration procedure for children born in the non-Government-controlled areas or in the Autonomous Republic of Crimea, including information on the planned measures to remove existing obstacles to birth registration;

(b) The measures taken to guarantee the payment of pensions to persons living in the non-Government-controlled areas and to eliminate the obstacles that prevent Ukrainian citizens from having equal access to pensions regardless of their place of residence or registration as internally displaced persons, in line with the judgments delivered by the Supreme Court of Ukraine in 2018. Please describe the impact of these measures;

(c) The measures taken to guarantee the payment of pensions to those who relinquished their internally displaced person certificates and registered their residency in Government-controlled areas but whose paper files remain in the non-Government-controlled areas;

(d) The number of persons affected and the measures taken or planned to ensure payments under the Law on Occupational Safety in cases of occupational accidents or diseases among persons who used to work for enterprises operating under Ukrainian legislation in the non-Government-controlled areas prior to 15 March 2017.

4. Please provide information on the progress made to implement the package of measures for the implementation of the Minsk agreements adopted by the Trilateral Contact Group on 12 February 2015, in particular the provisions related to the modalities of a full resumption of socioeconomic ties within the conflict area, including social transfers such as pensions.

Statelessness

5. Please provide information on the measures envisaged to simplify the process for obtaining personal documents so that persons without birth registration or identification documents, in particular members of the Roma minority, can obtain such documents. Please also provide information on the measures foreseen to expedite the adoption of the draft law on the statelessness determination procedure.

B. Implementation of the Covenant

Maximum available resources

6. With a view to assessing whether the maximum available resources are being mobilized and allocated for the realization of economic, social and cultural rights in the State party, please provide information on developments in the following areas since the consideration of the State party's sixth periodic report (E/C.12/UKR/6):

(a) The proportion of persons living below the international poverty line and below the poverty line as defined at national level, and the levels of inequality, defined as the ratio between total income accruing to the wealthiest decile of the population and the total income of the least well-off 40 per cent of the population;

(b) The ratio of public revenue to gross domestic product (GDP) and the proportion of public revenue that is financed through taxes;

(c) The rates of taxes levied on corporate profits and on personal income, the value added tax (VAT) rate (not including VAT on luxury items, tobacco, alcohol, sugary drinks and snacks or gasoline) and the percentage of total revenue from personal income taxes collected from the wealthiest decile of the population;

(d) Measures adopted to improve the efficiency of the tax collection system and to combat tax avoidance and evasion;

(e) A breakdown of the public budget allocated to social spending during the reporting cycle (on employment, education, food, health, social security, water and sanitation, housing and culture);

(f) Inflation-adjusted absolute levels of social spending.

7. Please provide information on how tax and fiscal policies, including the recent decentralization reform, have impacted on the availability of resources for social policies in the field of economic, social and cultural rights. Please also provide information on the impact of the International Monetary Fund loan conditionalities on social programmes, including in the areas of social security (including child benefits), public sector employment, health care, education and subsidies for fuel and heating.

8. Please update the Committee on the remaining obstacles to combating corruption in the State party, including within the anti-corruption bodies and the judiciary. Please also provide information on the number of cases opened against public officials and local authorities because of conflicts of interests or violations of legislation, and on prosecutions brought and sentences handed down, if any, against high-level officials found guilty of corruption (including fraud in declarations and unjust enrichment). Moreover, please provide information about the laws and practical measures in place to protect journalists, civil society organizations and whistle-blowers, particularly those involved in anti-corruption activities, from persecution, violence and restrictions on their ability to raise funds from domestic or foreign funds.

Non-discrimination

9. Please provide information about the concrete measures taken to implement the Law on the Principles of Preventing and Combating Discrimination in Ukraine, adopted on 28 September 2012, and their impact, including on combating stereotypes leading to discrimination, and about the specific challenges faced in the implementation of the law. Please provide information on the number of cases of discrimination investigated and the number of convictions handed down.

10. Please provide information on the implementation of the November 2015 amendment of the anti-discrimination section of the State party's Labour Code, in particular on sexual orientation and gender identity as protected grounds and on the specific challenges encountered in implementing the provisions. Please include information on the number of cases of discrimination investigated and the number of convictions handed down.

11. Please provide information on the progress made and challenges encountered by the State party in implementing the Strategy for the Protection and Integration of the Roma National Minority into Ukrainian Society to 2020 and the related national action plan, and on the impact of the strategy in addressing social exclusion and discrimination against Roma, including intersectional discrimination faced by Roma women and girls.

Women's equal enjoyment of economic, social and cultural rights

12. Please provide information on the measures taken to combat inequalities between women and men. In particular, please provide information on:

(a) The implementation of the Law on Ensuring Equal Rights and Opportunities for Women and Men (2005), including on challenges encountered in its implementation and on its impact. Please provide information on the number of cases of discrimination brought under this law and on the percentage of cases that resulted in compensation to the victim;

(b) The specific objectives of the State Social Programme on Equal Rights and Opportunities for Women and Men to 2021, adopted by the Cabinet of Ministers on 11 April 2018, and the plans to meet them, detailing the financial and administrative resources allocated to the programme and the indicators for measuring implementation.

Right to work

13. Please provide statistical data on unemployment, underemployment and multiple employment, as well as on persons who are not currently involved in any form of education or vocational training, disaggregated by sex, age group, minority group, urban or rural residence or other relevant status, on an annual comparative basis for the past five years, including for persons belonging to disadvantaged and marginalized groups such as internally displaced persons, demobilized anti-terrorist operation participants, young people (especially rural youth and young people living in difficult life circumstances), Roma and persons with disabilities. Please explain to what extent the programmes in place, including technical guidance and vocational training, have enabled the State party to address unemployment among these disadvantaged and marginalized groups.

Right to just and favourable conditions of work

14. Please provide statistical data, disaggregated by sex and age, on the number of persons employed in the informal economy on an annual comparative basis during the past five years, and provide information about the measures taken to enhance the protection of their labour rights.

15. Please provide information on the impact of the Ministry of Health's revocation in December 2017 of Order No. 256 banning women from being employed in up to 450 professions that were considered damaging to women's health, and on the concrete steps taken to promote the training and employment of women in these formerly banned positions. Please also provide information on the steps taken to amend articles 175 and 176 of the Labour Code.

16. Please provide information on the enforcement of labour laws, including the total number of labour inspectors, the proportion of companies that are subject to labour inspections, the proportion of inspections that are unannounced, and the main findings of these inspections. Please provide information on the steps taken to ensure the timely payment of full wages and employment benefits to employees by public and private employers.

Trade union rights

17. In view of the judgment rendered by the European Court of Human Rights on 9 October 2018 in *Batkivska Turbota Foundation v. Ukraine*, please provide information on the measures taken to recognize and protect the property of trade unions and civic organizations such as trade union offices and training centres.

Right to social security

18. Please provide information on the different types of social assistance and social security benefits, with age and sex-disaggregated data on the beneficiaries of different social security schemes, and on the categories of persons who are not eligible for benefits under the existing social security system. Please explain whether the calculation of social benefits is indexed to the cost of living. In addition, please provide information on the social security benefits available to persons working in the informal sector.

19. Please provide data on the impact of the pension reform, adopted on 1 October 2017, on the ability of pensioners to maintain an adequate standard of living, including the number of persons receiving a minimum pension.

20. Please provide information on the progress made in the application of Cabinet of Ministers Resolution No. 38, which provides a one-time payment to any persons who have been unlawfully deprived of liberty in the non-Government-controlled areas of the Donetsk and Luhansk oblasts, regardless of the date of their release.

Right to an adequate standard of living

21. Please provide information on the impact of and progress made on the implementation of the Poverty Reduction Strategy and the related action plan adopted on 14

February 2018, including data on poverty, disaggregated, in particular, by sex, age, minority group, disability and regional disparities.

22. Please provide information on: (a) the extent of the housing deficit and the number of persons regarded as inadequately housed; (b) the measures envisaged to promote the access of disadvantaged and marginalized persons to adequate and affordable housing, detailing the number of housing units built or rehabilitated for social housing purposes over the past five years on a comparative basis; (c) access to housing for demobilized anti-terrorist operation participants; and (d) measures taken to ensure the affordability of public utilities such as water, gas and electricity for all, particularly marginalized and vulnerable groups.

23. Please provide information on the measures envisaged to establish a comprehensive mechanism for assessment, restitution and compensation and to provide access to effective remedies for (a) property damaged or destroyed due to the armed hostilities, guaranteeing equal access to these remedies for all victims and including measures to develop a comprehensive policy to protect housing, land and property rights; and (b) damages or costs incurred as a result of military occupation or the use of civilian property.

24. Please provide information on the percentage of the population affected by food insecurity, including data related to child malnutrition and its causes. Please provide information on the measures taken to guarantee the right to adequate food and the right of conflict-affected populations, in particular those living close to the contact line, to water.

Right to physical and mental health

25. Please provide information about the steps taken and the challenges faced in ensuring access to quality health care for all and in establishing a compulsory State health insurance scheme. In particular, please provide information on:

(a) The measures taken to prevent and combat HIV/AIDS and tuberculosis and to provide appropriate medical treatment, including access to antiretroviral medication, and the impact of these measures. Please indicate when the draft law to eliminate obsolete provisions pertaining to the unintentional transmission of HIV will be adopted;

(b) The measures taken to ensure access to free and adequate medical care for transgender and intersex persons, in line with the Human Rights Action Plan;

(c) The measures taken to protect the right to health of sex workers, including the provision of accessible health-care services and contraception and protection against violence and discrimination.

26. Please provide information about the measures adopted to ensure appropriate medical treatment and social support to persons addicted to narcotic drugs and psychotropic substances in the context of the State Drug Policy Strategy to 2022 developed by the Ministry of Health.

27. Please provide statistical data, disaggregated by sex and age, on the proportion of the conflict-affected population who have benefited from psychological rehabilitation or support. Please provide information on the measures taken and challenges encountered in providing adequate psychological counselling to conflict-affected populations, in particular internally displaced persons and demobilized anti-terrorist operation participants.

Right to education

28. Please provide information on the measures taken and challenges encountered in facilitating access to education for children and young people residing in conflict-affected areas (both Government-controlled areas and non-Government-controlled areas), especially those living close to the contact line. More specifically, please provide information on:

(a) The measures taken to preserve the security and safety of schoolchildren, students and teachers;

(b) The measures adopted to facilitate access to education in Government-controlled areas, including higher education, for children and young people from non-

Government-controlled areas whose diplomas and other educational qualifications have no legal force, either in the State party or in most other countries of the world.

29. Please provide information on the impact of spending cuts in the education sector and of the closure of schools and education facilities, particularly in rural areas. Please also provide information on measures taken to ensure equal access to education for all children without discrimination. In particular:

(a) Please provide data on the percentage of children with disabilities who are attending school, including specific data on children with disabilities living in Donetsk and Luhansk oblasts, with information on the measures taken to ensure an inclusive education and on the impact of those measures;

(b) Please provide sex-disaggregated data on the percentage of Roma children enrolled at different educational levels, on the number of dropouts among Roma children over recent years and on the measures taken to promote the education of Roma children, including those who lack birth certificates. Please provide information on the measures taken to integrate Roma children in mixed-ethnicity (integrated) schools and to combat the bullying of Roma children. Please also provide information about the percentage of Roma children placed in schools for children with disabilities (special schools), and about the impact of these measures;

(c) Please provide information about the measures taken to raise awareness of the rights of lesbian, gay, bisexual, transgender and intersex persons among teachers, other school staff and pupils and to combat bullying and assaults against lesbian, gay, bisexual, transgender and intersex children and young people at school, and about the impact of these measures.

30. Please provide information on the implementation of the Law on Education adopted by the national parliament on 5 September 2017, in particular of article 7 regarding the right of national minorities to receive education in their own language.

Cultural rights

31. Please provide information on the impact of the temporary occupation of the Autonomous Republic of Crimea on the cultural rights of Crimean Tatars, on the measures taken to protect their enjoyment of these rights and on the measures taken to maintain conditions in which Crimean Tatars may preserve, promote and develop their identity, language and culture in the areas of displacement.

32. In the context of the general decentralization process, please provide information on the divisions of roles (functions, responsibilities and funding) in the field of culture between the Ministry of Culture and local authorities.

C. Good practices

33. Please provide information on good practices in the formulation and implementation of policies developed by the State party during the reporting period that have effectively contributed to the realization of economic, social and cultural rights by marginalized and disadvantaged individuals and groups, including in the implementation of the National Human Rights Strategy for 2015–2020 and the related action plan. Please indicate how the Committee's previous concluding observations (E/C.12/UKR/CO/6) have been taken into account in developing such practices.