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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS

Pre-sessional working group
27 November - 1 December 2006

**IMPLEMENTATION OF THE INTERNATIONAL COVENANT
ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**List of issues to be taken up in connection with consideration of
the third report of UKRAINE concerning the rights covered by
articles 1 to 15 of the International Covenant on Economic,
Social and Cultural Rights (E/C.12/UKR/5)**

I. General framework within which the Covenant is implemented

1. Please provide additional and updated information on measures taken by the State party to implement the suggestions and recommendations contained in the Committee's concluding observations on the fourth periodic report of Ukraine (E/C.12/1/Add.65).
2. Please explain whether the rights enshrined in the Covenant can be directly applied and invoked in Ukrainian courts and provide examples, if any, of court decisions directly applying Covenant rights.
3. What measures are being taken to address the lack of resources for the Office of the Ukrainian Parliamentary Commissioner for Human Rights, to render it more accessible for complainants, and to ensure that violations of economic, social and cultural rights are effectively addressed by the Office?

II. Issues relating to the general provisions of the Covenant (articles 1 – 5)

Article 2 (2) – Non-discrimination

4. Please provide information on measures, and their implementation, to combat police violence and societal discrimination against Roma and other minority groups, including asylum seekers of different ethnic origin.

5. Please provide information on positive measures, and their implementation, to enhance access for persons with disabilities to employment, public buildings, adequate housing, counseling and psychological care, and education, on an annual basis.

Article 3 – Equal rights of men and women

6. Please provide information on the effectiveness of measures taken to increase the representation of women in Parliament and in ministerial positions, as well as in senior positions in the public service (see paras.56-64 of the report). Please indicate whether the State party intends to re-introduce the draft Gender Equality Law envisaging a minimum quota system for women representation on elected bodies, after it has been rejected by Parliament.

7. Please provide detailed information on the incidence of sexual harassment in the State party, including at the workplace, the legal framework in place to combat such harassment, the measures taken to investigate complaints about sexual harassment, and sanctions imposed on offenders.

III. Issues relating to specific provisions of the Covenant (articles 6 – 15)

Article 6 – The right to work

8. Please provide information on any programmes or strategies to regularize the situation, and reduce the percentage, of persons working in the informal economy, which is reportedly one and a half times the size of the formal economy.

9. Please provide further information on the measures taken to reduce the high unemployment rate among women (see para. 81 of the report). Please also provide information on the measures taken to combat gender discrimination in employment, in particular at the recruitment stage, and on the remedies available to victims of such discrimination.

Article 7 – The right to just and favourable conditions of work

10. Please provide information on the effectiveness of labour inspections in monitoring the implementation of occupational safety and health standards, especially in the coalmining sector where many fatal accidents occur (see para. 176 of the report), and on measures taken to shut down illegal coalmines.

11. Please provide comparative data on the gender gap in relation to equal pay for work of equal value and on measures taken to overcome gender-based wage discrimination. What remedies are available to female employees to challenge such discrimination and how effective are these remedies in practice?

12. Please provide information on the measures taken to combat economic exploitation of children at the workplace and their exposure to arduous and harmful working conditions (see para. 161 of the report).

Article 9 – Social Security

13. Please provide disaggregated data, on an annual basis, on the minimum levels of unemployment, pension, disability and other social security benefits and explain whether these benefits are sufficient to ensure an adequate standard of living.

14. Please comment on information received that the budget for social assistance is inadequate, that social assistance benefits are unequally distributed and vary as they are partly funded from local budgets, and that the social assistance system fails to target the disadvantaged and marginalized groups of society. What measures, if any, is the State party taking to reform the system of social assistance?

Article 10 – Protection of the family, mothers and children

15. Please indicate whether the State party intends to adopt specific legislation criminalizing acts of domestic violence, including spousal rape, rather than treating such acts as mere administrative offences (see para. 270 of the report)? What specific measures are being taken to raise awareness among law enforcement officers and the general public about the criminal nature of acts of domestic violence, to remedy the limited number and capacity of shelters and other practical support for victims, as well as the lack of rehabilitation programmes for perpetrators, and to establish an adequate system to monitor the implementation of the Law on Domestic Violence Prevention (2002)?

16. Please provide updated statistical data on the number of women and children who are trafficked to, from and in transit through the territory of the State party for purposes of sexual exploitation and forced labour. Please also provide detailed information on the 2006-2010 programme to combat trafficking (see para. 303 of the report).

17. Please provide information, including disaggregated statistical data on an annual basis, concerning street children and the measures taken by the State party to ensure protection from economic and sexual exploitation, provision of health care and adequate food and education for these children.

Article 11 – The right to an adequate standard of living

18. Please provide statistical data on the percentage of the population living in poverty, disaggregated by gender, age, number of children per household, rural/urban population, and ethnic group, as well as information as to how the poverty eradication strategy for the period 2005-2009 (see para. 15 of the report) addresses the needs of unemployed persons, in particular women, families with children, pensioners, rural population, ethnic minorities such as the Roma and Crimean Tatars, and other disadvantaged and marginalized individuals and groups.

19. What measures is the State party taking to improve the infrastructure and living conditions of persons residing in informal Roma settlements and to protect these persons against forced evictions without provision of adequate alternative housing? Please also provide information on the accessibility of social housing for Roma.

20. Please provide information on the possibilities for formerly deported persons, in particular Crimean Tatars, who have been excluded from the benefits of the agrarian land privatization process, to obtain suitable plots of land, including in areas which were traditionally inhabited by them, and to claim restitution of their formerly confiscated property, or compensation (see paras. 41-45 of the report).

Article 12 – The right to the highest attainable standard of physical and mental health

21. Please provide information on the steps taken to implement the Presidential decree “On urgent measures regarding the reform of the public health system” of 6 December 2005, as well as on any measures taken to introduce a system of compulsory State social medical insurance.

22. Please provide further information on measures taken to increase the life expectancy rate in the State party which has continuously declined over the past 15 years due to causes such as non-communicable diseases caused by malnutrition [*note for Spanish translators: “alimentación adecuada”*], smoking and drug and alcohol abuse, suicide and accidents.

23. Please provide information on measures taken to contain the rapid growth of the HIV/AIDS and tuberculosis epidemics in the State party (see paras. 407-422 of the report). What measures are being taken to combat discrimination against persons living with and at high risk of HIV/AIDS, including drug users and sex workers, and to ensure their privacy and access to health care?

24. What concrete measures is the State party taking to enhance access to services and raise awareness about sexual and reproductive health, including the use of contraceptives, in particular among adolescents, and to further reduce the abortion rate (see para. 387 of the report)?

Articles 13 and 14 – The right to education

25. What additional special measures is the State party taking to ensure equal access to pre-schooling and quality education, in particular at the secondary level, for children living in rural and remote areas, children from poorer households, Roma and other minority children and refugee children (see paras. 473 and 483-487 of the report)?

Article 15 – The right to take part in cultural life

26. Please provide further information on the terms and objectives of the programme adopted in 2003 for the social and cultural revival of the Roma of Ukraine, as well as on the results achieved (see para. 50 of the report).

27. Please provide information on the measures taken to protect, preserve and promote the cultural heritage of the different ethnic minorities in Ukraine.
