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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Thirty-ninth session

SUMMARY RECORD OF THE 38th MEETING

Held at the Palais Wilson, Geneva,  
on Thursday, 8 November 2007, at 3 p.m.

Chairperson: Mr. TEXIER

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Fifth periodic report of Ukraine (continued) (E/C.12/UKR/5; (E/C.12/UKR/Q/5 and Add.1; HRI/CORE/1/Add.63/Rev.1)

1. At the invitation of the Chairperson, the members of the delegation of Ukraine resumed their places at the Committee table.
2. Mr. KARBACHYNSKYI (Ukraine) said that, in 2006, a special programme had been approved for the settlement of the deported Crimean Tatars and persons of other nationalities. The programme was due to continue until 2010, and covered Crimean Tatars, Bulgarians, Greeks and Germans who had been deported. It included the construction of a building containing 45 flats, 13.2 km of gas pipelines, over 1 km of water pipelines, and over 1 km of electricity network. Five more blocks of flats would be constructed by the end of 2007 in the cities of Alushta, Belogorsk and Simferopol, and further housing would be available on the secondary market. Public infrastructure, such as schools, roads and midwifery clinics, was also being built.
3. Efforts were being made to collect information on repatriates and members of their families, in order to compile a comprehensive database and obtain an overview of the situation of those citizens. The question of granting citizenship to family members of those who had been deported was complex, since they were not Crimean Tatars. Problems also arose in registering the place of residence of Crimean Tatars, and allotting plots of land to them. In order to solve the problem of the legal status of the deportees, legislation was being drafted on the restoration of the rights of persons deported on grounds of their ethnicity, which provided for compensation for the loss of property resulting from deportation.
4. The provision of land to Crimean Tatars was a complex issue, since land in the Crimean peninsula was managed by the local council, and the central authorities were unable to influence the locally elected body. There was also a problem with Crimean Tatars seizing plots of land in the south of Crimea, where it was most valuable and sought after, and reselling it for development for the tourist industry.
5. Turning to the issue of the Roma, he said that communal services in the Transcarpathian region sanitation and health services, as well as medical diagnosis and prevention networks, had been established for the Roma community, and a database had been set up for the medical records of those communities. In the towns of Uzhgorod, Mukachevo, Beregovo, Chop and Smolyava, telephone services had been provided for the Roma. There were no registered cases of evictions of members of the Roma community, and in any event, any evictions that might have occurred would have been the result of land seizures. Although the category of indigenous peoples did not exist in Ukrainian legislation, discussions were under way on updating legislation on national minorities, and changing the status of Crimean Tatars to indigenous population, rather than ethnic minority.

6. Although legislation on the status of refugees had been in place since 2001, there was a lack of mechanisms to ensure that refugees were adequately integrated into Ukrainian society. The Ministry of Justice was drafting a new law on refugees, which would contain provisions on persons requiring temporary or secondary humanitarian protection during the consideration of their applications for refugee status. An interdepartmental meeting would be held to discuss the legislation further. There was one temporary holding centre for refugees in Odessa Oblast. The treatment of refugees required a change of mindset in Ukrainian society, since many people were apprehensive about the presence of foreigners. He hoped that the situation would evolve over time, as attitudes developed.

7. Ms. ZHDANOVA (Ukraine) said that, during the reporting period, there had been a considerable increase in funding for the public health service, and it currently constituted 3.9 per cent of GDP. Funding per head of the population on medical services had increased by 500 per cent since 2001. In accordance with the Constitution, the provision of health care in State and communal institutions was free of charge, in the light of State funding allocated to the health sector. Funding priorities were set on the basis of indicators including mortality and spread of disease among the population. Priority was given to mother and child health care, heart disease, cerebral diseases, oncological diseases, tuberculosis and HIV/AIDS. Since 2002, targeted funding programmes had been in place, which prioritized funding for the treatment of certain illnesses. More than 20 such programmes were under way and were funded jointly by the State budget and local budgets. Since the introduction of those programmes there had been a considerable reduction in the mortality rate and in the numbers of persons suffering from first-degree disability. As a result of reproductive health programmes the number of abortions had decreased considerably. Although the general number of cases of tuberculosis, as well as the morbidity rate for the disease, had increased since 2001, the number of cases and deaths had stabilized in 2005, and had begun to decrease in 2006. The number of cases of inactive tuberculosis had declined.

8. On the question of staffing for medical facilities, particularly in rural areas, she said that the list of medical institutions serving rural communities included district hospitals and outpatient clinics. At the national level, 75 per cent of the rural population was served by medical institutions. In mountainous regions, where population density was lower, coverage was better. For two consecutive years a team of travelling physicians had been working to treat rural patients in their own homes. That scheme was having a positive effect on the health of the population, and was enabling the Government to conduct objective analyses of the public health situation in rural areas.

9. A number of activities had been conducted between 2002 and 2006 to increase targeted health care for persons suffering from oncological illnesses. Although the programme had achieved positive results, much remained to be done and a presidential decree had therefore been issued on the drafting of a new five-year programme, which would be funded from the State and local budgets. State budget allocations would cover the purchase of expensive diagnostic and treatment apparatus, as well as medical and surgical equipment and medication, and the local budget allocations would provide facilities for patients and their relatives.

10. Ms. IVANENKO (Ukraine), recalling that questions had been raised on domestic violence, said that, in 2006, internal affairs bodies had registered 63,000 victims of domestic violence,

given official warnings to over 76,000 people and issued over 6,000 protection orders. During the first six months of 2007, 32,000 victims had been registered, 39,700 warnings had been given, and almost 29,000 protection orders had been issued. A total of 47,000 people had been tried in administrative proceedings. A State programme for family support had been developed, which provided for the prevention of domestic violence, and was overseen by the Ministry for Family, Youth and Sport. The Ministry was also responsible for the division of activities between the various social services and departments to prevent, combat and deal with cases of domestic violence. A number of activities were in place to prevent parents from committing acts of violence against their children, and to educate them in respect of their parental duties and responsibilities. In the event that violence had already occurred or could not be prevented by the authorities, 22 shelters had been established to provide victims with lodgings, as well as social and psychological support. The shelters were open 24 hours a day and victims could remain there until they felt able to leave. A telephone hotline had been established, which victims of domestic violence could use free of charge and in strict confidentiality to obtain advice and counselling. Discussions were currently under way on the possibility of adding an emergency services telephone number for victims of domestic violence.

11. In response to a question on child prostitution and child pornography, she said that those phenomena unfortunately did exist in Ukraine, and internal affairs bodies had ascribed them to the misuse of child labour. Article 301 of the Criminal Code established as an offence the involvement of others in prostitution. In 2006, there had been 571 cases brought before the courts against persons spreading pornography, and some 200 cases of involving others in prostitution. Combating child pornography and child prostitution came under the competence of the Ministry of Internal Affairs, and a number of measures had been taken by the criminal police: for example, inspections were carried out in such places as model agencies, massage salons, Internet cafes and centres of mass information. There were several subdivisions of the Ministry of Internal Affairs responsible for identifying victims of sexual abuse and, in 2007, 22,000 raids had been carried out and inspections made of nearly 20,000 dysfunctional families, in which children were more susceptible to sexual exploitation. Checks had also been carried out in schools and other institutions.

12. Ukrainian criminal legislation stipulated that persons must be held to account for involving children in labour, the most common reason for which was parents' or relatives' desire to increase income. There had been 376 cases brought before the courts in 2006 involving prosecution of trafficking in human beings. The figure given earlier by a Committee member, who had claimed that there were 12,000 street children in Ukraine, was incorrect; the real figure was approximately 7,000, probably with the greatest concentration in Kyiv. However, the statistics were questionable because child runaways who subsequently returned to their family or school were often not reported.

13. The Government had adopted a programme in 2006 to combat child homelessness. Over 8,000 interventions had been carried out by the social services, the Ministry of Internal Affairs and other interested bodies, which had found that parents in 10,000 families and 7,000 single-parent families were not performing their parental duties properly and were therefore considered to be suspect. The number of complaints against parents had risen, and in 2006 there had been an increase in cases of removal of parental rights. A government body on child matters had been set up in 2005, represented in all regions and districts, in order to work

with homeless children and to restore normal family life. Regarding assistance for homeless children, 95 centres provided care for up to three months and psychosocial rehabilitation for up to one year, not just to homeless children but also to child victims of such crimes as rape and trafficking in human beings. The Government was endeavouring to solve the problem of child homelessness by working with crisis families to prevent children becoming homeless in the first place and by promoting adoption, establishing sponsors, setting up children's homes and finding adoptive families.

14. There were approximately 103,000 orphans in Ukraine, living in children's homes, in boarding houses or with foster families. She did not agree with the comment by a Committee member concerning the cruel treatment of children by educators in boarding houses. Legislation was in place to deal with any problems that arose. The problem of orphans in Ukraine was such that it would be impossible to abolish the boarding-house system, but the Cabinet of Ministers had recently adopted a provision to reduce the number of children in boarding houses through such measures as adoption and foster care and to improve care given in boarding houses.

15. Regarding the reference by one Committee member to 20 criminal cases in which parents had been accused of not fulfilling their parental duties, she said that there had been 198 cases against adults accused of involving children with narcotics.

16. Mr. LATIK (Ukraine) said that there was currently no criminal liability in Ukraine for domestic violence. However, a proposal was being considered to establish such violence as an offence in the Criminal Code, and in view of data regarding the number of persons prosecuted and the aggravating circumstances often involved, such as intoxication or drug use, the Government was hopeful that the proposal would be approved.

17. On the subject of prison inmates suffering from tuberculosis, he said that the official figure was 5,130 people and that there were 7,000 beds available. It was therefore not a question of increasing the number of beds, but rather of ensuring better health conditions. A State programme had been set up to combat tuberculosis, and the incidence of the disease had fallen.

18. The right to housing had been covered in the Constitution using wording that was based on the Covenant. Despite the fact that Ukraine was becoming a market economy, the State had assumed responsibility for assisting individuals in building or renting a property, and a number of normative acts had been adopted on social housing.

19. Mr. DOROSHEVYCH (Ukraine), in response to a question on environmental protection, said that the State party had set out, in a document on the Millennium Development Goals, a number of indicators to achieve the goal of ensuring environmental sustainability. Two such indicators were particularly relevant to environmental protection: that of reducing the volume of harmful substances released into the environment from stationary sources, and that of expanding the network of nature parks and State reserves. Statistical data were used to monitor achievement of the goals. The critical level of 4.2 million tonnes of harmful emissions had already been reached for some emissions. There had been an increase in the surface area of Ukrainian territory covered with nature reserves, which had numbered 200 in 2005, but the goal of 7.5 per cent of Ukrainian territory was yet to be achieved, with a rise of 2 per cent still necessary. Legislation in that area included a basic law on environmental protection, but it was hoped that an act would be adopted on greenhouse gases which would help the Government to include Kyoto Protocol

mechanisms. Ukraine had significant potential for selling carbon dioxide emission quotas: an agency had been established to deal with matters relating to land investment, which had prepared draft framework legislation on greenhouse gases that would provide for the adoption of many normative documents to regulate the sale of emission quotas. A concept paper and a programme for environmental development in Ukraine for the period 2008-2012 had been adopted in 2006, which provided an arsenal of measures mainly relating to the Kyoto Protocol and the goals mentioned.

20. Ms. ZHDANOVA (Ukraine) said that there was a constant upward trend in the incidence of AIDS in Ukraine, and combating the disease was one of the priorities of State policy. The Government had coordinated with partners to develop a concept strategy paper on activities to prevent HIV/AIDS up to 2011, which complied fully with the United Nations Declaration of Commitment on HIV/AIDS of 2001 and which set out two main strategies: preventing the spread of HIV/AIDS and ensuring that treatment and support were provided to patients. A national programme had been established in 2004 to implement the concept paper, and was expected to end in 2008. A network of care facilities had been organized, including 35 regional centres with laboratory diagnosis services and consulting offices and testing centres. As of October 2007, 6,756 patients had been undergoing antiretroviral treatment; in half of those cases, treatment was funded by the State. Internationally, projects were being implemented to monitor tuberculosis and HIV/AIDS using resources from the World Bank and to eradicate the AIDS epidemic in Ukraine through a grant from the Global Fund to Fight AIDS, Tuberculosis and Malaria, which had decided to allocate funding for care to be provided to the most vulnerable sectors of the population in Ukraine until 2011.

21. The CHAIRPERSON invited members of the Committee to raise any additional questions in connection with articles 13 to 15 of the Covenant.

22. Ms. WILSON, complimenting the State party on the detailed provisions with respect to different aspects of education in article 53 of the Ukrainian Constitution, requested confirmation of a number of aspects: firstly, that education was free at all levels (including preschool, primary, secondary, vocational and State higher education); secondly, that there was equality of access for all, including the national minorities, to obligatory primary education; and, lastly, that all pupils, including those belonging to national minorities and particularly the Crimean Tatars, were guaranteed the right to receive instruction in or to study their native language.

23. She further enquired which minorities Ukraine had elected to protect under the Council of Europe Framework Convention for the Protection of National Minorities, and which languages under the European Charter for Regional or Minority Languages.

24. Mr. RZEPLINSKI, referring to the Ukrainian Government's policy to ensure that children living in remote provinces had access to the same or at least comparable quality of primary and secondary education as other children and to offer poorer children access to free university education, said the reality was that the right to education of those children was being violated, since factors such as their family situation and lack of income often precluded them from receiving good-quality secondary education and consequently from benefiting from free university education. He also enquired what was the policy of the Ministry of Education to eliminate drugs, alcohol and violence from schools.

25. Mr. MARCHÁN ROMERO asked for further details on the aims of the Kyiv Initiative for the Democratic Development through Culture of Armenia, Azerbaijan, Georgia, Moldova and Ukraine and whether, given the apparently positive results achieved thus far, the Initiative was to be extended to all cultural and ethnic groups.

26. He requested the State party to clarify further the status of the Crimean Tatar minority in domestic legislation, and to confirm his impression that it was recognized as an ethnic group. He enquired what criteria were provided in legislation for applying the status of indigenous people to the oldest ethnic groups within the framework of the United Nations Declaration on the Rights of Indigenous Peoples, given that the Crimean Tatar minority had not received such status.

27. Mr. KERDOUN said that during a recent visit to Ukraine he had heard first-hand from university professors and other staff that salaries in higher education were so low that many were forced to take second jobs as farm labourers. What steps did the Government intend to take to increase salaries in higher education? The report stated that Ukraine aspired to join the European Union, and that to do so it would have to reform its system of higher education. Was the system currently based on the one in the Russian Federation, and how would the reform be carried out? Would it begin with legislative measures, or by bringing the curricula into line with those in the European Union?

28. Mr. SADI asked whether members of national minorities wishing to study at university had to meet the same standards as other students. Was there an affirmative action policy, for example involving quotas, to promote the admission of such minorities?

29. Mr. DOROSHEVYCH (Ukraine) said that in 2001 about 30 per cent of students in higher education at communal and State schools had paid no tuition fees. Subsequently, a presidential decree had been issued stipulating that the figure should be increased to 50 per cent, and by 2007 that level had been reached. Under the General Secondary Education Act, secondary education was mandatory, free of charge and accessible to the entire population. The quality of secondary education was directly related to the quality of teacher training at institutions of higher learning. Generally the quality was quite good, but it was somewhat undermined by the fact that a portion of the students in education sciences were not admitted on merit alone. Rural areas, certain districts in the western part of the country and remote regions that were less industrially developed than the major cities often had access to less modern equipment, and might not have as good Internet connections, despite the fact that the education budget and investment plans were the same throughout the country. The reason was that capital investment plans for the various regions were supported not only by the central budget, but also for example by local benefactors. There were quotas for the entry into university of certain groups, including the poor, orphans and children who had lost a parent in mine accidents or in the Chernobyl accident, but there were no quotas for national minorities. While the education system still bore some similarities to the Russian system, the development of higher education was firmly based on the principles set out in the Convention on the Recognition of Qualifications concerning Higher Education in the European Region, which Ukraine had signed.

30. Mr. KARBACHYNSKYI (Ukraine) said that, in 2006, 14 secondary schools with an attendance of over 3,300 had taught in the Crimean Tatar language. In addition, at some 65 other secondary schools over 200 classes were taught to more than 2,600 students in the Crimean

Tatar language, and the numbers of such classes and students had both increased by about 20 per cent since the previous year. The Crimean Tatar language was a mandatory course for some 21,500 students, and was taken as an option by about 4,700. There were about 500 children in 26 Tatar-language preschool groups, and Crimean Tatars attended 29 trade and vocational schools; at one such school they accounted for 40 per cent of the student body. In addition, six secondary schools that would carry out instruction in the Crimean Tatar language were currently being built or refurbished. The Turkish International Cooperation and Development Agency had contributed about \$1 million to a project jointly implemented with the Ministry of Education and Science of Ukraine and its Crimean counterpart for the rehabilitation of three schools where Crimean Tatar would be the language of instruction. The Ukrainian Ministry of Education and Science and the Crimean authorities also took part in developing curricula and textbooks for Crimean Tatars and subsidized the production of works of literature in their language. The Crimean Engineering and Pedagogical University provided in its programme for a number of language-related specialties, including Crimean Tatar language teaching techniques for teachers from preschool through secondary level, and the V.I. Vernadsky Tavrichesky National University in Simferopol offered courses for teachers of both Crimean Tatar language and literature. The Government took numerous measures to protect the culture and traditions of ethnic minorities, but no law had yet been adopted in Ukraine defining the status of native peoples; the experiences of Canada, Australia and other countries would be very helpful in that connection. While the Ethnic Minorities Act established that anyone who was not ethnically considered to be Ukrainian - thus including Crimean Tatars - was a member of a national minority, the question of the status of the Crimean Tatars would no doubt be the subject of discussion for some time to come. Many languages of national minorities were used in State schools, including Russian, Romanian, Hungarian, Tatar, Moldovan, Polish, Bulgarian, Yiddish, Gagauz, Slovak, Greek, Armenian, Turkish, Latin and Czech.

31. Ms. YEFIMENKO (Ukraine) said that salaries in the education sector were being updated in accordance with a general revision of the wage scales in the public sector that had been initiated in 2005. The second phase of that revision was currently under way, and the third was expected to be completed by the end of 2008. In the education sector, the greatest increases would be given to highly qualified specialists. In the course of the second phase, salaries of school employees had risen by 40 per cent.

32. Ms. IVANENKO (Ukraine) said that any cases of abuse of schoolchildren by teachers gave rise to sanctions, and the Criminal Code provided penalties for encouraging the use of drugs by children. Under Ukrainian law, alcohol and tobacco could not be sold at or in the vicinity of schools, and smoking was specifically prohibited at schools. The Government was aware of the disparities in the performance of the educational system in rural and urban areas, and was working to overcome them through the use of special programmes for schoolchildren in mountain and remote villages, including schemes whereby the schoolchildren were given room and board during the week, and returned home on weekends. According to the Ministry of Education and Science, practically all schoolchildren in Ukraine now had computer access.

33. Mr. DOROSHEVYCH (Ukraine) said that a case had recently been brought before the Constitutional Court to contest the State's failure to pay out certain remuneration that teachers considered to be owed to them, and the Court had found in favour of the teachers. The State would now make monthly payments to those entitled to that benefit over a period of five years.



34. Mr. KARBACHYNSKYI (Ukraine) said that Ukraine had ratified the Framework Convention for the Protection of National Minorities on 26 January 1997, and the European Charter for Regional or Minority Languages on 15 May 2003.

35. Ms. DROZDOVA (Ukraine) said that the Kyiv Initiative had been a very important step. In the absence of a representative of the Ministry of Culture, the delegation undertook in the near future to send information on the Initiative to the Committee. Illegal mines did indeed operate in Ukraine, and raids had been conducted by the local authorities, labour inspectors and the Ministry of Internal Affairs. A number of mines had been closed as a result. No cases of child labour had been found at the illegal mines.

36. There were some 3,500 child workers in Ukraine. In one year, about 140 had been found to be engaged in heavy or difficult work or to be working in unsafe or unhealthy conditions. Some 330 children had been discovered working overtime, at night or on holidays, and 512 had been working more hours than authorized. As a result of labour inspections, 295 orders had been issued to halt the illegal practices in question, 563 citations of violations had been submitted to the courts, and material on 43 inspections had been handed over to the procurator's office.

The meeting rose at 5.10 p.m.