

**Information of the Ukrainian Parliament Commissioner for Human Rights
for the Secretariat of the United Nations
for preparation of the report on implementation of the General Assembly
resolution 65/182 of 21 December 2010 entitled “Follow-up to the Second World
Assembly on Ageing”**

According to Art. 10 of the Law of Ukraine “On Basic Principles of Social Protection of Labor Veterans and Other Elderly Citizens in Ukraine”, the elderly citizens are men of age 60 and women of age 55 years old and older as well as the citizens who are to reach pension age in not more than a year and a half.

Ukraine has approximately 13,5 million of such people.

Safeguards for the rights of the elderly citizens are provided for by the following:

- The Constitution of Ukraine;
- Law of Ukraine of 19.07.2003 No.966-IV “On Social Services”;
- Law of Ukraine of 16.12.1993 No.3721-XI “On State Social Standards and Social Guarantees”;
- Law of Ukraine of 05.10.2000 No.2017-III “On Basic Principles of Social Protection of Labor Veterans and Other Elderly Citizens in Ukraine ”;
- Law of Ukraine of 09.07.2003 No.1058-IV “On Mandatory State Pension Insurance”;
- Law of Ukraine of 05.11.1991 No.1788-X “On Pension Provision”;
- Law of Ukraine of 06.10.2005 No.2961-IV “On Rehabilitation of the Disabled in Ukraine”;
- Law of Ukraine of 18.11.2004 No.2195-IV “On Social Protection of War-Affected Children”;
- Law of Ukraine of 22.10.1993 No.3552-XII “On Status of War Veterans, Guarantees of their Social Protection”;
- Law of Ukraine of 23.03.2000 No.1584-III “On Victims of Nazi Persecution”;
- Law of Ukraine of 09.04.1992 No.2262-XII “ On Pension Provision of Military Personnel, Persons of Senior Staff and Ranks of Bodies of Internal Affairs and Some Other Persons”;
- Law of Ukraine of 18.02.1991 No.796-XII “On Status and Social Protection of Population Suffered from Chornobyl Catastrophe”;
- Law of Ukraine of 01.06.2000 No.1767-III “On Pensions for Special Merits to Ukraine ”;
- Law of Ukraine of 12.01.2006 No.3334-IV “On the Housing Fund for Social Purposes ” and others.

Having ratified the European Social Charter (revised) on 14 September 2006, Ukraine committed itself to consistently secure the right of the elderly to reliable social protection. However, at the same time some reservations have been made in

relation to commitments on human rights to social security, social and medical assistance.

Pursuant to Art. 101 of the Constitution of Ukraine, the Law of Ukraine “On the Ukrainian Parliament Commissioner for Human Rights” the Commissioner maintains systemic monitoring of the observance of the citizens’ rights, including the elderly, identifies violations of human rights and submits relevant responses to the bodies of state authority, local self-government, associations of citizens, enterprises, institutions and organizations regardless of their form of ownership, as well as to their officials and officers.

The Commissioner delivers to the Parliament of Ukraine Annual and Special reports on the state of observance and protection of human rights and freedoms, including of the elderly citizens.

Appeals from the pensioners, veterans of labour, war-affected children received by the Commissioner for Human Rights amount to over 5% of the total number of received appeals.

In her Special report on the observance of international standards on human rights and freedoms – which was presented to the Parliament of Ukraine on 10 December 2008 – the Ombudsman made a conclusion that constitutional rights to health care and free medical assistance, which are of particular need for the elderly citizens, were being systematically violated in Ukraine. According to experts, the volume of the consolidated budget allocations for health care has been at the level of 50-60% of the minimum need during the recent years.

The opinion and proposals of the Commissioner for Human Rights as for the protection of human rights to adequate pension were presented at the parliamentary hearings entitled “The state of realization of pension reform and ways of its improvement” on 16 February 2011.

Monitoring of the Commissioner for Human Rights proves that the poverty and want in families of elderly people has considerably increased during the last 10 years. The amount of pension of almost 9 million pensioners would not exceed 1000 hryvnas (nearly 120 USD), in other words it is equal to poverty edge.

The Ombudsman of Ukraine has proposed to ensure dynamic development of the employment sphere as the basis of the Pension fund and guarantee of its sustainable functioning. The Pension reform should be of a comprehensive nature, understandable for the citizens, instead of being implemented at the expense of the ordinary citizens, first of all the elderly.

Important proposals of the Commissioner for Human Rights were also presented at the parliamentary hearings entitled “On state policy of addressing the issue of restitution and compensation of lost (depreciated) savings of the citizens”, held on 13 April 2011.

Thus, the Commissioner addressed the President of Ukraine on the need to amend the Law “On the State Budget of Ukraine for 2011” in order to provide for allocations for payment of compensation of labour savings and suggested to put responsibility for restitution of savings not only on the state and its budget, but also to form a relevant compensation fund by means of introducing a tax for income earned

from exploitation of property created out of the earned savings. It would be fair to introduce a special tax on luxury for the most well-off people.

The Commissioner for Human Rights further proposes:

- to adopt a new Strategy of combating poverty, which should be focused on narrowing the drastic gap between the income of the poor and of the rich, and securing the right of everyone to a more just access to resources;

- to expedite elaboration and submission for consideration by the Parliament of the draft all-Ukrainian program on strengthening gender equality in the Ukrainian society for the period until 2016;

- to adopt the law on free legal aid, that would provide the elderly with the possibility to freely realize their right to judicial protection;

- to observe the legislation provisions for creating a barrier-free environment, and providing the disabled with means of rehabilitation and transportation;

- to create empowering environment for realization of the rights of the elderly citizens to free vehicular transportation;

- to have public discussions of the draft laws on securing the lawful right to social protection of the veterans of war and labour, war-affected children, victims of Nazi persecution, the disabled suffered the Chornobyl disaster with participation of the civic organizations protecting the rights of that people;

- to secure the constitutional right of the citizens of Ukraine, especially of the elderly, to obtaining information from the state source – network of the wired radio broadcasting of the National radio company of Ukraine;

- to create preventive mechanisms against illegal appropriation of the private realty (first of all – dwelling place) of the lonely people, who very often belong to elderly group;

- to create no obstacles for the elderly to vote during elections when introducing amendments to the electoral legislation.