

ПОСТІЙНЕ ПРЕДСТАВНИЦТВО
УКРАЇНИ ПРИ ВІДДІЛЕННІ ООН ТА
ІНШИХ МІЖНАРОДНИХ
ОРГАНІЗАЦІЯХ У ЖЕНЕВІ



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Geneva, May 22, 2018

Dear Madame Special Rapporteur,

In response to your letter of 26 April 2018, I have the honour to transmit herewith information provided by the Ministry of Social Policy of Ukraine as submission for your upcoming thematic report to the Human Rights Council.

Please, find, Madame Special Rapporteur, the assurances of my highest consideration.

Enclosed: as stated.

Yurii Klymenko
Ambassador,
Permanent Representative

Ms. Urmila BHOOLA
Special Rapporteur
on the contemporary forms of slavery,
including its causes and consequences
Geneva

Cc: Office of the High Commissioner for Human Rights
Special Procedures Branch

On providing information to the UN Secretary-General's report on slavery in households, including migrants, and within the scope of its competence.

Article 26 of the Constitution of Ukraine stipulates that foreigners and stateless persons who legally stay in Ukraine enjoy the same rights and freedoms and have the same duties as citizens of Ukraine - with the exceptions established by the Constitution, laws of Ukraine or international law agreements to which Ukraine is a party.

From this constitutional principle of equality of the basic rights and freedoms of Ukrainian citizens and foreigners, it is a matter of the same regulation of the norms of labor legislation regarding the relations between the employer and the foreign worker.

According to Article 5 of the Law of Ukraine "On Employment of the Population" (hereinafter - the Law), the State guarantees protection against discrimination in the field of employment, groundless refusal to hire and unlawful dismissal.

In accordance with part one of Article 11 of the Law, the State guarantees a person the right to protection against any manifestations of discrimination in employment on the grounds of race, color, political, religious or other beliefs, membership in professional unions or other associations of citizens, sex, age, ethnic and social origin, property status, place of residence, language or other grounds.

In addition, labor migrants are entitled to the protection of their labor rights in case of their violation by the employer by means of appeal to the court, the Commissioner of the Verkhovna Rada of Ukraine on human rights, authorized subdivisions of the Ministry of Internal Affairs working in the field of combating human trafficking, civil society organizations, including international CCO operating in Ukraine and protecting workers, in particular migrant workers.

Ukraine is a party to the European Convention on the Legal Status of Migrant Workers (hereinafter - the Convention). The Convention lays down a number of safeguards for the recruitment of workers, in particular, the granting of work and residence permits, working conditions, wages, labor protection, and the facilitation of receiving agencies for social and medical assistance. The purpose of the adoption of the said Convention is to achieve such a state of regulation of the legal status of migrant workers in order to provide them with conditions of work and life no less favorable than the conditions accorded to workers-citizens of the receiving state.

According to Art. 28 of the Convention, each contracting party grants migrant workers the right to establish organizations for the protection of economic rights and social interests under the conditions prescribed by law for its citizens.