

## **1. Autonomy and Independence.**

The fundamental principles of state policy on older citizens in Ukraine are defined by the Law of Ukraine dated 16.12.1993 No. 3721-XII "On the Basic Principles of Social Protection of the Veterans of Labour and Other Older Persons in Ukraine".

According to the mentioned Law, the state guarantees every older citizen an adequate standard of living, enjoyment of different vital needs and various types of assistance by the following means: realization of the right to work in accordance with vocational training, labour skills and the state of health; ensuring of pensions and assistance; creation of conditions for the maintenance of health and active longevity in accordance with the modern achievements of science; organization of social services, development of a network of material and technical base for inpatient facilities and home care forms for older citizens.

The labour behaviour of older persons, in particular, their decision to continue to work after reaching the retirement age (retirement), excluding the state of health, is largely determined by the conditions of the labour market. Despite the legislative prohibitions of discrimination and age-related harassment, citizens often have problems with finding a job and employment in their retirement age. Having a pension as a second source of income, they are more likely to agree to work for lower wages; often they are less prudent to the nature and conditions of work occupying positions which do not attract young or middle-aged people.

The Law of Ukraine "On employment of the population" establishes additional guarantees for the promotion of employment (in particular, by establishing a quota for jobs) only to the persons who are until the onset of the right to the age pension on the basis of not more than 10 years or less according to Article 26 of the Law of Ukraine "On Compulsory State Pension Insurance". At the same time, the state employment service does not implement certain programs specifically for the persons of the retirement age. The older citizens, who still have working capacity and willingness to work, in case of their request to the State Employment Service have the right to recruitment, information counselling and guidance services.

The persons who receive pensions have the right to continue work after retirement primarily due to the fact that the amount of the retirement benefits<sup>1</sup> they receive does not allow them to provide an adequate standard of living. Insufficient pension provision is mainly caused by the unbalanced incomes and expenditures of the Pension Fund of Ukraine (the deficit of the Pension Fund of Ukraine is about 140 billion hryvnia).

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<sup>1</sup> According to the Pension Fund of Ukraine:

As of 01.01.2018, the number of recipients of pension benefits includes 11,711,229 persons. Out of the total number of pensioners, 2,333,040 persons (about 20%) are working pensioners (this data refers solely to the persons whose labour relations are duly executed). As of 01.01.2018 about 89% of retirees receive pensions at the rate below / at the poverty line level defined by the United Nations for Central and Eastern European countries (the cost of daily consumption at \$ 5).

The low level of pension provision for the citizens does not allow them to lead a full-fledged life (including rehabilitation and travelling) as, for example, older people in developed European countries.

At the same time, relatively healthy and active older persons have the possibility to preserve individual independence and autonomy.

The Ukrainian legislation in force guarantees elderly citizens free qualified medical assistance in geriatric centres, hospitals for the elderly and other inpatient, outpatient and polyclinic institutions, as well as at home, taking into account the achievements of gerontology and geriatrics.

At the same time, the guarantees provided by the law are not substantially supported by adequate budget financing; they are being implemented within the financial capabilities of the state without consideration of the real need of the citizens, as well as the real value of the corresponding services.

In Ukraine, systemic transformations in the sphere of social services of the population are continuing, among them the introduction of the standards of quality of social services<sup>2</sup> and ensuring control over their observance; the introduction of market mechanisms into the functioning of the social services system and the introduction of a mechanism for social procurement of social services to non-governmental agencies recognized as equal subjects of the provision of social services.

Within the framework of the parliamentary control of the Commissioner, in cooperation with non-governmental organizations, monitoring visits to social protection institutions of the elderly population are conducted to ensure the observance of their rights and interests. According to the results of such visits, the acts of response are addressed to the relevant state authorities in accordance with the given powers.

Among the main issues of the sphere of provision of social services, one should pay attention to:

in the conditions of the decentralization reform, powers delegated to local self-government bodies are not always supported by adequate funding;

virtually the only providers of social services are the state and municipal institutions (there is an obstacle to the involvement of non-governmental organizations related to the lack of effective mechanisms for financing of non-state social services);

appropriate assessment and estimate of social service needs are not conducted at the local level;

non-governmental organizations are almost not involved in the needs assessment of services and their effectiveness and quality, although this is explicitly provided for by the current legislation.

In accordance with the legislation of Ukraine (in particular, the Law of Ukraine "About Education"), every citizen has the right to education throughout his life, taking into account his personal needs, priorities of social development and the needs of economy. The practical realization of this principle is carried out by the universities of

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<sup>2</sup> In particular, the Ministry of Social Policy by order of 05/18-2015 № 514 approved the State standard of social adaptation, which is used for the organization of provision of the appropriate service to persons in difficult living conditions, including the elderly; By order of 07.06.2017 № 956 approved the State standard of supported accommodation of the elderly and persons with disabilities.

the third age, whose activities have been initiated by the Institute of Gerontology of the National Academy of Medical Science of Ukraine. In recent years, the development of the network of such universities has been further boosted by the support of this direction by the Ministry of Social Policy of Ukraine and projects of the UN Population Fund. As innovative projects, universities of the third age are open in many Ukrainian cities. The activities of such universities are carried out within the framework of appropriate social and pedagogical services, and, as a rule, are provided by the structural subdivision of the territorial centre of social services (provision of social services).

A positive in the rights of the elderly is the approval of the Cabinet of Ministers of Ukraine of 11.01.2018 No.10, the strategy of policy on healthy and active longevity of the population for the period until 2022, which provides for comprehensive measures to support the elderly, ensuring their active participation in social development, improvement of quality of life. In accordance with paragraph 2 of the Order, central executive authorities are instructed within three months to prepare a plan of measures for the implementation of the said Strategy. The issue of developing an appropriate action plan and its implementation remains under the control of the Commissioner.

In the context of the information requested, it should also be noted that older persons may appeal to the court to seek compensation for the prohibition of autonomy and independence.

## **2. Long-term and palliative care.**

The Law of Ukraine dated 07.07.2011 No. 3611-VI introduced amendments to the Law of Ukraine "Fundamentals of Health Care Legislation" which define palliative care as a form of medical care and regulates the organizational principles of its provision.

On 20 October 2014 the State target social program on combating HIV / AIDS in 2014-2018 years was adopted by the Law of Ukraine No. 1708-VII. On 27 December 2017 the Cabinet of Ministers of Ukraine adopted the order No. 1011-P "Concept of the National Targeted Social Program to combat tuberculosis for 2018-2021 years", which includes the development of palliative care.

The Law of Ukraine of 19.10.2017 No. 2168-VIII "On the state financial guarantees of medical care" guarantees the citizens in need of extra protection full payment from the State Budget of Ukraine necessary to cover medical services and medicines, including palliative medical care within the framework of the medical guarantee program. The implementation of this Law should contribute to the proper development of palliative care.

The procedure for the provision of palliative care and a list of medical certificates for its provision are determined by the order of the Ministry of Health of Ukraine dated January 21, 2013, No. 41 "On the organization of palliative care in Ukraine".

In 2016, the draft resolution of the Cabinet of Ministers of Ukraine "On Approval of the Strategy for Development of Palliative Care in Ukraine until 2027", which is presented for public discussion, but to date the relevant regulation is not accepted.

Palliative care, depending on the patient's condition, is provided in in-patient, out-patient or home-based health care and social care facilities<sup>3</sup>.

At the national level, there is no assessment of the need for palliative care for patients of different age groups according to their places of stay, as well as in medicinal products, primarily for the relief of pain. At the same time, there are some reasons to believe that the existing network of facilities providing palliative care, makes it impossible to provide such assistance to all persons in need, and, as a result, most palliative patients die at home.

Since September 2014 the Department of the national preventive mechanism of the Secretariat of Ukrainian Parliament Commissioner for Human Rights has carried out ongoing monitoring of the rights of patients in institutions of palliative care.

The monitoring results show that at the moment the bed fund and material and technical support of most of the existing hospices and palliative outpatients are not in line with international standards, and the conditions of patients' stay in these institutions are not always satisfactory.

The provision of full, quality and continuous palliative care is complicated mainly by insufficient funding for the medical sector.

At the same time, during monitoring of certain facilities providing palliative care, the following violations have been revealed:

no proper conditions for patients' stay (3-5 persons placed in a chamber);

not created special individual devices (handrails, bars, swivel or folding seats);

unimpeded access for low-mobility persons is not ensured;

insufficient provision of medical products to people with different nosologies;

not providing adequate effective anaesthesia;

access to psychological help is not provided;

no right to information is provided (no information stands (legal corners) with information on patients' rights, hotline numbers, executive bodies to resolve the necessary issues and appeals against actions of employees of the institution);

the right to secrecy of religion is not guaranteed (communicating patients with a cleric is conducted only in the ward in the presence of other patients).

In the residential institutions of social protection of the population and territorial centres of social services, social services for palliative care are provided<sup>4</sup>. However,

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<sup>3</sup> According to the Ministry of Social Policy of Ukraine and the Ministry of Health of Ukraine:

In 128 health care facilities, palliative care is provided in inpatient settings both in separate institutions and in the offices (beds) of district (city) hospitals. By the end of 2017, the largest number of beds for the provision of palliative aid was created in the Lviv, Kharkiv, Poltava and Chernihiv regions. At the same time, there are no palliative care facilities in the three regions of Ukraine (Kyiv, Odesa, and Chernivtsi).

In the 564 residential institutions of social protection of the population and territorial centers of social services (provision of social services), a social service of palliative care is provided at home in accordance with the State standard of palliative care, approved by the order of the Ministry of Social Policy from January 29, 2016 No. 58.

<sup>4</sup> According to the State Standard of Palliative Care, approved by the Order of the Ministry of Health and Social Policy as of January 29, 2016, No. 58, the social service of palliative care includes assistance in self-service, health monitoring, assistance in the provision of medical services, assistance in providing technical rehabilitation, training in their use skills, training of family members of care, representation of interests, psychological support of a person and his family members, provision of information on social protection of the population, assistance in the benefit of Anne legal aid organization and support of self-help groups

even on the basis of the content of this service, it can be argued that it fully corresponds with the general concept of "palliative care", which should primarily aim at providing medical and psychological support to a palliative patient at the last stage of his life.

On the whole, attention should be paid to the low level of awareness among different groups of the population, public authorities and local governments regarding palliative care, the lack of a systematic approach to its provision, interagency cooperation and an integrated approach taking into account the patient-family-oriented approach.

Today one of the urgent tasks is the development and implementation of national palliative care standards in Ukraine, recommendations and guidelines for specialists providing such assistance in health care institutions, social protection of the population and at home.

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