

**Alternative report**  
**on Ukraine's compliance with the provisions of the UN Convention on the Rights of the Child**  
**for the period from 2011 to 2020**

The Alternative report (hereinafter AR) on the implementation by Ukraine of the provisions of the UN Convention on the Rights of the Child (hereinafter the UNCRC) is the result of the joint work of public sector experts in the field of the protection of the rights of the child. The document contains up-to-date information on Ukraine's compliance with the UNCRC for the period since Ukraine received recommendations from the UN Committee on the Rights of the Child after the consideration by the Committee of the consolidated third and fourth National Report (2011) up to 2018 inclusively.

The AR was prepared by the Ukrainian non-governmental organizations (NGOs) throughout September 2018 – March 2020 in accordance with the requirements defined in the guidelines for NGOs and NIHR “Child Rights Reporting Cycle” (Child Rights Connect). The involved NGOs include:

- Charitable Organization “Charitable Foundation “Right to protection”;
- Charitable Organization “Charitable Foundation “Rokada”;
- Charitable Organization “Hope and Homes for Children”;
- Charitable Foundation "Caritas Ukraine"
- Woman`s Consortium of Ukraine;
- All-Ukrainian Charity “Child Well-being Fund Ukraine”;
- All-Ukrainian Counter-Trafficking NGO Coalition;
- All-Ukrainian Foundation “Protection of Children`s Rights”;
- Public Association “Educational Human Rights House – Chernihiv”;
- Public Organization “Childhood without AIDS”;
- Public Organization “Inclusion Together”;
- Public Organization “La Strada - Ukraine”;
- Public Organization “Better Internet Centre”;
- Public Organization “MART”;
- Public Movement “Vira, Nadiya, Lubov”;
- Public Association “Ukrainian Child Rights Network”;
- Danish Refugee Council-Danish Demining Group;
- Environmental Public Organization "Flora";
- Internet-edition “Media Detector”;
- Coalition “Child Rights in Ukraine”;
- Congress of Ethnic Communities of Ukraine;
- International charitable organization ICF “SOS Children`s Villages” Ukraine;
- International charitable organization “Partnership for Every Child”;
- International Public Organization “International Leadership Development Center”;
- International charitable foundation “Ukrainian Foundation for Public Health”;
- International charitable foundation “AIDS Foundation East-West” (AFEW-Ukraine);
- Sumy Regional Public Organization "Center of Public Initiatives “Intelligence of Sumy Region”;
- “East Ukrainian Center for Civic Initiatives”;
- Ukrainian Helsinki Human Rights Union;
- Kharkiv Regional Foundation “Public Alternative”;
- Kharkiv Institute of Social Researches;
- ZMINA. Human Rights Information Center.

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*The report was prepared with the technical support of the Save the Children International and BICE (International Catholic Child Bureau) and others.*

## **Introduction**

During the autumn 2018, the Government of Ukraine (hereinafter the Government) has submitted the National Report “Consolidated V and VI Periodic National Report on Ukraine’s Implementation of the UNCRC” (2011–2017) (hereinafter National Report). In a meaningful way, the document reflects the efforts of the Government in terms of following the provisions of the UNCRC.

However, according to the public organizations, the provided information is not enough balanced: the significant attention is put to the special protection measures but the section on the violence towards children is insufficient; the positive statistics are achieved because of unqualitative data collection and exclusion from 2015 data on the Crimea and part of the Donbass which are not controlled by the Government.

Human rights organizations note the gaps in the legislation on the protection of the child’s rights, the significant challenges in the implementation of the existing legal framework; systematic disadvantages in the performance of the authoritative bodies and subordinated agencies.

The situation became complicated in the beginning of 2014 due to the occupation of the Crimea peninsula by the Russian Federation and the military actions in the East of Ukraine. Part of the Donbass area nearby the borders with the Russian Federation came out of the control of the Government and became the area of the armed conflict.

The described events caused a huge number of negative consequences, including thousands of human victims, including hundreds of children, the appearance of about 1.5 million of IDPs from the East of Ukraine and the Crimean peninsula. The state’s fundamental progress in child rights is connected with the need to respond to these new challenges. However, these actions are not systemic.

In order to address the gaps in the Government report, 32 high profile organizations have united their effort to prepare an AR. Each of them is working on a certain relevant thematic issue partnering to the right of the child. The expertise provided by them was analyzed, conclusions and recommendations (Annex 3) were jointly elaborated. The Coalition “Child Rights in Ukraine” and the PA “Ukrainian Child Rights Network” have coordinated the preparation of the AR. Information on vulnerable groups of children is included in sections that reflect the status of compliance with individual rights of the child.

Annex 2 contains evaluation of implementation status of CRC recommendations on Optional Protocol on the Involvement of Children in Armed Conflict.

During the work on the AR, several meetings with human rights activists were conducted; the consultations with children, an open public discussion with national and international non-governmental organizations, public figures and independent experts took place.

## **1. General measures of implementation (Art.4, 42, 44-6)**

### ***1.1. Legislation and its implementation (Article 4)***

1. The state continues to underline childhood protection as its strategic priority. Accordingly, the child is seen as an object of protection, and not a subject of rights, which is directly reflected in the law and state policy.
2. The key law remains the LoU "On the Protection of Childhood"<sup>1</sup>, certain changes were made to it, but it cannot be considered as fully reflecting the standards. All systemic problems mentioned by NGOs in the previous AR<sup>2</sup> remained unchanged.
3. In 2017, following the recommendation of the Concluding Observations of the UN Committee on the Rights of the Child of 2011, an analysis on the compliance of the national legislation with the norms of the UNCRC and the development of proposals for its improvement was carried out.
4. According to the conclusion, a number of child's rights are not directly guaranteed by the Law №2402, including the child's right to preserve his or her personality; the child's right to freedom of conscience and the observance of one's religion; the rights of the child to privacy and protection against arbitrary interference with privacy and family life, privacy, correspondence or unlawful encroachment on her honor and dignity<sup>3</sup>; other disadvantages in legislation were revealed. According to the results of the analysis, suggestions were provided for improving the national legislation. However, there is a concern over superficial analysis and the lack of any recommendations regarding child protection against violence<sup>4</sup>.
5. The term "child with disabilities", as a general standard, was introduced, but the definitions "children with physical or mental defects"<sup>5</sup> and "children with defects of mental or physical development"<sup>6</sup> still remained. In numerous legal acts, the following discriminatory characteristics are used: blind, deaf and mentally retarded.
6. Legal framework does not meet the challenges and needs in child protection. The majority of the legislative initiatives are sketchy and do not have an integrated approach, which is evidenced by the number of adopted changes to the laws in recent years: changes to the Law №2402 were amended more than 20 times in the period from 2011 to 2018. Drafts of legal acts do not pass the appropriate examination on compliance with the UNCRC. Among the positive changes there are: the introduction of the definitions "ensuring child's best interests", "patronage", "domestic violence"; the access to justice is improved, and new vulnerable groups - "child who needs additional protection" and "child who requires temporary protection" are added.
7. The state has stepped forward in ratifying the international treaties, namely: The Convention of the Council of Europe on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) and the Third Optional Protocol to the UNCRC. At the same

time, the Hague Convention developed in 1993 on child protection and cooperation within interstate adoption has not been ratified<sup>7</sup>.

## **Recommendations**

- Ensure implementation of recommendation 9 of previous concluding observations (CRC/C/UKR/CO/3-4) regarding adopting a comprehensive Child Right Act which fully incorporates the provisions of Convention and its Optional Protocols.
- Provide common means for the implementation of the Convention on the Rights of the Child through the development of the state policy on children where the child is given a key place and is a subject of rights recognized by adults and public authorities.
- Bring the official Ukrainian text of the Convention on the Rights of the Child in line with other UN Conventions, in particular, in the Convention on the Rights of Persons with Disabilities.
- Ratify and ensure international documents and treaties regarding child rights protection<sup>8</sup>.

### **1.2. Coordination of work**

8. The lack of coordination made the children hostages of the ongoing reforms, certain children remained unprotected.
9. The Interagency Coordination Commission on Child Protection Issues<sup>9</sup> is still not a permanent body and other high-level State authority has not been appointed. Thus, effective coordination of child policies was not ensured. In practice, the Commission's work is largely confined to the preparation of the State Annual Report on the situation of children. In 2018, the Commission held several meetings to discuss child safety, its minutes were not publicly accessible.
10. In numerous initiated reforms, the child protection issue is absent. Thus, the necessary decentralization reform has led to the decrease of the quality, and in some UTCs to the full absence of social services for children, namely, the support of families in crisis, the provision of alternative care for children, the work with vulnerable children, etc.<sup>1011</sup>

During the police reform, the main resources were directed to the development of the patrol service, but without taking into account the existing experience of the juvenile prevention unit (formerly the criminal police for children's affairs), which had years of experience in searching children, conducting work on prevention of crimes against children and involvement of children in criminal activity. The juvenile prevention unit was under the threat of liquidation for two years, resulting that more than 2/3 of the workers left, and the unit's experience was almost lost. Now, the Juvenile Prevention Department and the relevant units restored their work, but there are gaps in cooperation with the newly established police school officers. The absence of an interagency coordinator and a single internal coordinating body at the National police led to an uneven burden on various police departments, uneven provision of advanced training, lack of timely development of provisions and recommendations<sup>12</sup> for the child protection, and a certain degree of competition.

11. Medical reform is also happening without a comprehensive impact assessment of children and without the involvement of the so-called coordinating body.

12. It is possible to positively evaluate the education reform, which success is associated with international support, significant subventions from the state budget to the budget of local authorities, which contributes to the decentralization of schools<sup>13</sup>; primary education reform and secondary education reform are continueing as well as decentralization reform. However lack of coordination influences negatively the schools financing transeparancy as well as education in rural locations (see § 1.5 and § 3.1).
13. In the process of the deinstitutionalization, the functions of the coordinating body were taken over by the Ombudsman of the President of Ukraine on the rights of the child by involving the relevant ministries and public organizations in discussing the reform and existing risks. Unfortunately, the government did not accept this experience to strengthen the coordinating body.
14. CSs<sup>14</sup> remain responsible for the implementation of measures to protect the rights, freedoms and legal interests of children. There was no comprehensive analysis of the powers of central and local authorities responsible for ensuring the rights of the child. As a result, within the framework of administrative and decentralization reforms, there is no clarity and separation of functions at both national and local levels. The process of reforming the system of administrative and social services in a context of decentralization is in a deep crisis. The algorithm of transferring powers from the district CSs to the UTCs is not adequately regulated. Only a part of UTCs created CSs or hired fewspecialists.

## **Recommendations**

- Ensure implementation of recommendations of previous concluding observations of the Committee on the Rights of the Child from 3 February 2011: 12 a) regarding a comprehensive functional review of Government institutions and and 12 c) regarding ensuring effective coordination of child policies.

### ***1.3. National Action plan***

15. The NAP on the Implementation of the UNCRC for the period until 2016<sup>15</sup>, adopted in 2009, revealed the problem of its implementation. Each year, the Action Plan of measures for the implementation of the NAP was approved by the Government with at least six months delay. Thus, in 2015 and 2016, the Plan was approved in late August<sup>16</sup>.
16. In May 2018, the State social program "NAP for the Implementation of the UNCRC" for the period up to 2021<sup>17</sup> was adopted. Its provisions contain priorities for the modern Ukraine in child protection, but funding to it was not ensured as a separate line in the Budget Law for 2019 and 2020 year.

### **Recommendations on NAP 2019-2021:**

- Ensure implementation of recommendation 14 a) of previous concluding observations of the Committee from 3 February 2011 regarding a sufficient funding to NAP as well as ensuring funding to it as a separate line in the Budget Law for each year

### ***1.4. Monitoring the implementation of the Convention and data collection***

17. Ukraine introduced in 2011 the institution of the Ombudsman of the President of Ukraine on the rights of the child by the Decree of the President of Ukraine No. 811<sup>18</sup>. The by-law defines the tasks and rights of the Ombudsman, but the position does not have duties, clear responsibilities and functions. It depends on the President and is not in line with the Principles relating to the Status of National Institutions (The Paris Principles) adopted by the UN General Assembly resolution 48/134 of 20 December 1993. Moreover, the monitoring of the observance of the child rights and the UNCRC by the Ombudsman is not appropriately carried out.
18. Another national human rights institution - the Ombudsman for Human Rights of the VRU has a department for child's and family's rights was not change (see CRC/C/UKR/CO/3-4, § 16).
19. In 2019, the Government's decree came into force and introduced the Education Ombudsman, his tasks and rights; the procedure and conditions of appeal were also determined<sup>19</sup>.
20. None of created institutions is friendly to child complaints mechanism.
21. There is no any accurate disaggregated data regarding children with disabilities, children with development problems, children with special educational needs, children affected by the conflict, adolescents at risk and violence against children in schools, at home and within the community.

***Recommendations:***

- Ensure implementation of recommendation 16 of previous concluding observations (CRC/C/UKR/CO/3-4) regarding establishment a separate independent national mechanism, in full accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).

- Ensure implementation of recommendation 20 of previous concluding observations (CRC/C/UKR/CO/3-4) regarding the creation of a national database with comprehensive data, disaggregated by age, sex, and ethnic and socio-economic origin, on the observance of children's rights with adequate attention to children in vulnerable situations who may require special protection measures.

***1.5. Budget allocated for the implementation of the Convention***

22. State programs for children are funded by "residual principle", using funds allocated to ensure the functioning of the relevant ministries and departments, or using funds after covering more important needs. The volume and proportion of the national budget spent on children were not determined. The lack of transparency in budget preparation and the participation of children and parents in these processes remain an issue of concern
23. This leads to uneven distribution of funds for children in various areas. Thus, different support is given to schools, in particular children who study in specialized language or technical schools, that have a larger number of well-provided lessons according to typical curricula. Another problem is that there are no minimum standards for providing schools with material resources.

24. The funding of a school depends on the active position of the school administration and parents in their request for funding a separate institution. As a result, some schools have adequate support from local administrations for hygiene products (toilet paper, detergents, etc.), others are provided with detergents by attracting the necessary money from the parents. The lack of minimum school provision creates inequalities for different groups of children and represents the basis for constant conflicts between parents and the administration, when parents do not want to donate money to the charitable foundation (including because of the opinion that this is part of corruption), or unable to provide funds due to poor financial condition.
25. There is also a significant difference in salary funds, financed both by the state and from local budgets. For example, a random monitoring in Kharkiv showed that the salary fund per student was from 10,000 to 30,000 hryvnias<sup>20</sup>. The lack of transparent budgeting at all levels, does not allow to make conclusions, which is the reason for the various expenditures on the education of children.

***Recommendations:***

- Conduct a comprehensive assessment of the budget needs for children and allocate appropriate budgetary resources in accordance with the NAP for the implementation of children's rights and, in particular, address disparities and ensure that the education budget does not depend on the contribution of parents.
- Conduct financing services for the child, rather than financing the facilities, and ensure equal access of the child to these services. Ensure the formation and development of the social services market through the introduction of practical mechanisms of social order.

***1.6. Dissemination of information about the Convention and training of specialists***

26. Unfortunately, the state does not use the effective means to raise awareness about the principles of the Convention. Such actions are fragmented and usually initiated by CSOs and intergovernmental institutions.
27. In educational institutions, which train teachers, social workers and other professionals for child protection, no or very little attention is given to teaching about the child's rights. Specialists do not have enough competence regarding the Convention, its standards, and the mechanisms of protection.

**Recommendations :**

- Provide resources to the MSP, the Ombudsman of the President of Ukraine, the Ombudsman for Human Rights of the VRU and to CSOs to ensure effective dissemination of the Convention throughout the State party.

**2. Definition of the child**

28. The state repealed discriminatory laws and recognized the same marriage age for young men and women - 18 years. The legal age of sexual consent was also determined - in fact, it is 16

years. 16 years is also established as exceptional minimum age for marriage, which is to be decided by court with respect to interests of 16-year person.

### **3. General principles**

#### **3.1. Non-discrimination**

29. The comprehensive anti-discrimination law "On Principles of Prevention and Counteraction of Discrimination in Ukraine"<sup>21</sup> was adopted on 06.09.2012. Children are considered only in the general context of potential victims of discrimination.
30. To prevent discrimination of children with special educational needs the inclusive education in schools and preschools is introduced from September 2017<sup>22</sup>. Mostly, the innovation has benefited to children with disabilities and provided them with opportunities to study in general schools.
31. Another initiative for the education sector legally introduces the notion of bullying<sup>23</sup> in December 2018, the responsibility for it was strengthened, and a number of measures for its warning were defined. However, practice shows the insufficient work to protect children from discrimination (see more in section 5 of this report).
32. The practice of segregated schools and classes still exists towards Roma children<sup>24</sup>. Over the past two years, at least five attacks on Roma settlements have been carried out in different regions of the country, and children have suffered<sup>25</sup><sup>26</sup><sup>27</sup><sup>28</sup><sup>29</sup>.
33. In addition, access to educational, medical and social services is not equal for children of rural and urban population. Non-transparent financing mentioned above and absence of services in the village are among the reasons. The crisis of access to educational services for children from rural areas is being deepened by refusal of enrollment of children in the city's educational institutions, or the requirement of 100% payment for preschool education<sup>30</sup>.
34. Inequalities remain for girls and boys in particular because of unequal support for education, gender-based violence at school, lack of support for girls who have given birth to 18 years, early marriages<sup>31</sup>.

### **Recommendations**

- Ensure implementation of recommendation 28 a), b) and c) of previous concluding observations (CRC/C/UKR/CO/3-4) in particular incorporate in domestic legislation the principle of non-discrimination and the prohibition of discrimination against children on any of the grounds spelled out in article 2 of the Convention.
- Include other children from vulnerable groups into the categories of children with special educational needs leaving the list open<sup>32</sup>.
- Ensure full implementation of recommendation 55 and 66b) and d) of previous concluding observations (CRC/C/UKR/CO/3-4) towards children from rural locations.
- Ensure implementation of Committee's General Recommendation #36 (2017) on the right of girls and women to education.



### ***3.2. Best interests of the child***

35. Recently, a number of changes was made to legislation aimed at improving the situation in terms of the best interests of the child (See National Report, CRC/C/UKR/3-4, § 32-34).

36. Despite the legislative declaration of the principle of equality between parents, when choosing a place of residence of a child after the divorce of parents, courts do not always take into account the principle of the best interests and decide to support mothers<sup>3334</sup>.

There is no proper system for organizing meetings of the child with one of the parents, if another parent does not allow this. In case when one of the parents receives a court decision that gives him/her the right to regular contact with the child, there is no effective mechanism for enforcing such court decisions<sup>35</sup>.

37. At the same time, the principle of ensuring the best interests of the child in terms of deprivation of parental rights of one of the parents, when the cause of divorce was domestic violence is not taken into account. The child's opinion is not a valid proof, even if the child initiates cases<sup>36</sup>.

### **Recommendations**

- Ensure implementation of recommendation 30 of previous concluding observations (CRC/C/UKR/CO/3-4) in particular establish systems and procedures for ensuring that the best interests of the child are adequately taken into account during State policy planning and programming.
- Introduce a system of family courts in Ukraine in accordance with the best practices of other countries.
- Ensure the effective enforcement of the court decisions that grant one of the parents the right to regular contact with a child.

### ***3.3. The right to life, survival and development***

38. Article 27 paragraph 1 of the Ukraine Constitution states that “every person has the inalienable right to life” and article 6 of the Child Protection Act contains a similar provision. However, there is no list of minimum standards for the realization of the right to life, survival and development. The NAP should fill the gaps in health services by allocating the main costs to screening children for the early detection of illnesses that can lead to disability, and the provision of medical services for children with disabilities, including medicines for seriously ill children, prosthesis.

39. From 2014, the armed conflict in the east of the country added to the previously existing problems. Now, the State has not developed a mechanism for evacuation from the conflict zone. Due to the threat to life and health, part of the children (about 150,000 children) were forced to flee to other regions of Ukraine with their parents, the rest - more than 500,000 children continue to live in the NGCA.

For example, in May 2018, the building of the Center for Socio-Psychological Rehabilitation in Toretsk (Donetsk region) with 28 children was damaged because of shelling<sup>37</sup>. The children were evacuated from the facility only the next day.

The fate of juveniles (21 persons) who were kept in the institutions of the State Penitentiary Service of Ukraine of Donetsk and Luhansk<sup>38</sup> (NGCA) regions remained unclear.

40. There is no effective mechanism for the identification of children who are directly involved in hostilities (see Annex 2).
41. From April 14, 2014 to August 15, 2019 according to the Office of the United Nations High Commissioner for Human Rights, 98 boys and 49 girls were killed<sup>39</sup>. For the period from 2014 to 2017 human rights activists documented evidence of 5 cases of child murders, 6 cases of illegal detention with torture and inhuman treatment, 8 deaths and 19 injuries due to occasional shelling, as well as attacks on 79 educational institutions in 34 settlements of Luhansk and Donetsk regions<sup>40</sup>. Since the beginning of the conflict in 2014 over 750 education facilities have been damaged and many more experienced disruptions to education<sup>41</sup>.
42. During 2019, the Ukraine Education Cluster has received reports regarding 36 conflict-related incidents resulting in physical damages to school infrastructure, 2 education facilities that have been temporarily closed, 8 cases of military presence in close vicinity to the education facility and 10 incidents resulting in the threat of death or injuries to students, teachers and parents. It brings the total number of incidents resulting in damages to schools to the 95 during 2017-2019.<sup>42</sup>
43. A positive achievement was the endorsement of the Safe Schools Declaration by the Government of Ukraine in November 2019<sup>43</sup>.
44. As a result of the ongoing conflict, most of the Donbass area became contaminated with mines and ERW<sup>44</sup> on both sides of the contact line.
45. The main problem now is the lack of a comprehensive program of assistance to affected children. In addition, there is no existing special information system and database to record people affected by mines and ERW. Data on children affected by mines and ERW accounted by the relevant central executive authorities differ between themselves.
46. Gathering reliable data is essential for formulating government policies and understanding problems, as well as for budgeting the measures needed to help and rehabilitate affected children - each figure is nothing else but the child and his/her family<sup>45</sup>.

## **Recommendations**

- Review the NAP together with profile NGOs for full guarantee of survival for all groups of children.
- To immediately cease unlawful attacks and threats of attacks against schools and to implement the endorsed *Safe Schools Declaration*<sup>46</sup>.

- Ensure efficient protection of children's lives during armed conflicts through time evacuation of children and families with children to the safe locations, including their rehabilitation, psychosocial, social and financial support.
- Provide economic and social benefits for children affected by mines / ERW in the process of developing sub-normative acts to the Law on Mine Action in Ukraine<sup>47</sup>.
- To implement its obligations under the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Landmines and on their Destruction (the Ottawa Convention)<sup>48</sup>, the Government should ensure that the public is clearly informed about the impact of mines and ERW on civilian population, and make every effort to compensate for damage caused by pollution. In addition, the Government is obliged to provide appropriate assistance to children and their families affected by mines.
- Gather statistical data on the number of killed children and children affected by the conflict.

### ***3.4. Respect for the views of the child***

47. Both in society and at political level, the child is still perceived as an object of protection and not a subject of law as such. This persistent perception continues to influence the children participation in decision-making processes, within the family, at the community level, and at the national level. The Government acknowledges in its report that “children’s participation in decision-making is still insufficient and constitutes the exception rather than the rule” (CRC/C/UKR/3-4, § 47 *in fine*).
48. Certain provisions of national legislation, such as article 9 of the the Child Protection Act and articles 148, 149, 160, 231, 237, 239, 244 and 253 of the Family Code, establish the right of the child to free expression of opinions and their consideration in court, in government bodies, enterprises and administrative institutions, at school and in family. The child has the right to apply to court with age restrictions and depending on court procedures<sup>49</sup>. The child has access to free legal aid only through a legal representative<sup>50</sup>.
49. There are cases when the child's opinion is requested formally, and his/her legal representatives make their own decisions, for example, conclude agreements on reconciliation, even in cases of sexual abuse against the child<sup>51</sup>, in solving the issue of the right to marry<sup>52</sup>, etc.
50. Many platforms (children's community councils, pupils' self-government bodies, children's parliaments and other initiatives) were established to contribute to child participation. At the same time, the lack of appropriate training for professionals leads to the fact that children feel being manipulated and used by adults.
51. According to the all-Ukrainian study<sup>53</sup>, 82% of children believe that the authorities should listen to their opinion. At the same time, only 53% of children indicated that they have had an opportunity to speak out on important issues during the last year, including: 9% of children – on important issues at the level of local self-government during the last year; 58% at home, 68% in educational institutions. Children indicated that they want to express their opinions and influence more: 62% for the organization of school education, 43% for decisions on leisure activities, 32% for decisions on the organization of public transport, 31% for decisions on equal rights of girls and boys (35% - girls and 26% - boys).

52. Despite the fact that schools are the place where children have the greatest opportunity for expressing their views, 60% of children claim that their ability to speak about school meals, breaks and training is limited.
53. The bodies of pupils' self-government mainly deal with the issues of involving children in activities initiated by adults (voluntary activities, fund raising for charity, duty during the breaks).

## **Recommendations**

- Ensure a child is involved in all processes concerning him/her personally, from the moment when he/she can express his/her opinion. Make appropriate changes to the legislation.
- Provide the child with the right to choose a legal representative - an adult who the child trusts. Make appropriate changes to the legislation.
- Ensure the development of student self-governance and other practices for children self-organization on democratic values and participation standards in accordance with the general comment No. 12 of the UN Committee on the Rights of the Child.

## **4. Civil rights and freedoms**

### ***4.1. Birth registration, name and nationality***

54. Positive efforts were taken by Government to improve the birth registration procedure, in particular regarding persons residing in TOT, asylum seekers and Roma children (CRC/C/UKR/3-4, § 56-58). However, the registration of the birth without a valid reason still entails a fine equal to one to three tax-exempt minimum incomes.
55. The birth registration of an individual who has reached the age of 16 has a legal conflict. In order to register the birth of a person who turned 16 years old, s/he must apply the relevant application and present a passport that can only be obtained if there is a birth certificate. As a result, birth registration in such cases requires addressing the court, which significantly complicates the process of registration of birth.
56. Due to the military conflict, the registration of children from TOT deserves special attention. Only 43% of children born in the NGCA of Donetsk and Luhansk regions have obtained a birth certificate issued by the Government of Ukraine. Other 57% children do not have a Ukrainian certificate and may have problems obtaining a passport when they are 14 years old<sup>54</sup>.
57. In 2018, there was adopted the law according to which documents confirming the birth of a child in the TOT of the Donbass are valid<sup>55</sup>. However, there is no legislative regulation for the implementation of this provision in an administrative manner. Currently, the procedure for registration of a child born in the TOT is quite complicated: to receive a birth certificate of a child born in the TOT of Ukraine, it is necessary to obtain the documents confirming the birth of the child at the actual place of birth, to apply personally to any department of state registration of civil status acts on the GCA and to receive a written refusal in the state department of birth registration, and then apply to the court with a statement establishing the fact of a child's birth<sup>56</sup>.

58. In 2013, Ukraine ratified the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. Yet, provisions of these Conventions are not fully implemented. For example, today the legislation does not have a procedure to the status of "stateless person".
59. The issue remains unresolved when the child was born from parents, who do not have ID and who are stateless persons or persons at risk of statelessness.
60. In particular, a child born on the territory of Ukraine who cannot acquire the citizenship of the parents not having ID becomes a stateless person. Only citizens whose parents live in the territory of Ukraine on legal grounds can obtain citizenship by birth. The Law "On Citizenship of Ukraine" defines them, however, persons in need of complementary protection and asylum seekers in Ukraine are not in the list. Thus, the children of persons in need of complementary protection and of asylum-seekers cannot obtain citizenship of Ukraine by birth.

### **Recommendations**

- Make changes at the legislation level according to which a child born in Ukraine from parents who do not have ID documents will be able to acquire Ukrainian citizenship, regardless of parents' status.
- Harmonize the Laws "On Citizenship of Ukraine", "On State Registration of Civil Status Acts", "On Refugees and Persons in Need of Additional or Temporary Protection" in order to ensure the rights of children who have applied for protection in Ukraine and persons in need of additional protection, for birth registration, determination of origin and acquisition of citizenship of Ukraine by birth. To regulate the procedure for entering of parents' citizenship information in the birth certificate on the basis of a protection application certificate in Ukraine.
- Ensure implementation of recommendation 36 of previous concluding observations (CRC/C/UKR/CO/3-4) in particular abolish any punitive fines for the failure of parents to register their children. Introduce an administrative procedure for registering births on the GCA for children born on NGCA with making impossible trafficking of children.

### **4.2. Preservation of identity**

61. The secrecy of adoption remains a problem, as the law prohibits its disclosure. The State recognizes the problem, but for many years, nothing was done to solve it.
62. Another problem is that children seeking asylum in Ukraine who have only a certificate of the application for protection in Ukraine, which is not considered as an ID, cannot receive a birth certificate with information about citizenship of parents. Information in the certificate is recorded based on data submitted to the note, which is issued in the maternity ward. Unfortunately, there is no information on citizenship in this note. This cumbersome situation may lead to risks of statelessness.

### **Recommendations**

- To regulate the procedure for entering of parents' citizenship information in the birth certificate on the basis of a protection application certificate in Ukraine.

### ***4.3. The right to information***

63. The state indicates that there are no legal barriers to obtaining information by the child, including the response to a request for information. However, this statement is contrary to Art. 39 of the LoU "Fundamentals of the Legislation of Ukraine on Health Care"<sup>57</sup>: "A patient who has reached adulthood has the right to receive accurate and complete information about his/her health, including access to relevant medical documents." Accordingly, children do not have this opportunity at all.
64. The Report on the observance of the rights of minors in the educational colonies of the State Penitentiary Service of Ukraine<sup>58</sup> underlines that the lack of full information on the possibilities for filing complaints and the strict control regime mean that children in colonies cannot actually realize their right to appeal at all. While getting into such institutions, juveniles were not informed about the possibility of obtaining legal advice both within the educational colony and by applying to authorities.

### **Recommendations**

- Make changes to the current legislation, which will eliminate the contradiction between the norm of Article 39 "Fundamentals of Ukrainian legislation on health care" and the LoU "On Access to Public Information" and provide children with the opportunity to receive information about their health.

### ***4.4. Freedom of thought, conscience and religion***

65. The realization of this right by children has not yet acquired enough awareness in Ukraine. Accordingly, information about the level of its compliance is not enough. There are several problems.
66. Firstly, in the residential institutions for orphans and children deprived of parental care from 0-6 years old, mass baptismal ceremonies of all children are conducted, regardless of their national affiliation.
67. Secondly, the general education schools, which (despite the separation of schools from the church) regularly initiate the introduction of Christian ethics, celebrate Christian holidays, and often invite the Christian priests.

### **Recommendations**

- Strengthen the separation of the school from the church and the study of issues of universal values, tolerance, cultural studies and world history.

### ***4.5. Freedom of association and of peaceful assembly***

68. According to the LoU "On Public Associations"<sup>59</sup> certain restrictions on the age from which one can be founder of a youth public organization (14 years) were established. At the same time, citizens from 6 to 18 years old may be members of children's public associations which do not contradict the law. Citizens from 14 and more can be members of youth public

associations<sup>60</sup>.

69. The legislation does not regulate how children can organize peaceful gatherings. Thus, from late November 2013 until early February 2014, during the Revolution of Dignity in the regions of Ukraine, more than 60 children were arrested by police officers due to their alleged involvement in mass peaceful protests<sup>61</sup>. As a rule, such suspicions were groundless, absurd and violated the rights of child.
70. In May 2019, a 16-year-old girl and a 20-year-old man were arrested for picket demanding impeachment of the President. The girl was detained for several hours, the police did not provide a legal aid to her, an administrative protocol was drawn up on the child's mother for non-fulfillment of parental duties, the court of first instance accused the girl in violation of the established order of holding meetings<sup>62</sup>. Due to legal assistance of human rights organizations, the court of second instance cancelled previous judgement.<sup>63</sup>

### **Recommendations**

- Remove legal restrictions forbidding children under the age of 14 to create their own non-governmental organizations. Enhance the security of children's participation in peaceful meetings through police training on dealing with children-participants in peaceful gatherings.

#### ***4.6. Protection of privacy and protection of image***

71. In fact, provisions of these rights to children in orphanages, boarding schools, residential institutions of health care and social protection is not in place: the privacy during the use of the bathroom and toilets is not observed. Children have limited time for meeting with their relatives; they can not stay alone and they often cannot use mobile phones; the staff controls their correspondence.
72. Besides, the staff involves children into discussions about their biological families, after which they can share information with others<sup>64</sup>.
73. In Ukraine the right of the child to see parents after divorce is an issue that should be addressed, since even a court decision is not a guarantee that the child will implement the right to contact his father or mother<sup>65</sup>.
74. Children report violations of their rights to privacy in general education institutions, namely by placing their photos on the Internet by peers and teachers without their consent, which often become the tools of the bullying<sup>66</sup>. Without the consent of the children, this practice is in contradiction with the Lanzarote Convention, which requires the consent of the child in such cases as well as the protection of its privacy, identity and image (article 31 (1)e).

### **Recommendations**

- Consider ensuring the child's privacy as one of the key to monitoring the rights of the child in detention places and to include this issue in the mandate of the national preventive mechanism.

- Develop and approve methodological recommendations for the application of the norms of legislation on the protection of human rights in the online space and the protection of personal data in the activities of educational institutions, in particular, on educational institutions' websites and in social networking sites. Promote the provision of education institutions with licensed software, in particular antivirus.

#### ***4.7. Access to information from a diversity of sources and protection from material harmful to a child's well-being***

75. Television remains the source of harmful information for children. According to the Media Detector organization, several cases were recorded on the central channels. For example, talk shows on two central channels - *STB* and *Inter* about a 12-year-old girl who gave birth to a child<sup>67</sup>; fines imposed by the National Council to *STB* (1.6 million UAH) and the warning to *Inter* against the use of harmful content<sup>68</sup>. At the same time, there are no clear criteria for what harmful content is, which currently allows TV channels to avoid paying a fine by appealing against decisions of the National Council<sup>69</sup> or served as grounds for complaints to the police or the court
76. In December 2017, three national media holdings (Media Group Ukraine, StarLightMedia and Public Broadcasting UA) and the Independent Broadcasting Association, representing local private broadcasters, signed the Rules for Exposure of the Topic of Suicide in the Media<sup>70</sup>. Since 2017, TV channels have begun to label such content with special clear warning signs<sup>71</sup>.
77. Another problem is the vulnerability of the web sites of the educational facilities. There are no regulatory requirements for such web sites in Ukraine. According to the research "Respect and Safety: Monitoring of the Web-sites of Educational Facilities"<sup>72</sup>, 86.81% of educational facilities have unprotected connection with the site. As a rule, teachers of computer science (58.90%) are responsible for the development and content management of the web sites in the educational facilities.
78. 21.23% of the educational facilities indicated that there was no regulatory framework for the development and maintenance of the web site. During the analysis of the web sites, 98.61% of web sites did not contain information on the protection of personal data and respect for students' privacy. All analyzed sites of educational facilities contain various combinations of personal data of pupils in open access: every seventh web site contains a child's photo with indication of his/her class, every fifth contains a photo and surname, name and patronymic. 97.92% of the sites lack information about where or to whom you can apply for the removal of child's personal information from the web site.
79. According to the all-Ukrainian study among adolescents regarding the danger situations on the Internet, conducted by the laboratory of psychology of mass communication and media education at the Institute of Social and Political Psychology of the National Academy of Pedagogical Sciences of Ukraine<sup>73</sup>, adolescents described the following risks: almost 60% mentioned the imposition of unnecessary information, 57% note the interference in the work of a digital device, about 20% confirm the dissemination of false information about the teenager, about 25% of the interviewed teenagers suffered financial losses.

#### **Recommendations**



- Strengthen training on the basics of Internet safety for children, parents / persons who substitute them, educators, in particular, on personal data protection through the development of methodological manuals, creation of information materials, introduction of cybersecurity and respect for human rights in the educational process.
- Implement international legal standards for the protection of the safety and rights of the child in the online space in the national legislation. To initiate national studies on the protection of the rights of the child in the online space and the cyber security of educational institutions.
- Introduce into the code of journalistic ethics the principle of respect for the human dignity of the child. Add study on the rights of the child into the curriculum for journalists.

## **5. Violence against children**

### ***5.1. Abuse and neglect, including physical and psychological recovery and social reintegration***

80. Children continue to suffer violence in families, children's institutions, in the streets, etc. Each year, more than 3 million children in Ukraine (about half of the children's population) are observers or forced participants in domestic violence<sup>74</sup>.
81. There is no clear coordination in combating violence against children.
82. Corporal punishment remains a practice in some families despite the complete prohibition in the FC. The situation has not significantly changed since 2011 when the Committee expressed concerns over the “widespread use of corporal punishment in the home, despite its prohibition in the home, in schools, the penal system and alternative care settings” (CRC/C/UKR/CO/3-4, § 41 in fine)<sup>75</sup>.
83. There is a low level of parents' awareness on the definition and consequences of child abuse (for example, most parents are unaware of the "children's concussion syndrome").
84. On December 7, 2017 the LoU "On Prevention and Combating Domestic Violence"<sup>76</sup> No. 2229-VIII (hereinafter Law No. 2229-VIII) was adopted. According to the new law, a child who has suffered from domestic violence, is not only the person who has suffered *per se*, but also a person who has witnessed the violence.

### **Recommendations:**

- Create a holistic strategy for combating violence against children in Ukraine with the involvement of all relevant government bodies and representatives of the public sector. Agree subordinate acts between relevant ministries and improve interagency cooperation. Focus on early identification and response to violence.
- Fight against corporal punishment in practice through nation-wide awareness raising campaigns, promotion of non violent child rearing methods, simple information tools and education programs in schools and other settings at all levels;
- Strengthen existing referral prevention and protection mechanisms, and extend the coverage to rural and isolated areas, in order to ensure effective and timely counseling, care and support to children victims of abuse and neglect;

- Improve the system for the prevention and identification of children's ill-treatment, including prosecution of offenders in court and punishment of the perpetrators.
- Conduct training for social workers, police officers, educational institutions, health care, penitentiary services, boarding schools and other professionals in the field of child rights protection on the identification of violence, effective response to such cases and prevention of violations of children's rights.
- Ensure wide public awareness, first of all about children, about negative nature of child abuse and domestic violence, the need for careful attitude to this phenomenon and protection mechanisms.
- Provide regular education and development of parenting skills, especially among families at risk. Conduct information campaigns to promote zero tolerance towards violence against a child, in particular, as one of the ways of upbringing.

### ***5.3. Sexual exploitation and sexual abuse***

85. There is no interaction in cases of sexual abuse of children, as evidenced by various data and number of crime incident reports.
86. According to the Council of Europe, every 5th child in Europe faces sexual abuse. In Ukraine, nationwide, police records annually tally approximately 4.300 claims of child sex abuse<sup>77</sup>. However, investigations into these claims are initiated in only about 10% of the reported instances (410 cases of crimes against sexual freedom and integrity against children for 2016<sup>78</sup> registered in Unified Register of Pre-trial Investigations on registered criminal offenses; 424 similar cases registered in 2017 and 425 cases in 2018<sup>79</sup>), and only two percent of the cases actually go to court (about 80 cases)<sup>80</sup>. Also, only 1.5 % (65 children<sup>81</sup>) do receive social assistance, including social and psychological support<sup>82</sup>.
87. Despite the adoption of Law No. 2229-VIII, many challenges impede the establishment of an effective child-friendly interview system. Indeed, many legal acts need to be developed in order to provide one-stop-mechanism for the interview a child victim of violence. There is also a lack of trained personnel capacity to deliver interview services. Currently, a child victim of violence is interviewed firstly by an investigator of rapid response; secondly by the criminal investigator, who is responsible for the in-depth investigation of the case; thirdly, the child has to face a psycho-psychiatric examination, fourthly - forensic examination. Interviews with investigator take place in police department without a proper place as stated by article 35 of the Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention). In Ukraine, 4 steps corresponding to 4 institutions are involved in the interview process, which causes additional trauma to a child victim. Besides, the child faces repeated challenges to be interrogated, which negatively affects the child and leads to the psychological trauma.<sup>838485</sup>
88. There are no curricula for training specialists on interviewing a child - victim of sexual abuse. As stated in the National Report<sup>86</sup>, a series of one-day and two-day workshops for police on child interviewing was more likely aimed at informational and educational work, as it is obvious that this time is not enough for high-quality education.

89. There is no clear algorithm and the order of decision-making in emergencies when the abuser is his/her legal representative, namely, regarding the representation of the child's interests, the decision to provide him/her with psychological help, interviewing, etc.
90. There are no centers with qualified rehabilitation assistance to children suffering from sexual violence.

### ***Recommendations***

- To ensure an effective implementation of the article 35 of the Lanzarote Convention on interviews of sexual abuse victims (interview rooms, equipment of interview rooms, specific training to professionals, etc.).
- Identify institutions that will provide qualified psychological support to children who have suffered from sexual exploitation and violence.

### ***5.4. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment, including corporal punishment***

91. In Ukraine, there is a joint order of MSP, Ministry of Internal Affairs of Ukraine, MoES and MoH № 564/836/945/577 of 19 August 2014 on the “Procedure for Considering Appeals and Messages Regarding Cruel Treatment of Children or the Risk of it”<sup>87</sup>. Based on this order, all appeals and messages concerning the abuse of children or the threat of committing them should be registered by individuals who received the information in the registration journal of appeals and reports about the ill-treatment of children and within one day, they should be sent to the CSs and the body of internal affairs at the place of residence (staying) of the child. However, in practice, not all appeals are forwarded to the police authorities, less of them are forwarded to court.
92. The analysis of appeals conducted by the Office the Ombudsman of the President of Ukraine on the rights of the child<sup>88</sup> shows that educational facilities are often located where violence against children occurs. Each second appeal (52 out of 107) to the Ombudsman for the violation of the children’s right for education refers to abuse and violation of the right to a decent attitude by employees of educational facilities; children are subjected to psychological violence. There are facts of physical abuse of children in educational facilities. The staff do not apply effective measures to establish good relations with children and parents, or to manage conflicts between children. In addition, educational facilities are not interested in recording cases of ill-treatment occurred in school environment.
93. The monitoring results indicate that physical punishments are happening in children's institutions.
94. Monitoring of child's rights in boarding schools, including for children with disabilities, has revealed the problem of forced abortion among girls<sup>89</sup>. In 6 out of 7 colonies for minors, the administration and the staff of the institutions failed to protect and maintain the safety of the existence and coexistence of pupils, transferring their functions to some of the convicted persons (the so-called "active")<sup>90</sup>.

95. In some orphanages, children with disabilities are tied to wheelchairs. Reports referred to the use of sedative and psychoactive drugs as chemical means to restrict movement, to punish or to control their behavior<sup>91</sup>.
96. According to the study conducted by the Kharkiv Human Rights Group in 2013, almost a third of children encountered abuse during detention, a quarter of them considered such actions to some extent justified, and almost half of the children were forced to submit evidences through physical violence in conjunction with psychological pressure<sup>92</sup>.
97. Armed conflict leads to the use of torture acts towards children. Thus, the Truth Hounds organization documented 6 cases of illegal detention of children with the use of torture and inhuman treatment<sup>93</sup>.
98. Unresolved problems of torture in penitentiary institutions for children and pressure during investigative actions lead to tragedies. Indeed, in 2015, 14-year-old boy was murdered by two cellmates in Zhytomyr pre-trial prison No. 8<sup>94</sup>. A 16-year-old boy, who was suspected for the same crimes, but who didn't get to the pre-trial prison before the court, committed the suicide<sup>95</sup>.

## **Recommendations**

- Ensure prevention of tortures and human degrading treatment against children in institutions, including orphan houses and institution of penitentiary system using actively Ombudsman duties and NGO potential for this goal. Prevent understatement of such cases and ensure their immediate persecution.

## **6. Family environment and alternative care**

### ***6.1. Parents' common responsibilities, childcare services***

99. Despite the legislative acts listed in the National Report, there are no significant changes in the professional work aimed at increasing parental potential. Legally, there is no definition of services; the responsibility of the authorities for their creation and provision. Almost all existing services are stationary and are concentrated at the regional level. Locally there are no social specialists who should ensure the identification of families in crises and provide support to them.
100. More than 600,000 children in Ukraine live with parents who do not provide proper care<sup>96</sup>. The number of families below the poverty line is constantly increasing. Thus, in 2017, the number of families with children who received state aid for low-income families amounted to 898,000 families, in 2015 – 564,000 families. The number of single-parent families is 706,000, which is almost 30 times higher than the number of children registered in social services due to difficult life circumstances<sup>97</sup> stated in the National Report.
101. The number of children whose parents are deprived of parental rights annually consists of about 8,000 people<sup>98</sup>. At the same time, the number of children returning to the family has significantly decreased over the past three years. So in 2014, these were 1,101 children, and in 2017 - only 694 children.

102. Instead of introducing regulations that improve the situation of families and contribute to raising the parental capacity, the legislation offers "relief" to parents by placing their children in boarding schools. Thus, the LoU "Fundamentals of the Ukrainian Legislation on Health Care"<sup>99</sup> stipulates that for citizens with children facing problems of physical or mental development who require medical, social assistance and special care, the state can provide assistance by "keeping children at babies' homes, children's homes, orphanages and other specialized child-care institutions at the expense of the state according to the will of parents or persons who replace them".
103. To support families and informed parenting, the state offers a methodology for students about family values based on Christian concepts, including condemning the use of contraception (See National report, CRC/C/UKR/3-4, §§ 97)..
104. Similarly, the LoU "On General Secondary Education"<sup>100</sup> envisages the retention of children in need of physical/intellectual development in special general educational boarding schools at the expense of the state. Article 143, paragraph 3, of the FC<sup>101</sup> still does not comply with Article 9 of the Convention and encourages parents to leave children with disabilities in the maternity ward.
105. Along with the decrease of the number of children left after birth in the maternity ward, the number of children from birth to 3 years old, placed to the children's homes, increases. If in 2014 – 2,272 children were placed there, then in 2017 – the number was 2,674 children (17% increase). Similarly, the number of orphans and children deprived of parental care (status given by the court) has increased in these institutions: in 2014 – 1,111 children, in 2017 – 1,431<sup>102</sup>. In the last three years (2014-2017), the number of children from 3 to 18 y.o. who were placed into shelters and centers for social psychological rehabilitation increased by 5% (9,051 to 9,509, respectively). Exactly these data prove that the system of social support for families with children is poorly developed.
106. The nature of the impact of the Decree of the CoM concerning its capacity to support families with children<sup>103</sup> is controversial. On the one hand, compensation for nanny costs is introduced, but the proposed reimbursement period is too long - 1 year; a large part of the reimbursement lays on the local budgets that have different capacities and put families in unequal positions.
107. Similarly, the NAP for the Implementation of the Convention until 2020 forwards a considerable amount of tasks to the UTCs, which, due to reforms and unstable economic situation, can currently plan only a minimum amount of actions.
108. The state has not introduced a system for monitoring and evaluation of the impact of the provided social services. The quality of work of the bodies of executive power and local self-government does not contain indicators of prevention the separation of children from their parents and their referral to institutions.

## **Recommendations**

- Support and facilitate family-based care for all children, including those from disadvantaged families, in particular and most urgently those children with disabilities;
- Ensure implementation of recommendation 45 of previous concluding observations (CRC/C/UKR/CO/3-4) regarding to amending article 143, paragraph 3, of the Family Code in order to bring it into line with article 9 of the Convention.
- Include training of specialists regarding the provision of services for children and families to the social order on local level.
- Develop and approve the standard of social support and determine the indicators of the quality of the relevant social services regarding all types of vulnerable families with children.
- Raise efficiency of poverty reduction efforts in order to reduce poverty among families with children.

## ***6.2. Separation from parents***

109. As of September 1, 2016, out of 105,783 children in residential institutions, only 8,741 children (8%) were orphans or children deprived of parental care, while the rest – 97,042 (92%) had parents. Thus, a significant proportion of children are living in residential institutions based on written requests from parents who are unable to meet the child's needs because of illness, alcoholism, poverty or unemployment. Such parents consider placement of their children in specialized institutions as the only opportunity to ensure proper care and education. These families should have prior rights to get the support.
110. However, the level of ensuring of this right remains insufficient, which leads to institutionalization of children. The index of the child rights for the family is 61.25 out of 100, and the provision of the right to get help in the difficult family circumstances - 61.51<sup>104</sup>.
111. In 2019 the Law on Social Services was adopted<sup>105</sup>, however it is impossible to evaluate whether it is efficient.
112. It should be positively estimated that the timeliness of amending the Resolution of the CoM No. 866<sup>106</sup> dated October 22, 2014, where in accordance with paragraph 24, the status of a child deprived of parental care may be granted to children, whose parents do not perform their duties for unclear reasons due to the presence of parents in the temporarily occupied territory.

## **Recommendations**

- Introduce monitoring of implementation of Law on Social Services.

## ***6.3. Family reunification, Illicit transfer and non-return***

113. One of the most vulnerable groups are the children from countries that were part of the CIS and were left without care on the territory of Ukraine. The main document regulating the legal and technical issues of the movement of such children remains the so-called Chisinau Agreement: Agreement of the CIS countries on the return of minors to their permanent residence (2002)<sup>107</sup>. The Chisinau Agreement is out-of-dated content-wise and does not

correspond to the understanding of the child rights, as repeatedly noted by both Ukrainian and international organizations<sup>108109110111</sup>.

114. The Chisinau Agreement uses the general term "minors, left without care", while international practice uses a separate definition: "unaccompanied minors/children"; "separated children" other groups of children left without family.
115. Usage of at least one term mentioned in the Agreement leads to the fact that in situations where children have relatives ready to take care of them (and sometimes capable parents), are defined as "left without care," are placed to the transit facilities and returned to countries of origin, where these children often do not have any social ties. Insufficient consideration of the child's view when deciding obvious benefit of returning children to their country of origin, lack of monitoring after returning to the country of origin, violation of the right to a fair trial, the lack of legal assistance to children – these are the main effects of Chisinau Agreement.

## **Recommendations**

- Initiate new bilateral international agreements in this area based on Convention on the Rights of the Child and replacing the outdated Chisinau Agreement.

### ***6.4. Children deprived of family environment***

Deinstitutionalization as a widespread adopted solution

116. Residential institutions are the most common form of placement of children separated from parents due to poverty, violence, disability, special educational needs of the child, etc. (every three days 250 children fall into residential institutions)<sup>112</sup>.
117. More than 100,000 children (1.5% of the total children population of Ukraine) are forced to live in residential institutions of various types basically until their adulthood. In Ukraine, there are 751 residential institutions for children. These institutions belong to the departments of three ministries: MoH, MES and MSP<sup>113</sup>. Due to the lack of unified and clear procedures, decisions on the placement of children are taken inconsistently and without taking into account the real needs of the child.
118. Significant allocations are provided for the maintenance of the institutions. In 2014, 5.1 billion UAH (approximately \$255 million) were allocated from the state budget, in 2015, about 6.4 billion UAH (approximately \$291 million), in 2016 - more than 7 billion UAH (about \$280 million). At the same time, on average 70% of this money is spent on staff salaries, about 14% - on utilities and maintenance of buildings, and only 15% - for food, clothing, medicines for children<sup>114</sup>.
119. The actual number of residential institutions is almost not reduced; they were transformed into other types of institutions. In accordance with the new regulations on certain types of institutions approved by the CoM, the possibility of establishing boarding schools in the structure of these institutions is foreseen<sup>115</sup>. Boarding schools for orphans and children deprived of parental care are often reorganized into special boarding schools for children with special needs, despite the fact that it is impossible to provide effective help and assistance in

the residential settings, in particular to the child with mental disability. This is one of the ways of artificially concealed processes taking place in the state<sup>116</sup>.

120. In accordance with the legislation, only orphans and children deprived of parental care can be placed to the family-based forms of care. Currently, 92% of children in orphanages do not fall into this category because of being in the residential institutions on other grounds<sup>117</sup>, respectively, such children are left without parental care, but legally - deprived of the family environment.

121. The Government has committed to return children from boarding schools to families. As for now, concrete steps have not been undertaken to reach that goal. Thus, in August 2017, the Government adopted the "National Strategy for Reforming the Institutional Care and Nursing System for 2017-2026", which ultimate goal is to change the system of institutional care to a system that rather provides care, assistance and support within the family or close to the family environment.

122. However, the expected results of the Strategy does not match with the resources allocated. It will be therefore difficult to reduce the number of children in residential institutions by 10% starting from 2018. The reduction of such institutions by 10% from 2019 led to an artificial prohibition given to civil servants to place orphans and children deprived of parental care to residential institutions. This, in its turn, leads to an artificial reduction in the number of initiated lawsuits for deprivation of parental rights or the removal of children from their parents without deprivation of parental rights, including cases with a threat to the life and health of children. As a result, such processes led to the hidden social orphanhood in the country.

123. Given the fact that the first phase of the Strategy is a transitional one and the number of specialists has decreased by 64% compared to 2013, and the number of employees of CSs has decreased by 19%, the above trends are extremely dangerous both for the country as a whole and for children in particular<sup>118</sup>.

124. In the last three years, the number of FF has reduced. Thus, 4,123 FF functioned in Ukraine in 2014, and in 2017 their number fell to 3,677 families<sup>119</sup>.

125. On a positive note, it is worth noting that in 2016, several regulations were amended, which improved the status of orphans and children deprived of parental care, and became an important step in the deinstitutionalization. Thus, the section on a patronage family was added to the FC. Patronage parents are not guardians or caregivers, their task is temporary childcare within 3-6 months.

## **Recommendations**

- Accelerate the deinstitutionalization process across the State party by supporting and facilitating family-based care for children in particular children with disabilities.

### ***6.5. Periodic review of placement***

126. There is a decrease in the number of children moved from institutions to family-based care settings (2,559 children in 2013, 1,890 children in 2015). There is also a concern that some of



the children officially placed in family-based forms actually study in boarding schools and visit the family either on weekends or during holidays. Therefore, there were 1,084 children in boarding schools officially placed in family-based forms of care in 2016. 2,297 children were placed to residential institutions because of the revocation of the decision to place them into family-based forms of care<sup>120</sup>.

127. The system of recruitment, training, capacity support and monitoring of children's life in family-based forms of care require an in-depth improvement. Social support for FFs and FTCH is performed by professionals from the Centers of Social Service for Families, Children and Youth in a formal way, often only through telephone communication, which does not contribute to preserving the potential of the family and prevention a deep crisis.
128. This is due to insufficient number of profile specialists in the country, high turnover of personnel, lack of material and legislative support, well-balanced policy at the level of the profile ministry. Families of guardians, caregivers are not assisted at all, except for cases when the family falls into difficult life circumstances. However, this form of placement of children is the most widespread and requires constant professional support from social workers.
129. Systemic monitoring and assessment of the child is not carried out. The system of professional support of host families from the side of profile specialists (psychologists, psychotherapists, rehabilitation specialists, etc.) has not been created, given that the vast majority of children who come into such families have been traumatized and suffered violence. Even now, there is no specialization of FFs, namely, no approved programs for the preparation of candidates for foster parents of children with disabilities, financial mechanisms for supporting such families have not been developed.
130. It should be noted that out of 13,689 children who grow up in FFs and FTCHs, there are only 520 children with disabilities<sup>121</sup>.

## **Recommendations**

- Ensure the periodic review of placements of children in institutions and foster care and provide accessible channels for reporting, monitoring and remedying the ill-treatment of children;
- Introduce monitoring of child rights protection in FFs and FTCHs and make efforts aimed at increasing of children with disabilities in FFs and FTCHs.

## **6.6. Adoption**

131. Despite concerns expressed in 2011 by the CRC with regard to challenges related to the adoption of children, the legislative framework has not significantly changed since the 2011 review.
132. The adoption process remains quite non transparent in Ukraine. Currently, the law does not explicitly specify the condition for determining the place of origin of the child, which gives grounds for accounting the child by the place of birth. This, in its turn, provides grounds for the heads of CSs of those territories with the maternity wards or other health care facilities for children from birth to 3 y.o., to introduce corrupt schemes for their adoption<sup>122</sup>.

133. Adoption from FFs and FTCHs becomes a systemic problem for the child, foster parents, parents-caregivers of FTCHs and potential adopters. The FC stipulates that in case of several persons who expressed a desire to adopt the same child, the pre-emptive right to adoption belongs to a citizen of Ukraine, in whose family the child lives (Article 213 of the FC<sup>123</sup>). However, the algorithm of taking into account the views of such citizens is not prescribed, which gives grounds for ignoring their opinion and the opinion of the child, or for creating artificial obstacles for their basic rights.
134. The law does not set out the procedure for preparing the child by social workers prior to adoption. Lack of compulsory education for potential adopters, further support for adopters sometimes leads to cases of the return of children - abolition of adoption.
135. In addition, the lack of adequate information to biological parents about the consequences of their consent is an issue of concern.
136. Particularly relevant is the problem with the identification of bodies or services for children, which can transfer functions for ensuring the order of adoption from the district CSs, as it is inappropriate to transfer them to the structural divisions of the UTCs. By 2020, district state administrations will cease to operate in this direction, but another structure that fully takes over these powers is not defined by the state. This conflict threatens to ensure the primary right of the child, which has grounds for adoption.

## **Recommendations**

- Ensure implementation of recommendation 49 of previous concluding observations (CRC/C/UKR/CO/3-4) regarding acceding to the 1993 Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption;
- Provide child-friendly preparation of children before their adoption and train social workers for such preparation.

## **7. Disability, basic health and welfare**

### ***7.1. Children with disabilities and measures taken to ensure their dignity, self-sufficiency and active participation in society***

137. There is no statistics on children with disabilities, children with problems in their development, children with special educational needs, etc. Publicly available information only gives the number of children with disabilities in general as of January 1, each year according to the International Classification of Diseases (for example there were 159 000 children with disabilities in 2018<sup>124</sup>).
138. Often, doctors or medical staff force parents to abandon a child born with disabilities, arguing that the services for such child are only available in the residential institutions. This situation applies also to all the rest of the health care workers who, during the first years, provide medical services to children with developmental problems.
139. Defining the procedure for informing parents about the diagnosis of the child in accordance with ethics and medical deontology, namely the development of a relevant guideline for

professionals and parents, should have happened in April 2018<sup>125</sup> but so far the document has not been developed.

140. Ukraine has a medical model of disability. Accordingly, instead of getting services, families who take care of children with disabilities are provided with the medical treatment. This is especially true for children with disorders of autism spectrum, behavioral disorders, attention-deficit-hyperactivity disorder and reward deficiency syndrome<sup>126</sup>, etc.
141. An absolute majority of parents underlines that their children were receiving mainly medical services, massage and services of speech therapist-defectologist<sup>127</sup>. At the same time, there are separate legislative steps for moving to a social model.
142. The problem lies in the lack of qualified specialists, the high cost of medicines, the lack of coordination and the absence of consideration of parents' opinion<sup>128</sup>.
143. When developing an individual program for rehabilitation, a serious barrier is the lack of a comprehensive diagnosis of the needs of the family and clear inter-agency coordination, which forces parents to take over this function. It should be noted that there are only 3 individual children's programs: the above mentioned which is made up by the physicians, an individual development program implemented/enforced by educational institutions, and an individual social protection plan developed by a social worker.
144. Educational institutions are not adapted to the needs of children with peculiarities of development, they do not have the opportunity to give additional time to the child, teachers have no motivation and skills to work with disabled children and/or children with special needs<sup>129</sup>. The lack of places leads to the formal refusal to enroll a child in an educational institution. As a result, based on estimated calculations on the total number of children with disabilities covered with the educational services in Ukraine, almost 44% of these children do not receive inclusive educational services.
145. Infrastructure is not adapted to children with disabilities. According to statistics in 2016/2017 academic year, out of the total number (16,395) of general educational institutions, 12,652 (77,2%) are accessible only to the first floor, 69 institutions (0,4%) have access to the second floor, 22 institutions (0,13%) have access to the third floor, only 11 buildings have access up to the fourth and subsequent floors<sup>130</sup>.
146. Social services are not sufficiently informing parents about possible benefits and services. Parents have nobody to address for help, especially when emergencies happen. Sanatorium and resort vouchers are allocated only to children capable for self-care. An independent monitoring of the quality of social services is absent. It is worth noting that all social services to families are provided only in case of difficult living conditions that is not identified with the presence of a child's disability. Although it is obvious that a family with a disabled child must rely on state and social support without any additional conditions.
147. Violence still prevails in residential institutions, including torture, cruel and humiliating treatment: tying to the wheelchairs, the use of sedative and psychotropic drugs for the chemical restriction of movement. "For example, in residential children's home in Bukiv (Lviv region), children with serious disabilities are placed in a dirty barn. Reports mentioned that children

covered with their own urine and faeces sitting or lying on the floor in one overcrowded room." Children often spend their time inactive, lying in cradles, sitting on benches<sup>131</sup>.

148. The main problem of providing social services is the lack of qualified specialists: speech therapists and defectologists, as well as children's practical psychologists, ergotherapists, and behavioral therapists<sup>132</sup>.
149. On December 14, 2016, the CoM approved the Action Plan for the implementation in 2017-2020 of the pilot project "Creation of the system of the early intervention services"<sup>133</sup>. The main responsible executor is MoH, but the Action Plan is practically not implemented, in particular regarding the preparation of legal acts that would systemically allow introduction of the early intervention services all over Ukraine.
150. In addition, MSP is implementing a two-year Twinning project (until mid-2019) "Support of the Ukrainian Authorities in Developing the Legislative and Administrative Framework for Introducing a System of Early Intervention and Rehabilitation of Children with Disabilities and Children at Risk of Disability" with the support of the European Union<sup>134</sup>. However, the authorities began to compete with each other, which blocked the ability to achieve the introduction of early intervention.
151. Day care standard also requires improvements, including eliminating the exclusion of certain categories of children, and reviewing the number of staff to ensure the real needs of children based on their amount. It should be noted that the Typical Regulations on day care for children with disabilities<sup>135</sup> are planned for the reassignment of residential institutions and makes it impossible to create a system of community-based services at the place of residence of the child. The number of open day care centers does not meet existing needs by about 8 times. In Ukraine, there are about 8,000 children of subgroup A<sup>136</sup> - those who have most severe form of disability, which means round-the-clock care for such children.
152. Obviously, that firstly they are in need of day care services. At the same time, in the National Report, it is mentioned that 2,000 children are secured with this service.

## **Recommendations**

- Provide statistical information on quantitative and qualitative indicators for children with disabilities, children with developmental problems and children with special educational needs.
- Introduce human rights based model of supporting children with disabilities and their families.
- Improve early diagnostic of children with physical and mental disabilities to prevent their institutionnalization and mobilize every possible resources (human, financial and technical) at the family, pediatric hospital, State-run residential institutions, foster family and care institution levels to prevent child abandonment and separation of children from their parents, which has to be a measure of a last resort;
- Adopt, without further delay, the implementing measures of the 2017-2020 Action Plan creating the system of the early intervention services for its translation into concrete actions;
- establish a solely coordination leadership to avoid competition among State services in charge of the implementation of programs;

- Take urgent steps to develop and strengthen early intervention services.
- Make available and accessible to parents information related to services

## ***7.2. Survival and development***

153. Despite the fact that breastfeeding rates in Ukraine have really improved, there is some level of mistrust to the statistics provided by the state. Thus, according to the Multiindicator cluster survey of households, a study conducted with the support of UNICEF in 2012<sup>137</sup>, 19.7% of infants in Ukraine are exclusively breast-fed up to 6 months. At the same time, according to the methodological and organizational monitoring center of the National Specialized Children's Hospital "OKHMATDYT" in 2013-2014<sup>138</sup>, the number of such infants is 63%.

154. Probably, the problem of how correctly these data are collected is relevant. The failure to promote breastfeeding in Ukraine is demonstrated by the unfriendly society towards breastfeeding in public places, the lack of conditions for breastfeeding in various facilities, and the discrimination of nursing mothers in the workplace.

155. Ukraine, despite the adoption of the Extended Initiative "Child-friendly Hospital", failed to comply with the recommendation to implement the International Code of Marketing of Breast Milk Substitutes, the violation of which is observed not only in the media, the Internet and at sales points of baby food, but also with the participation of medical workers and medical institutions<sup>139</sup>.

## **Recommendations**

- To complement the information provided on children's health and nutrition to social groups, take concrete measures to implement the International Code of Marketing of Breast-milk Substitutes.

## ***7.3. Health and health services***

156. In accordance with Part 2 of Art. 4 of LoU "On State Financial Guarantees of Medical Care of the Population" children of those persons who applied for protection in Ukraine may only receive emergency assistance, since they are considered to be foreigners and stateless persons who are temporarily staying in Ukraine. Under the specified law, asylum-seekers and their children are obliged to compensate the state for the full value of the provided medical services and medicines as established by the Government, unless otherwise provided by international treaties or laws of Ukraine.

157. In practice, the parents of the child cannot sign the Declaration to choose the doctor who provides first aid<sup>140</sup>, as the typical form of the Declaration envisages filling in the data from the birth certificate and identity card of the parents. Children of asylum seekers do not have such documents.

158. In all cases, children affected by mines/ERW were given some emergency medical care, as well as referral for emergency procedures, such as surgery.

159. However, from the point of view of further treatment and ongoing care, the existing system cannot meet the needs of rural residents who need to overcome long distances to reach medical centers. But most incidents happened in rural areas among the population, which is usually more vulnerable economically than in urban areas<sup>141</sup>.

## **Recommendation**

- Legally provide an access to free medical care, including diagnosis, vaccination and treatment to individuals and their children who seek protection in Ukraine.
- Review the system of emergency medical care for children residing in rural locations.

### ***7.4. Efforts to address the most prevalent health challenges, to promote physical and mental health, children's well-being and to prevent and deal communicable and non-communicable diseases***

160. 18,098<sup>142</sup> new cases of HIV infection were registered in Ukraine in 2018. During 2018, 2,421 children<sup>143</sup> were born by HIV-infected mothers<sup>144</sup>.
161. In 2017, regardless of age, 2,600 children born to HIV-positive women were registered at health facilities<sup>145</sup>; 93 new pediatric cases of AIDS were registered, 55 children died of HIV-related illnesses. As of January 1, 2018, regardless of age, 8,199 children born by HIV-positive women were registered, including 3,197 children with a confirmed HIV, including 938 children with AIDS; 4,993 children whose diagnosis was in the stage of confirmation; 2,659 children<sup>146</sup> were deregistered due to the absence of HIV infection.
162. Children suffering from HIV infection and HIV-related illness are getting state aid on a monthly basis; legislative protection of the right to work and to receive social services is strengthened; some other guarantees are provided as well. Under current legislation, HIV-positive children are children with disabilities.
163. In recent years, Ukraine has made significant progress in counteracting the HIV epidemic, but there are still a number of gaps in primary and secondary prevention that require careful attention. First of all, it concerns the prevention of risky behavior among children and young people, in particular regarding drug use, sexual and reproductive health.
164. The latest data provided by UNICEF<sup>147</sup> says that the number of adolescents at risk (AAR) according to the risk of HIV infection in Ukraine is: 109,000 persons in 2017/2018, 129,000 persons (2015), out of which 6,700 (5,000 boys and 1,700 girls) - 2017/2018 year, 21,700 - injecting drug users (2015). However, today, there is no official data on the number of adolescents at risk, especially juvenile drug users. In addition, AAR in Ukraine is a closed group and the lack of statistical data, stigmatization, discrimination and legal barriers further complicate their access to HIV/AIDS prevention services.
165. The key violations of the child's rights take place in provision of medical services and health care. The initiation of antiretroviral therapy (ART), the maintenance of children and adolescents in ART depends on many factors: qualifications of doctors, affiliation to treatment by parents or adolescents, availability of children's forms of ARV drugs, etc. Children and adolescents receive HIV treatment services at regional AIDS centers, in a

number of regions (Odesa, Dnipropetrovsk) - in trust offices or cabinets of infectious diseases of district and city hospitals.

166. Access to necessary medical care is not ensured because parents or other legal representatives neglect the need for medical examination conducted by virological methods to clarify the status of the child at the age of 1 and 4 months and a final serum test at the age of 18 months. Despite having access to the survey, the number of children in need of examination is increasing each year and by the beginning of 2018 the number of such children has reached 4,997 persons<sup>148</sup>. There are systematic cases when children being infected in a perinatal way, were diagnosed with HIV at an older age only because their parents avoided timely screening of children.
167. As a rule, at the time of diagnosis, children are suffering severe clinical conditions and multiple opportunistic infections and complications.
168. There were also cases when due to the change of place of residence, surnames, the detection of HIV in children was delayed, which led to the development of irreversible health changes and death of the child.
169. The most complex cases happen whenf parents or caregivers refuse the treatment, or because of the problems of affiliation to ART<sup>149</sup>. There are systematic cases of death of children due to the parents' refusal from the ART<sup>150</sup>. This can be a formal refusal, in other cases, parents receive drugs at the AIDS Center, but they do not give them to the child. Therefore,, orphans who are staying in residential care facilities have better access to diagnostics and treatment than some children living in families. No studies have been conducted to determine the reasons for parents' refusal to receive treatment.
170. Refusal of parents to treat children affects not only HIV, and there have occurred cases of refusal from treatment in the case of severe chronic diseases, for example, oncological. Adolescents who have been receiving ART over 8-10 years and have experience in using different ARV preparations with their side effects are a complicated category for adherence to treatment. There have been cases of violations of the child's right to information on health conditions, because parents did not want or were afraid to disclose the status to their child, including a teenager<sup>151</sup>.
171. Currently, there are no real mechanisms in Ukraine that would allow the free access to ARV treatment for HIV positive children. Treatment at the present stage is life-long, therefore it is impossible to provide daily dosing in case of refusal or neglect by parents of the child's needs in medicine. Social services are not able to respond quickly to similar cases, and litigation for deprivation of parental rights is too slow.

## **Recommendations**

- Improve the legislative protection of the right of HIV-infected children to health, access to health care and life. Develop and implement effective mechanisms for protecting the rights of the child to timely screening and adequate treatment at the local level.

- Conduct research on the scale and causes of refusals to provide treatment to HIV-infected children. According to the results of the study, develop proposals for an action plan to overcome this problem.
- Increase the qualifications of medical staff regarding disclosure of HIV status for children and teenagers.
- Conduct information campaigns on ways of HIV transmission, the importance of timely screening and the consequences of failure to treat HIV infection.

### ***7.5. Measures to protect children from substance abuse***

172. Issues raised in 2011 by the Committee still relevant today. Challenges lie *inter alia* on drug injection among children, high proportion of and early initiation age of tobacco and alcohol use among children and low level of resources allocated to relevant programs.
173. According to the data of 2015<sup>152</sup>, 52% of children of 15-17 y.o. smoked tobacco at least once, and every 12th teenager from 9y.o. tried to smoke a cigarette. 83.4% of adolescents had experience of drinking alcohol, 11.3% tried illegal drugs. 11.3% of the interviewed teenagers reported that they used drugs at least once in their lives, among which boys are 15.4%, and girls - 7.9%. The most used drug remains marijuana or hashish, as indicated by every tenth of the interviewed teenager.
174. According to the Drug Enforcement Department of the MoH, there were 389 cases of narcotic overdose among minors in 2017<sup>153</sup>. Thus, 9 cases were recorded among persons from 0 to 14 y.o. and 380 cases - among persons from 15 to 17 y.o. Among the recorded cases of alcohol overdose, 89 affected persons were at the age between 0 and 14 years old, and 1,057 people from 15 to 17 y.o. 6 people from 0 to 19 y.o. died from alcohol overdose. In addition, 202 people died from the overdose - out of which 3 people from 0 to 19 y.o. and 199 people from 20 and older.
175. The system of selling narcotic substances via the Internet has become alarming. Almost all the houses, fences, etc. contain Internet links where you can order drugs. Work with the students to prevent the use of psychoactive substances is not systemic, often without the invitation of professional specialists. Practically there is no work with parents. Besides, there are no standards for the provision of harm reduction services (secondary and tertiary prevention) among minors and young people in Ukraine, and similar programs are not adequately funded by the state.
176. Despite the requirements of the legislation, rehabilitation services for children, adolescents and young people are not developed. Most rehabilitation centers for people who use psychoactive substances are not free of charge<sup>154</sup> and parents cannot afford the high cost.
177. Programs of rehabilitation of drug addicts (non-medical) in Ukraine are implemented in state medical institutions (based on narcological dispensaries, narcological day-care centers, central district and city hospitals and psychiatric hospitals), as well as in public, charitable and religious organizations, private and commercial centers. In total in Ukraine, there are two state medical centers that are accountable to MoH, with a comprehensive rehabilitation stationary program. Under the patronage of MSP, four state centers of psychosocial resocialization of drug addicts operate at the expense of budget funds.



178. There are no specialized services for minors and women (including those with children) that fully meet their needs. There are no protocols for rehabilitation. There are no manuals for providing services to people with psychostimulant dependence. There is no mechanism for monitoring the provision of services, including diagnostics and registration, no monitoring of successful cases of services provision and treatment<sup>155</sup>.
179. In August 2013, the CoM adopted the “Strategy of the State Policy on Drugs for the Period until 2020”. Among its tasks is to prevent the dissemination of drug addiction among adolescents and young people, to involve drug addicts into medical treatment, and so on. However, the experts say that now there is neither enough public funds nor political will for the implementation of the strategy. As a result, according to doctors and police officers, there is a tendency to expand the use of narcotic substances.

### ***Recommendation***

- Take effective measures to implement the "State Drug Policy Strategy by 2020". Develop the NAP, mechanisms for its implementation, and provide adequate funding for activities, primarily those aimed at protecting the rights of the child.
- Ensure implementation of the assigned functions at Drug Enforcement Department of the MoH regarding the establishment and maintenance of a united base of rehabilitation centers of all forms of ownership, indicating those centers that provide services to women (incl. with children) and minors, as well as providing access to this information to the general population.
- Develop and improve existing standards and protocols for the rehabilitation of juvenile drug users. Improve the quality of rehabilitation services for minors by developing effectiveness criteria, creating an adequate system of licensing rehabilitation services and monitoring the quality of services.
- Establish systematic work on the prevention of dependencies at schools through training of psychologists, social educators and other relevant specialists, development of methodological recommendations, preventive work with parents and students in accordance with best international practices.

### ***7.6. Social security and childcare services and facilities***

180. The queue for pre-school educational facilities consisted of 56,000 children in 2013; in 2014 – 96,000; in 2015 – 97,000 children. There was a tendency of the birth rate reduction, but there was an increased need to provide pre-school services, the queue of families waiting for available places, the number of children in groups – are the dangerous factor in reducing the quality of education<sup>156</sup>.
181. According to the existing system, children affected by mines and ERW have the right to some support, although limited in volume and quality. There is an understanding that, in order to receive support, they must obtain the legal status of a person who has suffered because of the conflict in eastern Ukraine. The process of obtaining this status may be exhausting and bureaucratic, requiring a lot of effort, which means that there is a large discrepancy between those who received the status (and, therefore, will be able to receive official state support in the future) and those without status but still in need of help.

182. Although efforts are made to introduce updated legislation, the process remains unclear<sup>157</sup>.
183. According to the first half of 2017, the most vulnerable socio-demographic group is children (persons aged 0-17), almost a third of whom fall into the relative poverty category (relative poverty rate is 32.4%). The second largest at-risk-of-poverty group is adolescents (persons aged 16-19), among whom the relative poverty rate is 27.0%. The poverty rate by absolute criterion (by income) in these groups is 49.0 and 46.0% respectively<sup>158</sup>.
184. Families with three and more children are traditionally in the worst situation among all types of households, as well as households with two children, and households with at least one unemployed person<sup>159</sup>.

## **Recommendations**

- Ease access to care and support conditions for mines affected children in order to ensure effective, timely and equal access to all children regardless of the current required legal status.
- Pay more attention to ensuring of social security for families with children.
- Solve the problem of insufficient number of preschool educational institutions by promoting the development of various forms of day-care and education of a child of preschool age.

## **8. Education, leisure and cultural activities**

### ***8.1. Right to education, including vocational training and guidance***

185. According to Article 13 of LoU "On Education" the territorial accessibility of school education should be guaranteed. This legal requirement was implemented by fixing a certain territory of service for each school, and by obliging parents to provide documents confirming the residence in the school's service area for the guaranteed enrollment of their child to the first class. At the same time, children whose parents live without registration, do not have their own homes or duly rented accommodation, are in fact deprived of equal access to education<sup>160</sup>.
186. In addition, in some settlements, the enrollment in preschool also depends on the registration of the parents' or the child's place of residence<sup>161</sup>.
187. Part of the territory of Ukraine was recognized TOT in accordance with the legislation of Ukraine<sup>162</sup>. The children who stay on the TOT mainly receive general secondary education in schools located on the occupied territories. Due to the fact that the Government does not recognize the documents issued on the TOT, the certificate of secondary education obtained there does not give the right to access the higher education in the GCA. Similarly, it cannot be replaced by a similar Ukrainian document.
188. Moreover, starting from 2014, the *de-facto* government politics on the TOT was aimed at reducing Ukrainian-language classes, closing Ukrainian-language schools and extracting certain subjects (in particular, the Ukrainian language, Ukrainian literature, and the history of Ukraine) from the school curriculum. In addition, to enter higher education institutions, the entrants need to cross the administrative border with the Crimea or a contact line within

Donetsk and Luhansk regions for several times. Taking into account the poor public transport connection between the TOT and the GCA, this complicates the process of entering the higher educational institutions for residents of the TOT. All this makes these entrants disadvantaged compared to other entrants.

189. At the same time, the state provides a simplified procedure for the entry of residents of the TOT through the so-called educational centers "Crimea-Ukraine" and "Donbass-Ukraine". However, through these centers, residents of the TOT can enter only a certain number of universities on the GCA. Moreover, for entrants from the TOT of the Crimea and Donetsk and Lugansk regions, different lists of universities are defined, which are mostly located close to the corresponding occupied territories. This simplified procedure has already demonstrated its ineffectiveness: for example, in 2017, only 204 Crimean residents entered universities according to this procedure, while each year 10-12,000 children graduate schools on the occupied peninsula<sup>163</sup>.
190. Children living along the contact line closely to the hostilities in eastern Ukraine are in danger, including during studying. According to Education Cluster over 700,000 children and teachers in more than 3,500 education facilities in eastern Ukraine are affected by the hostilities and in need of humanitarian assistance. More than 400,000 children experience the direct impact of the conflict as they live, play and go to school within the 20-km on both sides of the "contact line", where shelling and extreme levels of minecontamination threaten their lives and wellbeing<sup>164</sup>.
191. The country has an extremely low level of education of Roma population<sup>165</sup>. Next factors influence the low level of Roma education: total poverty, nomadic lifestyle, early and child marriages, territorial separation, lack of understanding by parents of the importance of visiting kindergartens and schools, absence of motivation to get education; stereotypes in society about the Roma people, indifference from the state machine to violation of their rights to education.
192. The State report<sup>166</sup> does not cover issues related to the education of children whose parents have asked for protection in Ukraine; or unaccompanied children. In 2016, the Regulations on the individual form of education in general education institutions<sup>167</sup> and the Regulations on external training at secondary schools<sup>168</sup> were adopted, which take into account the best interests of children of asylum seekers.
193. However, these children cannot obtain a diploma about their education and to enter the higher educational institution because of the absence of an identification code<sup>169</sup>. It cannot be obtained without ID.
194. Children affected by mines/ERW may need support that is more comprehensive when it comes to social and economic inclusion, due to the requirement of ongoing formal education as well as their dependence on parents/guardians.
195. Key areas of support towards affected persons should focus on continuing education and integration or reintegration (where possible) into social life, including out-of-school education, as well as vocational training programs aimed at the economic inclusion of persons with disabilities.

196. There are enough differences in how mine victims are considered in school environment: some are considered as "heroes" or "survivors", whereas others are used as living examples of the consequences of risky behavior. This contradiction may indicate that teachers can be not enough trained on how to include children with disabilities in the educational process.

197. The school system remains unclear for assessing pupils with special educational needs in order to provide fair assistance to children with disabilities so that they can fairly compete with peers who are not disabled<sup>170</sup>.

## **Recommendations**

- Ensure access to the education of all children, including vulnerable groups.
- Guarantee the right to receive pre-school and school education, regardless child or his/ her parents' place of residence or registration.
- Create the appropriate conditions for the implementation of the right of residents from TOT to receive education on the GCA through the introduction of positive actions.
- Provide pre-school education to Roma children by creating alternative pre-school establishments (short-term preschool groups, mobile kindergartens, etc.). Inform parents about such opportunities.
- Encourage the involvement of Roma community representatives in the educational process by creating a cultural mediator or educational assistant at schools in which Roma children study.

### ***8.2. Education on human rights and civic education***

198. Partially the state carries out informational and educational work about human rights and fundamental freedoms fixed in LoU "On Education", the National Strategy on Human Rights, the Concept of the Development of Civic Education in Ukraine and other documents. Individual trainings and seminars are held, MES supports individual projects of non-governmental organizations. However, such actions are sporadic and do not actually significantly impact the situation. Quite often, such materials contain errors and specific interpretation of human rights.

199. Inadequate level of knowledge and competences of the heads of educational institutions, teachers, parents, students, representatives of local self-government can lead to misinterpretation of human rights.

200. The state does not fulfill its obligations under the Action Plan for implementing the National Human Rights Strategy for the period up to 2020 regarding the distribution of human rights manuals for general vocational and higher education institutions; compilations of legislative acts and purchasing such literature for libraries. Existing manuals in human rights in Ukraine are mainly published at the expense of non-governmental organizations, are available in a limited number in paper and in electronic versions and are not sufficiently popularized by the official bodies of the education system.

201. Information on human rights at the school level is limited in most cases to weeks (decades) of legal knowledge, meetings with police officers regarding the criminal and administrative liability of children, etc.
202. The training of teachers on human rights is not carried out systematically. There are isolated examples that continue to be the initiative of individual leaders, methodologists or educators.
203. There is no system for monitoring and evaluation the teaching of human rights in educational institutions, and for civil society, the possibility of alternative monitoring research is not always an easy process due to procedural and financial complications from the education authorities<sup>171</sup>.

## **Recommendations**

- Develop nationwide child-friendly education on human rights tools and curricula through a child participatory process, and trained teachers accordingly.
- Adopt the National Program on Human Rights Education with the further development of the state standards and the system of financial and operational support for its implementation. To involve NGOs in these processes.
- Organize systematic compulsory education on human rights / child rights for all categories of pedagogical staff, involving specialists in the field of human rights / child.
- Ensure the involvement of experts on human rights including non-governmental organizations with practical experience in human rights education and human rights activities to conduct the examination of school textbooks.
- Enhance awareness of children with disabilities, their parents and the general public on the right of the child to education, including inclusive education.

## **9. Special protection measures**

### ***9.1. Children outside their country of origin seeking refugee protection, unaccompanied asylum-seeking children, internally displaced children***

204. The main problem of asylum seekers and their children is the impossibility of identifying both parents and children. The application for protection in Ukraine (hereinafter referred to as the "Application") is a document confirming the legality of the person's stay in Ukraine but is not an ID. Information about minors is included in the Application.
205. The lack of ID from asylum seekers limits their children's access to social services and education in Ukraine, leads to difficulties in registering a child's birth, the impossibility of establishing a parenthood, correcting the mistakes made in the document on the birth registration of their child, obtaining an identification code, becoming a property owner, etc.
- 206.
207. The children of asylum seekers born in Ukraine are deprived cannot get social assistance for families with children. Due to the absence of the parents' ID, these children cannot obtain the

citizenship of Ukraine; they do not have access to obtaining a registration by a citizen of Ukraine and, accordingly, cannot obtain passports.

208. Being separated from their families, children who applied for protection in Ukraine are usually placed to the Centers for Social Rehabilitation until the age of 18.
209. However, upon reaching the age of 18, they do not possess any ID, as well as verbal or any professional skills, they are leaving the Centers for Social Rehabilitation and are waiting for the decision of the Migration Service to either grant or refuse them with the refugee status. Such children are facing difficulties, which are common for the asylum seekers without ID (no access to any official employment services(labor contract, performance contract/service contract, entrepreneurship, etc.).
210. When submitting an application for protection in Ukraine in accordance with the legislation, the SMS should ensure the involvement of an interpreter both for a child separated from his/her family and for adults. However, the SMS lacks translators who can be involved because the employee of the SMS should submit information confirming the translator`s knowledge of a foreign language in the translators` database of the SMS<sup>172</sup>.
211. The Laws "On the Legal Status of Foreigners and Stateless Persons", "On Citizenship of Ukraine" are not harmonized with the Law "On Refugees and Persons who Need Additional or Temporary Protection". These discrepancies limit the rights of people in need of additional protection.
212. Employees of the SMS do not always offer children separated from their families to complete a questionnaire that could allow and facilitate the searching for their parents<sup>173</sup>.
213. There are cases where the psychological assessment of the child`s age was conducted without taking into account the cultural characteristics of the child or the information about the country of origin; there were recorded such cases when only a physiological assessment of age was conducted, despite the fact that this assessment is the last of the three stages and is not mandatory<sup>174</sup>. Cultural features of the child and information about the country of origin of the child are not taken into account at all<sup>175</sup>.
214. . Planned centers for social integration of refugees and persons requiring additional or temporary protection are not operating.
215. Children of refugees and asylum seekers, unaccompanied children need regular social and psychological support. Psychologists and social workers should be trained to work with children who lost their homeland, were traumatized, suffered tortures, came from the area of military conflict. However, state programs on psychological rehabilitation and social reintegration of children - refugees, displaced people, etc. are barely implemented in Ukraine.
216. With the annexation of the Crimea and the armed conflict in the east of the country since 2014, a new vulnerable category – IDPs appeared. Despite the establishment of the unified information database on IDPs<sup>176</sup> in 2016, the statistics is substantially inconsistent<sup>177</sup>. For example, MSP recorded 235,000 children of IDPs in June 2016, but according to MES, as of May 2016, 17,982 children from TOTwere enrolled in pre-school educational institutions on

the GCA of Ukraine. 48,411 children were enrolled in general education, and 1,777 children were enrolled in vocational education and training institutions. Thus, 68,170 people studied and were enrolled in educational institutions in summer 2016. Of course, newborn children, children who do not attend pre-school are not included here as well as graduates who didn't enter any further universities and students of universities who are younger than 18 y.o. (this statistics is not available for MES). However, even taking into account these categories the number of children will not reach 235,000.

217. According to MSP, the number of internally displaced children is 195,050<sup>178</sup> as of February 25, 2019.

The Government established a legislative framework that consolidates the rights and freedoms of IDPs<sup>179</sup>, created the Ministry for TOTs and IDPs<sup>180</sup> as coordinating the above-mentioned issues, the financial support is provided to IDPs to cover their costs of living<sup>181</sup>, others measures were undertaken as well. However, the financial resources dedicated for targeted assistance are extremely low.

218. Durable solutions regarding IDPs are not implemented by the State as required by the Framework of Inter-Agency Standing Committee on durable solutions for IDPs<sup>182</sup>. In 2018, the Government approved the Strategy for the integration of IDPs and the introduction of durable solutions on internal displacement for the period up to 2020<sup>183</sup>. However, just like for the previous state program for support, social adaptation and reintegration of IDPs until 2017<sup>184</sup>, the financing of the Strategy from the state budget is not foreseen, and the implementation of the Strategy depends only on the capabilities of the regions<sup>185</sup>.

219. In September 2018, the legislation introduced changes<sup>186</sup> that made it possible for children of IDPs to be registered for social housing, as well as internally displaced children with disabilities who are orphans or deprived of parental care, in case of absence of housing, they will be able to get an apartment or a private house on a priority basis. However, in practice, social housing stock in Ukraine is almost exhausted, and their replenishment either occurs very slowly. Due to this, the problem of providing housing or compensation to IDPs has not been resolved so far.

### ***Recommendations***

- Develop a state social standard for social integration and reintegration services for refugees and asylum seekers.
- Introduce a mechanism for granting the status of a child deprived of parental care for children separated from the family who have applied for protection in Ukraine. To improve the mechanisms for determining the age and level of development of such children, taking into account the national and cultural characteristics of the child, as well as taking into account information about the country of origin.
- Enable an individual who can actually confirm the knowledge of a rare language to be included in the Translator's Reference Information Register<sup>187</sup>.
- Ensure adequate funding and implement the Action Plan for the implementation of the Strategy for the Integration of IDPs and the implementation of long-term decisions on internal displacement for the period up to 2020<sup>188</sup>.

- Prior to the successful implementation of long-term decisions on IDPs, provide internally displaced families with sufficient targeted assistance to meet housing and social needs. Attach the size of the targeted help of the IDPs to the social state standard (living wage).

## ***9.2. Children belonging to a minority or an indigenous group***

220. Despite the fact that many ethnic minorities<sup>189</sup> live in Ukraine, the rights of the Roma population are more likely violated. According to the Council of Europe, as of July 2012, the most likely number of Roma in Ukraine is 260,000, according to some estimates, it can reach 400,000, but cannot be less than 120,000<sup>190</sup>. Although Strategy for protection and integration of Roma National Minority to the Ukrainian Society for the period till 2020<sup>191</sup> was adopted in 2013, the Strategy Action Plan<sup>192</sup> has disadvantages that don't allow to provide the methodological sequence of measuring the quantitative and qualitative results of the implementation of the planned activities<sup>193</sup>.
221. The Action Plan for the implementation of the National Human Rights Strategy for the period up to 2020<sup>194</sup> envisages a number of measures aimed at ensuring the rights of indigenous peoples and national minorities. However, the Action Plan does not envisages the funding.

## **Recommendations**

- Adopt new Roma Strategy and Action Plan to provide realization of Roma children their rights.

## ***9.3. Use of children in the illicit production and trafficking of narcotic drugs and psychotropic substances***

222. The system of selling drugs via the Internet has become alarming. Almost all the houses, fences, etc. contain the messages with links to the sites on the Internet, where you can order drugs. The vast majority of them are not included into the list of controlled substances on time, so it is difficult to prosecute the dealers (sellers). Moreover, juveniles are actively involved in drug trafficking via the Internet. The mass media monitoring shows that there were several cases of drugs trafficking by adolescents and youth in 2017-2018<sup>195196197198199200201202</sup>.
223. About 80 types of new psychoactive substances that were extracted by law enforcement agencies of Ukraine over the past few years have not yet been included in the list of controlled substances<sup>203</sup>.
224. In total in 2017, under articles 309-320 of the CC, 94 juveniles<sup>204</sup> were convicted for crimes because of drugs, psychotropic substances, their analogues or precursors.
225. Ministry of Youth and Sports with the purpose of increasing the responsibility of adults for the involvement of children and young people in the use of alcohol, tobacco, as well as to promote healthy lifestyles initiated the All-Ukrainian information and prevention campaign "Responsibility Begins With Me"<sup>205</sup> in 2016. There were investigated 17,344 shopping centers selling alcohol products, as a result there were detected 1,005 violations of the current



legislation, 2,069 minors were detained, 1,333 protocols were developed and 376 officials<sup>206</sup> were brought to justice.

## **Recommendations**

- Improve the regulatory framework and its implementation mechanisms for effective monitoring and identification / recognition of new psychoactive substances to be drugs in accordance with the established list of drugs, psychotropic substances and precursors.
- Strengthen control and improve the regulatory framework and its implementation mechanisms for effective monitoring, documentation and closure of drug sales through Internet sites and other Internet channels, in particular the Telegram messenger.

### ***9.4. Sexual exploitation and sexual abuse***

226. The Convention of the Council of Europe on the Protection of Children against Sexual Exploitation and Sexual Violence (Lanzarote Convention) was ratified by Ukraine on June 20, 2012. At the same time, the national criminal procedural law was not brought into line with the norms of the Convention, which in practice leads to the closure of cases of sexual violence against the child or they do not start at all (para. 5.3).

227. The harmonization of the Lanzarote Convention with the legal domestic framework on article 35 requires a set of rules designed to limit the number of successive interviews with children, which force them to relive the events they have suffered, and enable them to be interviewed by the same people, who have been trained for the purpose, in suitable premises and a setting that is reassuring, in particular because of the presence of the child's legal representative or, where appropriate, a person of his or her choice<sup>207</sup>. To protect the child victim against the risk of being further traumatized, article 35 states that interviews should be videotaped for use as evidence during the criminal proceedings and to serve multiple purposes.

228. To fully implement this provision, Ukraine has to adopt internal legislative measures, establish and duly equip interview rooms and train professionals to proceed with the interviews in a timely manner.

229. In 2018, the VRU adopted the Law "On Amendments to the CC of Ukraine on the Protection of Children from Sexual Abuse and Sexual Exploitation"<sup>208</sup>, which establishes the age of sexual consent - 16 years, and criminalizes sexual encounters with a person who has not reached this age (Article 155 of the CC). In addition, the Amendment to Article 156 (child sexual abuse) states that the responsibility for the abuse now extends to family members and close relatives. The Amendment to Article 302 envisages the responsibility for the maintenance of places of debauchery with the involvement of minors.

230. There is a new concept of "voluntary consent of the victim", which will be taken into account during the qualification of such crimes as "rape" (Article 152 of the CC) and "sexual violence" (Article 153 of the CC).

231. It is worth noting the contradictions with the definition of sexual violence in the CC and the LoU "On Domestic Violence". This Law determines sexual violence as certain actions, regardless of the consent of the child.

232. There is a concern about the jurisprudence on sexual abuse of children. Indeed, judges release abusers of children due to various mitigating circumstances, such as: a positive reference from the employer, a positive reference from the place of residence, the fact that the crime is committed for the first time, military service in ATO, having minor children, etc. These extenuating circumstances minimize the offence which is a crime, and lead to the impunity of perpetrators.

## **Recommendations**

- Take all necessary practical measures to ensure an effective implementation of the article 35 of the Lanzarote Convention on interviews of child sexual abuse victims (interview room, specific training to professionals, interview videotaping, etc.).
- Ensure that child sexual abuse victim interviews strictly limited as possible are conducted by the same trained professionals in a safe environment in order to safeguard the interests of the child and ensure that he or she is not further traumatised by multiple interviews;
- Establish all over the country in pediatric centers or in police custody interview rooms and appropriately equip them with, inter alia, required materials, including videotaping tools, so as to ensure genuine access to justice for victims. Recruit a higher number of social workers and provide them with practical training in order to enable them to carry out preventive and protective measures, as well as the counseling, care and support endeavors towards victims
- Reinforce national awareness raising campaigns on procedures, services and exiting referral mechanism so as to sensitize parents, children, teachers, health officials, governmental institutions, local municipalities and the population as a whole.

### ***9.5 Sale, trafficking and abduction***

233. NAPs for the implementation of the UNCRC do not include either measures for the training of rehabilitation and reintegration personnel. Children - victims and witnesses of these crimes are further traumatized during a pre-trial investigation due to the lack of "green rooms."

234. The issue of aligning national legislation with the Optional Protocol on the sale of children, child prostitution and child pornography<sup>209</sup>, with respect to Articles 7, 8 and 9, remains relevant.

235. Raising of awareness on human trafficking including children is mostly provided by CSOs, but this is not enough to cover all youngsters who are at risk. Also, the work of the National hotline for the prevention of domestic violence, human trafficking and gender discrimination as well as the National Children's hotline is provided by "La Strada".

236. Due to the annexation of the Crimea and armed conflict in the Donbass, the threat of child trafficking has increased.

237. On April 18, 2012, the Resolution of the CoM No. 303 "Regulations on the Establishment and Functioning of the Unified State Register of Human Trafficking"<sup>210</sup> was developed and

approved. At the same time, there is a tendency of increased cases of child trafficking in recent years.

## **Recommendations**

- Ensure compulsory social rehabilitation of children involved in sexual exploitation or trafficking.
- Develop indicators for identifying trafficked children as part of the process of establishing the status of children affected by trafficking.
- Conduct information and awareness campaigns to prevent the risk of human trafficking and access to assistance.
- Take measures to strengthen the support of the National Children's "hot" line, to ensure its accessibility for children.

### ***9.6. Children in conflict with the law, children - victims and witnesses of crimes, juvenile justice and child-friendly justice***

238. An important step was the development and adoption of a National Strategy for the Reforming of the Juvenile Justice System up to 2023<sup>211</sup>. It is relevant to develop and adopt a plan of measures for implementation of the strategy.
239. However, in Ukraine there is currently no holistic system of juvenile justice for children in conflict with the law.
240. Thus, the CC contains a list of penalties not related to imprisonment applicable to minors. But it is too limited. Due to the lack of an effective system for the resocialization of the child in conflict with the law, there is still a norm regarding bringing the child to criminal responsibility and fixing reconviction for avoiding serving a non-imprisonment sentence.
241. Now, there is no mechanism for bringing a child's case into an out-of-court process. After all, both criminal and criminal procedural legislation envisage the possibility of exemption the child from criminal liability only by a court during a session. At the same time, this procedure is possible only when the child makes intentional crimes of minor severity and negligent crimes of moderate severity. Although in fact, there is a norm to use compulsory educational measures for children under the age of 11, who have not reached the age of criminal responsibility.
242. When considering the procedures applicable to children in conflict/contact with the law, it should be noted that currently they do not comply with the Guidelines on child-friendly justice<sup>212</sup>, approved by the Council of Europe in 2010.
243. The involvement of additional specialists during pre-trial investigation to ensure the best interests of the child remains a problem issue. The involvement of specialists in pre-trial proceedings in cases involving children is governed by the general rules of the CPC (Article 71). Instead, these norms significantly narrow the role of specialists who can provide "friendliness" of pre-trial investigation procedures. At the same time, today there are no

officially approved unified methods, which specialists can apply for their work. Such techniques are needed, for example, to assess the needs of the child - victim of a crime, to make personality assessment and the risk of committing a second offense by a child, etc.

244. Criminal proceedings against a minor must be promptly considered in court primarily (paragraph 4 of Article 28 of the CPC of Ukraine). Regarding the cases involving the child - victim or the child – witness of the crime, there are no references to the urgency of the case consideration, which is not envisaged by the CPC. In some cases, another examination of a victim may take place after several months or even years since the events occurred, which leads to the closure of criminal proceedings.
245. The CPC of Ukraine allows the participation of a psychologist or a teacher during the interrogation of a child in a criminal case. In practice, a teacher participates more frequently than a psychologist.
246. The collection of evidence, especially from children – victims of the crime, should also take place under the most favorable conditions. This process can be facilitated by the use of audio and video recording of interrogations. The CPC contains the possibility of using such technical means, but is not obligatory if the child is involved in the process.
247. The provision of social rehabilitation institutions, which regulates the visits of pupils (inmates) by parents or persons replacing them, remains a problem. Such visits are allowed only with the permission of the school principal or the person who replaces him/her, while the Regulations prohibit the restriction or deprivation of contacts between the child and his/her family.
248. Besides, despite the general need to develop a network of special institutions (centers) for working with children who have deviant behavior or are inclined to commit offenses, there was no compromise in this issue between the mechanism of ensuring the rights of the child and the creation of optimal conditions for correction of deviant behavior, prevention of offenses. The reason is that in fact in the last 5 years there are no legal acts on the regulation of the activities of these institutions, there is no mechanism for sending youth with deviant behavior to these institutions, there are no special correction programs for children with deviant behavior, or special educational programs for the staff.
249. Despite the fact that the lawyer exclusively represents the child in court, there is a limit on the representation of the child when it comes to criminal proceedings involving witnesses, victims and civil plaintiffs. In this case, their right to receive professional legal aid is limited, since there is no mandatory participation of the lawyer to represent their interests, and the circumstances in which the lawyer may be appointed are not specified. There are cases when a legal representative cannot fully or at least partially perform his function properly, does not know, does not want to know, does not do anything in order to normalize the routine of the child, restore his/her psychological condition, properly represent his/her interests. Otherwise,

a legal representative is not interested in full and qualitative consideration of criminal proceedings and in the punishment of a person who violated the child rights. This is especially true for the category of crimes related to domestic violence.

250. After all, the legal representative of the child in the criminal process is authorized to express opinions on the level of punishment, the possibility of supplying petitions, statements, appeals against decisions and reconciliation. Only in exceptional cases, where the participation of a legal representative may harm the interests of a minor witness or victim, the investigator or the prosecutor, upon request of a minor or on his own initiative, has the right to limit the participation of a legal representative in the execution of certain investigative (search) actions or to remove him from the criminal proceeding and bring in another legal representative instead.

## **Recommendations**

- To ensure full implementation of **The Council of Europe guidelines on child-friendly justice**<sup>213</sup>.

### ***9.7. Children in armed conflicts, including physical and psychological recovery and social reintegration***

251. Children who became captives to the war in eastern Ukraine continue to die. Until now, the numbers of children killed in Ukraine are also significantly different, ranging from 68 dead<sup>214</sup> and 186 wounded to 242 dead<sup>215</sup>. From April 14, 2014 to August 15, 2019, 98 boys, 49 girls died, according to the UN Human Rights Monitoring Mission. Besides, 80 children were killed during the airplane crash of the MH17 on July 17, 2014<sup>216</sup><sup>217</sup>. As of October 1, 2018, UNICEF also estimates that at least 140 children were killed or blown up by mines<sup>218</sup>.

252. In 2016, UNICEF noted that more than 580,000 children were affected by the armed conflict in Ukraine over the past two and a half years, and more than 200,000 children need psychological help<sup>219</sup>. Taking into account mentioned estimates and situation in Ukraine<sup>220</sup>, the Parliamentary Assembly of the Council of Europe adopted Resolution No. 2204 "On Protection of Children Affected by the Conflict" in 2018, which provided recommendations<sup>221</sup> to member states of the Council of Europe. Among them - to invest in the prevention of conflicts, to reinforce child protection and support mechanisms and action at all levels, to support and rehabilitate child soldiers and other children actively involved in conflicts, etc.

253. The regional and central authorities have avoided the decision to evacuate children for a long time, and the destiny of each institution was solved situationally. In many cases, the decision to evacuate children away from the combat zone was delayed despite the threat to their lives, or was taken after the start of hostilities in the close proximity to children's institutions. Thus, the employees of the Kreminna regional special secondary boarding school of I-III degree (Luhansk region) were taking orphans and abandoned children to their homes for 7-10 days. There were about 50 of such pupils. Later they were transported to the village of Sergeyevka, Bilhorod-Dnistrovskiyi district of the Odessa region, and then returned in 2015<sup>222</sup>.

254. At MSP there is still no algorithm for establishing constructive cooperation with FFs, FTCHs, which due to the hostilities in Donbass left Ukraine. In addition, there is no defined state body, to which they could apply for establishing official ties with their homeland and for solving the problems that exist today in each such family in Ukraine.
255. At the legislative level, several attempts have been made to provide rehabilitation services to children affected by armed conflict. However, none of the solutions currently effectively satisfies the needs of affected children, there is no systematic effort to protect children of this category. Children who are family members of veterans; of participants of hostilities, of active servicemen, of persons with disabilities due to war - were left unaddressed<sup>223</sup>.
256. After the beginning of the armed conflict, the LoU "On Rehabilitation of Persons with Disabilities in Ukraine"<sup>224</sup> amended and formally extended the services for obtaining technical and other means of rehabilitation for persons affected by an armed conflict, whose disability has not been established. However, the data collection on the number of people who have been affected by injury, contusions or handicaps is still not centralized, which does not allow to effectively planning rehabilitation policies<sup>225</sup>.
257. The assessment of the need for physical rehabilitation and medicine services was carried out indirectly, not all regions in Ukraine had data on the number of people who were recommended to receive rehabilitation services<sup>226</sup>.
258. It is positive that in 2016 the Law №2402 stipulated that the central executive authorities should create conditions for medical, psychological, pedagogical rehabilitation and social reintegration of children affected by the hostilities and armed conflicts. The law envisages the status of a child affected because of hostilities and armed conflicts. On April 5, 2017, the Government adopted Resolution No. 268 "On Approval of the Procedure for Granting the Status of a Child Affected as a Result of Military and Armed Conflict", but with significant disadvantages, so only 9 children<sup>227</sup> received the status during the year .
259. Only after the introduction of the amendments to this regulation in April 2018, which simplified the procedure, the process became systematic, and by October 2019, 33 thousand 175 children received mentioned status<sup>228</sup>. However, children who have received the specified status cannot yet receive certain services because of lack of relevant legislation and allocations for the respective services.
260. Children who become disabled as a result of injuries, contusions or handicaps may also receive legal guarantees under the LoU "On the Status of War Veterans, Guarantees of Their Social Protection"<sup>229</sup>.
261. In May 2018, the status of persons, including children under the age of 18, who became disabled as a result of injuries or handicaps caused by military weapons was regulated<sup>1</sup>. However, proving the disability may be complicated by the need to provide an extract about the opening of criminal proceedings regarding the fact of injuries or other health impairments from ammunition. Moreover, children who were injured on the NGCA after December 1, 2014 will not be eligible for this status.

262. In addition, this status will not extend to children whose disability is caused by diseases not directly related to damage from ammunition. For example: apartment in the block of flats in Debaltsevo (Donetsk region) was hit by a missile. As a result, the father died, the mother was seriously injured, the child remained intact. After some time due to the stress, the child acquired complex health disorders that led to severe disability<sup>2</sup>. This example demonstrates that children whose diseases are acquired because of a conflict cannot claim the guarantees provided by the last law.

263. So far, Ukraine has not conducted clinical studies on understanding the impact of the conflict on the psychological state of affected children in the future. The existing system of an individual rehabilitation plan (IRP) for mine/ERW victims needs support from the point of view of depth and breadth of assistance, as well as long-term interaction with each patient.

264. Provision of prostheses and other auxiliary devices for children affected by mines/ERW is also limited. Due to lack of funding and expertise the victims receive aesthetic rather than more expensive functional dentures. Without accurate data on the needs of children with disabilities, it is unlikely that providing such support guarantees the required attention and funding from the state authorities<sup>232</sup>.

## **Recommendations**

- Systematize legislation and approaches for the protection of children affected by armed conflict, in particular by formally declaring (adopting) a state policy for all children affected by the conflict.
- Introduce, at the level of state statistical reporting, the collection of information on the number of killed children and children who, as a result of armed conflict, were injured, contused, received disability, including the definition of their needs in accordance with the trauma.
- Ensure the development and implementation of programs for rehabilitation and psychosocial support for children who have suffered as a result of hostilities and armed conflicts, including for children who participated in the activities of armed groups. Ensure continuous counseling and psychological support for children affected by mines / ERW based on regularly monitored needs.
- To amend the LoU "On the Status of War Veterans, Guarantees of Their Social Protection"<sup>233</sup>, which extend the status of persons with disabilities as a result of the war on individuals (children in particular) living in the territory of the occupied regions of Donetsk and Lugansk oblasts and wounded, contused or injured after December 1, 2014, as well as on civilians (children in particular) that have suffered health disorders as a result of diseases caused by military actions or their consequences on the territory of ATO and United Forces Operation.
- Conduct an assessment of the medical facilities of all levels in the Donetsk and Luhansk oblasts regarding the material and technical potential to support mine victims/ persons suffered from ERW and the population affected by the conflict.
- Conduct a clinical assessment of the psychological impact of armed conflict on different groups of the population<sup>234</sup>, which will be the basis of the state strategy for providing psychological assistance and psychosocial adaptation to mine victims/ persons suffered from ERW. To conduct a study on the socio-economic impact of the incident on children affected by mines/ ERW<sup>235</sup>.

- In a longer term, to improve the system of provision and maintenance of prostheses, as well as the introduction of a wider range of technologies (for auxiliary devices inclusive), based on international experience.



## Glossary

CoM – Cabinet of Ministers of Ukraine  
ERW – explosive remnants of war  
TOT – temporary occupied territories  
ID - identification documents  
MoH - Ministry of Health of Ukraine  
IDPs - internally displaced persons  
UTCs - united territorial communities  
CSs – Children’s Services  
NAP - National Action Plan on the Implementation of the UNCRC  
CSOs - civil society organizations  
MSP – Ministry of Social Policy of Ukraine  
MES – Ministry of Education and Science of Ukraine  
VRU - Verkhovna Rada of Ukraine  
LoU - Law of Ukraine  
NGCA - non-government controlled area  
GCA - government controlled area  
CPC - Criminal Procedural Code of Ukraine  
FF - foster families  
FTCH - family-type children`s homes  
SMS - State Migration Service of Ukraine  
CC – Criminal Code of Ukraine  
ATO – antiterrorist operation

**Annex 1. Implementation status of recommendations of CRC Concluding observations on  
Ukraine  
adopted at 1611th meeting, held on 3 February 2011**

№	CRC recommendations	Implementation status of the recommendation	Comments
7.	<p><b>The Committee's previous recommendations</b></p> <p>The Committee urges the State party to take all necessary measures to address those recommendations from the concluding observations of the second periodic report under the Convention and the initial report under the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography that have not been implemented or sufficiently implemented, including those related to allocation of resources, data collection, harmonization of national legislation with the Convention and its Optional Protocols, torture and ill-treatment, administration of juvenile justice, children deprived of their family environment, sexual exploitation and abuse, and children of minority groups, and to provide adequate follow-up to the recommendations contained in the present concluding observations.</p>	Not fulfilled	<p>The Alternative report on Ukraine's compliance with the provisions of the UN Convention on the Rights of the Child for the period from 2011 to 2018 emphasizes the presence of problems noted in Concluding Observations. Certain trends towards the solution of some of them take place. Nevertheless, the Committee's previous recommendations cannot be considered fulfilled even partially.</p>
9.	<p><b>Legislation</b></p> <p>The Committee urges the State party to undertake a comprehensive review of all domestic legislation so as to ensure its full compliance with the Convention. The Committee further recommends the State party to consider adopting a comprehensive Child Rights Act which fully incorporates the provisions of the Convention and its Optional Protocols.</p>	Partially fulfilled	<p>The comprehensive review of national legislation has been carried out, but the legislation still does not fully comply with the provisions of the Convention on the Rights of the Child.</p>

<p>12</p>	<p><b>Coordination</b></p> <p>In the context of the ongoing administrative reform, the Committee urges the State party to:</p> <ul style="list-style-type: none"> <li>- Undertake a comprehensive functional review of its central and local Government institutions responsible for children’s rights and ensure that responsibilities are well delegated and clearly defined within the new structure;</li> <li>- Ensure continuity in the implementation of key Government child policy priorities, in particular the Child Care Reform;</li> <li>- Ensure effective coordination of child policies by the Ministry of Education and Science, Youth and Sports pursuant to the reform, and in this regard review the role and authority of the Inter-agency Commission for the Protection of Childhood, including by considering appointing a high-level State authority as its Chair and by making it a permanent body to ensure effective cross-ministerial coordination;</li> <li>- Seek technical assistance from the United Nations Children’s Fund (UNICEF) in the consideration of the above recommendations.</li> </ul>	<p>Not fulfilled</p>	<p>Within the framework of administrative reform and decentralization reform, there is no clarity and separation of functions at both national and local levels.</p> <p>The lack of coordination made the children hostages of the ongoing reforms, certain children remained unprotected.</p> <p>In numerous initiated reforms, the child protection issue is absent (particularly in decentralization reform, including deinstitutionalization process, medical reform, police reform).</p>
<p>14</p>	<p><b>National Plan of Action</b></p> <p>The Committee urges the State party to ensure effective implementation of the National Plan of Action for Children (2010-2016) and, in particular, to:</p> <ul style="list-style-type: none"> <li>- Allocate sufficient funding to the annual State Programmes for the implementation of the National Plan of Action until 2016 and ensure funding to it as a separate line in the Budget Law for each year;</li> <li>- Ensure effective monitoring of the implementation of the National Plan of Action for Children, including by ensuring coordination of activities by the Inter-agency Commission on Protection of Childhood.</li> </ul>	<p>Not fulfilled</p>	<p>The Government with at least six months delay approved the annual action plans for the National Plan of Action on the Implementation of the UNCRC for the period until 2016.</p> <p>The report on the results of the implementation of the Plan was presented with significant delay and did not become the subject of wide public discussion.</p>

16	<p><b>Independent monitoring</b></p> <p>The Committee strongly recommends that the State party undertakes the necessary measures for establishing a separate independent national mechanism, in full accordance with the Paris Principles relating to the Status of National Institutions (A/RES/48/134, annex), to ensure comprehensive and systematic monitoring of children's rights. To this end, the Committee recommends that the State party considers adopting the Law on the Introduction of the Ombudsman for Children in Ukraine. The Committee recommends the State party to ensure that this national mechanism be provided with sufficient human and financial resources to ensure its independence and efficacy, in accordance with its General Comment No. 2 (2002) on the role of independent human rights institutions.</p>	Not fulfilled	The institution of the Ombudsman of the President of Ukraine on the rights of the child is not in line with the Paris Principles on the Status of National Institutions for the Protection and Promotion of Human Rights dated 1991.
18	<p><b>Allocation of resources</b></p> <p>The Committee urges the State party to improve its policies and analysis of resource allocation for children and to ensure that budget allocation at central and local levels is correlated with actual needs and implementation effectiveness. The Committee further recommends the State party to ensure that poverty reduction reforms focus on social assistance and benefits to low income families and child protection. In this endeavor, it urges the State party to ensure that poverty in families with children be addressed concretely in the Poverty Reduction and Prevention Programme 2010-2015</p>	Partially fulfilled	In 2016, a Poverty Reduction Strategy was adopted, to be implemented by 2020. However, the strategies and action plans taken to address the needs of children are not sufficiently funded or not funded at all. There is no systematic work on the needs assessment of children.
22	<p><b>Dissemination, training and awareness raising</b></p> <p>The Committee strongly recommends that the State party further increase the amount and quality of information material on the Convention for public dissemination. The Committee also encourages the State party to intensify training on the Convention for professionals working with and for children, with a focus on law enforcement officers, health professionals, social workers, teachers, immigration officials, members of the judiciary, and representatives of the media.</p>	Partially fulfilled	The awareness raising is fragmented and usually is initiated by CSOs and intergovernmental institutions.

24	<p><b>Cooperation with civil society</b></p> <p>The Committee recommends the State party to strengthen direct cooperation with civil society and reiterates its recommendation (CRC/C/15/Add.191, para. 24) that the State party seek and encourage the active and systematic involvement of civil society, including non-governmental organizations and associations of children, in the promotion and implementation of children's rights. This includes their participation in the planning stage of policies and projects, and in the follow-up to the concluding observations of the Committee and the preparation of the next periodic report.</p>	Partially fulfilled	<p>There are successful examples of State cooperation with C S O s / i n t e r n a t i o n a l organizations.</p> <p>But the dispersion of actions between the latter does not facilitate the coordinated activity of state authorities and their cooperation with civil society.</p>
26	<p><b>Definition of the child</b></p> <p>The Committee urges the State party to amend the Civil Code to ensure that domestic legislation stipulates 18 years as the minimum age of marriage for both girls and boys. The Committee further recommends that the State party review its legislation with a view to increase the exceptional minimum age of marriage to sixteen years of age and clearly stipulate in law what such exceptional circumstances are. The Committee also calls upon the State party to establish a clear legal minimum age for sexual consent</p>	Partially fulfilled	
28	<p><b>Non-discrimination</b></p> <p>Take effective measures to combat racist and xenophobic activities among youth, including by identifying as priority programmes for State funding in support of children's and youth organizations those that promote intercultural dialogue, tolerance and respect for diversity;</p> <ul style="list-style-type: none"> <li>- Strengthen monitoring of the situation of children belonging to the above-mentioned groups and, on this basis, develop a comprehensive strategy containing specific and well-targeted actions aimed at eliminating all forms of discrimination against these and other vulnerable groups of children;</li> <li>- Incorporate in domestic legislation the principle of non-discrimination and the prohibition of discrimination against children on any of the grounds spelled out in article 2 of the Convention.</li> </ul>	Not fulfilled	<p>The comprehensive anti-discrimination law "On Principles of Prevention and Counteraction of Discrimination in Ukraine" was adopted on 06.09.2012.</p> <p>But children are considered only in the general context of potential victims of discrimination.</p> <p>The practice shows insufficient work to protect children from discrimination.</p>

30	<p><b>Best interest of the child</b></p> <p>The Committee recommends that the State party establish systems and procedures for ensuring that the best interests of the child are adequately taken into account during State policy planning and programming. The Committee in particular recommends a review of legislation, policies and programmes relating to juvenile justice and the child care systems with a view to ensuring that the principle of the best interest of the child is fully integrated therein.</p>	Partially fulfilled	<p>A number of changes were made to legislation aimed at improving the situation in terms of the best interests of the child, the concept "ensuring the best interests of the child" was regulated as well. But in practice, the principle of the best interests of the child is not always being observed.</p>
32	<p><b>Right to life, survival and development</b></p> <p>The Committee recommends the State party to intensify its efforts to address infant, child and maternal mortality by strengthening prenatal, obstetric and neonatal health care services. The Committee further recommends the State party to increase the number of qualified health professionals working in prenatal, obstetric and neonatal care and ensure that they are trained on and promote child-responsive parenthood and health lifestyle. The Committee further recommends that the State party promote extension of the Baby Friendly Hospital Initiative (BFHI) in primary health care. In such efforts, the State party is urged to give priority to rural areas.</p>	Impossible to evaluate	<p>At present, the reform of the provision of medical services is underway. In addition, the statistics do not take into account the temporarily occupied territories.</p> <p>From 2014, the armed conflict in the east of the country has exacerbated existing problems.</p> <p>There is a lack of a comprehensive program of assistance to affected children.</p>

<p>34</p>	<p><b>Respect for the views of the child</b></p> <p>In light of article 12 of the Convention, the Committee recommends the State party to:</p> <ul style="list-style-type: none"> <li>- Consider amending its Code of Civil Procedure to allow for the right of children who may be affected by judicial and administrative proceedings to express their views and to be heard;</li> <li>- Ensure that the new Concept of Development of Criminal Justice Regarding Juveniles formally includes the right of the child to express views and to be heard;</li> <li>- Review the Education Act to ensure that the right of children to be heard and express themselves is explicitly stipulated therein and that it provides for the establishment of students' councils;</li> <li>- Promote, facilitate and implement the principle of respect for the right of children to be heard within the family, in schools and in the community, and to ensure their participation in all matters affecting them.</li> </ul>	<p>Partially fulfilled</p>	<p>The right of children to be heard and express themselves is not explicitly stipulated in the Law of Ukraine "On Education". Article 45 of the Civil Procedural Code of Ukraine provides that a child may express his or her opinion directly or through a legal representative.</p>
<p>36</p>	<p><b>Birth registration</b></p> <p>The Committee urges the State party to adopt positive incentives so as to ensure that free and compulsory birth registration is effectively made available to all children, regardless of ethnicity and social background. In this endeavor, the State party is recommended to abolish any punitive fines for the failure of parents to register their children. The Committee further calls upon the State party to intensify its awareness raising campaigns to encourage and ensure registration of all Roma children.</p>	<p>Partially fulfilled</p>	<p>From 2015, the Ministry of Justice of Ukraine launched a project to obtain birth certificates for children in the maternity hospital, which facilitates access to the registration of birth.</p> <p>The fines for untimely registration of the birth of a child have not been canceled. But civil registration authorities do not refuse to register the birth of a child even if the fine has not been paid by a parent.</p>

38	<p><b>Name and nationality</b></p> <p>The Committee recommends the State party to:</p> <ul style="list-style-type: none"> <li>- Amend legislation so as to guarantee by law and in practice the right of the child to a nationality and not to be deprived of it on any ground and regardless of the status of his/her parents;</li> <li>- Ratify the 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.</li> </ul>	Partially fulfilled	<p>The current legislation puts a child born on the territory of Ukraine in full dependence on the status of her/his parents. In particular, a child born on the territory of Ukraine who can not acquire the parents' citizenship because they have no documents identifying a person, becomes a stateless person her/himself.</p> <p>Both the 1954 and 1961 Conventions were ratified by Ukraine in 2013. However, the norms of these Conventions have not yet been fully implemented by the state. In particular, today the Ukrainian legislation does not stipulate the procedure for recognizing a person without citizenship.</p>
40	<p><b>Freedom of expression and of association and peaceful assembly</b></p> <p>In light of article 13 of the Convention, the Committee calls upon the State party to ensure that its domestic legislation expressly protect the right of the child to freedom of expression. The Committee further urges the State party to undertake a comprehensive review of the Act on Youth and Children's Public Organizations to ensure its compatibility with the right of the child to freedom of association and to peaceful assembly as guaranteed under article 15 of the Convention.</p>	Not fulfilled	<p>Establishment of children's political and religious organizations is prohibited under the Law of Ukraine "On the protection of childhood".</p> <p>Legislation does not regulate how children can organize a peaceful assembly.</p>



41 .	<p><b>Torture or other cruel, inhuman or degrading treatment or punishment</b></p> <p>The Committee urges the State party to take all necessary measures to prevent and eliminate torture and all forms of ill-treatment of children, and, in particular, to:</p> <ul style="list-style-type: none"> <li>- Initiate comprehensive trainings for members of the Militsia and the Ukraine State Border Guard Services on the prohibition of torture and ill-treatment, and on international standards relating to juvenile justice;</li> <li>- Strengthen independent monitoring of children deprived of their liberty, including by “mobile groups/teams” (see CCPR/C/UKR/6/Add.1 (2008) and CAT/C/UKR/CO/5 (2007)) or other mechanisms, until a National Preventive Mechanism is formally established by the State party under the Optional Protocol to the Convention against Torture;</li> <li>- Ensure prompt, independent and effective investigation of all alleged cases of torture or ill-treatment of children and, as appropriate, prosecute offenders;</li> <li>- Undertake a study on access to justice of children deprived of their liberty with a view to improve respect for legal safeguards against torture and ill-treatment;</li> <li>- End all forms of corporal punishment in the home and other settings by ensuring effective implementation of the existing legislative prohibition, including through awareness-raising campaigns and public education promoting positive and non-violent child-bearing.</li> </ul>	Partially fulfilled	Unresolved problems of torture in penitentiary institutions for children and pressure during investigative actions lead to tragedies.
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44	<p><b>Family environment</b></p> <p>The Committee urges the State party to amend article 143, paragraph 3, of the Family Code in order to bring it in line with article 9 of the Convention. It urges the State party to intensify its efforts to provide the necessary support and resources to strengthen the family, in particular by moving from punitive measures with respect to neglect of parental duties to strengthening support systems and social benefits for families with children in order to enhance their capacity for the performance of their child-bearing responsibilities. In this regard, the Committee reiterates its previous recommendation to place children in alternative care or institutions only as a measure of last resort and if in the best interests of the child. The State party is recommended to put in place a system to effectively monitor and evaluate State services and support to families, including single parents, in need.</p>	Partially fulfilled	<p>The article 143, paragraph 3, of the Family Code has not been amended according to the Committee's recommendation.</p> <p>The process of deinstitutionalization has been initiated.</p> <p>The state has not introduced a system for monitoring and evaluation of the impact of the social services provided.</p>
46	<p><b>Children, deprived of a family environment</b></p> <p>The Committee urges the State party to strengthen its deinstitutionalization policy in accordance with the State Programme for reforming the child protection system (Res no 1242 Cabinet of Ministers) and to:</p> <ul style="list-style-type: none"> <li>- Expand the placement of children in extended and foster families and other types of family type placements;</li> <li>- Strengthen the legislative and regulatory framework in order to facilitate family reintegration;</li> <li>- Effectively monitor all care arrangements for children, particularly the placement of children with disabilities or special needs in institutions, including by strengthening technical, human and financial resources of the Children's Affairs Offices;</li> <li>- Take into account the United Nations Guidelines for the Alternative Care of Children (General Assembly resolution 64/142) and the Council of Europe Parliamentary Assembly Resolution 1762 (2010) on Children without parental care: urgent need for action in the implementation of the above recommendations.</li> </ul>	Partially fulfilled	<p>The process of deinstitutionalization has been initiated, a patronage and mentoring system has been introduced.</p> <p>But there are no significant changes in the professional work aimed at increasing parental potential. Legally, there is no definition of services; the responsibility of the authorities for their creation and provision.</p>

48	<p><b>Adoption</b></p> <p>The Committee calls upon the State party to enact legislation to ensure that biological parents are fully informed of the process and implications of their consent to their child's adoption. The Committee further recommends the State party to accede to the 1993 Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.</p>	Not fulfilled	Ukraine has not acceded to the 1993 Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.
50	<p><b>Abuse and neglect</b></p> <p>The Committee urges the State party to intensify efforts to prevent and combat all forms of abuse and neglect of children, and to:</p> <ul style="list-style-type: none"> <li>- Ensure effective implementation of the Law on Protection of Childhood, including by improving public awareness of the law and by enhancing skills and capacities of among social workers and law enforcement personnel to detect and investigate violations of the law;</li> <li>- Adopt preventive measures such as counselling and parental skills training, and conduct public education programmes about the negative consequences of abuse and neglect;</li> <li>- Provide adequate protection and services for recovery, such as psychosocial support to the child victim, the abusive or negligent parent and other family members;</li> <li>- Ensure that professionals working with children receive training on the identification of child abuse and neglect, and on the obligation to report and take appropriate actions in suspected cases of child abuse and/or neglect;</li> <li>- Provide adequate human, technical and financial resources to systematically collect and analyze comprehensive data on child abuse. It further recommends that such data inform the State party's structuring of appropriate measures for reducing the occurrence of abuse and neglect as well as establishing appropriate accountability mechanism for addressing instances in which it does occur;</li> <li>- Promote targeted awareness-raising on article 18 of the Family Code among children, parents and professionals working with children.</li> </ul>	Not fulfilled	<p>There is no clear coordination in combating violence against children, as evidenced by different interagency statistics. There is no (systematic/joint) work with children who have been victims or abusers.</p> <p>The topic of violence against children is almost never covered in government's reports.</p>

52	<p><b>Children with disabilities</b></p> <p>The Committee recommends that the State Party, in accordance with article 23 of the Convention and in cooperation with non-governmental organizations, to:</p> <ul style="list-style-type: none"> <li>- Develop a comprehensive policy for the protection of the rights of children with disabilities and their equal access to educational, social and other services in their own family and community environment. In this endeavor, the State party is recommended to address all priorities highlighted in the WHO European Declaration on the Health of Children and Young People with Intellectual Disabilities and their Families (endorsed by Member States of WHO European Region in 2010);</li> <li>- Develop and strengthen early intervention services for children with disabilities and support to their families to prevent institutionalization of children, in cooperation with parents' organizations;</li> <li>- Establishing a monitoring system for residential institutions for children with disabilities which closely examines the situation of their rights in these facilities, as well as ensuring that monitoring favors participation of civil society organizations and incorporates concrete steps to follow up recommended actions.</li> </ul>	Not fulfilled	<p>There is no reliable and detailed statistics on children with disabilities, developmental disorders and/or special educational needs, etc.</p> <p>Early intervention services are not introduced systemically all over Ukraine.</p>
54	<p><b>Health and health services</b></p> <p>In light of article 24 of the Convention, the Committee urges the State party to increase budgetary allocation to the health care sector and ensure transparency of funds. The Committee recommends that in the current health care reform, priority is given to the primary health care system and the quality of health services in rural areas. The Committee further recommends the State party to strengthen promotion of breast-feeding and enforce the International Code of Marketing of Breast-milk substitutes. The Committee also urges the State party to recommit to child immunisation and provide factual information to the general public in this respect.</p>	Partially fulfilled	<p>Despite the fact that breastfeeding rates in Ukraine have really improved, there is some level of mistrust towards the statistics provided by the state.</p> <p>Ukraine failed to comply with the recommendation to implement the International Code of Marketing of Breast Milk Substitutes.</p>

56	<p><b>Adolescent health</b></p> <p>The Committee strongly recommends that the State party undertake a comprehensive study on adolescent health problems and use this as basis for formulating adolescent-health policies and programmes in the school curriculum. The Committee recommends that such programmes focus on prevention of teenage pregnancies, unsafe abortions and sexually transmitted diseases, taking into account it General Comment No. 4 (2003) on adolescent health and development. It further recommends the State party to invest in adolescent health care personnel, facilities and services, especially in rural areas. The Committee further recommends the State party to take urgent measures to reduce maternal deaths related to teenage abortions and to ensure by law and in practice that the views of the child should always be heard and respected in abortion decisions. The Committee recommends the State party to seek technical assistance from UNICEF.</p>	Not fulfilled	<p>Legislation of Ukraine does not prescribe a category of “adolescent”. There have been no studies of this population on the characteristics of their health, and public funds for such studies have not been allocated accordingly.</p> <p>According to the MoH regulations, the child's opinion about abortion is taken into account only from the age of 14.</p> <p>There is no publicly available data on adolescent abortions, programs aimed to prevent teenage pregnancies are not implemented.</p>
58	<p><b>Mental health</b></p> <p>The Committee recommends that the State party develop a comprehensive national child mental health policy, along with all obligatory components of core recommendations by WHO, including mental health promotion, counselling, prevention of mental health disorders in primary health care, schools, communities, and child-friendly outpatient and inpatient mental health services. The Committee also recommends the State party to strengthen efforts aimed at suicide prevention among children and youth, including by increasing available psychological consultation services and social workers in schools. The Committee recommends the State party to seek technical assistance from the World Health Organization (WHO).</p>	Not fulfilled	<p>No comprehensive national policy has been developed regarding children's mental health.</p>

60 .	<p><b>Drug, tobacco, alcohol and other substance use</b></p> <p>The Committee recommends that the State party, in partnership with non-governmental organizations, develop a comprehensive strategy for addressing the alarming situation of drug abuse among children and youth and undertake a broad range of evidence-based measures in line with the Convention, and to:</p> <ul style="list-style-type: none"> <li>- Develop specialised and youth-friendly drug dependence treatment and harm reduction services for children and young people, building on recent legislative progress on HIV/AIDS and the successful pilot programmes for most at risk adolescents initiated by UNICEF;</li> <li>- Ensure that criminal laws do not impede access to such services, including by amending laws that criminalise children for possession or use of drugs;</li> <li>- Ensure that health and law enforcement personnel working with at-risk children are appropriately trained in HIV prevention and that abuses by law enforcement against at risk children are investigated and punished;</li> <li>- Intensify enforcement of the prohibition of the sale of alcohol and tobacco to children and to address root causes to substance use and abuse among children and youth.</li> </ul>	Partially fulfilled	<p>Work with students to prevent the use of psychoactive substances is not systemic, often without involvement of professional specialists. Practically, there is no work with parents. Besides there are no standards for the provision of harm reduction services (secondary and tertiary prevention) among minors and young people in Ukraine, and similar programs are not funded by the state.</p> <p>Rehabilitation services for children, adolescents and young people are not developed. Most rehabilitation centers for people who use psychoactive substances are not free of charge.</p> <p>Harm reduction services for adolescents are available only in 8 regions of Ukraine.</p>
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62	<p><b>HIV/AIDS</b></p> <p>The Committee, recalling its General Comment No. 3 (2003) on HIV/AIDS and the rights of the child, urges the State party to:</p> <ul style="list-style-type: none"> <li>- Ensure effective implementation of the National HIV/AIDS Programme 2009-2013 and the National Strategic Action Plan for HIV prevention among children and youth of risk groups by allocating adequate public funding and resources to these programmes;</li> <li>- Take all measures to implement the Law on Prevention of Acquired Immune Deficiency Syndrome (AIDS) and Social Protection of the Population, with special focus on respecting human rights of children and youth affected by HIV/AIDS or at risk of HIV/AIDS, including children in street situations and children suffering from substance abuse, and ensuring access to confidential and youth-friendly services;</li> <li>- Intensify information and awareness campaigns on HIV/AIDS and other sexually transmitted diseases to adolescents as well as to the general public.</li> </ul>	<p>Partially fulfilled</p> <p>From 2013 – the first part of recommendation is not fulfilled</p>	<p>National HIV/AIDS Programme 2018-2022 and the Action Plan for HIV prevention among children and youth of risk groups have not been adopted.</p> <p>The "Strategy for Ensuring a Sustainable Response to Tuberculosis Epidemics, including Chemo-resistant, and HIV / AIDS for the Period up to 2020, and Approving a Plan of Action for its Implementation" were adopted, however, neither vulnerable children nor adolescents nor youth, including drug users, were on the high-risk list.</p> <p>All programs, targeted at social and psychological support for children and adolescents, who are living with HIV were closed (funded by GF and other donors).</p> <p>No instruments to guarantee children's free access to health care, including ARV treatment in cases of bad adherence of parents/caregivers.</p> <p>There is lack of evidence on children/adolescents access and barriers to medical and social care.</p> <p>No steps are being taken to introduce preventative measures for children and young people at risk at national level.</p>
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64	<p><b>Standard of living</b></p> <p>In accordance with article 27 of the Convention, the Committee recommends the State party to designate the National Plan of Action for Children as a strategic policy tool for children in the implementation of the State Programme for Economic and Social Development and subsequent poverty reduction programmes. It further urges the State party to target its poverty reduction and protection strategies to the benefit of vulnerable families with children. With a view to effectively combat corruption, the Committee urges the State party to adopt without delay the Law on Principles of Prevention and Combating Corruption in Ukraine.</p>	Partially fulfilled	<p>In May 2018, the State social program "NAP for the Implementation of the UNCRC" for the period up to 2021 was adopted. Its provisions contain priorities for the modern Ukraine in child protection. But socio-economic situation in the country regressed because of the conflict in the East of Ukraine: the number of families below the poverty line is constantly increasing (para 7.6. contains figures).</p>
66	<p><b>Education, including vocational training and guidance</b></p> <p>The Committee recommends the State party to:</p> <ul style="list-style-type: none"> <li>- Ensure adequate funding for the public education system by increasing the percentage of GDP allocated to the education sector;</li> <li>- Undertake an analysis on causes and possible solutions to the general decrease in the number of educational establishments and the number of children attending school and other educational institutions;</li> <li>- Introduce inclusive education and promote social integration of children with special needs and ensure that vulnerable groups of children, including the abovementioned groups, are not discriminated against in the education system;</li> <li>- Improve availability, accessibility and the quality of pre-school and general education in rural areas;</li> <li>- The Committee encourage the State party to seek assistance from, inter alia, UNICEF and UNESCO.</li> </ul>	Partially fulfilled	<p>Some categories of children do not have equal access to education:</p> <ul style="list-style-type: none"> <li>- children whose parents live without registration;</li> <li>- residents of the TOT (high education);</li> <li>- children living along the contact line in Luhansk and Donetsk regions;</li> <li>- children with disabilities;</li> <li>- children whose parents have asked for protection in Ukraine.</li> </ul> <p>The level of education of Roma population is extremely low.</p>



72	<p><b>Asylum-seeking and refugee children</b></p> <p>The Committee recommends the State party to:</p> <ul style="list-style-type: none"> <li>- Adopt without undue delay the Refugees and Persons Deserving Assistance or Temporary Protection Act and ensure that the new law will guarantee that children of recognized refugees receive derivative refugee status;</li> <li>- Ensure that unaccompanied asylum-seeking children are promptly appointed a legal representative in order to effectively access the asylum procedure, as well as assistance and protection, including access to free interpretation;</li> <li>- Ensure that no asylum-seeking or refugee child is deprived of his or her liberty;</li> <li>- Adopt the draft instruction on cooperation between State authorities regarding unaccompanied asylum-seeking children;</li> <li>- Take prompt steps to put in place an effective data collection and information storage system with respect to the registration of refugees and asylum-seekers and ensure that official statistics on asylum-seeking children and refugees comprise all persons under the age of 18;</li> <li>- Amend existing regulations to ensure birth registration and issuance of birth certificates to children of asylum-seekers born in the State party.</li> </ul>	Partially fulfilled	<p>The lack of ID from asylum seekers limits their children's access to social services and education in Ukraine, leads to difficulties in registering a child's birth, the impossibility of establishing a parenthood, correcting the mistakes made in the document on the birth registration of their child, obtaining an identification code, becoming a property owner, etc.</p> <p>The children of asylum seekers born in Ukraine cannot get social assistance for families with children. Due to the absence of the parents' ID, these children cannot obtain the citizenship of Ukraine; they do not have access to obtaining registration by a citizen of Ukraine and, accordingly, cannot obtain passports.</p> <p>Durable solutions regarding IDPs are not implemented by the State as required by the Framework of Inter-Agency Standing Committee on durable solutions for IDPs</p>
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78	<p><b>Sexual exploitation and abuse</b></p> <p>The Committee urges the State party to:</p> <ul style="list-style-type: none"> <li>- Continue and speed up its efforts in harmonizing national legislation with the Optional Protocol on the Sale of Children, Child Prostitution and Child Prostitution, in particular as it relates to child prostitution and all other forms of sexual exploitation of children;</li> <li>- Establish a system of data collection on child victims of sexual exploitation and abuse, and other crimes under the Optional Protocol, including in the context of the DevInfo System, and proceed with plans of the Ministry of Internal Affairs to establish a database in this respect;</li> <li>- Adopt the Package of Instructions to effectively prevent and combat offences under the Optional Protocol at local level, and address the underlying problem of poverty in all prevention and protection activities relating to sexual abuse and exploitation in this regard;</li> <li>- Strengthen the capacity of social workers and law enforcement agencies to detect and investigate cases of sexual exploitation and abuse and child pornography, including by increasing technical, human and financial resources to the Minors' affairs police units;</li> <li>- Increase the availability and accessibility of rehabilitation centres specialized in providing assistance to child victims of sexual exploitation and abuse, and other offences under the Optional Protocol;</li> <li>- Continue to seek the assistance of UNICEF and other partners for the implementation of the above recommendations.</li> </ul>	Partially fulfilled	<p>A large number of crimes of sexual child abuse remain latent, in particular, due to a lack of the procedural rights of juvenile prevention police officers to initiate and carry out secret investigations, to reveal these crimes in an operational manner; the loss of the evidence base is happening due to the procedural impossibility to make an urgent examination of the child to find traces of the crime; the procedure for medical examination and assistance to children who suffered from indecent assault is not regulated; offenders are not detained and no precautionary measures are taken which allows the offender to influence the victims; the obligatory participation of a lawyer from the victim's side in criminal offences where the child has been a victim of domestic and sexual violence is not defined; the child faces repeated challenges to be interrogated and pass through other investigative actions, which negatively affects the child and leads to psychological trauma.</p>
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<p>80</p>	<p><b>Sale, trafficking and abduction</b></p> <p>The Committee recommends the State party to:</p> <ul style="list-style-type: none"> <li>- Take all necessary measures to implement the rules for implementation of the Convention on the Civil Aspects of International Child Abduction and report on them in its next periodic report;</li> <li>- Continue efforts of bringing national legislation relating to trafficking in and sale of children in line with the Optional Protocol;</li> <li>- Intensify public information and awareness campaigns on trafficking of children, focusing on the risks of being enticed through, inter alia, promises of work abroad, modelling, studies abroad, participation in beauty contests;</li> <li>- Strengthen investigation into all cases of alleged trafficking in children, including by allocating necessary resources to the Counter Trafficking and Cyber-Crime Department of the Ministry of Internal Affairs, and ensure that those responsible are brought to justice;</li> <li>- Seek technical assistance from UNICEF, the International Organization for Migration (IOM) and other partners.</li> </ul>	<p>Partially fulfilled</p>	<p>National action plans for the implementation of the UNCRC do not include either measures for the training of rehabilitation and reintegration personnel nor the implementation rules of the Convention on the civil aspects of international child kidnapping.</p> <p>The issue of aligning national legislation with the Optional Protocol on the sale of children, child prostitution and child pornography, with respect to Articles 7, 8 and 9, remains relevant.</p> <p>Raising awareness on human trafficking, including children, is mostly provided by CSOs, but this is not enough to cover all youngsters who are at risk.</p>
<p>82</p>	<p><b>Helplines</b></p> <p>The Committee recommends the State party to further strengthen and expand, in cooperation with non-governmental organizations, its helplines for children and ensure that they be 3-digit and tollfree for both the helpline and the caller and available 24 hours. The Committee further recommends that the State party raise awareness among children about available helplines by providing information on them in child-related programmes and schools.</p>	<p>Partially fulfilled</p>	<p>The work of the National hotline for the prevention of domestic violence, human trafficking and gender discrimination as well as the National Children's hotline is provided by "La Strada". The latter functions 4 hours a day.</p>

85	<p><b>Administration of juvenile justice</b></p> <p>The Committee urges the State party to put in place a juvenile justice system as outlined in the National Plan of Action for Children. To this end, it urges the State party to ensure that the new Concept of Development of Criminal Justice Regarding Juveniles in Ukraine, and the law to be adopted for its implementation, is fully in line with Convention and with other relevant standards, including the Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules), the Vienna Guidelines for Action on Children in the Criminal Justice System. The Committee recommends the State party to:</p> <ul style="list-style-type: none"> <li>-Ensures that the juvenile justice system in practice diverges from a punitive to a restorative juvenile justice system that promotes alternative measures to deprivation of liberty, such as mediation, diversion, probation, counselling, community service or suspended sentences, wherever possible;</li> <li>- Establish by law and in practice one minimum age of criminal responsibility in line with the Committee’s general comment No. 10 (2007) on the rights of the child in juvenile justice;</li> <li>- Consider abolishing, in line with the preceding recommendation, schools for social rehabilitation where children aged 11 to 14 can be remanded after having been found guilty for committing socially dangerous actions and develop alternative measures of care;</li> <li>- Strengthen the social support services, including through training and increase in the number of specialists from social centres for families, children and young persons, to ensure psychosocial rehabilitation and programmes for children in conflict with the law;</li> <li>- Seek technical assistance from the United Nations Country Team, including UNICEF, as well as from the Office of the High Commissioner for Human Rights (OHCHR) in the implementation of the above recommendations.</li> </ul>	Partially fulfilled	<p>In Ukraine, there is currently no holistic system of juvenile justice for children in conflict with the law.</p> <p>The work of the Interagency coordination council on juvenile justice issues on the draft law on juvenile justice which is to be submitted for consideration in 2019 by the Verkhovna Rada of Ukraine, is considered as positive.</p>
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87	<p><b>Children victims and witnesses of crimes</b></p> <p>The Committee recommends that the State party ensure by law and in practice that all children victims or witnesses of crimes, e.g. children victims of abuse, domestic violence, sexual and economic exploitation, abduction and trafficking, and witnesses of such crimes, are provided with the protection required by the Convention and that it take fully into account United Nations Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (annexed to Economic and Social Council resolution 2005/20 of 22 July 2005). In this regard, the Committee reiterates its position that child victims and witnesses of crimes should never be treated as offenders by the authorities.</p>	Not fulfilled	<p>There are no procedures for child victims or child witnesses of the crime, as they are of a general nature.</p> <p>The peculiarity of the subject of the criminal process – the child, noted only in Art. 354 of Criminal Procedural Code "Features of Interrogation of a Minor Witness or Victim".</p>
89	<p><b>Children belonging to minority or indigenous groups</b></p> <p>The Committee urges the State party to:</p> <ul style="list-style-type: none"> <li>- Adopt without delay the draft Anti-Discrimination Bill, as recommended by the Committee on the Elimination of Racial Discrimination (CERD/C/UKR/CO, (2006), para. 18);</li> <li>- Undertake a comprehensive study on the situation of and enjoyment of the rights of ethnic minorities in the State party and, on the basis of findings, develop interventions to ensure that its policies, measures and instruments apply without discrimination and aim to protect the rights of children belonging to all minorities and their rights under the Convention;</li> <li>- Intensify efforts to ensure the right to education for all children belonging to minorities, focusing on Roma and Crimean Tatar children, including by introducing inclusive education scheme in general and secondary education.</li> </ul>	Partially fulfilled	<p>In 2012, a law "On the Principles of Prevention and Counteraction of Discrimination in Ukraine" was adopted in Ukraine. The law covers direct and indirect discrimination, but does not distinguish the protection of the child rights as a subject of law.</p> <p>Despite the fact that many ethnic minorities live in Ukraine, the rights of the Roma population are likely to be violated.</p>

90 .	<p><b>Ratification of international human rights instruments</b></p> <p>The Committee recommends that the State party ratify the core United Nations human rights treaties and their Protocols to which it is not yet a party, namely the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and the International Convention for the Protection of All Persons from Enforced Disappearances.</p>	Partially fulfilled	<p>The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and the International Convention for the Protection of All Persons from Enforced Disappearances are ratified by Ukraine. But many other important treaties are not signed by the state (listed in recommendation 5, Annex 3).</p>
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## **Annex 2. Implementation status of CRC recommendations on Optional Protocol on the Involvement of Children in Armed Conflict**

Human rights activists managed to detect the involvement of about 200 children from NGCA of the Donbass in the military training camps in Russia, or on territories actually controlled by Russia (Abkhazia, the Crimea). Part of such camps was set up based on military units of the Armed forces of the Russian Federation (camps "Combat Brotherhood", "Guardman") or with the involvement of representatives of the security forces of the Russian Federation. Experts note that such actions with the children from the occupied territories combined with military-patriotic rhetoric, present a real risk to hide the recruitment and training of boys and girls to participate in illegal paramilitary formations<sup>23</sup>.

The state report underlines that there is no official information on the direct involvement of children in hostilities. However, at the beginning of war, volunteer battalions from Ukrainian side did not pay attention to the passport data of the soldiers, therefore, a large number of juveniles took part in hostilities. As the President of Ukraine pointed out in January 2016, 21 juveniles died as soldiers<sup>4</sup>.

Now, when almost all volunteer battalions are part of the official structure of the state military units, participation of minors in military actions is not allowed. Regarding the presence of minors in "militia" on the occupied territories, the reliability of this information is confirmed by a number of diverse, independent sources, both military and civilian, official and informal<sup>5</sup>. Representatives of the OSCE<sup>6</sup> informed in their report dated May 29, 2015 about children in the military structures.

In the occupied territories, children not only continue to be brought up in the spirit of hatred towards Ukraine, but also accommodate a habit to violence. In particular, it relates to the "patriotic upbringing" when children are taught to shoot weapons, including grenade launchers, paramilitary children's organizations can act as structural parts of military units. Information on the number of criminal proceedings against minors who entered the troops of illegal armed units of the terrorist organization "DPR" was provided in the National Report.

MSP needs to ensure the urgent development of programs for psychological adaptation for this category of children and ensure that former minor combatants participate in these programs, but this problem is not even disclosed now.

<b>№</b>	<b>CRC recommendations on Optional Protocol on the Involvement of Children in Armed Conflict</b>	<b>Implementation status</b>
8.	<p><b>Legal status</b></p> <p>In order to further strengthen the prevention of the crimes under the Optional Protocol, the Committee recommends the State party to take all necessary measures to ensure the direct applicability of the Protocol in its domestic legal system. The Committee recommends the State party to consider full incorporation of the Optional Protocol into domestic legislation.</p>	Not fulfilled

10.	<p><b>Dissemination and awareness raising</b></p> <p>The Committee recommends, in light of article 6, paragraph 2, of the Optional Protocol, that the State party enhance its efforts to make the principles and provisions of the Optional Protocol widely known to the public at large, and to children in particular, including through greater involvement of the media and awareness raising programmes and activities in schools</p>	Not fulfilled
12.	<p><b>Training</b></p> <p>The Committee recommends that the State party develop training programmes on the Optional Protocol for members of the armed forces of the State party as well as relevant professional groups working with children, in particular teachers, members of the judiciary, border control and immigration officials, staff of the State Committee on Nationalities and Religions of Ukraine and of the Centres for Family Support and Social and Psychological Rehabilitation as well as the Ukrainian Special Export (UkrSpetsExport). The Committee further recommends the development of operational guidelines on child protection in situations of armed conflict for Ukrainian military personnel participating in international peacekeeping operations.</p>	Not fulfilled
14.	<p><b>Data</b></p> <p>The Committee recommends the State party to systematically collect data on all asylum-seeking and refugee children to ensure that data is available regarding refugee and asylum-seeking children who may have been recruited or used in hostilities.</p>	Fulfilled
16.	<p><b>Military schools</b></p> <p>The Committee recommends the State party to: f Strictly ensure that no children under the age of 17 are enrolled in secondary military schools and that it offer integration into general secondary schools to orphans and children under this age who may be attending secondary military schools; f Ensure that all children attending military schools receive education in manner consistent with the Convention, in particular arts 28 and 29, duly taking into account General Comment No. 1 on the aims of education.</p>	Not fulfilled
18.	<p><b>Peace education</b></p> <p>With reference to its general comment No. 1 (2001) on the aims of education, the Committee recommends that the State party undertake efforts to include peace education in school curricula and in teachers' training courses, with special reference to crimes under the Optional Protocol.</p>	Not fulfilled



20.	<p><b>Criminal legislation and regulations in force</b></p> <p>The Committee recommends the State party to ensure that the violation of the provisions of the Optional Protocol regarding the recruitment and involvement of children in hostilities be explicitly prohibited and criminalised in the Criminal Code. It further recommends the State party to ensure that military codes, manuals, standard operating procedures and other military directives are in accordance with the provisions and the spirit of the Optional Protocol.</p>	Not fulfilled
22.	<p><b>Jurisdiction</b></p> <p>The Committee recommends that the State party takes steps to ensure that domestic legislation enables it to establish and exercise extraterritorial jurisdiction over war crimes of conscription and enlistment of children in hostilities. It urges the State party to intensify its efforts to amend the Constitution (article 142) and, subsequently, to ratify the Rome Statute of the International Criminal Court.</p>	Not fulfilled
24.	<p><b>Assistance for physical and psychological recovery</b></p> <p>The Committee recommends the State party to:</p> <ul style="list-style-type: none"> <li>- Continue and strengthen the provision of physical, psychological and social assistance to all children who have, or may have been, recruited or used in hostilities, including refugee and asylum-seeking children, and ensure that such assistance is regulated by law;</li> <li>- Establish a mechanism to identify children who may have been recruited or used in hostilities, including in the refugee status determination procedure;</li> <li>- Consider including the recruitment and use of children in armed conflict as a ground for refugee status;</li> <li>- Introduce a standard procedure and methodology for assessing the age of children, including refugee and asylum-seeking children;</li> <li>- Amend the Law on Refugees to include provision on the rights of asylum-seekers and refugees of all ages to free interpretation and legal assistance.</li> </ul>	<p><b>Partially fulfilled:</b> 08.07.2011 the Law of Ukraine “On Refugees and Persons in Need of Complementary or Temporary Protection” was adopted, which in particular enshrines the definition of a child separated from a family, a refugee child, a child in need of complementary protection;</p> <p>The joint order of the Ministry of Health, Ministry of Education and Ministry of Social Policy of 23.10.2013 № 903/1464/711 “On conducting a survey to determine the age of a child left without parental care and in need of social protection” was approved, which provides the procedure for determining the age of children, including those separated from non-Ukrainian family;</p>

27- 28	<p data-bbox="272 159 632 192"><b>Follow-up and dissemination</b></p> <p data-bbox="272 219 1035 394">27. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia by transmitting them to the Ministry of Defence, members of the cabinet and the Verkhovna Rada (Parliament).</p> <p data-bbox="272 423 1035 636">28. The Committee recommends that the initial report submitted by the State party and concluding observations adopted by the Committee be made widely available to the public at large, the media and to children in particular in order to generate debate and awareness of the Protocol, its implementation and monitoring.</p>	Not fulfilled
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## Annex 3. RECOMMENDATIONS

### General measure of implementation

1. Ensure the full implementation of the recommendations of the Committee on the Rights of the Child according to previous reports on harmonization of legislation with the standards of the Convention and its Optional Protocols, paying special attention to the Optional Protocol on the Participation of Children in the Armed Conflicts.
2. Provide common means for the implementation of the Convention on the Rights of the Child through the development of the state policy on children where the child is given a key place and is a subject of rights recognized by adults and public authorities. To highlight the priority strategic directions, together with public organizations, international partners and donors, to formulate common goals and tasks in the field of child rights protection for the next 10 years.
3. Establish an integral social protection system for children in Ukraine by developing and adopting the unified comprehensive law, child rights standards and mechanisms to ensure them. To clearly define duties, functions and powers of state authorities' representatives and local self-government bodies in relation to child rights protection.
4. Create an effective coordinating body (agency) under the Government of Ukraine which would define directions, priorities for the activities, and would coordinate the work of the departments in the field of child rights protection. Ensure transparent activities of the Coordinating Body, including NGO engagement in discussing and analyzing the impact of reforms, public discussion of child rights policies.
5. To ratify the **Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption**
6. To ensure full implementation of:
  - **Council of Europe Convention on the Protection of Children from Sexual Exploitation and Sexual Abuse**, in particular Article 35 of the Convention;
  - **European Convention on the Exercise of Children's Rights and The Council of Europe guidelines on child-friendly justice**<sup>7</sup>: to develop and implement child-friendly justice;
  - **1954 Convention on the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness** including: to introduce a procedure for identifying a person, a stateless person which will enable such persons to legally reside in Ukraine and obtain an ID document;
  - **Guidelines for the Alternative Care of Children (A/RES/64/142)**<sup>8</sup>: to bring national legislation in line with in particular with regard to the definitions of "alternative child care", "institutional care", "childcare institution with living conditions close to family", decision-making on a child, mandatory review of such decisions and child participation
  - **Guidelines of the Inter-Agency Standing Committee on Long-Term Decisions for Internally Displaced Persons**<sup>9</sup>;
  - **PACE's Resolution of January 25, 2018, No. 2204 "Protecting Children Affected by the Conflict"**<sup>10</sup>;
  - **International Code of Marketing for Breast Milk Substitutes**<sup>11</sup>: to extend support for breastfeeding and strengthen control over advertising of breast milk substitutes and implementation;
  - **Minimum standards of the UN rules on the administration of juvenile justice.**
7. Introduce the Ombudsman's position on the Rights of the Child in accordance with the Paris Principles on the Status of National Institutions for the Protection and Promotion of Human Rights in 1991.

8. Introduce a system of family courts in Ukraine in accordance with the best practices of other countries.
9. Adopt the National Action Plan for the Implementation of the Convention on the Rights of the Child in the Law of Ukraine or the State Targeted Program.
10. Conduct financing services for the child, rather than financing the facilities, and ensure equal access of the child to these services. Ensure the formation and development of the social services market through the introduction of practical mechanisms of social order.
11. Develop a modern system of monitoring and evaluation of the quality of administrative and social services, their impact on the child and the family, the efficiency of their providers, providing for the mandatory involvement of public organizations in such monitoring.
12. Analyze the functions of central and local authorities, services, institutions in the area of protecting the rights, freedoms and legitimate interests of children, adherence to the requirements of legislation on children in order to further define the legal basis for their activities. Create at the central level the Directorate General for the protection of the rights of the child. At the local level as a result of the decentralization reform to resolve the transfer of authority from the Children's Services Department of the Regional State Administrations to other bodies and services, in particular, in the part concerning adoption, creation of foster families and family-type orphanages.
13. Ensure adequate and timely financing, as well as effective monitoring of the implementation of the state program and strategy in the field of child rights protection. Regularly assess the state child rights observance, in particular, freedom from discrimination, violence and ill-treatment.

### **General principles**

14. Bring the official Ukrainian text of the Convention on the Rights of the Child in line with other UN Conventions, in particular, in the Convention on the Rights of Persons with Disabilities to use the term "child with disabilities" instead of the term "disabled child". Eliminate terminological inconsistencies in the legislation that result in discrimination, in particular, with respect to children with disabilities.
15. Ensure a child is involved in all processes concerning him/her personally, from the moment when he/she can express his/her opinion. Make appropriate changes to the procedural codes.
16. Provide the child with the right to choose a legal representative - an adult who the child trusts. Make appropriate changes to the procedural codes.
17. Ensure the effective enforcement of the court decisions that grant one of the parents the right to regular contact with a child.
18. Ensure the timely adoption of court decisions in cases where a child is threatened with domestic violence.
19. Ensure the development of student self-governance and other practices for children self-organization on democratic values and participation standards in accordance with the general comment No. 12 of the UN Committee on the Rights of the Child.

### **Civil rights and freedoms**

20. Make changes at the legislation level according to which a child born in Ukraine from parents who do not have ID documents will be able to acquire Ukrainian citizenship, regardless of parents' status.
21. Harmonize the Laws "On Citizenship of Ukraine", "On State Registration of Civil Status Acts", "On Refugees and Persons in Need of Additional or Temporary Protection" in order to ensure the rights of children who have applied for protection in Ukraine and

- persons in need of additional protection, for birth registration, determination of origin and acquisition of citizenship of Ukraine by birth. To regulate the procedure for entering of parents' citizenship information in the birth certificate on the basis of a protection application certificate in Ukraine.
22. Cancel fines for late registration of child birth.
  23. Make changes to the current legislation, which will eliminate the contradiction between the norm of Article 39 "Fundamentals of Ukrainian legislation on health care" and the Law of Ukraine "On Access to Public Information" and provide children with the opportunity to receive information about their health.
  24. Introduce an administrative procedure for registering births on the GCA for children born on NGCA with making impossible trafficking of children.
  25. Remove legal restrictions forbidding children under the age of 14 to create their own non-governmental organizations. Enhance the security of children's participation in peaceful meetings through police training on dealing with children-participants in peaceful gatherings.
  26. Consider ensuring the child's privacy as one of the key to monitoring the rights of the child in detention places and to include this issue in the mandate of the national preventive mechanism.
  27. Ensure real access of children to communication with the representatives of state and non-governmental commissions who are monitoring the rights of minors in the educational colonies of the state penitentiary service of Ukraine.
  28. Strengthen the separation of the school from the church and the study of issues of universal values, tolerance, cultural studies and world history.
  29. Implement international legal standards for the protection of the safety and rights of the child in the online space in the national legislation. To initiate national studies on the protection of the rights of the child in the online space and the cyber security of educational institutions.
  30. Introduce into the code of journalistic ethics the principle of respect for the human dignity of the child. Add study on the rights of the child into the curriculum for journalists.
  31. Strengthen training on the basics of Internet safety for children, parents / persons who substitute them, educators, in particular, on personal data protection through the development of methodological manuals, creation of information materials, introduction of cybersecurity and respect for human rights in the educational process.
  32. Develop and approve methodological recommendations for the application of the norms of legislation on the protection of human rights in the online space and the protection of personal data in the activities of educational institutions, in particular, on educational institutions' websites and in social networking sites. Promote the provision of education institutions with licensed software, in particular antivirus.
  33. Introduce professional training, retraining, professional development of psychologists, social pedagogues and other specialists in order to ensure their further work with refugee children, asylum seekers, internally displaced children. Develop and approve relevant guidance.

## **Violence against children**

34. Create a holistic strategy for combating violence against children in Ukraine with the involvement of all relevant government bodies and representatives of the public sector. Agree subordinate acts between relevant ministries and improve interagency cooperation. Focus on early identification and response to violence.

35. Develop and adopt sub-normative acts that will ensure implementation of the Law of Ukraine "On Prevention and Combating Domestic Violence".
36. Approve the Procedure for accepting appeals and reports on domestic violence against children by adopting a resolution from the Cabinet of Ministers of Ukraine. Ensure proper identification and recording of each case of ill-treatment in relation to the child, make appropriate changes to the statistical reports from National Police of Ukraine, social service, medical and educational workers.
37. Develop clear standard operating procedures (algorithms) for social workers, police officers and doctors to respond to cases of violence by a legal representative against a child
38. Improve the system for the prevention and identification of children's ill-treatment, including prosecution of offenders in court and punishment of the perpetrators.
39. Introduce equipped rooms ("green rooms") for surveys and examinations among children.
40. Identify institutions that will provide qualified psychological support to children who have suffered from sexual exploitation and violence.
41. Conduct training for social workers, police officers, educational institutions, health care, penitentiary services, boarding schools and other professionals in the field of child rights protection on the identification of violence, effective response to such cases and prevention of violations of children's rights.
42. Ensure wide public awareness, first of all about children, about negative nature of child abuse and domestic violence, the need for careful attitude to this phenomenon and protection mechanisms.
43. Provide regular education and development of parenting skills, especially among families at risk. Conduct information campaigns to promote zero tolerance towards violence against a child, in particular, as one of the ways of upbringing.
44. To increase the capacity of the psychological service of educational institutions to timely identify and respond effectively to cases of psychological violence against children.
45. Start training for obstetrician-gynecologists, pediatricians and psychologists to work with women who have undergone a female circumcision. Conduct work on preventing violence against girls.

### **Family environment and alternative care**

#### **Drawing the government's attention to the Guidelines for the Alternative Care of Children:**

46. Support and facilitate family-based care for all children, including those from disadvantaged families, in particular and most urgently those children with disabilities;
47. Bring in line Article 143 (paragraph 3) of the Family Code on the possibility of depriving a child with a disability in a maternity hospital with the Article 9 of the Convention on the Rights of the Child.
48. Accelerate the deinstitutionalization process across the State party by supporting and facilitating family-based care for children in particular children with disabilities;
49. Create an effective mechanism for protecting the rights and interests of unaccompanied or separated children-migrants in Ukraine and unaccompanied or separated children - citizens of Ukraine abroad. Initiate new bilateral international agreements in this area based on Convention on the Rights of the Child and General Comments of the Committee of the Rights of the Child and replacing the outdated Agreement on cooperation between the member states of the Commonwealth

of Independent States on the return of minors to their permanent residence and other documents.

50. Implement the procedure for the formation of a state order for training of specialists regarding the provision of services for children and families at the community level, training of specialists in the field of children's rights protection, including children with disabilities, in accordance with real quantitative needs. Develop a state standard to determine the number of social professionals to the number of children in the community.
51. Develop and implement effective measures to monitor processes and overcome manifestations of hidden social orphanhood.
52. Ensure the periodic review of placements of children in institutions and foster care and provide accessible channels for reporting, monitoring and remedying the ill-treatment of children;
53. Ensure observance of child rights in the process of adoption, in particular taking into account her/his thoughts, as well as eliminating corruption schemes. Enable compulsory preparation of children and potential parents for adoption.
54. Strengthen awareness-raising programmes, including campaigns, among the general public on children's rights in early childhood and the impact of institutional care on children's development and wellbeing.
55. Develop and approve the standard of social support and determine the indicators of the quality of the relevant social services regarding:
  - parents whose children were removed without deprivation of parental rights;
  - parents who are deprived of parental rights and intend to apply to the court on the renewal of parental rights;
  - families with children and single mothers who intend to leave the child in a maternity or other health facility;
  - parents whose children are educated in childcare institutions.

### **Disability, basic health and welfare**

56. Provide statistical information on quantitative and qualitative indicators for children with disabilities, children with developmental problems and children with special educational needs.
57. Ensure all children with disabilities and their families are included in social protection programmes and social services according to their needs, including affordable day care services.
58. Expand economic opportunities, scholarships or social guarantees for parents / guardians, taking into account additional requirements for the care of children with disabilities.
59. Ensure effective inter-departmental cooperation to develop early identification and intervention services.
60. Ensure inter-departmental cooperation while assessing the needs of the child with disabilities, developing an individual rehabilitation program and follow-up, with particular attention to children affected by mines / explosive remnants of war. Provide a unified approach to the development of an individual rehabilitation program.
61. Actively involve affected by mines/explosive remnants of war in participating in government programs or initiatives on the economic and social integration of persons with disabilities.
62. Develop regulations for the professionals to inform parents about the child's diagnosis in accordance with modern ethical and medical deontology requirements.

63. Ensure the architectural accessibility of educational institutions and other facilities providing services for children with disabilities.
64. Legally provide an access to free medical care, including diagnosis, vaccination and treatment to individuals and their children who seek protection in Ukraine.
65. Improve the legislative protection of the right of HIV-infected children to health, access to health care and life. Develop and implement effective mechanisms for protecting the rights of the child to timely screening and adequate treatment at the local level.
66. Take effective measures to implement the "State Drug Policy Strategy by 2020". Develop the National Action Plan, mechanisms for its implementation, and provide adequate funding for activities, primarily those aimed at protecting the rights of the child.
67. Conduct research on the scale and causes of refusals to provide treatment to HIV-infected children. According to the results of the study, develop proposals for an action plan to overcome this problem.
68. Ensure implementation of the assigned functions at the state institution "Center for Mental Health and Monitoring of Drugs and Alcohol of the Ministry of Health of Ukraine" regarding the establishment and maintenance of a united base of rehabilitation centers of all forms of ownership, indicating those centers that provide services to women (incl. with children) and minors, as well as providing access to this information to the general population.
69. Develop and improve existing standards and protocols for the rehabilitation of juvenile drug users. Improve the quality of rehabilitation services for minors by developing effectiveness criteria, creating an adequate system of licensing rehabilitation services and monitoring the quality of services.
70. Establish systematic work on the prevention of dependencies at schools through training of psychologists, social educators and other relevant specialists, development of methodological recommendations, preventive work with parents and students in accordance with best international practices.
71. Increase the qualifications of medical staff regarding disclosure of HIV status for children and teenagers.
72. Conduct information campaigns on ways of HIV transmission, the importance of timely screening and the consequences of failure to treat HIV infection.

### **Education, leisure and cultural activities**

(the right to education, including vocational training and orientation, human rights education and civic education)

73. To take all possible actions to immediately cease unlawful attacks and threats of attacks against schools, students, and teachers and to refrain from actions that impede children's access to education, as well as to ensure full implementation of the *Safe Schools Declaration*<sup>12</sup>, which was endorsed in November 2019.
74. Guarantee the right to receive pre-school and school education, regardless child or his/her parents' place of residence or registration.
75. Create the appropriate conditions for the implementation of the right of residents from Temporary Occupied Territories (TOT) to receive education on the GCA through the introduction of positive actions (in particular, the simplified procedure for the admission of children to any higher education institutions in the GCA).
76. Solve the problem of insufficient number of preschool educational institutions by promoting the development of various forms of day-care and education of a child of preschool age.
77. Provide pre-school education to Roma children by creating alternative pre-school establishments (short-term preschool groups, mobile kindergartens, etc.). Inform parents about such opportunities.



78. Encourage the involvement of Roma community representatives in the educational process by creating a cultural mediator or educational assistant at schools in which Roma children study.
79. Provide teacher training to work in multicultural environment; to develop relevant innovative teaching methods in order to strengthen the integration of Roma children into the educational system.
80. Adopt the National Program on Human Rights Education with the further development of the state standards and the system of financial and operational support for its implementation. To involve NGOs in these processes.
81. Ensure conduct of the events to raise children's awareness about their rights.
82. Organize systematic compulsory education on human rights / child rights for all categories of pedagogical staff, involving specialists in the field of human rights / child.
83. Ensure the involvement of experts on human rights including non-governmental organizations with practical experience in human rights education and human rights activities to conduct the examination of school textbooks.
84. Enhance awareness of children with disabilities, their parents and the general public on the right of the child to education, including inclusive education, and to conduct a campaign to inform citizens about the benefits of inclusive education for the entire community. Eliminate barriers to inclusive education comprehensively to promote the development of "equal conditions", including when it comes to examinations and assessments.
85. Ensure access to education for asylum seekers in Ukraine, including vocational and higher education on equal footing with the citizens of Ukraine, in particular through the regulation of the documents list identifying a person in the USEED<sup>13</sup>. Develop clear guidelines for schools on enrollment, definition of prior education and training for refugee children and asylum seekers.
86. Include refugee children, children who need additional and temporary protection; children whose parents filed applications for recognition as refugees or persons in need of additional or temporary protection and children separated from their families, children of migrants, children of national minorities and indigenous peoples, in particular Roma and Crimean Tatars, gifted children into the categories of children with special educational needs leaving the list open<sup>14</sup>.

### **Special protection measures**

87. Develop a state social standard for social integration and reintegration services for refugees and asylum seekers.
88. Introduce a mechanism for granting the status of a child deprived of parental care for children separated from the family who have applied for protection in Ukraine. To improve the mechanisms for determining the age and level of development of such children, taking into account the national and cultural characteristics of the child, as well as taking into account information about the country of origin.
89. Enable an individual who can actually confirm the knowledge of a rare language to be included in the Translator's Reference Information Register<sup>15</sup>.
90. Ensure adequate funding and implement the Action Plan for the implementation of the Strategy for the Integration of Internally Displaced Persons and the implementation of long-term decisions on internal displacement for the period up to 2020<sup>16</sup>.
91. Prior to the successful implementation of long-term decisions on temporarily displaced persons, provide internally displaced families with sufficient targeted assistance to meet housing and social needs. Attach the size of the targeted help of the internally displaced persons to the social state standard (living wage).

92. Improve the regulatory framework and its implementation mechanisms for effective monitoring and identification / recognition of new psychoactive substances to be drugs in accordance with the established list of drugs, psychotropic substances and precursors.
93. Strengthen control and improve the regulatory framework and its implementation mechanisms for effective monitoring, documentation and closure of drug sales through Internet sites and other Internet channels, in particular the Telegram messenger.
94. Take measures to strengthen the support of the National Children's "hot" line, to ensure its accessibility for children.
95. To amend the Criminal Code in order to strengthen the responsibility of individuals who encroach on the honor and dignity of children, receive sexual services from children, are involved in prostitution and trafficking.
96. Develop indicators for identifying trafficked children as part of the process of establishing the status of children affected by trafficking.
97. Ensure compulsory social rehabilitation of children involved in sexual exploitation or trafficking.
98. Introduce special training to juvenile policemen, investigators, psychologists, lawyers, prosecutors, judges on work with children who have suffered from crimes, including sexual violence.
99. Conduct information and awareness campaigns to prevent the risk of human trafficking and access to assistance.

### ***Children in the armed conflicts, including physical and psychological rehabilitation and social reintegration***

100. Systematize legislation and approaches for the protection of children affected by armed conflict, in particular by formally declaring (adopting) a state policy for all children affected by the conflict.
101. Introduce, at the level of state statistical reporting, the collection of information on the number of killed children and children who, as a result of armed conflict, were injured, contused, received disability, including the definition of their needs in accordance with the trauma.
102. Ensure the development and implementation of programs for rehabilitation and psychosocial support for children who have suffered as a result of hostilities and armed conflicts, including for children who participated in the activities of armed groups. Ensure continuous counseling and psychological support for children affected by mines / explosive remnants of war based on regularly monitored needs.
103. To amend the Law of Ukraine "On the Status of War Veterans, Guarantees of Their Social Protection"<sup>17</sup>, which extend the status of persons with disabilities as a result of the war on individuals (children in particular) living in the territory of the occupied regions of Donetsk and Lugansk oblasts and wounded, contused or injured after December 1, 2014, as well as on civilians (children in particular) that have suffered health disorders as a result of diseases caused by military actions or their consequences on the territory of ATO and United Forces Operation.
104. To implement its obligations under the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Landmines and on their Destruction (the Ottawa Convention)<sup>18</sup>, the Government should ensure that the public is clearly informed about the impact of mines and ERW<sup>19</sup> on civilian population, and make every effort to compensate for damage caused by pollution. In addition, the Government is obliged to provide appropriate assistance to children and their families affected by mines.

105. Provide economic and social benefits for children affected by mines / explosive remnants of war in the process of developing sub-normative acts to the Law on Mine Action in Ukraine<sup>20</sup>.
106. Conduct an assessment of the medical facilities of all levels in the Donetsk and Luhansk oblasts regarding the material and technical potential to support mine victims/ persons suffered from explosive remnants of war and the population affected by the conflict.
107. Conduct a clinical assessment of the psychological impact of armed conflict on different groups of the population<sup>21</sup>, which will be the basis of the state strategy for providing psychological assistance and psychosocial adaptation to mine victims/ persons suffered from explosive remnants of war. To conduct a study on the socio-economic impact of the incident on children affected by mines/ explosive remnants of war<sup>22</sup>.
108. In a longer term, to improve the system of provision and maintenance of prostheses, as well as the introduction of a wider range of technologies (for auxiliary devices inclusive), based on international experience.

## Annex 5

### References

1. LoU “On the Protection of the Childhood” №2402 from 26.04.2001 <https://zakon.rada.gov.ua/laws/show/2402-14>).
2. Alternative report on Ukraine`s Implementation of the UNCRC 2002-2008, access address: <https://www.unicef.org/ukraine/report-ukr.pdf>
3. As well as: the child's right to be protected from all forms of discrimination or punishment on the basis of status, activity, views or beliefs of the child, the child's parents, legal guardians or other family members;
  - the right of the child to the protection and care necessary for its well-being, taking into account the rights and duties of its parents, guardians or other persons responsible for it by law; - the right of the child to use the most advanced health care services and remedies for the treatment and restoration of the child's health;
  - the child's right to access information and materials in the field of education and training for all children;
  - the right of the child to a fair trial and to such treatment that does not diminish the child's sense of dignity, enhances in her the respect for human rights and fundamental freedoms.
4. Analysis on the compliance of national legislation and the level of awareness of children of Ukraine about the norms of the UNCRC and the development of proposals for its improvement, response-letter of the MSP №17/0/143-19 dated February 26, 2019.
5. Article 63 of LoU "On the Principal Legislation of Ukraine on Health Care" №2801 dated November 19, 1992, access address: <https://zakon.rada.gov.ua/laws/show/2801-12>
6. LoU “On the Protection of the Childhood” №2402 from 26.04.2001 access address: <https://zakon.rada.gov.ua/laws/show/2402-14>.
7. “Convention on the Protection of Children and Cooperation in the field of Interstate Adoption”, access address: [https://zakon.rada.gov.ua/laws/show/995\\_365](https://zakon.rada.gov.ua/laws/show/995_365)
8. To ratify To ratify the **Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption**

To ensure implementation of:

Council of Europe Convention on the Protection of Children from Sexual Exploitation and Sexual Abuse, in particular Article 35 of the Convention;

European Convention on the Exercise of Children’s Rights and The Council of Europe guidelines on child-friendly justice: to develop and implement child-friendly justice;

1954 Convention on the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness including: to introduce a procedure for identifying a person, a stateless person which will enable such persons to legally reside in Ukraine and obtain an ID document;

UN Guiding Principles on Alternative Care for Children: to bring national legislation in line with in particular with regard to the definitions of "alternative child care", "institutional care", "childcare institution with living conditions close to family", decision-making on a child, mandatory review of such decisions and child participation

Guidelines of the Inter-Agency Standing Committee on Long-Term Decisions for Internally Displaced Persons;

PACE's Resolution of January 25, 2018, No. 2204 "Protecting Children Affected by the Conflict";

International Code of Marketing for Breast Milk Substitutes: to extend support for breastfeeding and strengthen control over advertising of breast milk substitutes and implementation;

Minimum standards of the UN rules on the administration of juvenile justice.

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45. According to a study on the assessment of the needs of children affected by mines or ERW in eastern Ukraine conducted by the Danish Refugee Council, the Danish Demining Group (DRC-DDG), in cooperation with UNICEF from September to December 2018
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only from 14 y.o., and no child has the right to appeal to a court in an administrative proceeding.

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  218. "140 children become victims of Donbas hostilities since 2014, - UNICEF," 112 UA, address of access: <https://112.international/conflict-in-eastern-ukraine/140-children-become-victims-of-donbas-conflict-unicef-32750.html>
  219. "Half a Million Children Affected by a Two-Year-Old Conflict in the East of Ukraine", UNICEF Ukraine, address of access: [http://www.unicef.org/ukraine/ukr/media\\_28681.html](http://www.unicef.org/ukraine/ukr/media_28681.html)
  220. "Protecting Children Affected by Armed Conflicts" Report, Committee on Social Affairs, Health and Sustainable Development Rapporteur: MsSevinj FATALIYEVA, Azerbaijan, European Conservatives Group: <http://semantic-pace.net/tools/pdf.aspx?doc=aHR0cDovL2Fzc2VtYmx5LmNvZS5pbmQvbncveG1sL1hSZWYvWDJILURXLWV4>

dHIuYXNwP2ZpbGVpZD0yNDI4NiZsYW5nPUVO&xsl=aHR0cDovL3NlbWFudGljcGFjZS5uZXQvWHNsdc9QZGYvWFJlZi1XRRC1BVC1YTUwyUERGLnhzbA==&xsltparams=ZmlsZWlkPTI0Mjg2

221. Resolution 2204 (2018) "Protecting children affected by armed conflicts", PACE, access address: <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=24495&lang=en>
222. "Rights of children under state care and affected by conflict in the territory of Ukraine", KHISR, access address: <http://khisr.kharkov.ua/files/docs/1514380165.pdf>
223. Problem is described in the report «Children, affected by conflict in Ukraine», prepared by Stabilization Support Services in 2019, access address: <http://radnyk.org/wp-content/uploads/2019/10/Doslidnyczkyj-zvit-Dity-yakyh-torknuvsya-zbrojnyj-konflikt-v-Ukrayini-.pdf>
224. LoU "On Rehabilitation of Persons with Disabilities in Ukraine", access address <https://zakon.rada.gov.ua/laws/show/2961-15>
225. For example, according to official information, 48 children were injured, but none of the children received disability status because of minefields injuries in Donetsk region during 2014-2018
226. Thus, in 2014, in Kyiv region, medical and physical rehabilitation services were recommended only to one child who has gained health disorders, but the disability has not been established.
227. [https://humanrights.org.ua/material/ukrajinski\\_diti\\_vijni\\_shho\\_daje\\_oficijnij\\_status\\_i\\_chomu\\_jogo\\_malo\\_khto\\_otrimuje](https://humanrights.org.ua/material/ukrajinski_diti_vijni_shho_daje_oficijnij_status_i_chomu_jogo_malo_khto_otrimuje)
228. The status of a child affected by war and armed conflict has over 33,000 children today. <https://www.ukrinform.ua/rubric-society/2791124-v-ukraini-ponad-33-tisaci-ditej-maut-status-postrazdalih-unaslidok-voennih-dij.html>
229. LoU "On the Status of War Veterans, Guarantees of Their Social Protection", Article 7, access address: <https://zakon.rada.gov.ua/laws/show/3551-12>
230. LoU "On Amendments to Certain Legislative Acts of Ukraine Regarding Social Protection of Victims of the Revolution of Dignity and Some Other Persons", address of access: <http://zakon.rada.gov.ua/laws/show/2443-19#n43>
231. Rehabilitation of the victims of conflict. Does the state offer anything other than disability status and crutches? / B.Myos, ed.: O.Pavlichenko, O.Martinenko / Ukrainian Helsinki Human Rights Union, address of access: <https://helsinki.org.ua/wp-content/uploads/2018/12/Reabilitatsiya-zhertv-vijny.pdf>
232. According to a study on the assessment of the needs of children affected by mines or ERW in eastern Ukraine conducted by the Danish Refugee Council, the Danish Mine Action Group (DRB-WRG), in cooperation with UNICEF from September to December 2018
233. Provided in Article 7 of the Law
234. Differentiated, for example, by age, geography, profession, socio-economic status. The assessment should be conducted in order to achieve a more informed understanding of the requirements for overcoming psychological trauma.

235. This is especially important in identifying educational perspectives and prospects for a future career and the lives of affected children.

<sup>2</sup> "Human Rights in the Occupied Territories and in the Conflict Zone - 2017", UHHRU, access address: <https://helsinki.org.ua/prava-lyudyny-na-okupovanyh-terytoriyah-ta-v-zoni-konfliktu-2017/>

<sup>3</sup> "Universal Periodic Review: Alternative Measurement", Compilation of Alternative Reports by Civil Society Organizations, access address: [wp-content/uploads/2017/04/UPR\\_3rd-cycle\\_CSOs\\_ua.pdf](wp-content/uploads/2017/04/UPR_3rd-cycle_CSOs_ua.pdf)

<sup>4</sup> Statement by the President of Ukraine during the visit on January 29, 2016 to the Kyiv Military Lyceum named after them. Bogun

<sup>5</sup> Source <http://ua.censor.net.ua/n385857>

<sup>6</sup> "Latest news from the OSCE Special Monitoring Mission in Ukraine based on information received on May 28, 2015", access address: <https://www.osce.org/uk/ukraine-smm/161311>

<sup>7</sup> Source link: <https://rm.coe.int/16804c2188>

<sup>8</sup> Source link: [https://www.unicef.org/ukraine/ukr/100426-UNGuidelines-Ukrainian\\_nonofficial.pdf](https://www.unicef.org/ukraine/ukr/100426-UNGuidelines-Ukrainian_nonofficial.pdf)

<sup>9</sup> Source link: <https://www.unhcr.org/50f94cd49.pdf>

<sup>10</sup> Адреса доступу: <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=24495&lang=en>

<sup>11</sup> Адреса доступу: [https://apps.who.int/iris/bitstream/handle/10665/40382/9241541601\\_rus.pdf?sequence=2](https://apps.who.int/iris/bitstream/handle/10665/40382/9241541601_rus.pdf?sequence=2)

<sup>12</sup> Адреса доступу: [http://www.protectingeducation.org/sites/default/files/documents/safe\\_schools\\_declaration\\_ukrainian.pdf](http://www.protectingeducation.org/sites/default/files/documents/safe_schools_declaration_ukrainian.pdf)

<sup>13</sup> The Unified State Electronic Educational Database

<sup>14</sup> In accordance with Part 8 of Article 19 of the Law of Ukraine "On Education", the categories of persons with special educational needs are determined by Acts of the Cabinet of Ministers of Ukraine. According to the Law on Education, a person with special educational needs is a person who needs additional permanent or temporary support in the educational process in order to ensure her/his right to education

<sup>15</sup> Official portal of the State Migration Service, Reference and information register of translators, link: <https://dmsu.gov.ua/translate1/>

<sup>16</sup> Order of the Cabinet of Ministers of Ukraine dated November 21, 2018 No. 944-p "On Approval of the Plan of Measures on the Implementation of the Strategy for the Integration of Internally Displaced Persons and the Introduction of Long-term Decisions on Internal Movement for the Period until 2020", link: [https://www.kmu.gov.ua/ua/npas/pro-zatverdzhennya-planu-zahodiv-z-realizaciyi-strategiyi-integraciyi-vnutrishno-peremishchenih-osib-ta-vprovadzhennya-dovgostrokovih-rishen-shchodo-vnutrishnogo?fbclid=IwAR2Vc3fuTS0MKMKX85E8h3HPUX5\\_QkXhDzap2Vjx4f1J1P3wGJP1lANc-I](https://www.kmu.gov.ua/ua/npas/pro-zatverdzhennya-planu-zahodiv-z-realizaciyi-strategiyi-integraciyi-vnutrishno-peremishchenih-osib-ta-vprovadzhennya-dovgostrokovih-rishen-shchodo-vnutrishnogo?fbclid=IwAR2Vc3fuTS0MKMKX85E8h3HPUX5_QkXhDzap2Vjx4f1J1P3wGJP1lANc-I)

<sup>17</sup> Provided in Article 7 of the Law

<sup>18</sup> Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Landmines and on their Destruction, ratified by the Law No. 2566-IV (2566-15) of 18.05.2005 [https://zakon.rada.gov.ua/laws/show/995\\_379](https://zakon.rada.gov.ua/laws/show/995_379)

<sup>19</sup> Hereinafter: According to the Ukrainian translation of the Glossary of terms, definitions and reductions for mine action in International Mine Action Standards (IMAS): unexploded ordnance (UXO) and abandoned explosive ordnance (AXO).

<sup>20</sup> The document is available here: <https://zakon.rada.gov.ua/laws/show/2642-19>

<sup>21</sup> Differentiated, for example, by age, geography, profession, socio-economic status. The assessment should be conducted in order to achieve a more informed understanding of the requirements for overcoming psychological trauma.

<sup>22</sup> This is especially important in identifying educational perspectives and prospects for a future career and the lives of affected children.