



Convention on the Rights of the Child

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Committee on the Rights of the Child

Combined fifth and sixth reports submitted by Ukraine under article 44 of the Convention, due in 2018*, **

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** The annexes to the present report may be accessed from the web page of the Committee.



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List of abbreviations used in the report

CCU	Criminal Code of Ukraine
CMU	Cabinet of Ministers of Ukraine
CoE	Council of Europe
CPCU	Civil Procedural Code of Ukraine
FCU	Family Code of Ukraine
LoU	Law of Ukraine
MEDT	Ministry of Economic Development and Trade of Ukraine
MIA	Ministry of Internal Affairs of Ukraine
MoD	Ministry of Defence of Ukraine
MoES	Ministry of Education and Science of Ukraine
MoH	Ministry of Healthcare of Ukraine
MoJ	Ministry of Justice of Ukraine
MoSP	Ministry of Social Policy of Ukraine
MoYS	Ministry of Youth and Sport of Ukraine
NHRS	National Human Rights Strategy of Ukraine
NPU	National Police of Ukraine
SMS	State Migration Service of Ukraine

Introduction

1. As a state party to the UN Convention on the Rights of the Child (further – UNCRC), Ukraine presents its consolidated fifth and sixth periodic national report on Ukraine’s implementation of the provisions of the UNCRC for the period 2011–2017.
2. In terms of both territory and population, Ukraine is one of the largest countries. It is situated entirely in Europe. Ukraine is a unitary state, which consists of 24 oblasts, the Autonomous Republic of Crimea and two cities with a special status: Kyiv and Sevastopol. Ukraine is a parliamentary-presidential republic. The supreme body of state power is the Verkhovna Rada of Ukraine, and the head of state is the President of Ukraine.
3. The population of Ukraine was 42.4 million people in early 2018, of which 7.6 million were children under the age of 18. Children under the age of 18 belong to the most vulnerable group.
4. During the period covered by the report, the armed aggression of the Russian Federation against Ukraine started, which put it under the threat of the loss of its statehood (2014–2018), Ukraine conducted reforms of the public administration system (initiated in 2010) and of the administrative-territorial system (initiated in 2014).
5. In 2011–2017, the state policy in the field of childhood was aimed at: improving the legal framework for childhood protection; prevention of social orphanhood; strengthening of social protection of economically disadvantaged families with children; reforming the system of institutional care and upbringing of children; protecting children from violence, exploitation, and sale. Since 2014, it was aimed at protecting the rights of children during hostilities and armed conflicts. The Concept of the State Target Program called National Action Plan for the Implementation of the UNCRC for 2017–2021 was approved.¹ The progress of ensuring the rights of the child is constantly monitored.
6. In 2012 Ukraine ratified the Convention of the Council of Europe on the Protection of Children against Sexual Exploitation and Sexual Abuse. The Verkhovna Rada of Ukraine is currently reviewing the draft LoU² “On Amendments to Certain Legislative Acts of Ukraine in Connection with the Ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse”.
7. This report presents the actions of the Government of Ukraine in the field of human rights for children and responds to the Concluding Observations made by the United Nations Committee on the Rights of the Child on the previous report ([CRC/C/UKR/CO/3-4](#), 2011) and the Optional Protocol to the UNCRC on the Participation of Children in Armed Conflict ([CRC/C/OPAC/UKR/CO/1](#), 2011), the Optional Protocol to the UNCRC on the sale of children, child prostitution and child pornography ([CRC/C/OPSC/UKR/1](#)). The report is based on the analytical and statistical material provided by ministries and departments that ensure protection of children’s rights, scientific institutions and organizations of civil society. The text of the report has been agreed with the appropriate departments.
8. The report is prepared according to recommendations of [HRI/GEN/2/Rev.6](#), 2009.

¹ Resolution No. 453 of CMU dated 30.05.2018.

² This abbreviation as well as others used in the text can be found in the Annex – List of abbreviations used in the Report.

I. General measures of implementation of the convention on the rights of the child (arts. 4, 42 and para. 6, article 44)

1. State policy, national legislation promoting the enjoyment of the rights of the child enshrined in the Convention; changes in national legislation in accordance with the principles and provisions of the Convention and its Optional Protocols

9. The Government of Ukraine continues to implement measures aimed at bringing domestic legislation and practice in line with the principles of the UNCRC in the context of the administrative reform (2010) and the decentralization of power (2014).

10. With a view to ratify the Rome Statute of the International Criminal Court (para. 22 of the Concluding Observations of the UN Committee on the Rights of the Child (further – Concluding Observations), Article 124 of the Constitution of Ukraine was amended. Ukraine can recognize the jurisdiction of the International Criminal Court under the conditions set out in the Rome Statute of the International Criminal Court (the revisions will come into force on June 30, 2019).³

11. Work on Ukraine’s accession to the Convention on the Protection of Children and Cooperation on Intergovernmental Adoption is ongoing (para. 49 of the Concluding Observations).

12. The development of national legislation on the prevention of social orphanhood; social support for economically disadvantaged families with children; ensuring the rights of orphans, children deprived of parental care to upbringing in a family environment, etc. continued. The reform of the care system for children deprived of parental care is underway (para. 12b of the Concluding Observations).

13. In 2017, a comprehensive analysis of the national legislation on the protection of the rights of the child was conducted (para. 9 of the Concluding Observations). The analysis showed that most of the provisions of the UNCRC were fully or partially incorporated into Ukrainian legislation; the national legislation is more in line with the provisions of the Optional Protocol on the involvement of children in armed conflict and only partially complies with the provisions of the Optional Protocol on the sale of children, child prostitution and child pornography.

14. The National Program “National Action Plan for the Implementation of the UNCRC” for the period until 2016 was implemented⁴ (para. 14a of the Concluding Observations).

15. The monitoring of the progress of the National Action Plan on the implementation of the UNCRC was carried out through annual sector reports as well as annual state reports on the situation of children in Ukraine (para. 14b of the Concluding Observations).

16. The State Social Program “National Action Plan for the Implementation of the UNCRC” for the period up to 2021⁵ defines the priority areas for activities in the field of children’s rights protection (Annex).

17. In 2015–2016, a reform of the social protection system was implemented to improve the efficiency of social programs for low-income households, there were changes resulting in the reduction of the category and expansion of targeted social assistance programs for families with children.⁶ A Poverty Reduction Strategy⁷ was adopted. Action plans for implementation of certain strategic directions are approved annually.⁸ Programs for low-income families were expanded: the amount of assistance for such families increased and the criteria for obtaining benefits were softened. A simplified procedure for granting subsidies

³ Law of Ukraine No. 1401-VII dated 02.06.2016.

⁴ Law of Ukraine No. 1065-17 dated 05.03.2009.

⁵ Decree No. 453 of the CMU dated 30.05.2018.

⁶ Law of Ukraine No. 1166-VII dated 27.03.2014.

⁷ Ordinance No. 161-r of the CMU dated 16.03.2016.

⁸ Ordinance No. 573-r of the CMU dated 08.08.2016 and No. 99-r dated 14.02.2018.

to pay for housing and communal services was introduced in the framework of optimization of family social protection programs (para. 7 S. V).

18. The improvement of the Unified Information and Analytical System “Children” with the detailed data on them is ongoing (para. 7 S. V), administrative and departmental statistics on certain categories of children are collected. The draft LoU “On the National Bank of Data on Children and Families with Children” is being drafted.

2. Coordination mechanisms for children’s policy at the national and local levels

19. During the administrative reform the functions of ensuring the rights of the child were transferred to the MoSP. Under power decentralization, the development of mechanisms for the coordination and implementation of policies on children at the national and local levels is ongoing.

20. The MIA has created the Office of Juvenile Prevention of the Department of Preventive Activities of the NPU.⁹ Juvenile delinquency units were created at the local level.

21. To ensure effectiveness of the Interdepartmental Commission for the Protection of Childhood and its decisions (para. 12 (c) of the Concluding Observations), amendments to its status, main tasks and functions¹⁰ were submitted to the CMU for consideration.

22. To ensure the monitoring of children’s rights (para.16 of the Concluding Observations) the institution of the President of Ukraine on the Rights of the Child¹¹ was introduced in 2011. The Commissioner for the Rights of the Child is an independent of and uncontrollable by the Government of Ukraine. In 2013, Ukraine joined the European Network of Ombudspersons for Children’s Rights (ENOC). In 2018, an institution of the educational ombudsman¹² was created.

3. Measures taken to raise awareness among adults and children about the principles and provisions of the Convention and its Optional Protocols

23. In 2011–2017, the work continued to spread information about the UNCRC and to train specialists working with children (para. 22 of the Concluding Observations). To familiarize children with the provisions of the UNCRC, the CMU has developed a Government Website for young citizens (para. 2 S. VII).

24. The MoD together with the Headquarters of the Anti-Terrorist Operation in the territory of Donetsk and Luhansk Oblasts signed a Memorandum of Understanding between the MoD and the Delegation of the Danish Refugee Council in Ukraine (para. 12 of the Concluding Observations on the Optional Protocol on the Involvement of Children in Armed Conflict).

4. Cooperation with civil society organizations

25. Representatives of civil society organizations and international organizations are part of consultative and advisory bodies (the Interdepartmental Commission on Childhood Protection) (para. 24 of the Concluding Observations, (para. 3 S. I)).

⁹ LoU No. 580-VIII dated 02.07.2015.

¹⁰ Resolution No. 483 of the CMU dated 31.05.2012.

¹¹ Decree of the President of Ukraine No. 811 dated 11.08.2011.

¹² Resolution No. 491 of the CMU dated 06.06.2018.

26. The National Strategy for Promoting the Development of Civil Society in Ukraine for the period 2016–2020¹³ is aimed at further development of effective interaction between the state and society.

II. Definition of the child (article 1)

27. The information on Article 1 of the Convention has not changed and is set out in Section 2 of the previous report.¹⁴

28. Amendments were made to the FCU¹⁵: the legal age of marriage for men and women is set as 18. Granting the right to marry to persons between the ages of 16 and 18 is attributed to the jurisdiction of the court.

29. Amendments were made to Article 155 of the CCU¹⁶, according to which voluntary sexual intercourse with a person under the age of 16 committed by an adult is a criminal offense.

III. General principles (articles 2, 3, 6 and 12)

1. Information regarding

(a) Non-discrimination (Article 2)

30. The Law “On Principles of Prevention and Counteraction of Discrimination in Ukraine”¹⁷ was approved in 2012. The Law defines the notion of discrimination, its forms and positive actions, which are not considered to be discriminatory.

31. A draft law¹⁸ was passed for consideration by the Verkhovna Rada of Ukraine. Amendments to the articles of the CCU regarding the exclusion of criminal responsibility for discrimination and its replacement with administrative liability are envisaged.

(b) Best interests of the child (Article 3)

32. The concept of “ensuring the best interests of the child” was legislatively regulated.¹⁹

33. Changes to legislation aimed at improving observance of the best interests of the child have been approved. The concepts of “ensuring the best interests of the child”, “child from an economically disadvantaged family”, “a child who has suffered from hostilities and armed conflicts”²⁰ have been incorporated. The possibility of obtaining legal protection from the state is strengthened where legal representatives fail to provide it.²¹ The work of the bodies and services for children’s affairs has been legislatively improved.²² Amendments to the LoU “On Protection of Childhood” were made regarding the guarantee of free legal aid necessary for the protection of the rights of the child.

34. Provision of the best interests of orphans and children deprived of parental care, the FCU and the LoU “On the Protection of Childhood” were amended concerning families of the foster carers²³ (para. 6, S. V.).

¹³ Decree of the President of Ukraine No. 68/2016 dated 26.02.2016.

¹⁴ CRC/C/UKR/3-4.

¹⁵ LoU 4525-UI dated 15.03.2012.

¹⁶ LoU No. 2334-VIII of 14.03.2018.

¹⁷ LoU No. 5207-VI dated 06.09.2012.

¹⁸ Draft LoU (Reg. No. 3501 dated 20.11.2015).

¹⁹ LoU No. 936-19 dated 26.01.2016.

²⁰ LoU No. 936-19 of 26.01.2016.

²¹ LoU No. 1838-VIII dated 07.02.2017.

²² LoU No.1824-VIII dated 19.01.2017.

²³ LoU No.2342-IV dated 13.01.2005 (with amendments No. 1774-VIII dated 06.12.2016).

35. The use of restorative and proactive methods was regulated in the system of prevention of offenses and assistance to minor delinquents (para. 5, S. VII.).

36. The adopted legislative provisions on considering the best interests of the child in the process of planning state policy and protecting the rights of the child require introduction of effective practical procedures for their implementation.

(c) The right to life, survival and development (Article 6)

37. The state system for the protection of the rights of every child to life, survival and development is presented in the previous report.²⁴

38. The information on the survival and development of children in Ukraine is given in para. 2, S. VI.

(d) Respect for the views of the child, the right to free expression (Article 12)

39. Detailed information on respecting the views of the child, the right to free expression is given in the previous report.²⁵

40. A new version of the CPCU²⁶ was approved in 2017. It regulates the rights of a juvenile or a minor person during the consideration of a court case on the expression of his or her opinion; receiving information about the trial; implementation of other procedural rights and performance of procedural duties.

41. The Concept for Development of Criminal Justice for Minors in Ukraine²⁷ was approved. The Action plan for implementation of the Concept²⁸ for the period of 2011–2016 was approved. A new version of the CPCU that regulates the specifics of criminal proceedings against minors, as well as the use of compulsory correction measures for minors who have not reached the age of criminal responsibility, was adopted. The Action Plan for the implementation of the NHRS for the period up to 2020²⁹ was approved. The Interagency Coordination Council on Juvenile Justice – an advisory body of the CMU³⁰ – was formed in 2017. The MoJ drafted an ordinance of the CMU “On Approval of the National Strategy for the Reform of the Juvenile Justice System for the Period until 2022”.

42. The children’s capability to express their views and influence decision-making related to the student process is envisaged in the new LoU “On Education”.³¹ The public self-government is in place in educational institutions.

2. Information on measures taken to protect children from xenophobia and other related intolerance (Article 2)

43. Information on the legal framework for measures to protect children from xenophobia and other forms related to it, as well as intolerance, is contained in the previous report.³²

44. Paragraph 28 of the Concluding Observations, the MoYS promotes the implementation of projects on intercultural dialogue, tolerance and respect for differences through the provision of financial support based on competitive principles to youth and children’s public organizations for the implementation of their projects. In 2017, four youth public organizations were given financial support for a total of UAH 720,000. Information materials have been disseminated to counter the language of hatred through education in human rights. In places of compact residence of persons of the Roma national minority, measures are taken to ensure social protection of Roma families with children, taking

²⁴ CRC/C/UKR/3-4.

²⁵ CRC/C/UKR/3-4.

²⁶ LoU No. 2147-VIII dated 03.10.2017.

²⁷ Decree No. 597 of the President of Ukraine dated 24.05.201.

²⁸ Ordinance No. 1039 of the CMU dated 12.10.2011.

²⁹ Ordinance No. 1393 of the CMU dated 23.11.2015.

³⁰ Resolution No. 357 of the CMU dated 24.05.2017.

³¹ LoU No. 2145-VIII dated 05.09.2017.

³² CRC/C/UKR/3-4.

preventive measures, prevention of violence and ill-treatment in relation to them, including issues of observance of the rights of Roma children and ensuring their protection and safety. The Strategy for Protection and Integration of the Ukrainian Society of Roma National Minority for the period till 2020³³ and the Plan of Action for its realization³⁴ were approved.

3. Information on the measures taken to ensure

(a) Non-application of the death penalty to persons under 18 (Article 6)

45. Ukraine abolished the death penalty as a measure of punishment: this type of punishment has been removed from the CCU.³⁵

(b) Registration of the death of children and their investigations, reporting of such cases

46. Information on the registration of child deaths and their investigation, and reporting procedures for such cases are described in the previous report.³⁶

47. The CPCU specifies the peculiarities of proceedings in cases on establishing the fact of birth or death of a person in the temporarily occupied territory of Ukraine (para. 2 S. VI).

(c) The survival of children of all ages and minimization of the risks that apply to specific children's groups (children from risk groups related to sexually transmitted diseases, children who may become victims of ill-treatment, violence etc.)

48. Vaccination is one of the main issues for Ukraine in ensuring the survival of young children. (para. 2, S. VI).

49. The level of observance of children's right to health care is monitored in the review of incidence of communicable diseases among children. In the conditions of the epidemic of tuberculosis in 2017 the incidence of all active forms, including relapses, among children aged 0–14 was 9.3 per 100,000 of the population (611 cases), among adolescents aged 15–17 – 23.3 per 100,000 of the population (252 cases) (para. 2, S. VI).

50. The Annual Report of the Commissioner for Human Rights for 2016³⁷ identifies the support of children with rare (orphan) diseases as unsatisfactory. Expenditures for these purposes almost doubled in 2017 after the Commissioner for Human Rights addressed the Prime Minister of Ukraine.

51. The NPU takes measures aimed at implementing the state policy in the field of child safety, preventing violent and cruel acts against them, and preventing offenses among them. 4639 criminal offenses were committed against children (2016 – 5406). In 2017, 5087 children were affected by criminal offenses (in 2016 – 5752), including 1712 by grave and extremely grave crimes.

52. In 2012, Ukraine ratified the Convention of the CoE on Protection of Children against Sexual Exploitation and Sexual Abuse.³⁸ In 2017, 179 criminal cases were registered for sexual corruption of minors, 79 for rape, 112 for forcible gaining of sexual pleasure in an unnatural way, and 37 for sexual intercourse with a person who has not reached age of consent.

53. Within the implementation of the Action Plan of the CoE for Ukraine for 2018–2021, the CoE will contribute to the development of a comprehensive national strategy to protect children against violence, and sexual violence in particular.

³³ Decree No. 201 of the President of Ukraine dated 08.04.2013.

³⁴ Ordinance No. 701-r of the CMU dated 11.09.2013,

³⁵ LoU No.1483-III dated 22.02.2000.

³⁶ CRC/C/UKR/3-4.

³⁷ Annual report of the Commissioner for Human Rights on the State of Observance and Protection of Human Rights and Freedoms in Ukraine (2016).
www.ombudsman.gov.ua/files/Dopovidi/Dopovid_2017.pdf

³⁸ LoU No. 4988-VI dated 20.06.2012.

4. Information on measures taken to prevent suicides among children and to monitor frequency of suicides

54. The MoES distributed informational and methodical materials on the prevention of suicidal behaviour among school students; the heads of the educational and scientific bodies were instructed to conduct thorough psychological and pedagogical identification of children at risk³⁹ and to establish interaction between educational staff and other bodies and services for the protection of children's rights;⁴⁰ it is recommended to introduce optional courses in institutions of general secondary education aimed at strengthening the psychological component in the upbringing of children and students; to carry out psychological and pedagogical diagnostics of suicidal tendencies in children.⁴¹ The National Security Council applied personal special economic and other restrictive measures (sanctions), to a number of social networks in particular, to which provision of telecommunication services and the use of telecommunication networks of general use⁴² was stopped. The CCU was revised to increase the responsibility for assisting suicide, including online.⁴³

55. In 2016–2017, the participation of teenagers in social media groups such as Blue Whale and other “death groups” increased dangerously in Ukraine. The NPU established a permanent operational group in each oblast, which had round-the-clock contact with the duty units of the NPU. In the course of the action, the Cyber Police units identified over 1,200 such groups which were subsequently blocked.

IV. Civil rights and freedoms (articles 7, 8, 13, 14, 15, 16, 17, para.2, article 28, para. (a), article 37)

1. Registration of birth, name and nationality (Article 7)

56. The procedure for child birth registration is given in the previous report.⁴⁴

57. To simplify the procedure for child birth state registration, a pilot project to issue birth certificates at maternity hospitals was introduced. A draft law⁴⁵ introducing the principle of extra-territoriality was registered. According to the Action Plan for implementing the Strategy for Protection and Integration of the Roma National Minority to the Ukrainian Society for the period up to 2020, the issuing to persons belonging to the Roma national minority of birth certificates and passports of a citizen of Ukraine was underway.

58. When a child is born outside of a health care institution, a birth certificate is issued by the healthcare institution, which examined the mother and the child.⁴⁶ According to the requirements of the CPCU, the application for a birth certificate of a person in the temporarily occupied territory of Ukraine may be filed by parents, relatives, their representatives or other legal representatives of the child to any court outside of the subject territory of Ukraine irrespective of the applicant's place of residence.

59. Ukraine ratified the Convention on the Status of Stateless Persons⁴⁷ and the Convention on the Abolition of Statelessness.⁴⁸

³⁹ Letter No. 2/3-14-1572-15 of the MoES On Prevention of Intentional Self-Mutilation by Children dated 07.08.15.

⁴⁰ Letter No. 1/9-557 of the MoES dated 28.10.2014.

⁴¹ Letter No. 1/9-119 of the MoES On Campaign on Advocacy of Mental Health in Educational Institutions dated 02.03.2017.

⁴² Decision No. 133/2017 of the National Security and Defence Council of Ukraine dated 28.04.2017, entered into force by Decree of the President of Ukraine dated 15.05.2017.

⁴³ LoU No. 2292-VIII dated 08.02.2018.

⁴⁴ CRC/C/UKR/3-4.

⁴⁵ Draft LoU (Reg. No. 6150 dated 28.02.2017).

⁴⁶ Resolution No. 9 of the CMU dated 09.01.2013.

⁴⁷ LoU No. 23-VIII dated 11.01.2013.

⁴⁸ LoU No. 22-VII dated 11.01.2011.

60. The grounds for acquiring citizenship of Ukraine are determined by the LoU “On Citizenship”.⁴⁹ The citizenship of Ukraine may be acquired or given up by a child based on the application/petition of one of the parents, custodian or guardian, but the citizenship of Ukraine may be acquired or given up by a child of 14 to 18 years old only with their consent.

61. In a case of civil records⁵⁰ envisages state registration of birth by a child who has turned 16 through his/her personal application with the presentation of an identification and citizenship document to obtain a Ukrainian identification and citizenship document.

62. It is necessary to regulate the issue when the child was born from parents, none of whom has identity documents. Where the parents are stateless/do not have any documents, they cannot act as legal representatives of the child. Where the parents don't have any identification documents, the child cannot acquire Ukrainian citizenship.

63. The registration of the birth of children outside the area of the antiterrorist operation has been available in any department of state registration of acts of civil status since 2014. However, the form of the medical certificate of birth, issued in the occupied areas is not accepted by the civil status registration authorities. In this case, the birth of a child is established by a court decision. In 2018, valid documents confirming the birth of a child in temporarily occupied territories in the Donetsk and Luhansk oblasts⁵¹ are legally recognized. The implementation of the provisions of this law in an administrative manner requires legislative settlement.

2. Preservation of identity (Article 8)

64. The right of the child to preserve his/her national, cultural, religious, linguistic identity, as well as the right to freely choose the forms and means of manifestation of his/her personality⁵² and the procedure for changing the child's surname and name are described in the previous report.⁵³

65. According to FCU, in case of adoption, the surname, name and patronymic of the child can be changed. In accordance with the Article 226, FCU, a person who has been adopted has the right, after he/she turns 14, to receive information about his/her adoption. This provision ensures that adopted children can obtain information about their biological parents, their true date and place of birth. At the same time, national legislation has no legal provisions (mechanisms) to ensure the mandatory notification of adopted children over 14 years old. Any disclosure of the secrecy of adoption is a criminal offense.

3. Freedom of expression and the right to seek, receive and impart information (Article 13)

66. National legislation contains guarantees of the right of the child to freely express a personal opinion, to form his/her own views, to develop his/her own social activity, to receive information relevant to his/her age.⁵⁴ The LoU “On Access to Public Information” does not establish any age limits: any individual without age restrictions can receive an answer to the request.⁵⁵

4. Freedom of thought, conscience and religion (Article 14)

67. The state system for ensuring the right of every child to freedom of thought, conscience and religion is described in the previous report.

⁴⁹ LoU No. 2235-III dated 18.01.2001.

⁵⁰ Order No. 52/5 of the MoJ dated 18.10.2000.

⁵¹ LoU No. 2268-VIII dated 18.01.2018.

⁵² CCU.

⁵³ CRC/C/UKR/3-4.

⁵⁴ LoU No. 2402-III dated 26.04.2001.

⁵⁵ LoU No.2939-VI dated 13.01.2011.

68. According to the Law On Education, the subjects of educational activity must take into account certain beliefs of children during the organization and implementation of the educational process, which should not violate the rights, freedoms and legitimate interests of other participants in the educational process.⁵⁶

5. Freedom of Association and Peaceful Assembly (Article 15)

69. The Law “On Youth and Children’s Public Organizations” does not contain norms that restrict the right of the child to freedom of association and free assembly, prohibit children from participating in political rallies and demonstrations, or creating children’s associations of political or religious orientation. Whereas the Law On Protection of Childhood prohibits the creation of children’s organizations of political and religious orientation.⁵⁷

70. In 2018, the Concept of Support and Promotion of Development of Children’s Public Movement in Ukraine was approved. The MoYS holds annual competitions funded from the state budget of projects developed by children’s and youth organizations. In 2017, financial support was provided to 28 youth and children’s public organizations for the implementation of 41 projects totalling UAH 6,553.5 million.

71. There is a need for legislative regulation of the conditions and rules for organizing of peaceful gatherings and holding of them by children.

6. Protection of privacy and reputation (Article 16)

72. The national legislation of Ukraine:⁵⁸ the right to liberty, personal integrity and protection of dignity is guaranteed to each child. The discipline and order in the family, in educational and other children’s institutions should be ensured on the basis of mutual respect, justice and prevention of humiliation of the child’s honour and dignity.

73. Disclosure or publication of any information about a child that may cause harm to him/her without the consent of the legal representative of the child is prohibited.

7. Access to appropriate information and protection from materials harmful to the child’s well-being (Article 17)

74. The state promotes: dissemination by the mass media of materials useful for development of the child. It is not permitted to broadcast programs or videos that may harm physical, mental or moral development of children.⁵⁹

75. The right of children to access appropriate information is ensured by an extensive network of libraries, access to the Internet and media (para. 5, S. VII).

76. In 2017 the total number of persons under 15 who used Internet over the past 12 months was 50.2% of the total number of persons in this age group (3,136,800 children). In the older age group 91.1% of the people of the corresponding age (971,500 teenagers) used the Internet during the year.

77. The Juvenile Prevention Department of the Prevention Department of the NPU initiated the “Internet Patrol” project aimed at monitoring the content that would be dangerous for children.

⁵⁶ LoU No. 2145-VIII dated 05.09.2017.

⁵⁷ LoU No. 2402-III dated 26.04.2001.

⁵⁸ LoU No. 2402-III dated 26.04.2001.

⁵⁹ LoU No. 3759-XII dated 21.12.1993 (as amended on 02.11.2012).

8. The right to respectful treatment of human dignity, protection from torture or other cruel, inhuman or degrading treatment or punishment, including corporal punishment (para. 2, Article 28, para. (a), Article 37)

78. With the support of international civil society organizations, a training course was prepared for and a supervision conducted of the juvenile prevention police and patrol police. During 2014–2016, a number of workshops were held for specialists whose competence includes implementation of measures to prevent domestic violence, identification of cases of cruel and negligent treatment of children. To improve the professional training of specialists, the NPU and the International Criminal Investigative Training Assistance Program of the Department of Justice (ICITAP) organized training for police officers. The plans for the training of police officers envisage a compulsory training on juvenile criminal justice issues.

79. The Department for the implementation of the national preventive mechanism of the Secretariat of the Commissioner of the Verkhovna Rada Ukraine on human rights, monitoring visits to the temporary detention centres of the main departments of the NPU are constantly performed.

80. The State Social Program “National Action Plan for the Implementation of the UNCRC up to 2021”⁶⁰ is a creation of the child-friendly justice system, which envisages introduction of effective forms and methods for preventing juvenile delinquency.

81. The NPU, in conjunction with children’s services, conducts raids, awareness-raising campaigns and advocacy related to positive parenting incompatible with cruelty. The National Television Company of Ukraine systematically prepared coverage for the social and legal protection of children.

82. Children’s services, centres for social services for families, children and youth provide necessary assistance in preventing and detecting ill-treatment of a child. The LoU “On Prevention of and Combating Domestic Violence”⁶¹ envisages protection of children from all forms of domestic violence and other forms of child abuse.

83. A new Procedure for consideration of appeals and communications concerning the ill-treatment of children or the threat of its commission was approved⁶² (para. 10, S.V).

84. In order to improve national strategies for protecting children from violence, a project of the CoE “Strengthening and Protecting the Rights of Children in Ukraine” (2013–2015) was implemented (para. 5, S. VIII).

85. The protection of children from ill-treatment and torture requires improvement of effective mechanisms for responding to such cases and the appropriate preventive work.

V. Family environment and alternative care (articles 5, 9, 10, 11, paras. 1–2 article 18, Articles 19, 20, 21, 25, paras. 4 article 27, article 39)

1. Parental care (Article 5)

86. Concept of the State Social Support Program for the Family until 2016⁶³ was approved, during 2013–2016, the State Target Social Program Family support until 2016⁶⁴ was implemented.

⁶⁰ Resolution No. 453 of the CMU dated 30.05.2018.

⁶¹ LoU No. 2229-VIII dated 07.12.2017.

⁶² Order No. 564/836/945/577 of the MoSP, the MIA, the MoES, the MoH dated 19.08.2014.

⁶³ Ordinance No. 325-r of the CMU dated 31.05.2012.

⁶⁴ Resolution No. 341 of the CMU dated 15.05.2013.

87. The “National Action Plan for the Implementation of the UNCRC for the period up to 2021”⁶⁵ was identified as strengthening of the family institution and formation of responsible parenthood.

88. In 2018 a series of initiatives on social protection of families with children⁶⁶ and support for the development of responsible parenthood were adopted, in particular:

- Provision of a one-time, in kind child care “Baby package” upon the birth of a child ;
- Reimbursing the babysitting services for children up to 3 years old – Municipal Nanny;
- Implementation of the international initiative to support cities, united territorial communities that have received Child- and Youth-friendly community status;
- Free voluntary medical examination of persons who applied for registration of marriage.

89. The National Strategy for Prevention of Social Orphanhood by 2020⁶⁷ has been approved.

90. The NHRS⁶⁸ envisages prevention of social orphanhood and institutionalization of children; creating conditions for development and upbringing of children in families or in conditions as close as possible to the family ones; implementation of the reformation of orphanage institutions and their gradual elimination.

91. In recent years, there was a decrease in the number of new-born babies that were abandoned at the maternity hospital or another health care institution: in 2017, 342 children were abandoned by their parents (0.99 per 1000 live births), whereas in 2011 – 599 children (1.21 per 1,000 live births).

92. Article 141 of the FCU requires a father who is not married to the mother of the child to take the child for care and upbringing from a maternity home or from another health care institution, where the mother failed to do so; if the father is not married, he is assigned a status of a single parent.⁶⁹

93. Social work is conducted with pregnant women and mothers at counselling centres of prenatal clinics and maternity hospitals. In 2017, 557 new-born babies, who were at risk of being abandoned, remained with their mothers.

94. Social services centres for families, children and youth provide social support for economically disadvantaged families.⁷⁰ The Procedure for detection of such families (persons), provision of social services and social support for them⁷¹ was approved. (п. 5 P. V.):

- The economically disadvantaged children and families are recorded by children’s services.⁷² In 2017, the children’s services recorded over 27,000 economically disadvantaged children, with almost 95% of them living in families where parents were evading parental duties’ for various reasons.

95. The Procedure for conducting activities related to protection of the rights of the child by custody and guardianship authorities, the section “Social Protection of Economically Disadvantaged Children”, which defines the procedure for notification of the relevant authorities in case such families are found,⁷³ was added.

⁶⁵ Resolution No. 453 of the CMU dated 30.05.2018.

⁶⁶ Resolution No. 427 of the CMU dated 30.05.2018.

⁶⁷ Decree No. 609/2012 of the President of Ukraine dated 22.10.2012.

⁶⁸ Decree No. 501 of the President of Ukraine dated 25.08.2015.

⁶⁹ LoU No. 3354-VI dated 12.05.2011.

⁷⁰ LoU No.2558-II dated 21.06.2001.

⁷¹ Resolution No. 896 of the CMU dated 21.11.2013.

⁷² Order No. 27 of the MoSP dated 20.01.2014.

⁷³ Decree No. 866 of the CMU dated 24.09.2008 (with amendments No. 576 dated 09.08.2017).

96. A number of preventive measures (raids) are conducted systematically in the regions of Ukraine. According to the results of raids in 2016, over 28,000 parents were warned (in 2011 – 33,200), 8,500 parents were brought to justice (in 2011 – 14,300) for evading their parental responsibility.

97. Within the framework of the system of preparing children and youth for family life, a program-methodical complex “Family Values” for 8–9 grade students has been developed. The Program for training specialists on youth preparation for marital life was developed and implemented by oblast and Kyiv city state administrations in 2013–2016.⁷⁴

2. Parental responsibilities (Paras. 1 and 2, Article 18)

98. The rights and duties of the mother, father and the child are based on the child originating from them, certified by the state civil status registration body. In determining the origin of a child born as a result of the application of auxiliary reproductive technologies, Article 123 of the FCU was amended where the term “spouses” was defined as a man and a woman.⁷⁵

99. The mother and the father shall have equal rights and responsibilities for the child, regardless of whether they are married to each other. The issue of raising a child is decided by the parents jointly. In 2017, this right was restricted for those parents who live separately from a child and failed to pay child maintenance for six months (or more). In case of arrears of maintenance payments, the aggregate amount of which exceeds the amount of the corresponding payments for six months, the parent who lives with the child based on the court decision, independently decides on the issue of the temporary departure of the child from Ukraine.

3. Separation from parents (Article 9)

100. FCU has been amended in respect of the procedure for removal of children from parents without deprivation of their parental rights or with the deprivation of parental rights.

101. In 2016, an amendment to the FCU was introduced that, when making a decision on deprivation of parental rights, the court simultaneously shall make a decision on enforcing payment of child support. If the person who cares for the child refuses to receive alimony from a person deprived of parental rights, the court shall make a decision to transfer alimony into the child’s personal account.

102. The number of litigation cases concerning the deprivation of parental rights is dropping. In 2017, 10,260 cases were processed by courts (in 2015 – 10,345 cases), and 7,964 cases were approved (in 2015 – 8,448 cases) (Annexes).

103. For economically disadvantaged children who are temporarily unable to stay with their parents, a foster carer service is established.⁷⁶ The Procedure for creation and activity of the foster carer’s family; the Model foster care agreement;⁷⁷ the Program for the training of foster carers were approved.⁷⁸ A state subvention for the development of foster carer services for children⁷⁹ was introduced in 2017.

4. Family reunification (Article 10)

104. A child whose parents reside in different countries has the right to have regular personal relationship and direct contact with both parents. Parents, other family members and

⁷⁴ Order No. 90 of the MoSP dated 27.12.2013.

⁷⁵ LoU No. 3760-VI of 20.09.2011.

⁷⁶ LoU No. 936-VIII of 26.01.2016.

⁷⁷ Resolution No. 148 of the CMU dated 16.03.2017.

⁷⁸ Order No. 1349 of the MoSP dated 19.08.2017.

⁷⁹ LoU No. 1794-VIII dated 20.12.2016

relatives, in particular those living in different countries, should not prevent one another from exercising the right of the child to contact them.

105. Parents deprived of parental rights may renew their rights regarding the child by filing an appropriate claim to the court.⁸⁰ The renewal of parental rights is not possible if the child was adopted and if at the time of the trial the child has come of age.

106. The return of children brought up in orphanage institutions to the biological family is a task of social support and social maintenance for disadvantaged families. In 2017 1,767 children were returned to the family from residential care institutions where they were held at the request of their parents. The institutional reform will facilitate the return of foster children to biological families (para. 6, S.V).

5. State child maintenance benefit (para. 4, Article 27)

107. State social benefit is provided to certain categories of families with children in Ukraine. Expenditures for payment of state benefit increase annually. In 2011, UAH 22.6 million were allocated for that goal, in 2017 – UAH 51.6 million. In 2017, the following state benefits for families with children were paid out:

- At birth of a child: in 2017 – to 1,382,900 persons, the average amount of benefit UAH 1,311.9 (in 2011 – to 717,200 persons, the average amount of benefit UAH 1,469.77);
- For children under care, guardianship: care in 2017 – to 35,200 persons for 45,500 children, the average amount UAH – 4,314.42 (in 2011 – to 38,600 persons for 48,400 children, the average amount – UAH 2,180.61);
- For children to single mothers (parents) in 2017 – to 281,900 persons for 391,200 children, the average amount UAH 1, 699.5 (in 2011 – to 569,700 persons for 687,700 children, the average amount – 360.16 UAH);
- On adoption of the child: in 2017 – to 3,200 persons for 3,800 children, the average amount of benefit UAH 1,450.24.

108. The state social benefit is also paid to low-income families. As a result of the optimization of social protection programs for families the number of recipients of state social benefit for low income families increased by almost 50% YOY in 2014. The state social benefit for low-income families was paid to 306,187 families, the average amount of benefit – UAH 4,054.84.

109. Reforming the system of state social assistance to families with children – the transition from category payments to targeted assistance, depending on the needs of a particular family – is an urgent need.

110. In pursuance with the LoU “On State Assistance to Families with Children”,⁸¹ foreigners and stateless persons permanently residing in Ukraine, as well as persons recognized as refugees or persons in need of additional protection, are entitled to state assistance on a par with citizens of Ukraine.

6. Children deprived of a family environment (Article 20)

111. The state system for the protection of the rights of children left without a family environment is described in the previous report.

112. Since 2005, the total number of orphans and children deprived of parental care in Ukraine has been decreasing annually: from 96,000 in 2011 to 70,200 in 2017,⁸² the share of

⁸⁰ FCU.

⁸¹ LoU On State Assistance to Families with Children dated 21.11.1992.

⁸² Statistical bulletin “Protecting children who need special attention of society” in 2017. State Statistics Service of Ukraine.

orphan children against the total number of children in Ukraine decreased – in 2017 this indicator was 0.92%, compared with 1.2% in 2011.⁸³

113. In determining the placement of a child left without parental care, the priority has been given by law to family upbringing.⁸⁴ In 2017, the family upbringing covered 91.3% of the total number of orphans and children deprived of parental care (in 2011 – 76.4%).

114. The reform of orphanage institutions and their gradual elimination is identified as a priority direction of the state, documented in the NHRS⁸⁵ and in the Action Plan for its implementation⁸⁶ and the Government Priority Action Plan:⁸⁷

- In 2017 the National Strategy for the reform of institutional care and upbringing of children for 2017–2026 and the Plan of Measures for the implementation of its Stage I⁸⁸ were approved. The conditions for enrolment of students to general-education orphanage schools were limited and it was envisaged to provide assistance to families when complicated family circumstances prevent parents from fully fulfilling their responsibilities for upbringing of the child;⁸⁹ increased responsibility of parents for personal upbringing of children;⁹⁰ subventions from the state budget to local budgets for the furnishing of space for small group foster houses, supported residential houses, construction/purchase of housing for family-type orphanages, social housing for orphans, children deprived of parental care.⁹¹

115. In 2016, an institution of mentoring⁹² was introduced that strengthens the guarantees of observance of the rights and interests of orphans and children deprived of parental care who stay at orphanage institutions; Regulations on mentoring and Model mentoring agreement;⁹³ Training program for mentors for children residing in the institution⁹⁴ were approved:

- Regulations abolishing the Model regulations on the child's home from 2020 and approving the Regulations on the centre for medical rehabilitation and palliative care for Children were drafted.

116. To ensure adaptation of orphanage institutions to family environment upbringing:

- Methodical recommendations for preparing a child for returning to a biological family after a long stay at an orphanage/institution⁹⁵ were developed;
- The State standard of social services for social integration of graduates of orphanage institutions was approved.⁹⁶

117. Over the last five years, the network of orphanages of the MoES (from 107 institutions and 4,332 children in them in 2011 to 32 institutions and 1,372 children in 2017) and the network of orphanages for orphans and children deprived of parental care (from 72 institutions and 9,269 children in them in 2011 to 9 institutions and 754 children in 2017) have shrunk the most. In 2011–2017, the number of orphanages of the MSP system and the number of children in them (from 55 institutions and 6,888 orphans and children deprived of parental care in 2011, down to 48 institutions and 5,692 children in 2017) and children's

⁸³ Report Analysis of the needs of the child for development. UNICEF, State Institute of Family and Youth Policy, 2016.

⁸⁴ LoU No. 2342-IV dated 13.01.2005.

⁸⁵ Decree No. 501 of the President of Ukraine dated 25.08.2015.

⁸⁶ Ordinance No. 1393-r of the CMU dated 23.11.2015.

⁸⁷ Ordinance No. 275-r of the CMU dated 03.04.2017.

⁸⁸ Ordinance No. 526-r of the CMU of 09.08.2017.

⁸⁹ Ordinance of the CMU On Amendments to the Model Regulations of the Commission on Child Protection and Provision of general education from 09.08.2017.

⁹⁰ Draft LoU Reg. No. 7217 dated 20.10. 2017.

⁹¹ LoU No. 2137-VIII dated 13.07.2017; LoU dated 07.12.2017; Resolution No. 877 of the CMU dated 15.11.2017.

⁹² Law No. 1504-VIII dated 08.09.2016.

⁹³ Resolution No. 465 of the CMU of 04.07.2017.

⁹⁴ Order No. 1763 of the MoSP dated 07.11.2017.

⁹⁵ Order No. 1101 of the MoSP dated 12.11.2015.

⁹⁶ Order No. 1067 of the MoSP dated 26.09.2016.

homes of the MoH and their children (from 48 institutions and 3,507 children in them in 2011 to 40 institutions and 2,675 children in 2017) dropped.

118. Most children enrolled in and staying in residential care institutions of all types are not orphans, have no serious illness or disease and are in an institution because their families are in difficult circumstances. In late 2016, the share of orphans and children deprived of parental care of the total number of children in residential care institutions of different types, forms of ownership and subordination was only about 8% (6,298 persons).

119. A mechanism is provided at the state level for provision of housing for orphans and children deprived of parental care, but there have been instances where children do not have a residence after coming of age. In order to protect the residential rights of orphans and children deprived of parental care:

- The annual inventory and assessment of the suitability of housing for orphans and children deprived of parental care was introduced in 2013;
- A form of a standard lease agreement for a residential property owned by an orphan child or a child deprived of parental care was approved;⁹⁷
- A draft amendment to the Ukrainian legislation on the protection of residential rights of orphans and children deprived of parental care and internally displaced persons was submitted for review to the Verkhovna Rada;⁹⁸

120. In 2017, funds were allocated for the first time to provide housing for a socially vulnerable category of children:⁹⁹ the MoSP distributed subvention totalling 277,276,700 UAH between regional budgets. In 2017, 468 units of social housing were purchased for 579 children. At the same time, the rate of providing housing for children and individuals in the category is extremely low: in 2017, 633 orphans and children deprived of parental care received their housing, which was 3.1% of the need.

121. In early 2014, there were 4,323 orphans and children deprived of parental care in the temporarily occupied territory of the Autonomous Republic of Crimea, and 672 children in Sevastopol. 14,469 orphans and children deprived of parental care lived in Donetsk and Luhansk oblasts before 2014. In 2015, information on the number of orphans and children deprived of parental care related only to the areas controlled by the Ukrainian government: 4,709 children from Donetsk Oblast and 1432 children from the Luhansk Oblast (para. 1, S. VIII).

7. Custody and care (Article 25)

122. According to the Ukrainian legislation, children's services provide two types of records:¹⁰⁰

- Children left without parental care and children from economically disadvantaged families;
- Persons and families who are determined to adopt a child.

123. Ukraine operates the Unified Information and Analytical System "Children" (UIAS). In 2015, the UIAS "Children" was updated concerning the registration of children moved from the temporarily occupied territory and from areas of the anti-terrorist operation.

124. The MoSP has developed Criteria to monitor the state of social and legal protection of orphans and children deprived of parental care, of economically disadvantaged children, other categories of children in institutions for orphans and children deprived of parental care.

⁹⁷ Order No. 277 of the MoSP dated 16.05.2013.

⁹⁸ Draft LoU Reg. No. 5045 dated 26.08.2016.

⁹⁹ LoU No. 2137-VIII dated 13.07.2017

¹⁰⁰ Order No. 1256 of the MoSP dated 28.12.2015; Order No. 717 of the MoSP dated 01.07.2016.

125. The MoSP introduced the concept of “integrated control” for conditions of maintenance and upbringing of orphans and children deprived of parental care, who are brought up in foster families and family-type orphanages.¹⁰¹

8. Adoption at the national and international levels (Article 21)

126. The national system of national and international adoption is described in the previous report.

127. In 2017, over 17,000 children were registered as eligible to be adopted (in 2011 – over 27,000 children) From 2011 to 2017, 16,131 orphans and children deprived of parental care were adopted in Ukraine, of which 12,061 by citizens of Ukraine.

128. Positive trends are observed in the adoption of children by family groups and adoption of children with disabilities. In 2017, 188 families of Ukrainian citizens adopted children with brothers and sisters, foreigners – 55 families. In 2017, 97 children with disabilities were adopted (22 by Ukrainian citizens, 75 by foreigners):

- The introduction of registration and supervision of the observance of the rights of Ukrainian children adopted by foreigners until the age of 18 were entrusted to foreign diplomatic institutions of Ukraine.

129. The introduction of an effective mechanism for monitoring the living conditions of Ukrainian children adopted by citizens of foreign states requires Ukraine’s accession to the Convention on the Protection of Children and Cooperation on Intercountry Adoption (Hague Convention) (p 1, S.I).

9. Illegal displacement and non-return of children (Article 11)

130. The state takes measures to combat the illegal displacement, export and failure to return children from abroad, their abduction, sale and smuggling¹⁰² (para. 3, S. VIII).

10. Abuse, negligence and violence (Articles 19, 39)

131. The Law “On Prevention and Combating Domestic Violence”¹⁰³ envisages legal norms aimed at special protection of children affected by domestic violence.

132. The child has the right to apply in person to any authorized bodies for protection of their rights, freedoms and legitimate interests. The procedure for considering children’s complaints about violation of their rights and freedoms, domestic violence and other forms of ill-treatment of a child is established by law.¹⁰⁴

133. In 2017, a pilot project of “Polina” Domestic Violence Police Network was launched, which envisages establishing mobile groups responding to calls about domestic violence and providing necessary assistance to families on the spot.

134. In 2018, a draft Law On Amending Certain Legislative Acts of Ukraine on Prevention of Ill-treatment of Children, Direct Threat to Their Life or Health and Elimination of Those Phenomena was submitted to the Verkhovna Rada of Ukraine.

135. The NPU takes measures to protect the rights of children-victims of ill-treatment, domestic violence, sexual and economic exploitation, abduction and trafficking, and children who witnessed such crimes. The “Green Room” technique – a special child friendly technique of interviewing children.

¹⁰¹ Order No. 329/409/652/502 of the MoSP, the MoH, the MoES, the MoYS, the MIA dated 01.06.2012.

¹⁰² LoU No. 2402-III dated 26.04.2001.

¹⁰³ LoU No. 2229-VIII dated 07.07.2017.

¹⁰⁴ Order No. 564/836/945/577 of the MoSP, the MIA, the MoES, the MoH dated 19.08.2014.

136. With support of public organizations, the MoES has implemented an educational program “Basic skills of a mediator in an educational institution and community”.

137. The MoSP implements projects aimed at improving the national mechanism for combating domestic violence. To enable systematic collection and analysis of comprehensive data on ill-treatment of children, a form of reporting on the results of the work of the units of the NPU on counteraction to domestic violence¹⁰⁵ was approved in 2016.

138. In 2017, 110,932 applications and reports of offenses and other events related to domestic violence were received by the territorial police authorities, of which 1,391 were filed by children.

139. Methodical recommendations for organization of correctional programs for persons who commit domestic violence were developed.¹⁰⁶ In 2017, 4,220 people who committed domestic violence were sent to crisis centres for correctional programs, of which 11 were minors.

VI. Disability, health protection and welfare (article 6, para. 3, article 18, articles 23, 24, 26, paras. 1–3, article 27, article 33)

1. Measures taken to ensure dignity of children with disabilities, facilitating their self-sufficiency and active participation in society (Article 23)

140. The procedure for establishing children’s disability is described in the previous report.

141. In preparing medical report on a child with a disability under the age of 18, the Individual Rehabilitation Program (IRP) shall be drawn up which determines the rehabilitation measures, their scope and terms of implementation, establishes the need for different types or stages of rehabilitation of a child with a disability.¹⁰⁷

142. In early 2018, 27 regional children’s hospitals, 57 city children’s hospitals, 3 children’s specialized institutes of the National Academy of Medical Sciences, 72 medical (medical and social rehabilitation) centres provided services for children in the health system.

143. Family planning centres, medical genetic centres, centres and perinatology departments and neonatology were established and operate in Ukraine. The MoSP implements a model of early intervention in the framework of comprehensive rehabilitation centres for children with disabilities. In early 2017, there were 44 rehabilitation institutions, where early intervention services were provided to over 1,000 children at risk of receiving disability (22 institutions in 2016, where over 300 children received early intervention services).

144. The State standard of day care¹⁰⁸ was introduced. In 2018, a targeted approach was launched in providing children with disabilities with technical and other means of rehabilitation, a child with a disability was put in the centre of the process, a new mechanism of funding based on the principle “money goes after a person” was put into operation.

145. The task of reforming the system of institutional care and upbringing of children is to ensure the right of children with special educational needs to study while living in the family.¹⁰⁹ The MoES conducts monitoring of educational, medical and social services provided to families with children; provides at the community level advisory and educational work on the education and upbringing of children with special educational needs etc.

146. The Law “On Pre-school Education” was amended to expand opportunities for establishment and operation of pre-school institutions of different forms of ownership.

¹⁰⁵ Order No. 299 of the NPU as amended by the order of the NPU dated 08.04.2016.

¹⁰⁶ Order No. 281 of the MoSP dated 08.05.2014.

¹⁰⁷ LoU No. 2961-IV dated 06.10.2005.

¹⁰⁸ Orders No. 452 of the MoSP dated 30.07.2013 and No. 653 dated 09.10.2013.

¹⁰⁹ National Strategy for Reforming the Institutional Care and Nursing System for 2017-2026.

According to the Law On Education, education is guaranteed for people with special educational needs throughout their life. In 2017, the development of inclusive education was introduced as one of the priorities of the “New Ukrainian School”.

147. The MoSP introduced Reporting (monitoring) on activities of rehabilitation institutions for persons with disabilities and children with disabilities.

148. Since 2013, there has been an increase in the number of children with disabilities. In early 2018, 159,044 children with disabilities under the age of 18 were registered in Ukraine, compared to 156,099 children in 2016, which is about 2.0% of the total children’s population of the country.

149. The network of pre-school institutions (groups) of compensatory type where children with special educational needs are educated and treated free of charge was expanded. The number of children with disabilities increased in such institutions (in 2017 – 9,447 children with disabilities, in 2014 – 7,746). The network of institutions that had inclusive groups expanded (Annexes).

150. The education system includes an extensive network of educational institutions with different forms of education. Their activities aim at providing access to education for children with disabilities through implementation of educational, rehabilitation and correctional measures (para. 1, S. VII).

151. Professional training or retraining of persons with disabilities is carried out taking into account medical indications and contraindications for further employment, and the selection of forms and methods of vocational training is carried out in accordance with the conclusions of specialists of the medical and social expert commission.¹¹⁰ Persons with disabilities have a pre-emptive right to be enrolled in vocational (technical vocational) institutions and certain privileges in entering higher education institutions. In early 2016–2017 academic year, 14,752 students with disabilities studied at higher education institutions.

152. Ukraine introduced a model of integrated rehabilitation (abilitation) for persons (children) with disabilities and children belonging to the risk group for receiving disability. Every year, the number of recipients of rehabilitation services grows: in 2016 – almost 19,000 persons, in 2017 – over 20,000.

153. Some children with disabilities are brought up at residential care institutions. In early 2017–2018 academic year, there were 334 special general schools (residential care schools) in the system of MoES, with 38,962 students. It is envisaged that all children that go to special schools for mentally retarded will gradually have been transferred to special and inclusive classes of general secondary education institutions.

154. For children in need of permanent specialized care because of disability, there are 49 residential care schools and one children’s residential school for adults in the system of the MoSP. The positive trend of previous years to reduce the number of students continues.¹¹¹

2. Survival and development (Article 6)

155. Virtually all vaccines used for vaccination of children in accordance with the Calendar of preventive immunization are available in the regions of Ukraine (Annex) in 2018. However, the level of coverage of children by vaccination remains low. (para. 3, S. III):

- New Methods for calculating the need for medical immunobiological drugs (vaccines) and medical products and the Procedure for determining the need for medical immunobiological drugs (vaccines) and medical products used for prophylactic vaccinations¹¹² approved. Changes to the Preventive Vaccine Calendar¹¹³ have been

¹¹⁰ LoU No. 103/98-VR dated 10.02.1998.

¹¹¹ Resolution No. 978 of the CMU dated 14.12.2016.

¹¹² Order No. 948 of the MoH dated 18.05.2018.

¹¹³ Order No. 947 of the MoH dated 18.05.2018.

made. In accordance with the Concept of the national target social program for tuberculosis control in 2018–2021.¹¹⁴

156. There has been an increase in the proportion of exclusively breastfed children. In 2017, 64.6% of babies under 6 months old were exclusively breastfed, with a positive dynamics showing the level of breastfeeding in children under 3 months old (in 2011 – 53.2%).

157. The success of advocacy of breastfeeding owes to giving birth in institutions certified as “Child Friendly Hospital” where children stay with their mothers right after birth. In early 2018, 417 health facilities had the “Child Friendly Hospital” status.

158. Ensuring the rights of the child to life and survival was facilitated by gradual implementation of the State Program “Reproductive Health of the Nation” for the period up to 2015¹¹⁵ as well as the National Project “New Life – New Quality of Maternity and Childhood Protection”. The infant mortality rate (children under 12 months old) dropped from 9.1 per 1000 live births in 2010 to 7.6 in 2017.

159. The number of deceased aged 0–17 from intentional self-harm (including suicide) dropped from 209 in 2011 to 106 in 2017. However, these data may have been significantly underestimated, since some regions Ukraine do not disclose data because of the confidentiality.

160. Preventive examinations of pre-schoolers and schoolers play a special role in the timely detection of children’s health problems.¹¹⁶ In recent years, the coverage by preventive medical examinations of children aged 0–17 is 97.4–98.4% in Ukraine.

3. Health and health services (Article 24)

161. The health sector has limited resources that mainly cover the costs of maintaining staff and paying for utilities, and a small share remains for medicines, equipment and infrastructure upgrades. In 2016, total expenditures on health care amounted to UAH 181,594.9 billion, which is 17.0% more than in 2015 (UAH 155,219.5 million), whereas in 2011 – it was UAH 95,713.7 million.

162. In 2017 the Law On Improving Accessibility and Quality of Medical Care in Rural Areas¹¹⁷ was adopted.

163. Four-wave interviews were held in Ukraine with the technical support of the UNICEF in Ukraine within the framework of the HBSC¹¹⁸ project (5267 students were polled in 2002, 6,535 in 2006, 10,343 in 2010, 11,390 in 2014).

Since 1995, Ukraine has been participating in the European-wide research project “European School Survey Project on Alcohol and Other Drug – ESPAD”.

164. The children’s morbidity rates remain high. In 2017, the number of first registered cases of illness was 1,292.22 per 1000 children of the corresponding age (in 2014 – 1,284.39) (Annexes).

165. Maternal mortality declined since 2006 from 15.2 per 100,000 live births to 14.01 in 2017. The abortion rates dropped almost five times. There is a positive trend in reducing the incidence of abortions among young girls (Annex).

166. The MoES introduced electronic lists of optional course programs. Starting from the 2012–2013 academic year, schools hold “psychology hours” to solve socio-pedagogical problems in the student environment and peer reconciliation programs (school mediation). Approved the Concept for Development of Mental Health Protection in Ukraine for the period up to 2030.

¹¹⁴ Ordinance No. 1011-r of the CMU dated 27.12.2017.

¹¹⁵ Resolution No. 1849 of the CMU dated 27.12.2006.

¹¹⁶ Order No. 682 of the MoH dated 16.07.2010.

¹¹⁷ LoU No. 2206-VIII of 14.11.2017.

¹¹⁸ Health Behaviour in School-Aged Children (HBSC).

167. The National AIDS Program for 2009–2013 was funded from the state and local budgets and from other sources. Implementation of the National Program for 2009–2013 had a positive effect on the quality and systematic raising awareness of HIV infection among young people. The incidence among young people aged 15–24 dropped from 35.4 per 100,000 population in 2009 to 27.9 per 100,000 in 2013. The rate of growth of new cases of HIV dropped (from 16.8% in 2006 to 3,6% in 2011).

168. In 2014, the National Targeted Social Program on HIV/AIDS Response for 2014–2018¹¹⁹ was approved.

169. The MoH approved documents¹²⁰ defining the procedure for medical supervision and treatment of HIV infection among children.

170. The Strategy for ensuring access of HIV high-risk groups to prevention services for 2014–2018¹²¹ was approved.

171. With the support of international non-governmental organizations and foundations, projects have been implemented at the state and regional level.

172. To improve the access of adolescents to services, the activities of the Youth-friendly clinic network¹²² were regulated. In 2018, 142 clinics (104 in 2011), successfully worked. In 2015, Youth-friendly clinics joined the UNICEF Global Alliance together with UNAIDS “All Together” to stop the HIV epidemic among adolescents.

173. An online platform “Knowledge Centre” was created (2014); TEENERGIZER information resource was created (2016); online programs were launched (2017); information is posted on regional websites of regional centres for social services for families, children and young people.

174. The prevalence of HIV infection remains a serious threat to health and life of children (Annex). The total number of adolescents in the risk group for HIV/AIDS, based on updated data for 2015, is estimated at 129,000 people aged 10 to 19.¹²³

175. HIV-infected children and children suffering from HIV-related illnesses are issued a monthly state benefit in the amount of ten non-taxable minimum incomes,¹²⁴ and the procedure for its payment is approved.¹²⁵

176. The child’s right to be prevented from the perinatal HIV infection was regulated.

4. Measures to protect children from the illicit use of narcotic drugs and psychotropic substances (Article 33)

177. In accordance with the LoU On Measures to Counteract Illicit Trafficking in Narcotic Drugs, Psychotropic Substances and Precursors, and Using Them,¹²⁶ a person voluntarily applied to a drug addiction treatment centre for the course of treatment is ensured, at his/her request, with anonymous treatment.

178. Periodic training of medical and law enforcement staff on issues of prevention of HIV/AIDS and other socially dangerous diseases, is conducted in Ukraine.

¹¹⁹ LoU No. 1708-VII dated 20.10.2014.

¹²⁰ Order No. 551 of the MoH dated 12.07.2010, Order No. 92 of the MoH dated 24.12.2015, Order No. 449 of the MOH dated 16.05.2016; Order No. 887 of the MoH dated 22.12.2015; Order No. 718 of the MoH dated 17.09.2012; Order No. 946 of the MoH dated 26.11.2012.

¹²¹ Order No. 6 of the State Service of Ukraine on Counteraction to HIV/AIDS and Other Socially Dangerous Diseases dated 22.01.2015.

¹²² Order No. 383 of the MoH dated 02.06.2009.

¹²³ National Report on Drug Situation in Ukraine. SE Ukrainian Monitoring and Medical Centre for Drugs and Alcohol of the MoH.

¹²⁴ Resolution No. 852 of the CMU dated 12.09.2012.

¹²⁵ Order No. 946 of the MoH dated 26.11.2012.

¹²⁶ LoU No. 62/95-VR dated 15.02.1995.

179. The basic national regulatory document aimed at adhering to the rights of addicts, is the State Policy Strategy for Drugs for the period up to 2020.¹²⁷

180. The morbidity for narcological disorders among children aged 0–17 dropped in 2011–2017. In 2011, the figure amounted to 74.9 per 100,000 children in the dispensary and prophylactic in the surveillance groups, then in 2017 it was 37.8 per 100,000 of the children population. The prevalence of drug-related disorders among children aged 0–17 in late 2017 in Ukraine was 45.6 per 100,000 children in both surveillance groups (Annex).

181. The rehabilitation of children who use drugs is provided at five centres for medical and social rehabilitation of children.¹²⁸ At the same time, the availability and lists of appropriate centres providing specialized and youth-friendly services for drug dependence treatment and harm reduction for children and young people are informed of deficiently.¹²⁹

182. The children’s right to protection against drug use in educational establishments is ensured through the obligation of pedagogical, scientific/pedagogical and scientific workers to protect children from violence, to prevent the use of narcotic drugs etc. During the annual mandatory preventive medical examinations it is recommended to conduct a survey of students, their parents (legal representatives) to identify the risk factors of alcohol and narcotic problems, to conduct annual awareness raising for parents on the prevention of use by children of alcohol and narcotics.¹³⁰

183. To minimize the negative effects on the child, the article “Specifics of Children’s Visiting Entertainment or Restaurant Establishments” was added to the Code of Ukraine on Administrative Offenses.¹³¹

5. Measures taken to ensure protection of children whose parents are detained and children who live with their mothers in prisons

184. According to the Law On Provision of Organizational and Legal Conditions for the Social Protection of Orphans and Children Deprived of Parental Care, the children left without parental care due to the imprisonment of parents in places of detention and their stay in detention at the time of the investigation, fall under the category of “children deprived of parental care” (para. 10, S.V).

185. Two colonies for adult female prisoners have children’s homes where 42 children aged under 3 were brought up as of the beginning of 2018. Mothers have the opportunity to see children twice a day for two hours. Those who breastfeed have the opportunity to be with their babies during breastfeeding hours.

186. In 2017, the total number of women with children under the age of 3 sentenced to imprisonment included 58 women who faced the risk of removing the child, according to the Centres for Social Services for Families, Children and Youth. Based on the results of the provided social services, 57 children remained with their mothers.

¹²⁷ Ordinance No. 735-r of the CMU dated 28.08.2013.

¹²⁸ Resolution No. 1072 of the CMU dated 06.09.1996.

¹²⁹ Report of the Commissioner for Human Rights on the State of Observance of Human Rights and Freedoms in Ukraine for 2016.

¹³⁰ Order No.382 of the MoH dated 23.05.2012.

¹³¹ LoU No. 243-VII dated 16.05.2013.

6. Social security, child care services and facilities (Article 26, para.3, Article 18)

The Strategy for Sustainable Development “Ukraine 2020” envisages strengthening of the role and responsibilities of territorial communities for the development of services for the social protection of children.¹³² The legislation envisages establishment of a children’s service as a separate legal entity in the structure of local executive bodies and executive bodies of local self-government¹³³

187. Village, settlement councils of the united territorial communities shall be entitled to form children’s services and committees on protection of children’s rights in their structure, as well as to independently carry out activities related to the protection of children’s rights.

188. In 2017, 633 centres of social services for families, children and youth and 93 social service institutions were in operation: 20 centres for social and psychological assistance; 17 social centres for mother and child; 27 social dormitories for orphans and children deprived of parental care; 18 centres for social and psychological rehabilitation of children and youth with functional limitations; six centres for HIV-infected children and youth; five centres for re-socialization of drug addicts.

189. In 2017, 236 united territorial communities (UTC) introduced 528 positions of social work specialists in order to provide social services for families with children, whereas 91 UTCs funds 143 positions of social work specialists from district centres for social services for families, children and young people; 17 UTCs created centres of social services for family, children and youth (101 employees, including 63 social work specialists); 28 communal establishments created in territorial communities have divisions (sectors), whose authority includes the implementation of social work (213 specialists).¹³⁴

190. To implement the NHRS for the period until 2020,¹³⁵ the Model Provision on the Centre for Social Support for Children and Families¹³⁶ was approved.

191. Institutions for social protection of children are in operation: shelters for children (provision of emergency care for homeless children) and centres for social and psychological rehabilitation (long-term social and psychological assistance and rehabilitation of children). Since 2012, the network of facilities for children has been gradually reorganized into social and psychological rehabilitation centres due to the decreasing number of homeless children and children in social protection institutions.

192. 751 institutions for institutional care and education are in operation, 38 of which are controlled by the MoH. They are children’s homes where children under 3 live. In late 2017, there were 2,644 children in them, of which 1,410 were orphans and abandoned children, and 1,234 – children who have parents (para. 6, S. V).

7. The standard of living (paras. 1–3, Article 27)

193. The Poverty Reduction Strategy¹³⁷ was approved in 2016. One of its tasks was to introduce a set of measures to support families with children and to provide social protection for vulnerable children in 2016. On the appointment of social assistance at the birth of a child (para. 5, S.V.)

194. In 2011–2015, the State Targeted Social Poverty Reduction and Prevention Program for the period until 2015¹³⁸ with a special focus on social support for families, children and

¹³² Decree No. 5/2015 of the President of Ukraine dated 12.01.2015; Ordinance No. 333-r of the CMU dated 01.04.2014; LoU No. 157-VIII dated 05.02.2015.

¹³³ LoU No.20/95-VR dated 24.01.1995.

¹³⁴ Social Report for 2017. MoSP, 2018.

¹³⁵ Ordinance No. 1393 of the CMU dated 23.11.2015.

¹³⁶ Resolution No. 834 of the CMU dated 16.11.2016.

¹³⁷ Ordinance No. 161-r of the CMU dated 16.03.2016.

¹³⁸ Resolution No. 1057 of the CMU dated 31.08.2011.

young people was implemented. During 2015–2016, the system of social protection of the population was reformed in Ukraine (para. 1, S. I).

195. The Law On Prevention of Corruption,¹³⁹ was approved in 2017. It defines legal and organizational foundations for the functioning of the corruption prevention system.

196. In 2011–2013, the crisis and stagnation in the economy did not have a significant impact on poverty indicators, but in 2014–2015 a new wave of the systemic crisis caused a sharp deterioration in living standards and the spread of poverty. As a result of the military conflict, a significant part of the population was forced to leave their permanent place of residence, lost their homes and livelihoods:

- In 2015, poverty indicators peaked: in 2014, 28.6% of the population was beyond the actual subsistence level,¹⁴⁰ whereas in 2015 the value went up to 58.3%. Under the UN poverty rate for international comparisons,¹⁴¹ the level of poverty more than doubled rising from 1.0% in 2014 to 2.2% in 2015. In 2015, every third child was beyond the relative poverty line vs. every fifth person¹⁴² in the retirement age group. According to the absolute criterion for incomes below the actual subsistence level, poverty rate among children reached 62.7%.

197. The poverty monitoring data indicates a general stabilization in the situation of poverty in 2016. Since 2017, there has been a significant reduction in absolute poverty, which contributed to a general improvement in the material situation of the population due to the double increase in the minimum wage. In 2017, the poverty rate for income below the actual subsistence level dropped to 34.9% from 51.1% in 2016. The decline in absolute poverty is also observed among households with children. The absolute poverty rate for income below the actual subsistence level dropped to 42.5% from 59.5% in 2016.

VII. Education, entertainment, cultural activity (articles 28, 29, 30, 31)

1. The right to education, including vocational training and guidance (Article 28)

198. The reporting period (except for 2014–2015) shows an increase in the share of education expenditures against total expenditures and the share of expenditures against gross domestic product. The drop of these indicators in 2014 and 2015 is due to the difficult political and economic situation in Ukraine.

199. The Law On Education stipulates provision by the state of the budget allocations for education in the amount of not less than 7% of Gross Domestic Product (in the previous law, at least 10% of National Income).¹⁴³

200. The reduction of the number of educational institutions and the number of children attending educational institutions are based on statistics. Due to deterioration of the demographic situation, changes in the economy and migration processes, the number of underfilled schools has increased, especially in rural areas, and the number of pupils in them has dropped. In such schools, many children receive individual tuition, or one teacher teaches several subjects, the facilities and resources of rural educational institutions are outdated. All

¹³⁹ LoU No. 1700-VII of 14.10.2014.

¹⁴⁰ The size of the actual subsistence level is calculated monthly by the Ministry of Social Policy based on actual prices for goods and services.

¹⁴¹ Equivalent costs below the United Nations poverty line for Central and Eastern Europe (hryvnia equivalent of \$ 5 US PPS, calculated by the World Bank).

¹⁴² State Report on the Situation of Children in Ukraine: Achievements, Problems, Prospects (Assessment of the implementation of the Law of Ukraine On the National Program, National Action Plan for the Implementation of the UNCRC for the period until 2016).

¹⁴³ LoU No. 2145-VIII dated 05.09.2017.

this has reduced the quality of educational services and led to an increase in the cost of maintaining secondary education institutions.

201. The legislative framework for introduction of inclusive education was adopted which allow inclusion of children with special needs into the general education space. Changes have been made to Procedure for Organization of Inclusive Education in General Educational Institutions¹⁴⁴ regarding the compulsory compilation of individual development programs for students with special educational needs. The Regulations on the Inclusive-Resource Centre¹⁴⁵ have been approved. Subventions¹⁴⁶ from the state budget to local budgets have been introduced to provide state support to pupils with special educational needs. Changes were made to the amount of additional payments for certain types of pedagogical activity¹⁴⁷ and the position of teacher assistant to work with pupils with special educational needs has been introduced:

- This allowed to increase the number of children enrolled in inclusive classes at their place of residence: in 2017–2018, 5,033 inclusive classes were organized in 2,620 institutions of general secondary education, where 7,179 children with special educational needs studied, in 2016–2017 – 4180 such children, in 2013–2014 academic year – 2,105 (Annexes).

202. The Action Plan for 2017–2019 for the phased creation of additional places in educational institutions for preschool children¹⁴⁸ that provides creation of 96,000 places by 2020 was approved in Ukraine. The highest share of the planned places will be created in rural areas. In 2017, over 27,000 additional places for children.

203. A solution to the problem of poor quality educational services in rural areas is the network of base schools, which should replace closed underfilled schools. In 2016, 137 base schools and 360 of their branches were founded. In 2018 there were 499 base education establishments and 966 branches. They included 510 classes with inclusive education, where 1,947 students with special educational needs studied. Children are transported to primary schools by school buses.

204. One of the areas of cooperation between the MoSP and UNICEF is awareness raising campaigns on protection of the rights of children with disabilities, focusing on their rehabilitation (abilitation), an inclusive approach to education through social advertising.¹⁴⁹

205. Amendments to the Law On Pre-school Education regarding pre-school establishment types, as well as the Sanitary Regulations for Preschool Educational Institutions¹⁵⁰ were approved. In 2015–2017, the number of pre-school education institutions of all forms of ownership, as well as the number of children in them gradually grew (Annex). In 2015, the number of children in pre-school establishments was 114 persons per 100 seats, in 2016 – 113 persons per 100 seats. The coverage of children with pre-school education in urban settlements is almost double that of rural areas (Annex).

206. In 2011–2017 the number of general secondary education institutions continued to drop due to the reform of the educational sector through optimizing the school network. In early 2017–2018, there were 16,180 institutions of general secondary education, which is significantly fewer than in 2011–2012 (Annexes). In 2017, this indicator was 98.4% of school-age children, including 98,0% in urban settlements and 99,0% in rural areas (Annexes).

207. Reforming of the vocational education started under the medium-term plan of the Government's priority actions for the period 2017–2020 and the draft conceptual framework for the reform of vocational education entitled Modern Professional Education. In 2017, vocational training in the dual form of training of 54 occupations started in 46 vocational

¹⁴⁴ Resolution No. 588 of the CMU dated 09.08.2017; Decree No. 872 of the CMU dated 15.08.2011.

¹⁴⁵ Resolution No. 545 of the CMU dated 12.07.2017.

¹⁴⁶ Resolution No. 88 of the CMU dated 14.02.2017.

¹⁴⁷ Resolution No. 1096 of the CMU dated 25.08.2004; Resolution No. 72 of the CMU dated 14.02.2018.

¹⁴⁸ Order No. 871-r of the CMU dated 06.12.2017.

¹⁴⁹ Draft Program Document On Cooperation Between the MoSP and UNICEF for 2018-2022.

¹⁵⁰ Order No. 234 of the MoH dated 24.03.2016.

education institutions. In late 2017 there were 756 vocational education establishments (in 2011 – 976 institutions), where 269,359 people studied (in 2011 – 409,423) (Annexes).

2. Ensuring quality education (Article 29)

According to Article 1 of the Law On Education, the quality of education is defined as the compliance of the results of training with the requirements established by law¹⁵¹

208. The Concept for the implementation of state policy on reforming general secondary education New Ukrainian School for the period up to 2029¹⁵² was approved. In 2017, a new Law On Education was approved.

209. The objective of preschool education is to ensure the holistic development of the child, his/her physical, intellectual and creative abilities through upbringing, training, socialization and shaping of the necessary life skills. The objective of general secondary education is a comprehensive development, upbringing and socialization of the individual who is capable of living in a society and interacting with the environment in a civilized way, who has a desire for self-improvement and life-long learning, ready for a conscious life choice and self-realization, responsibility, work activity and civic activity.¹⁵³

210. The issues of the development of out-of-school establishments are determined by the Gifted Children Program and local programs for development of talents and capabilities of the child.¹⁵⁴

3. Cultural rights of children belonging to indigenous and minority groups (Article 30)

211. The Law On National Minorities¹⁵⁵ guarantees the use of and training in the native language or the study of the native language in public educational institutions or through national cultural societies, as well as development of national cultural traditions, use of national symbols, celebration of national holidays, practice of their religion, meeting the needs for literature, art, etc..

212. The state ensures the right of the child to choose a school and study in his/her native language or to study the mother tongue at state and municipal educational institutions.¹⁵⁶ National minorities, as well as indigenous peoples of Ukraine, are guaranteed the right to study in their mother tongue, in addition to the state language, only in communal educational institutions.

213. A network of secondary education institutions provide teaching in or studying the languages of national minorities, in particular Romanian, Polish, Crimean Tatar, Slovak, Hungarian and Moldovan. In 2011–2017, the number of pre-school establishments with teaching only in Ukrainian (from institutions in 2011 to 14,027 institutions in 2017) and only in Romanian (from 56 institutions in 2011 to 61 establishments in 2017) went up, whereas the number of establishments teaching only in Russian dropped (from 1,026 institutions in 2011 to 264 institutions in 2017) (Annexes):

- In pre-school establishments, the number of children who received care only in Ukrainian (from 1,162,760 children in 2011 to 1,241,677 children in 2017) went up, and the number of children who received care exclusively in Russian dropped (from 182,241 children to 51,018 children) (Annexes).

214. Before the temporary occupation by the Russian Federation, in the 2013–2014 academic year, there were secondary education institutions that taught in the Crimean Tatar,

¹⁵¹ LoU No. 2145-VIII dated 05.09.2017.

¹⁵² Ordinance No. 988-r of the CMU dated 14.12.2016.

¹⁵³ LoU No. 2145-VIII dated 05.09.2017.

¹⁵⁴ LoU No. 1841-III dated 22.06.2000 (with amendments No. 2145-VIII dated 05.09.2017).

¹⁵⁵ LoU No. 2494-XII dated 25.06.1992.

¹⁵⁶ LoU No. 2402-III dated 26.04.2001.

Ukrainian, and Russian languages in Crimea. From the 2014–2015 academic year on, the secondary education institutions located on the territory of the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol have been aligned with the Russian educational standards that differ significantly from Ukrainian. The MoES sent a letter to the occupation administration of the Russian Federation concerning the ensuring of the right of representatives of the Crimean Tatar people to acquire secondary education in their native language or to study this language.

215. The importance of education is explained to persons of the Roma national minority in the secondary education institutions. They are also individually briefed to clarify the legal framework on education in the Roma national language. The appropriate advocacy is carried out through mass media, social, pedagogical and psychological support of children. In many oblasts, programs of psychological and pedagogical support for the adaptation of Roma students to school education, implemented by school psychologists, have been developed. In accordance with the existing curricula, textbooks were created for the oral course of the Roma language for first graders and the Primer for second graders. At the oblast level, methodological manuals, teaching materials to be used during the educational process in secondary education institutions, where children of Roma nationality study, are developed. Methodological aids for primary school teachers working with children of the Roma minority in Transcarpathian oblast were prepared. An electronic version of methodological recommendations, manuals, workbooks in Hungarian and Ukrainian for elementary school students, textbook notes for teachers of schools, where the majority of Roma children learns have been created.

4. Human rights education and civic education

216. The MoES implements measures for the education of children in the field of human rights and civic education. The educational and methodological seminars and trainings with the involvement of scientists and practitioners in the field of human rights have been held since 2013 for methodologists of the Institute of Post-Graduate Pedagogical Education and teachers of secondary education institutions in cooperation with the OSCE Project Co-ordinator in Ukraine.

217. In 2014, the practice of communication hours with children was introduced. Methodical recommendations on the interaction of pedagogical staff in educational institutions and interaction with other bodies and services on the protection of children's rights¹⁵⁷ have been developed. In 2017, the educational component of human rights education was included in the curricula of secondary education institutions in accordance with the OSCE recommendations on the implementation of a human rights-based approach.¹⁵⁸ A number of projects on civic education are being implemented at educational institutions: the All-Ukrainian education democratic citizenship program Democratic School; the Swiss-Ukrainian project Development of Civic Competences in Ukraine – DOCCU.

218. The NPU conducts awareness raising campaigns for children about their rights, which is envisaged by the LoU On National Police and regulations of the MIA.

5. Rest, participation in games, leisure, entertainment, cultural and creative activities (Article 31)

219. The infrastructure of institutions whose activity is aimed at creating conditions for the cultural and creative development is represented by state, municipal and private enterprises,

¹⁵⁷ Methodical recommendations for teachers. Annex to Letter No.1/9-557 of the MoES dated 28.10.2014.

¹⁵⁸ Methodological handbook "Human Rights School Calendar". Approved for use in general educational institutions in accordance with the conclusion of the Law Commission of the Scientific and Methodological Council for Education of the MoES (Minutes No. 1 dated 21.07.2016, Letter No. 2.1/12 - G-599 of the Institute for the Modernization of the Content of Education of the MoES dated 01.08.2016).

institutions, organizations and cultural institutions. According to the Law On Culture, children of preschool age, students have the right to attend state and communal institutions of culture, out-of-school educational establishments in the field of culture on preferential terms.

220. Libraries and club-type establishments are the most common among the institutions of culture. In the late 2017, a network of 16,800 libraries functioned in Ukraine (3,400 in urban settlements, 13,400 in rural areas), while in 2011 – there were 19,300 libraries (respectively 4,600 and 14,700) (Annexes).

221. The source of development of children’s spiritual values is museums and theatres. In 2017, there were 574 museums and 113 theatres (7 children and 25 puppet theatres (including shadow theatres) (Annexes).

222. In 2011–2017, the number of concerts for children dropped from 6,557 to 3,953, and accordingly, the children’s audience at concerts dropped from 949,400 to 559,000 persons (Annexes).

223. The children’s musical schools, children’s painting schools, children’s art schools, children’s choreographic schools, children’s choral singing etc. of the Ministry of Culture system are part of the extracurricular education.

224. Centres, palaces, houses, clubs, studios, sports schools, etc. are part of the extracurricular education. Children from large families, children from low-income families, children with disabilities, orphans and children deprived of parental care receive extracurricular education free of charge¹⁵⁹ (Annexes).

225. Ukraine has children’s and youth sports schools. In late 2017, there were 1,281 children’s/youth sports schools and specialized children’s and youth schools of the Olympic reserve whose number dropped in recent years (Annexes).

226. The rest and rehabilitation of children is ensured by the system of the children’s health and recreation institutions, which in 2017 consisted of 9,745 institutions (in 2011 – 17,703), of which only 299 institutions (in 2011 – 541) had the status of health improvement institutions. There is a separate network of health resort type facilities, which in 2017 included 36 establishments and significantly shrank in comparison with previous years (in 2011 – 41 institutions). A significant reduction of the network of children’s health improvement and rest facilities, and resort type facilities in particular, is due to the temporary occupation of the Crimea, the city of Sevastopol, and separate areas of Donetsk and Luhansk oblasts.

227. The health care system includes children’s health resort facilities of communal and state ownership (in 2017 – 96 institutions, of which 14 are subordinated to the MoH). Since 2014, there are 22 specialized health resorts left in the temporarily occupied territory of the AR Crimea and the city of Sevastopol, which are not funded.

VIII. Vulnerable groups of children for whom special measures have been taken to protect their rights

1. Refugee children, asylum seeking children, unaccompanied children, internally displaced children, migrants’ children (Article 22)

228. The Law on Refugees and Persons Who Need Additional or Temporary Protection¹⁶⁰ came into force. The law regulates the provision of protection to persons (including children) who need protection. The terms defining such categories of children as “a child separated from the family”, “a child in need of additional protection”, “children in need of temporary protection” have been regulated.¹⁶¹ It regulates the access of a child separated from a family

¹⁵⁹ LoU No. 1841-III dated 22.06.2000.

¹⁶⁰ LoU No. 3671-VI dated 08.07.2011.

¹⁶¹ LoU No. 5290-VI dated 18.09.2012.

who is not a citizen of Ukraine to the procedure for recognition as a refugee or additional protection, as well as to take measures for the temporary placement of such a child in the appropriate children's institution or a family and to search for parents or other legal representatives.

229. The parents, family members or other legal representatives of children separated from the family who are not Ukrainian citizens, refugee children or children in need of additional protection are searched for according to the Methodological Recommendations (2013).

230. The mechanisms of interactions between the executive bodies on work with children separated from a family who are not citizens of Ukraine and applied for an asylum status or additional protection, including in the process of their temporary placement in child care institutions, have been regulated.¹⁶² Such an interaction has been taking place pursuant to Procedure for Interaction between State and Local Executive Bodies in identifying children separated from a family who are not citizens of Ukraine.¹⁶³

231. The procedure and methodology for assessing the age of children, including refugee children and asylum-seekers, have been introduced, and the procedure for identifying the age of children separated from the non-Ukrainian family has been approved.¹⁶⁴ In determining age, doubts are resolved to the benefit of a child separated from the family.

232. The procedure for granting a child separated from the family the status of a child deprived of parental care enabling children to use the full range of state services provided for such children has been regulated.¹⁶⁵ However, there is no provision for the possibility of obtaining the status of a child deprived of parental care, unaccompanied children who do not have refugee status or a person in need of additional protection, that is, asylum seekers cannot receive such a status.

233. A child separated from a family can be temporarily placed in the family of Ukrainian citizens, or in a child care institution (other than orphanage or secondary residential care school for orphans and children deprived of parental care). A child who has relatives or other persons with whom he/she has close relationship (neighbours, acquaintances) can stay in their family pending a decision on his/her further placement. Children of foreigners and stateless persons, children separated from a family shall not be subject to temporary placement at facilities for foreigners and stateless persons.¹⁶⁶

234. During an interview a person who has no command of Ukrainian or Russian languages shall be provided by the SMS with an interpreter from the language the claimant can speak.¹⁶⁷ The SMS maintains an Information and Inquiry Register of interpreters.¹⁶⁸

235. Foreigners and stateless persons, persons recognized as refugees or persons who need additional protection, can receive legal assistance (provision of legal information, advice on clarifying legal issues related to the filing of applications, claims and other legal documents) and secondary legal assistance that envisages protection from prosecution, representation of interests through specially created centres for the provision of secondary legal assistance.¹⁶⁹

236. The SMS collects the statistics for foreigners and stateless persons who filed a claim for refugee or a person who needs additional protection and those who received such protection (including person under 18)¹⁷⁰.

¹⁶² Order No. 604/417/793/499/518 of the MIA, MoSP, MoES, MoYS, MoH, Administration of the State Border Guard Service of Ukraine dated 07.07.2012.

¹⁶³ Resolution No. 832 of the CMU dated 16.11.2016.

¹⁶⁴ Order No. 903/1464/711 of the MoH, MoSP, MoES dated 23.10.2013.

¹⁶⁵ Resolution No. 832 of the CMU dated 16.11.2016.

¹⁶⁶ Order No. 141 of the MIA dated 29.02.2016.

¹⁶⁷ The LoU No. 3671-VI dated 08.07.2011.

¹⁶⁸ Order No. 228 of the MIA s dated 11.03.2013.

¹⁶⁹ LoU No. 3460-VI dated 02.06.2011.

¹⁷⁰ Order No.22 of the SMS dated 08.02.2016.

237. All categories of foreigners and stateless persons who reside/stay in the territory of Ukraine can register childbirth at the appropriate state body of registration of civil state by submitting the relevant paperwork.¹⁷¹

238. As of July 1, 2018, 2,331 persons who received refugee status and 739 persons who received additional protection including 657 children with the family under the age of 14 were registered at the territorial offices of the SMS (Annexes).

239. Refugee children can receive education in the form of individual tuition in accordance with the Regulations on Individual Tuition in General Education Institutions.

240. The SMS, in cooperation with the Office of the UNHCR in Ukraine, conducted trainings for the workers of the territorial units of the migration service, who receive and review applications by foreigners and stateless persons.

241. The aggression of the Russian Federation that resulted in the occupation of some areas of Ukraine in Donetsk and Luhansk oblasts, the AR Crimea, and the city of Sevastopol in 2014 provoked circumstances that made citizens (and stateless persons) leave or change their place of residence. These individuals are socially vulnerable and classified as Internally Displaced Persons.¹⁷² The MoSP monitors the registration on IDPs, takes steps to establish and maintain a Single Information Database on IDPs.¹⁷³ In early 2018, there were 1,492,100 internally displaced persons of which over 230,000 were children.

242. The rights and freedoms of children IDPs are protected by local state administrations.¹⁷⁴ The MoSP introduced monitoring of social protection of orphans and children deprived of parental care and other categories of children displaced from areas of the Antiterrorist Operations. In early 2018, 1,326 orphans and children deprived of parental care who moved from the temporarily occupied areas of Donetsk and Luhansk oblasts to other regions of Ukraine, as well as over 600 children displaced without accompaniment of parents were recorded with the children's services.

243. The internally displaced families receive monthly targeted assistance to cover their living expenses, including housing and communal services.¹⁷⁵ In 2017–2018, a legal framework was adopted to increase the amount of cash benefits, in particular, with regard to the internally displaced children with disabilities¹⁷⁶ as well as children and persons who receive pensions,¹⁷⁷ the threshold of the total amount of cash benefit paid to the family was raised.¹⁷⁸

244. The local executive bodies and local governments along with the children's services ensure that the social services conduct assessments of the needs of internally displaced children, provide a set of services (educational, medical, social, rehabilitation, etc.) taking into account the child's specific needs (para. 2, S.VIII).

245. The legislation was adopted to regulate a number of issues concerning the rights of internally displaced children:

- Ensuring protection of residential rights of orphans, children deprived of parental care and Internally Displaced Persons;¹⁷⁹
- The mechanism of organization of social protection of abandoned children, orphans and children deprived of parental care, displaced from the temporarily occupied areas of Ukraine and territorial-administrative units of Ukraine where the Antiterrorist Operations are carried out;¹⁸⁰

¹⁷¹ FCU; LoU No. 2398-VI dated 01.07.2010; Order No. 52/5 of the MoJ dated 18.10.2000.

¹⁷² LoU No.1706-VII dated 20.10.2014.

¹⁷³ Resolution No. 509 of the CMU dated 01.10.2014.

¹⁷⁴ LoU No. 1706-VII dated 20.10.2014.

¹⁷⁵ Resolution No. 505 of the CMU dated 01.10.2014.

¹⁷⁶ Resolution No. 453 of the CMU dated 04.07.2017; Resolution № 689 of the CMU dated 13.09.2017.

¹⁷⁷ Resolution No. 15 of the CMU dated 17.01.2018.

¹⁷⁸ Ibid.

¹⁷⁹ LoU No. 2279-VIII dated 08.02.2018.

¹⁸⁰ Resolution No. 624 of the CMU dated 22.10.2014.

- A mechanism to support foster families, family-type orphanages displaced from the temporarily occupied areas of Ukraine or the area of the Antiterrorist Operations, and payment to them of state social assistance;¹⁸¹
- The procedure for assignment and payment the state benefit for children under care was simplified;¹⁸²
- The rights of families with orphan children and abandoned children were secured to receive a subsidy;¹⁸³
- Amendments were made to the Procedure for registering and issuing a certificate of registration of a person who was displaced from the temporarily occupied territory of Ukraine, the area of Antiterrorist Operations or a settlement located along the line of contact;¹⁸⁴
- For certain categories of internally displaced children, the mechanism for applying for a monthly targeted benefit to cover the cost of living, including housing and communal services, was regulated.¹⁸⁵

246. The Strategy for integration of IDPs and introduction of long-term solutions concerning internal displacement until 2020.¹⁸⁶ The internally displaced children have a priority right to be admitted to local pre-school and general secondary education institutions and to referral for rehabilitation.

247. A number of programs aimed at improving the skills of social workers and institutions that work directly with displaced families and individuals, were implemented with the support of international and community organizations. Over 1,000 social workers received appropriate training, which helped over 35,000 families with children receive psychological assistance.

248. The MoES together with scientific institutions and public organizations developed educational and methodological aids for social teachers, practical psychologists, pedagogical workers, students of higher educational institutions of pedagogical profile, specialists of public organizations and broad public.

2. Children in armed conflicts, including children who need physical and psychological rehabilitation and social reintegration (Article 38, 39)

249. In 2014–2018, significant changes were made to the national legislation regarding the participation of children in armed conflicts.¹⁸⁷ The article Protection of Children in the Zone of War and Armed Conflict and Children Victims of War and Armed Conflict was added.

250. In 2008, Ukraine reported to the UN Committee on the Rights of the Child on the implementation of Article 8 of the Optional Protocol to the UNCRC on the Involvement of Children in Armed Conflict. Below is provided information on the implementation of the Optional Protocol Children in Armed Conflict (Annex).

251. Paragraphs 7 and 8 of the Optional Protocol on involvement of children in Armed Conflicts (hereinafter referred to as OP) on direct application of articles in the national law:

- OP Article 1 is ensured by Articles 1 and 30 of the LoU on Protection of Childhood;
- OP Article 2 is ensured by Articles 30 of the LoU on Protection of Childhood and Article 15 of the LoU On Military Duty and Military Service;

¹⁸¹ Resolution No. 356 of the CMU dated 04.06.2015.

¹⁸² Resolution No. 688 of the CMU dated 08.09.2015.

¹⁸³ Resolution No. 752 of the CMU dated 23.09.2015.

¹⁸⁴ Resolution No. 352 of the CMU dated 08.06.2016.

¹⁸⁵ Resolution No. 1014 of the CMU dated 09.12.2015.

¹⁸⁶ Decree No. 909-r of the CMU dated 15.11.2017.

¹⁸⁷ LoU No. 936-VIII dated 26.01.2016.

- OP Article 3 is ensured by Article 65 of the Constitution of Ukraine and Articles 15, 20 of the LoU On Military Duty and Military Service;
- OP Article 4 is ensured by Articles 30 and 31 of the Law of Ukraine on Protection of Childhood and Article 149 of the CCU.

252. In general, the Ukrainian legislation is in line with the OP provisions. However, the CCU has no clear definition of the term “engaging children in the armed forces or groups” or does not determine the criminal responsibility for the recruitment, engagement and other forms of using children in the armed forces or armed groups.

253. Paragraph 10 of the Optional Protocol on efforts to disclose the content of the OP Memorandum of Understanding between the MoD and the Delegation of the Danish Refugee Council in Ukraine. The MoD developed a series of educational and informational materials on the risks associated with mines and explosive remnants of war and the rules of conduct in the territory contaminated by them in order to minimize risks.

254. Paragraph 12 of the Optional Protocol on training of experts In Donetsk, Dnipropetrovsk, Zaporizhia, Luhansk and Kharkiv oblasts, trainings were carried out for employees of educational establishments, practical psychologists, social teachers, teachers of institutes of postgraduate teachers education on crisis counselling and development of psychosocial resistance to stress in children.

255. In 2015, the Centre for Psychosocial Support of the Psychological Service of the Education System in the Slavyansk city of Donetsk region, which provides coordination and methodological support to the work of psychologists and social teachers was established. The mobile psychological brigades who provide support to children, are created and supported in the region.

256. In accordance with the report and recommendations of the WHO Assessment Mission on the Rehabilitation System in Ukraine (2016), the MoH introduced new rehabilitation professions – “physician of physical and rehabilitative medicine”, “physical therapist and ergotherapist”;¹⁸⁸ qualification criteria of the new specializations were approved;¹⁸⁹ appropriate changes were made to the branches of education and the titles of educational specializations.¹⁹⁰

257. In 2017, the MoH, the Section and the Council of Physical and Rehabilitation Medicine of the European Union of Medical Experts signed a Memorandum of Cooperation. The agreements were signed on cooperation with public organizations.

258. Paragraph 14 of the Optional Protocol on data collection of children asylum seekers and refugee children, the statistical data on foreigners and stateless persons who applied for a refugee status recognition or additional protection and those who received such protection (including persons under 18 years old) are collected by the SMS.¹⁹¹

259. Paragraph 16 of the Optional Protocol on military schools. There are general secondary educational institutions with a military-professional orientation of training and pre-professional training (2-military lyceums, 16 – lyceums with advanced military-physical training)¹⁹², whose activities are regulated by the Regulations on Military Lyceum.¹⁹³ The lyceum graduates receive a certificate of complete secondary education and a referral to study at higher education institutions of a single system of military education.

260. Paragraph 18 of the Optional Protocol, the lessons of peace, lectures, conversations, clubs of international friendship, clubs of peace are widely used in school practice.

261. Paragraph 20 of the Optional Protocol, the Representative of the Commissioner for the Rights of the Child has pursued a consistent policy of criminalization of responsibility

¹⁸⁸ Decree No. 1328 of MEDT dated 10.08.2016.

¹⁸⁹ Order No. 1171 of MoH dated 07.11.2016.

¹⁹⁰ Resolution No. 53 of the CMU dated 01.02.2017.

¹⁹¹ Order No.22 of the SMS dated 08.02.2016.

¹⁹² According to the MoD.

¹⁹³ Resolution No. 53 of the CMU dated 17.07.2003.

for recruiting and involving children in military actions.¹⁹⁴ The relevant draft is being developed.

262. Paragraph 22 of the Optional Protocol, In accordance with the European Union Association Agreement, Ukraine is obliged to ratify the Rome Statute: the relevant amendments were made to the Constitution in 2016. According to the legislative initiative of the President of Ukraine, Ukraine will be able to ratify the Statute in 2019.

263. Paragraph 24 of the Optional Protocol, during the period of the Antiterrorist Operations, a number of issues concerning the rights of internally displaced children were legally regulated. The adoption in 2011 of the LoU On Refugees and Persons in Need of Additional or Temporary Protection was one of the important steps to improve the whole system of protection of the children¹⁹⁵ (para. 1, S. VIII).

264. Paragraph 26, of the Optional Protocol according to the data of the UN Registry on Export and Import of Ukrainian Weapons in 2017¹⁹⁶ there were no countries which have embargo on the supply of weapons among the importing countries.

265. Regarding the direct involvement of children in military actions, there is no official information on such cases.

266. According to the OSCE Monitoring Mission in Ukraine,¹⁹⁷ in June 2016, children aged about 15 continued to participate in military action as part of the Russian separatist forces in the East of Ukraine.

267. In 2015, according to the prosecutor's office of the Donetsk region, a case of eight adolescents was tried who entered in the military ranks of the so-called Donetsk People's Republic, whereas seven teenagers were convicted in early 2016. Five juveniles who voluntarily left the Donetsk People's Republic and surrendered to the Ukrainian law-enforcement officers, were released from criminal responsibility, two adolescents were sentenced to imprisonment with probationary terms.¹⁹⁸

268. Ukraine is not responsible for the illegal actions of the Russian Federation or its occupation administration in the temporarily occupied territories in the Donetsk and Luhansk oblasts, AR Crimea, and the city of Sevastopol, or illegal decisions made by them.¹⁹⁹

3. Children who were subjects of

(a) Economic exploitation, including child labour (Article 32)

269. The legal basis for the prohibition of children's economic exploitation, including child labour, is described in the previous report.

270. In 2016, the regional state labour inspectorates concluded 71 agreements on cooperation about information exchange with the state employment centres. The results of the inspections of the State Service of Ukraine for Labour indicate a small number of enterprises (about 3%) with detected violations of the legislation on labour of minors.

271. In 2015, Ukraine joined the GDSG 2030 which envisages: to significantly reduce the proportion of young people who are involved neither in employment nor in training.

¹⁹⁴ Aksana Filipishina: Actions on Involving Children in Armed Conflicts should be Criminalized, <http://www.ombudsman.gov.ua/ua/all-news/pr/15615-jc-aksana-filipishina-diii-schodo-zaluchennya-ditej-do-zbrojnix-konflikti/>.

¹⁹⁵ LoU No. 3671-VI dated 08.07.2011.

¹⁹⁶ Data from the UN Register on Export and Import of Ukrainian Weapons in 2017 file:///C:/Documents%20and%20Settings/komarova/Робочий%20стол/нац_доповідь/додатково/Дані%20реєстру%20ООН%20про%20експорт%20та%20імпорт%20української%20зброї%20в%202017%20році%20_%20Новини%20_%20Finance.ua.html.

¹⁹⁷ Materials from OSCE Monitoring Mission in Ukraine.

¹⁹⁸ For the last two years, 15 teenagers have been sentenced to jail for the cooperation with the DNR [E-resource]. – Access mode: <http://ua.korrespondent.net/ukraine/3686871-za-spivpratsui-z-dnr-za-dva-roky-zasudzeni-15-pidlitkiv>.

¹⁹⁹ LoU No. 2268-VIII dated 18.01.2018.

(b) Use of children in illegal manufacture and sale of drugs (Article 33)

The involvement of young children and minors in drug trade, through different means, including posting offers to buy drugs on the walls of various urban facilities.

272. The Ukraine's law does not regulate the mechanism of blocking or restricting access to Internet resources through which criminal offenses are committed or where prohibited content is located.

273. In 2016, 99,307 persons who made criminal offenses in circulation of controlled substances were found, out of which: persons under 14 – 218, aged 14–15 – 1127, aged 16–17 – 2873.

274. In 2017, a Memorandum of Understanding was signed between the MoSP and the Office of the United Nations on Drugs and Crime.

(c) Sexual exploitation and sexual abuse (Article 34)

275. Ukraine ratified the Convention of the CoE on Protection Children against Sexual Exploitation and Sexual Abuse, which entered into force in 2012.²⁰⁰ In 2018, the LoU On Amendments to the Criminal Code of Ukraine on the Protection of Children from Sexual Abuse and Sexual Exploitation was adopted.²⁰¹

276. In 2017, an international conference Ukrainian Activities Against Sexual Exploitation of Children and Their Sexual Abuse organized by the CoE took place.

277. In late 2017, the NPU reported over 4,300 criminal proceedings for allegations of sexual abuse against children. In 2017, there were 179 criminal offenses for juvenile delinquency, 79 – for rape, 111 – for forcible sexual indulgence in an unnatural way, and 37 – for sexual intercourse with a person who has not reached sexual maturity (Annexes).

(d) Sale, trafficking and abduction of children (Article 35)

The MoJ was determined as a central body that performs the functions under the Convention on the Civil Aspects of International Child Abduction.

278. With regard to the kidnapping of children, the Convention is currently being applied in relations between Ukraine and 76 State parties.

279. To clarify the issues of application by courts during the consideration of civil cases concerning the kidnapping of children, the High Specialized Court for the Examination of Civil and Criminal Matters in 2014 adopted a corresponding resolution.²⁰² In 2017, the High Specialized Court for the Examination of Civil and Criminal Cases summarized the practice of using courts when considering civil cases of the Convention on the Civil Aspects of International Child Abduction.

280. The functions and mechanism of interaction of the authorities involved in the implementation of the Convention are determined by the Procedure for the implementation in the territory of Ukraine of the Convention on Civil Aspects of International Child Abduction.²⁰³

281. In 2011–2017, the MoJ processed 401 applications, of which 219 applications were received by the MoJ from foreign Central Authorities, including 188 applications for assistance in returning a child from Ukraine to a foreign state, 31 applications for ensuring the application of access rights to a child living in Ukraine; 182 applications were sent to foreign Central Authorities, of which 159 were applications for the return of a child from a

²⁰⁰ LoU No. 4988-VI dated 20.06.2012.

²⁰¹ LoU No. 2334-VIII dated 14.03.2018.

²⁰² Resolution of the Plenum of the High Specialized Court № 8 On Generalization of Judicial Practice in the Consideration of Cases Involving the Convention on Civil Aspects of International Child Abduction of 25.10.1980 (The Hague Convention) dated 17.10.2014.

²⁰³ Resolution of the CMU № 952 dated 10.07.2006.

foreign state to Ukraine, 23 applications for the exercise of the right of access to a child living abroad.

282. In 2011, the Law On Combating Human Trafficking was approved.²⁰⁴ The State Social Counter-Trafficking Program for the period up to 2015 was approved and launched.²⁰⁵ In 2016, the State Social Counter-Trafficking Program for the period up to 2020 was approved.²⁰⁶

- Under the Plan of Action of the MoES regarding Counteraction to Human trafficking for the period by 2020, the educational establishments implement the program of public information and awareness campaigns on prevention of trafficking.²⁰⁷

283. The MoSP Policy with the support of the Representative Office of the IOM, conducted a cycle of educational trainings for the managers of institutions of the social protection of children.

284. The MIA along with the NPU organized the review of the status of pre-trial investigation in criminal proceedings related to human trafficking. In 2017, 46 criminal proceedings were heard:

- The Main investigation Department introduced a practice of specialization of investigation officers for a pre-trial investigation in criminal proceedings for crimes related to human trafficking.

285. The Department of combatting crimes related to human trafficking, the NPU along with the Main Investigation Department, Administration of the State Borderguard Service and representatives of the higher education institutions of the MIA developed guidelines on specifics of detecting, documenting and investigating crimes related to human trafficking. In 2017, with the help of the Representative Office of the IOM in Ukraine, the guidance was provided to the territorial subdivisions of the police to be used in their work.

286. The MoSP in cooperation of the OSCE Project Coordinator in Ukraine implemented several thematic projects (Annexes).

287. The National Hot Line for Migration and Human Trafficking is in place under the support of the IOM in Ukraine. The National hotline for prevention of domestic violence, human trafficking and gender discrimination is created and operating based on the public organization La Strada-Ukraine.

288. In 2012–2017, 50 children were given the status of a trafficked person. Ukraine, Republic of Poland, the Russian Federation, Spain are the main countries of destination in cases of trafficking of children.

289. In 2018, a draft law was submitted to the Government for review, which proposes to resolve issues concerning:

- Specifics of review by the courts of cases of return of the child in accordance with the Convention on Civil Aspects of International Child Abduction, by introducing the appropriate additions to the CPCU;
- Establishing criminal liability for the illegal export or retention of a child who has a permanent residence in Ukraine and has not attained the age of 16;
- Improvement of the procedure for enforcement of court decisions on the return of a child to the State of their permanent residence.

²⁰⁴ LoU No. 3748-VI dated 20.09.2011.

²⁰⁵ Resolution No. 350 of the CMU dated 21.03.2012.

²⁰⁶ Resolution No. 111 of the CMU dated 24.02.2016.

²⁰⁷ Ibid.

4. Children living or working on the street

290. The Decree of the President of Ukraine approved the National Strategy for Prevention of Social Orphanhood for the period until 2020.²⁰⁸

291. The focus of the state policy of child protection on the development of services to support families with children helped substantially decrease the number of homeless children, which indicates that it is unreasonable to increase the number of such institutions.

292. The number of children removed from the street as a result of prevention measures where traditional places of street children gathering has dropped. Compared to 2010, the number of children identified during such activities dropped by 49% (19,636 children) (paras. 1, 2, S. V).

293. Children removed from the street or from the family during the preventive raids (in case of family-related threats to the health and life of children) are sent to social protection institutions²⁰⁹ (para. 6, S. VI).

5. Children in conflict with the law, including in terms of

(a) Juvenile Justice (Article 40)

294. In 2011, the Concept for the Development of Criminal Justice for Minors in Ukraine²¹⁰ and the Action Plan for its implementation were approved.²¹¹ An Interdepartmental Coordination Council on Juvenile Justice – an advisory body of the CMU – was established in Ukraine.²¹² The Interdepartmental Council developed a draft National Strategy for Reform of Juvenile Justice System for the period up to 2022.

295. In 2015, the LoU On Probation was approved.²¹³ In 2018, a single State Institution Probation Centre with the authorized bodies on probation issues subordinated to it was established.

296. The MoJ developed programs for minors, training programs on protection of the rights of children in the criminal proceedings for lawyers were held, the Coordination Centre for Legal Assistance is in operation, pilot restoration projects for minors.

297. In 2018, a multilateral Memorandum of Understanding was signed by the MoJ, the Legal Assistance Coordination Centre, the UNICEF Office in Ukraine and the USAID New Justice Program.²¹⁴

298. A specialization of judges for juvenile criminal proceedings was introduced in local general courts and appellate courts.²¹⁵ The draft LoU On Justice for Children is under development.

(b) Deprivation of liberty, including any form of arrest, detention or imprisonment (paras. (a), (b) and (e) Article 37)

299. Persons who have reached the age of 16 before committing a crime are subject to criminal responsibility,²¹⁶ for certain crimes – from the age of 14.²¹⁷

300. The elimination of eight social rehabilitation schools was regulated.²¹⁸ Children staying at social rehabilitation schools may be released on parole based on a court order or

²⁰⁸ Decree of the President of Ukraine № 609/2012 dated 22.10.2012.

²⁰⁹ LoU No. 2623-IV dated 02.06.2005.

²¹⁰ Decree of the President of Ukraine No. 597 dated 24.05.2011.

²¹¹ Resolution No. 1039 of the CMU dated 12.10.2011.

²¹² Decree No. 357 of the CMU dated 24.05.2017.

²¹³ LoU No. 160-VIII dated 05.02.2015.

²¹⁴ According to the MoJ.

²¹⁵ LoU No. 1402 dated 02.06.2016.

²¹⁶ Article 22 of CCU.

²¹⁷ Resolution No. 734 of the CMU dated 08.08.2012.

²¹⁸ Resolution № 751 of the CMU dated 26.10.2016, No. 847 dated 21.11.2013.

sent to social and psychological rehabilitation centres or social rehabilitation centres (children's towns).

301. Social assistance is provided to minors and juveniles, sentenced to non-prison sentences, by employees of social service centres for families, children and youth in preparing for release, as well as after the release.

302. The MoJ implements the technique for assessing the risk and needs of minors in juvenile correctional facilities.

303. In 2017, 206 persons out of which 12 girls, were in the five juvenile correctional facilities and the juvenile sector. 146 persons (including 7 girls) were in three juvenile correctional facilities.

304. In recent years, the number of juveniles who have committed crimes has dropped, the child's gradual withdrawal from the criminal justice system has taken place, and the share of non-prison sentences has gone up.

(c) Sentencing minors, in particular the prohibition of the death penalty and life imprisonment, the implementation of alternative sanctions based on correction activities (Article 37 (a))

305. The detention and arrest of minors are used as an exceptional measure.²¹⁹ His/her parents or persons replacing them should be immediately informed of the detention and taking into custody of a minor.²²⁰

306. As part of the reform of the criminal juvenile justice system juvenile probation sectors operate in 13 cities of Ukraine. To ensure the measures of individual influence and their compliance with the needs of juvenile probation subjects, a methodology for assessing the risk of repeated criminal offenses by persons who committed criminal offenses at the age of 14–18 was developed.

307. In 2017, 3,370 persons who committed criminal offenses at the age between 14 and 18 were registered with the authorized agencies for probation of inter-regional penitentiary and probation departments of the MoJ. In early 2018, 1,224 juvenile offenders were registered at the probation units. About 1198 (98%) of convicted juveniles executed court decisions in the form of serving a sentence with a test, 26 (2%) – in the form of public works. In early 2018 1,224 juvenile offenders were registered at the probation units., court decisions were executed in the form of serving a sentence with a probation for 1,198 (98%) juvenile convicts, for 26 (2%) of them – in the form of public works.

308. In 2017, being on record, 79 adolescents committed repeated crimes, or 2.4% of the total number of convicted minors, who were registered by the probation units for the specified period. Almost half of the convicted minors (35 or 44%) committed repeated crimes within a group:

- Since 2017, probation bodies have been developing a network of visiting/probation centres for children in conflict with the law.²²¹

309. A multi-institutional working group on the development and implementation of probation programs²²² was established. Programs were developed in collaboration with international experts to overcome aggressive behaviour and teach social skills to children in conflict with the law.

310. In 2017, social service centres for families, children and young people carried out socio-educational and psychological work with 99% of minors who were registered with the territorial probation bodies.

²¹⁹ The LoU No. 2402-III dated 26.04.2001.

²²⁰ CPCU No.4651-VI dated 13.04.2012.

²²¹ Resolution No. 24 of the CMU dated 18.01.2017.

²²² Order No.1913/7 of the MoJ dated 01.06.2017.

(d) Physical and psychological rehabilitation and social reintegration (Article 39)

311. Psychologists give subject lectures and talk to teenagers in places of imprisonment.
312. All juvenile correctional facilities have general secondary schools and vocational schools where convicts can obtain a certificate of complete secondary education.
313. Juvenile correction facilities have six vocational schools which offer 19 licenced professions.
314. In order to create favourable conditions for organizing meaningful leisure of prisoners, cultural-mass and physical-health events on the occasion of state and religious holidays are held. Every year, the juvenile correctional facilities have a festival of amateur creative work of the convicts called “Chervona Kalyna”.
315. Ukraine has been implementing new services for children in conflict with the law as well as new techniques of working with them at the level of public organizations’ projects.

(e) Training of professionals working in the juvenile justice system on the provisions of the Convention

316. In 2017, a training was held for the specialists of the probation service. Since 2017, 376 employees have received primary and advanced training.
317. An Interdepartmental Working Group on Improvement of Activities of the NPU Divisions on Children’s Rights Protection.²²³

6. Children belonging to minority or to an indigenous group (Article 30)

318. The legal basis for the protection of children belonging to national minorities is provided in the previous report.
319. The NHRS,²²⁴ the Action Plan for its Implementation²²⁵ (2015) have a separate section entitled Ensuring the Rights of Indigenous Peoples and National Minorities.
320. In 2013, the Strategy for Protection and Integration in the Ukrainian Society of Roma National Minorities for the Period until 2020²²⁶ and the Action Plan for its Implementation²²⁷ were approved. In pursuance of the Strategy, regional action plans were approved in most oblasts. In the Transcarpathian region, the Regional Program Roma Population of Transcarpathia was approved for 2012–2015 in addition to the regional action plan. These documents are aimed at addressing issues that are relevant to the Roma community.
321. Information and awareness raising work aimed at counteracting the bias towards persons belonging to the Roma national minority has been carried out by local authorities, general education institutions, library institutions and cultural institutions (para. 3, S. VII).
322. Regarding the cultural rights of children belonging to indigenous and minority groups (para. 3, S. VII).
323. The State Committee for Television and Radio Broadcasting of Ukraine runs an active information and awareness raising campaign aimed at promoting the integration of ethnic communities into Ukrainian society.

²²³ Order No. 1018 of the MIA dated 12.12.2017.

²²⁴ Decree No. 501/2015 of the President of Ukraine dated 25.08.2015.

²²⁵ Ordinance No. 1393-r of the CMU On Approval of the Action Plan for Implementation of the NSHR for the Period until 2020.

²²⁶ Decree of the President of Ukraine No. 201/213 dated 08.04.2013.

²²⁷ Ordinance No. 701 of the CMU dated 11.09.2013.