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Technical assistance and capacity-building

Joint written statement* submitted by International Catholic Child Bureau, non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[03 June 2019]

* Issued as received, in the language(s) of submission only.



Prevention and response to child sexual abuse in Ukraine

In 2018, Women Consortium of Ukraine (WCU) has carried out an online and offline survey on sexual abuse in relation with the Council of Europe Lanzarote Convention within a group of children they look after. This communication is a synthesis of children's replies; its relays also some concerns and practices related to the response to sexual abuse phenomenon in Ukraine.

Challenges

It appears that children do not know and consequently do not use the National Domestic violence prevention helpline 116 123 and the helpline for child protection and help 116 111 for assistance and protection when they are at risk and/or victims. They do not know about organizations working on sexual abuse or exploitation. Children are worried to contact adults, including their parents, and the police, even if they are aware of the danger. They share their personal photos, including through peers' influence. In addition, adults do not very often speak out and silence information because they consider that it is inconvenient to publically stand on these issues as taboos still persist. It is noted also that all professionals or stakeholders in contact with children and children themselves do not have sufficient knowledge and skills regarding online threats, their prevention and required protection for victims. One of the challenges is that social workers operate 8 hours a day from 8am to 5pm according to current legislation. However, most of the crimes occur at night or on weekends when social workers do not work. Thus, they are not available to provide the required assistance.

Recommendations

We call on Ukraine to:

- Ensure that social workers operate 24 hours a day, 7 days a week to properly address assistance needs for sexual abuse victims;
- Ensure that in any situation where a child feels or is in danger, he can ask for help from parents or adults whom he trusts, and in case of threat of life (blackmail, etc.) s/he can apply for help to the police;
- Provide a community-based courses to parents so that they may be more cautious about what their children are doing on the internet, how they can advise them and ensure their protection, by using the Guidelines for Parents, Guardians and Educators on Child Online Protection developed by the International Telecommunication Union (ITU);
- Create a special child-friendly police unit duly mandated and appropriately equipped to track cyber wrongdoers abusing children online and provide specific training to its officials on the rights of the child, confidentiality whilst investigating abuse cases;
- Create a permanently updated database with information related to online abusers and ensure effective cooperation with Interpol in terms of data sharing for investigation and tracing of alleged child abuse perpetrators online;
- Establish or strengthen cooperation between the Ukrainian police, its investigation services and Interpol to better track cyber criminals inside and outside the country;
- Ensure that helplines' counselling, support and protection services are available 24 hours a day, 7 days a week for a long and short term to effectively assist victims throughout the country;
- Establish a mandatory self regulatory framework for private sector companies dealing with internet, including mobile phones, computers, network hardware and software providers to fight online sexual abuse;

- Ensure that internet providers and ICT industry as a whole set up on the web and other accessible public online products, safety nets that inform children about potential danger, how they can get help and allow for abuse reporting;

Child sexual abuse statistics

According to different studies conducted by Ukrainian civil society organizations and international organizations, the number of children who suffer from sexual violence varies from 15% to 20%. Children state they face sexual violence in different places, including at home, at school¹ and in public transport². Available statistics do not properly reflect the current number of crimes related to sexual violence against children as institutions reporting on alleged sexual violence of children miss some situations or the data is incomplete.

The Ministry of Social Policy³ strives to compile and centralize relevant statistics. However, due to impediments of the data collection system, the statistics are not accurate: 410 cases of crimes against sexual freedom and integrity against children for 2016⁴ registered in Unified Register of Pre-trial Investigations on registered criminal offenses; 424 similar cases registered in 2017 and 425 cases in 2018.⁵ The Ministry of Social Policy has minimized information of 65⁶ children who suffered from sexual violence in 2016. This data system has not captured the situation as it is since the data collection mechanism is not properly organized. Our request for more detailed information in relation with cases of sexual violence against children for 2017-2018 remains unanswered.

The identification of the data about children victims is provided separately from all criminal offenses for crimes against sexual freedom only in case of such crimes as rape, sexual intercourse with a person who has not attained the age of sixteen and abuse of minors. However, in case of the crimes of sexual violence and forced sexual intercourse, such reporting is not implied. In addition, there are no gender-based indicators among registered allegations.

Meanwhile, the National Police reported more than 4'300 criminal proceedings on allegations of sexual violence against children in 11 months in 2017, which represents about 4'700 children victims. 70% of children suffer from sexual abuse or exploitation from the people they trust. However, such number of allegations is not stated in the Unified Register of Pre-trial Investigations. That means at least two things: criminal proceedings start for only 10% of allegations and the crimes are investigated under other articles of the Criminal Code, not as crimes of sexual violence against children; only about 80 cases of crimes related to sexual violence against children reach the court (2018 data).⁷

¹ Violence in school: analysis of the problem and assistance children and teacher need to solve it. (p.14-15) (in Ukrainian) https://wcu-network.org.ua/ua/Zaxist_prav_dtei/publications/nasilstvo_v_shkoli_analiz_problemi_ta_dopomoga_yakoyi_potrebuyut_diti_

² "The Voices of Children": report on child rights compliance (p.18) (In UA).

³ The Ministry of Social Policy receives and summarizes information from all offices of Children Affairs Service that are State coordinators at the local level and in accordance with the Procedure of notification on abuse or abuse suspicion the Ministry is supposed to have the most accurate information about number of cases of sexual abuse of children, since, among other data reporting should cover information about cases of suspicion.

⁴ Response letter to the request regarding the provision of information on the number of registered criminal offenses (proceedings) for 2016 of the General Prosecutor's Office of Ukraine.

⁵ Response letter to the request regarding the provision of information on the number of registered criminal offenses (proceedings) for 2017 and 2018 of the General Prosecutor's Office of Ukraine from 04.03.2019 № 19/4-382outgoing-19.

⁶ Response letter to the request of the Women's Consortium of Ukraine to the Ministry of Social Policy.

⁷ https://humanrights.org.ua/material/za_minulij_rik_do_ukrajinskih_sudiv_potrapili_lishe_80_sprav_pro_seksualne_nasilstvo_shhodo_ditej_

Recommendations

Restructure the Unified Register of Pre-trial Investigations with all relevant offenses, including gender-base indicators and ensure effective collaboration between the Ministry of Social Policy, judges, the National Police and civil society organizations.

Interview of the victims

Despite the adoption of the law on “Preventing and Combating Domestic Violence”, there is still a long way to go for a child-friendly interview system. Indeed, many legal acts need to be developed in order to provide one-stop-mechanism for the interview a child victim of violence. In addition, there is a lack of personnel capacity to deliver interview services. Currently, a child victim of violence is interviewed at the first place by an investigator of rapid response; then by the criminal investigator, who is responsible for the in-depth investigation of the case; afterwards, the child has to face a psycho-psychiatric examination and forensic examination at the fourth place. Interviews with investigator take place in police department without a proper place as stated by article 35 of the Lanzarote Convention. Interviews are rarely made by psychologists and video-recorded in order to help during the following steps of psycho-psychiatric examination. In Ukraine, 4 institutions are involved in the interview process, which causes additional trauma to a child victim, as 4 different specialists ask about the same traumatic situation. According to interview regulation, the interview is conducted by a professional, taking into account the gender of a child victim; unfortunately, due to the lack of specialists this procedure is not duly respected.

Recommendation

Take all necessary practical measures to ensure an effective implementation of the article 35 of the Lanzarote Convention on interviews of sexual abuse victims (interview room, specific training to professionals, etc.).

Good practice with the “Polina” domestic violence police network

“Polina” Domestic Violence Police Network is an encouraging achievement in the sphere of prevention and response to domestic violence. It is the first practice as such in Ukraine and produce hopeful results as a pilot project.⁸ It led to training for mobile teams on domestic violence response and prevention and “102” service operators were provided by local child rights NGOs experts and experts of international organizations (i.e. UNFPA⁹, OCSE, etc.).

From June 2017 to April 2019, 5.567 responses of mobile groups have been delivered after information on facts on domestic violence,¹⁰ 750 responses of mobile groups were made with social service workers who are usually involved to provide assistance to affected children. Currently, the pilot project is implemented in only 4 districts: Kyiv, Odessa, Mariupol and Donetsk and in the town of Luhansk Region. Gradually, trust from the society has been gained, in terms of reform of National Police. «102» service operators were trained specifically and can provide support and maintain conversation online with an affected child on line for about 30 minutes whilst a mobile group is reaching out to the place where the allegedly crime is committed. In addition, it is noted that children are more and more reporting sexual violence they suffer. Prevention visits to vulnerable families are made by the police officers to monitor the situation in families. The assessment of the Polina pilot project should be released.

⁸ <http://womeninaction.com.ua/anastasiia-deeva>

⁹ <https://ukraine.unfpa.org/en/news/number-trainings-polina-mobile-teams-launched>

¹⁰ Response letter to the request of WCU regarding the provision of information on the number of National Police of Ukraine, Prevention Department from 09.04.2019 №20/5/01-61 general information.

Women Consortium of Ukraine (WCU) NGO(s) without consultative status, also share the views expressed in this statement.