

Implementation status of CRC recommendations on Optional Protocol on the Involvement of Children in Armed Conflict

Human rights activists managed to detect the involvement of about 200 children from NGCA of the Donbass in the military training camps in Russia, or on territories actually controlled by Russia (Abkhazia, the Crimea). Part of such camps was set up based on military units of the Armed forces of the Russian Federation (camps "Combat Brotherhood", "Guardsmen") or with the involvement of representatives of the security forces of the Russian Federation. Experts note that such actions with the children from the occupied territories combined with military-patriotic rhetoric, present a real risk to hide the recruitment and training of boys and girls to participate in illegal paramilitary formations¹².

The state report underlines that there is no official information on the direct involvement of children in hostilities. However, at the beginning of war, volunteer battalions from Ukrainian side did not pay attention to the passport data of the soldiers, therefore, a large number of juveniles took part in hostilities. As the President of Ukraine pointed out in January 2016, 21 juveniles died as soldiers³.

Now, when almost all volunteer battalions are part of the official structure of the state military units, participation of minors in military actions is not allowed. Regarding the presence of minors in "militia" on the occupied territories, the reliability of this information is confirmed by a number of diverse, independent sources, both military and civilian, official and informal⁴. Representatives of the OSCE⁵ informed in their report dated May 29, 2015 about children in the military structures.

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

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

№	CRC recommendations on Optional Protocol on the Involvement of Children in Armed Conflict	Implementation status
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¹ "Human Rights in the Occupied Territories and in the Conflict Zone - 2017", UHHRU, access address: <https://helsinki.org.ua/prava-lyudyny-na-okupovanyh-terytoriyah-ta-v-zoni-konfliktu-2017/>

² "Universal Periodic Review: Alternative Measurement", Compilation of Alternative Reports by Civil Society Organizations, access address: wp-content/uploads/2017/04/UPR_3rd-cycle_CSOS_ua.pdf

³ Statement by the President of Ukraine during the visit on January 29, 2016 to the Kyiv Military Lyceum named after them. Bogun

⁴ Source <http://ua.censor.net.ua/n385857>

⁵ "Latest news from the OSCE Special Monitoring Mission in Ukraine based on information received on May 28, 2015", access address: <https://www.osce.org/uk/ukraine-smm/161311>

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

	With reference to its general comment No. 1 (2001) on the aims of education, the Committee recommends that the State party undertake efforts to include peace education in school curricula and in teachers' training courses, with special reference to crimes under the Optional Protocol.	
20.	<p>Criminal legislation and regulations in force</p> <p>The Committee recommends the State party to ensure that the violation of the provisions of the Optional Protocol regarding the recruitment and involvement of children in hostilities be explicitly prohibited and criminalised in the Criminal Code. It further recommends the State party to ensure that military codes, manuals, standard operating procedures and other military directives are in accordance with the provisions and the spirit of the Optional Protocol.</p>	Not fulfilled
22.	<p>Jurisdiction</p> <p>The Committee recommends that the State party takes steps to ensure that domestic legislation enables it to establish and exercise extraterritorial jurisdiction over war crimes of conscription and enlistment of children in hostilities. It urges the State party to intensify its efforts to amend the Constitution (article 142) and, subsequently, to ratify the Rome Statute of the International Criminal Court.</p>	Not fulfilled
24.	<p>Assistance for physical and psychological recovery</p> <p>The Committee recommends the State party to:</p> <ul style="list-style-type: none"> - Continue and strengthen the provision of physical, psychological and social assistance to all children who have, or may have been, recruited or used in hostilities, including refugee and asylum-seeking children, and ensure that such assistance is regulated by law; - Establish a mechanism to identify children who may have been recruited or used in hostilities, including in the refugee status determination procedure; - Consider including the recruitment and use of children in armed conflict as a ground for refugee status; - Introduce a standard procedure and methodology for assessing the age of children, including refugee and asylum-seeking children; - Amend the Law on Refugees to include provision on the rights of asylum-seekers and refugees of all ages to free interpretation and legal assistance. 	<p>Partially fulfilled: 08.07.2011 the Law of Ukraine "On Refugees and Persons in Need of Complementary or Temporary Protection" was adopted, which in particular enshrines the definition of a child separated from a family, a refugee child, a child in need of complementary protection;</p> <p>The joint order of the Ministry of Health, Ministry of Education and Ministry of Social Policy of 23.10.2013 № 903/1464/711 "On conducting a survey to determine the age of a child left without parental care and in need of social protection" was approved, which provides the procedure for determining the age of children, including those separated from non-Ukrainian family;</p>
27-28	<p>Follow-up and dissemination</p> <p>27. The Committee recommends that the State party take all</p>	Not fulfilled

	<p>appropriate measures to ensure full implementation of the present recommendations, inter alia by transmitting them to the Ministry of Defence, members of the cabinet and the Verkhovna Rada (Parliament).</p> <p>28. The Committee recommends that the initial report submitted by the State party and concluding observations adopted by the Committee be made widely available to the public at large, the media and to children in particular in order to generate debate and awareness of the Protocol, its implementation and monitoring.</p>	
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