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Joint alternative report on

UKRAINE

October 2019

**Alternative report
on Ukraine's compliance with the provisions of the UN Convention on the Rights of the
Child for the period from 2011 to 2018**

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

The AR was prepared by the Ukrainian non-governmental organizations throughout September 2018 – March 2019 in accordance with the requirements defined in the guidelines for NGOs and NIHR “Child Rights Reporting Cycle” (Child Rights Connect).

1. Charitable Organization “Charitable Foundation “Right to protection”
2. Charitable Organization “Charitable Foundation “Rokada”
3. Charitable Organization “Hope and Homes for Children”
4. All-Ukrainian Organization “Civil Society Organization “Woman`s Consortium of Ukraine”
5. All-Ukrainian Charity “Child Well-being Fund Ukraine”
6. All-Ukrainian Counter-Trafficking NGO Coalition
7. All-Ukrainian Foundation “Protection of Children`s Rights”
8. Public Association “Educational Human Rights House – Chernihiv”
9. Public Organization “Childhood without AIDS”
10. Public Organization “Inclusion Together”
11. Public Organization “La Strada - Ukraine”
12. Public Organization “Better Internet Centre”
13. Public Organization “MART”
14. Public Movement “Vira, Nadiya, Lubiv”
15. Public Association “Ukrainian Child Rights Network”
16. Danish Refugee Council-Danish Demining Group
17. Environmental Public Organization "Flora"
18. Internet-edition “Media Detector”
19. Coalition “Child Rights in Ukraine”
20. Congress of Ethnic Communities of Ukraine
21. International charitable organization ICF “SOS Children`s Villages” Ukraine
22. International charitable organization “Partnership for Every Child”
23. International Public Organization “International Leadership Development Center”
24. International charitable foundation “Ukrainian Foundation for Public Health”
25. International charitable foundation “AIDS Foundation East-West” (AFEW-Ukraine)
26. Sumy Regional Public Organization "Center of Public Initiatives “Intelligence of Sumy Region”
27. “East Ukrainian Center for Civic Initiatives”
28. Ukrainian Helsinki Human Rights Union
29. Kharkiv Regional Foundation “Public Alternative”
30. Kharkiv Institute of Social Researches
31. ZMINA. Human Rights Information Center

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Introduction

During the autumn 2018 the Government of Ukraine (hereinafter the Government) has forwarded the National Report “Consolidated V and VI Periodic National Report on Ukraine’s Implementation of the UNCRC” (2011–2017) (hereinafter National Report).

In a meaningful way, the document reflects the efforts of the Government in terms of following the provisions of the UNCRC.

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

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

The situation became complicated in the beginning of 2014 due to the occupation of the Crimea peninsula by the Russian Federation and the military actions in the East of Ukraine.

Part of the Donbass area nearby the borders with the Russian Federation came out of the control of the Government and became the area of the armed conflict.

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

In order to eliminate the gaps in the Government report, 29 profile organizations have united to prepare an AR. Each of them is working in a certain narrow direction. The expertise provided by them was analyzed, conclusions and recommendations (Annex 3) were jointly elaborated. The Coalition “Child Rights in Ukraine” and the PA “Ukrainian Child Rights Network” have coordinated the preparation of the AR. Information on vulnerable groups of children is included in sections that reflect the status of compliance with individual rights of the child.

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

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

1.1. Legislation and its implementation (Article 4)

The state continues to underline exactly the child protection as its strategic priority. Accordingly, the child is seen as an object of protection, and not a subject of rights, which is directly reflected in the law and state policy.

The key law remains the Law of Ukraine “On the Protection of Childhood”¹ (hereinafter the Law №2402), certain changes were made to it, but it cannot be considered as fully reflecting

¹ (The Law of Ukraine “On the Protection of the Childhood” №2402 from 26.04.2001 (Bulletin of the Verkhovna Rada), 2001, № 30, Article 142: <https://zakon.rada.gov.ua/laws/show/2402-14>)

the standards. All systemic problems mentioned by NGOs in the previous AR² remained unchanged.

In 2017, following the recommendation of the Concluding Observations of the UN Committee on the Rights of the Child of 2011, an analysis on the compliance of the national legislation with the norms of the UNCRC and the development of proposals for its improvement were carried out.

According to the conclusion, a number of child's rights are not directly guaranteed by the Law №2402; other disadvantages in legislation were revealed. According to the results of the analysis the suggestions were provided for improving the national legislation. However, there is a concern over superficial analysis and the lack of any recommendations regarding child protection against violence³.

The term "child with disabilities", as a general standard, was introduced, but the definitions "children with physical or mental defects"⁴ and "children with defects of mental or physical development"⁵ still remained. In numerous legal acts, the following discriminatory characteristics are used: blind, deaf, mentally retarded.

Legal framework does not meet the challenges and needs in child protection. The majority of the legislative initiatives are sketchy and do not have an integrated approach, which is evidenced by the number of adopted changes to the laws in recent years: changes to the Law №2402 were amended more than 20 times in the period from 2011 to 2018. Drafts of legal acts do not pass the appropriate examination on compliance with the UNCRC. Among the positive changes there are: the introduction of the definitions "ensuring child's best interests", "patronage", "domestic violence"; the access to justice is improved, and new vulnerable groups - "child who needs additional protection" and "child who requires temporary protection " are added.

The state has stepped forward in ratifying the international treaties, namely: The Convention of the European Council on the Protection of Children against Sexual Exploitation and Sexual Abuse, the Third Optional Protocol to the UNCRC. At the same time, the Hague Convention developed in 1993 on child protection and cooperation within interstate adoption has not been ratified⁶.

1.2. Coordination of work

The lack of coordination made the children hostages of the ongoing reforms, certain children remained unprotected.

Thus, the coordinating body of central authorities is still the Interagency Coordination Commission on Child Protection Issues⁷.

The main tasks of the Commission are: to promote coordination of activities of executive authorities on child protection issues; to prepare proposals for the implementation of state policy on child protection; to identify the ways, mechanisms and means of solving problems

² Alternative report on Ukraine's Implementation of the UNCRC 2002-2008, access address: <https://www.unicef.org/ukraine/report-ukr.pdf>

³ Analysis on the compliance of national legislation and the level of awareness of children of Ukraine about the norms of the UNCRC and the development of proposals for its improvement, response-letter of the MSP №17/0/143-19 dated February 26, 2019

⁴ Article 63 of the Law of Ukraine "On the Principal Legislation of Ukraine on Health Care" №2801 dated November 19, 1992, access address: <https://zakon.rada.gov.ua/laws/show/2801-12>

⁵ The Law of Ukraine "On the Protection of the Childhood" №2402 from 26.04.2001 (Bulletin of the Verkhovna Rada), 2001, № 30, Article 142, access address: <https://zakon.rada.gov.ua/laws/show/2402-14>

⁶ "Convention on the Protection of Children and Cooperation in the field of Interstate Adoption", access address: https://zakon.rada.gov.ua/laws/show/995_365

⁷ Resolution of the CoM "On the Establishment of the Interagency Commission on Childhood Protection", access address: <https://zakon.rada.gov.ua/laws/show/1200-2000-%D0%BF>

arising during the implementation of state child policy. In practice, the Commission's work is largely confined to the preparation of the State Annual Report on the situation of children. In 2018, the Commission held several meetings to discuss child safety, its minutes were not publicly accessible.

In numerous initiated reforms, the child protection issue is absent. Thus, the necessary decentralization reform has led to the decrease of the quality, and in some united territorial communities (hereinafter UTCs) to the full absence of social services for children, namely, the support of families in crisis, the provision of alternative care for children, work with vulnerable children, etc.⁸⁹

During the police reform, the main resources were directed to the development of the patrol service, but without taking into account the existing experience of the juvenile prevention unit (formerly the criminal police for children's affairs), which had years of experience in searching children, conducting work on prevention of crimes against children and involvement of children in criminal activity.

The juvenile prevention unit was under the threat of liquidation for two years, resulting that more than 2/3 of the workers left, and the unit's experience was almost conserved. Now, the Juvenile Prevention Department and the relevant units restored their work, but there are gaps in cooperation with the newly established police school officers.

The absence of an interagency coordinator and a single internal coordinating body at the National police led to an uneven burden on various police departments, uneven provision of advanced training, lack of timely development of provisions and recommendations¹⁰ for the child protection, and a certain degree of competition.

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

It is possible to positively evaluate the education reform, which success is associated with international support, significant subventions from the state budget to the budget of local authorities, which contributes to the decentralization of schools¹¹.

In the process of the deinstitutionalization, the functions of the coordinating body were taken over by the Ombudsman of the President of Ukraine on the rights of the child by involving the relevant ministries and public organizations in discussing the reform and existing risks.

Unfortunately, the government did not accept this experience to strengthen the coordinating body.

Children's services¹² (hereinafter CSs) remain responsible for the implementation of measures to protect the rights, freedoms and legal interests of children. There was no comprehensive analysis of the powers of central and local authorities responsible for ensuring the rights of the child. As a result, within the framework of administrative reform and decentralization reform, there is no clarity and separation of functions at both national and local levels. The process of reforming the system of administrative and social services in a context of decentralization is in deep crisis. The algorithm of transferring powers from the district CSs to the UTCs is not regulated. Only a part of UTCs created CSs or hired narrow

⁸ «Social Support Services: in the Conditions of the Decentralization of Power, Radich O., Head of the Department of Organizational and Legal Work of the Kharkiv Regional Center of Social Services for Family, Children and Youth» access address: https://i.factor.ua/ukr/journals/ms/2018/february/issue-2/article-34203.html?utm_expId=.7YZnTvPwQKWpt2vl0yesRw.0&utm_referrer=https%3A%2F%2Fwww.google.com%2F

⁹ «Social Services and Decentralization: Problems and Perspectives», Gromadskiy Prostir: <https://www.prostir.ua/?news=sotsialni-posluhy-ta-detsentralizatsiya-problemy-i-perspektyvy>

¹⁰ In particular, there is no procedure for the use of police care in accordance with Art. 41 of the Law of Ukraine "On the National Police"

¹¹ "Financing of Education and Decentralization: Expert's Thoughts", author: expert Yuriy Hanushchak for ZN.UA, access address: <https://decentralization.gov.ua/news/8911>

¹² Law of Ukraine "On Bodies and Children's Services and Special Institutions for Children" dated January 24, 1995. (Bulletin of the Verkhovna Rada) N 6, Art. 35, access address: <https://zakon.rada.gov.ua/laws/show/20/95-%D0%B2%D1%80>

specialists.

1.3. National Action plan

The National Action Plan (hereinafter NAP) on the Implementation of the UNCRC for the period until 2016¹³, adopted in 2009, revealed the problem of its implementation. Each year the Action Plan of measures for the implementation of the NAP and the allocation of funds were approved by the Government with at least six months delay. Thus, in 2015 and 2016, the Plan was approved in late August¹⁴. During the drafting of activities not all objectives and tasks were taken into account, namely, in 2013 no measure was envisaged for "the protection of the rights of children with disabilities".

The report on the results of the implementation of the Plan was presented with significant delay and did not become the subject of wide public discussion. However, the need to prepare a report on the results of the implementation of the National Plan intensified the collection of information on the observance of child's rights by various ministries and departments.

In May 2018, the State social program "NAP for the Implementation of the UNCRC" for the period up to 2021¹⁵ was adopted. Its provisions contain priorities for the modern Ukraine in child protection. The civil society was involved in the discussion of the Plan, but the format and timing were almost unrealistic for making thoughtful proposals.

1.4. Monitoring the implementation of the Convention

In 2011, the institution of the Ombudsman of the President of Ukraine on the rights of the child was introduced¹⁶. The by-law defines the tasks and rights of the Ombudsman, but the position does not have duties, clear responsibilities and functions, it depends on the President and, according to human rights organizations, is not in line with the Paris Principles on the Status of National Institutions for the Protection and Promotion of Human Rights dated 1991. Moreover, monitoring of the observance of the child rights and the UNCRC by the Ombudsman is not carried out.

Another national human rights institution - the Ombudsman for Human Rights of the Verkhovna Rada of Ukraine has a department for child's and family's rights, which prepares the relevant section for the annual report on the human rights situation in Ukraine, and an Ombudsman's representative for child's and family's rights.

In 2019, the Government's decree came into force and introduced the Education Ombudsman, his tasks and rights; the procedure and conditions of appeal were also determined¹⁷.

1.5. Budget allocated for the implementation of the Convention

¹³ Law of Ukraine No. 1065-17 on the National Program "National Action Plan for the Implementation of the UNCRC for the period until 2016" dated March 5, 2009; (Bulletin of the Verkhovna Rada) N 29, Art. 395, access address: <https://zakon.rada.gov.ua/laws/show/1065-17>

¹⁴ The Order of the CoM "On Approval of the Plan of Measures for the Implementation of the National Program in 2015 "National Action Plan for the Implementation of the UNCRC" for the period until 2016 dated August 26, 2015, No. 881-p, access address: <https://zakon.rada.gov.ua/laws/show/881-2015-%D1%80>;

The Order of the CoM "On Approval of the Plan of Measures for the Implementation of the National Program in 2016 "National Action Plan for the Implementation of the UNCRC" for the period until 2016 dated August 23, 2016, No. 590-p, access address: <https://www.kmu.gov.ua/ua/npas/249263409>

¹⁵ Resolution No. 453 of the CoM "On Approval of the State Social Program National Action Plan for the Implementation of the UNCRC for the period up to 2021" dated May 30, 2018, access address: <https://zakon.rada.gov.ua/laws/show/453-2018-%D0%BF>

¹⁶ Decree of the President of Ukraine No. 811 «Mandate of Ombudsman of the President of Ukraine on the Rights of the Child" dated August 11, 2011. <https://zakon.rada.gov.ua/laws/show/811/2011>

¹⁷ Resolution No. 491 of the CoM "Certain Aspects of the Education Ombudsman" dated 06.06.2018, access address: <https://zakon.rada.gov.ua/laws/show/491-2018-%D0%BF>

State programs for children are funded by "residual principle", using funds allocated to ensure the functioning of the relevant ministries and departments, or using funds after covering more important needs. The volume and proportion of the national budget spent on children were not determined. The lack of transparency in budget formation and the participation of children and parents in these processes remain a problem.

This leads to uneven distribution of funds for children in various areas. Thus, different support is given to schools, in particular children who study in specialized language or technical schools, have a larger number of well-provided lessons according to typical curricula. Another problem is that there are no minimum standards for providing schools with material resources.

The funding of a school depends on the active position of the school administration and parents in their request for funding a separate institution. As a result, some schools have adequate support from local administrations for hygiene products (toilet paper, detergents, etc.), other schools are provided with detergents by attracting the necessary money from the parents. The lack of minimum school provision creates inequalities for different groups of children and represents the basis for constant conflicts between parents and the administration, when parents do not want to donate money to the charitable foundation (including because of the opinion that this is part of corruption), or unable to provide funds due to poor financial condition.

There is also a significant difference in salary funds, financed both by the state and from local budgets. For example, the random monitoring in Kharkiv showed that the salary fund per student was from 10,000 to 30,000 hryvnias¹⁸. The lack of transparent budgeting at all levels, does not allow to make conclusions, which is the reason for the various expenditures on the education of children.

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

Unfortunately, the state does not use the effective means to raise awareness about the principles of the Convention. Such actions are fragmented and usually are initiated by civil society organizations (hereinafter CSOs) and intergovernmental institutions.

In educational institutions, which train teachers, social workers and other professionals for child protection, no attention is given to teaching about the child's rights. Specialists do not have enough competence regarding the Convention, its standards, and the mechanisms of protection.

The state does not provide wide publicity to its reports and the results of their consideration by the UN Committee on the Rights of the Child. Recommendations of the Committee, as a rule, are not even being translated into the official language. An informal translation is carried out, relevant information and educational materials are published by public organizations at the expense of their funds.

1.7. Cooperation with civil society

An example of cooperation is the adoption of the Law of No. 936-19 "On Amendments to Certain Legislative Acts of Ukraine on Strengthening Social Protection of Children and Supporting Families with Children" dated January 26, 2016, which was developed by public

¹⁸ According to monitoring of the financial mechanisms of the child's right to education on the example of the Kharkiv region, conducted by All-Ukrainian organization "CSO "Woman's Consortium of Ukraine" in 2017-2018

organizations. The law amends the Family Code (hereinafter FC) and other laws and defines a new form of family care - patronage, and other relevant terms and concepts.

The dispersion of actions from international organizations does not facilitate the coordinated activity of state authorities and their cooperation with civil society. The child rights are perceived by the international donors mainly as social and humanitarian assistance; their work is carried out within individual projects, which are solving situational problems. Joint strategies are not created; there is lack of collaboration.

2. Definition of the child

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

It can be assumed that the state fulfilled the recommendation of the Committee on the Rights of the Child on the definition of a child.

3. General principles

3.1. Non-discrimination

The comprehensive anti-discrimination law "On Principles of Prevention and Counteraction of Discrimination in Ukraine"¹⁹ was adopted on 06.09.2012. Children are considered only in the general context of potential victims of discrimination. The new method of non-discrimination is the introduction of inclusive education in schools and preschools from September 2017²⁰. Mostly, the innovation has affected children with disabilities and provided them with opportunities to study in general schools. However, the lack of grounds for reforms creates many obstacles in implementing children's right to education. A significant disadvantage is the uncertainty of the group of children whose interests are protected - the general laws presuppose that inclusion may be applied if there is any sign that child has special educational needs, but in practice the system is designed only for children with disabilities and does not take into account, for example, the needs of Roma children or gifted children.

Another initiative for the education sector legally introduces the notion of bullying²¹ in December 2018, the responsibility for it was strengthened, and a number of measures for its warning were defined.

However, practice shows the insufficient work to protect children from discrimination. Thus, over the past two years, at least five attacks on Roma settlements have been carried out in different regions of the country, and children have suffered²²²³²⁴²⁵²⁶.

¹⁹ Law of Ukraine No. 5207-VI On Principles of Prevention and Counteraction of Discrimination in Ukraine dated 06.09.2012 Bulletin of the Verkhavna Rada, 2013, № 32, Art.412, <https://zakon.rada.gov.ua/laws/show/5207-17>

²⁰ "Inclusive Education", website of MES, access address: <https://mon.gov.ua/ua/tag/inklyuzivne-navchannya>

²¹ The Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Counteraction of Bullying (Harassment)" dated December 18, 2018, Official bulletin of Ukraine dated January 29, 2019, No. 8, p. 9, article 255, access address: <https://zakon.rada.gov.ua/laws/show/2657-19>

²² "Statement on events in Kyiv that have the character of ethnic purge", a common open appeal by human rights defenders, access address: <https://helsinki.org.ua/appeals/zayava-schodo-podij-u-kyjevi-yaki-nosyat-harakter-etnichnyh-chystok/>

²³ "Statement of the Ukrainian Helsinki Human Rights Union on the burning of the Roma camp near the Lysaya Gora", UHHRU appeal to the Golosevsky state district administration in Kyiv, access address: <https://helsinki.org.ua/appeals/uhspl-rishuche-zasudzhuje-diji-predstavnykiv-s14-v-holosijvskomu-rajoni-m-kyjeva>

Access to educational, medical and social services is not equal for children of rural and urban population. Non-transparent financing mentioned above and absence of services in the village are among the reasons. The crisis of access to educational services for children from rural areas is being deepened by refusal of enrollment of children in the city's educational institutions, or the requirement of 100% payment for preschool education²⁷.

Inequalities remain for girls and boys in particular because of unequal support for education, gender-based violence at school, lack of support for girls who have given birth to 18 years, early marriages²⁸.

3.2. Best interests of the child

Recently, a number of changes was made to legislation aimed at improving the situation in terms of the best interests of the child. Amendments were made to the FC²⁹, the Law №2402³⁰ regarding the creation of patronage families; the concept of mentoring³¹ was established. In 2016, the concept "ensuring the best interests of the child"³² was regulated.

In order to provide the child with the opportunity to receive legal state protection, even if the legal representatives fail to do this, amendments were introduced to the Law №2402³³.

In practice, despite the legislative declaration of the principle of equality between parents, when choosing a place of residence of a child after the divorce of parents, courts do not always take into account the principle of the best interests and decide to support mother³⁴.

There is no proper system for organizing meetings of the child with one of the parents, if another parent does not allow this. Although according to Part 1 of Art. 158 of the FC³⁶, the decision of the custody and guardianship authorities is obligatory, the system of ensuring the implementation of such decisions is absent.

²⁴ "Crime without penalty: how attacks on Roma settlements are being investigated", I. Burdiga, address of access: <https://hromadske.ua/posts/rozsliduvannya-napadiv-na-romski-poselennia>

²⁵ "Our children were threatened to kill": the victims of the massacre in Loshchinivka are punishing the perpetrators. " UHHRU, address of access: <https://helsinki.org.ua/articles/nashyh-ditej-pohrozhuvaly-vbyty-poterpili-vid-pohromu-v-loschynivtsi-domahayutsya-pokarannya-vynnyh/>

²⁶ "Ignoring the situation in Sheludkivka may provoke regular anti-Roma massacre" – underlines human rights activists - Olena Orlova, IRC "Legal Space", access address: <http://legalspace.org.ua/napryamki/posilennya-romskikh-gromad/item/8533-ihnoruvanniasytuatsii-u-sheludkivtsi-mozhe-sprovokuvaty-cherhovi-antyromski-pohromy-pravozakhysnyky>

²⁷ In Ternopil kindergarten fees will be charged to non-resident children - officially. <https://galas.te.ua/2018/11/y-ternoholi-plata-za-dityachi-sadki-inog/>

²⁸ Beijing +25 years on. Parallel Report Ukraine 2014-2019

²⁹ FC dated January 10, 2002, Bulletin of the Verkhovna Rada, No. 21-22, p.135, <http://zakon2.rada.gov.ua/laws/show/2947-14>

³⁰ The Law of Ukraine "On the Protection of Childhood" No. 2402 of April 26, 2001, (Bulletin of the Verkhovna Rada), 2001, No. 30, p.142. Access address: <https://zakon.rada.gov.ua/laws/show/2402-14>

³¹ Law of Ukraine No.2342-IV "On Ensuring the Organizational and Legal Conditions for Social Protection of Orphans and Children Deprived of Parental Care" dated 13.01.2005, Bulletin of the Verkhovna Rada, 2005, No.6, p.147, access address: <http://zakon2.rada.gov.ua/laws/show/2342-15>

³² Law of Ukraine No. 936-19 "On Amendments to Certain Legislative Acts of Ukraine on Strengthening Social Protection of Children and Supporting Families with Children" dated January 26, 2016, Bulletin of the Verkhovna Rada, 2016, № 10, p.99 access address: <https://zakon.rada.gov.ua/laws/show/en/936-19>

³³ The Law of Ukraine "On the Protection of Childhood" No. 2402 of April 26, 2001, (Bulletin of the Verkhovna Rada), 2001, No. 30, p.142. Access address: <https://zakon.rada.gov.ua/laws/show/2402-14>

³⁴ "Countering Discrimination - 2017", UHHRU, access address: <https://helsinki.org.ua/protydiya-dyskryminatsiji-2017/>

³⁵ ECHR case "CASE OF M.S. v. UKRAINE", access address: [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-175140%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-175140%22]})

³⁶ Family Code of Ukraine, access address: <http://zakon2.rada.gov.ua/laws/show/2947-14>

In case when one of the parents receives a court decision that gives him the right to regular contact the child, there is no effective mechanism for enforcing such court decisions³⁷. At the same time, the principle of ensuring the best interests of the child in terms of deprivation of parental rights of one of the parents, when the cause of divorce was domestic violence is not taken into account. The child's opinion is not a valid proof, even if the child initiates cases³⁸.

According to Part 2 of Art. 170 of the FC³⁹, in case of a direct threat to the life and health of the child, the custody and guardianship authorities or the prosecutor have the right to decide on the immediate removal of the child. However, there is no procedure for quick return if the threat to life and health disappears. Parents must apply to the court with a claim to return the child in accordance with Part 3 of Art. 170 of the FC⁴⁰ and prove that they no longer are a threat to the child. The durability of such a procedure is harmful for the child.

3.3. The right to life, survival and development

The current legislation on the right to life and survival is almost absent, namely, there is no list of the minimum standards for the realization of the right to life, survival and development. The NAP should fill the gaps in health services by allocating the main costs to screening children for the early detection of illnesses that can lead to disability, and the provision of medical services for children with disabilities, including medicines for seriously ill children, prosthesis.

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

For example, in May 2018, the building of the Center for Socio-Psychological Rehabilitation in Toretsk (Donetsk region) with 28 children was damaged because of shelling⁴¹. The children were evacuated from the facility only the next day.

There is no effective mechanism for the identification of children who are directly involved in hostilities. The interstate, state, inter-branch, field-specific standards of safety and welfare of the child have not been implemented. More than 200,000 children need urgent psychological help because of traumas, death of family and relatives, hiding in basements under the shelling, etc.; the fate of juveniles (21 persons) who were kept in the institutions of the State Penitentiary Service of Ukraine of Donetsk and Luhansk⁴² regions remained unclear.

In general, from April 14, 2014 to August 15, 2019 according to the Office of the United Nations High Commissioner for Human Rights, 98 boys and 49 girls were killed⁴³. For the period from 2014 to 2017 human rights activists documented evidence of 5 cases of child murders, 6 cases of illegal detention with torture and inhuman treatment, 8 deaths and 19

³⁷ Law of Ukraine "On Enforcement Proceedings", access address: <https://zakon.rada.gov.ua/laws/show/1404-19>

³⁸ Monitoring of national court practice in criminal, civil cases and cases concerning administrative violations related to the of domestic violence. http://www.ua.undp.org/content/ukraine/uk/home/library/democratic_governance/court-monitoring.html

³⁹ Family Code of Ukraine, access address: <http://zakon2.rada.gov.ua/laws/show/2947-14>

⁴⁰ The same source.

⁴¹ "On Donbass militants fired at the center of psychological rehabilitation of children", HRIC, ccess address: https://humanrights.org.ua/material/na_donbasi_bojoviki_obstriljali_centra_psihologichnoji_reabilitaciji_ditej

⁴² "Rights of children - 2017", UHHRU, access address: <https://helsinki.org.ua/prava-ditej-2017/>

⁴³ "Report on the human rights situation in Ukraine 16 May to 15 August 2019" access address: https://www.ohchr.org/Documents/Countries/UA/ReportUkraine16May-15Aug2019_EN.pdf

injuries due to occasional shelling, as well as attacks on 79 educational institutions in 34 settlements of Luhansk and Donetsk regions⁴⁴. Since the conflict began in 2014, over 750 educational facilities had been damaged⁴⁵.

Since the start of 2019, the Ukraine Education Cluster has received reports regarding 31 conflict-related incidents resulting in physical damages to school infrastructure, 2 education facilities that have been temporarily closed, 8 cases of military presence in close vicinity to the education facility and 9 incidents resulting in threat of death or injuries to students, teachers and parents⁴⁶. The Ministry of Defence (hereinafter MoD) and the Ministry of Education and Science of Ukraine (hereinafter MES) are continuously postponing the signing of the Declaration on the Safety of Schools, moreover, according to MoD they use school premises that children no longer use. Despite the danger and risks for children, the MoD currently does not see the possibility of leaving such premises.

As a result of the ongoing conflict, most of the Donbass area became contaminated with mines and explosive remnants of war (hereinafter ERW) on both sides of the contact line.

To implement its obligations under the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Landmines and on their Destruction (the Ottawa Convention)⁴⁷, the Government should ensure that the public is clearly informed about the impact of mines and ERW⁴⁸ on civilian population, and make every effort to compensate for damage caused by pollution. In addition, the Government is obliged to provide appropriate assistance to children and their families affected by mines.

The main problem now is the lack of a comprehensive program of assistance to affected children. Also, there is no existing special information system and database to record people affected by mines and ERW. Data on children affected by mines and ERW accounted by the relevant central executive authorities differ between themselves.

Gathering reliable data is essential for formulating government policies and understanding of the problem, as well as for budgeting the measures needed to help and rehabilitate affected children - each figure is nothing else but the child and his/her family⁴⁹.

3.4. Respect for the views of the child

Both in society and at political level, the child is perceived as an object of protection and not a subject of law, which influences the possibility of children's participation in decision-making processes, in family, at the community level, and at the national level.

⁴⁴ "There is no place for children here. Monitoring of attacks against children and educational institutions during the three years of the war on the Donbass", Truth Hounds, access address: http://truth-hounds.org/ditiam-nemisce/?fbclid=IwAR1VmYOPIXhkg5UO_IZe2AYXHkjBTgLGjTiey3sL6X_fLUYLT00vrZQJgKI

⁴⁵ Attacks on Education in Ukraine Situation Report, as of 9 September 2019, access address: https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/attacks_on_education_situation_report_as_of_11_september_2019.pdf

⁴⁶ The same source.

⁴⁷ Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Landmines and on their Destruction, ratified by the Law No. 2566-IV (2566-15) of 18.05.2005 https://zakon.rada.gov.ua/laws/show/995_379

⁴⁸ Hereinafter: According to the Ukrainian translation of the Glossary of terms, definitions and reductions for mine action in International Mine Action Standards (IMAS): unexploded ordnance (UXO) and abandoned explosive ordnance (AXO).

⁴⁹ According to a study on the assessment of the needs of children affected by mines or ERW in eastern Ukraine conducted by the Danish Refugee Council, the Danish Demining Group (DRC-DDG), in cooperation with UNICEF from September to December 2018

Certain provisions of national legislation establish the right of the child to free expression of opinions and their consideration in court, in government bodies, enterprises and administrative institutions, at school and in family. The child has the right to apply to court with age restrictions and depending on court procedures⁵⁰. The child has access to free legal aid only through a legal representative⁵¹.

There are cases when the child's opinion is asked formally, and his/her legal representatives make their own decisions, for example, conclude agreements on reconciliation, even in cases of sexual abuse against the child⁵², in solving the issue of the right to marry⁵³, etc.

Many platforms (children's community councils, pupils' self-government bodies, children's parliaments and other initiatives) were formed to contribute to child participation. At the same time, the lack of appropriate training for professionals leads to the fact that children feel being manipulated and used by adults.

According to the all-Ukrainian study⁵⁴, 82% of children believe that the authorities should listen to their opinion. At the same time, only 53% of children indicated that they had an opportunity to speak out on important issues during the last year, including: 9% of children – on important issues at the level of local self-government during the last year; 58% at home, 68% in educational institutions. Children indicated that they want to express their opinions and influence more: 62% for the organization of school education, 43% for decisions on leisure activities, 32% for decisions on the organization of public transport, 31% for decisions on equal rights of girls and boys (35% - girls and 26% - boys).

Despite that schools are the place where children have the greatest potential for expressing their views, 60% of children claim that their ability to speak about school meals, breaks and training is limited.

The bodies of pupils' self-government mainly deal with the issues of involving children in activities initiated by adults (voluntary activities, fund raising for charity, duty during the breaks).

4. Civil rights and freedoms

4.1. Birth registration, name and nationality

According to legislation, the state registration of birth is carried out not later than in one month.

Since 2015, the Ministry of Justice of Ukraine started the practice of obtaining birth certificates for a child while being in maternity wards. Now in maternity wards there is a cabinet of an employee of the department of state registration of civil status acts, who accepts the documents and issues birth certificates within two days.

Untimely registration of the birth without a valid reason entails a fine. In practice, bodies of registration of acts of civil status write administrative protocols for late registration of birth,

⁵⁰ In accordance with the law, a child of any age may personally inform an investigator or prosecutor about a crime, a child has the right to a personal appeal to a court in civil cases only from 14 y.o., and no child has the right to appeal to a court in an administrative proceeding.

⁵¹ Law "On Free Legal Aid", Art. 18, part 2: <https://zakon.rada.gov.ua/laws/show/3460-17>

⁵² Cases from the Unified register of judgments: № 286/3265/15-k, 298/236/15-k.

⁵³ Cases from the Unified register of judgments: №409/1518/18.

⁵⁴ "Young Voices", the report on the rights of the child in Ukraine, Coalition on Rights of Child, access address: https://www.childrights.in.ua/Zvt_pro_dotrimannja_prav_ditini_v_Ukraini_Golosi_Dtei

but do not refuse to register the birth if the parents do not pay a fine. Thus, a fine is not an actual obstacle to its implementation, but it can prevent parents from applying to civil registration authorities for registering a child because of the breaching the deadlines.

It should be noted that in cases when the parents of the child do not have identification documents or their documents do not meet the requirements of the legislation, in particular, the parents of Roma children or asylum-seekers, the law provides the possibility of recording the mother and father of the child on the request of relatives or other persons or an authorized representative of the health institution where the child was born. This allows to register the birth of a child regardless of the legal status of his/her parents. Moreover, the law provides the possibility of registering the birth of a child whose parents are unknown.

The birth registration of an individual who has reached the age of 16 has a legal conflict. In order to register birth of a person who turned 16 y.o., he must apply the relevant application and present a passport that can only be obtained if there is a birth certificate. As a result, birth registration in such cases requires addressing the court, which significantly complicates the process of registration of birth.

Due to the military conflict, the registration of children from temporary occupied territory (hereinafter TOT) deserves special attention. Only 43% of children born in the NGCA of Donetsk and Luhansk regions have obtained a birth certificate issued by the Government of Ukraine. Other 57% children do not have a Ukrainian certificate and may have problems obtaining a passport when they are 14 years old⁵⁵.

In 2018, there was adopted the law according to which documents confirming the birth of a child in the TOT of the Donbass are valid⁵⁶. However, there is no legislative regulation for the implementation of this provision in an administrative manner. Currently, the procedure for registration of a child born in the TOT is quite complicated: to receive a birth certificate of a child born in the TOT of Ukraine, it is necessary to obtain the documents confirming the birth of the child at the actual place of birth, to apply personally to any department of state registration of civil status acts (SRCSA) on the GCA and to receive a written refusal in the state department of birth registration, and then apply to the court with a statement establishing the fact of a child's birth⁵⁷.

Taking into account the complexity of this procedure, it is necessary to introduce an administrative procedure for registering the birth of children (by submitting documents to the department of the SRCSA), according to which registration of child birth is carried out in general. It is important here to minimize the risk of trafficking the children born in the TOT.

In 2013, Ukraine ratified the Convention of year 1954 relating to the Status of Stateless Persons and the Convention of year 1961 on the Reduction of Statelessness. However, the norms of these Conventions were not fully implemented yet by the state. For example, today the legislation does not have a procedure to the status of "stateless person".

⁵⁵ UNHCR: Statelessness Update. Ukraine. September 2018: <https://www.unhcr.org/ua/wp-content/uploads/sites/38/2018/10/2018-09-UNHCR-Ukraine-Statelessness-Update-FINAL-EN.pdf>

⁵⁶ According to Article 2 of the Law of Ukraine "On the Peculiarities of State Policy in Ensuring the State Sovereignty of Ukraine on TOTs of Donetsk and Luhansk regions" dated January 18, 2018, access address: <https://zakon.rada.gov.ua/laws/show/2268-19>

⁵⁷ The Law of Ukraine "On Amendments to the Civil Procedural Code of Ukraine on Establishing the Fact of the Birth or Death of a Person on the TOTs of Ukraine" dated February 4, 2016, address of access: <https://zakon.rada.gov.ua/laws/show/990-19>

The issue remains unresolved when the child was born from parents, who do not have identification documents (hereinafter ID) and who are stateless persons or persons at risk of statelessness.

In particular, a child born on the territory of Ukraine who cannot acquire the citizenship of the parents not having ID becomes a stateless person. Only citizens whose parents live in the territory of Ukraine on legal grounds can obtain citizenship by birth. The Law "On Citizenship of Ukraine" defines them, however, persons in need of complementary protection and asylum seekers in Ukraine are not in the list. Thus, the children of persons in need of complementary protection and of asylum-seekers cannot obtain citizenship of Ukraine by birth.

4.2. Preservation of identity

The secrecy of adoption remains a problem, as law prohibits its disclosure. The state recognizes the problem, but for many years nothing was done to solve it.

Another problem is that the children of asylum seekers in Ukraine who have only a certificate of the application for protection in Ukraine that is not an ID, cannot receive a birth certificate with information about citizenship of parents. Information in the certificate is recorded based on data submitted to the note, which is issued in the maternity ward. There is no information on citizenship in this note.

4.3. The right to information

The state indicates that there are no legal barriers to obtaining information by the child, including the response to a request for information. However, this statement is contrary to Art. 39 of the Law of Ukraine "Fundamentals of the Legislation of Ukraine on Health Care"⁵⁸: "A patient who has reached adulthood has the right to receive accurate and complete information about his/her health, including access to relevant medical documents." Accordingly, children do not have this opportunity at all.

The Report on the observance of the rights of minors in the educational colonies of the State Penitentiary Service of Ukraine⁵⁹ underlines that the lack of full information on the possibilities for filing complaints and the strict control regime mean that children in colonies cannot actually realize their right to appeal at all. While getting into such institutions, the juveniles were not informed about the possibility of obtaining legal advice both within the educational colony and by applying to authorities.

4.4. Freedom of thought, conscience and religion

The realization of this right by children has not yet acquired enough awareness in Ukraine. Accordingly, information about the level of its compliance is not enough. There are several problems. Firstly, the residential institutions for orphans and children deprived of parental care from 0-6 years old. Exactly there, the mass baptismal ceremonies of all children are conducted, regardless of their national affiliation.

Secondly, the general education schools, which (despite the separation of schools from the church) regularly initiate the introduction of Christian ethics, celebrate Christian holidays, and often invite the Christian priests. All this tells about a national problem, namely,

⁵⁸ The Law of Ukraine "Fundamentals of Ukrainian Health Law", access address: <https://zakon.rada.gov.ua/laws/show/2801-12>

⁵⁹ Report "Observance of the rights of minors who are in the educational colonies of the state penitentiary service of Ukraine", 2014, access address: www.ombudsman.gov.ua/files/Dopovidi/1419178922.pdf

inadequate separation of the state from the church and the popularization of the Christian church, especially after Maidan in Kyiv in 2013-2014 and the receipt of Tomas by Ukraine. This situation can already be considered a state policy.

4.5. Freedom of association and of peaceful assembly

According to the Law of Ukraine "On Public Associations"⁶⁰ certain restrictions on the age from which one can be founder of a youth public organization (14 years) were established. At the same time, citizens from 6 to 18 y.o. may be members of children's public associations which do not contradict the law. Citizens from 14 and more can be members of youth public associations⁶¹.

Legislation does not regulate, how children can organize peaceful gatherings. Thus, from late November 2013 until early February 2014, during the Revolution of Dignity in the regions of Ukraine, more than 60 children were arrested by police officers due to their possible involvement in mass protests⁶². As a rule, such suspicions were groundless, absurd and violated the rights of child.

In May 2019, a 16-year-old girl and a 20-year-old man were arrested for picket demanding impeachment of the President. The girl was detained for several hours, the police did not provide a lawyer to her, an administrative protocol was drawn up on the child's mother for non-fulfillment of parental duties, the court of first instance accused the girl in violation of the established order of holding meetings⁶³. Due to legal assistance of human rights organizations the court of second instance cancelled previous judgement.⁶⁴.

4.6. Protection of privacy and protection of image

Actual provision of these rights to children in orphanages, boarding schools, residential institutions of health care and social protection is not in place: the privacy during the use of the bathroom and toilets is not observed, children have limited time for meeting with their relatives, they can not stay alone, they often can not use mobile phones, the staff controls the correspondence.

Besides, the staff involves children into discussions about their biological families, after which they can share information with others⁶⁵.

In Ukraine the right of the child to see parents after divorce is an issue that should be addressed, since even a court decision is not a guarantee that the child will implement the right to contact his father or mother⁶⁶.

⁶⁰ Law of Ukraine "On Public Associations", access address: <https://zakon.rada.gov.ua/laws/show/4572-17>

⁶¹ Law of Ukraine "On Youth and Children's Public Organizations", access address: <https://zakon.rada.gov.ua/laws/show/281-14>

⁶² According to the data of CSO "Flora"

⁶³ The court decision <http://www.reyestr.court.gov.ua/Review/82408470?fbclid=IwAR23FOpc6rYscDorsIj-ILSCyZiMF5P31-53CN4jWKKHWe-sMvLvD-cgHr0>

⁶⁴ A Court of Appeal cancelled the administrative protocols to activists who demanded impeachment of Zelensky https://zmina.info/news/apeljaciynij_sud_skasuvav_adminprotokoli_shhodo_dvoh_aktivistiv_jiaki_proveli_movchaznij_piket_z_vimogojuu_impichmentu_zelenskogo/

⁶⁵ "The Rights of the Child and Mental Health. Observance of Children's Rights in Residential Institutions of Health and Social Protection", available by reference: https://helsinki.org.ua/wp-content/uploads/2018/03/2018-03-05_Prava-dytyny.pdf

⁶⁶ The decision of the European Court of Human Rights in the case of Vishnyakov v. Ukraine (No. 25612/12) of 24.07.2018, access address: <http://hudoc.echr.coe.int/rus?i=001-184824>

Children report violations of their rights to privacy in general education institutions, namely by placing their photos on the Internet by peers without the consent, which often become the tools of the bullying (results of the focus group conducted to prepare the contribution of children to the monitoring of the Convention of Council of the Europe on the Protection of Children from Sexual Abuse and Sexual Exploitation)⁶⁷.

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

Television remains the source of harmful information for children. So according to the Media Detector organization, several such cases were recorded on the central channels. For example, talk shows on two central channels - STB and Inter about a 12-year-old girl who gave birth to a child⁶⁸; fines imposed by the National Council to STB (1.6 million UAH) and the warning to Inter against the use of harmful content⁶⁹. At the same time, there are no clear criteria for what the harmful content is, which currently allows TV channels to avoid paying a fine by appealing against decisions of the National Council⁷⁰.

In December 2017, three national media holdings (Media Group Ukraine, StarLightMedia, Public Broadcasting UA) and the Independent Broadcasting Association, representing local private broadcasters, signed the Rules for Exposure of the Topic of Suicide in the Media⁷¹. Since 2017, TV channels have begun to label such content with special clear warning signs⁷².

Another problem is the vulnerability of the web sites of the educational facilities. There are no regulatory requirements for such web sites in Ukraine. According to the research "Respect and Safety: Monitoring of the Web-sites of Educational Facilities"⁷³, 86.81% of educational facilities have unprotected connection with the site. As a rule, teachers of computer science (58.90%) are responsible for the development and content management of the web sites in the educational facilities.

21.23% of the educational facilities indicated that there was no regulatory framework for the development and maintenance of the web site. During the analysis of the web sites, 98.61% of

⁶⁷ "The children presented a report with recommendations on the prevention of sexual violence and sexual exploitation of children", Coalition Rights of the Child, access address: https://www.childrights.in.ua/Dti_prezentuvali_zvt_z_rekomendacijami_xhodo_poperedzhennja_seksualnogo_nasilstva_ta_seksualno_eksplu

⁶⁸ "Conclusion of the Independent Media Council on TV program "Concerns Everyone" on Inter channel of October 9 and 13, 2017", Detector Media, access address: <http://detector.media/community/article/131173/2017-10-23-visnovok-nezaleznoi-mediinoi-radi-shchodo-vipuskiv-peredachi-stosujutsja-kozhnogo-na-telekanali-inter-vid-9-ta-13-zhovtnja-2017-roku/>

⁶⁹ "The conclusion of the Independent Media Council regarding the content of entertainment programs and announcements on the TV channel STB", Detector Media, access address: <http://detector.media/community/article/130759/2017-10-10-visnovok-nezaleznoi-mediinoi-radi-shchodo-zmistu-rozvezhalnikh-peredach-ta-anonsiv-na-telekanali-stb/>

⁷⁰ "Olga Gerasimyuk in a comment to the Detector Media – regarding the decision of the court, which canceled a UAH 1.6 million fine for STB", the National Council for Television and Radio Broadcasting, access address: <https://www.nrada.gov.ua/komentar-olgy-gerasym-yuk-shchodo-rishennja-sudu-yakij-skasuvav-1-6-mln-grn-shtrafu-dlya-stb/>

⁷¹ "Joint Harmonization Act No. 2 "Media coverage of the topic of suicide", Detector Media, access address: <http://detector.media/community/article/132670/2017-12-07-spilni-akt-uzgodzhennja-2-visvitlennja-zasobami-masovoi-informatsii-temi-suitsidu/>

⁷² "Media Group Ukraine, StarLightMedia and NSTU signed common media coverage of suicide issues", Detector Media, access address: <https://detector.media/community/article/132675/2017-12-07-media-grupa-ukraina-starlightmedia-ta-nstu-pidpisali-spilni-pravila-visvitlennja-v-media-temi-suitsidu/>

⁷³ Chernyh O.O. H49 Respect and safety: monitoring sites of educational institutions / Chernyh O.O.K.: "VAITE", 2018. – p.38

web sites did not contain information on the protection of personal data and respect for students' privacy. All analyzed sites of educational facilities contain various combinations of personal data of pupils in open access: every seventh web site contains a child's photo with indication of his/her class, every fifth contains a photo and surname, name and patronymic. 97.92% of the sites lack information about where or to whom you can apply for the removal of child's personal information from the web site.

According to the all-Ukrainian study among adolescents regarding the danger situations on the Internet, conducted by the laboratory of psychology of mass communication and media education at the Institute of Social and Political Psychology of the National Academy of Pedagogical Sciences of Ukraine⁷⁴, adolescents described the following risks: almost 60% mentioned the imposition of unnecessary information, 57% note the interference in the work of a digital device, about 20% confirm the dissemination of false information about the teenager, about 25% of the interviewed teenagers suffered financial losses.

5. Violence against children

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

Children continue to suffer violence in families, children's institutions, in the streets, etc. Each year more than 3 million children in Ukraine (about half of the children's population) are observers or forced participants in domestic violence⁷⁵.

There is no clear coordination in combating violence against children, as evidenced by different interagency statistics. There is no common work with children who are victims or abusers.

Physical punishment, remains a practice in some families despite the complete prohibition in the FC.

According to the Multi-indicator Cluster Survey of Households presented in 2014: "61.2% of children from 2 to 14 y.o. are at risk of at least one type of psychological or physical punishment by an adult. 11.2% of the population of Ukraine believe that children should be punished physically. In fact, 29.9% of children between 2 and 14 y.o. are at risk of applying some form of physical punishment to them, 36.5% of boys and 23.4% of girls⁷⁶.

There is a low level of parents' awareness on the definition and consequences of child abuse (for example, most parents are unaware of the "children's concussion syndrome").

On December 7, 2017 the Law of Ukraine "On Prevention and Combating Domestic Violence"⁷⁷ No. 2229-VIII (hereinafter Law No. 2229-VIII) was adopted. It defines such new concepts as: domestic violence, emergency prohibition, restrictive regulation, risk assessment, affected person, abuser, affected child, child-abuser, prevention of domestic violence, countering domestic violence, program for the victim, program for the abuser. According to the new law, a child who has suffered from domestic violence, is not only the person who has suffered, but also a person who has witnessed the violence.

⁷⁴ IX Ukrainian Internet Management Forum IGF-UA, Kyiv, September 28, 2018, access address: http://igf-ua.org/wp-content/uploads/2018/11/Ukrainian-IGF-UA_2018_Annual_Report_UKR.docx

⁷⁵ Prevention and counteraction to violence METHODOLOGICAL RECOMMENDATIONS, Ministry of Education and Science, Ministry of Youth and Sports of Ukraine, access address: <https://don.kyivcity.gov.ua/files/2018/5/22/mon.pdf>

⁷⁶ "Bullying in Ukraine: a major problem for children. UNICEF launches an anti-bullying campaign", UNICEF, access address: https://www.unicef.org/ukraine/media_31250.html

⁷⁷ Law of Ukraine "On Preventing and Combating Domestic Violence", access address: <https://zakon.rada.gov.ua/laws/show/2229-19>

At the same time, many clauses of the basic law cannot be implemented due to lack of subordinate legal acts. Now, the Ministry of Social Policy of Ukraine (hereinafter MSP), which is the central executive body, ensures the formation of state policy in prevention and counteraction to domestic violence, together with other ministries and authorities, develop more than 30 subordinate legal acts to comply with all provisions of the basic law.

The system of bodies, whose competence is the protection of the child rights and the provision of social services, is weakend. The low level of staffing in CSs and Centers of Social Services for Families, Children and Youth raises questions about the effectiveness of the implementation of state policy, namely, regarding appropriate services, including to children affected by violence.

There is no mechanism of social order that increases the vulnerability of public organizations providing social services at the community and national level. One of the biggest services is the All-Ukrainian Children's Hotline (provided by La Strada), which is funded exclusively by non-governmental organizations. There is a lack of specialists (social workers, psychologists, teachers, police officers, doctors), who can provide support and carry out correctional programs.

5.2. Measures to prohibit and eliminate all forms of harmful practices, including, but not limited to, female genital mutilation and early and forced marriages

Female circumcision is not typical for Ukraine, but organizations working with refugees from some Asian and African countries supported female refugees who suffered from female genital mutilation and refugees families practicing such things. The Ukrainian legislation does not prohibit such practices, therefore such cases are not recorded as a crime.

Doctors or psychologists trained to work with traumatized women are not in place either. In some cases, social workers were forced to provide explanations and psychological support to both - doctors who have no experience and girls who have been psychologically and physically affected, as well as to talk with women about the serious harm of circumcision for girls' health. In Ukraine, such medical statistics is not recorded, while in the EU countries it is a criminal offense.

5.3. Sexual exploitation and sexual abuse

There is no interaction in cases of sexual abuse of children, as evidenced by various data and number of crime incident reports.

According to the Council of Europe, every 5th child in Europe faces sexual abuse. Nationwide, police records annually tally approximately 4.300 claims of child sex abuse⁷⁸. However, investigations into these claims are initiated in only about ten percent of the reported instances (410 cases of crimes against sexual freedom and integrity against children for 2016⁷⁹ registered in Unified Register of Pre-trial Investigations on registered criminal offenses; 424 similar cases registered in 2017 and 425 cases in 2018⁸⁰), and only two percent

⁷⁸ Since the beginning of the year, over 4.5 thousand children have been affected by sexual abuse in Ukraine - police. <https://www.radiosvoboda.org/a/news/28859775.html>

⁷⁹ 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.

⁸⁰ 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

of the cases actually go to court (about 80 cases)⁸¹. Also, only 1.5 % (65 children⁸²) do receive social assistance, including social and psychological support.

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. There is also a lack of personnel capacity to deliver interview services. Currently, a child victim of violence is interviewed firstly by an investigator of rapid response; secondly by the criminal investigator, who is responsible for the in-depth investigation of the case; thirdly, the child has to face a psycho-psychiatric examination, fourthly - forensic examination. Interviews with investigator take place in police department without a proper place as stated by article 35 of the Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention). In Ukraine, 4 institutions are involved in the interview process, which causes additional trauma to a child victim. Besides, the child faces repeated challenges to be interrogated, which negatively affects the child and leads to the psychological trauma. According to Lanzarote Convention, 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.⁸³⁸⁴

There are no curricula for training specialists on interviewing a child - victim of sexual abuse. As stated in the National Report⁸⁵, a series of one-day and two-day workshops for police on child interviewing was more likely aimed at informational and educational work, as it is obvious that this time is not enough for high-quality education.

There is no clear algorithm and the order of decision-making in emergencies when the abuser is his/her legal representative, namely, regarding the representation of the child's interests, the decision to provide him/her with psychological help, interviewing, etc.

There are no centers with qualified rehabilitation assistance to children suffering from sexual violence.

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

In Ukraine, there is a joint order of MSP, Ministry of Internal Affairs of Ukraine, MoES, Ministry of Health of Ukraine (hereinafter MoH) dated August 19, 2014 № 564/836/945/577 "On the Procedure for Considering Appeals and Messages Regarding Cruel Treatment of Children or the Risk of it"⁸⁶.

Thus, all appeals and messages concerning the abuse of children or the threat of committing them should be registered by individuals who received the information in the registration

⁸¹ Last year, only 80 cases of child sexual abuse were brought to the courts

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

⁸² Response letter to the request of the Women's Consortium of Ukraine to the Ministry of Social Policy

⁸³ "Research on preconditions for the introduction of a new practice for questioning a child sexually abused", Women's Consortium of Ukraine, access address: https://wcunetwork.org.ua/ua/Zaxist_prav_dtei/publications/Doslzdzhennja_peredumov_zaprovadzhennja_novoi_prakti_ki_dopitu_opituvann

⁸⁴ Joint written statement in UN Human Rights Council Forty-first session 24 June–12 July 2019 * submitted by International Catholic Child Bureau, non-governmental organizations in special consultative status: <https://undocs.org/en/A/HRC/41/NGO/141>

⁸⁵ National Report "Consolidated V and VI Periodic National Report on Ukraine's Implementation of the UNCRC" (2011-2017).

⁸⁶ Interagency Order "On Approval of the Procedure for Consideration of Applications and Communications Regarding the Cruel Treatment of Children or the Risk of Intervention", access address: <http://zakon.rada.gov.ua/laws/show/z1105-14>

journal of appeals and reports about the ill-treatment of children and within one day they should be sent to the CSs and the body of internal affairs at the place of residence (staying) of the child.

However, in practice, not all appeals are forwarded to the police authorities, less of them are forwarded to court.

The analysis of appeals conducted by the Office the Ombudsman of the President of Ukraine on the rights of the child⁸⁷ shows that educational facilities are often places where violence against children occurs. Each second appeal (52 out of 107) to the Ombudsman for the violation of the children's right for education refers to abuse and violation of the right to a decent attitude by employees of educational facilities; children are subjected to psychological violence. There are facts of physical abuse of children in educational facilities. The staff do not apply effective measures to establish good relations with children and parents, or to manage conflicts between children. In addition, educational facilities are not interested in recording cases of ill-treatment in school environment.

The monitoring results indicate that physical punishment are happening in children's institutions.

Monitoring of child's rights in boarding schools, including for children with disabilities, has revealed the problem of forced abortion among girls⁸⁸.

In 6 out of 7 colonies for minors, the administration and the staff of the institutions move away from performing their duties to protect and maintain the safety of the existence and coexistence of pupils, transferring their functions to some of the convicted persons (the so-called "active")⁸⁹.

In some orphanages children with disabilities are tied to wheelchairs. There have been documented the use of sedative and psychoactive drugs as chemical means to restrict movement, to punish or to control their behavior⁹⁰.

According to the study conducted by the Kharkiv human rights group in 2013, almost a third of children encountered abuse during detention, a quarter of them considered such actions to some extent justified, and almost half of the children were forced to submit evidences through physical violence in conjunction with psychological pressure⁹¹.

Armed conflict leads to applying torture towards children. Therefore, the Truth Hounds organization documented 6 cases of illegal detention of children with the use of torture and inhuman treatment⁹².

Unresolved problems of torture in penitentiary institutions for children and pressure during investigative actions lead to tragedies. So in 2015, 14-year-old boy was murdered by two cellmates in Zhytomyr pre-trial prison No. 8⁹³. A 16-year-old boy, who was suspected in the

⁸⁷ Annual report of the Ukrainian Parliament Commissioner for Human Rights, 2018, access address: <http://www.ombudsman.gov.ua/ua/page/secretariat/docs/presentations/&page=3>

⁸⁸ Disability Rights International: There is No Way Home. Exploitation and Violence Against Children in Orphanages of Ukraine. - Ukraine, 2015. <http://www.driadvocacy.org/media-gallery/our-reports-publications/>

⁸⁹ Observance of the rights of minors in the educational colonies of the State Penitentiary Service of Ukraine: Special report on the implementation of the National preventive mechanism/ Commissioner of the Verkhovna Rada of Ukraine for Human Rights: an official publication. - K., 2014. - 120 p. - <http://khisr.kharkov.ua/files/docs/1419178922.pdf>

⁹⁰ Disability Rights International: There is No Way Home. Exploitation and Violence Against Children in Orphanages of Ukraine. - Ukraine, 2015. <http://www.driadvocacy.org/media-gallery/our-reports-publications/>

⁹¹ "# Data4children: UNICEF unveiled the results of a new MICS study in Ukraine", UNICEF, access address: https://www.unicef.org/ukraine/ukr/media_25673.html

Children in the millstones of justice. Part 1: <https://racurs.ua/ua/302-dity-u-jornah-pravosuddya-chastyna-1.html>

⁹² "There is no place for children here. Monitoring of attacks against children and educational institutions during the three years of the war on the Donbass", Truth Hounds, access address: http://truth-hounds.org/ditiam-ne-misce/?fbclid=IwAR1VmYOPIXhkg5UO_IZe2AYXHkjBTgLGjTiey3sL6X_fLUYLT00vrZQJgKI

⁹³ The cellmates of the 14-year-old boy who was raped in the Zhytomyr SIZO, have declared suspicion. Zhytomyr.INFO: - http://www.zhitomir.info/news_150115.html

same crimes, but who didn't get to the pre-trial prison before the court, committed the suicide⁹⁴.

6. Family environment and alternative care

6.1. Parents' common responsibilities, childcare services

Despite the legislative acts listed in the National Report, there are no significant changes in the professional work aimed at increasing parental potential. Legally, there is no definition of services; the responsibility of the authorities for their creation and provision. Almost all existing services are stationary and are concentrated at the regional level. Locally there are no social specialists who should ensure the identification of families in crises and provide support to them.

In 2015, 5,477 people worked at the Centers of Social Services for Families, Children and Youth. Compared to 2013, the number of employees decreased by 64%. The number of staff in CSs is also decreasing. Compared to 2013, their number decreased by 19%⁹⁵.

More than 600,000 children in Ukraine live with parents who do not provide proper care⁹⁶. The number of families below the poverty line is constantly increasing. Thus, in 2017, the number of families with children who received state aid for low-income families amounted to 898,000 families, in 2015 – 564,000 families. The number of single-parent families is 706,000, which is almost 30 times higher than the number of children registered in social services due to difficult life circumstances⁹⁷ stated in the National Report.

The number of children whose parents are deprived of parental rights annually consists of about 8,000 people⁹⁸. At the same time, the number of children returning to the family has significantly decreased over the past three years. So in 2014, these were 1,101 children, and in 2017 - only 694 children.

Instead of introducing regulations that improve the situation of families and contribute to raising the parental capacity, the legislation offers "relief" to parents by placing their children in boarding schools. Thus, the Law of Ukraine "Fundamentals of the Ukrainian Legislation on Health Care"⁹⁹ stipulates that for citizens with children facing problems of physical or mental development who require medical, social assistance and special care, the state can provide assistance by "keeping children at babies' homes, children's homes, orphanages and other specialized child-care institutions at the expense of the state according to the will of parents or persons who replace them".

Similarly, the Law of Ukraine "On General Secondary Education"¹⁰⁰ envisages the retention of children in need of physical/intellectual development in special general educational boarding schools at the expense of the state. Article 143, paragraph 3, of the FC¹⁰¹ still does not comply

⁹⁴ The 16-year-old boy hung himself when he learned that his friend was raped in a pre-trial prison. The first Zhitomir information portal: <http://www.1.zt.ua/news/misto/pidozryuvaniy-u-kradizhkah-16-richniy-hlopets-povisivsya-kolidznavsya-shcho-yogo-druga-zgvaltuvali-u-izo.html>

⁹⁵ Illusion of Protection: an Analytical Report on the Results of the Comprehensive Study of the Child Protection System in Ukraine, 2016, Hope and Homes for Children <https://www.hopeandhomes.org.ua/>

⁹⁶ "In Ukraine, during the years of its independence, the number of children's population has almost doubled", UKRINFORM, access address: <https://www.ukrinform.ua/rubric-society/2165052-kilkist-ditej-v-ukraini-zmensilas-majze-vdvici.html>

⁹⁷ Illusion of Protection: an Analytical Report on the Results of the Comprehensive Study of the Child Protection System in Ukraine, 2016, Hope and Homes for Children <https://www.hopeandhomes.org.ua/>

⁹⁸ Children who need a special attention of society. Statistical Bulletin. State Statistics Service of Ukraine, 2018 - http://www.ukrstat.gov.ua/druk/publicat/kat_u/2018/zb/07/zb_zdpus_2017.pdf

⁹⁹ The Law of Ukraine "Fundamentals of Ukrainian Legislation on Health Care", access address: <http://zakon.rada.gov.ua/laws/show/2801-12>

¹⁰⁰ Law of Ukraine "On General Secondary Education", address of access: <http://zakon.rada.gov.ua/laws/show/651-14>

¹⁰¹ Family Code of Ukraine, access address: <https://zakon.rada.gov.ua/laws/show/2947-14>

with Article 9 of the Convention and encourages parents to leave children with disabilities in the maternity ward.

Along with the decrease of the number of children left after birth in the maternity ward, the number of children from birth to 3 years old, placed to the children's homes, increases. If in 2014 – 2,272 children were placed there, then in 2017 – the number was 2,674 children (17% increase). Similarly, the number of orphans and children deprived of parental care (status given by the court) has increased in these institutions: in 2014 – 1,111 children, in 2017 – 1,431¹⁰². In the last three years (2014-2017), the number of children from 3 to 18 y.o. who were placed into shelters and centers for social psychological rehabilitation increased by 5% (9,051 to 9,509, respectively). Exactly these data prove that the system of social support for families with children is poorly developed.

The nature of the impact of the Decree of the Cabinet of Ministers (hereinafter CoM) of Ukraine "Some Issues in the Implementation of the Pilot Project on Social Protection of Families with Children and Supporting the Development of Responsible Paternity"¹⁰³ No. 427 dated May 30, 2018 concerning its capacity to support families with children is controversial. On the one hand, compensation for nanny costs is introduced, but the proposed reimbursement period is too long - 1 year; a large part of the reimbursement lays on the local budgets that have different capacities and put families in unequal positions.

Similarly, the NAP for the Implementation of the Convention until 2020 forwards a considerable amount of tasks to the UTCs, which, due to reforms and unstable economic situation, can currently plan only a minimum amount of actions.

The state has not introduced a system for monitoring and evaluation of the impact of the provided social services. The quality of work of the bodies of executive power and local self-government does not contain indicators of prevention the separation of children from their parents and their referral to institutions.

6.2. Separation from parents

As of September 1, 2016, out of 105,783 children in residential institutions, only 8,741 children (8%) were orphans or children deprived of parental care, while the rest – 97,042 (92%) had parents. Thus, a significant proportion of children are living in residential institutions based on written requests from parents who are unable to meet the child's needs because of illness, alcoholism, poverty or unemployment. Such parents consider placement of their children in specialized institutions as the only opportunity to ensure proper care and education. These families should have prior rights to get the support.

However, the level of ensuring of this right remains insufficient, which leads to institutionalization of children. The index of the child rights for the family is 61.25 out of 100, and the provision of the right to get help in the difficult family circumstances - 61.51¹⁰⁴.

In 2012, the Presidential Decree approved the National Strategy for the Prevention of Social Orphanhood for the Period up to 2020, aimed at the transition from the struggle against the

¹⁰² Children who need a special attention of society. Statistical Bulletin. State Statistics Service of Ukraine, 2018 - http://www.ukrstat.gov.ua/druk/publicat/kat_u/2018/zb/07/zb_zdpus_2017.pdf

¹⁰³ Resolution of the Cabinet of Ministers of Ukraine dated May 30, 2018, No. 427 "Some Issues in the Implementation of the Pilot Project on Social Protection of Families with Children and Supporting the Development of Responsible Paternity", access address: <https://zakon.rada.gov.ua/laws/show/427-2018-%D0%BF>

¹⁰⁴ According to study of the ICO "Partnership for Every Child", held in Chernihiv region in 2014; Investigation of the NGOs Coalition "Child Rights in Ukraine", "Observance of the Rights of the Child in Ukraine" (2012-2015). - p.29. Access address: https://www.childrights.in.ua/Xhorchna_dopovd_pro_dotrimnja_prav_ditini_v_Ukran

consequences to the prevention of social orphanhood¹⁰⁵. According to the approved plan it was envisaged to develop and approve a number of standards for the provision of social services in 2014-2016. Now, only the State Standard of Social Support for Families (persons) who are in Difficult Life Circumstances has been developed and approved.

It should be positively estimated that the timeliness of amending the Resolution of the CoM No. 866 "Issues of the Activities of the Custody and Guardianship Authorities Associated with the Protection of the Rights of the Child"¹⁰⁶ dated October 22, 2014, where in accordance with paragraph 24, the status of a child deprived of parental care may be granted to children, whose parents do not perform their duties for unclear reasons due to the presence of parents in the temporarily occupied territory.

6.3. Family reunification, Illicit transfer and non-return

One of the most vulnerable groups are the children from countries that were part of the CIS and were left without care on the territory of Ukraine. The main document regulating the legal and technical issues of the movement of such children remains the so-called Chisinau Agreement:

Agreement of the CIS countries on the return of minors to their permanent residence (2002)¹⁰⁷. The Chisinau Agreement is out-of-dated content-wise and does not correspond to the understanding of the child rights, as repeatedly noted by both Ukrainian and international organizations¹⁰⁸¹⁰⁹¹¹⁰¹¹¹.

The Chisinau Agreement uses the general term "minors, left without care", while international practice uses a separate definition: "unaccompanied minors/children" - i.e. separated from parents and any other relatives; "separated children" - separated from parents, but not with all relatives; there are also other groups of children left without family.

Usage of at least one term mentioned in the Agreement leads to the fact that in situations where children have relatives ready to take care of them (and sometimes capable parents), are defined as "left without care," are placed to the transit facilities and returned to countries of origin, where these children often do not have any social ties. Insufficient consideration of the child's view when deciding obvious benefit of returning children to their country of origin, lack of monitoring after returning to the country of origin, violation of the right to a

¹⁰⁵ Decree No. 609/2012 of the President of Ukraine "On the National Strategy for the Prevention of Social Orphanhood by 2020", dated 22.10.2012

¹⁰⁶ Resolution of the Cabinet of Ministers of Ukraine dated September 24, 2008 No. 866 "Issues of the activities of guardianship and trusteeship bodies related to the protection of the rights of the child", access address: <http://zakon4.rada.gov.ua/laws/show/866-2008-%D0%BF>

¹⁰⁷ Agreement on cooperation between the member states of the CIS on the repatriation of minors to the state of their permanent residence, access address: https://zakon.rada.gov.ua/laws/show/997_614

¹⁰⁸ "The Coalition on the Rights of the Child in Ukraine addresses an open letter to Azarov requesting protection of unaccompanied children from the CIS countries, access address: https://www.childrights.in.ua/Koalcja_Prava_ditini_v_Ukrain_zverta%D1%94tsja_u_vdkritomu_list_do_Azarova_z_poxannjam_zaxistiti_prava_be

¹⁰⁹ "The rights of the child at the detention centers of the internal affairs bodies. Report on Monitoring Results", Coalition "Rights of the Child in Ukraine", access address: https://www.childrights.in.ua/Prava_ditini_u_priimalnikaxrozpodlnikax_organv_vnutrshnx_sprav_Dopovd_z_resultatami_monitoringu

¹¹⁰ «STOP DETENTION OF UNACCOMPANIED CHILDREN IN THE CIS», CRIN, access address: <https://archive.crin.org/en/home/campaigns/regional-campaigns/stop-detention-unaccompanied-children-cis.html>

¹¹¹ "Migrant children in the CIS countries: lack of adequate legal norms governing the cooperation of the countries involved", ADC Memorial, access address: <https://adcmemorial.org/www/publications/migrant-children-in-cis-countries-lack-of-adequate-legal-norms-regulating-cooperation-between-the-countries-involved?lang=en>

fair trial, the lack of legal assistance to children – these are the main effects of Chisinau Agreement.

Despite these negative consequences and violations of the child rights, Ukraine continues to focus on the Chisinau Agreement only because the document regulates the financial and logistical conditions for the movement of children across the border.

6.4. Children deprived of family environment

Residential institutions are the most common form of placement of children separated from parents due to poverty, violence, disability, special educational needs of the child, etc. (every three days 250 children fall into residential institutions)¹¹².

More than 100,000 children (1.5% of the total children population of Ukraine) are forced to live in residential institutions of various types basically until their adulthood. In Ukraine, there are 751 residential institutions for children. These institutions belong to the departments of three ministries: MoH, MES and MSP¹¹³. Due to the lack of unified and clear procedures, decisions on the placement of children are taken inconsistently and without taking into account the real needs of the child.

Significant allocations are provided for the maintenance of the institutions. In 2014, 5.1 billion UAH (approximately \$255 million) were allocated from the state budget, in 2015, about 6.4 billion UAH (approximately \$291 million), in 2016 - more than 7 billion UAH (about \$280 million). At the same time, on average 70% of this money is spent on staff salaries, about 14% - on utilities and maintenance of buildings, and only 15% - for food, clothing, medicines for children¹¹⁴.

The actual number of residential institutions is almost not reduced, they were transformed into other types of institutions. In accordance with the new regulations on certain types of institutions approved by the CoM, the possibility of establishing boarding schools in the structure of these institutions is foreseen¹¹⁵. Boarding schools for orphans and children deprived of parental care are often reorganized into special boarding schools for children with special needs, despite the fact that it is impossible to provide effective help in the residential setting in particular to the child with mental retardation. This is one of the ways of artificially concealed processes taking place in the state¹¹⁶.

In accordance with the legislation, only orphans and children deprived of parental care can be placed to the family-based forms of care. Currently, 92% of children in orphanages do not fall into this category because of being in the residential institutions on other grounds¹¹⁷, respectively, such children are left without parental care, but legally - deprived of the family environment.

The state has set itself the task of returning children from boarding schools to families, but now, the goal does not correspond with the real actions. Thus, in August 2017, the Government adopted the "National Strategy for Reforming the Institutional Care and Nursing

¹¹² "In Ukraine, during the years of its independence, the number of children's population has almost doubled", UKRINFORM, access address: <https://www.ukrinform.ua/rubric-society/2165052-kilkist-ditej-v-ukraini-zmensilas-majze-vdvici.html>

¹¹³ "The reform of the boarding schools: how to end the Soviet relic?", access address: https://zik.ua/news/2018/02/01/reforma_internativ_yak_pokinchty_z_radyanskym_perezhytkom_1256679

¹¹⁴ The same source.

¹¹⁵ Resolution of the Cabinet of Ministers of Ukraine dated November 21, 2018, No. 1026 "On Approval of the Regulations on the Sanatorium School", access address: <https://www.kmu.gov.ua/ua/npas/pro-zatverdzhennya-polozhennya-pro-sanatornu-shkolu>

¹¹⁶ Kotlyar Alla Boarding Schools and Specialists in Social Work: War of outlook? - http://gazeta.dt.ua/socium/internati-i-specialisti-socialnoyi-roboti-viyna-svitoglyadiv-_html

¹¹⁷ According to the National Report

System for 2017-2026", which final goal is to change the system of institutional care to a system that provides care in the family or close to the family environment.

However, the expected results of the Strategy seem too ambitious, especially the goal to reduce the number of children in residential institutions by 10% starting from 2018. The reduction of such institutions by 10% from 2019 led to an artificial oral prohibition given to civil servants to place orphans and children deprived of parental care to residential institutions. This, in its turn, leads to an artificial reduction in the number of initiated lawsuits for deprivation of parental rights or the removal of children from their parents without deprivation of parental rights, including cases with a threat to the life and health of children.

As a result, such processes led to the hidden social orphanhood in the country.

Given that the first phase of the Strategy is a transitional one and the number of specialists has decreased by 64% compared to 2013, and the number of employees of CSs has decreased by 19%, the above trends are extremely dangerous both for the country as a whole and for each particular child¹¹⁸.

In the last three years, the number of foster families (hereinafter FF) reduced. Thus, 4,123 FF functioned in Ukraine in 2014, and in 2017 their number fell to 3,677 families¹¹⁹.

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

In addition, amendments were made to the Law of Ukraine "On Provision of Organizational and Legal Conditions for the Social Protection of Orphans and Children Deprived of Parental Care" in connection with the introduction of mentoring for orphans and children deprived of parental care living in residential institutions¹²⁰. Legally introduced changes enable the child to have an adult who can become a real senior friend and mentor, help him/her in socialization, career guidance and any other issues.

The conclusion of an agreement on mentoring involves the consent of the child if he/she has reached the age and level when he/she can express this consent, as well as the written consent of his/her legal representatives.

6.5. Periodic review of placement

There is a decrease in the number of children placed from institutional into family-based care (2,559 children in 2013, 1,890 children in 2015). There is also a concern that some of the children officially placed to the family-based forms actually study in boarding schools and visit the family either on weekends or during holidays. Therefore, there were 1,084 children in boarding schools officially placed in family-based forms of care in 2016. 2,297 children were placed to residential institutions because of the abolition of the decision to place them into family-based forms of care¹²¹.

The system of recruitment, training, capacity support and monitoring of children's life in family-based forms of care remains imperfect. Social support for FFs and family-type children's homes (hereinafter FTCH) is carried out by professionals from the Centers of Social Service for Families, Children and Youth in a formal way, often only through telephone

¹¹⁸ The Order of the Cabinet of Ministers of Ukraine of August 9, 2017 No. 526-p "On the National Strategy for the Reform of the Institutional Care and Education of Children by 2017", the access address: <http://www.kmu.gov.ua/control/uk/cardnpd?docid=250190226>

¹¹⁹ Children who need a special attention of society. Statistical bulletin. State statistics service of Ukraine, 2015, 2018 - <http://www.ukrstat.gov.ua/>

¹²⁰ The Law of Ukraine "On ensuring the organizational and legal conditions for social protection of orphans and children deprived of parental care", the access address: <http://zakon2.rada.gov.ua/laws/show/2342-15>

¹²¹ Illusion of Protection: an Analytical Report on the Results of the Comprehensive Study of the Child Protection System in Ukraine, 2016, Hope and Homes for Children <https://www.hopeandhomes.org.ua/>

communication, which does not contribute to preserving the potential of the family and prevention a deep crisis.

This is due to insufficient number of profile specialists in the country, high turnover of personnel, lack of material and legislative support, well-balanced and considered policy at the level of the profile ministry. Families of guardians, caregivers are not supported at all, except for cases when the family falls into difficult life circumstances. However, this form of placement of children is the most widespread and requires constant professional support from social workers.

Systemic monitoring and assessment of the child is not carried out. The system of professional support of host families from the side of narrow specialists (psychologists, psychotherapists, rehabilitation specialists, etc.) has not been created, given that the vast majority of children who come into such families have been traumatized, have suffered from violence. Even now, there is no specialization of FFs, namely, no approved programs for the preparation of candidates for foster parents of children with disabilities, financial mechanisms for supporting such families have not been developed.

It should be noted that out of 13,689 children who grow up in FFs and FTCHs, there are only 520 children with disabilities¹²².

6.6. Adoption

The adoption process remains quite intransparent in Ukraine. Currently, the law does not explicitly specify the condition for determining the place of origin of the child, which gives grounds for accounting the child by the place of birth. This, in its turn, provides grounds for the heads of CSs of those territories with the maternity wards or other health care facilities for children from birth to 3 y.o., to introduce corrupt schemes for their adoption¹²³.

Adoption from FFs and FTCHs becomes a systemic problem for the child, foster parents, parents-caregivers of FTCHs and potential adopters. The FC stipulates that in case of several persons who expressed a desire to adopt the same child, the pre-emptive right to adoption belongs to a citizen of Ukraine, in whose family the child lives (Article 213 of the FC¹²⁴). However, the algorithm of taking into account the views of such citizens is not prescribed, which gives grounds for ignoring their opinion and the opinion of the child, or for creating the artificial obstacles for their primary right.

The law does not set out the procedure for preparing the child by social workers prior to adoption. Lack of compulsory education for potential adopters, further support for adopters sometimes leads to cases of the return of children - abolition of adoption.

Particularly relevant is the problem with the identification of bodies or services for children, which can transfer functions for ensuring the order of adoption from the district CSs, as it is inappropriate to transfer them to the structural divisions of the UTCs. By 2020, district state administrations will cease to operate in this direction, but another structure that fully takes over these powers is not defined by the state. This conflict threatens to ensure the primary right of the child, which has grounds for adoption.

7. Disability, basic health and welfare

¹²² Children, women and family in Ukraine. Statistical bulletin. State statistics service -http://www.ukrstat.gov.ua/druk/publicat/kat_u/2018/zb/09/DJS_2018_pdf.pdf

¹²³ "In Kharkov, an official of the city hall was caught on a bribe", Correspondent.net, access address: <https://ua.korrespondent.net/city/kharkov/4060074-u-kharkovi-chynovnytsui-merii-spiimaly-na-khabari>

¹²⁴ Family Code of Ukraine, access address: <https://zakon.rada.gov.ua/laws/show/2947-14>

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

There is no statistics on children with disabilities, children with problems in their development, children with special educational needs, etc. Publicly available information only gives the number of children with disabilities in general as of January 1, each year according to the International Classification of Diseases.

Often doctors or medical staff force parents to abandon a child born with disabilities, by saying that the services for such child are only available in the residential institutions. This situation applies also to all the rest of the health care workers who, during the first years, provide medical services to children with developmental problems.

Defining the procedure for informing parents about the diagnosis of the child in accordance with ethics and medical deontology, namely the development of a relevant guideline for professionals and parents, should have happened in April 2018¹²⁵ but so far the document has not been developed.

Ukraine has a medical model of disability. Accordingly, instead of getting services, families who take care of children with disabilities are offered with the medical treatment. This is especially true for children with disorders of autism spectrum, behavioral disorders, Attention-deficit-hyperactivity disorder and reward deficiency syndrome¹²⁶, etc.

An absolute majority of parents underlines that their children were receiving mainly medical services, massage and services of speech therapist-defectologist¹²⁷. Even the rhetoric of the National Report fully complies with the medical model of disability. At the same time, there are separate legislative steps for moving to a social model.

Medical services do not cover all the needs of the family in comprehensive care, especially in aspects that are related to the physical health of the child (behavior, communication, child's interaction within the community, psychological assistance to parents and support regarding the education, solving day to day tasks, etc.). The problem is the lack of qualified specialists, the high cost of medicines, lack of coordination and absence of consideration of parents' opinion¹²⁸.

When developing an individual program for rehabilitation, a serious barrier is the lack of a comprehensive diagnosis of the needs of the family and clear inter-agency coordination, which forces parents to take over this function. It should be noted that there are only 3 individual children's programs: the above mentioned which is made up by the physicians, an individual development program developed by educational institutions, and an individual social protection plan developed by a social worker.

Educational institutions are not adapted to the needs of children with peculiarities of development, they do not have the opportunity to give additional time to the child, teachers have no motivation and skills to work with disabled children and/or special needs¹²⁹. The formal refusal to enroll a child in an educational institution is the lack of places. As a result, based on estimated calculations on the total number of children with disabilities covered with the educational services in Ukraine, almost 44% of these children do not receive educational services.

¹²⁵ National Strategy for Reforming the Institutional Care and Nursing System for 2017-2026, access address: <https://zakon.rada.gov.ua/laws/show/526-2017-%D1%80>

¹²⁶ "Results of the research "Free Medicine", Charitable Foundation "Patients of Ukraine", access address: <http://patients.org.ua/wp-content/uploads/2017/03/free-medicine.pdf>

¹²⁷ "Listening to the parents' voices: An analysis of the Existing System of Services for Families with Special Needs Children 0-4 Years Old, and Early Intervention Innovative Services", access address: <http://rvua.com.ua/media/312/ba726b91f25fc47f3b1ef279046719ec.pdf>

¹²⁸ The same source.

¹²⁹ The same source.

According to statistics in 2016/2017 academic year, out of the total number (16,395) of general educational institutions, 12,652 (77,2%) are accessible only to the first floor, 69 institutions (0,4%) have access to the second floor, 22 institutions (0,13%) have access to the third floor, only 11 buildings have access up to the fourth and subsequent floors¹³⁰.

Social services are not sufficiently informing parents about possible benefits and services. Parents have nobody to address for help, especially when emergencies happen. Sanatorium and resort vouchers are allocated only to children capable for self-care. Independent monitoring of the quality of social services is absent. It is worth noting that all social services to families are provided only in case of difficult living conditions that is not identified with the presence of a child's disability. Although it is obvious that a family with a disabled child must rely on state and social support without any additional conditions.

Social services in residential institutions are replaced by torture, cruel and humiliating treatment: tying to the wheelchairs, the use of sedative and psychotropic drugs for the chemical restriction of movement. "For example, in residential children's home in Bukiv (Lviv region) children with serious disabilities are placed in a dirty barn. We saw children covered with their own urine and faeces sitting or lying on the floor in one overcrowded room." Children often spend their time inactive, lying in cradles, sitting on benches¹³¹.

The main problem of providing social services is the lack of qualified specialists: speech therapists and defectologists, as well as children's practical psychologists, ergotherapists, and behavioral therapists¹³².

On December 14, 2016, the CoM approved the Action Plan for the implementation in 2017-2020 of the pilot project "Creation of the system of the early intervention services"¹³³. The main responsible executor is MoH, but the Action Plan is practically not implemented, in particular regarding the preparation of legal acts that would systemically allow introduction of the early intervention services all over Ukraine.

In addition, MSP is implementing a two-year Twinning project (until mid-2019) "Support of the Ukrainian Authorities in Developing the Legislative and Administrative Framework for Introducing a System of Early Intervention and Rehabilitation of Children with Disabilities and Children at Risk of Disability" with the support of the European Union¹³⁴. However, the authorities began to compete with each other, which blocked the ability to achieve the introduction of early intervention.

Day care standard also requires improvements, including eliminating the exclusion of certain categories of children, and reviewing the number of staff to ensure the real needs of children based on their amount. It should be noted that the Typical Regulations on day care for children with disabilities¹³⁵ are planned for the reassignment of residential institutions and makes it impossible to create a system of community-based services at the place of residence of the child. The number of open day care centers does not meet existing needs by about 8

¹³⁰ Statistic data of Ministry of Education and Science of Ukraine, <https://mon.gov.ua/ua/statistichni-dani>

¹³¹ Disability Rights International (DRI), "There's No Way Home. Exploitation and Violence Against Children in Orphanages in Ukraine" <https://www.driadvocacy.org/media-gallery/our-reports-publications/>

¹³² "Survey" Autism in Ukraine today ": Three main problems - experts, diagnostics, officials", Child with future, access address: <https://cwf.com.ua/ru/news/1280-opros-autizm-v-ukraine-segodnya-tri-osnovnye-problemy-spetsialisty-dagnostika-chinovniki>

¹³³ The Order of the Cabinet of Ministers of Ukraine dated December 14, 2016 No. 948-r "Some issues of the implementation of the pilot project" Establishment of a system of early intervention services provision "to ensure the development of the child, preserving her health and life", address of access: <https://zakon.rada.gov.ua/laws/show/948-2016-%D1%80>

¹³⁴ "Twinning project on introduction of early intervention and rehabilitation of children with disabilities", Embassy of France in Ukraine, access address: <https://ua.ambafrance.org/Twinning-proekt-iiz-zaprovadzhennya-sistemi-rann-ogo-vtruchannya-ta>

¹³⁵ Order of the Ministry of Social Policy of 09.10.2013 p. № 653 "On Approval of the Model Provision on the Department of Day Care for Children with Disabilities", access address: <https://zakon.rada.gov.ua/laws/show/z2057-13>

times. In Ukraine, there are about 8,000 children of subgroup A¹³⁶ - those who have most severe form of disability, which means round-the-clock care for such children. Obviously that firstly they are in need of day care services. At the same time, in the National Report it is mentioned that 2,000 children are secured with this service.

7.2. Survival and development

Despite the fact that breastfeeding rates in Ukraine have really improved, there is some level of mistrust to the statistics provided by the state. Thus, according to the Multiindicator cluster survey of households, conducted with the support of UNICEF in 2012¹³⁷, 19.7% of infants in Ukraine are exclusively breast-fed for up to 6 months. At the same time, according to the methodological and organizational monitoring center of the National Specialized Children's Hospital "OKHMATDYT" in 2013-2014¹³⁸, the number of such infants is 63%.

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

Ukraine, despite the adoption of the Extended Initiative "Child-friendly Hospital", failed to comply with the recommendation to implement the International Code of Marketing of Breast Milk Substitutes, the violation of which is observed not only in the media, the Internet and at sales points of baby food, but also with the participation of medical workers and medical institutions¹³⁹.

7.3. Health and health services

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

In practice, the parents of the child cannot sign the Declaration to choose the doctor who provides first aid¹⁴⁰, as the typical form of the Declaration envisages filling in the data from the birth certificate and identity card of the parents. Children of asylum seekers do not have such documents.

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

However, from the point of view of further treatment and ongoing care, the existing system cannot meet the needs of rural residents who need to overcome long distances to reach

¹³⁶ According to the NGO "Inclusion Together"

¹³⁷ "The Ukraine Multiple Indicator Cluster Survey", 2012 / State. Statistics Service of Ukraine, access address: https://www.unicef.org/ukraine/ukr/Ukraine_MICS_Final_Report_UKR.pdf

¹³⁸ "Results of implementation of the "Child Friendly Hospital" Extended Initiative, LDD, access address: <http://kdm-ldd.org.ua/ldd/index.php?tab=1&subtab=1&submenu=138&entity=844>

¹³⁹ "In Ukraine, the rights of infants for breastfeeding continue to be violated, "Coalition "Rights of the Child in Ukraine", access address: https://www.childrights.in.ua/V_Ukrain_prodozhujut_porushuvati_prava_nemovljat_na_grudne_vigodovuvannja

¹⁴⁰ Order of the Ministry of Health of March 19, 2013, No. 503 "On Approval of the Procedure for Choosing a Doctor Who Provides Primary Medical Aid, and Form of Declaration for the Choice of a Doctor Who Provides Primary Care", access address: <https://zakon.rada.gov.ua/laws/show/z0347-18>

medical centers. But most incidents happened in rural areas among the population, which is usually more vulnerable economically than in urban areas¹⁴¹.

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

18,098¹⁴² new cases of HIV infection were registered in Ukraine in 2018. During 2018, 2,421 children¹⁴³ were born by HIV-infected mothers. In total, 333,716 new cases of HIV were officially registered in Ukraine from 1987 to the end of 2018, and 48,456 people¹⁴⁴ died of AIDS in Ukraine.

As of January 1, 2018, 141,371 HIV-positive citizens of Ukraine (an indicator of 333.3 per 100,000 population) were registered at the health care institutions, including 43,816 AIDS patients (an indicator of 103.3 per 100,000 population)¹⁴⁵. The vast majority of children registered are children born by HIV-positive women. In 2017, regardless of age, 2,600 children born to HIV-positive women were registered at health facilities; 93 new pediatric cases of AIDS were registered, 55 children died of HIV-related illnesses. As of January 1, 2018, regardless of age, 8,199 children born by HIV-positive women were registered, including 3,197 children with a confirmed HIV, including 938 children with AIDS; 4,993 children whose diagnosis was in the stage of confirmation; 2,659 children¹⁴⁶ were deregistered due to the absence of HIV infection.

The Law of Ukraine "On the Counteraction to the Dissemination of Human Immunodeficiency Virus (HIV) and Legal and Social Protection of People Living with HIV" HIV-infected persons are protected from disclosure of their positive HIV status; they are provided with free antiretroviral (ARV) drugs and medicines for the treatment of opportunistic infections; parents of HIV-infected children and children suffering from HIV-related illness are guaranteed a joint stay in the hospital unit with children under 14 y.o. with the dismissal from work for this time and with guaranteed payment of allowance because of temporary disability.

Children suffering from HIV infection and HIV-related illness are getting state aid on a monthly basis; legislative protection of the right to work and to receive social services is strengthened; some other guarantees are provided as well. Under current legislation, HIV-positive children are children with disabilities.

In recent years, Ukraine has made significant progress in counteracting the HIV epidemic, but there are still a number of gaps in primary and secondary prevention that require careful attention. First of all, it concerns the prevention of risky behavior among children and young people, in particular regarding drug use, sexual and reproductive health.

The latest data provided by UNICEF¹⁴⁷ says that the number of adolescents at risk (AAR) according to the risk of HIV infection in Ukraine is: 109,000 persons in 2017/2018, 129,000 persons (2015), out of which 6,700 (5,000 boys and 1,700 girls) - 2017/2018 year, 21,700 -

¹⁴¹ According to the study on the assessment of the needs of children affected by mines or ERW in eastern Ukraine conducted by the Danish Refugee Council, the Danish Demining Group (DRC-DDG), in cooperation with UNICEF from September to December 2018

¹⁴² Operational statistics of the State institution «Center of Public Health» on officially registered cases of HIV infection, AIDS and deaths caused by AIDS, December 2018, address of access: <https://phc.org.ua/sites/default/files/uploads/documents/files/b056a00fb8e322ef5d37d16e6f772f8d.pdf>

¹⁴³ The same source, table 3

¹⁴⁴ The same source, page 1

¹⁴⁵ "HIV-infection in Ukraine" Bulletin 49/Center of Public Health of MoH, State institution "Institute of Epidemiology and Infectious Diseases named after. L.V. Gromashevsky of the National Academy of Science of Ukraine ", Art. 29

¹⁴⁶ The same source, page 29

¹⁴⁷ Adolescents at risk: updated assessments – 2018, https://www.unicef.org/ukraine/ukr/MARA_factsheet_assessment_WEB.pdf

injecting drug users (2015). However, today there is no official data on the number of adolescents at risk, especially juvenile drug users. In addition, AAR in Ukraine is a closed group and the lack of statistical data, stigmatization, discrimination and legal barriers further complicate their access to HIV/AIDS prevention services.

The key violations of the child's rights take place in provision of medical services and health care. The initiation of antiretroviral therapy (ART), the maintenance of children and adolescents in ART depends on many factors: qualifications of doctors, affiliation to treatment by parents or adolescents, availability of children's forms of ARV drugs, etc. Children and adolescents receive HIV treatment services at regional AIDS centers, in a number of regions (Odesa, Dnipropetrovsk) - in trust offices or cabinets of infectious diseases of district and city hospitals.

Access to necessary medical care is not ensured because parents or other legal representatives neglect the need for medical examination conducted by virological methods to clarify the status of the child at the age of 1 and 4 months and a final serum test at the age of 18 months. Despite having access to the survey, the number of children in need of examination is increasing each year and by the beginning of 2018 the number of such children has reached 4,997 persons¹⁴⁸. There are systematic cases when children being infected in a perinatal way, were diagnosed with HIV at an older age only because their parents avoided timely screening of children.

As a rule, at the time of diagnosis, children are suffering severe clinical conditions and multiple opportunistic infections and complications.

There were also cases when due to the change of place of residence, surnames, the detection of HIV in children was delayed, which led to the development of irreversible health changes and death of the child.

The most complex cases are if parents or caregivers refuse from the treatment, or because of the problems of affiliation to ART¹⁴⁹. There are systematic cases of death of children due to the parents' refusal from the ART¹⁵⁰. This can be a formal refusal, in other cases, parents receive drugs at the AIDS Center, but they do not give them to a child. Given this, orphans who are staying in residential care facilities have better access to diagnostics and treatment than some children living in families. No studies have been conducted to determine the reasons for parents' refusal to receive treatment.

Refusal of parents to treat children affects not only HIV, and there have occurred cases of refusal from treatment in the case of severe chronic diseases, for example, oncological. Adolescents who have been receiving ART over 8-10 years and have experience in using different ARV preparations with their side effects are a complicated category for adherence to treatment. There have been cases of violations of the child's right to information on health conditions, because parents did not want or were afraid to disclose the status to their child, including a teenager¹⁵¹.

Currently, there are no real mechanisms in Ukraine that would allow the free access to ARV treatment for HIV positive children. Treatment at the present stage is life-long, therefore it is impossible to provide daily dosing in case of refusal or neglect by parents of the child's needs in medicine. Social services are not able to respond quickly to similar cases, and litigation for deprivation of parental rights is too slow.

¹⁴⁸ According to the data of PO "Childhood without AIDS"

¹⁴⁹ According to the data of PO "Childhood without AIDS".

¹⁵⁰ According to the data of PO "Childhood without AIDS", at least 10 cases per year are caused by similar situations. For example, a girl of 15 years old died at the end of 2018. The child was infected vertically, but parents refused the treatment all the time. Repetitive conversations from the side of doctors and social services did not give any results. The claim for the deprivation of the parental rights was sent to the court, but before the decision, the child died from the oncologic disease caused by HIV.

¹⁵¹ According to the data of PO "Childhood without AIDS"

7.5. Measures to protect children from substance abuse

According to the data of 2015¹⁵², 52% of children of 15-17 y.o. smoked tobacco at least once, and every 12th teenager from 9 y.o. tried to smoke a cigarette. 83.4% of adolescents had experience of drinking alcohol, 11.3% tried illegal drugs. 11.3% of the interviewed teenagers reported that they used drugs at least once in their lives, among which boys are 15.4%, and girls - 7.9%. The most used drug remains marijuana or hashish, as indicated by every tenth of the interviewed teenager.

According to MoH, there were 389 cases of narcotic overdose among minors in 2017¹⁵³. Thus, 9 cases were recorded among persons from 0 to 14 y.o. and 380 cases - among persons from 15 to 17 y.o. Among the recorded cases of alcohol overdose, 89 affected persons were at the age between 0 and 14 years old, and 1,057 people from 15 to 17 y.o. 6 people from 0 to 19 y.o. died from alcohol overdose. In addition, 202 people died from the overdose - out of which 3 people from 0 to 19 y.o. and 199 people from 20 and older.

The system of selling narcotic substances via the Internet has become alarming. Almost all the houses, fences, etc. contain Internet links where you can order drugs. Work with the students to prevent the use of psychoactive substances is not systemic, often without the invitation of professional specialists. Practically there is no work with parents. Besides there are no standards for the provision of harm reduction services (secondary and tertiary prevention) among minors and young people in Ukraine, and similar programs are not funded by the state.

Despite the requirements of the legislation, rehabilitation services for children, adolescents and young people are not developed. Most rehabilitation centers for people who use psychoactive substances are not free of charge¹⁵⁴.

Programs of rehabilitation of drug addicts (non-medical) in Ukraine are implemented in state medical institutions (based on narcological dispensaries, narcological day-care centers, central district and city hospitals and psychiatric hospitals), as well as in public, charitable and religious organizations, private and commercial centers. In total in Ukraine, there are two state medical centers that are accountable to MoH, with a comprehensive rehabilitation stationary program. Under the patronage of MSP, four state centers of psychosocial resocialization of drug addicts operate at the expense of budget funds.

There are no specialized services for minors and women (including those with children) that fully meet their needs. There are no protocols for rehabilitation. There are no manuals for providing services to people with psychostimulant dependence. There is no mechanism for monitoring the provision of services, including diagnostics and registration, no monitoring of successful cases of services provision and treatment¹⁵⁵.

In August 2013 the CoM adopted the "Strategy of the State Policy on Drugs for the Period until 2020". Among its tasks is to prevent the dissemination of drug addiction among adolescents

¹⁵² Ukrainian Institute of Social Studies named after Alexander Yaremenko, with the support of the UNICEF Representative office in Ukraine and the European Monitoring Center for Drugs and Drug Addiction (EMCDDA), within the framework of the ESPAD International Project "European School Survey Project on Alcohol and Other Drugs" carried out in 33 countries of Europe (<https://www.unicef.org/ukraine/ukr/ESPAD-ForWEB.pdf>)

¹⁵³ About 400 minors last year received drug overdose 20:45 | 08.28.2018 / Category: News <http://bug.org.ua/news/blyzko-400-nepovnolitnih-toriko-otrymaly-peredozuvannya-narkotykamy-251067/> "Ministry of Health Care has published Statistics on overdoses of alcohol and drugs for 2017", access address: https://dt.ua/UKRAINE/moz-oprilyudniv-statistiku-peredozuvan-alkogolem-i-narkotikami-za-2017-rik-286167_.html

¹⁵⁴ "Teenagers who use drugs in Ukraine: an invisible problem? (video) »Based on TalkingDrugs, access address: <https://tribuna.pl.ua/news/pidlitki-yaki-vzhivayut-narkotiki-v-ukrayini-nevidima-problema-video/>

¹⁵⁵ Report on the study "Needs and Barriers in the Treatment and Rehabilitation of People who Use Drugs in Eastern Europe and Central Asia", AFEW-International 2018 - http://afew.org.ua/wp-content/uploads/2018/11/AFEW-RehabReport_RUS_Completed.pdf

and young people, to involve drug addicts into medical treatment, and so on. However, the experts say that now there is neither enough public funds nor political will for the implementation of the strategy. As a result, according to doctors and police officers, there is a tendency to expand the use of narcotic substances.

7.6. Social security and childcare services and facilities

The queue for pre-school educational facilities consisted of 56,000 children in 2013; in 2014 – 96,000; in 2015 – 97,000 children. There was a tendency of the birth rate reduction, but there was an increased need to provide pre-school services, the queue of families waiting for available places, the number of children in groups – are the dangerous factor in reducing the quality of education¹⁵⁶.

According to the existing system, children affected by mines and ERW have the right to some support, although limited in volume and quality. There is an understanding that, in order to receive support, they must obtain the legal status of a person who has suffered because of the conflict in eastern Ukraine. The process of obtaining this status may be exhausting and bureaucratic, requiring a lot of effort, which means that there is a large discrepancy between those who received the status (and, therefore, will be able to receive official state support in the future) and those without status but still in need of help.

Although efforts are made to introduce updated legislation, the process remains unclear¹⁵⁷.

According to the first half of 2017, the most vulnerable socio-demographic group is children (persons aged 0-17), almost a third of whom fall into the relative poverty category (relative poverty rate is 32.4%). The second largest at-risk-of-poverty group is adolescents (persons aged 16-19), among whom the relative poverty rate is 27.0%. The poverty rate by absolute criterion (by income) in these groups is 49.0 and 46.0% respectively¹⁵⁸.

Families with three and more children are traditionally in the worst situation among all types of households, as well as households with two children, and households with at least one unemployed person¹⁵⁹.

8. Education, leisure and cultural activities

8.1. Right to education, including vocational training and guidance

In 2018, MES introduced new rules for the enrollment of children to the first class of schools. In particular, according to Article 13 of the Law of Ukraine "On Education" the territorial accessibility of school education should be guaranteed. This requirement of the Law was implemented by fixing a certain territory of service for each school, and by obliging parents to provide documents confirming the residence in the school's service area for the guaranteed enrollment of their child to the first class. At the same time, children whose parents live

¹⁵⁶ Comprehensive study of the condition of the system of preschool education in Ukraine: analytical report on the research results / A.Ye. Gorsky, OB Budanova, IV Barmatova, O.V. Ovchar - K., 2013. - 115 p.

¹⁵⁷ According to the study on the needs assessment of children affected by mines or ERW in eastern Ukraine conducted by the Danish Refugee Council, the Danish Demining Group (DRC-DDG), in cooperation with UNICEF from September to December 2018

¹⁵⁸ Analytical note "Comprehensive assessment of poverty and social exclusion in Ukraine in the first half of 2016-2017" / Demography and Social Research Institute: M.V. Ptuhly: https://idss.org.ua/arhiv/2016_2017_otsinka_bidnosti_pivroku.pdf

¹⁵⁹ Analytical note "Comprehensive assessment of poverty and social exclusion in Ukraine in the first half of 2016-2017" / Demography and Social Research Institute: M.V. Ptuhly: https://idss.org.ua/arhiv/2016_2017_otsinka_bidnosti_pivroku.pdf

without registration, do not have their own homes or duly rented accommodation, are in fact deprived of equal access to education¹⁶⁰.

In addition, in some settlements, the enrollment in preschool also depends on the registration of the parents' or the child's place of residence. In Kyiv, in order to get a child into the queue for a kindergarten, it is necessary to enter the information about him/her into the register of the territorial community of Kyiv. In case of availability of vacant places and absence of local residents in the queues, the right to receive pre-school education will be provided also to those whose registered place of residence is not in Kyiv, but the fee for the kindergarten in this case will be significantly higher.

As it is known, part of the territory of Ukraine was recognized temporarily occupied (TOT) in accordance with the legislation of Ukraine¹⁶¹. The children who stay on the TOT mainly receive general secondary education in schools located on the occupied territories. Due to the fact that the Government does not recognize the documents issued on the TOT, the certificate of secondary education obtained there does not give the right to access the higher education in the GCA. Similarly, it cannot be replaced by a similar Ukrainian document.

Moreover, starting from 2014, the de-facto government politics on the TOT was aimed at reducing Ukrainian-language classes, closing Ukrainian-language schools and extracting certain subjects (in particular, the Ukrainian language, Ukrainian literature, and the history of Ukraine) from the school curriculum. In addition, to enter higher education institutions, the entrants need to cross the administrative border with the Crimea or a contact line within Donetsk and Luhansk regions for several times. Taking into account the poor public transport connection between the TOT and the GCA, this complicates the process of entering the higher educational institutions for residents of the TOT. All this makes these entrants disadvantaged compared to other entrants.

At the same time, the state provides a simplified procedure for the entry of residents of the TOT through the so-called educational centers "Crimea-Ukraine" and "Donbass-Ukraine". However, through these centers, residents of the TOT can enter only a certain number of universities on the GCA. Moreover, for entrants from the TOT of the Crimea and Donetsk and Lugansk regions, different lists of universities are defined, which are mostly located close to the corresponding occupied territories. This simplified procedure has already demonstrated its ineffectiveness: for example, in 2017, only 204 Crimean residents entered universities according to this procedure, while each year 10-12,000 children graduate schools on the occupied peninsula¹⁶².

Children living along the contact line closely to the hostilities in eastern Ukraine are in danger, including during studying. According to Education Cluster since the beginning of the conflict in 2014 over 750 education facilities have been damaged and many more experienced disruptions to education. Over 700,000 children and teachers in more than 3,500 education facilities in eastern Ukraine are affected by the hostilities and in need of humanitarian assistance. More than 400,000 children experience the direct impact of the conflict as they

¹⁶⁰ The information on problem of the residence registration in Ukraine can be found at <https://cedos.org.ua/uk/articles/reestratsiya-mistsya-prozhyvannya-v-ukrayini-problemy-ta-stratehii-reformuvannia>

¹⁶¹ "temporarily occupied territories of Ukraine" should be understood as territories defined by the Law of Ukraine "On Ensuring the Rights and Freedoms of Citizens and Legal Regime on the Temporarily Occupied Territory of Ukraine" and Law of Ukraine "On Peculiarities of State Policy of Ensuring State Sovereignty of Ukraine on Temporarily Occupied Territories in Donetsk and Luhansk Regions" dated January 18, 2018

¹⁶² Paragraph 2.3. Rendering of the coalition of public organizations regarding the Ukraine's implementation of International Covenant on economic, social and cultural rights (ICESCR) in 2018 <https://humanrights.org.ua/upload/Affected%20by%20conflict.%20How%20Ukraine%20ensures%20the%20realization%20of%20their%20rights>. Pdf [https://www.unicef.org/ukraine/2018_Assessment_Update-web\(1\).pdf](https://www.unicef.org/ukraine/2018_Assessment_Update-web(1).pdf)

live, play and go to school within the 20-km on both sides of the “contact line”, where shelling and extreme levels of minecontamination threaten their lives and wellbeing¹⁶³.

The country has an extremely low level of education of Roma population. According to the European Roma Rights Centre, the majority of Roma children in Ukraine do not finish school and / or even leave school illiterate¹⁶⁴. Next factors influence the low level of Roma education: total poverty, nomadic lifestyle, early and child marriages, territorial separation, lack of understanding by parents of the importance of visiting kindergartens and schools, absence of motivation to get education; stereotypes in society about the Roma people, indifference from the state machine to violation of their rights to education.

As noted in paragraph 7.1. a significant proportion of children with disabilities do not receive educational services. One of the main barriers to inclusive education that both children with disabilities and their parents face is non-acceptance by parents of children without disabilities and insisting on their disabilities rather than abilities and capacities¹⁶⁵.

The State report¹⁶⁶ does not cover issues related to the education of children whose parents have asked for protection in Ukraine; or unaccompanied children. In 2016, the Regulations on the individual form of education in general education institutions¹⁶⁷ and the Regulations on external training at secondary schools¹⁶⁸ were adopted, which take into account the interests of children of asylum seekers.

However, these children cannot obtain a diploma about their education and to enter the higher educational institution because of the absence of an identification code¹⁶⁹. It cannot be obtained without ID.

Children affected by mines/ERW may need support that is more comprehensive when it comes to social and economic inclusion, due to the requirement of ongoing formal education as well as their dependence on parents/guardians.

Key areas of support towards affected persons should focus on continuing education and integration or reintegration (where possible) into social life, including out-of-school education, as well as vocational training programs aimed at the economic inclusion of persons with disabilities.

There are enough differences in how mine victims are considered in school environment: some are considered as "heroes" or "survivors", whereas others are used as living examples of the consequences of risky behavior.

This contradiction may indicate that teachers can be not enough trained on how to include children with disabilities in the educational process.

¹⁶³ Attacks on Education in Ukraine Situation Report, as of 9 September 2019, access address: https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/attacks_on_education_situation_report_as_of_11_september_2019.pdf

¹⁶⁴ Save the Children submission to the Committee on Economic, Social and Cultural Rights in advance of its pre-session review of Ukraine, August 31, 2018

¹⁶⁵ The same source.

¹⁶⁶ National Report

¹⁶⁷ Order of Ministry of Education and Science of January 12, 2016 No. 8 "On Approval of the Regulations on the Individual Form of Education in General Educational Institutions", access address: <https://zakon.rada.gov.ua/laws/show/z0184-16>

¹⁶⁸ Order of the Ministry of Education and Science of Ukraine of March 13, 2017 No. 369 "On Approval of the Regulations on Offices in General Educational Institutions", access address: <https://zakon.rada.gov.ua/laws/show/z0416-17>

¹⁶⁹ At least 10 children applied to the Charitable Fund "The Right to Protection" in 2018 because of the inability to obtain a certificate of education, because there is no identification code

The school system remains unclear for assessing pupils with special educational needs in order to provide fair assistance to children with disabilities so that they can fairly compete with peers who are not disabled¹⁷⁰.

8.2. Education on human rights and civic education

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

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

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

Information on human rights at the school level is limited in most cases to weeks (decades) of legal knowledge, meetings with police officers regarding the criminal and administrative liability of children, etc.

The training of teachers on human rights is not carried out systematically. There are isolated examples that continue to be the initiative of individual leaders, methodologists or educators.

There is no system for monitoring and evaluation the teaching of human rights in educational institutions, and for civil society, the possibility of alternative monitoring research is not always an easy process due to procedural and financial complications from the education authorities¹⁷¹.

9. Special protection measures

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

The main problem of asylum seekers and their children is the impossibility of identifying both parents and children. The application for protection in Ukraine (hereinafter referred to as the "Application") is a document confirming the legality of the person's stay in Ukraine but is not an ID. Information about minors is included in the Application.

¹⁷⁰ According to the study on the needs assessment of children affected by landmines or ERW in eastern Ukraine conducted by the Danish Refugee Council, the Danish Demining Group (DRC-DDG), in cooperation with UNICEF from September to December 2018

¹⁷¹ Information on human rights education and civic education has been gathered within the framework of the School - Human Rights Area project implemented by the Human Rights Education House in Chernihiv and the USAID Human Rights in Action project implemented by UHHRU

The lack of ID from asylum seekers limits their children's access to social services and education in Ukraine, leads to difficulties in registering a child's birth, the impossibility of establishing a parenthood, correcting the mistakes made in the document on the birth registration of their child, obtaining an identification code, becoming a property owner, etc.

The children of asylum seekers born in Ukraine are deprived cannot get social assistance for families with children. Due to the absence of the parents' ID, these children cannot obtain the citizenship of Ukraine; they do not have access to obtaining a registration by a citizen of Ukraine and, accordingly, cannot obtain passports.

Being separated from their families, children who applied for protection in Ukraine are usually placed to the Centers for Social Rehabilitation until the age of 18.

However, upon reaching the age of 18, they do not possess any ID, as well as verbal or any professional skills, they are leaving the Centers for Social Rehabilitation and are waiting for the decision of the Migration Service to either grant or refuse them with the refugee status. Such children are facing difficulties, which are common for the asylum seekers without ID (no access to any official employment method (labor contract, performance contract/service contract, entrepreneurship, etc.).

When submitting an application for protection in Ukraine in accordance with the legislation, the State Migration Service of Ukraine (hereinafter SMS) should ensure the involvement of an interpreter both for a child separated from his/her family and for adults. However, the SMS lacks translators who can be involved because the employee of the SMS should submit information confirming the translator's knowledge of a foreign language in the translators' database of the SMS¹⁷².

Thus, the application procedure for the protection and consideration of the applicant's case is significantly delayed, which is extremely negative for children separated from the family. Moreover, in some cases, it is almost impossible to find translators from rare languages (Tigrinya, Oromo, Somali, Bengali).

Asylum seekers and their children are excluded from the social insurance system. These individuals are undoubtedly vulnerable categories, but their status does not grant them the right to access state social services.

Refugees with proven status and those in need of additional protection may receive state social services if they prove that they are families with low income. This is a problem because employers are not eager to give official jobs to refugees. To survive, they are forced to agree on any employment conditions.

The Laws "On the Legal Status of Foreigners and Stateless Persons", "On Citizenship of Ukraine" are not harmonized with the Law "On Refugees and Persons who Need Additional or Temporary Protection". These discrepancies limit the rights of people in need of additional protection.

Employees of the SMS do not always offer children separated from their families to complete a questionnaire for searching their parents¹⁷³.

There are cases where the psychological assessment of the child's age was conducted without taking into account the cultural characteristics of the child or the information about the country of origin; there were recorded such cases when only a physiological assessment of age was conducted, despite the fact that this assessment is the last of the three stages and is

¹⁷² The Order of the Ministry of Internal Affairs of 11.03.2013 No. 228 "On Approval of the Procedure for the Administration of the State Migration Service of Ukraine by the Reference and Information Register of Translators", access address: <https://zakon.rada.gov.ua/laws/show/z0801-13>

¹⁷³ According to the information from CF "Right to Protection"

not mandatory¹⁷⁴. Cultural features of the child and information about the country of origin of the child are not taken into account at all¹⁷⁵.

The plan of measures for the integration of refugees and persons in need of additional protection into Ukrainian society for the period up to 2020 envisages the provision of psychosocial assistance to refugees and persons in need of additional protection. Training programs should be developed for the staff of the temporary placement facilities for refugee children, for children recognized as requiring additional protection and for children separated from the family who have applied for the status of refugee or as a person in need of additional protection.

All these events take place only on paper. Planned centers for social integration of refugees and persons requiring additional or temporary protection are not operating.

Children of refugees and asylum seekers, unaccompanied children need regular social and psychological support. Psychologists and social workers should be trained to work with children who lost their homeland, were traumatized, suffered tortures, came from the area of military conflict. However, state programs on psychological rehabilitation and social reintegration of children - refugees, displaced people, etc. are not implemented in Ukraine.

With the annexation of the Crimea and the armed conflict in the east of the country in 2014, there appeared a new vulnerable category – IDPs. Despite the establishment of the unified information database on IDPs¹⁷⁶ in 2016, the statistics is substantially inconsistent¹⁷⁷. For example, MSP recorded 235,000 children of IDPs in June 2016, but according to MES, as of May 2016, 17,982 children from TOT were enrolled in pre-school educational institutions on the GCA of Ukraine. 48,411 children were enrolled in general education, and 1,777 children were enrolled in vocational education and training institutions. Thus, 68,170 people studied and were enrolled in educational institutions in summer 2016. Of course, newborn children, children who do not attend pre-school are not included here as well as graduates who didn't enter any further universities and students of universities who are younger than 18 y.o. (this statistics is not available for MES). However, even taking into account these categories the number of children will not reach 235,000.

According to MSP, the number of internally displaced children is 195,050¹⁷⁸ as of February 25, 2019.

The Government established a legislative framework that consolidates the rights and freedoms of IDPs¹⁷⁹, created the Ministry for TOTs and IDPs¹⁸⁰ as coordinating the above-mentioned issues, the financial support is provided to IDPs to cover their costs of living¹⁸¹, others measures were undertaken as well.

¹⁷⁴ Order of the MoH, MES, MSP dated 23.10.2013 № 903/1464/711 "On conducting a survey to determine the child's age without parental care and in need of social protection"

¹⁷⁵ According to the information from CF "Right to Protection"

¹⁷⁶ Resolution of the Cabinet of Ministers of Ukraine dated September 22, 2016 No. 646 "On Approval of the Procedure for Creation, Management and Access to the Information of the Unified Information Database on Internally Displaced Persons", access address: <https://zakon.rada.gov.ua/laws/show/646-2016-%D0%BF>

¹⁷⁷ Information on the monitoring results of the Kharkiv Institute of Social Researches for the Observance of the Rights of Children in State Care and Affected by the Conflict in Eastern Ukraine <http://khisr.kharkov.ua/files/docs/1514380165.pdf>

¹⁷⁸ Letter of the MSP №13/0/108-19 dated February 25, 2019

¹⁷⁹ in particular, the Law of Ukraine "On Ensuring the Rights and Freedoms of IDPs", 2015, <https://zakon.rada.gov.ua/laws/show/1706-18>

¹⁸⁰ Resolution of the Cabinet of Ministers of Ukraine dated June 8, 2016 No. 376 "Some issues of the Ministry for Temporary Occupied Territories and Internally Displaced Persons", access address: <https://zakon.rada.gov.ua/laws/show/376-2016-%D0%BF>

¹⁸¹ Government Resolution No. 505 "On the Provision of Monthly Targeted Assistance to IDPs to Cover the Cost of Living, Including for the Payment of Housing and Communal Services".

However, the amount of targeted assistance is extremely low and does not cover payment for utilities. Additionally, for some categories of people, such as able-bodied citizens, retirees and children (except children with disabilities), the amount of monthly assistance is constant and does not depend on the subsistence level. While the basic social standard is gradually increasing, targeted assistance decreases because of inflation.

Durable solutions regarding IDPs are not implemented by the State as required by the Framework of Inter-Agency Standing Committee on durable solutions for IDPs¹⁸². In 2018, the Government approved the Strategy for the integration of IDPs and the introduction of durable solutions on internal displacement for the period up to 2020¹⁸³. However, just like for the previous state program for support, social adaptation and reintegration of IDPs until 2017¹⁸⁴, the financing of the Strategy from the state budget is not foreseen, and the implementation of the Strategy depends only on the capabilities of the regions¹⁸⁵.

In September 2018, the legislation introduced changes¹⁸⁶ that made it possible for children of IDPs to be registered for social housing, as well as internally displaced children with disabilities who are orphans or deprived of parental care, in case of absence of housing, they will be able to get an apartment or a private house on a priority basis. However, in practice, social housing stock in Ukraine is almost exhausted, and their replenishment either occurs very slowly or does not occur at all. Due to this, the problem of providing housing or compensation to IDPs has not been resolved so far.

9.2. Children belonging to a minority or an indigenous group

Despite the fact that many ethnic minorities¹⁸⁷ live in Ukraine, the rights of the Roma population are more likely violated. According to the Council of Europe, as of July 2012, the most likely number of Roma in Ukraine is 260,000, according to some estimates, it can reach 400,000, but cannot be less than 120,000¹⁸⁸. Although Strategy for protection and integration of Roma National Minority to the Ukrainian Society for the period till 2020¹⁸⁹ was adopted in

¹⁸² IASC Framework on Durable Solutions for IDPs, access address: <https://www.unhcr.org/50f94cd49.pdf>

¹⁸³ Order of the CoM dated November 15, 2017 No. 909-p "On Approval of the Strategy for the Integration of IDPs and Implementation of Long-Term Decisions on Internal Movement for the Period till 2020", access address: <https://zakon.rada.gov.ua/laws/show/909-2017-%D1%80>

¹⁸⁴ Resolution of the CoM "On Approval of the Integrated State Program for Support, Social Adaptation and Reintegration of Ukrainian Citizens Moved from the Temporarily Occupied Territory of Ukraine and the Areas of the Anti-Terrorist Operation to Other Regions of Ukraine for the Period until 2017", the access address: <https://zakon.rada.gov.ua/laws/show/1094-2015-%D0%BF>

¹⁸⁵ More on the problems of the implementation of the Integrated State Program in the report "Monitoring the Implementation of State Programs for the Integration of IDPs Stage I" by V. Vershinin, 2017, address of access: <http://radnyk.org/wp-content/uploads/2019/02/Zvit-monitoringovogo-doslidzhennya-regionalnih-integratsiy-nih-zahodiv-dlya-VPO.pdf>, as well as studies "The State of Integration and Social Adaptation of IDPs in Ukraine on the Example of the Odessa Region", "Features of Integration and Social Adaptation of the IDPs in the region that borders with conflict zone "within the framework of the project" Human Security and Conflict in Ukraine: Local Approaches and National Scales", address of access: <http://r2p.org.ua/wp-content/uploads/2019/01/3-Stan-integratsiyi-ta-sotsialnoyi-adaptatsiyi-VPO-v-Ukrayini.pdf> and <https://www.mediaport.ua/povernutisya-dodomu-hochut-64-pereselenciv-harkivshchyni-bf-pravo-na-zahist>

¹⁸⁶ Changes to the Law of Ukraine "On Housing Facilities for Social Purposes", in particular Articles 10 and 11, <https://zakon.rada.gov.ua/laws/show/3334-15>

¹⁸⁷ On the number and composition of the population of Ukraine according to the results of the All-Ukrainian Population Census of 2001, access address <http://2001.ukrcensus.gov.ua/results/general/nationality/>

¹⁸⁸ Estimates on Roma population in European countries, <https://www.coe.int/en/web/portal/roma/>

¹⁸⁹ Decree of the President of Ukraine dated April 8, 2013 № 201/2013 "On the Strategy of Protection and Integration in the Ukrainian Society of Roma National Minorities for the Period till 2020", access address: <https://zakon.rada.gov.ua/laws/show/201/2013#n10>

2013, the Strategy Action Plan¹⁹⁰ has disadvantages that don't allow to provide the methodological sequence of measuring the quantitative and qualitative results of the implementation of the planned activities¹⁹¹.

The Action Plan for the implementation of the National Human Rights Strategy for the period up to 2020¹⁹² envisages a number of measures aimed at ensuring the rights of indigenous peoples and national minorities. However, the Action Plan does not envisage the funding.

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

The system of selling drugs via the Internet has become alarming. Almost all the houses, fences, etc. contain the messages with links to the sites on the Internet, where you can order drugs. The vast majority of them are not included into the list of controlled substances on time, so it is difficult to prosecute the dealers (sellers). Moreover, juveniles are actively involved in drug trafficking via the Internet. The mass media monitoring shows that there were several cases of drugs trafficking by adolescents and youth in 2017-2018¹⁹³¹⁹⁴¹⁹⁵¹⁹⁶¹⁹⁷¹⁹⁸¹⁹⁹²⁰⁰.

About 80 types of new psychoactive substances that were extracted by law enforcement agencies of Ukraine over the past few years have not yet been included in the list of controlled substances²⁰¹.

In total in 2017, under articles 309-320 of the CC, 94 juveniles²⁰² were convicted for crimes because of drugs, psychotropic substances, their analogues or precursors.

Ministry of Youth and Sports with the purpose of increasing the responsibility of adults for the involvement of children and young people in the use of alcohol, tobacco, as well as to promote healthy lifestyles initiated the All-Ukrainian information and prevention campaign

¹⁹⁰ The Order of the Cabinet of Ministers of Ukraine dated September 11, 2013 No. 701-r "On Approval of the Action Plan for Implementation of the Strategy for Protection and Integration in the Ukrainian Society of the Roma National Minorities for the Period until 2020", access address: <https://zakon.rada.gov.ua/laws/show/701-2013-%D1%80>

¹⁹¹ State of implementation of the state policy on Roma, http://www.ombudsman.gov.ua/files/alena/ZVIT_ROMA.pdf

¹⁹² Order of the Cabinet of Ministers of Ukraine dated November 23, 2015 No. 1393-p "On Approval of the Action Plan for the Implementation of the National Strategy for Human Rights for the Period up to 2020", access address: <https://www.kmu.gov.ua/ua/npas/248740679>

¹⁹³ "Drug sales through the Internet have become more frequent in Ukraine," 24 Channel, access address: https://24tv.ua/ru/v_ukraine_uchastilis_prodazhi_narkotikov_cherez_internet_n937935

¹⁹⁴ "The mysterious inscriptions on the fences: thanks to the advertisement, the criminals quickly sell drugs to adolescents in Kyiv", TSN, access address: <https://ru.tsn.ua/kyiv/zagadochnye-nadpisi-na-zaborah-blagodarya-reklame-prestupniki-bystro-sbyvayut-narkotiki-podrostkam-v-kieve-1101575.html>

¹⁹⁵ "Salt "and "spices" at every corner: in Ukraine, more and more, drugs are being sold through the Internet", UNIAN, address of access: <https://www.unian.ua/society/2246464-sil-i-spaysi-na-kojnomu-rozi-v-ukrajini-vse-chastishe-narkotiki-prodayut-cherez-internet.html>

¹⁹⁶ "Students sold drugs through Telegram in Lutsk", Rayon, access address: <https://lutsk.rayon.in.ua/news/112481-studenti-cherez-telegram-prodavali-v-lutsku-narkotiki>

¹⁹⁷ "Four Vinnichians sold drugs in the messenger "Telegram". They were detained ", 20 Minutes, access address: <https://vn.20minut.ua/Kryminal/chotiri-vinnichanina-prodavali-narkotiki-u-mesendzheri-telegram-yih-za-10744539.html>

¹⁹⁸ "About 400 minors last year got drug overdose," Bug, access address: <http://bug.org.ua/news/blyzko-400-nepovnolitnih-torik-otrymaly-peredozuvannya-narkotyky-251067/>

¹⁹⁹ "In Lutsk, detained juvenile offenders", Under the gauge, access address: <https://p-p.com.ua/news/u-lutsku-zatrymaly-nepovnolitnikh-z-narkotyky/>

²⁰⁰ "The juvenile drug trafficker was caught in Cherkassy," VIKKA, access address: <http://vikka.ua/novini/50368-u-cherkasah-vtrete-popalas-nepovnolitnya-yaka-prodae-narkotiki-foto.htm>

²⁰¹ "80 types of drugs are not forbidden in Ukraine," Correspondent.net. access address: <https://ua.korrespondent.net/ukraine/3986597-v-ukraini-ne-zaboroneno-prodazh-80-vydiv-narkotykyiv>

²⁰² "Form No. 8 REPORT ON MINOR CONVICTS", Judicial power of Ukraine website, access address: https://court.gov.ua/inshe/sudova_statystyka/rik_2017

"Responsibility Begins With Me"²⁰³ in 2016. There were investigated 17,344 shopping centers selling alcohol products, as a result there were detected 1,005 violations of the current legislation, 2,069 minors were detained, 1,333 protocols were developed and 376 officials²⁰⁴ were brought to justice.

9.4. Sexual exploitation and sexual abuse

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

In 2018, the Verkhovna Rada of Ukraine adopted the Law "On Amendments to the CC of Ukraine on the Protection of Children from Sexual Abuse and Sexual Exploitation"²⁰⁵, which establishes the age of sexual consent - 16 years, and criminalizes sexual encounters with a person who has not reached this age (Article 155 of the CC). In addition, the Amendment to Article 156 (child sexual abuse) states that the responsibility for the abuse now extends to family members and close relatives. The Amendment to Article 302 envisages the responsibility for the maintenance of places of debauchery with the involvement of minors.

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

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

There is a concern on the position of the judges who release the abusers of children due to various mitigating circumstances, such as: a positive reference from the employer, a positive reference from the place of residence, the fact that the crime is committed for the first time, military service in ATO, having minor children, etc.

9.5 Sale, trafficking and abduction

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

The issue of aligning national legislation with the Optional Protocol on the sale of children, child prostitution and child pornography²⁰⁶, with respect to Articles 7, 8 and 9, remains relevant.

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

²⁰³ Order of the Ministry of Youth and Sport of Ukraine dated 08.09.2017 № 3352 "On Approval of the Provision on the All-Ukrainian Information-and-Prophylactic Action" Responsibility Begins with Me ", the access address: <https://zakon.rada.gov.ua/laws/show/z1287-17>

²⁰⁴ According to the information of the Center for Mental Health and Monitoring of Drugs and Alcohol of the Ministry of Health of Ukraine, access address: <http://www.ummcda.org.ua/index.php/monitoringovi-zviti/zviti-do-emtsnnz>

²⁰⁵ The Law of Ukraine "On Amendments to the Criminal Code of Ukraine for the Protection of Children from Sexual Abuse and Sexual Exploitation", access address: <http://zakon.rada.gov.ua/laws/show/2334-19#n6>

²⁰⁶ Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, access address: https://zakon.rada.gov.ua/laws/show/995_b09

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

On April 18, 2012, the Resolution of the CoM No. 303 "Regulations on the Establishment and Functioning of the Unified State Register of Human Trafficking"²⁰⁷ was developed and approved. At the same time, there is a tendency of increased cases of child trafficking in recent years.

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

An important step was the development and adoption of a National Strategy for the Reforming of the Juvenile Justice System up to 2023²⁰⁸. It is relevant to develop and adopt a plan of measures for implementation of the strategy.

The work of the Interagency coordination council on juvenile justice issues on the draft law on juvenile justice which is to be submitted in 2019 for consideration by the Verkhovna Rada of Ukraine, considers as positive. It will be important to pass the stage of consultation and to inform the public and all interested parties about these consultations in a timely manner.

However, in Ukraine there is currently no holistic system of juvenile justice for children in conflict with the law.

Thus, the CC contains a list of penalties not related to imprisonment applicable to minors. But it is too limited and does not meet international standards. Due to the lack of an effective system for the resocialization of the child in conflict with the law, there is still a norm regarding bringing the child to criminal responsibility and fixing reconviction for avoiding serving a non-imprisonment sentence.

Now, there is no mechanism for bringing a child's case into an out-of-court process. After all, both criminal and criminal procedural legislation envisage the possibility of exemption the child from criminal liability only by a court during a session. At the same time, this procedure is possible only when the child makes intentional crimes of minor severity and negligent crimes of moderate severity. In addition, even the prosecutor, who carries out procedural guidance of the pre-trial investigation, has no right to decide on the withdrawal of a child from the criminal justice system with the use of alternative measures, which should effectively facilitate the destigmatization of such child. Although in fact, there is a norm to use compulsory educational measures for children under the age of 11, who have not reached the age of criminal responsibility.

The term of detention of a person of any age, without the order of an investigating judge, may not exceed 72 hours from the moment of detention, although in accordance with international standards, a child suspected of committing an offense must appear before the court to decide on a preventive measure no later than 24 hours from the moment of detention.

When considering the procedures applicable to children in conflict/contact with the law, it should be noted that currently they do not comply with the Guidelines on child-friendly justice²⁰⁹, approved by the Council of Europe in 2010.

²⁰⁷ Order of the General Prosecutor's Office of Ukraine 06.04.2016 № 139 "On approval of the Regulation on the procedure for conducting the Unified Register of pre-trial investigations", access address: <http://zakon.rada.gov.ua/laws/show/z0680-16>

²⁰⁸ Order of the Cabinet of Ministers of Ukraine dated December 18, 2018, No. 1027-p "On Approval of the National Strategy for the Reform of the Justice System for Children for the Period until 2023" <https://zakon.rada.gov.ua/laws/show/303-2012-%D0%BF#n8>

²⁰⁹ Guidelines of the Committee of Ministers of the Council of Europe on Child-friendly Justice. (2013). <https://rm.coe.int/16804c2188>

Thus, the condition of pre-trial investigation both of the offenses committed by minors and against minors, is regulated by Chapter 38 of the Criminal Procedural Code (hereinafter CPC) of Ukraine "Criminal Proceedings against minors"²¹⁰. This chapter consists of 18 articles (from 484 to 502) containing specific rules in cases involving the child. However, 10 of them determine the procedures for those minors are suspected and accused.

There are no procedures for children – victims or children - witnesses of the crime in this chapter, as they are of a general nature. The peculiarity of the subject of the criminal process - the child, noted only in Art. 354 "Features of Interrogation of a Minor Witness or Victim"²¹¹.

Art. 490 of the CPC²¹² contains only the norm that interrogation of a suspected or accused minor is carried out in accordance with the rules provided by this Code, in the presence of a lawyer. In addition, in no way does it establish the rights of the child to choose a lawyer or disagree with the appointed lawyer.

The rules of the CPC do not envisage the duty of the investigator to inform the child and his/her parents immediately and appropriately.

The same situation is with the victim. An example of not taking into account the best interests of a child is the absence of a provision similar to Article 485 of the CPC "Circumstances Subject to Criminal Proceedings against Minors"²¹³. Today, it concerns only the child who committed the offense.

Also one of the signs of child-friendly justice is the protection of private and family life including the time of pre-trial investigation procedures. Instead, the norm of Article 487 of the CPC "Clarification of Living and Upbringing Conditions of a Suspected or Accused Minor"²¹⁴ does not envisages any mechanisms for its implementation. When sending inquiries to relevant bodies and services of local self-government, educational institutions, etc., the investigator does not warn about criminal responsibility for the disclosure of not only the confidential information of the child or family members, but even of any information that is necessary for him in criminal proceedings.

Although, according to Article 222 of the CPC of Ukraine, "The Unacceptability of Disclosure of Information of a Pre-trial Investigation,"²¹⁵ information of a pre-trial investigation can be disclosed only with the written permission of the investigator or prosecutor and to the extent they consider possible.

The involvement of additional specialists during pre-trial investigation to ensure the best interests of the child remains a problem issue. The involvement of specialists in pre-trial proceedings in cases involving children is governed by the general rules of the CPC (Article 71). Instead, these norms significantly narrow the role of specialists who can provide "friendliness" of pre-trial investigation procedures. At the same time, today there are no officially approved unified methods, which specialists can apply for their work.

Such techniques are needed, for example, to assess the needs of the child - victim of a crime, to make personality assessment and the risk of committing a second offense by a child, etc.

An investigator is not required to gather all the specialists who could provide a comprehensive assessment of the fact of committing an offense by a child. Instead, when it comes to the victim, the involvement of any specialist is not in the CPC norms. However,

²¹⁰ The Code of Criminal Procedure <http://zakon2.rada.gov.ua/laws/show/4651-17>

²¹¹ The same source

²¹² The same source

²¹³ The Code of Criminal Procedure <http://zakon2.rada.gov.ua/laws/show/4651-17>

²¹⁴ The same source

²¹⁵ The same source

exactly this aspect is a significant evidence in cases when, for example, the child became a victim of violence.

Criminal proceedings against a minor must be promptly and considered in court primarily (paragraph 4 of Article 28 of the CPC of Ukraine). Regarding the cases involving the child - victim or the child – witness of the crime, there are no references to the urgency of the case consideration, which is not envisaged by the CPC. In some cases, another examination of a victim may take place after several months or even years since the events occurred, which leads to the closure of criminal proceedings.

The CPC of Ukraine allows the participation of a psychologist or a teacher during the interrogation of a child in a criminal case. In practice, a teacher participates more frequently than a psychologist, as it is easier to find a teacher. Sometimes, a psychologist is simply absent in a particular area.

The collection of evidence, especially from children – victims of the crime, should also take place under the most favorable conditions. This process can be facilitated by the use of audio and video recording of interrogations. The CPC contains the possibility of using such technical means, but is not obligatory if the child is involved in the process.

The provision of social rehabilitation institutions, which regulates the visits of pupils (inmates) by parents or persons replacing them, remains a problem. Such visits are allowed only with the permission of the school principal or the person who replaces them, while the Regulations prohibit the restriction or deprivation of contacts between the child and his/her family.

Besides, despite the general need to develop a network of special institutions (centers) for working with children who have deviant behavior or are inclined to commit offenses, there was no compromise in this issue between the mechanism of ensuring the rights of the child and the creation of optimal conditions for correction of deviant behavior, prevention of offenses. The reason is that in fact in the last 5 years there are no legal acts on the regulation of the activities of these institutions, there is no mechanism for sending youth with deviant behavior to these institutions, there are no special correction programs for children with deviant behavior, or special educational programs for the staff.

The most important aspect of ensuring the observance of the rights of the child and the standards of child-friendly justice is the mandatory participation of the defender, whose functions can be performed exclusively by a lawyer. However, today in Ukraine the lawyer does not participate in the protection of a child in criminal proceedings.

Despite the fact that the lawyer exclusively represents the child in court, there is a limit on the representation of the child when it comes to criminal proceedings involving witnesses, victims and civil plaintiffs. In this case, their right to receive professional legal aid is limited, since there is no mandatory participation of the lawyer to represent their interests, and the circumstances in which the lawyer may be appointed are not specified. There are cases when a legal representative cannot fully or at least partially perform his function properly, does not know, does not want to know, does not do anything in order to normalize the routine of the child, restore his/her psychological condition, properly represent his/her interests. Otherwise, a legal representative is not interested in full and qualitative consideration of criminal proceedings and in the punishment of a person who violated the child rights. This is especially true for the category of crimes related to domestic violence.

After all, the legal representative of the child in the criminal process is authorized to express opinions on the level of punishment, the possibility of supplying petitions, statements, appeals against decisions and reconciliation. Only in exceptional cases, where the participation of a legal representative may harm the interests of a minor witness or victim,

the investigator or the prosecutor, upon request of a minor or on his own initiative, has the right to limit the participation of a legal representative in the execution of certain investigative (search) actions or to remove him from the criminal proceeding and bring in another legal representative instead.

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

Children who became captives to the war in eastern Ukraine continue to die. Until now, the numbers of children killed in Ukraine are also significantly different, ranging from 68 dead²¹⁶ and 186 wounded to 242 dead²¹⁷. From April 14, 2014 to August 15, 2019, 98 boys, 49 girls died, according to the UN Human Rights Monitoring Mission. Besides, 80 children were killed during the airplane crash of the MH17 on July 17, 2014^{218,219}. As of October 1, 2018, UNICEF also estimates that at least 140 children were killed or blown up by mines²²⁰.

In 2016, UNICEF noted that more than 580,000 children were affected by the armed conflict in Ukraine over the past two and a half years, and more than 200,000 children need psychological help²²¹. Taking into account mentioned estimates and situation in Ukraine²²², the Parliamentary Assembly of the Council of Europe adopted Resolution No. 2204 "On Protection of Children Affected by the Conflict" in 2018, which provided recommendations²²³ to member states of the Council of Europe. Among them - to invest in the prevention of conflicts, to reinforce child protection and support mechanisms and action at all levels, to support and rehabilitate child soldiers and other children actively involved in conflicts, etc.

The regional and central authorities have avoided the decision to evacuate children for a long time, and the destiny of each institution was solved situationally. In many cases, the decision to evacuate children away from the combat zone was delayed despite the threat to their lives, or was taken after the start of hostilities in the close proximity to children's institutions. Thus, the employees of the Kreminna regional special secondary boarding school of I-III degree (Luhansk region) were taking orphans and abandoned children to their homes for 7-10 days. There were about 50 of such pupils. Later they were transported to the village of Sergeyevka, Bilhorod-Dnistrovskiy district of the Odessa region, and then returned in 2015²²⁴.

²¹⁶ "Parubi announced the number of children killed in the Donbass", Channel 5, access address: <https://www.youtube.com/watch?v=ZBPufpcOLn8>

²¹⁷ "The President expressed his condolences to the relatives of the lost children in Ukraine, Syria and Kemerovo", ЧП.Іфо, address of access: <https://www.youtube.com/watch?v=45OWC1O6B10>

²¹⁸ "Report on the human rights situation in Ukraine (16 February to 15 May 2018)", access address: https://www.ohchr.org/Documents/Countries/UA/ReportUkraineFev-May2018_UKRAINIAN.pdf

²¹⁹ "Report on the human rights situation in Ukraine 16 May to 15 August 2019" access address: https://www.ohchr.org/Documents/Countries/UA/ReportUkraine16May-15Aug2019_EN.pdf

²²⁰ "140 children become victims of Donbas hostilities since 2014, - UNICEF," 112 UA, address of access: <https://112.international/conflict-in-eastern-ukraine/140-children-become-victims-of-donbas-conflict-unicef-32750.html>

²²¹ "Half a Million Children Affected by a Two-Year-Old Conflict in the East of Ukraine", UNICEF Ukraine, address of access: http://www.unicef.org/ukraine/ukr/media_28681.html

²²² "Protecting Children Affected by Armed Conflicts" Report, Committee on Social Affairs, Health and Sustainable Development Rapporteur: Ms Sevinj FATALIYEVA, Azerbaijan, European Conservatives Group, адреса доступу: <http://semantic-pace.net/tools/pdf.aspx?doc=aHR0cDovL2Fzc2VtYmx5LmNvZS5pbnQvbnNveGlsL1hSZWYvWDJILURXLWV4dHluYXNwP2ZpbGVpZD0yNDI4NiZsYW5nPUVO&xsl=aHR0cDovL3NlbWFudGljcGFjZS5uZXQvWHNsdC9QZGYvWVFJZi1XRC1BVCIYTUwyUERGLnhzbA==&xsltparams=ZmlsZWlkPTI0Mjg2>

²²³ Resolution 2204 (2018) "Protecting children affected by armed conflicts", PACE, access address: <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=24495&lang=en>

²²⁴ "Rights of children under state care and affected by conflict in the territory of Ukraine", KHISR, access address: <http://khisr.kharkov.ua/files/docs/1514380165.pdf>

At MSP there is still no algorithm for establishing constructive cooperation with FFs, FTCHs, which due to the hostilities in Donbass left Ukraine. In addition, there is no defined state body, to which they could apply for establishing official ties with their homeland and for solving the problems that exist today in each such family in Ukraine.

At the legislative level, several attempts have been made to provide rehabilitation services to children affected by armed conflict. However, none of the solutions currently effectively satisfies the needs of affected children, there is no systematic effort to protect children of this category. Children who are family members of veterans; of participants of hostilities, of active servicemen, of persons with disabilities due to war - were left unaddressed²²⁵.

After the beginning of the armed conflict, the Law of Ukraine "On Rehabilitation of Persons with Disabilities in Ukraine"²²⁶ amended and formally extended the services for obtaining technical and other means of rehabilitation for persons affected by an armed conflict, whose disability has not been established. However, the data collection on the number of people who have been affected by injury, contusions or handicaps is still not centralized, which does not allow to effectively planning rehabilitation policies.

For example, according to official information, 48 children were injured, but none of the children received disability status because of minefields injuries in Donetsk region during 2014-2018²²⁷. The assessment of the need for physical rehabilitation and medicine services was carried out indirectly, not all regions in Ukraine had data on the number of people who were recommended to receive rehabilitation services. Thus, in 2014, in Kyiv region, medical and physical rehabilitation services were recommended only to one child who has gained health disorders, but the disability has not been established.

It is positive that in 2016 the Law №2402 stipulated that the central executive authorities should create conditions for medical, psychological, pedagogical rehabilitation and social reintegration of children affected by the hostilities and armed conflicts. The law envisages the status of a child affected because of hostilities and armed conflicts. On April 5, 2017, the Government adopted Resolution No. 268 "On Approval of the Procedure for Granting the Status of a Child Affected as a Result of Military and Armed Conflict", but with significant disadvantages, so only 9 children²²⁸ received the status during the year.

Only after the introduction of the amendments to this regulation in April 2018, which simplified the procedure, the process became systematic, and by October 2019, 33 thousand 175 children received mentioned status²²⁹. However, children who have received the specified status cannot yet receive certain services because of lack of relevant legislation and allocations for the respective services.

Children who become disabled as a result of injuries, contusions or handicaps may also receive legal guarantees under the Law of Ukraine "On the Status of War Veterans, Guarantees of Their Social Protection"²³⁰.

²²⁵ Problem is described in the report «Children, affected by conflict in Ukraine», prepared by Stabilization Support Services in 2019, access address: <http://radnyk.org/wp-content/uploads/2019/10/Doslidnyczkyj-zvit-Dity-yakyh-torknuvsya-zbrojnyj-konflikt-v-Ukrayini-.pdf>

²²⁶ The Law of Ukraine "On Rehabilitation of Persons with Disabilities in Ukraine", access address <https://zakon.rada.gov.ua/laws/show/2961-15>

²²⁷ Rehabilitation of victims of conflict. Does the state offer anything other than disability status and crutches? / B.Myos, ed.: O.Pavlichenko, O.Martinenko / Ukrainian Helsinki Human Rights Union, address of access: <https://helsinki.org.ua/wp-content/uploads/2018/12/Reabilitatsiya-zhertv-vijny.pdf>

²²⁸ https://humanrights.org.ua/material/ukrajinski_diti_vijni_shho_daje_oficijnij_status_i_chomu_jogo_malo_khto_otri_muje

²²⁹ The status of a child affected by war and armed conflict has over 33,000 children today. <https://www.ukrinform.ua/rubric-society/2791124-v-ukraini-ponad-33-tisaci-ditej-maut-status-postrazdalih-unaslidok-voennih-dij.html>

²³⁰ Law of Ukraine "On the Status of War Veterans, Guarantees of Their Social Protection", Article 7, access address: <https://zakon.rada.gov.ua/laws/show/3551-12>

In May 2018, the status of persons, including children under the age of 18, who became disabled as a result of injuries or handicaps caused by military weapons was regulated²³¹.

However, proving the disability may be complicated by the need to provide an extract about the opening of criminal proceedings regarding the fact of injuries or other health impairments from ammunition. Moreover, children who were injured on the NGCA after December 1, 2014 will not be eligible for this status.

In addition, this status will not extend to children whose disability is caused by diseases not directly related to damage from ammunition. For example: apartment in the block of flats in Debaltsevo (Donetsk region) was hit by a missile. As a result, the father died, the mother was seriously injured, the child remained intact. After some time due to the stress, the child acquired complex health disorders that led to severe disability²³². This example demonstrates that children whose diseases are acquired because of a conflict cannot claim the guarantees provided by the last law.

So far, Ukraine has not conducted clinical studies on understanding the impact of the conflict on the psychological state of affected children in the future.

The existing system of an individual rehabilitation plan (IRP) for mine/ERW victims needs support from the point of view of depth and breadth of assistance, as well as long-term interaction with each patient.

Provision of prostheses and other auxiliary devices for children affected by mines/ERW is also limited. Due to lack of funding and expertise the victims receive aesthetic rather than more expensive functional dentures. Without accurate data on the needs of children with disabilities, it is unlikely that providing such support guarantees the required attention and funding from the state authorities²³³.

²³¹ The Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine Regarding Social Protection of Victims of the Revolution of Dignity and Some Other Persons", address of access: <http://zakon.rada.gov.ua/laws/show/2443-19#n43>

²³² Rehabilitation of the victims of conflict. Does the state offer anything other than disability status and crutches? / B.Myos, ed.: O.Pavlichenko, O.Martinenko / Ukrainian Helsinki Human Rights Union, address of access: <https://helsinki.org.ua/wp-content/uploads/2018/12/Reabilitatsiya-zhertv-vijny.pdf>

²³³ According to a study on the assessment of the needs of children affected by mines or ERW in eastern Ukraine conducted by the Danish Refugee Council, the Danish Mine Action Group (DRB-WRG), in cooperation with UNICEF from September to December 2018