

**Challenging violations of children's rights through
legal advocacy in Ukraine**

14 - 15 May 2015, Kiev

WORKSHOP REPORT

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About CRIN

The Child Rights International Network - CRIN is a global research, policy and advocacy organisation. Our work is grounded in the UN Convention on the Rights of the Child.

CRIN's goal is a world where children's rights are recognised, respected and enforced, and where every rights violation has a remedy.

In recent years, CRIN has been moving from being an information network towards becoming a network focused more clearly on supporting children's rights advocacy. We do our best to empower local advocates to campaign for children's rights in their country and promote the use of the law as a powerful advocacy tool. We work in partnership with international, regional and national coalitions, and strive to provide accessible information and knowledge on children's rights to people and organisations around the world.

CRIN is based in London, United Kingdom.

Why legal advocacy?

It is very clear from the CRC reporting procedure and from many reports by NGOs, human rights institutions, UN agencies and others that serious violations of a wide variety of children's rights persist in most states in all regions. It is also clear that traditional forms of advocacy – situation analysis, report writing, lobbying of governments and parliaments, use of the media, briefing of human rights mechanisms, etc. – are not having sufficient impact in many states on many serious violations. For example, successive concluding observations on states' reports from the Committee on the Rights of the Child have failed to provoke necessary legal reforms and other government action.

Legal advocacy is a pathway for challenging abuses of rights that are based on absent or weak laws, or on laws that represent an abuse of rights in and of themselves. This might include encouraging a government to create a law against a particular violation of rights, asking for the issuing of guidelines on the enforcement of a particular law, or calling for the abolition of legislation that protects the perpetrators of a violation.

Legal advocacy includes a variety of methods, such as:

- Strategic litigation, sometimes also called impact litigation, which involves selecting and bringing a case to the courtroom with the goal of creating broader changes in society.
- Working through legislatures to change existing laws or have new laws brought in. This could involve directly working with national representatives or engaging with committees and other elements of the law making process.
- Legal and quasi-legal representation of those who have a grievance on an issue that touches on the law.

- Engaging with legally involved representatives such as ombudspersons to lobby them for advances in children's rights.

Legal advocacy is an important, sometimes neglected, tool for rights defenders and is one that can be used both in isolation and alongside more traditional political and social advocacy techniques to advance children's rights. The children's rights community needs to start using stronger forms of advocacy, such as legal advocacy, to advance children's rights to push for a shift in how societies view and treat children and their rights.

CRIN legal advocacy workshop programme

To promote the use of legal advocacy around the world, we have started a programme of workshops where legal and non-legal children's rights advocates meet to discuss and devise legal advocacy strategies for advancing children's rights. The first of these took place in Turkey in October 2011, we also held regional workshops in Kathmandu, Nepal, in May 2013, and in Tanzania in January 2015.

The general idea of the workshops is to explore how CRIN can most usefully support national campaigns and encourage the use of stronger forms of legal advocacy - including strategic litigation - to challenge violations of children's rights. In particular, we want to encourage those involved in children's rights advocacy and others working in the wider human rights field to review persisting serious violations of children's rights and consider all possible forms of advocacy to challenge these. We believe a systematic process like this is needed in most states, but has as yet only been pursued in few.

At these events, participants address recurring and persistent violations of children's rights in their country or region. Through supported and organised discussion, they examine the options for challenging these violations, identify the legal blockages to improving the situation and create a concrete plan of action for taking legal advocacy forward.

CRIN will produce a global legal advocacy guide along with a toolkit in which each country workshop will feature as case study so other campaigners can replicate the workshops without our direct involvement.

Ukraine workshop

Ukraine was chosen as the first country for the workshop in Eastern Europe and Central Asia, as there is an active informal network of NGOs working on children's rights, committed to leading legal advocacy campaigns. In addition, in 2013 legal aid reform took place and as a result legal aid centers were opened in every region of Ukraine. All this creates favourable conditions to initiate legal advocacy activities in the country.

The aim of the workshop was:

- To review an agreed selection of identified violations of various rights affecting different groups of children and different settings of children's lives and "match" them with possible forms of legal or quasi-legal advocacy;
- To identify what is needed to use these potential remedies: for example, do individual child victims have to be identified and "used" in legal proceedings; are appropriately trained and experienced lawyers available; are sufficient resources available to support legal action;
- To determine the obstacles to using these and any other stronger forms of advocacy;
- To find out what can CRIN do to encourage and support these forms of advocacy, in all states, including writing up this exercise as a hopefully positive model to be followed elsewhere.

Official languages of the workshop were Ukrainian, Russian, English.

Partners and participants

The workshop was organised in collaboration with the Women's consortium of Ukraine (WCU) and the Coalition for Children's Rights in Ukraine, which is an informal network of children's rights activists in the country. The organisation of the workshop was supported by Save the Children International.

Applications and participants' selection process was coordinated by CRIN and WCU. Participants were selected on the basis of their expertise in a range of fields - children's and human rights activism (including in relation to gender or minority rights), law and media. Excluding CRIN staff, there were 22 participants from various regions of Ukraine - from experienced lawyers to grassroots child rights activists, which enabled substantive and constructive discussions in the working groups.

Participants were sent a pre-workshop questionnaire which asked them to identify: the current legal issues they were working on; any successful or ongoing campaigning on legal issues in their country or field of work; if they were aware of any current or upcoming opportunities for legal reform in their country. The purpose was to get the participants thinking about legal advocacy and children's rights, and aimed to provide background to the workshop process.

Preparation

CRIN prepared the following documents to assist workshop participants in developing legal advocacy plans:

- Briefing on persisting violations of children's rights in Ukraine

A range of persistent violations of children's civil, political, economic, social and cultural rights that have been challenged unsuccessfully by soft forms of advocacy was proposed as the basis for exploring possible forms of legal or quasi-legal advocacy. The goal was to

select violations which appear to be permitted under Ukrainian law, rather than to challenge lack of enforcement for those violations that are clearly unlawful yet persist.

- Report on access to justice for children in Ukraine

CRIN prepared a report about how children can access justice in Ukraine, which is a part of CRIN's global project which demonstrates how advocates can use their national legal systems to challenge violations, achieve remedies for victims and achieve legal change. CRIN is publishing similar reports for every country in the world.

- Legal advocacy checklist

Any legal action needs to have a comprehensive advocacy plan to accompany it. CRIN prepared an algorithm on how to build a legal advocacy strategy. It includes eight detailed steps which are the basis for the legal advocacy plans explored in more detail further in this report.

Agenda

The first session was an introduction to the aims of the workshop, introduction of participants and a discussion about what is meant by legal advocacy. Participants then worked in groups.

The working groups focused on specific persistent violations of children's rights in Ukraine, including:

1. Violence against children;
2. Children in conflict with the law;
3. Children with disabilities;
4. Discrimination of certain groups of children.

The discussion was guided by the following questionnaire:

1. Overview of violation to be discussed - which children it affects, what rights it violates and why it needs to be addressed.
2. Why does the violation persist? If the violation is lawful, why has government/parliament not prohibited the violation? If the violation is not lawful, why isn't the law being fully enforced?
3. Have there been previous legal challenges, did they succeed or fail? If they failed, why?
4. What are different options for legal challenges now?
5. How can child victims be identified where necessary to pursue legal action and to collect evidence of violations?
6. Who are the possible partners for challenges, if needed?
7. What are the various steps for the challenge from now?
8. Are there any identified obstacles? How will these be overcome?

Legal advocacy plans

The second workshop day was entirely devoted to group work on concrete legal advocacy plans detailing how a specific selection of children's rights violations could be challenged legally. For most of the day, participants worked on developing the plans following a legal advocacy plan checklist template (see Annex II).

For the purpose of this report, the following advocacy plans are abridged, however the full versions of the plans are available in the Russian version of the report.

Group 1. Violence against children

Summary

Courts do not take into account the views of children who are victims of domestic violence (breaches of Article 7, Article 171 of the Family Code of Ukraine). Access to justice is a problem, as children can only seek redress through courts from the age of 14, and only through legal representatives.

Suggested activities included: analysing existing data, looking for victims and initiating cases in local courts, and going to higher courts; organising information campaigns to present the problem to the public; developing recommendations for attorneys, lawyers, NGOs and judges for educational purposes.

Which specific rights are violated?

- CRC - article 3 (best interests of the child), article 12 (the right to freely express their views on matters relating to the child's life), article 19 (protection of the child from all forms of violence), article 39 (the right to appropriate conditions for the recovery and reintegration of child victims of violence).
- European Convention on the Exercise of Children's Rights - article 3 (right to be informed and to express views in proceedings), article 8 (duty to act speedily) and article 13 (mediation or other processes to resolve disputes).
- Family Code of Ukraine - articles 7 and 171 (best interests of the child).

Why does the violation persist?

- Judges do not take children's views into account, and they do not know how to interview them;
- Parents do not want their children to be questioned in court as this accounts to additional trauma;
- Courts, police, prosecutors and other authorities are not familiar with the issue of domestic violence;
- Children and their representatives are not aware of their rights;
- The Ministry of Health and social services do not cooperate.

Previous legal challenges

There are several precedents attempting to protect children from violence: two cases reached the Court of Appeal, and several cases reached the Supreme Court. There is a risk of exhaustion of the problem by legal or non-legal methods before achieving the desired strategic outcome. Systematic advocacy activities on this issue in Ukraine were not conducted.

Options for legal / quasi-legal challenge

- National courts - local courts, courts of appeal and cassation - there are similar cases in different regions of Ukraine;
- In case of conflicting judgments of cassation courts - appeal to the Supreme Court of Ukraine concerning the unequal application of the law;
- Appeal to the European Court of Human Rights.

Collecting the evidence

- Analysis of judicial decisions;
- Information from organisations providing assistance to victims of domestic violence, including children;
- Information from social workers and educational institutions.

Risks: reluctance of the court to take into consideration views of the child, especially when dealing with children under 10 years old.

Resources needed to mount the challenge

The group has the necessary expertise and human resources. Should it be necessary, financial resources will be sought.

Possible partners

Civil society organisations, lawyers, social services, media, prosecutors, the Ombudsperson's office and regional offices, the Presidential Commissioner for Children's Rights.

Advocacy plan

- Analysis of the judgments in the Unified State Register;
- Searching for the victims and initiating cases in local courts;
- Exchange of information, procedural documents, planning the strategy of judicial review;
- Supporting cases in courts of appeal and cassation;
- Conducting information campaigns;
- The joint appeal to the Supreme Court and the ECHR;
- Developing guidelines for lawyers and judges to make sure they take into account children's views in proceedings.

Group 2. Children in conflict with the law

Summary

There is no unified code on juvenile justice in Ukraine. The group has identified systemic violations of rights of children who are in conflict with law, including the provisions of Article 40 and Article 37 of the CRC. The group has suggested to establish a coalition that could work on enactment of a law on juvenile justice, which would include: introduction of specialisation for judges and law enforcement officials; establishment of court presidents to identify gaps in existing legislation and developing mechanisms for the implementation of relevant legal norms; publication of practices through public discussion and debate. The group has also stressed the importance of increasing legal awareness of the public and children; cooperation with the media, national and international human rights organisations.

Which specific rights are violated?

- CRC - article 40, namely the right not to be punished without law; right to dignity; right to information in criminal proceedings; presumption of innocence; freedom from torture and ill-treatment; access to legal aid.
- CRC - article 37, namely the right to education and health care; right to adequate development; right to communication with family (correspondence); right to appeal against imprisonment; right to non-discrimination; right to remain separate from adults.

Why does the violation persist?

- Conflicts and gaps in laws regulating juvenile justice
- The lack of public demand for the implementation of justice
- Political and social pressures
- Impunity

Options for legal / quasi-legal challenge

- Creation of judicial precedents in order to identify the gaps in the current legislation and the development of mechanisms to implement relevant legal provisions;
- Introduction of specialisation of judges, prosecutors, investigators;
- Implementation of a proper administration of justice and administrative practices;
- Increasing legal awareness of the public and children about their rights.

Collecting the evidence

- Research
- Monitoring
- Questionnaires
- Statistics
- Interviews and focus groups
- Visits to places of detention and closed institutions for children
- Information from the coalition of NGOs and international human rights organisations
- Analytical reports, publications

Resources needed to mount the challenge

Financial resources will be required when preparing a draft bill on juvenile justice and for lobbying for ratification and implementation of the bill. Ideally these activities could be

supported by the European Commission, however also voluntary input from civil society organisations as well as students, etc will be required.

Possible partners

International level:

- UN Committee on the Rights of the Child
- UNICEF
- CRIN
- Defence for Children International
- Children's Rights Alliance
- Unicef Innocenti - Florence, Italy
- Council of Europe

National level (laws, regulations, directives, standards, etc.):

- Ombudsperson's office
- President's Commissioner for Children's Rights
- Parliament
- Relevant ministries
- Universities (Kharkov Academy of Law, University of Taras Shevchenko, Ivan Franko National University, the Academy of Pedagogical Sciences of Ukraine)
- Civil society organisations
- Professional associations (lawyers, judges, prosecutors, investigators, etc.)

Regional and local level:

- Local government
- Public authorities
- Executive Office

Advocacy plan

1. Preparations:

- Analysis of the existing judicial and legal practice in respect to children in conflict with the law;
- Judicial summaries of the European Court of Human Rights;
- Analysis of the existing conflicts and gaps in norms regulating juvenile justice in Ukraine;
- Analysis of international practices on juvenile justice;
- Consultation with practitioners (judges, lawyers), academics, parliamentarians;
- Information support, a sociological survey to assess the needs of the population to have access to justice.

Result:

1. Analytical report summarising conflicting areas in the law and examples of case law;
2. Recommendations concerning the provisions and the context of the law.

2. Drafting the bill:

- Creation of an interagency working group of international experts to write and lobby for the bill;
- Preparing a draft of the bill;
- Lobbying (working meetings, consultations, round tables with participation of relevant parliamentary committees, parliamentarians, politicians, civil society).

Result: the bill "On Juvenile Justice"

3. Publication of the bill:

- Public hearings, including parliamentary hearings
- Coverage in the media and online
- Changes and amendments to the bill

Result: edited version of the bill

4. Ratification and implementation:

- Signing of the bill
- Publication of the law in the media
- Developing a mechanism of implementation
- Carrying out professional training for practitioners
- Monitoring the implementation and effectiveness of the law
- Provision of state funding for the above activities

Result: juvenile justice system operating in accordance with international norms and standards.

Group 3. Children with disabilities

Summary

This group aims to amend the text of Article 143(3) of the Family Code of Ukraine ("The parents may abandon the child in the maternity home or any other health institution if the child suffers from serious physical and/or mental handicaps, as well as under other essential circumstances.") by deleting the express reference to children with disabilities. The plan calls for a coalition of NGOs to be established. The Coalition will simultaneously pursue three possible avenues for challenging the legal provision: a strategic litigation case in the national courts; request to the Ombudsperson to initiate a constitutional challenge; and request to the President's Commissioner for Children's Rights to use their power of legislative initiative.

Which specific rights are violated?

- CRC - articles 2 (non-discrimination) and 7 (right of the child to be cared for by their parents);
- European Convention on Human Rights: article 14 (non-discrimination) in conjunction with 8 (right to family life);
- Convention on the Rights of Persons with Disability: articles 5 (non-discrimination), 7 (right of children with disabilities to the full enjoyment of all their human rights on an equal basis with other children), 13 (respect for the physical and mental integrity of persons with disabilities on an equal basis with others) and 23(3) (equal rights of children with disabilities with respect to family life);

- International Covenant on Civil and Political Rights: articles 24 (right of the child to protection by the State without discrimination) and 26 (right to non-discrimination);
- Constitution of Ukraine: article 24 (equal protection of the law).

Why does the violation persist?

- Stigmatisation of disability in Ukrainian society. For example, doctors in hospitals will persuade parents to abandon children who are born with a disability;
- Poor implementation of the law. For example, the law clearly requires reasonable accommodation to allow children access the school buildings and other facilities they may need, however, this requirement is either ignored, or where some form of accommodation is made, it is often not done properly (e.g. wheelchair ramps which are dangerous to use);
- Lack of monitoring of implementation of laws.

Previous legal challenges

There are no known cases seeking to enforce the rights of children with disabilities. All cases are brought by parents of such children in matters relating to alimony, entitlement to social benefits etc.

Options for legal / quasi-legal challenge

- Bringing a case in the national court on behalf of one or several individuals, and should this be unsuccessful, a challenge on the European or international level. Problems/risks: NGOs cannot be a plaintiff in civil cases in Ukraine.
- Asking the Ombudsperson to challenge the provision in the Constitutional Court. The Ombudsman has previously used this power to bring a constitutional complaint in a [case](#) concerning age limits for prospective adopters. However, good cooperation with the Ombudsperson is essential.
- Lobbying the President's Commissioner for Children's Rights to propose an amendment of the law. This is the method that can potentially meet the objective in the shortest amount of time, however its success depends on the support of the President's Commissioner for Children's Rights first, as well as that of a majority of MPs.

Collecting the evidence

There was discussion on the procedural requirements for children giving evidence and whether children with disabilities in particular would be allowed to testify. Human rights organisations working with children with disabilities could help with collection of evidence.

Resources needed to mount the challenge

The biggest expense would be for legal services, however those can be provided pro bono. Operating costs can be divided between the organisations involved from their budgets. The organisations could apply for a grant to cover court costs and any costs incurred in collecting evidence for the court case.

Possible partners

- Disability Rights International

- Mental Disability Advocacy Centre

Advocacy plan

Objective: to delete the phrase “if the child suffers from serious physical and/or mental handicaps” from Article 143(3) of Ukraine’s Family Code.

Step 1: Establish a coalition under a memorandum of understanding and nominate representatives from each organisation who will coordinate the effort (2 months).

Step 2: Pursue one of three legal advocacy methods simultaneously.

- Strategic litigation
 - In the national courts - a civil case brought on behalf of adults who were persuaded to abandon their children for the reason of the child’s disability.
 - At the international level - if all domestic remedies have been exhausted:
 - European Court of Human Rights; or
 - UN Committee on the Rights of Persons with Disabilities; or
 - UN Human Rights Committee
- Constitutional challenge through the Ombudsperson.
- Legislative reform proposed by the President’s Commissioner for Children's Rights.

Parallel activities:

- There is a need for awareness raising in order to change public perception of people with disabilities more generally but also to emphasise that the State is obliged to support parents caring for children with disabilities.
- The problem should be highlighted in alternative reports to the UN Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities when these come up.

Group 4. Discrimination of certain groups of children

Summary

The group focused on difficulties of getting identity documents for Roma children. The lack of personal documents creates obstacles with regard to education, healthcare and other forms of social security, and employment. There is a gap in the legislation of Ukraine that does not allow obtaining identity documents for persons who were not registered during the statutory 30 day period from the date of birth. Therefore, a simplified procedure is needed in such cases, which could include changes to the Article 13 of the Law on State registration. Participants have called for establishment of the working group including Roma leaders and other key partners to lobby for the necessary changes.

Which specific rights are violated?

- CRC - articles 2 (non-discrimination) and 7 (right to be registered immediately after birth);
- International Covenant on Civil and Political Rights - article 24 (every child has the right to acquire a nationality);

- Convention on the Reduction of Statelessness - article 8 (right to nationality), article 9 (right to nationality and non-discrimination).

Why does the violation persist?

- Lack of awareness on the part of Roma of the legislation that obliges all citizens to register newborn children;
- Complex procedures for registering children after the statutory 30 day period from the date of birth;
- Costs associated with the late registration, transport and other expenses;
- Hospitals refusing to issue a document stating that the child was born, since a lot of Roma mothers are not covered by health insurance and cannot afford to pay hospital fees.

Previous legal challenges

Case involving a 26-year-old Roma national without identity documents, which was lead by a lawyer from the Human Rights Centre "Rozvitok" in Mukachevo. The case took more than a year and required three separate trials in order to achieve the result.

Cooperation between organisations working on Roma is fragmented, there is no overall co-ordination or an all-Ukrainian organisation representing the interests of Roma people.

Options for legal / quasi-legal challenge

- A simplified procedure for receiving identity documents is needed in cases when individuals did not obtain birth certificates/passports, which could include changes to the Article 13 of the Law of Ukraine "On state registration of civil status" and the Order of registration and issuance of passports No. 320;
- A large-scale information campaign to inform Roma population about the benefits of birth registration, as well as on the existing order of registration of children with the involvement of Roma activists.

Collecting the evidence

- Analysis of judicial decisions;
- Informing the organisations working with the Roma population, namely organisations that provide consulting support and legal assistance.

Resources needed to mount the challenge

If necessary, to look for financial resources from national or international donors (for example, the "Renaissance" Foundation or grants of the European Commission).

Possible partners

- The European Roma Rights Centre;
- Roma civil society organisations, for example, Romani Women's Fund "Chiricli";
- The leaders of the Roma community;
- The Congress of the Roma of Ukraine;
- The Organization for Security and Cooperation in Europe (OSCE);

- NGOs working in the field of human rights in Ukraine;
- Friendly deputies, lawyers, journalists, volunteers, social workers.

Advocacy plan

- Develop a draft of amendments to the legislation, the rationale for it, and the explanatory note (a draft version of the proposal is already developed by the Mukachevo human rights centre "Rozvitok");
- Collect information and documentary evidence of the systemic nature of the violation;
- Collect information on all civil society organisations in Ukraine that could potentially be interested in solving this problem, invite them to cooperate;
- Organise a roundtable to discuss and draw up a joint work plan, identify available resources, including financial and voluntary. Establish a working group of representatives of the interested public structures;
- Organise an information campaign on the registration of Roma children, with the involvement of Roma activists. The campaign could coincide with the beginning of the school year (registration can be taken more seriously by the parents, if they see its benefits immediately).

Next steps

The experiences gained by the participants was an important aspect of the event as the aim of the workshop was to introduce to participants practical skills, techniques, or ideas which they can then use in their future work. Participants represented different backgrounds from children's to human rights activism, which provided for effective sharing of expertise. The increased awareness of the concept of legal advocacy and legal challenges and remedies was beneficial to understanding how the whole process works. Participants enhanced their knowledge on how to prepare for, plan and implement legal advocacy. They also strengthened their understanding of strategic litigation planning, including the goal - changing the system of rights violations, and used CRIN resources for learning more about the aspects of human rights law and how to use it to advance children's rights.

Workshop evaluation

At the end of the workshop participants were asked to fill an evaluation form, the results are available in Annex III.

Participants have indicated that overall the workshop was at a high level and they now have enough knowledge to formulate goals and objectives for key legal advocacy issues. Participants have also specified that they are now confident in their ability to develop effective messages and choose appropriate means of communicating with policymakers, courts and other influentials. Particularly helpful was the discussion of advocacy plans, work in groups and exchange of experience.

In relation to the question on what advocacy actions they plan to initiate after the workshop, participants listed the following: identifying gaps in legislation and eliminating them; drafting

amendments to the law; adoption of the new law; pursuing strategic litigation; developing action plans and implementing legal advocacy as a part of a project.

Lessons learned

Following the end of the event, CRIN has identified the following areas for improvement for future workshops:

- Facilitation - working groups facilitators from the local partner organisation need to prepare in advance and participate in all introductory meetings;
- Note taking - careful note taking in each working group is essential to make sure the minutes of the workshop are accurate and contain relevant moments from the discussion;
- More emphasis is needed on how CRIN could contribute to the work of NGOs and assist them with implementing advocacy plans.

What can CRIN do to encourage and support legal advocacy

The workshop also aimed to raise awareness about what resources CRIN can offer to organisations who are or want to be actively engaged in legal advocacy and to determine what can be done to bolster this work.

Follow-up measures from the workshop

Participants indicated the following research by CRIN would help with the implementation of legal advocacy plans:

- Research on international standards and legislation in other countries;
- Information on advocacy campaigns on similar issues in other countries;
- Research on decisions of the ECHR and other international bodies that could be used for advocacy;
- Amicus Curiae to the Supreme Court of Ukraine;
- Strategic litigation (intervention and help with filing a complaint);
- Providing news coverage of national advocacy efforts;
- Information on implementation of legal advocacy plans in other countries where workshops have been held.

CRIN also offers information and tools for advocacy, many of which are online, including the following resources:

- Access to justice for children report for Ukraine, which sets out the status of the CRC under national law, how the law treats children involved in legal proceedings, the legal means available to challenge violations of children's rights, and the practical considerations in challenging violations using the legal system. All reports are available here: <https://www.crin.org/en/home/law/access>.
- Subscription to online newsletter "Children in Court CRINmail" which covers examples of strategic litigation: <https://www.crin.org/en/home/what-we-do/crinmail>.

- The Legal Database, a searchable database of examples of how the CRC has been used by high-level courts in all regions and other significant children’s rights cases. The Legal Database can be found here: <https://www.crin.org/en/library/custom-search-legal>.
- Strategic litigation case studies, available here: <https://www.crin.org/en/home/law/strategic-litigation/strategic-litigation-case-studies>.
- The Children's Rights Wiki which brings together recommendations made by UN and regional human rights bodies, decisions by national courts and advocacy work carried out by national child rights advocates in one place. It can be found here: http://wiki.crin.org/mediawiki/index.php?title=Main_Page. Each country page also includes a national law section, including a general overview of the country's legal system, the status of the CRC in national law, provisions for children’s rights in the Constitution, a sense of relevant legislation/case law, a guide on how to conduct detailed legal research, and an analysis of the country's legal compliance with the CRC as assessed by the Committee on the Rights of the Child.
- CRIN’s guides and toolkits which can be found by the following link: <https://www.crin.org/en/guides>.
 - Guide to strategic litigation aimed at legal and nonlegal NGO staff which can be adapted to local settings and procedures.
 - Guide explaining how to use UN and regional human rights mechanisms to pursue children's rights advocacy.
 - Legal assistance toolkit which outlines that legal assistance for children should not be viewed as a luxury, but must be recognised as a human right.
 - CRC complaints mechanism toolkit on how to use the CRC complaints mechanism under the third Optional Protocol to the CRC.
 - Challenging discrimination toolkit on diverse areas of discrimination against children and how to successfully challenge them.
 - Media toolkit on how to get your message across and depicting children in a way that promotes their rights.
 - Child-friendly justice toolkit on children as victims, witnesses, offenders or complainants.

What participants can do to strengthen commitment to addressing violations

- Use the algorithm for legal advocacy in their work to address the violations of children’s rights;
- Discuss and share with colleagues the report from the workshop as well as relevant CRIN resources;
- Secure a commitment of the organisations they represent to consider legal advocacy as an option to challenge persistent violations of children’s rights;
- Share content of workshop discussions with human rights activists from other organisations and invite them to participate in the ongoing discussions;
- Develop timelines for the implementation of legal advocacy plans prepared during the workshop;
- Share information on the ongoing advocacy campaigns with CRIN and the Centre for Human Rights Information in Ukraine;

- Engage with the Ombudsperson's office and the Commissioner of the President of Ukraine for Children's Rights and lobby them for advances in children's rights.

Annex I: List of participants

No.	Name	Role	Organisation	City	Contact info
1.	Veronica Yates	Director	CRIN	London	vyates@crin.org
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8.	Evgenia Pavlova	President, attorney	All-Ukrainian Foundation "Protection of Children's Rights"	Kiev	jane_p@ukr.net
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13.	Artem Golubov	Chairman of the regional branch	All-Ukrainian Foundation "Protection	Kharkiv	http://aufcr.com.ua/index.php

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Annex II: Checklist: How to build a legal advocacy strategy

1. Identify violations of children's rights.

- National/regional/international context
- Which specific rights under the Convention on the Rights of the Child (CRC) are violated?

2. Identify why the violation is persisting and why previous and existing forms of advocacy have failed to achieve effective remedies.

- Different political or societal pressures
- Previous advocacy efforts and why and to what extent they have failed

3. Identify what forms of legal or quasi-legal advocacy could be used to challenge the violation, what conditions need to be met before these can be used and what other obstacles there are to using these forms of advocacy, looking especially at the national constitution and legal system and regional as well as international human rights mechanisms.

- Relevant courts and other complaints mechanisms
- National/regional/international level
- Court standards and procedures, including preconditions
- Legal or practical obstacles to using these forms of advocacy (lack of legal standing for NGOs in court, lack of judicial independence, negative legal precedent, etc)?
- Examples of successful litigation brought against other rights violations in your country, e.g. campaigns relating to the rights of women and ethnic or religious minorities
- Other avenues to challenge child rights violations (publicising efforts in the media, seeking political support, social and political campaigns, etc)

4. Identify the evidence that exists of the violation you have identified, how it can be gathered and how it can be used.

- How can this evidence can be gathered?
- Who will need to be involved in the collection process?
- What problems might emerge?
- Are the violations taking place in closed and private settings? Is there some public method for investigation and evidence gathering?
- Are individual child victims required to bring a claim, and are they willing to come forward and give evidence?
- What are the requirements for witnesses and what are the potential risks in giving evidence?
- Are there any potential limitations on children's ability to give evidence or appear in court?

5. Identify what resources are going to be needed to mount the challenge.

- How will you acquire or attract funding and other necessary resources for your project?
- Do you have sufficient legal expertise within your organisation, or should you be looking to enlist others to advise?

- Will you need partners in other areas of the country?
- Can you spare the staff time, or should you be looking for volunteers to help keep the campaign going?
- If bringing a court case, are you or your client(s) entitled to legal aid or will you require pro bono legal assistance?

6. Identify possible partners to work with on this issue.

- Activists, rights defenders, groups of or individual legal professionals, pro bono law firms, other NGOs, international organisations, members of political and social movements, children, parents/guardians, teachers, etc
- Anyone else you need in order to fill some of the gaps you identified in the previous section on necessary resources
- Do you already have contact with these partners or will you need to approach them directly or prepare an outreach campaign?
- Are there reasons that important partners might hesitate to get involved, and what can you do to encourage them to join your efforts?

7. Develop a concrete plan to move forward with the advocacy.

- Identify the key steps you will need to take to get your legal advocacy campaign going
- What order will they need to be addressed in?
- Agree on: the overall focus and the specific objectives of the campaign (such as overturning, revising or calling for the creation of a particular law), the time scale and what resources you can put into the campaign
- Begin a preliminary division of work
- Think about specific opportunities to be taken into account (upcoming political or legal developments, appointments to public offices, national events, national days of remembrance or international awareness days, elections, referendums, legal reforms, court cases likely to be resolved in the coming months with potential of setting precedents or bringing attention to related human rights violations, etc)

8. Identify how CRIN can help you move forward with advocacy on this issue.

- Guides, toolkits and reports
- Information sharing
- Subscription to online newsletter “Children in Court CRINmail”
- Legal database
- Hosting campaigns on CRIN website
- Providing news coverage of national advocacy efforts

Annex III: Ukraine workshop evaluation results

1. Now that the workshop is complete, will you use the tools introduced here to plan for legal advocacy initiatives?

No – 1

Sometimes – 2

Often – 4

Definitely – 5

2. Do you think you have enough knowledge to formulate goals and objectives for your key legal advocacy issues?

No – 0

Sometimes – 1

Often – 8

Definitely – 3

3. Do you feel confident in your ability to develop effective messages and choose appropriate means of communicating with policymakers, courts and other influentials?

No – 0

Sometimes – 0

Often – 10

Definitely – 2

4. What are the things you learned that you will use in your advocacy work?

- All information;
- Strategy;
- How to plan legal advocacy;
- Legal advocacy plan;
- Methods of organisation and how to conduct legal advocacy;
- Preparation of plan and implementation of advocacy;
- Strategic litigation planning, incl. goal - changing the system of rights violations;
- Algorithm construction plan;
- Questions for reflection before the start;
- Resources for learning more about children's rights.

5. I would have preferred more:

- Involvement of lawyers and barristers: who, how?
- International experience and best practices on the systematic violations of children's rights;
- Possible cooperation;
- Advocacy tools;
- Methodology of the legal advocacy (with examples);
- Interaction with partners in advocacy activities;
- Examples of legal advocacy in other countries;
- Specific strategic litigation cases on violations of children's rights (preferably successful).

6. I would have preferred less:

- n/a

7. Specific advice to facilitators for future workshops:

- No specific advice, only best wishes to continue their work. Thank you.
- More information from experts;
- Solving issues on a global level;
- Consider specialisation of the participants when dividing into groups;
- To be more stringent in requirements for the participants to prepare in advance.

8. Overall the workshop was:

- Very useful;
- Fruitful;
- Useful to obtain some good knowledge;
- Perfect;
- 5 out of 5;
- At a high level;
- Interesting and useful;
- Super;
- Useful.

9. Session evaluation: Please evaluate each day on a scale of 1 to 4 with 1 = not very helpful / effective and 4 = very helpful / effective.

Day 1

1 – 0

2 – 0

3 – 4

4 – 8

What was particularly helpful or unhelpful about this day's sessions?

- Everything;
- Group work.

Day 2

1 – 0

2 – 0

3 – 2

4 – 10

What was particularly helpful or unhelpful about this day's sessions?

- Everything;
- Discussion of plans for advocacy campaigns;
- Work in groups;
- Communication, exchange of experience.

10. Venue and logistics evaluation: Please evaluate each item on a scale of 1 to 4 with 1 = poor and 4 = excellent.

Quality of hotel	1 – 0	2 – 1	3 – 4	4 – 5
Food	1 – 0	2 – 0	3 – 3	4 – 9
Location	1 – 0	2 – 0	3 – 2	4 – 10
Logistics	1 – 0	2 – 0	3 – 1	4 – 11

11. How will you share what you have learned with colleagues in your organisation?

- I'll share the new knowledge and the materials that CRIN can offer;
- Next Wednesday we have a seminar on the results of this workshop and preparations for a meeting with Commissioner of the President for Children's Rights;
- Will announce about the workshop materials at the staff meeting, will hand out the materials, and invite colleagues to join advocacy activities;
- Will create a plan for the areas of work;
- Will inform colleagues to develop and implement the project;
- Will give all materials and new knowledge to colleagues, discuss the workshop in the staff meeting;
- We will use the algorithm at work to address the violations of the rights of children and women.

12. What follow-up support do you need to develop and implement your advocacy plan from now on?

- Financial;
- Perhaps, international experience and analysis;
- Financial resources, dialogue;
- Information;

- Information on implementation of similar legal advocacy projects (in Ukraine and other countries);
- Methodological advisers on legal advocacy;
- Experience of partners who had a positive result;
- Information, consulting online.

13. What advocacy actions will you plan or initiate?

- Draft amendments to the legislation;
- Adoption of the law;
- Implementing in practice the rights of children with disabilities;
- Strategic litigation + information campaign;
- Development of action plan;
- Create amendments to the legislation;
- Will implement advocacy as a part of a project;
- Identifying gaps in legislation and eliminating them.

14. Anything else you would like to add?

- No.
- All was great! Thank you!