Summary:

A compilation of extracts featuring child-rights issues from the reports submitted to the first Universal Periodic Review. There are extracts from the 'National Report', the 'Compilation of UN Information' and the 'Summary of Stakeholder's Information'. Also included is the 'Final Report' and 'Conclusions and Recommendations' from the Review.

**Ukraine – 2nd Session – 2008**

Date of consideration: Thursday 13th May 2008 - 9.00 p.m. - 12.00 p.m.

**National Report**

The protection of children and their rights have been defined as strategic national priorities in Ukraine.


Ukraine’s national policy on children is aimed at perfecting the legal basis of their protection, which includes coordinating national legislation with the corresponding norms of international law; reforming the national system for dealing with orphans and children without parental care; strengthening the social protection of underprivileged families with children; developing a network of institutions and establishments that work in the interests of children; strengthening intersectoral cooperation between government agencies and their relations with community organisations; and strengthening national control and protection of children from cruelty, violence and exploitation.

Annual reports to the President, Parliament and Cabinet of Ministers of Ukraine, together with sociological studies serve as important means for reviewing the national policy on promoting and protecting the rights and interests of children.


The fight against trafficking in children, child prostitution and pornography is intensifying. There are now five centres in Ukraine for rehabilitating victims of human trafficking and the network of establishments for the social protection of children, created with the support of community and religious organisations, is being expanded.

Since 2002 public initiatives on protecting children have been implemented with the direct participation of children themselves. This work was initiated by community organisations supported by UNICEF and the Ministry for Family, Youth and Sport. Since 2005 the national forum "The State that Listens to Children" has been held on an annual basis with the participation of government, heads of state administrations, and children. During the forum major results are discussed along with further measures for implementing national child policy.

The office of Children's Ombudsmen, which was established on the basis of open competition by the Parliamentary Representative on Human Rights in December, 2005 is one of the mechanisms for involving children in the protection of their own rights. The Children's Ombudsmen consider petitions to the Representative regarding violations of the rights of children, assist in reviewing program issues with respect to law enforcement and the rights of children, and participate in related meetings and conferences both in Ukraine and abroad.

Throughout 2007 the Ministry of Education and Science, educational administrations, and educational institutions devoted increased attention to the prevention of cruelty, violence, neglect and homelessness among children.

A national “Hot Line” for children (8-800-500-21-80) was established in 2002 and since 2003 has been implementing the 2003–2005
The public prosecutor’s office directs special attention to protecting children from violence, particularly in underprivileged families. In 2007 almost 3,500 official warnings and 648 protection orders were issued. Approximately 2,600 administrative protocols for family violence or non-execution of protection orders were issued, and 9,600 underprivileged families were identified.

The public prosecutor also focuses on implementing measures directed at protecting children’s constitutional rights. Due to the prosecutor’s intervention, the rights of over 100,000 juveniles are renewed every year. In 2007 over 11,000 prosecutor response documents were issued for eliminating infractions for which over 13,000 officials were charged. Nearly 1,600 cases of crimes against juveniles were opened. Due to the prosecutor’s intervention, 27 million UAH were paid for the benefit of children in the form of state assistance, pensions, compensation, child support payments, and scholarships.

Special attention is concentrated on the prevention of violence, alcoholism and drug abuse amongst youth, and protecting children from products inspiring violence, cruelty and sexual debauchery.

The measures taken have had a positive influence in reducing crime within the youth environment. In 2007 juvenile crime was reduced by 4.5 per cent and teenagers committed fewer serious and gravely serious crimes, including intentional murder, armed assault, robbery and theft.

Problems:
The number of orphans and children without parental care is not declining. The problem of abandoned and homeless children is directly related to loss of parents, which in turn is determined to a significant extend by the poverty level of Ukrainian families and a weakening of the family’s educational role.

As of 1 January 2008, 1,548 teenagers who should have been attending school were not. To reinforce the right of the child to education, the prosecutor issued almost 2,000 orders and petitions and challenged over 1,300 illegal acts. As a result of prosecutor interventions, almost 3,000 officials were charged and 4 million UAH in scholarships, assistance and other payments were paid over to pupils and students.

In 2007 the public prosecutors laid over 200 criminal charges for inflicting injury on children and acts of cruelty on the part of parents, most of whom were convicted in court.

Children run away from home, go begging, get involved in criminality activities or become victims of crime as a result of parental alcoholism or use and abuse of drugs. Every year nearly 20,000 teenagers enter Ukrainian orphanages. Such children are particularly vulnerable to human trafficking for the purposes of prostitution and pornography.

Compilation of UN Information
In 2002 and 2007, CRC requested the State to accede to the Hague Convention on Protection of Children and Cooperation in respect of Inter-country Adoption.

UNICEF informed about the “Presidential Decree on urgent measures to protect child rights” of July 2005, which declared that 2008 will be the “Year of Support for National Adoption and Other Forms of Family Education of Orphaned Children and Children Deprived of Parental Care”. UNICEF also informed on the adoption by the Supreme Court of two decrees (2004): “Court Use of Legislation on Liability for Involvement of Minors in Crimes and other Anti-Social Activities” and “Court Use of Legislation in Cases Concerning the Crimes of Minors”.

In 2002, CRC expressed concern that the legislation on the Convention was of a declaratory nature and thus had not been fully implemented.

CRC expressed concern at the absence of an independent mechanism mandated to review the implementation of CRC and optional protocols to it.

The HRC Committee, CAT and CRC welcomed the measures undertaken to combat the trafficking of women, such as legislation to prosecute and punish the offenders. The Special Rapporteur on the sale of children noted that the Ministry of Internal Affairs has set up a special unit to counter human trafficking in 2005. CESCR urged the State to allocate sufficient funds for the implementation of the State Programme to Combat Child Homelessness and Neglect (2006-2010).

In 2002, CRC expressed concern that Roma suffer from widespread discrimination.

While acknowledging the progress made, CESCHR and CAT remained concerned at the high number of persons trafficked for purposes of sexual exploitation. CRC expressed further concern about the information that child victims of crimes covered by OP-CRC-SC are often stigmatised and may be tried and placed in detention. CESCHR recommended that the State further intensify its efforts to combat trafficking in persons, by, inter alia, allocating sufficient funds for the implementation of the State Programme to Combat Trafficking in Human Beings. CAT further called upon Ukraine to have each case promptly investigated and that perpetrators be brought to justice.

The Special Rapporteur on the sale of children in 2007, and the 2004 CCA noted that as a result of Ukraine’s economic transition period, an increasing number of children were placed in public care and were victims of trafficking. He expressed his concern about the absence of effective governmental policies and noted that the allocation of resources to tackle this problem should be a priority. He was also been made aware that child prostitution in Ukraine has increased in recent years and that the country is increasingly becoming a main destination for sex tourism. The Special Rapporteur recommended the adoption of a number of legislative measures, such as
decriminalising prostitution, defining the age of sexual consent, defining the crime of pornography, allowing children to file complaints of abuse without parental consent.

In 2007, CESC suggested deep concern about reports that more than 400,000 children below the age of 15 are working in the informal and illegal economy and urged the State to intensify its efforts to combat child labour. CESC also noted with deep concern that several thousands of children live in the streets and are vulnerable to police abuse, various forms of exploitation, as well as to health risks such as HIV/AIDS. Similar concerns were expressed by the Special Rapporteur on the sale of children, who, inter alia, noted that the procedures regarding adoptions are lengthy and recommended that they be simplified, giving priority to foster families and to adoption inside the country.

The Special Rapporteur on the sale of children and UNICEF noted that Ukraine has no separate judicial system for children and youth. Although authorities have assured that minors are always separated from adults, the Special Rapporteur was concerned about the risks of abuses, and stated that the establishment of a separate juvenile justice system in conformity with international standards should be a priority. CRC expressed similar concerns and recommended the Ukraine ensure that full implementation of juvenile justice standards and use detention, including pre-trial detention, only as a measure of last resort.

CRC expressed concern, inter alia, at the increase in child morbidity, the high maternal mortality rate and the increase in the number of disabled children, and the practice of institutionalising them. However, a 2006 WHO report noted that both infant and neonatal mortality rates in Ukraine are well below average rates. 2006 and 2007 UNDP reports indicated that the under-five mortality rate decreased from 18 per 1,000 live births in 2004 to 17 per 1,000 live births in 2005.

A 2004 UNICEF report noted that Ukraine is one of the worst-affected countries in the region with people living with HIV. UNICEF informed that there is a substantial funding gap to mount an effective AIDS response while at the same time funds remain unutilised due to low absorption capacity. CESC, and CRC in 2002, expressed grave concern at the high prevalence of HIV/AIDS in Ukraine.

CRC remained concerned that one of the main factors exerting a harmful impact on children’s health remains the aftermath of the Chernobyl disaster and noted that insufficient attention has been given to its long-term consequences.

In 2007, CESC recommended, inter alia, that the State adopt special measures in order to increase school attendance by Roma children, combat discrimination against them, and that increase salaries for teachers, including minority language teachers, and teachers specialised in teaching Ukrainian and Russian as a non-native language. CERD encouraged Ukraine to further promote the publication of textbooks for schoolchildren in minority languages. Following CERD’s concluding observations, Ukraine provided further information on this matter.

In 2002, CRC welcomed, also highlighted by UNHCR, the enactment of the “Refugee Law 2001” and requested Ukraine to ensure that asylum-seeking, refugee and illegal immigrant children have access to education and health services.

The Special Rapporteur on the sale of children recommended, inter alia, the creation of a high level independent institution to enforce children’s rights and public policies, in line with CRC concluding observations.

The Special Rapporteur on the sale of children encouraged the Government to seek the assistance from the United Nations Country Team and other international organisations in implementing the recommendations of his report.

**Summary of Stakeholders' Information**

The CoE CHR recommended that steps be taken to improve conditions of detention for juveniles and ensure that they are kept in separate centres.

The CoE CHR recommended the Government implement legislation prohibiting violence against children, child pornography and exploitation as well as adopt measures to address the spreading phenomenon of street children.

According to the UPRCHR, one channel of trafficking in children is international adoption. In this regard, the UPRCHR noted the shortcomings of national legislation and maintained that there have been violations against the rights of adopted Ukrainian children abroad. In view of this, she made a submission to the President to improve the adoption procedure of Ukrainian children by adopting families, to elaborate and sign bilateral agreements with countries where the Ukrainian adopted children live, to ensure proper control over the conditions of their education as well as the return of victims back to Ukraine.

Human Rights Without Frontiers (HRWF) recommended that confessional instruction not be funded by the State but by the free will contributions of the church’s members and that state school curriculum related to religion follow the OSCE Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools.

**Final Report**

- It was noted that imprisonment was the main form of punishment and that certain offenders like minors, elderly persons and women could have more lenient sentences for less serious offences.

- Education and teaching in mother tongue was used as a means of reintegration and adaptation to the Ukrainian society; approximately 15 schools in Crimea teach in Crimean Tatar language.

- According to the representative of Ukraine, violence against women and children was a global challenge that needed joint action from the international community. The Government of Ukraine identified three area of work: Changing social attitudes, changing legislation
and creation of a comprehensive system of assistance to victims. A number of measures were taken: the prohibition of scenes of violence in mass media; broad assistance campaigns, creation of crisis centres, networks for the medical and social reintegration of victims, and preventive programmes available in all regions of the country. The prevention of violence against children and minors was seen as a major factor to obtain a lasting improvement of the situation. Training courses in schools, with the assistance of NGOs, could increase awareness and help in the development of a new culture.

(ii) Interactive Dialogue with the State under Review

- Azerbaijan noted Ukraine’s initiatives to protect the rights of women and children.

- Italy noted that problems of trafficking seem to persist and invited the Ukrainian representative to further elaborate on this. Welcoming efforts undertaken to ensure the protection of the rights of the child, including legislative measures and the establishment of the office of Children’s Ombudsman, Italy recommend to Ukraine to continue to assess effectively the protection of the rights of the child, including child trafficking, the fight against child prostitution and pornography and child labour.

- Italy recommended developing a national strategy for human rights education in the school system in accordance with the Plan of Action 2005-2009 of the World Programme for Human Rights Education, including the review and revision of curricula and textbooks, the training of teachers and the practice of human rights in the school community.

- With reference to concerns voiced by several treaty bodies as well as the Special Rapporteur on the sale of children about the remaining high number of persons trafficked for purposes of sexual exploitation, Austria noted important measures, including the adoption of legislation to prosecute the offenders under the framework of the States Programme to Combat Trafficking in Human Beings and asked about provisions for the protection of victims of trafficking and protection measures they might entail. Austria recommended to the Government of Ukraine to allocate sufficient funds for the implementation of the State Programme and establish training and awareness-raising projects for law enforcement officials dealing with victims of trafficking.

- Austria recommended to the Government to implement the recommendations of various treaty bodies as well as the national Parliament Commissioner for Human Rights to establish a separate juvenile justice system for children and youth in line with European and international standard as soon as possible.

- Ukraine noted that the responses to many of the questions were reflected in the national report. In 2005, a community council was created within the Ministry of Interior, bringing together national and international NGOs as well as OHCHR. It examines issues related to the prevention of violence against women and children, the promotion of gender equality in law enforcement agencies, the protection of the rights of citizens in detention, and the prevention of trafficking. Ukraine had adopted two national plans of action against trafficking, one in 1991-2001 on the prevention of the trafficking in women and children, and a comprehensive programme against trafficking in persons until 2005, to which a budget of 2.6 mill. UAH was allocated. The new State programme on the prevention of trafficking in persons until 2010 was adopted in March 2007, for which similar funds were earmarked. However, its budget was further revised, with allocations for 2009 increased by four times. The bodies responsible for combating trafficking are the Ministry of Interior, the Ministry of Family, Youth and Sport and the General Prosecutor’s Office.

- On the question of establishing an ombudsman for children, Ukraine stated that the Constitution provides for the establishment of a single ombudsman institution to control Parliament in respect to all human rights. There is a separate unit for children’s rights within the Office of the Ombudsman, with separate components for boys and girls to ensure upholding gender equality. This institutional structure received the support of the Athens Conference of European Ombudsman. There are regional ombudsman offices in three regions and new offices will be opened shortly in half of the provinces. The Ombudsman submits its report and its recommendations to Parliament, which adopts binding decrees. The Ombudsman supports the idea put forward to create a body for the prevention of torture and the need to complete the establishment of a juvenile justice system. The representative also expressed appreciation for the assistance provided by Cuba to the children victims of Chernobyl.

- Legislation guarantees freedom of choice of language for education for the national minorities in Ukraine. The language of tuition is a decision taken by parents and children themselves, and the schools adapt to their demand. Of the some 4.6 million students enrolled in the secondary education system, there are around 860,000 students who receive education in Russian language, which correspond to the overall percentage of the population.

- Brazil noted with concern that the number of orphans and children without parental care is not declining and that every year about 20,000 teenagers enter Ukrainian orphanages. In this context, Brazil recommended that the Government of Ukraine work towards the implementation of the recommendations of the Committee of the Rights of the Child. Brazil also asked what concrete measures are being taken by the Government to guarantee the right to protection from all forms of family violence and human trafficking and what steps remain to be taken for the full implementation of the law on preventing family violence.

- Malaysia noted with encouragement the existence of various mechanisms to protect children’s rights and welfare, congratulated the Government on the significant decline in cases of crimes committed by juveniles, and asked whether the Government considers establishing a juvenile justice system in the near future.

- Mexico noted that CESCR expressed concern that more than 400,000 children under 15 are working in the informal economy and it recommended to Ukraine to intensify efforts combat child labour.

- Cuba noted the various praiseworthy programs and measures promoting children’s rights.

- Jordan noted with interest Ukraine’s initiative on declaring 2008 the Year of Support for National Adoption and Other Forms of Family
Education of Orphaned Children and Children Deprived of Parental Care.

- Portugal evoked concerns expressed by CAT and the Committee on the Rights of the Child on allegations of torture and ill-treatment committed by law enforcement personnel and asked about measures taken to combat impunity and to ensure fundamental legal safeguards of all detained suspects.

- Ukraine responded that in 2007, the Ministry of Interior and the security services have established a separate unit to combat xenophobic acts and incidents of racist and other related nature. The interagency commission to combat racism and xenophobia is developing a set of recommendations for the Government to combat these phenomena, which include public awareness and education against racism, also with schools and higher education institutions, to foster tolerance among young people. More information is needed, including TV spots and leaflets/brochures. Churches as well take part in these efforts.

Conclusion and Recommendations

The recommendations formulated during the interactive dialogue have been examined by Ukraine and the recommendations listed below enjoy the support of Ukraine:

- To work towards the implementation of the recommendations of the Committee on the Rights of the Child (Brazil);

- To continue to assess effectively the protection of the rights of the child, including child trafficking, the fight against child prostitution and pornography and child labour (Italy);

- To implement the recommendations of various treaty bodies as well as of the national Parliament Commissioner for Human Rights to establish a separate juvenile justice system for children and youth in line with European and international standards, as soon as possible (Austria);

- To continue its efforts to reduce juvenile violence and address the root causes of the problem (Cuba);

- To develop a national strategy for human rights education in the school system in accordance with the Plan of Action 2005-2009 of the World Programme for Human Rights Education, including the review and revision of curricula and textbooks, the training of teachers and the practice of human rights in the school community (Italy);