



Convention on the Rights of the Child

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Committee on the Rights of the Child

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Consideration of reports submitted by States parties under article 44 of the Convention

Concluding observations: Ukraine

1. The Committee considered the consolidated third and fourth periodic report of Ukraine (CRC/C/UKR/3-4) at its 1602nd and 1603rd meetings (see CRC/C/SR.1602 and 1603) held on 28 January 2011, and adopted, at its 1611th meeting, held on 3 February 2011, the following concluding observations.

I. Introduction

2. The Committee welcomes the submission of the consolidated third and fourth periodic report of the State party (CRC/C/UKR/3-4) and the written reply to its list of issues (CRC/C/UKR/Q/3-4/Add.1) and commends the self-critical nature of the report, which provided a better understanding of the situation in the State party. The Committee expresses appreciation for the constructive and open dialogue held with the cross-sectoral delegation of the State party.

3. The Committee reminds the State party that the present concluding observations should be read in conjunction with its concluding observations adopted on the State party's initial report under the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/UKR/CO/1).

II. Follow-up measures undertaken and progress achieved by the State party

4. The Committee welcomes as positive the adoption of the following legislative and other measures:

(a) The Act on Prevention of Acquired Immune Deficiency Syndrome (AIDS) and Social Protection of the Population, in December 2010;

(b) The Act to Combat Child Pornography, in January 2010;

(c) The Act on Social Protection for Orphans and Children deprived of Parental Care, in 2005;

(d) The National Plan of Action for Children 2010-2016, in March 2009, through the Act on the National Plan of Action for Children;

(e) The National Strategic Action Plan for HIV prevention among children and youth at risk of and vulnerable to HIV, care and support for children and youth affected by HIV/AIDS, in May 2010;

(f) The National Programme against Children's Homelessness and Neglect 2006-2010.

5. The Committee also notes with appreciation the ratification or accession to:

(a) The Convention on the Rights of Persons with Disabilities and its Optional Protocol, in February 2010;

(b) The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, in July 2007;

(c) The Convention on the Recognition and Enforcement of Decisions relating to Maintenance Obligations, in April 2007;

(d) The Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children, in April 2007;

(e) The Convention on the Civil Aspects of International Child Abduction, in 2006;

(f) The Council of Europe Convention on Action against Trafficking in Human Beings, in September 2010.

III. Main areas of concern and recommendations

A. General measures of implementation (arts. 4, 42 and 44, para. 6, of the Convention)

The Committee's previous recommendations

6. The Committee welcomes efforts by the State party to implement the Committee's concluding observations on the previous report of the State party (CRC/C/15/Add.191) and on the initial report under the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/UKR/CO/1) which have yielded positive results. However, the Committee regrets that many of its concerns and recommendations have been insufficiently or only partly addressed.

7. **The Committee urges the State party to take all necessary measures to address those recommendations from the concluding observations on the second periodic report under the Convention and the initial report under the Optional Protocol on the sale of children, child prostitution and child pornography that have not been implemented or sufficiently implemented, including those related to allocation of resources, data collection, harmonization of national legislation with the Convention and its Optional Protocols, torture and ill-treatment, administration of juvenile justice, children deprived of their family environment, sexual exploitation and abuse, and children of minority groups, and to provide adequate follow-up to the recommendations contained in the present concluding observations.**

Legislation

8. While welcoming that the Convention and other international treaties take precedence over domestic law in case of conflict between them, and while noting the Child Protection Act (2001) and amendments (2007) to the Act on Child Care Institutions, Services and Specialized Institutions, the Committee is concerned that domestic legislation on the rights of the child remains inadequate, with significant scope for further legislative implementation of the Convention and its Optional Protocols.

9. **The Committee urges the State party to undertake a comprehensive review of all domestic legislation so as to ensure its full compliance with the Convention. The Committee further recommends that the State party consider adopting a comprehensive child rights act which fully incorporates the provisions of the Convention and its Optional Protocols.**

Coordination

10. The Committee is concerned at challenges to the sustainability of the State party's child policies and programmes in the context of the administrative reform initiated in December 2010 (Presidential Decree No. 1085/2010). While recognizing the need for reform and rationalization of the public administration, the Committee is particularly concerned that the dissolution of the Ministry of Family, Youth and Sports and the transfer of its functions to the State Service for Youth and Sports under the Ministry of Education and Science, Youth and Sports, and the dismantling of central government structures affiliated with the dissolved Ministry, threaten existing professional and technical capacities in the field of child protection. Additionally, the Committee notes with concern that the reform was not preceded by a clear plan on delegation of responsibilities and functions relating to child care and protection.

11. The Committee is concerned that the public administration reform may further undermine effective coordination and implementation of policies for children and result in a deterioration of support, protection and preventive services for children most at risk. In this respect, the Committee is further concerned at reports that the role of the Inter-agency Commission on Protection of Childhood to coordinate actions in forming and implementing State policies relating to children is limited to information exchanges on specific topics. It further regrets that the Inter-agency Commission is not a permanent body.

12. **In the context of the ongoing administrative reform, the Committee urges the State party:**

(a) **To undertake a comprehensive functional review of its central and local government institutions responsible for children's rights and ensure that responsibilities are well delegated and clearly defined within the new structure;**

(b) **To ensure continuity in the implementation of key Government child policy priorities, in particular the Child Care Reform;**

(c) **To ensure effective coordination of child policies by the Ministry of Education and Science, Youth and Sports pursuant to the reform, and in this regard review the role and authority of the Inter-agency Commission on Protection of Childhood, including by considering appointing a high-level State authority as its chair and by making it a permanent body to ensure effective cross-ministerial coordination;**

(d) **To seek technical assistance from the United Nations Children's Fund (UNICEF) in the consideration of the above recommendations.**

National plan of action

13. The Committee welcomes the adoption by the State party of a National Plan of Action for Children (2010-2016) in 2009 through the Act on the National Plan of Action for Children. While noting the endorsement of a State Programme for 2010 to implement the Act, the Committee is concerned at the limited financial allocations to the State Programme in 2010 (0.3 per cent of the approved programme budget) and at the limited progress in implementation. In this regard, the Committee notes with satisfaction information from the State party delegation that funding for the implementation of the Act in 2011 has been guaranteed and that a set of indicators to monitor implementation at local and central levels has been developed in cooperation with UNICEF.

14. **The Committee urges the State party to ensure effective implementation of the National Plan of Action for Children (2010-2016) and, in particular:**

(a) **To allocate sufficient funding to the annual State Programmes for the implementation of the National Plan of Action until 2016 and ensure funding to the Plan as a separate line in the Budget Act for each year;**

(b) **To ensure effective monitoring of the implementation of the National Plan of Action for Children, including by ensuring coordination of activities by the Inter-agency Commission on Protection of Childhood.**

Independent monitoring

15. The Committee notes as positive the appointment by the Parliamentary Commissioner for Human Rights of a Special Representative on Child Protection, Equality and Non-Discrimination as well as the establishment of a Department for Child Protection and Gender Equality in the Office of the Commissioner. It welcomes that the Commissioner has made violence against and trafficking in children and women areas of priority and commends the Office's special report on State observation and protection of the rights of the child in Ukraine of 2010. While further noting the mandate of the Commissioner's Office to receive and consider complaints from children and that every division of the Office has an expert responsible for reviewing such complaints, the Committee nevertheless reiterates its concern about the absence of an independent mechanism specifically mandated and adequately resourced to review the implementation of the Convention and the Optional Protocols thereto (CRC/C/OPSC/UKR/CO/1, para. 27).

16. **The Committee strongly recommends that the State party take the necessary measures to establish a separate independent national mechanism, in full accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles), to ensure comprehensive and systematic monitoring of children's rights. To this end, the Committee recommends that the State party consider adopting the act on the introduction of the ombudsman for children in Ukraine. The Committee recommends that the State party ensure that this national mechanism be provided with sufficient human and financial resources to ensure its independence and efficacy, in accordance with the Committee's general comment No. 2 (2002) on the role of independent human rights institutions in the promotion and protection of the rights of the child.**

Allocation of resources

17. The Committee is concerned that its previous recommendation to systematically identify the amount and proportion of the State budget spent on children through public and private institutions or organizations has not been implemented (CRC/C/15/Add.191, para. 18 (d)). While noting the draft poverty reduction and prevention programme 2010-2015, the Committee is concerned that children and families with children do not feature prominently

therein. In addition, the Committee is concerned that funding of necessary social services is based on individual regions' financial capacity, and at the State party's acknowledgement that this system is not appropriately implemented.

18. The Committee urges the State party to improve its policies and analysis of resource allocation for children and to ensure that budget allocation at the central and local levels is correlated with actual needs and implementation effectiveness. The Committee further recommends that the State party ensure that poverty reduction reforms focus on social assistance and benefits to low-income families and child protection. In this endeavour, it urges the State party to ensure that poverty in families with children be addressed concretely in the poverty reduction and prevention programme 2010-2015.

Data collection

19. The Committee appreciates ongoing efforts by the State party to establish an effective system of data collection for monitoring and evaluating its child protection policies, including through the establishment of the DevInfo System to oversee implementation of the National Plan of Action. The Committee nevertheless remains concerned at the continued lack of a national database with comprehensive and disaggregated data on children. In particular, the Committee is concerned at the lack of statistics on children at risk of torture, domestic violence and/or other forms of abuse and ill-treatment, child victims of sexual exploitation and abuse, children of minority groups and refugee and asylum-seeking children.

20. The Committee recommends that the State party take the necessary measures for the creation of a national database with comprehensive data, disaggregated by age, sex, and ethnic and socio-economic origin, on the observance of children's rights. In particular, the system should provide adequate attention to children in vulnerable situations who may require special protection measures.

Dissemination, training and awareness-raising

21. The Committee is concerned at the current low quantity and weak quality of information material on the Convention and at the inadequate training of professional groups dealing with children. In particular, the Committee is concerned at the limited training on children's rights for law enforcement officers, health professionals, social workers, teachers, immigration officials, members of the judiciary and representatives of the media.

22. The Committee strongly recommends that the State party further increase the amount and quality of information material on the Convention for public dissemination. The Committee also encourages the State party to intensify training on the Convention for professionals working with and for children, with a focus on law enforcement officers, health professionals, social workers, teachers, immigration officials, members of the judiciary, and representatives of the media.

Cooperation with civil society

23. While the Committee appreciates measures aimed at strengthening the role of civil society in protecting children's rights, such as the establishment of the Coalition of NGOs for Children and the active involvement of civil society organizations in the development of the National Plan of Action, the Committee is concerned that the State party's cooperation with representatives of civil society to a considerable degree occurs indirectly through cooperation with international organizations or entities of the private sector.

24. **The Committee recommends that the State party strengthen direct cooperation with civil society and reiterates its recommendation (CRC/C/15/Add.191, para. 24) that the State party seek and encourage the active and systematic involvement of civil society, including non-governmental organizations and associations of children, in the promotion and implementation of children’s rights. This includes the participation of civil society in the planning stage of policies and projects and in the follow-up to the concluding observations of the Committee and the preparation of the next periodic report.**

B. Definition of the child (art. 1 of the Convention)

25. The Committee is concerned that, despite its previous recommendation, the minimum legal age of marriage discriminates between boys (18) and girls (17). The Committee is furthermore concerned that registration of marriage of children aged 14-18 is allowed under the Civil Code if in the best interests of the child. The Committee also reiterates its concern (CRC/C/15/Add.191, para. 25) that a clear legal minimum age for sexual consent has not yet been established.

26. **The Committee urges the State party to amend the Civil Code to ensure that domestic legislation stipulates 18 years as the minimum age of marriage for both girls and boys. The Committee further recommends that the State party review its legislation with a view to increasing the exceptional minimum age of marriage to 16 years of age and clearly stipulate in law what such exceptional circumstances are. The Committee also calls upon the State party to establish a clear legal minimum age for sexual consent.**

C. General principles (arts. 2, 3, 6 and 12 of the Convention)

Non-discrimination

27. The Committee is concerned at the reported increase in the number of racially motivated offences in the State party, in particular information on xenophobic and racist activities carried out by radical youth groups and skinheads. In this context, the Committee is concerned that “patriotic education” is commonly identified as a priority issue in the allocation of State funds in support of children’s and youth organizations. The Committee is furthermore concerned that the principle of non-discrimination with respect to children with disabilities, children of minority groups (especially Roma children), children in street situations, children living with HIV/AIDS and asylum-seeking and refugee children, is not fully implemented in practice. In this respect, the Committee is concerned at the lack of an express reference to the principle of non-discrimination with respect to the protection of children’s rights in domestic legislation.

28. **The Committee urges the State party to ensure that all children in the State party enjoy their rights under the Convention without discrimination on any ground. It further urges the State:**

(a) **To take effective measures to combat racist and xenophobic activities among youth, including by identifying as priority programmes for State funding in support of children’s and youth organizations those that promote intercultural dialogue, tolerance and respect for diversity;**

(b) **To strengthen monitoring of the situation of children belonging to the above-mentioned groups and, on this basis, develop a comprehensive strategy**

containing specific and well-targeted actions aimed at eliminating all forms of discrimination against these and other vulnerable groups of children;

(c) **To incorporate in domestic legislation the principle of non-discrimination and the prohibition of discrimination against children on any of the grounds spelled out in article 2 of the Convention.**

Best interests of the child

29. The Committee is concerned that there is no systematic analysis of State policies and programmes in terms of the best interests of the child. In particular, the Committee is concerned that the principle is poorly integrated in laws and policies relating to children deprived of parental care and children in contact with the law.

30. **The Committee recommends that the State party establish systems and procedures for ensuring that the best interests of the child are adequately taken into account during State policy planning and programming. The Committee in particular recommends a review of legislation, policies and programmes relating to juvenile justice and the childcare systems with a view to ensuring that the principle of the best interest of the child is fully integrated therein.**

Right to life, survival and development

31. The Committee is concerned that infant, child and maternal mortality in the State party remains high. While noting with appreciation current efforts to improve prenatal care and care directly after birth, the Committee expresses concern that infant mortality has been on the rise since 2003. In addition, the Committee is concerned at the limited number of maternity facilities which are baby-friendly – as low as 8 per cent of health facilities in rural areas.

32. **The Committee recommends that the State party intensify its efforts to address infant, child and maternal mortality by strengthening prenatal, obstetric and neonatal health-care services. The Committee further recommends that the State party increase the number of qualified health professionals working in prenatal, obstetric and neonatal care and ensure that they are trained on and promote a child-responsive parenthood and health lifestyle. The Committee further recommends that the State party promote extension of the Baby-friendly Hospital Initiative in primary health care. In such efforts, the State party is urged to give priority to rural areas.**

Respect for the views of the child

33. While noting as positive changes in the Family Code allowing for the child to be heard in the context of adoption, the Committee is nevertheless concerned that the views of the child remain unheard in the context of civil and administrative proceedings and in the administration of juvenile justice. In this context, the Committee regrets the lack of information on how respect for the views of the child is guaranteed in legislative, administrative and judicial decisions as well as in the family and in schools. Recalling its recommendation from 2007 (CRC/C/OPSC/UKR/CO/1, para. 6), the Committee further notes with concern the lack of genuine participation of children in the community and public life and the State party's acknowledgment that children's participation in decision-making processes remains the exception rather than the rule.

34. **In the light of article 12 of the Convention, the Committee recommends that the State party:**

(a) **Consider amending its Code of Civil Procedure to allow for the right of children who may be affected by judicial and administrative proceedings to express their views and to be heard;**

(b) **Ensure that the new Concept of Development of Criminal Justice Regarding Juveniles formally includes the right of the child to express views and to be heard;**

(c) **Review the Education Act to ensure that the right of children to be heard and express themselves is explicitly stipulated therein and that it provides for the establishment of students' councils;**

(d) **Promote, facilitate and implement the principle of respect for the right of children to be heard within the family, in schools and in the community, and to ensure their participation in all matters affecting them.**

D. Civil rights and freedoms (arts. 7, 8, 13-17, 19 and 37 (a) of the Convention)

Birth registration

35. While encouraged by amendments to the Family Code making child registration obligatory, the Committee is concerned that failure to register a child within one month is sanctioned with a fine of between one and three tax-exempt minimum wages. Further, while noting information from the State party that non-registration of Roma children is rare, the Committee reiterates the concern of the Committee on the Elimination of Racial Discrimination (CERD/C/UKR/CO/18, para. 11) at the number of Roma who lack personal documents, which are necessary to access education, health services and employment.

36. **The Committee urges the State party to adopt positive incentives so as to ensure that free and compulsory birth registration is effectively made available to all children, regardless of ethnicity and social background. In this endeavour, the Committee recommends that the State party abolish any punitive fines for the failure of parents to register their children. The Committee further calls upon the State party to intensify its awareness-raising campaigns to encourage and ensure the registration of all Roma children.**

Name and nationality

37. The Committee expresses concern that a child's citizenship may be renounced by the State party in the following circumstances, as referred to in paragraph 58 of the State party report (CRC/C/UKR/3-4): (a) if the child, and at least one parent, leave for permanent residence abroad and at least one parent gives up Ukrainian citizenship; and (b) when a child has acquired Ukrainian citizenship at birth and, at the time of birth, at least one of his or her parents was a foreigner or stateless person, such citizenship may be renounced at the request of either parent, regardless of the child's place of residence.

38. **The Committee recommends that the State party:**

(a) **Amend legislation so as to guarantee by law and in practice the right of the child to a nationality and not to be deprived of it on any ground and regardless of the status of his/her parents;**

(b) **Ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.**

Freedom of expression and of association and peaceful assembly

39. The Committee notes with regret information from the State party that the right of the child to freedom of expression is not explicitly guaranteed in domestic legislation. With respect to freedom of association and peaceful assembly, the Committee is concerned that

the Act on Youth and Children's Public Organizations prohibits children's participation in political rallies and demonstrations as well as the establishment of children's associations along political and religious lines (CRC/C/UKR/3-4, para. 62), and that such provisions may not be compatible with the scope of restrictions as set out in article 15, paragraph 2, of the Convention.

40. In the light of article 13 of the Convention, the Committee calls upon the State party to ensure that its domestic legislation expressly protect the right of the child to freedom of expression. The Committee further urges the State party to undertake a comprehensive review of the Act on Youth and Children's Public Organizations to ensure its compatibility with the right of the child to freedom of association and to peaceful assembly as guaranteed under article 15 of the Convention.

Torture or other cruel, inhuman or degrading treatment or punishment

41. The Committee is deeply concerned about the significant number of allegations of physical ill-treatment of detainees, including children, notably during initial questioning in district police stations. In particular, the Committee is gravely concerned at alleged cases of torture and ill-treatment of juveniles by *Militsia* officers to extract confessions and of migrant children while in the custody of the Ukraine State Border Guard Services. The Committee is further concerned at reports of widespread use of corporal punishment in the home, despite its prohibition in the home, in schools, the penal system and alternative care settings. In this context, the low level of awareness and understanding among children and among the public about children's rights and about the prohibition of such acts is of serious concern to the Committee.

42. The Committee urges the State party to take all necessary measures to prevent and eliminate torture and all forms of ill-treatment of children, and, in particular:

(a) To initiate comprehensive trainings for members of the *Militsia* and the Ukraine State Border Guard Services on the prohibition of torture and ill-treatment and on international standards relating to juvenile justice;

(b) To strengthen independent monitoring of children deprived of their liberty, including by "mobile groups/teams" (see CCPR/C/UKR/CO/6/Add.1, para. 11 and CAT/C/UKR/CO/5, para. 12) or other mechanisms, until a national preventive mechanism is formally established by the State party under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(c) To ensure prompt, independent and effective investigation of all alleged cases of torture or ill-treatment of children and, as appropriate, prosecute offenders;

(d) To undertake a study on access to justice of children deprived of their liberty with a view to improving respect for legal safeguards against torture and ill-treatment;

(e) To end all forms of corporal punishment in the home and other settings by ensuring effective implementation of the existing legislative prohibition, including through awareness-raising campaigns and public education promoting positive and non-violent child-rearing.

Follow-up to the United Nations study on violence against children

43. With reference to the United Nations study on violence against children (see A/61/299), the Committee recommends that the State party:

(a) **Prioritize the elimination of all forms of violence against children, including by ensuring implementation of the recommendations of the United Nations study on violence against children, paying particular attention to gender;**

(b) **Provide information concerning the implementation by the State party of the recommendations of the study in the next periodic report, particularly those highlighted by the Special Representative of the Secretary-General on violence against children, namely:**

(i) **The development in each State of a national comprehensive strategy to prevent and address all forms of violence against children;**

(ii) **The introduction of an explicit national legal ban on all forms of violence against children in all settings;**

(iii) **The consolidation of a national system of data collection, analysis and dissemination, and a research agenda on violence against children;**

(c) **Cooperate with and seek technical assistance from the Special Representative of the Secretary-General on violence against children, and also seek technical assistance from UNICEF, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the World Health Organization (WHO), and other relevant agencies, inter alia, the International Labour Organization (ILO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Office on Drugs and Crime (UNODC), and NGO partners.**

E. Family environment and alternative care (arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para. 4) and 39 of the Convention)

Family environment

44. The Committee is concerned at the high rates of children deprived of their family environment at birth and in later stages of childhood. In this regard, the Committee notes with concern that the Family Code (art. 143, para. 3) condones the abandonment of children born with serious physical or mental disabilities and under other “circumstances of importance”. The Committee is further deeply concerned at the insufficient number and poor quality of State services aimed at protecting and assisting families with children, and at the absence of a monitoring and evaluation system of such services. While noting a decline in court rulings terminating parental rights during the past three years, the Committee is alarmed at the persistently high number of removal of parental rights, leaving the number of children deprived of their family environment unacceptably high.

45. **The Committee urges the State party to amend article 143, paragraph 3, of the Family Code in order to bring it into line with article 9 of the Convention. It urges the State party to intensify its efforts to provide the necessary support and resources to strengthen the family, in particular by moving from punitive measures with respect to neglect of parental duties to strengthening support systems and social benefits for families with children in order to enhance their capacity for the performance of their child-rearing responsibilities. In this regard, the Committee reiterates its previous recommendation to place children in alternative care or institutions only as a measure of last resort and if in the best interests of the child (CRC/C/15/Add.191, para. 48 (d)). The Committee also recommends that the State party put in place a system to effectively monitor and evaluate State services and support to families, including single parents, in need.**

Children deprived of a family environment

46. The Committee is deeply concerned at the drastic increase in the number of children deprived of their family environment due to poverty, unemployment, breakdown of families, and labour migration. While noting the approval of the State Programme for reforming the child protection system (Res. No. 1242, Cabinet of Ministers) and increased efforts to develop further a system of alternative care such as foster families and family-type children's homes, the Committee is concerned that, in the absence of a clear reform strategy, focus has not yet shifted towards deinstitutionalization. In this respect, the Committee is concerned at the large number of children who remain in residential care and at the absence of services for family reintegration. The Committee is further concerned at the insufficient staffing levels of the Children's Affairs Offices which, inter alia, monitor placement of children in institutional care.

47. **The Committee urges the State party to strengthen its deinstitutionalization policy in accordance with the State Programme for reforming the child protection system (Res. No. 1242, Cabinet of Ministers) and:**

(a) **To expand the placement of children in extended and foster families and other types of family-type placements;**

(b) **To strengthen the legislative and regulatory framework in order to facilitate family reintegration;**

(c) **To effectively monitor all care arrangements for children, particularly the placement of children with disabilities or special needs in institutions, including by strengthening the technical, human and financial resources of the Children's Affairs Offices;**

(d) **To take into account the Guidelines for the Alternative Care of Children (General Assembly resolution 64/142, annex) and the Council of Europe Parliamentary Assembly resolution 1762 (2010) on children without parental care: urgent need for action in the implementation of the above recommendations.**

Adoption

48. The Committee welcomes efforts to encourage national adoptions of orphans and children deprived of a family environment. The Committee is nevertheless concerned about gaps in the legislation, including the lack of safeguards to ensure that biological parents are fully informed about the consequences of their consent and that the prospective adoptive parents can themselves select a child. The Committee further remains concerned that the State party has not yet ratified the 1993 Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, as per its previous recommendations (CRC/C/OPSC/UKR/CO/1, para. 30). In this respect, the Committee is encouraged at information that the draft act for ratification was submitted in December 2010 for urgent consideration by Parliament.

49. **The Committee calls upon the State party to enact legislation to ensure that biological parents are fully informed of the process and implications of their consent to their child's adoption. The Committee further recommends that the State party accede to the 1993 Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.**

Abuse and neglect

50. While noting as positive the keeping of statistical records of family violence cases since 2005 and the prohibition of all forms of violence against children in the Act on Protection of Childhood, the Committee is alarmed at the extent of, and increase in, abuse

and neglect of children in all settings. The Committee is also concerned at the small proportion of cases of abuse and neglect of children which are reported and investigated and at the very limited number of prosecutions of such offences. Further, the Committee is concerned at inadequate health and social preventive measures aimed at strengthening parental responsibilities, including psychosocial support and counselling programmes available to the child victim and all members of the family, including the non-violent or abusive or negligent parent. In addition, the Committee is concerned at the lack of systematic research and data collection on child abuse, including on cases of abuse and neglect in out-of-home care, including special educational and social rehabilitation institutions. The Committee is further concerned that the right of children aged 14 and above under the Family Code (article 18) to apply directly to court for protection may not be well known.

51. The Committee urges the State party to intensify efforts to prevent and combat all forms of abuse and neglect of children and:

(a) To ensure effective implementation of the Act on Protection of Childhood, including by improving public awareness of the Act and by enhancing skills and the capacity among social workers and law enforcement personnel to detect and investigate violations of the Act;

(b) To adopt preventive measures such as counselling and parental skills training and to conduct public education programmes about the negative consequences of abuse and neglect;

(c) To provide adequate protection and services for recovery, such as psychosocial support to the child victim, the abusive or negligent parent and other family members;

(d) To ensure that professionals working with children receive training on the identification of child abuse and neglect and on the obligation to report and take appropriate action in suspected cases of child abuse and neglect;

(e) To provide adequate human, technical and financial resources to systematically collect and analyse comprehensive data on child abuse. It further recommends that such data inform the State party's structuring of appropriate measures for reducing the occurrence of abuse and neglect, as well as the establishment of an appropriate accountability mechanism for addressing instances in which it does occur;

(f) To promote targeted awareness-raising on article 18 of the Family Code among children, parents and professionals working with children.

F. Basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) of the Convention)

Children with disabilities

52. The Committee is concerned at the persisting inadequacy of educational, social and health services for children with disabilities and their families. In particular, the Committee regrets that many obstacles remain in ensuring equal access to education for children with intellectual disabilities and that, due to the lack of early intervention and special education, many children with disabilities are placed in institutions. Furthermore, the Committee is concerned at the placement of children with or without disabilities during their first three years of age in infant homes and at the qualification of such children as having medical

conditions, which negatively affects their development and quality of life and further reinforces institutionalization.

53. The Committee recommends that the State Party, in accordance with article 23 of the Convention and in cooperation with non-governmental organizations:

(a) **Develop a comprehensive policy for the protection of the rights of children with disabilities and their equal access to educational, social and other services in their own family and community environment. In this endeavour, the Committee recommends that the State party address all priorities highlighted in the WHO European Declaration on the Health of Children and Young People with Intellectual Disabilities and their Families (endorsed by member States of the WHO European Region in 2010);**

(b) **Develop and strengthen early intervention services for children with disabilities and support to their families to prevent the institutionalization of children, in cooperation with parents' organizations;**

(c) **Establish a monitoring system for residential institutions for children with disabilities which closely examines the situation of their rights in these facilities, and ensure that monitoring favours the participation of civil society organizations and incorporates concrete steps to follow up recommended actions.**

Health and health services

54. The Committee is concerned that budgetary allocation to the health sector remains low (3.6 per cent of gross domestic product (GDP)), making the Constitutional provision of free health-care service illusory. While noting as positive the ongoing health-care reform and the draft legislation on mandatory social insurance to health care, the Committee is concerned at the insufficient infrastructure of the primary health-care system and the high costs of health-care services which have negative impacts on access to health services by poor families, especially those living in rural areas. In view of the high infant and child mortality rates of the country, the Committee is concerned that breastfeeding for infants up to six months has declined and at the poor enforcement of the International Code of Marketing of Breast-milk Substitutes. In addition, the Committee is concerned at reports of public mistrust in vaccination and immunization in recent years, resulting in a rapid decline in childhood immunization coverage in 2009-2010.

55. In the light of article 24 of the Convention, the Committee urges the State party to increase budgetary allocation to the health-care sector and ensure transparency of funds. The Committee recommends that in the current health-care reform, priority be given to the primary health-care system and the quality of health services in rural areas. The Committee further recommends that the State party strengthen the promotion of breastfeeding and enforce the International Code of Marketing of Breast-milk Substitutes. The Committee also urges the State party to recommit to child immunization and provide factual information to the general public in this respect.

Adolescent health

56. While welcoming the establishment of clinics promoting healthy lifestyle, responsible parenthood and reproductive health among youth, the Committee is concerned at reports that adolescent health is deteriorating and that certain sexually transmitted diseases, such as chlamydia, are on the increase. The Committee is concerned that a low level of awareness, a lack of services and a limited number of health practitioners specialized in adolescent health are key contributing factors. The Committee is furthermore concerned at the high number of teenage abortions, constituting the principal cause of

maternal mortality. In this respect, the Committee notes that decisions in abortion cases for children aged 14 to 18 are taken jointly with the parents.

57. **The Committee strongly recommends that the State party undertake a comprehensive study on adolescent health problems and use this as basis for formulating adolescent health policies and programmes in the school curriculum. The Committee recommends that such programmes focus on the prevention of teenage pregnancies, unsafe abortions and sexually transmitted diseases, taking into account the Committee's general comment No. 4 (2003) on adolescent health and development in the context of the Convention on the Rights of the Child. It further recommends that the State party invest in adolescent-health-care personnel, facilities and services, especially in rural areas. The Committee further recommends that the State party take urgent measures to reduce maternal deaths relating to teenage abortions and ensure by law and in practice that the views of the child always be heard and respected in abortion decisions. The Committee recommends that the State party seek technical assistance from UNICEF.**

Mental health

58. The Committee, while welcoming the adoption in 2009 of the Ministry of Health order No. 176 aimed at improvement of psychiatric aid in 2009-2010 and the identification of child psychiatry as one of its priorities, is concerned at the absence of a comprehensive national mental health policy for adults and children. The Committee is further concerned at the high number of suicides among children, affecting particularly children living in rural areas and boys.

59. **The Committee recommends that the State party develop a comprehensive national child mental health policy, along with all obligatory components of core recommendations by WHO, including mental health promotion, counselling, prevention of mental health disorders in primary health care, schools, communities, and child-friendly outpatient and inpatient child mental health services. The Committee also recommends that the State party strengthen efforts aimed at suicide prevention among children and youth, including by increasing available psychological consultation services and social workers in schools. The Committee recommends that the State party seek technical assistance from WHO.**

Drug, tobacco, alcohol and other substance use

60. The Committee is deeply concerned at the increasing practice of drug injection among children, affecting in particular children in prison, children left behind by migrating parents and children in street situations, and that drug use constitutes a main reason for HIV infection. It is deeply concerned at the lack of specialized youth-friendly services aimed at treatment and rehabilitation for these at-risk children, and that legal and attitudinal barriers impede access to such services (such as order of the Drug Enforcement Department of the Ministry of Internal Affairs No. 40/2/1-106 of 18 January 2011). The Committee is also concerned that the State party's drug strategy 2010-2015 fails to take these issues sufficiently into account and that new regulations relating to personal possession of drugs may bring more at-risk adolescents into contact with the criminal justice system. In addition, the Committee is deeply concerned at the very high proportion of and early initiation age of tobacco and alcohol use among children, related in part to the ineffectiveness and weak enforcement of existing legislation prohibiting the sale of cigarettes and alcohol to children.

61. **The Committee recommends that the State party, in partnership with non-governmental organizations, develop a comprehensive strategy for addressing the**

alarming situation of drug abuse among children and youth and undertake a broad range of evidence-based measures in line with the Convention, and that it:

(a) Develop specialized and youth-friendly drug-dependence treatment and harm-reduction services for children and young people, building on recent legislative progress on HIV/AIDS and the successful pilot programmes for most-at-risk adolescents initiated by UNICEF;

(b) Ensure that criminal laws do not impede access to such services, including by amending laws that criminalize children for possession or use of drugs;

(c) Ensure that health and law enforcement personnel working with at-risk children are appropriately trained in HIV prevention and that abuses by law enforcement against at-risk children are investigated and punished;

(d) Intensify the enforcement of the prohibition of the sale of alcohol and tobacco to children and address root causes of substance use and abuse among children and youth.

HIV/AIDS

62. The Committee is alarmed at the high rates of HIV infections and AIDS-induced deaths among children, and that, notwithstanding progress in prevention, the proportion of mother-to-child transmissions remains high. While welcoming the National HIV/AIDS Programme 2009-2013 and the recently adopted Act on Prevention of Acquired Immune Deficiency Syndrome (AIDS) and Social Protection of the Population, the Committee is concerned at the lack of access to care and support services for children living with HIV/AIDS and at the limited funds for the requisite technology, equipment and treatment with respect to HIV/AIDS, as indicated by the information that in 2006 just over half of the registered children living with HIV/AIDS received antiretroviral treatment (CRC/C/UKR/3-4, para. 108). While noting the National Strategic Action Plan for HIV prevention among children and youth at risk of and vulnerable to HIV, care and support for children and youth affected by HIV/AIDS, the Committee is further concerned at the growing vulnerability to HIV/AIDS infection among most-at-risk adolescents aged 15-19 (drug users, children in street situations and children exploited for sex). The Committee is also concerned at de facto discrimination of children living with HIV/AIDS in schools.

63. **The Committee, recalling its general comment No. 3 (2003) on HIV/AIDS and the rights of the child, urges the State party:**

(a) To ensure effective implementation of the National HIV/AIDS Programme 2009-2013 and the National Strategic Action Plan for HIV prevention among children and youth at risk of and vulnerable to HIV, care and support for children and youth affected by HIV/AIDS by allocating adequate public funding and resources to these programmes;

(b) To take all measures to implement the Act on Prevention of Acquired Immune Deficiency Syndrome (AIDS) and Social Protection of the Population, with special focus on respecting human rights of children and youth affected by HIV/AIDS or at risk of HIV/AIDS, including children in street situations and children suffering from substance abuse, and ensure access to confidential and youth-friendly services;

(c) To intensify information and awareness campaigns on HIV/AIDS and other sexually transmitted diseases, aimed at adolescents as well as at the general public.

Standard of living

64. While welcoming that support to family, children and youth is among the social priorities of the State Programme for Economic and Social Development for 2010, the Committee is gravely concerned at the inadequate social protection system of the State party for the benefit of children. It notes with particular concern that the highest incidence of poverty is registered among families with many children or children under the age of 3. While noting with appreciation the draft act on combating corruption, the Committee is further seriously concerned at the high level of corruption in the State party.

65. **In accordance with article 27 of the Convention, the Committee recommends that the State party designate the National Plan of Action for Children as a strategic policy tool for children in the implementation of the State Programme for Economic and Social Development and subsequent poverty reduction programmes. It further urges the State party to target its poverty reduction and protection strategies to the benefit of vulnerable families with children. With a view to effectively combating corruption, the Committee urges the State party to adopt without delay the law on principles of prevention and combating corruption in Ukraine.**

G. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)**Education, including vocational training and guidance**

66. The Committee is concerned that the decreasing population of school-age children is leading to a reduction of educational facilities, in particular in the countryside, and limits access to education for children living in rural areas, Roma children and children with disabilities. The Committee further notes with particular concern the decrease in the number of preschools, leaving only 61 per cent of children enrolled in preschools. While recognizing that the State party retained a relatively high level of public spending on education (6.2 per cent of GDP), the Committee reiterates the concern of the Committee on Economic, Social and Cultural Rights about the inadequate funding of the public education system and the low salaries of teachers in the State party (E/C.12/UKR/CO/5, para. 30) as well as at the poor quality of educational infrastructure.

67. **The Committee recommends that the State party:**

(a) **Ensure adequate funding for the public education system by increasing the percentage of GDP allocated to the education sector;**

(b) **Undertake an analysis on causes of and possible solutions to the general decrease in the number of educational establishments and the number of children attending school and other educational institutions;**

(c) **Introduce inclusive education and promote social integration of children with special needs and ensure that vulnerable groups of children, including the abovementioned groups, are not discriminated against in the education system;**

(d) **Improve availability, accessibility and the quality of preschool and general education in rural areas;**

(e) **Seek assistance from, inter alia, UNICEF and UNESCO.**

Aims of education

68. While noting as positive that human rights education is compulsory at the ninth grade level, the Committee is concerned that the respect for and promotion of human rights

and intercultural understanding and tolerance do not feature among the fundamental principles of education in the State party. The Committee is further concerned that the educational system currently in place insufficiently develops the child's learning skills, self-esteem and self-confidence in view of the high levels of children with learning difficulties, school fatigue, psychological discomfort vis-à-vis fellow pupils, and feelings of rejection on the part of teachers.

69. **The Committee urges the State party to develop a national plan of action for human rights education, as recommended in the framework of the World Programme for Human Rights Education. In this regard, the Committee draws the State party's attention to its general comment No. 1 (2001) on the aims of education and recommends it to seek assistance from UNESCO, UNICEF and OHCHR.**

Rest, leisure, recreation and cultural and artistic activities

70. The Committee is concerned at the high number of children without the possibility to participate in cultural life and activities due to insufficient income, lack of cultural institutions and programmes, and lack of opportunities. In this context, the Committee is concerned at the increase in television watching and attendance of computer clubs and game halls among children and at a corresponding lack of compliance of restrictions regarding visits by children to such venues due to the lack of an effective monitoring system.

71. **In the light of article 31 of the Convention, the Committee strongly recommends that the State party strengthen efforts to guarantee the right of the child to rest and leisure, to engage in sports, play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts. In particular, the Committee recommends that the State party increase the number of sport, education and cultural institutions, facilities and programmes throughout its territory.**

H. Special protection measures (arts. 22, 30, 38, 39, 40, 37 (b)-(d), 32-36 of the Convention)

Asylum-seeking and refugee children

72. While noting the draft act on refugees and persons deserving assistance or temporary protection and the draft instruction on cooperation between State authorities regarding unaccompanied asylum-seeking children, the Committee is concerned at legal and administrative shortcomings with respect to the access of asylum-seeking and refugee children to State assistance and services, such as medical and psychological treatment and interpretation. The Committee is particularly concerned at restrictions in access to the asylum procedure of unaccompanied and undocumented asylum-seeking children due to the failure of the State party to appoint legal representatives to them. Reports on the detention of unaccompanied asylum-seeking children, sometimes for several months, and deportations, are of particular concern to the Committee. The Committee is furthermore concerned at the lack of available official statistics on the number of refugee children aged 15-18. In this context, the Committee is also concerned that the State party's birth registration procedure may not guarantee to asylum-seeking children their rights under article 7 of the Convention.

73. **The Committee recommends that the State party:**

(a) **Adopt without undue delay the draft act on refugees and persons deserving assistance or temporary protection and ensure that the new act will guarantee that children of recognized refugees receive derivative refugee status;**

(b) Ensure that unaccompanied asylum-seeking children are promptly appointed a legal representative in order to effectively access the asylum procedure, as well as assistance and protection, including access to free interpretation;

(c) Ensure that no asylum-seeking or refugee child is deprived of his or her liberty;

(d) Adopt the draft instruction on cooperation between State authorities regarding unaccompanied asylum-seeking children;

(e) Take prompt steps to put in place an effective data collection and information storage system with respect to the registration of refugees and asylum-seekers and ensure that official statistics on asylum-seeking children and refugees comprise all persons under the age of 18;

(f) Amend existing regulations to ensure the birth registration of and issuance of birth certificates to children of asylum-seekers born in the State party.

Economic exploitation including child labour

74. While noting that the worst forms of child labour are prohibited in the State party, the Committee reiterates the concern of the Committee on Economic, Social and Cultural Rights (E/C.12/UKR/CO/5, para. 21) relating to the high number of children below the age of 15 working in the informal and illegal economy, in particular in illegal coal mines, in the sex industry and in street begging rings. The Committee remains deeply concerned at the number of children working in mines and at challenges in identifying child labour in the informal sector, as acknowledged by the State party delegation during the dialogue. The Committee is further concerned at the extent of violations of existing labour law regarding children, including the employment of children under difficult and hazardous conditions. While welcoming information in the written replies to its list of issues on labour inspections undertaken by the Gosnadzortruda (State Department for Supervision of the Observance of Labour Legislation), the Committee is concerned that it lacks authority to monitor the informal sector of the economy as well as child labour in the family.

75. The Committee urges the State party to take all appropriate steps to eliminate exploitative child labour, in particular in the informal sector. Specifically, the Committee urges the State party:

(a) To provide the Gosnadzortruda with adequate human, technical and financial resources in order that it may undertake systematic and effective inspections that ensure strict compliance with legislation on child labour;

(b) To consider expanding the mandate of Gosnadzortruda to comprise also the informal sector of the economy and the family realm;

(c) To enhance monitoring of child labour in the informal sector through use of the Child Labour Monitoring System operated by the International Program on the Elimination of Child Labour;

(d) To ensure the effective enforcement of applicable sanctions against persons violating existing legislation on child labour, in particular through training on international standards relating to child labour for inspectors of the Gosnadzortruda and other law enforcement agencies;

(e) To fully implement the recommendation contained in the 2010 Individual Observation concerning Minimum Age Convention, 1973 (No. 138) by the ILO Committee of Experts on the Applications of Conventions and Recommendations relating to the identification of children working in illegal mines and engaged in the

grading and loading of coal on open surfaces, with a view to eradicating any such worst form of child labour in the State party.

Children in street situations

76. The Committee is deeply concerned at the high number of children in street situations, which the State party acknowledges as an “acute” problem (CRC/C/UKR/3-4, para. 12). It is seriously concerned at reports of their vulnerability to health-related risks, including in relation to substance and drug abuse, such as HIV/AIDS, sexual exploitation, forced labour and police violence. In this respect, the Committee is concerned at the limited availability and accessibility of social services for the protection and social reintegration of children in street situations, including the provision of clothing, accommodation, health care and education, and at information that no full-fledged network of rehabilitation centres for children abusing drugs exists. The Committee is furthermore concerned at the highly insufficient holding capacity of shelters for children in street situations. In addition, the Committee is concerned at the general lack of cooperation with non-governmental organizations in protecting the rights of children in street situations and in facilitating their reintegration into society.

77. The Committee recommends that the State party, in cooperation with national and international non-governmental organizations:

(a) Develop a national strategy for the prevention of, support to and social reintegration of children in street situations;

(b) Increase the number and quality of available shelters and psychosocial rehabilitation centres for children in street situations;

(c) Ensure that children in street situations are provided with adequate nutrition, clothing, housing, health care and educational opportunities, including vocational and life-skills training, in order to support their full development.

Sexual exploitation and abuse

78. The Committee welcomes the adoption of the Act to Combat Child Pornography in 2010 as a critical step towards enhancing the protection of children against sexual abuse and harmonizing national legislation with the Optional Protocol on the sale of children, child prostitution and child pornography. While further welcoming amendments to the Criminal Code which increase penalties for the involvement in prostitution and make the victim’s adolescent or young age an aggravating factor (art. 303), the Committee reiterates its concern that the State party has not yet incorporated a clear prohibition of child prostitution in its legislation (CRC/OPSC/UKR/CO/1, para. 17). The Committee notes in this regard the draft act to combat prostitution, including child prostitution, and the Package of Instructions aimed at strengthening cooperation of local governments regarding all offences under the Optional Protocol. The Committee is further gravely concerned at:

(a) The increase in the number of cases of sexual abuse, exploitation and involvement of children in prostitution and pornographic materials;

(b) The alarmingly high number of Internet users of child pornography (5 million users per month) and that a pornographic website accounted for 70 per cent of all Internet traffic in the State party;

(c) The very small number of criminal cases initiated in this respect and the lack of information on successful prosecutions, noting with concern the negative impact of the understaffing of minors’ affairs police units in this respect;

(d) The extremely limited number of rehabilitation centres specifically dedicated to providing assistance to child victims of sexual exploitation and abuse;

(e) The lack of statistics, disaggregated by age, sex and ethnic and socio-economic origin, on child victims of sexual exploitation and human trafficking, while noting the plan of the Ministry of Internal Affairs to establish a database to this end.

79. The Committee urges the State party:

(a) **To continue to step up its efforts in harmonizing national legislation with the Optional Protocol on the sale of children, child prostitution and child pornography, in particular as it relates to child prostitution and all other forms of sexual exploitation of children;**

(b) **To establish a system of data collection on child victims of sexual exploitation and abuse and other crimes under the Optional Protocol, including in the context of the DevInfo System, and proceed with plans of the Ministry of Internal Affairs to establish a database in this respect;**

(c) **To adopt the Package of Instructions to effectively prevent and combat offences under the Optional Protocol at the local level, and address the underlying problem of poverty in all prevention and protection activities relating to sexual abuse and exploitation in this regard;**

(d) **To strengthen the capacity of social workers and law enforcement agencies to detect and investigate cases of sexual exploitation and abuse and child pornography, including by increasing technical, human and financial resources to the minors' affairs police units;**

(e) **To increase the availability and accessibility of rehabilitation centres specialized in providing assistance to child victims of sexual exploitation and abuse and other offences under the Optional Protocol;**

(f) **To continue to seek the assistance of UNICEF and other partners for the implementation of the above recommendations.**

Sale, trafficking and abduction

80. While noting the amendments to article 149 of the Criminal Code on human trafficking including a special provision relating to "minors", the Committee remains concerned that the Criminal Code is still not in full conformity with the Optional Protocol on the sale of children, child prostitution and child pornography. While further acknowledging numerous efforts in the area of trafficking, including the adoption of a national programme for countering human trafficking (2007–2010), the Committee remains concerned that Ukraine continues to be one of the largest source countries of trafficking in Europe. In this regard, it regrets the lack of information on prosecutions of persons engaged in trafficking of children and notes the need for targeted information and awareness-raising campaigns as an essential prevention tool.

81. The Committee recommends that the State party:

(a) **Take all necessary measures to implement the rules for the implementation of the Convention on the Civil Aspects of International Child Abduction and report on them in its next periodic report;**

(b) **Continue efforts to bring national legislation relating to trafficking in and sale of children in line with the Optional Protocol;**

(c) **Intensify public information and awareness campaigns on trafficking of children, focusing on the risks of being enticed through, inter alia, promises of work abroad, modelling, studies abroad and participation in beauty contests;**

(d) **Strengthen investigation into all cases of alleged trafficking in children, including by allocating necessary resources to the Department on Combating Cybercrime and Trafficking in Human Beings, under the Ministry of Internal Affairs, and ensure that those responsible are brought to justice;**

(e) **Seek technical assistance from UNICEF, the International Organization for Migration and other partners.**

Helplines

82. The Committee welcomes the establishment of free helplines for children at risk or in need of protection, such as the Trust Line and those established by La Strada-Ukraine, as recommended by the Committee (CRC/C/OPSC/UKR/CO/1, para. 34).

83. **The Committee recommends that the State party further strengthen and expand, in cooperation with non-governmental organizations, its helplines for children and ensure that they be three-digit and toll-free for both the helpline and the caller and available 24 hours per day. The Committee further recommends that the State party raise awareness among children about available helplines by providing information on them in child-related programmes and schools.**

Administration of juvenile justice

84. While welcoming the structure of a juvenile justice system contained in the National Plan of Action for Children (2010-2016), the Committee is concerned about the slow pace of reform in this respect. In particular, it is concerned at information that the Working Group for the implementation of a Concept of Development of Juvenile Justice was discontinued in April 2010, and that the initiative is being replaced by a concept of development of criminal justice regarding juveniles in Ukraine. The Committee is deeply concerned at the risk for retrogression towards a punitive approach with respect to children in conflict with the law, as indicated also in the frequent pretrial and trial detention of children, the high percentage of juveniles sentenced to imprisonment, and the high proportion of children in the prison population. The Committee is further concerned at the long prison sentences, up to 15 years, for children in conflict with the law aged 16 and 17 years under article 102, paragraphs 1 and 3(e), of the Criminal Code.

85. In addition, the Committee is seriously concerned that despite the fact that the minimum age of criminal responsibility is set at 14 years, the State party operates schools for social rehabilitation for children aged 11 to 14 years who have committed “socially dangerous actions”. The Committee further notes with utmost concern that the Parliamentary Commissioner for Human Rights refers to these schools as “special juvenile remand institutions” and that more than 1,000 children were sent to such institutions in 2009. In view of the high relapse rate of child offenders, the poor level of services and support, including staffing, for their social reintegration, is further of particular concern to the Committee.

86. **The Committee urges the State party to put in place a juvenile justice system as outlined in the National Plan of Action for Children. To this end, it urges the State party to ensure that the new Concept of Development of Criminal Justice Regarding Juveniles in Ukraine, and the act to be adopted for its implementation, is fully in line with the Convention and with other relevant standards, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh**

Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules), and the Guidelines for Action on Children in the Criminal Justice System. The Committee recommends that the State party:

(a) Ensure that the juvenile justice system in practice diverges from a punitive to a restorative juvenile justice system that promotes alternative measures to deprivation of liberty, such as mediation, diversion, probation, counselling, community service or suspended sentences, wherever possible;

(b) Establish by law and in practice one minimum age of criminal responsibility in line with the Committee's general comment No. 10 (2007) on children's rights in juvenile justice;

(c) Consider abolishing, in line with the preceding recommendation, schools for social rehabilitation where children aged 11 to 14 can be remanded after having been found guilty for committing socially dangerous actions, and develop alternative measures of care;

(d) Strengthen the social support services, including through training and an increase in the number of specialists from social centres for families, children and young persons, to ensure psychosocial rehabilitation and programmes for children in conflict with the law;

(e) Seek technical assistance from the United Nations Country Team, including UNICEF, as well as from OHCHR in the implementation of the above recommendations.

Children victims and witnesses of crimes

87. The Committee, taking note of provisions in the Security of Persons Participating in Criminal Proceedings Act, is concerned that national legislation does not provide for child-specific protection measures in the criminal justice process. While noting, for example, information from the State party that children involved in prostitution are usually treated as victims by the institutions for law enforcement and the courts, the Committee is concerned that this is not mandatory by law.

88. The Committee recommends that the State party ensure by law and in practice that all child victims or witnesses of crimes, e.g. child victims of abuse, domestic violence, sexual and economic exploitation, abduction and trafficking, and witnesses of such crimes, are provided with the protection required by the Convention and that it take fully into account the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20, annex). In this regard, the Committee reiterates its position that child victims and witnesses of crimes should never be treated as offenders by the authorities.

Children belonging to minority or indigenous groups

89. In view of the large number of ethnic minorities in the State party, the Committee is concerned at the absence of measures taken by the State party to identify and solve problems faced by ethnic minorities and that no data collection system on their situation regarding education, employment, housing and access to social services is in place. The Committee further regrets the lack of information in the written replies to its list of issues on measures aimed at ending police violence against children belonging to ethnic minorities. While noting efforts to integrate Roma children into the general educational system, the Committee is concerned at persisting obstacles for Roma and Crimean Tatar children to gain access to education, health care and other social services.

90. The Committee urges the State party:

(a) To adopt without delay the draft anti-discrimination bill, as recommended by the Committee on the Elimination of Racial Discrimination (CERD/C/UKR/CO/18, para. 7);

(b) To undertake a comprehensive study on the situation of and enjoyment of rights of ethnic minorities in the State party and, on the basis of the findings, develop interventions to ensure that its policies, measures and instruments apply without discrimination and aim to protect the rights of children belonging to all minorities, including their rights under the Convention;

(c) To intensify efforts to ensure the right to education for all children belonging to minorities, focusing on Roma and Crimean Tatar children, including by introducing inclusive education schemes in general and secondary education.

I. Ratification of international human rights instruments

91. The Committee recommends that the State party ratify the core United Nations human rights treaties and their Optional Protocols to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance.

J. Cooperation with regional and international bodies

92. The Committee recommends that the State party cooperate with the Council of Europe towards the implementation of the Convention, both in the State party and in other Council of Europe member States.

K. Follow-up and dissemination

93. The Committee recommends that the State party take all appropriate measures to ensure that the present recommendations are fully implemented by, inter alia, transmitting them to the Parliament (Verkhovna Rada), relevant ministries, the Supreme Court, and to local authorities, when applicable, for appropriate consideration and further action.

94. The Committee further recommends that the third and fourth periodic report and written replies submitted by the State party and the related recommendations (concluding observations) be made widely available in the languages of the country, including (but not exclusively) through the Internet, to the public at large, civil society organizations, media, youth groups, professional groups and children, in order to generate debate and awareness of the Convention, its implementation and monitoring.

L. Next report

95. The Committee invites the State party to submit its next combined fifth and sixth periodic report by 26 September 2018 and to include in it information on the implementation of the present concluding observations. The Committee draws attention to its harmonized treaty-specific reporting guidelines adopted on 1 October 2010 (CRC/C/58/Rev.2 and Corr. 1) and reminds the State party that future reports should be in compliance with the guidelines and not exceed 60 pages. The Committee urges the State party to submit its report in accordance with the reporting guidelines.

In the event a report exceeding the page limitations is submitted, the State party will be asked to review and eventually resubmit the report in accordance with the above-mentioned guidelines. The Committee reminds the State party that if it is not in a position to review and resubmit the report, then translation of the report for purposes of examination of the treaty body cannot be guaranteed.

96. The Committee also invites the State party to submit an updated core document in accordance with the requirements of the common core document in the harmonized guidelines on reporting, approved by the fifth inter-committee meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3).
