



**Convention on the
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD

Tenth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on
the Rights of the Child: Ukraine

1. The Committee considered the initial report of Ukraine (CRC/C/8/Add.10/Rev.1) at its 239th, 240th, 241st and 242nd meetings (CRC/C/SR.239-242), held on 2 and 3 November 1995 and adopted* the following observations:

A. Introduction

2. The Committee expresses its appreciation to the Government of Ukraine for the submission of its initial report and its openness and fruitful dialogue. The Committee is encouraged by the frank and cooperative tone of the discussion, in which the representatives of the State party indicated not only the policy and programme directions, but also the difficulties encountered during implementation of the Convention.

B. Positive aspects

3. The Committee takes note of the attention paid by the Government to the situation of children in the present period of political transition.

4. The Committee welcomes the establishment of mechanisms to deal with children's issues and the question of children's rights, in particular the Parliamentary Commission on Health Care, Mother and Child Welfare with its departments and regional divisions, and the Presidential Committee for Women's, Maternal and Children's Affairs.

* At the 259th meeting, held on 17 November 1995.

5. The Committee notes with appreciation the important efforts by the Government in the field of law reform, especially the revision of the Constitution with a view to incorporating the rights of the child, and several laws such as the Family Code and the Penal Code, which aim to promote and protect children's rights.

6. The Committee also welcomes the adoption by the Government of a number of national programmes aiming at the effective implementation of children's rights in the country and the establishment of a voluntary fund to support children under the auspices of the Parliamentary Commission on Health Care, Mother and Child Welfare.

C. Factors and difficulties impeding the implementation of the Convention

7. The Committee notes the difficulties facing Ukraine in the present period of political transition and in a climate of social change and deep economic crisis. The Committee also notes the problems relating to the transition economy and that the situation of many children has worsened as a consequence of growing poverty and increasing unemployment. The Committee recognizes that the State party is experiencing major difficulties in countering the negative consequences of the Chernobyl nuclear plant disaster, in particular on the environment and on the physical and psychological health of the population, including children.

D. Principal subjects of concern

8. The Committee expresses its concern as to full compatibility of national legislation, measures and programmes with the provisions and principles of the Convention, particularly with regard to the principles of non-discrimination (art. 2), including in relation to the different age of marriage for girls and boys, the best interests of the child (art. 3) and the right of the child to express his/her opinion in all decisions affecting him/her (art. 12). The Committee also notes that there is a discrepancy in the legislation between the age for completion of mandatory education, which is 15, and the minimum age for labour, which is 16.

9. The Committee is concerned at the insufficient budgetary allocation provided for the implementation of economic, social and cultural rights of children.

10. The Committee is concerned at the insufficient attention paid to the need for an efficient coordinating and monitoring mechanism that could provide a systematic and comprehensive compilation of data and indicators on all areas covered by the Convention and in relation to all groups of children, including children in single-parent families, children of divorced parents, abandoned children and institutionalized children. Such a mechanism would enable the Government to identify areas of concern and to help to define strategies to address them.

11. The Committee is worried by the high rate of abandonment of children, especially new-born babies, and the lack of a comprehensive strategy to assist vulnerable families. This situation can lead to illegal intercountry adoption or other forms of trafficking and sale of children. In this context the

Committee is also concerned about the absence of any law prohibiting the sale and trafficking of children, and the fact that the right of the child to have his/her identity preserved is not guaranteed by the law.

12. The Committee expresses its concern at the health status of children, particularly in the aftermath of the Chernobyl nuclear disaster, the increasing child mortality rate, the apparent priority given to curative rather than preventive health care, the low prevalence of breast-feeding, the high number of abortions and insufficient health, education and services on family planning, and the discrepancy between the urban and rural health systems.

13. The Committee is concerned about the absence in Ukraine of a programme involving social work. In particular, the Committee expresses its concern at the situation of the institutionalization, treatment and protection of handicapped children. Alternatives to institutionalization are not sufficiently taken into account; support services to parents who keep their handicapped child at home are inadequate.

14. The Committee regrets that appropriate measures have not yet been taken to effectively prevent and combat ill-treatment of children in schools or in institutions where children may be placed. The Committee is also preoccupied by the existence on a large scale of child abuse and violence within the family and the insufficient protection afforded by the existing legislation and services in that regard. The problem of sexual exploitation of children also requires special attention.

15. The Committee is concerned by the absence of a national information and dissemination strategy regarding the Convention on the Rights of the Child.

16. The present situation in the field of the administration of juvenile justice is a matter of concern to the Committee.

E. Suggestions and recommendations

17. The Committee encourages the Government of Ukraine to pursue the revision of the legislative framework in order to fully reflect the Convention and ensure the realization of children's rights in relation to all the children subject to the jurisdiction of Ukraine, and full compliance with the provisions and principles of the Convention on the Rights of the Child, especially the principles of non-discrimination (art. 2) and the best interests of the child (art. 3), the right to life, survival and development (art. 6) and the right of the child to express his/her opinion in all decisions affecting him/her (art. 12). The Committee suggests that legislation concerning the age of mandatory education and that concerning the minimum age for employment be adjusted and that the age of marriage for girls and boys be the same.

18. The Committee recommends that the State party strengthen the coordination between the different governmental mechanisms involved in children's rights, both at the national and local levels, with a view to developing a comprehensive policy on children and ensuring an effective evaluation of the

implementation of the Convention on the Rights of the Child in the country. Closer cooperation with non-governmental organizations should be promoted.

19. The Committee recommends that the State party undertake to gather all the necessary information on the situation of children in the various areas covered by the Convention, including in relation to children belonging to the most vulnerable groups.

20. The Committee encourages the Government of Ukraine to pay particular attention to the full implementation of article 4 of the Convention and to ensure a judicious distribution of the resources at the central, regional and local levels. Budgetary allocations for the implementation of economic, social and cultural rights should be ensured during the period of transition to market economy to the maximum extent of available resources and in the light of the best interests of the child.

21. The Committee is of the opinion that systematic and continuous steps are required to make the provisions and principles of the Convention widely known and understood by adults and children alike, in the light of the Convention. The Convention on the Rights of the Child should be made available in all the languages spoken by minorities in Ukraine and specific training should be provided to all professional groups working with children (judges, teachers, social workers, law enforcement officials, etc.). In the light of the United Nations Decade for Human Rights Education, attention should be given to incorporating the Convention in the school curriculum. The Committee encourages the State party to give further consideration to the establishment of an ombudsperson for children, or of any equivalent permanent and independent complaint and monitoring mechanism. The participation of children themselves in the promotion of the rights of the child is of great importance, especially at the community level.

22. In the light of article 2 of the Convention, measures should be taken to prevent a rise in discriminatory attitudes or prejudices towards children belonging to minority groups, children living in rural areas, Roma children and children afflicted with HIV/AIDS.

23. The Committee would like to see a stronger emphasis placed on primary health care activities, especially in rural areas, which would include the development of educational programmes to cover such matters as family education, family planning, sex education and the benefits of breast-feeding.

24. The Committee encourages international support for measures to cope with the negative consequences of the Chernobyl nuclear disaster, in particular in the social, health and environmental areas.

25. The Committee considers that greater efforts should be made to develop awareness of the important role of the family and of the equal responsibilities of parents. Further steps should be taken to strengthen the system of assistance to both parents in the performance of their child-rearing responsibilities.

26. In view of the high rate of abandonment of children and of abortion, the Committee recommends that the State party adopt a strategy and policy to

assist vulnerable families for the support of their children. The adequacy of the current social security system and of the family planning programmes should be evaluated. The Committee also recommends the training of social workers with the aim of mobilizing and strengthening communities.

27. The Committee encourages the State party to address the situation of children in institutions, with a view to envisaging and making available possible alternatives to institutional care through, for example, guidance and counselling, foster care and education and vocational training programmes. The Committee also recommends the establishment of effective monitoring mechanisms of the realization of the rights of the child placed in an institution.

28. With regard to the sale and trafficking of children, the Committee encourages the Government to clearly prohibit this illegal activity and to ensure that the right of the child to have his/her identity preserved is fully endorsed. The Committee also recommends that the State party consider the ratification of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption.

29. The Committee further suggests that the clear prohibition of torture or other cruel, inhuman or degrading treatment or punishment, as well as a ban on corporal punishment in the family, be reflected in the national legislation. The Committee also suggests the development of procedures and mechanisms to monitor complaints of maltreatment and cruelty within or outside the family. Special programmes should be set up to promote physical and psychological recovery and social reintegration of child victims of any form of neglect, abuse, exploitation, torture or ill-treatment in an environment which fosters the health, self-respect and dignity of the child, in the light of article 39 of the Convention.

30. The Committee recommends that the State party envisage the possibility of transferring the supervision of correctional labour colonies for juveniles from the Ministry of the Interior to the structure it may consider the most appropriate to ensure the promotion and protection of children's rights.

31. In the field of the administration of juvenile justice, the Committee recommends that the current legal reform take fully into account the Convention on the Rights of the Child, in particular articles 37, 39 and 40, and that other relevant international standards in this field, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty be seen as a guide in this revision. Particular attention should be paid to the prevention of juvenile delinquency, the protection of the rights of children deprived of liberty, respect for fundamental rights and legal safeguards in all aspects of the juvenile justice system and the full independence and impartiality of the juvenile judges. Training programmes on the relevant international standards should be organized for all those professionals involved with the system of juvenile justice, in particular judges, law enforcement officials, correctional officers and social workers.

32. The Committee encourages the State party to disseminate widely the State party's report, summary records of the discussion of the report within the Committee and the concluding observations adopted by the Committee following its consideration of the report. The Committee would like to suggest that these documents be brought to the attention of Parliament and that the suggestions and recommendations for action contained therein be followed up. In this regard, the Committee suggests that cooperation with non-governmental organizations be pursued.
