



# Convention on the Rights of the Child

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## Committee on the Rights of the Child Fifty-sixth session

### Summary record of the 1603rd meeting

Held at the Palais Wilson, Geneva, on Friday, 28 January 2011, at 3 p.m.

*Chairperson:* Ms. Lee

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*The meeting was called to order at 3.15 p.m.*

**Consideration of reports of States parties** (continued)

*Third and fourth periodic reports of Ukraine on the implementation of the Convention on the Rights of the Child* (continued) (CRC/C/UKR/3-4; CRC/C/UKR/Q/3-4; CRC/C/UKR/Q/3-4/Add.1)

*Initial report of Ukraine on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict* (continued) (CRC/C/OPAC/UKR/1; CRC/C/OPAC/UKR/Q/1; CRC/C/OPAC/UKR/Q/1/Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of Ukraine took places at the Committee table.*

*Third and fourth periodic reports of Ukraine on the implementation of the Convention on the Rights of the Child*

2. **Mr. Safiullin** (Ukraine) said that the number of orphans had been decreasing steadily since 2006. It had declined from 104,000 in 2006 to 100,000 in 2008 and then to approximately 98,500 in 2010.

3. **Ms. Herczog**, recalling that most children classified as orphans were actually children whose parents had been deprived of their parental rights or who had been institutionalized for various reasons, asked why there were so many of those children and what was the procedure for institutionalizing a child.

4. **Mr. Safiullin** (Ukraine) said that orphans, children deprived of parental care, and children in difficult situations were all registered in the same information and analysis system.

5. **Ms. Serednytska** (Ukraine) said that the question of access to education of orphans and children deprived of parental care was currently an important public policy priority. With the reform of the protection system for orphans and children deprived of parental care, the care provided to those children was completely different from that provided in the past. It was more like family care, took account of children's individual needs, fostered their socialization, facilitated their social integration and prepared them for family life in the future. At present, 194 establishments of that type were providing care to 16,100 orphans and children deprived of parental care. Those establishments consisted of boarding schools for school-age children and homes for children of preschool age. The State endeavoured to limit to 50 the number of children in each establishment.

6. **Ms. Herczog** said that, in the former Soviet Union, children both of whose parents were dead and children deprived of parental care had been assigned to the same social category of "orphan" and that such children had been stigmatized. The Committee considered that social category to be problematic and wished to know how many children in that category were really orphans and how many were children whose parents had been deprived of their parental rights. With respect to the latter group, it would be useful to know what type of support was provided to families in difficulty and why parents were so frequently deprived of their parental rights.

7. **Mr. Pūras** (Rapporteur for Ukraine, for the Convention) asked whether the State party was planning a complete revision of its institutional placement system, which created more problems than it resolved. Establishments for children deemed "uneducable" or disabled provided no education. To what extent was the State party cooperating with non-governmental organizations to provide community-based services to children and families at risk?

8. **Ms. Serednytska** (Ukraine) said that the law made a distinction between orphans and children deprived of parental care but, to the general public, those two categories of children were the same, the second group being regarded as “social orphans”.

9. **The Chairperson** said that the fact that so many parents were deprived of their parental rights implied that parenting support services were inadequate.

10. **Ms. Filipishina** (Ukraine) said that the law defined 11 categories of children deprived of parental care including children whose parents were in prison, children whose parents had been deprived of their legal capacity, children whose parents were wanted by the police for commission of an offence, children whose parents had been reported missing or were assumed dead and children who had been abandoned by their parents. The State provided the same services to all children under its protection, whether they were orphans or had been deprived of parental care. In 95 per cent of cases, orphans were placed under the guardianship of a member of their family. The system protecting the rights of children deprived of parental care was somewhat different because the guardianship authorities and social services endeavoured to return the child to his or her biological family. Legal proceedings were necessary only in the case of deprivation of parental rights or removal of the child from his or her family. The number of children whose parents had been deprived of their parental rights was diminishing annually: there had been 10,751 such children in 2007 as compared to 6,484 in the first eight months of 2010. In 2007, 1,129 children had been removed from their family, although parental rights had not been taken away, in comparison to 479 in the first eight months of 2010. Those figures remained high and were related to the lack of structures providing services to families in crisis. The Government of Ukraine was currently working to address that problem, and social services for families, children and youth were developing family support mechanisms. There was presently an increase in the number of parents who had regained their parental rights and the number of children who had returned to their family.

11. **Ms. Serednytska** (Ukraine) said that Ukraine was striving to facilitate the social integration of disabled and special-needs children by offering them quality education. Ukraine currently had 380 specialized institutions, which accommodated more than 47,000 children. The number of children educated in such establishments had decreased each year owing to the development of new types of education, in particular education in regular schools, which reflected current government policy. Disabled children’s right to attend regular schools was now established by law and some 13,000 special-needs children, 35 per cent of them disabled, were currently integrated into the regular school system. Approximately 40 per cent of schools were equipped to provide access to disabled children. The profession of education assistant responsible for helping disabled children attending regular classes had been added to the official list of professions.

12. The authorities were working to improve the access of Roma children to preschool education, in particular in the Carpatho-Ukraine and Odessa regions, where most Roma families lived. The region of Odessa had approximately 1,200 preschool-age and school-age Roma children. The Ministry of Education was not aware of any case where a Roma child had been refused enrolment in school. Nine hundred Roma children were enrolled in general education schools in the Odessa region, or nearly 100 per cent of Roma children. Those children had in principle all the documents needed to enrol in school, namely a birth certificate and a medical certificate. If a child lacked a birth certificate, the Department of Education requested one from the competent state authorities. School transport was arranged to make it easier for rural children to get to school and hot meals were served in primary schools to the youngest children.

13. There was a vast network of preschool establishments, which was nevertheless not sufficient to meet the needs of every family. In fact, the 15,500 preschool establishments only provided services to 61 per cent of preschool-aged children — but 93 per cent of

children aged 5 — and the Government had launched a programme lasting until 2017 aimed at building new kindergartens, improving teaching quality and developing different types of services such as part-time care groups and primary-school preparation groups.

14. The school curriculum included courses on the provisions of the Convention. International and civil society organizations were cooperating actively with the Ukrainian authorities to disseminate the Convention among young people and had produced considerable documentation on the rights of the child, which had been distributed to the country's schools early in 2011.

15. **Ms. Herczog** asked for information on the age distribution of children in early childhood education establishments and whether a programme existed to facilitate the access to preschool education of children from disadvantaged families or minority groups. What arrangements had been made to provide day care to children who were not in preschool and whose parents worked?

16. **Ms. Serednytska** (Ukraine) said that children aged 2 months to 3 years went to day-care centres while children aged 3 to 6 went to kindergarten. Some parents made use of private childcare services.

17. **Ms. Ostashko** (Ukraine) said that, in order to reduce the mortality rate of children under 5, the Government had implemented a procreative health programme lasting until 2015, and the National Action Plan for the Implementation of the Convention through 2016. Following more than 10 years of effort, over 50 per cent of children were born in “baby-friendly hospitals”, which allowed mothers to keep their newborn with them and encouraged breastfeeding.

18. **The Chairperson** said that there had been many reported violations of the International Code of Marketing of Breast-milk Substitutes by medical establishments, which passed on advertising for milk substitutes.

19. **Ms. Ostashko** (Ukraine) said that the Ministry of Health was very vigilant and, when such cases occurred, it withdrew the “baby-friendly hospital” label from the medical establishment concerned.

20. The Government was also making efforts to ensure quality care for pregnant women up to the moment of delivery, and family planning centres and women's clinics had implemented “Future Parents School” and “Future Mothers School” programmes, which provided parents with information and recommendations on child feeding, health care and development up to age 3 and on disease prevention.

21. **Mr. Pūras** (Rapporteur for Ukraine, for the Convention) wished to know whether parents of trisomic children received state assistance and whether there were care services for disabled children throughout the country and not just in the capital.

22. **Ms. Ostashko** (Ukraine) said that health care for disadvantaged families was now free of charge in Ukraine and the social services were responsible for identifying such families and encouraging them to seek care when in need. Pregnant women were encouraged to consult an obstetrician throughout their pregnancy and to have their baby at a hospital.

23. Mothers who gave birth to a disabled child benefited from counselling services and were given child-rearing guidance by physicians and social workers. When a serious pathology was detected in the foetus early enough, expectant mothers could choose to end their pregnancy, with the assent of the medical staff.

24. The current health reform, which was aimed at creating a prenatal and perinatal health care network, suffered from a lack of financial resources owing the country's difficult economic circumstances. Nevertheless, draft legislation now under consideration

would strengthen patients' rights, introduce a compulsory health insurance scheme together with a complementary health insurance scheme and establish district health centres and university hospitals with modern health-care services. Contrary to what had been said, there was an adequate number of specialists in Ukraine, but their skills perhaps did not match those of their foreign counterparts. Medical training was also being reformed and new emphasis would be placed on continuing and distance education to enable physicians in rural areas to be trained, inter alia, in the area of child and adolescent protection.

25. Morbidity rates for children under 1 year of age remained high but had improved. In terms of adolescent health, programmes had been implemented in cooperation with civil society to prevent adolescent suicide and risk-taking behaviour and, more particularly, to combat HIV/AIDS and sexually-transmitted diseases. In cases of early pregnancy, it was up to the parents or legal guardian to decide whether or not an abortion should be performed if the minor concerned was under 15; beyond that age, the final decision concerning an abortion was left to the adolescent.

26. **Ms. Aidoo** wished to know what the State party was doing to compensate for the deficit in HIV/AIDS programme funding.

27. **Ms. Ostashko** (Ukraine) said that all health programmes, not only HIV/AIDS programmes, suffered from inadequate funding. Nevertheless, owing to donations and civil society support, combined with public funding, prevention campaigns had been carried out and persons with HIV/AIDS had access to antiretroviral drugs.

28. **Ms. Ryazanova** (Ukraine) said that, under the system of assistance to persons in difficulty, allowances were paid to a wide range of beneficiaries including orphans, large families, families with adopted children, foster families, single-parent families, single mothers and/or widows.

29. Programmes to combat child abandonment, carried out by the social services, were effective since the number of abandoned children had declined from 2,000 in 2007 to some 800 in 2010. When mothers used unemployment or homelessness as an excuse for such acts, they were sent to one of 14 shelters where they could stay for up to 14 months during which time they were assisted in finding employment and housing.

30. **Mr. Yakimenko** (Ukraine) said that the Government of Ukraine was focusing efforts on prevention of racially motivated crime. Under the recently amended Criminal Code, racial motivation and religious intolerance were considered to be aggravating circumstances. It was expected that a law criminalizing expression of xenophobia would be adopted shortly.

31. **Ms. Horbunova** (Ukraine) said that the concept of juvenile justice rejected in 2010 had been replaced by a project aimed at extending certain criminal justice provisions to minors, to be submitted to the President for approval at the end of the first trimester of 2011. The new project, which was based on prevention, was intended to discourage young people from committing crimes and included re-education for juvenile delinquents to facilitate their social reintegration. The project had been widely publicized in the media and had been discussed at many round tables. The final version was based on observations made by the different stakeholders, including civil society organizations.

32. There was currently no juvenile court system but, since the promulgation of a presidential decree in 2005, certain judges were specialized in juvenile matters. Children who "presented a risk to society" were those who had committed an offence or a crime. As the age of criminal responsibility was set at 14, children between 11 and 14 falling into that category were placed in social reintegration centres.

33. **Mr. Zermatten** asked whether such placement was ordered by the court or whether the decision was made by an administrative body or a child protection service.

34. **Ms. Horbunova** (Ukraine) said that the placement of a minor who “presented a risk to society” in a social reintegration centre was made by court order when the offence committed was punishable by a prison sentence of 5 years or more.
35. **The Chairperson** said that, under those conditions, the age of criminal responsibility was 11 years, not 14 years.
36. **Mr. Citarella** asked whether the child concerned was guaranteed due process under the law, including adequate legal assistance throughout the procedure leading to his or her placement in a social reintegration centre.
37. **Mr. Filali** asked how many children were deprived of their liberty in the State party, whether some of them were placed in pretrial detention and whether, generally speaking, those children had the right to contact with their family before being tried.
38. **Ms. Serednytsaka** (Ukraine) said that children under 14 placed in a social reintegration centre might have committed a minor offence, but they had displayed antisocial and deviant behaviour. Once in the centre, they were provided with a range of services including instruction dispensed by teachers and psychologists that enabled them to reintegrate into society later on. The centres, of which there were 10, fell under the authority of the Ministry of Education and provided services to 300 children throughout the country.
39. **Mr. Yakimenko** (Ukraine) said that there were 10 re-education colonies, one of which was reserved for girls. In 2010, a total of 1,432 young people, 98 of which were girls, were living in re-education colonies.
40. **The Chairperson** asked whether those young people were provided with legal assistance, whether they were authorized to see their parents and what was the maximum length of their detention.
41. **Mr. Yakimenko** (Ukraine) said that the maximum sentence for the minors was 15 years. Under the Criminal Procedure Code, the young people concerned benefited from social reintegration services, had access to secondary education in general-education schools and, subsequently, had the opportunity to take correspondence courses offered by higher education establishments.
42. **Ms. Serednytska** (Ukraine) said that young people in re-education colonies benefited from free legal services and they had the right to see their families regularly.
43. **Ms. Filipishina** (Ukraine) added that, lacking the necessary means, parents were not always able to visit their children because those establishments were few in number and could be very far from where they lived.
44. **The Chairperson** asked what happened to unaccompanied minors seeking asylum: did they have access to services and could they be sent back to their country?
45. **Ms. Filipishina** (Ukraine) said that the Government was aware that the treatment of unaccompanied minors in Ukraine remained unsatisfactory. In 2010, some 150 minors, including 24 unaccompanied children, had requested asylum. They had been placed in two centres run by child specialists, where they could get health care, go to school and take courses in Ukrainian. It was nevertheless unfortunate that there were currently no medical experts available to determine with certainty the age of the children. A law slated for adoption should make it possible to address that problem and to improve cooperation between immigration and guardianship services by streamlining their work, since the goal was to take greater account of the children’s needs.
46. **The Chairperson** asked whether it was true that minors aged 15 performed dangerous jobs and requested more information on that matter.

47. **Ms. Ryazanova** (Ukraine) said that violations of the right to work had in fact been reported. Some 100 files implicating chief executives had been submitted to the competent legal authorities. In the framework of the International Programme on the Elimination of Child Labour, Ukraine had conducted a sociological study on child labour in the informal sector; legal reform was under consideration.

48. **The Chairperson** asked why the State party had not ratified the Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption and why the adoption process was so long.

49. **Ms. Filipishina** (Ukraine) said that Ukraine had recently conducted a campaign to promote national adoption in order to guarantee better care for children deprived of parental care. There were other care alternatives for children deprived of parental care: currently, 9,000 children were in foster homes or family-type homes. Bills had been submitted to the parliament on several occasions with a view to adoption of the Hague Convention, but without success. It could only be hoped that Ukraine would adopt that instrument soon.

*Initial report of Ukraine on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict*

50. **Ms. Al-Asmar** (Rapporteur for Ukraine-OPAC), congratulating the State party on having ratified the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, and having set at 19 years the minimum age for voluntary enlistment into the armed forces, asked whether the Optional Protocol could be directly invoked by the national courts.

51. She also wished to know whether customs officials, teachers and child specialists received training on the Optional Protocol, whether the authorities had data on the number of children seeking asylum likely to have been involved in armed conflict and whether the State had a mechanism to identify such children. She asked why there were no peace education programmes in military schools and whether national law expressly prohibited the recruitment and use of young people under 18 in armed conflicts.

52. She welcomed the State party's participation in action to assist Iraqi child victims of the 2004 war and asked whether Ukrainian law provided for that type of mutual assistance.

53. She asked whether children seeking asylum were assisted by an interpreter during the asylum procedure.

54. **Mr. Pollar** asked whether national law provided for sanctions in the case where a person domiciled in Ukraine had in the past recruited children to participate in foreign armed conflicts.

55. **Mr. Filali** asked whether national laws existed concerning the intake and treatment of foreign minors who might have been involved in armed conflict. He wished to know whether the Protocol had been disseminated to schools and the media and what position it occupied in the domestic legal order. He asked whether Ukrainian military law provided a definition of the concept of direct hostilities. Had Ukraine established universal jurisdiction over the offences listed in the Optional Protocol? What was provided by law in relation to extradition?

56. **Ms. Aidoo**, noting that Ukraine exported light weapons, asked whether the law prohibited exportation of such weapons to countries where children were likely to be recruited to participate in armed conflict and whether the European Union was providing technical assistance to Ukraine following its endorsement of the principles of the European Union Code of Conduct on Arms Exports.

57. **Mr. Koompraphant** asked whether the State party had developed mechanisms for the identification of minors who had been used in hostilities and whether reintegration measures were planned.

58. **Ms. Al-Ashmawy** asked whether psychosocial care was provided to children who had been involved in armed conflict, whether those children were screened for HIV/AIDS and whether the State party had asked the International Organization for Migration for technical assistance in arranging for repatriation of victims.

59. **The Chairperson** wished to know whether it was true, as reported by some sources, that minors who were unaccompanied or without identity papers risked being placed in detention.

60. She drew the delegation's attention to the fact that the structure of the initial report submitted under the Optional Protocol did not comply with the guidelines contained in the procedures for the preparation of reports, which States were bound to respect.

*The meeting was suspended at 5.05 p.m. and resumed at 5.20 p.m.*

61. **Mr. Koval** (Ukraine) said that the Optional Protocol, ratified in 2004, was an integral part of Ukrainian national law. Ukraine has 19 military schools, 2 of which were under the Ministry of Defence and provided a reinforced programme of military and physical training. In practice, 90 per cent of teaching time was devoted to general subject matters and 10 per cent to military and physical training. Pupils in those schools did not have the status of soldiers and did not receive advanced military training.

62. **Mr. Filali** asked whether those schools were military establishments and had the status of a military zone.

63. **Mr. Koval** (Ukraine) said that the two schools under the umbrella of the Ministry of Defence had the status of military establishments but did not provide combat training. Weapons handling, for example, was taught there in a very general manner, using models. It was true that pupils in those schools wore a uniform but that requirement was aimed essentially at inculcating discipline. In addition to military training, pupils received a general civil education which could prepare them, for example, for engineering studies. The large number of military schools could be attributed to the fact that their training programmes were popular with young people and they were valued by the public.

64. Young people who wished to enrol in a higher military school must have completed secondary school and reached the age of 17 during their first academic year. Since the minimum age for military service was 18, young people who were in military school and had not yet reached that age were not regarded as doing military service and could not be assigned to a military unit or take part in combat.

65. **Mr. Filali** wished to know whether young people under 18 could be mobilized in emergency situations.

66. **Mr. Koval** (Ukraine) said that persons under 18 could not be mobilized and that Ukrainians who were not citizens were not required to serve in the military.

67. All military schools provided instruction on the Convention and the Optional Protocol and on international humanitarian law principles. All military personnel sent abroad, whether in the framework of military operations or peacekeeping operations, underwent a series of tests to evaluate their knowledge of international humanitarian law standards and various international instruments, including the Optional Protocol. Moreover, each contingent had a legal advisor responsible for providing information about those matters to soldiers and officers.

68. **The Chairperson** asked whether Ukrainian law expressly criminalized the recruitment of individuals under 18 and whether it contained a definition of direct involvement in hostilities.

69. **Mr. Koval** (Ukraine) said that those matters were the subject of strict criminal provisions and that all the necessary measures had been taken to ensure the individuals under 18 were not recruited and did not participate directly in hostilities. Not a single violation of those provisions had been reported to date. The recruitment and use of mercenaries was punishable by a 10-year prison term, but that situation had never occurred.

70. Arms trading was strictly regulated and overseen. Only companies authorized by an expert oversight committee could sell arms abroad.

71. **Mr. Pūras** (Rapporteur for Ukraine) said that, in its concluding observations, the Committee would draw attention to coordination, independent monitoring and collection of data. It would invite the State party to pursue its reform of services for disabled children and children from disadvantaged families, to establish services adapted to children's needs in areas such as juvenile justice and to guard against the resumption of repressive measures.

72. **Ms. Al-Asmar** (Rapporteur for Ukraine) said that the State party had made considerable efforts to improve the situation of children but that much remained to be done, in particular in the areas of awareness-raising, training, data collection, education for peace, criminal law and reintegration.

73. **Mr. Safiullin** (Ukraine) said that the authorities were aware of the country's problems and would continue their efforts to address them and to improve the situation of children. They would, to that end, give their full attention to the observations and recommendations of the Committee.

*The meeting rose at 6 p.m.*