



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Concluding observations on the combined fifth and sixth periodic reports of Ukraine\*

#### I. Introduction

1. The Committee considered the combined fifth and sixth periodic reports of Ukraine<sup>1</sup> at its 2634th and 2635th meetings,<sup>2</sup> held on 30 and 31 August 2022, and adopted the present concluding observations at its 2668th meeting, held on 23 September 2022.

2. The Committee welcomes the submission of the combined fifth and sixth periodic reports of the State party and the written replies to the list of issues,<sup>3</sup> which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses its appreciation for the constructive dialogue held with the high-level and multisectoral delegation of the State party.

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

3. The Committee welcomes the progress achieved by the State party in various areas, including the legislative, institutional and policy measures adopted to implement the Convention, in particular the adoption of Law No. 936-VIII of 26 January 2016 on amending some legislative acts of Ukraine to strengthen social protection of children and support for families with children, which introduced the notion of the best interests of the child, and the law on social services which came into effect in 2020, as well as the recent ban on international adoptions. It also welcomes measures taken by the State party since the start of the armed attack by the Russian Federation on 24 February 2022, such as the establishment of the Coordination Group for the Protection of the Rights of the Child under Martial Law.

#### III. Factors and difficulties impeding the implementation of the Convention

4. The Committee is deeply concerned that the armed attack by the Russian Federation since 24 February 2022 has had a devastating effect on people in Ukraine, particularly children, and has since created major obstacles to the implementation of all the rights of the child defined in the Convention and its Optional Protocols. In this regard, the Committee commends the efforts of the State party to mitigate the adverse effects of the armed conflict on children, but is nevertheless gravely concerned about multiple credible, corroborated and

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\* Adopted by the Committee at its ninety-first session (29 August–23 September 2022).

<sup>1</sup> [CRC/C/UKR/5-6](#).

<sup>2</sup> See [CRC/C/SR.2634](#) and [CRC/C/SR.2635](#).

<sup>3</sup> [CRC/C/UKR/RQ/5-6](#).



consistent reports of gross violations of children's rights since the beginning of the armed conflict, including killings of children, mass displacement of children internally and outside the country, and the destruction of homes, schools, hospitals and water and sanitation systems, committed mainly by the Russian Federation. While noting that the State party has no access to areas controlled by armed forces of the Russian Federation and affiliated armed groups, the Committee reminds the State party that the rights under the Convention and its Optional Protocols apply to all children at all times and that it bears the primary responsibility to protect its population, and encourages it to continue to take all possible measures to protect its children, especially those in vulnerable situations.

#### **IV. Main areas of concern and recommendations**

5. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: the right to life, survival and development (para. 17), violence against children (para. 23), children deprived of a family environment (para. 27), children with disabilities (para. 29), mental health (para. 32) and internally displaced, asylum-seeking and refugee children (para. 37).

6. While noting the exceptional situation in the country due to the armed attack by the Russian Federation, a number of the Committee's recommendations in the present concluding observations refer to the situation concerning children's rights after 24 February 2022, while other recommendations concern the situation that has been ongoing since the last review by the Committee in 2011.

##### **A. General measures of implementation (arts. 4, 42 and 44 (6))**

###### **Legislation**

7. Noting the adoption of and amendments to various legislative acts in the area of children's rights, including its legislation on protection of childhood, the Committee recommends that despite the difficulties linked to the armed conflict, the State party take all measures necessary to ensure the effective implementation of its legislation in compliance with the Convention and its Optional Protocols, as well as to raise the awareness of the public about new legislative developments.

###### **Comprehensive policy and strategy**

8. Noting that the last national action plan for the implementation of the Convention expired in 2021, the Committee recommends that the State party prepare a comprehensive policy on children that encompasses all areas covered by the Convention and, on the basis of the policy, develop both a short-term and long-term strategy and plan of action with the necessary elements for its application, to be supported by sufficient human, technical and financial resources.

###### **Coordination**

9. While noting the establishment of the Coordination Council on the Protection and Safety of Children as a consultative and advisory body under the President of Ukraine, the Committee recommends that the State party strengthen the mandate of the Coordination Council or the Inter-agency Commission on Protection of Childhood to ensure that it has a clear mandate and sufficient authority at a high interministerial level to coordinate all activities related to the implementation of the Convention and its Optional Protocols at the cross-sectoral, national, regional and local levels. The State party should ensure that the said coordinating body is provided with the necessary human, technical and financial resources for its effective operation.

### Allocation of resources

10. With reference to its general comment No. 19 (2016) on public budgeting for the realization of children's rights, the Committee recommends that the State party:

(a) Ensure that the recovery and reconstruction allocations prioritize children and their needs now and in the post-conflict situation, including by conducting a comprehensive assessment of budget needs and establishing transparent allocations;

(b) Utilize a child rights approach in the elaboration of the State budget, by implementing a tracking system for the allocation and the use of resources for children throughout the budget. The State party should also use this tracking system for impact assessments on how investments in any sector may serve the best interests of the child;

(c) Define budgetary lines for all children, paying special attention to those in disadvantaged or vulnerable situations who may require affirmative social measures, and make sure that those budgetary lines are always protected even in time of armed conflict.

### Data collection

11. The Committee notes the efforts of the State party to collect data in different areas and, with reference to its general comment No. 5 (2003) on general measures of implementation of the Convention, it recommends that, despite the lack of access to certain parts of its territory, the State party:

(a) Take measures to strengthen its data collection system. The data should cover all areas of the Convention and its Optional Protocols and should be disaggregated by age, sex, disability, geographic location, ethnic origin and socioeconomic background in order to facilitate analysis of the situation of all children, particularly those in situations of vulnerability;

(b) Ensure that the data and indicators are shared among the ministries concerned and are used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention;

(c) Take into account the conceptual and methodological framework set out in the report of the Office of the United Nations High Commissioner for Human Rights entitled *Human Rights Indicators: A Guide to Measurement and Implementation* when defining, collecting and disseminating statistical information.

### Independent monitoring

12. The Committee recommends that the State party:

(a) Take measures to ensure that the Ombudsperson's Office has a specific mechanism to monitor children's rights and to receive, investigate and address complaints by children in a child-sensitive manner;

(b) Ensure that the Commissioner of the President of Ukraine on the rights of the child does not duplicate activities and coordinates them with the mandate and authority of the Ombudsperson, including with its mechanism on children's rights;

(c) Strengthen the independence of the Ombudsperson, including with regard to its funding, mandate and immunities, so as to ensure full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and retain its A status.

### Dissemination, awareness-raising and training

13. The Committee recommends that the State party take all measures to systematize the training of all professionals working with and for children and to ensure wide dissemination of the Convention and its Optional Protocols, through awareness-raising programmes, including campaigns.

## **B. General principles (arts. 2–3, 6 and 12)**

### **Non-discrimination**

14. While welcoming the adoption in 2012 of the law on the principles of preventing and combating discrimination in Ukraine, and taking note of target 10.3 of the Sustainable Development Goals, the Committee recalls its previous recommendation<sup>4</sup> and 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 party:

(a) To take effective measures to combat racist and xenophobic activities among youth, including by supporting children's and youth organizations that promote intercultural dialogue, tolerance and respect for diversity;

(b) To strengthen monitoring of the situation of children in marginalized and disadvantaged situations, including Roma children, and, on this basis, develop a comprehensive strategy containing specific and well-targeted actions aimed at eliminating all forms of discrimination against children in vulnerable situations.

### **Best interests of the child**

15. While welcoming Law No. 936-VIII, of 2016, introducing the notion of the best interests of the child, and with reference to its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party strengthen its efforts to ensure that this right is appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions, as well as in all policies, programmes and projects that are relevant to and have an impact on children. In this regard, the State party is encouraged to develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area, including of children affected by the armed conflict, and for giving these due weight as a primary consideration.

### **Right to life, survival and development**

16. The Committee expresses its deepest concern about credible, corroborated and consistent information that hundreds of children have been killed and many more injured, in most cases by the use of explosive weapons with wide-area effects in populated areas, since the start of the armed attack by the Russian Federation. The Committee notes the establishment of numerous accountability mechanisms, including the Independent International Commission of Inquiry on Ukraine, to investigate all alleged violations and abuses of human rights and violations of international humanitarian law, and related crimes, in the context of the aggression against the State party by the Russian Federation, including killings of civilians, in particular children, and expresses its utmost support for the work of such mechanisms.

17. The Committee strongly urges the State party to take, as a matter of the highest priority, all measures necessary to protect children, and to provide clear instructions to the armed forces and security forces to prevent any possible killings and injuries of children in line with the international humanitarian law principles of distinction, proportionality and precaution. The Committee also calls for a prompt, independent, effective and transparent investigation into the violations of international human rights law and international humanitarian law committed since 24 February 2022 and before. In this regard, the Committee recommends that the State party continue to fully cooperate with the Independent International Commission of Inquiry on Ukraine and other accountability mechanisms established, regardless of the perpetrator.

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<sup>4</sup> [CRC/C/UKR/CO/3-4](#), para. 28.

### **Respect for the views of the child**

18. The Committee notes the amendments of 2017 to the Civil Procedure Code and the new Education Act and, with reference to its general comment No. 12 (2009) on the right of the child to be heard, recommends that the State party:

(a) Take measures to ensure the effective implementation of its legislation, such as article 9 of the Child Protection Act and relevant provisions of the Family Code, recognizing the right of the child to be heard in relevant legal and administrative proceedings;

(b) Promote the meaningful and empowered participation of all children within the family, communities and schools and include children in decision-making in all matters concerning them.

### **C. Definition of the child (art. 1)**

19. The Committee recommends that the State party amend its legislation to eliminate all exceptions allowing marriages of children under the age of 18, as well as take measures to prevent child marriages and raise awareness of the harmful consequences of child marriage.

### **D. Civil rights and freedoms (arts. 7–8 and 13–17)**

#### **Birth registration/name and nationality**

20. While welcoming the measures taken to facilitate the birth registration of children who are displaced or are in the territory controlled by armed forces of the Russian Federation or affiliated armed groups, and taking note of target 16.9 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Ensure that measures to facilitate birth registration are extended to all children born in its territory, including children of asylum-seekers;

(b) Amend its law on citizenship to facilitate the acquisition of nationality for children who would otherwise be stateless;

(c) Ensure the birth registration of Roma children born to parents without identity documents or without documents from the medical institution concerned confirming the birth, and abolish any fines for failure to register children on time.

#### **Right to identity**

21. While noting that the State party is undertaking legislative initiatives to regulate surrogacy arrangements, the Committee recommends that the State party ensure that children born through medically assisted reproduction, in particular with the involvement of surrogate mothers, have their best interests taken as a primary consideration and have access to information about their origins. In doing so, the State party should consider providing surrogate mothers and prospective parents with appropriate counselling and support.

### **E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)**

22. While noting the adoption of the 2017 law on preventing and combating domestic violence, which recognizes child witnesses of domestic violence as victims, the Committee is concerned about reports that:

(a) Children continue to suffer violence in families and children's institutions;

(b) There is a lack of infrastructure to identify victims of violence and abuse, to ensure appropriate intervention and to provide the necessary protection and rehabilitation for the child victims and their families;

(c) There is a lack of regulation to ensure collaboration between the social, health and judicial sectors in responding to violence against children, including domestic violence and sexual abuse;

(d) Parental practices of corporal punishment, despite its prohibition, continue to take place;

(e) There have been some allegations of conflict-related sexual violence against children, with the referral pathways not functioning in most of the country.

23. **With reference to its general comment No. 8 (2006), on corporal punishment, and its general comment No. 13 (2011), on the right of the child to freedom from all forms of violence, and taking note of target 16.2 of the Sustainable Development Goals, the Committee urges the State party to:**

(a) **Develop a comprehensive strategy for combating violence against children in all settings, including domestic violence, and sexual abuse and violence in institutions, with the focus on early identification and response to violence;**

(b) **Strengthen the child protection infrastructure at the local level and ensure child-friendly and multisectoral intervention such as *barnahus* in all cases of child abuse, including by providing specialized forensic interviews, and medical evaluations, and by providing appropriate mental health services and rehabilitation, and ensure that children's testimonies are recorded audiovisually and accepted as evidence in court proceedings;**

(c) **Establish a national database on all cases of violence against children, in particular domestic violence against and sexual abuse of children, and undertake a comprehensive assessment of the extent, causes and nature of such violence;**

(d) **Implement the legislation that prohibits corporal punishment, by carrying out nationwide awareness-raising campaigns and promoting positive, non-violent and participatory forms of child-rearing and discipline;**

(e) **Conduct training for social workers, police officers, and professionals working in educational institutions, health care, penitentiary services, boarding schools and other areas in the field of child rights protection, on the identification of violence, multi-agency and coordinated responses to such cases, and prevention of violence;**

(f) **Investigate allegations of conflict-related sexual violence against children and issue internal instructions on the effective investigation of allegations of conflict-related sexual violence in line the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) and the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict, with due regard to the rights and needs of child victims, and reinstate referral pathways and ensure that they are effective throughout the country.**

#### Helplines

24. **The Committee recommends that the State party establish a digital platform and helpline with an effective referral mechanism and support the existing helpline run by civil society available for all children at the national level, promote awareness of how children can access the helpline, and provide the necessary human, financial and technical resources for its effective functioning.**

## **F. Family environment and alternative care (arts. 5, 9–11, 18 (1)–(2), 20–21, 25 and 27 (4))**

### Family environment

25. **The Committee recalls its previous recommendation and urges the State party to:**

(a) **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 to perform their child-rearing responsibilities;**

(b) **Place children in alternative care only when necessary and if in their best interests;**

(c) **Put in place a system to effectively monitor and evaluate State services and support for families – including single parents – in need.**

#### **Children deprived of a family environment**

26. The Committee welcomes the National Strategy on Reform of the Institutional Care System for 2017–2026 and the subsequent action plan adopted by the State party in 2017, but is nevertheless concerned that a large number of children were in institutions prior to 24 February 2022 and many remain in institutions to date. The Committee is further seriously concerned about credible allegations that since the start of the armed attack against the State party by the Russian Federation:

(a) Children deprived of a family environment who were displaced internally or had sought asylum abroad were placed in large groups in institutions, including through the signing of memorandums with host countries;

(b) Ukrainian children have been forcibly transferred to the territory of the Russian Federation or to territory controlled by armed forces of the Russian Federation and affiliated armed groups.

27. **Drawing the State party's attention to the Guidelines for the Alternative Care of Children,<sup>5</sup> the Committee recommends that the State party:**

(a) **Further strengthen its deinstitutionalization processes;**

(b) **Support and facilitate family-based care for children wherever possible, including children who have been internally displaced and have sought asylum abroad, and strengthen its system of foster care for children who cannot stay with their families;**

(c) **Ensure adequate safeguards and clear criteria, based on the needs as well as the best interests of the child, for determining whether a child should be placed in alternative care, and ensure periodic reviews of placements;**

(d) **Urgently reconsider the Government's position that children in institutions placed temporarily across borders must stay together, as this prevents host countries from ensuring suitable placement of these children with appropriate support in accordance with the host country's social protection system;**

(e) **Negotiate with countries receiving children deprived of a family environment from the State party so that such children are placed in family settings or small high-quality group homes and so that measures are taken to ensure that their cultural and social roots are sustained, including their language;**

(f) **In cooperation with the international community, take all measures necessary to facilitate the return of children who have reportedly been forcibly transferred to the territory of the Russian Federation or territory controlled by armed forces of the Russian Federation or affiliated armed groups.**

#### **G. Children with disabilities (art. 23)**

28. The Committee is deeply concerned about reports that:

<sup>5</sup> General Assembly resolution 64/142, annex.

(a) Children with disabilities in some institutions have been subjected to years of emotional neglect, while limited resources and a lack of trained staff have caused poor quality of care and, in some instances, harmful practices such as the restraining of children;

(b) The State party has not sufficiently included children with disabilities in its deinstitutionalization programme;

(c) Since the start of the armed attack by the Russian Federation on 24 February 2022, many children with disabilities requiring high levels of support have been left behind in institutions of the State party which are understaffed and in poor condition, and in some instances have been tied down or left in beds in near total inactivity, and held in dark, poorly ventilated rooms with limited hygiene services;

(d) With the closure of boarding schools and institutions due to hostilities, many children with disabilities have been sent back home without a proper assessment of their family situation.

**29. The Committee urges the State party to seek the support of States, United Nations agencies, civil society and other stakeholders involved in humanitarian action to identify and respond to the needs and requirements of children with disabilities caught up in the hostilities. Their specific requirements, including according to their gender and their age, should be identified and included in all responses to the crisis. In this regard, with reference to its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to:**

(a) **Adopt a human rights-based approach to disability by developing a governmental strategy that pays special attention to the adoption of a policy of comprehensive inclusion of all children with disabilities in all areas of their lives, strengthening early detection and intervention programmes, collecting relevant disaggregated data, and implementing actions to combat discrimination and stigma towards children with disabilities;**

(b) **Take urgent measures to prevent abuse, neglect and violence against children with disabilities, and further strengthen its deinstitutionalization policy by increasing family and community-based services;**

(c) **Ensure access to humanitarian corridors, and inclusion in evacuation and crisis response plans, including by means of accessible bomb shelters, emergency information and communications;**

(d) **Pay special attention to identifying and responding to the immediate safety and health of children with disabilities requiring higher levels of support. The international assistance and support should urgently and directly target such children and help provide basic necessities, medical and therapeutic care, and staffing, to keep children alive and cared for. Aid should be explicitly targeted so that children can be placed in family-based care or in high-quality group homes and so that support is provided to sustain children's cultural background, including their native language;**

(e) **Ensure that a proper assessment of children's family environments is carried out before reuniting them with families;**

(f) **Provide refugee and internally displaced children with disabilities with protection and support tailored to their individual requirements, and with reception and accommodation facilities, including for their families so as to avoid family separation.**

## **H. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)**

### **Health and health services**

**30. In the light of hundreds of attacks on health-care facilities in the State party by armed forces of the Russian Federation and affiliated armed groups, including on children's hospitals and maternity wards, the Committee urges the State party to take all measures necessary to protect civilian objects, including health-care facilities, from**

any attacks, in line with international humanitarian law. The Committee also notes the 2017 law on improving the accessibility and quality of medical care in rural areas, and, with reference to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, and taking note of Goal 3 of the Sustainable Development Goals, recommends that the State party ensure that primary health care is provided to all children in need and that post-armed conflict reform of health care includes remote areas and settlements where small health posts were removed or are in the process of being closed, so as to provide families with children with preventive and curative services.

#### **Mental health**

31. Taking note of the profound impact of the armed conflict on the normal course of children's development and its devastating consequences on their mental health, the Committee welcomes the National Mental Health and Psychological Support Programme to address the mental health of children. Nevertheless, the Committee is seriously concerned that children and their families are subjected to acute and chronic stress, and experience high levels of fear and hopelessness, which exacerbates the condition of children already affected by mental health conditions and increases the risk for many children of suffering from immediate and long-term mental health conditions, including post-traumatic stress disorder, depression and anxiety. It is also concerned that the mental health of mothers during pregnancies and following childbirths, as well as the emotional nourishment of the many thousands of children born during the hostilities, have been harmfully impacted.

32. **The Committee urges the State party and countries that host refugees from the State party to prioritize and fund programmes to protect children's mental health, and that of their caregivers. Such programmes should include multilevel mental health and trauma focused interventions for children and aim to promote their psychosocial well-being and reinforce their resilience. Specific interventions should address the needs of young children and their adult caregivers.**

#### **Adolescent health**

33. With reference to its general comment No. 4 (2003), on adolescent health, the Committee recommends that the State party:

(a) **Strengthen its sexual and reproductive health strategy, including for adolescents, and accelerate the adoption of the adolescent health law in line with international standards;**

(b) **Continue to ensure that sexual and reproductive health education is part of the mandatory school curriculum and targeted at adolescent girls and boys, with special attention to preventing early pregnancy and sexually transmitted infections;**

(c) **Address the incidence of substance abuse by children and adolescents by, inter alia, providing children and adolescents with accurate and objective information as well as life skills education on preventing substance abuse, including of tobacco and alcohol, and develop accessible and youth-friendly drug dependence treatment and harm reduction services;**

(d) **Develop and improve existing standards and protocols for the rehabilitation of adolescent drug users. Improve the quality of rehabilitation services by developing effectiveness criteria, creating an adequate system for the licensing of rehabilitation services, and monitoring the quality of services.**

#### **Standard of living**

34. While welcoming the Poverty Reduction Strategy of 2016 and the annual action plans to implement the strategy, the Committee draws the State party's attention to target 1.3 of the Sustainable Development Goals and recommends that the State party strengthen its poverty reduction measures and ensure that its recovery and reconstruction processes prioritize children and their families so that those living in

poverty receive adequate financial support and free, accessible services without discrimination.

## **I. Education, leisure and cultural activities (arts. 28–31)**

### **Education, including vocational training and guidance**

35. Noting that some schools have now resumed in-person education, while others continue online education, and taking note of targets 4.1, 4.2 and 4.a of the Sustainable Development Goals, the Committee recommends that the State party:

- (a) Ensure that the reopening of schools takes into account the safety and the physical and mental well-being of children;
- (b) Ensure, to the extent possible, that children belonging to minority groups in government-controlled territories have access to education in their mother tongue;
- (c) Take the necessary measures to improve the accessibility and the quality of education – especially for Roma children and children of asylum-seeking or refugee parents without residence registration;
- (d) Amend its regulations in order to provide equal access to preschool education to all children on its territory irrespective of the residence registration of parents, based on a comprehensive and holistic policy of early childhood care and development;
- (e) Protect educational facilities from attacks, including shelling, and ensure that the occupation and use of, and attacks on, schools and hospitals, for military purposes, is deterred in line with the Safe Schools Declaration, and expedite the reconstruction of these facilities as appropriate.

## **J. Special protection measures (arts. 22, 30, 32–33, 35–36, 37 (b)–(d) and 38–40)**

### **Internally displaced, asylum-seeking and refugee children**

36. The Committee is deeply concerned that the ongoing armed conflict has led to the internal displacement of around 7 million people, while another 7 million refugees, mainly women and children, have fled Ukraine and sought temporary protection elsewhere. The Committee notes the initiatives taken by the State party, such as the Diia system for obtaining internally displaced person status, but remains particularly concerned that:

- (a) Many internally displaced persons, including children, face difficulties in accessing services;
- (b) Women and girls on the move, at border crossing points, and in transit centres and collective centres, as well as in bomb shelters, experience particularly high levels of insecurity and risk of violence, including of trafficking in persons;
- (c) Numerous families have been separated during displacement, and unaccompanied and separated children are particularly vulnerable to the risks of trafficking, violence, abuse and exploitation;
- (d) Access to humanitarian assistance for asylum-seekers, undocumented foreigners and stateless persons in the State party has been hindered, depriving their children of support to address basic and urgent necessities of life;
- (e) Despite the establishment of the Children of War platform, limited data is available on the number of children who have been internally displaced or have crossed the border into neighbouring countries.

37. The Committee calls on the international community and donors to provide sustained and increased support for the response to internal displacement and the Ukraine Flash Appeal, and other critical efforts to protect the human rights of all

civilians, including children, who remain in or have fled Ukraine, and recommends that the State party:

(a) Ensure that the best interests of the child are a primary consideration in all decisions and agreements in relation to the movement of children, especially unaccompanied children;

(b) In cooperation with host countries, take measures to strengthen the identification and registration of unaccompanied or separated children fleeing the armed conflict, with the aim of family reunification;

(c) Provide information and counselling at border crossing points, online, and in locations where children or families with children have fled;

(d) Increase its cash assistance programme and work with international organizations providing multi-purpose cash assistance in eastern and central Ukraine where there are higher numbers of internally displaced children;

(e) Increase its support in locations receiving internally displaced children to expand the capacity of reception centres and collective centres with essential items and refurbishments, while also planning diverse housing solutions for medium- and longer-term stays, and ensure safe access by internally displaced children to services.

#### Children in armed conflict

38. While noting that many children remain trapped in areas of active hostilities without access to food, water and basic medical care, and are at risk of falling victim to shelling due to delayed evacuations from such areas, the Committee urges the State party to take all measures necessary to minimize the effects of the armed conflict on children and to prioritize children and families with children in its evacuation plans from areas affected by hostilities and in its negotiations for humanitarian corridors.

#### Children belonging to minorities

39. The Committee recommends that the State party take all measures necessary to protect the rights of children belonging to minority groups, in particular Roma children, in all areas covered under the Convention and its Optional Protocols. Noting the incidents of hate speech and violence, including several intolerance campaigns against Roma and violent attacks against Roma settlements in 2018, the Committee urges the State party to take measures to prevent such incidents and to bring those responsible to justice. The Committee welcomes the adoption of the strategy for promoting the realization of the rights and opportunities of persons belonging to the Roma national minority in Ukrainian society for the period up to 2030, and recommends the allocation of adequate human, financial and technical resources for its implementation.

#### Children in street situations

40. Recalling its general comment No. 21 (2017), on children in street situations, the Committee recommends that the State party ensure that the rights of children in street situations are fully respected by law enforcement authorities and that it develop programmes that facilitate reunification of children in street situations with their families when possible, taking into account the best interests of the child, and support for their long-term education and developmental needs, including through the provision of psychological support.

#### Sale, trafficking and abduction

41. Noting that the mass displacement of women and children both within and outside the State party has put them at heightened risk of becoming victims of trafficking in human beings, including for the purpose of sexual exploitation, and taking note of target 8.7 of the Sustainable Development Goals, the Committee urges the State party to:

- (a) Put in place adequate protection mechanisms for groups at higher risk of human rights violations and in situations of vulnerability, including to address trafficking, exploitation and other potentially abusive situations;
- (b) Continue training specialists from different institutions, including specialists at border crossings, in order to identify and prevent any possibility of women and children falling victim to crimes of trafficking in human beings;
- (c) Ensure the effective provision of referral and support services to children who are victims of sale of and trafficking in human beings.

#### Administration of child justice

42. Taking note of the national strategy on reforming the juvenile justice system and its action plan, and with reference to its general comment No. 24 (2019) on children's rights in the child justice system, and taking into account the recommendations of the United Nations global study on children deprived of liberty, the Committee urges the State party to bring its child justice system fully into line with the Convention and other relevant standards, including the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice. In particular, the Committee urges the State party to:

- (a) Speed up the adoption of the draft law on child-friendly justice and the amendments to the Code of Administrative Offences, the Criminal Code and the Criminal Procedure Code;
- (b) Promote early preventative services for children below the age of criminal responsibility;
- (c) Establish specialized child court facilities and procedures with adequate human, technical and financial resources, designate specialized judges for children and ensure that such specialized judges receive appropriate training on child justice;
- (d) Ensure the provision of qualified and independent legal aid to children alleged to have, accused of, or recognized as having infringed criminal law at an early stage of the procedure and throughout the legal proceedings;
- (e) Promote non-judicial measures, such as diversion, mediation and counselling, for children accused of criminal offences, and, wherever possible, the use of non-custodial sentences for children, such as probation or community service;
- (f) Ensure that detention is used as a measure of last resort and for the shortest possible period of time and that it is reviewed on a regular basis with a view to its withdrawal;
- (g) In situations where deprivation of liberty is used as a measure of last resort, ensure that children are not detained together with adults and that detention conditions are compliant with international standards, including with regard to access to education and health services.

### **K. Follow-up to the Committee's previous concluding observations and recommendations concerning the implementation of the Optional Protocols to the Convention**

#### Follow-up to the Committee's previous concluding observations on the Optional Protocol on the sale of children, child prostitution and child pornography

43. The Committee regrets the scarcity of information on the implementation of its concluding observations of 2007 on the State party's initial report under the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography.<sup>6</sup> With reference to its 2019 guidelines on the implementation of the

<sup>6</sup> CRC/C/OPSC/UKR/CO/1.

Optional Protocol, and recalling its previous recommendations, the Committee requests that the State party provide comprehensive information on measures taken to implement its previous recommendations, and urges the State party to:

- (a) Ensure that child victims of exploitation and abuse, including those engaged in prostitution, are not subjected to administrative sanctions, and that all possible measures are taken to avoid stigmatization and social marginalization of these children;
- (b) Ensure that national legislation does not require double criminality for extradition and/or the prosecution of offences committed abroad;
- (c) Address the impunity for crimes covered by the Optional Protocol due to the application of mitigating circumstances related to adult perpetrators, especially for crimes related to child pornography on the Internet and other technologies.

**Follow-up to the Committee's previous concluding observations on the Optional Protocol on the involvement of children in armed conflict**

44. While noting the State party's child protection law, which addresses some of the issues covered by the Optional Protocol, the Committee notes that some of its recommendations in its concluding observations of 3 February 2011 on the State party's initial report under the Optional Protocol to the Convention on the involvement of children in armed conflict<sup>7</sup> are not sufficiently implemented. In the light of the current situation related to the armed conflict, the Committee requests that the State party provide information on implementation of the provisions of the Optional Protocol, including on measures taken to:

- (a) Explicitly criminalize the recruitment, and the use in hostilities, of children below the age of 18 years by armed forces and non-State armed groups;
- (b) Ensure that military codes, manuals, standard operating procedures and other military directives are in accordance with the provisions and the spirit of the Optional Protocol;
- (c) Ensure that domestic legislation enables it to establish and exercise extraterritorial jurisdiction over war crimes related to conscription and enlistment of children in hostilities;
- (d) Consider ratifying the Rome Statute of the International Criminal Court.

## **L. Ratification of international human rights instruments**

45. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying the following core human rights instruments to which it is not yet a party:

- (a) The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
- (b) The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

## **M. Cooperation with regional bodies**

46. The Committee recommends that the State party continue to cooperate with the Council of Europe on the implementation of the Convention and other human rights instruments, both in the State party and in other States members of the Council of Europe.

<sup>7</sup> CRC/C/OPAC/UKR/CO/1.

## V. Implementation and reporting

### A. Follow-up and dissemination

47. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the combined fifth and sixth periodic reports, the written replies to the list of issues and the present concluding observations be made widely available in the languages of the country.

### B. National mechanism for reporting and follow-up

48. The Committee recommends that the State party establish a standing government structure to coordinate and prepare reports to and engage with international and regional human rights mechanisms and to coordinate and track national follow-up to, and implementation of, treaty obligations and the recommendations and decisions emanating from the mechanisms. The Committee emphasizes that such a structure should be adequately and continuously supported by dedicated staff and should have the capacity to consult systematically with the Ukrainian Parliament Commissioner for Human Rights and civil society.

### C. Next report

49. The Committee invites the State party to submit its combined seventh and eighth periodic reports by 26 September 2027 and to include therein information on the follow-up undertaken with regard to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines<sup>8</sup> and should not exceed 21,200 words.<sup>9</sup> In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the Committee cannot be guaranteed.

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<sup>8</sup> [CRC/C/58/Rev.3](#).

<sup>9</sup> General Assembly resolution 68/268, para. 16.