



Convention on the Rights of the Child

8 July 2010

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Committee on the Rights of the Child

Fifty-sixth session

17 January–4 February 2011

Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

List of issues concerning additional and updated information related to the consideration of the initial report of Ukraine (CRC/C/OPAC/UKR/1)

The Committee may take up all aspects of children's rights contained in the Optional Protocol during the dialogue with the State Party.

The State party is requested to submit in written form additional and updated information, if possible, before 2 August 2010, not exceeding 15 pages.

1. Please provide information on any campaigns or other measures to raise awareness of the principles and provisions of the Optional Protocol, particularly among the Armed Forces, members of international peacekeeping forces and law enforcement and immigration officers.

2. Please provide information on all schools providing military training, not limited to higher education establishments, including their number, the minimum age of entry, the proportions of academic education and military training in the curricula, and the number of persons under 18 years enrolled for 2007, 2008, and 2009 respectively.

3. Please clarify whether there are legal provisions that criminalize the forced recruitment and/or use in hostilities of persons under the age of 18 years. In addition, please clarify whether the State party has adopted measures to prohibit and criminalize the recruitment and use in hostilities by armed groups of persons under the age of 18 years, in accordance with article 4, paragraph 2, of the Optional Protocol.

4. Please indicate the legal provisions that establish jurisdiction over the acts and offences referred to in articles 1, 2, and 4 of the Optional Protocol, including information on whether double criminality is a requirement where jurisdiction can be established for offences committed abroad by or against one of its nationals. In addition, please clarify whether the State party can establish jurisdiction over its entire territory, including military facilities in the city and municipality of Sevastopol.

5. Please clarify whether the State party assumes extraterritorial jurisdiction over the war crimes of conscripting or enlisting children into the Armed Forces or using them to participate actively in hostilities. In addition, please indicate whether Ukraine has considered becoming party to the Rome Statute of the International Criminal Court.

6. Please clarify whether the State party ensures that children entering its territory who have been used in hostilities are properly identified and assisted, in particular given that free interpretation services are not available, and that the Refugees Act (art. 9) requires the referral of unaccompanied and separated children to the relevant authorities (the migration services and the guardianship and custody authority) only if they declare intention to seek refugee status. When in doubt regarding the age of the young person and in the absence of reliable proof, please indicate the applicable procedure/mechanism and safeguards for age assessment.

7. Please provide information, disaggregated by age, sex and country of origin, on the number of unaccompanied and separated children who applied for asylum, and the number of applications granted, in the State party for the years 2007–2009. How does the State party ensure that no child is returned from its territory to the border of a State where there is a real risk of under-age recruitment or involvement in hostilities, or punishment for past involvement?

8. Please indicate whether national legislation prohibits the trade and export of arms, including small arms and light weapons, as well as military assistance to countries where children are involved in armed conflict.