



Convention on the Rights of the Child

Distr.: General
14 December 2010
English
Original: Russian

Committee on the Rights of the Child

Fifty-sixth session

17 January-4 February 2011

Written replies by the Government of Ukraine to the list of issues (CRC/C/UKR/Q/3-4) related to the consideration of the combined third and fourth periodic reports of Ukraine (CRC/C/UKR/3-4)*

[26 August 2010]

Replies to the questions contained in part I, paragraph 1, of the list of issues (CRC/C/UKR/Q/3-4)

1. The Inter-Ministerial Commission for the Protection of the Child was set up by a decision of the Government in order to coordinate the activities of the various central executive bodies responsible for separate aspects of child protection (medical, educational, law enforcement or social protection) as part of the formulation and implementation of a State policy on children.
2. In addition to the heads or deputy heads of ministries, the Commission is made up of members of the Ukrainian Parliament, representatives of the Secretariat of the Cabinet of Ministers and non-governmental organizations (NGOs).
3. The Commission is chaired ex officio by the Minister of Family, Youth and Sport. The deputy chairmen are the Minister of Health and the Minister of Education and Science, ex officio.
4. The Commission is not a standing body but is convened for special meetings four times a year in principle. It makes recommendations to the highest authorities in Ukraine concerning priority measures for improvements to legislation and implementation of the law that would serve to strengthen children's rights. The Commission determines which topics should be investigated, so that it can submit accurate information on the situation of children's rights annually to the President,

* Late submission.

the Verkhovna Rada and the Cabinet of Ministers. The information is presented in the form of an annual State report on the position of children in Ukraine.

5. It is also the Commission's responsibility to coordinate the activities of the executive bodies and local government bodies and to monitor and assess the execution of the National Action Plan for the Implementation of the Convention on the Rights of the Child for the period up to 2016. Organizational and technical support for the Commission's activities is provided by the Ministry of the Family, Youth and Sport.

Replies to questions contained in part I, paragraph 2, of the list of issues

6. Act No. 1707-IV, of 5 November 2009, on amendments to the Criminal Code of Ukraine concerning liability for offences committed on the grounds of racial, ethnic or religious intolerance contains a revised text of article 161 of the Criminal Code, as follows:

Article 161. Violation of the equal rights of citizens on the grounds of their racial or ethnic origin or religious belief.

1. Deliberate acts aimed at inciting ethnic, racial or religious enmity and hatred, affronting national honour and dignity or offending a person's religious beliefs, or the direct or indirect restriction of rights or the granting of direct or indirect privileges on the grounds of race, colour, political, religious or other views, sex, ethnic or social origin, property status, place of residence, language or other characteristics shall be punished with a fine of 200 to 500 times the non-taxable minimum wage or restriction of liberty for a period of up to 5 years, with or without disqualification from certain positions and certain activities for up to three years.

2. The same acts committed with violence, by deceit or with threats, or committed by a public official, shall be punished by a fine of 500 to 1,000 times the non-taxable minimum wage or deprivation of liberty for a period of 2 to 5 years, with or without disqualification from certain positions and certain activities for up to 3 years.

3. Acts covered by paragraphs 1 and 2 of this article committed by an organized group or having serious consequences shall be punished by deprivation of freedom for a period of 5 to 8 years.

Under the Act, articles 115, 121, 122, 126, 127 and 129 of the Criminal Code were also amended to make the perpetration of offences on the grounds of racial, national or religious intolerance an aggravating circumstance. The Act also sets out a new text for article 300 of the Criminal Code:

Article 300. Import, manufacture or distribution of works that promote a culture of violence and cruelty or racial, ethnic or religious intolerance or discrimination.

1. The import into Ukraine of works that promote a culture of violence and cruelty or racial, ethnic or religious intolerance and discrimination, for the purpose of sale or distribution, or their production, storage, transport or other

form of transfer for the same purpose, or their sale and distribution, or the coercion of individuals to take part in their production, shall be punished by a fine of 150 times the non-taxable minimum wage, by rigorous imprisonment for up to 6 months, or by restriction of liberty for up to 3 years, with confiscation of the works promoting a culture of violence and cruelty or racial, ethnic or religious intolerance or discrimination and the means of their production or distribution.

2. The same acts involving films or video recordings promoting a culture of violence and cruelty or racial, ethnic or religious intolerance or discrimination, or the sale to minors or distribution among them of works promoting a culture of violence or cruelty or racial, ethnic or religious intolerance or discrimination shall be punished by a fine of between 200 and 300 times the non-taxable minimum wage or restriction of liberty for up to 5 years, with confiscation of the films or video recordings promoting a culture of violence and cruelty or racial, ethnic or religious intolerance or discrimination and the equipment for their production and display.

3. The acts described in paragraphs 1 and 2 of this article, if committed repeatedly or by prior conspiracy of a group of individuals, or if they involve the coercion of minors to participate in the production of works promoting a culture of violence and cruelty or racial, ethnic or religious intolerance or discrimination, shall be punished by deprivation of liberty for a period of 3 to 5 years, with disqualification from certain posts or certain activities for up to 3 years, with confiscation of the works, films or video recordings promoting a culture of violence or cruelty or racial, ethnic or religious intolerance or discrimination and the equipment for their production and display.

7. According to information received during the course of 2007 from the Main Directorate of the Ministry of Internal Affairs and its departments, about 500 individuals considering themselves skinheads have been identified in Ukraine, including 78 minors. These are persons aged between 14 and 27 who gather in groups of 20 to 50. These groups do not have a well-defined structure, however, but are made up of autonomous cells that meet to engage in mass activities to draw attention to themselves. In 2007, such cells were to be found in the towns of Kyiv, Dnepropetrovsk, Zaporozhe, Lviv, Sevastopol and Chernigov and in the Autonomous Republic of Crimea.

8. With a view to preventing the illegal activities of the representatives of groups of young radicals, particularly skinheads, the Ministry of Internal Affairs has written to the Security Service, the Ministry of Education and Science and the Education and Science Directorate of the Kyiv Municipal State Administration to request them to step up their preventive work with this category of person, as far as they can, and inform the Ministry of Internal Affairs of any measures they plan to deal with the situation.

9. The letters include a suggestion that the Rector of the Kyiv National University of Internal Affairs should draw up sample questionnaires with a view to finding out how young people feel about manifestations of racism or xenophobia. The Ministry of Internal Affairs requested rectors of higher educational establishments to suggest amendments to existing legislation and other regulations that might be effective in countering manifestations of racism and xenophobia and

also in bringing the perpetrators to justice. In order to prevent skinheads from breaking the law, the Ministry has put together a plan of organizational and practical measures for pre-emptive action and prevention of offences by radically inclined groupings and organizations of young people. Measures have been taken at sporting events, entertainment and other mass events to stop illegal activities by such groups, or the dissemination by them of Nazi, chauvinist or racist ideas among young people. Action is also taken on these occasions to prevent breaches of the peace by aggressive young people belonging to one of the known informal groupings, particularly skinheads.

10. There is constant preventive outreach in the home and in schools or other educational establishments on such issues as administrative and criminal liability for the perpetration of an offence. There has also been research into and analysis of the situation that has developed among the young. Up-to-date documentation on the illegal activities of the groupings mentioned above has been obtained. The necessary joint action has been taken with the Security Service and other law enforcement agencies on exchanging information received concerning these organizations and joint pre-emptive and preventive operations conducted. Consideration is being given to redeploying foot patrols by guard units for community policing so that they will be as close as possible to the largest concentrations of foreign nationals (educational institutions, student hostels and places of recreation).

11. The websites of far-right groups of young people and the fan clubs of Ukrainian football teams are monitored continuously. The unofficial leaders of the skinheads have been identified as a result of police investigations. Moreover, in accordance with Ministry of Internal Affairs regulations, any offence resulting in injury to a foreigner comes under the remit of the Ministry. In 2007, there were 2,558 offences against the nationals of foreign States, of which 1,143 were cleared up, while of the 1,678 offences registered against nationals of the Commonwealth of Independent States (CIS) 673 were cleared up. In 2008, 2,235 offences were committed against foreign nationals, of which 1,121 were cleared up. In 10 of those offences, 14 minors were participants, the offences concerned being 2 murders, 7 cases of disorderly conduct and 1 mugging. There were 1,408 offences committed against CIS nationals, of which 670 were cleared up.

Replies to the questions contained in part I, paragraph 3, of the list of issues

12. Over the years 2006-2009, the Ministry of Internal Affairs made a number of systemic changes to the activities of the human rights operational units. Public controls were strengthened, the units made more transparent and accountable to civil society and closer cooperation established with NGOs. By these means, it became possible to bring the conditions under which arrested and detained persons were kept more closely in line with European standards and to improve the personal accountability and professional qualifications of Ministry staff. Ministry experts from Headquarters have introduced a system of continuous updating of departmental regulations taking into account the requirements of European legislation and a system of holding interdepartmental working groups on implementing State action to protect human rights.

13. In the hope of involving civil society in establishing a law-enforcement policy in the field of human rights, the Ministry of Internal Affairs has set up the Public Human Rights Council. The Council's remit is to act as an advisory and consultative body providing methodological advice to the Ministry in carrying out its work on human rights and ensuring that there is public supervision of the observance of human rights and the activities of internal affairs bodies. The Council's main lines of work relate to citizens' rights when arrested, investigated or questioned; observance of rights during elections and electoral campaigns; human rights training; the prevention of domestic violence, cruelty to children and trafficking in persons; gender equality in internal affairs operations; rights of migrants and refugees; children's rights; and respect for private life. Public human rights councils are now operational at every Ministry of Internal Affairs directorate in Ukraine.

14. In 2009, a scientific and methodological centre attached to Ministry of Internal Affairs educational institutions was set up and its statute approved, with a view to enhancing the professionalism, expertise, knowledge, capabilities and ethical conduct of future personnel. Its main purposes are to upgrade the skills of internal affairs officers, to pass on the most advanced educational expertise developed by Ministry of Internal Affairs educational institutions and to research complex issues relating to content, resources and methods for training specialists for internal affairs units.

15. The right of the children of Ukraine to protection from all forms of violence is guaranteed by articles 28 and 52 of the Constitution, which state that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment that violates his or her dignity. Article 10 of the Child Protection Act provides that every child is guaranteed the right to freedom, personal inviolability and protection of his or her dignity. Any violence against or exploitation of a child is prosecuted by law. Offences against children (bodily harm, assault or torture) are specifically punishable under the Criminal Code. The courts are responsible for protecting the constitutional rights and freedoms of minors. The cause of upholding the right of children to protection from cruelty and all forms of violence has been significantly advanced by the Government's inclusion in article 18 of the Family Code of a child's right to apply independently to the courts: every member of a family who has reached the age of 14 has the right to appeal directly to the courts for protection of his or her rights and interests. In addition to the courts, there are also extrajudicial methods for protecting children's rights, whereby a child may apply directly to the appropriate authorities and officials. The Child Protection Act specifically provides for every child's right to apply personally to the guardianship and trusteeship authorities, children's services, social service centres for families, children and young people and other authorized bodies for the protection of his or her rights, freedoms and lawful interests.

16. Through these bodies, the State provides children and their carers with the necessary assistance, following the legally prescribed procedure, in preventing and uncovering cases of cruelty to children and submitting information on such cases for consideration by the relevant authorities so that the necessary investigations can be carried out and measures taken to put an end to the violence. Ukrainian legislation guarantees the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment. A person violating this right is criminally liable. In April 2008, the Act amending the Criminal Code and Code of Criminal Procedure

of Ukraine relating to the liberalization* of criminal liability introduced amendments to article 127 of the Criminal Code, which deals with torture. These amendments were made in order to bring the definition of the word “torture” into line with article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

17. Moreover, the Criminal Code specifically establishes criminal liability for deliberate grievous bodily harm (art. 121), deliberate moderate bodily harm (art. 122), deliberate minor bodily harm (art. 125), battery and torture (art. 126), abuse of authority or office (art. 364), excess of authority or official power (art. 365) and coercion, by means of unlawful conduct on the part of a person conducting an enquiry or pretrial investigation, into testifying during questioning, together with the use of violence or bullying (art. 373, para. 2).

Replies to the questions contained in part I, paragraph 4, of the list of issues

18. Parents in Ukraine who find themselves in difficulties enjoy a support system provided by the State social services in the form of social service centres for families, children and young people, which exist at the provincial, regional and municipal levels and sometimes also in villages or rural communities. The support system includes the provision of social services and social guidance. Work with the family involves resolving accommodation problems and the parents’ employment status and help is given in caring for the child, psychological support and legal aid with completing official forms and benefit applications. The fundamental purpose of the parental support system is to provide targeted help to prevent the removal of a child from his or her family or the child’s reintegration into his or her family from an institution.

19. Thanks to the efforts of the social service centres for the family, children and young people:

- In 2008, 1,541 children remained with their families and 162 children were returned to their families from institutions
- In 2009, 1,314 children remained with their families, and 176 children were returned to their families from institutions
- In the first quarter of 2010, 340 children remained with their families and 49 were returned from institutions
- In the first six months of 2010, 643 children remained with their families and 126 were returned from institutions.

20. The State provides benefits for poor families who find themselves in difficult material circumstances. Social welfare for such families, including families with children, is provided in line with the Social Benefits for Low-income Families Act, according to their property status and the overall family income. The extent of such benefits is determined as the difference between the minimum subsistence income for the family and its average total monthly income. Until the economic situation in

* Translator’s note — literally “humanization”.

Ukraine has stabilized, this amount is based on the level of the minimum subsistence income provided, which is fixed for each financial year along with the adoption of the State budget. In 2009, this form of assistance was received by 89,100 families in Ukraine and the total amount paid amounted to Hrv. 705.4 million. In 2010, 84,400 families are receiving such assistance. The State budget for 2010 provides for benefits for low-income families amounting to Hrv. 1,333,700,000; in the first half of 2010, benefits amounting to Hrv. 226 million were paid out.

21. Benefits are also provided for low-income single mothers in an amount consisting of the difference between 50 per cent of the minimum subsistence income for a child of a given age and the average total monthly family income, but not less than 30 per cent of the minimum subsistence income for a child of that age. In 2008, benefits for low-income families caring for a child under three were paid in an amount consisting of the difference between 50 per cent of the minimum subsistence income for an able-bodied person (that proportion was raised to 75 per cent in 2009 and to 100 per cent in 2010) and the average total monthly family income per person over a period of six months, but not less than Hrv. 130.

22. Temporary State benefits are paid for children with parents who refuse to pay child support costs, who are unable to maintain the child or whose whereabouts are unknown. The amount of this form of benefit is equal to 30 per cent of the minimum subsistence income for children of the age concerned. From 1 January 2009, the size of the benefits for children with a trustee or guardian was doubled, from one minimum subsistence income for a child of the corresponding age to two.

Replies to the questions contained in part I, paragraph 5, of the list of issues

23. The principles of intercountry adoption, under which the child's interests are paramount and the child's basic rights are respected, and the mechanism for monitoring child adoption, are enshrined in the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption. There are already 78 States Parties to the Convention. Ukraine has not acceded to the Convention. Proposals for Ukraine to accede to the Convention have been put before the country's Supreme Council for consideration on four occasions. Bills submitted for consideration by the Supreme Council in 2001 and 2003 did not even reach the plenary assembly, while a bill submitted in 2006 did not obtain the necessary number of votes from the people's deputies. In 2009, a bill was rejected outright and withdrawn from consideration.

24. Some elements of the Hague Convention are incorporated into Ukrainian law; the State Department for Adoption and Protection of Children's Rights has been set up as a central adoption body. In 2009, Ukraine acceded to the European Convention on the Adoption of Children. A bill on the ratification of the European Convention is currently in preparation.

Replies to the questions contained in part I, paragraph 6, of the list of issues

25. Combating the HIV/AIDS epidemic in Ukraine is one of the Government's top priorities. The policy is set out in the State Programme on prevention of HIV infection and treatment, care and support for persons infected with HIV and AIDS sufferers, 2009-2013. The Programme aims to stabilize the current epidemic and lower the morbidity and mortality rate from HIV infection/AIDS. Measures under the Programme include, among others, improving the mechanism for HIV/AIDS prevention among persons aged 15 to 24, so that, armed with a better understanding of dangerous sexual conduct, a larger proportion of the population will decide to take precautions against the transmission of HIV by sexual means. The Programme does not, however, contain the essential measures for working with specific target groups, such as children and young people aged up to 25. In order to focus on this age group under the Programme, therefore, a national strategic plan of action has been drawn up to prevent HIV among children and young people who are at risk or exposed to HIV and to provide care and support for children and young people who have been affected by the problem of HIV/AIDS. The draft plan was drawn up by an interdepartmental working group established within the Ministry of the Family, Youth and Sport with representatives of the relevant institutions and organizations.

26. The National Plan of Action was approved at a meeting of the National Council on the Prevention of Tuberculosis and HIV/AIDS held on 26 May 2010. Medical assistance for HIV-infected children is governed by the Prevention of Acquired Immune Deficiency Syndrome (AIDS) and Public Welfare Act. Antiretroviral treatment of HIV infection among children and medical prevention of HIV infection are carried out in accordance with the clinical guidelines laid down in Ministry of Health Order No. 580 of 12 December 2003 on improving treatment for HIV/AIDS sufferers. Antiretroviral treatment for HIV infection among young people is provided in accordance with the clinical guidelines approved under Ministry of Health Order No. 658 of 4 October 2006 approving antiretroviral clinical procedures for HIV infection among adults and young people.

27. A clinic for the treatment of children suffering from HIV/AIDS was established, along the lines of the Ukrainian Okhmatdet children's hospital in accordance with the Presidential Decree of 30 November 2005 on improving State management in the prevention of HIV/AIDS and tuberculosis in Ukraine. The clinic became operational in 2007, with the official opening taking place on 30 May 2008. The purpose of the clinic is to provide free, advanced medical care for Ukrainian children suffering from HIV/AIDS and to offer advisory, organizational and methodological assistance to the medical staff of regional preventive-medicine institutions. The clinic also engages in prevention, advice on vertical transmission from mothers to infants and the rehabilitation of sick children. Full antiretroviral treatment is provided out of the State budget for all children needing such treatment.

28. Medical care for children with HIV is provided in all regional AIDS prevention and treatment centres and specialist wards in children's hospitals distributed by region. There have been no cases in which children have been refused entry into medical institutions on account of their HIV status. In addition to the above, the Ministry of Health has prepared and adopted, under Order No. 448 of 29 November 2002, recommendations on the organization of medical assistance and

care for children with HIV in preschool and general educational establishments. The recommendations deal with medical and educational issues and also with the organization of social assistance for such children.

Replies to questions contained in section I, paragraph 7, of the list of issues

29. Mental health policy is defined in the World Health Organization (WHO) European Ministerial Declaration and Action Plan on Mental Health adopted by ministers of health at the WHO Regional Conference in Helsinki, held on 12-15 January 2005. The Moreno Declaration on mental health in the newly independent States, adopted at the Conference of National Coordinators of the WHO Mental Health Protection Programme, held on 4 and 5 September 2008, set out practical steps for the reform of national mental health systems in the newly independent States.

30. Problems relating to mental health protection among children were discussed at two round tables: the first held on 8 December 2008 by the Supreme Council Health Committee of Ukraine jointly with WHO, in accordance with Order No. 677 of the Chairman of the Supreme Council of Ukraine, Mr. A. P. Yatzenyuk, on the theme "Child mental health protection issues in Ukraine" of 7 July 2008, and the second on 29 April 2009 by the National Health Council attached to the Office of the President on the theme "Crisis in child psychiatry: multidisciplinary approaches to resolving the problem".

31. State policy on child mental health protection is set out in Ministry of Health Order No. 176 of 19 March 2009 confirming measures by the Ministry of Health of Ukraine to improve psychiatric treatment, 2009-2010, and Order No. 144 of 18 March 2008 on the adoption of measures by the Ministry of Health of Ukraine for the prevention of intellectual disability. Psychiatry has been recognized as a priority by the Ministry of Health and child psychiatry still more so. Child mental health policy includes:

- A change in approach whereby, rather than focusing on specialized in-patient psychiatric care, top priority will be given to the protection of children's mental health. The proposal is to develop preventive programmes in the home and at school, to ensure early diagnosis and assistance before doctors are involved, at the level of primary medical care, to reform school medical services and to integrate psychiatric and general medical services for children. It is planned to draw up clinical guidelines on the care of children with mental disorders at the pre-doctor stage and the primary medical care stage.
- Destigmatization of in-patient psychiatric care for children. Strict observance by boarding-school educators of children's rights, particularly those of orphans and children lacking parental care, when providing psychiatric assistance, most commonly where they live or at school. Separation of child psychiatric services from the adult, and transfer of beds for in-patient psychiatric care for children from provincial and municipal psychiatric hospitals to multidisciplinary children's hospitals.

- As a priority, the provision of care for children with particularly socially significant mental or behavioural disorders: children on the autism spectrum, attention deficiency hyperactivity disorder, educational skills disorders, speech disorders, eating disorders (anorexia and bulimia). Also adoption of measures aimed at the prevention of adolescent suicides, the non-medical use of psychoactive substances and cruelty or sexual violence in the family.
- An end to discrimination against children with learning disorders. Additional inclusive education (provision of special education or services in general education establishments).
- Tighter control over the use of psychotropic substances and drug-free treatment methods in child psychiatry, in accordance with the principles of evidence-based medicine backed up by clinical protocols and State registration of such medicines and methods in child psychiatry.

32. The situation with regard to the adoption of legislation on universal salt iodization is that, in accordance with paragraph 2 of Supreme Council Decision No. 1063-U of 22 May 2007 on the rejection of the bill on the prevention of conditions and diseases caused by iodine deficiency, and a number of decisions by the Cabinet of Ministers, the Ministry of Health has prepared a draft order for the Cabinet of Ministers to approve an outline integrated State social programme on the prevention of diseases caused by iodine deficiency, 2010-2014, and also a draft of the outline programme itself.

33. Agreement on the draft outline was reached with the relevant ministries and departments by 24 June 2010. For the second year running, however, in spite of the decisions adopted by the Cabinet of Ministers on a number of occasions, the Ministry of Finance has not altered its position: with its central role in Government, it does not support the draft and considers it impracticable to devote a separate State programme to iodine deficiency. The Ministry of Health has also drawn up a draft Cabinet of Ministers decision approving the integrated State programme on the prevention of diseases caused by iodine deficiency, 2010-2014, and a draft of the programme itself, which has been reviewed by the relevant ministries and departments and the scientific research institutions of the Ministry of Health and the National Academy of Medical Sciences.

34. The uncertain financial situation in Ukraine has meant that there has been a substantial decrease in funding for the measures provided for under the draft programme. The funds available amount to Hrv. 4 million and are used exclusively to carry out periodic biological monitoring of the quality of iodine protection, in line with WHO recommendations. In view of this, the Ministry of Health, as the prime source of the relevant laws and regulations, requested the Cabinet of Ministers to hold a meeting as soon as possible with the Supreme Council Health Committee, the relevant central Government bodies, WHO, the United Nations Children's Fund (UNICEF) and the specialized scientific research institutions for a final decision on ways of overcoming Ukraine's iodine deficiency and the urgency of further work on the draft outline and the draft programme.

35. The State Sanitary and Epidemiological Service of Ukraine also continues to conduct extensive campaigns in the media to educate the public on the question of preventing iodine deficiency diseases, some of which are aimed at raising public

awareness of the need to use iodized salt and other iodine-enriched food products. In 2009, experts working for the State Sanitary and Epidemiological Service published 266 articles in national and local papers in 2009, delivered 562 radio talks, made 89 appearances on television and prepared 116 press releases.

Replies to the questions contained in part I, paragraph 8, of the list of issues

36. The situation with regard to progress achieved towards introducing a system of juvenile justice and restorative justice, and towards establishing specialized juvenile courts, is that, in accordance with article 8, paragraph 2, of Presidential Decree No. 411 of 5 May 2008 on measures to assure the protection of children's rights and lawful interests, the Ministry of Justice was instructed to prepare, during the second half of 2008, a draft national programme on the development of juvenile justice. To draw up the programme, the Ministry set up a working group, which included representatives of the Ministry of the Family, Youth and Sport, the Ministry of Internal Affairs, the Ministry of Education and Science, the State Penal Correction Service, the Office of the Procurator-General, the Supreme Court, the National Academy of Sciences and NGOs. The draft programme on the development of juvenile justice was drawn up on the basis of proposals made by the members of the working group and was submitted to the President, together with a draft presidential decree on its approval. At the beginning of 2010, work also started on a technical assistance project, in collaboration with the Government of Canada, entitled "Juvenile justice reform in Ukraine" aimed at overhauling the existing system of juvenile justice in order to lower the juvenile crime rate and provide greater protection for young people's rights and interests. Among the objectives of the project was the implementation of the draft programme on the development of juvenile justice in Ukraine. Ministry of Justice Order No. 198/7 of 16 April 2010 therefore established a working group to set this juvenile justice project in motion. However, this move aroused outrage on the part of representatives of the Orthodox Church and other social organizations and members of the public, who categorically rejected the idea of a juvenile justice system. In support of their arguments, such people cite evidence of mass disturbances of young people in France and the removal of children from their families in France, Germany, Finland and the United States. They also argue that juvenile justice runs counter to biblical precepts and aims at the destruction of the family, in that children could lodge complaints against their parents for not paying them pocket money or refusing permission to go to a discotheque. Generally speaking, these arguments are based on a mistaken understanding of the nature of juvenile justice systems, since they have made their statements without even acquainting themselves with the text of the draft programme on the development of juvenile justice. Nevertheless, in the face of this unreceptive and hostile attitude, the Ministry declined to continue its work on the draft programme on the development of juvenile justice in Ukraine and, by Ministry Order No. 491/7 of 27 May 2010, cancelled Ministry Order No. 198/7 of 16 April 2010 on establishing the working group. The Ministry of Justice is currently working on a new draft programme on the development of a criminal juvenile justice system in Ukraine, the aim being to develop a pre-emptive and preventive approach to discouraging children from committing major and minor offences and to establish an effective rehabilitation system for minor offenders with

a view to their social reintegration and rehabilitation. The draft programme will set out the main elements in the development of juvenile criminal justice, to include:

- An improved system for the prevention of juvenile crime in order to reduce the child crime rate
- Proper protection for children's rights and interests and effective administration of justice at every stage of the judicial process for children who have committed major or minor offences
- Development of restorative justice making it possible to resolve legal conflicts involving children by focusing on compensation for damage suffered by the victims, instilling in young offenders a sense of responsibility for their actions and involving society in resolving conflicts, with both parties taking part in the process of restoring damaged relationships, achieving reconciliation and hammering out agreements between the victim and the offender on the desired outcomes and on compensation
- Creation of an effective system for the rehabilitation of child offenders with a view to their social reintegration and rehabilitation.

37. With regard to the question of establishing specialized juvenile courts, the position is as follows. Article 125 of the Constitution provides that the establishment of special or specialized courts is prohibited. The Judicial System Act and the Children's Affairs Agencies and Offices and Special Institutions for Children Act, however, provide for the possibility of introducing specialized judges to hear specific categories of cases. On the basis of Presidential Decree No. 1086/2005 of 11 July 2005, which approved priority measures on the protection of children's rights, and on the recommendation of the President of the Supreme Court, special juvenile panels were therefore set up in the criminal chambers of general appellate courts to hear cases involving minors. Judges appointed by court presidents to hear cases involving minors receive training in appellate and cassational courts and are systematically upgraded in the Ukrainian Academy of Judges.

Replies to questions contained in part I, paragraph 9, of the list of issues

38. Decision No. 569 of the Cabinet of Ministers of 23 April 2003 ratifies the procedure for the return to Ukraine of children who are Ukrainian nationals and are deprived of parental care or guardianship. The Decision sets out the mechanism for returning to Ukraine orphans and children deprived of parental care or guardianship, who, for various reasons, are located outside Ukraine and need to be returned to Ukraine, if there are no grounds for their being adopted or placed under guardianship abroad. The return of children to Ukraine is effected on the basis of cooperation between a number of different bodies.

- Where relevant, a diplomatic mission abroad registers the child's birth and takes steps to identify the parents and other relations and their current whereabouts, draws up the documents required for the return of the child

to Ukraine and informs the Ministry of Foreign Affairs that the child to be returned is abroad

- The Ministry of Foreign Affairs informs the Ministry of Internal Affairs, the Ministry of the Family, Youth and Sport and, where necessary, other relevant government bodies with a view to establishing the identity of the parents or other relations and their place of residence before they went abroad
- The Ministry of Internal Affairs identifies the place of residence of the parents or other relations of the child and establishes which body gave permission for the child to leave the country; in the absence of such permission, it establishes the child's last place of residence in Ukraine (if the child was living in Ukraine before leaving the country) and informs the guardianship and trusteeship bodies of the place of residence of the child's parents or other relations
- Upon receiving this information, the guardianship and trusteeship authorities provide for the child's return to his parents, the placement of the child under guardianship or trusteeship or the placement of the child in a social protection institution, depending on the child's age and state of health
- Where the child did not live in Ukraine prior to going abroad, or his parents' or other relations' place of residence in Ukraine has not been identified, the Ministry of Internal Affairs informs the Ministry of the Family, Youth and Sport about the child
- The Ministry of the Family, Youth and Sport decides the question of the temporary placement of the child in a social protection institution or children's home and informs the Ministry of Foreign Affairs of its readiness to take the child
- The diplomatic mission abroad provides information through the Ministry of Foreign Affairs of the time and place of the child's arrival in Ukraine
- An authorized representative of the guardianship or trusteeship authorities meets the child on the territory of Ukraine.

39. The return of foreign children from Ukraine to their place of permanent residence is governed by Cabinet of Ministers Decision No. 1432 of 26 September 2002 and extends to foreign children (excluding refugee children) living in children's homes. The Ministries of the Family, Youth and Sport and of Foreign Affairs are involved in the procedure for returning foreign children to their place of residence.

40. Ukraine has ratified the Agreement on cooperation of CIS member States on issues pertaining to the repatriation of minors to their State of permanent residence, signed on 7 October 2002 in Chişinău. In accordance with that Agreement, the competent authorities of CIS member States shall, on request, assist each other in recovering and repatriating children left without care or guardianship to their country of residence. Such cooperation on the repatriation of children will help prevent crime, both by children and against them.

41. The return of children to their country of residence is arranged through the special institutions system of the State of permanent residence, with an escort of officials from those institutions. In Ukraine, these are the Simferopol, Kharkiv and Kyiv reception centres for children.

Replies to the questions contained in part I, paragraph 10, of the list of issues

42. The State Labour Inspectorate monitors the observance of labour law, including with regard to minors. The Inspectorate carries out annual thematic inspections jointly with the children's services to check that labour law is being observed in relation to minors in order to obtain a true picture of the use of child labour. The checks are carried out at enterprises under all forms of ownership. Thus, in August 2009, regional agencies of the Inspectorate carried out 347 checks on enterprises under various forms of ownership. A total of 682 children were working at the enterprises inspected, of whom 69 were aged 14 or 15, 76 aged 15 or 16 and 458 aged 16 to 18. There were also 38 children under 14 working.

43. The checks turned up 156 minors working without official employment papers, while 44 were working more than the legally established hours. A total of 39 minors were working on holidays, weekends and at night, while 53 were not paid their wages in full, to the total sum of Hrv. 17,100. Breaches of labour law relating to minors were found in 199 enterprises, which amounts to 57 per cent of the enterprises inspected. Managers and other officials on the enterprises found to be in breach of labour law were served 216 orders for the elimination of such breaches. As a result of the checks, 171 reports on administrative liability incurred by enterprise managers were drawn up and passed over to the courts; proceedings were brought against seven enterprise managers for non-compliance with the legal requirements of the State labour inspectors, in accordance with article 188-6 of the Code of Administrative Offences. The records of 55 inspections were handed over to the law enforcement agencies for the appropriate action. The question of work by children is thus kept under constant supervision by the State Labour Inspectorate.

44. State labour inspectors cannot, however, monitor the use of child labour in the family or the informal sector of the economy. First of all, this involves the right of access to employers in these categories and thus falls outside the jurisdiction of the State labour inspectors. In order to resolve this situation, the Centre for Social Expertise conducted a sociological study in 2006 and 2007 in implementation of the International Programme on the Elimination of the Worst Forms of Child Labour in the Ukraine, entitled "Assessment of Use of Child Labour in the Informal Sector of the Economy in Ukraine". This study threw light on various aspects of the use of child labour in the informal sector: it provided a social and demographic analysis of children at work; the main characteristics of their parents and employers; the reasons for child labour; the conditions of child labour; the risks undergone by working children; the level of their knowledge of the law and their social protection; and the role of various individuals and institutions in resolving this problem.

Replies to the questions contained in part I, paragraph 11, of the list of issues

45. Article 149 of the Criminal Code (Trafficking in or other unlawful transactions involving persons) has been consolidated and supplemented with new provisions:

1. Trafficking in persons or the conduct of any other unlawful transaction with a person as its object, and also the recruitment, transfer, concealment, handover or taking delivery of persons with a view to their exploitation, with the use of deception or blackmail or by taking advantage of their vulnerable situation, shall be punishable by deprivation of liberty for a period of 3 to 8 years.

2. The actions referred to in paragraph 1 of this article committed in respect of a minor or of several persons, or repeatedly, or by prior conspiracy of a group of individuals, or by an official through abuse of his or her official position, or by a person on whom the victim was materially or otherwise dependent, or involving the threat or use of force which was not life-threatening or likely to endanger the health of the victim or the victim's relatives or associates, shall be punishable by deprivation of liberty for a period of 5 to 12 years, with or without confiscation of property.

3. Actions referred to in paragraphs 1 and 2 of this article, committed in respect of a young child or by an organized group and involving the threat or use of life-threatening force or force likely to endanger the health of the victim or of the victim's relatives or associates shall, if they have entailed serious consequences, be punishable by deprivation of liberty for a period of 8 to 15 years, with or without confiscation of property.

Note 1. "Exploitation" in this article is taken to mean all forms of sexual exploitation, use in the pornography business, forced labour, forced provision of services, slavery or slavery-like customs, state of servitude, enlistment into debt bondage, the removal of organs, the conduct of experiments on persons without their consent, adoption for the purpose of commercial gain, forced pregnancy, enticement into criminal activities, use in armed conflict or similar practices.

46. In articles 149 and 303 of the Code, "vulnerable situation" is taken to mean the situation of a person due to that person's physical or mental characteristics or to external circumstances that either suppress or limit his or her awareness of his or her actions (or failure to act) or ability to control such actions, to take independent decisions of his or her own will, to resist forcible or other unlawful actions, or the combination of difficult personal, family or other circumstances.

47. Liability for the recruitment, transfer, concealment, handover or taking delivery of young or underage persons shall, under the terms of this article, be incurred irrespective of whether such actions are performed with the use of deception or blackmail or by taking advantage of the vulnerable situation of the persons concerned or with the threat or use of force or abuse of official position or by a person on whom the victim was materially or otherwise dependent.

48. Article 301 (Import, production, sale or dissemination of pornographic products), as amended by Act No. 1819-VI of 20 January 2010, stipulates:

1. The import into Ukraine of products, images or other articles of a pornographic nature for the purpose of sale or dissemination, or their production, storage, transport or other transfer for the same purpose, or their sale or dissemination, or the coercion of individuals to take part in their production, shall be punishable by a fine of between 50 and 100 times the non-taxable minimum wage or rigorous imprisonment for up to six months, or restriction of liberty for up to three years, with confiscation of the pornographic articles and the equipment for their production or display.

2. The same actions involving films or video recordings, computer programs of a pornographic nature, or the sale to minors or dissemination among them of products, images or other articles of a pornographic nature, shall be punishable by a fine of between 100 and 300 times the non-taxable minimum wage or restriction of liberty for up to five years, or deprivation of liberty for the same period, with confiscation of the pornographic films or video recordings and the equipment for their production and display.

3. The actions described in paragraphs 1 and 2 of this article, if committed repeatedly or by prior conspiracy of a group of individuals, or if they bring in a large income, shall be punishable by deprivation of liberty for a period of three to seven years, with disqualification from certain posts for up to three years, with confiscation of the pornographic articles, films or video recordings, computer programs and the equipment for their production, distribution and display.

4. The actions described in paragraphs 1 and 2 of this article involving products, images or other articles of a pornographic nature containing child pornography, or the coercion of minors to participate in the manufacture of products, images, films, video recordings or computer programs of a pornographic nature shall be punishable by a deprivation of liberty for a period of five to ten years, disqualification from certain posts and activities for up to three years and confiscation of the pornographic articles, films, video recordings or computer programs and the equipment for their production, distribution or display.

5. The actions described in paragraph 4 of this article, if committed repeatedly or by prior conspiracy of a group of individuals, or if they bring in a large income, shall be punishable by deprivation of liberty for a period of seven to twelve years and disqualification from certain posts or activities for a period of up to three years and with the confiscation of the pornographic articles, films, video recordings, computer programs and the equipment for their production, distribution or display.

49. Article 303 (Procuring or involvement of a person in prostitution), as amended by Act No. 3316-IV of 12 January 2006, stipulates:

1. Involvement of a person in prostitution or forced prostitution by means of deceit, blackmail or the exploitation of a person's vulnerable situation, or the use or threat of violence, or procuring, is punishable by deprivation of liberty for a period of three to five years.

2. The actions described in paragraph 1 of this article, committed in respect of several people or repeatedly, or by prior conspiracy of a group of persons, or by officials through abuse of their official position, or by a person on whom the victim was dependent, materially or otherwise, shall be punishable by deprivation of liberty for a period of four to seven years.

3. Acts falling under paragraphs 1 and 2 of this article perpetrated against minors or by an organized group, shall be punishable by deprivation of liberty for a period of five to ten years, with or without the confiscation of property.

4. Acts falling under paragraphs 1, 2 or 3 of this article perpetrated against young children or entailing serious consequences shall be punishable by deprivation of liberty for a period of eight to fifteen years, with or without confiscation of property.

50. "Procuring" in this article shall be taken to mean the actions of a person aimed at involving another person in prostitution. Under this article, enticing or coercing young children or minors to engage in prostitution is deemed to be a criminal offence, irrespective of whether the actions concerned were performed with the use of deceit or blackmail or by exploiting the vulnerable situation of the person in question or if they involved the threat or use of force or the abuse of official position, or were performed by a person on whom the victim was dependent, materially or otherwise.

51. The Ministry of Internal Affairs works closely with international governmental and non-governmental organizations, which help to protect the rights and legal interests of individuals who have fallen victim to international trafficking, supporting their rehabilitation and providing financial, psychological and medical assistance. The Ministry works closely with the International Organization for Migration (IOM), the Organization for Security and Cooperation in Europe (OSCE), the United Nations Development Programme (UNDP) and the International Women's Human Rights Centre "La Strada Ukraine", among others. This cooperation includes joint research, the drafting of bills, analytical material, methodological recommendations and questionnaires and the holding of seminars, workshops and bilateral or multilateral consultations. Training is also conducted for specialists who take part in combating these forms of criminal activity.

52. The Ministry of Internal Affairs took part in the Fourth Annual International Conference on the topic "Perspectives of international law enforcement cooperation in combating trafficking in human beings" held in Minsk, Belarus, a training seminar on countering international trafficking and an exchange of good practices. This made it possible to put an end to the criminal activities of one organized group with international connections, made up partly of Ukrainian and Israeli nationals, who recruited and transported to Israel five young women with a view to using them for providing paid services of a sexual nature. Thanks to joint action by internal affairs officers of Ukraine and the law enforcement agencies of Israel, a joint operation was undertaken to document and detain persons participating in these offences both on Israeli and Ukrainian territory.

53. In January, documentation was gathered on a transnational criminal grouping that seemed to be made up of five Ukrainian nationals and one Turkish national, who organized the recruitment, unlawful transport across the State border and the paid transfer of Ukrainian women, including minors, to Turkish pimps for the

purpose of subsequent sexual exploitation. At the beginning of 2008, with assistance from the Office of the OSCE Project Coordinator in Ukraine, a textbook entitled “Current issues of international cooperation by Ukrainian internal affairs agencies on countering trafficking in persons” was prepared and published, in order to improve the professional competence of internal affairs personnel. Ministry of Internal Affairs personnel also attended the Conference on Successful Prosecution of Human Trafficking: Challenges and Practices with a view to exchanging good practices on closing down channels of recruitment and transport of persons for labour or sexual exploitation, helping victims by providing the appropriate protection and improving international cooperation. The Conference was held in Helsinki on 10 and 11 September 2008 and was organized by the OSCE Office of the Special Representative and coordinator for combating trafficking in human beings, together with the Finnish permanent mission to OSCE.

54. In view of the special aspects of the question of proof and the transnational nature of such offences, the Ministry of Internal Affairs is taking measures to improve cooperation with the International Criminal Police Organization (INTERPOL), the South-East European Cooperative Initiative Regional Centre for Combating Transborder Crime of the Black Sea Economic Cooperation Organization and the Georgia, Ukraine, Azerbaijan, Moldova (GUAM) Organization for Democracy and Economic Development, which act jointly in preventing and countering human trafficking offences. Those run by GUAM, “Perekhvat (Interception)-2” and “Perekhvat-3”, and conducted in May and November 2008 were aimed at countering unlawful migration, recruitment and transfer of Ukrainian nationals abroad for the purpose of exploitation.

55. A specific case concerned the criminal activities of a transnational organized group comprising three Ukrainian residents and three Turkish nationals, who, on the pretext of providing intermediary services for finding work in Turkey as sales people or waitresses, had, for a substantial period of time, engaged in recruiting and transporting Ukrainian women across the border for the purpose of sexual exploitation. Checks were carried out in the territory of Ukraine between 20 and 29 September 2008 on tourism companies and wedding and model agencies in order to document their illegal activities in relation to human trafficking. The principal aim of the Ministry of Internal Affairs in carrying out these measures was to prevent, identify and stop the recruitment of Ukrainian nationals under the cover of commercial enterprises with a view to their subsequent sale for exploitation abroad. These checks resulted in the identification of 42 cases of trafficking in persons. There were found to have been 45 cases of fraudulent intermediary services for work abroad and 57 victims, who had suffered harm to a total sum of over Hrv. 950,000. Administrative proceedings were brought against 50 individuals, who had breached the rules for engaging in commercial activities.

56. The Ministry of Internal Affairs devotes considerable attention to countering the import, production, sale and distribution of pornographic material, including products made with minors. Thus, in one province, a local resident was arrested, who had used a mobile telephone to produce and distribute materials of a pornographic nature using minors. In October-November 2008, evidence was gathered concerning the unlawful distribution over the Internet — more specifically, the website www.infostore.org — of pornographic products, on the basis of which criminal proceedings were brought under article 301, paragraph 2, of the Criminal

Code. A vast quantity of pornographic and counterfeit material was distributed through this site. The evidence was confirmed by the results of monitoring the site, which established that about 80 per cent of the information available for downloading by Internet users is counterfeit or pornographic, including child pornography. Moreover, whole networks of users were operating on the infostore site, exchanging information among themselves and distributing among other visitors to the site pornographic video recordings with scenes of sexual acts and rapes of children aged between 5 and 12 and sometimes also involving animals.

57. This website accounted for up to 70 per cent of Ukrainian Internet traffic. It was visited by more than 5 million Internet users, who could download materials of all kinds of content with practically no restrictions. Over 5,000 registered users of the site were involved in the preparation and distribution of pornographic or counterfeit materials through infostore. In December 2008, simultaneous searches were carried out in a series of privately owned enterprises by internal affairs personnel, as a result of which 20 servers containing pornographic materials were confiscated, along with 25 computer system units and over \$20,000. The preliminary data suggest that the overall value of the equipment seized is over \$1,000,000.

58. In order to step up preventive activities towards counteracting international trafficking and providing legal assistance for victims belonging to risk groups, the Ministry of Internal Affairs has had a telephone hotline operating since March 2006. In June 2009, police uncovered the criminal activities of the members of a transnational group, who were engaged in recruiting and transporting Ukrainian nationals to Turkey with a view to their subsequent sexual exploitation. In 2008 alone, the members of this group sold more than 10 women into sexual slavery. In order to dismantle the whole criminal chain and close the channels for trafficking in human beings, the Ministry of Internal Affairs, acting jointly with the Turkish law enforcement agencies, conducted an operation to detain all the members of the organized criminal group and to release the Ukrainian women in question from their sexual slavery.

59. At the end of July 2009, a transnational organized criminal group, which had been engaged for a considerable time in the sale of Ukrainian women to the United Arab Emirates (UAE) and other countries for their sexual exploitation, was broken up. As a result of the measures taken, the unlawful activity of 11 members of the group were brought to an end, including nationals of Ukraine, the Russian Federation, Iraq and UAE. Joint action was set up with the Ministry of Internal Affairs of the Czech Republic under a project named "Zero", which is conducted with the support of the IOM Representative in Ukraine to close down international trafficking channels. As a result, in 2009 the illegal activities of an organized group made up of three Ukrainian residents, who were engaged in recruiting and selling young Ukrainian women to nightclubs in the Czech Republic for sexual exploitation, were terminated.

60. At the end of 2009, in order to enhance the professional skills of its personnel, the Department of Internal Affairs prepared and published, with the assistance of the Office of the OSCE Project Coordinator in Ukraine, a textbook entitled "Identifying and eliminating trafficking in persons" for the benefit of students and course participants at the higher educational establishments of the Ministry of Internal Affairs. Recommendations were drawn up together with the American Association

of Jurists on methods of discovering and investigating offences involving trafficking in persons, the content of which was approved by the Criminal Trial Chamber of the Supreme Court and the Office of the Procurator-General, with the recommendation that it should be put into practice by internal affairs operational and investigatory units.

61. The Fifth Conference on “The International Perspectives on Law Enforcement Cooperation in Combating Trafficking in Human Beings”, held with the support of the IOM Office in Ukraine in April 2009, was extremely significant for the organization of effective action against international trafficking.* It brought together international experts and representatives of non-governmental organizations and officials from the law enforcement agencies and other State bodies from 50 countries around the world. In the interests of improving the effectiveness of the collection and exchange of information on organized groups and individuals involved in recruiting and transporting persons for the purposes of labour exploitation, the protection of the victims and improved practical international cooperation in taking action against international trafficking, Ministry of Internal Affairs personnel and IOM representatives took part in the Fourth Regional Networking Seminar as part of the project entitled “Preventing and Combating Trafficking in Human Beings and Enhancing Victims’ Protection through Operational Networking and Cooperation and Joint Multidisciplinary Trainings for Counter-Trafficking Specialists in EU Member States, Candidate and Neighbouring Countries” (AGIS-4), held in Brussels on 25 November 2009, with the support of the European Commission Directorate General on Freedom, Security and Justice.

62. In December 2009, two United Kingdom nationals were found to have corrupted minors and involved them in the making of a pornographic production. Following a joint operation with the United Kingdom police authority Scotland Yard, the offenders were arrested in the United Kingdom. In order to raise public awareness and provide the public with access to information on trafficking in persons and explain information on such offences committed in 2009, the Ministry of Internal Affairs, acting jointly with the Kyiv Municipal State Administration and the Office of the IOM Representative in Ukraine, launched and conducted a socially orientated publicity and information campaign entitled “Together let’s stop trafficking in persons”. As part of the campaign, from June to September over 50 posters were placed in Kyiv, with the campaign slogan and the number of the telephone hotline. By working with the media and systematically clarifying the results of its operations, the Ministry of Internal Affairs helped to increase public awareness and intolerance of offences relating to trafficking in persons.

* Translator’s note: in the text, the conference in question is mistakenly called the fourth.

Replies to questions contained in part II (a) of the list of issues

63. With a view to improving the social protection of orphans and children deprived of parental care and creating the conditions required for the fulfilment of their right to a family upbringing, the Supreme Council of Ukraine has adopted a number of legislative acts over the past few years:

- Act No. 1065-VI of 5 March 2009 on the State programme entitled “National Plan of Action for the Implementation of the Convention on the Rights of the Child” to 2016. The National Plan of Action is a document under which the protection of children in Ukraine is defined as a strategic national priority.
- Act No. 257-VI of 10 April 2008 amending certain legislation concerning adoption, which imposes limits on the adoption of children by single, unmarried foreign nationals and also a maximum difference in age between the adoptive parent and the child, which may not exceed 45 years.
- Act No. 269-VI of 15 April 2008 on amending the State Benefits for Families with Children Act concerning the size of benefits for children under guardianship or trusteeship, under which the size of social benefits for orphans and children deprived of parental care who have a guardian or trustee was, from 1 January 2009, raised to two minimum subsistence incomes for a child of the corresponding age.
- Act No. 573-VI of 23 September 2008 on amending certain legislation concerning State support for families that have adopted an orphan or a child deprived of parental care, under which, from 1 January 2009, State benefits are, for the first time in Ukraine, paid in the same amount for an adoptive child as for the birth of a first child. In addition, it provides for one of the parents to be granted paid parental leave to care for an adopted child over the age of three years for a period of 56 calendar days, not including public holidays and non-working days.
- Act No. 1452-VI of 4 June 2009 on amendments to the provisions concerning adoption in the Criminal Code and Family Code of Ukraine, under which stricter requirements are introduced for persons who have expressed the desire to adopt or foster an orphan or a child deprived of parental care together with tougher criminal sanctions for unlawful activities relating to adoption, the placing of a child under trusteeship or guardianship or fostering a child with a family.

64. In addition, Parliament has amended a number of laws, including several provisions of the Criminal Code, to extend the responsibility of parents or persons acting as parents, or foster parents, with regard to the corruption of minors or the use of a small child for begging, for enticing minors into unlawful activities or for the use of violence in the family. These laws should help prevent crime within the family and create a practical mechanism to ensure observance of the legal guarantees for the protection of children’s rights and lawful interests.

65. In 2008, the Cabinet of Ministers adopted two decisions setting out the precise mechanism for the activities of trusteeship and guardianship bodies from the time that the existence of a child deprived of parental care becomes known until his or

her placement with a family. They also set out the procedure for adopting a child and monitoring the child's subsequent living conditions:

(a) Decision No. 866 of 24 September 2008 on questions relating to the activities of trusteeship and guardianship bodies as regards the protection of children's rights;

(b) Decision No. 905 of 8 October 2008 on approving the Procedures for adoption and supervision of the observance of adopted children's rights.

66. Ukraine's activities to deal with HIV/AIDS are carried out within the framework of the measures contained in the State programme for 2009-2013 on prevention of HIV infection, treatment, care and support for persons infected with HIV and AIDS sufferers, adopted under Act No. 1026-VI of 19 February 2009. A new text has been drawn up amending the Acquired Immune Deficiency Syndrome (AIDS) Public Welfare Act. The new text has been drawn up to take into account:

- International law relating to HIV/AIDS;
- The methodological materials of international organizations working on HIV/AIDS prevention;
- The results of detailed analysis of the provisions of the first version of a law drafted by the Joint United Nations Programme on HIV/AIDS (UNAIDS) in Geneva and the recommendations received as a result of this analysis.

67. The adoption of the draft will bring Ukrainian law and hence the country's policy on preventing the spread of HIV and the treatment, care and support of people living with HIV, into line with international human rights legislation and bring it significantly closer to best practices on HIV throughout the world. As at 15 July 2010, the bill had been under consideration by a special committee of the Supreme Council.

Replies to questions contained in II (b) of the list of issues

68. One of the approaches to improving the social welfare of orphans and children deprived of parental care is to reform the system of institutions for such children. The procedure for reforming the boarding school system is set out in the State integrated social programme for the period up to 2017 for the reform of the institutional system for orphans and children deprived of parental care, which was approved under Cabinet of Ministers Decision 1242 of 17 October 2007. The main aim of the programme is to lay the groundwork before 2017 for orphans and children deprived of parental care and in foster homes to be able to enjoy State guarantees and constitutional rights. The implementation of the Programme will involve:

(a) A reform of the system of institutions for orphans and children deprived of parental care by upgrading the existent network of institutions and establishing institutions of a new type, where living conditions are closer to those of a family and where children will live but not attend classes, receiving their education in general schools;

(b) Giving priority to assigning orphans and children deprived of parental care to families for adoption, or trusteeship or guardianship, or to a foster family or a family-type children's home. A child will be placed in an institution only in the event that, for some particular reason, it was not possible to assign him or her to a family.

Replies to questions contained in II (c) of the list of issues

69. Act No. 1065-VI of 5 March 2009 on the State programme entitled "National plan of action for the period up to 2016 for implementation of the Convention on the Rights of the Child" is the first comprehensive legal document since Ukraine's independence to set out a government policy strategy covering almost a decade and expresses the general view of society and of the central and local government authorities regarding ways to create the best possible conditions for the development of the children of Ukraine. Over the past few years, a whole range of State programmes has been implemented to increase protection for children's rights, such as the government programme concerning children's homelessness and child neglect, 2006-2010 (Cabinet of Ministers Decision No. 623 of 11 May 2006), the State family support programme up to 2010 (Cabinet of Ministers Decision No. 244 of 19 February 2007), the State programme against trafficking in persons up to 2010 (Cabinet of Ministers Decision No. 410 of 7 March 2007) and the State special social programme for the reform of the system of institutions for orphans and children deprived of parental care (Cabinet of Ministers Decision No. 1242 of 17 October 2007).

70. In short, over the past years there have been wide-ranging positive changes in the approach to protecting children's rights, based on the principle of priority care for children and the overriding importance of children's rights and lawful interests. The protection of children's rights is becoming a central government policy issue. An integrated system for the protection of the rights of orphans and children deprived of parental care is being built up, piece by piece, and a programme to reform the system of institutions for such children is being carried out.

Replies to questions contained in part II (d) and part III (a) of the list of issues

Distribution of children by indicator, beginning of 2010

71.

Age (years)	Urban and rural settlements			Urban settlements			Rural areas		
	All	Males	Females	All	Males	Females	All	Males	Females
All children to 18:	8 081 126	4 148 987	3 932 139	5 186 882	2 662 307	2 524 575	2 894 244	1 486 680	1 407 564
Age:									
0	508 544	262 597	245 947	336 990	174 220	162 770	171 554	88 377	83 177
1	505 661	260 723	244 938	337 700	174 323	163 377	167 961	86 400	81 561
2	467 246	240 097	227 149	311 118	160 099	151 019	156 128	79 998	76 130
3	455 233	233 259	221 974	304 344	156 098	148 246	150 889	77 161	73 728
4	420 906	216 676	204 230	282 144	145 302	136 842	138 762	71 374	67 388
5	422 218	217 009	205 209	283 075	145 715	137 360	139 143	71 294	67 849
6	403 308	207 010	196 298	265 546	136 254	129 292	137 762	70 756	67 006
7	384 907	198 442	186 465	248 415	127 948	120 467	136 492	70 494	65 998
8	370 022	190 440	179 582	236 312	121 741	114 571	133 710	68 699	65 011
9	381 004	195 910	185 094	232 941	120 027	112 914	148 063	75 883	72 180
10	385 654	197 860	187 794	234 805	120 815	113 990	150 849	77 045	73 804
11	409 693	209 214	200 479	248 668	127 040	121 628	161 025	82 174	78 851
12	427 467	218 977	208 490	260 111	133 490	126 621	167 356	85 487	81 869
13	461 872	236 588	225 284	282 933	144 846	138 087	178 939	91 742	87 197
14	479 825	245 807	234 018	293 439	150 388	143 051	186 386	95 419	90 967
15	499 029	255 861	243 168	309 595	158 491	151 104	189 434	97 370	92 064
16	528 755	270 710	258 045	335 334	171 311	164 023	193 421	99 399	94 022
17	569 782	291 807	277 975	383 412	194 199	189 213	186 370	97 608	88 762

Distribution of children by indicator, beginning of 2009

Age (years)	Urban and rural settlements			Urban settlements			Rural areas		
	All	Males	Females	All	Males	Females	All	Males	Females
All children to 18:	8 186 277	4 201 286	3 984 991	5 236 090	2 686 668	2 549 422	2 950 187	1 514 618	1 435 569
Age:									
0	506 342	261 138	245 204	337 913	174 476	163 437	168 429	86 662	81 767
1	467 490	240 239	227 251	310 977	160 046	150 931	156 513	80 193	76 320
2	455 343	233 320	222 023	304 049	155 908	148 141	151 294	77 412	73 882
3	421 014	216 723	204 291	281 957	145 192	136 765	139 057	71 531	67 526
4	422 286	217 048	205 238	282 836	145 596	137 240	139 450	71 452	67 998
5	403 358	207 060	196 298	265 192	136 103	129 089	138 166	70 957	67 209
6	384 980	198 498	186 482	248 165	127 817	120 348	136 815	70 681	66 134
7	370 099	190 483	179 616	236 117	121 667	114 450	133 982	68 816	65 166
8	381 053	195 951	185 102	232 704	119 914	112 790	148 349	76 037	72 312

9	385 739	197 910	187 829	234 625	120 686	113 939	151 114	77 224	73 890
10	409 758	209 246	200 512	248 445	126 917	121 528	161 313	82 329	78 984
11	427 583	219 022	208 561	259 928	133 386	126 542	167 655	85 636	82 019
12	461 973	236 647	225 326	282 830	144 819	138 011	179 143	91 828	87 315
13	479 982	245 907	234 075	293 388	150 384	143 004	186 594	95 523	91 071
14	499 188	255 970	243 218	305 815	156 850	148 965	193 373	99 120	94 253
15	528 834	270 771	258 063	330 518	169 192	161 326	198 316	101 579	96 737
16	569 791	291 869	277 922	363 409	185 458	177 951	206 382	106 411	99 971
17	611 464	313 484	297 980	417 222	212 257	204 965	194 242	101 227	93 015

Distribution of children by indicator, beginning of 2008

Age (years)	Urban and rural settlements			Urban settlements			Rural areas		
	All	Males	Females	All	Males	Females	All	Males	Females
All children to 18:	8 325 687	4 271 297	4 054 390	5 309 575	2 723 385	2 586 190	3 016 112	1 547 912	1 468 200
Age:									
0	468 359	240 718	227 641	311 266	160 196	151 070	157 093	80 522	76 571
1	455 634	233 499	222 135	303 966	155 953	148 013	151 668	77 546	74 122
2	421 154	216 802	204 352	281 784	145 124	136 660	139 370	71 678	67 692
3	422 374	217 094	205 280	282 649	145 487	137 162	139 725	71 607	68 118
4	403 425	207 108	196 317	264 892	135 936	128 956	138 533	71 172	67 361
5	385 049	198 521	186 528	247 783	127 619	120 164	137 266	70 902	66 364
6	370 156	190 505	179 651	235 892	121 567	114 325	134 264	68 938	65 326
7	381 142	195 996	185 146	232 452	119 793	112 659	148 690	76 203	72 487
8	385 797	197 945	187 852	234 354	120 517	113 837	151 443	77 428	74 015
9	409 851	209 301	200 550	248 295	126 821	121 474	161 556	82 480	79 076
10	427 647	219 053	208 594	259 795	133 340	126 455	167 852	85 713	82 139
11	462 040	236 681	225 359	282 663	144 730	137 933	179 377	91 951	87 426
12	480 093	245 976	234 117	293 239	150 354	142 885	186 854	95 622	91 232
13	499 318	256 050	243 268	305 514	156 751	148 763	193 804	99 299	94 505
14	529 052	270 895	258 157	326 700	167 580	159 120	202 352	103 315	99 037
15	569 872	291 958	277 914	358 948	183 546	175 402	210 924	108 412	102 512
16	611 384	313 459	297 925	396 257	203 060	193 197	215 127	110 399	104 728
17	643 340	329 736	313 604	443 126	225 011	218 115	200 214	104 725	95 489

Replies to questions contained in part III (b) of the list of issues

72.

Number of foundlings and abandoned children in children's homes	2007	2008	2009
	389	383	318

Replies to questions contained in part III (c) of the list of issues

73.

Ukraine	2007	2008	2009
Total number of orphans and children deprived of parental care	102 924	103 542	100 787
Under guardianship	63 591	62 965	63 154
Fostered	2 561	4 050	4 934
In family-type children's homes	1 960	2 605	3 185
In children's homes	4 653	4 212	3 953
In special children's homes	2 959	2 679	2 281
In residential homes	3 044	2 137	2 336
In boarding schools	8 802	7 489	9 850

Replies to questions contained in part III (d) of the list of issues

74. According to State statistical returns:

- In 2007, 1,784 orphans or children deprived of parental care were adopted by Ukrainian nationals and 1,670 by foreigners
- In 2008, 2,066 orphans or children deprived of parental care were adopted by Ukrainian nationals and 1,587 by foreigners
- In 2009, 2,374 orphans or children deprived of parental care were adopted by Ukrainian nationals and 1,428 by foreigners

Replies to questions contained in part III (e) of the list of issues

75. At the beginning of 2010, there were 157,474 disabled children in Ukraine. A network of residential homes under the labour and social protection bodies system consists of 55 homes, in which, as at 1 January 2010, 4,433 disabled children were living on full State support. The number of disabled children brought up with foster families or in family-type children's homes is also growing annually: the number went up from 80 children at the end of 2007 to 151 in 2008 and 209 in 2009.

Replies to questions contained in part III (f) of the list of issues

76. There is no State health-insurance system. This question is currently under consideration.

Replies to questions contained in part III (g) of the list of issues

77. Under article 19 of the Penal Enforcement Code, punishments in the form of deprivation of liberty for a specific term are served by convicted minors in young offender's institutions. There are 10 special institutions for young people serving a sentence of deprivation of liberty, one of which is for girls. As of the end of 2009, 1,469 were serving their sentences in these institutions, of whom 94 were girls. Of

the minors in young offender's institutions, 491 (33.4 per cent) had been convicted of theft, 218 (14.8 per cent) of robbery, 353 (24 per cent) of mugging and 210 (14.2 per cent) for premeditated murder or grievous bodily harm.

78. As at 1 June 2010, there were 956 convicts under 18 serving their sentences in young offender's institutions, equivalent to 0.9 per cent of the total number of prisoners serving a sentence of deprivation of liberty. The offences committed were:

- Rape (art. 152 of the Criminal Code) — 63 persons (4.2 per cent)
- Premeditated murder (art. 115 of the Criminal Code) — 102 persons (6.8 per cent)
- Premeditated grievous bodily harm (art. 121 of the Criminal Code) — 97 persons (6.5 per cent)
- Robbery (art. 187 of the Criminal Code) — 202 persons (13.4 per cent)
- Premeditated murder (art. 185 of the Criminal Code) — 570 persons (37.9 per cent)
- Disorderly conduct (art. 296 of the Criminal Code) — 52 persons (3.5 per cent)
- Other offences — 114 persons (9.6 per cent)

In implementation of article 94 of the Penal Enforcement Code, all young offender's institutions have social rehabilitation units. Over the course of 2009, 321 persons were transferred to a social rehabilitation unit, in accordance with the procedure. Of those 300 were released, 7 of those having served their full term, while the other 293 were given parole. No prisoners were returned to the rehabilitation unit for parole violations.

Year	2007	2008	2009
Number of minors serving a non-custodial sentence	4985	5468	4503

Replies to questions contained in part III (h) of the list of issues

79. There are no unaccompanied minors in temporary detention centres for migrants. In 2008, there were 15 children in such centres with their families; as at 1 July 2010, there were 16 children. Unaccompanied child asylum seekers in Ukraine are placed in temporary refugee accommodation. Over the period 2007-2009, there were 79 children in such accommodation. Moreover, a State centre to work with unaccompanied child asylum seekers has been opened, with places for 30 minors, in the temporary refugee centre in Transcarpathia province.

Replies to questions contained in part III (i) of the list of issues

80. In 2007, the internal affairs agencies:

- Dealt with 359 offences under article 149 of the Criminal Code (Trafficking in persons or other unlawful agreement regarding the transfer of persons), of which 43 were perpetrated against children
 - Terminated the activities of 16 organized groups engaged in trafficking in persons and identified and returned to Ukraine 366 victims of trafficking, including 55 minors
 - Brought five criminal prosecutions under article 301 of the Criminal Code (Import, production, sale or dissemination of pornographic products), where minors had been involved in the making of pornographic products
 - Dealt with six offences under article 302 of the Criminal Code (Establishment or maintenance of a disorderly house or procuring) and 19 under article 303 of the Code (Procuring or involvement of a person in prostitution), the victims of which were adolescents
 - Documented 53 cases under article 155 (Sexual relations with a person who has not attained sexual maturity) and article 251 of the Criminal Code under article 156 (Corruption of minors).
81. In 2008, the internal affairs agencies:
- Dealt with 322 offences under article 149 of the Code (Trafficking in persons or other unlawful agreement regarding the transfer of persons), 31 of which related to adolescents, and identified and returned to Ukraine 342 victims of trafficking in persons, including 37 children
 - Disbanded 18 organized groups of traffickers of persons
 - Uncovered 851 offences under article 301 of the Code (Import, production, sale and dissemination of pornographic products), 12 of which involved the participation of children
 - Dealt with five offences under article 302 of the Code (Establishment or maintenance of a disorderly house and procuring) and 17 offences under article 303 of the Code (Procuring or involvement of persons in prostitution), in which the victims were children
 - Documented 90 cases under article 155 (Sexual relations with a person who has not attained sexual maturity) and 347 under article 156 of the Code (Corruption of minors).
82. In 2009, the internal affairs agencies:
- Uncovered 279 offences under article 149 of the Criminal Code (Trafficking in persons or other unlawful agreement regarding the transfer of persons), 42 of which involved adolescents, and identified and returned to Ukraine 335 victims of trafficking in persons, including 42 minors
 - Disbanded 11 organized groups of traffickers in persons
 - Uncovered 870 offences under article 301 of the Criminal Code (Import, production, sale or dissemination of pornographic products), including 16 in which children were involved in the making of a pornographic product

- Uncovered four offences under article 302 of the Code (Establishment or maintenance of a disorderly house and procuring) and 17 offences under article 303 of the Code (Procuring or involvement of persons in prostitution), in which the victims were children
 - Documented 69 cases under article 155 of the Code (Sexual relations with a person who has not attained sexual maturity) and 262 under article 156 of the Code (Corruption of minors).
-