



**Convention on the  
Rights of the Child**

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**COMMITTEE ON THE RIGHTS OF THE CHILD**

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

**Second periodic reports of States parties due in 1998**

**UKRAINE\***

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\* For the initial report submitted by the Government of Ukraine, see document CRC/C/8/Add.10/Rev.1; for its consideration by the Committee, see documents CRC/C/SR.239-242 and for the concluding observations see document CRC/C/15/Add.42.

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\* The annexes are available for consultation in the files of the secretariat.

## **Basic data and characteristics**

### **Territory**

1. Ukraine occupies a territory of 603,700 square kilometres. According to article 133 of the Constitution, the system of the administrative and territorial structure of Ukraine is composed of the Crimean Autonomous Republic, regions, districts, cities, city districts, settlements and villages. Ukraine has 24 regions, 490 administrative districts, 448 cities, 896 city-like settlements, and 28,794 villages.

2. In the words of the Constitution, Ukraine is a sovereign, independent, democratic, social State based on the rule of law. The sovereignty of Ukraine extends throughout its territory.

### **Population**

3. As of 1 January 1998, the population totalled 50.5 million: 23.5 million males (47 per cent) and 27 million females (53 per cent). The urban population totalled 34.3 million and the rural 16.2 million. The population density was 83.7 per square kilometre.

### **Population structure**

4. As of 1 January 1998, the able-bodied population (males aged 16-59, females aged 16-54) comprised 56 per cent of the total population, and citizens of pensionable age 23.2 per cent.

5. The population includes 11,838,598 persons aged 0-17: 2,441,895 aged 0-5; 3,312,407 aged 5-10; 3,888,563 aged 10-15; and 2,195,733 aged 15-18. The number of children (aged up to 18) declined by 1,297,000 over the past five years. One in four of Ukraine's inhabitants is a child.

### **National composition of the population**

6. According to the 1989 census (no census has been taken since the proclamation of Ukraine's independence), more than 110 nationalities and ethnic groups live in Ukrainian territory. Ukrainians make up 72.7 per cent of the total population, Russians 21.1 per cent, and members of other nationalities 6.2 per cent.

7. Three quarters of the 14.1 million families have all their members of a single nationality and one quarter have members of different nationalities. Almost 81 per cent of the families belonging to a single nationality are Ukrainian. This is particularly characteristic of rural areas, where the national composition of the population is more uniform and national traditions are more firmly rooted.

### **Educational level of the population**

8. According to the 1989 census, 34.8 million people 15 years of age or older had secondary (complete or incomplete) or higher education, i.e. 86.2 per cent of the population in that age group. Of these, 18.8 million were female and 16 million male.

9. The relative proportion of specialists with higher or secondary specialized education was 29.9 per cent (12 million people) and the proportion of those with secondary (complete or incomplete) was 49.5 per cent (20 million).

### **Demographic situation**

10. The complex demographic situation has been determined, above all, by a lower birth rate. While in 1993 there were 10.7 births per 1,000 inhabitants, by 1997 the rate had fallen to 8.7 (in urban areas 8 per cent and in rural 10.3).

11. The number of children of the able-bodied members of the population fell from 403 per 1,000 in 1993 to 377 in 1997.

12. The death rate is higher than the birth rate throughout the country. The total death rate increased from 14.2 deaths per 1,000 inhabitants in 1993 to 14.9 in 1997. In 1997 it was 12.9 in urban areas and 19 in rural.

13. The natural population growth is declining. In 1993, for example, it was -3.5 per 1,000 inhabitants (-2.1 in urban areas and -6.5 in rural). By 1997 it had fallen to -6.2 (-4.9 in urban areas and -8.7 in rural).

14. Ukraine's marriage and family structure forms the socio-demographic basis of the birth rate, as well as of the reproduction of the population and human development in general. This basis is being transformed by the influence of structural changes in all demographic processes and by changes in social and economic living conditions.

15. The demographic potential of the marriage and family structure is undergoing serious distortion. Families cannot afford to have the desired number of children and bring them up in the appropriate married-family micro-context. The trend towards families with one child or no children is intensifying.

16. The number of registered marriages fell from 8.2 per 1,000 inhabitants in 1993 to 6.8 in 1997 (7.1 in urban areas and 6.2 in rural). The divorce rate remains fairly high at 3.7 per 1,000 (4.6 in urban areas and 1.9 in rural). The relative proportion of couples living in unregistered marriages is increasing, as is the proportion of single parents.

17. The main feature of the evolution of marriage and family relations is the consistent increase in the number of children born out of wedlock. In 1993, 13 per cent of all births took place out of wedlock; in 1997 the proportion was 15.2 per cent.

### **Economic situation**

18. Output and GDP both declined in Ukraine in the period 1993-1997. Unemployment is growing. As of 1 January 1998, 2.33 per cent of the total able-bodied population of working age was registered as unemployed. Female unemployment stood at 3.16 per cent and male at 1.55 per cent.

19. According to the household budget survey, in 1997 13 million people (25.7 per cent of the total population) lived in households with a combined per capita income below the subsistence level of 70.9 hrivnyas a month.

20. In 1997 the consumer demand for most food items was below the poverty line: milk and other dairy products by 52 per cent; fruit and berries by 48 per cent; fish and fish products by 46 per cent; eggs, vegetables and melons, pumpkins and squash by 31 per cent; meat and meat products by 19 per cent.

21. The growth of consumer prices at a faster rate than nominal wages meant a drop in real wages, but the rate of decline slowed significantly. The real wages index stood at 97.6 per cent for 1997.

22. Family living standards depend not only on income but also on the family's socio-demographic composition: the numbers of children, workers and dependants, the ages of the members, their educational and vocational qualifications, etc.

23. In the present acute social and economic crisis all age groups in the population find themselves in difficulties, but the most damage has been suffered by the economic system for ensuring the conditions of the reproduction of the rising generation. The State has shown an utter refusal to control the prices of "children's goods", and so State funding for the material maintenance of children has almost totally disappeared. Social spending on children's education and development has also fallen significantly: spending on the secondary education system, pre-school establishments, and out-of-school and leisure activities. The quality of the work of most of the establishments has worsened substantially: the low pay levels of teaching staff mean poorer standards of teaching and in the education process in general; children's diet and the conditions of their maintenance are worsening.

24. The difficult economic situation led to a rise in the number of problems of social protection remaining unsolved owing to insufficient funding. The proportion of actual spending on State assistance for families with children in the total expenditure section of local budgets gradually declined; in 1997 it was 1.2 per cent, 2.1 per cent lower than in 1993.

25. The crisis in society has left a clear imprint on health. The number of disabled children increased over the past five years. The total stood at 122,000 in 1993 but by 1997 it was already 147,000. Infant morbidity figures also rose.



26. Infant morbidity in the first year of life increased by 21.3 per cent over the five years. The biggest increases were in the category of pregnancy and childbirth disorders (by a factor of 1.9) and in the category of premature births and problems of the digestive organs (1.4).
27. There was almost no change over the last five years from an average of 16.6 per cent in the share of the State budget allocated to the care of children's health.
28. The period 1993-1997 saw an upward trend in spending on the maintenance of general education establishments: pre-school facilities, general education schools, boarding schools of all types, out-of-school facilities, production training centres, etc.
29. The largest overall share of budget spending on general education was allocated to the maintenance of general education schools and boarding schools of all types, showing an increase of 5.9 per cent over the period.
30. The number of orphans is rising in Ukraine. Orphans and children lacking parental care are placed by preference in families, but large numbers of these children are still raised in residential institutions of various kinds.
31. The period 1993-1997 saw further development of the legislation on the safeguard of the rights of the child in accordance with the Convention and with the Committee's concluding observations on the initial report of Ukraine on the exercise of children's rights in 1993.
32. The Ministry for Family and Youth Affairs was created in 1996 in order to formulate State policy for improving the situation of families, women, young people and children and the demographic situation, to encourage maternity, and to ensure the healthy and comprehensive development of young people and children and their upbringing in accordance with humanistic principles.
33. The means of protecting the rights of the child were significantly increased by the adoption of a number of additions to the Marriage and Family Code and by the adoption of acts and orders of the Cabinet of Ministers aimed directly at improving children's living conditions and extending the legal safeguards of their protection.
34. The adoption of the Constitution brought with it a new institution for the protection of human rights - the office of Human Rights Commissioner of the Supreme Council of Ukraine, who exercises parliamentary supervision of observance of the human and civil rights established in the Constitution. A start has been made on the work of creating the office of Commissioner for the Rights of the Child. The legal powers of the organs traditionally concerned with the protection of children's rights and interests have been expanded.
35. The National Programme "Children of Ukraine" was adopted in order to define the action to be taken as a matter of priority to provide effective solutions to children's problems and satisfy the requirements of the Convention, the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for its implementation.

36. It may be asserted in general terms that the organizational arrangements for the State's efforts to protect children and mothers are basically in place. The structural subdivisions of the local executive authorities dealing with questions of maternity, childhood and the family have been created. The network of social services centres for young people is growing: these centres furnish social assistance and support to families, women and young people.

37. Given this situation, the main thing now is to refine the machinery for creating the most favourable social, economic and legal conditions for the work of the existing institutions and for the establishment of new ones, with the fundamental aim of satisfying the needs and attending to the interests of children and their parents and families.

## **I. GENERAL MEASURES OF IMPLEMENTATION** **(arts. 4; 42; and 44, para. 6)**

38. Ukraine ratified the Convention as an independent State without any reservations.

39. Ukraine carries out legislative, administrative and other measures to comply with the requirements of the Convention.

40. The Constitution of Ukraine adopted on 28 June 1996 proclaims that the State recognizes and guarantees human rights and freedoms in accordance with the generally accepted international rules. This new Constitution is consistent with the rules of international law, in particular the Convention, in the sphere of the protection of human rights.

41. The legislation guaranteeing the rights of the child was further developed in the period 1993-1997 in accordance with the provisions of the Convention and the Committee's concluding observations on the initial report of Ukraine on progress made in the implementation of agreements on children's rights in 1993.

42. The Ministry of Family and Youth Affairs was created in 1996 in order to formulate State policy to improve the situation of families, women, young people and children and the demographic situation, to encourage maternity, and to ensure the healthy and comprehensive development of young people and children and their education in accordance with humanistic principles.

43. The means of protecting the rights of the child were considerably expanded by the adoption of a number of additions to the Marriage and Family Code and by the adoption of acts and orders of the Cabinet of Ministers designed directly to improve the living conditions of children and expand the legal safeguards of their protection.

44. The incorporation of the provisions of the Convention was facilitated by the adoption of the 1993 Act "On promotion of the social advancement and development of young people" and the 1995 Act "On juvenile affairs agencies and services and special juvenile institutions".

45. Special measures for consolidating the legal status of children are set out in the 1993 Decree of the Cabinet of Ministers "On confirmation of the regulations governing the procedure

for consideration of applications by citizens of Ukraine to change their surnames, forenames or patronymics”, the 1995 Decree “On confirmation of the rules on the issue of passports to citizens of Ukraine for travel abroad and travel documents for children and on the temporary seizure and the withdrawal of such passports and documents”, and the 1995 Decree “On confirmation of the regulations governing the procedure for issue of instruments of privatization to minors, to citizens declared legally incapable in accordance with the established rules, and to citizens serving sentences of deprivation of liberty, and on the procedure for the use of such instruments”.

46. The improvement of the economic and social situation of children suffering from the effects of the Chernobyl disaster was facilitated by the adoption of the 1995 Order of the Supreme Council “On the state of the medical care and treatment of children suffering as a result of the Chernobyl disaster” and of the Orders of the Cabinet of Ministers “On the provision of a single package of State assistance for families bringing up children who have become chronically ill as a result of the Chernobyl disaster or children whose thyroid gland has been removed” (1996), “On the procedure for the provision of additional living space for persons who as a result of the Chernobyl disaster suffer from some degree of radiation sickness or have become chronically ill, for chronically ill children requiring special care, and for families which have lost a breadwinner in category 1” (1996), “On the procedure for and amounts of compensatory payments to children suffering as a result of the Chernobyl disaster” (1997), and “On certain organizational questions of the treatment of children suffering as a result of the Chernobyl disaster” (1997).

47. A substantial contribution to the improvement of the social protection of orphans and children deprived of parental care was made by the 1994 Order of the Supreme Council “On compliance with legislation on the adoption of Ukrainian children by foreign nationals” and by the Orders of the Cabinet of Ministers “On improvement of the education, training, social protection and material maintenance of orphans and children lacking parental care” (1994), “On the improvement of the material maintenance of orphan and children lacking parental care” (1995), and “On confirmation of the procedure for the delivery of children who are Ukrainian citizens for adoption by citizens of Ukraine or by foreign nationals and on the monitoring of their living conditions in their adoptive families” (1996). The Cabinet of Ministers also approved regulations on family-style children’s homes in 1994 and established the Adoptions Centre in the Ministry of Education in 1996.

48. In order to safeguard the rights of children in conflict with the law, the Cabinet of Ministers issued Orders creating a criminal police force for juvenile affairs (1995), medical/social rehabilitation centres, shelters and services for juveniles, and the Children’s Social Protection Fund (1996).

49. The National Family Planning Programme and the National Programme “Children of Ukraine”, designed for the protection of children’s rights and interests, were established in 1995 and 1996 respectively and are now in operation.

50. On the initiative of the Ministry of Family and Youth Affairs and the United Nations Children’s Fund (UNICEF) and in conjunction with social organizations, a study was made of the consistency of Ukraine’s basic legislation with the provisions of the Convention.

51. The application of the Convention and the other treaties to which Ukraine is a party is regulated by article 9 of the Constitution, which proclaims that the international treaties in force which have been accepted as binding by the Supreme Council are a part of the national law of Ukraine. This makes it possible for the authorities, including the courts, to apply the provisions of the Convention directly.

52. Ukrainian legislation on education promotes the exercise of the rights of the child to a greater extent than the Convention itself. The Act "On education" makes full general secondary education (11 grades) compulsory, guarantees access to free pre-school, full secondary general, vocational-technical and higher education in educational establishments in State or community ownership.

53. The Act guarantees citizens members of national minorities the right to education in their mother tongue or to study their mother tongue at school and in cultural associations of national minorities.

54. The Code of Criminal Procedure provides that law-enforcement agencies may not conduct investigations or examinations in criminal cases in which a minor has committed an offence unless his lawyer is involved. The involvement of a lawyer is mandatory from the moment when the criminal proceedings are instituted, and his services may be provided at the State's expense if the parents cannot afford them.

55. The legal status of children is further regulated by the Code on Marriage and the Family and by the Acts "On State assistance for families with children", "On the promotion of the social integration and development of young people", "On vocational-technical education", "On the status and social protection of citizens suffering as a result of the Chernobyl disaster", and "On the fundamentals of health legislation".

56. Pursuant to the Constitution and the Convention, in 1995 Ukraine adopted the Act "On juvenile affairs agencies and services and on special juvenile institutions", which were made responsible for social protection and prevention of crime with respect to children aged under 18. The Act provides that matters connected with the rights and interests of children must be considered by specially authorized courts. This legal rule is established but it is still not operational.

57. In 1995 independent units of the criminal police were created within the system of the Ministry of Internal Affairs to deal with juvenile cases; their task is to prevent and combat juvenile crime.

58. The Code of Criminal Procedure assigns the conduct of preliminary investigations in cases involving juvenile offenders to the internal affairs investigatory agencies. This regulation was introduced in order to concentrate the efforts of a single department on the detection and investigation of juvenile crime and to ensure strict compliance with the law during preliminary investigations.

59. In view of the incomplete physical and social maturity of juveniles and their limited rights and legal capacity, the Code of Criminal Procedure devotes a whole section to the details of the conduct of cases involving juvenile offenders.
60. The adoption of the Constitution brought with it a new institution for the protection of human rights - the Commissioner for Human Rights of the Supreme Council of Ukraine (art. 55 of the Constitution), which exercises parliamentary supervision over observance of the human and civil rights and freedoms established in the Constitution (art. 101). The Commissioner's activities are regulated by the 1997 Act "On the Human Rights Commissioner of the Supreme Council".
61. The legal powers of the traditional organs for the defence of children's rights and interests have been expanded.
62. Juvenile affairs services were created under the Act "On juvenile affairs agencies and services and on special juvenile institutions".
63. In the event of infringement of the rights or interests of a minor or the emergence of questions concerning a minor's employment or need for some kind of assistance, these agencies and services are empowered to make representations to local authorities, enterprises and organizations, regardless of their form of ownership, to monitor the conditions of the maintenance and education of minors in special institutions and the organization of educational work in local schools and out-of-school establishments, to supervise compliance with the child labour legislation, and to deal with a number of other issues of the protection of children's rights.
64. In the event of violation of the provisions of the Convention, once all domestic legal remedies have been exhausted all Ukrainian citizens are entitled to have recourse for the protection of their rights to the corresponding international legal organizations or other international organizations of which Ukraine is a member. Everyone has the right to defend his rights and freedoms by any means not prohibited by law against violation and unlawful encroachment (art. 55 of the Constitution).
65. Ukraine adopted its National Programme "Children of Ukraine" in order to define the measures for the urgent and effective solution of the problems affecting children and for ensuring compliance with the requirements set out in the Convention and in the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for its implementation.
66. The Programme is to run until 2000 and is intended to provide guidance for the introduction of regional measures to improve the situation of children through integration of the activities of the State agencies with those of social and other organizations. It is being implemented in conjunction with the Long-Term Programme for Improvement of the Status of Women, Families and Maternal and Child Welfare, the National Immunization

Programme 1993-2000, the National Education Programme “Ukraine in the Twenty-first Century”, the National Family Planning Programme, and the Comprehensive Programme on Problems of Disability.

67. The priority tasks are to solve problems affecting children, determine concrete measures for implementation of the provisions of the Convention, establish time limits and designate specific executing agencies. The basic aim of the National Programme “Children of Ukraine” is to guarantee the right of every child to be born healthy, to survive, and to enjoy the conditions for comprehensive development and reliable social and psychological protection.

68. An Inter-Departmental Commission was set up to coordinate activities connected with the implementation of the Convention, the World Declaration on the Survival, Protection and Development of Children, and the National Programme “Children of Ukraine”. The Commission’s basic tasks include the examination of questions requiring sectoral coordination and the preparation of proposals on the implementation of the Convention and other international instruments. The Commission is headed by a Deputy Prime Minister.

69. In the performance of its functions the Commission considers the progress made in the implementation of the Convention and the National Programme and reviews draft legislation and other regulations and targeted programmes on children’s survival, protection and development, including the question of their social and economic impact on children; it takes the necessary decisions for coordination of the work of the central and local authorities on children’s issues; it adopts and submits to the President of the Republic under an established procedure an annual report on the situation of children in Ukraine; it takes part in the preparation of proposals on the drafting of international agreements and treaties and on the ratification of conventions designed to improve the situation of children.

70. The executive authorities established a department and offices for family and youth affairs in the Ministry of Family and Youth Affairs in order to carry out the State policies on the family, women, young people and children, and maternal and child protection, on the creation of favourable conditions for the physical, mental and spiritual development of these groups, and on the provision of equal rights and opportunities.

71. The juvenile affairs services carry out the State policies for the social protection of children and the prevention of juvenile crime.

72. Their basic tasks include: design and implementation of measures for guaranteeing the rights, freedoms and lawful interests of minors and preventing juvenile crime, as well as for monitoring the implementation of these measures; provision of services and assistance to minors in matters of their social protection, organization of the work of preventing their neglect and preventing juvenile crime; and monitoring of compliance with the labour legislation on the employment of minors in enterprises, establishments and organizations, regardless of their form of ownership.

73. The central authorities produce annual reports to the President on the situation of children in Ukraine. The reports for 1996 and 1997, which constitute a detailed analysis of the basic

indicators of the situation of children, contain radical recommendations for its improvement, as well as reflecting the progress made in the implementation of the National Programme "Children of Ukraine".

74. An Instruction was approved in 1996 on the definition of criteria on live births, stillbirths and the perinatal period in order to ensure compliance with the Convention and for purposes of comparison of international and national statistics. The Ministry of Health is required to make systematic analyses of birth and of perinatal and infant mortality statistics, compare them with similar indicators in the statistics of other countries, and submit these analyses with its proposals to the health agencies of the country's administrative subdivisions.

75. An Adoptions Centre was created in 1996 in the Ministry of Education in order to organize the information on children requiring adoption and Ukrainians seeking to adopt; the Centre is required to ensure that children's rights are observed in the adoption process both by citizens of Ukraine and by foreign nationals.

76. Side by side with the State agencies there are NGOs actively involved in matters of the social protection of children. In 1997 Ukraine had some 400 NGOs (specialized children's and youth organizations, as well as organizations of other types) declaring work with children as their statutory activity. This number represents about 6 per cent of the organizations actually working in Ukraine.

77. Children's NGOs generally select a fairly narrow field of specialization: protection of the interests of disabled children; environmental problems and the environmental education of the rising generation; problems of orphans; and children's health.

78. It is not just specialized NGOs that concern themselves with children's issues. In 1994 there were 46 NGOs carrying out measures of assistance for children in addition to their core work. They were mostly women's NGOs, which often collaborate with international women's organizations.

79. There are 26 children's and youth NGOs registered in Ukraine; they came into being following the disbanding of the All-Union Komsomol and Pioneers organizations. They were brought together under the National Committee on Children's Organizations and are mainly concerned with the organization of leisure activities for children and young people and the formation of various hobbies clubs. Considerable work is done by the Children's Fund, a voluntary nation-wide association which pools the efforts of citizens, sponsor organizations and religious communities to protect orphans and children deprived of parental care. The Fund publishes a monthly newsletter Nash Rebyonok (Our Child).

80. Article 116 of the Constitution invests the Cabinet of Ministers with responsibility for State policy on the people's social protection, education, science and culture.

81. In accordance with the 1993 Act “On promotion of the social advancement and development of young people”, the financing of measures in this area is provided from the State and local budgets, the Fund for the Social Integration of Young People, and State and other youth funds, as well as from other sources.

82. The Supreme Council and the local authorities provide tax benefits for enterprises, citizen’s associations and funds which contribute to the implementation of the State programmes for the advancement and development of young people. The State and local budgets earmark resources for the implementation of youth programmes.

83. The right of citizens of Ukraine to free education is guaranteed by an extensive system of educational establishments and by arrangements allowing people to select an education and training scheme tailored to their abilities and interests. In 1997 the Cabinet of Ministers adopted an Order “On confirmation of the paid services which may be furnished by State educational establishments”, as a means of mobilizing additional sources of funding for schools.

84. In order to create the economic conditions for development of the children’s food industry, the Act “On the taxation of business profits” offers enterprises exemptions from taxes on profits deriving from the production within the territory under the jurisdiction of the Ukrainian customs services of special baby foods as part of their own output, when such output is used to increase the production volumes and reduce the retail prices of the products in question. The Cabinet of Ministers confirmed by decree the list of such products and the procedure for their classification as “own output”.

85. There are various Orders of the Cabinet of Ministers establishing benefits for categories of poor citizens. For example, the Order “On additional social safeguards for poor families with sick children in the first and second years of life” is intended to resolve questions connected with the free provision of certain baby foods to socially disadvantaged families and with access to medical consultations for the sick children in question. This Order confirms the list of paid services furnished in State health facilities and higher medical teaching establishments and provides for free medical treatment for these children. However, part of the cost of medicines and purchased items must be reimbursed by the parents. Another Order provides for the adoption of additional measures for the production of baby foods. The Presidential Decree establishing the National Programme “Children of Ukraine” sets out concrete measures to improve the situation of children and specifies the priorities in this area. There are also regional programmes which establish specific amounts for the funding of the Programme’s measures from the State and local budgets. The Programme’s financing had a separate line in the 1998 State budget. A Presidential Decree created the National Fund for the Social Protection of Mothers and Children known as “Ukraine for Children”.

86. The efforts to satisfy children’s needs in Ukraine receive solid support from agencies of the United Nations, the European Union, the Organization for Economic Cooperation and Development, the Governments of the United States, Germany, Japan, Canada, the Netherlands, the United Kingdom, France, Italy and Egypt and from international funds and NGOs. A



number of international programmes on improvement of the system for the protection of the health of children and mothers are operating in Ukraine with support from UNICEF, UNDP and WHO. In addition, the international community helps with the solution of specific problems through the implementation of ad hoc projects.

87. The international bodies providing direct support for projects designed to address children's needs include the Peace Corps, the "Cooperation for Partnership" creative centre, the Rebirth Fund, the John Merck Fund, the Christian Fund for Children, and the Friedrich Ebert Foundation. Most of the organizations working in partnership with and receiving grants from these bodies are Ukrainian NGOs.

88. However, Ukraine has no mechanism for establishing the scope and areas of activity of international projects at various levels. It is therefore difficult to determine the total extent of the international programmes on exercise of the rights of the child.

89. With a view to familiarizing both adults and children with its provisions, the Convention was translated into Ukrainian and Russian, and 30,000 copies were printed in each language and distributed to schoolchildren and students, including members of the national minorities, from a central distribution point and at conferences, seminars and workshops on the protection of children's rights.

90. The general education curricula provide for the study of the Constitution, and the fundamental provisions of the Convention are discussed under this topic. A children's drawing and poster competition on "My Rights" was held in 1997 with UNICEF support; this exercise was preceded by an explanation of the provisions of the Convention.

91. The mass media give constant attention to the topic of children's rights. A number of publications for teachers, schoolchildren and parents run regular sections and commentaries on the Convention. These publications include the newspaper Obrazovaniye (Education), the newsletter Nash Rebyonok (Our Child) and the magazines Odnoklassnik (Schoolfellow), Utro (Morning) and Podsolnechnik (Sunflower).

92. The national radio corporation runs serials entitled "Scholiad" and "Starsheklassnik" (Senior Student), which focus on the problems of relations between children and adults, health care, studies, and children's cultural development, as well as on questions of the protection of children against harmful influences in their lives. The aim of the radio programme "Gosudarstvenniye Deti" (Children of the State) is to draw the attention of the authorities and society at large to the plight of orphans.

93. The national television corporation regularly gives time to the topic of the protection of children's rights; the "Pravo" channel pays particular attention to these issues.

94. This topic is regularly raised in information programmes on television and radio by the regional State television and radio corporations, which present material for young people explaining articles of the Convention provided by regional social services centres.

95. Annual tele-marathons have become regular events; the proceeds are used to support children's homes, hospitals and orphans.

96. The procedure for preparing the periodic national reports on the implementation of the Convention was examined by the Inter-Departmental Commission for the coordination of activities connected with the implementation of the Convention, the World Declaration on the Survival, Protection and Development of Children, and the National Programme "Children of Ukraine".

97. The report was based on materials submitted by the Ministry of the Economy, the Ministry of Finance, the Ministry of Family and Youth Affairs, the Ministry of Health, the Ministry of Education, the Ministry of Foreign Affairs, the Ministry of Labour and Social Policy, the Ministry of Agro-industry, the Ministry of Justice, the Ministry of Emergency Situations and Issues of the Protection of the Population against the Consequences of the Chernobyl Disaster, the Ministry of Environmental Protection and Nuclear Safety, the Ministry of Internal Affairs, the Ministry of Information, the Ministry of Culture and the Arts, the State Statistical Committee, the State Committee on Nationalities and Migration, the State Committee on Religious Affairs, the State Committee on Physical Culture and Sports, the National Academy of Sciences, the Academy of Pedagogical Sciences, the Academy of Medical Sciences, the Academy of Agrarian Sciences, the Council of Ministers of the Crimean Autonomous Republic, and the regional, Kiev and Sevastopol local State administrations; use was also made of State statistics and the findings of the scientific research conducted by the Ukrainian Institute for Social Research, the scientific research establishments and institutes of the Academy of Pedagogical Sciences and the Academy of Medical Sciences, and studies produced by the International League for the Rights of Children and Young People and the All-Ukrainian Committee for the Defence of Children's Rights. The report will be brought out as a separate publication with a view to informing the general public about the exercise of the rights of the child in Ukraine.

## **II. DEFINITION OF THE CHILD**

### **(art. 1)**

98. Ukrainian law does not define the concept and age parameters of "child". Article 1 of the 1993 Act "On promotion of the social advancement and development of young people" defines "minor" as a citizen under the age of 18 years.

99. In Ukrainian legislation:

The age of majority is 18 years;

No minimum age is set for legal counselling (Marriage and Family Code) or for medical counselling (Fundamentals of Health Legislation);

The minimum age for medical treatment or surgery without parental consent is 18 years; in the case of children aged 15 or older but under 18 such treatment or surgery is possible with the consent of certain designated persons or the children's parents or other legal representatives (Fundamentals of Health Legislation, art. 43);

The obligation to complete the 11 grades of general secondary education, i.e up to age 17, is stated in the Constitution (art. 53);

Children below the age of 16 may not be admitted to employment. With the consent of one of their parents or a surrogate parent, children aged 15 may be admitted to employment on an exceptional basis. For the purposes of training young people for productive work, students aged 14 or older in general education, vocational-technical and secondary specialized schools may be employed in their free time to perform light work which does not harm their health or interrupt their schooling, subject to the consent of one of their parents or a surrogate parent (art. 188);

The minimum age of marriage is 18 for males and 17 for females. Marriage may be permitted at an earlier age in exceptional circumstances (Marriage and Family Code, art. 16);

The minimum age of sexual consent is not established by law. The Criminal Code establishes criminal responsibility for sexual contacts with a person who is not sexually mature;

Voluntary enlistment in the armed forces (under contract) is available to persons aged 17 to 21 who meet the requirements for military service, including persons who attain their seventeenth birthday in the year of their enlistment (Act “On universal conscription and military service”);

The minimum age for participation in hostilities is 18 years;

Persons aged at least 16 years at the time of commission of the offence bear criminal responsibility. Persons aged 14 or 15 at the time of commission may be held criminally responsible for a crime constituting a serious danger to society;

Persons aged under 18 at the time of commission of the offence may not be sentenced to death. Sentences of deprivation of liberty imposed on persons below the age of 16 at the time of commission of the offence may not exceed 10 years (Criminal Code). Children aged under 11 years who have committed an offence may be placed in reception/distribution centres. Children aged 11 years or older may be committed to general education social rehabilitation schools, or from age 14 to vocational social rehabilitation schools. Minors aged 14 years or older may serve sentences of deprivation of liberty in the corrective labour colonies of the Ministry of Internal Affairs. Children in need of social protection may be temporarily housed in children’s shelters from the age of three years (Act “On juvenile affairs agencies and services and special juvenile institutions”);

The questioning of witnesses aged under 15 and of minor witnesses aged 15 to 18 must be conducted in the presence of a teacher or close relative of the witness;

Witnesses aged under 16 must leave the courtroom after giving their testimony, except when the court deems their presence in court essential (Code of Civil Procedure);

The option of either conducting the defence of one's rights in court in person or entrusting one's representation to an authorized person is available to persons of the age of majority and to juridical persons;

Minors aged 15 or older may appear in court as parties either in actions arising from agreements which they were entitled by law to enter into independently or in actions for compensation for losses suffered;

In the event of inadequate performance by one or both parents of duties connected with the upbringing of a child or in the event of abuse of parental authority, the child is entitled to apply to the guardianship and custody agencies for protection of his rights, but no minimum age is set for such applications (Marriage and Family Code);

Citizens are permitted to change their surname, forename or patronymic after the age of 16 years (Order "On the procedure for considering applications for changes of surname, forename or patronymic by citizens of Ukraine");

In the event of a change of nationality by his parents or in the event of his adoption, the nationality of a child aged 16 or 17 may be changed, but only with his consent (Act "On citizenship of Ukraine");

When considering disputes concerning children, if the child in question is at least 10 years old the court must elicit from him which parent he wishes to remain with, but the child's wishes are not binding on the court (Marriage and Family Code);

Children aged 10 or older must consent to their adoption (Marriage and Family Code);

The acquisition by an adopted child who is aged 10 or older of the surname and patronymic of the adoptive father, a change of forename, and the registration of the adoptive parents as the parents of the adopted child are permitted only with the child's consent (Marriage and Family Code);

The child's consent is not envisaged for the purposes of guardianship or custody (Marriage and Family Code);

There is no minimum age for informing a child about his biological parents. The confidentiality of adoption is protected by law (Marriage and Family Code);

Political parties may be formed by citizens who have reached the age of 18. Public organizations may be founded by persons aged 18 or older, and youth and children's organizations by persons aged 15 or older (Act "On associations of citizens");

Membership of political parties is open only to citizens who have reached the age of 18. Public organizations, except for youth and children's organizations, may be joined by persons age 14 or older. The age for membership of youth and children's organizations is established in their statutes (Act "On associations of citizens");

Minors aged 15 or older are entitled to conclude agreements with the consent of their parents, adoptive parents or guardians. However, they may enter into minor everyday agreements of their own accord and may dispose of their earnings or education grants and exercise copyrights and patent rights to their works and inventions, as well as rights relating to proposals for rationalization, industrial designs, and discoveries (Civil Code);

The law sets no minimum age for choosing a religion or for attending a religious school;

Secondary general education is usually completed at age 17-18;

Pursuant to the Act “On employment”, preference is given in recruitment for work to young people who have completed or broken off their studies in secondary general education or vocational schools, or have completed compulsory military or alternative (non-military) service, and to children aged 15 or older with the consent of one of their parents (or surrogate parents). Such persons have an opportunity to complete their full secondary general education in an evening or shift school or as extramural students.

### **III. GENERAL PRINCIPLES**

#### **A. Non-discrimination (art. 2)**

100. Under the Constitution of Ukraine all citizens have equal constitutional rights and freedoms and are equal before the law. There may be no privileges or restrictions on the grounds of race, colour, political, religious or other beliefs, sex, ethnic or social origins, property, place of residence, language or other characteristics. Children have equal rights regardless of their origin or whether they were born within or out of wedlock.

101. Foreign nationals and stateless persons present in Ukrainian territory on lawful grounds enjoy the same rights and freedoms, and bear the same responsibilities, as citizens of Ukraine, except in the cases stipulated in the Constitution, law or international treaties of Ukraine.

102. In accordance with the Act “On State assistance for families with children”, foreign nationals and stateless persons living in Ukraine are entitled to State assistance on an equal footing with Ukrainian citizens under the conditions specified in domestic law or international agreements.

103. Ukraine’s social legislation is likewise based on the principle of non-discrimination. All the provisions mentioned above affecting Ukrainian citizens are fully applicable to children as well.

104. Human and civil rights and freedoms determine the content and the application of the law and the activities of legislative and executive organs and local authorities and they are consolidated by jurisprudence in accordance with the Constitution.

105. The Criminal Code imposes penalties for deliberate acts designed to inflame national, racial or religious enmity and hatred, to belittle national honour or worth, to injure citizens' feelings in connection with their religious beliefs, directly or indirectly to restrict their rights, or to establish the direct or indirect supremacy of citizens on the basis of their race, nationality or attitude to religion; the Code also imposes penalties for the divulgence by a medical worker or other official of information about the conduct of an HIV or AIDS examination or the results thereof which become known in the course of the performance of official or professional duties.

106. The protection of the rights of children born out of wedlock is regulated by the Marriage and Family Code. The declaration of the invalidity of a marriage has no effect on the rights of the children born of the marriage. Children conceived or born of a marriage declared to be invalid have the same rights and duties as children born of a valid marriage. Children whose origins are established by a joint declaration of the parents or by a court order have the same rights and duties with respect to their parents and their parents' kinsfolk as children born of married parents.

107. Under the Act "On the fundamentals of social assistance for the disabled", disabled persons, including disabled children, are guaranteed the protection of a system of economic, social and legal measures designed to create for them equal opportunities with other citizens to participate in the life of society. Discrimination against the disabled is prohibited and subject to prosecution by law.

108. According to the Act "On the legal status of foreigners" foreign nationals residing permanently in Ukraine have the same rights as citizens of Ukraine to education and health care. In addition, this Act provides that such foreigners are entitled to join legally constituted associations on an equal footing with Ukrainian citizens, unless the law stipulates otherwise and provided that their membership is permitted under the association's statutes. Foreigners may not join political parties (art. 16).

109. Under article 8 of this Act foreigners have the same rights and duties as Ukrainian citizens in labour relations, unless the domestic law or international treaties of Ukraine provide otherwise.

110. The State has adopted special measures to reduce inequalities among children due to their economic situation or geographical location or the state of their health.

111. The Act "On State assistance for families with children" establishes such State assistance for: families with many children; care of a disabled child; temporary incapacity to work connected with the care of a sick child; children aged up to 16 (students up to 18); children of single mothers; children of serving members of the armed forces; children subject to guardianship or custody; (on a temporary basis) minors whose parents decline to pay maintenance or when the enforcement of maintenance payments is not possible.

112. A number of recently adopted legislative acts and orders are helping to reduce the social and economic discrimination against the most vulnerable groups of children: orphans, disabled children, children suffering as a result of the Chernobyl disaster, children with HIV or AIDS, and children from poor or large families.

113. A set of benefits was introduced under the Act “On the prevention of AIDS and the social protection of the people” in order to improve the situation of children with HIV or AIDS.
114. The Act “On education” creates special institutions for children needing social protection or rehabilitation: general education boarding schools; children’s homes, including family-style homes; special general education boarding schools and homes; pre-school and other education facilities for physically or mentally underdeveloped children; and general education and vocational-technical social rehabilitation schools.
115. The 1997 Order of the Cabinet of Ministers “On the procedure and amounts of compensatory payments to children suffering as a result of the Chernobyl disaster” established monthly cash benefits for children attending school in areas of radioactive contamination and for children suffering as a result of the disaster.
116. With regard to questions of rest and recuperation, the 1997 Order of the Cabinet of Ministers “On the organization and financing of rest and recuperation for children” provides for priority to be given in this area to orphans, children lacking parental care, children suffering as a result of the Chernobyl disaster, disabled children, children from poor, large or single-parent families or families of members of the armed forces who suffered injury during military service.
117. Problems of equal access of urban and rural children to medical services have been solved by the establishment of a fully fledged network of treatment and preventive facilities for children. Children receive medical assistance on demand in their place of residence. However, the diagnosis and rehabilitation capacities of the paediatric services still need strengthening, as does the provision of specialized medical treatment for sick children in rural areas. There is also a need to create the conditions for maintaining a permanent supply of diagnostic equipment and medicines for the specialized children’s units.
118. All children receive all forms of assistance on an equal footing, regardless of their social status.
119. A number of medical benefits are available to orphans, disabled children, and children from poor families.
120. Disabled children up to age 16 and all children up to age three obtain medicines free of charge when undergoing outpatient treatment. However, at present this applies only to vitally necessary medicines.
121. HIV-positive children may receive curative and preventive treatment in any of the country’s medical facilities. A whole network of centres has been established for the treatment and prevention of AIDS.
122. The law provides that all children regardless of gender have equal rights to education, social security and health care. The only discriminatory provision is in the minimum ages of marriage fixed in the Marriage and Family Code: males may marry from age 18 and females from age 17.

123. The collection of official statistical data is the responsibility of the State Statistical Committee.

124. Ukraine keeps official statistics on:

The medical indicators of children's condition: deaths, births, morbidity by region, types of disease, etc.;

The education system: number of schools, children not attending school, shift education in schools;

Disabled children up to age 16 (by region, type of disability);

Orphans: adoption, guardianship, State maintenance, social assistance;

Refugee children: by sex and country of origin;

Children suffering as a result of the Chernobyl disaster;

Juvenile offenders registered by agencies of the criminal police and convicted juvenile offenders (by type of offence).

125. The Ministry of Health keeps official statistical records of infant morbidity and mortality by age, category of disease and group of causes, and records of the indicators of primary disability in children aged up to 16. All these data are collected by region and age group, with separate reporting on children aged up to 12 months.

126. The local authorities collect data on large families, single mothers, poor families, orphans available for adoption, and persons wishing to adopt, thus compiling a social profile of the region in question.

127. The social phenomenon of prejudice against children on ethnic or other grounds is not known in Ukraine.

128. The low level of material provision remains an obstacle to the exercise of the rights of the child in Ukraine. The numbers of families with children and of children needing State support have increased. The rights of children experiencing difficult living conditions are established by law but insufficient provision is made for their exercise.

129. There is a gap between the legally established rights and the practical possibilities of exercising them.

130. Improvement of the protection of children's rights in accordance with article 2 of the Convention has resulted from the adoption of the National Programme "Children of Ukraine" and the issue by the President of the Republic and the Cabinet of Ministers of a number of legal instruments designed to enhance the social and economic situation of children in need of social protection and material support.



131. An increase in the level of material support for families will help to improve the circumstances of children's development and upbringing.

**B. Best interests of the child (art. 3)**

132. Ukraine's legislation takes into account the principle of the best interests of the child and the need for it to be a primary consideration in all actions concerning children. This principle is embodied in the Marriage and Family Code, the Code of Civil Procedure, the Civil Code, the Criminal Code, the Labour Code, the Fundamentals of Health Legislation, the Act "On the status and social protection of citizens suffering as a result of the Chernobyl Disaster", the Act "On the principles of the social protection of disabled persons", the Act "On education", the Act "On State assistance for families with children", and the Act "On promotion of the social advancement and development of young people". It is also fundamental to the National Programme "Children of Ukraine".

133. The best-interests principle is kept in mind by the courts and the executive authorities when taking decisions in matters affecting the future of a child in the event of his parents' divorce, the suspension of parental authority, adoption, and establishment of custody or guardianship, and when determining the form of placement of orphans and children lacking parental care, etc.

134. Parents have equal rights and duties in respect of the maintenance, upbringing and education of their children, as established by law. Parents may not exercise their rights to the detriment of their children's interests.

135. The Marriage and Family Code permits the adoption of children solely in their best interests. Adopted children and their descendants have the same personal and property rights and duties with respect to their adoptive parents and their relatives as are accorded to biological children.

136. Any adoption arrangement which is not in the child's interest may be revoked or declared invalid by court order.

137. It was in implementation of the Convention that Ukraine adopted the Act "On juvenile affairs agencies and services and special juvenile institutions", which established the legal bases of the activities of juvenile agencies, services and institutions, making them responsible for the social protection of minors and the prevention of juvenile crime.

138. The social protection of children is a matter for the executive authorities, local authorities, and enterprises, establishments and organizations, regardless of their form of ownership, as well as for individual citizens.

139. The work of the special juvenile institutions is based on the principles of legality and the preferential use of measures of education and persuasion; this means that coercive measures are used only when all other means of influencing the behaviour of the juvenile in question have been exhausted.

140. Ukraine has an extensive network of institutions for the care of children; it is supervised by the Ministry of Health, the Ministry of Education, the Ministry of Labour and Social Policy, and the Ministry of Family and Youth Affairs.

141. In accordance with article 3, paragraph 2, of the Convention, Ukraine adopted during the reporting period a number of legislative and administrative measures to provide children such protection and care as is necessary for their well-being.

142. See paragraphs 39 to 50 and 132 above.

143. The work of State institutions responsible for the care of children and their protection is regulated by an Order of the Cabinet of Ministers concerning the institution in question.

144. Such orders specify the qualification requirements for the staff and the health standards for the maintenance of the children. The operation of non-State institutions is subject to licence, and they must also comply with the rules governing the work of State institutions.

145. The Fundamentals of Health Legislation provide that the monitoring of children's health care and the implementation of health measures in care and educational institutions for children are joint responsibilities of the health and education agencies and institutions, with the support of public organizations.

146. The Ministry of Health formulates and implements measures for the protection of mothers and children, organizes legal assistance, carries out activities in conjunction with the relevant central executive authorities to protect women and young people at work and improve children's health, physical education and hygiene, monitors the state of children's health and the quality of their diet in pre-school and other educational establishments, regardless of their departmental affiliation, proposes mandatory requirements for the production, processing and consumption of baby foods, and establishes the parameters of the burden of study and work and model timetables for activities with children in such establishments.

147. Ukraine has an extensive paediatric service comprising children's polyclinics, hospitals and hospital units, the clinics of higher education institutions, specialized medical centres for children, sanatoriums, and children's homes. Priority attention is given to the provision of primary medical services. Children and young people are subject to monitoring by the institutions of the disease prevention and treatment system.

148. Health facilities may be created by enterprises, establishments and organizations in various types of ownership and by private individuals who can acquire the necessary materials and equipment and qualified staff. The procedure for the establishment of health facilities and their registration and accreditation by the State and the procedure for licensing medical and pharmaceutical practices are governed by State legislation and monitored by the local health agencies.

149. The executive authorities have the power to suspend the operation of any health institution which violates the health legislation or fails to comply with the quality standards established by the State for the provision of medical and other health services.

150. Some of the regulations, which are consistent with the Convention and other international instruments, are not always applied in full. The main reason for this is that the legislation on children is of a declarative rather than a practical nature, making it impossible for Ukraine to ensure observance and exercise of the established rights of the child. In addition, the national machinery for ensuring the application and the monitoring of the application of individual regulations on the rights of the child requires further refinement.

151. There are several matters requiring legal regulation. This is true in particular of the right of children and their parents, in accordance with the Convention, to live in any country and to return to their native country for the purposes of family reunification and maintenance of the relationship between parents and children, the right of refugee children to protection, and children's right to protection against the use of narcotic drugs and psychotropic substances and involvement in their production and distribution.

152. The obstacles to the solution of the problems impairing the guarantee of the best interests of the child in society include insufficient funding of the sectoral activities.

153. The application of the best-interests principle is marking time in education because of the current state of the funding of the system. This situation is having a particular impact on the interests of orphans and children living in unsatisfactory circumstances. There is an urgent need to provide a comprehensive solution to the problem of the funding of expenditure by educational establishments on the maintenance of orphans and equivalent categories of children by means of a separate legal code (or articles) in accordance with the established regulations.

154. Changes and additions are needed in the Marriage and Family Code with respect to the procedure for the adoption of unweaned infants, in particular the possibility of adopting a child immediately after birth instead of at the age of two months.

155. In the case of the vocational training of teachers, who study legal issues relating to children, the best-interests principle is taught in all faculties in standard courses on "Fundamentals of jurisprudence" and "Fundamentals of the constitutional law of Ukraine", and since 1995 the Ministry of Education has been recommending the inclusion of a "Human rights" course. In addition, the institutes of higher education train specialists in "jurisprudence". The history faculties of 19 teacher-training universities and institutes offer "jurisprudence" as a special subject.

156. The best-interests principle is taken fully into account by the country's internal affairs agencies. As required by the legislation, the Ministry of Internal Affairs created a criminal police force to deal with juvenile cases; this force has 4,000 members; more than 3,800 of them have higher education, including 1,000 with legal training and over 2,000 with higher teacher training.

157. Internal affairs personnel are entitled to take (extramural) higher education courses, without discontinuing their basic work, in the Ministry's own institutes of higher education.

158. Furthermore, under the Ministry's legislation police officers receive standard in-service training and every year they undergo professional, physical, medical and other tests, during which the level of their professional preparedness to carry out their official duties is assessed.

### **C. The right to life, survival and development (art. 6)**

159. All citizens have the constitutional right to life, decent living standards (adequate nutrition, clothing and housing), health care and medical services.

160. From the standpoint of the criminal law, children's right to life is safeguarded by the higher level of criminal responsibility attaching to attacks on children's life or health. The Criminal Code establishes criminal responsibility for a mother's intentional killing of her new-born child. A crime is regarded as aggravated when committed against a minor or when the perpetrator involves a minor in its commission.

161. Acts committed against children which result in physical or material damage are punishable by law. Such acts include deliberate neglect, malicious refusal to pay maintenance established by court order or by order of a people's judge, use of guardianship for mercenary ends to the detriment of the child (occupation of accommodation, use of property remaining after the death of parents, etc.) or leaving their charges without supervision and the necessary material provision, rape, unnatural sexual practices, sexual relations with a sexually immature minor, corruption of a child, pederasty, kidnapping or substitution of another person's child, inducement of a child into criminal activity, drunkenness, begging, prostitution or gambling, living off the earnings of minors, and encouragement of the use of narcotic drugs or the non-medical use of medicinal and other preparations which are not narcotic but produce stupefaction.

162. The conditions of children's healthy development are established in the Fundamentals of Health Legislation. It is the duty of parents to care for their children's health and physical and spiritual development and ensure that they lead a healthy lifestyle; failure to perform this duty may lead to removal of parental authority. The Fundamentals of Health Legislation define the conditions for the provision of medical services to children, their supervision by the health system, the quality of their diet, the conduct of preventive medical checks, and the monitoring of their working conditions.

163. The environment has a considerable impact on children's health. The Constitution stipulates that the State has a duty to ensure environmental safety and the maintenance of the ecological balance in the territory of Ukraine, to overcome the after-effects of the Chernobyl disaster, and to preserve the genofund of the Ukrainian people. One of the measures taken to ensure environmental safety is the preparation of draft legislation on "Fundamental areas of State policy for environmental protection, use of natural resources, and maintenance of the ecological balance".

164. In 1998 Ukraine approved the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters. This opened up access for

the general public to various kinds of information about harmful environmental impacts and offered people an opportunity to take decisions on the exercise of the fundamental human rights, in particular the rights of the child, including the right to life.

165. Pursuant to the amendments and additions incorporated in the 1996 Act “On the status and social protection of citizens suffering as a result of the Chernobyl disaster”, such status is accorded to persons who are now of the age of majority and at the time of leaving the emergency zone were in their mother’s womb. The Act also defines the specific children who are recognized to have suffered as a result of the disaster and their status. It establishes a list of compensation payments and benefits guaranteed by the State for children in this category, including full State support for them until they start school, full reimbursement of the mother’s medical expenses until her child reaches age 14, the payment to mothers caring for such children of double the amount of the regular child allowance, rent allowances, and allowances for medical treatment in sanatoriums and study in institutes of higher education and other schools.

166. The measures for ensuring the vital activity and development of children suffering as a result of the Chernobyl disaster are also defined in the 1996 version of this Act, in the 1995 Order of the Presidium of the Supreme Council “On the state of the medical care and recuperation of children suffering as a result of the Chernobyl disaster”, in the Orders of the Cabinet of Ministers “On the procedure and amounts of compensatory payments for children suffering as a result of the Chernobyl disaster” (1997), “On confirmation of the new procedure for calculation of pensions in respect of disability caused by mutilation or sickness or in respect of the loss of a breadwinner as a result of the Chernobyl disaster” (1997), and “On confirmation of the regulations on the procedure for organizing the recuperation of citizens suffering as a result of the Chernobyl disaster” (1995).

167. The strengthening of the social protection of children with HIV or AIDS is the purpose of the 1994 Order of the Cabinet of Ministers “On increasing the scale of the State assistance for children infected with human immunodeficiency virus or suffering from acquired immunodeficiency syndrome”.

168. The State Statistical Committee collects data on infant mortality resulting from infectious or parasitic diseases, neoplasms, disorders of the endocrine glands, digestive and metabolic disorders, reduced immunity, disorders of the nervous system and sensory organs, the blood and haematogenous organs, respiratory organs, congenital abnormalities, and conditions arising in the perinatal period.

169. The following categories of statistics are kept on the deaths of children from accidents, homicide and suicide: traffic accidents; alcoholic poisoning; accidental poisoning; accidents during medical treatment; accidental falls; fire accidents; accidental drowning; accidental suffocation; accidents involving firearms; suicide and self-mutilation; electrical accidents; homicide; and starvation.

170. All accidents causing injury to children must be investigated by the internal affairs agencies and the Procurator’s Office of the Ministry of Internal Affairs in order to establish the causes and circumstances and to determine whether any other persons were involved.

**Numbers of children aged 0-14 years who died as a result of accidents,  
homicide, suicide and other external causes in 1993-1997\***

	1993	1994	1995	1996	1997
Traffic accidents	599	564	521	419	352
Accidental alcoholic poisoning				1	2
Other accidental poisoning	397	319	325	388	265
Accidents during medical treatment	19	15	12	9	6
Accidental falls	162	143	108	122	90
Fire accidents	167	156	129	133	104
Accidental drowning	618	752	628	549	542
Accidental suffocation and choking	328	308	327	274	266
Accidents involving firearms	23	15	8	18	6
Suicide and self-mutilation	85	78	84	88	78
Electrical accidents	141	132	140	133	144
Homicide, and deliberate wounding by another person	140	364	133	145	145
Starvation and exhaustion				1	
Other accidents, poisoning, traumatism	373	111	320	295	301
Unspecified mutilation	158	202	231	160	181
<b>Total deaths</b>	<b>3 210</b>	<b>3 159</b>	<b>2 966</b>	<b>2 735</b>	<b>2 482</b>

\* According to State Statistical Committee data.

171. Recent years have seen an encouraging downward trend in the mortality rate for children aged 0-14, mainly with respect to accidents, injuries, poisoning, and congenital development problems.

**Deaths of children aged 0-14 in 1993, 1996  
and 1997 by principal causes of death  
(per 10,000 children)\***

	1993	1996	1997
Total deaths	13.30	11.30	11.30
Accidents, injuries, poisoning	2.90	2.70	2.50
Congenital abnormalities	2.80	2.40	2.39
Disorders of respiratory organs	1.20	0.90	0.88
Diseases of the nervous system	0.93	0.90	0.83
Malignant tumours	0.74	0.60	0.65
Infectious and parasitic diseases	0.77	0.80	0.65

\* According to Ministry of Health data.

172. The principal causes of death among children aged 0-14 in 1993-1997 were: accidents, injuries and poisoning (22 per cent), traffic accidents (17 per cent), congenital abnormalities (21 per cent), conditions arising in the perinatal period (19 per cent), diseases of the nervous system (7 per cent), and diseases of the respiratory organs (8 per cent).

173. There have been no substantial changes in the structure of infant mortality since 1993. The mortality rate for boys aged 0-4 is 1.1 per 1,000 and for girls 0.9 per 1,000, as in preceding years. It should be noted that although the mortality rate of children aged 0-4 has hardly changed there are substantial differences by type of population: twice as many rural children die as urban. The total number of fatal accidents per 1,000 in this age group is 38 to 46 per cent higher for boys than for girls.

174. Every child death is considered by the advisory medical committee of a health institution. The Ministry of Health introduced a computerized system for monitoring deaths of children in the first year of life, and every death in this age group is entered in the system.

175. A Health Ministry decree stipulates that, as a rule, all bodies of patients who die in health institutions must undergo autopsy. This decree provides for mandatory autopsy of babies weighing over 500 grams born dead after the twenty-second week of pregnancy.

176. In 1997, 97.2 per cent of infants who died in the first six weeks of life underwent post-mortem examination; for children aged up to 14 the figure was 80.6 per cent.

177. There has been no decline in deaths from suicide in the 0-14 age group.

#### **Deaths from suicide in the 0-14 age group\***

1993	1994	1995	1996	1997
85	78	84	88	78

\* According to State Statistical Committee data.

178. A case of the death of a child from starvation was recorded for the first time in Ukraine in 1996.

179. The Act "On radio and television" bans broadcasts which may harm the physical, mental or moral development of minors; it specifically bans the dissemination, without the consent of the parents or surrogate parents, of information about minors who have committed crimes or about crimes committed against minors or about the suicide of minors if such information makes it possible to identify the minors in question.

180. The prevention of drug addiction, alcoholism, smoking and HIV/AIDS is one of the priorities of work of the centres providing social services for young people.

181. These centres are guided in their preventive work by the departmental regulations and national legislation, the National Programme to Combat Abuse of Narcotic Substances and their Unlawful Distribution 1994-1997, the National AIDS-Prevention Programme 1995-1997, an Order of the Cabinet of Ministers concerning measures to combat drunkenness, alcoholism and smoking, and the National Programme “Children of Ukraine”.

182. The National Committee for Prevention of Drug Addiction and AIDS, the Academy of Pedagogical Sciences, and the WHO office in Ukraine (AIDS Global Programme) act as permanent partners in carrying out the preventive measures.

183. According to the figures produced by the drug addiction programme, more than 190,000 young people received help in 1997, and more than 130,000 were helped in connection with HIV/AIDS.

184. In accordance with the Act “On juvenile affairs agencies and services and on special juvenile institutions” and the legislation of the Ministry of Internal Affairs regulating the activities of the internal affairs agencies, the staff of the corresponding local units are responsible for measures to combat AIDS, dissolute behaviour, drunkenness, drug addiction and other negative phenomena among young people. Similar action is envisaged in the National Programme “Children of Ukraine”, the basic measures of the Ministry of Internal Affairs, and the operational plans of the various departments and units of the juvenile police.

#### **D. Respect for the views of the child (art. 12)**

185. Under article 34 of the Constitution everyone has the right to freedom of thought and speech and free expression of opinions and beliefs. In current Ukrainian law children’s right freely to express their thoughts is embodied in the Marriage and Family Code, the Code of Criminal Procedure and the Code of Administrative Offences, and in the Acts “On education”, “On the formation of public associations”, and “On the press”, as well as in other legislation.

186. In the Act “On education” the State guarantees to teachers, students and schoolchildren the right to participate personally (or through their representatives) in the administration of their affairs, in the discussion and resolution of issues connected with the improvement of the teaching/learning process, scientific research work, award of education grants, and the organization of the daily routine, leisure time, etc., and to join public associations.

187. In accordance with the Acts “On the press” and “On the formation of public associations”, young students and pupils may take part in public organizations and associations, in the Junior Academy of Sciences, and in students’ self-management bodies.

188. Young people may express their opinions about the organization of school life and the exercise of their rights and freedoms in the school, district and regional communication media.

189. In legal proceedings and in the event of their arrest, minors are given an opportunity by the internal affairs agencies freely to explain the situation, state their views and complaints, and initiate procedures for the protection of their rights and freedoms.



190. In any judicial or administrative proceedings affecting their interests children are given the opportunity to be heard directly or through a representative or an appropriate body in accordance with the procedural rules contained in national legislation. Furthermore, in a number of categories of proceedings the rules provide for the mandatory participation of a representative of the guardianship and custody agency which is responsible for the personal and material protection of the child in question.

191. The Marriage and Family Code proclaims children's right to apply to the guardianship and custody agencies in defence of their rights and interests if their parents (or one of them) neglect their duties or abuse their parental authority. An application for assistance made by a child to one of these agencies is regarded as one of the grounds for taking a child into care.

192. In a number of instances the opinions of children aged 10 or older have legal significance, especially in adoption proceedings, the acquisition by an adopted child of the surname and patronymic of the adoptive father, changes of name, and registration of adoptive parents as the parents of an adopted child, as well as in the revocation of adoption orders and placement of children in family-style children's homes.

193. The opinion of a child aged 10 or older as to which parent he wishes to live with in the event of his parents' divorce is taken into account in the legal proceedings, but such opinions are not binding on the court.

194. The law allows guardianship and custody orders to be made without the child's consent.

195. The Act "On the formation of public associations" provides that registered public associations, including youth and children's organizations, are entitled to represent and defend their legitimate interests and those of their members in State and administrative agencies, to take part in political activities, to engage in mass activities (gatherings, meetings, demonstrations, etc.), to obtain from national and local executive authorities the information necessary for the attainment of their goals and purposes, to make proposals to national executive agencies, to disseminate information about and publicize their ideas and goals, and to create mass communication media.

196. Under the Act "On education" schoolchildren and students may establish their own local associations in their places of education.

197. The State accords to schoolchildren the right to participate personally (or through their representatives) in the administration of their affairs and in the discussion and resolution of issues affecting the improvement of the learning/teaching process, scientific research work, and the organization of the daily routine, leisure time, etc.

198. As part of the education process schoolchildren and students take part either personally or through their associations in school councils and local authority bodies.

199. The integrated disciplines "Teaching science" and "Psychology" form the basis of the vocational psychological/pedagogical training of future teachers in the institutions of the Ministry of Education; more than 300 hours of class work are timetabled for these subjects.

200. Questions of the education of children in the family are studied both in the general teacher-training and psychology courses and in the special-subject courses.

201. The Ministry of Family and Youth Affairs runs courses to upgrade the qualifications of its personnel, including a course on the rights of the child.

202. The Ministry of Justice runs courses to upgrade the qualifications of its personnel, including courses on children's problems. In the period January 1997 to June 1998 the courses included lectures on:

“Some issues of the application of the legislation on marriage and the family in the practice of the courts”: 80 hours;

“The application of re-educational measures to minors”: 36 hours;

“The practice of the courts in respect of sexual crimes and acts of corruption committed by adults against children”: 72 hours.

203. However, juridical institutions do not yet undertake the training of specialists in children's rights as part of the standard timetable. The rights of the child may be taken as a special subject.

204. The Act “On juvenile affairs agencies and services and on special juvenile institutions” provides that cases involving minors who have committed administrative offences and misdemeanours or the committal of minors to special establishments must be heard by specially authorized judges and court personnel, and the institution of court tutor has been created. However, this legislative rule is not applied in practice owing to the courts' excessive workload.

205. Institutes of higher education do not offer special vocational training for lawyers, judges and court tutors in social/legal protection work and rehabilitation measures for children or in the dispensation of juvenile justice.

206. In 1996-1997 the Ukrainian Institute for Social Research conducted a sociological survey of children aged 10 to 17 to clarify a number of basic problems affecting their lives and family relationships, and their attitudes to school, leisure, work, etc. A survey was also carried out among schoolchildren to determine their familiarity with the principles of the Convention, and sociological research work was done on children's living conditions in boarding establishments. The general findings of these investigations are taken into account in the drafting of legislation on children.

#### **IV. CIVIL RIGHTS AND FREEDOMS (arts. 7; 8; 13-17; and 37 (a))**

207. The Constitution establishes the fundamental civil rights and freedoms, including respect for everyone's human dignity and freedom and the inviolability of the person, the freedom of thought and speech, the right to full expression of one's opinions and beliefs, the freedom of

ideology and religion, the inviolability of the home, the confidentiality of written communications, telephone conversations and telegraphic and all other forms of correspondence, protection against interference in personal and family life, and the right to join political parties and public organizations for the exercise and defence of one's rights and freedoms. These human and civil rights and freedoms are protected by the law.

208. The constitutional rules relating to children are contained in the Marriage and Family Code, the Criminal Code, the Code of Criminal Procedure, the Code of Administrative Offences and the Labour Code, as well as in the Acts "On education", "On the formation of public associations", and "On juvenile affairs agencies and services and on special juvenile institutions".

#### **A. Name and nationality (art. 7)**

209. In accordance with article 18 of the Act "On the agencies for the registration of acts of civil status", births are registered by the civil registry offices or, in rural areas, by officials of the executive committees of village and settlement councils.

210. The procedure, place and time limit for the registration of births are established in the legislation. In particular, articles 163 and 164 of the Marriage and Family Code provide that a birth may be registered both at the child's place of birth and at the parents' place of registration or at either one of these places, or, in the event of the illness or death of the parents or their inability for any other reason to register the birth, by a statement of the parents, other persons or the management of the health facility where the child was delivered. In all cases the registration or declaration of the birth must take place within three months of the date of delivery or within three days if the child is stillborn.

211. It must be pointed out that civil registry offices may not refuse to register a birth on the ground that the registration should be effected in some other registry office.

212. If the child is born on an expedition, on a ship, at a polar station or in any other remote place which does not have a civil registry office, the birth may be registered at the place of residence of the parents or of one of them within three months of the date of return.

213. The birth of a foundling whose parents are unknown is registered on the basis of a declaration of the guardianship and custody institution or the management of the children's home which took the baby in, within three days of its discovery.

214. The same principles apply to the registration of the births of children and other persons living permanently in Ukraine but not having Ukrainian nationality and to asylum-seekers and refugees.

215. In urban areas births are registered by the local civil registry office and in rural areas by the executive committee of the local village or settlement council.

216. In order to ensure that the general public is fully informed about birth-registration matters, officials of the civil registry offices give public lectures attended by large audiences and talks on radio and television, as well as publishing the necessary information in the local press.

217. With a view to ensuring the prompt and correct registration of births the Ministry of Justice provides training for the staff of registry offices as one of its regular courses for upgrading the qualifications of Ministry personnel; it also holds conferences and seminars at which the questions discussed above are dealt with in detail.

218. The Marriage and Family Code provides that a child has the right to a forename, patronymic and surname.

219. Children are named by the parents by common accord. In the absence of such accord the matter is resolved by a guardianship and custody institution. The patronymic is conferred by the forename of the father or of the person registered as the father.

220. If the parents have the same surname, this surname is taken by the child. If their surnames are different, the child takes the surname of either the father or the mother by agreement between them or, in the absence of such agreement, by decision of a guardianship and custody institution.

221. The breakdown of a marriage or the declaration of its invalidity does not entail any change in the names of any children. If the parent with whom a minor child continues to live after the breakdown or declaration of invalidity wishes to give the child his or her surname, the guardianship and custody institutions are entitled to authorize the change if it is in the child's interest.

222. When a child is adopted, at the request of the adoptive parents the adoption order must record that the adopted child is taking the surname of the adoptive father and changing his patronymic accordingly. At the request of the adoptive parents the child's forename may also be changed.

223. Every child has the right to live and grow up in a family, to know his parents, and to live together with them, except when this is not in his best interests. Every child is entitled to have a relationship with both his parents and with his grandparents, brothers and sisters, as well as with other relatives. Family relations are governed by the Marriage and Family Code.

224. The details of a child's parentage are recorded following his birth in the civil register. If the father and mother are married to each other, they are registered as the child's parents on the basis of a declaration by one of them.

225. If the parents are not married to each other, the entry in the register on the child's mother is made on the basis of the mother's declaration and the entry on the father on the basis of a joint declaration by the father and mother or by the father alone if a court so rules. If the mother dies, is declared legally incapable or deprived of her parental authority or if she cannot prove her place of residence, the details of the father are recorded in accordance with his own declaration.

226. When a child is born to an unmarried mother, in the absence of a joint declaration by the parents or a court ruling on paternity, the entry on the child's father is made in the surname of the mother, and the father's forename, patronymic and nationality are recorded as she directs. If the mother dies, is declared legally incapable or deprived of her parental authority or if she cannot prove her place of residence, the entries on the child's father and mother are made in accordance with the declaration of relatives, other persons or the management of the health facility in which the child was delivered.

227. In the event of a child's adoption, the adoptive parents may request to be registered as the child's parents. This entry is made by the civil registry office on the basis of the adoption order.

228. In such cases the office records the corresponding changes in the entry on the adopted child's birth in the register and issues a new birth certificate incorporating the changes. As an adopted relative of his adoptive parents the child is assimilated for the purposes of personal and property rights to a relative by birth.

229. The grounds for granting or terminating citizenship are defined in the Act "On citizenship of Ukraine" in the version of 16 April 1997. The changes and additions to this Act are designed to clarify the procedure for granting citizenship to children born of Ukrainian parents and the procedure for the acquisition of citizenship by children having only one Ukrainian parent and by children of stateless parents. The procedure for establishing citizenship by such children is a democratic one and takes into account their best interests.

230. Under the Act a child whose parents were Ukrainian citizens at the time of his birth is a citizen of Ukraine regardless of whether he was born in Ukrainian territory or abroad. Children born in the territory of Ukraine of stateless or unknown parents are Ukrainian citizens.

231. If the parents are of different nationalities, the child is a citizen of Ukraine if he was born in Ukrainian territory, or abroad if the parents (or one of them) were permanently resident in Ukraine at the time. If the parents change their nationality and both become citizens of Ukraine or if they both relinquish Ukrainian citizenship, the nationality of their children aged under 16 changes accordingly.

232. A child may obtain Ukrainian nationality if one of his parents becomes a Ukrainian citizen but the other remains a foreign national or stateless person.

233. A foreign or stateless child becomes a citizen of Ukraine if he is adopted or if guardianship or custody of him is obtained by a Ukrainian citizen or if at least one member of his family is of Ukrainian nationality. The procedure for the acquisition of Ukrainian nationality by children is fully consistent with the Universal Declaration of Human Rights.

234. Children adopted by foreign nationals retain their Ukrainian citizenship.

235. A change of the nationality of a child aged 16-18 following a change of nationality by his parents or in the event of his adoption may be effected only with child's consent.

### **B. Preservation of identity (art. 8)**

236. Article 8 of the Convention establishes the right of the child to preservation of identity, including nationality, name and family links. This right is safeguarded by the Marriage and Family Code, the Acts “On citizenship of Ukraine” and “On national minorities in Ukraine”, and the Order concerning the procedure for consideration of applications by citizens of Ukraine for changes of surname, forename or patronymic.

237. Questions of nationality are governed by the Act “On citizenship of Ukraine”, which provides for the retention of nationality by children made subject to guardianship or custody in the event of surrender of Ukrainian citizenship by one of their parents or adoption by foreign nationals or stateless persons.

238. The Marriage and Family Code provides that every child must be given a surname, forename and patronymic at birth in accordance with the rules established in the Code. The right to preservation of personality is infringed if at the time of adoption the adoptive parents change the child’s forename (art. 114). The child must consent to a change of forename if he is aged 10 or older.

239. Under the Act “On national minorities in Ukraine” all citizens are entitled to a surname, forename and patronymic of their own national minority. Citizens whose national tradition is not to use a patronymic are entitled to enter in their passports only their forename and surname and in their birth certificates the forenames of their father and mother.

240. Ukrainian law requires a clear definition of the status of a child’s personality and compliance with the right of the child to be given a name at birth.

### **C. Freedom of expression (art. 13)**

241. Children’s right to freedom of thought and speech and their freedom to express their opinions and beliefs are guaranteed by the Constitution.

242. All citizens of Ukraine have the right freely to collect, preserve, use and disseminate information orally, in writing or by any other means of their choice. The exercise of this right may be limited by law in the interests of national security, territorial integrity or civil order in order to prevent disorder or crime, protect the people’s health, safeguard the reputation or rights of other persons, prevent the dissemination of information given in confidence, or protect the authority and impartiality of the operation of the law.

243. This constitutional right is further developed in the Acts “On education”, “On printed media of mass information (the press)” and “On information”, as well as in the Criminal Code.

### **D. Freedom of thought, conscience and religion (art. 14)**

244. All citizens have the right under the Constitution to freedom of ideology and religion. This right includes the freedom to profess any religion or none, to practice religious rites individually or collectively without interference, and to engage in other religious activities.

245. No one may be released from his obligations to the State or refuse to obey the law on the ground of religious belief. If the performance of military service clashes with a citizen's religious beliefs, he must perform alternative (non-military) service instead.

246. These provisions of the Constitution are reflected in the Acts "On education", "On universal military duty and military service" and "On freedom of conscience and on religious organizations".

247. Under the Act "On freedom of conscience and on religious organizations" all citizens (regardless of age) are guaranteed this freedom, which includes the right to hold, accept or change the religion or religious beliefs of one's choice and the freedom individually or collectively to profess any religion or none, to practice religious rites, and openly to express and freely to profess one's religious or atheistic beliefs. Parents and surrogate parents have the right to bring up their children by common accord in conformity with their beliefs and their attitudes towards religion (art. 3).

248. All religions, religious denominations and religious organizations are equal before the law. The establishment of any advantages or restrictions for one religion, religious denomination or religious organization in relation to the others is prohibited.

249. Pursuant to the third part of article 35 of the Constitution the Church and religious organizations are separated from the State, and schools from the Church.

250. In accordance with article 6 of the Act "On freedom of conscience and on religious organizations" the system of State education is separated from the Church (and other religious organizations): it is a secular system. Religious beliefs and membership of a religious community do not constitute obstacles to school attendance. However, pupils may not engage in religious practices at school.

251. The system of State education is secular, but children have an opportunity of religious education either in denominational schools or in schools, circles and groups set up by religious communities. All children are entitled to religious education in accordance with the wishes of their parents or surrogate parents, and no one has the right to compel children to study religion or to impose religious beliefs on them against their parents' wishes. Interpreters of religious dogma and preachers of religion must educate their congregations in a spirit of toleration and respect for citizens who do not profess a religion and for adherents of other denominations.

252. The Constitution proclaims the principle that the State must encourage the development of the distinctive religious characteristics of all the indigenous peoples and national minorities of Ukraine, may not permit any privileges or restrictions on the ground of religious belief, and must guarantee everyone the freedom of ideology and religion.

253. The Criminal Code establishes criminal responsibility for acts designed to inflame religious enmity and hatred, to injure people's feelings in connection with their religious beliefs, or directly or indirectly to restrict rights or accord direct or indirect advantages on the grounds of a person's attitude to religion.

254. The Code prohibits the obstruction of the performance of religious rites, provided that they do not disrupt the public order and do not involve any encroachment on the rights of others. The law prohibits the organization or leadership of any group whose activities are conducted under the pretext of the teaching of a religious dogma or the performance of religious rites but in fact may damage people's health or promote sexual depravity.

#### **E. Freedom of association and peaceful assembly (art. 15)**

255. The Act "On the formation of public organizations" guarantees citizens the freedom to associate in political parties and other public organizations for the exercise and defence of their rights and freedoms and the cultivation of their political, economic, social, cultural and other interests, with the exception of organizations prohibited by law in the interests of national security and public order, protection of the people's health, or defence of the rights of others. No one may be compelled to join any public association or have his rights restricted on the ground of membership or non-membership of a political party or public organization. All public associations are equal before the law.

256. All children are entitled to join and participate in the activities of children's and youth associations and organizations.

257. Children's and youth organizations may be founded by Ukrainian citizens or nationals of other States or stateless persons who have reached the age of 15. The age limits on membership of children's and youth organizations are determined by their statutes.

#### **F. Protection of privacy (art. 16)**

258. The protection of children's rights and interests is a matter for their parents, surrogate parents, the guardianship and custody agencies, the Procurator's Office and the courts.

259. The Marriage and Family Code stipulates that the protection of the rights and interests of minors is the responsibility of their parents, who may act in this matter without any special authorization. If a minor marries, he or she acquires full legal capacity from the time of the marriage and may then defend his or her rights independently.

260. All citizens are guaranteed the confidentiality of correspondence, telephone conversations, and telegraphic and other means of communication. The search or inspection of accommodation and the seizure of correspondence are permitted only in conformity with the rules set out in the Code of Criminal Procedure.

261. No citizen may be subjected to interference in his personal or family life, except in the instances provided for in the Constitution. The gathering, keeping, use and dissemination of confidential information about a person without his consent is prohibited, except in the circumstances specified by law and only in the interests of national security, economic prosperity or human rights.



262. Everyone is guaranteed legal protection of the right to contest false information about himself or the members of his family, as well as of the right to demand the withdrawal of any such information and the right to compensation for any material or moral damage resulting from the gathering, keeping, use or dissemination of false information.

263. These provisions of the law apply fully to minors.

264. The Marriage and Family Code stipulates that if a minor has possession of property belonging to him his parents may administer such property as trustees without any special authorization, provided that they comply with the legal rules on such matters. Under the Civil Code citizens acquire the right to administer their own property on their eighteenth birthday. Minors aged 15 or older are entitled to enter into legal agreements with the permission of their parents, adoptive parents or guardians. They are entitled to enter into minor everyday agreements of their own accord.

### **G. Access to appropriate information (art. 17)**

265. The system of State television and radio information services provides children with broad access to reliable and substantive information. The special creative production units, chief editorial offices and other departments of the national television and radio corporations produce information programmes specifically for children of all age groups. They have an integral system for producing broadcasts for children on various topics and in various genres and forms.

266. The mass media have been giving extensive attention to the implementation of the National Programme "Children of Ukraine". The pages of newspapers and magazines frequently contain articles offering advice to parents and children on topical issues of education and upbringing, health care, food hygiene and clean water, and prevention of traffic accidents involving injury to children. Information items on various matters such as a healthy life style and on many aspects of moral/patriotic education are becoming increasingly common, as are items in which well known experts in Ukraine and its regions offer advice.

267. The national, regional and local press concentrates on publicizing measures to prevent juvenile crime and child neglect. A number of periodicals report on the fight against juvenile crime, the role of law-enforcement agencies in this fight, and the crime-prevention work of local State services.

268. Information is provided about measures to tackle the social problem of youth unemployment, the creation of the necessary conditions for the comprehensive development of young people, and society's duty to ensure the involvement of children in all areas of activity.

269. With a view to combating the unlawful use of cinema and video films and to prevent the showing of video materials promoting pornography, drug addiction, cruelty, violence and other harmful phenomena, the Cabinet of Ministers introduced by Order No. 563 of 5 June 1997 a system of State certification to regulate the rental and distribution of such films.

270. In 1996 the Ministry of Internal Affairs recorded only one conviction under article 211-1 of the Criminal Code, which criminalizes the import, production and distribution of materials popularizing the cult of violence and cruelty; 18 such cases were recorded in 1997.

271. Libraries are one of the sources of information for children and adolescents. According to the Ministry of Culture and the Arts, the network comprises 1,246 children's, over 17,500 rural and over 21,000 school libraries.

272. The number of publications for children and their print runs have declined noticeably. Some 40 to 60 per cent of such publications are in Ukrainian.

273. The number of publications for children is of course insufficient to satisfy children's educational, cultural and information needs. This trend is unfortunately being encouraged by the country's general economic crisis.

#### **Publication of children's literature\***

Year	Indicator	No. of titles	Total copies
1993	Total	335	15 778 000
1994	Total	172	5 701 000
	including in Ukrainian	83	2 510 000
1995	Total	266	5 172 000
	including in Ukrainian	145	2 592 600
1996	Total	299	3 184 000
	including in Ukrainian	157	1 483 700
1997	Total	210	2 050 000
	including in Ukrainian	141	1 252 300

\* According to Ministry of Information data.

274. With a view to supporting the publication of children's literature the Ministry of Information makes financial provision for a number of children's publications when compiling and implementing its annual programme of publications socially necessary for the general purposes of the State.

275. The Ministry constantly encourages exhibitions and fairs to promote children's books brought out by Ukrainian publishers. Exhibitions of printed materials for children are organized with the active support and participation of a number of State publishing houses.

276. School textbooks and children's books in the languages of national minorities appear every year under the State programme for the publication of literature in the languages of national minorities by the Ministry's publishing units (Hungarian, Romanian, Polish, Hebrew, Slovak, Crimean Tartar, Greek, Georgian, etc.).

277. In accordance with the Fundamentals of Legislation on Culture, citizens of any of the nationalities have the right to preserve, develop and popularize their language and set up mass communication media and publishing houses, with a view to the development of the cultures of all the national minorities living in Ukraine.

278. One of the main areas of activity under Ukraine's cooperation with UNESCO is information work with children to publicize contemporary world thinking in the sphere of education, science and culture. The UNESCO associated schools project aims at the development of education in a spirit of peace and international understanding within the existing education structure.

279. Ukraine has 18 schools involved in this UNESCO programme, as well as some 30 "candidate" associated schools.

280. All the associated schools correspond and exchange youth, children's and teachers' delegations with their overseas partners, as well as holding friendship festivals, meetings, discussion evenings, solidarity fairs, competitions, UNESCO weeks, etc. Some schools are collective members of friendship associations with other countries.

281. One popular form of cooperation with UNESCO at present is the creation of UNESCO chairs in Ukraine's institutes of higher education in order to make this organization's ideas better known. At present there are four such chairs: in the Kiev Languages University, the Kiev International Science and Technology University, the Kharkov Agrarian University, and the "Kiev-Mogilyansk Academy" national university.

#### **H. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art. 37 (a))**

282. Every citizen of Ukraine is entitled to respect for his human dignity. No one may be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

283. Parental authority may not be exercised to the detriment of the child's interests. In the event of the improper performance of their duties by their parents (or one of them) or of abuse of parental authority, children are entitled to turn for the protection of their rights and interests to the guardianship and custody agencies.

284. These agencies verify the performance by parents of their obligations with respect to their children's upbringing and, when necessary, they take action to assist the children and protect them against any threat to their physical or spiritual development.

285. One or both parents may be deprived of parental authority if it is established that they are abusing this authority, treating their children cruelly, or having a harmful influence on their children as a result of amoral or antisocial behaviour, or if the parents are chronic alcoholics or drug addicts. The removal of parental authority is subject to strict legal procedures.

286. In exceptional circumstances when there is a direct threat to a child's life or health the agencies are empowered to decide on the immediate removal of a child from his parents or from other persons who are in fact bringing him up.

287. If during actions for the removal of parental authority a court uncovers evidence of wrongdoing on the part of one or both parents, it informs the Procurator's Office or itself institutes criminal proceedings.

288. The Criminal Code criminalizes the deliberate infliction of grievous bodily harm by means constituting cruel treatment or torture, systematic minor ill-treatment resulting in grievous bodily harm, and deliberate beatings or other acts of violence causing physical pain.

289. Living off the earnings of minors is punishable by imprisonment.

290. The application of these provisions of the law is poorly supervised in Ukraine, as can be seen from the fact that there were only two actions in 1996 under article 115 of the Criminal Code concerning abuse of parental authority and denial of care and support to children. There were no official reports in 1997 of prosecutions under this heading.

291. Under the existing legislation minors may not be subjected to torture or other degrading treatment in the course of the operational investigation and prevention measures carried out by the juvenile internal affairs agencies.

292. This was confirmed during the verification mission to Ukraine of the United Nations Commission on Human Rights in May-June 1998. No evidence of cruel treatment, torture or other inhuman acts was found in places of imprisonment and temporary detention in the territory of Ukraine.

## **V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE (arts. 5; 18, paras. 1-2; 9-11; 19-21; 25; 27, para. 4; and 39)**

### **A. Parental guidance (art. 5)**

293. The duties of parents and surrogate parents with respect to the education and upbringing of their children are set out in the Act "On education": to provide constant care for the physical and mental health of their children; to create the necessary conditions for the development of their natural abilities; to respect their dignity; to cultivate in them diligence, kindness, charity, respect for the official language and their mother tongue, for their family and elders, and for national traditions and customs; to cultivate in them respect for the national, historical and cultural values of the Ukrainian and all other peoples, a caring attitude to the historical and cultural heritage and the environment, and love for their Fatherland; to facilitate their children's education in school or to provide comprehensive education at home in accordance with the requirements of content, standard and scope, and to cultivate in them respect for the law and for the fundamental human rights and freedoms.

294. The structure of life in Ukraine means that most of its population lives in a family or in a family-linked situation. According to the latest population census (1989) Ukraine had 14.1 million families. There were roughly 273 families per 1,000 inhabitants (274 in urban areas and 272 in rural). The prevailing type was the simple family, consisting of a married couple and their children but sometimes including a parent of one of the spouses. This type of family accounted for 72.5 per cent of the total, and complex families (with two or more family couples) for 5.4 per cent.

295. There is an increasing trend towards single-child and childless families.

**Proportion of children in the population of working age\*  
(per 1,000 inhabitants)**

1993	1994	1995	1996	1997
405	399	393	385	377

\* According to State Statistical Committee data.

296. The proportion of single-parent families, usually consisting of a mother and child, is tending to increase as a result of divorce, widowhood and the rise in the number of children born out of wedlock. In 1989 such families accounted for 13.5 per cent of the total (14.8 in urban areas and 10.8 in rural).

297. The number of children born out of wedlock is increasing.

**Proportion of children born out of wedlock\*  
(percentages)**

1993	1994	1995	1996	1997
13.0	12.8	13.2	13.6	15.2

\* According to State Statistical Committee data.

298. Local executive authorities have departments for family and youth affairs whose basic function is to implement State policies on the family, women, young people and children, and maternal and child care. They are required inter alia to facilitate the introduction of an effective system of social protection, operate social assistance services, and support families, women, young people and children.

299. There are regional social services centres for young people whose function is to implement State policies on youth, carry out social work with children, young people, women and various categories of family, and coordinate the activities and ensure the organizational and

methodological management of the work of the centres. One of the tasks of these regional centres is to carry out the necessary measures with children, young people, women and various categories of family to prevent and eliminate harmful influences. As part of their work the centres organize and operate legal, psychological-educational, medical, vocational guidance and information services.

300. One of the core tasks for parents is to safeguard the interests of their children. Parents are not entitled to harm their children's physical or mental health or moral development. Under Ukrainian law the raising of children must not involve excessive pressure to achieve, cruel treatment, or contempt for human dignity.

301. The violent treatment and the exploitation of children are liable to prosecution.

302. The conditions of the upbringing and maintenance of children in the family are monitored by the guardianship and custody agencies and the juvenile affairs services.

### **B. Parental responsibilities (art. 18, paras. 1-2)**

303. Under the Marriage and Family Code parents have the right and the duty to bring up their children, care for their health and their physical, spiritual and moral development, educate them and prepare them for working life. Parents must maintain their minor children and any children of age who need material assistance (art. 80).

304. Fathers and mothers have equal rights and duties in respect of their children; this provision continues to apply in the event of break-up of the marriage.

305. Issues concerning the upbringing of their children are resolved by the parents by common accord.

306. A parent living separately from his or her children must take a part in their upbringing and has the right to spend time with them. A parent with whom a child is living is not entitled to prevent the other parent from spending time with the child and taking a part in his upbringing. If the parents cannot agree about the participation of one of them in the child's upbringing, the issue is resolved by a guardianship and custody agency or by the courts in the light of the child's best interests.

307. Parents are responsible for the material maintenance of their children. This responsibility stays with them even if their parental authority is removed. See paragraphs 370 to 379 below.

308. The Constitution provides that families are to be protected by the State. The State provides support for families by creating and operating an extensive network of children's homes, nurseries and kindergartens, day and boarding schools, and other children's institutions and organizations, by improving everyday services and the people's diet, by providing material assistance following the birth of a child, as well as benefits for single mothers and large families, and by furnishing other forms of assistance to families.

309. The Act "On State assistance for families with children" establishes the types and amounts of the benefits for such families. Large single-parent families with a disabled child are given preference in the use of the services of pre-school facilities.

310. The Labour Code does not permit pregnant women and women with children aged under 3 years to work at night, to work overtime or on holidays, or to be sent on mission.

311. Women with children aged from 3 to 14 may not work overtime or be sent on mission against their wishes.

312. Pregnant women and women with children aged under 3 years are entitled to be transferred to other work and to continue to receive the average wage of their previous workplace.

313. Women are entitled to pregnancy and childbirth leave. On application women are also granted additional leave without pay to care for children until their third birthday. If her child needs care at home, a mother is granted leave without pay for the period mentioned in the medical opinion, but not beyond the child's sixth birthday.

314. Women may not be refused employment or employed on lower wages for reasons connected with pregnancy or the presence of children aged under 3 years; for single mothers the rule specifies a child aged under 14 years or a disabled child. Complaints concerning refusal of employment on these grounds may be lodged with the courts.

315. Pregnant women and women with children aged under 3 years and single mothers with a child aged under 14 or a disabled child may not be dismissed except in the event of the total liquidation of the enterprise, establishment or organization, when they may be dismissed but have the right to mandatory employment elsewhere. The re-employment of these categories of women workers is also mandatory when they are dismissed on the expiry of their labour contract.

316. These benefits are also extended to fathers bringing up children alone (including situations in which the mother spends a long period in hospital) and to guardians and custodians.

317. Parents also have equal rights and equal responsibilities in respect of their children under the Marriage and Family Code if the marriage breaks up. Parents, guardians and custodians have the right and the duty to bring up the children in their charge, to care for their health and their physical, spiritual and moral development, to educate them and prepare them for working life.

318. Although the average amount of the designated monthly assistance was higher in absolute terms in 1998 than in 1993, it does not satisfy the needs of families with children in exceptional situations. Large families, single-parent families and families with disabled children are especially vulnerable; but the amounts of material assistance fixed by Order No. 832 of the Cabinet of Ministers dated 26 July 1996 are insignificant.

319. In view of the fact that the arrangements for the award and receipt of child benefit require immediate improvement, the Ministry of Labour and Social Policy, in conjunction with the Ministry of the Economy and the Ministry of Finance, has introduced a mechanism for targeted supplementary benefit for children aged up to 16 (students up to 18) which it recommends the regional State authorities to introduce as far as their financial position allows.

320. The Ministry has also drafted and submitted to the Supreme Council a bill “On the amendment of certain legislative acts concerning individual social benefits paid by units of the social assistance departments for the social support and assistance of poor citizens” in order to ensure equality of opportunity in the exercise of their entitlement to assistance by families and children when the parents are employed by enterprises which are being restructured or have been declared bankrupt and are unable to provide material assistance.

321. A social assistance bill designed to restructure the system of social security benefits has been drafted and is currently being examined by the Ministry of Finance; this bill restructures all forms of assistance for poor members of the population, establishing the sources of funding of the benefits and services, the agencies and organizations authorized to provide them, and the procedure for monitoring the correct use of the resources.

### **C. Separation from parents (art. 9)**

322. Questions of children’s cohabitation with their parents are regulated by the Marriage and Family Code, the Criminal Code and the Code of Criminal Procedure.

323. All children are entitled to be brought up in their own family and have a relationship with their parents, brothers, sisters and other relatives, provided that this does not clash with their best interests.

324. If the parents do not live together they must decide with whom their minor children should live. If the parents cannot decide, the decision is made by a court.

325. Parents have the right to request that their children should be removed from any person keeping them with himself illegally or without a court order. The abduction or substitution of another person’s child for reasons of profit, out of revenge or for any other personal reason is punishable under the Criminal Code.

326. The parents (or either one of them) may have their parental authority removed if it is established that they are evading their obligations with respect to their children’s upbringing or are abusing their parental authority, treating their children cruelly, or having a pernicious influence on them through their immoral or antisocial behaviour. Parental authority may be removed only by a court. If both parents lose their parental authority, the child is placed in the keeping of the guardianship and custody agencies.

327. A court may decide to remove a child from his parents and place him in the keeping of these agencies irrespective of whether the parents have lost their parental authority if it dangerous for the child to remain with them.



328. In exceptional cases when there is a direct threat to a child's life or health the agencies are empowered to decide to remove him immediately from his parents or any other persons who are actually maintaining him. In such cases the agency taking this decision must immediately inform the Procurator's Office and submit to a court within seven days of the decision an application for removal of parental authority from one or both parents or for removal of the child.

329. If the reasons for the parents' failure to bring up their child properly cease to exist, the court may, on application by the parents, decide to return the child to them.

330. During the court proceedings in cases of this kind the guardianship and custody agency must submit its opinion in writing, and its representative and a representative of the Procurator's Office must be present at the hearing.

331. In 1997 the courts considered 3,399 applications for removal of parental authority (in 1996 the figure was 2,806): 3,180 of the applications succeeded (in 1996 - 2,618).

332. All the interested parties - parents or surrogate parents, children, representatives of the guardianship and custody agencies - may take part in proceedings concerning the removal of parental authority and be given a hearing in court.

333. When considering disputes over children the courts proceed on the basis of the children's best interests and the conditions for their normal development and upbringing. If the child in question is aged 10 or older, the court must elicit his wishes as to which parent he prefers to live with. Such wishes are not binding on the court if it concludes that it is not in the child's interest to remain with the parent of his choice.

334. Questions of a child's upbringing are decided by the parents by common accord. The parent not living with the child must play a part in his upbringing and has the right to spend time with him. The parent with whom the child lives is not entitled to prevent the other parent from spending time with the child.

335. If the parents cannot agree on this participation in the child's upbringing, the schedule is decided by a guardianship and custody agency, with input from the parents, in the light of the child's best interests. If the parents do not comply with this decision, the agency or either of the parents may apply to the courts for a ruling on the dispute.

336. In 1997 the agencies dealt with 1,461 disputes between parents concerning their child's place of residence, and 2,654 concerning the participation in the child's upbringing by the parent living apart from him.

337. Grandparents also have a right to spend time with their minor grandchildren. If the parents refuse to allow the grandfather or grandmother opportunities to visit the grandchildren, the guardianship and custody agency may require the parents to do so according to a schedule fixed by the agency, provided that the visits do not interfere with the child's normal upbringing. If the parents do not comply with this decision, the grandparents may apply to the courts for a ruling on the dispute.

338. The Act “On information” sets out citizens’ rights in the sphere of access to information, generally information concerning them directly; the question of how this right applies to children has not been resolved.

339. The following information must be presented when a child is admitted to a school/home for orphans and children lacking parental care: details of the parents or surrogate parents (copies of the parents’ death certificates, the court sentence or decision, certification that the parents are ill or wanted by the police, and any other documents confirming the parents’ absence or their inability to attend to their children’s upbringing) and details of any brothers, sisters or other close relatives and their places of residence.

340. When a child is released or transferred from an institution he is presented with information about his parents and other close relatives.

341. Children living in family-style children’s homes have the right to maintain contacts with their parents and other relatives, provided that this does not clash with the children’s best interests or impede their normal development and education. The form of such contacts is determined by a guardianship and custody agency in each specific case.

342. If a child is given in adoption by a State children’s institution, the director of the institution in which the child was placed or the person with whom the child is living must submit to the education authority in the child’s place of residence certificates of his parents’ deaths or a copy of the court order on the removal of parental authority, a declaration that the parents are incapable, missing or presumed dead, documents confirming that the parents are not participating in the child’s upbringing without good reason or are wanted by the police, or certification by an internal affairs agency that the child has been abandoned.

343. The Code of Criminal Procedure stipulates that the parents or surrogate parents must be informed when a minor is arrested or taken into custody.

344. The directors of State institutions for the care of children are provided with full information about the children in their charge.

#### **Numbers of children in places of detention, 1993-1997\***

	1993	1994	1995	1996	1997
Girls	197	312	327	395	423
Boys	5 358	6 346	6 381	7 472	7 417
Total	5 555	6 658	7 158	7 867	7 840

\* According to Ministry of Internal Affairs data.

345. In accordance with the principle of the equality of nationalities established in article 24 of the Constitution, internal affairs agencies do not keep records of convicted persons by nationality.

346. When a child is placed in an orphanage, the guardianship and custody agencies submit to the institution's management documents concerning the parents or their surrogates: copies of the parents' death certificates, the court sentence or order, certification that the parents are ill or wanted by the police, and any other documents confirming their absence or incapacity to bring up their children. When a child is placed in a family-style institution, these documents are presented to the institution's parent-carers.

347. Social protection was provided in 1997 under the Act "On juvenile affairs agencies and services and on special juvenile institutions" for children deprived of parental care in 62 shelters for juveniles and 21 temporary rooms. In 1997 local executive authorities opened 33 shelters for juveniles and three shelters managed by charitable associations. In that same year the shelters provided social protection for 11,189 minors, including 2,056 aged 3 to 7 (18.4 per cent), 7,271 aged 7 to 14 (65 per cent), and 1,879 aged 14 to 18 (16.8 per cent). There were 7,269 boys and 3,920 girls.

348. Analysis showed that 5,701 (51 per cent) of the children in shelter had been living in single-parent families, 2,239 (20 per cent) were orphans or children lacking parental care, and 282 (2.5 per cent) were in guardianship. Investigation of the parents of children in shelter showed that in most cases the parents or guardians had been neglecting the child's upbringing, abusing alcohol, permitting the non-medical use of narcotic drugs, or pursuing antisocial lifestyles.

#### **D. Family reunification (art. 10)**

349. The 1994 Act "On exit and entry procedures for citizens of Ukraine" accords citizens the right to leave Ukraine, except in the cases specified in the Act and to enter Ukraine. Under no circumstances may the right of citizens to enter Ukraine be restricted.

350. The travel of minors to foreign countries is governed by the 1995 Regulations, with their supplements and amendments, on the form and issue of passports for travel abroad and children's travel documents and on their temporary seizure and withdrawal.

351. Independent travel abroad by children aged under 18 is allowed with the notarized consent of their parents or legal representatives. If one of the parents refuses such consent, the travel may be authorized by a court.

352. Children aged 14 to 18 are permitted to leave Ukraine with a view to permanent residence abroad only with their parents' written and notarized consent.

353. The details of children under the age of 18 travelling abroad with their parents or legal representatives are entered in these persons' passports. If a minor needs to make an independent journey abroad, he is issued with his own travel document.

354. Travel documents/passports for minors travelling abroad independently are issued on the basis of a notarized declaration by the parents or the legal representatives of the parents or the minors. For children aged 14 to 18 the declaration must attest the absence of circumstances restricting the right to travel abroad under the law of Ukraine.

355. Ukrainian legislation does not contain any rules restricting personal relationships or contacts between a child and his parents when the parents live in different States.
356. Parents living in different States have equal rights to maintain relations with their child unless such rights are limited by a court order.
357. If one parent does not consent to a minor's travel abroad, the travel may be authorized by court order.
358. All the provisions of Ukrainian law extend to citizens who have applied to travel beyond the country's frontiers. They have all the rights and the duties established by law. Any restriction of their civil, political, social, economic or other rights is prohibited.
359. The procedure for entry to a foreign State is regulated by the law of that State.
360. A citizen of Ukraine may be temporarily refused a passport if:
- He possesses information constituting a State secret;
  - Unfulfilled maintenance, contractual or other obligations are in effect;
  - Criminal proceedings have been instituted against him;
  - He has been found guilty of a crime;
  - He declines to fulfil obligations imposed by court order;
  - He has knowingly given false information about himself;
  - He is subject to call-up for compulsory military service;
  - Civil court proceedings have been instituted against him;
  - A court has declared him to be an especially dangerous recidivist or he is subject to administrative supervision by the police.
361. Under this same Act citizens have the right to leave Ukraine except in the cases specified by law and to return.
362. The procedure for entry to a foreign State is regulated by the law of that State.
363. Under no circumstances may a citizen of Ukraine have his right to enter the country restricted.

### **E. Illicit transfer and non-return (art. 11)**

364. Pursuant to the supplements and amendments introduced in the 1998 Criminal Code, a sentence of deprivation of liberty is imposed for open or covert control of persons for the purposes of their lawful or unlawful transfer, with or without their consent, across a State frontier with a view to their subsequent sale or paid delivery for sexual exploitation, use in the pornography trade, involvement in criminal activities, subjection to debt bondage, commercial adoption, or use in armed conflicts, or with a view to the exploitation of their labour.

365. Criminal responsibility is established in respect of acts connected with the illicit transfer of children across the frontier or failure to return them to Ukraine, as well as acts connected with the removal from the victim of organs or tissue for transplant or forced donation.

366. Ukraine has concluded bilateral international agreements on judicial assistance and judicial relations in civil and criminal cases with Lithuania (1993), Poland (1993), Moldova (1993), Georgia (1995), Latvia (1995) and Estonia (1995).

367. These agreements include a clause on the provision of legal assistance to parents and children in proceedings concerning the establishment or contesting of paternity when the parents and children live in different places, etc.

368. Ukraine is also a party to the 1993 Minsk Convention on judicial assistance and judicial relations in civil, family and criminal proceedings.

369. Ukraine's succession with respect to the 1958 Treaty between the USSR and Hungary on the provision of judicial assistance in civil, family and criminal cases was formally established by an exchange of notes.

### **F. Recovery of maintenance for the child (art. 27, para. 4)**

370. Questions of the maintenance of minor children by their parents in the event of divorce or removal of parental authority are regulated by the Marriage and Family Code. Parents are obliged to maintain their minor children (and their children of the age of majority who are unfit to work) requiring material support. If the parents fail to fulfil this obligation the funds for maintaining the children are recovered from them by judicial proceedings.

371. If the marriage has broken up, the court may take measures, when necessary, to protect the interests of any minor children.

372. The removal of parental authority does not release parents from the obligation to maintain their children.

373. Maintenance for minor children is paid by parents voluntarily or pursuant to a court order either in person or through their employer or an office at their place of work or a body from which they receive a pension or benefit authorized by them to make the payments.

374. If a citizen liable for maintenance payments goes abroad to a permanent place of residence in a State with which Ukraine does not have a treaty on the provision of judicial assistance, the maintenance is recovered in accordance with a procedure determined by the Cabinet of Ministers.

375. Maintenance for minor children is recovered from their parents in the following amounts: for one child - one quarter of earnings; for two children - one third; and for three or more children - one half of the parents' earnings or income, but not less than one half of the gross (untaxed) official minimum income for each child.

376. These fractions of earnings and the minimum amount of maintenance may be reduced by a court if the parent responsible for payment of the maintenance has other minor children.

377. Parents paying maintenance may not be required to bear part of any additional expenditures resulting from exceptional circumstances (serious illness, injury, etc.).

378. The obligation to maintain minor children who have no parents or whose parents are unable to maintain them for good reasons may be transferred to other relatives - grandparents, brothers, sisters, step-parents - or to persons who have been bringing up the child on a permanent basis, maintaining him as a member of their own family and providing him with systematic material support.

379. Persons refusing to pay maintenance for their children established by a court order or an order of a people's judge and parents maliciously refusing to maintain minor children or children unfit to work who are in their charge are liable to criminal prosecution.

#### **G. Children deprived of their family environment (art. 20)**

380. The rights of orphans and children deprived of parental care are regulated by the Marriage and Family Code and the 1994 Order of the Cabinet of Ministers "On improvement of the upbringing, education, social protection and material support of orphans and children deprived of parental care", which was confirmed by a Presidential Decree in 1997.

381. The following forms of placement are established by law for the maintenance of children deprived of parental care: adoption (as the preferred option); guardianship or custody by a physical person (guardian, custodian); placement in a State institution for such children; and placement in a family-style children's home.

382. According to data of the State Statistical Committee, as of 1 January 1998 there were 53,712 children aged up to 18 being maintained in families under guardianship arrangements and 62,449 children living with adoptive parents. At the end of 1997 there were 39 boarding schools for orphans and children deprived of parental care housing 10,723 children, 50 children's homes run by the Ministry of Education housing 4,076 children, and 43 children's homes run by the Ministry of Health housing 4,620 children.

383. Positive experience is increasingly being gained in the organization of various forms of the family upbringing of orphans and children deprived of parental care and in the delivery of their right to family life. As of 1 January 1998 there were 75 family-style children's homes. They are regulated by a 1994 Order on such homes.
384. With a view to providing shelter for children deprived of parental care Ukraine has created in recent years shelters and services for minors whose basic task is to furnish social protection and establish the necessary living, psychological-care and educational arrangements for the children until their final placement is decided.
385. The Cabinet of Ministers is responsible for monitoring the living conditions and the upbringing of children in adoptive families.
386. The upbringing and maintenance of children adopted by foreign nationals is supervised in accordance with the instructions of the Ministry of Foreign Affairs by Ukraine's consular offices in the countries in question, which keep records of such children until age 18.
387. The performance of guardians and custodians is monitored by the guardianship and custody agency of the child's place of residence.
388. An effort is being made to create the institution of foster family in order to help to guarantee children's right to family life. In accordance with the 1998 Order of the Cabinet of Ministers "On the conduct of an experiment in the creation of foster families in Zaporozhe region and on confirmation of the Order on foster families", the Ministry of Family and Youth Affairs is putting the finishing touches to an arrangement for the use of foster families as a new mode of upbringing and maintenance of children deprived of parental care.
389. The Ukrainian Institute for Social Research is carrying out with the support of the UNICEF office in Ukraine a project on "Transformation of the system of State guardianship in Ukraine", the main purposes of which are to improve the maintenance of children deprived of parental care and children living in State boarding facilities and to establish the institution of the foster family in Ukraine.
390. The placement of children deprived of parental care is the exclusive responsibility of the guardianship and custody agencies.
391. Preference is given in the determination of the persons entitled to adopt a child to relatives and to persons in whose family the child has been living and to other persons who can adopt the child without breaking the family links. Preference is given in the appointment of guardians and custodians to persons close to the child. In the event of placement in a care institution siblings are placed in the same institution except when the children need to be raised separately on medical grounds or for other good reasons.
392. The law provides that persons officially appointed as guardians or custodians are entitled to material assistance for their charges' maintenance. However, in many of the country's regions these payments are made irregularly and in insufficient amounts to cover the real expenditure necessary for such maintenance.

393. The numbers of orphans and children deprived of parental care are increasing; the existing State establishments for the maintenance of such children are not always able to provide the conditions for their comprehensive development and upbringing. This situation is due to the lack of funds for the repair of buildings and purchase of furniture and equipment. The solution of these problems is being facilitated by the measures to improve the situation of orphans and children deprived of parental care confirmed by the President of Ukraine in 1997.

#### **H. Adoption (art. 21)**

394. Adoption is the predominant mode of placement of orphans and children deprived of parental care.

395. Adoption means the official authorization by a special legal instrument of the placement of a minor in a family with the status of son or daughter of that family. The legal procedure for adoption is regulated by the Marriage and Family Code and by the procedure for the surrender of children who are citizens of Ukraine for adoption by citizens of Ukraine or by foreign nationals and for the monitoring of their living conditions in their adoptive families, which was confirmed by an order of the Cabinet of Ministers in 1996.

396. Adoption is effected exclusively in the interests of the child when his parents (or either one of them) are dead, unknown, deprived of parental authority, declared incapable by a court, or missing or presumed dead, when they have given their written consent to the adoption, when they have not been living with the child for more than six months, when they have been taking no part in the child's upbringing and maintenance without good reason, or when they have not been displaying parental care and attention towards the child.

397. Abandoned children may be given in adoption on the basis of the relevant legal instrument drawn up by an internal affairs agency in accordance with the established procedure. Sick children may be adopted when the nature or duration of their illness does not entail constant (lifelong) stay and treatment in a specialized hospital.

398. Any citizen of the age of majority who possesses legal capacity may adopt a child. The right to adopt is not available to persons who have been deprived of parental authority, who have knowingly submitted false documents in adoption proceedings, who wish to adopt for purposes of material or other advantage, who have previously been adoptive parents and by their fault the adoption was revoked or declared invalid, who are registered with facilities for the treatment of psychoneurological problems and drug addiction or are receiving treatment in such facilities, or who at the time of the adoption do not have a steady income from work or from other lawful sources.

399. Adoption proceedings are handled by the education authorities. Prospective adoptive parents are required, before the adoption order is made, to familiarize themselves personally with the documents relating to the child to be adopted, including the health certificate, as well as making contact with and getting to know the child.



400. If the child in question is aged 10 years or older he must consent to the adoption. If before the issue of the adoption order the child has been living with the adoptive parent and regards this parent as his father or mother, the adoption may proceed by way of exception without the child's consent.
401. When it is impossible for a child to be given in adoption or placed in guardianship, the guardianship and custody agencies must submit information about him to their regional and city offices within one month. If adoption or guardianship are still impossible these offices in turn transmit the information for central registration to the Adoptions Centre of the Ministry of Education.
402. The Code of Administrative Offences was amended in 1998 to provide for administrative action to be taken against officials who fail to comply with the procedures or time limits for the submission of information about orphans and children deprived of parental care for central registration.
403. The Act "On amendments and additions to the Marriage and Family Code" was adopted in 1996 with a view to making the best possible provision for the exercise of the rights of orphans and children deprived of parental care; the Act amended the adoptions procedure.
404. In order to prevent unjustified financial gain from adoption, article 102-3 of the Marriage and Family Code and article 115-2 of the Criminal Code prohibit commercial activities by intermediaries in the adoption of children or in the placement of children in guardianship or custody or in a Ukrainian or foreign foster family; such unlawful activities are liable to criminal prosecution.
405. The upbringing and maintenance of children in their adoptive families are monitored in accordance with the legislation on the defence of children's rights and protection of the family, including observance of the confidentiality of adoptions.
406. The adoption of Ukrainian children by foreign nationals was suspended in 1994 because of the imperfections in the adoptions legislation pending the incorporation of amendments and additions in the Marriage and Family Code, which took place in 1996.
407. The Adoptions Centre was established in 1996 in the Ministry of Education in order to facilitate the placement of orphans and children deprived of parental care in Ukrainian families and their adoption by foreign nationals. The Centre is compiling a data bank on these children; it furnishes Ukrainian citizens and foreign nationals with the necessary information about children suitable for adoption, keeps a register of foreign nationals wishing to adopt, verifies the completeness and accuracy of the documents submitted by them, keeps a register of children adopted by foreign nationals, and informs the corresponding agencies about any violations of Ukrainian law affecting the exercise of the rights of the child.
408. The adoption of Ukrainian children by foreign nationals does not take place until all the possibilities of adoption, guardianship, custody or care by Ukrainian families have been

exhausted or until the child in question has been on the Centre's register for at least a year. If the foreign nationals have a family connection with the child or are adopting a child suffering from an illness in the list drawn up by the Ministry of Health, the adoption may take place before the one-year registration period has expired in respect of the child.

409. Foreign nationals wishing to adopt a Ukrainian child must submit a written application to the Centre to be registered as prospective adoptive parents and to be directed to the relevant State children's institution to meet and establish contacts with the selected child.

410. One of the documents which must accompany the application is an undertaking by the adopter that if the adoption is completed he will have the child entered in the register kept by the Ukrainian consular office in the country of residence within one month, submit to the office periodical reports (at least once a year) on the child's living conditions and upbringing, and offer the office opportunities to visit the child. Under this mode of adoption the child retains Ukrainian citizenship until age 18, when he can make an informed choice of nationality.

411. The adoption of Ukrainian children by foreign nationals is subject to the approval of the district or city court in accordance with the established procedure.

412. The supervision of the maintenance and upbringing of Ukrainian children adopted by foreign nationals is entrusted by the Ministry of Foreign Affairs to the corresponding consular offices, where the children are kept on the register until age 18.

413. The consular statutes require consuls to tour their jurisdiction at least once a year and visit adoptive families. Alternatively, contacts may be maintained with the adoptive parents by correspondence.

414. If the rights of the child established under Ukrainian law or the international agreements to which Ukraine is a party are violated as a result of adoption or if the adoption proves not to be in the child's interest, the adoption may be revoked or declared invalid by the courts in accordance with Ukrainian law.

415. Ukrainian citizens do not at present adopt children living in other countries, for national adoption is the priority.

416. Over the two years of its existence the Adoptions Centre has done a considerable amount of work on the compilation of the data bank on orphans and children deprived of parental care. It has entered data on 8,100 children suitable for adoption. Almost all the children in the Centre's register are sick and need lengthy treatment and complicated operations.

**Numbers of children adopted by foreign nationals, 1996-1997\***

Country	No.	Under 3 years	3 to 7 years	7 to 18 years	Girls	Boys
Italy	102	50	30	22	54	48
United States of America	98	54	32	12	52	46
Israel	56	51	5	-	37	19
Germany	15	6	5	4	10	5
Belgium	14	7	7	-	8	6
Switzerland	5	4	1	-	4	1
France	4	3	1	-	2	2
Canada	2	2	-	-	1	1
Austria	1	-	-	1	-	1
Australia	1	-	-	1	1	-
Luxembourg	1	1	-	-	1	-
CIS	1	-	1	-	-	1
Total	300	178	82	40	170	130

\* According to Ministry of Education data.

417. Over these two years 300 children were adopted by foreign nationals. All these children have been entered in the consular register in Ukraine's diplomatic missions abroad.

418. In cases of intercountry adoption the Marriage and Family Code accords a preferential right to adopt children who are citizens of Ukraine and living in Ukrainian territory to nationals of States which have concluded international agreements with Ukraine on the adoption of orphans. These agreements comply with the provisions of the Convention and Ukrainian law.

419. With a view to supervision of the maintenance and upbringing of children adopted by foreign nationals the Adoptions Centre submits details of such adoptions to the Ministry of Foreign Affairs within 10 days of receipt of copies of the adoption orders made by the courts. Within 10 days of receipt of this information from the Centre the Ministry sends to the corresponding consular office in the adopted child's country of residence an instruction to enter the child in the consular register and to arrange for monitoring of his living conditions and upbringing.

420. In accordance with the Ministry's instructions and the relevant international agreements, as well as with the generally accepted principles and rules of international law governing the protection of the rights of the child, the consular office makes arrangements to monitor the child's living conditions and upbringing, and once a year for the first three years and then every three years it sends a report to the Ministry for onward transmission to the Centre.

421. According to the Ministry's figures, 645 children adopted by foreign nationals have been entered in consular registers since 1996.

**Children adopted by foreign nationals entered in consular registers since 1996\***

Australia	1	Belgium	18	Italy	199
Spain	7	Israel	87	Canada	11
Luxembourg	1	Germany	24	USA	180
Uzbekistan	1	France	20	Switzerland	9
Sweden	1				

\* According to Ministry of Foreign Affairs data.

422. The executive authorities are currently considering whether Ukraine should accede to the Hague Convention. The relevant expert opinion is being drafted; it contains a recommendation for accession to the Convention.

**I. Periodic review of placement (art. 25)**

423. If no guardians or custodians are appointed for children who are being brought up in State children's institutions or for children needing guardianship or custody who are placed in a medical facility or a social security institution, the duties of guardianship and custody rest with these institutions or facilities.

424. Children with physical or mental disabilities are brought up in special boarding schools: State general education and care institutions and institutions for remediation and social rehabilitation.

425. Juvenile offenders are placed in general education schools or vocational-technical schools specializing in social rehabilitation.

426. The education authorities are responsible for monitoring the work of special schools for children with physical or mental disabilities and the general education and vocational-technical social rehabilitation schools.

427. The Ministry of Education and the regional State offices for the administration of education have guardianship and custody departments or, at the district level, agencies operating under the executive authorities (generally on a public basis); their functions include the solution of children's problems.

428. Important work is done by the Children's Fund of Ukraine, a countrywide voluntary organization which pools the efforts of the public, sponsor organizations and religious communities to defend the rights of orphans and children deprived of parental care.

429. Placement in general education boarding schools for children with physical or mental disabilities is governed by an Order concerning special boarding schools (schools, classes) for children with physical or mental disabilities, on the basis of a medical diagnosis of the child in question.

430. The medical care in these special schools is provided by their own medical staff, supported if necessary by outside personnel and Ministry medical institutions, who carry out curative and preventive measures and provide rehabilitation treatment; they are also responsible for the monitoring and State supervision of the quality of the children's diet, their burden of school work, their leisure activities and their physical education regime, as well as measures to prevent injuries, compliance with the disease-prevention rules, and the school's sanitation and hygiene arrangements. The medical and teaching staff keep the children under clinical observation in the classroom and in their free time.

431. The medical personnel keep the teachers, carers and parents informed about the results of the detailed medical examinations which they carry out and about the school's health and hygiene arrangements, the clinical symptoms of abnormal development in the children, and any special features of the training and conduct of abnormal children, as well as carrying out measures connected with the children's health and hygiene training.

432. The specialized medical institutions for the area in which the special school is located provide advisory methodological assistance and help with the management of the medical and rehabilitation work.

433. The special features of the teaching arrangements and of the conditions of the children's upbringing and maintenance in special schools and social rehabilitation institutions include: a special daily routine and special system of educational and training activities; constant supervision and educational monitoring of the pupils; and refusal to allow pupils to leave the institution's grounds without the permission of the administration.

434. Social rehabilitation institutions operate under the authority of the education agencies of the city administrations. Compliance with the law and its correct application in the work of these institutions are monitored by the Procurator's Office in accordance with the Act "On the Procurator's Office".

#### **J. Abuse and neglect (art. 19), physical and psychological recovery and social reintegration (art. 39)**

435. Children are removed from families in which the parents violate the rights of the child, abuse their parental authority, treat their children cruelly or exert a harmful influence on them through their antisocial or immoral behaviour. Parental authority can be removed only by judicial means on the application of one of the parents or a legal representative of the child concerned or on the motion of the Procurator's Office. A representative of the guardianship and custody agencies must be present during the court hearing.

436. The court institutes criminal proceedings if the parents' actions appear to involve criminal activity, the systematic beating or torture of their child, sexual relations with the child, inducement of the child into criminal activity, drunkenness, use of narcotic drugs, prostitution, gambling or begging, or living off the earnings of minors, etc.

437. In exceptional circumstances when there is a direct threat to a child's life or health the guardianship and custody agencies are empowered to decide to remove the child immediately from his parents or from other persons who are actually maintaining him. In such cases the agency concerned must immediately inform the Procurator's Office and apply to a court within seven days of its decision for suspension of the parental authority of one or both of the parents or for removal of the child from their charge.

438. Under Ukrainian law a child whose lawful rights have been infringed is entitled to apply for protection directly to the guardianship and protection agencies, the juvenile affairs services or the juvenile shelters administration.

439. The coordination and monitoring of the work of protecting minors is a responsibility of the juvenile affairs services, which are specialized State agencies operating under the local executive authorities. One of their tasks is to provide services and assistance to minors to help them solve problems of their social and legal protection. Together with the guardianship and protection agencies they are empowered to investigate the living conditions of children in the family when the parents (including adoptive parents) or guardians are not providing the necessary conditions for the children to live normal lives and to investigate the conditions of the upbringing of minors in special institutions. Together with the local executive authorities the juvenile affairs services establish shelters for minors and in conjunction with the criminal police they carry out activities to prevent child neglect.

440. Children who have run away from home because of cruel treatment by their parents, children who have been abandoned by their parents or have gone astray and children removed by the criminal police from temporary families where their life or health was under threat may be placed in juvenile shelters.

441. If it is impossible for a child to return from a shelter to his former home for want of the necessary conditions for his maintenance or for other reasons, the shelter officials so inform the juvenile affairs services in the place where the shelter is located and where the child lives; together with the guardianship and custody agencies these services take measures for the child's further placement.

442. In order to ensure the child's social and psychological rehabilitation and identify and eliminate the specific causes and conditions of the problem, the shelter officials conduct a psychological-pedagogical examination of the child, take action to establish his identity, carry out individual and group educational measures and psychotherapeutic exercises, during which special attention is paid to the development of positive inclinations and interests, the correction of behavioural problems, and the establishment of normal relationships with adults and coevals, offer the child expert advisory services (psychological, pedagogical, medical, legal) and when

necessary arrange for hospital stays and clinical investigation, and contribute to the decisions on the creation of the necessary conditions for the child to take his place in the family, at school or at work, etc.

443. The management and staff of the shelters are responsible to society and the State for safeguarding the child's rights and for his social protection in accordance with the law.

444. Any member of the staff of a shelter found guilty of infringing a child's rights or causing him harm during his stay in the shelter is liable to the penalties provided by law.

445. The education system operates a psychological, medical and educational service as an integral part of the State system for the improvement of the protection of children's mental health. This service's tasks include the identification of any unusual features of the development of individual children and the determination of suitable arrangements for their instruction, upbringing, remediation, rehabilitation and eventual employment. This work is done by the permanent psychological, medical and educational advisory services established in the regions, which are staffed by qualified teachers, doctors and psychologists.

446. The schools and boarding schools for children of limited capacities have committees on psychological, medical and educational questions; the content of their work is determined by the special characteristics of the school's children. If it is found that a child has been placed in the wrong type of school, the committee prepares documents for consideration by the local or central committee on psychological, medical and educational questions with a reasoned recommendation for the child's transfer to a different type of institution. In intensive remedial schools and classes (for mentally backward children and children with serious speech impediments) the school committee prepares documents for the teaching board, which takes decisions on the transfer to general education schools of children whose school work has led to durable positive changes.

447. The duties of the local and school committees include the provision of advisory and methodological assistance to parents and their surrogates and to teachers and doctors on matters of the upbringing, instruction, remediation and treatment of children exhibiting deviant development or disruptive behaviour.

448. The social services centres for young people and the juvenile affairs services do social work with children and various categories of family. The functions of these centres and services include the design and operation of a system of prevention and rehabilitation measures, the provision of various social services, and the furnishing of social assistance to children in the spheres of information, educational psychology, legal and medical-social questions, etc.

449. The juvenile affairs service of the Kiev City Administration has created a unit on "social and psychological assistance for minors". This unit operates a telephone "Trust line" and a centre for social and psychological assistance. A programme for the training of volunteers to give emergency psychological counselling has been designed and introduced.

**VI. BASIC HEALTH AND WELFARE**  
**(arts. 6; 18, para. 3; 23; 24; 26; 27, paras. 1-3)**

**A. Disabled children (art. 23)**

450. Ukraine established over a long period of time a State system of social support for disabled children and children with physical and mental problems; in organizational terms this system was divided between the Ministry of Education, the Ministry of Health, the Ministry of Labour and Social Policy, the Ministry of Family and Youth Affairs and the State Committee on Physical Culture and Sports.

451. The legal foundations for the work of satisfying the basic needs of children with physical and mental disabilities in the areas of social protection, education, treatment, guardianship and public activities are found in the Acts “On the fundamentals of the social protection of disabled persons”, “On education”, “On pensions”, “On State assistance for families with children”, “On physical culture and sports”, “On the status and social protection of citizens suffering as a result of the Chernobyl disaster”, “On promotion of the social advancement and development of young people” and “On charity and charitable organizations”, as well as in the Fundamentals of Health Legislation and the Fundamentals of Legislation on Culture.

452. A package of regulatory instruments was developed under the programme “Education: Ukraine in the twenty-first century” and the National Programme “Children of Ukraine”; these instruments regulate the activities of the special institutions for children suffering from mental or physical underdevelopment.

453. Ukrainian law does not define the concept of “disabled child”. The legal basis for determining that a child is disabled is contained in an Order of the Ministry of Health.

454. Disability is declared for varying periods (two or five years up to age 16) depending on the diagnosis. Disability in a child is determined on the basis of pathological conditions caused by congenital, inherited or acquired disorders or by injury.

455. Questions of the determination of disability are considered after a diagnosis has been made and treatment and rehabilitation measures have been carried out. The decision to declare a child disabled is taken by a national, regional or city special children’s hospital or polyclinic department.

456. The identification, registration and diagnosis of children with physical and mental disabilities is undertaken by the local psychological, medical and pedagogical consultation services, which operate under the State education authorities. These services select children for treatment in special education/treatment establishments and advise parents and teachers on the provision of medical and psychological assistance for them.

457. Recent years have seen a strong upward trend in the number of disabled children. The statistics showed a total of 122,000 disabled children aged up to 16 at the end of 1993, but by the end of 1997 this total had already grown to 147,000. The commonest causes of disability are



disorders of the nervous system and sensory organs, infant cerebral palsy, psychological disorders, and congenital development deficits. A third of disabled children live in rural areas and two thirds in urban. Almost 20 per cent live in residential institutions, i.e. they are brought up apart from their families.

458. The fundamental areas of the work of the Ministry of Labour and Social Policy and its local agencies include the provision of the necessary arrangements for the residential care of disabled children in the children's homes of the social security system, for their medical treatment and communal everyday needs, and for their education, remediation and rehabilitation. The priorities in this work are to improve the regulatory basis of the social protection of disabled children, upgrade the communal everyday services, as well as the material provision and the medical services, and improve the social adaptation and remedial training activities.

459. Over the period 1993-1997 the network of residential homes for children with psycho-physical and mental disabilities was reduced in size. In 1993 there were 61 residential facilities but now there are 58 with a total of 9,600 places catering, entirely at State expense, for 8,100 disabled children aged 4 to 18 and over 2,000 orphans in need of parental care. The existing network meets the demand for places in full. There are currently 1,500 vacant places.

460. The Ministry of Labour and Social Policy has carried out a number of measures over the past five years to strengthen the material provision in residential homes for children and improve the living conditions of children with mental and physical disabilities.

461. Twenty-seven of the current 58 institutions were fully or partially built to a standard design; they house more than 6,000 children, i.e. 80 per cent of the total number of inmates. The other residential institutions have specially equipped rebuilt premises with the basic everyday conveniences: central heating, hot and cold water and sewerage, and the necessary technical and refrigeration equipment, and other fixed equipment; they are also equipped with telephones and radios.

462. The average living space per inmate is six square metres, which meets the health standard.

463. The children are provided with footwear, clothing, bed linen and furniture in accordance with the standards fixed by the Cabinet of Ministers. They have four meals a day, including special diets, and the medical service is available round the clock. The authorities monitor the health and hygiene arrangements in the residential homes for children and the correctional training activities.

464. Considerable attention is paid to the provision of a correct diet for the children. The new natural diet standards introduced since 1996 take into account the special requirements of children of different ages and states of health. The food rations include the necessary quantities of vegetables and fruits, and these quantities are increased by 10 per cent for the 90-day summer camp period. The improvement of the diet in residential institutions for children is backed by 43 auxiliary farms growing agricultural produce, which generally meet 40 to 70 per cent of the institutions' demand for basic foodstuffs from their own output; some of them satisfy 100 per cent of the demand.

465. The teaching and remedial work in these institutions are tailored to the children's mental and physical disabilities and their individual characteristics.

466. The basic priority in this work is to correct the mental and physical disabilities as far as possible and to ensure the social adaptation of the children to hospital conditions. To this end the institutions employ specialists in the correction of disabilities, teachers, psychologists, speech therapists, and doctors (paediatricians and psychoneurologists), as well as intermediate medical and service staff, who provide special training in appropriate facilities. On average there is one staff member for 1.7 children.

467. The institutions conduct their remedial training work in rooms equipped with the necessary educational literature and visual and other technical teaching aids; they also have medical posts equipped with various consulting rooms and special medical apparatus and equipment for specific treatment. Every institution has the backing of specialized clinics which provide both consultation services and assistance with the conduct of in-hospital investigations and treatment.

468. In order to ensure the children's social adaption the institutions are equipped with production-training workshops where they can acquire work skills. These workshops generally produce clothing and cardboard and carpentry items. Some disabled children learn trades in the vocational-technical residential institutions and technical boarding schools for the disabled run by the social security system. On completion of their training they take jobs in the national economy. The rehabilitation and remedial work is conducted in parallel with the education process in the workshops in each institution. The inmates work in production-training workshops and on the farms attached to the institutions.

469. The institutions make constant efforts to improve the children's health and medical care and to reduce the morbidity and mortality rates.

470. The physical culture activities are designed to support the work of the psychiatric service and to improve the methodology of the correction of physical disabilities by using sports equipment and organizing special exercises in the physical training/rehabilitation halls and in the open air, as well as sports days, games and morning exercises. The summer camp system has been retained; it caters for 70 per cent of the children.

471. Order No. 311 of the Cabinet of Ministers dated 5 November 1991 transferred all residential homes operated by the Ministry of Labour and Social Policy to community ownership, and the cost of their maintenance is now covered by local budgets; this means that the work of the institutions is now dependent on the financial and economic circumstances of their region.

472. The financial situation of the residential institutions of the system of social protection worsened considerably over the past five years. In 1997, for example, on average only 84.3 per cent of residential home costs were fully funded. There have been large cuts in spending on food, medicines, clothing and footwear, and there was no capital spending on the repair of buildings, bath and laundry rooms, boiler rooms, kitchen blocks and dining rooms.

473. In view of the State's difficult financial situation, the Ministry of Labour and Social Policy is seeking in conjunction with the local social protection agencies new forms of financing which would ensure additional resources for the maintenance of disabled children. To this end every institution has prepared and adopted a business plan to attract additional funding.

474. The Ministry of Education runs special general education schools for children with mild forms of disability, illness or pathological condition. There are 688 residential institutions in 28 categories catering for 144,000 inmates, including 384 special boarding schools for children with psychological and physical disorders, where 59,700 inmates, including 18,400 disabled children, live and study and enjoy the benefit of a range of remedial and rehabilitation activities and medical treatments. Almost one in eight of the children is an orphan or in need of parental care. These institutions include 264 schools for children with psychological problems (mental backwardness, psychological immaturity) and 120 schools for children with physical disabilities (blindness and defective sight, deafness and defective hearing, speech impediments, cerebral palsy).

475. It should be noted that large numbers of disabled children are not placed in special schools. Most of them are children suffering from cerebral palsy who cannot move about without help or care for themselves and require individual care, children who have frequent epileptic fits or suffer from enuresis or encopresis as a result of a minor disorder of the central nervous system, and children suffering from severe forms of mental backwardness, etc. Such children are placed in residential homes or are cared for at home by their parents.

476. Appropriate educational, remedial and rehabilitation activities are carried out with the pupils in educational institutions by speech therapists, teachers of the deaf, the blind and the mentally defective, and psychologists. The numbers of psychoneurologists, orthopaedists, otolaryngologists, ophthalmologists and paediatricians employed by residential schools depend on the disability profile of their inmates.

477. Efforts are made to give effect to the principle of integrated training in residential institutions. New types of educational institution are being created for this purpose: residential secondary schools, "kindergarten/boarding school" facilities, and care and rehabilitation centres for sick children and children with physical disabilities. Experimental teaching units have been set up and are in operation in pre-school institutions and boarding schools.

478. The positive results of this work have been incorporated in new programmes, textbooks and practical aids. Programmes and techniques devised by psychologists, disability specialists and innovative teaching staff are tested experimentally in pre-school institutions, boarding schools and rehabilitation centres.

479. One of the trends is to create rehabilitation centres for children with mental and physical disabilities. New ways of working with disabled children in their micro-society are emerging and are being introduced by the youth social services: social clubs, voluntary assistance, telephone "Trust lines", arts festivals and competitions, and holiday breaks. The network of 24-hour counselling centres for psychological, medical and educational problems is being expanded.

480. Disabled children aged up to 16 are awarded and paid a social benefit equal to 100 per cent of the minimum old-age pension. Able-bodied but non-working parents receive an allowance for caring for a disabled child.

481. Specialists are trained to work with children suffering from physical or mental disabilities in order to ensure their comprehensive education and development and to create for them an environment which does not impair their human dignity but instead promotes their self-confidence. Every year 250 disability specialists graduate from the teacher training colleges and go to work in special schools. Two more teacher training universities received licences to train disability specialists in 1998. Training in the dual speciality of disability practitioner/psychologist has also been initiated.

482. Public organizations for disabled children play a significant role in providing social support for children with physical and mental disabilities, as do the children's parents, who try to influence State policy in respect of the solution of these children's problems.

483. An effort is being made to provide physically disabled children with prosthetic devices and other aids and equipment to make it easier for them to move about.

484. However, certain stereotyped images of children and young people with special needs or functional problems persist in society. This means that priority is given to people without functional problems when it comes to job recruitment.

485. There are still some unresolved issues in the work of the residential homes run by the Ministry of Labour and Social Policy. As a result of the considerable reduction of resources for these homes, which are funded from local budgets, and the unpredictability of the provision of funds in recent years they are still finding it difficult to maintain their existing plant in an appropriate technical condition and to renew the technical and refrigeration equipment, furniture and other moveable items.

486. One big problem is that disabled children do not have unimpeded access in various areas of daily life.

487. National television regularly includes in its programming topics connected with the lives and creativity of disabled children, the exercise of their creative abilities, and the defence of their rights. However, ways must be found to increase the discussion in the mass media of the social aspects of disability and create a positive image of the disabled; signing for the deaf must also be introduced in television programmes, for this would enable children with defective hearing to take their place in Ukraine's information space.

#### **B. Health and health services (art. 24)**

488. The question of children's health and their exercise of the right to use the health services and the treatment and rehabilitation facilities and the question of guaranteeing every child access

to these services and facilities are addressed in the Constitution, the Fundamentals of Health Legislation and the Act "On safeguarding the people's health and protecting the people against epidemic diseases", and in the Labour Code.

489. Ukraine has developed strategic policies for maternal and child health in the present conditions of social and economic reform covering vaccinations, antenatal and post-natal care, and family planning. The five-year period saw the adoption of a number of important national programmes which have made a substantial contribution to improvement of the medical services for children. They include the Long-term Programme to Improve the Status of Women, Families and Maternal and Child Welfare, the National Family Planning Programme and the National Programme "Children of Ukraine".

490. The following amounts were allocated from budgets at all levels in the period 1993-1997 for the health care and treatment of children in sanatoriums and for the maintenance of children aged under three years in children's homes:

1.3 million hrivnias against a planned 1 million, i.e. 130 per cent of the scheduled allocations for 1993;

13.6 million against a planned 11.8 million, i.e. 115.3 per cent of the scheduled allocations for 1994;

63 million against a planned 58.9 million, i.e. 106.9 per cent of the scheduled allocations for 1995;

73.4 million against a planned 99.5 million, i.e. 73.8 per cent of the scheduled allocations for 1996;

92.5 million against a planned 117.3 million, i.e. 78.8 per cent of the scheduled allocations for 1997.

491. There was almost no change over the past five years in the contribution of the State budget to the financing of children's health care, which amounted to 16.6 per cent on average.

492. In addition to the expenditure on the maintenance of the health institutions mentioned above the health budget also funded the measures contained in the National Family Planning Programme and the Long-term Programme to Improve the Status of Women, Families and Maternal and Child Welfare. The following amounts were appropriated for implementation of the programmes referred to above. The National Programme "Children of Ukraine" (upgrading of basic equipment and technology in maternity institutions, establishment of intensive care units and improvement of their medical equipment, examination of newborn babies for phenylketonuria and hypothyroidism, inoculation of children aged under 12 months, sanatorium treatment of children with sugar diabetes, and a number of other measures): 1996 - 3.5 million hrivnias; 1997 - 20.1 million. The National Family Planning Programme (free contraceptive

devices for women and adolescents with contra-indication of pregnancy): 1.5 and 1.6 million hrivnyas respectively for the two years. The Long-term Programme to Improve the Status of Women, Families and Maternal and Child Welfare (establishment of family planning centres): 4.3 and 5.7 million hrivnyas.

493. Owing to the high level of inflation it is impossible to make an analysis of the distribution of budgetary allocations in 1993-1995. A total of 37.2 million hrivnyas was allocated for the maintenance of the health institutions mentioned above and for the implementation of the programme measures in 1997, i.e. 44.9 per cent more than in 1996.

494. The following indicators are used to monitor the quality and effectiveness of the medical care of women and children: provision of medical personnel and outpatient and hospital facilities; coverage of preventive measures and medical treatment, with an assessment of their accessibility; evolution of maternal and infant mortality rates; effectiveness of the preventive work; morbidity rates; repair of maternal and childcare institutions; resources earmarked for care of mothers and children; and effectiveness of medical programmes.

495. A number of medical benefits for orphans, disabled children and children from poor families were established by the Presidential Decrees "On confirmation of measures to improve the situation of orphans and children deprived of parental care" (1997) and "On certain measures affecting the State support of the families with minor children of employees of internal affairs agencies who lose their lives in the performance of their official duties" (1988) and by the Orders of the Cabinet of Ministers "On subsidized medicines prescribed by doctors during outpatient treatment for certain categories of the population" (1992), "On subsidized cars with hand controls and motorized wheelchairs for disabled persons" (1993), "On additional social safeguards for poor families with sick children and children in the first and second years of life" (1994) and "On improvement of the upbringing, training and social care and material provision of orphans and children deprived of parental care" (1994). HIV-positive children may obtain preventive medical care and treatment in any medical facility in the country. A network of centres has been established for the prevention and treatment of AIDS.

496. The Ministry of Health adopted an Order "On improvement of gynaecology services for girls" (1996) in order to upgrade the provision of specialized medical care for girls; this Order laid the foundations for the creation of a network of gynaecology consultation offices for girls.

497. As of 1 January 1997 the system operated by the Ministry of Health had 30,284 children's hospitals (3.04 hospitals per 1,000 children), as against 26,422 hospitals (2.41 per 1,000) in 1993. In orphanages for under-three-year-olds the provision of medical personnel (doctors, nurses and junior nurses) increased from 0.8 per child in 1993 to 1.13 per child in 1997.

498. With a view to preventing congenital abnormalities in children the Ministry established and is operating a network of medical genetics centres: 65 consultation offices, 7 main centres, 25 interregional and regional centres, and a scientific research institute for inherited pathologies located in Lvov. This has reduced the number of deaths due to congenital abnormalities from 2.65 per 10,000 children in 1993 to 2.39 per 10,000 in 1997.

499. The Ministry opened and is operating 27 intensive care centres for newborn babies, together with 28 intensive care units in maternity homes and 25 in regional and 34 in city children's hospitals; this has improved the quality of the intensive care of sick infants. The outpatient and polyclinic system has 38 "Doctor and Family" offices providing advice on family planning problems.

500. NGOs have been playing a bigger role in recent times by bringing influence to bear on the decisions of the executive authorities; they also make a practical contribution to the solution of problems affecting children. The main NGOs are the Ukrainian Children's Fund, the Association of Paediatricians of Ukraine, professional associations of doctors, and numerous women's and children's groups.

501. Measures to improve the vaccination cover were taken in 1992-1994 with the assistance of international organizations. Two mass campaigns for immunization of children against poliomyelitis were carried out in 1996 and 1998, during which more than 2.5 million children were immunized.

502. Ukraine's first children's centre for bone marrow transplants was established under the National Programme "Children of Ukraine". A vigorous anti-abortion campaign is being waged in conjunction with the United Nations Population Fund and USAID.

503. The infant mortality rate in the first year of life is one of the clearest indicators of a society's level of social and economic development, for it subsumes the level of education and culture, the state of the natural environment, the effectiveness of preventive measures, the degree of access to and the quality of medical care, and the distribution of social and material benefits in society.

504. This infant mortality rate has been falling since 1993 (1993 - 14.9; 1997 - 14.0). It is impossible to give a clear explanation of higher or lower mortality rates in the country's various regions, but there is a definite tendency for the rates to be higher in industrial regions. Infant mortality is lower in rural areas than in the country as a whole.

**Infant mortality\***  
**(per 1,000 live births)**

	Urban	Rural
1993	14.7	15.4
1997	14.2	13.7

\* According to Ministry of Health data.

505. When evaluating the effectiveness of the measures to reduce infant mortality it is important to keep in mind the stricter criteria for the resuscitation and intensive care of newborn babies with a high risk of fatal outcome resulting from Ukraine's adoption of new criteria of live birth. A 1996 Order of the Ministry of Health confirmed the Instructions on the determination of criteria of live birth, stillbirth and the perinatal period.

506. The reliability of the registration of child deaths improved during the reporting period, especially with regard to deaths immediately after birth and at an early age. The mortality rate among children aged up to 14 years fell from 13.3 per 10,000 in 1993 to 11.3 in 1997.

507. The evolution of the volume of hospital activity is an important criterion of the effectiveness of the efforts to prevent child deaths. The number of admissions of children to hospital has remained constant but the number of child deaths in hospital has fallen; this testifies to the positive changes in the quality of the medical care of children and the enhanced probability of their survival of illness.

508. Children have access to medical services, including primary medical care, through an extensive system of treatment and prevention facilities. Rural areas are generally served by an outlying network consisting of rural district hospitals, outpatients clinics and health posts staffed by nurses and midwives, which work in conjunction with the region's central hospitals.

509. Priority was given under the plan for reorganization of the network of children's medical facilities to the outpatient and polyclinic services, while the number of hospital beds was reduced. There has been intensive development of preventive services: genetic counselling units, family planning centres, and consultation/diagnosis centres.

**Day hospitals attached to outpatient/polyclinic institutions\***

	1993	1997
Number of cases treated	26 164	43 320
Number of beds	1 009	1 933

\* According to Ministry of Health data.

510. The number of paediatricians is increasing. Over the period 1993-1996 the number of children aged under 15 per paediatrician fell from 413 to 318. The number of children under medical observation rose from 200 to 250 per 1,000.

511. The quality gaps between urban and rural areas in the provision of medical care for children are narrowing. These gaps are not related to children's age, sex or ethnic origins but are due mainly to the uneven development of specialized services in different regions of the country.

512. There are 27 regional children's hospitals providing highly qualified medical care; the "Okhmatdet" [mother and childcare] specialized children's hospital was opened in 1996 pursuant to a Presidential Decree. The reduction in the number of children's beds in the rural health system from 30,177 in 1977 to 18,736 in 1997 was due to the concentration of specialized beds in the cities and the redeployment of medical services for children from hospitals to home care and day hospitals.

513. The prevention of disease by means of immunization was a major activity during the reporting period. A 1993 decision of the Cabinet of Ministers confirmed the public immunization programme for the period up to 2000. The vaccines are mostly procured by the local State authorities and only partly by the central administration. An extensive information



campaign was carried out among the general public through the mass media. The production of vaccines and toxoids is being modernized and expanded. Medical personnel are being trained in immunization work. The number of contraindications of vaccination in accordance with the WHO recommendations has fallen since 1996.

514. These measures have produced a substantial increase in children's vaccination coverage. Ninety-seven per cent of newborn babies were vaccinated against tuberculosis (as against 89 per cent in 1993), and the vaccination of children aged under two against measles increased from 94 to 98 per cent. The indicators of the correct timing of children's vaccinations improved. In the first year of life 95.7 per cent of children were vaccinated against tuberculosis, 98.5 per cent against diphtheria, 97.2 per cent against whooping cough, 98.4 per cent against tetanus, 97 per cent against measles, and 98.2 per cent against poliomyelitis.

**Coverage of children's vaccinations\***  
(percentages)

	1993	1997
Diphtheria, first booster	93	98
Whooping cough	90	97
Poliomyelitis	91	98.2

\* According to Ministry of Health data.

515. The increased coverage of children's vaccinations led to a reduction of 30 per cent in the number of cases of whooping cough from 4.97 per 100,000 children in 1993 to 2.3 in 1997. Further progress in this area will require improvements in vaccine production technology and the production of additional combined vaccines.

516. Primary medical care for children is provided on the basis of the territorial principle in local children's polyclinics. The Ministry's system includes 250 children's polyclinics, 151 children's hospitals and 89 independent maternity homes.

517. The city of Kiev has a children's consultation/diagnosis polyclinic attached to the "Okhmatdet" specialized children's hospital. The overall provision of children's beds is 67 per 10,000 children.

518. Care/preventive facilities for children employ 30,284 paediatricians: 3 for every 1,000 children; 44 per cent of these paediatricians are highly qualified. There are nine higher medical institutes offering training for paediatricians.

519. Ukraine has an extensive system of sanatorium care. In 1997 the health system had in operation 24 children's sanatoriums with 6,739 beds, including 3 sanatoriums which accommodate parents with their children. There were 164 children's sanatoriums with 23,000 beds operated by local State authorities.

520. Recent years have seen a substantial increase in the diagnostic capacity of children's hospitals as a result of the creation of highly computerized diagnostic services (ultrasound, endoscopy, functional diagnostics). Screening for phenylketonuria was introduced but has been cut back to 80 per cent owing to lack of funds.

521. The official statistics record the increase of pathologies among newborn babies and the distribution of chronic diseases over all age groups. The commonest childhood problems are functional disorders (of the nervous system, the skeleton/locomotive apparatus, organs of sight, etc.).

522. There was almost no change since 1993 in the total number of initial diagnoses of illness per 1,000 children: 1993 - 1,061; 1996 - 974; 1997 - 1,062.

523. According to the findings of research conducted by the Academy of Medical Sciences under a WHO project "Children of the 1990s" and the National Programme "Children of Ukraine", there has been a significant increase in child morbidity; the reason is that in rural areas some 20 per cent of families do not seek medical assistance when a child falls ill owing to the distance of their home from the hospital and the high cost of transport; 84 per cent of the families surveyed considered that they could cope with minor illnesses themselves. The variation in child morbidity over the years is due principally to the sharp fluctuations in acute respiratory diseases caused by outbreaks of influenza and other viral complaints.

524. Harmful environmental factors (including radiation) also make their contribution to this increased morbidity. Cases of neoplasm and skin disease among children increased from 1.4 to 1.7 per 1,000 children, disorders of the nervous system and sensory organs from 69.9 to 78.6, and problems of the skeleton/muscular apparatus and connective tissue from 14 to 19.4.

525. The incidence of illness caused by an unbalanced diet is increasing, mainly as a result of micro-element and vitamin deficiency and excessive consumption of carbohydrates. Glandular and metabolic disorders increased by 13 per cent and diseases of the blood and the haematogenous organs by 15 per cent (anaemia by 42 per cent).

526. Children account for almost two thirds of all registered cases of acute intestinal disease. One of the principal reasons for this high level of morbidity is pollution of the environment, especially reservoirs, which are the main source of drinking water and are not kept properly clean.

527. The problem of iodine deficiency has grown more acute in recent years owing to the lack of large-scale iodization measures. According to specific research findings, almost 30 per cent of the country's territory falls in the endemic-site category, i.e. having a high incidence of subclinical hypothyroidism and goitre in children: the rate rose by 52 per cent over the period.

528. The State has recently been furnishing financial support to enterprises producing preparations containing iodine, including iodine-enriched foodstuffs.

529. Tooth infections are a general problem. The level of tooth decay among children of school age is running at 70 to 90 per cent. This problem is caused by a failure to take large-scale preventive measures and by children's unsuitable diet, in which carbohydrates predominate.

530. There remains the thorny question of the definition of diseases caused by insufficient food intake. According to the WHO recommendations, the incidence of this kind of disease is determined on the basis of the weight gain of babies at specific intervals. The weight distribution of newborn babies remained almost unchanged in Ukraine between 1993 and 1997. Six per cent of babies had low birth weight, which is typical of most developed countries and does not point to widespread undernutrition in Ukraine.

531. A rule designed to improve the diet of young children was in effect in the period 1993-1997; it provided for the free distribution of special milk products to all children in the first and second years of life.

532. Ukraine has adopted the principle of targeting the distribution of these products primarily on children aged under 12 months in poor families.

533. The state of the environment is one of the most powerful influences on children's health. It has been established that the inhabitants of most of the country's towns and villages are subject to harmful environmental impacts at levels far in excess of acceptable standards.

534. The high level of child morbidity is related to pollution of the environment and food products, to violation of the health and hygiene regulations during the processing and transport of foodstuffs, and to the widespread presence of various types of bacteria.

535. What is needed is new approaches to environmental monitoring for prevention of acute intestinal disorders and to the supervision of production plant, public restaurant facilities, and food marketing organizations.

536. The main factors exerting a harmful impact on children's health remain the aftermath of the Chernobyl disaster, the high level of chemical pollutants in the atmosphere, and the high level of noise pollution.

537. Another major current problem is the maintenance and restoration of the health of people suffering as a result of the Chernobyl disaster, especially children and pregnant women.

538. As of 1 January 1998 there were 1,104,464 children aged up to 18 receiving assistance under the Act "On the status and social protection of citizens suffering as a result of the Chernobyl disaster".

539. In 1997 there were 433,464 children aged up to 14 under the supervision of care/prevention facilities. Under the regional programmes designed to minimize the

consequences of the Chernobyl disaster, resources are allocated every year to the provision of medical care by specialized medical institutions from the State budget and the Chernobyl Fund for the Purchase of Medical Equipment.

540. Medicinal and prophylactic foodstuffs containing radiation-protection additives are produced under the programme of measures to eliminate the consequences of the accident.

541. Thyroid-dosimetric registration is employed in order to identify risk groups, prevent diseases from developing, and provide medical care for children who suffered thyroid gland irradiation as a result of the disaster.

542. Convalescent facilities and sanatorium and health-spa treatment for such children have been provided in accordance with the 1995 Order "On the procedure for organization of convalescence measures for citizens suffering as a result of the Chernobyl disaster". A total of 420,580 children, or 59 per cent of all child victims, benefited from the convalescence measures; 72 per cent were treated in sanatoriums and health-spas, and 28 per cent spent time in holiday homes and camps and other boarding facilities.

543. A list of sanatoriums and rehabilitation facilities for children suffering as a result of the disaster was drawn up in 1997 with a view to improving the quality of the sanatorium and health-spa treatment and convalescent care.

544. Pursuant to the Act "On value added tax", an Order was adopted in 1997 "On the list of health-spa and convalescent establishments in which the cost of visits by children for treatment or convalescence are not subject to value added tax" in order to reduce the cost of children's stays in health-spas and convalescent facilities.

545. The Act "On the status and social protection of citizens suffering as a result of the Chernobyl disaster" guarantees psychological treatment and assistance for such citizens.

546. Under an agreement with UNESCO Ukraine established in 1994 three social and psychological rehabilitation centres to work with the most vulnerable population groups. New psychological and psychiatric techniques are helping to cure the problems of people suffering as a result of the disaster.

547. These centres are visited by about 60,000 children and young people every year. In 1997 they gave 3,961 individual psychological consultations, conducted 2,825 group psychotherapy sessions, and delivered 305 lectures for children and young people.

548. The State guarantees of the provision of health care for pregnant women are set out in the Fundamentals of Health Legislation, the Labour Code, and the Act "On State assistance for families with children".

549. Ukraine has an effective system for the provision of health care for pregnant women in outpatient clinics and hospitals; there are 453 medical consultation offices for women and 1,285 units providing antenatal services. The compulsory antenatal care measures include genetic counselling (for women in risk groups), medical examinations (by therapists and other

specialists), treatment of extragenital pathologies, examinations for intrauterine infections, recommendations on diet, training classes for young mothers, antenatal diagnosis of the condition of the foetus, and monitoring of the pregnant woman's condition to detect possible complications during pregnancy.

550. Some 500,000 pregnancies a year are registered in Ukraine. Antenatal services are available to all, but 1 per cent of pregnant women are not monitored by the antenatal units, at their own wish.

551. Information on pregnant women is transmitted from the units to the children's polyclinics. Mothers-to-be are invited to attend the classes for young mothers run by the children's polyclinics.

552. The maternal mortality rate, which is not declining in Ukraine, is one of the most significant criteria of women's health and the quality of the medical care provided for pregnant women.

**Maternal mortality\***  
**(per 100,000 live births)**

1993	32.8
1997	30.9

\* According to Ministry of Health data.

553. The principle cause of maternal mortality is illness not connected with pregnancy (extragenital pathology). A significant proportion of these illnesses consist of heart and vascular disorders. Analysis shows that in 20 per cent of cases the extragenital disorder is accompanied by severe childbirth complications which worsen the prognosis and the consequences of the birth. Maternal mortality from sepsis, haemorrhage and toxæmia is on the increase. This trend is a direct consequence of the deterioration in the health of pregnant women, the poorer quality of medical care, and the difficult environmental situation.

554. The Ministry of Health is preparing a "Safe maternity" programme, the implementation of which will help to reduce the level of maternal mortality.

555. The Breastfeeding Support Programme 1996-1998 was introduced in order to solve the breastfeeding problem; it is based on the experience of countries with differing levels of economic development and living standards. Ukraine now has three breastfeeding support centres in operation.

556. A number of measures are being taken to encourage breastfeeding, including the creation of more conducive arrangements in maternity homes. Since 1996 mother and child have been entitled to stay together in the maternity units. More than 40 per cent of maternity beds have been brought under a new regime which encourages the initiation and continuation of breastfeeding.

557. The number of breastfed children increased during the reporting period.

**Number of breastfed children\*  
(percentages)**

Age of child	1993	1997
Under three months	44	62.6
Under six months	32	37.4

\* According to Ministry of Health data.

558. Ukraine has received considerable assistance in tackling breastfeeding problems from international organizations: WHO, UNICEF and USAID.

559. Ukrainian industrial enterprises produce special liquid and pasteurized milk products, dried processed milk formulas, and other dried products for feeding and supplementary feeding, as well as fruit and vegetable preserves. The production capacity is sufficient to meet 60 to 100 per cent of the national demand for these items.

560. There has been a sharp drop in the industrial output of special baby foods in recent years. The main reason for this is the State's financial crisis and the people's weak purchasing power.

**Output of baby foods\***

	1993	1997
Liquid and pasteurized milk products (thousands of tons)	19.0	4.0
Fruit and vegetable preserves (millions of standard tins)	121	3.1
Dried milk formulas (thousands of tons)	10.1	2.8

\* According to Ministry of Agro-industry data.

561. The output of baby foods has been adversely affected by the cancellation of the State order and the lack of long-term credit for the purchase of raw materials, wrapping and packaging materials, etc. The enterprises are operating at present on their own working capital, loans from commercial banks, and income from investments.

562. The regions designated farms to grow environmentally safe crops for the production of baby foods. A 1996 Instruction on special raw materials zones and agro-environmental requirements was confirmed by an Order of the Cabinet of Ministers. However, the farms find it unprofitable to produce environmentally-safe crops since they are not allowed to use chemicals in the cultivation of crops and fodder or to use synthetic nitrogen additives in livestock feeds; they therefore require State support, but the State budget makes no provision for resources for these purposes.

563. In order to halt this decline and increase the output of special baby foods, the Cabinet of Ministers issued an Order in 1997 confirming additional measures to encourage the production of baby foods which provide for a fundamental improvement in the use of the existing production capacity, the introduction of new products whose production is based on the national scientific, technological, technical capacity and on domestic raw materials and financing, and the improvement of the economic conditions for the production and processing of baby foods.

564. Ukraine is currently creating a network of family planning institutions. This move was facilitated by the adoption of the National Family Planning Programme, one of the basic tasks of which is to establish a system of consultation services and to help adolescents and young people in matters of sex education, family planning, sexual and reproductive behaviour, use of reliable and safe means of preventing unwanted pregnancies, and prevention of sexually transmitted diseases.

565. There are currently 42 regional and interregional family planning centres in operation, together with 415 family planning consultation units attached to district hospitals, which assist families in matters connected with childbirth and maintenance of the health of parents and children, as well as seeking generally to enhance the people's cultural awareness.

566. The health of mothers is determined to a considerable extent by the circumstances of their childhood and adolescence.

567. A study of the health of adolescent girls has shown that this group is marked by an increasing number of cases of heart and vascular disorder, anaemia, and diseases of the kidneys and sexual organs.

**Morbidity in girls aged 15-17 inclusive\***  
(per 10,000)

	1993	1996	1997
Anaemia	20.4	42.3	44.7
Diseases of the genito-urinary system	345.6	527.1	608.0

\* According to Ministry of Health data.

568. Gynaecological pathology is found in 98.9 of every 10,000 adolescent girls: disrupted menstruation in 28.6 per cent; retarded sexual development in 7.2 per cent; and inflammation of the sexual organs in 18.1 per cent.

569. Adolescent girls are future mothers: when they reach reproductive age they join a group at high risk of maternal and infant mortality.

570. While the total number of abortions is declining, the abortion rate is rising among women pregnant for the first time. Abortion remains the principal cause of maternal mortality, infertility, pregnancy complications, and the high level of gynaecological disorders. The abortion rate among adolescent girls remains unacceptably high.

**Abortion rate among adolescent girls\*  
(per 1,000)**

Age	1993	1997
Under 14 inclusive	0.17	0.14
15-17 inclusive	22.00	17.70

\* According to Ministry of Health data.

571. The adolescent abortion rate remains high in comparison with countries of western Europe but it has shown a downward trend in recent years.

572. Studies are currently being conducted in this area by the Centre for Child and Adolescent Gynaecology of the Scientific Research Institute for Paediatrics, Childbirth and Gynaecology of the Academy of Medical Sciences and by the Kharkov Scientific Research Institute for Child and Adolescent Health.

573. There are 28 regional consultation units and departments of child and adolescent gynaecology. Adolescent sex education centres were opened in these departments or in the family planning centres, and the post of child and adolescent gynaecologist has been introduced.

574. Measures are being taken to make free contraceptive devices available to women and adolescent girls from poor families. The production of such devices is being expanded. Particular attention is being given to education work among the public at large, which includes the distribution of various information materials (printed materials, video films) and regular radio and television broadcasts.

575. Ukraine's health-care strategy is generally consistent with health-care policies in the rest of Europe, and its priority is to tackle the problems of improving the medical and social protection of the family and the health of children and young people and ensuring them decent standards in their daily lives and development through use of the existing physical, intellectual and social potential.

576. The attainment of the targets for children's health care will depend to a large extent on how quickly Ukraine overcomes its social and economic crisis and improves the well-being of its people.

577. The efforts to prevent and combat AIDS are conducted in accordance with the Act "On preventing AIDS and on the social protection of the population" (in its 1998 version).

578. Citizens of Ukraine and other States and stateless persons who have HIV or AIDS and are residing or present in the territory of Ukraine are entitled to respect and humane treatment on the part of society, without any impairment of their human dignity, and to confidentiality of information about the state of their health, provided that the conditions and specific characteristics of their lives and work do not constitute a threat to the health of others.



579. Ukraine carried out during the reporting period a specific programme for 1996-1997 on prevention of the spread of diseases caused by HIV.

**Number of persons with an initial diagnosis\***

	1995		1997	
	Total	including children up to age 14	Total	including children up to age 14
HIV	51	8	8 945	200
AIDS	11	2	191	5

\* According to State Statistical Committee data.

580. All forms of medical assistance for HIV-infected children are provided free of charge. Such children are classified as disabled and are entitled to financial assistance in accordance with the Order of the Cabinet of Ministers "On the amounts of social assistance for children infected with human immunodeficiency virus or suffering from acquired immunodeficiency syndrome".

581. Ukraine does not have any widespread traditional practices prejudicial to children's health, such as genital mutilation, forced marriage, etc.

582. There are several international programmes working to improve Ukraine's arrangements for protecting maternal and child health.

583. International assistance for children is provided by United Nations agencies, the European Union, the Organization for Economic Cooperation and Development, the Governments of the United States, Germany, Japan, Canada, the Netherlands, the United Kingdom, France, Switzerland, Italy and Egypt and by a number of international funds and NGOs.

584. Programmes financed by UNDP, UNICEF, WHO and USAID were carried out during the reporting period, specifically the Ukrainian health-care initiative, the programme to monitor maternal, adolescent and child mortality, the children's rights programme, the programme on elimination of iodine-related disorders, the children-friendly hospitals initiative, the Chernobyl project on humanitarian assistance and rehabilitation, the "Hope" project (a pilot project on the treatment of tuberculosis), the programme on the health care and development of young people, the UNESCO Chernobyl programme (project No. 64 on the construction of socio-psychological rehabilitation centres for people affected by the disaster), and many more.

**C. Social security and childcare services and facilities (arts. 26 and 18, para. 3)**

585. Families with children are guaranteed State assistance if they have sick or disabled children, if they lose their breadwinner, in connection with childbirth and child maintenance, and in other circumstances established by law. The relevant provisions are contained in the

Constitution, in the Acts “On State assistance for families with children”, “On pensions”, “On the status and social protection of citizens suffering as a result of the Chernobyl disaster” and “On the fundamentals of the social protection of the disabled”, as well as in the Labour Code, the Housing Code of the Ukrainian SSR, and the Fundamentals of Health Legislation.

586. In accordance with article 20 of the Act “On the budget system” benefits awarded under the Act “On State assistance for families with children” are paid from local budgets, and the monitoring of the prompt reimbursement of these expenditures is the responsibility of the local executive authorities. The resources for these purposes are allowed for every year in the determination of the amounts of the transfers from the State budget to the budgets of the local administrative subdivisions in the form of grants and appropriations from general State taxes and duties. In recent years priority has been given in the preparation of draft budgets to expenditure on social protection and social security.

587. In the compilation of the annual draft budgets the expenditures on State benefits for families with children are calculated on the basis of the number of persons receiving the benefits in the preceding year, taking into account the dynamics of this group and the amounts of the benefits established in the legislation. The forecast inflation rate for the year also enters into the calculation.

588. However, owing to the country’s difficult economic situation in recent years the appropriations for these benefits included in the draft State budget were corrected to bring them into line with the revenue part of the budget, which depended in turn on the state of the economy.

589. The principal features of the economic situation over the reporting period were lower output and a smaller gross domestic product, which led as a result of a shortage of financial resources to a rise in the number of unresolved social problems.

590. In the period 1993-1997 the proportion of actual spending on State benefits for families with children in the total expenditure part of local budgets gradually declined to a level of 1.2 per cent in 1997, which was 2.1 per cent lower than in 1993. The proportion of this spending in total expenditure on social protection declined by 2.9 per cent over the period.

591. The 1997 figures show an upward trend in the proportion of spending on benefits for families with children in total expenditure on social protection (an increase of 2 per cent over the figure for the preceding year), which was due to the implementation of State policy in this area.

592. In fact, over the period 575.6 million hrivnyas were allocated under the budget to expenditure on these State benefits: in 1993 - 7.5 million; in 1994 - 35.7 million; in 1995 - 148.3 million; and in 1997 - 224.9 million.

593. It should be noted here that the period 1993-1997 saw changes in the structure of spending on State benefits for families with children.

594. The range of State benefits for families with children can be divided into two types: benefits for which entitlement depends on the family income (for example, benefits in respect of children aged under 16 or under 18 if they are studying); and benefits of a compensatory nature for which entitlement does not depend on income (for example, child allowances for single mothers, allowances for caring for disabled children, temporary allowances in respect of children whose parents refuse to pay maintenance). Over the reporting period the proportion of expenditure on allowances in respect of children aged under 16 or under 18 if they are studying in total expenditure on benefits for families with children gradually declined from 82 per cent to a level of 69.1 per cent at the end of the period. This was due mainly to the country's inflation rate. From 1996 the income level producing entitlement to these benefits was not corrected for inflation because there were insufficient budgetary resources for calculation of the corresponding inflation index.

595. As a result, personal incomes gradually increased, as did the prices of goods and services, but the criteria for determining benefit entitlement remained unchanged. Accordingly, although the total number of families with children increased, the number entitled to benefits declined.

596. In the case of other assistance for families with children, which is funded from local budgets and for which entitlement does not depend on family income, the proportion of spending on benefits for families with children rose in step with the increase in the number of recipients, i.e. single mothers, persons caring for disabled children, unemployed mothers caring for children aged under three, and children whose parents refuse to pay maintenance.

597. The number of large families receiving the material assistance in question remained more or less constant during the period, and thus the proportion of expenditure on these cash benefits was the same in 1997 as in 1994.

598. There are various kinds of social assistance for children and for families with children: cash payments, social security pensions, social services, cash benefits, and benefits in kind. The State guarantees a minimum level of material support for families with children by means of payments based on family size, income, age, state of children's health, etc. Families are entitled to one-off payments following the birth of a child, allowances for caring for children until age three, allowances for mothers (or fathers) caring for three or more children aged under 16, allowances for caring for disabled children, payments for children in guardianship or care, etc. In all, there are more than 10 kinds of State benefit for families with children.

599. Disabled children aged up to 16 and orphans are entitled to a social security pension in the event of the loss of the breadwinner. This pension amounts to 100 per cent of the minimum old-age pension. This amount does not provide for a child's everyday needs in today's social and economic conditions and its inadequacy leads to a considerable worsening of his situation.

600. The total number of recipients of all kinds of child benefit increased by an average of 22 per cent over the past four years. In accordance with the Act "On State assistance for families with children", almost 3.5 million families with 4.9 million children are eligible for State assistance. The amounts of the social benefits for families with children are defined in Order No. 832 of the Cabinet of Ministers dated 26 July 1996.

601. There are institutions, services and special agencies responsible for child care or supervision.

602. The Act "On education" guarantees the right to pre-school education in institutions designed to attend in conjunction with the families to the physical and mental health of children and their comprehensive development, to help them to acquire experience of life, and to equip them with the skills and habits necessary for their future studies.

603. Ukraine has an extended network of pre-school education institutions: nursery schools, kindergartens, nursery kindergartens, family and walk groups, and remedial and combined pre-school institutions (for children in need of remedial physical or mental development training). These pre-school institutions have various operating schedules allowing for part-day, day and 24-hour attendance; there are also residential kindergartens, children's homes, etc.

604. The pre-school network has 18,400 units (8,700 in urban areas and 9,700 in rural), which are attended by 1.2 million children (952,800 in urban areas and 219,000 in rural).

605. For every 100 places an average of 66 children attend pre-school institutions (urban - 76, rural - 43). The coverage of general pre-school education is 33.5 per cent (urban - 42.2, rural - 17.6). There are 137,900 teachers working in kindergartens.

#### Permanent pre-school education institutions\*

	1993	1994	1995	1996	1997
No. of institutions (1 000s)	23.2	22.3	21.4	20.2	18.4**
Urban areas	11.4	10.9	10.5	9.7	8.7
Rural areas	11.8	11.4	10.9	10.5	9.7
Total attendance (1 000s)	1 918	1 736	1 536	1 342	1 172
Urban areas	1 506	1 365	1 222	1 085	953
Rural areas	412	371	314	257	219
Coverage (percentage of total population of pre-school age)	49	47	44	41	33
Urban areas	56	54	53	51	42
Rural areas	34	31	28	23	18

\* According to State Statistical Committee data.

\*\* Including 1,900 not operating round-the-year.

606. There was a sharp reduction in the number of pre-school institutions during the reporting period. A three-year experimental programme was introduced in 18 institutions (with 500 children) under the "First Steps" pre-school education and development programme of the Rebirth Fund headed by George Soros.

607. Pre-school institutions run additional educational activities for the study of foreign languages, artistic skills and dancing, as well as computer science, etc.
608. Combined pre-school/first-school units have become a very common means of ensuring a smooth transition between pre-school institutions and first schools; there are 804 such units with a total attendance of 87,300.
609. A pre-school education bill has been drafted and submitted for consideration; it provides for the introduction of compulsory pre-school training for children at the upper end of the pre-school age range with a view to offering children equality of opportunity before they enrol in first school.
610. The State's acknowledgement of the right of the child to enjoy the advantages of social security is in fact only declarative, for the financial and material resources allocated for these purposes do not measure up to the children's needs.
611. Child allowances for non-working parents are awarded and paid by the social protection agencies, and for working parents by the employer enterprise, establishment or organization. The existing situation with regard to the payment of State benefits for families with children is extremely unsatisfactory. The shortage of funds in the local budgets is the main reason for the increasing arrears in the payment of State benefits in almost all regions. The payment of benefits by employer enterprises, establishments and organizations in various types of ownership is a particularly contentious issue, for the overwhelming majority of them suspend their operations from time to time or become bankrupt and do not have the means to pay the benefits due. The absence of standardized statistical reporting of the payment of benefits to families with children by these bodies obstructs the overall monitoring of benefit payments and the adoption of the necessary operational measures.
612. The problem of the inadequacy of the amounts of social benefits for families with children is intensifying social tensions in Ukraine and requires an immediate solution.
613. In this connection, a revised version of the Act "On State assistance for families with children" is currently being considered by the Supreme Council; it contains new criteria for determining entitlement to such assistance and provides for review of the number of persons receiving benefit in the light of their material circumstances. The existing practice of basing the award of benefits on the minimum wage is to be replaced by a new indicator - the social security norm - to be established every year and confirmed at the same time as the adoption of the State budget Act for the coming year.
614. In order to ensure equality in the exercise of the right to assistance for families in which the parents are employed by enterprises which are being restructured or have become bankrupt and cannot pay the benefits, the Ministry of Labour and Social Policy prepared and submitted to the Cabinet of Ministers for consideration a bill on amendments and additions to legislation

concerning individual payments to poor citizens by social security and assistance units of the social protection departments; this bill provides for the transfer to the social protection agencies of the award and payment of child allowances to working parents.

**D. Standard of living (art. 27, paras. 1-3)**

615. Children's welfare and standard of living depend directly on the material circumstances of each individual family and on the State as a whole.

616. The deterioration in the material circumstances of most families in recent years has led to a situation in which the category of poor families and even the category of families at risk now include not only families with disabled children, large families and families without work but also young and single-parent families.

617. The decline in family living standards is connected with the considerable gap between the nominal minimum wage and price rises. In comparison with 1995, prices rose faster than wages in 1997 with the result that real wages fell over the year by 2.4 per cent.

618. The State is addressing the question of improving the people's standard of living. The Cabinet of Ministers proposed that the amount of the minimum wage should gradually be increased from 1 July 1998 to a level of 55 hrivnyas. The pensions of almost 6 million people were raised from 1 March of the current year. The State is at present discussing with the trade unions the question of extending the category of persons eligible for a special pension supplement designed to ensure that their total benefit provides an income above the poverty line; the modes of this assistance are to be extended at the same time.

619. The State has an obligation to pursue an active policy of providing productive jobs for the able-bodied categories of the population and to ensure that they are properly remunerated for their work. It is also necessary to ensure that families recognize their responsibility for their own well-being.

620. Owing to the shortage of resources to fund State benefits for families for the protection of children's health and for their education, the period 1996-1997 saw the accumulation of significant arrears in such expenditure. In this connection, the President of the Republic, the Supreme Council and the Cabinet of Ministers take regular action to clear the arrears of wages of health and education employees and the arrears of education grants and social security benefits. The President and the Cabinet of Ministers have adopted in recent years a number of decisions on reduction of the arrears of wages and benefits. In addition, the Act "On the State budget for 1998" includes a list of protected headings of expenditure which includes the remuneration of the labour of budget personnel, transfers to the public (pensions, benefits, education grants), purchase of medicines, and the food supply.

621. Priority is given to spending under these protected headings.

**VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES  
(arts. 28; 29; and 31)**

**A. Education, including vocational training and guidance (art. 28)**

622. The Constitution guarantees children equality of rights irrespective of their origins or whether they were born within wedlock. Violence inflicted on a child and the exploitation of children are prosecuted by law. The maintenance and upbringing of orphans and children deprived of parental care are responsibilities of the State. The State facilitates and supports all charitable work for orphans.

623. The equality of children's education rights is proclaimed in the Acts "On education" and "On vocational and technical training". The benefits and advantages connected with the right to education are accorded to the children at greatest social risk according to the law in order to ensure true equality in the exercise of this right.

624. The State and local budgets allocated 64.6 million hrivnyas in 1993 and 5,033.7 million in 1997 to the maintenance of educational establishments.

625. The period 1993-1997 saw an upward trend in spending on the maintenance of general education establishments (pre-school institutions, general education schools, boarding facilities of all kinds, out-of-school organizations, production training centres, etc.).

**Expenditure on the maintenance of general education establishments\***

Year	Total expenditure		State budget		Local budgets	
	Millions of hrivnyas	% of total	Millions of hrivnyas	% of total	Millions of hrivnyas	% of total
1993	47.8	74.0	2.0	13.4	45.8	92.0
1994	442.9	71.2	27.4	16.8	415.5	90.5
1995	2 111.1	72.0	97.2	13.0	2 013.9	92.4
1996	2 778.4	69.3	95.6	8.7	2 682.9	92.5
1997	3 677.4	73.1	135.8	11.0	3 541.6	93.3

\* According to Ministry of Finance data.

626. In the spending structure of the total general education budget the largest proportion of funds is allocated to the maintenance of general education schools and boarding schools of all types; this proportion increased over the period by 5.9 per cent: in 1993 it accounted for 67.8 per cent of the total; in 1994 for 69.7 per cent; in 1995 for 71.5 per cent; in 1996 for 73 per cent; and in 1997 for 73.7 per cent.

627. Substantial amounts are appropriated for teacher training (in vocational/technical schools, higher education institutes and other teacher training establishments), but the proportion of this spending in total education spending declined in recent years owing to the country's difficult economic situation.

**Appropriations for teacher training\***

Year	Total expenditure		State budget		Local budgets	
	Millions of hryvnyas	% of total	Millions of hryvnyas	% of total	Millions of hryvnyas	% of total
1993	15.3	23.8	12.8	86.6	2.5	5.1
1994	165.5	26.6	135.4	83.2	30.1	6.6
1995	759.5	25.9	652.8	87.0	106.7	4.9
1996	1 145.8	28.6	1 008.9	91.3	137.0	4.7
1997	1 258.6	25.0	1 100.0	89.0	158.6	4.2

\* According to Ministry of Finance data.

628. Ukraine has a nationwide network of general education establishments which cater to the cultural and educational requirements of members of national minorities. Teaching is conducted in Russian in 2,800 schools, in Romanian in 107, in Hungarian in 67, in Crimean Tatar in 6, and in Polish in 3. In addition to the Ukrainian-language institutions there are 3,300 Russian-language pre-school institutions and 115 kindergartens, as well as individual groups using other languages of instruction (Hungarian, Polish, Hebrew, Romanian, etc.); 1,000 schools use two or more languages of instruction.

629. The general principles of the Convention were taken into account in the drafting of the Act "On education". Children's right to vocational and technical training is safeguarded specifically in the 1998 Act "On vocational and technical training". The supervision by the State of the activities of educational establishments, including the delivery of children's right to education is regulated by the Act "On education", which is implemented (irrespective of the form of ownership and jurisdictional status of the establishment) by the central and local education authorities and by the State Education Inspectorate of the Ministry of Education with a view to the application of a single State policy for education. In addition, the regulations provide for supervision of the arrangements for school meals, health care and protection of the pupils' and students' labour in educational establishments. A total of 296 rural vocational/technical schools were established in order to ensure the more effective exercise by rural children of their right to this type of education.

630. The exercise of children's right to study in vocational/technical schools and to the various forms of secondary education is regulated by the Act "On vocational and technical training", which provides for the possibility of acquiring an occupation at the same time as a full general secondary education in a vocational/technical school or some other institution.

631. Children who for specific reasons cannot acquire a full general secondary education at the same time as an occupation or who do not have basic secondary education, as well as children in need of social assistance and rehabilitation, may simultaneously obtain a vocational qualification in one of the occupations contained in the list established by the Cabinet of Ministers.



632. The law accords pupils and students the right to access to information in all branches of knowledge and free use of their institution's teaching, scientific, production and cultural resources.

633. Environmental education activities in the period 1993-1997 were designed to instil an environmental culture in individuals. This goal is pursued in the work of the executive authorities, in particular the Ministry of Environmental Protection and Nuclear Safety and its regional offices, and by schools, public organizations, and the mass media (press, radio, television, cinema), as well as by means of lectures, exhibitions, etc.

634. In their practical activities and in the implementation of environmental education and information measures the State environmental safety agencies in the regions and their city and district offices are governed by article 7 of the Act "On protection of the natural environment".

635. The State environmental safety agencies and the State environmental inspectorates in the regions collaborate with public environmental protection organizations, schools at all levels of accreditation and the regional education authorities with a view to improving the forms and methods of environmental education. The aim has been to ensure continual environmental education.

636. The foundations of this education are laid in the kindergarten. For example, the integrated "Garden-School" programme which is being introduced in the city of Zaporozhe uses play activities and lessons, observation and investigation, practical work in the field, and extra environmental instruction at weekends or on holidays. The natural environment of Khortitsa island provides the teaching resource for this subject. Environmental schools are in operation in Zaporozhe, Donetsk and Vinnitsa regions. Schools in the Nikolayev region provide comprehensive environmental education; there are 86 out-of-school environmental education groups in Chernigovsk region.

637. Environmental lecture courses, months and weeks have become traditional events in Ukraine's schools. Personnel from the State inspectorates give talks and hold seminars on environmental subjects for pupils and teachers in secondary schools and for teachers of palaeology, biology and geography and help schools to design environmental teaching programmes. Pupils and students have access to the annual reports on the state of the environment in the regions produced by the State environmental safety agencies.

638. Ukraine now has a large number of public environmental associations, more than 20 of them operating nationwide.

639. The Ukrainian Environmental Protection Society, the "Green World" association, and the National Ecological Centre are among the largest and most active of the public associations and State institutions which regard the environmental education of schoolchildren and young people as a core component of their work. They have sponsored environmental activities at weekends and on holidays, expeditions, scientific/practical conferences, and seminars and round tables, as well as organizing clubs, "young ecologist" schools, school forestry work, and "green" and "blue" patrols.

640. Various events attracting large numbers of schoolchildren and students have been held, including: “Rivers of my childhood”, the national “Living water” campaign, the “Snowdrop”, “Stork”, “Springs”, “Ant-hill”, “Bioprotection” and “Green spring” operations, the environmental protection relay-run “Without willows and roses there is no Ukraine”, and other measures connected with the study and protection of the natural environment.

641. The Presidium of the National Council of the Ukrainian Environmental Protection Society, in conjunction with the Society’s branch in Ivano-Frankovsk, held an All-Ukrainian Children’s Environmental Assembly in 1997.

642. Article 53 of the Constitution and the Act “On education” accord to children State guarantees of the right to full general education, including primary.

643. The Act entitles citizens to free education in all State educational establishments irrespective of sex, race, nationality, social and property status, type and nature of studies, ideology, membership of political parties, attitude to religion, religious denomination, state of health, place of residence, or other circumstances. The exercise of this right is ensured by an extensive system of general education establishments in State and other forms of ownership.

644. Depending on their age, children spend three to four years in the primary school in which they first enrolled. In the 1997/98 school year the primary system had 97,700 pupils, or 1.4 per cent of the total school population; 38,700 (39.7 per cent) of these pupils attended urban schools and 59,000 (60.3 per cent) rural.

645. Various kinds of moral and material encouragement have been provided for schoolchildren. Academic success may be rewarded by inclusion in the roll of honour in the intermediate grades, and in the graduation year (eleventh grade) by a gold or silver medal; mention in the roll of honour is awarded for special success in individual subjects, and in the ninth grade pupils may receive a certificate of incomplete secondary education with distinction. In some cases pupils are awarded special scholarships and prizes.

646. Medal-winners and pupils who graduate from general secondary education with distinction, prizewinners in national and international competitions in the basic academic subjects and in competitions organized by branches of the Junior Academy of Sciences are given preference in admission to institutes of higher education.

647. All children of school age, including disabled children, children deprived of their liberty, and pregnant girls, have the right to education. They are entitled to study in day and evening (shift) schools, individually at home, or on an external basis.

648. Sick and disabled children and children deprived of their liberty have access to suitable educational facilities where they may obtain general secondary education up to the level required by the State regulations.

649. The Act "On education" prohibits the infliction of any kind of violence on children and their exploitation. Teaching staff are required to abide by the rules of teaching ethics and morality and to respect children's dignity, protect them against any kind of physical or mental bullying, prevent any attempts to use alcohol or drugs, and save them from other harmful habits.

650. Pupils in general education schools must comply with the legislation in force, moral and ethical standards, and the school's statutes and internal rules of procedure. The maintenance of discipline in schools is the responsibility of the education authorities, school administrators and teachers.

651. Disciplinary action may be taken against pupils who infringe the school's statutes or internal rules of procedure.

652. The Constitution accords to children the freedom of ideology and religion.

653. The Church and other religious organizations are separated from the State, and schools from the Church. No religion may be recognized by the State as compulsory.

654. In 1992 Ukraine began to provide funding from the State budget for foreign students admitted to educational establishments in Ukraine in accordance with the obligations of the former USSR. In 1993, pursuant to an Order of the Cabinet of Ministers, Ukraine itself authorized the enrolment of foreign students and provided funding for their education from the State budget.

655. There were 1,200 persons studying under these arrangements in 1997.

656. Since 1992 Ukraine has concluded 58 international agreements concerning education. It is constantly supporting and extending its fruitful contacts with over 50 international governmental and non-governmental organizations, programmes and funds, including UNESCO, the Council of Europe, the United States Information Service, the United States Peace Corps, the British Council, the German Academic Exchange Service, and the Fulbright and Muskie Programmes, as well as "Act to support freedom" (USA), "Trampoline", "Sans frontières" (France) and many others.

657. In 1991 Ukraine began its cooperation with the Commission on Education and Science of the Council of Europe. Since 1993 representatives of Ukraine have been taking part in increasing numbers in seminars on current problems of higher and general secondary education (system of continuous education, curriculum and syllabus assessment, funding of education, access to education, management of education systems). The basic standards and methods of education in Ukraine have been formulated in accordance with the recommendations of these seminars.

658. The United States Peace Corps has been operating programmes in Ukraine since 1993. Four hundred Peace Corps volunteers have taken part in the projects carried out under the programmes on "Teaching English as a foreign language", "Young people's development" and

“Environmental and economic education”; they worked both in secondary schools and in teacher training universities and colleges. Every year the volunteers instruct more than 4,200 schoolchildren and more than 2,300 higher education students. Most of the volunteers take part in additional projects and public measures, helping with the creation of environmental education programmes in schools and with out-of-school activities.

659. Every year since 1994, 270 pupils in the senior grades of secondary school and 120 undergraduate and postgraduate students have spent a year studying in schools, colleges and universities in the United States under the “Act in support of freedom” programme funded by the United States Government.

660. Since 1996 the United States Government has been awarding grants of \$2,200 each to the 75 Ukrainian secondary teachers who come top in the competition “Ukrainian-American awards for teaching success” for them to purchase teaching equipment and services for their schools; 45 university teacher training staff receive grants for a year’s scientific or methodological study in American universities.

661. The UNESCO associated schools project was initiated in November 1993; its aim is to develop education in a spirit of peace and international cooperation.

662. At present Ukraine has 22 institutions operating under the associated schools system: 18 schools and 4 vocational/technical colleges. In addition, a further 30 institutions have applied to become associated schools. They include grade schools, institutes of higher education and out-of-school institutions. This network of associated schools extends over 11 regions, the city of Kiev and the Crimean Autonomous Republic.

663. All the associated schools communicate by correspondence and exchange delegations of children, young people and teachers with their overseas partners and hold friendship festivals, meetings, discussion evenings, solidarity fairs, competitions, UNESCO weeks, general conferences for teachers, and adopted-towns days, as well as establishing various funds for aid and charity work. Some educational establishments are collective members of friendship associations with other countries.

664. Equally varied activities are found in the teaching work itself: conferences, seminars, discussions, defence of topic papers, practical role-playing games, and round tables on educational problems. Special lessons on UNESCO and mock UNESCO general conferences are held, the history of international children’s and youth organizations is studied, and UNESCO resource centres, chairs and halls are established.

665. The town-twinning movement has become very popular in Ukraine, as have “Lanterns of the world” and the international broadcasts “The world through children’s eyes” and “When I grow up”.

666. Educational institutions carry out activities under the UNESCO programmes and projects “Englofax”, “Lingofax”, “East-West” and “Intercollege”. There has also been widespread involvement in international projects such as Greenpeace, “School crossroads”, “Rebirth of the cultural heritage”, “Other countries and peoples”, the international programmes “Twinned

schools”, “E-mail” and “Young people’s business” (in conjunction with the United States), and in the programmes “Let’s preserve our land” (Denmark), “Life-link” and “Ribbon of peace” (Norway), “World environment” and “Clear blue springs” (Russia), and “Blue Danube” (the Danube States).

667. There are also a number of regional programmes such as “Natural life of the Dnieper”, “Chernobyl bells” and “SEMEP - Black Sea”. The programme “My land - land of my fathers” is helping to create a national experience and develop a national consciousness - an especially important undertaking in view of the many different nationalities making up Ukraine’s population.

### **B. Aims of education (art. 29)**

668. Ukraine has an integrated programme for the identification, training and education of gifted children and young people with a view to the comprehensive development of individuals and their talents, mental and physical abilities and creative gifts. There exists for this purpose an extensive network of specialized schools, including lycées, high schools, colleges and collegiate institutions; in the 1997/98 academic year Ukraine had a total of almost 400 such schools, with over 157,000 students. In addition, there are annual national students’ competitions in the main subjects, the winners of which take part in international competitions in mathematics, physics, chemistry, biology, environmental studies and information technology. In the past three years 80 students from Ukrainian schools have taken part in international competitions, winning 11 gold, 21 silver and 28 bronze medals.

669. Children receive instruction in legal matters as part of their study of school subjects of a general and humanitarian nature. Special attention is given to legal questions in such subject components as “jurisprudence”, “people and the world”, etc. Pursuant to the Constitution, the Acts “On education” and “On national minorities”, the Conceptual Fundamentals of Humanitarian Education and the Conceptual Outline of Education for pupils and students in the national education system, every citizen has the right to unrestricted development in accordance with his talents, mental and physical abilities, and individual requirements and needs.

670. Ukraine’s general education schools devote time to instilling tolerance towards nationalities and religions and respect for the rights of adults and children. The “Fundamentals of jurisprudence” course deals with questions of human rights, giving particular attention to the Universal Declaration of Human Rights and the Convention on the Rights of the Child. A large proportion of educational establishments teach the “Human rights” course.

671. An optional course on “Christian ethics” has been introduced in Lvov, Ternopol and Ivano-Frankovsk regions on an experimental basis.

672. In the process of developing the national education system special attention is being given to the educational content of the courses. In this connection the syllabuses of all the school subjects have been revised and improved to take into account contemporary trends in the development of education, new teaching techniques, and the integration of education in Ukraine

in the world educational space. The Cabinet of Ministers drafted and adopted a core general-education curriculum. Work is proceeding on the drafting of a State standard for general secondary education. In a comparatively short space of time Ukraine has created its own system of curricula, textbooks and learning aids for children studying in schools of various types and specialities.

673. See also paragraphs 155 to 158 of this report.

674. The 1994 Order of the Cabinet of Ministers “On the procedure for the establishment, reorganization and disbanding of educational institutions” authorizes private individuals to found schools. Private schools must comply with the State requirements in respect of general education. The local education authorities are responsible for monitoring the quality of the education and the level and quality of the pupils’ knowledge and skills in reference to the State standard, in accordance with the national legislation.

675. Pursuant to the Act “On education” educational institutions may be established both by private individuals and by organizations in various forms of ownership provided that they comply fully with the requirements of the State standard on the quality of education. An institution may not open its doors before obtaining a licence to provide services connected with education and the training of specialists to various levels of qualification.

676. The following are the fundamental principles governing the activities of educational establishments:

Access of all citizens to all forms and types of education service;

Equality of all persons in respect of the full realization of their talents, abilities and comprehensive development;

Humanism, democracy and the primacy of the universal spiritual values;

An organic linkage to world and national history, culture and traditions;

Independence from political parties and public and religious organizations;

Reciprocal relations with educational institutions in other countries.

677. General education schools, including those in private ownership, must comply with the regulations on safety and health and on the strength and qualifications of teaching staff.

678. Educational establishments, irrespective of their form of ownership, are monitored by the central and local education authorities and the Schools Inspectorate of the Ministry of Education with a view to ensuring that a single State policy is pursued in education and that due attention is given to children’s interests and rights.

679. It must be pointed out that a considerable amount of work was done during the reporting period on the creation of a legal and regulatory basis applicable to all persons involved in the education system. This work is now in its concluding stage.

680. A new version of the Act "On education" was adopted in 1996. This provided the basis for the drafting of laws directly affecting everyone involved in education. The Act "On vocational and technical education" was adopted in 1997, and the Act "On general secondary education" has been approved in first reading.

681. Bills on higher education, pre-school education, and State support for extramural education have been submitted to the Cabinet of Ministers.

682. Structural changes in the education system and multi-source funding arrangements were introduced by the Presidential Decrees "On the fundamentals of the reform of higher education" (1995), "On the fundamentals of the reform of vocational and technical education" (1996) and "On measures to improve the functioning and development of general secondary education" (1998).

683. A new list of integrated occupations for the training of qualified workers in vocational/technical institutions was introduced, together with a list of general and special subjects to be taught in such institutions as part of the training of experts to the corresponding levels of qualification. The educational content of the courses is being updated and the curricula and syllabuses improved. New national textbooks are being produced.

684. The number of educational establishments in the system is generally being maintained and their standards are being improved.

685. However, the State's exceptionally difficult financial and economic situation and the underfunding of the education system have caused school building projects to be cut back. There are significant arrears in the payment of the salaries of teaching staff. And for want of funds textbooks cannot be printed in sufficient numbers.

686. The failure to date to establish uniform State requirements in respect of the content and scope of education and vocational training is having a negative effect on standards. Adequate arrangements for the provision of a full general secondary education have not been established. The system of educational work with pupils and students needs to be improved, as does their social protection, especially in the case of orphans, disabled children and children from poor families. The incidence of childhood complaints has increased: 431,000 children are registered with the medical services but only 55,200 of them are in special education institutions. There is a regional imbalance in the provision of teaching staff for educational establishments.

687. The following priority measures have been devised as solutions to these problems:

Implementation of the requirements of the Constitution and the Act “On education” in respect of the delivery of compulsory secondary education, the registration of all children of school age (up to age 18) who lack secondary education, and their enrolment in the various establishments;

Completion of the shift to multi-stage education;

Introduction of the core curricula;

Drafting and adoption of State standards for higher education;

Establishment and renewal of textbook and general stocks in the libraries of general education schools.

### **C. Leisure, recreation and cultural activities (art. 31)**

688. Children are guaranteed the right to rest and leisure, the right to take part in play and recreation activities in keeping with their age and cultural development, and the right to engage in artistic pursuits.

689. The Fundamentals of Legislation on Culture were adopted in order to safeguard the people’s cultural rights.

690. Various clubs, hobby groups and circles and studio workshops have been created, together with cultural centres, culture and leisure parks and other cultural/educational facilities in order to satisfy children’s needs in respect of creative activities and leisure and recreational pastimes.

691. There are 118,678 clubs of a cultural nature in existence, including 93,900 arts groups, in which more than 1,603,000 persons, half of them children and adolescents, develop their abilities. However, the country’s economic instability and the underfunding of cultural activities have caused the number of club facilities to decline since 1993, with a consequent drop of 400 in the number of children’s associations, whose membership has fallen by about 20,000. More than 800 games rooms have been set up in cultural facilities, together with 3,000 games machines and computers, making it possible for children to spend their leisure time in active and interesting ways. But the children’s leisure industry requires further development.

692. A specific effort is being made to create the conditions for children and adolescents to spend their rest and leisure time in active and interesting ways in summer camps, and school sports camps are being established in which experienced instructors work with the children.

693. Ukraine has a State network of special theatres to cater to the aesthetic needs of the rising generation: seven young-audience theatres; 26 puppet theatres; a theatre with



one actor and puppets; three youth theatres; two children's theatres; and a marionette theatre and a children's musical theatre - a total of over 40 creative groups of various kinds which use the theatre to educate the future generation of Ukrainians. Every year this contingent of actors, which has about 2,000 creative workers, puts on some 16,000 shows for a total audience of almost 7 million.

694. Ukraine has developed over the years a system of organized physical culture and sports activities available to people in their local areas. It has a network of physical culture and sports clubs for children and young people where the State physical culture and sports authorities organize sections for individual sports and conduct competitions, thus helping not only to prevent juvenile crime but also to establish a system of activities to maintain and strengthen the health of the younger generation. There are schools for physical culture enthusiasts, as well as physical culture and sports cooperatives, and physical culture and sports clubs for children and young people.

695. Cultural facilities are generally funded from local budgets. The most important events having national or international status are financed partly from the State budget. A total of approximately 300,000 hrivnyas is appropriated annually from central funds for culture and the arts to support measures for the development of children's creativity.

696. Ukraine has a programme on the identification and support of talented and gifted children and effective arrangements for the award of presidential scholarships to the most gifted young artistes. There is also a set of measures for the implementation of the National Programme "Children of Ukraine", as well as measures for improving the situation of orphans and children deprived of parental care.

697. This National Programme was the setting for the holding, in conjunction with creative associations and organizations, of the second Vladimir Gorovets International Piano Competition, the third National Ballet Festival "Young people of the ballet 1997", the first Nestor Nizhankovsky National Young Pianists Competition, the National Young Pianists Competition, the Chopin National Young Pianists Competition, the International Music Festival "Visiting Aivazovsky", the "Green World" international festival/competition for children's national dance groups, and the "Golden Autumn of Slavutich" international arts festival for children.

698. All educational establishments, irrespective of their form of ownership, provide instruction in appreciation of the arts.

699. Out-of-school institutions provide facilities for clubs, arts appreciation and art and art history groups, and other independent creative groups and associations.

700. There is also a network of out-of-school educational institutions to help to meet children's need for interesting leisure activities; in 1997 there were 1,521 such institutions catering for 1,256,762 children with 35,232 teachers (20,174 with higher education).

701. The number of these institutions and the number of children attending them have declined in recent years as a result of the big financial problems and underfunding.

**Network of out-of-school educational institutions\***

	1994	1995	1996	1997	1998
Institutions	1 645	1 670	1 658	1 599	1 521
Children (thousands)	1 583.6	1 549.4	1 525.1	1 262.6	1 256.8

\* According to State Statistical Committee data.

702. It has however proved possible to maintain the variety of types of these institutions. The education system has more than 30 different types of institution, both multi-purpose and specific-purpose. Every year they run a large number of mass arts and culture, sports, games and education campaigns and activities, including: the student movement for preservation and promotion of traditions, customs and ceremonies known as “My land - land of my fathers”; “The beauty and suffering of Ukraine”; “A thousand wonders of Ukraine”; “Rivers of my childhood”; “The tree of life”; “Birds of my land”; the festival “We’re all your children, Ukraine!”; “Thresholds of heritage”; “Ukrainian bel canto”; and the traditional annual festival for disabled children “Believe in yourself”.

703. In 1996-1997 children from all regions of the country took part in a Ukraine-United States space experiment under the education project “Teachers and pupils study plants in outer space”.

704. The Junior Academy of Sciences constitutes an interesting mode of working with gifted children. There are some 33,000 students in the Academy’s 27 local branches.

705. More than 50 out-of-school institutions have become core elements of the organization of students’ research work. Teachers and scientists from institutes of higher education and the scientific establishments of the National Academy of Sciences give tutorials and lectures to participants in the Junior Academy of Sciences and act as their scientific guides.

706. Every year an increasing number of children from rural and remote areas win prizes. At the same time the work of these institutions is made extremely difficult by the financial problems. Hardly any resources were allocated over the past three years, either in the centre or in the regions, for the development of the physical plant or the purchase of the materials needed for the work with children.

707. State, private and cooperative educational institutions are being established with a view to the exercise by children of their right to special education in the cultural sphere: specialized schools, high schools and lycées for the study of art, schools for the arts (music, painting, dance, singing, etc.), as well as other colleges and technical institutions.

708. Ukraine has 1,526 schools for the arts catering for 319,239 students, including 325 schools in rural areas with 26,159 students. There are also four State-owned secondary boarding schools of music and a secondary school of art. These schools have a total of 2,264 students.

709. An enormous amount of attention is given to the development of physical culture. There are 1,514 sports schools for children and adolescents, including 229 specialized ones. A total of 599,700 children and adolescents (8 per cent of the under-18 age group) were studying physical culture and sports in these schools in 1997; the 1993 total was 613,000.

710. In 1997 these schools graduated 145,000 athletes and other sportspersons in junior categories II and III (12-18 age group), 7,300 in category I, 3,700 candidates for the qualification of master of sports, and 875 masters of sport.

711. The fall-off in some of the figures for these categories is due to the higher standards of sporting expertise expected of young people under the new classification for various types of sport.

712. Ukrainian children take part and win medals in international competitions.

713. In the Olympic events in the 1997 world junior championships Ukrainians took 15 first, 20 second and 6 third places, and in the non-Olympic events 19 first, 11 second and 8 third places; in the European championships they took four first and one third place.

714. Ukrainian juniors took a total of 48 first, 53 second and 32 third places in competitions at the world and European levels.

715. Physical culture and sports are used in the rehabilitation of disabled children. Eighteen specialized sports schools for the rehabilitation of children and young people were opened in the past four years (12 in 1994, 2 in 1995, 3 in 1996, and 1 in 1997); they cater for 3,700 children with various mental and physical disabilities.

716. The All-Ukrainian Disabled Children's Spartakiad "Believe in yourself" and various other sports championships have been held every year since 1994.

717. Ukraine is creating the conditions for the exercise by children of their right to rest and leisure, their right to take part in cultural life and their right to equality of opportunities, rest and leisure. Traditional arts festivals and competitions are held for disabled children, again under the slogan "Believe in yourself".

718. Ukraine has more than 50 amateur children's groups from the various nationalities, which promote the development of amateur activities and the renaissance of the cultural traditions of Ukraine's nationalities.

719. Local cultural authorities are making an effort to protect children, especially children in the most vulnerable groups, against the harmful impact of environmental problems and the budget cutbacks.

720. Free-admission days to museums and cinemas have been introduced for socially vulnerable groups. However, the shortage of funds and the poor state of the physical plant of

cultural institutions, especially in rural areas, make it impossible at present fully to satisfy the spiritual and cultural demands of children and young people. There is also a need to increase the publication of children's literature and feature and documentary films for children, and to protect children against the harmful influences of mass culture.

### **VIII. SPECIAL PROTECTION MEASURES (arts. 22; 38; 39; 40; 37 (b)-(d); 32-36)**

#### **A. Children in situations of emergency**

##### **1. Refugee children (art. 22)**

721. The rights and obligations of persons having refugee status are regulated by the 1993 Act "On refugees". Children acquire refugee status when it is granted to their parents.

722. Children make up a significant proportion of the persons who have obtained refugee status. As of 1 April 1998, 987 of the 2,757 persons with refugee status in Ukraine were children aged up to 16: 424 girls and 563 boys.

723. Most of the persons who have obtained refugee status in Ukraine are citizens of Afghanistan; consequently most of the refugee children also have Afghan citizenship (860 or 87.1 per cent of all refugee children). Forty-three (4.4 per cent) of these children arrived from countries of Africa, 25 of them from the Congo.

724. Children holding refugee status are entitled to education, medical care and social services on an equal footing with citizens of Ukraine.

#### **Number of refugee children as of 1 January 1998\* (children aged 0-15 years)**

Country of provenance	Total	Girls	Boys
All countries	891	803	511
including:			
Countries of Europe	10	4	6
Countries of Asia	853	362	491
Countries of Africa	28	14	14

\* According to State Statistical Committee data.

725. Ukraine has settled the question of the registration of refugee children. If they are born in Ukraine they are issued with a birth certificate and their parents have no problem registering them. On finishing school refugee children are issued with a certificate of education.

726. On reaching the age of majority they are entitled to apply for refugee status to the local office of the migration service, and this status is granted to them and members of their family. Refugee children thus have the possibility of living with their parents in Ukrainian territory even after reaching the age of majority; this facilitates compliance with the principle of family reunification.

727. The regions having a large concentration of refugee children of the same nationality (from Afghanistan, for example) make provision for them to study their native language in Sunday schools. Such schools already exist in the cities of Kiev and Odessa, where Afghan children study their native language and its grammar and their people's history and culture.

728. In a number of regions with refugee populations the executive authorities are solving the problems of restoring the health of refugee children, especially children from large families, by having them spend time in holiday camps and sanatoriums. Such children also receive humanitarian assistance.

729. Pursuant to the Act "On refugees" children whose parents have obtained refugee status are entitled to attend pre-school institutions and general education schools. However, for objective reasons some refugee children, especially older ones, do not attend school. This prevents them from obtaining an education and leads to their isolation in Ukrainian society. As they do not have sufficient secondary education they are unable to acquire the vocational or technical education which would later guarantee them a job and a steady income.

730. The Act accords to all refugees, including children, the right to medical care. Order No. 252 of the Cabinet of Ministers dated 2 March 1998 requires the health authorities to provide them with free medical care. However, as a result of the health system's difficult financial position refugees' rights are not always exercised in full.

731. What is needed is legislation to reinforce the status of refugee children and the introduction at the State level of a mechanism for granting refugee status to children present in Ukraine without their parents and for assisting such children to find their families.

## **2. Children in armed conflicts (art. 38), including physical and psychological recovery and social reintegration (art. 39)**

732. Ukraine is a party to the following international human rights instruments:

Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of 12 August 1949;

Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of 12 August 1949;

Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949;

Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949;

International Convention against the Taking of Hostages;

Additional Protocols I and II to the 1949 Geneva Convention on the Protection of the Victims of War.

733. Since there are no armed conflicts in Ukraine the law does not define categories of citizens and children in armed conflicts, nor does it refer to the questions of their physical and psychological recovery.

734. These questions do need to be dealt with, for most of the refugees in Ukraine are citizens of Afghanistan who had been involved in armed conflicts. There is indeed a problem of reintegration of both parents and children from that country.

## **B. Children involved with the system of administration of juvenile justice**

### **1. The administration of juvenile justice (art. 40)**

735. The Criminal Code provides that persons who had reached the age of 16 before committing the crime in question may be held criminally responsible. Persons who commit a crime when aged 14 or 15 may be held criminally responsible only in particularly serious cases (art. 10).

736. If the court recognizes that a person who has committed a crime when aged under 18 but does not represent a major threat to society may be corrected without the imposition of a criminal sentence, it may order in respect of this person coercive measures of an educational nature which do not constitute a criminal sentence: placement of the guilty party under the supervision of his parents or their surrogates; placement under the supervision of a public organization or a labour collective with their consent or of individual citizens at their request; placement in a special education or health institution for juveniles (art. 11).

737. The hearing of cases involving persons aged under 18 is conducted in accordance with the Code of Criminal Procedure, specifically the chapter entitled "Special proceedings in juvenile criminal cases". Juveniles may be arrested and taken into custody as preventive measures only in exceptional circumstances when such action is required by the seriousness of the crime, when sufficient grounds exist, and in accordance with the procedures established in various articles of the Code of Criminal Procedure.

738. Their counsel must be present when juveniles are being charged or questioned. If a juvenile is aged under 16 or is recognized to be mentally backward, his teacher or doctor, parents or legal representatives may be present during his charging and questioning and may themselves put questions to him and state their comments.

739. The parents or other legal representatives of an accused juvenile are summoned to attend the court hearing. Legal representatives are entitled to lodge challenges and to petition the court, to submit evidence and to participate in the examination of evidence.

740. Pursuant to the Constitution, whose effects apply to all citizens regardless of age, everybody has the right to personal freedom and inviolability. No one may be arrested or taken into custody except under a court order accompanied by an explanation of grounds and only for the reasons and in accordance with the procedure established by law. These principles of the Constitution are applied through the Criminal Code and the Code of Criminal Procedure.

741. Juveniles may be held in custody in the event of urgent necessity; the grounds for this action must be examined by a court within 72 hours. The detainee must be released immediately if within 72 hours of his arrest no court ruling on his detention has been delivered to him.

742. A person who has been arrested or detained must be informed without delay of the grounds for his arrest or detention, his rights must be explained to him, and he must be given an opportunity immediately following his arrest to defend himself and to have recourse to legal assistance for his defence. When a juvenile is arrested or detained his relatives must be informed without delay.

743. A person is regarded as innocent of a crime and a criminal sentence may not be imposed on him until his guilt has been proved and he has been lawfully convicted by a court. No one is compelled to prove his innocence of a crime. Convictions may not be based on evidence acquired by unlawful means or on suppositions. The accused must be given the benefit of any doubt as to the proof of guilt.

744. In juvenile court proceedings the accused must be able to exercise his right to defence; he may not be compelled to give testimony or to confess guilt; and he must be provided with the services of an interpreter if he does not understand the language of the court or does not speak it.

745. During the hearing of juvenile cases the court, in addition to clarifying the general circumstances, also establishes the accused's living conditions and the circumstances of his upbringing, including any circumstances which have had a negative effect on his upbringing, and the existence of any adult instigators or other persons who involved the juvenile in criminal activity. The opinion of an expert in child and juvenile psychology (a psychologist or education expert) must be obtained when necessary in order to establish a juvenile's general level of development, his mental capacity, and whether he had been able fully to understand the significance of his acts and to control them; or these questions may be decided by a psychiatrist.

746. A juvenile's counsel must be present when he is being charged or questioned and when the facts of the case are presented. Counsel must be involved in the proceedings from the moment of the issue of the detention order or the order concerning the use of coercive measures but not later than 24 hours from the time of arrest.

747. The work of investigation units in the detection and investigation of crimes committed by juveniles is subject to monitoring by the administrative and court authorities and to supervision by the Procurator's Office.

748. The Code of Administrative Offences provides that persons who were over the age of 16 at the time of committing an administrative offence are held to be responsible for it. According to the Criminal Code, criminal responsibility is incurred by persons who are aged 16 or older at the time of committing the crime; persons aged 14 or 15 at the time of committing the crime may be held criminally responsible only for particularly serious crimes.

749. Cases which may result in the imposition on a juvenile of a coercive measure of an educational nature are heard in open court, where a representative of the Procurator's Office and the accused's counsel must be present. The explanations of the juvenile and his legal representative are heard, and the evidence for and against the commission of the socially dangerous act by the accused is examined, as are the other facts of the case.

750. The court may on a provisional basis, for a maximum period of 30 days, place a child in a juvenile reception/distribution centre or in a special educational institution, when sufficient grounds exist for concluding that the child in question may otherwise engage in illegal activities and when such placement is necessary for the enforcement of the court's decision.

751. Juvenile reception/distribution centres are special institutions of the internal affairs agencies intended for the temporary placement of juveniles aged 11 to 18 who have committed acts constituting a public danger when there is a need for their immediate isolation or who have been committed by court order to a special educational institution for juveniles.

752. These institutions include general education and vocational social rehabilitation schools. Their main distinguishing features are their special daytime schedule and their system of educational work and social training, the constant supervision and educational monitoring of the inmates, and the impossibility of their leaving the premises without the management's permission.

753. Juveniles aged 11 to 14 may be placed by court order in a special educational institution for social rehabilitation and those older than 14 in a vocational school. Juveniles may be kept in these institutions for the period fixed by the court but for no longer than three years.

754. Juveniles aged 14 and older sentenced to deprivation of liberty serve their sentence in a correctional labour colony of the Ministry of Internal Affairs.

755. These colonies are supervised by the State Department for Enforcement of Sentences. Agencies of the Procurator's Office are responsible for supervision of compliance with the rules and application of the law in general education and vocational social rehabilitation schools in accordance with the Act "On the Procurator's Office".

756. A juvenile police force based on the Juvenile Affairs Inspectorate was established in 1995 for the purposes of the social protection of children aged under 18 and the prevention of juvenile crime; from the organizational standpoint this juvenile police is part of the criminal police force of the system of the Ministry of Internal Affairs.



757. This new criminal police force is concerned with the prevention of juvenile crime: the identification, prevention and investigation of crimes committed by juveniles; the pre-trial preparation of materials relating to such crimes; the conduct of inquiries within the limits set by the criminal procedure legislation; the conduct of searches for juveniles who have left home or run away from school or a special educational institution for juveniles; the examination within the limits of its jurisdiction of statements and communications concerning crimes committed by juveniles; the identification of the causes and circumstances which led to the commission of a crime; the application within the limits of its jurisdiction of measures to remove these causes and circumstances; and participation in the legal education of juveniles.

758. With a view to stabilizing the operational context of their work with juveniles, the agencies of the juvenile criminal police organize and carry out targeted nationwide preventive operations. For example, nine such operations were carried out in 1997 (operations "Holidays", "Teenager", "Summer 97", "Railway Station", "Street Children", etc.) in order to prevent juvenile crime and to inject new vigour into the preventive work and operational sweeps of the units of the juvenile criminal police.

#### Numbers of juveniles convicted of crimes\*

	1990	1995	1996	1997
Total	12 659	16 745	19 043	18 363
including:				
Intentional homicide and attempted homicide	93	147	202	198
Intentional serious bodily harm	156	155	177	212
Rape and attempted rape	671	276	247	232
Theft	7 252	9 967	10 746	11 416
Robbery	1 462	1 895	1 952	1 796
Mugging	356	594	619	599
Swindling	40	57	62	56
Hooliganism	1 068	1 302	1 538	1 703
Drug crimes	86	316	471	520

\* According to State Statistical Committee data.

759. In 1997 the number of crimes committed by juveniles or with their participation was 4.3 per cent lower than in 1996. The investigation of 20,445 criminal cases was completed, and 15,719 of them proceeded to court. A total of 29,498 persons were indicted in these cases, including 22,284 juveniles - 1.2 per cent more than in 1996. A total of 2,380 juveniles were deemed not criminally responsible, and their cases were referred to the courts for the imposition of coercive measures of an educational nature.

760. In 1997 units of the criminal police carried out checks on the lifestyles of 77,900 juvenile offenders.

761. The Ministry of Internal Affairs has repeatedly submitted to the Cabinet of Ministers proposals for the improvement of the legal and social protection of juveniles and for changes and additions to the juvenile law, as well as transmitting information to the relevant ministries and other central executive authorities with recommendations on the removal of the causes and circumstances resulting in child neglect and juvenile delinquency.

762. The measures taken contributed to the downward trend of juvenile crime since 1995 indicated by the figures given in the table.

763. The Ministry is planning further organizational and practical measures to improve the application of the Convention and the prevention of juvenile crime.

**Number of crimes committed by juveniles in 1997\***

	Number of crimes	Percentage change over preceding year
1993	37 928	(+8.8)
1994	40 661	(+7.2)
1995	41 648	(+2.4)
1996	41 837	(+0.5)
1997	40 051	(-4.3)

\* According to Ministry of Internal Affairs data.

**2. Children deprived of their liberty, including any form of detention, imprisonment or placement in custodial settings (art. 37 (b)-(d))**

764. Juveniles may be arrested and taken into custody as a preventive measure only when they have committed a serious crime for which convincing evidence is to hand. The investigation units of the juvenile police are subject to administrative and court monitoring and to supervision by the Procurator's Office.

765. If when determining the nature of a sentence of deprivation of liberty the court concludes in the light of the facts of the case and the personality of the guilty party that it is inappropriate for him to serve the available sentence, it may impose a suspended sentence accompanied by a mandatory explanation in the sentence itself of the grounds for the suspension. In such cases the court rules that the sentence shall not be enforced provided that for the duration of a probationary period fixed by the court the guilty party does not commit another crime and justifies the trust placed in him through his exemplary behaviour and honest work. The conduct of juveniles

serving suspended sentences is monitored by the juvenile affairs services of the executive committees of local councils in accordance with the law. The probationary period under suspended sentences may be from one to three years.

766. Juveniles aged under 18 sentenced to deprivation of liberty may be released on parole or have the unserved part of their sentence commuted to a lighter penalty. These measures may be applied only when the convicted juvenile has demonstrated his reform by means of exemplary conduct and an honest attitude to work.

767. Juveniles aged under 18 are not committed to prison for the purposes of their correction but serve their sentences in correctional labour colonies.

768. One of the following coercive measures of an educational nature which do not constitute criminal sentences may be imposed on a person aged under 18 who has committed a crime but is not a danger to society and is susceptible of correction without a criminal sentence: placement under the supervision of his parents or their surrogates; placement under the supervision of a public organization or labour collective with their consent or of individual citizens at their request; committal to a special juvenile educational or medical institution.

769. The conditions of the maintenance, education and medical care of juveniles in special educational institutions are monitored in accordance with the regulations on general education and vocational social rehabilitation schools adopted by the Cabinet of Ministers in 1993. The conditions of the maintenance of children in medical-social rehabilitation centres are monitored in accordance with the 1996 regulations on medical-social centres for the rehabilitation of juveniles.

770. The preventive supervision of juveniles deemed not to bear criminal responsibility is effected by the agencies of the juvenile criminal police in accordance with the 1995 Order of the Cabinet of Ministers "On the establishment of a juvenile criminal police".

**Number of juveniles registered for supervision by the  
juvenile criminal police (at year's end)\***

	1990	1995	1996	1997
Total	66 096	66 991	52 927	49 875
including:				
aged under 13	12 304	13 506	8 870	8 117
aged 14-15	20 720	22 707	18 726	16 244
aged 16-17	33 072	30 778	25 331	25 514
In secondary schools	26 117	29 393	21 085	20 759
In vocational/technical schools	16 079	10 657	8 844	8 477
Working	15 714	7 941	5 475	5 326
Not working or studying	5 393	15 938	14 520	14 218
Having one parent	21 889	18 893	12 981	13 363
Having no parents	1 264	1 241	913	884
Living in children's homes, etc.	1 240	1 357	879	1 065

\* According to State Statistical Committee data.

771. The directives and other legislative acts of the Ministry of Internal Affairs take into account the recommendations of the Committee on the Rights of the Child for the improvement of the work of combating juvenile crime. Organizational and practical measures have been introduced to ensure the unconditional implementation of the Comprehensive Programme to Combat Juvenile Crime (1996-2000), the National Programme "Children of Ukraine", and the Decrees of the President and his instructions to the Cabinet of Ministers concerning leisure and recreational activities for children and the prevention of child neglect.

772. Persons who have obtained refugee status in Ukraine must obey Ukrainian law and they are subject to the provisions of the criminal legislation in force. These provisions apply equally to refugee children.

773. The juvenile affairs services operating under the Act "On juvenile affairs agencies and services and on special juvenile institutions" are involved in the correction and re-education of juveniles serving sentences of deprivation of liberty in correctional labour colonies or sentenced to correctional work without deprivation of liberty, as well as in the monitoring of the agencies and institutions which enforce the sentences of the courts. A community council is created in each correctional labour colony in order to organize the support activities of volunteers and sponsors; it operates in accordance with the Correctional Labour Code and the Community Councils Order adopted by the Presidium of the Supreme Council.

774. In the period 1993-1997 an average of 3,600 juveniles were serving sentences in the 11 correctional labour colonies run by the State Department for Enforcement of Sentences, together with 30,500 juveniles held to be criminally responsible and convicted of criminal offences. Ukraine is thus complying with the requirement of article 37 of the Convention that the imposition of sentences of deprivation of liberty on juvenile offenders should be used only as a measure of last resort.

**Juvenile delinquency by type of crime, 1993-1997\***  
(average annual percentages)

Theft	48.5
Robbery	13.4
Mugging	12.4
Hooliganism	5.9
Rape	8.3
Intentional homicide	2.8
Serious bodily harm	2.6
Other crimes	6.1

\* According to Ministry of Internal Affairs data.

**Age composition of convicted juveniles, 1993-1997\***  
**(average annual percentages)**

Aged 14-16	11.3
Aged 16 and 17	23.3
Aged 17 and 18	40.6
Aged over 18	24.8

\* According to Ministry of Internal Affairs data.

775. The Constitution provides that everyone is entitled to respect for his human dignity. No one may be subjected to torture or to cruel, inhuman or degrading treatment.

776. The procedures governing the pre-trial detention of juveniles and the serving of sentences by juveniles in correctional labour colonies set out in the Act "On pre-trial detention", the Code of Criminal Procedure and the Correctional Labour Code take into account the requirements of the Universal Declaration of Human Rights and the other international legal rules and standards concerning the treatment of prisoners.

777. The treatment of persons taken into custody must be commensurate with the seriousness and nature of the offence. No measure may be used which causes them physical or moral suffering or impairs their human dignity. The use of physical coercion, special measures and firearms in dealing with juveniles is prohibited, except in the event of a group attack which threatens the lives or health of the personnel of a place of pre-trial detention or of other persons, or in the event of armed resistance.

778. Juveniles held in custody are kept separate from adults. In exceptional cases and in order to prevent infringement of the rules governing places of detention, cells where juveniles are being held may also be occupied, with the authorization of the Procurator's Office, by not more than two adults who are being prosecuted for the first time and for minor offences. Juveniles may not be kept in single-occupancy cells; in the event of a threat to their lives juveniles are transferred to another limited-bed cell or to a communal cell.

779. Convicted juveniles held in correctional labour colonies maintain constant links with their relatives. They are allowed short visits (a maximum of four hours) once a month and long visits (up to three days) once every three months. These long visits come with the right to live together with close relatives.

780. When technically possible, inmates are entitled to one free 15-minute telephone call, monitored by the administration. If they wish, persons serving sentences in these colonies may swap short visits for long ones and telephone calls for short or long visits.

781. Juvenile inmates are entitled to receive and send unrestricted numbers of letters. Letters to or from inmates are delivered or posted by the administration within three days of the letters' arrival or handing in.

782. Pursuant to the Act "On remedies available to citizens" juveniles have the right to transmit proposals, statements and complaints to the executive authorities, public organizations, and officials. Proposals, statements and complaints addressed to the Procurator's Office are not subject to review by the colony's administration and must be sent off within 24 hours. The outcome is communicated to the inmate on receipt.

783. The health care of juvenile inmates and preventive and anti-epidemiological measures in correctional labour colonies are attended to in accordance with the health care legislation; the colonies have medical services for this purpose. When hospital care is needed, inmates are sent to the inter-regional hospitals of the Ministry of Internal Affairs. They are entitled to request consultations and treatment in institutions which charge for their services. Any such services are paid for by the inmates' parents or relatives from their own pockets.

784. All the colonies operate measures to prevent juveniles from using narcotic drugs or psychotropic substances. There are five establishments specializing in carrying out court orders concerning the compulsory treatment of drug addiction or alcoholism. Seventy-one juveniles are currently undergoing courses of treatment for drug addiction and 52 for alcoholism.

785. The colonies have schools offering three grades of secondary general education; they have an annual average of 3,500 students. In conjunction with the Ministry of Education the authorities carry out comprehensive inspections of schools in the colonies and prepare proposals for further improvement of their work.

786. The secondary and vocational education is organized in accordance with the Act "On education", the 1996 Presidential Decree "On the fundamentals of the reform of vocational and technical training", and the provisions of the National Education Programme. The schools teach the curricula of five-grade secondary general education schools. As almost none of the juveniles in the colonies has an occupation or profession, the colonies have vocational/technical schools providing training in more than 20 occupations.

787. Education for work and the acquisition of the habit of socially useful work is one of the principal remedial measures used with juveniles. The colonies' administrations provide their inmates with work suited to their abilities and inclinations. The working day is four hours for children aged up to 16 and six hours for older juveniles. Their earnings are deposited in personal accounts to be spent in accordance with their wishes or handed over to them on their release.

788. The Act "On pre-trial detention" establishes the procedure for persons taken into custody to make complaints and statements. Complaints, applications and letters addressed to the Procurator's Office are not subject to review by the administration of the place of pre-trial detention and must be sent off within 24 hours of their handing in.

789. Complaints against the acts of persons conducting inquiries or against interrogators are transmitted by the administration of the place of pre-trial detention to a procurator, and

complaints against the acts or decisions of a procurator (except for appeals against his approval of arrests) are transmitted to a more senior procurator within three days from the time of their handing in. Other complaints, statements, applications and letters connected with the conduct of the case are transmitted by the administration to the official or agency dealing with the case within three days of the time of their handing in.

790. Compliance with the law during the serving of sentences of deprivation of liberty or corrective work without deprivation of liberty is supervised by the Procurator-General and his subordinates. He is obliged to take action to put an end to any infringement of the law regardless of the identity of the perpetrator, to make good any violation of rights, and to prosecute in accordance with the procedure established by law the persons who allowed such infringements or violations.

791. The decisions and orders of a procurator in respect of compliance with the regulations governing the serving of sentences under the correctional labour legislation are binding and subject to immediate implementation by the administrations of correctional labour institutions and the agencies supervising the performance of correctional work without deprivation of liberty.

792. Persons serving sentences of deprivation of liberty may on their written request be accorded access to a lawyer with a view to receiving legal assistance. If the prisoner or the lawyer so wishes, they meet in the correctional labour institution face to face. Such interviews are not counted as interviews provided for in the Correctional Labour Code; their number and duration are not subject to any restriction.

793. Prisoners are entitled to submit proposals, statements and complaints to the executive authorities of the State, public organizations, and officials. Such communications are transmitted to their addressees in accordance with the internal rules of procedure of the correctional labour institutions and are dealt with in the manner established by law. When addressed to a procurator they are not subject to review by the institution's administration and must be sent off within 24 hours. The prisoner concerned must be informed of the outcome of the consideration of his proposal, statement or complaint immediately on receipt.

### **3. The sentencing of children, with particular reference to the prohibition of capital punishment and life imprisonment (art. 37 (a))**

794. The Criminal Code prohibits the imposition of the death penalty on persons aged under 18 at the time of commission of the crime. Such persons may not be sentenced to a term of deprivation of liberty exceeding 10 years.

795. Representatives of registered public organizations and the mass media may visit the agencies responsible for the enforcement of sentences imposed on juvenile offenders. In February 1998 these agencies were inspected by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, which did not find any evidence of the torture or cruel treatment of children in correctional labour colonies. This is all evidence of the fact that the requirements of article 37 of the Convention are satisfied in the places of detention where juveniles serve their sentences.

#### **4. Physical and psychological recovery and social reintegration of the child (art. 39)**

796. Juveniles released from a correctional labour colony before their eighteenth birthday return to their parents or surrogate parents. When possible, the juvenile affairs services in a released juvenile's place of residence take action, on notification by the administration of the colony, to find him work in the occupation he has acquired or to make study arrangements for him and to find him accommodation.

797. In exceptional cases when it is deemed inappropriate from the educational standpoint for a juvenile to proceed from the colony to his former place of residence, the local juvenile affairs services settle him in a new location on the recommendation of the colony's administration and in the light of his own wishes.

798. Released juveniles aged up to 16 are accompanied to their place of residence by relatives (with their consent) or by a member of the colony's staff.

799. The colony's administration verifies that released juveniles do in fact arrive at their place of residence and helps them to find a job or a study place through the executive committees of the local councils, the juvenile affairs services, internal affairs agencies, and other bodies.

800. On the proposal and with the assistance of UNICEF, in October 1997 and January 1998 the Ministry of Education, the Ministry of Justice, the Ministry of Family and Youth Affairs, the Ministry of Internal Affairs and the National Committee for the Protection of Children held a national competition for the best essay on "My rights" by a secondary general education pupil or child serving a sentence in a correctional labour colony with a view to publicizing and promoting the provisions of the Convention. A total of 3,416 children entered for the first stage of the competition. After assessment, 115 essays by colony children were selected to go forward to the second stage; 40 of these children were successful and were awarded diplomas of honour.

801. The provision of social protection for juveniles and the prevention of juvenile crime are responsibilities of the juvenile affairs agencies and services, whose activities are regulated by the 1995 Act "On juvenile affairs agencies and services". The services monitor the conditions of maintenance and education in special juvenile institutions and the organization of educational work in the schools and out-of-school institutions at the place of residence.

### **C. Children in situations of exploitation, including physical and psychological recovery and social reintegration**

#### **1. Economic exploitation of children, including child labour (art. 32)**

802. The Constitution prohibits the use of forced labour in Ukraine. Every citizen has the right to reliable, safe and healthy working conditions and to wages not lower than the minimum established by law.

803. The rules and regulations governing work by minors are set out in the Labour Code. The employment of minors in work which is dangerous to their health is prohibited.



804. The Constitution provides that any act of violence or exploitation affecting children shall be prosecuted.

805. As an integral part of Ukraine's younger generation children fall under the scope of the 1993 Act "On promotion of the social advancement and development of young people", which defines the general principles of the creation of the organizational, socio-economic and legal conditions for the social advancement and development of young citizens for the benefit of the whole State.

806. Children aged under 18 may not be employed in heavy work or work in harmful or dangerous conditions, in underground work and the lifting or moving of objects heavier than the maximum established for such objects in the regulations. Children aged under 18 may not be employed in night work or work overtime or on holidays.

807. In agreement with the State Committee on the Supervision of Labour Protection the Ministry of Health approved the list of heavy work and work in harmful or dangerous conditions and the weight limits for the lifting or moving of heavy objects by children aged under 18. These standards are established in the list of heavy work and work in harmful or dangerous conditions in which the labour of minors may not be used (1994 Order of the Ministry of Health) and in the weight limits for the lifting or moving of heavy objects by minors (1996 Order of the Ministry of Health), as well as in the regulations on the training of minors in occupations involving heavy work or work in harmful or dangerous conditions (1994 Order of the State Committee on the Supervision of Labour Protection).

808. The recruitment of any person aged under 18 must be preceded by a medical examination, and further medical examinations must be conducted annually thereafter.

809. Under the Act "On employment" the State is responsible for providing additional guarantees of the employment of young people who have completed or interrupted their secondary general education vocational training or have completed their period of compulsory military or alternative (non-military) service. The legislation requires the local administrative authorities of the State to set aside 5 per cent of all jobs for young people on the basis of their occupational qualifications. A total of 186,200 jobs were reserved in 1997, 54.4 per cent of them for young people.

**Employment of graduates of educational institutions who  
registered with the State Employment Service\***

Graduates	Employment applications				Persons employed			
	1994	1995	1996	1997	1994	1995	1996	1997
Total	53 273	54 947	64 956	77 621	27 454	24 934	22 049	25 583
Including:								
General education	21 628	21 225	17 352	16 560	11 978	10 595	7 401	6 261
Vocational training	17 943	18 431	25 617	32 481	9 230	8 306	8 181	9 760
Higher education	13 702	15 291	21 987	28 580	6 246	6 033	6 467	9 562

\* According to State Statistical Committee data.

810. A National Employment Programme (1997-2000) was produced by the Ministry of Labour and Social Policy and adopted by the Cabinet of Ministers with a view to preventing unemployment and helping young people to find jobs. The social services of the Ministry of Family and Youth Affairs provide young people with considerable assistance in the labour market and in the acquisition of vocational training and qualifications.

811. Children's right to work and to protection against economic exploitation, established in article 32 of the Convention, is confirmed in Ukraine's Labour Code (chapter XIII, articles 187-200, on work performed by young people, and chapter XIV). Benefits for persons combining work with study (arts. 201-220) are described in the Acts "On education", "On employment", "On leave", "On the remuneration of labour" and "On labour protection".

812. Juveniles in legal labour relationships have the same rights as adults but they enjoy additional privileges established by law in respect of their labour protection, working hours, leave, and certain other terms of their employment.

813. Children aged under 16 may not be admitted to employment. Fifteen-year-olds may be recruited on an exceptional basis and with the consent of one of their parents or surrogate parents.

814. For the purposes of training young people for productive work pupils aged 14 in general education, vocational/technical and specialized secondary schools may be employed, outside of school hours and with the consent of their parents or surrogate parents, to perform light work which does not harm their health or disrupt their education.

815. The regulations provide for shorter working hours, longer holidays and lower production norms for child workers.

816. Parents, adoptive parents and guardians of minors, the executive authorities and the officials responsible for supervising compliance with the labour legislation are entitled to demand the suspension of a labour contract with a minor, for a lengthy period if necessary, if its continuation threatens the minor's health or infringes his legal rights.

817. It should be noted that, while in the public sector such demands are complied with or monitored by the corresponding State and public bodies (juvenile affairs agencies and services, State labour and labour protection inspectorates, trade unions), in the non-public sector, which is expanding as a result of the growth of private business activity, private farming and individual and family enterprises, the monitoring of the use of child labour is subject to severe constraints and difficulties. This means that the State must introduce compulsory programmes of education and vocational training with a view to preventing the use of forced labour harmful to children's health and development.

818. The juvenile affairs agencies and services, the agencies of the Procurator's Office, and the labour protection inspectorates are responsible for monitoring compliance with the child labour legislation.

819. In August 1996 the Ministry of Labour and Social Policy created the Labour Inspectorate, which is responsible for monitoring compliance with the labour legislation, particularly in respect of children, in enterprises and organizations in all forms of ownership. In the event of the discovery of violations of this legislation the State labour inspectors are empowered to take administrative legal action against the culprits.

820. The state of compliance with the child labour legislation is currently being studied by the State Labour Inspectorate in conjunction with the Ministry of Education and the Ministry of Family and Youth Affairs. The findings of this study will appear in a report of the Cabinet of Ministers.

821. Reviews are being conducted of the regulations governing safety during the work training and summer practical work performed by children in the tenth and eleventh grades of secondary general education schools attached to agricultural enterprises and the regulations governing the safety of school work in chemistry, physics and biology laboratories in other general education secondary schools.

822. The State labour protection agencies and the State Labour Inspectorate have established systematic monitoring of compliance with the regulations on children's working hours and on the procedure for recruiting them.

823. However, despite the existence of this regulatory framework some business managers continue to use child labour in work in harmful or dangerous conditions. A total of 1,813 children have been found assigned to such work.

824. The work being done by the State is helping to improve children's working conditions and reduce work injuries among children.

**Numbers of injuries to minors in the workplace\***

	Total injuries	Fatal injuries
1993	644	24
1994	498	17
1995	380	16
1996	248	8
1997	144	3

\* According to Ministry of Labour and Social Policy data.

825. The organization of public works is one means of helping young people, including students, to find jobs. The local State administrations, together with the State employment services, are establishing special funds from the resources of local budgets and enterprises and of the State jobs creation fund with a view to financing public works to provide employment for pupils from general education and vocational/technical schools and older students outside school hours and in the summer holidays.

826. An analysis of the employment needs led to a shift to the reservation of jobs for orphans, children leaving boarding facilities and children with criminal records.

## 2. Drug abuse (art. 33)

827. The Criminal Code establishes criminal responsibility for involving minors in the non-medical use of medicines and other substances (art. 208-2) or in the use of narcotic drugs (art. 229-5).

828. Ukraine has ratified the Single Convention on Narcotic Drugs, the Convention on Psychotropic Substances, and the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

829. Measures to prevent alcoholism and drug addiction among minors are set out in the comprehensive targeted crime-prevention programme for 1996-2000 adopted in 1996.

830. One of the chief measures for the social protection of minors is the creation of centres for their social and medical rehabilitation under the health-care agencies.

831. These centres are being set up in the State health system in order to create the conditions for and ensure the treatment of children for alcoholism and addiction to drugs or toxic substances, as well as their psychological recovery and remediation. Children aged 11 or older are placed with the centres on the basis of the findings of an expert medical committee.

832. Such children remain in the centre for the period necessary for their recovery up to a maximum of two years. Matters connected with a child's stay in a centre are considered on the basis of an application made by his parents, adoptive parents or guardians with his consent.

833. Such centres have now been established and are operating in Donetsk and Lugansk regions and the Crimean Autonomous Republic.

834. Despite the action taken, recent years have seen an increase in juvenile crime connected with the use of narcotic and other powerful drugs and substances.

### **Number of children aged up to 17 registered as having committed crimes connected with narcotic drugs or psychotropic and other powerful substances\***

	Total	Schoolchildren	Percentage of all persons committing drugs-related crimes
1993	541	28	3.1
1995	799	72	3.1
1996	1 013	102	3.6
1997	1 036	111	3.5

\* According to State Statistical Committee data.

835. A UNICEF “Street children” project is being implemented in accordance with the recommendations of a committee of experts on the introduction of measures to prevent such negative phenomena among children as the rise in the number of AIDS cases, abortions, drug dependency and social misconduct. A number of teaching seminars were held in Kiev and Odessa in August 1997 with the main aim of training national specialists and volunteers to work with street children. A start has been made on a “Friendly clinics” project, which envisages the creation of a network of clinics to determine the priority tasks in tackling disease among children (five clinics in Kiev, three in Odessa).

836. The Criminal Code establishes criminal responsibility for inducing a minor to get drunk and the inducement of a minor into a drunken state by a person who is his superior (art. 208). The Code of Administrative Offences establishes the liability of parents and their surrogates and of all other persons to prosecution for inducing a minor into a drunken state (art. 180). However, the number of prosecutions under these articles does not reflect the true number of offences. The protection of children’s rights in this regard will require the production of an effective mechanism for punishing persons who induce minors to get drunk.

**Number of recorded crimes involving infringement of children’s rights\***

Article of Criminal Code		Recorded crimes by year			
		1993	1995	1996	1997
Inducement into drunken state	208	1	4	3	2
Inducement into non-medical use of medicines and other narcotic substances	208	2	1	4	3

\* According to State Statistical Committee data.

837. The social services centres for young people work to prevent drug addiction, alcoholism and smoking among juveniles.

838. These centres are guided in their preventive work by the State’s administrative and legislative acts, by the national programme for 1994-1997 to combat the use of narcotic drugs and their illicit traffic, by an Order of the Cabinet of Ministers concerning measures to combat drunkenness, alcoholism and smoking, and by the National Programme “Children of Ukraine”.

839. According to the statistics, over 190,000 young people were helped in 1997 under the programmes to prevent drug use and addiction.

**3. Sexual exploitation and sexual abuse (art. 34)**

840. The law establishes criminal responsibility for rape (Criminal Code, art. 117), the satisfaction of sexual passion by unnatural means (art. 118), sexual relations with persons below the age of sexual maturity (art. 120), the seduction of minors (art. 121) and pederasty (art. 122).

**Number of recorded crimes involving infringement of children's rights\***

Articles of Criminal Code		Recorded crimes by year			
		1993	1995	1996	1997
Sexual relations with a person below the age of sexual maturity	120	83	64	46	59
Seduction of minors	121	260	282	321	298

\* According to State Statistical Committee data.

841. The right of the child to protection against sexual exploitation and sexual abuse established in article 34 of the Convention and the right established in article 40 of children charged with or convicted of a crime to respect for their human dignity and in particular to use of all means of independent judicial process are guaranteed in part in the Criminal Code, the Code of Criminal Procedure and the Code of Administrative Offences.

842. Unfortunately, a number of the legal rules corresponding to articles of the Convention and other related international instruments are not always fully applied in practice. The main reason for this is that Ukrainian legislation on children is principally of a declarative rather than of a practical nature, so that Ukraine is unable to guarantee compliance with and exercise of the established rights of the child. In addition, effective national machinery for ensuring the application and the monitoring of the application of individual regulations on children's rights is virtually non-existent.

#### **4. Sale, trafficking and abduction (art. 35)**

843. The Criminal Code establishes criminal responsibility for the abduction or substitution of another person's child for purposes of gain (art. 124).

844. On the initiative of the Ministry of Internal Affairs, in 1998 the Supreme Council incorporated additions in the Criminal Code in order to prevent the trafficking, smuggling and abduction of children; specifically, article 115-2 establishes serious criminal responsibility for unlawful activities connected with adoption, and article 124-1 for trafficking in persons, including children.

845. According to the statistics, the number of recorded crimes concerning the abduction of another person's child is insignificant; there were 17 cases in 1997.

#### **5. Other forms of exploitation (art. 36)**

846. The Housing Code establishes the right of all citizens to housing. Juveniles cannot exercise the right to be allocated housing independently until age 18 or until they marry or take jobs in the circumstances specified by law on reaching the age of majority. Minors aged 15 to 18 may exercise this right with the consent of their parents or guardians.

847. A place is retained in the accommodation which he left for a child being raised in a children's home for the whole duration of his stay in the home, provided that other members of his family continue to live in the accommodation.

848. If no family members continued to live in the accommodation which the child left and it was allocated to other citizens or if it cannot be used for some other reason, when a child leaves a State children's institution or returns from being cared for by relatives or guardians he is found accommodation by the executive committee of the local council in his last place of permanent residence.

849. The interests of children are taken into account in the issue of instruments of privatization (under the procedure adopted in 1995 for the issue of instruments of privatization to minors, to citizens declared legally incapable in accordance with the established rules, and to citizens serving sentences of deprivation of liberty, and the procedure for their use) and in the determination of the modes of use of such instruments.

850. In matters connected with the privatization of the residential property of State enterprises special attention was given during the reporting period to the provision of assistance in obtaining certificates of privatized accommodation to orphans, disabled children, children deprived of parental care, and minors serving sentences of deprivation of liberty. In 1996 and 1997 such certificates were issued to 95.4 per cent of orphans, 5.4 per cent of disabled children, and 88.6 per cent of minors serving sentences in places of detention.

#### **D. Children belonging to a minority or an indigenous group (art. 30)**

851. Equal political, economic, social and cultural rights are guaranteed to all the nationalities living in Ukraine by domestic legislation, specifically the Declaration of the Rights of Nationalities and the Acts "On national minorities", "On refugees", "On citizenship of Ukraine" and "On local self-government". The Constitution prohibits all privileges and restrictions based on race, colour of skin, or political, religious or other beliefs.

852. The Constitution guarantees assistance with the development of the ethnic, cultural, linguistic and religious independence of all the indigenous peoples and national minorities, together with the right to be educated in one's mother tongue or to study it in schools in State or community ownership or in the cultural societies of the nationalities.

853. In determining the rights of members of national minorities Ukraine is guided by the principle that these rights are an inalienable component of the generally recognized human rights.

854. A programme on the introduction and development of education for the national minorities in the period up to 2000 was formulated and adopted in 1994. It contains school curricula and syllabuses which include a number of subjects with an ethical slant in the humanities and arts courses (mother tongues and literature, history, geography, national traditions, applied decorative arts).

855. Schools run optional activities and clubs (for a total of about 200,000 pupils), where children study Bulgarian, Armenian, Greek, German and Korean. Special-subject classes and special schools, high schools and lycées are being established for the support and development of the most gifted and talented children.

856. Almost 350 different titles were published in 1994-1997, including literature, textbooks and other learning aids, and phrase-books in 22 of the languages of the country's national minorities, with a view to satisfying schoolchildren's cultural and educational needs.

857. A number of cultural and educational measures for the renaissance of the cultures, languages, customs and traditions of ethnic groups were carried out in 1994-1997 by public associations of the country's national minorities with the active encouragement and financial support of the State Committee on Nationalities and Migration.

858. The return and resettlement of deported persons is a major problem for Ukraine. For example, more than 250,000 Crimean Tartars, as well as some 12,000 Bulgarians, Armenians, Greeks and Germans, have returned to the Crimean Autonomous Republic from places of deportation and are now living there. A total of 62.2 per cent of them are adults and 31.9 per cent (over 70,000) are children.

859. Crimean Tartar children account for 21.5 per cent of the total population and for 17.1 per cent of the mortality rate of newborn babies. The morbidity rate among the Crimean Tartar population is 4,808.3 per 10,000 persons. The rates of serious illness are 5,518.2 for adults and 3,008.8 for children. Despite the action taken to improve the health of returnee children (in 1997 alone more than 15,000 children were restored to health) the situation remains difficult.

860. Problems connected with culture and education require urgent solution, in particular the problem of satisfying the educational demands of the returnees and of educating and training the children in their mother tongue. According to the figures of the Ministry of Education of the Crimean Autonomous Republic, only 1,500 of the 36,000 Crimean Tartar children of school age have an opportunity of studying the Crimean Tartar language. The Republic has only two private high schools in which Crimean Tartar is offered, along with Russian, English and Turkish. These schools were opened by a Turkish company in collaboration with the Republic's Ministry of Education. They have about 130 Crimean Tartar pupils.

861. The need for the comprehensive solution of these and other problems was reflected in the draft State programme for the adaptation and integration in Ukrainian society of deported Crimean Tartars and members of other nationalities and the renaissance and development of their education and their cultures, which was prepared by the State Committee on Nationalities and Migration in collaboration with the ministries and other central executive authorities concerned.

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