

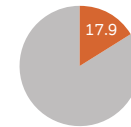
“Country recommendation

Ukraine should develop a national strategy on children's rights and ensure governmental programmes respect, protect and fulfil each right defined by the UNCRC.

Country
Profile 2023



Ukraine



Child Population:

7,348,531

17.9% of total population (2022)



Child Poverty:

Data not available

RESPONDENT ORGANISATION(S):

Ms. Polina Klykova, founder of [Children's Rights Info](#), children's rights activist and defender (Individual member)

Children's Rights in Ukraine

The Russian invasion of Ukraine in February 2022 put into place a comprehensive range of changes to those responsible for children's rights and policy development. From August 2011 to June 2021, there was a [Commissioner \(Ombudsman\) of the President of Ukraine for Children's Rights](#). This position was regulated by a relevant Act that defined responsibilities and authorities and worked within the Office of the President of Ukraine. However, in June 2021, this position was abolished. Ms. Daria Herasymchuk is currently the [Advisor - Presidential Commissioner for Children's Rights and Child Rehabilitation](#).

Currently, a range of authorities focus on children's rights in Ukraine, namely:

- The Parliament's Ombudsman on Human Rights. Its Secretariat

includes the Department for Monitoring the Observance of the Rights of the Child, Family, Youth and Sports. The Representative of the Ombudsman for the Rights of Children, Family, Youth and Sports is Iryna Suslova, who is responsible for constitutional human rights fulfilment, at time of publication.

- The General Prosecutor's Office in the Department for the Protection of Children's Rights and Combating Domestic Violence. Yulia Usenko is Head of Department. The Office ensures the law implementation in criminal proceedings when the case is related to childhood protection¹ and in cases of children in contact and conflict with the law.
- The National Police of Ukraine. Bogdan Vasyl is the Head of the Department responsible for preventing crimes committed by minors, working with children who tend to commit crimes,

searching for missing children, and preventing child abuse.

- The Ministry of Social Policy² includes the Department of Children's Rights Protection, the Directorate for Overcoming Difficult Life Circumstances (term changed to *Crises Families*), and an Expert Group on ensuring and protecting children's rights.
- The Ministry of Justice includes the Directorate for International Law, the [Department on International Legal Assistance](#), and the Division on International Legal Assistance in Civil Matters. Olha Zozulia is the Head of the Division, which is responsible for processing cases of international child abductions under the [Act on Implementation of the Hague Convention of Abductions in Ukraine](#).
- The Ministry of Education, with its Directorate for the Preschool, School, Out-Of-School and Inclusive Education – led by

Director General Eresko Oleh. Key [responsibilities](#) are related to ensuring children's right to education.

- The [Ombudsman for Education](#) is Serhiy Horbachov, assigned by the Cabinet of Ministers of Ukraine, ensures rights in education and works with appeals from pupils/students, their parents, and educators.

Key policies on children's rights in Ukraine

- Legislation framework – the Law of Ukraine on Childhood Protection is a key national act aligned with the UNCRC, and has the same or similar articles focused on children's rights. Children's rights are mostly related to the Civil Code and Family Code but are also cross-cutting rights in many national acts.
- Governmental policies and programmes – although a range of policies refers to children's

1 Childhood protection' (охорона дитинства) is the term used in Ukrainian national legislation which is similar to both 'child welfare' and 'children's rights' protection.

2 Note – the Department for the Children's Rights was in this Ministry before March 2020.

rights in Ukraine, some are not kept up to date and are conclude without being reviewed or replaced. For example:

- ° Current programmes: the [National Strategy for Reforming the Justice System for Children](#) (2018-2023) and the [Concept of the State Social Program for Children's Health Improvement and Recreation](#) (2021-2025);
- ° Outdated programme with no replacement, the [State Social Program "National Action Plan for the Implementation of the UN Convention on the Rights of the Child"](#) (2018-2021).

Ms. Klykova identified several critical areas on children's rights and provided various recommendations.

Child participation

Children are experts in their own lives and should

participate in decisions that affect them. However, often, this is practised in Ukraine as question-and-answer sessions and simply quoting children, which can be tokenistic. There is a lack of awareness of child participation requirements and techniques regarding decisions that affect them by Courts and administrative decision-makers, e.g., Child Protection Services. Often, the children who provide input to members of the national or local councils and other entities, such as school settings, are 'high achieving' children with good marks. However, children from so-called 'problematic families', children with disabilities, minority children and children from diverse communities are not often given such opportunities.

There are no safe and confidential processes for children to report issues to a professional or representative

in Ukraine. Children's comments are often ignored or reported to those who are violating children's rights.

Recommendations

Ukraine should introduce obligatory child participation training for judges and Child Protection Services professionals and establish minimum frameworks and standards for meaningful engagement with children and young people, including those from diverse backgrounds, by local Councils and other entities. Additionally, Ukraine should establish requirements for all entities, specifically for national non-governmental organisations, to ensure and implement practices on safe and confidential processes for children to report to a professional or representative about any issues that concern them.

Child safety and well-being online

Research on [Sexual abuse of children and sexual exploitation of children on the Internet in Ukraine](#) (2020) states that 95% of school-aged children have access to the internet at home³. The same research shows that over one year, 14.4% of children in Ukraine were asked about their intimate body parts online, 11% received intimate pictures, 8% were asked to send their intimate photos, 3.4% were asked to touch themselves sexually in front of a web-camera, 1% had intimate meetings offline with people they had met online.

Penalties related to child abuse online in Ukraine includes an [Administrative Code](#) that ensures a penalty for bullying within educational settings⁴. Online grooming of children and producing/dissemination/viewing/possession of Child Sexual

³ See slide 26 for further information. The study was conducted by Child Rescue Service in partnership with Commissioner of the President of Ukraine for the Rights of the Child with Proinsight Lab Agency, as a research complementor/contractor.

⁴ Only bullying between school participants, including online bullying, e.g., student-student bullying, student-teacher bullying.

Exploitation and Abuse Material (CSEAM) is a criminal offence. However, the National Strategy 2021-2026 on child protection in the digital environment has never been adopted.

Child protection systems

The Ukrainian legislation framework recognises the need for child protection from all forms of child maltreatment and defines entities responsible for identifying, reporting, and responding to such cases. In practice, there are a few obstacles to ensuring effective child protection: issues in multisectoral collaboration; limited working hours of child protection services (CPS), and CPS professionals are not required to have specific training before they get a position and authority to decide on behalf of children.

Recommendations

It is essential to enhance and encourage multisectoral collaboration among entities working with children, with adequate training available for all entities with a responsibility for child protection. There must be minimum qualifications and training for CPS professionals covering child-specific knowledge and skills. At least one CPS professional should be available 24/7 to ensure children are adequately protected.

Children impacted by war and conflict

Since the full-scale war, it is fair to say that every child has been impacted by the war in Ukraine. The depth of impact and the scope of rights violated include but are not limited to rights to life, health, education, family, identity, information, and participation. Each child's

experience is different, but no child has escaped the consequences of war.

Children were evacuated across and out of Ukraine during the first hours of the Russian invasion on 24 February 2022. According to UNICEF, in March 2022, 57% of children in Ukraine (4.3 million children out of 7.5 million) experienced some form of displacement (1.8 million crossed the border, and 2.5 million were internally displaced. In many situations, children crossed the borders without their fathers. These numbers have increased over the past 20 months. As published by UNHCR (2023), over eight million individuals left Ukraine, and over five million people were internally displaced within Ukraine.⁵

Recommendations

At international level:

- International Humanitarian Law

(IHL) must consider children's rights. War impacts childhood, and this was reflected in relevant Declarations adopted after the World Wars. Still, current IHL acts were adopted before the UNCRC and should be reviewed.

- There must be clear penalties for rights violations on children, for example children not being able to go to school because of war and conflict, and a clear mechanism for identifying those responsible and setting penalties.
- Regardless of direct or indirect participation, children (and adults) must receive compensation (financial compensation as victims). Moreover, a child's right to participation in courts must be recognised, considering UNCRC General Comment 12, their participation should be required as a victim of war and conflict.

⁵ The numbers of internally displaced people are reducing this year, for more info see here: <https://dtm.iom.int/reports/ukraina-zvit-pro-povernennya-v-ukraini-16-23-sichnya-2023-roku>.

At national level:
The Ukrainian Government should ensure clear definitions of children who have suffered due to war (the term already exists and is given to children who received injuries, were abused as a war crime, or were illegally taken outside of Ukraine, but it should be reviewed). Local authorities should be made fully aware of the status so they can effectively provide for children and ensure their access to relevant governmental guarantees.

Parental abductions

Another issue that has emerged from the full-scale war is parental abductions. Open borders helped evacuate (and save) children without the need of permission from both parents to cross the border. During spring-autumn 2022, there were many requests from fathers who were trying to find their children as their wives

had stopped any communications and did not disclose their location⁶.

There continues to be challenges around documenting issues of divorce manipulations and child abandonment due to their illegality in Ukraine. Still, numerous people search for opportunities to give up maternal rights, aiming to ensure the lone parent status for a father⁷.

Poverty and Social Exclusion – Experiences of children, families, and communities

Child poverty in Ukraine

To meet the UN Sustainable Development Goals (SDGs), Ukraine adopted a [strategy to overcome poverty](#), including child poverty, in 2016. In [2021](#), Ukraine calculated household poverty and social exclusion to identify the

situation and achieve the SDGs. The definition and metrics used are included in this [Act](#) approving the government's approach to assessing poverty.

In April 2022, the World Bank published data on poverty in Ukraine, showing it had 'increased from [5.5% to 24.2% in Ukraine in 2022](#), pushing 7.1 million more people into poverty with the worst impact out of sight in rural villages'.

In April 2023, the Ptoukha Institute for Demography and Social Studies of the National Academy of Sciences of Ukraine, in partnership with UNICEF, [published a brochure](#) on child poverty, emphasising the high risk of 'sudden' poverty (caused by damage to homes, internal displacement, and so on) becoming 'chronic' poverty. The report states that in 2022, poverty levels increased from

39.1% to 60.2%, and child poverty increased from 43.2% to 65.2%.

Government-issued standards on living in Ukraine are detached from reality. These standards are based on two distorted/unrealistic calculations:

1. The 2016 ['market basket' in Ukraine is very limited](#). For example, it states that for 6–18-year-olds it is enough to have one pair of pants and one dress for two years.
2. The prices that are considered as needed to ensure this minimum basket are not market-based, so it is impossible to ensure even this 'market basket' with minimum living wage (minimum income).

The current minimum wage in Ukraine is approximately 160 Euro, which cannot cover the costs of the 'market basket' and is far from ensuring a good quality of life.

⁶ Cases and additional information are provided on page 12 of the brochure *Childhood in War. Part 1* <https://childrenrights.info/wp-content/uploads/2022/09/childhood-in-war-082022.pdf>.

⁷ Some of these attempts are described on p. 10-11 of the brochure *"Childhood in War. Part III"* <https://childrenrights.info/dytynstvo-u-period-vijny-chastyna-3-pravo-na-sim-ju/>.

The war has resulted in additional expenses (property damage, moving costs, and so on) and income issues (retirements, family members who provided family are in the army with lower income than they used to have).

Countries in Accession

Every year, the European Commission publishes the Enlargement Package that assesses the state of play in accession countries, including progress concerning upholding human rights and children's rights. Eurochild and its members contributed to the [2023 consultation on the Enlargement Package](#) to provide a child-rights perspective and insights into the situation of children in need.

According to Ms. Klykova, to advance children's rights as part of the EU accession process, Ukraine should prioritise:

- Collecting a wide range of relevant data on children and using this data to prioritise policy decisions. The data should be made available

through open sources.

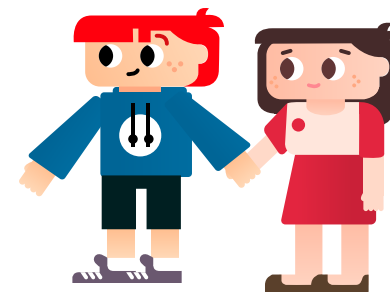
- Developing and implementing a minimum framework for child participation at local levels and ensuring the diversity of children councils.
- Ensuring a National Strategy for Children's Rights (supported by a relevant action plan) and ensuring all government programmes fulfil children's rights.
- Developing rights-based programme to support childhood in the post-war period.
- Creating a national office responsible for monitoring, evaluating, reporting, and advocating children's rights.

Regarding shaping national policies in Ukraine, Ms. Klykova highlighted that civil society organisations and children are often involved. Some ministries and local administrations organise consultations, and public hearings or form civil councils with citizens and civil society organisations. However, monitoring and evaluating such activities is impossible as there

is no follow-up after the events, and often no changes to the programmes and policies being reviewed or considered. Petitions initiated by civil societies are used to advocate for a range of topics in Ukraine. However, Ms. Klykova is unaware of petitions focusing on children's rights.

EU Funding in Ukraine

Ms. Klykova has not been involved in an EU-funded project. However, she is aware of funders (EU and European) that have funded projects in Ukraine, such as youth and arts projects funded by the [House of Europe](#), the [Access to Justice](#) project funded by the European Union, and the [Council of Europe](#) who have funded projects on youth, democracy, and violence.



Eurochild advocates for children's rights and well-being to be at the heart of policymaking. We are a network of organisations working with and for children throughout Europe, striving for a society that respects the rights of children. We influence policies, build internal capacities, facilitate mutual learning and exchange practice and research. The United Nations Convention on the Rights of the Child is the foundation of all our work.



Eurochild

Putting children at
the heart of Europe

info@eurochild.org - www.eurochild.org

Avenue des Arts 7/8 1210 Brussels, Belgium

+32 2 511 7083

For more information, contact:

Dr Ally Dunhill

Eurochild Director of Policy,

Advocacy and Communications

Ally.Dunhill@eurochild.org



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