

ADVANCE UNEDITED VERSION

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Committee on the Rights of the Child**List of issues in relation to the combined fifth and sixth reports of Ukraine***

The State party is requested to submit in writing additional, updated information (10,700 words maximum), if possible before 15 June 2021. The Committee may take up all aspects of children's rights set out in the Convention during the dialogue with the State party.

Part I

1. Please update the Committee on:
 - (a) The measures taken to ensure the protection of children's rights in the context of the COVID-19 pandemic and to mitigate the adverse impacts of the pandemic;
 - (b) The steps taken to bring national legislation on the protection of the rights of the child fully into line with the Convention and its Optional Protocols and to adopt a comprehensive law on children's rights;
 - (c) The activities undertaken and resources allocated to implement the National Action Plan for the Implementation of the UN Convention on the Rights of the Child;
 - (d) The measures taken to strengthen the Inter-Agency Commission on Child Protection and to develop coordination and implementation mechanisms at all levels;
 - (e) The role, activities, complaint mechanisms and resources of the Ombudsman Office concerning children's rights, the Commissioner for the Rights of the Child and the Education Ombudsman.
2. Please explain the steps taken to:
 - (a) Implement the law "On Principles of Prevention and Counteraction of Discrimination in Ukraine" and the Strategy for Protection and Integration in the Ukrainian Society of Roma National Minorities;
 - (b) Develop procedures and criteria to ensure that the best interests of the child are properly assessed in administrative and judicial proceedings;
 - (c) In the context of COVID-19 restrictions on travel, ensure that non-Ukrainian intending parents of children born in the State party under international surrogacy arrangements may enter the State party to collect their child.
3. Please explain the steps taken to:
 - (a) Provide services to children from conflict-affected areas and grant them the related status under Resolution No. 268 of 2017;

* Adopted by the pre-sessional working group on 8 October 2020.



- (b) Prevent conflict-related death and injury of children and ensure accountability;
- (c) Address sexual harassment of girls and prevent their exploitation in prostitution in conflict-affected areas;
- (d) Prevent the use of children in hostilities and their exposure to pro-military rhetoric;
- (e) Improve systematic data collection on children in conflict-affected areas;
- (f) Implement legislation concerning internally displaced children (CRC/C/UKR/5-6, para. 244).

4. Please provide information on the measures taken to facilitate birth registration, including of children born in Crimea and in areas of Donetsk and Lugansk Oblasts not controlled by the State party. Please specify the steps taken to prevent children from remaining stateless, particularly children of parents without identity documents.

5. Please describe the steps taken to:

- (a) Implement the Law on Domestic Violence and a comprehensive action plan to eradicate corporal punishment in all settings and to promote non-violent parenting;
- (b) Prevent bullying, especially against children with disabilities, cyberbullying and the sale and exploitation of children in the digital environment;
- (c) Investigate cases of violence against children, particularly sexual violence and violence by law enforcement officials;
- (d) Ensure child-friendly justice procedures and provide services to child survivors and witnesses of violence;
- (e) Ensure that intersex children are not subjected to unnecessary medical or surgical procedures.

6. Please update the Committee on the:

- (a) Efforts to align mandates and policies of central, regional and local authorities regarding children without parental care;
- (b) Progress in deinstitutionalisation and in developing services to prevent separation of children from their parents and to foster their family reintegration, as well as to increase support to foster families;
- (c) Circumstances under which parents can request children to be placed in residential care (CRC/C/UKR/5-6, para. 106);
- (d) Improvements in the quality of care and monitoring of the placements.

7. Please provide information on the measures taken to:

- (a) Introduce a human rights model of disability;
- (b) Deinstitutionalize children with disabilities, prevent violence in residential institutions and investigate and punish those responsible;
- (c) Ensure access of children with disabilities to inclusive education, health, rehabilitation services and reasonable accommodation in all spheres of life, including of children from remote areas and from conflict-affected areas without IDP status.

8. Please provide information on the steps taken to:

- (a) Implement the Law on Improving Accessibility and Quality of Medical Care in Rural Areas;
- (b) Advance the health care reform, reduce out-of-pocket payments and ensure access to quality health care of vulnerable families;
- (c) Increase the vaccination coverage of children;
- (d) Monitor the effectiveness of social assistance programmes and facilitate access to social benefits for recipients with children from areas not controlled by the State party.

9. Please describe the measures taken to:
- (a) Implement the Law on Education, the “New Ukrainian School” concept, the network of base schools (paras. 202 and 207) and the Safe Schools Declaration;
 - (b) Address the disparities in performance between children with different socioeconomic or ethnic backgrounds, especially in the light of the PISA study;
 - (c) Guarantee human rights education of children and prevent their involvement in the activities of extreme right-wing groups.
10. Please provide information on:
- (a) Any steps taken to substitute the Chisinau Agreement on the return of minors to their permanent residence (2002) with bilateral agreements;
 - (b) Measures taken to abolish the placement of unaccompanied children in child care institutions and reception centres;
 - (c) The steps taken to facilitate access of asylum-seeking and refugee children to education, health care and social services, which often requires identity documents and residence permits or entails high costs.
11. Please provide information on the steps taken to:
- (a) Adopt the draft Law “On Justice for Children” (para. 297);
 - (b) Establish one minimum age of criminal responsibility;
 - (c) Promote non-custodial measures;
 - (d) Revise the practice of sending children below the minimum age of criminal responsibility to social rehabilitation schools.
12. Concerning the Committee’s previous recommendations under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, please specify whether the provisions of the Optional Protocol are fully incorporated into national legislation (CRC/C/OPSC/UKR/CO/1). Please also inform the Committee about the measures taken to ensure that child victims of offences under the Optional Protocol are not penalized nor stigmatized and marginalized. Please explain whether extraterritorial jurisdiction is established over all crimes under the Optional Protocol.
13. Please provide information on the implementation of the Committee’s previous recommendations under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the measures taken to explicitly criminalize the recruitment of children under 18 years in the armed forces and in non-state armed groups, to establish a mechanism of early identification of children who may have been involved in armed conflict abroad upon entering the State Party and to establish extraterritorial jurisdiction over crimes under the Optional Protocol (CRC/C/OPAC/UKR/CO/1).

Part II

14. The Committee invites the State party to provide a brief update (no more than three pages) on the information presented in its report with regard to:
- (a) New bills or laws, and their respective regulations;
 - (b) New institutions (and their mandates) or institutional reforms;
 - (c) Recently introduced policies, programmes and action plans and their scope and financing;
 - (d) Recent ratifications of human rights instruments.

Part III

Data, statistics and other information, if available

15. Please provide consolidated information for the past three years on the budget lines regarding children and social sectors by indicating the percentage of each budget line in terms of the total national budget and the gross national product. Please also provide information on the geographic allocation of those resources.

16. Please provide, if available, updated statistical data disaggregated by age, sex, type of disability, ethnic origin, national origin, geographic location and socioeconomic status, for the past three years, on:

- (a) Child victims of neglect, ill-treatment, violence and abuse, including sexual violence, and the number of complaints, investigations, prosecutions and convictions;
- (b) Drug, alcohol and tobacco abuse among children;
- (c) Children from families qualified as economically disadvantaged (paras. 94 and 107);
- (d) Children in street situations;
- (e) Children working in the formal and informal economies;
- (f) Children taught in national minority languages.

17. Please provide data, if available, disaggregated by age, sex, socioeconomic background, ethnic origin and geographic location regarding the situation of children deprived of a family environment, for the past three years, on the number of children:

- (a) Separated from their parents and orphaned in the conflict-affected areas of Donetsk and Lugansk Oblasts or in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, temporarily occupied by the Russian Federation;
- (b) Placed in institutions;
- (c) Placed in foster care, including “economically disadvantaged children” (para. 103);
- (d) Born through surrogacy arrangements.

18. Please provide data, if available, disaggregated by age, sex, type of disability, ethnic origin and geographic location, for the past three years, on the number of children with disabilities:

- (a) Living with their families;
- (b) Living in residential care institutions (para. 153);
- (c) Attending regular schools;
- (d) Attending special classes or schools;
- (e) Receiving vocational or tertiary education;
- (f) Out of school.

19. Please provide, if available, updated statistical data disaggregated by age, sex, type of offence, ethnic origin, national origin, geographic location and socioeconomic status, for the past three years, on children in conflict with the law who have been:

- (a) Investigated;
- (b) Arrested;
- (c) Referred to diversion programmes;
- (d) Placed in pre-trial detention;
- (e) Serving a sentence in detention;

(f) Deprived of their liberty in social rehabilitation schools (para 299).

20. Please provide information on how the planning, implementation and monitoring of measures for achieving the Sustainable Development Goals integrate a child rights-based approach, including with regard to child participation and data collection, and how they promote the realization of children's rights under the Convention and its Optional Protocols.

21. Please provide the Committee with an update of any data in the report that may have become outdated by more recent data collected or other new developments.

22. In addition, the State party may list areas affecting children that it considers to be of priority with regard to the implementation of the Convention.
