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LANZAROTE CONVENTION

Council of Europe Convention on the protection of children
against sexual exploitation and sexual abuse

Replies to the general overview questionnaire

UKRAINE

Replies registered by the Secretariat on 5 March 2014

GENERAL FRAMEWORK

Question 1: Definition of “child”

a. Does the notion of “child” under your internal law correspond to that set out in Article 3, letter (a), i.e. “any person under the age of 18 years”?

Yes, it does.

(For reference:

Article 6 of the Family Code of Ukraine stipulates:

1. An individual is considered a child before reaching the age of majority.

2. Children under the age of fourteen are considered minors.

Individuals between ages of fourteen and eighteen are considered to be under the age of majority.

Article 1 of the Law of Ukraine “On Protection of Childhood” stipulates that:

A child – is an individual under the age of 18 (the age of majority), provided that under law applied to this individual, he or she does not acquire the rights of a full-age individual earlier.

Article 1 of the Law of Ukraine “On Prevention of Human Trafficking” stipulates that:

A child – is any natural person under the age of eighteen.)

b. What legislative or other measures have been taken to ensure that when the age of a victim is uncertain and there are reasons to believe that the victim is a child, the protection and assistance provided for children are accorded to him or her in accordance with Article 11, para. 2?

Joint Decree № 903/1464/711 was issued by the Ministry of Healthcare of Ukraine, Ministry of Education and Science of Ukraine, and Ministry of Social Policy of Ukraine as of 23.10.2013 to comply with the state Regulation stipulating relevant checking procedures to be performed for determining the age of a child deprived of parental care and requiring social protection.

c. Please state whether the age for legal sexual activities is below 18 years of age and if so, please specify the age set out in internal law.

The norm is lacking.

(For reference: Articles 152 and 153 of the Criminal Code of Ukraine [hereinafter referred to as CCU] envisage criminal liability for rape and forceful satisfaction of sexual passion by unnatural means committed against an individual under the age of majority or a minor.

Moreover, Article 156 of the CCU envisages liability for corruption of individuals who have not reached the age of majority, which is interpreted as actions aimed at corrupting an individual who has not reached the age of 16 or a minor.

Article 155 of the CCU foresees criminal liability for having a sexual intercourse with an individual who has not reached puberty.

The Plenum of the Supreme Court of Ukraine in item 16 of its resolution as of 30 May 2008 #5 “On court practice regarding cases dealing with crimes against sexual freedom and inviolability of person” gave an explanation that the latter article of the CCU foresees liability for consensual (performed without physical coercion, threat of such coercion or use of a vulnerable state of the victim) sexual intercourse with an individual, who has not reached puberty in case the perpetrator realized (knew

for sure or could presume) that the victim had not reached puberty, as well as in cases the perpetrator should have known or realized that.

At the same time, the Plenum of the Supreme Court of Ukraine determined that puberty is such a physiological state of a human body, which is characterized by full ability to perform reproductive functions. In accordance with the Rules of conducting forensic medical investigations (tests) as to the status relating to sex within the forensic medicine bureau (approved by the Order #6 of the Ministry of Health of Ukraine as of 17 January 1995), individuals under the age of 14 are automatically considered to be under the age of puberty. The determination of puberty is conducted vis-à-vis individuals between the ages between 14 and 18.

It needs to be noted that only an individual who has reached the age of 16 can be considered perpetrator for actions envisaged by Articles 155 or 156 of the CCU, judging from what is stipulated by Paragraph one, Article 22 of the CCU.

In accordance with Item 5, Paragraph two, Article 242 of the Criminal Procedure Code of Ukraine [hereinafter referred to as CPCU], investigator or public prosecutor shall be required to commit an expertise to conduct examination as to ascertaining puberty of a victim in criminal proceedings in offences provided for by Article 155 of the CCU.

Question 2: Non-discrimination

Is discrimination, on grounds such as the ones mentioned in the indicative list in Article 2, prohibited in the implementation of the Convention, in particular in the enjoyment of the rights guaranteed by it? If so, please specify. If not, please justify.

Discrimination – decisions, action or omission aimed imposing limitations or privileging with regards to an individual and/or group of people based on race, colour of skin, political, religious or any other belief, sex, age, disability, ethnicity or social background, marital or economic status, dwelling place, language use or any other characteristics (hereafter referred to as certain characteristics), if they make it impossible to acknowledge and enjoy on an equal basis the rights and freedoms of a person and citizen.

(The Law of Ukraine “On foundations of preventing and countering discrimination in Ukraine” as of 06.09.2012.)

Article 161 of the CCU envisages liability for violating equality of rights of individuals based on their racial or ethnic background or religious belief.

Question 3: Overview of the implementation

Please indicate (without entering into details):

a. the main legislative or other measures to ensure that children are protected against sexual exploitation and sexual abuse in accordance with the Convention;

In order to align Ukrainian legislation with the norms of the Convention, a draft Law of Ukraine “On Amendment of Certain Laws of Ukraine as a Result of Ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse” was elaborated.

At the same time, the CPCU contains novelties, which ensure protection of the rights of a child in criminal proceedings. They foresee provisions to accommodate interests of a victim or witness when determining where interview is going to take place, use of a distance-interviews, obligatory inclusion of a legal representative, psychologist, pedagogue, etc.

b. whether your country has adopted a national strategy and/or Action Plan to combat sexual exploitation and sexual abuse of children. If so, please specify the main fields of action and the body/bodies responsible for its/their implementation;

The core Laws and other regulatory frameworks used to ensure protection of children from sexual abuse and sexual exploitation are:

- The Criminal Code of Ukraine (CCU);
- The Criminal Procedure Code of Ukraine (CPCU);
- The Law of Ukraine “On the State Programme “National Action Plan as to Implementation of the UN Convention on the Rights of the Child” until 2016”;
- The Law of Ukraine “On Prevention of Human Trafficking”;
- The Law of Ukraine “On Protection of Public Morality”;
- The Law of Ukraine “On Prevention of Domestic Violence”;
- The Law of Ukraine “On Protection of Childhood”

c. whether your country has any guidelines to ensure a child-friendly implementation of the laws, measures and strategies referred to in letters (a) and (b) above. If so, please specify. With regard to judicial proceedings, please specify whether the Council of Europe Guidelines on Child-friendly Justice were taken as inspiration for your guidelines.

Addressing needs of children, who are victims of offences or were witnesses thereof, the Ministry of Internal Affairs, in line with European standards, has developed a method of working with children called the “green room”. It is called to protect the rights of the child in a criminal proceeding.

Question 4: Child participation

a. Please indicate what steps have been taken to encourage the participation of children, according to their evolving capacity, in the development and the implementation of state policies, programmes or other initiatives concerning the fight against sexual exploitation and sexual abuse of children (Article 9, para. 1);

Youth and children are constantly reached out to, amongst other things regarding the topics of prevention of juvenile sexual abuse. These awareness-raising activities with a wider and individualized focus are conducted at schools. Practice of cooperation agreements between school administrations and police officers, as well as a nurturing of children’s organizations and unions are in place. The “Explorers” initiative is implemented in cooperation with the Juvenile Justice Reform in Ukraine Project supported by the Government of Canada. The Ministry of Internal Affairs has kicked off monitoring to determine emergence of all forms of violence amongst children and adolescents, and understand the reasons for such offences. Results feed into development of tailored programmes for psychological and pedagogical support to children.

b. In particular, please indicate whether, and if so, how child victim's views, needs and concerns have been taken into account in determining the legislative or other measures to assist victims (Article 14, para. 1).

¹ All measures for social protection of child victims are based exclusively on the needs and are taken in best interest of those children.

Question 5: Specialised bodies/mechanisms

a. Please indicate the independent institution(s) (national or local) in charge of promoting and protecting the rights of the child. Please specify its/their responsibilities and indicate how resources are secured for it/them (Article 10, para. 2, letter (a));

According to Article 1 of the Law of Ukraine “On Bodies and Agencies dealing with Children and Special Institutions for Children”, social protection of children as well as prevention of juvenile offences, are entrusted, within the determined limits of authority, to:

- Relevant units of the Ministry of Internal Affairs (including the Juvenile Criminal Police, Human Trafficking Prevention Units, Interpol and others).

According to Article 4 of the Law of Ukraine “On Bodies and Agencies dealing with Children and Special Institutions for Children”, the State Service for Children is the body within the executive branch system, which implements state policy on adoption, and ensures protection of children’s rights.

Within the scope of their relevant powers, other executive branch institutions, local government bodies, enterprises, entities and organizations (regardless of their ownership) as well as individuals partake in ensuring protection of children’s rights.

The main body of the Ministry of Internal Affairs to prevent offences amongst children is the Juvenile Criminal Police, entrusted with:

- ensuring activities within local educational institutions called to prevent administrative and criminal offences committed by children;
- providing for individual activities to prevent recurrent offences by children who have committed administrative and criminal offences, were sentenced to a punishment not connected to deprivation of freedom or those who have been released from specialized disciplinary institutions;
- conducting activities to prevent recurrent crime amongst children;
- ensuring necessary and urgent activities to determine the location of those children, who have been announced missing;
- solving criminal cases where children have committed offences;
- uncovering and stopping cases of cruel treatment of children, committing violence against them, including cases where it originates from parents or legal representatives;
- providing legal and psychological aid to children who have fallen victims of criminal offence or are witnesses of a criminal offence.

b. Which legislative or other measures have been taken to set up or designate mechanisms for data collection or focal points, at the national or local levels and in collaboration with civil society, for the purpose of observing and evaluating the phenomenon of sexual exploitation and sexual abuse of children, with due respect for the requirements of personal data protection? (Article 10, para. 2, letter (b));

Unified registry of pre-trial investigations, report on performance of the Juvenile Criminal Police and the work of temporary shelters for children (statistical data); report on performance of Ministry of Internal Affairs units to prevent domestic violence (statistical data).

c. Which legislative or other measures have been taken to organise the collection and storage of data relating to the identity and to the genetic profile (DNA) of persons convicted of the offences established in accordance with this Convention? What is the national authority in charge of the collection and storage of such data? (Article 37, para. 1).

Not determined.

Question 6: Participation of children, the private sector, the media and civil society

a. Please describe how coordination on a national or local level is ensured between the different agencies in charge of the protection from, the prevention of and the fight against sexual exploitation and sexual abuse of children. In particular, please provide information on existing or planned coordination between the education sector, the health sector, the social services and the law enforcement and judicial authorities (Article 10, para. 1);

The coordinating body tasked with protection of children from cruel treatment, including sexual exploitation and abuse, is the State Service for Children. The regulatory frameworks that ensure coordination include:

- **Instructions as to collaboration of departments (units) for family, youth and sports, services for children, social service centres for family, children and youth and relevant units of the Ministry of Internal Affairs to take measures to prevent domestic violence;**
- **Instructions as to departments of the State Service for Children on registering children currently facing harsh life circumstances;**
- **Instructions as to operating the Unified electronic database of children currently facing harsh life circumstances;**
- **Instructions as to locating the families (individuals) currently facing harsh life circumstances, provision of relevant social services and social support to such families (individuals);**
- **Instructions as to collaboration of various institutions providing social support to families (individuals) currently facing harsh life circumstances.**

b. Is cooperation with a view to better preventing and combating sexual exploitation and sexual abuse of children encouraged between the competent state authorities, civil societies and the private sector (Article 10, para. 3)? If so, please specify how;

According to Article 3 of the Law of Ukraine “On Social Work with Families, Children and Youth”, the bodies undertaking such work are: specially authorized entities, which provide social work for families, children and youth; professionals in social work for families, children and youth; civil society public associations, charity and religious organizations.

c. Are partnerships or other forms of cooperation between the competent authorities promoted with particular regard to the recipients of intervention programmes and measures for persons subject to criminal proceedings or convicted of any of the offences established in accordance with the Lanzarote Convention (Article 15, para. 2 and Article 16)?

Indeed, on-going support to development of cooperation and partnerships is provided.

Question 7: International cooperation

Has your country integrated prevention and the fight against sexual exploitation and sexual abuse of children in assistance programmes for development provided for the benefit of third states (Article 38, para. 4)? Please give examples.

- Processing the information provided by embassies and delegations of foreign countries regarding legal and social protection for children.
- Cooperation with Interpol, including search for missing children.
- Collaborative projects with international civil society organizations to protect the rights of and ensure social guarantees for children.
- Participation in thematic international seminars and conferences.

In September 2011 the Ministry of Internal Affairs signed Protocol nine to the Memorandum of understanding between the Government of Ukraine and the Government of the United States of America on law enforcement assistance.

PREVENTION OF SEXUAL EXPLOITATION AND SEXUAL ABUSE

Question 8: Education, awareness raising and training

- a. Which legislative or other measures have been taken to:
- ensure that children, during primary and secondary education receive information on the risks of sexual exploitation and sexual abuse, as well as on the means to protect themselves, adapted to their evolving capacities? (Article 6, Explanatory Report, paras. 59-62). Please also specify whether this information includes the risks of the use of new information and communication technologies (Article 6, Explanatory Report, para. 63);

Schools provide for studies of an integrated course “Health basics” in 1 – 9 grades. The curriculum for the “Health basics” course is built by integrating knowledge elements as to protection of life and strengthening of health of an individual. The course is structured alongside 4 thematic sectors that comprehensively represent health (life and health of individual, physical aspects of health, social aspects of health, and psychological aspects of health).

Studies envisaged by the curriculum of “Health basics” aim at equipping the students with life skills (psycho-social abilities), which include: communication, inter-personal relations, self-esteem and perception of dignity, decision-making skills and abilities to resist pressure. Mastery of those skills fosters maturation of children, formation of adequate behavioural patterns, ability to avoid risks to life and health, including risks of violence.

According to the curriculum of “Health basics”, the issues pertaining to possible risks and prevention of abuse are studied under the “Social aspects of health” component in different grades as appropriate to the evolving capacities of children at various ages. The component includes information on protection from criminal risks, criminal liability for sexual offences, ways to counteract aggression and violence, prevention of human trafficking, basics of self-defence and justifiable self-defence, cyber-security, etc.

The curriculum is called to train the children in their ability to discern manifestations of physical and psychological violence, as well as situations that bear a threat of sexual abuse, skills of avoiding attack, capacities of self-efficacy, refusal from dangerous proposals under conditions of pressure, use of basics of self-defence, etc.

- encourage awareness of the protection and rights of children among persons who have regular contacts with children in the education, health, social protection, judicial and law-enforcement sectors and in areas relating to sport, culture and leisure activities? (Article 5, para. 1);

The issue is under discussion.

- ensure that persons, referred to while replying to the bullet point above, have an adequate knowledge of sexual exploitation and sexual abuse of children, of the means to identify them and of the possibility of reporting suspicions of a child being the victim of such acts? (Article 5, para. 2).
- b. Which policies or strategies have been implemented to promote or conduct awareness-raising campaigns targeted at the general public where the focus is directed especially towards the risks and realities of sexual exploitation and sexual abuse of children? Please describe the material used for the campaign/programme and its dissemination. If possible, please provide an assessment of the impact of the campaign/programme. If there are currently plans for launching a (new) campaign or programme, please provide details (Article 8, para. 1);
- c. Which legislative or other measures have been taken to prevent or prohibit the dissemination of materials advertising the offences established in accordance with this Convention? If so, please provide details (Article 8, para. 2, Explanatory Report, para. 66).

Since 2009, Ukraine has an electronic hotline ran by the International Women’s Rights Centre “La Strada Ukraine” to respond to cases of child pornography on the Internet with further up-streaming of the information to the law enforcement bodies.

Specialists of Juvenile Criminal Police under the Ministry of Internal Affairs continuously take part in international, national and regional seminars, conferences, trainings for issues of prevention of human trafficking. In November 2012, for instance, they attended specialized in-service training for investigating cases of domestic violence, sexual violence and human trafficking at the International Law Enforcement Academy (Budapest, Hungary).

In June 2012 the specialists took part in the international seminar for police officers “Preventing violence in cities” themed on human rights, reacting to instances of violence in the cities, as well as issues linked to underage offenders. The training was organized by the Penitentiary and Police Reform Unit under the Directorate General of Human Rights and Rule of Law under the Secretariat General of the Council of Europe (Strasbourg, France).

In February 2013 a study tour was undertaken to Belarus to join a training course for law enforcers of Belarus, Ukraine and Moldova themed on “Prevention of child pornography on the Internet”.

In May 2013 specialists attended a seminar “Prevention of domestic violence and ensuring gender equality: legal frameworks and international experience” (Belarus).

Seminars and conferences for the abovementioned themes are systematically conducted at higher educational establishments of the Ministry of Internal Affairs system for professionals of the Juvenile Criminal Police.

Question 9: Recruitment and screening

a. Which legislative or other measures have been taken to ensure that the conditions for accessing those professions whose exercise implies regular contact with children, ensure that the candidates to these professions have not been convicted of acts of sexual exploitation or sexual abuse of children? (Article 5, para. 3). Please specify to which professions such measures apply. Please also indicate for how long the criminal record of a person who was convicted for such crimes is kept in your country;

Item 14 of the Instructions regarding a foster family, as approved by the Decree # 565 of the Cabinet of Ministers of Ukraine as of 26 April 2002.

The Ministry of Internal Affairs partook in the development of the draft Law of Ukraine “On Amendment of Certain Laws of Ukraine due to Ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse” as developed by the Ministry of Justice of Ukraine (the draft law has been submitted to the relevant parliamentary committees of Verkhovna Rada of Ukraine). This draft law foresees amendments to the Law of Ukraine “On Protection of Childhood” as regards requirements for individuals working in contact with children.

An individual shall be held to have a conviction from the date, on which the verdict of guilty enters into force and until the conviction is cancelled or revoked (Paragraph one, Article 88 of the CCU).

In accordance with Items 7-9, Article 89 of the CCU, the following individuals shall be held to have no conviction:

- sentenced to imprisonment for a medium grave offense, if they commit no further offenses within three years from the date on which they completed to serve their sentence (primary or additional);
- individuals sentenced to imprisonment for a grave offense, if they commit no further offenses within six years from the date on which they completed to serve their sentence (primary or additional);
- individuals sentenced to imprisonment for a special grave offense, if they commit no further offenses within eight years from the date on which they completed to serve their sentence (primary or additional);

Rape of an individual under the age of majority or of a minor, forceful satisfaction of sexual passion by unnatural means committed against a minor are considered *special grave offences*.

At the same time, forceful satisfaction of sexual passion by unnatural means committed against an individual under the age of majority, corruption of minors, as well as sexual intercourse with an individual under the age of majority as committed by a father, mother, stepfather, stepmother, guardian, trustee or other individual entrusted with obligations of bringing up the victim or caring for him or her are classified as *grave offences*.

If sexual intercourse with an individual who has not reached the age of majority was committed by any other individual, this is classified as a *medium grave offence*.

b. Does the screening of candidates apply to voluntary activities (Explanatory Report, para. 57)?²

No, such screening does not take place.

² Ministry of Justice

Question 10: Preventive intervention programmes or measures

a. Which legislative or other measures have been taken to ensure that persons who fear that they may commit any of the offences established in accordance with the Convention, have access to effective intervention programmes or measures designed to evaluate and prevent the risk of offences being committed? Please specify under which conditions, if required (Article 7, Explanatory Report, para. 64);

b. Which legislative or other measures have been taken to ensure that persons subject to criminal proceedings or convicted for any of the offences established in accordance with the Convention, may have access to effective intervention programmes or measures? Please specify under which conditions, if required (Articles 15 to 17). Please indicate in particular:

- who has access to these programmes and measures (convicts, persons subject to criminal proceedings, recidivists, young offenders, persons who have not committed a crime yet?);
- how the appropriate programme or measure is determined for each person;
- whether there are specific programmes for young offenders;
- whether persons have a right to refuse the proposed programme/measures?³

In accordance with provisions of Paragraph five, Article 194 of the CPCU while imposing a measure of restraint not involving custody the investigating judge / court could impose on the suspect / accused the obligation to appear upon each request before court or any other specified public authority and also perform one or more of the obligations the necessity imposing which has been proven by the public prosecutor, namely:

- 1) appear before the specified official with certain periodicity;
- 2) not to leave the locality where he or she is registered, resides or stays, without permission of the investigator, public prosecutor or court;
- 3) inform the investigator, public prosecutor or court on the change of place of residence and/or employment;
- 4) abstain from communicating with any individual specified by investigating judge, court or communicate with such individual on conditions imposed by investigating judge, court;
- 5) do not visit places specified by investigating judge or court;
- 6) undergo treatment for drug or alcohol addiction;
- 7) make efforts to find a job or to enter an educational institution;
- 8) surrender his internal ID, foreign travel passport(s) or other documents authorizing leaving and coming to Ukraine;
- 9) carry an electronic tracking device.

Question 11: Participation of the private sector, the media and civil society

What steps have been taken to encourage:

a. the private sector (in particular the information and communication technology sector, the tourism and travel industry, the banking and finance sectors) to participate in the elaboration and implementation of policies, programmes or other initiatives to prevent sexual exploitation and sexual abuse of children? Please indicate which private sectors are concerned and explain how participation takes place. Please also provide information concerning any

³ Ministry of Internal Affairs

relevant code of conduct or enterprise charter aimed at protecting children from sexual exploitation and sexual abuse (Article 9, para. 2, Explanatory Report, paras. 68-73);

b. the media to provide appropriate information concerning all aspects of sexual exploitation and sexual abuse of children (Article 9, para. 3, Explanatory Report, para. 74);

c. the financing, including, where appropriate by the creation of funds, of the projects and programmes carried out by civil society aimed at preventing and protecting children from sexual exploitation and sexual abuse (Article 9, para. 4, Explanatory Report, para. 75). May the proceeds of crime be used to finance the above mentioned projects and programmes? Please provide details (Article 27, para. 5, Explanatory Report, para. 193).⁴

Question 12: Effectiveness of preventive measures and programmes

a. Please specify whether an assessment of the effectiveness and impact of the preventive measures and programmes described in replies to questions 4, 10 and 11 is regularly carried out;

b. Please provide examples of the good practices in preventing sexual exploitation and sexual abuse of children.

<p style="text-align: center;">PROTECTION AND PROMOTION OF THE RIGHTS OF CHILDREN VICTIMS OF SEXUAL EXPLOITATION AND SEXUAL ABUSE</p>
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Question 13: Reporting suspicion of sexual exploitation or sexual abuse

a. Are professionals working in contact with children bound by confidentiality rules? Do these rules constitute an obstacle for reporting to the services responsible for child protection any situation where they have reasonable ground for believing that a child is a victim of sexual exploitation or sexual abuse? Please indicate the criteria or guidelines which allow for the waiving of confidentiality rules (Article 12, para. 1, Explanatory report, para. 89);

Transfer of information is conducted in accordance with the Instructions on processing claims and appeals as to cruel treatment of children or realistic risk of such treatment, as approved by the Order #5/34/24/11 of the State Committee of Ukraine on Family and Youth, Ministry of Internal Affairs of Ukraine, Ministry of Education and Science of Ukraine, Ministry of Health of Ukraine as of 16.01.2004.

b. Are there any rules encouraging any person who knows about or suspects, in good faith, sexual exploitation and sexual abuse of children to report the facts to the competent authorities? If so, please specify under which conditions and to which authorities (Article 12, para. 2, Explanatory Report, para. 91). Please provide examples of good practice.

In accordance with Item 15 Paragraph one, Article 8 of the Law of Ukraine “On Investigative Operations”, investigative units for the sake of conducting their professional activities may receive information on crimes which are being prepared or have been committed, as well as on threats to security of the society and state from legal entities and physical persons with or without remuneration for such information.

⁴ Ministry of Justice

In parallel, in accordance with Paragraphs one and four, Article 214 of the CPCU, investigator / public prosecutor is required to enter the relevant information into the Unified registry of pre-trial investigations immediately but in any case no later than 24 hours after submission of a report / information on a criminal offense that has been committed.

Investigator / public prosecutor / other official authorized to accept and register reports / information on criminal offenses, shall be required to accept and register such report or information. Refusal to accept and register a statement or information on a criminal offense shall be inadmissible.

Question 14: Helplines

Which legislative or other measures have been taken to encourage and support the setting up of information services, such as telephone or internet helplines, to provide advice to callers, even confidentially or with due regard for their anonymity? (Article 13, Explanatory Report, para. 92).

National hotline for prevention of violence and protection of children's rights (0-800-500-335), Unit for social and psychological rehabilitation of children (Crisis centre for children who fell victims to violence) based in the Kyiv City Shelter for Children #1 (under the State Service for Children), national hotline ran by the International Women's Rights Centre "La Strada Ukraine" for protection of women and children against violence (0-800-500-335 or 386).

Question 15: Assistance to victims

a. Please indicate which types of assistance described in Article 14 are provided to victims of sexual exploitation and sexual abuse of children. (Explanatory Report paras. 93-100) Please specify:

- how the assistance is adapted to the victims' age and maturity;
- how due account is taken of the child's views, needs and concerns;
- if the assistance (in particular emergency psychological care) is also provided to the victims' close relatives and persons responsible for their care.

Working within the framework of the CPCU, in accordance with European standards of work with children who have suffered from sexually-connected criminal offences and / or are witnesses thereof, the Juvenile Criminal Police in collaboration with the National Academy for Internal Affairs developed the so-called "green room" method. Its aim is to protect children's rights in a criminal investigation, ensuring an atmosphere of trust and mutual understanding at the time of interviewing and overcoming fear of presenting witness accounts to unknown grown-up people.

The "green room" method is used, amongst others, during interviewing of children ages 4 to 14 and, at the discretion of the interviewing officer or court – at the ages between 14 and 16 in cases when a child is victim of a crime against sexual freedom and inviolability, other offences connected to violence or when a child was witness thereof.

During the interview, toys that resemble the human body (anatomical toys) or children's drawings are used. Audio and video are recorded so as to be used during court hearings (which precludes the necessity of repeated interview of a child victim).

Manuals have been developed regarding "Psychological peculiarities of working with children in "green rooms"", "Recommendations for equipping the "green rooms"", "Regulations that guide the work of "green rooms"". All of these have been recommended for practical application by the Academy of Pedagogical Sciences and the G.S. Kostyuk Institute of Psychology and have been sent to all relevant units for practical application.

At present, the “green room” method has been spread to all regions of the country and is successfully used by the specialists of the Juvenile Criminal Police.

- b. Please specify if and to what extent internal law provides for the possibility of removing (Article 14, para. 3, Explanatory Report, para. 99):
- the alleged perpetrator, when the parent or persons caring for the child are involved in his or her sexual exploitation or sexual abuse;
 - the victim from his or her family environment when parents or persons caring for the child are involved in his or her sexual exploitation or sexual abuse.

Yes, in accordance to current law.

In accordance with provisions of Paragraph five, Article 194 of the CPCU while imposing a measure of restraint not involving custody the investigating judge / court could impose on the suspect / accused the obligation to appear upon each request before court or any other specified public authority and also perform one or more of the obligations the necessity imposing which has been proven by the public prosecutor, namely:

- 1) appear before the specified official with certain periodicity;**
- 2) not to leave the locality where he or she is registered, resides or stays, without permission of the investigator, public prosecutor or court;**
- 3) inform the investigator, public prosecutor or court on the change of place of residence and/or employment;**
- 4) abstain from communicating with any individual specified by investigating judge, court or communicate with such individual on conditions imposed by investigating judge, court;**
- 5) do not visit places specified by investigating judge or court;**
- 6) undergo treatment for drug or alcohol addiction;**
- 7) make efforts to find a job or to enter an educational institution;**
- 8) surrender his or her internal ID, foreign travel passport(s) or other documents authorizing departure from and arrival to Ukraine;**
- 9) carry an electronic tracking device.**

At the same time, in accordance with Item 2, Paragraph one, Article 56 of the CPCU, throughout the entire criminal proceedings, a victim shall have the right to know the substance of suspicion and charges, be informed on imposition, change or revocation of measures taken in respect of the suspect / accused to make criminal proceedings possible and pre-trial investigation terminated.

- c. If internal law does provide for this:
- are the conditions and duration of such removal to be determined in accordance with the best interests of the child?
 - are social programmes and multidisciplinary structures in place to provide the necessary support for victims, their close relatives and for any person responsible for their care? (Article 11, Explanatory Report, paras. 87-88).

All activities are in line with the legislation and are undertaken in the best interest of the child.

d. Which legislative or other measures have been taken to ensure that victims of an offence established in accordance with the Convention in the territory of a Party other than the one where they reside may make a complaint before the competent authorities of their state of residence? (Article 38, para. 2, Explanatory Report, paras. 258-259).

In accordance with Paragraph one, Article 7 of the CCU, Citizens of Ukraine and stateless persons permanently residing in Ukraine, who have committed offenses outside Ukraine, shall be criminally liable under this Code, unless otherwise provided by the international treaties of Ukraine, the consent to the binding effect of which has been granted by the Verkhovna Rada of Ukraine.

Foreign nationals or stateless persons not residing permanently in Ukraine, who have committed criminal offenses outside Ukraine, shall be criminally liable in Ukraine under this Code in such cases as provided for by the international treaties, or if they have committed any of the special grave offenses against rights and freedoms of Ukrainian citizens or Ukraine as prescribed by this Code (Article 8 of the CCU).

PROSECUTION OF PERPETRATORS OF SEXUAL EXPLOITATION AND SEXUAL ABUSE OF CHILDREN

Question 16: Criminal law offences

- a. Please indicate whether the intentional conducts in the box below are considered criminal offences in internal law;
- b. Wherever the intentional conduct which is criminalised differs from the Lanzarote Convention benchmark, please justify;
- c. Please highlight whether there are any other offences not included in the box below incriminating sexual exploitation and sexual abuse of children in your country? Please provide their definitions and specify in which act these are included;
- d. Please also specify whether the age of a child plays a role in determining the gravity of the offence.

Sexual Abuse (Article 18)

1. Engaging in sexual activities with a child who, according to the relevant provisions of national law, has not reached the legal age for sexual activities;
2. Engaging in sexual activities with a child where
 - use is made of coercion, force or threats;
 - abuse is made of a recognised position of trust, authority or influence over the child, including within the family;
 - abuse is made of a particularly vulnerable situation of the child, notably because of a mental or physical disability or a situation of dependence.

Article 156 of the CCU (hereinafter referred to as CCU) foresees liability for corruption of minors. Thus, commission of activities aimed at corrupting an individual under the age of 16 is punishable by arrest for a time-span of up to six months, or deprivation of freedom for a time-span of up to three years (Paragraph one, Article 156 of the CCU); if such activities are committed against a minor or by the father, mother or an individual performing their functions, they are punishable by deprivation of freedom for a time-span of up to five years or imprisonment for a time-span of up to three years.

At the same time, we note that in accordance with the provisions of Item 17 of the Supreme Court of Ukraine resolution as of 30 May 2008 #5 "On court practice regarding cases dealing with crimes against sexual freedom and inviolability of person", activities, which are envisaged by Article 156 of the CCU, must have sexual character and take shape of physical or mental corruption. Such actions are aimed at satisfying sexual passion of the perpetrator or at arousal of sexual instinct of the individual under the age of majority.

Physical corruption may encompass exposure of genitals of the perpetrator or victim, indecent touch to genitals, which leads to arousal, teaching of sexual perversions, imitation of a sexual intercourse, inducing or coercion of victims to perform certain sexual activities between each other, engaging in sexual intercourse or masturbation in presence of a victim, etc. Mental corruption may encompass exposure of the victim to pornographic images, video-films, cynical talks to the victim on sexually-related topics, etc.

Use of works, images or other pornographic items is qualified by joint application of liability envisaged by relevant Paragraphs of Article 156 and Article 301 of the CCU.

Corruption of minors may take place both consensually and with use of physical coercion to perform certain sexually-related activities. If corruption was preceded or it was taking place alongside beating, physical damage or death threat, the actions shall fall under combined application of norms described by Articles 156, 125, 126, 121, 122 or 129 of the CCU.

It is also worthwhile mentioning that liability for coercing individuals under the age of majority to participate in creation of items, images, film or video-production, as well as computer programmes of pornographic essence, is foreseen by Paragraph three, Article 301 of the CCU.

Child Prostitution (Article 19)

1. Recruiting a child into prostitution or causing a child to participate in prostitution;
2. Coercing a child into prostitution or profiting from or otherwise exploiting a child for such purposes;
3. Having recourse to child prostitution.

In accordance with Article 149 of the CCU, solicitation, transiting, concealing, transfer or reception of an individual for the purpose of exploitation, through use of deceit, blackmail or vulnerability of an individual, including offences against individuals under the age of majority or minors, are considered a crime. Exploitation of person, in accordance to Item 1 of the explanatory note to the Article 149 of the CCU, shall be taken to mean any form of sexual exploitation, use of person in porno-business, forced labour or forced service provision, slavery or customs kindred to slavery, peonage, organ extraction, non-consensual experiments on person, adoption for commercial purposes, forced pregnancy, engagement in criminal activities, use in armed conflicts, etc.

Article 303 of the CCU foresees liability for panderage or involvement of an individual into prostitution. Paragraphs three and four of the Article 303 of the CCU set criminal liability for compelling / coercion to engage into prostitution of an individual under the age of majority or a minor regardless of whether such activities are performed through deceit, blackmail, abuse of a vulnerable state of an individual, through use of violence or threats of violence (Item 2 of the explanatory note to the Article 303 of the CCU).

Child Pornography (Article 20)

1. Producing child pornography;
2. Offering or making available child pornography;
3. Distributing or transmitting child pornography;
4. Procuring child pornography for oneself or for another person;
5. Possessing child pornography;
6. Knowingly obtaining access, through information and communication technologies, to child pornography

Article 301 of the CCU. Import, creation, marketing and distribution of pornographic items

1. Import into Ukraine of goods, images or other items of pornographic character with the purpose of sales or production, storage, transport with the same purpose, or sales or distribution, as well as coercion into participation in their production – is punishable by a fine between 50 to 100 exemption limits, or incarceration of up to 6 months, or deprivation of freedom for the time-span of up to 3 years with confiscation of pornographic items and means of their production and dissemination.
2. The same offence committed with production of film- or video-materials, computer programmes of pornographic character as well as sales to individuals under the age of majority or distribution to them of goods, images or other items of pornographic character – is punishable by a fine between 100 to 300 exemption limits, or deprivation of freedom for the time-span of up to 5 years, or imprisonment for the same time-span, with confiscation of pornographic film- and video-materials, means of its production and playback.
3. Offence described within Paragraphs one and two of this Article, committed for the second time or pre-mediated by a group of individuals or with revenue in large amounts – is punishable by imprisonment

for the time-span between 3 to 7 years with deprivation of the rights to occupy certain positions or engage in certain types of activities of up to 3 years, with confiscation of pornographic items, film- and video-materials, material storage devices for software, means of their production, dissemination and playback.

4. Offence described within Paragraphs one and two of this Article, committed as regards to creations, images or other items of pornographic character, which contain child pornography, or involve coercion of individuals under the age of majority to participate in creation of artefacts, images or film- or video-products, computer programmes of pornographic character – is punishable by imprisonment for the time-span between 5 and 10 years with deprivation of the rights to occupy certain positions or engage in certain types of activities of up to 3 years, with confiscation of pornographic artefacts, film- and video-products, material storage devices for software, means of their production, dissemination and playback.
5. Offence described within Paragraph four of this Article committed for the second time or pre-mediated by a group of individuals or with revenue in large amounts – is punishable by imprisonment for the time-span between 7 and 12 years with deprivation of the rights to occupy certain positions or engage in certain types of activities of up to 3 years, with confiscation of pornographic artefacts, film- and video-products, material storage devices for software, means of their production, dissemination and playback.

Participation of a Child in Pornographic Performances (Article 21)

1. Recruiting a child into participating in pornographic performances or causing a child to participate in such performances
2. Coercing a child into participating in pornographic performances or profiting from or otherwise exploiting a child for such purposes
3. Knowingly attending pornographic performances involving the participation of children.

As it has already been noted, creation, marketing and distribution of pornographic items, as well as coercion of individuals under the age of majority into production thereof, fall under the liability stipulated by Article 301 of the CCU. Solicitation, transiting, concealing, transfer or reception of an individual for the purpose of exploitation, through use of deceit, blackmail or vulnerability of an individual, including offences against individuals under the age of majority or minors, are considered a crime under the Article 149 of the CCU.

Corruption of Children (Article 22)

The intentional causing, for sexual purposes, of a child who has not reached the internal legal age for sexual activities, to witness sexual abuse or sexual activities, even without having to participate.

Article 156 of the CCU. Corruption of individuals who have not reached the age of 16

1. Activities aimed to corrupt an individual who has not reached the age of 16 – is punishable by deprivation of freedom for the time-span of up to 5 years or imprisonment for the same time-span.
2. The same offence committed against a minor or by a father, mother, stepfather, stepmother, guardian, trustee or other individual entrusted with obligations of bringing up the victim or caring for him or her – is punishable by imprisonment for the time-span between 5 and 8 years with deprivation of the rights to occupy certain positions or engage in certain types of activities, or without such limitation.

Solicitation of Children for Sexual Purposes (“grooming”) (Article 23)

The intentional proposal, through information and communication technologies, of an adult to meet a child who has not reached the age for sexual activities as established by internal law, for the purpose of committing sexual abuse or producing child pornography, where this proposal has been followed by material acts leading to such a meeting.

Article 156 of the CCU foresees liability for corruption of individuals under the age of 16, while Article 301 of the CCU sets forth liability for import, creation, marketing and distribution of pornographic items.

As of today, the actions described by Article 23 of the Convention may be qualified as preparation to commit the said crimes.

Aiding or abetting and attempt (Article 24)

1. Intentionally aiding or abetting the commission of any of the above offences.
2. The attempt to commit any of the above offences.

In accordance with Paragraph two, Article 29 of the CCU, an organizer, abettor and accessory shall be criminally liable under the respective paragraph of Article 27 as well as that Article (or Paragraph of the Article) of the Special Part of the CCU, which creates an offense committed by the principal.

In accordance with stipulations of the Article 16 of the CCU, criminal liability for the preparation for crime and a criminal attempt shall rise under Article 14 or 15 as well as that Article of the Special Part of the CCU, which prescribes liability for the consummated crime.⁵

Question 17: Corporate liability

Does your system provide that a legal person may be held liable for an offence established in accordance with Article 26? Please specify under which conditions.

Criminal / administrative law does not contain norms, which would enable holding a legal person liable for criminal or administrative offenses due to commission of actions, which should be punishable in Ukraine as a member-state of the Convention.

Question 18: Sanctions and measures

a. Please indicate which sanctions internal law provides for the criminal offences established in accordance with the Convention with regard to both natural and legal persons. Please specify whether the sanctions are criminal, civil and/or administrative sanctions (Article 27, Explanatory Report, paras. 182-193);

Any crime, foreseen by Articles 149, 152, 153, 301 or 303 of the CCU vis-à-vis an individual under the age of majority or a minor, is punishable by imprisonment for varied time-spans. Crimes foreseen by Articles 155 and 156 of the CCU are punishable by either deprivation of freedom or by imprisonment for varied time-spans.

Additionally, sanctions of Articles 149 and 303 of the CCU foresee confiscation of property, should the crime be committed against an individual under the age of majority or a minor.

Also, sanctions foreseen by Paragraphs three – five, Article 301 of the CCU, foresee confiscation of pornographic artefacts, film- and video-products, material storage devices for software, means of their production, dissemination and playback.

b. Which legislative or other measures have been taken to provide for the possibility of taking into account final sentences passed by another Party in relation to the offences established in accordance with the Convention? Please provide details and describe any good practice resulting from the taking of these measures (Article 29, Explanatory Report, paras. 203-208).

In accordance with Article 9 of the CCU, a judgment passed by a foreign court may be taken into account where a citizen of Ukraine, a foreign national, or a stateless person have been convicted of a criminal offense committed outside Ukraine and have committed another criminal offense on the territory of Ukraine.

Pursuant to the first paragraph of this Article, repeated criminal offense, or a sentence not served, or any other legal consequences of a judgment passed by a foreign court shall be taken into account in the classification of any new criminal offense, determination of punishment, as well as in discharge from criminal liability or punishment.

⁵ Ministry of Internal Affairs

Question 19: Jurisdiction

With regard to the offences referred to in question 16, please indicate which jurisdiction rules apply. Please specify under which conditions, if required (Article 25, Explanatory Report, paras. 165-176).

In accordance with Article 6 of the CCU, any individual who has committed an offense on the territory of Ukraine shall be criminally liable under this Code. An offense shall be considered committed on the territory of Ukraine if it has been initiated, continued, completed or discontinued on the territory of Ukraine. An offense shall be deemed to have been committed on the territory of Ukraine if the principal to such offense, or at least one of the accomplices, has acted on the territory of Ukraine.

Where a diplomatic agent of a foreign state or another citizen who, under the laws of Ukraine or international treaties the consent to the binding effect of which has been granted by the Verkhovna Rada of Ukraine, is not criminally cognizable by a Ukrainian court, commits an offense on the territory of Ukraine, the issue of his or her criminal liability shall be settled diplomatically.

It also needs to be noted that the territory of Ukraine shall also be taken to mean:

- military boats which serve under the Ukrainian flag, regardless of whether they are located in open waters, in territorial waters of another state or in a foreign port;
- military air objects if they are in any location outside of the air space of Ukraine;
- non-military boats, which are registered in Ukrainian ports and sail under the Ukrainian flag in open waters;
- non-military air objects, registered in Ukraine and located in open air space.

According to Article 7 of the CCU, citizens of Ukraine and stateless persons permanently residing in Ukraine, who have committed offenses outside Ukraine, shall be criminally liable under this Code, unless otherwise provided by the international treaties of Ukraine, the consent to the binding effect of which has been granted by the Verkhovna Rada of Ukraine.

Where the individuals referred to in Paragraph one of this Article underwent criminal punishment for the committed criminal offenses outside Ukraine, they shall not be criminally liable for these criminal offenses in Ukraine.

In accordance with Article 8 of the CCU, foreign nationals or stateless persons not residing permanently in Ukraine, who have committed criminal offenses outside Ukraine, shall be criminally liable in Ukraine under this Code in such cases as provided for by the international treaties, or if they have committed any of the special grave offenses against rights and freedoms of Ukrainian citizens or Ukraine's state interests.

In accordance with Article 10 of the CCU, citizens of Ukraine who have committed criminal offenses outside Ukraine, shall not be extradited to a foreign state for criminal prosecution and trial.

Foreign nationals or stateless persons not residing permanently in Ukraine, who have committed crimes outside Ukraine and stay on the territory of Ukraine, may be extradited to a foreign state for criminal prosecution and trial.

Ukraine can take up a criminal proceeding, in case a foreign court has not issued a verdict, regarding citizens of Ukraine and who are located on the territory of Ukraine, but who cannot be extradited to a foreign state or regarding whom a refusal of extradition was sent to the foreign state, if actions falling under the request of transfer of a criminal proceeding are deemed a crime under this Code.

A verdict, issued by a foreign court or international court, may be put into action if the actions that are covered by the proceeding are considered a crime under this Code or would be considered a crime, had they been committed on the territory of Ukraine.

Question 20: Aggravating Circumstances

Please indicate which of the circumstances referred to in Article 28, in so far as they do not already form part of the constituent elements of the offence, may, in conformity with the relevant provisions of internal law, be taken into consideration in your legal system as aggravating circumstances in the determination of the sanctions in relation to the offences established in accordance with this Convention (Explanatory Report, paras. 194-202).

Article 67 of the CCU. Aggravating circumstances:

The following circumstances are seen as aggravating when sanctions for an offence are determined:

- (1) repetition of an offense or recidivism;
- (2) commission of an offense by a group of individuals upon prior conspiracy (Paragraph two or three of Article 28);
- (3) commission of an offense based on racial, national or religious enmity and hostility;
- (5) grave consequences caused by the offense;
- (6) commission of an offense against a minor, an elderly or helpless individual;
- (7) commission of an offense against a woman who, to the knowledge of the culprit, was pregnant;
- (8) commission of an offense against an individual who was in financial, official or other dependence on the culprit;
- (9) commission of an offense through the use of a minor, an individual of unsound mind or possessing a mental disability;
- (10) commission of an especially violent offense;
- (12) commission of an offense by a generally dangerous method;
- (13) commission of an offense by an individual in a state of intoxication resulting from the use of alcohol, narcotic, or any other intoxicating substances;

Question 21: Measures of protection for the child victim

a. Please describe the measures taken to inform child victims of their rights, the services at their disposal, the follow-up given to their complaint, the charges, the general progress of the investigation or proceedings, and their role as well as the outcome of their cases (Article 31, para. 1, letter (a) and para. 2). Please also indicate what is done to provide all relevant information in a manner adapted to the child's age and maturity and in a language that he/she may understand;

In accordance with Article 56 of the CPCU, throughout the entire criminal proceedings, a victim shall have the right to:

- 1) be advised in his or her rights and duties as set forth in the Code;
- 2) know the substance of suspicion and charges, be informed of imposition, change or revocation of measures taken in respect of the suspect / accused to make criminal proceedings possible, as well as of pre-trial investigation being terminated;
- 3) produce evidence to investigator, public prosecutor, investigating judge, court;
- 4) propose disqualifications and submissions;
- 5) in the presence of legitimate grounds, *[shall have the right]* to be provided security in respect of himself/herself, his or her close relatives or family members, property and home;
- 6) give explanations, testimonies or refuse to do so;
- 7) challenge decisions, acts, and omission by the investigator, public prosecutor, investigating judge, court in accordance with the procedure laid down by the present Code;

- 8) have an authorized representative and at any time during criminal proceedings waive his or her services;
- 9) give explanations, testimonies in native language or any other language in which he or she is fluent, benefit from free interpretation at the government expense if he or she has no knowledge of the State language or the language in which the criminal proceedings is conducted;
- 10) receive compensation of the damage caused by criminal offence, as prescribed by law;
- 11) examine materials directly related to the criminal offense committed in his or her respect, according to the procedure established by this Code, including their disclosure under its Article 290, as well as examine the materials of criminal proceedings directly related to the criminal offense committed in his or her respect, in case the proceeding has been closed;
- 12) in compliance with the requirements of the present Code, use technical means during the conduct of procedural actions he or she takes part in. Investigator / public prosecutor / investigating judge / court may prohibit the victim to use technical means during the conduct of a specific procedural action or at a certain stage of criminal proceedings in order to prevent disclosure of data containing a secret protected by law or related to intimate sides of human life, as prescribed (ruled) by a motivated decision (ruling);
- 13) obtain copies of procedural documents and receive written notifications in cases specified by the present Code;
- 14) enjoy other rights provided for by this Code.

During pre-trial proceedings, the victim shall have the right to:

- 1) have his or her application regarding a criminal offence committed against him or her and to be recognized as a victim accepted and registered promptly;
- 2) obtain from a competent body, which has received such application, a document confirming the filing and registering of the application;
- 3) produce evidence to support his or her application;
- 4) take part in investigatory (search) and other procedural actions in the course of which ask questions, submit his or her comments and objections with regard to the conduct of procedural action, such comments and objections being put on the record of the procedural action concerned, as well as review the records of the investigatory (search) and other procedural actions conducted with his or her participation;
- 5) after the completion of pre-trial investigation, obtain copies of materials which directly relate to criminal offence which has been committed against him or her.

During trial in any court instance, the victim shall have the right to:

- 1) be informed well in advance on the time and place of trial;
- 2) participate in trial conducted by court of any level;
- 3) participate in direct examination of evidence;
- 4) support the charges in court if the public prosecutor waives prosecuting on behalf of the state;
- 5) express his or her opinion when the issue of imposing a punishment on the defendant as well as express his or her opinion when the issue of applying compulsory medical or educational measures, is being disposed;
- 6) review the decision made by the court, journal of court session and technical recording of criminal proceedings in court;
- 7) challenge court's decision as prescribed in the present Code.

In accordance with Articles 59 and 44 of the CPCU if the victim is a natural person under the age of majority or who, according to the law, is lacking legal capacity, his or her legal representative shall be involved in such procedural action as well.

Parents (adoptive parents), and in their absence, custodians or caregivers of the individual, other adult close relatives or family members, as well as representatives of custody or trusteeship agencies, institutions and organizations under whose tutorship or custody the underage, legally incapable or partially legally capable individual is may be involved as legal representatives.

In such case, the public prosecutor shall issue a ruling, and investigating judge or court shall adopt a decision on committing a legal representative. A copy of the relevant decision shall be handed to the legal representative.

Where actions or interests of legal representative contradict the interests of the represented individual, such legal representative by decision of investigator, public prosecutor, investigating judge, court shall be replaced with another one chosen from among individuals specified in part two of this Article.

Legal representative shall enjoy procedural rights of the individual he represents, with the exception of such procedural rights that are realized directly by the suspect / accused and cannot be assigned to a representative.

One of the effective areas for preventive interventions, aimed at curbing violence and undertaken in educational establishments, is awareness-raising amongst children and adolescents.

Law enforcement specialists, in close collaboration with school administrations and social workers, conduct outreach and preventive work with the children, informing them of the existence of hotlines where the children can appeal to for help, should they experience violence.

Practical psychological assistance and relevant awareness-raising work is being conducted, as a rule, by specialists of psychological services (practicing psychologists, social pedagogues).

Amongst the main types of outreach activities regarding prevention of violence are:

- Lectures;
- Competitions, festivals, public activities;
- Launch of legal awareness clubs;
- Demonstration of educational videos that raise legal awareness;
- Launch of consultation centres at educational establishments where all participants of the educational process can receive advice from a practicing psychologist, social pedagogue or a lawyer, and where meetings with representatives of law enforcement agencies may take place;
- Activities aimed at explaining and delivering knowledge regarding current legislation and international agreements, conducted as appropriate for the evolving capacities (both age-specific and individual) of children and adolescents;
- Collective forms and methods of awareness-raising work (mini-lectures, thematic talks, debates, human library, video-lectures, etc.) are designed for delivering the information to a large number of children and adolescents and create an enabling environment for information retention;
- Conducting preventive interventions regarding violence against children and adolescents stimulates evolution of their legal awareness and shapes relevant behaviours, increases the sense of responsibility for one's life, stimulates pro-activeness, self-reliance, creativeness and creates an enabling environment for the children to grow personally.

b. Please also indicate which measures have been taken to enable the child victim to be heard, to supply evidence and to choose the means of having his/her views, needs and concerns presented, directly or through an intermediary, and considered (Article 31, para. 1, letter (c));

Response to the question is delivered in the previous item.

At the same time, some additional explanations are needed regarding the procedures of interviewing in general and regarding individuals under the age of majority and minors in particular.

In accordance with Article 224 of the CPCU, interviewing is conducted in the place of pre-trial investigation or in other location upon agreement with the individual to be interviewed. Each witness shall be interviewed separately and in absence of other witnesses.

Interviewing may not last more than two hours without breaks, and in the aggregate more than eight hours per day. Before being interviewed, the identity of the individual is established, his or her rights and the way in which interviewing is conducted are explained. If a witness is interviewed, he or she shall be advised of criminal liability for refusal to give testimony and for giving deliberately false testimony, and a victim, for giving deliberately false testimonies. If necessary, an interpreter is invited to take part in the interviewing. If a suspect refuses to answer questions, the interviewer is required to stop immediately after such waiver.

Photographing, audio or/and video recording may be made during interviewing. The interviewee may use his own documents and notes during interviewing if his testimony involves calculations or other information difficult to keep in memory.

If the interviewee so desires he or she may provide testimony written by own hand. Based on such written testimony, he or she may be asked additional questions.

An individual is allowed not to answer questions with regard to circumstances in whose respect there is a direct prohibition in law (secrecy of confession, medical secrets, defence counsel's professional secrets, secrecy of deliberation room etc.), or which may become grounds for suspicion, accusation of commission by him- /herself, close relatives or family members of criminal offense, as well as with regard to officials who conduct covert investigative (detective) actions and individuals who confidentially cooperate with pre-trial investigation agencies.

Investigator / public prosecutor may simultaneously interview two or more individuals who have already been interviewed, to clarify the reasons for discrepancies in their testimonies. At the start of such interview, it shall be established whether the summoned individuals know each other, and what are the relations between them.

Witnesses shall be advised on criminal liability for refusal to give testimony and for giving knowingly false testimony, and victims, for giving knowingly false testimony.

Summoned individuals shall be in turn proposed to testify about those circumstances of criminal proceedings for the clarification of which the interview is being conducted, after which investigator, public prosecutor may ask questions. Individuals taking part in the interview, their defence counsels or representative, may ask questions to each other pertaining to the subject of the interview.

Pronouncement of testimonies given by participants in the interview during previous interviews shall only be allowed after they have given testimony.

In criminal proceedings involving crimes against sexual freedom and sexual inviolability of person, as well as crimes involving violence or threat of violence two or more individuals that have already been interviewed where a minor or underage witness is involved *may not* be interviewed jointly with the suspect to find out why their testimonies are divergent.

In accordance to Article 225 of the CPCU, on exceptional basis, when it is necessary to obtain testimonies from a witness or victim during pre-trial investigation if because of the existence of a threat to witness's or victim's life and health, his or her serious illness, the existence of other circumstances that may make interviewing them in court impossible or affect the completeness or reliability of testimony, a party to criminal proceedings may file a motion with the investigating judge requesting such witness or victim to be interviewed in court session, including simultaneous interview of two or more already interviewed individuals. In such a case, the witness or victim concerned shall be interviewed in court session at the place of the court-house or where the ill witness / victim is

located, in the presence of parties to criminal proceedings with full respect for rules governing examination during trial.

Non-appearance of the party duly notified of the place and time of the court session, for participation in the interview of an individual upon motion of the opposed party, shall not prevent the conduct of such interview in court session.

Interview of an individual in line with the provisions of this Article may also be conducted in absence of defence if at the time of its conduct no one has been informed of suspicion in these criminal proceedings.

A “field” court session may be held to examine a seriously ill witness / victim during pre-trial investigation.

When issuing a judgment upon results of a trial, the court may disregard the evidence obtained in a procedure set forth in this Article, only upon giving motives of such decision.

During trial, the court may interview a witness / victim who was interviewed as required by rules in this Article, inter alia where such interview has been conducted in the absence of the defence or where there is a need to clarify testimonies or take testimonies regarding any circumstances that were not clarified as a result of interviews in the course of pre-trial investigation.

With a view to verify the veracity of testimonies of a witness, victim, and establish discrepancy with the testimonies given under this Article, they may be read out during his or her interview during court trial.

Peculiarities of interviewing of an individual under the age of majority or a minor are provided for in Article 226 of the CPCU. In accordance with it, a minor or an underage individual is interviewed in the presence of the legal representative, a pedagogue, or psychologist and a medical practitioner, if necessary.

Continued interview of a child or an individual under the age of majority may not last more than one hour without breaks, and, overall not more than two hours per day.

Individuals under 16 years of age are advised of the duty to give true testimony without warning them about criminal liability for the refusal to give testimony and for knowingly misleading testimonies.

Prior to interview, individuals referred to in Paragraph one of this Article are advised of their duty to attend the interview, as well as their right to object to questions and to ask questions.

Peculiarities of interviewing an individual under the age of majority or of a minor are stipulated by Article 354 of the CPCU. According to it, interview of a minor witness and, upon court’s discretion, witness under the age of majority shall be conducted in the presence of a legal representative, pedagogue or psychologist and, if necessary, a medical practitioner.

The presiding judge shall advise the witness under the age of 16 regarding the obligation to give true testimony, without warning him or her about criminal liability for refusal to testify and for knowingly misleading testimony, and does not put him or her on oath.

Before the interview, the legal representative, pedagogue, psychologist or medical practitioner shall be advised of their duty to be present during the interview, as well as of their right to object to questions and ask the witness questions. The presiding judge may dismiss the question asked.

Where it is necessary to ascertain facts objectively and/or to protect interests of a minor or a witness under the age of majority he or she may, by a court ruling, be examined outside the courtroom, in another room, using videoconference (distance court proceedings).

A victim, who is a minor or an individual under the age of majority, is examined in accordance with the rules set forth in this Article.

It is also worthwhile mentioning that the CPCU provides for a distance pre-trial and court proceedings. Thus, for instance, recognition of individuals or items at the pre-trial investigation stage may be conducted under conditions of videoconference from a distant location (distance pre-trial investigation) in cases that include:

- 1) certain individuals are unable to directly participate in pre-trial proceedings because of their state of health or for other valid reasons;
- 2) necessary protection of individuals is required;
- 3) when interviewing of a minor or of an individual who has not reached the age of majority is taking place in the status of a witness or victim

c. What kind of support services are provided to child victims and their families so that their rights and interests are duly presented and taken into account? (Article 31, para. 1, letter (d));

Article 23 of the Law of Ukraine “On Preventing Human Trafficking”. Providing assistance to children, who have suffered from human trafficking

- 1) The state provides assistance to a child from the moment it may be determined that he or she is a victim of trafficking in children and up until the moment that full rehabilitation of the child takes place.
- 2) Upon receiving information about a child, who has suffered from human trafficking, the local state administration which is responsible for the territory where the child was located, immediately establishes the identity of the child, assesses the overall situation and designs a plan of immediate action of assistance to the child that is to take place until a decision is made whether to classify the child as one, who has suffered from human trafficking.
- 3) If the child, who has suffered from human trafficking, is an orphan or is left without parental care, the local state administration shall immediately act in order to settle the child.
- 4) Centres for social and psychological rehabilitation of children, child shelters together with educational and healthcare entities develop an individual programme for assistance to a child, who has suffered from human trafficking.
- 5) The agencies and bodies that act in the sphere of prevention of human trafficking and acting within their respective jurisdictions ensure the rights of children, who have suffered from human trafficking.

d. Please describe the measures taken to protect the privacy, the identity and the image of child victims (Article 31, para. 1, letter (e));

In accordance with Article 27 of the CPCU, criminal proceedings in all courts of all levels are conducted openly.

Investigating judge / court may take a decision to conduct criminal proceedings *in camera* throughout the entire judicial proceedings or any part thereof if, amongst other things, the trial is held in respect of criminal offence against sexual freedom or inviolability of person, with a view to preventing disclosure of information on private and family life of an individual or circumstances which degrade human dignity, as well as if proceedings in the open can lead to disclosure of a secret protected by law.

Personal notes, letters, the content of personal telephone conversations, cable and other statements may be read in open court session unless the investigating judge / court takes a decision to examine those *in camera*. The court conducts criminal proceedings *in camera* with full respect of rules set forth in the present Code. Only parties and other participants to criminal proceedings can attend closed court sessions.

During trial, full recording of the court session with audio recording device is secured. Official recording of a court session is considered to be the only technical recording made by court as prescribed in the present Code.

Each individual present at court session may keep verbatim records, make written notes, and use portable audio recording devices. Photographing, filming, video recording in courtroom, as well as radio and TV broadcasting of trial and audio recording with stationary equipment in the courtroom is allowed upon permission of the court and consent of participants to criminal proceedings the possibility of such action without prejudice to the court proceedings.

Court decision made in open court session is pronounced publicly. Whenever trial was conducted in camera, the court decision is pronounced publicly omitting the information which was examined *in camera* if it continues to be subject to protection from disclosure at the time of pronouncement.

At the time of pre-trial investigation, there may be a need for examination of an individual (Article 241 of the CPCU).

Examination shall be made upon ruling of public prosecutor and, if necessary, with participation of a forensic medical expert or a doctor. Examination which is accompanied by denudation of the individual examined is conducted by an individual of the same sex, with exception of a doctor, and upon consent of the individual examined. Investigator / public prosecutor shall have no right to be present when an individual of other sex is being examined, if the examination involves the necessity to denude the individual examined.

When examining an individual, humiliation of honour and dignity or endangering of his or her health are forbidden. If necessary, presence or absence on the body of the examined individual of traces of criminal offence or special signs is fixed by way of photographing, video recording or other technical means. Images, demonstration of which can be deemed to be offending for the individual examined, shall be stored in a sealed form and may be produced only to court during trial.

e. Please describe the measures taken to provide the safety of the child victims and witnesses and their families from intimidation, retaliation and repeat victimisation (Article 31, para. 1, letter (f));

The procedural rights of individuals under the age of majority and of minors have already been noted above as depicted in the national legislation.

At the same time, as already noted, throughout a criminal proceeding, a victim shall have the right, in presence of relevant circumstances – request safety for him or herself, close relatives or members of a family, property and home (Item 5, Paragraph one, Article 56 of the CPCU).

Protection of individuals, who take part in criminal proceedings is described in the Law of Ukraine “On ensuring safety of individuals who partake in criminal proceedings” (hereinafter referred to as Law #3782-XII). The right to guarantee of safety under conditions of criminal proceeding is given to witnesses directly, as well as members of their families and close relatives (Article 2 of the Law #3782-XII). The actions undertaken to protect safety shall include:

- Personal bodyguard service, guarding of property and home;
- Issuance of specialized means of individual protection and notification of threat;

- Use of technical means of surveillance and interception of phone talks and other conversations, visual surveillance;
- Issuance of alternative ID and change of appearance;
- Change of workplace or study;
- Relocation to a different dwelling place;
- Intake to a kindergarten or entity under the bodies of social protection;
- Guarantee of confidentiality regarding personal data;
- Court proceedings *in camera*;

It also needs to be noted that distance pre-trial and court proceedings are provided for in Articles 232 and 336 of the CPC of Ukraine in order to protect individuals within a criminal proceeding.

f. Please specify whether the victim and his/her family are informed when the person prosecuted or convicted is released temporarily or definitely from detention or custody. Please indicate who delivers this information and how (Article 31, para. 1, letter (b));

In accordance with provisions of Paragraph five, Article 194 of the CPCU while imposing a measure of restraint not involving custody the investigating judge / court could impose on the suspect / accused the obligation to appear upon each request before court or any other specified public authority and also perform one or more of the obligations the necessity imposing which has been proven by the public prosecutor, namely:

- 1) appear before the official specified with periodicity established;
- 2) not to leave the locality where he or she is registered, resides or stays, without permission of the investigator, public prosecutor or court;
- 3) inform the investigator, public prosecutor or court on the change of place of residence and/or employment;
- 4) abstain from communicating with any individual specified by investigating judge, court or communicate with such individual on conditions imposed by investigating judge, court;
- 5) do not visit places specified by investigating judge or court;
- 6) undergo treatment for drug or alcohol addiction;
- 7) make efforts to find a job or to enter an educational institution;
- 8) surrender his or her internal ID, foreign travel passport(s) or other documents authorizing departure from and arrival to Ukraine;
- 9) carry an electronic tracking device.

At the same time, in accordance with Item 2, Paragraph one, Article 56 of the CPCU, throughout the entire criminal proceedings, a victim shall have the right to know the substance of suspicion and charges, be informed on imposition, change or revocation of measures taken in respect of the suspect / accused to make criminal proceedings possible and pre-trial investigation terminated.

g. Please also indicate what measures have been taken to ensure that contact between victims and perpetrators, within court and law enforcement agency premises, is avoided. Please specify under which conditions the competent authorities may authorise such contact in the best interests of the child or when the investigations or proceedings require such contact (Article 31, para. 1, letter (g));

The CPC of Ukraine provides for distance criminal proceedings.

h. Please specify under which conditions child victims of the offences established according to the Convention have access to legal aid provided free of charge (Article 31, para. 3).

Question 22: Investigations and criminal measures to protect the child victim

a. What protective approach towards victims has been adopted to ensure that the investigations and criminal proceedings do not aggravate the trauma experienced by the child and that the criminal justice response is followed by assistance, where appropriate? (Article 30, para. 2, Explanatory Report, paras. 211-215);

Working within the framework of the CPCU, in accordance with European standards of work with children who have suffered from sexually-connected criminal offences and / or are witnesses thereof, the Juvenile Criminal Police in collaboration with the National Academy for Internal Affairs developed the so-called “green room” method. Its aim is to protect children’s rights in a criminal investigation, ensuring an atmosphere of trust and mutual understanding at the time of interview and overcoming fear of presenting witness accounts to unknown grown-up people.

The “green room” method is used, amongst others, during interview of children ages 4 to 14 and, at the discretion of the interviewing officer or court – at the ages between 14 and 16 in cases when a child is victim of a crime against sexual freedom and inviolability, other offences connected to violence or when a child was witness thereof.

During the interview, toys that resemble the human body (anatomical toys) or children’s drawings are used. Audio and video are recorded so as to be used during court hearings, which precludes the necessity of repeated interview of a child victim.

b. Which legislative or other measures have been taken to ensure that investigations or prosecutions of offences established in accordance with the Convention shall not be dependent upon the report or accusation made by a victim and that the proceedings may continue even if the victim has withdrawn his or her statement? (Article 32, Explanatory Report, para. 230);

The CPC of Ukraine does not foresee an opportunity to revoke an application in case of a crime against an individual under the age of majority or against a minor.

At the same time, it needs to be noted that Article 25 of the CPC of Ukraine stipulates that a public prosecutor / investigator shall be required, within the scope of their respective competencies, to initiate pre-trial investigation based on the report (information) on a criminal offence and take all statutory measures to establish the occurrence of crime and perpetrator thereof.

c. Which legislative or other measures have been taken to ensure that the statute of limitation for initiating proceedings with regard to the offences established in accordance with Articles 18, 19, paragraph 1.a and b, and 21, paragraph 1.a and b, shall continue for a period of time sufficient to allow the efficient starting of proceedings after the victim has reached the age of majority and which is commensurate with the gravity of the crime in question? (Article 33, Explanatory Report, paras. 231-232);

In accordance with Article 49 of the CCU, an individual shall be discharged from criminal liability if the following periods have elapsed from the date of the criminal offense to the effective date of the judgment:

- (1) two years where a minor offense has been committed and the prescribed punishment is less severe than deprivation of freedom;
- (2) three years where a minor offense has been committed and the prescribed punishment is deprivation of freedom or imprisonment;
- (3) seven years where an offense of medium gravity has been committed;
- (4) fifteen years where a grave offense has been committed;
- (5) twenty years where a special grave offense has been committed.

The statute of limitations shall be saved where a person who committed a criminal offense evaded investigation or trial. In such cases the running of the statute of limitations is resumed as of the date of the individual's surrender or apprehension. In this case the individual shall be discharged from liability if fifteen years elapsed after the commission of the offense.

The statute of limitation shall be forfeited where an individual, before the terms specified in Paragraphs one and two of this Article have expired, commits another medium grave, grave or special grave offense. In this case a limitation period starts on the date on which such new crime is committed. Each offense gives rise to its own period of limitation.

Where an individual has committed a special grave offense punishable by a life sentence, the issue of limitation shall be determined by court. Where a court rules out the possibility to apply a period of limitation, a life sentence may not be imposed and is commuted to an imprisonment for a definite time-span.

At the same time, it needs to be noted that the majority of activities which shall be criminally punishable in accordance with the Convention are deemed grave or special grave offenses, and only offences described in Paragraphs one of Articles 155 and 156 are considered medium grave offences.

d. Please clarify whether your judicial authorities may appoint a special representative for the victim who may be party, where the holders of parental responsibility are precluded from representing the child in proceedings related to sexual exploitation or sexual abuse of children as a result of a conflict of interest between them and the victim. Please specify who may be appointed as a representative and what are his/her tasks (Article 31, para. 4). Please also describe under which conditions it is possible;

In accordance with Paragraph four, Article 44 and Paragraph two, Article 56 of the CPCU, where actions or interests of a legal representative contradict the interests of the represented individual, such legal representative by decision of investigator / public prosecutor / investigating judge / court shall be replaced with another one chosen from among individuals who can be appointed legal representatives.

e. Please describe how your internal law allows for groups, foundations, associations or governmental or non-governmental organisations assisting and/or supporting victims to participate in legal proceedings (for example, as third parties) (Article 31, para. 5). Please specify under which conditions, if so required;

In accordance with Item 8, Paragraph one, Article 56 of the CPCU, throughout the entire criminal proceedings, a victim shall have the right to have an authorized representative and at any time during criminal proceedings waive his or her services. According to Paragraph one, Article 58 of the CPCU, the authorized representative of the victim shall be an individual who has the right to be a defence counsel in criminal proceedings, i.e. an individual who is entered into the Unified roster of attorneys of Ukraine and does not have a note in this roster as to revocation or suspension of license to engage in such activity.

f. Please describe under which circumstances the use of covert operations is allowed in relation to the investigation of the offences established in accordance with the Convention (Article 30, para. 5);

The CPCU foresees the use of covert investigative (detective) actions, which are seen as a type of investigative (detective) actions the information on the fact and methods in which they are conducted may not be disclosed, except as prescribed in the CPCU (Paragraph one, Article 246 of the CPCU).

Covert investigative (detective) actions are conducted if information on criminal offence and its perpetrator cannot be obtained otherwise.

At the same time, Paragraph two, Article 246 of the CPCU stipulates that only within criminal proceedings regarding grave or special grave offenses and at the decision of court, the following activities are sanctioned: audio, video monitoring of an individual or location (Articles 260 and 270 of the CPCU), arrest of correspondence (Article 261 of the CPCU), inspection and seizure of correspondence (Article 262 of the CPCU), collecting information from transport telecommunication networks (Article 263 of the CPCU), collecting information from electronic information systems apart from obtaining information from electronic information systems or parts thereof the access to which is not restricted by the system's owner, possessor or keeper, or is not related to circumventing a system of logical protection (Article 264 of the CPCU), inspecting publicly inaccessible places, home or any other possession of an individual (Article 267 of the CPCU), surveillance of an individual, an object or a place (Article 269 of the CPCU), control of the commission of a crime (Article 271 of the CPCU), carrying out special assignment to expose criminal activities of the organized group or criminal organization (Article 272 of the CPCU), covertly obtaining samples, which are necessary for comparative analysis (Article 274 of the CPCU).

g. Please also describe what techniques have been developed for examining material containing pornographic images of children (Article 30, para. 5).

In accordance to Paragraph one, Article 242 of the CPCU, expert examination shall be conducted by an expert upon request of a party to criminal proceedings, or on commission from the investigating judge or court, when special knowledge is necessary to find out circumstances of importance for criminal proceedings. It is not allowed to conduct expertise examination for addressing issues related to law.

According to Paragraph VII of the Instructions on commissioning and conducting forensic expert assessments, as vouched by the Decree of the Ministry of Justice of Ukraine 08.10.98 N 53/5 as registered in the Ministry of Justice on 2 January 2013 under the number #1/22533, the following items could be subject to art expert assessment: antique items, artistic artefacts that could include monumental or easel paintings, graphic arts, ornamental and household art, architectural monuments, sculptures, indoor sculptures, musical instruments, printed music, printed productions, audio- and video-recordings, photo-art. At the same time, the scope of issues to be addressed by such expert assessment includes, amongst others, questions regarding whether the information presented on the media, submitted for study, has pornographic character, whether the items submitted for study are pornographic artefacts, whether a given work (literary, cinematic, theatrical or performative) contains scenes of pornographic character, whether information contained on the media, submitted for study, may be classified as child pornography.

Question 23: Child friendly interviewing and proceedings

a. Please describe how interviews (Article 35) with child victims are carried out, indicating in particular whether:

- they take place without unjustified delay after the facts have been reported to the competent authorities;
- they take place, where necessary, in premises designed or adapted for this purpose;
- they are carried out by professionals trained for this purpose;
- the same persons are, if possible and where appropriate, conducting all interviews with the child;
- the number of interviews is as limited as possible and in so far as strictly necessary for the purpose of proceedings;

- the child may be accompanied by his or her legal representative or, where appropriate, an adult of his or her choice, unless a reasoned decision has been made to the contrary in respect of that person.

Changes that have taken place since the adoption of the new CPCU have fostered sectoral specialization of investigators and judges, who are entitled to take up cases with participation of children. It has also established priority in consideration of these cases, ensured involvement of lawful representatives of children at all stages of the criminal investigation and trial, has set limitations for holding individuals under the age of majority in custody. The latter, in turn, has resulted in a significant reduction in the number of children, who are detained in places of deprivation of freedom.

Working within the framework of the CPCU, in accordance with European standards of work with children who have suffered from sexually-connected criminal offences and / or are witnesses thereof, the Juvenile Criminal Police in collaboration with the National Academy for Internal Affairs developed the so-called “green room” method. Its aim is to protect children’s rights in a criminal investigation, ensuring an atmosphere of trust and mutual understanding at the time of interview and overcoming fear of presenting witness accounts to unknown grown-up people.

The “green room” method is used, amongst others, during interview of children ages 4 to 14 and, at the discretion of the interviewing officer or court – at the ages between 14 and 16 in cases when a child is victim of a crime against sexual freedom and inviolability, other offences connected to violence or when a child was witness thereof.

During the interview, toys that resemble the human body (anatomical toys) or children’s drawings are used. Audio and video are recorded so as to be used during court hearings, which precludes the necessity of repeated interview of a child victim.

- b. Please also specify whether all interviews with the victim or, where appropriate, those with a child witness, may be videotaped and whether these videotaped interviews may be accepted as evidence during the court proceedings;

Article 232 of the CPCU. Procedural action under conditions of videoconference at the pre-trial investigation stage

1. Interview of individuals, recognition of individuals or items, other procedural actions at the pre-trial investigation stage may be conducted under conditions of videoconference from a distant location (distance pre-trial investigation) in cases:

[...]

3. when interviewing of a minor or of an individual who has not reached the age of majority is taken place in the status of a witness or victim.

- c. Please describe under which conditions the judge may order the hearing to take place without the presence of the public and the child victim may be heard in the courtroom without being present, notably through the use of appropriate communication technologies? (Article 36).

Article 27 of the CPCU. Transparency and openness of the court proceedings and its full recording by technical means.

2. Criminal hearings in courts of all levels are open. The investigator, judge or court may make a decision to conduct court proceedings behind closed doors whether covering all the proceedings or part thereof in the following cases:

1) if the accused is an individual who has not reached the age of majority;

2) if the case considered is one dealing with an offence against sexual freedom and inviolability of person;

- 3) if there is a necessity to prevent announcement of information regarding private of family life or regarding degrading circumstances;
- 4) if an open hearing may lead to disclosure of official secrets protected by law;
- 5) if there is need to guarantee security of individuals, who take part in a criminal investigation.

Interviewing of children, in this case, is conducted through the child-friendly “green room” method.