



T-ES(2018)ICT-UA-NGO

LANZAROTE CONVENTION

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

Comments on the replies to the thematic questionnaire

UKRAINE

PARLIAMENT COMMISSIONER FOR HUMAN RIGHTS

2nd thematic monitoring round

“The protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs)”

Replies registered by the Secretariat on 29 January 2018

Question 1. Awareness-raising or educational activities/tools/materials/measures

1.1., 1.2.

The report prepared by the Government indicates that prevention work is being conducted with children and youth aimed at combating violence. However, it is difficult to determine the quality and scope of the work, as there is no specific information about the developed programs, measures, etc. At the same time, it should be noted that not enough attention is given to the issue of prevention of sexual abuse: there are no specialists in educational establishments who have been trained and have sufficient information about the objectives of the Lanzarote Convention.

1.3.

The government has not provided information on preventive activities organized and conducted with parents and individuals who have regular contact with children in relation to the issues of protection of children against sexual exploitation and sexual abuse. This can only indicate on the absence of such work.

Question 2. Civil society involvement

2.1., 2.2

The Ukrainian Parliament Commissioner for Human Rights participates in the working group on the creation of the protection of children in the media, which works under the National Television and Radio Broadcasting Council of Ukraine. So, the Act of agreement "Protection of a child who was sexually abused while engaging in media production" was developed by representatives of the media industry (1 + 1 Media, Media Group Ukraine, StarlightMedia, Independent Association of broadcasters). In addition, the media industry expressed interest in further research of the issue of the protection of children who suffered sexual abuse, taking into account the peculiarities of the current social conditions in Ukraine, and the creation of appropriate detailed methodological recommendations for their use by editorial boards and TV and radio broadcasting workers in the case of involving children in media-production.

Question 3. National curriculum

The Parliament of Ukraine adopted the Law of Ukraine "On Education" in September 2017. At present, the Ministry of Education and Science of Ukraine is developing standards for elementary education. However, there is no certainty that the protection of children against sexual exploitation and sexual abuse will be included into the programs, as the report prepared by the Government does not contain this information.

Question 4. Higher education curriculum and continuous training

There is no information about any activities in this area.

Question 5. Research

The Ministry of Social Policy in cooperation with the public organization "La Strada-Ukraine" and the Ukrainian Institute of Social Studies named after O. Yaremenko has organized online survey "Risks of increase in violence against children in the context of military aggression and analysis of the readiness of specialists to provide effective assistance to children who suffered from violence, in particular sexual abuse" from April 11 to May 30, 2016. The survey was attended by 310 specialists working in the field of children's rights protection. The presentation of the results took place on June 17, 2016, at the premises of the Ukrainian National News Agency "Ukrinform."

Question 6. Assistance to victims

The legislation provides for interrogation of children-victims and children-witnesses in specially equipped so-called "green rooms". However, there are only four of them in Ukraine, and they are almost not used. In addition, in our opinion, the disadvantage is that "green rooms" are created in the premises of law enforcement agencies, which does not correspond to the best interests of the child.

Question 7. Cooperation with civil society

Question 8. Legislation

The Council of Europe Convention on the Protection of children against sexual exploitation and sexual abuse is not implemented in national law. At present, the text of the bill "On Amendments to the Criminal Code of Ukraine on the Protection of children against sexual abuse and sexual exploitation" (Reg. No. 2016 dated February 3, 2015) prepared for the second reading.

Question 9. Criminalisation

In 2012, the Law of Ukraine No. 4988-VI ratified the Council of Europe Convention on the Protection of children against sexual exploitation and sexual abuse.

However, the Criminal Procedural Code of Ukraine still needs to be finalized to fully comply with the provisions of the Optional Protocol to the Convention on the Rights of the Child on the trafficking of children, child prostitution and child pornography, and the Council of Europe Convention on the Protection of children against sexual exploitation and sexual abuse.

In particular, the norms of the said Code do not provide the participation in investigatory (search) activities and in the course of judicial review of adults to whom a child trusts. It is not ensured that there is no contact between witnesses, victims and suspects accused in the

premises of law enforcement and judicial authorities, as provided by the norms of the Convention.

It should be noted that several attempts have been made to amend certain legislative acts of Ukraine in connection with the ratification of the Convention (No. 9434, No. 2016, and No. 2242). However, none of the bills was adopted.

Question 10. Production and possession of self-generated sexually explicit images and/or videos by children for their own private use

Question 11. Reference in law to ICT facilitated sexual coercion and/or extortion

Question 12. Jurisdiction rules¹²

Question 13. Specialised units/departments/sections

As part of the reform of the law enforcement agencies, the structural units of the Ministry of Internal Affairs of Ukraine - units of the criminal police for the affairs of children, which did not promote the protection of the rights of children, including those who were sexually abused, were liquidated. The work on the establishment of juvenile preventive units was started in 2017.

Question 14. Challenges in the prosecution phase

Among the difficulties, it should be indicated the following: the difficulty of proving guilt, distrust of law enforcement officers to the testimony of a child, repeated interrogation of a child, and delaying pre-trial investigation. The absence of specially trained specialists for interrogation of a child, taking into account his/her vulnerable state, age and best interests.

Question 15. Training of professionals

Within the framework of the project of the Council of Europe "Strengthening and protection of rights of children in Ukraine", more than 100 trainings for law enforcement officers and social workers were conducted during 2015. Currently, during the reform, staff turnover has not affected the improvement of the situation, since it is now necessary to conduct appropriate training with the reshaped staff, in particular, the staff of the National Police.