

Protection of Children against Sexual Abuse in the Circle of Trust: Legal Frameworks (Lanzarote Convention Monitoring Questionnaire)

Fields marked with * are mandatory.

Introduction

1. The Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (hereinafter “the Lanzarote Convention” or “the Convention”), which entered into force in July 2010, requires criminalisation of all forms of child sexual abuse. It sets out that states in Europe and beyond shall adopt specific legislation and take measures to prevent sexual violence, to protect child victims and to prosecute perpetrators.

2. The Committee of the Parties to the Convention (also known as the “Lanzarote Committee”), established to monitor whether Parties effectively implement the Convention (Article 1 § 2), decided that:

“1. The monitoring of the implementation of the Convention in the Parties shall be based on a procedure divided by rounds, each round concerning a theme decided by the Lanzarote Committee or any other approach deemed appropriate by the Lanzarote Committee within the scope of the Convention.

2. The Lanzarote Committee will determine the length of each monitoring round in the light of the themes selected and the provisions of the Convention to be monitored.

3. The monitoring round will be initiated by addressing a questionnaire on the implementation of the relevant provisions of the Convention with respect to the selected theme. The Parties shall respond to the questionnaire within the time-limit set by the Lanzarote Committee.”[1]

The notion of the circle of trust

3. In January 2018, the Lanzarote Committee concluded its first monitoring round “Protection of children against sexual abuse in the circle of trust”. The notion of “circle of trust” includes members of the extended family, persons having care-taking functions or exercising control over the child, and any other persons with whom the child has relations, including his/her peers.[2]

The previous and current monitoring rounds on the circle of trust

4. The two implementation reports adopted as a result of the first monitoring round evaluated the frameworks and strategies put in place by the 26 States Parties to the Lanzarote Convention which had ratified it by the time the monitoring round was launched[3]. Since then, the Convention has been ratified by 22 other Parties,[4] and numerous changes have taken place in the subject area due to the development of international standards and national reforms. Furthermore, a child’s circle of trust remains the environment

where the vast majority of sexual abuse occurs.[5] The Committee therefore decided to come back to the subject matter of the first monitoring round in 2023, to both take stock of the situation in the 22 Parties that had not been examined in the first round and to evaluate the follow-up given to the Committee's recommendations by the 26 Parties that had.

5. All of the current 48 Parties will be monitored at the same time to create a momentum around specific aspects of the monitoring theme. To ensure a more accurate reflection of the situation in the Parties and a speedier publication of intermediary results, the monitoring round will be divided into several parts and conducted on the basis of information submitted by the Parties and other stakeholders in response to questionnaires specific for each part.

Involvement of civil society and other relevant stakeholders in the monitoring round

6. In accordance with paragraph 4 of Rule 26 of the Lanzarote Committee's Rules of Procedure, the Secretariat shall seek the views of the representatives of civil society and any other bodies involved in preventing and combating sexual exploitation and sexual abuse of children on the implementation of the Convention by Parties, in particular by asking them to comment on the replies to this questionnaire or by any other means (e.g. by offering the observers and participants in the Lanzarote Committee to submit any relevant information they may have with regard to any Party to the Convention by replying directly to some or all of the questions of this questionnaire). These comments and replies will be transmitted by the Secretariat to the Party(ies) concerned and made public.

Type of questions and elements to be borne in mind when replying

7. Each of the questionnaires of this monitoring round will contain questions derived from the Committee's first monitoring round recommendations and findings, as well as a few new questions based on the Committee's adopted texts and international standards that have emerged in the meantime, including the case-law of the European Court of Human Rights, to gather information for capacity-building purposes. The first part of the monitoring round will assess the legal framework and related procedures with respect to sexual abuse of children in the circle of trust ("Legal frameworks").

8. This specific first questionnaire was adopted by the Lanzarote Committee on 2 June 2023. It is recalled that, in accordance with Rule 26 of the Lanzarote Committee's Rules of Procedure:

"...2. The Secretariat shall address such questionnaires to the Parties through the member in the Lanzarote Committee representing the Party to be monitored, who will act as "contact person".

3. Parties shall submit their replies in one of the official languages of the Council of Europe to the secretariat within the time limit set by the Lanzarote Committee. The replies shall be detailed, answer all questions and contain all relevant reference texts. The replies shall be made public.

5. The Secretariat may request additional information if it appears that the replies are not exhaustive or unclear. Where warranted, with the consent of the Party(ies) concerned and within the limits of budgetary appropriations, the Bureau of the Lanzarote Committee may decide to carry out a visit in the Party(ies) concerned to clarify the situation."

9. In addition, Parties are kindly requested to:

- answer the questions with regard to central, regional and local levels to the extent possible. Federal States may, in respect of their sovereign entities, answer the questions in a summarised way;
- provide, whenever questions/answers refer to it, the relevant text (or a summary) of legislation or other regulations in English or French;

- answer the questions from a gender equality perspective, i.e. specifying, where relevant, whether and how measures for victims and/or offenders take into account gender-specific requirements.

10. The term “national legal framework” used in the questionnaire includes not only laws but also all forms of regulations (decrees, resolutions, administrative directions, instructions, and any other decisions creating legal consequences for more than one individual) and higher courts’ directive rulings.

11. The questions asked concern the legal frameworks pertaining to both online and offline forms of activity. Should your national legal framework distinguish between them, please provide details.

12. As indicated above, some of the questions are included for capacity-building purposes. Therefore, nothing in the wording of these questions should be taken as an indication of a preferred state of affairs or course of action.

13. The questionnaire uses a colour-coded system to help you differentiate questions based on the Lanzarote Committee’s 1st monitoring report’s “invite” recommendations (in blue) and “urge”/ “consider” recommendations (in red). The questions based on the European Court of Human Rights’ case law and the Committee’s adopted texts are coloured red. The questions included for capacity-building purposes are coloured blue.

14. Some of the questions are addressed only to specific Parties found to be not in compliance with a particular requirement of the Convention in the first monitoring round, or to those Parties and to the 22 Parties which had not been evaluated during the first monitoring round. All other questions are meant to be replied to by all Parties.

[1] Rule 24 of the Lanzarote Committee’s [Rules of Procedure](#)

[2] See [1st Implementation Report “Protection of Children against Sexual Abuse in the Circle of Trust: The Framework”](#), p. 12. Examples of the different categories of persons may be found in paragraphs 123-125 of the [Explanatory Report to the Lanzarote Convention](#)

[3] Albania, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Denmark, Finland, France, Greece, Iceland, Italy, Lithuania, Luxembourg, Malta, Republic of Moldova, Montenegro, Netherlands, North Macedonia, Portugal, Romania, San Marino, Serbia, Spain, Türkiye and Ukraine

[4] Andorra, Armenia, Azerbaijan, Cyprus, Czech Republic, Estonia, Georgia, Germany, Hungary, Ireland, Latvia, Liechtenstein, Monaco, Norway, Poland, the Russian Federation, Slovakia, Slovenia, Sweden, Switzerland, Tunisia, United Kingdom

[5] See the [Explanatory Report to the Lanzarote Convention](#), paras. 48 and 123-125

IDENTIFICATION OF THE RESPONDER

* Name of the Party responding or concerned by your response

Ukraine

* Name of the contact person/coordinator

* Email address of the contact person/coordinator

KEY NOTIONS Question 1. Does your national legal framework:

a. [have a reference to “abuse of a recognised position of trust, authority or influence” as a separate sexual offence against children?](#)^[6] If yes, please provide a copy of the relevant provision(s).

[6] 1st Implementation Report “Protection of Children against Sexual Abuse in the Circle of Trust: The Framework” adopted by the Lanzarote Committee on 4 December 15, Recommendation 3.

- Yes
 No

If appropriate, please provide more information (1.a No)

The Lanzarote Convention, which was ratified by the Law of Ukraine dated June 20, 2012 No. 4988-VI, entered into force for Ukraine on December 1, 2012. In this regard, the provisions of the specified international agreement were implemented in national legislation, in particular in the Criminal Code of Ukraine (hereinafter - the Criminal Code of Ukraine). Thus, the Law of Ukraine No. 2227-VIII of 06.12.2017 sets forth in the new edition of Art. 152, 153 of the Criminal Code of Ukraine, according to which criminal liability is provided for committing rape or sexual violence against a spouse or ex-spouse or another person with whom the perpetrator is (was) in a family or close relationship. At the same time, certain parts of the specified articles of the Criminal Code of Ukraine provide for criminal liability for committing rape or sexual violence against a minor. In addition, for Art. 154 of the Criminal Code of Ukraine, the qualifying features are forcing a person without his voluntary consent to perform an act of a sexual nature with a person on whom the victim is materially or officially dependent, as well as such actions combined with the threat of destruction, damage or seizure of the property of the victim or his close relatives, or with the threat of disclosing information that would embarrass her or her close relatives. In turn, the qualifying features under Art. 155 of the Criminal Code of Ukraine is the commission of acts of a sexual nature with a person who has not reached the age of sixteen, close relatives or family members, a person entrusted with the duties of raising the victim or taking care of him, or if they are combined with the provision of monetary or other compensation to the injured person or a third party or with the promise of such compensation. Also according to Art. 156 of the Criminal Code of Ukraine provides for criminal liability for committing lewd acts against a person who has not reached the age of sixteen, as well as against a minor or committed by family members or close relatives, a person entrusted with the duties of raising the victim or taking care of him. Thus, the law of Ukraine on criminal responsibility singles out the commission of criminal offenses against sexual freedom and sexual integrity by persons who enjoy trust, power or influence in relation to the victim

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b. [for 22 Parties + Belgium and Luxembourg] establish a separate offence of sexual abuse of children by someone in a recognised position of trust, authority or influence instead of considering the fact that the perpetrator holds that position just as an “aggravating circumstance”?^[7] If yes, please indicate the specific legal provision.

[7] *Ibid.*, Recommendation 2

- Yes
- No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (1.b Yes)

The Law of Ukraine No. 2227-VIII dated 06.12.2017 sets forth in the new edition of Art. 152, 153 of the Criminal Code of Ukraine, according to which criminal liability is provided for committing rape or sexual violence against a spouse or ex-spouse or another person with whom the perpetrator is (was) in a family or close relationship. At the same time, certain parts of the specified articles of the Criminal Code of Ukraine provide for criminal liability for committing rape or sexual violence against a minor. In addition, for Art. 154 of the Criminal Code of Ukraine, the qualifying features are forcing a person without his voluntary consent to perform an act of a sexual nature with a person on whom the victim is materially or officially dependent, as well as such actions combined with the threat of destruction, damage or seizure of the property of the victim or his close relatives, or with the threat of disclosing information that would embarrass her or her close relatives. In turn, the qualifying features under Art. 155 of the Criminal Code of Ukraine is the commission of acts of a sexual nature with a person who has not reached the age of sixteen, close relatives or family members, a person entrusted with the duties of raising the victim or taking care of him, or if they are combined with the provision of monetary or other compensation to the injured person or a third party or with the promise of such compensation. Also according to Art. 156 of the Criminal Code of Ukraine provides for criminal liability for committing lewd acts against a person who has not reached the age of sixteen, as well as against a minor or committed by family members or close relatives, a person entrusted with the duties of raising the victim or taking care of him. Thus, the law of Ukraine on criminal responsibility singles out the commission of criminal offenses against sexual freedom and sexual integrity by persons who enjoy trust, power or influence in relation to the victim.

The provisions of Article 152 of the Criminal Code of Ukraine (hereinafter - the Criminal Code) provide for responsibility for committing acts of a sexual nature associated with vaginal, anal or oral penetration into the body of another person using the genitals or any other object, without the victim's voluntary consent (rape) - is punishable by imprisonment for a term of three to five years. Rape committed repeatedly or by a person who has previously committed any of the criminal offenses provided for in Articles 153-155 of the Criminal Code, or committing such acts against a spouse or former spouse or another person with whom the perpetrator is (was) in a family or close relationship, or person in connection with the person's performance of an official, professional or public duty, or in relation to a woman who was known to the perpetrator to be pregnant - shall be punished by imprisonment for a term of five to ten years. Rape committed by a group of persons or rape of a minor is punishable by imprisonment for a term of seven to twelve years. The actions provided for in the first part of this article, committed against a person who has not reached the age of fourteen, regardless of his voluntary consent, are punishable by imprisonment for a term of ten to fifteen years. The actions provided for by parts one, two or three of this article, which caused serious consequences, are punishable by imprisonment for a term of ten to fifteen years. Actions provided for in part four of this article, committed repeatedly or by a person who previously committed any of the crimes provided for in parts four or five of article 153, article 155 or part two of article 156 of the Criminal Code, 2 - shall be punished by imprisonment for a term of five eleven years or life imprisonment. Note: Consent is considered voluntary if it is the result of a person's free will, taking into account the accompanying circumstances.

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c. [list specific categories of adults in contact with children automatically qualifying as holding this position?](#)^[8]

[8] *Ibid*, Recommendation 4. Examples: members of the extended family (including new partners), persons having caretaking functions (including trainers of any kind) or exercising control over the child professionally or on a voluntary basis (including persons who look after children in their leisure-time) and any other person trusted by the child (including other children).

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (1.c Yes)

The list of specific categories of adults for crimes against sexual freedom and sexual integrity of a person is specified in the relevant parts of the article of the Special Part of the Criminal Code of Ukraine: - in the case of rape or sexual violence, it is the perpetrator who is related to the victim's family or intimate relationships (Part 2 of Article 152, Part 2 of Article 153 of the Criminal Code of Ukraine); - when forcing a person without his voluntary consent to perform an act of a sexual nature - a person on whom the victim is materially dependent (Part 2 of Article 154 of the Criminal Code of Ukraine); - when committing acts of a sexual nature with a person who has not reached the age of sixteen, - close relatives or family members, a person entrusted with the duties of raising or caring for the victim (part 2 of Article 155 of the Criminal Code of Ukraine) ; - in case of depravity of minors - family members or close relatives, the person entrusted with the duties of raising the victim or taking care of him (Part 2 of Article 156 of the Criminal Code of Ukraine).

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d. [define the notion of "circle of trust"?](#)^[9]

[9] *Ibid*

- Yes
 No

If appropriate, please provide more information (1.d No)

Based on the provisions of Art. 152 - 156 of the Criminal Code of Ukraine, the "circle of trust" can include persons connected by family or close relations, as well as persons entrusted with the duties of raising the victim or taking care of him.

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VICTIMS' AGE Question 2. Does your national legal framework:

a. **[for 22 Parties + Italy, Portugal, San Marino, and Türkiye]** provide that every child up to 18 years of age is protected against the criminal offence of sexual abuse by someone in a recognised position of trust, authority or influence?^[10] Please refer to the specific legal provisions.

[10] *Ibid.*, Recommendation 6

- Yes
- No

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b. **[for 22 Parties + North Macedonia and Ukraine]** indicate that the child's legal age for engaging in sexual activities is not relevant in the case of child sexual abuse by someone in a recognised position of trust, authority or influence?^[1] Please provide details.

[1] *Ibid.*, Recommendation 5

- Yes
- No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (2.b Yes)

In the case of committing sexual violence against a child, her legal age for entering into a sexual relationship does not matter for the qualification of such actions under Art. 152 – 156 of the Criminal Code of Ukraine. The Ukrainian national legal framework provides that the legal age of a child for entering into sexual relations is irrelevant in the case of sexual violence by a person who enjoys recognized trust, power or influence, in particular the third part of Article 152 (Rape) of the Criminal Code of Ukraine (hereinafter - the Criminal Code of Ukraine) provides for liability for the rape of a minor, and part four of the specified article establishes responsibility for the actions provided for in part one of this article committed against a person who has not reached the age of fourteen, regardless of their voluntary consent. In addition, the first part of Article 153 of the Criminal Code of Ukraine establishes criminal responsibility for committing any violent acts of a sexual nature, not related to penetration into the body of another person, without the voluntary consent of the victim (sexual violence), committed against the person with whom the guilty party is (was) in a family or close relationship, or in relation to a person in connection with the performance of an official, professional or public duty by this person. Part three of this article establishes criminal responsibility for sexual violence against a minor, and part four of this article punishes the actions provided for in part one of this article committed against a person who has not reached the age of fourteen, regardless of his voluntary consent.

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SCOPE OF OFFENCE Question 3. Does your national legal framework criminalise sexual abuse of children:

a. **where the offender abuses a recognised position of influence?** [12] Please refer to the specific legal provisions.

[12] *Ibid.*, Recommendation 1

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (3.a Yes)

In the case of committing criminal offenses under the specified circumstances, criminal liability arises under Art. 152 – 156-1 of the Criminal Code of Ukraine, depending on the specific circumstances of the crime. In particular, for the commission of any violent acts of a sexual nature, not related to penetration into the body of another person, without the voluntary consent of the victim in relation to the spouse or ex-spouse or another person with whom the perpetrator is (was) in a family or close relationship, criminal liability under Part 2 of Art. 153 of the Criminal Code of Ukraine. Parts 3 and 4 of the specified article of the Criminal Code of Ukraine provide for criminal liability for committing sexual violence against a minor. The main component of the objective side of this crime is the absence of freely expressed consent of the victim to acts of a sexual nature. A systematic analysis of the norm allows us to consider that a person's free expression of will is absent when: - the person has not reached the age of sexual consent, namely 16 years, and therefore a priori cannot freely express his consent or disagreement; - the person was in a subordinate or dependent (physically, economically, psychologically) state, which does not give him the opportunity to freely express his consent or disagreement; - the person suffered and continues to suffer from domestic or other violence from the offender, as a result of which he could not freely express his consent or disagreement; - the person was in a helpless state and could not freely express his consent or disagreement; - other circumstances.

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b. **[for 22 Parties + Belgium] where the victim is below 18 and emancipated through marriage, and the perpetrator is the victim's spouse or marital partner?**[13] Please refer to the specific legal provisions.

[13] *Ibid.*, Recommendation 7

- Yes
 No

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c. **[for 22 Parties + the Republic of Moldova] where no coercion, force or threat is used by the perpetrator holding the position of trust, authority or influence?**[14] Please refer to the specific legal provisions.

[14] *Ibid.*, Recommendation 8

- Yes
 No

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SCOPE OF OFFENCE Question 4. Does your national legal framework:

a. **criminalise sexual abuse of children for acts other than sexual intercourse and equivalent actions?**^[15]

Please specify which other acts are covered and whether violation of a child's "sexual integrity" specifically is criminalised.

[15] Ibid., Recommendation 9

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (4.a Yes)

According to Art. 153 of the Criminal Code of Ukraine, sexual violence is the commission of any violent acts of a sexual nature, not related to penetration into the body of another person, without the victim's voluntary consent. At the same time, committing acts of a sexual nature related to vaginal, anal or oral penetration of another person's body with the use of genitals or any other object, without the victim's voluntary consent, is rape and is qualified under Art. 152 of the Criminal Code of Ukraine. In addition to the specified criminal offenses against a person's sexual freedom and sexual integrity, Ukraine also provides for criminal liability for coercion into sexual intercourse; committing acts of a sexual nature with a person who has not reached the age of sixteen; depravity of minors and harassment of a child for sexual purposes (Articles 154 – 156-1 of the Criminal Code of Ukraine).

The Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine Regarding the Implementation of the Council of Europe Convention on the Protection of Children from Sexual Exploitation and Sexual Violence (Lanzarote Convention)" dated February 18, 2021 No. 1256-IX amended the Criminal Code of Ukraine and the Criminal Code of Ukraine. In particular, articles were added to the Criminal Code of Ukraine: 156-1 (Harassment of a child for sexual purposes), 301-1 (Obtaining access to child pornography, its acquisition, storage, importation, transportation or other movement, production, sale and distribution) and 301-2 (Conducting a spectacular event of a sexual nature with the participation of a minor). At the same time, the national legal framework of Ukraine qualifies as sexual violence against children other actions, except for sexual intercourse and equivalent actions, in particular, the first part of Article 155 of the Criminal Code of Ukraine establishes criminal liability for the commission of sexual acts by an adult, related to vaginal, anal or oral penetration into the body of a person who has not reached the age of sixteen, with the use of genitalia, another organ or part of the body or any object, as well as the second part of the specified article criminal liability is established for the same actions committed by close relatives or family members, a person entrusted with the duties of raising or caring for the injured person. Also, the first part of Article 156 of the Criminal Code of Ukraine establishes criminal liability for committing lewd acts against a person who has not reached the age of sixteen, and the second part of this article punishes the same actions committed against a minor or committed by family members or close relatives, a person, which is entrusted with the responsibilities of raising the victim or taking care of him. At the same time, the first part of Article 156-1 of the Criminal Code of Ukraine provides for criminal liability for offering a meeting made by an adult, including using information and telecommunication systems or technologies, to a person who has not reached the age of sixteen, with the aim of committing any which acts of a sexual nature or lewd acts, if after such an offer at least one action was taken aimed at ensuring that such a meeting took place, the second part of this article establishes criminal liability for an offer of a meeting made by an adult, including using information and

telecommunication systems or technologies, to a minor with the purpose of involving him in the production of child pornography, if at least one action was taken after such a proposal, aimed at ensuring that such a meeting took place, and the third part of the specified article punishes the actions provided for by the first or second part of this article, committed against a minor persons

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b. **[for 22 Parties + Bulgaria] ensure equal sanctions for sexual abuse committed within a heterosexual and homosexual sexual activity?**^[16] Please refer to the specific legal provisions.

[16] *Ibid.*, Recommendation 11

- Yes
 No

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c. **[for 22 Parties + Albania and the Republic of Moldova] make any distinct reference to “homosexual activities” in the description of criminal offences involving sexual abuse and sexual exploitation of children?**^[17] Please refer to the specific legal provisions.

[17] *Ibid.*, Recommendation 12

- Yes
 No

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EX OFFICIO PROSECUTION Question 5. Does your national legal framework:

a. **contain a requirement to investigate and prosecute sexual abuse and exploitation of children by someone in a recognised position of trust, authority or influence without a complaint from the victim or his /her legal representative?** ^[18] Please refer to the specific legal provisions.

[18] *Ibid.*, Recommendation 57

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (5.a Yes)

5.a There is no requirement in national legislation to submit a victim's statement to initiate an investigation and criminal prosecution of a person who has committed any statutory crime of sexual violence against a child. In order to carry out an investigation and criminal prosecution in the case of sexual intercourse between an adult and a child aged 14-16 years, which did not lead to the death or suicide of the child, the filing of a complaint by the victim is not required as a prerequisite. The national legal framework of Ukraine determines that an investigator, inquirer, prosecutor immediately, but no later than 24 hours after submitting a statement, notification of a committed criminal offense or after independently discovering from any source circumstances that may indicate the commission of a criminal offense, is obliged to enter relevant information into the Unified Register of Pretrial Investigations, initiate an investigation, and 24 hours after entering such information, provide the applicant with an extract from the Unified Register of Pretrial Investigations. The investigator who will carry out the pre-trial investigation is determined by the head of the pre-trial investigation body, and the investigator is determined by the head of the investigation body, and in the absence of an investigation unit, by the head of the pre-trial investigation body, in accordance with Article 214 (Initiation of pre-trial investigation) of the Criminal Procedure Code of Ukraine (hereinafter referred to as the Criminal Procedure Code of Ukraine).

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b. **contain a requirement to continue the proceedings even if the victim has withdrawn his/her complaint /statements?**^[19] Please refer to the specific legal provision(s).

[19] *Ibid*

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (5.b Yes)

5.b in the event of sexual violence against a child, a pre-trial investigation and trial is carried out regardless of whether the victim has withdrawn her complaint/testimony. The legal framework of Ukraine in Article 477 of the Criminal Code of Ukraine defines the procedure for criminal proceedings in the form of a private prosecution. Yes, there is an exhaustive list of criminal proceedings that can be initiated by the investigator, inquirer, prosecutor only on the basis of the victim's statement regarding criminal offenses provided for, in particular, by the first part of Article 152, the first part of Article 153 and Article 154 of the Criminal Code of Ukraine. At the same time, sexual violence and exploitation of children, in particular the rape of a minor, which is provided for in the third part of Article 152 of the Criminal Code of Ukraine, sexual violence against a minor - in the third part of Article 153 of the Criminal Code of Ukraine, are not subject to criminal proceedings in the form of private prosecution and cannot be closed (terminated) on the basis of Clause 7 of Part One of Article 284 (Closing of Criminal Proceedings and Proceedings against a Legal Entity) of the Criminal Code of Ukraine - when the victim, and in the cases provided for by the Criminal Code of Ukraine, his representative refused to be charged in criminal proceedings in the form of a private indictment, except criminal proceedings regarding a criminal offense related to domestic violence.

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c. **[for Portugal]** in case of a sexual act committed by an adult in respect of a child aged 14-16 years old which does not result in the child's death or suicide, require the child victim to lodge a complaint as a prerequisite for investigation and prosecution?^[20]

[20] *Ibid.*, Recommendation 56

- Yes
 No

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MEASURES IN RESPECT OF CHILDREN WHO SEXUALLY OFFEND AND CHILDREN DISPLAYING RISKY AND HARMFUL SEXUAL BEHAVIOUR Question 6. Does your national legal framework:

a. provide for non-criminal measures in respect of the children below the age of criminal responsibility who commit acts of sexual abuse towards other children?^[21] Please provide details.

[21] Inspired by *X and Others v. Bulgaria* (no. 22457/16), 2 February 2021 and *A.P. v. the Republic of Moldova* (no. 41086/12), 26 October 2021

- Yes
 No

If appropriate, please provide more information (6.a No)

6.a National legislation does not provide for measures of a non-criminal nature against children who have not reached the age of criminal responsibility and have committed sexual violence against other children. For children who have committed an act that falls under the signs of a criminal offense between the ages of eleven and reaching the age from which criminal liability may arise, the application of coercive measures of an educational nature is provided for, which is defined in Art. 105 of the Criminal Code of Ukraine. The national legal framework of Ukraine determines that, in accordance with the second part of Article 97 of the Criminal Code of Ukraine, the court shall apply coercive measures of an educational nature, provided for in the second part of Article 105 of the Criminal Code of Ukraine, to a person who, before reaching the age from which criminal responsibility can arise, has committed a public a dangerous act falling under the characteristics of an act provided for by the Special Part of the Criminal Code of Ukraine.

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b. differentiate between adults and children above the age of criminal responsibility in the application of sanctions for offences involving sexual abuse of children?^[22] Please refer to the specific legal provision(s) and specify the age of criminal responsibility in your legislation.

[22] Question included for capacity-building purposes



Yes

No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (6.b Yes)

6.b. The Criminal Code of Ukraine provides for certain features when imposing punishment on minors who have reached the age of criminal responsibility, including for committing offenses related to sexual violence against children. In particular, Art. 98 of the Criminal Code of Ukraine provides for the following main types of punishment for minors: fine; public works; corrective works; arrest; imprisonment for a certain period. At the same time, Part 3 of Art. 102 of the Criminal Code of Ukraine sets limits on the terms of imprisonment that can be applied to a minor. At the same time, minors may be subject to additional penalties in the form of fines and deprivation of the right to hold certain positions or engage in certain activities (Part 2 of Article 98 of the Criminal Code of Ukraine). The national regulatory legal framework of Ukraine, namely Article 22 of the Criminal Code of Ukraine (Age from which criminal liability may arise) distinguishes between adults and children, as well as the age of criminal liability when applying punishment for offenses, including those related to sexual violence against children According to Article 22 of the Criminal Code, persons who have reached the age of sixteen before committing a criminal offense are subject to criminal liability. Persons who have committed criminal offenses between the ages of fourteen and sixteen are subject to criminal liability, in particular, for rape (Article 152 of the Criminal Code), sexual violence (Article 153 of the Criminal Code). Thus, Chapter XI of the Criminal Code provides for general principles of sentencing (Article 65 of the Criminal Code), and Chapter XV of the Criminal Code provides for specifics of criminal liability and punishment of minors/

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CHILD VICTIMS' RIGHT TO PROTECTION AND PARENTAL RIGHTS

Question 7. Does your national legal framework:

a. provide for the possibility for child protection professionals to conduct exploratory interviews of a child without informing in advance the parents/legal guardians in cases in which there is a reasonable suspicion of sexual abuse by someone in a recognised position of trust, authority or influence and there is a reason to believe that parents/legal guardians may prevent a child from disclosing sexual abuse?^[23] Please provide details.

[23] 1st Implementation Report "Protection of Children against Sexual Abuse in the Circle of Trust: The Framework", Recommendation 26

Yes

No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (7.a Yes)

the interrogation of a minor or a minor must be conducted in the presence of a legal representative, a teacher or a psychologist, and if necessary, a doctor may be present during the interrogation. At the same time, before the beginning of the interrogation, the specified persons are explained their right to ask clarifying questions to a minor or a minor.

Important: in exceptional cases, when the participation of a legal representative may harm the interests of a minor or a minor witness, the victim, an investigator, a prosecutor, at the request of a minor or a minor or on his own initiative, has the right to limit the participation of a legal representative in the performance of certain investigative (search) actions or eliminate him from participation in criminal proceedings and to involve another legal representative instead (part three of Article 227 of the Criminal Procedure Code).

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b. [provide for the possibility for child protection professionals to conduct exploratory interviews of a child without acquiring the parents/legal guardians' prior consent in cases in which there is a reasonable suspicion of sexual abuse by someone in a recognised position of trust, authority or influence and there is a reason to believe that parents/legal guardians may prevent a child from disclosing sexual abuse?](#)^[24] Please provide details.

[24] *Ibid*

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (7.b Yes)

. In order to protect the rights of children who suffered from criminal offenses, in particular from sexual or domestic violence, children who witnessed such crimes, the National Police of Ukraine implemented the child-friendly "Green Room" method. In accordance with subsection 1 of paragraph 25 of the Action Plan for the Implementation of the National Strategy for the Reform of the Justice System for Children for the Period Until 2023, approved by the Order of the Cabinet of Ministers of Ukraine No. 1335 of November 27, 2019, the Ministry of Internal Affairs, together with the Interdepartmental Coordination Council for Juvenile Justice Issues, developed Methodological recommendations for the organization of work with children according to the "Green Room" method for inquirers, investigators and juvenile prevention police officers, which were sent for use in the daily activities of police officers. With the assistance of the Representation of the United Nations Children's Fund (UNICEF) in Ukraine and the Interagency Coordination Council on Juvenile Justice Issues during the implementation of the project "Implementation of the Barnahus Model for the Protection of Children Victims of Violence" with the participation of the Ministry of Internal Affairs in the cities of Vinnytsia, Zhytomyr, Kyiv, Mykolaiv, Ternopil and Chernivtsi, centers for protection and socio-psychological support in the justice process for children who have suffered or witnessed violence ("Barnachus" model) have been opened - specialized institutions created to conduct procedural actions in a child-friendly environment, taking into account the relevant provisions of the Criminal Procedure Code of Ukraine. At the same time, with the assistance of the Representative Office of the United Nations Children's Fund (UNICEF) in Ukraine and with the participation of public organizations, a course of training and education was held for police officers on working with children who suffered from military actions, using the "Green Room" method and the "Barnachus" model . Training on working with children who have suffered from sexual violence, abuse and all types of violence, using the "Green Room" methodology and the "Barnachus" model, is also carried out during specialization and short-term professional development of police officers. In addition, the first part of Article 226 of the Criminal Procedure Code stipulates that the interrogation of a minor or minor is conducted in the presence of a legal representative, a teacher or a psychologist, and if necessary, a doctor. In order to implement mandatory universal and European standards for the protection and provision of children's rights,

by order of the Office of the Prosecutor General, the Ministry of Internal Affairs of Ukraine, the Ministry of Justice of Ukraine, the Ministry of Social Policy of Ukraine dated June 1, 2023 No. 150/445/2077/5/187 " On the introduction and implementation of a pilot project on the implementation of international standards of child-friendly justice in practical activities" a pilot project on the implementation of international standards of child-friendly justice in practical activities has been launched.

Here you can upload any file(s) in support of your answer

c. allow for the removal of the suspected perpetrator from the family environment in case of reasonable suspicion of sexual abuse of a child living in the same environment together with the suspect?^[25] Please provide details.

[25] This question results from the Committee's reasoning that "before resorting to the removal of the victim, the removal of the perpetrator should be preferred" (page 28 of the 1st implementation report).

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (7.c Yes)

The national regulatory and legal framework of Ukraine allows the removal of a suspected offender from the family environment in the event of suspicion of sexual violence against a child in the same environment as the suspect. In accordance with Article 25 (Urgent injunction against the offender) of the Law of Ukraine "On Prevention and Combating Domestic Violence", the application of an urgent injunction (hereinafter referred to as "injunction against domestic violence") against the offender is provided for. In particular, it is determined that the TP is issued to the offender by authorized units of the National Police of Ukraine in the event of an immediate threat to the life or health of the victim in order to immediately stop domestic violence, prevent its continuation or re-commitment. An urgent restraining order may contain the following measures: 1) an obligation to leave the place of residence (stay) of the affected person; 2) ban on entering and staying at the place of residence (stay) of the injured person; 3) prohibition to contact the injured person in any way. When deciding on the issuance of an urgent restraining order, priority is given to the safety of the injured person. The specified requirement also applies to the place of joint residence (stay) of the injured person and the offender, regardless of their property rights to the corresponding residential premises. At the same time, the Order of the Ministry of Internal Affairs No. 654 of August 1, 2018, registered in the Ministry of Justice of Ukraine on August 27, 2018 under No. 965/32417, approved the Procedure for issuing an urgent restraining order against the offender by authorized units of the National Police of Ukraine. At the same time, Article 183 of the Criminal Code of Ukraine provides for a preventive measure in the form of detention, and Article 208 of the Criminal Code of Ukraine defines cases in which a person suspected of committing a crime punishable by imprisonment is detained, in particular, if this person caught during the commission of a crime or an attempt to commit it, if immediately after the commission of the crime an eyewitness, including the victim, or a set of obvious signs on the body, clothes or the scene of the incident indicate that this particular person has just committed the crime

At the same time, during the opening of criminal proceedings, in the event of the existence of a well-founded suspicion of sexual violence against a child in the same environment as the perpetrator, in accordance with Art. 176, 183 of the Criminal Procedure Code of Ukraine, at the request of the investigator, the prosecutor, the investigating judge may apply a preventive measure in the form of detention to the suspect. Also, in order to remove the offender from the environment shared with the child in accordance with Clause 1 Part 6

of Art. 194 of the Criminal Procedure Code of Ukraine, in the interests of the victim of a crime related to domestic violence, at the stage of pre-trial investigation, the court may apply to a person suspected of committing such a criminal offense such a restrictive measure as a ban on staying in the place of common residence with the victim from domestic violence. In addition, other restrictive measures may be applied to the suspect, in particular: restriction of communication with the child; prohibition to approach; prohibition of correspondence, telephone conversations, other contacts; referral to undergo a program for offenders (clauses 2-5, part 6, Article 194 of the Criminal Procedure Code of Ukraine). Art. contains similar provisions. 91-1 of the Criminal Code of Ukraine and provides for restrictive measures that are applied to those sentenced to punishment not related to deprivation of liberty, or when a person is released from criminal liability or punishment. Also, in accordance with clause 9 of the Procedure for ensuring social protection of children who are in difficult life circumstances, including children who have suffered from cruel treatment, approved by the Resolution of the Cabinet of Ministers of Ukraine dated 01.06.2020 No. 585 (hereinafter - Order No. 585), the child may be placed in a shelter for persons who have suffered from domestic violence and/or violence based on gender, a center for social and psychological assistance or another institution that provides social services to the shelter. After ensuring the safety of the child, the body of guardianship and care, with the involvement of other subjects if necessary, takes measures to make a decision on the immediate removal of the child within a day in accordance with Art. 170 of the Family Code of Ukraine in the case of establishing a direct threat to the life or health of the child and organizing, in connection with this, measures to take the child into the primary registration of children left without parental care, orphans and children deprived of parental care, with for the purpose of organizing its social protection.

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d. **consider the removal of the child victim from the family environment as a last resort procedure? Is that procedure clearly defined, and does it set out conditions for and duration of the removal?**^[26] Please provide details.

[26] *Ibid.*, Recommendation 27

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (7.d Yes)

In accordance with Clause 8 of the Procedure for Proceedings by Guardianship Authorities in Activities Related to the Protection of Children's Rights, approved by Resolution No. 866 of the Cabinet of Ministers of Ukraine dated September 24, 2008 (hereinafter - Procedure No. 866), if there is an immediate threat to the life or health of a child, the guardianship and guardianship body, which became aware of this, makes a decision to immediately take the child away from the parents or persons who replace them. To make a decision on the immediate removal of a child from parents or persons who replace them, the service for children's affairs immediately after receiving a notification about an immediate threat to the life or health of the child, together with an authorized unit of the National Police, a specialist in social work, representatives of a health care institution I conduct an assessment of the child's safety level. Authorized entities within the scope of their powers may be additionally involved in the assessment of the child's safety level. About the removal of a child from parents or persons who replace them, on the same day, the body of guardianship and guardianship informs the prosecutor's office at the child's place of residence in writing and, within seven days after making the decision, applies to the court with a claim to deprive the parents or one of them of parental rights, removal of the child from the mother, father without deprivation of parental rights. If within a

year after the court made the decision to take the child away from the parents, the reasons that prevented the proper upbringing of the child by its parents have not been eliminated, the children's affairs service at the place of origin of the child deprived of parental care is obliged to take measures to deprive the parents of their parental rights.

Here you can upload any file(s) in support of your answer

e. [ensure that the different agencies involved in the coordination and collaboration concerning child sexual abuse are allowed to share personal information as appropriate?](#)^[27] Please provide details.

[27] *Ibid.*, Recommendation 25

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (7.e Yes)

The interaction of subjects carrying out measures in the field of prevention and counteraction of domestic violence, in particular regarding criminal offenses of sexual violence against a child, is regulated by Art. 15 of the Law of Ukraine "On Prevention and Combating Domestic Violence" and provides for mutual information no later than one day about discovered facts of domestic violence in the cases provided for by this Law, in compliance with the legal regime of information with limited access. Also, the mechanism of interaction between state authorities, local self-government bodies, institutions of education, health care, social protection of the population, other institutions and institutions, in particular regarding the exchange of information during the provision of social protection for children who are in difficult life circumstances, including of children who suffered from cruel treatment is regulated by Order No. 585. Thus, according to clause 8 of Order No. 585, subjects, legal entities and natural persons who became aware of a child who is in difficult life circumstances as a result of cruel treatment or if there is a threat to her life or health, they are obliged to immediately, within a period not exceeding one day, notify the authorities of the National Police and the service for children.

Order No. 585 stipulates that, in the case of receiving an application, a report about a child who is in difficult life circumstances as a result of cruel treatment of him or the existence of a threat to his life or health, the service for children's affairs together with a division of the National Police body, a specialist from of social work or another provider of social services (if it is possible to involve them), a representative of a health care institution, acting within the limits of their powers, conducts an assessment of the child's safety level within one day. Other entities within the scope of their powers may be additionally involved in conducting such an assessment. In the case of detection (confirmation) during the evaluation of the child's safety level of facts of a threat to his life or health, he may be immediately sent to a health care institution for conducting and documenting the results of the child's medical examination in accordance with the procedure approved by the Ministry of Health, conducting a forensic examination examinations (if necessary), provision of necessary medical assistance, including treatment in inpatient conditions, or temporarily arranged in accordance with paragraph 31 of the Procedure for conducting activities related to the protection of children's rights by guardianship authorities, approved by the Resolution of the Cabinet of Ministers of Ukraine dated 24 No. 866 of September 2008, in particular, to the family of relatives, acquaintances, the family of a foster carer. If, as a result of domestic violence, the child suffered together with one of the parents, another legal representative, she can be placed together with him in a shelter for persons who have suffered from domestic violence and /or gender-based violence, a social-psychological assistance center or another institution that provides shelter social services.

According to operational information from the structural divisions of the regional and Kyiv city military administrations, responsible for the implementation of state policy in the field of prevention and counteraction of domestic violence and gender-based violence, as of September 1, 2023, the following are operating in Ukraine: • 54 shelters (stay up to 90 days) for persons who have suffered from domestic violence and/or gender-based violence; • 57 crisis rooms (stay up to 10 days) for victims of domestic violence and/or gender-based violence. Centers for protection and socio-psychological support in the justice process for children who have suffered or witnessed violence (the Barnabus model) operate in Ukraine. It is an interdisciplinary specialized institution created to carry out procedural actions taking into account the relevant provisions of the Criminal Procedure Code in a child-friendly environment and in conditions that minimize the consequences of her traumatization, as well as the provision of comprehensive social, psychological, legal, medical and other types of assistance and services to child victims and witnesses in proceedings regarding criminal offenses related to violence.

In addition, in accordance with the order of the Ministry of Justice of Ukraine dated 26.07.2023 No. 2679/5, the Unified Register of Persons Convicted of Crimes Against Sexual Freedom and Sexual Inviolability of Minors has begun work. Information from the register is provided in accordance with Section 5 of the Procedure for the Formation and Maintenance of the Unified Register of Convicts and Persons Taken into Custody, approved by the Order of the Ministry of Justice of Ukraine dated June 26, 2018 No. 2023/5

Here you can upload any file(s) in support of your answer

CHILD VICTIMS' RIGHTS TO PROTECTION AND PARENTAL RIGHTS

Question 8. Does your national legal framework clearly distinguish:

- cases of suspension of parental rights as a provisional measure to protect the child before a court decision on the conviction of the concerned parent is taken, and
- cases of withdrawal of parental rights once the court has convicted the said parent?^[28] Please provide details.

[28] *Ibid.*, Recommendation 32

- Yes
 No

Please provide information in support of your answer, if possible by referring to specific legal provisions and their exact wording (8 Yes)

8/1 Guardianship and guardianship bodies, in accordance with the procedure established by the Family Code of Ukraine, consider the feasibility of taking the child away from the parents without depriving them of their parental rights or depriving the father or mother of their parental rights, if the abusers of the child are the parents (adoptive parents) or one of them. Grounds for depriving father and mother of parental rights are determined by the legislation of Ukraine. According to Article 164 of the Family Code of Ukraine (hereinafter – the Family Code of Ukraine), a father or mother may be deprived of parental rights only by a court, if he or she: 1) did not take the child from the maternity hospital or other health care institution without a valid reason and no parental care was shown for her for six months; 2) avoid fulfilling their duties to raise a child; 3) mistreat the child; 4) are chronic alcoholics or drug addicts; 5) resort to any kind of exploitation of the child, force him to beg and wander; 6) convicted of committing an intentional crime against a child.

8/2 According to Article 165 of the Civil Code of Ukraine, one of the parents, a guardian, a custodian, a

person in whose family the child lives, a health care institution or an educational institution in which the child lives have the right to apply to the court with a claim for deprivation of parental rights. guardianship and care authority, the prosecutor, as well as the child himself, who has reached the age of fourteen. In the event of domestic violence against a child or with the participation of a child, the body of guardianship and guardianship, in accordance with the procedure established by the legislation of Ukraine, considers the issue of the expediency of removing the child from the guardian (guardian), adoptive parents, foster parents, or the release of a person from the duties of a guardian (custodian) of the child, termination of the guardianship agreement over the child, cancellation of the decision to place the child in a family-type orphanage or foster family. In accordance with paragraph 31 of the Procedure for proceedings by the bodies of guardianship and guardianship of activities related to the protection of children's rights, approved by the Resolution of the Cabinet of Ministers of Ukraine dated 24.09.2008 No. 866 (as amended), temporary placement of a child left without parental care is carried out within the scope of competence service for children and the authorized body of the National Police of Ukraine at the place of discovery of the child. A child left without parental care can be temporarily accommodated in: • the family of relatives, acquaintances; • the family of the foster carer; • shelter for children of the children's service; • center for social and psychological rehabilitation of children; • center for social support of children and families; • social rehabilitation center (children's town); • children's home, children's boarding house of the social protection system of the population; • inpatient service (department) of the center of social services, which provides social and psychological rehabilitation of children.

Here you can upload any file(s) in support of your answer

CHILD VICTIMS' RIGHTS TO PROTECTION AND PARENTAL RIGHTS

Question 9. Does your national legal framework provide for:

a. [automatic suspension of parental, visitation, and child hosting rights of parents against whom criminal proceedings for sexual abuse of own child are pending?](#)^[29] Please provide details.

[29] Question included for capacity-building purposes, i.e. to map whether there are Parties that have a particular legal framework in such cases.

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (9.a Yes)

In the event of domestic violence against a child or with the participation of a child, the body of guardianship and guardianship, in accordance with the procedure established by the legislation of Ukraine, considers the issue of the expediency of removing the child from the guardian (guardian), adoptive parents, foster parents, or the release of a person from the duties of a guardian (custodian) of the child, termination of the guardianship agreement over the child, cancellation of the decision to place the child in a family-type orphanage or foster family. In accordance with paragraph 31 of the Procedure for proceedings by the bodies of guardianship and guardianship of activities related to the protection of children's rights, approved by the Resolution of the Cabinet of Ministers of Ukraine dated 24.09.2008 No. 866 (as amended), temporary placement of a child left without parental care is carried out within the scope of competence service for children and the authorized body of the National Police of Ukraine at the place of discovery of the child. A

child left without parental care can be temporarily accommodated in: • the family of relatives, acquaintances; • the family of the foster carer; • shelter for children of the children's service; • center for social and psychological rehabilitation of children; • center for social support of children and families; • social rehabilitation center (children's town); • children's home, children's boarding house of the social protection system of the population; • inpatient service (department) of the center of social services, which provides social and psychological rehabilitation of children.

Here you can upload any file(s) in support of your answer

b. **automatic withdrawal of parental rights of parents convicted of sexual abuse of own child?**^[30] Please provide details.

[30] *Ibid*

- Yes
 No

If appropriate, please provide more information (9.b No)

9.b. Grounds for depriving father and mother of parental rights are determined by the legislation of Ukraine. According to Article 164 of the Family Code of Ukraine (hereinafter – the Family Code of Ukraine), a father or mother may be deprived of parental rights only by a court, if he or she: 1) did not take the child from the maternity hospital or other health care institution without a valid reason and no parental care was shown for her for six months; 2) avoid fulfilling their duties to raise a child; 3) mistreat the child; 4) are chronic alcoholics or drug addicts; 5) resort to any kind of exploitation of the child, force him to beg and wander; 6) convicted of committing an intentional crime against a child.

Here you can upload any file(s) in support of your answer

GUARANTEES OF PROTECTION FOR PERSONS REPORTING SUSPECTED OFFENCES Question 10.

How does your national legal framework ensure that any person reporting in good faith suspected sexual abuse and sexual exploitation of a child, including a person bound by professional confidentiality rules, does not get prosecuted or punished by judicial proceedings for defamation, libel or similar offences?^[31]

[31] Based on *Yuppala v. Finland* (no. 18620/03), 2 December 2008 and *M.P. v. Finland* (no. 36487/12), 15 December 2016. Partly based on Article 12 of the Lanzarote Convention.

10. Article 383 of the Criminal Code of Ukraine provides for criminal liability exclusively for knowingly false information about the commission of a criminal offense. At the same time, national legislation does not provide for liability for a bona fide applicant in case of non-confirmation of the information provided by him about the facts of sexual violence and sexual exploitation of a child. However, there is no criminal liability for defamation in Ukraine. Thus, Article 151-1 of the Criminal Code of

Ukraine (Defamation as the intentional dissemination of known false information that disgraces the honor and dignity of another person) is excluded on the basis of Law No. 767-VII of February 23, 2014.

Here you can upload any file(s) in support of your answer

ASSISTANCE TO THIRD PARTIES Question 11.

What kind of legislative or other measures does your national legal framework have in place to ensure that persons close to the victim may benefit, where appropriate, from therapeutic assistance, notably emergency psychological care?^[32]

[32] 1st Implementation Report "Protection of Children against Sexual Abuse in the Circle of Trust: The Framework", Recommendation 30

11. As a result of domestic violence, the child suffered together with one of the parents, another legal representative, she can be placed together with him in a shelter for persons who have suffered from domestic violence and/or gender-based violence, a social-psychological assistance center or another institution that provides shelter social services.

According to operational information from the structural divisions of the regional and Kyiv city military administrations, responsible for the implementation of state policy in the field of prevention and counteraction of domestic violence and gender-based violence, as of September 1, 2023, the following are operating in Ukraine: • 54 shelters (stay up to 90 days) for persons who have suffered from domestic violence and/or gender-based violence; • 57 crisis rooms (stay up to 10 days) for victims of domestic violence and/or gender-based violence.

Here you can upload any file(s) in support of your answer

ASSISTANCE TO THIRD PARTIES Question 12.

When determining the support required to the victim and the persons close to him or her, how does your national legal framework ensure that the child's disclosure does not worsen his or her situation and that of the other non-offending members of the family?^[33]

[33] *Ibid.*, Recommendation 31

12. In accordance with Clause 13.3 of the Procedure for the Implementation of the Pilot Project on the Protection and Social-Psychological Support in the Justice Process of Children Who Suffered or Witnessed Violence (the "Barnahus" Model), which is being implemented by the Interdepartmental Coordination Council on Juvenile Justice Issues, social protection measures for children are provided for , organizations providing legal, informational, advisory and other social services. Yes, psychological, informational and advisory services are provided to the child and, if necessary, to close family members who are not perpetrators. In cooperation with the children's service and social service providers at the child's place of residence/further stay, measures are taken to further provide them with the necessary social services, social, psychological, legal, medical assistance and placement of the child in accordance with the resolution of the Cabinet of Ministers of Ukraine dated 01.06.2020 No. 585 "On provision of social protection for children in difficult life

circumstances". Decree of the President of Ukraine dated September 21, 2020 No. 398/2020 provides for urgent measures to prevent and counter domestic violence, gender-based violence, and protect the rights of victims of such violence. These measures are aimed at providing additional procedural guarantees to minors during their interrogation and questioning during criminal proceedings, based on the best international practices. The provision of services to children and their legal representatives or persons replacing them, who accompany the children, is carried out free of charge. The content and scope of the service for each affected child is determined individually, depending on his needs.

Here you can upload any file(s) in support of your answer

MONITORING OF OFFENDERS Question 13. Does your national legal framework provide for:

a. a mechanism to monitor or supervise persons convicted of child sexual abuse and, specifically, persons convicted of child sexual abuse while holding a recognised position of trust, authority or influence?^[34]

Please provide details.

[34] *Ibid.*, Recommendation 33

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (13.a Yes)

13. In accordance with point "g" of Art. 3 of the Law of Ukraine "On Administrative Supervision of Persons Released from Places of Imprisonment" administrative supervision is established for adults sentenced to imprisonment for a crime against the sexual freedom and sexual integrity of a minor - a system of temporary compulsory preventive measures to monitor and control the behavior of individuals, released from prisons held by the National Police. In addition, in accordance with the order of the Ministry of Justice of Ukraine dated 26.07.2023 No. 2679/5, the Unified Register of Persons Convicted of Crimes Against Sexual Freedom and Sexual Inviolability of Minors has begun work. Information from the register is provided in accordance with Section 5 of the Procedure for the Formation and Maintenance of the Unified Register of Convicts and Persons Taken into Custody, approved by the Order of the Ministry of Justice of Ukraine dated 06/26/2018 No. 2023/5. Yes, the following have the right to receive information about the fact that a specific person is in the register: - village, settlement and city mayors, heads of state administrations, other bodies of state power and local self-government - for persons applying for the position of head (deputy head) of preschool education institution, secondary educational institution, out-of-school educational institution, health care institution or other institution, organization obliged to supervise minors or provide medical, educational or social services to minors, and belong to their sphere of management; - heads of pre-school educational institutions, secondary educational institutions, extracurricular educational institutions, health care institutions or other institutions, organizations obliged to supervise minors or provide services of a medical, educational or social nature to such persons, in connection with solving the issue of hiring a person; - any natural person regarding information about himself; - any natural person with regard to information about another person, in the case of the consent of the person for whom such information is requested, certified in accordance with the requirements of the Law of Ukraine "On Notaries".

Here you can upload any file(s) in support of your answer

b. **sharing with other countries data concerning persons convicted of child sexual abuse?**^[35] Please provide details.

[35] Based on Article 38 of the Lanzarote Convention.

- Yes
 No

If appropriate, please provide more information (13.b No)

Here you can upload any file(s) in support of your answer

MEASURES IN RESPECT OF PROFESSIONALS AND LEGAL PERSONS Question 14. Does your national legal framework:

a. **allow for the immediate removal or suspension of a professional or volunteer working with children suspected of sexually abusing a child?**^[36] Please provide details.

[36] Based on Article 27§3(b) of the Lanzarote Convention.

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (13.a Yes)

14. a According to the decision of the investigator, the legal representative, psychologist, teacher may be changed immediately in case of suspicion of sexual violence against the child. Also according to Art. Art. 176 of the Criminal Procedure Code of Ukraine, at the request of the investigator, the prosecutor, the investigating judge, the court may apply preventive measures in the form of detention or house arrest to the suspect. In addition, according to the prescriptions of paragraph 5, part 5 of Art. 194 of the Criminal Procedure Code of Ukraine, during the selection of a preventive measure not related to detention, the court may oblige the suspect not to visit the places determined by the investigating judge or the court. Also, in accordance with Clause 4, Part 2, Art. 131 of the Criminal Procedure Code of Ukraine, the offender may be removed from office. The national regulatory legal framework of Ukraine, namely clause 4 of the second part of Article 131 of the Criminal Procedure Code of Ukraine, provides for removal from office as one of the measures to ensure criminal proceedings.

Here you can upload any file(s) in support of your answer

b. ensure that professionals working in the public, private or voluntary sectors failing to report offences of child sexual abuse occurring in “out-of-home care”^[37] settings are held liable?^[38] Please provide details.

[37] In accordance with the Declaration of the Lanzarote Committee on protecting children in out-of-home care from sexual exploitation and sexual abuse adopted at its 25th meeting (15-18 October 2019), “out-of-home care” represents all settings in which children can be placed out of their home for care (see point b of the Declaration).

[38] Based on the Declaration of the Lanzarote Committee on protecting children in out-of-home care from sexual exploitation and sexual abuse, point 6.

- Yes
- No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (13.b Yes)

14.b Article 137 of the Criminal Code of Ukraine provides for criminal liability for failure to perform or improper performance of professional or official duties regarding the protection of the life and health of minors as a result of negligent or dishonest treatment of them, if this caused significant damage to the victim's health, the death of a minor, or other serious consequences . Professional duties regarding the protection of the life and health of minors are performed, for example, by certain categories of employees of institutions of higher, general secondary, vocational and technical and extracurricular education, medical and recreational facilities for children, orphanages, shelters and reception centers for minors, foster parents and parents-educators of family-type children's homes, some employees of enterprises in the field of tourism, etc. Non-fulfillment or improper fulfillment by an official of an enterprise, institution or organization of the requirements of legal acts on the labor protection of minors, if it caused harm to the minor's health, qualifies under Art. 271 of the Criminal Code of Ukraine. The national legal framework of Ukraine provides for the liability of specialists who work in the state, private or public sector and who did not report sexual violence against a child in places of "child care outside the home" for the criminal offenses provided for in Chapter XVII of the Special Part of the Criminal Code of Ukraine (Criminal offenses in the field of official activity and professional activity related to the provision of public services).

Here you can upload any file(s) in support of your answer

c. ensure that legal persons failing to protect children in their care from sexual abuse are held liable?^[39] Please provide details.

[39] *Ibid.*, see point 7.

- Yes
- No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (13.c Yes)

14.c. Chapter XIV-1 of the Criminal Code of Ukraine provides for criminal-legal measures against legal entities. In particular, according to Clause 6, Part 1 of Art. 96-3, Part 1 of Art. 96-6 of the Criminal Code of Ukraine in the event that an authorized person of a legal entity commits any of the criminal offenses provided for in Articles 152-156-1, 301-1-303 of the Criminal Code of Ukraine against such a legal entity by a court the

following criminal law measures may be applied: fine, confiscation of property, liquidation. The national legal framework does not provide for prosecution of legal entities that have failed to protect children under their care from sexual violence. At the same time, Chapter XVII of the Special Part of the Criminal Code of Ukraine defines criminal offenses in the field of official activity and professional activity related to the provision of public services.

Here you can upload any file(s) in support of your answer

SPECIAL REPRESENTATIVES Question 15. How does your national legal framework ensure that special representatives and guardians ad litem who are appointed to avoid a conflict of interest between the holders of parental authority and the child victim:

- a. receive appropriate training and legal knowledge to ensure and safeguard the best interests of the child victim during criminal investigations and proceedings?^[40]

[40] 1st Implementation Report "Protection of Children against Sexual Abuse in the Circle of Trust: The Framework", Recommendation 35

work on the creation of the "child's advocate" institute in Ukraine has already begun. In particular, on April 15, 2019, at the Round Table organized by the Committee for the Protection of Human Rights at the National Association of Lawyers of Ukraine, which was dedicated to the discussion of mechanisms for ensuring the rights and interests of the child, with the participation of the Commissioner of the President of Ukraine for Children's Rights M.M. Kuleba, a discussion of the project "LAWYER CHILDREN", which will be implemented within the framework of the Committee. As part of the project, it is expected to introduce the institution of a "child's lawyer" into Ukrainian legislation, to introduce a mechanism for appointing a "child's lawyer" by a court decision or a law enforcement agency, under a contract with a guardianship authority or an educational institution, as well as additional training of lawyers who will provide protection and representation of children.

Here you can upload any file(s) in support of your answer

- b. avoid combining the functions of a lawyer and guardian ad litem in one person?^[41]

[41] Ibid., Recommendation 36

15.b. According to part 1, 2 Art. 44 of the Criminal Procedure Code of Ukraine if the suspect, the accused is a minor or a person recognized as legally incompetent or with limited legal capacity, his legal representative shall be involved in the procedural action together with him. Parents (adoptive parents) can be involved as legal representatives, and in their absence - guardians or custodians of the person, other close relatives or family members of legal age, as well as representatives of guardianship and guardianship bodies, institutions and organizations under whose guardianship or guardianship minor, incompetent or with limited legal capacity. According to Art. Art. 226, 227 of the Criminal Procedure Code of Ukraine, when conducting investigative (search) actions involving a minor or a minor, the participation of a legal representative is

ensured. At the same time, Part 4 of Art. 44 of the Criminal Procedure Code of Ukraine provides for the possibility of replacing the legal representative with an investigator, prosecutor, investigating judge or court in the event that the actions or interests of the legal representative conflict with the interests of the person he represents.

Here you can upload any file(s) in support of your answer

c. **are provided free of charge for the child victim?**^[42]

[42] *Ibid.*, Recommendation 37

in accordance with Clause 2, Part 1, Article 14 of the Law of Ukraine "On Free Legal Aid", absolutely all children have the right to free secondary legal aid. To receive such assistance, the child's legal representative (parents, guardians, adoptive parents, custodians, foster parents, adoptive parents) must apply to the local center together with the child.

Here you can upload any file(s) in support of your answer

SPECIAL REPRESENTATIVES Question 16. [for 22 Parties + Malta]

a. **Do you appoint a special representative or guardian ad litem when there is a conflict of interest between the holders of parental authority and a child?**^[43] Please provide details.

[43] *Ibid.*, Recommendation 34

- Yes
- No

Here you can upload any file(s) in support of your answer

b. **Is this person allowed to be present throughout the criminal proceedings?**^[44] Please provide details.

[44] *Ibid*

- Yes
- No

Here you can upload any file(s) in support of your answer

SUPPORT FOR CHILD VICTIMS IN INVESTIGATIVE AND JUDICIAL PROCEEDINGS Question 17. In investigative and judicial proceedings how does your national legal framework ensure that:

- a. **protection measures are available to all children irrespective of their age**?^[45] Please provide details.

[45] *Ibid.*, Recommendation 38

17.a In accordance with Clause 13.3 of the Procedure for the Implementation of the Pilot Project on the Protection and Social-Psychological Support in the Justice Process of Children Who Suffered or Witnessed Violence (the "Barnachus" Model), which is being implemented by the Interdepartmental Coordination Council on Juvenile Justice Issues, social protection measures for children are provided for , organizations providing legal, informational, advisory and other social services. Yes, psychological, informational and advisory services are provided to the child and, if necessary, to close family members who are not perpetrators. In cooperation with the children's service and social service providers at the child's place of residence/further stay, measures are taken to further provide them with the necessary social services, social, psychological, legal, medical assistance and placement of the child in accordance with the resolution of the Cabinet of Ministers of Ukraine dated 01.06.2020 No. 585 "On provision of social protection for children in difficult life circumstances". Decree of the President of Ukraine dated September 21, 2020 No. 398/2020 provides for urgent measures to prevent and counter domestic violence, gender-based violence, and protect the rights of victims of such violence. These measures are aimed at providing additional procedural guarantees to minors during their interrogation and questioning during criminal proceedings, based on the best international practices. The provision of services to children and their legal representatives or persons replacing them, who accompany the children, is carried out free of charge. The content and scope of the service for each affected child is determined individually, depending on his needs.

Here you can upload any file(s) in support of your answer

- b. **specificities of sexual abuse committed in respect of a child by someone in a recognised position of trust, authority or influence are taken into account in the measures and procedures applied during criminal investigations and proceedings in order not to aggravate the trauma experienced by the child**?^[46] Please provide details.

[46] *Ibid.*, Recommendation 39

Here you can upload any file(s) in support of your answer

- c. **a child who is a presumed victim of sexual abuse is supported by a professional trained to safeguard children's psychological well-being**?^[47] Please provide details.

In accordance with Clause 13.3 of the Procedure for the Implementation of the Pilot Project on the Protection and Social-Psychological Support in the Justice Process of Children Who Suffered or Witnessed Violence (the "Barnachus" Model), which is being implemented by the Interdepartmental Coordination Council on Juvenile Justice Issues, social protection measures for children are provided for , organizations providing legal, informational, advisory and other social services. Yes, psychological, informational and advisory services are provided to the child and, if necessary, to close family members who are not perpetrators. In cooperation with the children's service and social service providers at the child's place of residence/further stay, measures are taken to further provide them with the necessary social services, social, psychological, legal, medical assistance and placement of the child in accordance with the resolution of the Cabinet of Ministers of Ukraine dated 01.06.2020 No. 585 "On provision of social protection for children in difficult life circumstances". Decree of the President of Ukraine dated September 21, 2020 No. 398/2020 provides for urgent measures to prevent and counter domestic violence, gender-based violence, and protect the rights of victims of such violence. These measures are aimed at providing additional procedural guarantees to minors during their interrogation and questioning during criminal proceedings, based on the best international practices. The provision of services to children and their legal representatives or persons replacing them, who accompany the children, is carried out free of charge. The content and scope of the service for each affected child is determined individually, depending on his needs.

Here you can upload any file(s) in support of your answer

SUPPORT FOR CHILD VICTIMS IN INVESTIGATIVE AND JUDICIAL PROCEEDINGS Question 18.

Since the adoption of the 1st implementation report in the 1st monitoring round in 2015, has your national legal framework been amended to ensure that the justice system accommodates more fully the specificities attached to the participation of children as victims in proceedings and not solely as perpetrators of criminal offences?^[48] Please provide details.

[48] 1st Implementation Report "Protection of Children against Sexual Abuse in the Circle of Trust: The Framework", Recommendation 40

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (18 Yes)

a Decree of the President of Ukraine dated September 21, 2020 No. 398/2020 provides for urgent measures to prevent and counter domestic violence, gender-based violence, and protect the rights of victims of such violence. These measures are aimed at providing additional procedural guarantees to minors when they are interrogated, interviewed during criminal proceedings, based on the best international practices, in particular on the "Barnachus" model. In order to protect the rights of children who have been abused and are victims or witnesses of a criminal offense, on 17.08.2021 the Prosecutor General signed a Memorandum of Also, in the context of practical measures, it should be noted about the operation of premises equipped for questioning a child using the "Green Room" method, which is provided for in Part 5 of Art. 30-2 of the Law of Ukraine "On Childhood Protection". Such specially equipped (adaptive) rooms are intended for conducting

procedural actions in child-friendly conditions. In particular, the interrogation of a child using the "Green Room" method is carried out without visual observation, and investigative actions with the courts - in the mode of a video conference. In addition, in order to take into account the needs of children, including who suffered from cruel treatment, ensuring a special approach to the child within the framework of criminal prosecution, implementation of the principles of child-friendly justice in practical activities, the Office of the Prosecutor General has changed approaches to the organization of work on the protection of children's interests. Now, regardless of the child's status in criminal proceedings, this issue is comprehensively handled by one specialized unit, which consists of juvenile prosecutors. Also, the issues specified in this paragraph are regulated by the implementation by the Prosecutor General's Office in some regions of Ukraine of pilot projects agreed by state bodies (the Ministry of Internal Affairs of Ukraine, the Ministry of Justice of Ukraine, the Ministry of Social Policy of Ukraine). Thus, from February 7, 2023, a pilot project was introduced to involve psychologists in criminal proceedings involving minors, minors through regional centers for providing free secondary legal assistance, and the corresponding Register of Psychologists was introduced.

Here you can upload any file(s) in support of your answer

INVESTIGATION Question 19. In the investigation phase:

In 2023 the Steering Committee for the Rights of the Child (CDENF) circulated a questionnaire in the framework of its mapping study of the implementation and development of Barnahus model in Europe. Should your authorities have responded to this questionnaire, you may reiterate those replies and complete as need be.

a. **are interviews of child victims arranged in a child-friendly setting separate from the usual premises where investigations and interviews are conducted (such as police, hospital or court premises), and are such settings provided throughout your territory?**^[49] Please provide details.

[49] *Ibid.*, Recommendation 41

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (19.a Yes)

a Decree of the President of Ukraine dated September 21, 2020 No. 398/2020 provides for urgent measures to prevent and counter domestic violence, gender-based violence, and protect the rights of victims of such violence. These measures are aimed at providing additional procedural guarantees to minors when they are interrogated, interviewed during criminal proceedings, based on the best international practices, in particular on the "Barnachus" model. In order to protect the rights of children who have been abused and are victims or witnesses of a criminal offense, on 17.08.2021 the Prosecutor General signed a Memorandum of Understanding on promoting the implementation of the Barnahus model in Ukraine (hereinafter referred to as the Memorandum) with institutions that hold key positions in promoting the implementation best international practices and standards in this area. Currently, based on the results of joint work between the parties to the Memorandum, centers for protection and socio-psychological support in the justice process for children who have suffered or witnessed violence have started operating in Vinnytsia, Zhytomyr, Mykolaiv, Ternopil,

Chernivtsi regions and the city of Kyiv (Barnachus model). Also, in the context of practical measures, it should be noted about the operation of premises equipped for questioning a child using the "Green Room" method, which is provided for in Part 5 of Art. 30-2 of the Law of Ukraine "On Childhood Protection". Such specially equipped (adaptive) rooms are intended for conducting procedural actions in child-friendly conditions. In particular, the interrogation of a child using the "Green Room" method is carried out without visual observation, and investigative actions with the courts - in the mode of a video conference.

Here you can upload any file(s) in support of your answer

b. [are all staff responsible for interviewing child victims required to undergo suitable qualifying training?](#)^[50]
Please provide details.

[50] *Ibid.*, Recommendation 42

- Yes
 No

Here you can upload any file(s) in support of your answer

c. [does your national legal framework require that interviews with child victims are conducted as soon as possible after the offence, that their duration and number are limited, and that in their organisation account is taken of the child's age and attention span?](#)^[51] Please provide details.

[51] *Ibid.*, Recommendation 43

- Yes
 No

Here you can upload any file(s) in support of your answer

d. [\[for Serbia\] how do you ensure that child victims of sexual abuse by someone in a recognised position of trust, authority or influence are not repeatedly interviewed during the proceedings?](#)^[52]

[52] *Ibid.*, Recommendation 54

Here you can upload any file(s) in support of your answer

e. [where it is indispensable to interview the child victim more than once, does your national legal framework require that the interviews should, if possible and where appropriate, be conducted by the same](#)

person and under the same material conditions as the first?^[53] Please provide details.

[53] *Ibid.*, Recommendation 44

- Yes
- No

Here you can upload any file(s) in support of your answer

f. does your national legal framework offer criminal defence the possibility to contest a child's disclosure during the interview through questions, thus obviating the need for the child to be present in the court room during the proceedings?^[54] Please provide details.

[54] *Ibid.*, Recommendation 45

- Yes
- No

Here you can upload any file(s) in support of your answer

JUDICIAL PROCEEDINGS Question 20. In the judicial proceedings:

In 2023 the Steering Committee for the Rights of the Child (CDENF) circulated a questionnaire in the framework of its mapping study of the implementation and development of Barnahus model in Europe. Should your authorities have responded to this questionnaire, you may reiterate those replies and complete as need be.

a. is systematic use of video equipment made in order to record interviews of child victims or enable him or her to testify remotely during the proceedings?^[55] Please provide details.

[55] *Ibid.*, Recommendation 46

- Yes
- No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (20.a Yes)

Here you can upload any file(s) in support of your answer

b. does your national legal framework make an exception in the requirement to be physically present at court hearings for child victims of sexual abuse, including when they are giving evidence?^[56] Please

provide details.

[56] *Ibid.*, Recommendation 59

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (20.b Yes)

Here you can upload any file(s) in support of your answer

c. [is there any difference in the scope of the application of this requirement based on the child's age?](#)^[57]

Please provide details.

[57] *Ibid.*, Recommendation 60

- Yes
 No

Here you can upload any file(s) in support of your answer

d. [are video recordings of interviews of child victims regarded as admissible evidence?](#)^[58] Please provide details.

[58] *Ibid.*, Recommendation 47

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (20.d Yes)

20 d/ Provisions of Art. 225 of the Criminal Code of Ukraine provides for the possibility of interrogating children during a pre-trial investigation in a court session. According to the provisions of Part 4 of Art. 95 of the Criminal Procedure Code of Ukraine, the court can base its conclusions only on the testimony that it directly perceived during the court session, or received in the manner prescribed by Article 225 of this Code. Thus, a video recording of a child's interrogation during a pre-trial investigation at a court hearing can be considered admissible evidence. When passing a court decision based on the results of a trial of a criminal proceeding, the court may not take into account the evidence obtained in the manner prescribed by this article, only by stating the reasons for such a decision (part 3 of article 225 of the Criminal Procedure Code of Ukraine).

Here you can upload any file(s) in support of your answer

e. what measures do you take to guard against any further contact between a child victim of sexual abuse by someone in a recognised position of trust, authority or influence and a presumed offender during the criminal proceedings?^[59]

[59] *Ibid.*, Recommendation 48

According to Art. Art. 176, 183 of the Criminal Procedure Code of Ukraine, at the request of the investigator, the prosecutor, a preventive measure in the form of detention may be applied to the suspect by the investigating judge or court. Also, according to Clause 1 Part 6 of Art. 194 of the Criminal Procedure Code of Ukraine, in the interests of the victim of a crime related to domestic violence, the investigating judge, the court may apply to a person suspected of committing a criminal offense such a restrictive measure as a ban on staying in a place of common residence with a person who suffered from domestic violence violence In addition, other restrictive measures may be applied to the suspect, in particular: restriction of communication with the child; prohibition to approach; prohibition of correspondence, telephone conversations, other contacts; referral to undergo a program for offenders (clauses 2-5, part 6, Article 194 of the Criminal Procedure Code of Ukraine). Art. contains similar provisions. 91-1 of the Criminal Code of Ukraine and provides for restrictive measures that are applied to those sentenced to punishment not related to deprivation of liberty, or when a person is released from criminal liability or punishment. Also, security measures provided for in Art. 7 of the Law of Ukraine "On ensuring the safety of persons participating in criminal proceedings"

Here you can upload any file(s) in support of your answer

f. does your national legal framework allow taking the child's testimony without the presumed offender being present?^[60] Please provide details.

[60] *Ibid*

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (20.f Yes)

In accordance with Part 5 of Art. 27 of the Criminal Procedure Code of Ukraine during the trial and in the cases provided for by this Code, during the pre-trial investigation, full recording of the court session and procedural actions is ensured with the help of sound and video recording technical means. At the same time, interrogations of minor victims are conducted on the basis of Part 9 of Article 352, Art. 353 of the Criminal Code of Ukraine with the use of technical means from another premises, including outside the premises of the court. In addition, court proceedings can be conducted in the mode of a video conference during the broadcast from another premises, including those located outside the court premises (remote court proceedings), in the case of interrogation of a minor or minor witness, the victim (clause 3, part 1 of Article 336 of the Criminal Procedure Code of Ukraine). There are no differences in the scope of application of the specified norms based on the age of the child.

Here you can upload any file(s) in support of your answer

g. [how do you ensure that face-to-face confrontation with the defendant during the proceedings does not take place?](#)^[61]

[61] *Ibid*

20 g In their work, prosecutors are obliged to strictly adhere to the Code of Professional Ethics and Conduct of Prosecutors, approved by the All-Ukrainian Conference of Prosecutors on April 27, 2017, which defines the basic principles, moral norms and rules of prosecutorial ethics, which prosecutors should be guided by in the performance of their official duties and outside of service . With one's integrity, principledness, competence, impartiality and conscientious performance of official duties, contribute to increasing the authority of the prosecutor's office and strengthening citizens' trust in it. Also, when performing official duties, the prosecutor must adhere to generally accepted ethical norms of behavior, be a model of integrity, upbringing and culture. In addition, in order to avoid a personal confrontation between the victim and the suspect, according to the prescriptions of paragraph 4, part 5 of Art. 194 of the Criminal Procedure Code of Ukraine, when choosing a preventive measure not related to detention, the court may oblige the suspect to refrain from communicating with any person or to communicate with him under certain conditions.

Here you can upload any file(s) in support of your answer

h. [what measures do you take to prevent violation of the child victims' right to privacy by the media through disclosure or publication of personal information or data?](#)^[62]

[62] *Ibid.*, Recommendation 49

20 h In order to avoid a negative impact on the child, prosecutors systematically comply with the requirements of the Criminal Procedure Code of Ukraine, the Laws of Ukraine "On Information", "On Protection of Personal Data", "On Access to Public Information" and "On Media" regarding the inadmissibility of disclosing information of pre-trial investigation and personal data of affected children . Also p.p. 15, 72 of the procedure for the implementation of the pilot project of the implementation of international standards of child-friendly justice in practical activities provides for the taking of measures regarding the non-disclosure of personal data about minors, as well as the initiation by the prosecutor of a closed trial of a separate category of criminal proceedings with the aim of non-disclosure of personal data about minors and ensuring their safety.

Here you can upload any file(s) in support of your answer

i. [does your national legal framework provide for free legal aid to child victims of sexual abuse by someone in a recognised position of trust, authority or influence under the same or more lenient conditions as that available to adults?](#)^[63] Please provide details.

[63] *Ibid.*, Recommendation 50

- Yes

No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (20.i Yes)

20 i Children have the right to all types of legal services from the system of free legal aid. Children of any age can get legal advice on their own. Secondary legal assistance is provided to all children under the age of 14 through legal representatives — parents, adoptive parents, guardians, etc. From the age of 14, children have the right to independently apply for secondary legal assistance on some issues, in particular: protection of rights and interests in connection with improper parenting; deprivation of parental rights; acknowledgment of paternity; annulment of adoption or recognition of adoption as invalid; minor parents — regarding the protection of the rights and interests of their child. And from the age of 16 also regarding: granting the right to marry; divorce; annulment of marriage; providing full civil legal capacity. To obtain the services of a lawyer for a child who is a victim or a witness in criminal proceedings, the nearest legal aid office must be contacted by the child's legal representative. In order to attract a lawyer to a child who is suspected or accused of a criminal offense, the investigator, prosecutor, investigating judge, court issue a resolution/decision, which is sent to the regional center for providing free secondary legal assistance.

Here you can upload any file(s) in support of your answer

j. [does your national legal framework grant to child victims of sexual abuse by someone in a recognised position of trust, authority or influence the right to be represented in their own name by a lawyer trained in the relevant matters?](#)^[64] Please provide details.

[64] *Ibid.*, Recommendation 51

- Yes
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (20.j Yes)

20 j The categories of natural persons who have the right to free secondary legal assistance are defined in Part 1 of Art. 14 of the Law of Ukraine "On Free Legal Aid". Thus, the child is guaranteed the right to be represented in criminal proceedings by lawyers of the system of free secondary legal aid (clause 2, part 1, article 14 of the Law of Ukraine "On free legal aid").

Here you can upload any file(s) in support of your answer

k. [what assistance, if any, do you provide to child victims of sexual abuse by someone in a recognised position of trust, authority or influence, once a criminal justice decision has been taken?](#)^[65]

[65] *Ibid.*, Recommendation 52

20 k In accordance with Clause 13.3 of the Procedure for the Implementation of the Pilot Project on the Protection and Social-Psychological Support in the Justice Process of Children Who Suffered or Witnessed

Violence (the "Barnachus" Model), which is being implemented by the Interdepartmental Coordination Council on Juvenile Justice Issues, social protection measures for children are provided for organizations providing legal, informational, advisory and other social services. Yes, the child is provided with psychological, informational and advisory services. In cooperation with the children's service and social service providers at the child's place of residence/further stay, measures are taken to further provide them with the necessary social services, social, psychological, legal, medical assistance and placement of the child in accordance with the resolution of the Cabinet of Ministers of Ukraine dated 01.06.2020 No. 585 "On provision of social protection for children in difficult life circumstances". Services to children are provided free of charge. The content and scope of the service for each affected child is determined individually, depending on his needs and does not depend on the stage of criminal proceedings or the adoption of a court decision.

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