1,237 petitions to the Commissioner

178 legal and normative acts processed and proposals submitted

61 proceedings instituted by the Commissioner

43 proceedings completed (30 in 2022; 13 during the previous reporting period)

369 monitoring visits made

1,650 acts of response and letters to the public authorities, institutions and organisations sent

Key events, challenges and tendencies

In the context of the full-scale armed aggression of the Russian Federation in the territory of Ukraine after 24 February 2022, during his parliamentary control, the Commissioner has detected numerous violations of fundamental rights of a child: the right to security, the right to life, to education, to health and personal development, the right to preserve his or her identity, including nationality and family relations, the right to personal and family life, inviolability of the home, right to care and protection by the state etc.

The most relevant issues that were regularly in the focus of the Commissioner's attention during the martial law are as follows: death and injuries of children, deportation, abduction and illegal detention of children, protection of the children deprived of parental care in time of war, social protection of the children affected by hostilities and armed conflicts, protection of rights of orphans, children deprived of parental care, children in difficult life circumstances etc.

During the full-scale invasion of Ukraine by the RF, almost 70% of the Ukrainian children had to leave home and were displaced within the country or abroad. The war took the children away from their fathers, who had to defend their motherland or could not leave Ukraine with their children during the martial law. The children who are not in Ukraine are under permanent threat of hostile mass shelling by the RF, in connection with damage to the energy system, water and heating supply systems, destruction of schools, hospitals, and use of explosive devices against civilians by the occupants etc.

The authorities of the RF in the temporarily occupied territories keep introducing their standards in an active and persistent way, destroy the Ukrainian identity, change the mindset of the children and youth, form positive attitude to the aggressor's actions, to the occupying Russian army, destroy access to the native language and history, and actively turn the children against Ukraine by engaging them into paramilitary children's movements, such us the Young Army.

The key direction of work of the Ukrainian Parliament Commissioner for Human Rights is to establish each fact associated with the potential violations of the rights of the child in the context of the armed aggression of the Russian Federation against Ukraine, to keep records of violations of international

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humanitarian law and international law and human rights in general.

Also, the rights of the child were subject to assessment within the framework of international human rights mechanisms in 2022.

Thus, on 9 February 2022, the UN Human Rights Committee adopted the Concluding observations on the eighth periodic report of Ukraine[1] on the implementation of the International Covenant on Civil and Political Rights; in particular, it expressed appreciation for the renewal of the constructive dialogue, provision of information, and also gave recommendations regarding Ukraine ensuring free of charge registration of the children born in its territory, receipt of official birth certificates, and taking measures to avoid pretrial detention of juveniles, with non-custodial alternative measures applied.

As for recommendations of the previous years, there are still some issues connected with implementation of legislative amendments related to child-friendly justice, namely as to elimination of gaps in regulation of protection of children from negative impact of products of a sexual or erotic nature. The Commissioner's proposals to introduce specialisation of the persons conducting criminal proceedings that involve a juvenile as well as regulation of investigative (search) activities involving a juvenile were taken into account in the draft Laws of Ukraine developed by the Cabinet of Ministers of Ukraine "On Child-Friendly Justice" (registration No. 5617 of 04.06.2021) and "On Amending the Code of Ukraine on Administrative Offences, the Criminal Code of Ukraine and the Criminal Procedure Code of Ukraine in Terms of Child-Friendly Justice" (registration No. 5618 of 04.06.2021).

On 27 October 2022, the UN Committee on the Rights of the Child adopted the Concluding observations on the combined fifth and sixth periodic reports of Ukraine[2]. The Committee is deeply concerned that the armed attack by the Russian Federation since 24 February 2022 has had a devastating effect on people in Ukraine, particularly children, and has since created major obstacles to the implementation of all the rights of the child defined in the Convention and its Optional Protocols. In this regard, the Committee commends the efforts of the State party to mitigate the adverse effects of the armed conflict on children, but is nevertheless gravely concerned about multiple credible, corroborated and consistent reports of gross violations of children's rights since the beginning of the armed conflict, including killings of children, mass displacement of children internally and outside the country, and the destruction of homes, schools, hospitals and water and sanitation systems, committed mainly by the Russian Federation. It also welcomes progress of Ukraine in amending some legislative acts in the field of protection of the rights of the child as well as the establishment of the Coordination Group for the Protection of the Rights of the Child under Martial Law[3].

The new space, the Consultation Centre of the Ukrainian Parliament Commissioner for Human Rights, was opened on 18 August 2022 as a part of operation of the information and communication portal "Children of War". Similar consultation centres were also opened on 9 December 2022 in the cities of Khmelnytskyi and Lviv. There each citizen can receive explanations on:

- possible ways to return a child or families with children to the territory controlled by the Government of Ukraine;
- receipt of the certificate for the child born within the administrative territory where state registration of acts of civil status is not carried out due to the war;
- procedure for legalisation of the birth certificate issued in the temporarily occupied territory;

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- establishment of contact with the child who has been taken abroad by one of the parents;
- consultations on filling in the child search form;
- completion of the application for aid to the children injured as a result of the war.

Right to life and health

During the year, the Commissioner has been receiving information on the children killed and injured as a result of shelling by the aggressor state. According to the Prosecutor General's Office, 450 children were killed and 872 were injured as of 31.12.2022. These data cannot be considered final since the work is under way to establish the facts of the crimes committed in the areas of active hostilities, in the temporarily occupied and deoccupied territories. At the same time, the number of the children who were killed or injured during 10 months after the full-scale invasion is almost 4.5 times higher than the number of the children affected since the beginning of the armed aggression of the RF in 2014.

Most children were affected in Donetsk, Kharkiv, Kyiv, Mykolaiv, Zaporizhzhia, Kherson, Chernihiv, Luhansk and Dnipropetrovsk Oblasts.

When the causes of the children's deaths and injuries are analysed, it can be claimed that the RF violations the rules of international humanitarian law and launches the attacks prohibited by the laws of war, i.e. the ones that are not directed at military objects. It is specified in the report of the international non-governmental organisation Human Rights Watch that the aggressor country uses banned landmines and explosive ammunition in the territory of Ukraine[4].

The documented crimes committed by the military of the RF army against children include numerous facts of the children killed and injured during evacuation, namely from Kyiv and Kharkiv Oblasts etc. The Russian military opened fire at the vehicles that were marked with signs "children" and moved with white flags during the evacuation[5].

As of 2 January 2023, the total number of children who are or have been treated in healthcare institutions in connection with a wound, an injury, a road accident and other incidents as a result of hostilities and/or during evacuation since the start of the broad-scale armed aggression against Ukraine is 898 children, most of whom are registered in Kharkiv Oblast (269), Donetsk Oblast (177), Dnipropetrovsk Oblast (168), Zaporizhzhia Oblast (72) and Mykolaiv Oblast (64). 843 children (94% of the total number) had landmine, explosive and gunshot injuries.

There are 28 amputations at different levels of upper and lower extremities of the affected children, which is 3% of the total number of the affected children. 4 children who had undergone the amputation died, and 17 children need prosthetic care for their upper and lower extremities.

Some children cannot be provided adequate medical aid at their place of residence because of the regular shelling by the RF and persistent destruction of the critical infrastructure. Therefore, parents and their children are forced to leave Ukraine in order to obtain proper medical treatment, prosthetic care and rehabilitation.

Observance of the right to healthcare for children suffering from rare (orphan) diseases

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Provision of medicines and therapeutic nutrition to the children suffering from rare (orphan) diseases has been permanently controlled by the Commissioner for the last few years[6]. During the reporting period, 14,776 children, including 502 internally displaced ones, were registered with the healthcare institutions as of 01.01.2023. 689 children out of the total number were referred to or left Ukraine on their own for further treatment abroad in 2022. At the same time, there are no reliable data on the location and life of the children suffering from rare (orphan) diseases who lived in the temporarily occupied territories of Ukraine.

It should be noted that actual information on satisfying the demand for medicines and therapeutic nutrition of the children suffering from rare (orphan) diseases cannot be established because the analysis of the information from the health care bodies of the oblast state administrations has shown that the majority of regions provided general information on the persons suffering from rare diseases in the region. Therefore, it turned out to be impossible to establish the scope of expenditures for medicines and therapeutic nutrition only for the children suffering from rare diseases. According to the State Enterprise "Medical Procurement", satisfaction of the children's need for medicines was not established as well.

As for the pressing problems, attention must be paid to lack of exchange of information on patients with orphan diseases and no state register of this group of patients. The needs of such patients cannot be estimated and fully covered unless their actual number is understood.

In 2022, the Commissioner instituted the proceedings based on the petition of the parents of the children who suffered from cystic fibrosis (14 families), regarding observance of their children's right to adequate medical aid. It was established during the proceedings that there were medicines called Trikafta (USA) at the international pharmaceutical market for the children suffering from cystic fibrosis, and that those medicines had extreme efficacy and practically stopped progress of the patient's disease. In response to the Commissioner's requests, the MoH informed that Trikafta was not procured from the state budget because the product was not registered in Ukraine, and treatment of one patient was expensive and cost hundreds of thousands US dollars. Treatment of such patients could only be ensured via humanitarian assistance or by going to specialised hospitals abroad. The National Children's Specialised Hospital of the MoH "OHMATDYT" recommended the patients' parents to apply to the Centre for Orphan Diseases and Gene Therapy or sign up at the website[7] to be given an opportunity to treat their children abroad.

Moreover, during the martial law, the MoH implemented the Medical Evacuation Programme, which provided for organisation of treatment of Ukrainian citizens abroad in order to obtain highly-specialised medical aid.

The parents of the children suffering from cystic fibrosis applied to the Commissioner regarding that matter many times. The MoH still has not resolved the problem of providing adequate medicines to such children because the manufacturer is not interested in the Ukrainian market, and this expensive product has not been registered in Ukraine. The parents have to apply to the manufacturer of the medicines for humanitarian assistance or to look for sponsors to treat their children abroad.

Therefore, the right of the children suffering from cystic fibrosis to necessary medical aid has been

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violated as, according to Article 53-1 of the Law of Ukraine "Fundamentals of Legislation of Ukraine on Healthcare", the citizens who suffer from rare (orphan) diseases shall be continuously provided with free medicines necessary to treat these diseases and respective food products for the special diet, pursuant to the list and volume approved by the central executive authority in charge of formation of the public health care policy, as prescribed by the Cabinet of Ministers of Ukraine.

Moreover, the Commissioner was approached by the head of the Public Association "Orphan Diseases in Ukraine" T. Kulesha, who requested assistance in the matters of introduction of the national classifier ORPHANET and establishment of the chain of orphan centres in Ukraine.

The Commissioner agrees with the concern expressed by the Public Association "Orphan Diseases in Ukraine" that, given the conditions of martial law the country lives in, progress of implementation of the Concept of Development of the Medial Aid System for the Citizens Suffering from Rare (Orphan) Diseases for 2021–2026 approved by Ordinance of the CMU No. 377-p of 28.04.2021 has slowed down considerably. In particular, some of the actions under the Action Plan for Implementation of the Concept were not implemented in 2022: in particular, the national classifier ORPHANET was not implemented to ensure operation of the register of orphan patients, and the network of orphan centres in Ukraine was not established.

Evacuation of children

According to the United Nations Children's Fund (UNICEF), 4.8 million Ukrainian children have changed their place of residence due to the armed aggression against Ukraine since 24 February 2022; 2.5 million children have been displaced within Ukraine while the others have left abroad.

Evacuation of children in connection with the full-scale invasion by the RF has also demonstrated the actual performance of authorities and institutions of the child's rights protection system in Ukraine, including guardianship and wardship authorities, children's services, promptness of their decisions for the benefit of the child, taking of measures and keeping of records on all processes regarding children, care of the children who have lost their parents, provision of necessary services, granting and payment of social assistance etc.

According to the National Social Service, as of 16.12.2022, 6,730 children who are raised in education institutions, healthcare, social protection and private facilities remain in evacuation (2,100 in Ukraine and 4,630 abroad).

As of the start of the full-scale invasion of Ukraine by Russia, 105,459 studied and/or stayed in 727 facilities with 24/7 stay. Due to the permanent threat for life and healthy development, more than 6,750 were evacuated abroad, including 3,610 with the status of an orphan or a child deprived of parental care. The children were evacuated from 274 facilities, including 89 evacuated within Ukraine and 195 — abroad. 36 facilities have already returned from evacuation, including 19 from Ukraine and 17 from abroad.

Most children who have been displaced (evacuated) within Ukraine are in Lviv Oblast (474), Chernivtsi Oblast (339), Zakarpattia Oblast (240), Ivano-Frankivsk Oblast (139), and Kyiv (96). Most children who have been displaced (evacuated) abroad are in Poland (1,533), Germany (736), Turkey (299), Italy (267), Austria (255), Romania (254), Switzerland (181), the Netherlands (159) and Spain (129).

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Right to education

According to the Prosecutor General's Office, as of 31.12.2022, the bombarding and shelling by the armed forces of the RF damaged 3,126 education institutions, including 337 that were completely ruined.

85% of the total number of the education institutions started the academic process on 1 September 2022. 444 vocational education institutions started the process with the full-time or combined education. More than 227 thousand pupils, including 83 thousand of newly admitted ones, started studying.

Out of 12,912 schools, almost 60% (7,714) work in the full-time or combined format and provide education services to more than 2 million 126 thousand pupils. With account of the security situation, the other 5,198 general secondary education institutions work remotely. As of 23.09.2022, 1,100 schools are located in the occupied territories. 505 thousand pupils and more than 13 thousand pedagogical employees remain abroad.

The shelters were prepared in education institutions in accordance with the requirements and standards in summer 2022. It was found out that there were not enough existing bomb and radiation shelter, and their capacity was insufficient. Shelters cannot be provided to participants of the academic process in protective facilities and double-purpose facilities, so the education institutions organise shelters for participants of the academic process in basic facilities.

The Commissioner received information on violation of the right of the pupils in the education institutions of Chervonohrad, Lviv Oblast, to safe conditions for education, to life and health.

The shelter in one of schools of Chervonohrad is insufficient for the number of the pupils, and its condition does not meet the sanitary standards.

The Commissioner sent the request to the Executive Committee of Chervonohrad City Council of Lviv Oblast for taking actions in order to observe the right of the participants of the academic process to life and health, and for providing information on availability and condition of shelters in the municipal education institutions for air raid alerts.

Following the Commissioner's response, the shelters of the education institutions of Chervonohrad were brought into the adequate sanitary condition, and the work was performed to use the closest shelters in the areas adjacent to the education institutions.

According to the State Service of Education Quality, the education institutions mostly have basic shelters (65%); civil protection facilities constitute 17% whereas double-purpose facilities make 13%.

Most education institutions (60%) have civil protection facilities, and 13% use protection facilities of other economic operators. However, 31% of the schools have no shelters. The education institutions of Ivano-Frankivsk, Chernivtsi, Lviv Oblasts and Kyiv are provided with shelters best of all.

In addition, one of the relevant issues in connection with shelters was toilet facilities. Moreover, there is a

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problem with Internet access in shelters.

34.9 thousand pupils from among the persons with special educational needs[8] continue obtaining school education, with 25 thousand inclusion classes opened for them.

Children from among the persons with special educational needs may be provided correctional, development, psychological and pedagogical services and rehabilitation in special education institutions remotely. There are 278 institutions like this, with more than 31 thousand pupils.

During the Commissioner's parliamentary control over the observance of the children's right to education, the following problems were detected: reorganisation and closing of education institutions; provision of adequate educational services (a school bus) to participants of the academic process; observance of the right of participants of the academic process to life and health and safe educational conditions.

In November 2019, Ukraine endorsed the Safe Schools Declaration[9]. On 4 August 2021, the CMU issued Ordinance 898-p "On Approving the Action Plan for Implementation of the Safe Schools Declaration".

One of the reasons why Ukraine endorsed the Safe Schools Declaration was the armed conflict commenced by the Russian Federation in 2014. The content of the Action Plan was mostly connected with the activities in Donetsk and Luhansk Oblasts due to the active hostilities in that territory.

In order to keep objective records on destruction of the education institutions and bring such information to the attention of the international community, the Ukrainian Parliament Commissioner for Human Rights sent a letter to the Ministry of Education and Science of Ukraine and proposed to amend the above-mentioned ordinance by expanding the Action Plan to the entire territory of Ukraine. No amendments have been made to the Plan yet.

At the same time, some schools resume their work in semi-destroyed buildings with risks of collapse in the occupied territory. The authorities of the RF claim that the children who have studied and spoken Ukrainian will be forced to study the aggressor's language for 'correctional education' and studying in Russian schools[10]. The academic programme in the occupied territories is also replaced with the Russian one.

The children are also militarised and forced to obtain Russian citizenship. Materials and books printed distort historical facts, and children are prevented from entering Ukrainian higher education institutions etc. The component based on the principles of propaganda of the ideology aimed without limitation at forming the stable negative attitude to Ukraine and imposing the pre-defined religious principles is introduced into the educational system.

The children are engaged into paramilitary children's movements, such as the Young Army, in the temporarily occupied territories. Military and Russian orthodox subjects etc. are studied in the education institutions deeply[11].

The above means violation of the children's rights established by the UN Convention on the Rights of the Child, namely Articles 8 and 29 thereof, which prescribe the child's right to preserve his or her identity

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and state that the education of the child shall be directed to preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin.

Response to violations of human and civil rights

During the reporting period, the Commissioner received 1,237 petitions regarding 1,905 issues associated with the children's rights, namely the right to parental care (298, including 12 abroad); the right to education (154, including 1 abroad); the right to maintenance by parents (alimony) (142, including 1 abroad), the right to life and health development (102), the right to a family (78, including 5 abroad); protection of children from domestic violence (78); protection of rights of refugee children and children separated from their family (56); the right to work (49); the children's right to housing (34); drawing of children into the armed conflict (25); protection of the children's right to decent treatment during the education and upbringing process (bullying) (25); the right to a name and to know their parents (17); freedom from all forms of violence and worst forms of child labour (5); protection of children in criminal proceedings (5); the right to rest (1); other matters.

Following the consideration of the citizens' petitions, 1,650 letters were sent to the public authorities, local self-government bodies, institutions and organisations.

In 2022, 61 new proceedings were instituted and 43 proceedings were completed (including 30 in 2022 and 13 during the previous reporting period) by the Commissioner based on the citizens' petitions. 31 proceedings are underway as of the end of the year.

The issues raised by the citizens in their calls to the hot line were connected with the procedure for taking the children raised in care homes, the children accompanied by their relatives and acquaintances abroad, for crossing of the state border of Ukraine by students, men of conscription age and other categories of citizens; search for and return of children; matters associated with departure from dangerous areas and occupied territories; receipt of state types of assistances and payments for children by their parents and other matters. In case an issue could not be resolved on the merits, and the Commissioner's response was necessary due to probable violation of rights, the persons were recommended to file a written petition.

298 petitioners applied in 2022 in connection with **violation of the right to parental care.**

The Commissioner received a petition from citizen V. for assistance in returning his 5-year-old daughter from the Russian Federation.

The petitioner informed that his ex-wife, a resident of Kharkiv Oblast, left for the RF together with the child as soon as the armed aggression of the RF against Ukraine had started. Some time later, when she returned to Ukraine to collect some personal belongings, the woman was detained by the competent authorities of Ukraine. With account of those circumstances, the aunt went to the RF to pick up the child, and she asked the petitioner to help them return to Ukraine.

Following the measures taken by the Commissioner in cooperation with the Ministry of Reintegration of Temporarily Occupied Territories and the National Police of Ukraine, the child accompanied by her aunt was returned into Ukraine.

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It should be noted that the Commissioner registered **violations of the children's rights to a name, citizenship as well as the right to know their parents** during the hostilities. In particular, parents of the newly-born children in the temporarily occupied territories faced the problem of inability to register the child's birth and to get a respective Ukrainian certificate from the State Register of Acts of Civil Status.

As he was aware of relevance of that issue, the Commissioner furnished numerous explanations on how to register the child born during the martial law on the official website, in mass media and on social media.

At the same time, the right to citizenship of the children being Ukrainian citizens is violated by the occupants when they leave the temporarily occupied territory.

The Commissioner was approached by citizen Zh. acting on behalf of her younger sister H., who had left from the territory of Donetsk Oblast temporarily occupied by the Russian Federation to the territory controlled by Ukraine and asked the sister to help her obtain documents and keep studying in one of the education institutions of Kyiv.

The child's father died in 2021, and her mother stayed in the temporarily occupied territory. When the child was leaving the temporarily occupied territory, the original documents (birth certificate, academic records) were taken away and destroyed, and she only had some copies left.

Owing to the immediate response of the Commissioner, the juvenile was registered as a child deprived of parental care, granted the respective status and re-issued a birth certificate.

The older sister was designated the younger sister's guardian by the order of the guardianship authority. The girl was admitted to the ninth grade in the education institution for external studies.

The child's guardian submitted documents on determination of the child's citizenship to the State Migration Service in order to obtain a passport of a citizen of Ukraine for her. The child's right to education and social protection has been restored. The matter of granting Ukrainian citizenship to the child is under the Commissioner's control.

During the full-scale war in the territory of Ukraine, the Ukrainian citizens who had to leave their homes and move to safe regions of Ukraine also applied to the Commissioner for restoring their **right and their children's right to adequate social protection.**

In August, the Commissioner was approached by petitioner K., who was an internally displaced person from Kharkiv Oblast, regarding violation of her right and her child's right to social protection in connection with non-payment of the child birth assistance to the petitioner.

The child's mother received the child birth certificate and submitted an application for the child birth assistance, but the woman could not receive the payment for 9 months. After the family had been

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displaced to the safe region, the woman applied to the social protection authority repeatedly at the actual place of residence, but her application was dismissed because her application had been registered by the social protection authority twice.

Following the Commissioner's request to the National Social Service, in December 2022, the petitioner was paid the child birth assistance, and the child's right to adequate social protection was restored.

The parents of the children who stayed in the territory of Ukraine at their principal place of residence as well as participants of the educational process who were forced to change their place of residence within Ukraine or to go abroad applied to the Commissioner regarding observance of their right to education in 2022.

In 2022, 154 persons filed petitions to the Commissioner in respect of **violation of the child's right to education**.

The Commissioner was approached by the parents of the children with special educational needs regarding violation of their children's rights to be provided psychological, pedagogical, correctional and development services in the Communal Institution of Obukhiv City Council "Obukhiv City Inclusion and Resource Centre" since the volunteer organisation had started to operate in the centre.

Following the Commissioner's response, Obukhiv City Council established the commission to examine the building and allocate alternative premises for the volunteer movement.

Pursuant to the commission's resolution, the works were commenced on 19.10.2022 to resume the offline educational process in the Communal Institution of Obukhiv City Council "Obukhiv City Inclusion and Resource Centre".

In 2022, 78 persons filed petitions to the Commissioner in respect of **violation of the child's right to a family**.

In August, the Commissioner was approached by the petitioner regarding violation of the right to a family of his nephew born in 2022, who had been taken away from his mother.

The Commissioner intervened and additionally studied the living conditions in the family of his relatives. The Commission on Protection of the Child's Rights considered temporary accommodation of the child, and his uncle was given a permission to visit the child in the facility. Following the Commissioner's response and based on the order of the Children's Service, the nephew was temporarily placed into his uncle's family, and the child's right to a family was restored.

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Monitoring inspections of observance of rights

In 2022, 369 monitoring visits were made to the institutions and facilities of different ownership and subordination forms, local authorities, education institutions, social protection facilities and other institutions for children. Monitoring was carried out in the following directions:

- observance of rights of the internally displaced children, children in difficult life circumstances;
- observance of rights of the children who have returned from evacuation to facilities of institutional care and upbringing of different types and subordination to safe living conditions;
- observance of rights of children and persons with disabilities;
- observance of rights of children to protection against all forms of violence and other matters.

754 letters of response were sent following the visits to the public authorities, children's services, establishments and institutions.

During the desk inspections[12] all over Ukraine, the matters of observance of children's rights in the context of power decentralisation and administrative and territorial reform as well as of observance of rights of the children who arrived at regions without their parents or legal representatives during evacuation were examined.

The regional representative offices monitored the observance of the children's rights to a healthy diet in all the regions of Ukraine. The majority of visits were made in January and February 2022, before the full-scale armed conflict.

The monitoring was focused on observance of the children's right to healthcare, creation of conditions for the child's health development and balanced nutrition as well as activities within the reform of the school meals system.

The monitoring visits identified the most common problems of lack of necessary equipment and the need to train the staff of food production areas (cooks, nurses responsible for diet meals).

At the same time, the monitoring visits to the education institutions, social protection facilities and children's services demonstrated the following:

1. No interaction between the local authorities, children's services, social service centres, in particular, regarding granting a child the status of an orphan, a child deprived of parental care, and protection of a child in difficult life circumstances.

It was established during the monitoring visit to the Children's Shelter of the Children's Service of Lviv Oblast State Administration that some of the personal files of the children did not contain mandatory records that were supposed to be transferred by the children's services at the place of the children's registration. There were no resolutions on granting a child the status of an orphan, a child deprived of parental care, health condition opinions, individual social protection plans for a child in difficult life circumstances, cards of psychological and pedagogical observation and individual educational work with a child in the files.

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2. Lack of information on observance of the children's right to housing and on the measures to control preservation of the accommodation and property of orphans and children deprived of parental care[13].

It was established during the monitoring visit to the Children Assistance Centre "Home of Happy Children" of the Charitable Organisation "Home of Happy Children" in Kyiv that the personal files of children S. born in 2010, B. born in 2012 and T. born in 2010, who had the status of an orphan, contained no records on their survivor's pension.

According to Point 3 of the Procedure for the Activity Associated with Protection of the Child's Rights by the Guardianship and Wardship Authorities approved by Resolution of the CMU No. 866 of 24.09.2008 (as amended), the children's services are directly responsible for keeping files and coordinating activities to protect the children's rights, including orphans and children deprived of parental care, children in difficult life circumstances. However, the administration of the Centre had no information on the pension granted to the children and did not initiate protection of the children's property rights by the respective children's services.

3. Violation of the right to a standard of living adequate for the child's physical, mental, spiritual, moral and social development[14].

The Children's Service fails to duly control the conditions for accommodation, maintenance, upbringing and education of orphans and children deprived of parental care.

It was established during the monitoring visit to the Children's Shelter of the Children's Service of Lviv Oblast State Administration that the children's living conditions in the shelter were unsatisfactory: the premises had mould and practically no ventilation, the level of humidity was excessive, and there was an unpleasant smell in the residential rooms where the children rested. Moreover, animals (cats and a dog) moved around the building, rooms and food production unit freely.

During the visit, the average temperature at the facility premises was 16-16.5 degrees above zero, which was inconsistent with the State Sanitary Rules and Standards "Temporary Sanitary Rules and Standards for Arranging, Equipping and Maintaining Shelters for Juveniles and Organising Meals and Medical Services for Children". There were no doors at the girls' shower room, which was in breach of their right to privacy.

In breach of the requirements of Article 4 of the Law of Ukraine "On Children's Authorities and Services and Special Facilities for Children", the Children's Service of Lviv Oblast State Administration failed to monitor the conditions for accommodation, maintenance, upbringing and education of orphans and children deprived of parental care in the Children's Shelter of the Service. Therefore, the right of children

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to special protection and assistance provided by the state is not observed.

4. Violation of the children's right to a name and to acquire a nationality (Article 7 of the UN Convention on the Rights of the Child, Article 7 of the Law of Ukraine "On the Citizenship of Ukraine"), and failure to observe the right to life and security (Article 3 of the Constitution of Ukraine).

It was established during the monitoring visit to the Vorokhta Oblast Bone and Tuberculosis Health Resort "Smerichka" that 41 children from 4 children's facilities of Kharkiv Oblast had been placed into that health resort. It was found out that only 5 children out of 13 evacuated children born from October 2021 to February 2022 and left by their children in the perinatal centre had birth certificates. As for other 8 children, the accompanying persons only had medical opinions on the children's birth based on the delivery examination results.

As it is prescribed by Article 144 of the Family Code of Ukraine that a child shall be registered with the authority responsible for state registration of acts of civil status within a month after his or her birth, the children's right to a name, to acquire a nationality, to a family and to respective social protection by the state.

The inspection in the Vorokhta Oblast Bone and Tuberculosis Health Resort "Smerichka" also established absence of the equipped basement in order to observe the right of children and staff to life and security in case of emergency during the martial law.

The administration of the health resort was recommended to develop the action algorithm for emergency and/or evacuation of children, to conduct briefings for the staff and volunteers, and to train the staff on occupational safety.

It was established during the monitoring of facilities of different types and ownership and subordination forms during the martial law that the Nizhyn Children's Care Home had not been evacuated during the occupation of Chernihiv Oblast because specialised vehicles and mobile intensive care units were necessary to carry children from the palliative care department. The facility did not have such capacities as of March 2022.

It was established by the inspection that the administration of the facility had prepared strategic reserves of food and medicinal products for at least 6 months as of November 2022. Several generators, autonomous metal furnaces were purchased, the well was drilled, and the mobile kitchen was produced with the assistance and support of charitable organisations to ensure operations of the facility during the blackout.

At the same time, the monitoring of the Nizhyn Children's Care Home detected the need to improve the form of the individual rehabilitation programme for persons with disabilities, children with disabilities as approved by Order of the MoH No. 623 of 08.10.2007 since it was impossible to analyse efficiency of the

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child rehabilitation work based on the records to be kept in the format prescribed by the legislation.

Recommendations

The Verkhovna Rada of Ukraine should ensure consideration and adoption of:

- draft Law of Ukraine “On Child-Friendly Justice” (registration No. 5617 of 04.06.2021) with account of the Commissioner’s proposals;

- draft Law of Ukraine “On Amending the Code of Ukraine on Administrative Offences, the Criminal Code of Ukraine and the Criminal Procedure Code of Ukraine in Terms of Child-Friendly Justice” (registration No. 5618 of 04.06.2021) with account of the Commissioner’s proposals.

The Cabinet of Ministers of Ukraine should:

- develop and approve the Programme for Complex Social and Psychological Rehabilitation of the Children Affected by Military Actions and Armed Conflicts for 2023-2028, which must provide for conditions for rehabilitation in the field of healthcare, psychological, pedagogical rehabilitation and integration of the children affected by military actions and armed conflicts;

- ensure implementation of the recommendations of the UN Committee on the Rights of the Child given in the Concluding observations on the combined fifth and sixth periodic reports of Ukraine on implementation of the Convention on the Rights of the Child.

The Ministry of Social Policy of Ukraine should:

- develop the draft resolution on amending the Procedure for Granting and Paying the State Assistance to Families with Children approved by Resolution of the Cabinet of Ministers of Ukraine No. 1751 of 27 December 2001 in order to regulate the matter of receiving the financial birth assistance for the child born in the temporarily occupied territory of Ukraine and registered after the deadline set for granting such assistance.

The Ministry of Education and Science of Ukraine should:

- develop and submit to the Cabinet of Ministers of Ukraine for consideration amendments to the Action Plan for Implementation of the Safe Schools Declaration approved by Ordinance of the Cabinet of Ministers of Ukraine No. 898-p of 4 August 2021, and expand its coverage to the entire territory of Ukraine;

- develop measures to grant assistance to the children who temporarily study abroad due to displacement, regarding combination of their studies under the educational programme of the country of their stay and the educational programmes approved by the MoH;

- consider regulation of educational programmes with account of remote studies and the need to support children with special educational needs in order to give them quality and compulsory knowledge, abilities and skills.

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The Ministry of Education and Science of Ukraine, the Ministry of Health of Ukraine, the Ministry of Social Policy Ukraine, the oblast military administrations, and the local self-government bodies should:

- with due consideration of special circumstances of organisation of the educational process, operation of healthcare institutions, social protection facilities during the martial law, focus their efforts on meeting the legislative requirements for the equipment, adequate maintenance and readiness of intended use of civil protection facilities, determining additional demand for such facilities and funding construction of new facilities, reconstruction, overhaul, re-equipment of the existing civil protection facilities, and providing necessary material and technical resources thereto.

The Ministry of Internal Affairs of Ukraine should:

- ensure creation of the spaces favourable for work with the children who have fallen victim to violence or committed an offence (‘green rooms’), and training of the specialists who work with such children.

The Ministry of Health of Ukraine should:

- revise and update the forms of the individual rehabilitation programme for persons with disabilities, children with disabilities and the Procedure for execution thereof approved by Order of the Ministry of Health of Ukraine No. 623 of 08.10.2007, registered with the Ministry of Justice of Ukraine on 19 October 2007 under No. 1197/14464;

- ensure prosthetic care of the children who have lost their extremities as a result of landmine, explosive and gunshot injuries and, where necessary, rehabilitation of each child with complex combined traumas, polytraumas with complications;

- take efficient response measures to introduce ORPHANET as a national classifier of rare (orphan) diseases in Ukraine and to create the network of reference centres for rare (orphan) diseases;

- together with the OMA, tighten control over provision of children suffering from rare (orphan) diseases with medicines and foods at their place of residence or treatment.

1 CCPR/C/UKR/CO/8. Available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FUKR%2FCO%2F8&Lang=ru

2 CRC/C/UKR/CO/5-6. Available at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/TBSearch.aspx?Lang=en&TreatyID=5&DocTypeID=5&ctl00_PlaceHolderMain_radResultsGridChangePage=5

3 The Coordination Group for the Protection of the Rights of the Child under Martial Law is a temporary counselling and advisory body of the Cabinet of Ministers of Ukraine that is established in order to assist in coordination of activities of the central and local executive authorities, other public authorities and local self-government bodies during the martial law *(Resolution of the Cabinet of Ministers of Ukraine No. 302 of 17 March 2022 “On Establishing the Coordination Group for the Protection of the Rights of the Child under Martial Law”)*

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4 HRW. “Ukraine: Banned Landmines Harm Civilians” Available at: https://www.hrw.org/uk/news/2023/01/31/ukraine-banned-landmines-harm-civilians

5 Report of the Office of the United Nations High Commissioner for Human Rights “Killings of civilians: summary executions and attacks on individual civilians in Kyiv, Chernihiv and Sumy Oblasts in the context of the Russian Federation’s armed attack against Ukraine”, 22 December 2022. Available at: https://www.ohchr.org/sites/default/files/2022-12/2022-12-07-OHCHR-Thematic-Report-Killings-UKR.pdf

6 Such patients’ right to adequate treatment is guaranteed by Article 53-1 of the Law of Ukraine “Fundamentals of Legislation of Ukraine on Healthcare”, according to which the state ensures prevention of rare (orphan) disease and organises adequate medical aid for the citizens who suffer from such diseases.

7 Share4Rare. Available at: https://www.share4rare.org/contact#no-back

8 A person with special educational needs is the one who needs additional permanent or temporary support in the educational process in order to observe his or her right to education (paragraph 1(20) of Article 1 of the Law of Ukraine “On Education”).

9 The Safe Schools Declaration is a political commitment to ensure the best protection of children, teachers and schools, to continue education during hostilities, and to take specific actions to prevent schools from being used for military purposes. The Declaration was opened for endorsement by countries at the Safe Schools Conference convened by the Ministry of Foreign Affairs of Norway in Oslo in May 2015.

10 Comment by Mariia Lvova-Belova, the Commissioner for Children's Rights under the President of the Russian Federation, during the briefing at the “Civic Chamber of the RF”. Available at: https://www.oprf.ru/live_stream/1326

11 “Monitoring Report ‘Universal Solider’ or Education as Russia’s Tool in the Occupied South of Ukraine” / M. Sulialina, O. Okhredko — Kyiv: HPC “Almenda”. Available at: https://almenda.org/zvit-universalnij-soldat-abo-osvita-yak-znaryaddya-rosii-na-okupovanomu-pivdni-ukraini-lipen/

12 A desk inspection is a form of work by the staff of the Commissioner’s Secretariat performed to establish the actual condition of observance of human and civil rights and freedoms by objects of the monitoring visit/desk inspection, to confirm or refute data on possible violation of such rights and freedoms (obtained pursuant to Article 16 of the Law of Ukraine “On the Ukrainian Parliament Commissioner for Human Rights”), by checking open sources of information and/or sending an inquiry to the object.

13 Paragraph 3 of Article 18 of the Law of Ukraine “On Protection of Childhood”, Articles 12, 32, 33 of the Law of Ukraine “On Ensuring Organisational and Legal Conditions for Social Protection of Orphans and Children Deprived of Parental Care”.

14 Article 27 of the UN Convention on the Rights of the Child, Article 48 of the Constitution of Ukraine, Article 8 of the Law of Ukraine “On Protection of Childhood”

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