45 petitions[1] were received by the Commissioner regarding violation of rights of the Ukrainian citizens abroad, including:

- 14 regarding issue and receipt of Ukrainian documents abroad
- 4 regarding border crossing
- 27 regarding other matters

7.9 million of our citizens are in the European states.

- 85% of adults are women.
- 35% of the total number are children (18% of girls and 17% of boys).
- 38% of the total number left Ukraine in March 2022.
- 12% Odesa Oblast, 12% Kharkiv Oblast, 10% Kyiv

4.9 million of them were granted temporary protection or other forms of protection outside Ukraine.

Key events, challenges and tendencies

In the context of the full-scale aggression of Ukraine, the key issue is to protect rights of the Ukrainian citizens who have been forced to leave Ukraine due to the war. According to the UNHCR, as of the end 2022, 7.9 million of our citizens are in the European states. 4.9 million of them were granted temporary protection or other forms of protection outside Ukraine[2]. The absolute majority of the persons who have been forced to leave Ukraine in connection with the armed aggression against Ukraine is women, 85%[3]. At present, the exact number of persons in the specific country cannot be calculated due to considerable transit migration from one country to another or due to Ukrainians returning home. Lots of the Ukrainian citizens abroad are not registered with consular missions.

The states of the European Union hosted the largest number of the Ukrainian citizens. In March 2022, the EU Council applied the Temporary Protection Directive (2001/55/EC) for the first time in its history. The Directive applies to the Ukrainian citizens, foreigners who resided in Ukraine, family members of these persons who resided in Ukraine before 24 February 2022.

Temporary protection gives access to the right of residence, access to the labour market, accommodation, social and medical aid. Unaccompanied children and teenagers have access to education and the right to guardianship. The temporary protection has been granted to the Ukrainians until March 2024. The EU Member States may offer broader rights than the ones presented in the Directive, for instance, a longer period of stay or inclusion of a broad group of respective applicants.

However, when they arrived in other states, the Ukrainians citizens and residents did not always find themselves in the favourable environment. On 17 March 2022, the UN Committee on the Elimination of Racial Discrimination expressed its concern[4] by reports of an increase in discrimination, in particular

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xenophobic and racist hate speech and violence against people fleeing the conflict, and called upon all States parties to the ICERD, in particular those neighbouring Ukraine, to continue to allow access to their territories to all persons fleeing the conflict without discrimination on grounds of race, colour, descent, or national or ethnic origin and regardless of their immigration status, and also to adopt measures to prevent, combat and sanction all forms of racial discrimination, in particular xenophobic and racist violence and hate speech against persons fleeing the conflict, to take resolute action to protect all persons against racist violence and hate speech, including on the internet, and to publicly condemn and distance themselves from racist hate speech, including in the media and by public persons and political actors.

The city court of Kladno (Czech Republic) convicted 2 bloggers, who are accused of hate speech against Ukrainians in the public video. In particular, in one of their videos, they urged to conduct a counter-rally in response to the Ukrainian rally, and one of the bloggers also claimed, "Ukrainians are starting to multiply here. One rally after another. We have to act now, otherwise we will end up in hell." The video also contained a number of humiliating and offensive statements where Ukrainians were called "dirty" etc.[5]

It must be understood that the Ukrainian citizens who have been granted temporary protection receive payments, which are generally much lower than an average salary in the country, so they have to provide for themselves, which is quite difficult. Due to the language barrier, minor children, inability to certify their degrees and qualifications and other circumstances, Ukrainians are forced to get unqualified and, therefore, low-paid jobs beyond their occupation.

Children of school age have difficulties adapting to the society, integrating into the environment of the education institution, namely due to the language barrier, academic differences and peculiarities of the academic plan.

The European countries were mostly not ready for such number of refugees, so access to the Ukrainian citizens to social, educational and medical services is not always complete. The network of free language or psychological assistance courses is not sufficiently extensive. One of the most pressing issues is access to temporary or permanent accommodation.

On 10 October 2022, some 135 Ukrainian women and children who have been staying in a Killarney hotel were given the notice that they were being moved to another town to make way for 192 male asylum-seekers from other countries. It was done although many of the Ukrainians had found a job in the town, some of them — in the hotel itself. Around 40 children studied in local schools.

After the community and the town mayor had intervened, the decision on the Ukrainians was reversed at the governmental level; instead, they were promised alternative accommodation so that they could keep working and going to school in Killarney[6].

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Given the adaptation difficulties, some citizens are ready to return to Ukraine, but the obstacle is destruction of their property or its location in the area of active hostilities or occupation.

As the categories of the citizens who have left Ukraine are vulnerable, many of them are under threat of trafficking in human beings as well as gender-based and domestic violence. Another matter on the agenda is hatred-based crime and disinformation incited with hatred. Women, children and persons with disabilities are especially vulnerable.

As a result of the broad-scale military aggression of the RF against Ukraine, the Ukrainian citizens have faced the **problem of documentation abroad**. Lots of people have left the territory of Ukraine without identification and citizenship documents or have lost such documents. It has caused the high work load for the Ukrainian consular missions, which are unable to receive lots of citizens due to their limited capacity. Restoration of documents and issue thereof abroad are a long process due to the work load in the system of Ukrainian foreign diplomatic missions and bodies of the State Migration Service.

In order to resolve the matter, the CMU adopted Resolution No. 678 of 10 June 2022, which approved the Procedure for Implementing the Experimental Project of Issuing a Passport of a Citizen of Ukraine and a Foreign Travel Passport of a Citizen of Ukraine the Ukrainian Citizens Abroad. The idea of the experimental project is that the documents necessary to receive a passport of a citizen of Ukraine and a foreign travel passport of a citizen of Ukraine will be received from the Ukrainian citizens outside our country by the standalone unit of the State Enterprise "Document" that is located outside Ukraine, is managed by the SMS of Ukraine and administers the Unified State Demographic Register. As of the end of 2022, the problem was only partly resolved since the Passport Service of the State Enterprise "Document" was only opened in the Republic of Poland (Warsaw, Krakow, Wroclaw and Gdansk). In February 2023, the respective services also started to be provided in Turkey (Istanbul), Slovakia (Bratislava) and the Czech Republic (Prague).

The consular and diplomatic missions of Ukraine ceased their operations in the territory of the RF due to the military aggression of Russia against Ukraine. Therefore, the Ukrainian citizens who are in the territory of the aggressor state have to go to neighbouring countries to be provided respective services in the consular missions of Ukraine.

Monitoring of the situation of the forced migration of Ukrainians has demonstrated mostly positive attitude to the displaced Ukrainians, creation of favourable conditions for their stay in the EU countries, simplification of the procedures for granting the temporary protection status to children and their accompanying persons, introduction of the adequate system for support and access to medical and social services.

At the same time, there is a number of issues that needed and still need to be regulated at the inter-state and national legislative level, for instance, non-recognition of documents of the persons accompanying groups of children from the Ukrainian side.

Resolution of the CMU No. 383 of 29 March 2022 amended the Rules for State Border Crossing by the Ukrainian Citizens approved by Resolution of the CMU No. 57 of 27 January 1995 (hereinafter the "Rules"). Thus, it is prescribed by point 23 of the Rules that in case the state of emergency or martial law is imposed in the territory of Ukrainian citizens, the children who have turned 16 and are accompanied by a parent, a grandparent, a full-aged sibling, a step-parent or another person authorised by one of the

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parents in the written statement certified by the wardship and guardianship body shall leave Ukraine without a notarised consent of the other parent and provided that there is a passport of a citizen of Ukraine or child birth certificate (where there is no passport of a citizen of Ukraine)/documents with identification data based on which the State Border Guard Service of Ukraine will allow to cross the state border.

This rule has enabled crossing the state border without a notarised consent from the second parent. As a result, there are more petitions to find the child who has been taken abroad by one of the parents and to contact the child or to return him or her from abroad.

Another problem is **receiving the child birth assistance**, namely for the parents whose children are born abroad. There are lots of pregnant women, women who have given birth or are going to give birth abroad among the Ukrainians who have been granted temporary protection abroad. When they carry out the procedure for registering the child's birth abroad, each parent faces a number of non-regulated procedural issues that need to be resolved.

For instance, it is prescribed by the Procedure for Granting and Paying the State Assistance to Families with Children approved by Resolution of the CMU No. 1751 of 27.12.2001 that the women whose place of residence is registered in Ukraine and who give birth to a child during their temporary stay outside Ukraine shall submit the child birth documents issued by the competent authorities of the country of their stay and duly legalised, unless otherwise stipulated in international treaties of Ukraine. Thus, an application shall be submitted to the social protection unit at the registered place of residence or actual place of stay of the applicant.

The functions introduced to submit an application online cannot be used by all the Ukrainian citizens abroad since the documents issued abroad are not integrated into the State Register of Civil Status Acts, so they will not certify the fact of the child's birth in case a corresponding request is sent by the social protection authorities.

No amendments that would consider the current situation in Ukraine and the matter of the indefinite period of the Ukrainian women's stay abroad have not been made to the effective legislation. Therefore, it is now difficult to be paid the assistance for the child who has been born and stays abroad.

In order to enable the Ukrainian citizens to obtain due protection of their rights abroad, the Temporary Offices of the Commissioner were opened in November 2022 abroad, namely in the United Kingdom of Great Britain and Northern Ireland and in the Republic of Ireland. The Temporary Offices of the Commissioner abroad work on a voluntary basis during the martial law and supplement the available mechanisms for protecting rights of the Ukrainian citizens abroad.

Within its competence, the Representative's Office in the United Kingdom acting on behalf and for the benefit of the Ukrainian Parliament Commissioner for Human Rights organised and conducted the lectures, seminars, trainings, and carried out other information and awareness raising activities in the field of protection of human and civil rights and freedoms for the Ukrainian citizens who had been displaced to the United Kingdom. The information on violations of rights and freedoms of Ukrainian citizens was searched, collected and analysed within its competence, and numerous consultations were given to the Ukrainian citizens.

The Representative's Office in the Republic of Ireland organised and held meetings of communities,

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lectures, workshops and trainings in order to facilitate comfortable socialisation of the Ukrainians in Ireland. Assistance was granted to enrol minor children to schools and kindergartens as well as regarding admission to the Irish higher education institutions. Consultation meetings were held regarding temporary accommodation of the Ukrainians who had been granted temporary protection in Ireland. Primary consultations were conducted for the Ukrainians affected by the war effects by the professional psychologists and mental therapists, and there were also information meetings with the organisations of Ukrainians in Ireland, such as the Association of Ukrainians in the Republic of Ireland, Ukrainian Hub "Palianytsia" etc.

Response to violations of human and civil rights

45 petitions were received by the Commissioner regarding violation of rights of the Ukrainian citizens abroad. The most common issues were documentation (14) and border crossing (4).

The Commissioner received the petition from citizen M. regarding assistance in getting a foreign travel passport of a citizen of Ukraine in the Embassy of Ukraine in Georgia.

The Commissioner's Secretariat sent a request to the MFA as a part of his response. According to the MFA, the applicant received the foreign travel passport of a citizen of Ukraine in the Embassy of Ukraine in Georgia on 20 December 2022.

There are numerous questions about getting an identification document to return to Ukraine (in case the petitioners have lost their foreign travel passports of a citizen of Ukraine).

The Commissioner received the petition form citizen V. regarding her return to Ukraine. As the petitioner claimed, she applied to the foreign diplomatic mission of Ukraine to resolve the issue of her return to Ukraine, but it was not settled. The Commissioner sent the letter to the MFA while he was considering the petition. Following the Commissioner's response, the right of citizen V. to obtain documents and return to Ukraine was restored, and she was issued the identification document to return to Ukraine in the foreign diplomatic mission of Ukraine.

Another issue is getting an identification document to return to Ukraine for a child.

The Ukrainian Parliament Commissioner for Human Rights was contacted by minor A. who had left for the Republic of Azerbaijan together with his mother in connection with the full-scale war launched by the RF against Ukraine.

The child noted that he wanted to enter the Ukrainian higher education institution, but he could not return to Ukraine because he did not have a foreign travel passport, and the Ukrainian consular mission in Azerbaijan did not have necessary forms of documents to return to Ukraine.

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The Commissioner took urgent actions to help the child return to Ukraine faster and sent the request to the Consular Service Department of the MFA.

Owing to the efficient response by the MFA units and the staff of the consular mission, minor Amin was issued the document to return to Ukraine so that the child could enter the higher education institution.

The considerable number of the Ukrainian citizens faced the inability to get a new passport of a citizen of Ukraine abroad as they could not leave the country of they stay due to the risk of losing temporary protection in the receiving state. It is especially applicable to the Ukrainian citizens who have turned 14 and have been abroad since the beginning of the war. As they do not have a valid passport of a citizen of Ukraine, these children are unable to get a foreign travel passport and, therefore, do not get protection and social guarantees.

The Commissioner was approached by citizen B., who had been forced to leave her accommodation in Sloviansk, Donetsk Oblast in a hurry as she was concerned about her 16-year-old son, who had had a disability since childhood, and her 10-year-old daughter, and to go to Germany based on their national passports.

Thus, on 10.02.2022, the petitioner ordered the foreign travel passports of a citizen of Ukraine, but failed to receive those documents because of the situation in the state. After the petitioner had applied to the SMS, the documents were issued and sent to the Yavoriv Department of the Main Directorate of the SMS in Lviv Oblast, whereof she received the electronic confirmation on 10.11.2022.

However, the petitioner tried to apply to the consular mission many times to receive the corresponding documents. At the same time, the petitioner emphasised that it was impossible to use the electronic queue on the official website of the Embassy of Ukraine in the Federal Republic of Germany.

In order to respond to the petition, the Commissioner contacted the Consulate General of Ukraine in Munich and the MFA. Then the Consulate General of Ukraine in Munich contacted the petitioner, and she submitted an application for forwarding the documents abroad.

However, although she had applied for forwarding the passport documents for herself and her children to Germany in December 2022, the petitioner received the documents only on 1 March 2023.

Non-readiness of some of the states to receive a large number of our citizens resulted in the long-lasting procedure for obtaining the temporary protection status and assistance in those states.

Ukrainian citizen N. asked the Commissioner to help her, the person with disabilities of group 1, and her retired mother, citizen CN, to get temporary protection in Cyprus.

In order to find out the problem and assist the Ukrainian citizens in resolution thereof, the

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Commissioner's Secretariat first contacted the MFA of Ukrainian citizens and the Embassy of Ukraine in the Republic of Cyprus.

During the proceedings based on the petition of citizen N., the explanation of the stance of the Asylum Service of the Republic of Cyprus on that matter was received upon request of the Commissioner's Secretariat from the MFA of Ukraine and the Embassy of Ukraine in the Republic of Cyprus. The competent Service of Cyprus informed that, since citizen N. and citizen SN. had arrived in Cyprus in 2021, they were not covered by Article 5 of Council Directive 2001/55/EC of 20.07.2001 and the resolution of the Government of the Republic of Cyprus on the procedure for granting Temporary Protection to the Ukrainian citizens who had left Ukraine for the Republic of Cyprus as a result of the armed aggression of the Russian Federation.

With account of the decision of the Asylum Service of the Republic of Cyprus to deny temporary protection for N. and SN. in Cyprus, and due to the humanitarian nature of that matter, the Commissioner additionally sent a motion to assist in positive resolution of the matter to the Commissioner for Administration and the Protection of Human Rights of the Republic of Cyprus.

The Ukrainian citizens are now waiting for the outcome of the final consideration of their matter by the authorities in the country of their state.

During the reporting period, the Commissioner received 19 petitions regarding violation of the children's rights abroad, including the right to parental care (12); right to parental maintenance (alimony) (1), right to education (1), right to a family (5) etc.

In 2022, the Commissioner was approached regarding the return of the children who had been taken to Poland, Germany, Canada and the Czech Republic, **in breach of the right to parental care.** The written explanations on the matter were given.

In pursuance of the Procedure for Implementing in the Territory of Ukraine the Convention on the Civil Aspects of International Child Abduction approved by Resolution of the CMU No. 952 of 10 July 2006 (as amended by Resolution of the CMU No. 795 of 2 September 2010), the petitioners were recommended to contact the Central Authority of the child's habitual residence and/or to the Central Authority of any other Contracting State for assistance in securing the return of the child/children and in exercise of the right of access to them.

However, the Ukrainian citizens faced a number of problems during their evacuation to other countries.

According to Article 313(3) of the Civil Code of Ukraine, the person who has turned 16 shall have the right to freely travel abroad on his or her own, without accompaniment and consent of adults provided that he or she has a foreign travel passport of a citizen of Ukraine.

However, the EU legislation does not consider the special nature and reasons for the children's arrival and stay in the European countries.

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In most European countries, such a child is considered to be an unaccompanied child. Therefore, the countries to which the children from Ukraine come refer them to centres for unaccompanied children and sometimes designate a temporary guardian (in particular, if the child's parents or legal representatives cannot pick him or her up in the country of temporary stay).

In April, the Commissioner's hot line received the petition from citizen S. from Kirovohrad Oblast regarding return of her 16-year-old child from the Kingdom of Spain to Ukraine.

The petitioner noted that her daughter had left for their relatives in Barcelona without accompanying adults. The house owner objected to the petitioner's child's stay in his family and called the police. As a result, the child was placed into the local shelter.

As the child is considered to be in the Kingdom of Spain without accompanying adults according to the legislation of that country, in order to protect the interests of the minor, the local social service decided to temporarily place her into the child centre.

With the Commissioner's support and in order to return the minor to Ukraine, the staff of the Consulate General contacted the child's mother, executed notarised consents of the child's parents to accompaniment of their daughter abroad and sent the request to the local wardship and guardianship authorities asking to transfer the child to the person authorised by the parents.

Following the work performed by the Wardship and Guardianship Service of Leon, it was resolved to transfer the minor to the authorised person to accompany and return her to Ukraine.

There have been several cases of separating the children who were taken abroad by relatives, acquaintances to save them from war, or the groups of children from institutions and facilities taken abroad with the accompaniment of their legal representatives in the European countries that have received our citizens. Most of the states to which evacuation is carried out **do not recognised documents of the persons accompanying** the groups of children from the Ukrainian side although these persons are legal representatives in Ukraine. Such children are considered to be unaccompanied children, so citizens of the receiving country are designated to be guardians (legal representatives).

21 children aged 2 to 16 arrived in Florence, the Italian Republic, from the Makariv Centre of Kyiv Oblast "Promin Nadii"; they were accompanied by the director of the facility. According to the legislation of the Italian Republic, a guardian may only be designated for the group of up to 12 children. The judicial procedure was necessary to confirm the right of the facility director to act as the principal guardian of all the children who had been displaced together with him.

The same situation occurred to the children who had left with groups from the communal facilities. Thus, when the children raised in the communal institution "Social Support Centre for Children and Families "Ridni" and Prosvita Lyceum of Lviv City Council (38 and 18 children) arrived in the Italian Republic, they were also designated the guardians who were citizens of the Italian Republic. Owing to the immediate intervention by the Commissioner, the children from the MF "Ridni Centre" and Prosvita of Lviv City Council returned to Ukraine in summer 2022.

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Also, 14 children from the family-type children's homes (hereinafter the "FTCH") from Obolonskyi (8 children) and Podilskyi (6 children) District of Kyiv were displaced to Italy together with their foster mothers.

6 out of 14 children from the FTCH were separated from their foster mothers. In particular, 3 children were placed into Italian families for co-residence, 2 children were placed into the shelter, and 1 child was placed into the healthcare institution without notification of the legal representatives of the reasons and diagnoses.

The Italian courts heard cases of 5 other children from the FTCH for a very long time, more than 3 months. When the court decisions were adopted to designate citizens of the Italian Republic to be their guardians and to issue documents of citizens of the Italian Republic to the children, no Ukrainian authority responsible for protecting the children's rights was engaged.

Owing to the Commissioner's response in cooperation with the Ministry of Foreign Affairs of Ukraine, 3 out of 5 children from the FTCH were returned to their foster parents in January 2023, and one child came of age and returned to Ukraine. The matter of one more child's return still has not been resolved and is under control by the Consul General of the Italian Republic. Both FTCH keep living in Ukraine until all the children are returned to their families and return to Ukraine.

When they were abroad, the children did not always have an **opportunity to get Ukrainian education** or even obtain documents on complete general secondary education.

The Ukrainian Parliament Commissioner for Human Rights was approached by the mother of minor O. and asked to help the child obtain the Ukrainian document on complete general secondary education.

Due to the full-scale war launched by the RF against Ukraine, the petitioner and her son left Mykolaiv for the Republic of Austria. In 2022, O. finished the gymnasium in Mykolaiv, but he could not obtain the document on the complete general secondary education.

Owing to the efficient cooperation between the Commissioner for Human Rights and the MFA, the documents were sent to the Embassy of Ukraine in the Republic of Austria by diplomatic mail so that the child could enter university.

Violation of the child's right to a family was also a relevant issue. Due to loss of their legal representatives, while they were abroad, the children needed to be assigned the corresponding status and placed into a family.

The Commissioner was approached by citizen K., who asked to help her family, who were temporarily in Portugal, to resolve the matter of guardianship of her minor niece whose mother had died while the family was abroad.

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It was established during the consideration of the petition that the petitioner and her family did not wish to return to Ukraine to get the documents necessary for guardianship of the child until the martial law in Ukraine was over.

Given the above and with account of Article 62 of the Civil Code of Ukraine, wardship or guardianship was assigned at the place of residence of the natural person who needed warship or guardianship, or at the place of residence of the guardian. According to Article 32 of the Consular Charter of Ukraine approved by Decree of the President of Ukraine No. 127/94 of 02.04.1994, the consul takes actions to assign wardship (guardianship), in particular, of the minors who are in his or her consular district and have been deprived of wardship (guardianship), so the petitioner was recommended to apply to the consul in order to resolve the matter of guardianship of the minor during the martial law.

Following the Commissioner's response and request to the National Social Service and MFA and the children's service of Mykolaiv Oblast Military Administration, the wardship and guardianship body assigned the child the respective child and placed him into the relatives' family.

At the same time, while that matter was being resolved, the Commissioner was approached by 2 more petitioners with the same problem.

In order to observe rights and best interests of children and resolve the matter of placing orphans and children deprived of parental care into their relatives' families abroad, it is expedient to develop the mechanism for assigning wardship/guardianship in respective situations.

The Commissioner submitted the proposal to amend the Procedure for the Activities of the Wardship and Guardianship Authorities Associated with Protection of the Child's Rights approved by Resolution of the CMU No. 866 of 24.09.2008 in terms of assigning wardship/guardianship of the child if both the child and the citizen who has resolved to take care of the child in his or her family reside abroad to the Ministry of Social Policy of Ukraine. The amendments to the legal and normative is under the Commissioner's control.

As it has been stated above, another problem is **receiving the child birth assistance**, namely for the parents whose children are born abroad.

The Commissioner was approached by citizen F., who had left Ukraine (Bilhorod-Dnistrovskyi, Odesa Oblast) in March 2022, regarding the inability to exercise her right to receive the child birth assistance abroad. Thus, the petitioner gave birth to the child in June 2022 in Switzerland and received the child birth documents as prescribed by the local rules.

At the same time, as she was in the other country, she could not execute documents and receive the child birth assistance due. Thus, the functions introduced to submit an application online cannot be used by all the Ukrainian citizens abroad since the documents issued abroad are not integrated into the State Register of Civil Status Acts, so they will not certify the fact of the child's birth in case a corresponding request is sent by the social protection authorities.

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Moreover, according to the effective legislation, the child birth assistance is granted provided that an application for such assistance is received within 12 calendar months after the child is born.

Given the above, in order to enhance protection of rights of this category of citizens, the Commissioner submitted the proposals to the Ministry of Social Policy to consider the problem and take measures to make corresponding amendments to the effective legislation. The Ministry of Social Policy is now processing respective proposals.

Monitoring inspections of observance of rights

Monitoring of observance of rights of the children who had been evacuated outside Ukraine was an important element of the Commissioner's work to observe rights of the Ukrainians who had been forced to leave Ukraine in connection with the broad-scale armed aggression of the RF. In particular, in 2022, the observance of rights of the children who had been evacuated from Odesa and Odesa Oblast to the village of Ossa, Łódź Voivodeship, Republic of Poland was monitored twice:

for the first time — from 18 to 27 April 2022 by the representatives of the Coordination Group for the Protection of the Rights of the Child under Martial Law, with participation of representatives of the Commissioner's Secretariat. It was established that 555 displaced children had been registered with the consular mission, and the educational process had been organised for them. The evacuated children were accompanied by the staff from the respective facilities, who were replaced from time to time.

for the second time — on 27 November 2022 with participation of the Commissioner, the Commissioner's representative, the Deputy Head of the Secretariat, representatives of the United Nations Children's Fund (UNICEF), the children's Ombudsman of the Republic of Poland.

A number of problems and violations were established during the monitoring visits at the location of the evacuated children, namely as regards:

– transfer of adopted children to their parents pursuant to decisions of the Ukrainian courts that had entered into force;

– entry of children to vocational or higher education institutions;

– need of rotation of the accompanying staff from the facilities and no activities performed for non-formal education and prevention of burnout of guardians and personnel at the compact settlement together with the children;

– legal status of the persons who turned 18 after they had been displaced abroad;

– violation of the right to healthy development of the child (Article 6 of the Convention on the Rights of the Child) and the right of children with special educational needs to education (Article 3 of the Law of Ukraine "On Education") due to lack of the rehabilitation classes programme for children with mental disorders and log of such classes, lack of the programmes adapted for blind and visually impaired

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children;

– violation of the right to preserve citizenship regardless of the place of residence (Article 2 of the Law of Ukraine “On the Citizenship of Ukraine”) due to non-payment of funds to legal representatives to pay for a passport of the children of certain age;

– violation of the right to physical education (Article 49 of the Constitution of Ukraine, Article 3 of the Law of Ukraine “On Physical Culture and Sport”) with account of lower efficiency of development of the children’s sports potential, due to remote training lessons for the children studying in specialised sports education institutions;

– violation of the right to protection from all forms of violence (Article 19 of the Convention on the Rights of the Child) as a result of no persistent information and awareness raising activities in order to prevent bullying, cruel treatment, to ensure sexual education of teenagers etc.

Moreover, a minor (aged 15) was found to be pregnant during the monitoring, and she was granted pre-delivery support in the Republic of Poland. Then the child returned to Ukraine.

Following the visits, the Commissioner sent respective letters of response to the Ministry of Social Policy and the National Social Service and asked to take actions to restore the children’s violated rights and improve their conditions of stay.

The joint actions to restore the children’s rights are also initiated and coordinated at meetings of the Coordination Group for the Protection of the Rights of the Child under Martial Law.

Recommendations

The Cabinet of Ministers of Ukraine should:

- develop and introduce the mechanism for consular registration of the Ukrainian citizens abroad via Diia electronic service.

The Ministry of Foreign Affairs of Ukraine should:

- ensure that the number of employees of diplomatic and consular missions is increased for the period of martial law in the countries where there are most displaced Ukrainian citizens;

- expand cooperation with representatives of the Ukrainian Parliament Commissioner abroad in order to ensure interaction during protection of rights and interests of Ukrainian citizens abroad.

The Ministry of Social Policy of Ukraine should:

- develop and submit to the Cabinet of Ministers of Ukraine for consideration the draft resolution on amendments to the Procedure for the Activities of the Wardship and Guardianship Authorities Associated with Protection of the Child’s Rights approved by Resolution of the Cabinet of Ministers of Ukraine No. 866 of 24 September 2008 in terms of assigning wardship/guardianship of the child if the child with the respective status and the citizen who has resolved to take care of the child in his or her family stay/reside

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outside Ukraine, in particular, in connection with their departure abroad during the martial law;

- enable the Ukrainian citizens to submit documents necessary to obtain assistance for birth of the child with the foreign birth certificate, from abroad.

The State Migration Service of Ukraine should expand the network of standalone units of the State Enterprise "Document" in Lithuania, Latvia and Estonia, other states of the European Union in order to issue passports of a citizen of Ukraine.

1 It does not include the petitions where the petitioner did not specify the actual place of residence or applied by e-mail or hot line +38 044-299-74-08

2 Refugees from Ukraine recorded across Europe. Available at: https://data.unhcr.org/en/situations/ukraine

3 Ukraine situation: Regional protection profiling and monitoring factsheet. Available at:

https://data.unhcr.org/en/documents/details/97720

4 Racial Discrimination against persons fleeing from the armed conflict in Ukraine Statement 1 (2022). URL: https://www.ohchr.org/sites/default/files/2022-03/Statement-racial-discrimination-against-persons-conflict-Ukraine.pdf?symbolno=INT%2fCERD%2fSWA%2f9532&Lang=en

5 2 bloggers convicted in the Czech Republic for inciting hatred against Ukrainians. Available at: https://www.ukrinform.ua/rubric-society/3602269-u-cehii-zasudili-dvoh-blogeriv-za-rozpaluvanna-nenavisti-do-ukrainciv.html

6 Ukrainian women and children to be moved from Kerry to make space for male asylum-seekers. Available at:

https://www.irishexaminer.com/news/munster/arid-40980908.html?fbclid=IwAR2fR3Yj8L8cd7Xs0dMb8-GwGXoIBGHtFV8ESrAjz3uGoI0RUEjvzc88joY

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