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COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1993

Addendum

UKRAINE

[8 August 1994]

REPORT BY UKRAINE ON MEASURES TAKEN TO ENFORCE THE RIGHTS RECOGNIZED BY THE CONVENTION ON THE RIGHTS OF THE CHILD AND PROGRESS MADE IN IMPLEMENTING THOSE RIGHTS

GENERAL MEASURES OF IMPLEMENTATION

1. Ukraine recognizes that children are entitled to special protection and assistance, since they represent the future of the nation. Our country is convinced of the need for statutory protection of children and has therefore adhered to the Convention on the Rights of the Child (which it ratified on 27 February 1991).

2. Pursuant to the International Treaties of Ukraine Act, dated 22 December 1991, duly ratified international agreements are an integral part of Ukrainian law. Consequently, the Convention on the Rights of the Child forms part of Ukrainian national law. Measures to give effect to the provisions of the Convention may comprise the establishment of the necessary legal base and practical activity by the State to realize rules of law.

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3. In Ukraine, the rights of the child are embodied in various legal instruments. The present Constitution contains no separate reference to the rights of the child; those rights are encompassed within the rights of Ukrainian citizens. The new draft Constitution now under preparation contains proposals for consolidating the legal status of the child. That status is governed by the following Ukrainian laws: The Marriage and Family Code; The State Aid to Families with Children Act, of 21 November 1992; The Promotion of the Socialization and Development of Young People in Ukraine Act, of 5 February 1993; The Status and Social Welfare of Citizens Affected by the Chernobyl Disaster Act, as amended, of 13 December 1991; The Social Welfare and Legal Protection of Military Personnel and Members of their Families Act, of 20 December 1991; The Education Act, of 20 December 1991; The Fundamentals of Ukrainian Legislation on Health Care, of 19 November 1992; The Criminal Code; The Code of Criminal Procedure; The Corrective Labour Code; The Pre-trial Detention Act, of 30 June 1993; The Civil Code; The Code of Civil Procedure; The Administrative Offences Code.

4. Ukraine has prepared a draft Rights of the Child Act. It is the first instrument to treat the rights of the child as a separate category of rights. It also contains a definition of the child. A new Family Code is in the process of elaboration.

5. The Ukrainian Supreme Council has adopted in first reading a draft Bodies and Services for Minors' Affairs and Special Institutions for Minors Act. The Supreme Council has also examined a draft Decision on certain urgent measures to regulate the adoption of orphans and children left without parental care. This instrument gives priority in adoption to Ukrainian citizens.

6. A number of national programmes adopted by the Government aim at the implementation of children's rights: the Long-term Programme of Improvement in the Status of Women, Families and Maternal and Child Welfare; and the National Public Immunization Programme. A national programme entitled "The Children of Ukraine" is in the process of preparation. A national family planning programme will be adopted in the near future.

7. The bodies responsible for protecting the rights and interests of the child are:

(a) At the national level:

(i) In the Supreme Council: the Commission on Health Care and Mother and Child Welfare; the Commission on Youth, Sport and Tourism; the Commission on Human Rights, Ethnic Minorities and Ethnic Relations;

(ii) In the Cabinet of Ministers: the section on women and family, maternal and child welfare;

(iii) In ministries and departments: the relevant sections;

At the local level:

(i) The wardship and guardianship organs of the local executive committees of Councils of People's Deputies (these operate on a voluntary basis);

(ii) The Procurator's Office;

(iii) The courts.

8. The entities active in protecting children's rights and interests include not only State bodies, but also voluntary charitable and legal-support organizations.

9. The Children's Fund of Ukraine is a national voluntary association through which citizens, sponsoring organizations and religious communities combine their efforts to protect the rights of orphans and children deprived of parental care. The Fund acts in conformity with the Convention on the Rights of the Child. It provides material assistance to orphans and children left without parental care. The Fund has been responsible for the establishment of 72 family-type children's homes. These now care for 700 children, including 494 full orphans.

10. Gifted orphans studying in higher educational establishments, of whom there are 296, are paid a grant. A total of 6,550 orphans have been paid insurance benefits.

11. There now exists in Ukraine an All-Ukrainian Committee for the Defence of the Child. Its purposes are to monitor the observance of children's rights in Ukraine and to pressure the authorities to implement the provisions of the United Nations Convention on the Rights of the Child. The Committee has 18 branches. The Committee is active in informing the public about the principles and provisions of the Convention.

12. In 1992, the texts of the Convention was published by the Naukova dumka publishing house in a collection entitled "Human Rights: The International Treaties of Ukraine".

Definition of the child

13. There is currently no definition of the child in Ukrainian law. The draft Rights of the Child Act states that a child is a person below the age of 18, that is, below the age of majority.

14. As a general rule, children are recognized as competent to have rights and obligations, but not to have full legal capacity to act. In the Ukrainian Civil Code, article 11, entitled "Citizens' Legal Capacity", defines the age of commencement of full legal capacity to act as indicated in the following paragraph.

15. Citizens become fully competent to obtain civil rights by their own actions and to create civil obligations for themselves (that is, they acquire full capacity to act in civil matters) on attaining the age of majority, that is on reaching the age of 18.

16. Where the law permits marriage before the age of 18, a citizen who has not attained that age acquires full legal capacity upon marrying.

17. Article 13 of the Ukrainian Civil Code provides that minors between the ages of 15 and 18 have limited legal capacity.

18. The Ukrainian Education Act of 23 May 1991 provides that school attendance is compulsory up to the age of 15.

19. The employment of persons under the age of 16 is prohibited (Labour Code of Ukraine, art. 188). Subject to the consent of one of the parents or of the person acting in loco parentis, persons who have reached the age of 15 may, exceptionally, be employed (ibid.). It is prohibited to employ persons less than 18 years old in arduous work, in work in harmful or dangerous conditions, or in underground work (Labour Code, art. 190). It is also prohibited to use persons below the age of 18 to carry or move loads exceeding the maxima established for them (ibid.). It is prohibited to use workers below the age of 18 for night or overtime work or work on rest days. The law provides for reduced working time for minors: 36 hours per week for workers between the ages of 16 and 18; 24 hours per week for persons aged between 15 and 16 (Labour Code, art. 51).

20. The marriageable age is 18 for males and 17 for females (Marriage and Family Code, art. 16). The executive committees of district (urban) Councils of People’s Deputies may in exceptional cases lower the marriageable age by a maximum of one year (ibid.).

21. Everyone is liable for military service in Ukraine. The persons who may be called up for compulsory military service in time of peace are citizens who are physically apt therefor and who will have reached the age of 18 by the day of departure for their unit (Universal Liability for Military Service and Military Service Act, 25 March 1992, art. 15).

22. Minors who have witnessed a crime may be questioned in the course of the preliminary investigation and give evidence in court. In the case of witnesses aged less than 14 and, at the investigator’s discretion, of witnesses aged less than 16, questioning must be conducted according to the general rules for the questioning of witnesses and in the presence of a teacher or, if necessary, a doctor or the minor’s parents or other legal representatives (Code of Criminal Procedure, art. 168). When minors give evidence in court, the rules of article 168 of the Code of Criminal Procedure apply (Code of Criminal Procedure, art. 307).

23. Only persons who had reached the age of 16 at the time of committing a crime may be held criminally liable (Criminal Code, art. 10). Persons who were aged between 14 and 16 at the time of the offence may only be held criminally liable in cases of: murder (ibid., arts. 93-98); deliberate assault resulting in the impairment of health (arts. 101-104, 106, part 1

and 189.4); rape (art. 117); theft (arts. 81, 86.1, 140, 223 and 229.2); non-violent robbery or robbery with violence not endangering human life (arts. 82, 86.1, 141, 223 and 229.2) or robbery with violence or the threat of violence endangering human life (arts. 86, 86.1, 142, 223, part 2 and 229.2, part 3); deliberate destruction of or damage to State, collective or citizens' personal property having serious consequences (arts. 89, parts 2 and 3, and 145, part 2); deliberate acts capable of causing a train crash.

24. Persons who had not reached the age of 18 at the time of committing a crime may not be sentenced to the death penalty (ibid., art. 24). Persons who had not reached the age of 18 at the time of committing a crime may not be sentenced to more than 10 years' deprivation of liberty (ibid., art. 25).

General principles

25. Children, like all other members of the population, are protected by the State against all forms of discrimination. Treating citizens unequally because of their race, nationality or attitude to religion is a criminal offence (Criminal Code, art. 66).

26. In hearing disputes about children, courts are required to proceed from the children's interests and the conditions for their normal development and education (Marriage and Family Code, art. 69).

27. If a child has attained the age of 18, its consent is required for: adoption; the changing of its family name, first name or patronymic; the restoration of parental rights and, in cases of divorce, the settlement of the question which parent shall have custody of the child.

28. The draft Family Code of Ukraine treats the child as a special subject of law.

29. The degree to which children's rights to life and development are assured depends on the degree to which the State is economically stable and democratic and on the level of development of its child welfare system. It cannot be said that these rights are fully secured in Ukraine. That is attributable to the economic crisis, the State's budget deficit and the inefficiency of the old social security and health system. Despite the difficulties, however, the State is making every effort to overcome the crisis.

30. The whole system for the education and upbringing of children in Ukraine ensures respect for their views.

Civil rights and freedoms

31. A child's first name is chosen by agreement between its parents. The patronymic is taken from the first name of the father or, in special cases, of the person registered as the father. When the parents are unable to agree on the child's first name, the matter is decided by the wardship or guardianship authorities.

32. Children belonging to ethnic minorities have the right to an ethnic family name, first name and patronymic (Ethnic Minorities in Ukraine Act, 25 June 1992, art. 12).

33. Questions of children's citizenship are governed by the Citizenship of Ukraine Act of 8 October 1991.

34. A child whose parents held Ukrainian citizenship at the time of its birth is considered a Ukrainian citizen irrespective of whether the birth occurred inside or outside Ukrainian territory (ibid., art. 13).

35. If a child's parents, one of whom held Ukrainian citizenship at the time of the child's birth, do not have the same citizenship as each other, the child is considered a Ukrainian citizen if:

(a) It was born on Ukrainian territory;

(b) It was born outside the Republic, but its parents (or one of them) were at the time permanently resident in Ukraine.

36. In cases where a child is born outside Ukraine to persons who were both permanently resident outside Ukraine at the time of the birth and who are not citizens of the same State as each other, but one of whom held Ukrainian citizenship at the time of the birth, the child's citizenship is fixed by written agreement between the parents.

37. If, at the time of a child's birth, one of its parents held Ukrainian citizenship and the other was stateless or unknown, the child is deemed to be a Ukrainian citizen irrespective of its place of birth (ibid., art. 14).

38. Children born in Ukrainian territory to stateless persons permanently resident in Ukraine are Ukrainian citizens (ibid., art. 15).

39. Children born in Ukrainian territory both of whose parents are unknown are Ukrainian citizens (ibid., art. 16).

40. When parents' citizenship changes so that both of them become or cease to be Ukrainian citizens, the citizenship of their children under 14 years of age changes accordingly (ibid., art. 22).

41. A child who is a foreign citizen or a stateless person becomes a Ukrainian citizen if adopted by Ukrainian citizens (ibid., art. 26).

42. A child who is a Ukrainian citizen and who is adopted by foreign citizens or by a married couple, one member of which is a Ukrainian citizen and the other a foreign citizen, retains Ukrainian citizenship. If the adoptive parents so request, the child may be permitted to change citizenship (art. 27).

43. Changes in the citizenship of children aged between 14 and 16 in the event of change in their parents' citizenship or of adoption may only be made with the children's consent (art. 28).

44. The right of a child to the preservation of its identity is not enshrined in Ukrainian law. In view of the sense of provisions in a number of legislative instruments, this right may be said to be implied.

Family environment and alternative care

45. Parental rights may be summarized as the right to bring up one's child oneself. Fathers and mothers have equal rights and obligations with respect to their children. Protection of minors' rights and interests is the responsibility of their parents, who act without special powers for that purpose.

46. Minors who marry acquire full legal capacity and are independently responsible for defending their own rights.

47. For parents to bring up their children is not only a right, but an obligation. The upbringing of a child is the joint responsibility of its parents.

48. Article 65 of the Marriage and Family Code is entitled "The resolution by parents of the question of children's upbringing". This article provides that a parent living apart from a child is entitled to have access to the child and to participate in its upbringing. The parent with whom the child lives may not impede the other parent's access to the child or participation in its upbringing unless such access hinders the child's normal upbringing.

49. When the parent with whom a child lives opposes the other parent's seeing the child, the dispute is settled, with the parents' participation, by the wardship and guardianship authorities. If either of the parents fails to fulfil the instructions of the wardship and guardianship authorities, the other may seek settlement of the dispute in the courts.

50. Parents' exercise of their rights and discharge of their obligations regarding their children's upbringing and education must be exercised in accordance with the Education Act of Ukraine.

51. Parents are entitled to demand the return of their children from anyone holding them otherwise than on grounds of law or of a judicial decision (Marriage and Family Code art. 68).

52. The Ukrainian Civil Code makes their parents answerable for injury to minors below the age of 15 (Civil Code, art. 446).

53. Parents are answerable for injury to minors aged between 15 and 18 if the children do not have sufficient property or income to offset the injury (ibid. art. 447).

54. The wardship and guardianship authorities are responsible for assisting parents in bringing up their children and for verifying that parents discharge their obligations concerning such upbringing. If parents do not properly discharge their obligations concerning the upbringing of their children, legal

measures may be taken against them. A court may order that their children be withdrawn from them and may, in addition, deprive them of their parental rights (Marriage and Family Code, arts. 70-76).

55. Deprivation of parental rights is the ultimate legal sanction applicable to parents who do not provide their children with a proper upbringing. It can only be decided upon by a court. The law recognizes a number of grounds on which parents may be deprived of their parental rights. Foremost among them is failure by the parents to fulfil their obligations regarding their children's upbringing. Such failure must be intentional. A further ground for deprivation of parental rights is abuse of those rights, i.e. their deliberate use to the detriment of one's children. Persons may also be deprived of their parental rights if they mistreat their children, inflict corporal punishment on them, humiliate them or deliberately leave them in conditions that endanger their health. Courts most often deprive people of their parental rights when, because of their chronic alcoholism, drug addiction or substance abuse, they exert a pernicious influence on their children by their immoral behaviour. The fact that a court orders a person to be deprived of his or her parental rights, means that the child may not be left with the parent in question.

56. When one parent is stripped of parental rights and the child was previously living with both its parents, it is left with the other parent. If both parents are stripped of their rights, the child is placed in the care of the wardship and guardianship authorities. They then decide to which person or institution the child should be entrusted for the continuation of its upbringing: they will appoint a guardian or, depending on the child's age and state of health, place it in a conventional children's home, a family-type children's home or a boarding school.

57. Parents who have been stripped of their parental rights lose all the rights based on their relationship with the child, including the right to require it to support them in the future. Deprivation of parental rights does not release parents from the obligation to support their children.

58. When children are withdrawn from their parents without the latter being deprived of their parental rights, the question of recovery from the parents of funds for the children's upkeep is resolved by the court.

59. Parental rights may be restored and children returned to their parents by judicial decision.

60. Ukrainian law does not regulate matters relating to family reunification. Entry to and departure from Ukraine in connection with family reunification are subject to the usual terms and the provisions of the Procedure for Exit From and Entry To Ukraine by Ukrainian Citizens Act of 25 January 1994.

61. Parents are obliged to support their under-age children and their children who have attained the age of majority but are unemployable and in need of material assistance. If they evade this obligation, funds for the children's support are recovered from them through the courts (Marriage and Family Code, art. 80).

62. Questions of maintenance payments in cases in which a parent under an obligation to make such payments resides abroad are governed by Ukraine's international treaties on legal assistance. When a citizen under an obligation to make maintenance payments goes to live permanently in a State with which Ukraine does not have a legal assistance treaty, recovery of the maintenance payments is effected in the manner fixed by the Cabinet of Ministers of Ukraine.

63. Wardship and guardianship of children deprived of parental care are governed by the Marriage and Family Code. Wardship applies to children aged less than 15. Guardianship applies to children between the ages of 15 and 18.

64. On receiving reports of children left without parental care, the wardship and guardianship authorities must immediately conduct an investigation and, if it is indeed found that there is no parental care, make temporary arrangements for the children's welfare pending settlement of the question of the appointment of a curator or guardian (art. 135). If no curator or guardian is appointed for children being looked after in State children's institutions, the duties of curator or guardian, as appropriate, devolve on those institutions.

65. Children deprived of a family environment are brought up in State children's homes. As of 1 January 1994, there was in Ukraine a total of 37 pre-school children's homes caring for 2,877 orphans and children left without parental care. Of these homes, five were mixed, in the sense of housing children (total number 440) both of pre-school age and of school age. Of these pre-school homes, 31 are in towns and 6 in rural areas. The 18 homes of the normal type house a total of 2,338 children, while there are 539 children living and receiving treatment in the 19 remedial homes. In 1993, 1,250 children entered children's homes and 1,079 left them, going as follows: to specialized vocational schools, 3; to employment, 3; to other children's homes and boarding schools, 718; to the care of a guardian, 22; to adoptive families, 239; to their parents, 91.

66. In addition to boarding institutions, Ukraine has a network of family-type children's homes. In all, 22 of the country's regions contain 66 such homes catering for a total of 487 children. The legal status of the homes is fixed by the Regulations on Family-type Children's Homes as endorsed by Decision No. 267 of the Cabinet of Ministers, dated 27 April 1994. The Regulations establish a number of privileges for family-type children's homes and provide for assistance to them from State organs.

67. As regards boarding schools, there are 35 general-education schools for orphans and children left without parental care; they house a total of 9,438 pupils. Eighteen of the schools also have pre-school groups for children between the ages of three and six; this makes it possible to maintain and strengthen the family ties between brothers and sisters in the institutions.

68. There are 11 boarding schools for children with impaired intelligence and 1 for psychoneurotic children.

69. In all, the general-education, special and boarding schools have 29,188 pupils. Of the boarding schools for orphans, three are in a rural setting.

70. The adoption of children is governed by the Marriage and Family Code (chapter 14). Only minors may be adopted and then only if the adoption is in their interest. Adoption takes place subject to a decision by the executive committee of a district or urban Council of People's Deputies following an application from the would-be adopter.

71. There is international adoption of orphans. Foreign families have adopted 477 Ukrainian children. International adoption is not regulated in Ukrainian law. It is exceptional and the procedure for it is laid down in legally binding instruments. Appropriate changes will very soon be made in the Marriage and Family Code. On 26 July 1994 the Supreme Council of Ukraine adopted a Decision on the draft Amendment and Supplementing of the Marriage and Family Code of Ukraine Act; under this Decision, adoption of Ukrainian children by foreign citizens is suspended pending the making by the Ukrainian Supreme Council of amendments and additions to chapter 14, article 199, of the Marriage and Family Code.

72. The Government has no information concerning the illicit transfer or non-return of children abroad.

73. The wardship and guardianship authorities conduct periodic appraisals of conditions of care for children.

74. The following table shows the number of children in various types of residential care:

	End 1992	End 1993
Infants' homes	43	43
Number of children in them	4 031	4 062
Children's homes	37	37
Number of children in them	2 706	2 877
Number of family-type children's homes	74	66
Number of children in them	514	487
Number of homes for invalid children	62	61
Number of children in them	9 099	8 716
Number of children and adolescents placed with families, thousands		
Guardianship	41.3	42.6
Adopted	52.2	55.5
Number of children aged less than 16 receiving disability allowances from social welfare bodies, thousands	72.1	104.6

Basic health and welfare

75. In the present economic crisis the population's standard of living has declined sharply. A considerable number of citizens are living below the poverty line. Natural population decline is taking place. Such conditions of life cannot but affect children's survival, health and development.

76. The situation is aggravated by the consequences of the Chernobyl disaster. Children are being born with reduced immunity and are disease prone. In accordance with Ukraine's Status and Social Protection of Citizens Affected by the Chernobyl Disaster Act, of 28 February 1991, children whose health has been affected by the accident at the Chernobyl Nuclear Power Station are provided free of charge with special food, medical treatment, improved sanitary conditions, continuous medical observation, etc.

77. Families having children with mental or physical disabilities are finding themselves in financial difficulties. Often the mother is obliged to leave work in order to care for the child. Parents who do not wish to place such a child in a specialized institution where all costs are borne by the State are paid a State welfare pension.

78. Under existing law, persons in disablement groups 1 and 2 who have been disabled from childhood and disabled children up to age 16 pay reduced charges for medicines and for travel by rail, water, air and urban public transport.

79. There are five educational establishments for disabled adolescents; they offer training in nine different trades. Graduates of these specialized secondary schools are provided with employment in industrial enterprises or institutions or in agriculture.

80. Ukraine has a well-structured system of medical services for children. The public health system provides numerous levels of care, ranging from primary care to highly skilled specialist care, that are available on an equal footing to any child living in Ukraine. Seriously ill children need special types of medical care requiring the services of highly qualified specialists and costly equipment; on the other hand, the country's economic problems make it impossible to provide regional hospitals with all this entails. A network of 14 specialized children's centres has therefore been established to provide medical services for seriously ill children from all towns and villages in Ukraine.

81. In the prevailing economic crisis, the creation of proper conditions for maintaining the nation's health and gene pool is a matter of special importance. Analysis shows that conditions arising during the perinatal period and congenital developmental defects are respectively the first and the second most important causes of infant mortality. For this reason, one of Ukraine's public health priorities today is the development of perinatal services, meaning the development and improvement of all stages of prophylaxis and care from the stage of ensuring that children are born healthy to the stage of preventive care, diagnosis and treatment for infants.

82. The following table shows the infant mortality rate in 1993, by region and for the country as a whole:

Infant mortality in 1993

(Deaths of children below 1 year of age per 1,000 live births)

Country as whole; region	Total	Urban localities	Rural localities
UKRAINE	14.9	14.7	15.4
Republic of Crimea	14.8	14.8	14.9
Vinnitsa	10.2	12.3	8.3
Volyn	11.1	10.8	11.5
Dneproptrovsk	15.1	15.3	14.6
Donetsk	15.3	15.7	12.1
Zhitomir	14.4	14.0	15.1
Transcarpathia	14.3	15.7	14.4
Zaporozhye	15.4	13.3	21.1
Ivano-Frankovsk	21.5	18.5	23.6
Kiev region (not including Kiev)	13.8	12.9	15.0
Kirovograd	13.4	13.0	14.1
Lugansk	18.9	18.8	20.0
Lvov	13.8	11.7	16.6
Nikolaev	14.3	12.7	16.8
Odessa	15.2	13.5	17.6
Poltava	10.7	10.8	10.6
Rovno	15.3	13.1	17.1
Sumy	15.7	14.7	17.8
Ternopol	13.2	10.9	15.2
Kharkov	18.2	18.3	17.9
Kherson	16.6	15.4	18.3
Khmelnitsky	14.4	14.1	14.8
Cherkassy	11.0	10.3	12.0
Chernovtsy	14.8	17.1	13.4
Chernigov	12.4	12.2	12.8
Kiev	17.5	17.5	-

83. Ukraine has 52 neonatology departments and 130 departments for follow-up care for infants. The creation of 36 infant intensive-care departments has helped to reduce neonatal mortality.

84. Establishment of a family planning network began in 1993. A national family planning programme has been drawn up.

85. Children’s health-care institutions are financed from the State budget. Medical services are provided free of charge.

86. Questions relating to the exercise of the child's right to health care are reflected in a number of legislative instruments and national programmes. The fundamentals of Ukrainian Health Legislation adopted by the Supreme Council on 19 November 1992 contains in Section 7, 10 articles defining the State's attitude to mothers and children and providing health care guarantees for them. A State "Long-term Programme for Improving the Condition of Women and the Family, and for Mother and Child Welfare" was adopted in October 1992.

87. The main purpose of these programmes is to ensure the health and welfare of children. While they have been successful in providing some types of specialized medical care, Ukraine's paediatric services are having difficulties in furnishing others. This applies above all to kidney and bone marrow transplantation, certain kinds of heart surgery, and cancer care. The main centres for medical services of these types for inhabitants of the former USSR were located outside Ukraine. Medical structures capable of dealing with these problems are now being created. In addition, the Ukrainian Ministry of Health has concluded agreements on cooperation in the sphere of provision of medical services with the Moscow Municipal authorities and with other CIS centres.

88. Ukraine's difficult economic situation has led to reductions in the State's health budget. The paediatric service is having great difficulty obtaining medicines and medical equipment and maintaining medical institutions. However, the Government and regional executive committees are making every effort to maintain the system of accessible and free health services for the country's children.

89. The following table shows the situation of health care institutions and personnel catering for children:

Organization of child health care and numbers of medical personnel

	End 1992	End 1993
Number of children's polyclinics and hospitals or outpatient clinics with special departments for children	3 349	3 354
Number of hospital beds (all medical establishments) for sick children	94 735	91 863
per 10 000 children aged 0-14	86.5	85.2
Number of midwives (thousands)	40.7	38.4
per 10 000 women	14.6	13.8
Number of paediatricians (thousands)	23.2	22.5
per 10 000 children aged 0-14	21.2	20.9
Number of children's sanatoria:		
Beds (thousands)	38.6	38.6
Number of children treated (thousands)	228.7	238.9
Number of children's health camps	...	7 242
Places (thousands)	...	631.9
Number of children having stayed at a camp (thousands)	...	1 055.9

90. The Ukrainian Pensions Act of 1 January 1992 guarantees to all Ukrainian citizens incapable of working, including children, the right to be maintained out of public funds through the provision of labour and welfare pensions. Under this Act, a pension in the amount of 30 per cent of the deceased person's earnings is awarded for each child that loses a breadwinner (one of its parents). For a child which loses both parents the pension is 200 per cent of the minimum old-age pension.

91. With the aim of further increasing State assistance to families with children and improving the welfare of the young generation, Ukraine has adopted its first Family Allowances Act. This establishes a State-guaranteed level of support for families with children through the provision of assistance according to the family's composition and income and the age and health of the children. All existing disbursements in respect of children (one-time and monthly allowances, monthly, quarterly and annual compensation payments) have been combined in a single system of allowances.

92. The Act provides that these allowances will be increased in the event of an increase in the minimum wage. It is based on the fundamental principles of social policy, namely, the priority of the child's interests irrespective of the family in which he is being brought up and every child's equal right to State support on the basis of the introduction of a monthly allowance payable from birth to age 16 (age 18 for those still in education).

93. The Government's national programme entitled "Education (Ukraine in the Twenty-first Century)" defines the strategic objectives and main lines of reform of pre-school education.

94. Pre-school education is the first link in a system of continuous education, in the formation and development of the personality. It takes place within the family or in pre-school establishments in close interaction with the family and its purposes are to ensure children's physical and psychological health and all-round development to prepare them for school and to give them a first experience of life.

95. In Ukraine there are 23,400 pre-school establishments with a total of 2.2 million pupils. The network, types and activities of the pre-school establishments are determined by families' requirements. Over the past year the numbers of pre-school establishments of the art and aesthetics, physical education and humanities types have increased considerably. Short-stay groups are being established (for walks, health-promotion activities etc.).

96. There are remedial pre-school establishments for children whose physical or psychological development requires correction. The number of such establishments now exceeds 1,000. To the traditional special pre-school establishments for children with impaired hearing, eyesight, speech or mental faculties, are being added pre-school establishments for children who suffer frequently from various internal problems. The main tasks of the special pre-school establishments are to develop and form the children's personalities, restore their health and ensure their social rehabilitation.

97. Under a set of legal rules regulating the activities of pre-school establishments of all types drafted and approved in 1993, each pupil is entitled to the satisfaction of his or her needs for emotional and personal contact, to protection from all forms of physical or psychological violence or humiliation, and to the development of his or her creative abilities and interests. On 1 September 1993 the Cabinet of Ministers of Ukraine approved a Decision on pre-school education establishments.

98. Parents and persons acting in loco parentis have the right to make suggestions for improving work being done with children and to choose the teacher to work with them, thus giving teachers an incentive to improve their professional skills.

99. The pre-school establishments have a full complement of trained teachers: 99 per cent of the 242,000 educators they employ have received appropriate training. The training is provided at 11 pedagogical universities and institutes and 39 pedagogical schools.

Education, leisure and cultural activities

100. The right of every child to education is guaranteed by the Ukrainian Constitution and Education Act. Article 3 of the Education Act provides that citizens have the right to education irrespective of their sex, race or nationality, social or property status, type or nature of occupation, opinions, religion, state of health, place of residence or other circumstances. Enjoyment of this right is ensured by:

(a) The existence of a widespread network of educational establishments based on different forms of ownership, and of scientific organizations and training and re-training facilities,

(b) The openness of our educational establishments and the possibility of choosing types of instruction and education that correspond to the citizen’s abilities and interests,

(c) The availability of a variety of forms of study (full-time, evening, correspondence, external) and by educational sponsorship.

101. The State social welfare system covers all participants in the educational process. Primary and secondary education are free and equally accessible to all children.

102. Ukraine has 21,260 general-education schools (total number of students, 6,858,200) and 437 evening (correspondence) schools (total number of students, 159,400). Special classes, specialized schools, grammar schools, lycées and teaching and educational centres are being established in the interests of developing children’s abilities and talents. At present we have 96 grammar schools (number of students, 58,300), 106 lycées (number of students, 38,300) and 187 teaching and educational centres (number of students, 152,300). Over 2,000 of the general-education schools offer special

classes for in-depth study, principally in the areas of technology, physics and mathematics, languages and the natural sciences. There are 34 private secondary educational establishments; they have a total of 3,400 pupils.

103. At the secondary level, more than 320,000 pupils graduate from full-cycle general-education schools and more than 650,000 from incomplete-cycle general-education schools each year.

104. The system of management of the education sector ensures the unity and continuity of the educational process and the observance of unified requirements as to the level of education of each child.

105. The content of education is fixed curricula. The latter are applied in pre-school, primary and secondary general-education establishments, including special schools for orphans and for children deprived of parental care. The school curricula and syllabuses of general-education establishments, which regulate the organization of the teaching and educational process, create the preconditions for all students to receive a truly useful education taking account of State requirements, regional and ethnic particularities and their own needs.

106. The Ukraine Government has approved a national programme entitled Osvita - "Education (Ukraine in the Twenty-first Century)", which sets clear-cut targets for the improvement and development of the education system during the period from 1994 to 2005. The programme defines Ukraine's education strategy for the next few years and the longer term and provides for the improvement of the continuous-education system and of the opportunities for continuous personal development and the fostering of people's intellectual and cultural capacity, the nation's greatest asset.

107. Education in Ukraine is oriented towards the full development of the child's personality, talents and mental and physical ability. A "Creative Talent" programme is currently being elaborated as part of the national programme "Education". The resolution of a range of problems of a social, economic, legal and practical nature will make possible the creation of a radically new system of working with specially gifted children.

108. Implementation of article 30 of the Convention is ensured by article 6 of the Ethnic Minorities Act, whereby the State guarantees minorities' right to cultural autonomy, including study of the native language or instruction of children in the native language, development of traditions, satisfaction of literary and artistic needs, establishment of cultural associations, etc. Article 16 of the Act provides for State financing of the educational and cultural needs of ethnic minorities.

109. In 1993-1994 there were 3,119 schools for children belonging to ethnic minorities, including 2,932 with Russian as the language of instruction (3,079,500 pupils), 116 with Romanian and Moldovian as the language of instruction (32,900 pupils) and 61 with Hungarian as the language of

instruction (11,700 pupils). Schools with Polish, Hebrew, Crimean Tatar, German, Bulgarian, Gagauz, modern Greek and other languages as the language of instruction are being revived. Multiple curricula providing for the study of the native language and literature and of the history and culture of the nation concerned have been prepared and introduced. In addition, over 11,000 groups in which 78,200 pupils study their own language on an optional basis are in operation in Ukrainian general-education schools. More than 50 Sunday or Saturday schools have been established by ethnic cultural associations.

110. The schools for ethnic minorities employ 5,400 teachers, the more senior among whom are trained at the country's higher educational establishments. Teachers from ethnic minority schools can also gain work experience and follow refresher courses at training centres and higher educational establishments in Hungary, Romania, Poland, the Republic of Moldova and other countries.

111. The State publishes children's books, pedagogical literature and textbooks in the languages of ethnic minorities. Sixty-two educational literature titles with a total print run of 247,000 copies were published in 1992-1994.

112. Higher education in Ukraine is dispensed in accordance with the Osvita programme, which defines strategies for: the development of education; the creation of a continuous-education system in order to raise levels of education; the provision of possibilities for continuous self-improvement, and the fostering of people's intellectual and cultural capacity, the nation's greatest asset.

113. Reform of the Ukrainian higher education system is already radically changing the organization, structure and content of the education of our young people. The aim is to establish our own State education policy so as to ensure that education develops rapidly and becomes substantially more effective. In accordance with the Education Act of Ukraine, work is in progress on a set of basic rules and standards for national education, including higher education.

114. The network of higher educational establishments is gradually being optimized with the aim of meeting the requirements for highly qualified personnel not just of the country as a whole but also of individual regions. Special attention is being given to training to meet the needs of a market economy for specialists in international law, international economic relations, business, law, national administration, etc.

115. Members of the younger generation enjoy equal opportunities to receive a higher education and qualify as a junior specialist or specialist at 740 level I and II State establishments (specialized secondary schools and colleges) and 162 level III and IV State establishments (universities, academies, institutes, conservatoires). The Ukraine today has 14 classical, 8 technical and 10 sectoral universities, 9 academies and 121 institutes.

An alternative network of higher educational establishments based on non-State ownership is being formed, so increasing young people's opportunities to receive a higher education, especially in the non-production and services fields (as lawyers, sociologists, psychologists, managers, etc.), and ensuring their active participation in reforming the country.

116. To ensure that the opportunities offered by the higher educational establishments correspond more closely to the needs of society and the abilities of each of its members we are changing over to a multi-stage training system in which a qualification as a "junior specialist" will correspond to a bachelor's degree and a qualification as a "specialist" will be equivalent to a master's degree. The future professional's levels of education and qualification will thus be clearly defined. The new system is based on the idea of continuous education, the availability of a multiplicity of forms and curricula of post-secondary vocational and professional education.

117. Vocational education in Ukraine is aimed at ensuring our young people's professional self-fulfilment and at educating them to be socially active members of society. The vocational education system includes 1,185 technical educational establishments at various levels and a total of more than 620,000 students in more than 800 trades. Some 300,000 young men and women graduate from such establishments each year. Vocational establishments provide courses for students who have a complete general secondary education (16.6 per cent); a basic general secondary education which they complete at the vocational establishment (69.5 per cent); a basic general secondary education which they do not complete at the vocational establishment (13.1 per cent), or a incomplete basic general secondary education (0.8 per cent).

118. The State has created the conditions for young people, including those with health problems or physical handicaps, to learn an occupation that corresponds to their vocation, interests and abilities.

119. Primary vocational education is provided free of charge. All students receive a grant, and those requiring additional assistance (orphans and children deprived of parental care) receive free food and clothing. Where necessary, students are given free places in hostels for the period of their studies at a vocational training establishment.

120. The Promotion of the Socialization and Development of Young People in Ukraine Act establishes students' grants at the level of the minimum consumer's budget. The same Act guarantees graduates of vocational training establishments an initial job in the trade in which they have qualified. The Act provides penalties for enterprises, institutions or organizations which refuse them places.

121. Out-of-school education has a place in the continuous education system, which aims at raising levels of education, promoting relations conducive to the individual's continuous self-improvement and developing the students'

intellectual and cultural capacity. The purposes of out-of-school education are to meet people's needs for creative self-fulfilment, to help children and young people to acquire additional knowledge, skills and work habits in accordance with their respective interests, to develop their intellectual and spiritual gifts and to prepare them for an active life at work and in society.

122. Out-of-school education is dispensed by out-of-school and other educational establishments and cultural and youth associations. In Ukraine there are 1,645 out-of-school educational establishments. Of these, 818 are children's and young people's creative arts centres, clubs and the like and 630 are centres, stations and clubs for young technologists, naturalists, hikers, etc.

123. Opportunities are provided for 166 million children to receive additional education by participating in activities relating to science, technology, the arts, and the environment and nature, in hikes and regional studies, in sports and games and in military-patriotic and other forms of activity.

124. By supplementing, expanding and deepening the attention given to the child in the family and at school and continuing the educational process, out-of-school organizations satisfy the individual needs of children, adolescents and young students and stimulate the development of their inclinations and abilities in many fields of human activity such as science, technology, culture and sport.

125. The multiplicity of forms and methods of out-of-school work performed by State, cooperative, private and amateur organizations, the fact that all ages and both sexes are represented in them, the combining of mass, group and individual activities, the dynamics of creative cooperation with adults, and the satisfaction of regional and ethnic demands all help to form the moral orientations of the young personality.

126. The democratic processes taking place in all areas of the life of the people of Ukraine are particularly conducive to the reform and beneficial modernization of the content, principles, forms and methods of activity of out-of-school educational establishments and of the arrangements for out-of-school and out-of-class work with children and young people. The reform of out-of-school education is taking place against a background of rebirth of a national education system in which children are brought up to be responsible citizens of Ukraine and in which their development is given priority.

127. The "My land - land of my fathers" movement for the preservation and development of the traditions, customs and rituals of the people of Ukraine has come to be identified with the programme of activities of out-of-school organizations to associate children and adolescents with the rebirth of the nation. To this end, hiking and local-lore activities are being developed; groups and clubs of this type at present number 8,500. Three thousand excursion groups uniting some 60,000 students have been formed.

128. The role and significance of artistic and aesthetic education as a means of shaping young people's spiritual world and moral and ethical ideals are growing. A national centre for the aesthetic education of students at all levels has been established. A network of students' creative associations of an aesthetic type - applied arts groups, national arts academies, dance and song ensembles, choirs, symphony and other orchestras, workshops and clubs of various kinds - is being developed in out-of-school and other educational establishments. At out-of-school institutions alone there are now more than 32,000 cultural associations of various kinds involving more than 502,000 students.

129. In line with the spirit of our time, the scientific and technological creativity of our youth is being developed. Some 308,000 associations at various kinds of out-of-school establishment are between them providing 426,900 children and adolescents with a grounding in applied technology.

130. Students' scientific and technological activity centres have provided the impetus for the establishment of a Junior Academy of Sciences and students' scientific associations in our country. Central to the arrangements for young people's leisure time scientific and research activities are more than 50 of the largest out-of-school institutions, which are able to call upon the services of highly qualified teachers and scientists. Members of the Junior Academy of Sciences and young people's scientific associations can enter their work in annual nation-wide competitions in the fields of engineering, the natural sciences, history and local lore, the arts and so on.

131. Ukraine has 606 sports schools for children, including 50 specialized schools for potential high-level competitors, 10 physical culture schools and 104 physical training clubs for children and young people. In these establishments 443,000 girls and youths are receiving systematic training from more than 11,000 coaches in 59 forms of sport. A total of 7.6 million schoolchildren and students of higher educational establishments are involved in physical culture and sports activities at educational establishments. Ukrainian student teams participate in world and European championships in various sports. An all-Ukrainian school sports association has been established.

132. Children's enjoyment of the right to rest and leisure is further assured by the creation of a network of holiday camps, sanatoria and holiday boarding homes. Over 120 hikers' camps for 70,000 school children operate during the school holidays. Camping under canvas has gained in popularity in recent years.

133. Measures are being taken to preserve the network of out-of-school educational establishments of the health, work-and-rest or school-camp type. These number 5,900 and cater for as many as 300,000 children. The Ukrainian trade unions federation organizes 1,400 permanent camps for as many as 700 children and adolescents.

134. The following table shows the number of children involved in out-of-school education:

Education, culture, out-of-school education

	End 1992	End 1993
Number of permanent pre-school institutions, total (thousands):	23.8	23.2
of which:		
In urban settlements	11.7	11.4
In rural areas	12.1	11.8
Number of children in permanent pre-school institutions, total (thousands):	2 063	1 918
of which:		
In urban settlements	1 617	1 506
In rural areas	446	412
Proportion of children covered by permanent pre-school institutions (as a percentage of the number of children of the corresponding age), total:	51	47
of which:		
In urban settlements	57	53
In rural areas	36	33
Number of children at pre-school institutions per one hundred places (total)	93	88
of which:		
In urban settlements	100	94
In rural areas	75	69

	End 1992	End 1993
Number of children's theatres	37	39
Number of children and adolescents participating in cultural club activities (thousands)	643.0	590.1
Number of libraries for children and young people, total:	1 454	1 447
of which:		
For children	1 364	1 359
For young people	90	88
Number of children and adolescents practising physical culture at school or at institutions near their place of residence (thousands)	2 600.3	2 711.0
Number of sports schools for children and young people and of schools for potential high-level competitors	1 513	1 502
Number of children attending such schools (thousands)	663.5	613.1
Culture palaces and premises for out-of-school activities	816	818
Number of children attending (thousands)	959.6	975.9
Centres and clubs specializing in:		
Applied technology		
Number of children attending	322	324
(thousands)	272.1	975.7
"Young naturalists" activities	234	230
Number of children attending (thousands)	160.4	159.2
Hiking and local-lore studies	70	77
Number of children attending (thousands)	62.7	67.1

(As of the start of the school year)

	1992/93	1993/94
Number of general education day schools, total*	21 542	21 694
of which:		
In urban settlements	6 361	6 452
In rural areas	15 181	15 242
Number of students attending general-education day schools, total, (thousands):	6 919.4	6 937.0
of which:		
In urban settlements	4 740.9	4 745.2
In rural areas	2 178.5	2 191.8
Number of schools providing an aesthetic education	1 546	1 579
Number of students attending such schools (thousands)	380.0	393.5

* State and private.

Special protection measures

135. There was only an emergency situation during the review period. It arose in the summer of 1992, when there was an influx of refugees from the Republic of Moldova. The people involved had left their places of permanent residence because of the danger to their lives in an area of military operations. Ukraine accepted over 60,000 such refugees, including children. On 8 July 1992 the Cabinet of Ministers of Ukraine approved Temporary Regulations on determining the status of, and providing assistance to, refugees from the Republic of Moldova. The refugees were provided with accommodation, work and medical assistance, and their children were found places in schools and pre-school institutions.

136. Ukraine adopted its Refugees Act on 24 December 1993. Ukraine does not possess a developed infrastructure for receiving and accommodating refugees. For this reason, Ukraine has not ratified the Convention relating to the Status of Refugees, whose provisions it is not in a position to implement.

137. During the review period Ukraine was not confronted with the problem of social reintegration of children affected by armed conflicts.

138. Matters pertaining to the administration of juvenile justice are regulated by Section 8 of the Ukrainian Code of Criminal Procedure. Except in some particulars, juvenile justice is administered in accordance with the general rules governing the procedure in criminal cases.

139. In conducting the preliminary investigation and court proceedings in a criminal case involving a minor, the following points have to be ascertained in addition to the main circumstances in which the crime was committed:

(a) The minor’s age;

(b) The minor’s state of health and general development;

(c) The minor’s personality;

(d) The minor’s living conditions and education;

(e) Any circumstances having had an adverse effect on the minor’s education;

(f) The presence of any adult instigators or other persons who may have involved the minor in criminal activity.

140. Where necessary to determine the level of the minor’s general development an examination must be made by specialists in child and juvenile psychology or the above questions may be referred for elucidation to an expert psychiatrist.

141. In addition to preventive restriction measures, accused juveniles may be placed under the supervision of their parents, guardians or curators; minors being educated in a children’s institution may be placed under the control of the administration of that institution (art. 436). If a minor participated in the commission of a crime together with adults, it is compulsory to examine at the stage of the preliminary investigation the possibility of splitting the minor’s case off into a separate proceeding.

142. Cases relating to crimes by minors are tried in courts of general jurisdiction. In cases relating to crimes by minors, the participation of defending counsel is permitted from the moment at which the charge is brought (art. 44) and, in the event of arrest, from the moment of arrest. The participation of defending counsel during the hearing by courts of cases relating to crimes by minors is compulsory (art. 45). The rules governing interrogation of minors are described under "Definition of the child" above. Questions relating to arrest and committal in custody are regulated by the Code of Criminal Procedure and by the Pre-trial Detention Act of 30 June 1993.

143. Persons detained on suspicion of having committed a crime are kept in temporary detention cells (TDC), but not for more than three days. On the expiry of this period, the investigator may apply to the suspect or as the case may be, the accused, a preventive restriction measure (committal in custody). In that event, accused persons are transferred to an investigation block.

144. Under article 157 of the Ukrainian Code of Criminal Procedure, the arrest of a suspect requires the sanction of the procurator. In deciding whether to sanction the arrest of a minor, the procurator must personally interrogate the suspected or accused minor. Under article 156 of the Code of Criminal Procedure, the statutory period of detention in custody of an accused person may not exceed two months. However, this period may be extended to 18 months by the relevant procurator.

145. Under article 8 of the Pre-trial Detention Act, minors are detained in investigation blocks separately from adults. Exceptionally, not more than two adults being prosecuted for the first time in connection with non-serious crimes may, with the sanction of the prosecutor, be placed in a cell together with minors in the interests of avoiding overcrowding.

146. Minors may not be detained in solitary confinement cells. In the event of threats to their lives, they must be transferred to fresh cells designed for multiple occupancy.

147. After sentencing on general grounds, minors are entitled to lodge a cassational appeal or an appeal for review by way of judicial supervision.

148. Article 24 of the Criminal Code states that the supreme measure of punishment - the death penalty - cannot be applied to minors. Persons below the age of 18 cannot be sentenced to more than 10 years' deprivation of freedom (Criminal Code, art. 25).

149. Convicted minors serve their term of punishment in educational-labour colonies under one of two regimes, general and reinforced. The conditions in such colonies are designed to ensure the inmates' social reintegration. The means employed to achieve that end are: the regime under which the term of punishment is served; socially useful labour and socially educational work; provision of general education and vocational training.

150. The penitentiary system is still not receiving the financing it needs. This is principally due to the economic crisis.

151. Some changes are needed in the methods of work of the personnel of educational-labour colonies.

152. The real situation of minors in places of pre- and post-trial detention does not yet correspond to international standards.

153. In keeping with United Nations priorities in the sphere of criminal jurisdiction and treatment of offenders, Ukraine is anxious to improve its penitentiary system and is taking concrete steps to that end. Pursuant to the State Programme to Combat Crime of 26 January 1994, the Cabinet of Ministers has approved a special programme to bring the conditions for the detention of convicted persons serving sentences in places of deprivation of freedom and of individuals detained in investigation blocks and closed treatment and

reeducation centres for alcoholics, etc. into line with international standards. The programme also provides for the establishment in regional and district centres and industrial cities of centres for the social rehabilitation of individuals released from places of deprivation of freedom. With a view to providing material support for such people, special accounts are to be opened in savings banks to receive voluntary contributions. The programme also allows for the organizing of sponsored cultural and sports activities for minors in educational-labour institutions.

154. The staffs of penitentiary institutions have been expanded to include psychologists. Educational psychology and administrative law are being employed to eradicate negative socio-psychological phenomena among convicted persons which lead to degradation of the personality in places of deprivation of freedom.

155. The above-mentioned programme aims at the social reorientation of the execution of criminal penalties in Ukraine, taking into account international human rights instruments and the principles of legality, humaneness, differentiation and individualization in prisoner education, the prime object being to reduce recidivism.

156. The following table shows the number of juvenile offenders for 1992 and 1993:

Juvenile offenders aged 14-17 years

	TOTAL	
	1992	1993
Number of juvenile offenders, thousands	31.2	31.5
Number of convicted juvenile offenders, thousands	11.6	14.6
of whom:		
Youths	11.0	13.8
Girls	0.6	0.8
Number per 10 000 minors of:		
Juvenile offenders	106.4	107.4
Convicted juvenile offenders	39.6	49.7

157. The Supreme Council of Ukraine has adopted in first reading a draft Bodies and Services for Minors' Affairs and Special Institutions for Minors Act.

158. Child labour is prohibited in Ukraine. The age from which young people may be employed is indicated above, in the section entitled "Definition of the child".

159. The number of minors registered as drug addicts was 359 in 1992 and 573 in 1993. The number of persons registered as receiving treatment for drug addiction was 928 at the end of 1992 and 1,399 at the end of 1993. Work is being done in Ukraine to protect children from the illegal use of drugs and psychotropic substances. Efforts are being made to find activities for children that suit their interests and so keep them away from the temptation to experiment with drugs. Inducement of minors to use drugs is a criminal act under Ukrainian law (Criminal Code, art. 229-5) and is punishable by up to 10 years' deprivation of freedom.

160. Involving minors in criminal activity is a criminal act under article 208 of the Criminal Code.

161. Ukraine is taking measures to implement article 34 of the Convention. The State protects the child from sexual exploitation and sexual abuse. Under article 117, part 3, rape of a female minor is punishable by deprivation of freedom for 5 to 15 years; rape of a female child aged 8 to 15 years is punishable in accordance with part 4 of the same article. Debauchment of minors, i.e. immoral conduct with regard to persons below the age of 16 years, is punishable by deprivation of freedom for up to three years.

162. The Criminal Code does not at present deal with the crimes of "exploitative use of children in prostitution or other unlawful sexual practices" and "exploitative use of children in pornographic performances and materials". However, the question of making the appropriate changes in the Criminal Code is to be placed before the Supreme Council.

163. The abduction of a child with mercenary intent for revenge or for other personal reasons is punishable by deprivation of freedom for up to five years (Criminal Code, art. 124).

164. Ukrainian law does not provide for the crimes of "sale of" or "traffic in" children.

165. The position of children belonging to ethnic minorities is determined by Ukraine's Ethnic Minorities Act of 25 June 1992.

166. Information on the education, leisure and cultural activities of children belonging to ethnic minorities will be found in the appropriate section. The following tables give statistical data on minority education.

General-education schools by language of instruction
(Source: Ministry of Education, data for 1 April 1993)

Language of instruction	Number of schools	Percentage of total number of schools
Ukrainian	15 538	78.3
Russian	3 364	17.8
Romanian	110	0.5
Hungarian	89	0.2
Polish	5	0.01
Hebrew	4	0.01
Bilingual:		
Ukrainian/Russian	983	5.1
Ukrainian/Hungarian	18	0.08
Russian/Hungarian	7	0.03
Ukrainian/Romanian	6	0.03
Russian/Romanian	10	0.05
Trilingual:		
Ukrainian/Russian/Hungarian	4	0.008
Ukrainian/Russian/Romanian	1	0.09
Ukrainian/Russian/Polish	1	0.004
TOTAL	21 027	

Sunday schools for study of their native tongue by children of members of ethnic minorities resident in Ukraine*

Language of instruction	Number of schools	Number of students
Hebrew	13	664
Armenian	7	188
Polish	3	106
Krymchak	1	30
Modern Greek	2	138
TOTAL	26	1 125

* Source: Ministry of Education, data for 1 April 1993.

Optional study of their native tongue by children of members of ethnic minorities resident in Ukraine

Language of instruction	Number of schools	Number of students
Bulgarian	59	1 830
Romanian	35	634
Hungarian	27	1 845
Polish	88	3 409
Crimean Tatar	206	567
Hebrew	6	197
Modern Greek	13	203
Czech	7	123
Slovak	5	353
German	4	296
Turkish	2	40
Tatar	1	60
Gagauz	4	226
Turko-Meskhet	3	56
Uzbek	1	96
TOTAL	461	14 840