

Ukraine

| Violation | UN Statistics (as of June 2023) | National Statistics (as of December 2023) |
|---------------------|--|--|
| Killing and Maiming | <p>Attributed to Russian armed forces: a total of 1,386: 477 (killed); 909 (maiming) [626 boys, 471 girls, 289 gender unknown]</p> <p>Attributed to armed forces affiliated²⁸ with Russian armed groups a total of 658: 136 (killed), 518 (maimed)</p> <p>Attributed to Ukrainian armed forces²⁹: a total of 255: 80 (killed), 175 (maimed)</p> <p>Attributed to unidentified perpetrators, - mostly caused by air strikes – total of 473: 261 (killed), 212 (maimed).</p> | 510 (killed); 1,148 (wounded) |

²⁸ Affiliated armed groups include pro-Russian militias and combatants.

²⁹ Ukrainian armed forces include affiliated Ukrainian militias and combatants.

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| Recruitment or Use of Children | A total of 92 children were used by Russian armed forces (91) and Ukrainian armed forces (1) as human shields (90), as a hostage and for domestic chores (1) and for intelligence-gathering (1). | No data available |
| Sexual Violence | Attributed to Russian armed forces: 3 girls between the age of 4 and 17 (rape) | 13 sexually abused |
| Abduction ³⁰ | Attributed to Russian armed forces: abduction of 92 children. | 19,546 deported and/or forcibly displaced; 2,205 missing |

³⁰ OHCHR has also documented cases of children and groups of children (200) from Donetsk, Kharkiv, Kherson, and Kyiv regions being transferred to other regions in Russian-occupied territory, or deported to the Russian Federation or Belarus. Many of these children were in institutionalised care, for instance in institutions for children with physical or intellectual disabilities. Some children who had been sent to summer camps in the Russian Federation in summer and autumn 2022, with the purported consent of their parents, did not return to their parents at the end of the agreed period. Among the children who reunited with their family after their parents or relatives travelled to the Russian Federation to retrieve them, some described experiencing or witnessing psychological or physical violence by educational staff there.

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| | Transfer of 46 children to the Russian Federation from areas of Ukraine that, in part, are or have been under the temporary military control of the Russian Federation, including children forcibly separated from parents, children removed from schools and institutions without the consent of guardians, and a child who was given Russian citizenship. | |
| Attacks against Schools and Hospitals ³¹ | Attributed to Russian armed forces a total of 751 attacks on schools (461) and hospitals (290); Attributed to armed forces affiliated with Russian armed groups a total of 480); | 1,014 attacks against hospitals (414 damaged or destroyed); 79 (ambulances attacked); 57 attacks affecting children's hospitals; 40 attacks affecting maternal health facilities (UHC,2023). |

31 Between 24 February 2022 and 31 July 2023, OHCHR documented the destruction of 48 medical facilities and 192 educational facilities, and the damage of 347 medical facilities and 628 educational facilities. Of these destroyed and damaged educational facilities, 109 are in areas under control of Ukraine and 42 in territory occupied by the Russian Federation, with 2 locations pending verification. The scope of destruction and damage has hindered children's access to in-person schooling on a wide scale in several regions of Ukraine.

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| | Attributed to Ukrainian armed forces a total of 212; Attributed to unidentified perpetrators a total of 59. Incidents involved damage (577), destruction (151), looting (17) and threats (6). Among those attacks, 20 resulted in child casualties. Attributed to Russian armed forces: use of 23 schools and 7 hospitals Attributed to armed forces affiliated with Russian armed groups: use of 24 schools Attributed to Ukrainian armed forces: use of 4 schools Attributed to unidentified perpetrators: use of 2 schools. | 3,789 attacks against schools (365 destroyed) |
| Denial of humanitarian access | 7 million children deprived of access to essential health and education services ³² | 7 million of children deprived of humanitarian access |

32 Unicef, Report on Ukraine. Ukraine and Refugee Response Appel. 28 December 2023.

Challenges met during the research:

| Typology | Challenges | Comment |
|--|---|---|
| Data collection | | Access to data is extremely challenging considering the conflict situation and because of the number of sources available. For SGBV data are limited because of under-reporting. |
| Number of children affected by different types of violations | The physical and psychological harm suffered by children because of the conflict. | Important impact on the life and future of children |
| Number of children abducted/deported | The physical and psychological harm suffered by children. Returning of children and their socio-cultural reintegration into Ukrainian society anew. | The scale of the phenomenon is important. The possibility of children's return at their original place of residence is difficult, as well as their tracking and knowledge of their whereabouts. A limited number of children are re-united with their families. Children who returned need not only psychological rehabilitation but also socio-cultural reintegration. |

1. Country analysis

In 2013, the democratically elected Government of Ukraine was dominated by the Party of Regions, which was also the party of then President Yanukovich. On 21 November 2013 the Ukrainian Government decided not to sign an Association Agreement with the European Union. This decision was resented by pro-Europe Ukrainians, who perceived it as a move closer to Russia. The same day, mass protests began in the Independence Square in Kyiv. Over the following weeks, protesters continued to occupy Independence Square in Kyiv and confrontations between the demonstrators and security forces increased. The protest movement continued to grow in strength and apparently diversified to include individuals and groups who were generally dissatisfied with the Yanukovich Government and demanded his removal from office. Following the adoption by the Ukrainian Parliament, on 16 January 2014, of laws imposing restrictions on freedom of expression, assembly and association, relations between the protesters and the authorities deteriorated further.³³

As of 23 January 2014, protests also propagated in other Ukrainian cities including in Kharkiv, Luhansk, Donetsk, Rivne, Ivano-Frankivsk, Dnipropetrovsk, Vinnytsya, Zhytomyr, Zaporizhzhya, Lviv, Odessa, Poltava, Sumy, Ternopil, Cherkasy and Sevastopol. In some cities, protesters forcibly occupied state buildings. Violent clashes in the context of the Maidan protests continued over the following weeks. On the evening of 18 February 2014, the authorities allegedly initiated an operation to try

³³ For this section, see also: Makuch, A. , Kryzhanivsky, Stepan Andriyovich , Yerofeyev, . Ivan Alekseyevich , Stebelsky, . Ihor , Zasenka, . Oleksa Eliseyovich and Hajda, . Lubomyr A. (2024). Ukraine. Encyclopedia Britannica. <https://www.britannica.com/place/Ukraine>.

to clear the square of protesters. The violence escalated, causing several deaths and hundreds of injuries within the following three days. The information available indicated that at least 75 civilians were killed by security forces and *titushky* between 22 January and 20 February 2014 – most of such killings occurring between 18 to 20 February 2014. Between 30 November 2013 and 20 February 2014, at least 700 civilians participating in, or otherwise connected to, the Maidan protests were also injured by state security forces and *titushky*.

On 21 February 2014, under the European Union mediation, President Yanukovich and opposition representatives agreed on a new government and fixed the presidential elections for May 2014. However, on 22 February 2014, the Ukrainian Parliament voted to remove President Yanukovich, who left the country the same day. From late February 2014 onwards, protests against the new Ukrainian Government began to grow, notably in the eastern regions of the country and in Simferopol, the capital of the autonomous Republic of Crimea. From the night of 26-27 February 2014, armed and mostly individuals in uniform, whom the Russian Federation later acknowledged to be its military personnel together with locally resident militia members, progressively took control of the Crimean Peninsula. On 27 February 2014 armed individuals seized control of government buildings in Simferopol.

1.1. Conflict and its impact

On 18 March 2014 the Russian Federation announced the formal incorporation of Crimea and the city of Sevastopol into Russian territory following a referendum that was declared invalid by the interim Ukrainian Government, led by Yatsenyuk, and by a majority of states of the United Nations General Assembly. The situation deteriorated rapidly into violence: on 15 April 2014, the

Ukrainian Government announced the start of an “anti-terror operation” in the east and by the end of April, the acting Ukrainian President announced that the Government was no longer in full control of the eastern provinces of Donetsk and Luhansk, declared that the country was on “full combat alert”, and reinstated conscription to the armed forces.

On 2 May 2014, 40 people were killed in Odessa when a fire started inside a building in which pro-federalism (anti-government) protesters had taken refuge from counter protesters. Armed conflict, involving the persistent use of heavy military weaponry by both sides, including in built-up areas, has since persisted in eastern Ukraine for more than eight years, killing at least 14,000 civilians and wounding thousands more. The highest numbers of casualties were recorded in the first year of the conflict, prior to the implementation of the February 2015 Minsk II ceasefire agreement, though casualties, including of civilians, have continued to occur as a result of both shelling and light-arms fire.

In parallel to the events in Crimea, over the course of March and early April 2014, armed persons took control of key government buildings in several eastern provinces. Between April and May 2014 pro-Russian demonstrators seized government buildings in the eastern Ukrainian provinces of Donetsk and Luhansk. Following referenda that were deemed illegitimate by the Ukrainian Government, the “Donetsk and Luhansk People’s Republics” made declarations claiming independence from Ukraine. On 15 April 2014 the Ukrainian Government announced the start of an “anti-terrorist operation” and armed forces were deployed to the regions of Donetsk and Luhansk.

On 25 May 2014 Poroshenko was elected President and legislative elections were held in October 2014 in most of Ukraine, though not in constituencies in Crimea, Sevastopol, Donetsk and Luhansk.

Fighting of varying degrees of intensity has since persisted in Donbas between Ukrainian Government forces and separatist groups. An attempted ceasefire agreement, the Minsk Protocol, was signed on 5 September 2014 but violations of the ceasefire reportedly persisted on both sides. Russia has continued to exercise effective control over the territory since that time.

On 22 February 2022, Russia invaded Ukraine. As of December 2023, the Ukrainian Government estimates 18,500 injured civilians and 10,000 killed (war.ukraine, 2023). At least 545 children have been killed and 1,156 injured (UNICEF, 2023). Kindergartens, schools, hospitals, and sources of water and energy have been damaged and destroyed by shelling, leaving children without access to education and health care, and putting lives at risk. Only one third of schoolchildren are learning fully in person. The rest are either learning through a mixture of online and in-person or fully online. Threequarters of preschool age children in frontline areas are not attending kindergarten, robbing them of the opportunity to build a strong foundation for learning. Nearly two thirds of Ukraine's children have been forced to flee their homes. Some have fled alone, exposing them to abuse, abduction, sexual exploitation, and human trafficking. Fear, anxiety, and grief associated with violence, loss of loved ones, separation from family, and displacement persist in children's daily lives, leaving them struggling to cope. Many children who have sought refuge in neighbouring countries remain without access to education, healthcare, and protection services. As refugee children and families face the growing possibility of long-term displacement, anti-refugee sentiment fuelled by rhetoric, policies and practices that divide societies is also growing across countries, adding to exclusion and deprivation experienced by refugee children and their families (UNICEF, 2023). Due to the armed conflict 7.5 million children in Ukraine are in grave danger of physical harm, severe emotional distress, and displacement (Save the Children, n.d.).

2. Level of adequacy to international law

Ukraine is a Party to the main international human rights treaties, including:

- International Covenant on Civil and Political Rights (CCPR);
- International Covenant on Economic, Social and Cultural Rights (CESCR);
- Convention on the Elimination of Racial Discrimination (CERD);
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT);
- Convention on Elimination of All Forms of Discrimination Against Women (CEDAW);
- Convention of the Rights of the Child (CRC);
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the one on the sale of children, child prostitution and child pornography (CRC-OP-AC and CRC-OP-SC).

(UN Treaty Body, 2023).

The force of international treaties and their place in the Ukrainian legal system is determined by the Constitution of Ukraine and the Law of Ukraine on International Treaties of Ukraine (Verkhovna Rada of Ukraine, 2004; European Commission for Democracy Through Law, 2022). Article 9 of the Constitution provides that international treaties, once in force (European Commission for Democracy Through Law, 2017),³⁴ shall be an integral part of the na-

34 Before voting of the Verkhovna Rada of Ukraine for ratification of a treaty, the President of Ukraine or the Cabinet of Ministers of Ukraine

tional legislation of Ukraine (Verkhovna Rada of Ukraine, 1996). Similarly, Article 19 of the Law of Ukraine on Treaties provides that international treaties consented to by the Verkhovna Rada of Ukraine (the Parliament of Ukraine) shall be binding, considered part of national legislation, and “applied in accordance with the procedure stipulated for in the national legislation”.

Concerning legal supremacy, once an international treaty is entered into force in accordance with the established procedure, the terms of the treaty prevail in the event of a conflict with currently existing national legislation. In other words, international law takes precedence over national law (Verkhovna Rada of Ukraine, 1996).

Concerning international treaties ratified when Ukraine was part of the USSR, Ukraine adopted the law entitled “On State Succession of Ukraine” on 12 September 1991 (Verkhovna Rada of Ukraine, 1991). The Law has two articles on state succession in respect of treaties. Concerning IHL, there does not appear to be any declarations that a certain provision in an IHL treaty contravenes the Constitution of Ukraine or threatens the interests of the

shall consider suggestions as to the ratification of international treaties and decide whether to put the issue of ratification of a treaty to the agenda of the Verkhovna Rada of Ukraine with initiative of ratifying the treaty. See Law of Ukraine on International Treaties of Ukraine, Art. 9. In order for the law on ratification to be passed, a minimum of 226 Members of Parliament shall vote in favour of its ratification. See Constitution of Ukraine, Art. 91; see also Regulations of the Verkhovna Rada of Ukraine, Art. 200. After this vote successfully occurs, the President of Ukraine signs and officially promulgates the law of Ukraine on ratification of the particular international treaty and the Chairman of the Verkhovna Rada of Ukraine signs the instrument of ratification with a visa from the Minister of Foreign Affairs of Ukraine if the exchange of instruments of ratification is provided for in the international treaty.

Republic. Accordingly, treaties signed and ratified when Ukraine was part of the USSR remain in effect in Ukraine today.

Ukraine signed the Rome Statute of the International Criminal Court (ICC) on 20 January 2000, but did not ratify it citing the need for constitutional amendments. The initial obstacle to ratification was a Ukrainian Constitutional Court decision from 2001, which found that the ICC’s principle of complementarity was in conflict with the Constitution of Ukraine. In particular, the Constitutional Court found that any potential ICC involvement would be contrary to article 124 of the Constitution conferring exclusive competence in matters of the judiciary to the Ukrainian national courts (ICRC, 2003).

On 2 June 2016, the Ukrainian Parliament adopted an amendment to article 124 of the Constitution recognising the ICC jurisdiction and introducing a special clause delaying the possibility of the ratification by the Parliament to be considered for three years. The amendment came into force on 30 June 2019. The three-year delay between the amendments and the entry into force has been linked to a strategic move by Ukrainian parliamentarians to postpone ratification of the Rome Statute until after the parliamentary elections of 2019 (Marchuk, 2018).

In December 2020, when the former ICC Prosecutor issued a statement announcing that the statutory criteria for opening an investigation into the situation in Ukraine had been met, the news was welcomed by Ukraine. Subsequently, in October 2021, following a meeting with the ICC Prosecutor, the Prosecutor General of Ukraine opined that ratification of the Rome Statute was “*crucial*” (Venediktova, 2021) for Ukraine as it would “*demonstrate that we trust the justice we seek*” (Venediktova, 2021).

While Ukraine has not ratified the Rome Statute, it has made two declarations under article 12, paragraph 3 (ICC website, 2023).

The first declaration lodged by the then acting President of

Ukraine on 17 April 2014, accepted the jurisdiction of the ICC over alleged crimes committed on its territory from 21 November 2013 until 22 February 2014 (Parliament of Ukraine, 2014; Ministry of Foreign Affairs of Ukraine, 2014; Embassy of Ukraine to the Kingdom of the Netherlands, 2014). The declaration made by resolution of the Parliament of Ukraine makes reference only to a specific category of crimes (crimes against humanity), limits the Court's jurisdiction over senior officials who were in office at the time and indicates the names of the former President of Ukraine, the former Prosecutor-General and the former Minister of Internal Affairs. The declaration concerns essentially the Maidan protest movement in the winter of 2013-2014. The second declaration dated 8 September 2015 extended the time period on an open-ended basis to encompass ongoing alleged crimes committed throughout the territory of Ukraine from 20 February 2014 onwards (Minister of Foreign Affairs of Ukraine, 2015). This declaration, unlike the first one, has no prescribed temporal limitations. Based on this latter declaration, on 29 September 2015, the then ICC Prosecutor announced the extension of the preliminary examination of the situation in Ukraine to include alleged crimes committed after 20 February 2014 in Crimea and Eastern Ukraine (ICC, 2015). The second declaration covers alleged crimes associated with the occupation of Crimea and the fighting in Eastern Ukraine.

3. National legislation

Ukraine adopted several legislative acts to protect human rights (OSCE, 2021). In particular, it is worth mentioning the law "On ensuring equal rights and opportunities of women and men" Parliament of Ukraine, 2005; which focusses on ensuring equal rights and opportunities for women and men and addresses mechanisms

to prevent and fight gender-based violence.

In the framework of the conflict, the Council of Europe supports training regarding services to victims of sexual violence and in November 2022, a Manual on response to conflict-related sexual violence in Ukraine (Council of Europe, 2022) was developed in cooperation with the National Social Services of Ukraine under the project "Combatting violence against women in Ukraine (CO-VAW)".

Concerning children, (Kryvachuk, 2022) the law "On the protection of childhood" (Parliament of Ukraine, 2001) defines a child as a person under 18 years and addresses measures directed to the protection of childhood, including guaranteeing safety, health care, education, physical, mental, social, spiritual and intellectual development of children, their socio-psychological adaptation and active life, growth in a family environment in an atmosphere of peace, dignity, mutual respect, freedom and equality; the implementation of targeted programs for the protection of childhood; the right of every child to a standard of living sufficient for their physical, intellectual, moral, cultural, spiritual and social development; the child's right to freely express their opinion and receive information; the right to protection from all forms of violence; the right to live in a family together with the parents or in the family of one of them and to be cared for by the parents.

In 2016, the President of Ukraine promulgated the Law "On Amendments to Some Legislative Acts of Ukraine on Strengthening Social Protection of Children and Supporting Families with Children" (Parliament of Ukraine, 2016). The law amends the Family Code of Ukraine and other laws by adding provisions on the protection of children in difficult circumstances, orphans or other categories of minors requiring special protection. Concerning the protection of children in armed conflict, the Law introduces amendments to the Law of Ukraine "On the protection of

childhood”. The amended Article 30 prohibits the participation of children in hostilities and armed conflict, including their recruitment, financing, material support, training for the purpose of being used in armed conflicts of other states or violent acts aimed at overthrowing state power or violating territorial integrity, as well as the use of children in hostilities or armed conflicts or their involvement in militarised or armed groups not provided for by the laws of Ukraine. Under this provision the state should take all necessary measures to prevent the recruitment and use of children in hostilities and armed conflicts, to identify such children, and to release them from military service. Furthermore, Article 30 - which applies to children in zones of hostilities and armed conflict, as well as to children who suffered as a result of hostilities or armed conflict - appoints governmental bodies to take necessary measures to ensure the protection and care for such children, their reunification with family members, their release from captivity, and their return to Ukraine, where such children were illegally taken abroad. According to this provision, all measures should be undertaken in accordance with international humanitarian law. The Law also amends Article 32 of the Law “On the Protection of Childhood”. The amended article obliges the state to take all necessary and possible measures to search for children who have been illegally taken abroad, including in connection with circumstances related to hostilities and armed conflict. Finally, the Law also introduces a new sentence in Article 4(1) of the Law of Ukraine “On Ensuring the Rights and Freedoms of Internally Displaced Persons”, which provides that every displaced child, including unaccompanied, receives a certificate of an internally displaced person following the respective procedure.

The Council of Europe is supporting a project aiming at strengthening Ukraine’s response to violence against children, including child sexual exploitation and abuse, in the context of the armed

aggression of the Russian Federation. The Project focusses on protection and promotion of children’s rights, in view of the risks generated by the conflict for displaced children, children without parental care, unaccompanied children, child victims or witnesses of violence in line with Council of Europe standards. It will focus on enhancing the effectiveness of frameworks aimed at child friendly settings and procedures for investigation, as well as improving capacities of multiple professional target groups working with children. The project is a direct follow-up of the previous Council of Europe projects "Combating violence against women and children" (2017-2018), "Combating violence against children in Ukraine, Phase II" (2020-2021), and “Combating violence against children in Ukraine, Phase III” (2022). The project will be implemented within the framework of the Council of Europe Action Plan for Ukraine “Resilience, Recovery and Reconstruction” (2023-2026) by the Council of Europe Children's Rights Division and in close cooperation with the Council of Europe Office in Kyiv during 2023-2024 (Council of Europe, 2023).

4. Judicial system

Justice in Ukraine is administered exclusively by courts. According to the Constitution, courts are self-sufficient authority functioning independently of other bodies or officials. The jurisdiction of courts extends to all relations that arise in the State. Judicial proceedings are performed by the Constitutional Court of Ukraine and courts of general jurisdiction.

The Constitutional Court is the highest and only judicial body of constitutional jurisdiction. It has exclusive jurisdiction over interpretation of the Constitution and acts as final arbiter on assessing

the constitutionality of laws and regulations. It is comprised of eighteen judges, appointed in equal proportions by the President, the Parliament and the Congress of Judges of Ukraine.

The courts of general jurisdiction are organised according to the principles of territoriality and specialisation and include three instances: local courts, appeal courts and the Supreme Court consisting of specialised cassation courts.

Local courts consist of common courts and specialised courts (*i.e.*, commercial and administrative). Local common courts adjudicate civil, criminal and administrative cases. Local commercial courts exercise jurisdiction over disputes arising out of commercial and corporate relations, while local administrative courts administer justice in disputes connected with legal relations in the area of state and municipal governance, except for those assigned to the jurisdiction of local common courts.

The appeal courts of first instance are composed of the appellate courts of general jurisdiction (having competence over civil cases, criminal cases and cases on administrative violations), appellate commercial courts and appellate administrative courts.

Cassation supervision is carried out by the relevant cassation specialised court in the structure of the Supreme Court. It consists of five chambers: the Cassation Civil Court, the Cassation Criminal Court (both acting as the cassation instance court for cases resolved by the local and the appellate common courts), the Cassation Commercial Court (for cases resolved by the local and the appellate commercial courts), the Cassation Administrative Court (for cases resolved by the local and the appellate administrative courts) and the Grand Chamber of the Supreme Court (responsible for the uniform application of legislation by the cassation courts and acting as the appellate instance court in cases considered by the Supreme Court as the first instance court). Each cassation court consists of separate chambers specialising in specific categories of cases.

In relation to juvenile justice, Ukraine has undertaken reforms to adapt its legislation and justice system to international human rights standards (OSCE, 2021; Burukovska, 2022). In this regard, the *National Strategy for Reforming the Justice System for Children until 2023* emphasizes the necessity of developing preventive and educational programs, social services to help children acquire skills in addressing social and domestic problems, create opportunities for learning to manage their own behavior and a balanced attitude towards their actions, professional development and establishing relationships in the family and community establishing a system of restorative justice for juveniles (Cabinet of Ministers of Ukraine, 2018; Ukrainian Government Portal, 2019). The action plan for realizing the Strategy defines the following goals: (1) ensuring a systematic approach to preventing juvenile delinquency; (2) improving the justice system in terms of bringing minors to justice for administrative offenses; (3) improving the pre-trial investigation system; (4) improving the system of penalties that can be applied to juvenile offenders and the procedure for their imposition; (5) ensuring effective work on the resocialization of minors. An Interagency Coordination Council on Juvenile Justice was created in 2018 to implement interinstitutional platform for systemic discussion of and resolving issues within the area of justice for children. The main tasks of the Council are: (1) promoting coordination of actions of executive authorities to ensure the development of policies and practices that meet international standards to ensure the interests of minors who have committed a criminal offense; (2) studying, implementing and promoting the use of positive experience of other countries, in particular European ones, in improving the legal framework for juvenile justice; (3) preparing proposals for the creation of a unified system of interaction and administration of the activities of bodies working with minors; (4) preparation of proposals for the introduction of

effective justice for juveniles having committed offenses, taking into account age, socio-psychological, psychophysical and other peculiarities of their development; (5) developing proposals for identifying ways, mechanisms and means of solving problematic issues that arise in the implementation of restorative justice (Parliament of Ukraine, 2017).

Despite the conflict, local justice system is still functioning. However, procedures mainly focus on the prosecution of conflict-related crimes (OHCHR, 2023).

5. Crimes against and affecting children: quantitative and qualitative results

The impact of grave violations against children in Ukraine continues to be of serious concern, particularly the high number of children killed and maimed and attacks on schools and hospitals. Ukraine is amongst the States in which the highest numbers of grave violations are currently committed. Data are collected by international organisations, State agencies and civil society groups. However, because of the situation of active conflict in the ground and occupation of parts of the country, it is impossible to have certainty about the extent of all violations committed against children. This research has focussed on UN data and national statistics.

The latest report by the UN Secretary-General on children and armed conflict includes the following data: 2,334 violations verified against 1,482 children (629 boys, 474 girls, 379 sex unknown), including 91 children who were victims of multiple violations. The information does not represent the full scale of violations against children, as verification depends on many factors, including access. A total of 92 children were used by Rus-

sian armed forces (91) and Ukrainian armed forces (1) as human shields (90), as a hostage and for domestic chores (1) and for intelligence-gathering (1). The United Nations verified the detention of six boys. Four boys were detained by Russian armed forces and subjected to ill-treatment and/or torture. Two boys were deprived of liberty by Ukrainian authorities on national security grounds, with one boy subjected to ill-treatment. As at 31 December 2022, one boy, who turned 18 while in detention, remained in detention, one had escaped three had been released. The status of one boy is unknown. The United Nations verified the killing (477) and maiming (909) of 1,386 children (626 boys, 471 girls, 289 sex unknown) attributed to Russian armed forces and affiliated armed groups (658: 136 killed, 518 maimed), Ukrainian armed forces (255: 80 killed, 175 maimed) and unidentified perpetrators, mostly caused by air strikes (473: 261 killed, 212 maimed). Most child casualties resulted from the use of explosive weapons with wide area effects (1,206) and explosive ordnance (64). Rape (1) and other forms of sexual violence (2) perpetrated against three girls between the ages of 4 and 17 were verified and attributed to the Russian armed forces in Kyiv region (2) and Chernihiv region (1). Some 751 attacks on schools (461) and hospitals (290), including attacks on protected persons in relation to schools and/or hospitals, were verified and attributed to Russian armed forces and affiliated armed groups (480), Ukrainian armed forces (212) and unidentified perpetrators (59). Most attacks involved the use of explosive weapons with wide area effects. Incidents involved damage (577), destruction (151), looting (17) and threats (6). Among those attacks, 20 resulted in child casualties. The United Nations verified the military use of 23 schools and 7 hospitals by Russian armed forces and affiliated armed groups (24), Ukrainian armed forces (4) and unidentified perpetrators (2). The United Nations verified the abduction of 92 children, including 91 children

abducted by Russian armed forces. One child was abducted and taken to Belarus and another child was used as a hostage in exchange for civilians and prisoners of war. All 92 children were released. In addition, the United Nations verified the transfer of 46 children to the Russian Federation from areas of Ukraine that, in part, are or have been under the temporary military control of the Russian Federation, including children forcibly separated from parents, children removed from schools and institutions without the consent of guardians, and a child who was given Russian citizenship. The United Nations verified 10 incidents of the denial of humanitarian access attributed to Russian armed forces. Incidents involved the denial of access to cross the front line to deliver humanitarian assistance (8) and attacks on aid distribution points (2) (UNGA SG, 2023). In May 2023, the Government of Ukraine signed a joint prevention plan with the United Nations to end and prevent grave violations against children.

A specific aspect of the conflict to be underlined is the **forcible transfer of children**. Thousands of children affected by the war in Ukraine have been separated from their families, communities, and country and forcibly transferred to Russian-occupied territories or deported to Russia. Some have been placed in Russian foster and adoptive families and given Russian nationality. Reports indicate that children from Ukraine are being transferred to camps and facilities in Russia and Russia-occupied territories, where Russian officials have said they are integrated and receive patriotic education. The UN Office of the High Commissioner for Human Rights has underlined that international humanitarian law prohibits forced transfers and deportation of protected persons, which may constitute war crimes. (OHCHR, 2023; Khoshnood et al., 2023).

Forcible transfer and deportation constitute crimes incurring individual criminal responsibility under the Statute of the International Criminal Court. In an international armed conflict, the “deportation

or transfer [by the Occupying Power] of all or parts of the population of the occupied territory within or outside this territory” is a war crime under Article 8(2)(b)(viii). It can also constitute a crime against humanity under Article 7(1)(d) where it is committed as part of a widespread or systematic attack directed against any civilian population, with knowledge. Reports on the numbers of children involved, the organized methods of abduction and separation from parents and guardians, and the domestic laws in place in Russia for expedited citizenship and adoption processes suggest that the thresholds for crimes against humanity may well be met in this situation. In addition, forcibly transferring children of a national group to another group, with intent to destroy that national group in whole or in part, may constitute genocide, as defined under Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide 1948, and replicated in Article 5 of the ICC Statute. The continuation of any group depends upon its children. The transfer of Ukrainian children to Russia, their subsequent adoption, and the potential for their nationalities to be erased, their language, customs, and religion changed, has serious implications for the Ukrainian national group. When considered against the backdrop of Russian rhetoric on the destruction of the Ukrainian people, the possibility of genocide must be considered. Similarities can be drawn here with the UN Commission of Inquiry on the Syrian Arab Republic, which concluded that the Islamic State (IS) group had committed genocide against the Yazidi through the forcible transfer of Yazidi girls as sex slaves and Yazidi boys as IS fighters (Human Rights Council, 2016).

Although Russia is not a State Party to the ICC, the crimes under consideration form part of customary international law by which all States are bound. Moreover, Ukraine has accepted the ICC’s jurisdiction with respect to alleged crimes committed on its territory since November 2013, giving the Court jurisdictional reach

over the crimes under consideration.

On 17 March 2023, ICC Pre-Trial Chamber II issued warrants of arrest for two individuals in the context of the situation in Ukraine: Mr Vladimir Vladimirovich Putin, President of the Russian Federation, and Ms Maria Alekseyevna Lvova-Belova, Commissioner for Children's Rights in the Office of the President of the Russian Federation. Based on the Prosecution's request for the issuance of arrest warrants of 22 February 2023, Pre-Trial Chamber II considered that there are reasonable grounds to believe that each suspect bears responsibility for the war crime of unlawful deportation of population (children) and that of unlawful transfer of population (children) from occupied areas of Ukraine to the Russian Federation, in prejudice of Ukrainian children (ICC, 2022).

In accordance with national statistic (Children of War, 2023) as of December 2023, the following crimes were committed against Ukrainian children by the Russian Federation: 512 killings, 1,159 wounded, 2,287 missing, 13 sexually abused, and 19,546 deported and/or forcibly displaced (the majority of them were from the Donetsk region) (Kalnichenko, 2023).

The significant discrepancies between data provided by international organizations and local data can be attributed to many facts, including the timing of verification. Consequently, it can be presumed that the estimation of the violations is higher than officially reported. In particular, gender-based violence seems to be under-reported (Gender-based Violence in Ukraine, 2022; ECPAT, 2023) due to a number of reasons including the impossibility to access hospitals or health centre and the stigma and social taboos linked to children sexual orientation and gender identities. Survivors and witnesses in Ukraine often face multiple intersecting barriers to sharing information, including risks of reprisal, restrictions on movement or stigma. These barriers may be compounded for survivors of conflict-related sexual violence, as well

as children and other persons in situations of vulnerability, which may result in underreporting of violations affecting said persons. Moreover, it is unclear which criteria are used by national authorities for reporting the violations and alleged responsibility and whether or not the data have been verified.

Here below, information relating to the six grave violations.

5.1. Killing and maiming

The devastating toll on children in the Ukrainian war, characterized by the killing and maiming of innocent lives, is a distressing reality that demands urgent attention. According to international organizations' data until June 2023, the numbers are chilling: Russian armed forces account for a total of 1,386 casualties, with 477 children killed and 909 maimed. The affiliation with Russian armed groups resulted in an additional 658 casualties, while Ukrainian armed forces and unidentified perpetrators, often linked to air strikes, contribute 255 and 473 casualties, respectively. Delving into local statistics the numbers are the following ones: 510 children confirmed dead and 1,148 wounded. This local perspective emphasizes the immediate, on-the-ground impact and highlights the need for nuanced approaches in addressing the multifaceted challenges faced by the affected communities.

The devastating impact of air strikes, particularly by unidentified perpetrators, cannot be overstated. The indiscriminate nature of these attacks has led to a significant number of casualties among the most vulnerable. The international community must address this alarming trend and take concrete steps to prevent further harm to children. The urgent call for humanitarian intervention is evident, as local communities require immediate medical assistance, psychosocial support, and educational resources to cope with the aftermath.

5.2. Recruitment and Use of Children

The unsettling involvement of children as soldiers in the Ukrainian conflict sheds light on a deeply distressing reality, with 92 young lives caught in the crossfire. Shockingly, the overwhelming majority—91 instances—involve the Russian armed forces. In the majority of cases, these children are coerced into serving as human shields, a tactic that not only violates international norms but also exposes the callous disregard for the safety of the most vulnerable in conflict zones.

While the available data paints a grim picture, it's crucial to acknowledge the limitations of the research.

The inability to collect specific data highlights the clandestine nature of such activities, underscoring the challenges in fully comprehending the extent of children's exploitation in the conflict. This information gap stresses the need for enhanced transparency and collaboration in order to address and prevent the recruitment and use of children in armed conflicts effectively.

5.3. Sexual violence

The grave violation of sexual violence against children in the Ukrainian conflict has been explicitly linked to Russian armed forces. Shockingly, three girls between the ages of 4 and 17 have been reported as victims of rape by international organizations. The current research could ascertain 13 cases of sexual abuse, underscoring the acute vulnerability of children thrust into the harsh realities of armed conflict. The youngest victim is a 4-year-old girl in the Kyiv Region, victimized in October 2022.

5.4. Abduction

The harrowing issue of child abduction in the Ukrainian conflict has been attributed to Russian armed forces, revealing a distressing reality that extends beyond territorial boundaries. According to the OHCHR's 2023 report, a staggering 92 children have been subjected to abduction, reflecting a deeply concerning violation of their rights and well-being. Among these cases, 46 children have been forcibly transferred to the Russian Federation from regions in Ukraine that have been, or are currently, under the temporary military control of the Russian Federation. This includes instances of children being forcibly separated from their parents, removed from schools and institutions without the consent of guardians, and, alarmingly, a case where a child was given Russian citizenship. Local statistics further emphasize the magnitude of the issue, with 19,546 children reported as deported and/or forcibly displaced. Additionally, the heart-breaking statistic of 2,205 missing children underscores the severe impact of these abductions on families and communities.

5.5. Attacks against schools and hospitals

The toll of the Ukrainian conflict on education and healthcare infrastructure is staggering, as outlined by the OHCHR reports of 2023. The attribution of responsibility for these attacks reveals a disturbing pattern of violence against schools and hospitals, with severe consequences for civilians, including children.

Russian armed forces are implicated in a total of 751 attacks, comprising 461 on schools and 290 on hospitals. Armed forces affiliated with Russian groups account for an additional 480 attacks, Ukrainian armed forces for 212, and unidentified perpetrators for 59. These attacks manifest in various forms, causing damage (577

incidents), destruction (151), looting (17), and threats (6). Tragically, 20 of these attacks resulted in child casualties, underscoring the dire impact on the most vulnerable members of society. The use of educational and healthcare facilities for military purposes is a deeply troubling tactic. Russian armed forces are accused of using 23 schools and 7 hospitals, armed forces affiliated with Russian groups of using 24 schools, Ukrainian armed forces of using 4 schools, and unidentified perpetrators of using 2 schools. This repurposing of essential civilian infrastructure for military objectives further exacerbates the humanitarian crisis.

Local statistics paint a bleak picture of attacks against hospitals. A total of 1,014 attacks are documented, with 414 hospitals damaged or destroyed, 79 ambulances targeted, 57 attacks affecting children's hospitals, and 40 attacks impacting maternal health facilities. These figures highlight the devastating impact on healthcare infrastructure, disrupting crucial services and jeopardizing the lives of those in need.

In the domain of education, the scale of the crisis is similarly distressing, with 3,789 attacks against schools and 365 reported as destroyed. These assaults not only disrupt the education of children but also undermine the long-term stability and development of affected communities.

5.6. Denial of humanitarian access

The conflict in Ukraine has resulted in the devastation of over 1,000 kilometres of water networks nationwide. The precarious state of the national water and sanitation system, already at a critical 40 percent before the onset of full-scale war, now teeters on the edge of collapse. Following the destruction of the Kakhovka Dam, up to 1 million individuals are without sustained access to safe water.

Furthermore, attacks on energy infrastructure during the winter of 2022–2023 caused power outages, disrupting water networks and depriving 7 million children of access to essential health and education services. These children endured an average of five weeks without electricity during the coldest months of the year. The potential recurrence of such strikes in the upcoming winter season of 2023–2024 would heighten the already severe risks of acute respiratory diseases, seasonal influenza, and waterborne illnesses. The findings of the ongoing research could confirm these alarming conclusions.

6. Reintegration and Resocialization of children

Conflicts threaten the health, safety and well-being of children, families, and communities. They disrupt children's contextual, cultural, and social fabric, including the day-to-day activities that fill their lives and allow them to explore and express themselves comfortably and safely. They undermine the ability of parents and other caregivers to provide appropriate care as they face multiple challenges in addressing the needs of their children whilst managing the significant risks to their lives and well-being, placing enormous stress on caregivers' mental health. Risks to children affected by conflict are multiple and may include family separation, recruitment into armed forces or groups, sexual and gender-based violence, and psychosocial distress. At the same time, conflicts have a massive impact on the systems that are meant to protect children, including the staff, services, and mechanisms that provide alternative care for children.

The current conflict situation in Ukraine raises specific considerations for children with regards to appropriate care both at the policy or system level and in work with individual children. These include: the potential temporary need of alternative care;

the availability of placements including at or near border locations, while children are in transit or when they have reached their destination in host countries; increased risks in residential care settings, particularly those in locations where there is active conflict; and increased strain on existing child protection and child welfare services in Ukraine and in host countries. Additionally, a conflict situation can increase the risk of inappropriate recourse to alternative care, resulting in an influx of children into residential care or the establishment of new residential care facilities.

The conflict in Ukraine has regional implications with mass displacement across borders. It is therefore critical that child protection humanitarian and development actors work together to understand the care systems, legislation, and key stakeholders in place in each specific area of operation as these may differ from one context to another. Preventing family separation, ensuring immediate identification, registration, reunification and emergency care arrangements and safe spaces for children who are separated or unaccompanied, linked to national child protection systems and safety, stability, and adequate child protection services in reception facilities, remain an urgent priority.

The impact of the conflict is different for each child and adequate targeted support is needed. Indeed, the trauma deriving by the experience of war (and deportation) is specific to each child and requires integrated, holistic responses. At the national level, a number of centres which may provide support have been destroyed or damaged; there is a shortage in staff and security is an issue. International and national NGOs with expertise in child protection, disability inclusion and human rights and many years of experience in the field are currently working in Ukraine.

A huge number of children is displaced outside Ukraine or forcibly transferred outside Ukraine. At the time of their return to the country, children faces (will face) considerable challenges in re-

storing normal life and in reintegrating in the society.

In particular, the reunification of Ukrainian children who have been taken to Russia and separated from their families or legal guardians back in Ukraine or in other countries is an extremely complex undertaking marred by different obstacles. The situation is rendered particularly difficult by the lack of a special mechanism for reuniting the children with their families and legal guardians. Further, international organisations and human rights monitoring mechanisms do not currently enjoy adequate access to these children in the Russian Federation due to the unwillingness and refusal of the Russian authorities to grant such access and to cooperate in facilitating their return. In this situation, the return of individual children is organised on a case-by-case basis and by multiple actors, including several Ukrainian state authorities, Ukrainian and Russian human rights defenders, volunteers, and other members of the civil society. This method often requires the children's parents and guardians to embark on perilous and costly journeys through Russian or Russian-occupied territories – a risky endeavour that many of them are either not ready or ill-equipped to make.

The Ukrainian authorities established the tracing website “Children of War” (Children of War, 2023) which also records reports of children who have died or gone missing.

A National program on Mental health and Psychosocial Support was launched in 2022 with the goal of creating an Ukrainian model of the mental health and psychosocial support system, which will incorporate the best global and domestic practices. The aim is to build an effective system of high-quality and affordable mental health services for everyone. On 7 May 2022, the Interagency Coordinating Council for the Protection of Mental Health and Provision of Psychological Assistance to Victims of Armed Aggression of the Russian Federation against Ukraine was established. A project office was formed at the Ministry of Health, whose team is respon-

sible for the development and implementation of the National Program. The approach is multi-component based on the assessment of current needs and forecasting for the future, taking into account the impact of the consequences of war on the psyche of people:

- analysis of international experience and how these needs are overcome in successful countries or in countries with similar experience;
- analysis of own resources - in terms of specialists, services, processes, infrastructure;
- proposal of effective solutions to balance the demand from the population with the capacities and to give an effective response to the needs of the people (President of Ukraine, 2022).

In November 2022, the Ministry of Health and the National Health Service of Ukraine introduced a new package "Support and treatment of adults and children with mental disorders at the primary level of medical care" in the framework of the Medical Guarantee Program. In December 2022, the Operational Roadmap "Priority multi-sectoral measures for mental health and psychosocial support in Ukraine during and after the war". The document identifies priorities that should be addressed in the field of mental health in the context of a humanitarian crisis.³⁵

35 The following products were developed in the framework of the National Program of Mental Health and Psychosocial Support:

- Handbook "Basic skills of caring for yourself and others".
- A new section of the "Handbook of Barrier-Free Environment" - "Ethics of interaction in times of stress".
- Stress management in the BetterMe app: Mental Health.
- Videos for TV "Tell me honestly, how are you?". Self-help kit from Ukrainian stars and TV hosts.
- A series of animated videos about the nature of stress.

A number of initiatives have been undertaken in Ukraine to support children. For instance, the "Hope and Recovery" centre developed by the Ukrainian charitable fund "Save Ukraine" is designed to provide assistance to returned children who are without their parents or with their families, in situations where it is not possible to return home, or their houses are in dangerous zones. One of the key aspects of the Centre's work is to help with the preparation of the necessary documents and the restoration of lost ones. Children are required to undergo a medical examination and, if necessary, consultations with specialized doctors, after which they are provided with the necessary treatment. Psychological support is one of the important components of the Centre's work. It is provided both on an individual and group basis. Art therapy is one of the methods used to help children recover their psychological harm. As part of the rehabilitation process, children are organized excursions and recreational activities to create a positive experience and support their emotional state. Children are enrolled in educational institutions. In addition, the Centre provides support to the parents in finding a job, thus ensuring stability for the families. The duration of rehabilitation can be considerable, as many of these children already had difficult life circumstances before the war. As a result, the "Hope and Recovery" centre provides a comprehensive approach to rehabilitating children, helping them to restore not only the material, but also the psychological and social aspects of their lives (Save Ukraine, 2022).

"How are you?" (How are you?, n.d.) and "Mental Health – Psychological rehabilitation of children" (Kateryna Biloruska Foundation, n.d.) are programs directed to support mental health of children. The project "How are you?" is a special platform where adults and children can find the information and suggestions how to help themselves (or help children if a searcher for the information is, for example, a parent). The project developed a "First aid kit of psychological self-help" consisted of exercises and techniques to

combat stress and prevent its consequences. The program “Mental Health – Psychological rehabilitation of children” was developed directly to support children to cope with the consequences of war and to overcome their traumas. The initiative includes: (1) Online course "Physical culture: balancing mind and body"; (2) Fairytale Therapy for Children; (3) "Crisis Psychological Assistance" course for IRC specialists; (4) Rehabilitation of children in camps in Zakarpattia and Cyprus; (5) Art therapy colouring pages.

7. Conclusion and Recommendations

The situation of women and children in Ukraine during the armed conflict is deeply distressing and calls for urgent attention from the international community. The ongoing conflict has had a severe impact on their well-being, safety, and overall quality of life. Women and children are particularly vulnerable in times of war, facing heightened risks of displacement, violence, and exploitation.

Many families have been forced to flee their homes, seeking refuge in overcrowded and often inadequate shelters. This displacement disrupts children's education and exposes them to physical and emotional trauma. The psychological toll on both women and children is significant, as they grapple with the harsh realities of conflict, loss of loved ones, and the constant fear of violence.

Moreover, women often find themselves in precarious situations, facing increased risks of gender-based violence, including sexual assault and exploitation. The breakdown of social structures and the scarcity of resources further exacerbate these challenges. Access to essential services, such as healthcare and education, becomes severely limited, placing an additional burden on women and children. International humanitarian efforts are crucial to address the specific needs of women and children affected by the conflict in

Ukraine. This includes providing safe spaces, psychological support, and ensuring access to healthcare and education. The international community must work collaboratively to promote a sustainable and inclusive peace process that prioritizes the protection and well-being of women and children.

In conclusion, the armed conflict in Ukraine has created a dire situation for women and children, exposing them to heightened risks and vulnerabilities. Immediate and concerted efforts are needed to address their specific needs, protect their rights, and pave the way for a lasting and inclusive peace that prioritizes the well-being of all civilians, especially the most vulnerable among them.

Recommendations:

- Prevent child-family separation in conflict-affected locations. In most situations, it is in the best interests of children to remain with their family or to be reunified with their family if they are currently living in alternative care. Actively encourage families to keep their children with them and ensure they have access to support to enable them to remain together.
- Ensure children and their families have access to mental health and psycho-social support. Ensure support is tailored per age, gender and other forms of diversity.
- Ensure children can access education and a safe place to learn and socialize with other children;
- Establish mechanisms to ensure child and youth participation in the design, implementation and monitoring of support they need.
- Create, maintain and promote confidential and child-friendly complaints mechanisms (in particular for gender-based violence) to improve reporting of violations.

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