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Project on strengthening and protecting women's and children's rights in Ukraine (TRES)

Status of ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201)

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Ukraine has signed the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201) on November 14, 2007.

Since Ukraine has signed the Convention in 2007, the country has been committed the actions as to its ratification.

However, this process moved forward slowly due to the Law of Ukraine "On International Treaties of Ukraine" presupposing that in case the international treaty is proposed for ratification by Ukraine, its implementation would require the adoption of new legislative acts or amendments to the existing ones. It is then proposed that the drafts of such laws are given to Verkhovna Rada of Ukraine together with the draft law on ratification of the treaty, which would be adopted simultaneously.

Already having some experience in the preparation of ratification and on the process of implementation of multilateral instruments, a mechanism was set up, which is successfully applied for the moment.

An interdepartmental working group leaded by the Ministry of Justice was established in order to prepare and introduce some amendments to the legislation of Ukraine.

The working group consisted of the experts from the Ministry of Justice, the General Prosecutor's Office, the Ministry of Internal Affairs, the Ministry of Education, Youth and Sports, the Ministry of Health and the Ministry of Foreign Affairs of Ukraine (Order of the Ministry of Justice of Ukraine dated September 8, 2009 № 764 / 7) .

In fact, the experts came from all those state authorities which will be further responsible for the implementation of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

In close co-operation with the Working Group, the Ministry of Justice of Ukraine has developed draft laws of Ukraine "On the ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse" and "On amendments to some legislative acts of Ukraine as to the ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and

Sexual Abuse", the last one held successfully public hearings in September 2010.

The referred draft law foresees the amendments to the Criminal Procedural Code of Ukraine, the Criminal Code of Ukraine, the Law "On the Protection of public morals", the Law of Ukraine "On the Protection of Childhood".

Amendments to the **Criminal Procedural Code** were proposed. They were aimed on the regulation of the arrangements of invitation for the examination of the juvenile witnesses, defendants and injured as well as conditions of their examinations. In particular, the range of persons who may be present during interrogation was expanded, as required by Articles 35, 36 of the Convention.

As to the draft amendments to the **Criminal Code** :

- a separate article as to criminalisation "**grooming**" in national legislation was introduced;
- import or export of child pornography for the purpose of sale, distribution, manufacturing, purchasing, storage, transferring, and forcing into creation of such products **for sale** was criminalised;
- the separate article criminalises manufacturing, purchasing, storage, transferring of child pornography without **the purpose of sale**;
- also, a special article criminalises conducting of entertainment pornographic activities, particularly with minors or using the image of the child, or with forcing to participation.

A separate article of **the Law of Ukraine "On the Protection of Childhood"** sets a prohibition for the individuals who were convicted of crimes against sexual freedom and sexual inviolability, or have outstanding or expunged criminal record for committing other crimes, to work with children.

For the moment the draft laws of Ukraine "On the ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse" and "On amendments to some legislative acts of Ukraine as to the ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse" are under consideration of the Administration of the President of Ukraine and we hope that they will be soon submitted to the Verkhovna Rada of Ukraine.

However, the active role of the Project on strengthening and protecting women's and children's rights in Ukraine (TRES), represented by Ms Danuta Wiśniewska-Cazals, Ms Monika Płatek and Ms Tetyana Kulykovska should be highlighted.

Thanks to their work, during the time of the project implementation, a series of international events aimed at exchanging experiences in criminal justice were held, the expert assistance of foreign colleagues was received, study visits to Estonia, Slovenia, Poland and Bulgaria were held. The results of this work positively reflected on the efficiency and content of new draft laws in Ukraine.

