

RISK OF ADOLESCENT INVOLVEMENT IN MILITARY ACTIVITIES IN UKRAINE: Case Study and Recommendations



March, 2016

**Risk of Involvement of the Students of Vocational Educational
Institutions of the Region of Donetsk Located in the
Immediate Proximity to the Area of Hostilities in Armed
Forces and/or Groups**

CASE STUDY AND RECOMMENDATIONS

March, 2016

This report has been prepared by the independent consultant for the Representative Office of the Danish Refugee Council in Ukraine with the support of USAID's Office of U.S. Foreign Disaster Assistance (OFDA). The Representative Office of the Danish Refugee Council in Ukraine is fully responsible for the contents hereof. Conclusions and opinions expressed in this report do not necessarily reflect the official position of the US government.

About the organization



The Danish Refugee Council (DRC) is an international humanitarian non-governmental and non-profit organization operating in 35 countries. The DRC mandate includes the implementation of protection programs, assistance, and promotion of long-term solutions for refugees and internally displaced people as well as other groups of population affected by conflicts or natural disasters.

The DRC has operated in Ukraine since June 2007. In January 2013, the program for the protection of refugees and asylum-seekers and strengthening of the government and civil society capacities has been completed. In 2014, the DRC returned to Ukraine to provide immediate support to internally displaced people and affected civilians in the Eastern Ukraine. The Ukrainian DRC headquarters is located in Kyiv; program offices are located in Dnipro (Dnipropetrovsk), Mariupol, and Berdiansk.

Currently, the DRC is implementing several projects in Ukraine aimed at ensuring the protection and recovery of own resources of the population affected by the conflict in the south-eastern regions of Ukraine. The implementation of children's protection programs and provision of psychosocial assistance to various groups of population are important components of all current and potential projects.

About the author



Aleksei Lazarenko is an expert in children's rights protection. He studied at the Department of Combat Reconnaissance of the Kyiv Higher Combined Arms Command School (1988-1992), and the Law Department of the National Academy of Internal Affairs of Ukraine (1997-2000). In 2012, he defended his thesis and got the Doctor of Philosophy (Social Pedagogy) degree. Experience: over 25 years of service in the armed forces and law-enforcement bodies of Ukraine, of which 15 years – in children's rights protection. He headed the departments of the criminal police for children affairs at the regional and national levels and worked in the Office for Human Rights Monitoring in the Activities of Internal Affairs Bodies. He has held the position of the Vice-President of the All-Ukrainian Foundation "Children's Rights Protection" since 2015 till present and is a member of the Coordination Council of the NGO Coalition "Children's Rights in Ukraine".

Aleksei Lazarenko participated in the UNDP, UNICEF, UNIFAM, UNFPA, UNODC, ECPAT, CE, and OSCE projects for international technical assistance as a consultant, coach, and expert. He conducted case studies on the issues relating to the assessment of the efficiency of reforms in the juvenile justice system, observance of the children's rights in reception centres, the reform of social rehabilitation institutions for children with deviant behaviour, formation of legal support for the state family policy in Ukraine, as well as taking into account gender and age when considering cases involving women and children at law enforcement authorities.

Aleksei Lazarenko is the author of intervention programs for children in conflict with the law, developer of the curriculum "Protecting and Ensuring the Rights of Children and Youth at Risk" and training courses for representatives of the authorized state bodies in charge of the prevention of domestic violence, gender-based violence in the organization of work with the convicts and prisoners, and training programs for adolescents aimed at the formation of tolerance and hate conflict prevention, as well as domestic violence prevention.

Aleksei Lazarenko is the author of 40 research articles on the problems of children's rights, the prevention of adolescents' deviant behaviour, the use of problem-oriented approach in the prevention of juvenile delinquency, the introduction of restorative justice and probation in Ukraine, gender equality, and prevention of domestic violence. Aleksei Lazarenko is the co-author of the course "Police and Society Partnership" for patrol police and is the coach for this course.

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Abbreviations

IDP	Internally Displaced Person/People
VRU	Verkhovna Rada of Ukraine
AFU	Armed Forces of Ukraine
DRC	Danish Refugee Council
UN	United Nations
NG	National Guard
NP	National Police
VET	Vocational Education and Training
VEI	Vocational Educational Institution

“A child associated with an armed force or armed group refers to any person below 18 years of age who is or who has been recruited or used by an armed force or armed group in any capacity, including but not limited to children, boys, and girls used as fighters, cooks, porters, messengers, spies or for sexual purposes.”

Principles and Guidelines on Children Associated with Armed Forces or Armed Groups.¹

1. INTRODUCTION: RATIONALE OF RESEARCH

In November 2015 – January 2016, the team of the DRC social and legal protection program held a number of meetings with the representatives of various governmental services in the north of the Region of Donetsk (cities of Sloviansk, Kramatorsk, Druzhkivka, and Krasnyi Lyman) in order to obtain general information on the situation with children’s protection in the region in the aftermath of the conflict.

The data collected showed that the conflict in the Eastern Ukraine has added **a new vulnerability dimension with regard to a group of children who were considered a specific risk group even before the conflict.**

A common practice in Ukraine is that 16-18-year-old adolescents after the 9th year of general secondary school enter vocational educational institutions (VEIs) in other cities, where they live at dormitories - in an unfamiliar place away from their family, unattended by parents or other adults. In conflict-affected areas, **VEI students, boys and girls aged 16-18**, especially those who come from the currently uncontrolled territory without their parents, **form a particularly vulnerable group with a high risk of involvement in armed forces/groups** or sexual exploitation.

Currently, 44 VET institutions operate in conflict-affected areas with about 13.5 thousand adolescent students. According to statistics as of January 2016, only 79 of 179 adolescents who are internally-displaced people (IDP) and attend VEIs in the Region of Donetsk, received the IDP status, while others failed to obtain the status due to documentation issues or other legal matters related to their status of unaccompanied or separated minors.

The information that boys come to checkpoints with requests to join the army was reported to the Children’s Affairs Service. In several cases the people at checkpoints asked the Service to pick up the children.

VEIs in the Region of Donetsk are largely limited in resources and cannot offer an adequate protective environment and support for their students. There are not enough leisure options for young people beyond learning. In the framework of humanitarian programs in response to the emergency due to the conflict in Eastern Ukraine, the adolescents are a neglected group as the vast majority of activities for children’s protection in emergencies were focused on children of pre-school and primary school age.

The problem of **children’s involvement in the armed conflict** in Ukraine was hardly touched upon by the media prior to 2016, with the exception of periodic anecdote publications.

¹ Source: The United Nations Office of the Special Representative of the Secretary-General for Children and Armed Conflict. <https://childrenandarmedconflict.un.org/ru/our-work/paris-principles/>

In January 2016, in his speech in the Ivan Bohun Kyiv Military Lyceum during the “Lessons of Courage”, the President of Ukraine stated that: *“As of the end of the year there are 21 young people under the age of 18 and 650 people aged 18 to 25 years among those who defended our country and were killed in the east of Ukraine. The youngest of them, 17-year-old Nazar Yakubowskyi from Khmelnytskyi, still a child, went to the front within the volunteer battalion in the first few months of the conflict”*.

This statement drew the attention of the NGO Coalition “Children’s Rights in Ukraine” (where the Danish Refugee Council actively participates) and was seen as a kind of promotion of the children’s participation in hostilities as an act of patriotism and even heroism. The Coalition sent an open letter to the President of Ukraine with a request to clarify the situation with the involvement of the mentioned adolescents in hostilities and to take certain measures (see Appendix 6 hereto).

According to the Convention on the Rights of the Child ratified by Decree No. 789-XII of the Verkhovna Rada on February 27, 1991, *“... a child is every human being under 18 years of age...”*. The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict establishes that States Parties *“shall take all feasible measures to ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities”*. In addition, the Optional Protocol also obliges States Parties to take all feasible measures to prevent the recruitment and use in hostilities of persons under the age of 18 years by armed groups that are distinct from the armed forces of a State. Such measures shall include legal measures necessary to prohibit and criminalize such practices.

Moreover, the UN Committee on the Rights of the Child in its Concluding Observations adopted in 2011 welcomed Ukraine’s signing in 2007 of the *Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups* and *Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups*. At the same time, the Committee recommended Ukraine *“[...] to take measures to provide for the clear and unambiguous prohibition by the Criminal Code and criminal liability for the violation of the provisions of the Optional Protocol regarding the recruitment and use of children in hostilities”*. In addition, the Committee recommended bringing all military codes, manuals, standards, operating procedures, and other military documents and directives in line with the provisions and spirit of the Optional Protocol.

As of today, the Government of Ukraine took certain steps to bring the national legislation in line with the Optional Protocol². For example, Art. 30 of the Law of Ukraine “On Protection of Childhood”³ directly specifies the prohibition in Ukraine of the children’s participation in hostilities or armed conflicts, the creation of children’s military organizations and units, as well as propaganda of war and violence among children. In January 2016, the Verkhovna Rada of Ukraine adopted the Law “On Amendments to Certain Laws of Ukraine Concerning the Strengthening of Children’s Protection and Support of Families with Children”, which defines the *children affected by hostilities* and classifies the action, i. e. *the involvement of children in hostilities*. The amendments define that *“a child affected by hostilities and armed conflicts is a child who was wounded, contused, injured, suffered physical or psychological abuse, was taken outside Ukraine, was involved in military formations or held illegally captive as a result of hostilities or armed conflicts”*⁴.

² http://www.un.org/ru/documents/decl_conv/conventions/rightschild_protocol1.shtml

³ <http://zakon3.rada.gov.ua/laws/show/2402-14>

⁴ <http://zakon4.rada.gov.ua/laws/show/936-19>

However, the Criminal Code of Ukraine contains no clear definition of the term “involvement of children in armed forces/groups” and does not criminalize the recruitment, involvement, and other forms of use of children in armed forces or armed groups.

At the time of the research, by February 2016, a serious gap was observed in the information and analysis of the current situation with regard to risk factors, cases, and consequences of the children’s involvement in the armed conflict in Ukraine.

2. METHODOLOGY

The main objective of the research was to investigate different types of risks for adolescents (girls and boys) studying at vocational schools of the Region of Donetsk associated with the location of such schools in close proximity to the area of the armed conflict.

The researchers did not aim to identify the specific facts of the children’s involvement in armed conflict or other violations of children’s rights. The analysis of existing risk factors was necessary as a first step to facilitate further study of the problem and joint actions for the practical response and prevention of possible violations.

The risk of involvement of adolescents in military action is the probability or likelihood of the situation where an adolescent (a boy or a girl) in the area of the armed conflict may be used by the representatives of military units or militant groups as a combat soldier, reconnaissance scout, hand carrier (for ammunition and other goods), cook, orderly, general labourer, or for sexual purposes.

The term “likelihood” reflects the fact that the risk may be expressed not only in quantity (in percentage terms) but also in quality. It is appropriate to speak about the risk if, firstly, a reasoned connection between risk factors and the result is found, and secondly, if such factors affect the adolescent’s behaviour.

The likelihood scale can be correlated to the trend of lowering the threshold of students’ risk behaviour, reduction of the sense of responsibility for their lives, indifferent attitude to what is happening, unwillingness to evaluate and analyse the environment, which we can see in the responses of the students’ focus groups.

The collection and analysis of information hereunder focused on the following key issues:

- 1) The number and characteristics of incidents of the children’s stay/detention at checkpoints and children’s participation in hostilities.
- 2) Conditions of living, education, and leisure.
- 3) Attitude of adolescents towards current events and the proximity of the armed forces.
- 4) Risk categories and factors contributing to risk increase and reduction; ways to risk prevention and response.
- 5) The level of awareness among adolescents, parents, teachers, and local communities on children’s rights, risks, methods of prevention, and ways of redirection.
- 6) The level of awareness among the armed forces and law enforcement agencies of children’s rights, risks, methods of prevention, and ways of redirection in case of detection.

To conduct a research, a draft questionnaire and procedure for the respondents' survey (see Appendix 4 hereto) were prepared in early February 2016. The students of vocational schools, teaching staff, and the representatives of security and law enforcement agencies (Armed Forces, the National Guard, and the National Police of Ukraine) were surveyed using the method of focus groups or group interviews.

A focus group method is a quantitative method to collect information based on the use of group dynamics effect.

This method involves a group discussion led by a moderator. The main advantage of this method is the opportunity to immediately obtain so-called in-depth information in a small group of respondents. The essence of the method is to focus the participants' attention on the issue (topic) in question in order to determine the attitude to the issue and to find out the motivation for certain actions.

In addition, this method made it possible to follow the research and make appropriate conclusions.

A focus group scenario was developed for group interviews. A *focus group scenario* is a set of questions for discussion. The substance of questions is determined by the degree of the focus group formalization. The questions were asked not in sequence but in the order which better calls the focus group for interactive conversation. The scenario was modified depending on the group members, their profession, and the distance from the hostilities area.

Recommendations provided by A. A. Susokolov⁵ in the study guide for the course “Economic Sociology Workshop” were used in drawing up the questions. The methodology of the survey and asking the questions is given in Chapter 6 of the training manual prepared based on the materials of D. Dillman's *Mail and Telephone Surveys*⁶.

To conduct group interviews, we visited the north of the region (cities of Sloviansk, Kramatorsk, Bakhmut (formerly Artemivsk), and Druzhkivka) in the period from February 2 – February 12, 2016 and the south of the region (cities of Mariupol, Volnovakha, and the Urban-Type Settlement of Sartana) in the period from February 29 – April 3, 2016. We also held meetings with the leadership of the Department of Education and the Division for Vocational Education of Donetsk Regional Civil-Military Administration.

The practical part of the research was represented by group interviews. 361 students, 57 teachers, and 45 representatives of security and law enforcement agencies, creating three focus groups, participated in the interviews.

The students' focus group consisted of 86 girls (23.8 %) and 275 boys (76.2 %), including 112 (31 %) adolescents aged 15-16 and 239 (69 %) aged 17-18.

The teachers' focus group consisted of 45 women (79 %) and 12 men (21 %), including 6 principals of educational institutions, 11 vice-principals for curriculum and discipline, 16 foremen, and 24 teachers.

⁵ A. A. Susokolov, *Social Research Technology: Study Guide for the Course “Economic Sociology Workshop”*/A. A. Susokolov, M., 2007. – 317 p.

⁶ Dillman D. *Mail and Telephone surveys*, N-Y., 1978, Ch. 3.

The focus group of representatives of security and law enforcement agencies consisted of the servicemen of the Armed Forces of Ukraine (12), the National Guard of Ukraine (11), and the National Police of Ukraine (22), including 8 commanders and 37 private soldiers and officers.

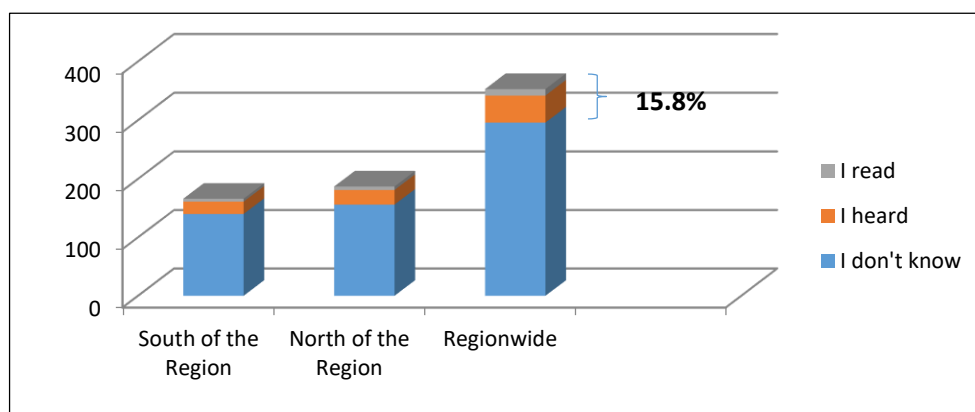
Group interviews were aimed at clarifying the respondents' *awareness* of the legal rules governing the involvement of persons under the age of 18 in hostilities, their *attitude* to the possibility and the facts of the participation of persons under 18 in hostilities, and their *behaviour* in situations of possible participation in hostilities.

3. FINDINGS AND ANALYSIS

- > **39.8 % of students (every third) and 71.8 % of teachers reported that they are aware of the facts of the participation of persons under 18 in hostilities.**
- > **19.6 % of students (every fifth adolescent) admit the possibility of their participation in hostilities.**
- > **27 % of students would agree to participate in hostilities.**
- > **8 % of the interviewed representatives of security and law enforcement agencies would not object to the child's involvement in hostilities.**

VEI students both in the north and the south of the Region of Donetsk are practically unaware of the Optional Protocol to the UN Convention on the Rights of the Child regarding the children's participation in armed conflicts. Only **15.8 %** got the relevant information at seminars and lectures at the VEI or from other sources, including on their own. **16 %** of students are aware thereon in the north and **15.5 %** in the south of the region, with only **3 %** of students who found this information by themselves (**3.5 %** in the north and **2 %** in the south of the region).

Students' Awareness of the Optional Protocol to the UN Convention on the Rights of the Child



At the same time, 82 % of respondents have not heard anything about the legal rules relating to certain procedures governing the participation of persons under 18 in armed conflicts. The figure was **80.8 %** for students in the south and **83 %** in the north of the region.

An alarming fact: two teens in the south of the region informed that during the medical examination at the military enlistment office they

"I would agree to move a multi-purpose light-armored towing vehicle for 300 hryvnias, but not far. Otherwise, how will I get home?"
Student, 1st year, future tractor operator

had been offered to sign a contract to serve in the Armed Forces of Ukraine stating that it had been permitted by law from the age of 17.

This fact suggests poor training of the military enlistment office employees in charge of career guidance rather than adolescents' unawareness, as Art. 20 of the Law of Ukraine "On Military Duty and Military Service" clearly states that the citizens of

**"What if THEY shoot and kill?
Should I do nothing?"**

Student, 1st year, future gas welder

Ukraine **aged 17 – 21**, selected by professional and psychological criteria and meeting the requirements of military service, having completed secondary education may conclude contracts for service only if they are admitted to the first year of military training

units of higher educational institutions⁷.

During group interviews, almost **39.8 %** of students reported that they are aware of the facts of the participation of persons under 18 in hostilities. The figure was **37 %** in the north and **42 %** in the south of the region. At the same time, **15.5 %** of the students indicated that they personally know such facts and **24.3 %** were informed of such facts by their friends/people they know. Thus, in view of a possible repetition of the facts, we can say that almost every third adolescent is aware of the case of his/her peers' involvement in hostilities. Alarming is the fact that **8.6 %** of adolescents (**8.5 %** in the north and **7.7 %** in the south of the region) reported that they had personally known those who took part in the hostilities. For instance, a female student of one of Mariupol lyceums told how her 16-year-old friend had been wounded by a machine gun near a checkpoint. The kid suffered from a stray bullet shot as a result of a quarrel between soldiers with whom he got acquainted earlier and stayed at the checkpoint as their friend. The girl did not tell what he was doing there and in what actions had been involved.

To assess the adolescents' attitude to the issue of possible involvement or participation of children in hostilities, the assessment questions were used. Overall, **72 %** of students believe that persons under the age of 18 should not participate in hostilities; it is the business of military men. **63.4 %** of students consider the participation in hostilities unacceptable. On the other hand, **19.6 %** of students, which is almost one in five adolescents, admit the possibility of their participation in hostilities. At the same time, **15.5 %** of respondents consider such a possibility provided that it is necessary to protect them and their loved ones, classifying the hostilities as direct participation in military actions - that is repulsing an attack with arms.

The answer to this question using the options "*Why not*" and "*I'm not interested*" resulted in 16% of students for each option in the north and 19% and 13% in the south of the region, respectively.

⁷ <http://zakon3.rada.gov.ua/laws/show/2232-12>

Analysis of the results of students' focus groups responses processing in respect of the question concerning their behaviour in a situation of involvement in hostilities showed a fairly high percentage of risk. **27 %** of students would agree to take part in hostilities, while only **13.5 %** of them explained it by the fact that their participation is possible under certain circumstances. As a rule, they talked about the increase in fees promised in a certain case or "situation" security guarantees. With regard to this issue, the figure in the north of the region is 17.8 % and in the south twice as much – 35.2 %.

"I would agree to put a concrete slab on the dug-out shelter if it is far from the front line and not dangerous. If you don't die, you can earn money". Student, 2nd year, future crane operator

This can be explained by the fact that depending on the distance from the demarcation line children perceive the danger threshold differently. The farther from the line, the higher the threshold is; on the contrary, the closer, the lower the threshold is. If we compare the situation in the cities of Mariupol, Sloviansk, and Kramatorsk, this is obvious.

Having analysed the answers of respondents on the possibility of their participation in hostilities, we see the tendency of lowering the threshold of students' risk behaviour, reducing the sense of responsibility for their lives, indifferent attitude to what is happening, as well as their unwillingness to evaluate and analyse the environment.

For children in the cities of Sloviansk, Druzhkivka, or Kramatorsk, the very presence of the military holding arms in public places, movement of military vehicles already pose tension, hidden danger. The children say they feel uncomfortable when they see servicemen. For them, all the people with weapons and wearing camouflage are servicemen, although local police and representatives of the National Guard also wear camouflage uniforms. At the same time, adolescents living in the immediate combat area do not notice it. The presence of a large number of armed people and armoured vehicles in the streets of their towns and cities is ordinary and familiar for them. The danger for them means shellfire. The teachers of Agricultural Lyceum located in the Urban-Type Settlement of Sartana told that after shellfire children pick up the frags in the territory of the Lyceum.

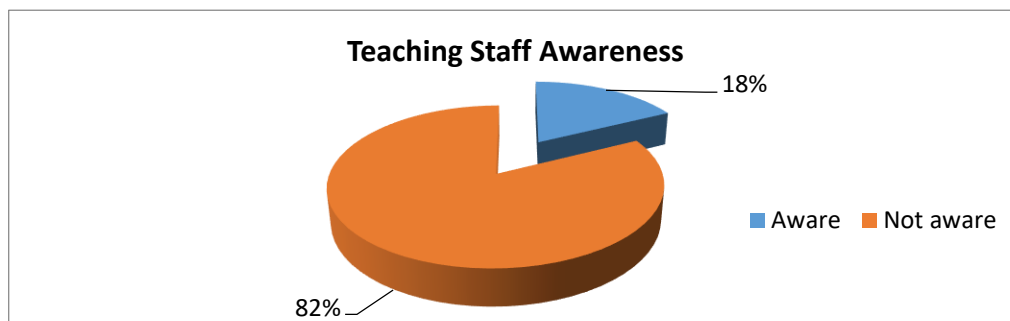
At the same time, there are children who showed an adequate level of assessment of risks arising due to the participation in hostilities. When it came to the personal attitude of the focus groups to peers who, for whatever reason, took part in the hostilities, **63 %** of students answered that it was unacceptable and further **27 %** believed that it was illegal, although they could not name a rule or law. Almost as many students, **61 %**, do not approve of their peers' participation in hostilities.

"Does protect mean just "bang-bang"? Help volunteers, dig up a garden for an elderly lady, or hold events is also patriotism" - arguing the classmate's statement about the need to actively participate in hostilities as a manifestation of patriotism. Student, 1st year, future lathe operator

In situations where adolescents had to choose whether to take part in the hostilities or not, **70.3 %** of students said that they would absolutely refuse such a proposal (71 % in the north and 63.2 % in the south of the region).

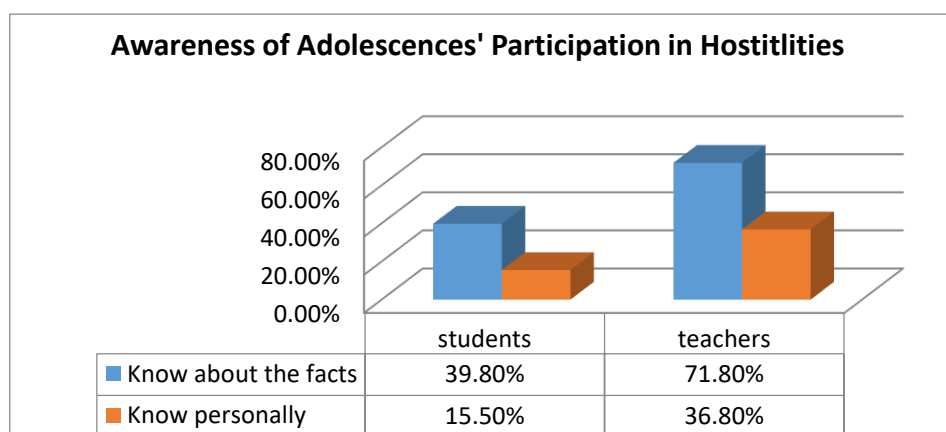
The results of group interviews with a **focus group of teachers** show poor awareness, which indirectly explains the lack of students'

awareness. For instance, despite the fact that almost all teachers reported that they were familiar with Art. 30 of the Law of Ukraine “On Protection of Childhood”, which prohibits the involvement of children in armed conflicts, **82.4 %** of representatives of the teaching staff said that they personally had not read the Optional Protocol to the UN Convention on the Rights of the Child regarding the involvement of children in armed conflicts (in the south of the region the figure is 100 %).



At the same time, all participants of the focus groups were unanimous (100 %) in their opinion that the state must take all feasible measures to ensure that persons under 18 years do not take direct part in hostilities.

During the interviews, the representatives of the teaching staff confirmed the existence of cases of VET students or persons under the age of 18, in general, participating in hostilities. For instance, 36.8 % of teachers said that they personally knew such cases, another 35 % had heard about them from friends/people they know. That is, in general, **71.8 %** of teachers are aware of such cases, and it is more than the half of the interviewed.



Despite the almost unanimous opinion of teachers that the participation in hostilities is the business of servicemen (the National Guard or Police), **5 %** of the focus group participants still admit the possibility of the adolescents' participation in hostilities. The explanation the teachers

“When the city was shelled our children danced in the hall... we made the music loud and hoped they would not aim at school... we were afraid... for the children” *Vice-Principal for Curriculum and Education*

provided included the participation of children's parents in hostilities and the “family home

defence". The forewoman of one of the vocational schools did not explain what exactly "family home defence" means telling that "we are all adults here and understand it".

In a situation where members of the teachers' focus group became aware that a student wants to take part in hostilities, **38.5 %** of teachers said they would talk to the student and try to explain

"We picked up the children at the checkpoints by ourselves and locked them in the lyceum so that they don't go anywhere" Foreman

the negative consequences of such an act. Another **30 %** would inform parents of the adolescent, a psychologist or a social care teacher along with an individual talk. At the same time, **22.8 %** of the focus group members would inform the supervisor. That is an alarming indicator of the lack of an algorithm for actions, forms, and methods of pedagogical influence on the adolescent

as well as the lack of necessary knowledge to explain to the adolescent all possible risks connected with his/her participation in hostilities.

The results of group interviews of the **representatives of security and law enforcement agencies** show poor awareness of the focus group participants not only of the provisions of the Optional Protocol to the UN Convention but also of the rights of children in general. As a rule, 70 % of the security and law enforcement agencies representatives, having heard of the UN Convention on the Rights of the Child, said it was the lawyers who should deal with it.

Only 31.1 % of participants reported that they were aware of the facts of the participation of persons under 18 in hostilities, while 13.3 % knew of such cases from their personal experience. Interestingly, 14 % of the interviewed informed of such facts in the south and 38 % in the north of the region.

The situation with the awareness of the security and law enforcement agencies representatives of the involvement of persons under the age of 18 in hostilities corresponds to the level of awareness. In the absence of appropriate methodological literature and relevant training

(workshops, classes, and lectures), it is difficult to identify the fact of involvement as even the Law of Ukraine "On Protection of Childhood" ⁸ does not clearly define actions as the use of and involvement in military formations not provided for by the laws of Ukraine. The participation itself includes the recruitment, financing, material support, and training for use in an armed conflict. At the same time, the lack of information on such facts might be explained by the frequent rotation of personnel or silencing of such facts.

"As the militants were here, one of our students was with them at the checkpoint. He shared his photos with a gun in social media. When THEY left, the adolescent, who had already turned 18, was taken in custody. The criminal case was initiated against him based on the photos. We provided references. He was sentenced to five years, with two years of delay".

Teaching staff representative

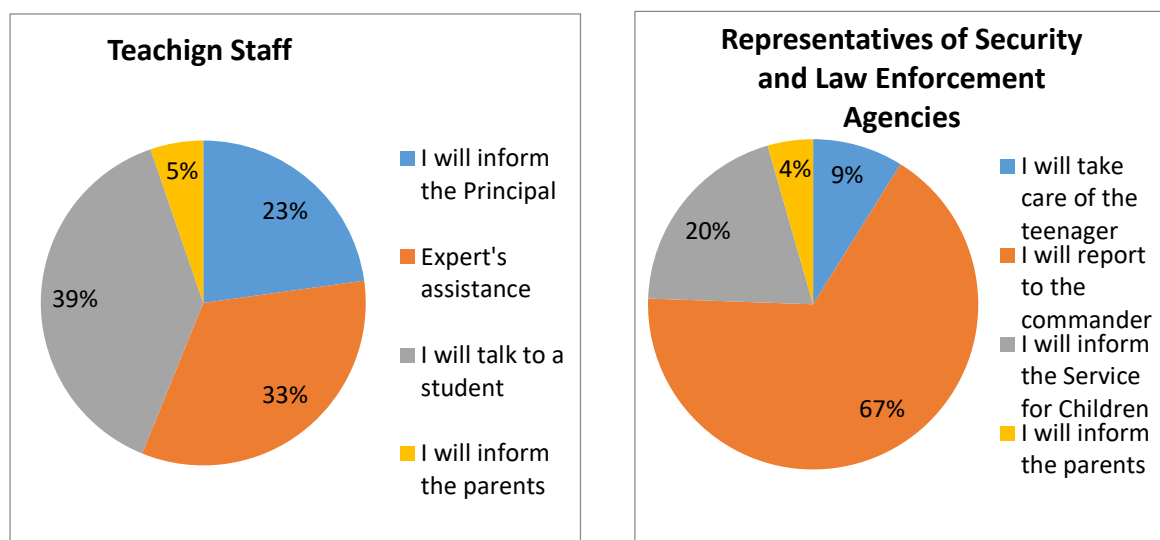
The assessment of the security and law enforcement agencies attitude to the participation of

persons under 18 in hostilities is ambiguous. For instance, half of the security and law enforcement agencies representatives (**53 %**) consider such participation possible under certain circumstances and **8 %** are absolutely sure about that.

⁸ <http://zakon4.rada.gov.ua/laws/show/936-19>

Evaluation of the results of the interview regarding the behaviour of the security and law enforcement agencies representatives in situations of the adolescents' involvement in hostilities confirmed the conclusion on the impact of awareness of international and national legal standards. Lack of such awareness involves possible violations. For example, in a case of the adolescents' involvement in hostilities, **8 %** of respondents – security and law enforcement agencies representatives – would not only fail to prevent it but would even take care of such an adolescent. Another **66.6 %** of the interviewed focus group members would inform the command of such facts. This shows first of all that the representatives of security and law enforcement agencies are not aware of their activities in compliance with international and national rules of law and are trying to shift the burden of responsibility on command. Only one in four (**24.1 %**) of the focus group participants said that they would try to inform the parents, educational institutions, and/or relevant local authorities of such facts. As a rule, they were the representatives of the National Police and the National Guard of Ukraine.

Actions in Case of an Adolescent's Involvement in Hostilities



Considering the fact that the data obtained through group interviews are subjective and do not fully reflect the situation with the involvement of VET adolescent students in hostilities, the Danish Refugee Council delivered requests for information to the General Staff of the Armed Forces of Ukraine, the Ministry of Internal Affairs of Ukraine, as well as the Ministry of Social Policy of Ukraine. However, it was impossible to carry out an appropriate analysis and specify the assessment of risk of the adolescent VEI students' possible involvement in hostilities due to off-the-topic and evasive responses of these public bodies. The responses indicate a complete lack of information concerning the detection and prevention of the adolescents' involvement in hostilities.

For instance, the General Staff of the Armed Forces of Ukraine responded that it was unaware of the facts of the involvement of persons under 18 in military formations in the controlled territory of the Region of Donetsk. In addition, it stated that the competence of the General Staff did not include the finding of such facts. At the same time, according to publicly available information⁹ as well as the public speech of the President of Ukraine (see Appendix 6 hereto), a young man born in

⁹ <http://nvsu233spfrg633l.n5zgoldvme.cmle.ru/31/nazar.htm>

1996 served in the 24th Separate Territorial Defence Battalion “Aidar” (the 24th Separate Assault Battalion of the Land Armed Forces of Ukraine “Aidar” since March, 2015) and was killed in September 2014.

In its turn, the Ministry of Social Policy of Ukraine in its response to the information request stated that as of April 7, 2016, they have not been reported of the children’s involvement in hostilities or children recruited by military units (see Appendix 2 hereto). At the same time, the Prosecutor’s Office of the Region of Donetsk announced that 8 adolescents who joined illegal military formations of “DPR” terrorist organization and participated in the armed forces because of their ignorance and lack of parental care were sentenced for crimes against public security by the courts of the Region of Donetsk during 2015¹⁰. The penalties of all minors were necessary and sufficient (?) to reform the children and prevent new crimes. It was also reported that there are 9 pending criminal proceedings with respect to minors at the stage of pre-trial investigation and trial.

The management of the National Police of Ukraine has not responded to the request for information on the children’s involvement in hostilities.

4. CONCLUSIONS AND RECOMMENDATIONS

As set forth above, the research defined the **poor awareness** of VEI teaching staff and security and law enforcement agencies of the **existence of legal rules** governing the participation of persons under 18 years of age in armed conflicts (both in the legislation of Ukraine and international law) as a **factor of increased risk** of children’s involvement in armed forces and military groups. For example, 82 % of the interviewed students (object of involvement), 82.4 % of teachers, and 98 % of the representatives of security and law enforcement agencies (subject of involvement) were not aware of the existence of such rules. As a consequence, 22.8 % of the interviewed teachers and 66.6 % of the representatives of security and law enforcement agencies did not know what to do in case of an adolescent’s involvement in hostilities, which is an alarming indicator of the lack of an algorithm for actions, forms, and methods of pedagogical influence on the adolescent, as well as the lack of necessary knowledge to explain to the adolescent all possible risks related to the participation in hostilities.

A concurrent risk factor is the lack of understanding of the risks and consequences of children’s involvement in armed forces and groups. The number of adolescents who are “morally ready” to the involvement in hostilities varies from **27 % to 30 %**, i. e. **every third** adolescent under certain circumstances is ready to take part in hostilities. At the same time, the danger threshold in adolescents varies depending on the distance from the demarcation line. The farther from the line, the higher the threshold is; on the contrary, the closer to the line, the lower the threshold is.

Children’s involvement in armed forces and groups may result in personal injury, permanent injury, death, psychological trauma, separation from family, lack of access to personal documents, restriction of access to social benefits and basic services, arrest and imprisonment, violence (including sexual), abuse, child labour and sexual exploitation, as well as adolescent criminalization.

¹⁰ Official website of the Prosecutor’s Office of the Region of Donetsk:
<http://don.gp.gov.ua/ua/news.html? m=publications& c=view& t=rec&id=181522>

In addition to the lack of awareness of the legal rules and understanding of risks and consequences, the **lack of the necessary measures to prevent, detect, and respond** to the facts of children's involvement in hostilities as well as the lack of **procedures for monitoring and responsibility** (both in education system and security and law enforcement agencies) have been established as a significant risk factor.

The high-risk factors of involvement that have not been considered in detail in the research also include the following:

- > the attitude formed by military and patriotic education encouraging the "cult of warrior" and participation in hostilities as a manifestation of patriotism;
- > unacceptable living conditions and lack of choice of positive leisure meeting the interests and needs of children (e. g. controlled risk environment in extreme sports);
- > the presence of servicemen in educational institutions (e.g. servicemen's accommodation in educational institutions or student hostels).

The media publish reports on the use of children in armed conflict and related actions (assistance in checkpoints arrangement, execution of the servicemen's requests relating to service, etc.). At the same time, nearly 40 % of students and 72 % of teachers reported that they are aware of the facts of the participation of persons under 18 in hostilities; 27 % of students would agree to take part in hostilities; 8 % of the interviewed representatives of security and law enforcement agencies would not prevent the child's involved in hostilities.

However, the **national law**, in contrast to the international law, contains no clear definition of the "child's involvement in hostilities", which according to the internationally accepted definition is not limited to direct participation in hostilities but refers to any use of children by armed forces or groups. At the same time, the Criminal Code of Ukraine does not define the children's involvement in hostilities as a criminal offense.

At the official request of the DRC, the representatives of the Ministry of Defence and the Ministry of Social Policy responded that they were unaware of the involvement of children in hostilities (see Appendices 2 and 3 hereto). The National Police of Ukraine has not given any response, while official sources published the facts of arrest, criminal investigations, and court judgments on the punishment of minors accused of relations with armed groups¹¹.

The risk of children's involvement in armed forces/groups is the aggregate of the above risks and the violation of the rights of the child enshrined in the Convention on the Rights of the Child and Optional Protocol thereto, Paris Commitments to Protect Children from Unlawful Recruitment or Use by Armed Forces or Armed Groups, and Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups.

Taking into account the fact that this research *did not aim at identifying specific facts of the children's involvement in hostilities*, while the survey results showed that *students and teachers are aware of such cases*, a further detailed study is required to document the facts of children's rights violations related to their involvement in hostilities.

¹¹ Official website of the Prosecutor's Office of the Region of Donetsk:
<http://don.gp.gov.ua/ua/news.html? m=publications& t=rec&id=181522>

Recommendations

In May 2016, the Office of the Commissioner of the President of Ukraine for Children's Rights in Kyiv in cooperation with the Danish Refugee Council, with support of USAID and DFID, held a round table in the City of Kyiv. The main purpose of the round table was to unite the efforts of governmental authorities, public organizations, and other civil society institutions in the protection of children's rights in the Region of Donetsk, especially of the risk groups (students of VEIs located near the hostilities area) and to address the potential risks.

The participants of the round table included the representatives of the Secretariat of the Commissioner of the Verkhovna Rada of Ukraine for Human Rights, the Ministry of Defence, the Ministry of Education, the Ministry of Social Policy, the Ministry of Internal Affairs, principals of vocational schools of the Region of Donetsk, international organizations, and the NGO Coalition "Children's Rights in Ukraine".

The round table participants considered draft recommendations mostly arising out of the recommendations of 2010 of the UN Committee on the Rights of the Child, and discussed further steps for effective and timely implementation of these recommendations.

Based on the findings of the round table, the following recommendations have been approved for distribution and submission to the relevant governmental agencies through the Office of the Commissioner of the Verkhovna Rada of Ukraine for Human Rights:

1. Taking into account the national context, to define and operationalize the concept of the "minors' involvement in hostilities" in its broadest sense, not just combatant children, and/or to define the criteria to consider the case as the "minors' involvement in hostilities".
2. Amending the national legislation in compliance with the Paris Principles 8.7 and 8.8 and the proper training of law enforcement officials, prosecutors, and the judiciary to ensure that:
 - a. the children associated with armed forces or armed groups are not prosecuted or punished solely for their involvement with such armed forces or groups; and
 - b. the children accused of crimes under international or national law, probably committed within their involvement with armed forces or armed groups, are considered under the international standards of juvenile justice.
3. Involvement of experts in the field of child protection (including national and international experts for child protection in emergencies) when developing relevant new legislation and amendments to existing legislation.
4. Criminalization in the Criminal Code of Ukraine of activities related to recruitment, involvement, and other forms of use of children in armed forces or armed groups, including a clear definition of the term "involvement".
5. Ensuring immediate and effective investigation by the relevant governmental authorities of all communications regarding the involvement of children in hostilities.
6. Establishment of a procedure to identify children who have been or may have been recruited or used in hostilities and the system for their redirecting to the appropriate services to provide the necessary assistance.

7. Provision of physical, psychological, and social aid to all children who have been or may have been recruited or used in hostilities.
8. Ensuring the compliance of programs for reintegration of children formerly associated with armed forces or armed groups with the “do no harm” principle and the proper involvement by such programs of local population in order to prevent negative reactions towards children or the creation of an attractive factor (i. e. when children join the armed forces or armed groups on purpose in order to benefit from such programs).
9. Development and implementation of training and awareness programs on the issues of the Optional Protocol, the development of safe behaviour skills (including mine risk education), and social responsibility for VEI students.
10. Development and implementation of recreational and employment assistance programs for VEI students at risk.
11. Identification and dissemination of positive civic role models for children and youth (such as influential figures of sports, art, music, and science) as an alternative to the currently popular military role models.
12. Promotion of positive and peaceful images of young people who may serve as role models and a counterweight to the image of an armed man.
13. Development and implementation of methodological and information materials and training programs on the issues of children’s protection during armed conflicts for the VEI teaching staff.
14. Development and implementation of operational guidelines for the protection of children during armed conflicts as well as training and information materials for the staff of the armed forces and other security and law enforcement agencies of Ukraine (AFU, NGU, and NPU).
15. Public dissemination of the information on principles and provisions of the Optional Protocol to the UN Convention on the Rights of the Child on the children’s involvement in hostilities.
16. Ensuring free public access to the register of sports and recreational camps for children officially registered by the Ministry of Social Policy of Ukraine.
17. Ensuring regular monitoring of the sports and recreational camps programs, especially those for military and patriotic education.
18. Signing of the UN Safe Schools Declaration and the obligation to use the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict as a minimum standard to prevent the military use of schools by armed forces and armed groups.
19. Further study of the issue of the children’s involvement in armed forces and armed groups in Ukraine with the aim to document the cases of involvement and facilitate the development and adoption of appropriate measures to bring the guilty to justice and to restore the rights of the affected persons.

APPENDIX 1: REQUEST FOR INFORMATION TO THE MINISTRY OF SOCIAL POLICY OF UKRAINE, THE MINISTRY OF INTERNAL AFFAIRS OF UKRAINE, AND THE GENERAL STAFF OF THE ARMED FORCES OF UKRAINE ON THE CHILDREN’S INVOLVEMENT IN HOSTILITIES

The Ministry of Social Policy of Ukraine

REQUEST FOR INFORMATION

The Danish Refugee Council (DRC) was registered in Ukraine as an international non-governmental organization in November 2014, Registration Certificate No.1425948 dated November 10, 2014. The DRC is the world’s leading organization to provide humanitarian assistance to refugees, internally displaced people and other persons by implementing protection programs and providing financial, humanitarian, and information aid.

Currently, the DRC provides humanitarian assistance to internally displaced people and population affected by the armed conflict in the regions of Donetsk and Luhansk. To this end, a number of research studies have been conducted, including those related to the events involving adolescent students of vocational schools located near the areas of combat operations and the potential risks for adolescents.

In this regard, we kindly ask you to provide the following information:

1. Has the Ministry received any information on the cases of the children’s involvement in hostilities, military formations, or works related to engineering equipment or digging trenches?
2. How many children have been affected by hostilities, including school students and vocational school students?
3. What measures has the Ministry taken to mitigate the risk of VEI students’ involvement in hostilities?

Please provide the information within the time limit specified by the Law of Ukraine “On Access to Public Information”. We hope for your understanding and further cooperation.

Sincerely yours,

Krista Zongolowicz

Director of the Representative Office

REQUEST FOR INFORMATION

The Danish Refugee Council (DRC) was registered in Ukraine as an international non-governmental organization in November 2014, Registration Certificate No. 1425948 dated November 10, 2014. The DRC is the world's leading organization to provide humanitarian assistance to refugees, internally displaced people and other persons by implementing protection programs and providing financial, humanitarian, and information aid.

Currently, the DRC provides humanitarian assistance to internally displaced people and population affected by the armed conflict in the regions of Donetsk and Luhansk. To this end, a number of research studies have been conducted, including those related to the events involving adolescent students of vocational schools located near the areas of combat operations and the potential risks for adolescents.

In this regard, we kindly ask you to provide the following information:

1. Has the Ministry received any information on the cases of the children's involvement in hostilities, military formations, or works related to engineering equipment or digging trenches?
2. Have the units of the National Police recorded any cases of creating military formations involving persons under 18 years of age?
3. How many children have been affected by hostilities, including school students and vocational school students?
4. What measures has the Ministry and the management of the National Police of Ukraine and the National Guard of Ukraine taken to mitigate the risk of involvement of persons under 18 years of age in hostilities?
5. What direct preventive measures have been taken in respect of VEI students?

Please provide the information within the time limit specified by the Law of Ukraine "On Access to Public Information". We hope for your understanding and further cooperation.

Sincerely yours,

Krista Zongolowicz

Director of the Representative Office

REQUEST FOR INFORMATION

The Danish Refugee Council (DRC) was registered in Ukraine as an international non-governmental organization in November 2014, Registration Certificate No. 1425948 dated November 10, 2014. The DRC is the world's leading organization to provide humanitarian assistance to refugees, internally displaced people and other persons by implementing protection programs and providing financial, humanitarian, and information aid.

Currently, the DRC provides humanitarian assistance to internally displaced people and population affected by the armed conflict in the regions of Donetsk and Luhansk. To this end, a number of research studies have been conducted, including those related to the events involving adolescent students of vocational schools located near the areas of combat operations and the potential risks for adolescents.

In this regard, we kindly ask you to provide the following information:

1. Has the General Staff received any information on the cases of the children's involvement in hostilities, military formations, or works related to engineering equipment or digging trenches?
2. Have the units of the Military Police recorded any cases of creating military formations involving persons under 18 years of age?
3. What measures have the General Staff and the command of the Armed Forces units taken to mitigate the risk of involvement of persons under 18 years of age in hostilities?
4. What direct preventive measures have been taken in respect of VEI students?
5. Have the manpower of the military units been informed of Ukraine's obligations under the Optional Protocol to the UN Convention on the prohibition of the involvement of children in armed conflict ratified in 2004?

Please provide the information within the time limit specified by the Law of Ukraine "On Access to Public Information". We hope for your understanding and further cooperation.

Sincerely yours,

Krista Zongolowicz

Director of the Representative Office

APPENDIX 2: RESPONSE OF THE MINISTRY OF SOCIAL POLICY OF UKRAINE TO THE DRC REQUEST FOR INFORMATION ON THE CHILDREN'S INVOLVEMENT IN HOSTILITIES

/coat of arms of Ukraine/

THE MINISTRY OF SOCIAL POLICY OF UKRAINE

8/10 Esplanadna Street, 01601 Kyiv, phone: (044) 226-24-45, fax: (044) 289-00-98,

E-mail: infor@mlsp.gov.ua

Code in the Unified State Register of Enterprises and Organizations of Ukraine (EDRPOU), registration account 35213015078737 with the State Treasury Service of Ukraine in the City of Kyiv, MFO (sort code) 820172

April 7, 2016 No. 68210/205-16157

Danish Refugee Council

Re: Request Consideration

The Department for Adoption and Protection of Children's Rights (DAPCR) under the Ministry for Social Policy of Ukraine has considered your Request for Information dated March 24, 2016 regarding the protection of children affected by armed conflict and hostilities and informs you as follows.

The Ministry of Social Policy is a national executive body in charge of the state policy in the protection of children aged 0 to 18, particularly orphans and children deprived of parental care, as well as other categories of children.

Please be informed that the Ministry does not collect separate statistical data on adolescent VEI students or students of other educational institutions.

Please be further informed that, according to current data of regional administrations and the Kyiv City State Administration, over 2 thousand children displaced from the regions of Donetsk and Luhansk to other areas of Ukraine as of March 31, 2016 have been registered, including 1,610 orphans and children deprived of parental care and 582 children who arrived unaccompanied by legal representatives.

Most children of such categories have been registered in the regions of Donetsk, Dnipropetrovsk, Zaporizhzhia, Kyiv, Luhansk, and Kharkiv.

Unfortunately, according to the information of regional civil-military administrations, 68 children were killed and 152 were injured during the armed conflict in the regions of Donetsk and Luhansk.

At the same time, the Ministry of Social Policy takes measures to improve the legislation of Ukraine on protection of children in armed conflicts.

In particular, the Law of Ukraine No. 936-VIII dated January 26, 2016 "On Amendments to Certain Laws of Ukraine Concerning the Strengthening of Children's Protection and Support of Families with Children" introduced a number of significant changes on the issue in question to the Law of Ukraine "On Protection of Childhood" regarding the prohibition of the children's involvement in hostilities and armed conflicts and protection against illegal displacement of children in the area

of hostilities and armed conflicts as well as children affected by hostilities and armed conflicts”. Currently, the Ministry of Social Policy is developing a draft Decree of the Cabinet of Ministers of Ukraine “On Approval of the Procedure of Granting the Status for Children Affected by Hostilities and Armed Conflicts”.

Considering the fact that the adoption of the above regulation is of great importance in the area of childhood protection, the Ministry of Social Policy involves the concerned national executive authorities, local governments, and public organizations to the development thereof.

Also, by the initiative of the Ministry of Social Policy, the Government has adopted and approved a number of resolutions regulating the social protection of internally displaced children, including:

- the procedure to organize social protection of children left without parental care, orphans, and children deprived of parental care from the temporarily occupied territory of Ukraine and territory administration units of Ukraine within the scope of the Anti-Terrorist Operation has been specified (Decree No. 624 of the Cabinet of Ministers of Ukraine dated October 22, 2014 “On Amendments to Decree No. 866 of the Cabinet of Ministers of Ukraine dated September 24, 2008”);
- amendments have been made to the Procedure for Preparation and Issuance of Registration Certificates to Persons Displaced from the Temporarily Occupied Territory of Ukraine, the Area of the Anti-Terrorist Operation, or Residential Areas Located on the Contact Line, approved by Decree No. 509 of the Cabinet of Ministers of Ukraine dated October 1, 2014 (Decree No. 636 of the Cabinet of Ministers of Ukraine dated August 26, 2015 “On Amendments to Certain Decrees of the Cabinet of Ministers of Ukraine”);
- the procedure for applying for monthly targeted aid to cover accommodation costs, including utilities, to certain categories of internally displaced children has been arranged (Decree No. 1014 of the Cabinet of Ministers of Ukraine dated December 9, 2015).

In order to improve the work aimed at the protection of internally displaced children, since April 16, 2016 the Ministry of Social Policy introduced monthly monitoring of information regarding the registration and social protection of such children, including those staying at boarding schools and attending vocational schools and higher educational establishments governed by the Ministry of Education and Science of Ukraine.

At the same time, the Action Plan under the National Strategy for Human Rights Protection until 2010 of the Ministry of Social Policy of Ukraine approved by Resolution No. 1393-p of the Cabinet of Ministers of Ukraine dated November 23, 2015 provides for the following actions during the year 2016 (including, but not limited to): drafting of the regulations to approve the procedure for granting the status to children affected by hostilities and armed conflicts; drafting guidelines regarding the features of children’s rights in hostilities and armed conflicts; creating the system to monitor the compliance of the children’s rights in armed conflicts; development and improvement of the effective procedure to find the children directly involved in hostilities or armed conflicts.

Please be further informed that as of April 7, 2016, the Ministry of Social Policy has no information on the cases of children’s involvement in hostilities or military formations.

Deputy Director

Department for Adoption and Protection of Children's Rights /signed/

V. Vovk

/illegible/ 2895267

APPENDIX 3: RESPONSE OF THE MINISTRY OF DEFENCE TO THE DRC REQUEST FOR INFORMATION ON THE CHILDREN'S INVOLVEMENT IN HOSTILITIES

/coat of arms of Ukraine/

MINISTRY OF DEFENCE OF UKRAINE
MAIN DEPARTMENT OF MORAL AND PSYCHOLOGICAL SUPPORT OF THE UKRAINIAN ARMED FORCES
Code 26605210

April 1, 2016
Our Ref.: 354/322
6 Povitroflotskyi Avenue, 03168 Kyiv

Attn.: D. Yu. Hud
4/26 Pyrohova Street, 01030 Kyiv

Your Ref. No.: 050/2016/03 dated March 24, 2016

Dear Dina Yuriivna,

The Main Department of Moral and Psychological Support of the Ukrainian Armed Forces was instructed to consider your Request for Information sent to the General Staff of the Armed Forces of Ukraine.

Following the study please be informed as follows.

Regarding the involvement of children in military formations and their participation in hostilities or support thereof please be informed as follows.

According to the current legislation of Ukraine, children cannot be called up for military service.

The entering into higher military schools and military training units of higher educational institutions of the citizens of Ukraine under 18 years of age shall be voluntary under personal applications after successfully passing exams and relevant tests.

Legal relations between the cadets of that age and the state are established under the Civil Code of Ukraine. The procedure for their military service (training) is governed by the Regulations on Military Service of Ukrainian Citizens and other legal acts of Ukraine.

The General Staff of the Armed Forces of Ukraine has no information on the involvement of the Ukrainian citizens under 18 years of age into military formations within the area controlled by the Ukrainian government, the facts of involvement of persons of Ukrainian side in Anti-Terrorist Operation in the regions of Donetsk and Luhansk or in support of the Operation.

The data on the children's involvement by the militants of so-called self-proclaimed DPR and LPR in hostilities against Ukraine in certain areas of the regions of Donetsk and Luhansk is often published by media and human rights organisation.

However, the legal response to such facts is not within the competence of the General Staff of the Armed Forces of Ukraine.

Regarding the work of the General Staff of the Armed Forces of Ukraine with the youth undergoing pre-conscription military training, including VEI students, please be informed as follows.

The General Staff of Armed Forces of Ukraine works with this category of population within the powers defined by the Law of Ukraine "On Military Duty and Military Service", Regulations on Pre-Conscription Training and Training of Recruits Specializing in Military Engineering approved by Decree No. 1770 of the Cabinet of Ministers of Ukraine dated November 30, 2000, and other regulations.

Crime prevention among children and school youth in Ukraine, including the prevention of mercenary, involvement in terrorist activities and crimes against national security of Ukraine, is provided by the educational authorities and the Ministry of Internal Affairs of Ukraine.

Please be further informed that the information concerning the Ukraine's obligations under the Optional Protocol ratified in 2004 to the UN Convention on the prohibition of the involvement of children in armed conflicts is periodically communicated to the staff of the Armed Forces of Ukraine within the system of study of International Humanitarian Law.

Faithfully yours,

Acting Head of the Main Department of Moral and Psychological Support of the Ukrainian Armed Forces
Colonel

/signed/

V. V. HRYHORIEV

APPENDIX 4: QUESTIONNAIRES FOR GROUP INTERVIEWS OF STUDENTS AND TEACHING STAFF OF VEIS AND THE REPRESENTATIVES OF SECURITY AND LAW ENFORCEMENT AGENCIES

STUDENTS

I. **Cognitive questions** to determine students' awareness of the risk of involvement in hostilities.

1. What do you know about the Optional Protocol and the Convention on the Rights of the Child with regard to the involvement of children in armed conflict?

- A. I read something about it;
- B. My teachers/parents told me;
- C. Nothing;
- D. I'm not interested.

2. Do you know of any cases of participation of persons under 18 years of age in hostilities?

- A. Yes, I know such cases;
- B. My friends/people I know told me but I personally don't know any such cases;
- C. I have never heard about such cases;
- D. I'm not interested.

3. In your opinion, can persons under 18 years of age participate in hostilities?

- A. Yes;
- B. Yes, if it is necessary to protect themselves and their loved ones;
- C. No, it is the business of military men;
- D. I'm not interested/your answer.

4. Do you have any friends/people you know under 18 years of age who participated in hostilities?

- A. Yes;
- B. No.

II. **Assessment** questions to determine the attitude of students to the problem of the risk of involvement in hostilities.

5. What is your personal attitude to the possibility to participate in hostilities?

- A. No, this is unacceptable;
- B. It's cool, it's like a game for adults only;
- C. Why not;
- D. I'm not interested/your answer.

6. How do you feel about the fact that a guy or a girl of your age participate in hostilities?

- A. It's ok, way to go!;

- B. I object, it's illegal;
- C. I object, it's stupid;
- D. I'm not interested/your answer.

7. Do you agree with the following expression: "...the state shall take all feasible measures to ensure that persons under the age of 18 do not take part in hostilities...?"

- A. I agree;
- B. I partly agree;
- C. I disagree;
- D. I don't know.

III. Behavioural questions to determine students' actions at risk.

8. Let's imagine the following situation: you are offered to take part in hostilities (they promise to provide you with uniform, weapons, and decent wages), to feel like an adult, "cool", and important person, although you will have to miss classes at school, leave the hostel (home). Your actions:

- A. I will definitely agree: it's an adventure and adult life;
- B. I will agree only if the circumstances force me;
- C. I will not agree;
- D. I'm not interested/your answer.

TEACHING STAFF REPRESENTATIVES

1. What do you know about the Optional Protocol and the Convention on the Rights of the Child with regard to the involvement of children in armed conflicts?

- A. I read something about it;
- B. I heard about it at seminars and/or trainings;
- C. Nothing, but I am interested;
- D. I'm not interested, it's the matter for the lawyers to deal with.

2. Do you know of any cases of participation of persons under 18 years of age in hostilities?

- A. Yes, I know about such cases;
- B. My friends/people I know told me but I personally don't know any such cases;
- C. I have never heard about such cases;
- D. I am not interested in this issue.

3. Do you agree with the following expression: "...the state shall take all feasible measures to ensure that persons under the age of 18 do not take part in hostilities...?"

- A. I agree;
- B. I partly agree;
- C. I disagree;
- D. I don't know.

4. In your opinion, can persons under 18 years of age participate in hostilities?

- A. Yes;
- B. Yes, if it is necessary to protect themselves and their loved ones;
- C. No, it is the business of military men;
- D. Your answer.

5. What will you do if you learn about the student's wish to take part in hostilities?

- A. I will inform the management of the educational institution;
- B. I will send the student to the psychologist or social pedagogue;
- C. I will inform the parents;
- D. I will talk to the student, explain all risks, will pay more attention to the student;
- E. All above options/your answer.

REPRESENTATIVES OF ARMED FORCES, THE NATIONAL GUARD, AND/OR THE NATIONAL POLICE

What do you know about the Optional Protocol and the Convention on the Rights of the Child with regard to the involvement of children in armed conflict?

- A. I read something about it;
- B. I heard about it at seminars and/or trainings;
- C. Nothing, but I am interested;
- D. I'm not interested, it's the matter for the lawyers to deal with.

2. Do you know of any cases of participation of persons under 18 years of age in hostilities?

- A. Yes, I know about such cases;
- B. My friends/people I know told me but I personally don't know any such cases;
- C. I have never heard about such cases;
- D. I am not interested in this issue.

3. Do you agree with the following expression: "...the state shall take all feasible measures to ensure that persons under the age of 18 do not take part in hostilities...?"

- A. I agree;
- B. I partly agree;
- C. I disagree;
- D. I don't know.

4. In your opinion, can persons under 18 years of age participate in hostilities?

- A. Yes;
- B. Yes, if it is necessary to protect themselves and their loved ones;
- C. No, it is the business of military men, the NG, police;
- D. Your answer.

5. Your actions if you learn of any fact of participation of persons under 18 years of age in hostilities:

- A. I will pay more attention to such a person, will protect him/her and look after so that he/she keeps the head down;
- B. I will report to the Command and the Military Police;
- C. I will inform the nearest Service for Children;
- D. I will inform the parents;
- E. Where possible, all of B, C, and D options.

APPENDIX 5: RESULTS OF FOCUS GROUPS INTERVIEWS

Students – 361 participants

Girls – 86 (23.8 %), boys – 275 (76.2 %), aged 15-16 – 112 (31 %), aged 17-18 – 239 (69 %).

1. What do you know about the Optional Protocol and the Convention on the Rights of the Child with regard to the involvement of children in armed conflict?

		North	South	Total
A.	I read something about it;	6	5	11
B.	I heard about it at seminars and/or trainings;	21	25	46
C.	Nothing, but I am interested;	140	156	296
D.	I'm not interested, it's the matter for the lawyers to deal with	1	7	8

2. Do you know of any cases of participation of persons under 18 years of age in hostilities?

		North	South	Total
A.	Yes, I know such cases;	32	24	56
B.	My friends/people I know told me but I personally don't know any such cases;	31	57	88
C.	I have never heard about such cases;	87	99	186
D.	I'm not interested	18	13	31

3. In your opinion, can persons under 18 years of age participate in hostilities?

		North	South	Total
A.	Yes;	6	9	15
B.	Yes, if it is necessary to protect themselves and their loved ones;	36	20	56
C.	No, it is the business of military men;	105	155	260
D.	I'm not interested/your answer	21	9	30

4. Do you personally know anyone under 18 years old who participated in hostilities?

		North	South	Total
A.	Yes;	16	15	31
B.	No	152	178	330

5. What is your personal attitude to the possibility to participate in hostilities?

		North	South	Total
A.	No, this is unacceptable;	107	122	229
B.	It's cool, it's like a game for adults only;	5	7	12
C.	Why not;	28	38	66
D.	I'm not interested/your answer	28	26	54

6. How do you feel about the fact that the guy or girl of your age participate in hostilities?

		North	South	Total
A.	It's ok, way to go!;	3	8	11
B.	I object, it's illegal;	46	52	98
C.	I object, it's stupid;	107	110	217
D.	I'm not interested/your answer	2	23	25

7. Do you agree with the following expression: "...the state shall take all feasible measures to ensure that persons under the age of 18 do not take part in hostilities..."?

		North	South	Total
A.	I agree;	152	139	291
B.	I partly agree	4	12	16
C.	I disagree	-	5	5
D.	I don't know	12	37	49

8. Let's imagine the following situation: you are offered to take part in hostilities (they promise to provide you with uniform, weapons, and decent wages), to feel like an adult, "cool", and important person, although you will have to miss classes at school, leave the hostel (home). Your actions:

		North	South	Total
A.	I will definitely agree: it's an adventure and adult life;	28	42	70
B.	I will agree only if the circumstances force me/other circumstances;	2	26	28
C.	I will not agree;	132	122	254
D.	I'm not interested/your answer	6	3	9

Teaching staff – 57 participants

Men – **12 (21 %)**, women – **45 (79 %)**, principals – **6**, vice-principals for curriculum and education – **11**, foremen – **16**, teachers – **24**.

1. What do you know about the Optional Protocol and the Convention on the Rights of the Child with regard to the involvement of children in armed conflict?

		North	South	Total
A.	I read something about it;	8	-	8
B.	I heard about it at seminars and/or trainings;	1	-	1
C.	Nothing, but I am interested;	23	24	47
D.	I'm not interested, it's the matter for the lawyers to deal with	1	-	1

2. Do you know of any cases of participation of persons under 18 years of age in hostilities?

		north	south	total
A.	Yes, I know about such cases;	16	5	21
B.	My friends/people I know told me but I personally don't know any such cases;	12	8	20
C.	I have never heard about such cases;	5	11	16

D.	I am not interested in this issue	-	-	-
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3. Do you agree with the following expression: “...the state shall take all feasible measures to ensure that persons under the age of 18 do not take part in hostilities...”?

		North	South	Total
A.	I agree;	33	24	57
B.	I partly agree;	-	-	-
C.	I disagree;	-	-	-
D.	I don't know	-	-	-

4. In your opinion, can persons under 18 years of age participate in hostilities?

		North	South	Total
A.	Yes;	-	-	-
B.	Yes, if it is necessary to protect themselves and their loved ones;	-	-	-
C.	No, it is the business of military men;	30	24	54
D.	Your answer	3	-	3

5. What will you do if you learn about the student's wish to take part in hostilities?

		North	South	Total
A.	I will inform the management of the educational institution;	9	4	13
B.	I will send the student to the psychologist or social pedagogue;	1	1	2
C.	I will inform the parents;	2	1	3
D.	I will talk to the student, explain all risks, will pay more attention to the student;	11	11	22
E.	All above options/your answer	10	7	17

Representatives of security and law enforcement agencies – 45 participants

Armed Forces – 12, National Guard – 11, National Police – 22,
Commanders – 8, soldiers – 37.

1. What do you know about the Optional Protocol and the Convention on the Rights of the Child with regard to the involvement of children in armed conflict?

		North	South	Total
A.	I read something about it;	-	-	-
B.	I heard about it at seminars and/or trainings;	1	-	1
C.	Nothing, but I am interested;	19	4	23
D.	I'm not interested, it's the matter for the lawyers to deal with	11	10	21

2. Do you know of any cases of participation of persons under 18 years of age in hostilities?

		North	South	Total
A.	Yes, I know about such cases;	4	2	6

B.	My friends/people I know told me but I personally don't know any such cases;	8	-	8
C.	I have never heard about such cases;	17	10	27
D.	I am not interested in this issue	2	2	4

3. Do you agree with the following expression: "...the state shall take all feasible measures to ensure that persons under the age of 18 do not take part in hostilities...?"

		North	South	Total
A.	I agree;	18	13	31
B.	I partly agree;	13	1	14
C.	I disagree;	-	-	-
D.	I don't know	-	-	-

4. In your opinion, can persons under 18 years of age participate in hostilities?

		North	South	Total
A.	Yes;	4	-	4
B.	Yes, if it is necessary to protect themselves and their loved ones;	16	4	20
C.	No, it is the business of military men, the NG, the police;	11	10	21
D.	Your answer	-	-	-

5. Your actions if you learn of any fact of participation of persons under 18 years of age in hostilities

		North	South	Total
A.	I will pay more attention to such a person, will protect him/her and look after so that he/she keeps the head down;	4	-	4
B.	In will report to the Command and the Military Police;	20	10	30
C.	I will inform the nearest Service for Children;	2	3	5
D.	I will inform the parents;	2	-	2
E.	Where possible, all of B, C, and D options	3	1	4

APPENDIX 6: OPEN LETTER OF THE NGO COALITION “CHILDREN’S RIGHTS IN UKRAINE” TO THE PRESIDENT OF UKRAINE

OPEN LETTER

President of Ukraine
P. O. Poroshenko

Dear Mr. President,

The “Lesson of Courage” was held in Ivan Bohun Kyiv Military Lyceum on January 29, 2016 dedicated to the Krut Heroes Memorial Day, where you said that “As of the end of the year there are 21 young people under the age of 18 and 650 people aged 18 to 25 years among those who defended our country and were killed in the east of Ukraine. The youngest of them, 17-year-old Nazar Yakubowskyi from Khmelnytskyi, still a child, went to the front with the volunteer battalion in the first few months of the conflict”.¹²

Since the NGO Coalition “Children’s Rights in Ukraine” (hereinafter the Coalition) understood your statement as a kind of encouragement to the children’s heroic participation in hostilities, the Coalition would like to draw your attention to the following.

According to the Convention on the Rights of the Child ratified by Decree No. 789-XII of the Verkhovna Rada dated February 27, 1991, “... a child is every human being under 18 years of age...”.

The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. According to the document:

States Parties shall take all feasible measures to ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities.

In addition, the Optional Protocol also obliges States Parties to take all feasible measures to prevent the recruitment and use in hostilities of persons under the age of 18 years by armed groups that are distinct from the armed forces of a State. Such measures shall include legal measures necessary to prohibit and criminalize such practices.

Moreover, the UN Committee on the Rights of the Child in its Concluding Observations adopted in 2011 welcomed Ukraine’s signing in 2007 of the Paris Commitments to Protect Children from Unlawful Recruitment or Use by Armed Forces or Armed Groups and Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups. At the same time, the Committee recommended Ukraine:

“[...] to take measures to provide the clear and unambiguous prohibition by the Criminal Code and criminal liability for the violation of the provisions of the Optional Protocol regarding the recruitment and use of children in hostilities”. In addition, the Committee recommended bringing all

¹²

http://ru.golos.ua/suspilstvo/za_vremya_ato_v_ukraine_pogibli_2269_ukrainskih_voennyih_iz_nih_21_nesovershennoletn

military codes, manuals, standards, operating procedures, and other military documents and directives in line with the provisions and spirit of the Optional Protocol.

The Coalition kindly asks you, Mr. President, to explain **how the children you mentioned in your speech appeared at the contact line; whether their direct supervisors were aware of their age; and whether appropriate measures are taken to investigate the facts of involving children in armed conflict and their death.**

The Coalition also urges you:

- to review your position as set out in your statement concerning the praising of the heroic participation of children in hostilities, which, in fact, is prohibited by international documents ratified by Ukraine;
- to become the guarantor of children's rights protection, including with regard to their participation in armed conflicts, and to take measures to prevent the recruitment of children in any capacity by any armed groups;
- to condemn any encouragement of children's joining armed groups often expressed by civil servants at various levels.

We believe that your answer should be posted on your official website and be declared to the public.

Faithfully yours,

Coordination Council of NGO Coalition "Children's Rights in Ukraine"

The Coalition includes 16 national and international NGOs operating in Ukraine for children's rights protection:

1. Association of the Young Professionals "Class"
2. Charitable Foundation "Rokada"
3. All-Ukrainian Charitable Foundation "The Right to Protection" in partnership with HIAS
4. All-Ukrainian Civic Organisation "Women's Consortium of Ukraine"
5. All-Ukrainian Foundation "Protection of Children's Right"
6. Danish Refugee Council
7. Public Movement "Faith, Hope, and Love"
8. Environmental Children's Organization "Flora"
9. City Youth Civic Organization "M'ART"
10. EveryChild Ukraine Partnership
11. Human Rights Centre "Postup" and Vostok SOS
12. Sumy Oblast Civil Organization "Kalynove Hrono"
13. Sumy Oblast Youth Civic Organisation "Gender Agency of Consultation and Information"
14. Kharkiv Institute for Social Research
15. Kharkiv Oblast Foundation "Civic Alternative"

APPENDIX 7: RESPONSE OF THE EXECUTIVE OFFICE OF THE PRESIDENT OF UKRAINE TO THE OPEN LETTER OF NGO COALITION “CHILDREN’S RIGHTS IN UKRAINE”

/coat of arms of Ukraine/
THE EXECUTIVE OFFICE OF THE PRESIDENT OF UKRAINE

The Commissioner of the President of Ukraine for Children's Rights

March 1, 2016 No. 32.04/470
Your Ref.:

Attn. : **O. O. MOSKALENKO**
Member of the Coordination
Council of the NGO Coalition
“Children’s Rights in Ukraine”

Dear Ms. Oksana,

The Commissioner of the President of Ukraine for Children's Rights considered your letter addressed to the President of Ukraine within his powers.

Ukraine ratified the Optional Protocol to the UN Convention on the involvement of children in hostilities thus confirming its readiness to resist the disastrous large-scale impact on children, and recognized the need to strengthen the protection of children from involvement in hostilities.

On January 26 this year, the President of Ukraine signed the Law of Ukraine “On Amendments to Certain Laws of Ukraine Concerning the Strengthening of Children’s Protection and Support of Families with Children” regulating the issues raised in your letter.

Please be further informed that in order to protect the rights and interests of children, the Commissioner of the President of Ukraine for Children's Rights has repeatedly informed the Ministry of Internal Affairs of Ukraine, the Security Service of Ukraine, and the Ministry of Defence of Ukraine on inadmissibility of the children’s participation in hostilities and armed conflicts.

Faithfully yours,

Commissioner of the President of Ukraine for Children's Rights

/signed/

M. Kuleba

APPENDIX 8: RESPONSE OF THE MINISTRY OF DEFENCE OF UKRAINE TO THE OPEN LETTER OF NGO COALITION “CHILDREN’S RIGHTS IN UKRAINE”

/coat of arms of Ukraine/
MINISTRY OF DEFENCE OF UKRAINE
LEGAL DEPARTMENT
Code /illegible/

March 3, 2016
Our Ref.: 298/3/545
6 Povitroflotskyi Avenue, 03168 Kyiv

Attn.: O. O. MOSKALENKO
8 Darvina Street, Apt. 55, 01004 Kyiv

Dear Oksana Olehivna,

The Legal Department of the Ministry of Defence of Ukraine, within its competence, considered your letter to the President of Ukraine regarding the participation of minors in the Anti-Terrorist Operation in Eastern Ukraine.

Regarding the issue in question please be informed as follows.

According to the Resolution of the National Security and Defence Council of Ukraine dated April 13, 2014 “On Urgent Measures to Overcome the Terrorist Threat and Preserve the Territorial Integrity of Ukraine” enforced by Decree No. 405/2014 of the President of Ukraine dated April 14, 2014, the Anti-Terrorist Operation is carried out in Eastern Ukraine.

Article 4 of the Law of Ukraine “On Fighting Terrorism” stipulates that the Security Service of Ukraine is the main body of the national system in charge of fighting terrorism. The Anti-Terrorist Centre coordinates the operation of entities involved in fighting terrorism.

The Ministry of Defence of Ukraine is the subject of fighting terrorism and is involved in the Anti-Terrorist Operation.

According to Articles 15 and 20 of the Law of Ukraine “On Military Duty and Military Service” (hereinafter the Law), male citizens of Ukraine of appropriate health conditions aged 18 as of the day of departure to the military unit and older persons under 27 years of age not entitled to the excuse from duty or deferred service shall be called for compulsory military service.

Soldiers serving on a compulsory basis or called for conscription during the mobilization during the special period, citizens of military age with higher, vocational, complete basic secondary education, persons liable for military service, reservists with no military ranks of sergeants, petty officers and officers, and women with appropriate education aged 18 – 40 shall be accepted for contract enlisted service under a contract with privates; and

persons having completed the course of general secondary education aged 17 – 21, including those who becomes 17 in the year of military service beginning, servicemen, reservists and persons liable for military service aged up to 23 years, who completed the course of general secondary education and have no officer military ranks, in case of their enrolment to the first and subsequent years of education; as well as persons under 25 years with basic higher education if enrolled to the final year of study - military service (training) of cadets of higher military education institutions or military training units of higher educational institutions, and servicemen under the contract up to

the age of 30 – military service (training) of cadets of higher military educational institutions or military training units of higher educational institutions that train for sergeant and petty officer positions.

According to Decree No. 88/2015 of the President of Ukraine dated February 17, 2015 “On the Term of the Regular Conscriptations; Regular Conscription of the Citizens of Ukraine and Retirement in 2015”, male citizens of Ukraine aged 20 before the day of departure to the military units and older persons shall be called for service in Ukraine.

The conscription of persons liable for military service and reservists during the mobilization shall be in the manner specified by this Law and the Law of Ukraine “On Mobilization Preparation and Mobilization”.

There is no information on the participation of minors in the units of the Armed Forces of Ukraine in the Anti-Terrorist Operation in Eastern Ukraine.

Please be further informed that the Ministry of Defence of Ukraine will continue to take all measures to prevent the involvement of minor children in the Anti-Terrorist Operation in Eastern Ukraine.

Faithfully yours,

Deputy Director
Legal Department of the Ministry of Defence of Ukraine

/signed/

V. D. LEVCHUK