

Translated from Ukrainian into English

NEW UKRAINIAN LAWS IN THE FIELD OF CHILDREN'S RIGHTS PROTECTION

H. V. Kotyk

Postgraduate degree student
of the Sub-Department of the Government Law Courses
International Humanitarian University (Odesa)

Academic adviser: N. M. Krestovska
Doctor of Laws, Professor

In any modern state social welfare is one of the most essential aspects of development of such state. Its civilization level is determined by attitude to the least protected and the most vulnerable members of the society requiring social welfare, especially children.

Children's rights protection, providing for their healthy development, is a national-scale problem that should be addressed in different contexts: historical, sociological, cultural, demographic, educational, and, surely, legal. This means that clearly worded rules, norms, standards and requirements to organization of a child's life and safety should be supported by certain laws and other legal regulations.

Children are a special social and demographic group of population aged from birth to 18 years that has its own specific needs, interests and rights, but does not have sufficient ability to maintain and defend their rights before the society.

From the legal point of view a child is an independent legal person, and the entire scope of civil, political, economic, social and cultural human rights shall apply to them.

Children's rights under the law are defined by a number of laws and regulations aimed at maintenance, exercise and protection of children's rights in our society.

One should mention, first of all, the UN Convention on the Rights of the Child, which contains a full list of the child's rights: right to life, right to a name, right to acquire nationality, right to be cared for by their parents, right to preserve their identity, right to be heard in any proceedings affecting the child, right to freedom of conscience and religion, right to be protected against unlawful interference with privacy, family, home and correspondence; right to enjoyment of the highest attainable standard of health, right to benefit from social security, right to a standard of living adequate for the child's development, right to education, right to rest and leisure; right to special protection from abduction and trafficking, physical exploitation, physical and psychological abuse, participation in hostilities; the state shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of abuse or crime [1].

The Constitution of Ukraine defines that family, childhood, maternity and parenthood shall be protected by the state. Children shall have equal rights regardless of their origin, and whether or not they were born in wedlock. Any abuse and exploitation of the child shall be punishable by law [2].

Principal law protecting rights and interests of the child in our country is the Law of Ukraine "Child Welfare", which defines child welfare in Ukraine as a strategic national-level priority, and for the purpose of ensuring exercise of the child's rights to life, healthcare, education, social welfare, comprehensive development and being raised in a family, the law establishes key principles of the state policy in this sphere, based on the best interests of the child. Task of the child welfare laws is to expand social and legal guarantees for children, to provide for physical, intellectual, cultural development of the young generation, to create socioeconomic and legal institutions for protection of rights and lawful interests of the child in Ukraine [5].

Another example of children's rights protection by the state is the fact that in 2017-2018 laws concerning payment of child support were revised. Since July 8, 2017, minimal



child support per child has been increased from 30% to 50% of the subsistence level for a child of respective age. Moreover, child support is the child's assets, and the parent, in whose name it is paid, shall use the child support only as intended in the child's interests.

On August 28, 2018, amendments improving regulation concerning travelling abroad by a child raised in a single-parent family became effective. From that day on a parent, with whom the child lives, may at his/her own discretion make decisions on the child's temporary trips abroad, if the other parent has outstanding child support payments for more than 4 months. These amendments also stipulate that the child may travel abroad for a term of up to 1 month with the parent the child lives with not only for the purpose of treatment, studies and recreation, but also for the purpose of participation in children's competitions, festivals, academic competitions and contests held abroad, including as a part of an organized group of children.

The Law of Ukraine "Child Welfare" stipulates the right to protection against all forms of abuse. Each child shall be guaranteed the right to freedom, personal privacy and protection of dignity. Discipline and order in the family, educational institutions and other children's facilities shall be maintained based on principles of mutual respect and justice without violation of the child's honour and dignity.

The Law of Ukraine "Prevention of and Counteraction to Domestic Violence" entered into force on January 7, 2018. It entails implementation of a comprehensive approach to struggle against domestic violence, essential addition to the existing tools for such struggle, introduction of new definitions and other standards aimed to improve protection of victims of domestic violence [4]. Once the law was adopted, the notion of "domestic violence" has finally been criminalized. According to norms of the Criminal Law of Ukraine, domestic violence, i.e. deliberate regular physical, psychological or economic abuse towards a spouse or ex-spouse or another person, with whom the perpetrator is (was) in family or close relations, causing physical or psychological suffering, health disorders, incapacitation, emotional dependence or deterioration of the victim's quality of life, shall be punishable by community service for a term of 150 to 240 hours or arrest for a term of up to six months or restriction of freedom for a term of up to five years or incarceration for a term of up to two years [3].

Furthermore, the law provides for a restraining order that will enable to ensure safety of victims of domestic violence. Emergency restraining order is issued against an offender by authorized bodies of the National Police of Ukraine if there is a direct threat to life or health of the victim, in order to put an immediate end to domestic violence and to prevent further or repeated acts of violence. Emergency restraining order may contain the following measures: obligation to leave the victim's place of residence (stay), ban on entry to and stay in the victim's place of residence (stay), ban on any contacts with the victim. When deciding on issuance of an emergency restraining order, the victim's safety shall be a priority. This requirement shall also apply to a joint place of residence (stay) of the victim and the offender, regardless of their property rights to such residential premises. Emergency restraining order shall be issued for a term of up to 10 days.

This Law has also expanded access to pro bono secondary legal aid by victims of domestic violence or sexual abuse, including children. In other words, these categories of people have received the right to pro bono secondary legal aid, entailing protection, representation of interests in courts, other public authorities, local self-government authorities, before other persons, and preparation of procedural documents. This aid is provided by lawyers in centres of pro bono secondary legal aid ("centres") or legal aid bureaus, and attorneys cooperating with such centres. Services of lawyers and attorneys are paid by the state.

Having analyzed current state of social welfare of children in Ukraine, we can conclude that legal mechanism for support of this institution has been developing quickly in the regulatory framework. Children's rights protection is a priority for the state, so for the purpose of quality legal control a sufficient number of laws and regulations is being adopted. It should be emphasized that today in view of our country's aspirations for European integration there have



been active efforts to implement provisions of international regulatory legal acts on children's rights protection into the national laws, which requires development of effective administrative and legal instruments for execution thereof.

REFERENCES

1. Convention on the Rights of the Child: approved by the UN GA on November 20, 1989. Entered into force for Ukraine on September 27, 1991. [E-resource].- Access mode: http://zakon1.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=995_021
2. Constitution of Ukraine: adopted at the V session of the Verkhovna Rada of Ukraine on June 28, 1996. – Gazette of the Verkhovna Rada of Ukraine. – 1996. – No. 30. – p. 141.
3. Criminal Code of Ukraine: Law of Ukraine of April 5, 2001. [E-resource]. – Access mode: <http://zakon1.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=2341-14>
4. Prevention of and Counteraction to Domestic Violence: Law of Ukraine of December 7, 2017, No. 2229-19. [E-resource]. – Access mode: <http://zakon3.rada.gov.ua/laws/show/2229-19>
5. Child Welfare: Law of Ukraine of April 26, 2001, No. 2402-III. Gazette of the Verkhovna Rada of Ukraine – 2001 – No. 30 - p. 142.

The document was translated from Ukrainian into English by Kalinowska Lubov, the translator, at the Department of Translations, under the Association of Translators and Philologists.

August 1, 2025

