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President of Ukraine

Denys Shmyhal
Prime Minister of Ukraine

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Chairman of the Verkhovna Rada of Ukraine

Comments in the framework of public discussion of the draft order of the Cabinet of Ministers of Ukraine

International and Ukrainian NGOs that have been working for the benefit of children for many years, are extremely concerned about the draft order of the Cabinet of Ministers of Ukraine “ On amendments to the National Strategy for Reforming the System of Institutional Care and Upbringing of Children for 2017-2026”, which envisages *the exclusion from the National Strategy of institutions of special general secondary education, institutions of specialized education, lyceums with round-the-clock stay of the child and postpone the termination of placement of children in orphanages until 2026*. The National Strategy and Action Plans for its implementation, approved in 2017, have become significant steps towards the civilization development of our state and progress in the observance of children's rights and international obligations, Ukraine has undertaken, ratifying, in particular, the UN Convention on the Rights of the Child and the Rights of Persons with Disabilities. Approval of the above-mentioned draft regulation will virtually halt the reform and offset the efforts of a wide range of stakeholders who have developed and implemented the National Strategy, but at worst, it will lead to the loss of hundreds of thousands of children and their families.

We call to revisit the indisputable and proven allegations about the harm of institutionalization for children in Ukraine, especially early age children, as well as those with developmental disabilities and special educational needs that are incompatible with respect for the rights of children, their harmonious development, safety and well-being:

1. **Institutional care is particularly harmful to the health and development of children from birth to three years of age.** According to recent research in neuroscience, the first years of life are critical for brain formation. Individual care, establishing an emotional connection with an adult are critical important for a child's development. The results of a study in orphanages in Ukraine, published in 2020, provide conclusive evidence of the negative impact of institutions on children's development. 4% of children have developmental delays due to deprivation caused by stay in the institution ¹.
2. **Boarding schools and round-the-clock stay, according to international standards, do not meet the best interests of the child.** The negative consequences of the growth of children in boarding schools are clearly confirmed by the results of numerous international and domestic studies on the harm of institutional care. Ukraine is a signatory to the UN Convention on the Rights of the Child, other international treaties and conventions. In 2014, Ukraine also signed an Association Agreement with the EU. According to these documents, institutional care facilities (boarding schools) are places of non-freedom. The child must live at home, and the state is obliged to support the family and create such conditions that the child can exercise the right to education without violating other rights.

¹ <http://hopeandhomes.org.ua/wp-content/uploads/2020/12/Zvit-PID-MASKOiu-TURBOTY.pdf>

3. **All institutions where a child stays around the clock are institutions of institutional care. They need to be reformed, no matter what services (educational, social, rehabilitation, etc.) they provide.** According to international experts, such institutions are an environment conducive to the development of child abuse. This has been repeatedly confirmed by research by international and non-governmental organizations and recorded by experts of the National Preventive Mechanism at the Secretariat of the Verkhovna Rada Commissioner for Human Rights during monitoring visits on human rights and children's rights in boarding schools.
4. **The main reasons for children entering institutional care are social reasons. But the boarding system does not solve the problem of families, but only worsens the situation, after all, children in these institutions do not have individual care, access to quality education and development.** A survey of member organizations of the Ukrainian Child Rights Network, conducted over the past 5 years, shows that 92% of children raised in boarding schools are "parental children", who have been placed in institutions due to crisis situations in families - poverty, unemployment, alcoholism or because such institutions exist side by side and actually "recruit" children. **Recent statements and actions by the authorities in Ukraine lead us to conclude that inclusive education reform is being curtailed.** In particular, this is evidenced by the fact that in 2019 the costs of maintaining special and sanatorium boarding schools amounted to UAH 6.3 billion, at the same time, the subvention from the state budget for the provision of state support to persons with special educational needs amounted to UAH 0.5 billion. In Ukraine, 163 thousand children have disabilities, tens of thousands have special educational needs. The demand for special services for them is huge, but children are not fully provided with them. This is exactly the state of affairs that leads to the violation of the right to education of children with special educational needs, rather than deinstitutionalization reform, which primarily aims to develop community-based services for children and families according to their needs.
5. **The state's concern for the safety of children and the alleged protection against trouble at home by placing them in boarding schools proved to be profanation.** After all, in March 2020, more than 40,000 children were returned from boarding schools to their biological families without first assessing the ability of these families to provide proper care and education. Moreover, children from special educational institutions, as well as other children with special educational needs, with a few exceptions, were not covered by distance learning. There are these cases that are evidence of violations of the child's right to education and the right to a standard of living necessary for physical, mental, spiritual, moral and social development. Unfortunately, the children did not receive adequate support from the state, and mostly only NGOs and volunteers helped them and their families cope with these challenges.

We emphasize that:

care for children from birth to three years in a family environment is critical to their survival and development;

children with special educational needs have the right to receive special education if it meets their needs and best interests! At the same time, it is necessary to clearly distinguish between the concepts of special education and special school with round-the-clock accommodation. We constantly hear about well painted walls, comfortable conditions (mostly for adults who work there), but nothing about how to provide such conditions so the child can get a quality education and grow up in a family. We want to emphasize that family care and upbringing for children with special educational needs or developmental disabilities is critical for development and prevention of further disability. The experience of many European countries proves that such conditions for receiving special education can and should be provided.

In addition, it has been proven that state support for parents in fulfilling their responsibilities to take care of their children, family access to services at the place of residence are key factors in the well-being of children and in preventing their removal from their families. And the development of adoption, guardianship, creation of foster families, family-type orphanages is a

necessary condition for the moratorium on the placement of children aged from birth to three years of age in any institution, which is currently provided by the National Strategy.

We call you to:

1. ***Under no circumstances approve the order*** « On amendments to the National Strategy for Reforming the System of Institutional Care and Upbringing of Children for 2017-2026».
2. Provide a broad professional discussion of the state of implementation of the National Strategy as of 01.01.2021.
3. Take urgent measures to stop the placement of infants and early age children in institutions of institutional care and education. Identify this task as a priority, given the particular damage to institutions for this age group of children.
4. Review funding mechanisms for the institutional care system, which only 9-15% aimed at children's needs, and redirect funds to create effective support systems for families with children at the community level, primarily for the remuneration of social workers and service development.
5. To allocate the sphere of child protection in a separate direction of state policy:, - create a separate body of central government, provide professional staff for structural units in the center and in the field, develop child protection standards, to distribute responsibilities and powers between levels of government, harmonize legislation with EU standards.
6. Ensure implementation of the National Strategy and Action Plan by all responsible ministries. It is necessary to ensure leadership and coordination in this reform, transfer of boarding schools to the management of the national body for child protection.
7. Ensure access to quality social, medical and educational services for all children, including those with special educational needs, in communities, as well as through the creation of inclusive and special classes and transportation to and from the educational institution of children living in remote communities.
8. Create an expert group under the Cabinet of Ministers of Ukraine with the involvement of representatives of the non-governmental sector, international organizations to support the implementation of the National Strategy, based on successful international and domestic experience.

Today, the child protection system in Ukraine is under threat of complete destruction, as the reduction of specialists with the necessary knowledge and work experience has already begun, and children's services in local communities have not yet been established or do not have the relevant competencies. We believe that changes in political elites or changes in governments should not adversely affect the rights of the child and Ukraine's compliance with its international human rights obligations,

1. Daria Kasyanova, Chairman of the Board in
“Ukrainian Child Rights Network”;



2. Vasylyna Dybailo, Director of Partnership “For Every Child”;
3. Halyna Postoliuk, Regional director of “Hope and homes for children”;
4. Serhii Lukashov, Director of “SOS Children’s Villages Ukraine”;
5. Galina Bulat, Ukraine Coordinator, Lumos Foundation;

6. Svitlana Tolstoukhova, President of “League of Social Workers of Ukraine”;
7. Marianna Onufryk, Chief of “Social Synergy”;
8. Evgenia Tkachenko, President of “Magnolia”;
9. Tetiana Basiuk, Chief of “All-Ukrainian Charity "Child Well-being Fund Ukraine”;
10. Halyna Skipalska, Chief of “Ukrainian Civic Health Foundation”;
11. Olena Kripak, Director of Kyiv regional department of “SOS Children’s Villages Ukraine”;
12. Liudmyla Kharchenko, Director of Luhansk regional department of “SOS Children’s Villages Ukraine”;
13. Mariana Kashchak, Chief of Charitable organization “Lviv Education Foundation”;
14. Iryna Sazonova, Chief of “All-Ukrainian charitable organization “For the Right to Life”;
15. Eduard Globa, Chief of “Professional League of Social Workers of Sumy Region”;
16. Oleh Shelashskiy, “International Leadership and Development Center”;
17. Victoriia Tyshchenko, Chief of “Charitable Foundation Volunteers: Adults for Children”;
18. Volodymyr Chehda, Chief of “Kolping Family in Prykarpattia”;
19. Tetiana Lomakina, Chief of “Mariupol Youth Union”;
20. Iryna Nikolaeva, Chief of “Union of Women of the Kherson Region”;
21. Olha Kosse, Chairman of the Board in “Responsible citizens”;
22. Olena Matsola, Director of “Emmaus”;
23. Andriy Andrienko, Chief of Kharkiv regional charitable foundation “Social Assistance Service”;
24. Ananiy Buchak, Chief of “Social Public Initiative”;
25. Anat Bondarenko, Director of “Humanist”;
26. Tetiana Zhuravel, Executive director “All-Ukrainian public center "Volunteer”;
27. Yuliia Savchuk, Head of “Fight for Right”;
28. Mariia Yasenovska, Prezident of Kharkiv Regional Foundation "Public Alternative”;
29. Victoriia Fedotova, Director of “Martin Club”;
30. Inna Eikhman, Chairman of the Board in “Vitryla Dytynstva”;
31. Inna Bilous, Chief of “Manifesto of Peace”;
32. Serhii Kostin, President of Odessa charitable foundation “The way home”;
33. Olena Rozvadovska, Chairman of the Board in “Children's voices”;
34. Marianna Onufryk, Chairman of the Board in “Rodyna”;
35. Leokadia Herasymenko, President of “Union of Women of Ukraine”;
36. Tamila Buhaenko, Head of “Mykolaiv Union of Women”;
37. Inna Hubenko, Head of “Cherkasy Union of Women”;
38. Tetiana Dmytrenko, Head of “Kirovohrad Union of Women”;
39. Valentyna Kychak, Head of “Vinnytsia Regional Union of Women”;
40. Olha Lishyk, Head of “Women of Luhansk region”;

41. Antonina Matveeva, Head of “Union of Women of Zaporizhia Region”;
42. Dana Mekhedova, Head of “Union of Women of Lviv Region”;
43. Nina Novikova, Head of “Women's Union of Solomianskyi district of Kyiv”;
44. Mariia Mandryk-Melnychuk, Head of “Union of Women of Bukovyna”;
45. Olena Pekurovska, Head of “Union of Women of Chernihiv Region”;
46. Olga Radchenko, Head of “Union of Women of Sumy Region”;
47. Mariia Rozhko, Head of “Union of Women of Rivne Region”;
48. Violetta Sukhanova, Head of “Union of Women of Kostiantynivka”;
49. Tetiana Semikop, Head of “Association of Women's Organizations of Odessa Region”;
50. Valentyna Talian, Head of “Women's Union of Dnipro city and Dnipropetrovsk region”;
51. Natalia Ulianova, Head of “Union of Women of Kyiv Region”;
52. Ityna Povaliaeva, Head of “Union of Women of Kharkiv Region”;
53. Valentyna Mytrovtsii, Head of “Uzhhorod city organization of the Women's Union of Ukraine”;
54. Olesia Kapush, Head of “Union of Women of Ternopil Region”;
55. Nina Kuzmenko, Head of “Union of Women of Poltava Region”;
56. Larysa Kharchuk, Head of “Union of Women of Zhytomyr Region”;
57. Iryna Moskalik, Head of “Mariupol Women's Council”;
58. Tetiana Lomakina, Head of “Donetsk Women's Council”;
59. Kateryna Havrylenko, Chief of “Pomogaem”;
60. Marta Levchenko, Head of “I am Future of Ukraine”;
61. Halyna Tytysh, Chairman of the Board in “Smart Osvita”;
62. Olesia Yaskevych, Chairman of the Board in “Bachyty sertsem”;
63. Andriy Nazarenko, Ternopil Regional Charity Foundation “Orphan’s Future”;
64. Kateryna Novokhatnia, Team Lead of the Community-Based Services for Children and Families Initiative, The Support to Ukraine’s Reforms for Governance Project (SURGe), Implemented by Alinea International, Funded by Global Affairs Canada;
65. Leonid Lebedev, Head of “Change one life” Foundation;
66. Mariana Hevko, Head of “BRIDGE” Youth Development Center;
67. Mariia Boiko, Director of NGO “Care in Action”;
68. Mariana Romaniak, Director of CF “Ridni”;
69. Natalia Saraieva, Deputy Head of “Mykolayiv regional movement of support for people with disabilities “Strong together”.