

CALL TO ACTION

Building a rights-based child protection system in **Ukraine**, free from institutions



As the world struggles with the COVID-19 pandemic, thousands of children in Ukraine with disabilities, developmental disorders, illnesses, or from disadvantaged social backgrounds face an uncertain future.

Since the adoption of the National Strategy on Reform of the Institutional Care System (2017-2026), the Government of Ukraine has embarked on a process of reform and committed to transform its national child care system.

However, despite some positive developments, the reform has not been comprehensive and has encountered significant challenges that serve to preserve the current system of institutions.

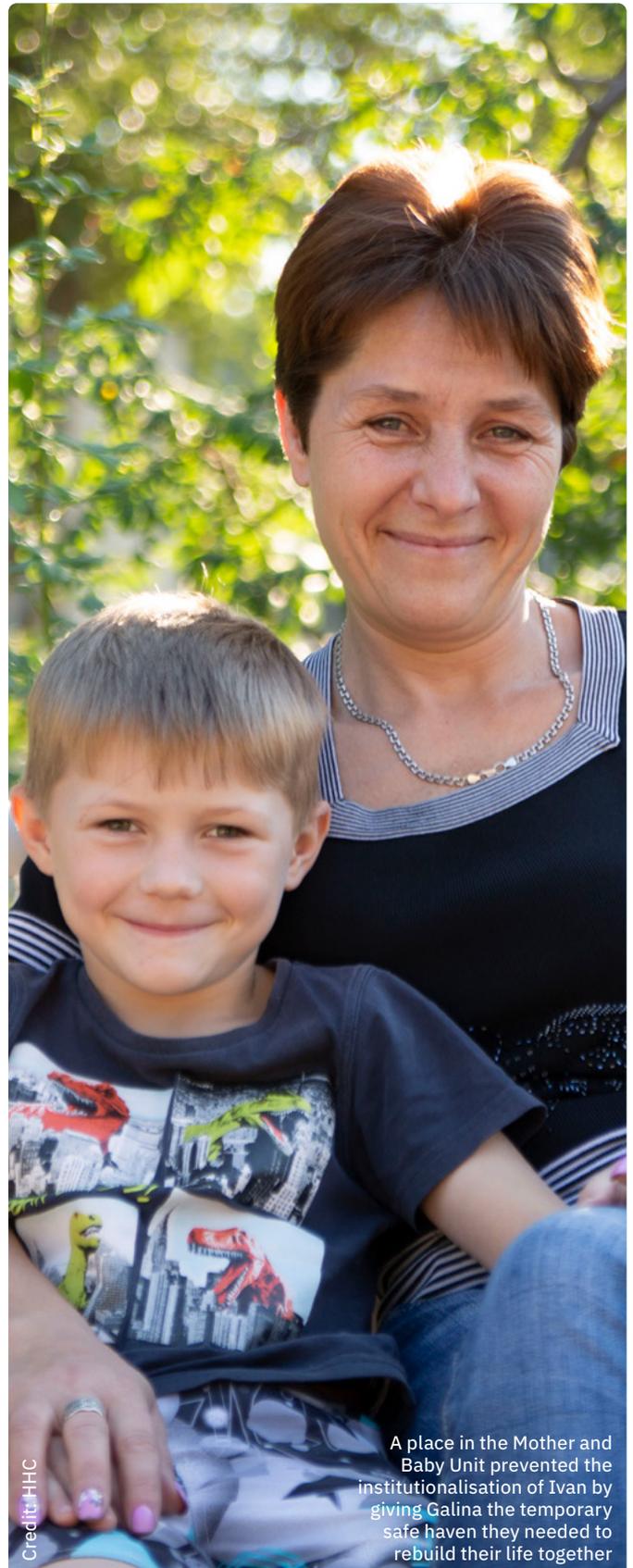
Today, a coalition of child rights organisations calls on the Ukrainian government and the European Union to act before it is too late to protect the rights and future of some of the most forgotten and left behind children.

INSTITUTIONALISATION OF CHILDREN IN UKRAINE

An estimated 100,000 children and young people currently reside in various forms of institutions across Ukraine, including in baby homes (children 0-3 years old). This system has not changed much over two decades and it employs more than 60,000 staff across almost 700 facilities nationwide. **Nearly 1,5% of all children in Ukraine live without family in some form of residential institution - one of the highest rates of child institutionalisation in the world.**

The institutionalisation of children is a harmful practice and leads to multiple violations of the rights of children, which are enshrined in the UN Convention on the Rights of the Child, the UN Convention on the Rights of Persons with Disabilities and the UN Guidelines for the Alternative Care of Children. Research consistently shows that institutions do not protect children, but harm them, threatening their development and exposing them to increased risk of violence and abuse. The effects of institutionalisation on infants (e.g. developmental disorders, protein-energy malnutrition, growth retardation) – particularly in the early stages of life - are largely irreversible.

The children warehoused in such facilities could receive care within their families and communities, if they were provided with the right support. **92% of children who are brought up in orphanages, children's homes and other types of residential institutions in Ukraine actually have parents.** These children have been placed in institutions for different reasons, including poverty, disability, unemployment of parents, or parental use of addictive substances. In some cases, the simple existence of the institutions drives family separation. Institutions are convenient for public authorities, as they create a micro-economy of services and local employment.



Credit: HHC

A place in the Mother and Baby Unit prevented the institutionalisation of Ivan by giving Galina the temporary safe haven they needed to rebuild their life together

PROGRESS AND CHALLENGES IN THE CARE REFORM PROCESS

Over recent years, the Government of Ukraine had embarked on a promising process of transformation of its national care system for children. The National Strategy of Reforming the System of Institutional Care and Upbringing of Children (2017-2026) and the Action Plan for the implementation of its first stage were approved by the Cabinet of Ministers of Ukraine in 2017. In June 2020, the Cabinet of Ministers approved the Action Plan for the second stage of the reform.

Despite progress, the reform so far has not been comprehensive and has been met with significant challenges that serve to preserve the current institutional system and risk rolling back the overall process of deinstitutionalisation:

- There have been instances of opposition and malpractice by the authorities which manage institutions (including baby homes), particularly in relation to funding and budgets. In some cases, children have been misdiagnosed to ensure their placement in an institution, e.g. to stop a planned closure and keep public funding flowing in. In other cases, institution directors have re-categorised their facilities by changing the name but not the reality of the setting.
- The money does not follow the child, meaning that the statutory funding received by institutions is not transferred once the children are reintegrated into the community, leaving cash-strapped local authorities struggling to pay for the new services to support vulnerable families to stay together.
- The country still lacks a permanent inter-ministerial coordination body, with adequate executive power. In fact, at present coordination is divided between several ministries – Social Policy, Education, and Health. A coordination body has been created, but it is not as functional as it should be.
- The development of family- and community-based care has been very limited. In other words, services to support families and children are not available. There are also limited family-based care alternatives.
- One indicator of the national strategy stipulates the implementation of a ban on the placement of children under 3 in institutional care, starting from 2020. Yet, as of 01 January 2020, 2,742 children remained confined within 38 baby homes.
- Recent high-level political statements and legislative initiatives are creating a ‘backdoor’ through which many children could be placed unnecessarily in institutions, bypassing the gatekeeping mechanisms that were designed to ensure that no child needlessly enters an institution. For instance, on January 16, 2020 a law was approved which allows the creation of pensions for residence, instead of internats, within special boarding schools. And on 21 August 2020 an order was issued, requesting to amend and exclude special boarding schools, education and rehabilitation centres and sanatorium boarding schools for children from the National Strategy for Deinstitutionalisation. If implemented, this decision would affect more than 50.000 children warehoused across 353 institutions, many of whom have a disability, developmental disorder and/or illness.

THESE ARE SOME OF THE MOST VULNERABLE AND FORGOTTEN CHILDREN IN UKRAINE. THE TIME TO ACT IS NOW.

CALL TO ACTION

WE CALL ON THE UKRAINIAN GOVERNMENT TO:



Establish a single national body for the implementation of the child protection and care reform through the deinstitutionalisation strategy, and ensure this body has adequate executive power, financial and human resources, and clear links to the various Ministries responsible for the implementation of the strategy.



Recall the decision to exclude special boarding schools, education and rehabilitation centres and sanatorium boarding schools for children from the National Strategy for Deinstitutionalisation. Instead, a plan for the gradual transformation of special schools should be designed with a view of providing inclusive education in the community.



Enforce the moratorium that will put an end to the placement of babies and very young children (0-3 years) in any type of institution. This should include a fixed date to stop the placement of children into institutions tied to a list of actions, measures and indicators for implementation.



Ensure the implementation of the child protection reform through the National Strategy of Reforming the System of Institutional Care and Upbringing of Children (2017-2026) at the community, rayon, oblast and national level, by:

- Clarifying the responsibilities of central and local authorities to create effective child protection structures and social services at the community level. This should include dedicated funding for local authorities.
- Linking up the deinstitutionalisation reform with decentralisation, education and health reform efforts.
- Conducting an independent assessment of special schools, education and rehabilitation centres and sanatorium boarding schools to document the situation of children in those institutions and using the outcomes to develop a plan on the gradual transformation of special schools.
- Expanding and improving the inclusive education system to prevent children from entering residential care.
- Designing and implementing a subsidy to support local authorities to develop community-based services (e.g. community centres, targeted support for parents of children with disabilities), to support vulnerable children and their families, with a view to create the conditions for young adults to live independently, similar to the inclusive education subsidy (Decision No.88/14.02.2017).
- Establishing a mechanism of outsourcing these support services to non-state organisations, having in place clear procedures for quality assurance and accreditation of service providers.

CALL TO ACTION

WE CALL ON THE EUROPEAN UNION TO:



Raise the recent national developments (as detailed above) as an urgent matter of concern with the Government of Ukraine in the follow up to the EU-Ukraine Human Rights Dialogue that took place on 23 June 2020.



Provide budget/sector support to Ukraine in the 2021-2027 programming period through the Neighbourhood, Development and International Cooperation Instrument, to provide the transitional resources needed to support an effective transformation of the child care system, and make this conditional to the implementation of Ukraine's National Strategy for the Reform of the System of Institutional Care;



Provide and coordinate technical assistance to the government of Ukraine to progress the implementation of the reform, by providing international experts, supporting research and exchange of good practices, and by capturing the experiences of EU Member States and neighbouring countries more advanced in the deinstitutionalisation process.



Raise this issue in the 2021 review of the achievements of the EU-Ukraine Association Agreement's objectives under Article 14 on 'The rule of law and respect for human rights and fundamental freedoms', with a view to including an amendment on the transformation of Ukraine's care system in the Association Agreement.



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FOR QUESTIONS, PLEASE CONTACT:

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The call to action has been coordinated by Hope and Homes for Children and Lumos, and endorsed by:



Additional Resources:

- Hope and Homes for Children (2017) [The Illusion of Protection: An Analytical Report Based on the Findings of a Comprehensive Study of the Child Protection System in Ukraine](#)
- Hope and Homes for Children (2020) [Behind the Mask of Care. A report based on the results of the situation analysis of baby homes in Ukraine](#)
- Opening Doors Campaign for Europe's Children (2020) [Lessons Learned and Recommendations to Strengthen Families and End Institutionalisation of Children in Europe](#)

Endnotes

- 1 Browne, K. (2009) [The risk of Harm to Young People Children in Institutional Care](#)
- 2 United Nations (2006) [Violence against Children in Care and Justice Institutions](#)
- 3 United Nations General Assembly, [Report of the independent expert for the United Nations study on violence against children](#). A/61/299, 2006
- 4 Hope and Homes for Children (2020) [Behind the Mask of Care. A report based on the results of the situation analysis of baby homes in Ukraine](#). This research was made possible by the support of the Health Care Reform Support Project, funded by the United States Agency for International Development (USAID) and the UK Government's Good Governance Fund Programme. It was conducted by undertaking an assessment of the health and development of children in five baby homes in the Dnipropetrovsk, Poltava and Kherson oblasts, between 2019 and 2020.
- 5 Hope and Homes for Children (2017) [The Illusion of Protection: An Analytical Report Based on the Findings of a Comprehensive Study of the Child Protection System in Ukraine](#)
- 6 Hope and Homes for Children (2017) [The Illusion of Protection: An Analytical Report Based on the Findings of a Comprehensive Study of the Child Protection System in Ukraine](#)
- 7 <https://zakon.rada.gov.ua/laws/show/526-2017-%D1%80/stru>
- 8 <https://www.kmu.gov.ua/npas/pro-zatverdzhennya-planu-zahodiv-z-realizaciyi-ii-etapu-nacionalnoyi-strategiyi-reformuvannya-sistemi-institucijnogo-doglyadu-ta-vihovannya-ditej-na-20172026-roki-i010620-703>
- 9 Hope and Homes for Children (2020) Behind the Mask of Care. A report based on the results of the situation analysis of baby homes in Ukraine. This research was made possible by the support of the Health Care Reform Support Project, funded by the United States Agency for International Development (USAID) and the UK Government's Good Governance Fund Programme. It was conducted by undertaking an assessment of the health and development of children in five baby homes in the Dnipropetrovsk, Poltava and Kherson oblasts, between 2019 and 2020.
- 10 Hope and Homes for Children (2017) [The Illusion of Protection: An Analytical Report Based on the Findings of a Comprehensive Study of the Child Protection System in Ukraine](#)
- 11 Deinstitutionalization Reform Coordinating Committee created by the disposal of the Cabinet of Ministries of Ukraine No.596 of 26 June 2019.
- 12 [National Deinstitutionalisation statistical platform, available here: http://dashboard.diplatform.org.ua/#Indicators](http://dashboard.diplatform.org.ua/#Indicators)
- 13 <https://itd.rada.gov.ua/billInfo/Bills/billFile/170580>
- 14 [See also the open letter sent by the Ukrainian network for the rights of the child to the president and prime minister on 28 August 2020: https://childrights.org.ua/news/vidkrytyj-lyst-ukrayinskoyi-merezhi-za-prava-dytyny-prezydentu-prem-yer-ministru-ta-golovi-verhovnoyi-rady-ukrayiny/](https://childrights.org.ua/news/vidkrytyj-lyst-ukrayinskoyi-merezhi-za-prava-dytyny-prezydentu-prem-yer-ministru-ta-golovi-verhovnoyi-rady-ukrayiny/)
- 15 Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part OJ L 161, 29.5.2014