

Position on the Reform of the Child Care and Support System, Including the Development of Support Programs for Orphans and Children Deprived of Parental Care (and Individuals from Among Them)

No. 1

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We, the citizens of Ukraine, persons with experience of institutional (residential) care, of growing up in family-based care settings (foster family or family-type children's home), persons from among orphans and children deprived of parental care, as well as persons who grew up in institutional (residential) care due to the lack of social, educational or medical services in their place of residence, persons with disabilities and those who were or are homeless:

Taking into account

- Our life experience;
- Our professional experience;
- The UN Convention on the Rights of the Child, the Convention for the Protection of Human Rights and Fundamental Freedoms, the Convention on the Rights of Persons with Disabilities, the Universal Declaration of Human Rights;
- The Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention);
- The European Charter on the Participation of Young People in Local and Regional Life;
- UN Sustainable Development Goals;
- The Guidelines for the Alternative Care of Children, adopted by the UN General Assembly Resolution A/RES/64/142 on 24 February 2010;
- The Constitution of Ukraine, the Law of Ukraine “On the Protection of Childhood”;
- The Law of Ukraine “On Ensuring Organisational and Legal Conditions for Social Protection of Orphans and Children Deprived of Parental Care”;
- The results of the studies “Behind the Closed Doors: Children’s Dream in Institutional Care”, “Under the Mask of Care”, “The Illusion of Protection: Analytical Report on the Findings of a Comprehensive Study of the Child Protection System in Ukraine” and others,

Since in Ukraine

- institutional (residential) care is still considered and used as an acceptable solution to a number of problems and challenges: orphanhood; lack of social and/or educational and/or medical services at the place of residence of the child's family; special educational needs; disability; poverty; removal of a child from the family; lack of highly specialised professionals at the place of residence of the child's family; homelessness; lack of parental competence; generational vulnerability cycle; migration; etc.;

- there is an increase in hidden orphanhood (parents exist de-jure, but do not actually exercise their parental responsibilities);
- the transformation of institutional (residential) care settings is often limited to formal changes, such as renaming the institutions (e.g., removing terms such as “orphanage”, “boarding school”, “educational complex”, etc. from their charters or regulations), which do not change the essence of their work and lead to the creation of formal or fictitious services that do not meet the real needs of children;
- institutional (residential) care facilities of various types, forms of ownership and subordination are mainly focused on the long-term stay of children, rather than on their return to the family or preparation for a new family (“retention approach”);
- there is still a practice of giving to children and young people fictitious diagnoses, particularly for the purpose of placement in institutional (residential) care settings;
- institutional care facilities often focus on the diagnosis and the child’s difficult past rather than on the child's potential and opportunities for development;
- psychiatric institutions and medication are still used as punishment for disrupting the daily routine, ignoring the educational process, running away from institutions, behavioural problems (as a defence mechanism against emotional pain or as a way of attracting attention), as well as for physical or mental disorders;
- violence against children and young people: social, psychological, sexual, physical and economic, has been tolerated, concealed, ignored and unprevented (including with impunity) for years;
- there are cases where children are placed in family-based care, but remain in institutional (residential) care;
- support for care-leavers with experience of institutional (residential) care or family-based care (foster families and family-type children's homes) is often formal or inadequate;
- the provision of housing for orphans and children deprived of parental care and/or their employment often remains declarative and is not backed up by real action and sufficient resources;
- the practice of ignoring the real needs of children, especially those with physical or mental disabilities, is still widespread;
- there is underdeveloped infrastructure or limited access to necessary services in local communities;
- insufficient number of social workers and psychologists in communities, and inadequate funding and remuneration for the work of specialists in children's services, social welfare centres or social service centres, which does not meet the requirements of their work;
- there is often no real and systematic support for foster families or families in difficult life circumstances;
- specialists suffering from emotional burnout or their own psychological traumas often work with psychologically traumatised children and young people;
- in many cases, there are no clearly defined powers or they are divided in such a way that responsibility is assigned to everyone, but in reality - to no one, which also makes it impossible to bare personal responsibility for ignoring or failing to fulfil duties, thus contributing to self-removal from the protection of children's rights;
- there are still people who, through their actions and decisions, stubbornly defend the maintenance of the residential system;

- decisions concerning children and young people, including vulnerable groups, are often taken without their participation;

We welcome the decision of the Government of Ukraine to adopt the Strategy for Ensuring the Right of Every Child to Grow Up in a Family Environment by 2028 and the action plan for its implementation for 2024-2026;

We emphasise

- that the implementation of the reform of the system of care and support for children should be comprehensive, focusing on the needs of each child, her/his family and community, and should be based on the principles of respect for the rights of the child, focusing on prevention of institutionalisation, and providing for the active participation of children and young people in decision-making processes that affect them;
- the importance of systematic professional development for social services' workers, psychologists and childcare professionals, and the need to increase their remuneration;

We call for

- the cooperation of the legislative, executive and judicial authorities, local governments, business, non-governmental organisations and international partners to implement the Strategy for Ensuring the Right of Every Child to Grow Up in a Family Environment by 2028 and the action plan for its implementation for 2024-2026;
- the real transformation of institutional (residential) care, which should include meaningful changes in approaches to the care and education of children, the creation of conditions for their return to their families or preparation for new families, and a focus on the development of children's potential, not just their maintenance;
- focusing primarily on maintaining the child's family and taking all measures to return the child to his or her home and, in the case of a temporary stay (not exceeding 9 months, without re-admission) in an institutional (residential) care facility, to create conditions that contribute to the child's real support and development, even in difficult circumstances;
- establishing effective mechanisms to combat hidden orphanhood, including active support for families in difficult circumstances and strengthening social support to prevent children from being separated with their families;
- implementing specialised foster families that create conditions for children with disabilities and complex developmental disorders to grow up in a family environment where they are supported and cared for;
- changing the practice of institutional care facilities focusing on children's diagnoses and difficult past rather than on their potential and skills;
- redirecting resources from maintaining residential facilities to developing services for children and their families in the community;
- implementing a system of comprehensive support for children and young people, especially those who have experienced institutional (residential) care and/or family-based forms of care (guardianship, foster care, family-type children's homes), including vocational guidance, mentoring and social adjustment programmes;

- conscious and responsible volunteering and charity work;
- involving children and young people, especially those from vulnerable groups, in decision-making processes through consultations, cooperation and partnership, creating conditions for the development of decision-making skills, leadership qualities and the ability to express their proposals in a reasoned manner, so that their participation is meaningful and informal;

We propose to

- strengthen legal liability for violations or abuses of children's rights in a number of areas of child protection by introducing harsher penalties, expanding the list of offences and increasing the liability of officials for negligence;
- ensure effective mechanisms for preventing, monitoring and responding to violations of children's rights;
- introduce a comprehensive approach to identifying and meeting the needs of children, especially those with physical and intellectual disabilities, through accessible programmes and services;
- strengthen the responsibility of municipal officials for the lack of necessary services for families with children;
- establish the practice of regular feedback from children and young people through innovative approaches, including play, which will enable their views and needs to be taken into account more effectively and create a safe environment for open and honest communication;
- establish in legislation the normative standard number of social workers in local communities;

We affirm that support for care-leavers from residential facilities should be not only formal but real and systematic to ensure that young people can successfully integrate into society;

We ask for

- involving young people with experience of institutional (residential) care or family-based care in youth and public councils by introducing appropriate quotas for their participation;
- including young people with experience of institutional (residential) care or family-based care in coordination councils for the implementation of the reform of child care and support;
- harmonising the legal framework for the organisation and implementation of mentoring of a child or a young person, which will create a more flexible and effective system of support for children and young people in need of significant adults;
- supporting the development of infrastructure in local communities, including the creation of access to social, medical and educational services, focusing on the needs of children and families;
- providing psychological support and professional training for staff working with traumatised children and young people to prevent burnout and improve their performance;

- establishing a clear definition of the powers and responsibilities of bodies and individuals responsible for the protection of the rights of children and young people, in order to avoid situations where responsibility is blurred and to ensure real personal accountability for violations of rights or criminal acts against children and young people;
- strengthening control over the prevention of child support evasion, in particular through fictitious unemployment;

We condemn

- any attempt to sabotage the reform of the system of care and support for children by individual representatives of the authorities and the public, who hinder its implementation;
- any form of violence against children, including in institutional (residential) care or family-based care (foster care, family-type children's homes);
- any attempt to redirect funds freed up as a result of the transformation of institutional (residential) care facilities from education, social protection or health care spheres with no redirecting them to support families with children;
- continuing the practice of using institutional care as an acceptable form of care for children and young people, which does not meet the needs of children and young people and contradicts their right to a family environment and adequate support;
- the practice of providing children and young people with fictitious diagnoses, in particular for admission to institutional (residential) care, which contradicts the rights of children and hinders their socialisation and development;
- the practice of using psychiatric institutions and medication as methods of punishment for violating the daily routine, ignoring the educational process or behavioural problems, etc.;

We demand to

- conduct impartial and transparent investigations of all cases of violence against children, to ensure unconditional support for witnesses and victims, to rigorously prosecute perpetrators, including those who conceal or ignore violence, and establish effective mechanisms to prevent violence through mandatory training of institutional staff and systematic monitoring of children's rights by independent bodies and institutions;
- ensure the effective implementation of the obligation to provide housing and employment to care-leavers from institutional (residential) care and family-based care facilities who are entitled to it;
- take effective measures to ensure adequate support for families, including foster families and families in difficult circumstances, in order to minimise the number of children entering or returning to institutional (residential) care;

We reiterate that institutional (residential) care is the provision of conditions for the 24-hour stay (residence) of children who, for whatever reason, do not live permanently with their parents, guardians, custodians, caregivers, foster parents (one of them) or do not return to them on a daily basis, in institutions of various types, forms of ownership and subordination, their structural units, where most of the children's needs (in terms of food, education, health care) are met, a clear daily routine is established, without the

possibility of free movement, participation of the child in the organization of her or his life activities, an individual approach to education and to meeting the children's needs is not provided, nor is participation of the child in organised activities;

We reaffirm our support for all initiatives that contribute to creating conditions for the respect of the rights of children, especially orphans and children deprived of parental care, through the development of inclusive and accessible services.

In order to avoid speculation, blackmail, harassment and psychological pressure on the signatories by interested parties, only the signatures of the representatives of the signatories will be made public (see Annex 1).

As of 31 December 2024, this document has been signed by 50 persons.

The right to sign this document for a longer period is reserved for other persons, including: persons with experience of institutional (residential) care (care and education in institutions of various types, forms of ownership and subordination, their structural units), persons with experience of family-based care (foster families or family-type children's homes), persons from among orphans and children deprived of parental care, persons with disabilities, and those who have been or are homeless.