

Country  
factsheet  
Ukraine 2018

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## PREVENTION

Is there a structure/body in charge of child protection nationally?

- If yes, what are the policies and standards regulating its operations?
- Are child protection professionals working in this body effectively coordinating and working in partnership with their colleagues engaged in the health, education, social protection or welfare sectors?

The Ministry of Social Policy is responsible for realization of the state policy on child protection, developing and implementing targeted national programs for social protection and improving the situation of children, supporting families with children, and coordinating the activities of central and local executive authorities in this area. The structure of the Ministry includes: the Department of Child Protection and Adoption and Office for the Prevention of Social Orphanhood. These units are responsible for protecting the rights of children.

Commissioner of the President of Ukraine for Children's Rights – ensures realization by the President of Ukraine of constitutional powers of observance of the constitutional rights of children, the implementation of Ukraine's international obligations in this area.

The Ministry of Social Policy of Ukraine is guided by the Regulation approved by the Cabinet of Ministers of Ukraine

<http://zakon3.rada.gov.ua/laws/show/389/2011>

The Ministry is the main central executive body responsible for the formation and implementation of state policy in the areas of employment and labour migration, labour relations, social protection, social services for the population, volunteer activities, on family and children affairs (including adoption and protection of children's rights), rehabilitation and recreation for children, and protection of the rights of

persons deported on the basis of nationality who returned to Ukraine.

Representatives of the Department of Child Protection and Adoption are trying to attract representatives of other Ministries to cooperate in the development of normative legal acts on the protection of children's rights. However, legislative acts which are regulating education, health care, social protection of children do not have a common perfect child-centered approach and the same principles to ensure a system that would combine preventive measures to support families with children, provide education, medical and social services, housing, socialization of children and youth after leaving the institutional care etc. So in fact each Ministry is guided primarily by its own normative acts.

An Interdepartmental Coordinating Commission for the Protection of Childhood was established under the Cabinet of Ministers of Ukraine to coordinate actions. However, its role is formal.

The lack of clear coordination leads to some chaos and destruction in child protection policy. For example, the Ministry of Social Policy promotes the development of family care and the Ministry of Education and Science of Ukraine continues to develop the institutional care of children.

Coordination and support of the community child protection mechanisms by the Ministry of Social Policy is not effective. The mechanisms for making decisions regarding the child are not coordinated between different bodies. There are no clear powers of the local authorities to ensure the protection of children. The division of powers between local, regional and central authorities is general and formal. Declarative nature of powers and responsibilities result in inaction or a formalized approach in solving child rights issues. The Ministry of Social Policy has not resolved by this time the issue of the clear delineation of the state-delegated and own powers of local authorities.

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## Is there a legal or policy framework in your country for prevention of child abandonment and/or prevention of institutionalisation?

The need to provide support to women who intend to abandon a new-born child has been identified at the legislative level. Started from 2003 HHC has implemented the model of Mother and Child Centres. The Government has approved Regulations and standards of work of such centres. There are 17 such centres in Ukraine nowadays. The procedure that guarantees the mother's right to upbringing the child, even when she had refused from a child after the birth is regulated. This right woman can realize for 2 months, in some cases 6 months after the birth of a child.

<http://www.kmu.gov.ua/control/uk/cardnpd?docid=20919682>

The government took a decision last year (Decree #576 dated 09/08/2017) to limit placement of children into boarding schools of general education. According the document all the cases should go through consideration of Commissions of children rights functioning in all local administrations and municipal authorities.

<http://zakon.rada.gov.ua/laws/show/576-2017-%D0%BF>

The legislation stipulates that an orphan child or a child deprived of parental care by a court decision can be placed in an institutional care only if all steps to place a child in the family based care have been taken. The local social services have to continue searching of new families for a child even after it was placed to an institution. (The Law of Ukraine "On Ensuring Organizational and Legal Conditions for Social Protection of Orphaned Children and Children Deprived of Parental Care").

According to the changes to the decree of the Cabinet of Ministries #866 on issues related to protection of children rights adopted in 2018 placement of orphans and children deprived of parental care to any of institutions should be

considered by Commissions of children rights and limited by one year. Extension could occur after analysing the case, individual child social protection plan, practically assessment of opportunities for family based care

<http://zakon.rada.gov.ua/laws/show/866-2008-%D0%BF>

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Is there any evidence (e.g. data) or research showing the main reasons for children entering alternative care in your country? Are there any estimates regarding the number of children at risk of separation?

HHC has conducted during 2015-2016 a comprehensive study of the child protection system in Ukraine. Only 9% of children stay in institutions because of the loss of parents or because their parents have been deprived of their parental rights; the remaining children were institutionalized due to social factors (so called “social Orphanhood”).

- The main cause of the placement of children in institutional care is poverty and the incapability of parents to support them (antisocial behaviour and unemployment of parents).
- The inability to ensure proper support and education for children in their community (inclusive education, rehabilitation and supportive services for disabled children, social workers in community, quality and available medical services etc.) is another important cause of institutionalisation.
- There are also hidden causes which led to the institutionalisation of children. These causes are driven by the system’s survival. The existence of institutions forces their personnel to “recruit” children and to issue dubious diagnoses.

- In some cases the reason for placing a child in an institution is a parent’s desire to make their lives easier and to hand over the responsibility for their child’s education and development to someone else. This also includes poor parental competence and their unwillingness to assume responsibility for their children. The existence of an institutional system creates additional temptation for some parents to shift care after their children to a state institution.

[https://issuu.com/katyacheltsova/docs/the\\_illusion\\_of\\_protection](https://issuu.com/katyacheltsova/docs/the_illusion_of_protection)

There is no unified system of calculation of children in risk to lost family care. Local services on children affairs (at the rayon, cities or district in cities level) keep records of children in difficult life circumstances while another one (centres of social services for family, children and youth) do the same regarding families [https://issuu.com/katyacheltsova/docs/the\\_illusion\\_of\\_protection](https://issuu.com/katyacheltsova/docs/the_illusion_of_protection). These data is not correlating each other due to lack of coordination between different agencies. It’s complicates the understanding of social situations and planning effective actions.

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Do disadvantaged families have access to community based services (e.g. early intervention, family support etc.)?

Are there any civil society organisations delivering family strengthening services?

Regional data indicates that the creation of community-based services for children and families is largely sporadic. As a rule, such services are carried out by non-governmental and charitable organizations. The key reasons for the absence of these much-needed services include the lack of financial resources, approved legislation and service standards as well as the absence of trained specialists. Given the absence of support services for children and families and the consistently low material capacity of parents, the placement of a child in an institution is often seen as the only possible form of assistance for families, while in fact it further deepens the crisis.

[https://issuu.com/katyachtsova/docs/the\\_illusion\\_of\\_protection](https://issuu.com/katyachtsova/docs/the_illusion_of_protection)

Among the practices set up by NGOs –Centres of social support for children and families developed by Hope and homes for Children Ukraine which provide services in communities which functioning in two regions.

There are social workers in communities to identify families at risk and do a follow up but the number of them is very low and does not cover the needs

What is the level of funding allocated to prevent children separation at national level?

Reforms in social and educational sectors declared at the central level, maintain long-standing financial mechanisms – institutions are financed through a system of transfers from the State Budget while social services have to be established by local authorities from their funds without state support. In fact, Ukraine now has a system of “guaranteed funding for institutions from the State Budget”, based on the incentive formula “more children means more money.” [https://issuu.com/katyachtsova/docs/the\\_illusion\\_of\\_protection](https://issuu.com/katyachtsova/docs/the_illusion_of_protection)

There are no standards of financial support for prevention services.

	Number of institutions		Total number of children	
	2017	2016	2017	2016
Institutional care (in total)	759	751 <sup>1</sup>	104011	105783
Institutions for children with disabilities? <sup>2</sup>	47	50	1943	2593
Institutions for children 0-3? Baby (infant) homes	38	39	2755	2773
Boarding school of general education	76	82	13657	15742
Children's homes	33	39	1350	1563
Special boarding school of general education	215	227	26633	28871
Sanatorium boarding schools	67	67	16123	16127
Specialised boarding school of general education	101	92	27743	26402
Education and rehabilitation centre	85	72	10622	9096
Centres of social and psychological rehabilitation of children	78	75	2593	2346
Shelters for children	7	7	196	148
Other institutions	12	1	396	122

<sup>1</sup> It includes Centers of social-psychological rehabilitation which in 2017 were put in the list of institutions by the Ministry of social policy

<sup>2</sup> Children's care home - is a specialized institution for children with disabilities but this category of children could be in all other types

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## ALTERNATIVE CARE

What is the State Ministry or Department in charge of regulating institutional care? Is there more than one?

Different institutions are managed by three different ministries:

The Ministry of Education and Science of Ukraine – 589 institutions of 7 types:

- Boarding schools of general education of two types - children in need of social assistance, orphaned children and children without parental care
- Children's homes for orphaned children and children without parental care
- Education and rehabilitation centres for children with special educational needs, caused by complex developmental defects
- Sanatorium boarding schools for children with illness. There are six types regarding child's diseases.
- Special boarding schools of general education for children who need correction of physical and/or mental development. There are eight types regarding child's disorders
- Specialized boarding schools of general education are divided by an intensive form of studying of separate subjects. For example, with in-depth study of artistic and aesthetic, or physics-mathematical sciences
- Educational complexes - is an educational institution, which can combine in its structure boarding school of general education and a preschool institution.

The Ministry of Health of Ukraine – 38 baby (infant) homes for children aged 0 – 3-4

The Ministry of Social Policy of Ukraine – 47 children's care homes for children aged 4 – 18 with physical and or mental disabilities and mental disorders; 7 Shelters for children aged 3 – 18; 78 Centres of social and psychological rehabilitation of children aged 3 – 18

Who are the main providers of institutional care in your country? (State, private, CSOs, faith based etc.)

How significant is the role of CSOs and faith based organizations in the operation of institutional care in your country?

Do you have any additional information about the way they operate (e.g. funding channels, recourse to volunteers, links with international adoptions?)

A 99% of institutional care is provided by state authorities. The main involvement of NGOs in cooperation with the institutions is to provide various supports: from direct material support, the purchase of equipment, clothes for children to volunteer work (workshops, leisure with children, tutoring, etc.). Institutions are constantly working to attract financial assistance first and foremost. The provision of material assistance is often the only opportunity to be able to communicate and work with children for NGOs because of extreme closed institutional system.

According to the Ministry of Social Policy, there are about 60 institutions created by public or religious organizations in Ukraine. These establishments are designed for a small number of children (up to 30) as usual.

Are there unregistered institutions in your country? (not registered to the State Authority responsible for institutional care/children in alternative care e.g. Ministry of Welfare)

All institutions are registered according to the procedures dictated by legislation

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Is there a definition of institutions/institutional care in your national legislation?

All types of institutions operate in accordance with sectorial laws (on Education, Health Care etc.) and each type has its definition according to the regulations approved by the Government. The list of institutions is included in the Budget Code of Ukraine, which is the basis for their financing from the state budget.

There is no definition of “Institutional care” in country legislation

Is institutional care distinguished from residential care in your country?

Formally, the difference between institutional and residential care is not prescribed and is not defined in the legislation. There is the task in the National deinstitutionalisation Strategy to identify and determine the concepts of institutional care and residential care in Ukrainian legislation.

Is there a capacity limit of children per institution?

The number of children in the institution depends on the capacity of the institution. There are still institutions with 300-400 children.

What is the yearly cost per child in institutional care?

The cost of maintenance a child in an institution depends on the type of institution and the categories of children. This amount is about 100 000 UAH (near 3500 EUR) per year in average. The most expensive cost of maintenance children is in baby (infant) homes for children aged 0 – 3- 4 years – 180 000UAH (6000 EUR) per year.

What is the general perception of institutions for children within society?

The Rinat Akhmetov Foundation conducted a public opinion poll on solving the problem of Orphanhood in Ukraine (unpublished) in 2014. It was found, in particular, that more than half of Ukrainians (53%) support the development of a network of institutions.

However, due to the popularization of the topic of deinstitutionalisation in Ukraine, including in the framework of deinstitutionalisation campaign, the interest and understanding of the topic of child protection and knowledge of the true nature and effects of residential care has increased significantly.

The dissemination of information, real evidence of inefficiency of institutional care, the cost of institutional care and its consequences has formed among the critical mass of the population the knowledge that there are mostly not orphans in institutions, the system itself has long-term negative consequences for the child, family and community, and the best solution to the problem is social services in communities.

According to the recent social poll (May 2018) 59% of population recognize a harm of institutions and 74 % think that there is a need in reform of institutional care system



Have there been any positive or negative developments regarding institutional care during the last year?

- The [National Strategy on Reform of Institutional Care System for 2017-2026 and Action Plan for the first stage \(2017-2018\)](#) was adopted by the Government.
- There were created interdepartmental working groups on implementation of National deinstitutionalisation strategy in the regions of Ukraine. In some regions were developed Regional deinstitutionalisation Action plans. HHC has signed (May 2018) with authorities of Dnipropetrovsk region to provide support in development and implementation of deinstitutionalisation Regional Plan.
- Hope and Homes has developed Comprehensive Training Program on Deinstitutionalization which was approved by the Order of Ministry of Social Policy No.1757 dated 22.11.2018. According this program HHC has trained 40 regional trainers who have already trained 800 reps of local authorities, professionals, heads of communities

Ministry of social policy has developed guidelines on how to transform the institutions.

Are there any SGHs specifically designed for children with disabilities?

No. As it is stipulated by [Regulation on Small Group Homes](#) SGHs are designed predominantly for children without parental care (including children with disabilities).

SGHs for children without parental care	Number of SGHs		Total number of children	
	2017	2016	2017	2016
	5	5	64	65

Is there a legal framework defining the maximum number of children living per SGH?

Yes. Maximum number of children is 10 (in case of having 4 and more children with disability in SGH maximum number is 8). It is stipulated by [Regulation on Small Group Homes](#) (as of 31.10.2018). As it was determined previously in the [Regulation on the Centre of Social Support for Children and Families](#) (SGH was defined as the unit of such centres) maximum number was 15.

Are there clear regulations and standards for the registration and regulation of SGHs? Are they enforced in practice?

The procedure of placement children, tasks, living conditions, individual plan of work with a child and its family is determined in [Regulation on Small Group Homes](#) and [Regulation on the Centre of Social Support for Children and Families](#). There are no quality standards developed and approved by the state

Number and qualification of employees in SGH is defined in the Order of the Ministry of Social Policy.

Do you consider SGHs in your country adequately equipped (both capacity of staff and technical equipment) to provide quality care for children?

This is a new form of work with children in Ukraine ([the Regulation on the Centre of Social Support for Children and Families](#) was approved in 2016, [Regulation on Small Group Homes](#) was approved on 31.10.2018). SGHs were created like a pilot model by NGOs (including HHC). Current SGHs are properly equipped.

What is the yearly cost per child in a SGH?

125 158 UAH or 3 915 EUR

Are there any positive or negative developments regarding SGH during the last year? Please describe and provide references.

Among positive developments of the last year the following should be pointed out:

- Approval of [Regulation on Small Group Homes](#) by Resolution of the Cabinet of Ministers of Ukraine as of 31. 10.2018. By this Regulation some questions of SGHs work were detailed, the standard number of children residing at SGH reduced from 15 to 10.
- Provision of state funding for SGHs by [Procedure and Condition of State Budget Subvention to Local Budgets in 2018 for Design, Construction and Repair Work, Acquisition of Housing and Facilities for Development of Family and Other Family-type Forms of Care and for Provision Children-Orphans and Individuals from These Persons with social housing](#). (Approved by Resolution of the Cabinet of Ministers of Ukraine as of 15.09.2017)

The most challenges at the moment are the misunderstanding of this form of care as of family-like but not just smaller institution. Also between sharp issues that prevent further development of this form of care is the lack of trained and well-skilled professionals as well as adequate training programs for them.

	2017	2016
Number of children in foster care	13689	13408
Number of children in kinship care	51101	51753
Re-integrations in the birth family per year	694	83
Number of domestic adoptions	1518	1490
Number of international adoptions	323	394

Are there any positive or negative

developments regarding family based care during the last year? Please describe and provide references.

**Positive changes:**

Adoption of the [National Strategy on Reform of Institutional Care System for 2017-2026 and Action Plan for the first stage \(2017-2018\)](#). By these documents state demonstrates its commitment to further deinstitutionalisation implementation with defining goals and stages, confirms the fact of its perception institutions as unacceptable way of child care which should be eliminated. This document also raises importance of development of family based care as a priority

**Negative tendencies:**

The number of children placed in family based care over the last year virtually hasn't been changed. This is primarily due to the military aggression of Russia in the East of Ukraine, the deterioration of socio-economic situation in the country. In addition, due to the low professional level and the reduction of number of social workers, the situation regarding the preparation of potential foster families and their support after the placement of a child is worsening. As a result, the number of children who come back to institutions from family based care increased. Also, in the moment, services arranged in such manner, that they often are unavailable at place of family living, because services and specialist locate in rayons level, and children and families often live in villages far from these services.

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## LEAVING CARE

Are there any services to support adolescents leaving care? If so, who are their providers and what is the age to which care leavers receive support in your country?

Yes. State standard of social integration services for graduates of institutions. It provides services for the professional orientation of a graduate of an institution, preparation for independent life, psychological and other specialized assistance. It also provides housing for graduates. The guarantees of social protection are also defined in the Law of [Ukraine "On Ensuring Organizational and Legal Conditions for Social Protection of Orphaned Children and Children Deprived of Parental Care"](#).

There are 21 social dormitories for orphans in Ukraine.

Assistance is often limited by social benefits, bed in the dormitory for a period of study (not separate room but bed in a room for a few students) and various social privileges (in university admissions, public transport). Housing and jobs for graduates are the most crucial problems.

The main provider of social support is the state body - centres of social services for family, children and youth. Individual services may be provided by NGOs working with graduates, but such assistance is not regulated/maintained/supported by the state. Support takes place up to 23 years or till graduation from university or vocational education.

Are there any positive or negative developments regarding care and aftercare services for young people leaving care?

- The preparation and organization of work of mentors for children that started at the legislative level in 2016 resulted in Regulation on Mentorship as of 04.07.2017, approved by Resolution of the Cabinet of Ministers of Ukraine. This Regulation defines the procedure of mentorship arrangement. The main goal of mentorship institute is to prepare children-leavers to independent life.
- Provision of state funding for purchasing of housing for children leaving care by [Procedure and Condition of State Budget Subvention to Local Budgets in 2018 for Design, Construction and Repair Work, Acquisition of Housing and Facilities for Development of Family and Other Family-type Forms of Care and for Provision Children-Orphans and Individuals from These Persons with social housing](#).

(Approved by Resolution of the Cabinet of Ministers of Ukraine as of 15.09.2017). In 2018 362 social apartments were acquired throughout the country that indicates the start of positive changes.

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## CHILDREN IN MIGRATION

How many migrant, unaccompanied and separated children were in your country last year?

Internally displaced persons (IDP). More than 238 000 children from the eastern regions (Donetsk and Luhansk oblast) have been internally displaced since the beginning of the military conflict in Ukraine (2018) <https://www.msp.gov.ua/news/15904.html>

2. Unaccompanied and migrant children are accounted. We couldn't find open data. We will share this information in case we find some clear data.

Are there in place adequate reception conditions for these children? Please indicate if children are placed in detention facilities.

For how long they stay in these reception conditions?

The procedure of work with IDP children is determined by the Law of Ukraine "[On ensuring the rights and freedoms of IDPs](#)". The Law provides that every child, including those who arrived without support of parents or other legal representatives should be registered as internally displaced persons. It also provides in temporary using of IDPs premises or social housing suitable for living. It also secured social benefits and services for IDP children due to Ukrainian legislation.

Children of foreigners and stateless persons are placed at the temporary placement centres of foreigners and stateless persons together with parents or with close relatives in case of absence of parents due to Model Regulations. "[On temporary placement of foreigners and stateless persons who are illegally staying in Ukraine](#)". Parents with children

and families are accommodated in separate living quarters. The Law "[On refugees and persons in need of additional or temporary protection](#)" provides the right of such persons to medical assistance, as well as other rights stipulated by the Constitution and the Law "[On the Legal Status of Foreigners and Stateless Persons](#)". The standards of material maintenance and the procedure for the provision of medical care for persons in temporary placement centres are established by the Order of the Ministry of Internal Affairs, the Ministry of Health and the Ministry of Education and Science of Ukraine "[On the material and medical provision of foreigners and stateless persons held at places of temporary stay of foreigners and stateless persons who illegally staying in Ukraine, and places of temporary detention and specially equipped premises](#)". This Order defines the rules and procedures for providing children with bedding, personal property according to age and sex, detergents and personal hygiene products, etc.

**Unaccompanied children.** Children of foreigners and stateless persons, separated from their families, are not placement in temporary placement centres and should be sent to shelters for children or in centres for social and psychological rehabilitation due to Model Regulations "[On temporary placement of foreigners and stateless persons who are illegally staying in Ukraine](#)".

However, there have been registered cases where such children were detained and placed in temporary placement centres. Staying in such places is set for a period of 6 months during which the person is actually deprived of freedom. Children in that case have no access to education and their right to development is violated.

[http://www.childrights.in.ua/Xhorchna\\_dopovd\\_pro\\_d\\_otrimnija\\_prav\\_ditini\\_v\\_Ukran](http://www.childrights.in.ua/Xhorchna_dopovd_pro_d_otrimnija_prav_ditini_v_Ukran)

Are there policies in place to foresee long-term care of migrant, unaccompanied and separated children?

[The Law of Ukraine “On Ensuring the Rights and Freedoms of IDPs”](#) determines that the IDP children have the right to be protect and receive social services in accordance with the legislation of Ukraine. It also was added the section “Peculiarities of introduction by the agencies of guardianship and care activities related to the protection of the rights of the children moved from the zone of counter-terrorist operation” to the Decree of the Cabinet of Ministers [“The issue of the activities of the guardianship and care agencies related to the protection of children’s rights”](#). The section provides intensive care for IDPs unaccompanied children by appropriate agencies

The Law of Ukraine "On Refugees and Persons Who Need Additional or Temporary Protection" determines that a person who has not yet been recognized as a refugee or a person who needs additional protection has the right to study, medical assistance in accordance with the legislation of Ukraine; right to live with relatives, at a hotel, renting a dwelling or living at a temporary accommodation facility for refugees; free legal aid; confidential correspondence with UNHCR and the right to visit UNHCR staff; other rights stipulated by the Constitution and laws of Ukraine for foreigners and stateless persons legally residing in Ukraine.

Persons recognized as refugees or persons requiring additional protection have the same rights and freedoms as well as the same responsibilities as citizens of Ukraine, except cases established by the Constitution and laws of Ukraine, as well as by international agreements approved by the Parliament (Verkhovna Rada of Ukraine).

Where are children most commonly placed after reception?

Typically, children are immediately placed in shelters for children or in centres of social and psychological rehabilitation. The children are staying there until the person's identity and appropriate status is established.

Do they have access to services – legal assistance, health care, and education?

The staff of the institutions provides a medical examination, treatment of children if necessary. IDPs children are primarily provided with pre-school and school education.

In accordance with the Law of Ukraine [“On Amendments to certain Laws of Ukraine on State support for combatants and their children, children one of whose parents died in the area of anti-terrorist operations, hostilities or armed conflicts, or during mass protests, IDPs children for vocational and higher education”](#) established that the state provides support for obtaining vocational and higher education in state and communal educational institutions until the completion, but not longer than before a person reaching the age of 23 years. Such support is includes: full or partial payment for education from the state and local budgets; concessional long-term loans for education; social scholarship; providing free textbooks; free internet access; free dormitory accommodation etc.

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Have there been any positive or negative developments regarding migrant, unaccompanied and separated children?

Because of armed conflict in the Eastern part of Ukraine we have a new category of children who need additional protection – this is IDPs children without support of official guardians but who doesn't have official status of orphans or children without parental care. It leads to appropriate changes in legislation:

- The law "On ensuring the rights and freedoms of internally displaced persons" was adopted
- Amendments to Decree of the Cabinet of Ministers "[The issue of the activities of the guardianship and care agencies related to the protection of children's rights](#)" about protection the rights of IDPs children.
- [Temporary order of control over the movement of persons, vehicles and goods through the line of collision within the Donetsk and Luhansk oblasts](#) was approved. The document regulates the issues of crossing the line of armed conflict by children who don't have Ukrainian passport, children under the age of 16 and born in an uncontrolled area after the start of the anti-terroristic operation.
- Changes to the "[Procedure for the Registration of Civil Status Acts in Ukraine](#)" resolved the issue of registration of children born in the anti-terroristic operation zone

The indicated norms are essentially new for Ukrainian legislation which leads to rapid but often imperfect legislative changes. Currently, the legislation concerning IDPs children violates the rules of the article 3, 6, 16, 18, 26 of the •

[http://www.childrights.in.ua/Xhorchna\\_dopovd\\_pro\\_dotrimnja\\_prav\\_ditini\\_v\\_Ukran](http://www.childrights.in.ua/Xhorchna_dopovd_pro_dotrimnja_prav_ditini_v_Ukran)

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[Amendments to The Law “On refugees and persons in need of additional or temporary protection”](#), defined concepts “additional protection”, “a person who needs additional protection”, “persons who need temporary protection”, “temporary protection”.

The main problems of protecting children of migrants, unaccompanied children and children:

- Unregulated the procedure for the voluntary return of a child separated from the family to his/her country of origin in case to reunification with his/her parents, taking into account the conditions of personal safety and socio-economic conditions in which the child returns, the child's views, as well as the terms of stay outside the country of origin
- Unregulated the procedure for the cooperation of responsible agencies regarding the establishment of the place of residence of children separated from the family who are in the procedure of recognition as a refugee or a person who needs additional protection in Ukraine.
- Monitoring of activities for the search of parents or legal representatives of children who are not Ukrainian citizens and have applied to the competent authorities for recognition as a refugee or a person in need of additional protection.
- Difficulties with access to the education for children who seek protection and were separated from the family, as well as children who seek asylum and accompanied by parents (or one of them), getting education documents, registration for external independent testing and obtaining a higher or vocational education.

- Placement of children separated from the family, normative regulation, financing, creation and functioning of a return mechanism that takes into account the best interests of the child.

- Training of specialists of relevant agencies for working with children separated from the family

- Normative support and funding of the reception and accommodation centre for refugee children, children who need additional protection, unaccompanied children

Introduction of interagency statistical reporting on unaccompanied children

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## OUTLOOK FOR CHILDREN IN INSTITUTIONS FOR CHILDREN IN UKRAINE

How would you rate the overall commitment/prioritisation for children's rights (and more specifically, child protection and care) in your country, on a scale of 1 to 5? (1 is very low and 5 is very strong).

### 2 – overall rating.

The issue of the rights of children and the construction of an adequate child protection system has been substantially updated in the past few years. We see concrete decisions and actions instead of declarative statements of representatives of the Government. In particular: approval of the National deinstitutionalisation Strategy and Action Plan, approved the Regulations on the centre of social services at the community level and Regulation on small group homes, state budget funds are allocated for the development of inclusive education. However, ensuring the rights of children remains difficult:

- Child protection closely related with official status of orphan or child deprived of parental care. There are no specialized courts in our country so the issue of recognizing a child as orphan or deprived of parental care can be considering for long years. Judicial reform only worsens the situation
- Institutions continue to get funding from the state budget. Institutions change names, founding documents, expand the categories of children to avoid closure.

- Funding of deinstitutionalisation reform in transition period, funding of services in communities and its viability

Are there any key decision-makers in Government/relevant Ministries already engaged or willing to have a dialogue on deinstitutionalisation and care reforms? In which Ministry or Department do they sit?

- Commissioner of the President of Ukraine for Children's Rights supports National deinstitutionalisation Strategy. There are deinstitutionalisation working group under the Commissioner office. The group has developed the National deinstitutionalisation Strategy and Actin Plan.
- Ministry of Health has the intentions to transform Baby homes into medical-rehabilitation centres. First Lady promotes and supervises reform on inclusive education



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Is there a legislative and/or policy framework that explicitly regulates/supports deinstitutionalisation (e.g. deinstitutionalisation strategy and/or Action plan)? Please elaborate.

- National strategy on reform of institutional care system for 2017-2026 (National deinstitutionalisation Strategy) and Action plan for its realization for the first stage (2017-2018) approved.
- There is a special state subvention on development of inclusive education. During 2017 and 2018 there are subventions for housing for care-leavers, building houses for SGHs and Family Type Homes
- It is a tiny bit. The deinstitutionalisation strategy was adopted as a declarative document without indicated finances and resources.

Are there any other funds (e.g. from donors) allocated for the implementation of this policy?

Ministry of Social Policy of Ukraine implemented the project “Modernization of social support Ukraine” with the assistance of the International Bank for Reconstruction and Development (IBRD). The project aims to improve the performance of the system of social assistance and social services in <http://www.msp.gov.ua/en/timeline/Proekti-shcho-pidtrimuyutsya-MBRR.html>.

However, the project started for 5 years ago, but the process of selection of performers is not-transparent, lengthen out and leading national NGOs in the field of deinstitutionalisation are not involved in it. We do not expect really good results from this project

What is the status of deinstitutionalisation reforms in your country? (E.g. Have there been any institution closures?).

The reform has just begun. In fact, it is not yet implemented.

Yes. HHC pilot projects on the implementation of ID at the rayon level by closing institutions in two rayons (Makariv rayon of Kyiv oblast and Dnipro rayon of Dnipropetrovsk oblast) and creation of centres of social support for children and families “Ray of hope” and “It is Good at Home” respectively. The purpose of our activities in these territories was the development and implementation of family-orientated services in communities that will stop the breakdown of families, the flow of children in the street and in institutions, will ensure effective support for families for their development and integrity. The results of our work formed the basis of Regulation on the Centre of Social Support for Children and Families approved by the Government, which level regulates the creation of such complexes of family-orientated services in communities throughout the country.

Hope and Homes Ukraine has capitalized the practice and published this year the guidelines ‘Roadmap for reform: strong families, safe children’ [http://hopeandhomes.org.ua/wp-content/uploads/2018/08/Road-map-of-the-reform\\_A4\\_web.pdf](http://hopeandhomes.org.ua/wp-content/uploads/2018/08/Road-map-of-the-reform_A4_web.pdf), which is quite popular among the stakeholders involved in deinstitutionalisation

There is no developed monitoring system in place. There are cases where children moved from one institution to another or returned home without proper assessment and preparation

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Is there an interest to support national care reform by key stakeholders who could put pressure on the government? (e.g. UNICEF, OHCHR, International donors, national embassies)

Deinstitutionalisation support is stated in the UNICEF policy in Ukraine, but in fact the Office in Ukraine does not take an active position on the promotion of deinstitutionalisation. It is more likely to be involved in events and declare support.

Other large international organizations and donors (for example, the Renaissance Foundation, Eastern Europe Foundation, etc.) do not define the introduction of deinstitutionalisation as a mandatory reform, along with pension, judicial, administrative, etc.

Are there any vocal and influential champions supporting de-institutionalisation and care reforms? (e.g. influential public figures, religious leaders, Members of Parliament, representatives of the private sector, media, etc.?)

The interest to the topic of deinstitutionalisation has increased significantly in recent years in general. However, it is difficult to distinguish leaders of public opinion who clearly express support of deinstitutionalisation and promote this topic. It is rather a topic that is interesting to experts in the social sphere and relevant departments, structures, organizations. On the other hand, a large part of local NGOs that have an impact in their regions are supporting and promoting deinstitutionalisation.

Is your organization working in partnership with other CSOs or UN bodies for deinstitutionalisation reforms on national level?

The development of partnerships in support of deinstitutionalisation at the national and international levels is one of the strategic directions of our work in Ukraine. We do involve NGOs in all of our projects in the regions and on national level

In 2014 we joined to the creation of the Ukrainian Network for Children's Rights, which brings together 18 leading national and regional NGOs in the field of children's rights protection <http://childrights.org.ua/en>.

What are, in your opinion, the main challenges to implementing care reform in your country?

- The personal interest of key stakeholders at the national level and especially on the local level in keeping the status quo. The temptation follow the path of least resistance, to limit the reform only by surface changes, not to change child protection system radically to keep leverage of influence and source of income.
- Low professional level and ability of actors in social sphere, key stakeholders, lack of sufficient knowledge and skills in using the modern approaches in social work, managerial experience in managing complex and complex processes of change.
- The lack of funds for the transition period of reform and the limited local budgets for the development of services on the ground. Conservative and inflexible budgetary legislation, which does not allow using existing resources in social sphere for deinstitutionalisation also, is an important factor.
- The absence of a mandatory requirement for the introduction of deinstitutionalisation as a condition of Ukraine's accession to the EU in the Association Agreement between Ukraine and EU
- Lack of pressure on deinstitutionalisation implementation concerning deinstitutionalisation from international donors providing technical assistance
- Lack of leadership and coordination between the ministries and different ongoing reform (health, education, decentralization and deinstitutionalisation)

**Hope and Homes for Children** is a global expert in the field of deinstitutionalisation. Our mission is to be the catalyst for the eradication of institutional care across the world. We work to protect children from the harmful effects of institutional care and to ensure they have the opportunity to grow up in a secure and caring family environment and to fulfil their potential. Working in partnership with governments and civil society organisations, our model is creating the conditions for long-term reform. Hope and Homes for Children has been working in Ukraine since 1998. Our activities are aimed at creating the necessary conditions for reforming the country's childcare system and protecting children's rights. This includes the development and implementation of family support services, the development of family-based forms of care for orphans and children deprived of parental care and the introduction of comprehensive models for the transformation/closure of residential facilities.

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