

# The rights of children in system of alternative care in Ukraine



**Human Rights**

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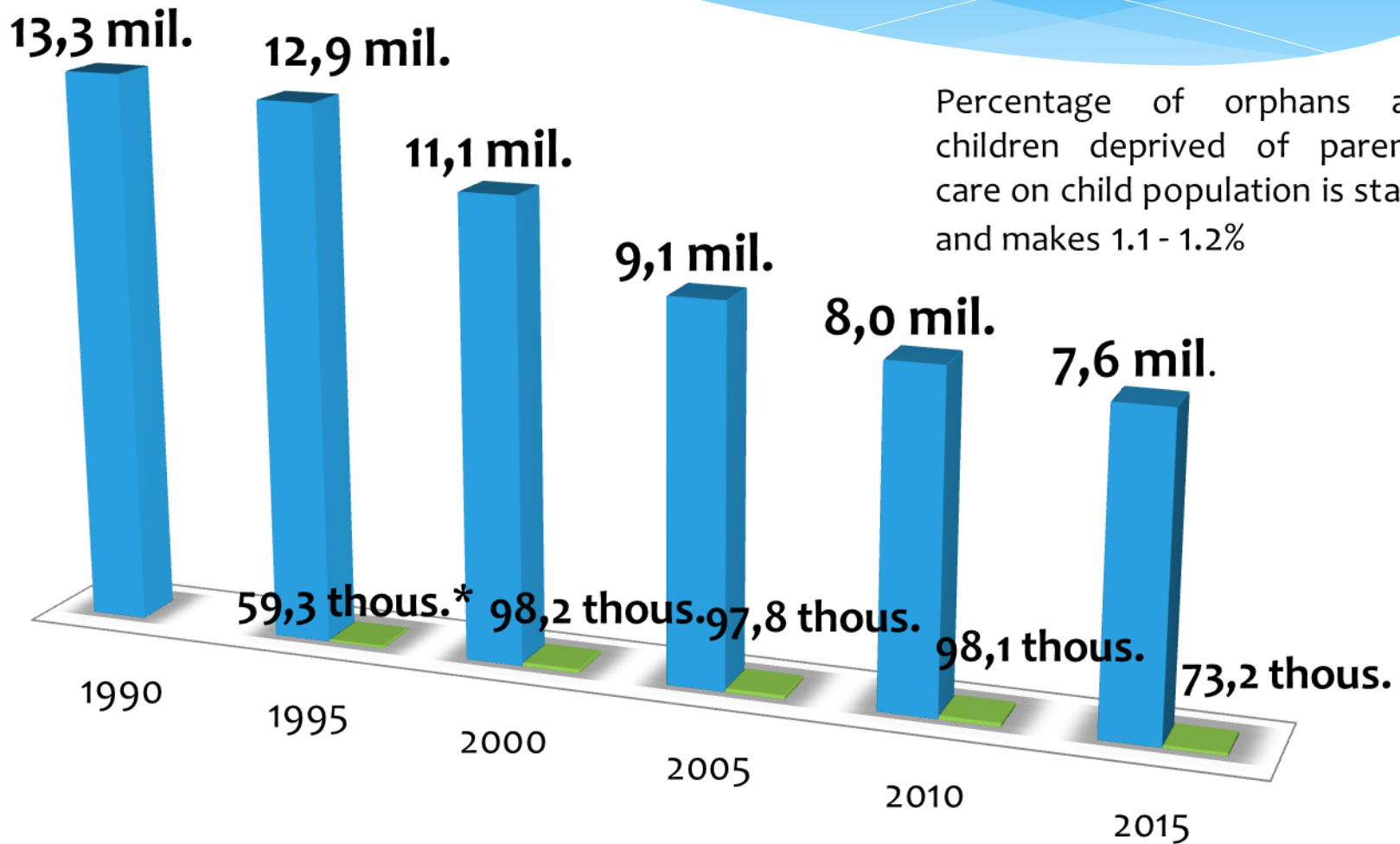
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# *Regulatory legal acts on protection of rights of the child*

- \* **Constitution of Ukraine**
- \* **UN Convention on the Rights of the Child**
- \* **The Family Code of Ukraine**
- \* **The Civil Code of Ukraine**
- \* **The Law of Ukraine "On Protection of Childhood"**
- \* **The Law of Ukraine "On Ensuring Organizational and Legal Conditions for Social Protection of Orphans and Children Deprived of Parental Care"**
- \* **The Law of Ukraine "On Prevention of Domestic Violence"**

# The proportion of orphans and children deprived of parental care from number of child population



■ Number of child population

■ Proportion of orphans and children deprived of parental care

## *Priority forms of placement of orphans and children deprived of parental care*

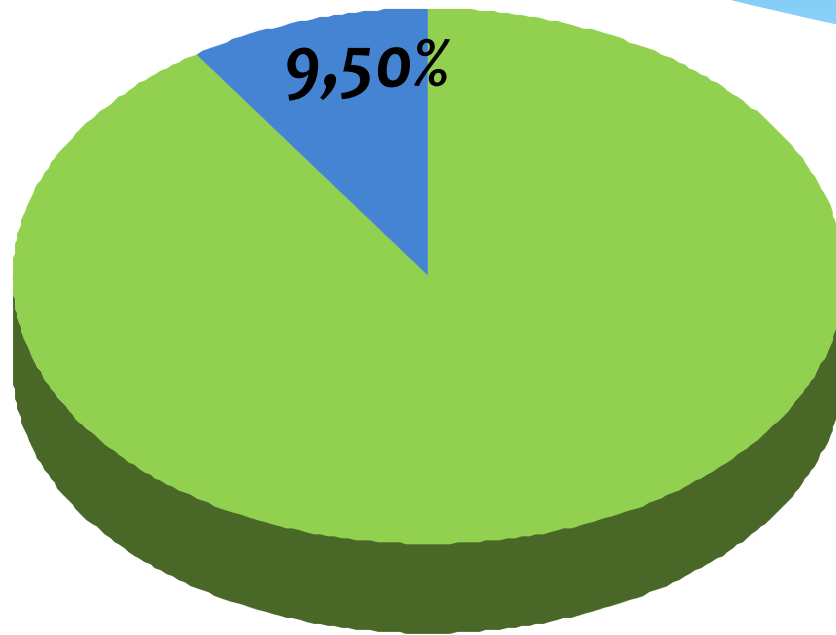
Now in Ukraine two systems are being simultaneously developing of care for orphans and children deprived of parental care:

- \*family care for orphans and children deprived of parental care: adoption, guardianship, foster families and family-type orphanages;
- \*institutional: residential institutions of education, health and social protection.

### **Priority forms**

- \*Adoption
- \*Custody, Care
- \*Foster families, family-type orphanage
- \*Boarding school

## *Development of family forms of placement*



■ Family forms of education - 66262 childs

■ Boarding schools - 6920 childs

**90,50%**

*If at the beginning of 2000 a large number of orphans and children deprived of parental care is raised in institutions - more than 60 thousands children, today the vast number of children is raised in family placement forms (90,5% of children or more than 66,000 from 73,2 thousands orphans and children deprived of parental care).*

## *Development of family forms of placement*

Guardianship in Ukraine remains the most common form of care for orphans and children without parental care - more than 53.1 thousands.

In foster families and family-type orphanages - over 13.3 thousands are raised.

Due to insufficient training of candidates for foster parents and foster parents and social support of families every year about 5% of children living in foster families and family-type orphanages, leave the family because of conflict situations and unfavorable conditions for their education and development

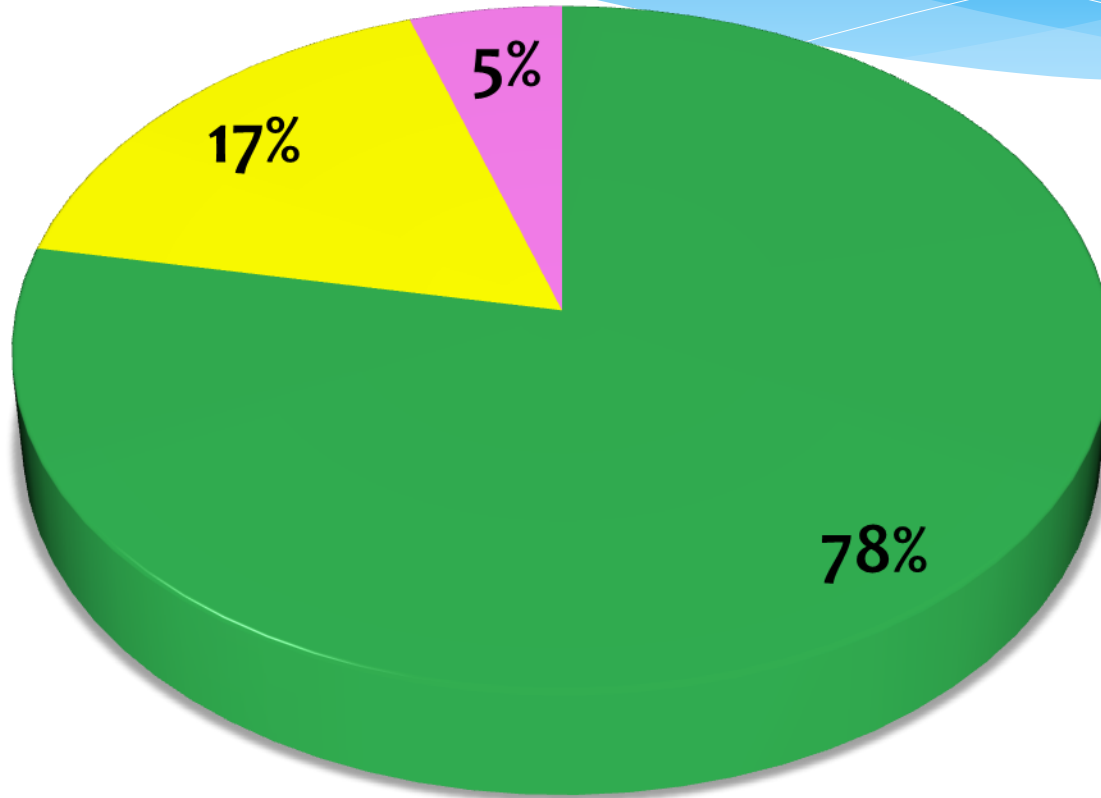
## Number of children in institutional care facilities



According to the research, totally in Ukraine 774 boarding schools and institutions of social protection of children function, where about 104 thousands children are raised, from them only about 7000 - children-orphans and children deprived of parental care, all others have parents.

10% of children, graduates of boarding schools, serving sentences in juvenile correctional facilities.

## Facilities of institutional care of children



■ Ministry of Education and Science of Ukraine - 605 institutions

■ Ministry of Social Policy of Ukraine - 131 institutions

■ Ministry of Health of Ukraine - 38 institutions



## *Monitoring visits of the office of Ombudsman of Ukraine to institutions of places of detention*

<b>Year</b>	<b>Total monitoring visits to institutions and facilities</b>	<b>From them in institutions and facilities where children could stay</b>
2012	170	72
2013	263	112
2014	153	72
2015	235	122
2016	207	114

## *Features of institutional care for child*

- \* **stay of children in a confined space (accommodation, education, health care in one room)**
- \* **violation of the right to privacy and personal space of foster children**
- \* **lack of conditions of accommodation, close to family**
- \* **hidden cases of child abuse**
- \* **unwillingness of graduates for independent living**

## *Criteria of selection of institution*

- \* **unattended by monitoring visit**
- \* **distance from the regional center (rural area)**
- \* **great design capacity**
- \* **information in the media**

## *The most common violations of children's rights*

- \* **the right to education in the biological family;**
- \* **right of orphans and children deprived of parental care in dealing with parents who are in places of detention;**
- \* **the right to preserve family, relationships (separation of siblings while adopting, placement in family forms of care);**
- \* **the right of children with disabilities among children-orphans and children deprived of parental care to care in foster families;**
- \* **the right to receive quality social services;**
- \* **the right to free choice of profession.**

## *The most common violations of children's rights*

- ✓ right of orphans and children deprived of parental care, to housing (only about 500 children are provided with housing annually)

Year	2013	2014	2015
Number of orphans and children deprived of parental care (thousands)	90,7	75,2	73,1
Have the housing (thousands)	61,4	50,7	49,5
<i>Right to property</i> (thousands)	11,7	9,3	8,7
<i>Right to use</i> (thousands)	<b>49,7</b>	<b>41,4</b>	<b>40,8</b>
Do not have housing (thousands)	29,3	24,5	23,6

*In results of the monitoring visits of the Office of Ombudsman to facilities of institutional care of children we use next tools:*

- \* **Letter of response**
- \* **Submissions of the Ombudsman**
- \* **Annual reports of the Ukrainian Parliament Commissioner for Human Rights**
- \* **Special reports of the Ukrainian Parliament Commissioner for Human Rights:**
  - \* **”Monitoring of places of detention in Ukraine” (2013)**
  - \* **”Observance of rights of juveniles who are in correctional facilities of the State Penitentiary Service of Ukraine” (2014)**



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