Recommendations to the EU
on the reform of Ukraine's child protection and care system

The war in Ukraine has been devastating for the country's children, particularly those in the most vulnerable situations, including children without parental care, children with disabilities, children at risk of family separation, those residing in residential institutions, as well as those who have been evacuated from such institutions during the war.

Prior to the war, the rate of institutionalisation of children in Ukraine was recognised as one of the highest in the world,[i] over 90% of institutionalised children had at least one living parent with parental rights, and nearly half were children with disabilities.[ii] The war has placed these children, already exposed to the harm, neglect and abuse that are common within institutional systems,[iii] at further severe risk of harm and human rights violations.[ivv] In addition to endangering the many children already in the care and protection system, the war has also put many more families in vulnerable situations at risk of separation.

In its response to calls for the urgent reform of Ukraine's child care and protection system,[vi] the Government of Ukraine has demonstrated significant renewed commitment towards this goal, declaring its support for every child in Ukraine to "grow up in a safe and caring family and have opportunity for full and harmonious development".[vii]

Previous attempts at reforming Ukraine's child care and protection system have made progress in areas such as development of legislation, strategic planning, training, and development of family-based care, but have not led to the wholesale change that is needed to support children in families, prevent unnecessary family separation and eliminate the use of institutions.[viii]

This time, things could be different. The national political will and effort that has been invested in the new 'Strategy for Ensuring the Right of Every Child to Grow Up in a Family Environment' (2024-2028) ("the Strategy"), combined with strong support from the EU, offer **an opportunity to make irreversible progress and set a foundation for stronger families and better care for all children in Ukraine as the country recovers from the war.**

Role of the European Union

The European Union has played a crucial role in advancing recent progress on Ukraine's national reform, including in revision and approval of the new Strategy. The European Commission's Opinion on Ukraine's application for EU membership cited the high rate of child institutionalisation as "a serious concern [that] needs to be tackled as a matter of urgency,"[ix] which was followed with 10 million euros allocated to the design of the Strategy to achieve a modern child protection and care system, and the establishment of a national Coordination Centre for Family Upbringing and Child Care Development ("Coordination Centre") to lead on coordinating this national reform. Furthermore, the specific objectives of the EU's Ukraine Facility address *children without parental care* as a particularly vulnerable group,[x] and developing and implementing the abovementioned Strategy was listed as a necessary step of the Ukraine Plan attached to the Facility.[xi]

The 2024 Ukraine Enlargement Report continues to stress that "deinstitutionalisation should remain a priority, including the strengthening of integrated social services to prevent family separation and support alternative family placements and reintegration of children from institutions into families."

Furthermore, reforming Ukraine's child care and protection system will help the country to align with the provisions of the European Child Guarantee and with fundamental rights legislation including the UN Convention on the Rights of Persons with Disabilities and Convention on the Rights of the Child.

Recommendations for the European Union

As international and national NGOs with expertise in child protection, disability inclusion and human rights and many years of experience working in Ukraine, **we thank the European Union for its continued commitment to this issue.** With the EU starting a new term, following the 2024 European elections, **we call on it to implement the following recommendations in support of the reform of Ukraine's child protection and care system.:**

1. **Maintain political and financial support for the reform.**
   EU policymakers' support for this reform at the highest political level has been fundamental in keeping it on the political agenda as an essential part of Ukraine's recovery from the war. EU resources have also contributed directly to the development of the new Strategy. **It is crucial that the EU continues to offer this high-level political and financial support, direct involvement and dialogue as the country's key ally in delivering this reform.**
   The EU should lead international donors in dedicating necessary long-term, sustainable funding towards supporting Ukraine's reform. It must be ensured that the amounts already earmarked for education, healthcare and social infrastructure under the Ukraine Facility[xii] are used to realise the reform in a holistic way. The reform of child protection and care system must be monitored throughout the Ukraine EU accession process, to ensure that the reform is delivered fully as part of the country's path to EU membership.

2. **Support the Government of Ukraine in ensuring the reform is holistic, inclusive and sustainable, including through**:
   - **Implementation and centralised oversight**. Currently, a number of actors play a role in the reform in Ukraine, at national, regional and local levels. Clear division of responsibilities is crucial, including high-level leadership and coordination at government level, because the reform requires the cooperation of several Ministries. Through the mandate and powers of the Prime Minister, whose advisory body it is, the Coordination Centre should play a key role with other government agencies and external stakeholders in the development of mechanisms that promote local authority alignment with national reform objectives.
   - **Coordination of public funding**. Part of Ukraine's reform involves replacing institutions, which are generally funded at national level by ministries, with family and community-based services, which are financed at local level. The Coordination Centre has prepared national multi-year estimates of the costs of the reform and is working with local authorities to develop estimates at those levels. It is important for major donors to the process, like the EU, to support the government to find mechanisms to make sure that funds are ringfenced for children's care and protection, so that it becomes possible for the current level of funding to follow the children from institutions to family- and community-based services.
   - **Ensuring the reform prioritises enabling all children to live well in families**. This means investing in inclusive, family and community-based care services, strengthening the social service workforce required to deliver them, and addressing the barriers that children, particularly those with disabilities and from marginalised groups, face to live with their families. The main metric for success should not be a reduction in the number of children in institutions alone, or the existence of a strategy. The EU has much it can share on this from the recent experience of Member States transforming their child care and protection systems.
   - **Children outside Ukraine.** The EU must continue to work with Member States to allocate the necessary resources for the provision of family and community-based care for children who have been evacuated from Ukraine, and work with the Government of Ukraine to ensure that those that return are provided with comprehensive support, and not re-institutionalised on their return home.

3. **<u>Continue to promote partnership with civil society and persons with lived experience</u>**. To successfully deliver the reform, it is important that the Government of Ukraine continues building on the promising practice of **consultation and collaboration with civil society, local authorities and other relevant experts** demonstrated during the development of the Strategy and Action Plan. The EU should champion effective partnership with civil society, as it does inside its borders. The EU should also promote and, where appropriate, support **participation of persons with lived experience, children, families, people with disabilities and their representative organisations** at all stages, as part of its contribution to the national reform.

These recommendations have been endorsed by the following organisations and networks:

Better Care Network
Disability Rights International
Eurochild
European Disability Forum
Global Social Services Workforce Alliance
Hope and Homes for Children
Human Rights Watch
Lumos
Save the Children Ukraine
SOS Children's Villages Ukraine
Ukrainian Child Rights Network

References

[i] UNICEF, International Social Service (2020) Assessment Of The Child Protection And Alternative Care System In Ukraine

[ii] Ukraine: Perils of War for Children in Institutions

[iii] Assessment of the Child Protection and Alternative Care System in Ukraine, UNICEF report, July 2020.

[iv] UN experts call for urgent action to protect Ukrainian children with disabilities in residential care institutions, statement, October 2022

[v] There is a lack of official data on the current number of children in institutions in Ukraine. Prior to the war, it was estimated that there were around 90,000 children "on the lists" of the different types of institution, with 23,600 children in round-the-clock care. Of the remaining number, it is not clear how many are part time residents, day pupils of residential schools, etc. (Based on information provided by the National Social Service as of August 2021). As of August 2023, 3527 institutionalised children remain abroad according to data from Monitoring of evacuation children abroad and of their return to Ukraine, SURGe, Support to Ukraine's Reforms for Governance. Thousands of unaccompanied or separated children may be in Russia or non-government-controlled territories in need of reunification with their families or relatives in Ukraine (Towards a comprehensive national strategy for deinstitutionalisation/care transformation for Ukrainian children, Ukrainian Child Rights Network, Save the Children, Hope and Homes for Children, European Disability Forum, SOS Children Villages).

[vi] For example, Human Rights Watch (2023) " We Must Provide a Family, Not Rebuild Orphanages": The Consequences of Russia's Invasion of Ukraine for Children in Ukrainian Residential Institutions. [Accessed 13.02.25]

[vii] Website of the Coordination Centre

[viii] UNICEF, International Social Service (2020) Assessment Of The Child Protection And Alternative Care System In Ukraine

[ix] Commission Opinion on Ukraine's application for membership of the European Union, June 2022

[x] Regulation (EU) 2024/792 of the European Parliament and of the Council of 29 February 2024 establishing the Ukraine Facility

[xi] European Commission (2024). Annex to the Council Implementing Decision on the approval of the assessment of the Ukraine Plan

[xii] Annex to the Council Implementing Decision on the approval of the assessment of the Ukraine Plan, as above