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**“DEVELOPMENT OF INTEGRATED
SOCIAL SERVICES FOR EXPOSED
FAMILIES AND CHILDREN”**



This project is implemented by
the EveryChild Consortium

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MONTLY SURVEY OF THE NEW REGULATIONS AND DRAFT REGULATIONS

RELATED TO CHILD CARE AND THE PROJECT IMPLEMENTATION

KYIV CITY, UKRAINE

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I. General provisions

In June 2007, Verkhovna Rada and President of Ukraine approved none major regulations for the exposed families and children care and, correspondingly, the Project objectives.

II. Expected impacts for the Project objectives

1. Some developments in Ukrainian legislation in May 2007 concerned the procedures of placement of orphans and children removed from parental care.

1.1. Law N 1072-V of May 24, 2007, „On amending some legislative regulations on adoption”; has never become effective, because President of Ukraine submitted his official proposals to this law on June 15, i.e. vetoed this law. However, these proposals do aim at promotion of the UN Convention on the children rights implementation and ratifying the Hague Convention on international adoption of 1993.

1.2. The model by-laws of centers for dwarfs’ protection “Our children” to provide continuous placement and full scale care for children of 3-18 years old were approved. The principal advantages of this type of children placement are their living at family groups with their tutors and securing employment or studies of the children coming into age. This innovative type of children placement shall be implemented in Kyiv City until 2011, under CMU Decree N 787 of May 30, 2007. If the pilot project results are positive, this type of placement would be recommended for implementation in other regions of Ukraine.

1.3. Ministry for family, youth and sports Order N 1386 of April 28, came into force on June 16, 2007. It approved the regulations on keeping the Unified databank on orphans and children removed from parental care, as well as individuals seeking for placement of these children. The same order approved the regulations on keeping the Unified databank of children in disadvantaged situation that shall be launched as soon as August 30, 2007.

It’s noteworthy that the National statistics committee publicized the official data concerning the number of adopted orphans and children removed from parental care (source: www.ukrstat.gov.ua, announcement of June 18, 2007):

	Number of children adopted within the year					The total number of orphans and children removed from parental care as of the end of the year
		By Ukrainian citizens	% of total number of adopted children	By foreign citizens	% of total number of foreign citizens	
2000	7692	5492	71,4	2200	28,6	...
2001	7593	4921	64,8	2672	35,2	...
2002	6925	4584	66,2	2341	33,8	...
2003	6345	4103	64,7	2242	35,3	96112
2004	5596	3515	62,8	2081	37,2	97590
2005	5241	3085	58,9	2156	41,1	97829
2006	4318	3184	73,7	1134	26,3	102912

2. As for public social allowances, some legislative changes occurred in June 2007.

2.1. In lines with CMU Decree N 605 of April 4, 2007, Ministry for family, youth and sports approved the regulations on disclosure of information concerning granting and payments of public social allowances for orphans and children removed from parental care, who are under custody and reside in their custodians' families, under the principle "money follows child" or quitting these payments as the pilot project in 2007 (MFYS Order N 880 of May 30, 2007).

2.2. On July 2, 2007, the similar regulations on disclosure of information concerning granting and payments of public social allowances for orphans and children removed from parental care, and compensations for parental carers and foster parents for delivery of social services FTCH and foster families, under the principle „money follows child”, or quitting these payments in 2007, shall come into effect (MFYS Order N 2006 of June 7, 2007).

2.3. The regulations on funding local budget assignments for activities to implement national programs of social protection from national budget subventions were amended with CMU Decree N 782 of May 30, 2007. Currently, these assignments include public social allowances for families having children, families with lower income, children with disabilities, as well as provisional social allowances for children.

2.4. CMU Decree N 790 of May 30, 2007, approves the model by-laws of labor and social protection departments in oblasts, Kyiv City and Sevastopol City administrations, as well as ones in districts, districts in Kyiv City and Sevastopol City administrations. This regulation specifies their powers in supervision of due delivery of public social allowances and other social benefits and

allowances to children and families with children, social rehabilitation of children with disabilities, as well as management responsibilities concerning public social inspectors and delivery of social services.

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3. A few legal developments in June 2007 were noteworthy for the Project objectives.

3.1. Regulations on allocation of national budget funds of 12,533 mln. UAH assigned in summer 2007 for activities related to leisure and sanitation of orphans, children removed from parental care and children from other socially disadvantaged groups were approved with CMU Order N 448-p of June 20, 2007.

3.2. The amendments to article 22 of the law on social protection of the people with disabilities in Ukraine provide for affirmative actions in educational institutions with I-IV accreditation level as well as in professional schools. Children with disabilities shall be enrolled, if passed exams (tests), while children from families with lower income shall have priority in enrollment, if both parents of the child or one living with the child are disabled. Besides, stipends or pensions (public social allowances for children with disabilities) shall be paid in full (law N 1000-V of May 5, came into effect on June 8, 2007).

Some provisions on affirmative actions for orphans are specified in letter of the ministry for education and science N 1/9-357 of June 8, 2007.

3.3. From June 5, vouchers for children leisure and sanitation in Ukraine are exempt from VAT due to amendments to paragraph 5.1.9 of the law on value added tax by the law N 931-V of April 13, 2007.

3.4. The major amendments to the framework law on health care were approved with law N 997-V of April 27, effective from June 20, 2007. In particular, these amendments empower patients of 14 years or older to select doctors and treatment, to be visited with relatives and guardians in hospitals, as well as keeping the medical information on these individuals strictly confidential. Moreover, disclosure of information on diagnoses and treatment for employers and educational institutional has been prohibited with this law. However, legal guarantees for disclosure of medical information for parents and/or guardians of the child became clearer.

3.5. The model by-laws of social hostels for individuals needing social care were approved with CMU Decree N 783 of May 30, 2007. Thus, social hostels are for families and for individuals entitled for social housing, but both types of social hostels are in municipal ownership. Standard rent contract for social hostels may be terminated by local governments only under the court decision. The rent fee for social hostels shall be set in lines with CMU Decree N 155 of February 7, 2007.

3.6. The action plan for implementation of the Strategy for demographic development until 2015, and more specifically, gradual increasing of social allowances for child care until three years up to the amount of living minimum for children younger than six years old was approved with CMU Order N 382-p of June 6, 2007.

III. Legislative proposals in Verkhovna Rada

In June 2007, Verkhovna Rada managed to run some lawmaking activities related to the children's rights protection.

In particular, the Ukrainian legislature passed the bills as follows in the first reading:

- 1) "On amending articles 155 and 156 of Criminal code of Ukraine" (Verkhovna Rada Resolution N 1129 of June 6, 2007);
- 2) "On amending articles 304 and 323 of Criminal code of Ukraine concerning penalties for crimes against families and children" (Verkhovna Rada Resolution N 1130 of June 6, 2007).

The Verkhovna Rada Resolutions on passing the bills "On amending Criminal and Criminal procedure codes of Ukraine concerning penalties for begging" and „On sanitation and leisure of children" have not been promulgated yet.

In June 2007, no legislative proposals related to children's rights protection and, correspondingly, the Project objectives, were submitted to Verkhovna Rada.

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