

Country - Ukraine

Alternative Report on the State of Children in Ukraine written for UN Committee on the Right of the Child that organizes hearing of reports provided by the countries-participants every five years.

Written by NGOs with the assistance of the youth.

The materials were compiled and edited by the All-Ukrainian Committee for the Defense of Children's Rights.

The Alternative Report has been prepared by a network of Ukrainian NGOs that actively participated in conducting Public Hearings concerning the development of the report and provided additional resources for its preparation.

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The Committee for Assistance to Child's Rights Protection

Informational Methodic Center "Debates"

NGO «Life School»

NGO Children's Chornobyl «Wormwood Flowers»

Ukrainian Foundation for Human Rights

Vinnitsa Club "Dialog" (Dialogue)

Poltava Center "Family House"

Foundation "Pidlitok" (Teenager)

International Humanity Center "Rozrada"

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Coordination Informational Center in Beregovo

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Winrock International

Piznaiko Magazine

Special thanks:

to the Counterpart Alliance for assistance in conducting public hearings on "Preparation and Writing the Alternative Report on the Statues of Children in Ukraine".

to Lidia Matiashek for editing of the English version of this report.

REPORT TO COMMITTEE ON THE RIGHTS OF THE CHILD

With the ratification of the Convention on the Right of the Child by the Parliament of Ukraine in September 1991, our state joined other countries under international supervision for the implementation of the Convention's provisions.

According to the National Report of Ukraine concerning the implementation of the Convention on the Right of the Child, the first substantial document on state policy for the defense of children's rights is the National Program "Children of Ukraine" approved in 1996. It identified the top-priorities aimed at an immediate response to children's problems and carrying out the provisions concerning children's rights stated by the Convention.

In these terms, the aforementioned Program might be considered the National Plan of Action (NPA).

However, we are unaware of the monitoring mechanism in place for the Children of Ukraine Program, considered the National Plan of Action. Therefore, it is extremely difficult to check, if even some of its objectives have been fulfilled; due to the vertical structure for reporting to the Cabinet of Ministers, the mass media and the civil sector are left in the dark as to what progress has or has not been made. Although the execution of each specific provision was assigned to certain ministries or departments, it is unclear which specific institutions or individuals are responsible for its monitoring and implementation level. Also, the funding level of the Program is still in question, which means that it is almost impossible to define the percentage of the plan's actual realization. Hence, the governmental actions concerning the fulfillment of the National Program "Children of Ukraine" were not transparent, and this information remains unpublicized and therefore not up for discussion in Ukraine. Adopted in January 24, 1995, the Law on the Agencies and Services on Juvenile Affairs and Specific Institutions for Minors provided provisions for establishing a central body to coordinate all the activities related to the social protection of minors.

In compliance with the National Report, the responsibility of carrying out national policy concerning family, women, youth and children affairs and their health protection, was relegated to the Ministry of Ukraine on Family and Youth Affairs and relative departments under the local executive bodies, which were established in 1996. However the aforementioned Ministry was reorganized six times since December 1995; first being downgraded to a department, due to funding cuts, and then to the State Committee on Family and Youth Affairs of Ukraine. In the course of these changes, the term for "children" was completely deleted from its title.

As to the Interministerial Commission on the Defense of Children which is defined in the National Report, it is important to note that the results of its activity remains unknown to the general public. In addition, the Commission is an advisory body, whose members work on a volunteer basis; sessions are held not more than once a quarter or even less frequently. Also, since 2000, the Commission has acted under the auspices of the Cabinet of Ministers.

The only publication thus far is the "State Report on the Status of Children in Ukraine", of which only 1000 copies were printed, which not only made it impossible for the general public to have access to this information, but was not even enough to cover all the government officials who work in this field. Moreover, the Interministerial Commission only approves the

State Report - it is actually written by academics working in completely different departments. Thus, the aforementioned publication cannot really be considered as a report on the activity of the Commission.

Therefore, it may be concluded that regardless of the law adopted in 1995, there is currently no state agency coordinating the activity on the issues concerning the problems of children.

It is no coincidence, that provision “B” of the National Report written in 2000, which refers to the “Monitoring Procedures to Sum Up the Results of the First 10 Years’ Activity” , was not addressed. The actual monitoring of results of the planned activities that were to comply with the stated requirement, was unfortunately practically non-existent. Particularly, such sections as “What was the role of civil society organizations and other parties, including children?” and “How were results achieved and distributed?” were not highlighted at all.

According to the National Report, the issue of improving the status of children was also foreseen by the “Reforms for Prosperity Program” of the Cabinet of Ministers of Ukraine. However, the public commission that examined the Cabinet of Ministers’ activity under the “Reforms for Prosperity Program” undertaken in 2000 stated that the social service budget for 2000 declared by the government was overstated and not confirmed by actual data. So, in comparison with 1999, real expenditures for education decreased by 7,5%, for health care – by 9,2% (taking inflation into consideration).

Those involved in the Campaign “Say ‘Yes’ to Children” noted, first and foremost the lack of purpose and the indifferent attitude of funding activities aimed to defend and implement the rights of children. They repeatedly emphasized that we cannot expect the harmonious development of children in Ukraine, as long as the budget is developed without taking children’s concerns into consideration, in other words, until it accounts for all the most basic provisions for children that are mandatory under current conditions. There can be no discussion of the further development of children in Ukraine at a time when the birth rate decreases with each year – 467,212 children were born in 1996, while in 2000 – 385,010. The annual reduction of the birth rate for the last 10 years has been 27,000 a year.

The absence of any specific funding provision for programs aimed at the protection of children within the state budget of Ukraine, is evidence that this issue with its complexity of problems and possible solutions has receded into the background of governmental priorities. In addition to lack of funding, the state has also not given proper attention to the coordination of training professionals working with children, and developing scientific and methodological publications that address the problems of children.

Programs for children are insufficiently funded on both the national and local levels. If we consider that state authorities pay little attention to children’s issues, then the situation is even worse on the oblast (regional) level.

At the same time, participants of the campaign strongly recommend developing a system that would award grants on a competitive basis to NGOs to implement programs targeted at children, in other words to perform social contracts in this field. A similar practice is currently in place in Poland, Moldova, Slovakia and many other states.

Regardless of the commitment to provide a broad awareness for both adults and children concerning the principles and provisions of the UN Convention on the Right of the Child (in

accordance with the article 42 of the Convention), the number of copies actually published of these materials was totally insufficient. State authorities are not familiar with the Convention's provisions; therefore those provisions are not implemented. According to a survey of teachers, lecturers, decision makers, and members of NGOs undertaken by the Social Monitoring Center (with the support of UNICEF in Ukraine), some of the provisions are known only to professionals dealing directly with the defense of children's rights and working with children. The general public is hardly aware of the UN Convention's existence and purposes.

According to the aforementioned survey, among minors- 8% of the children do not know a single right stated in the Convention. One fifth of the children of at-risk groups (children of migrants, gypsies, children brought up in unfavorable families or families that have many children) know nothing at all about children's rights. Children have no idea of the mechanism to implement the Convention's provisions.

The low level of public awareness of children's rights is further evidenced by the fact that anywhere from 9-28% of the respondents were hearing about some of the rights stated by the Convention for the first time.

Among the respondents, the least-known right was that of the right to privacy – 28% of children heard about it for the first time in their lives. In our opinion, this is easily explained by the fact that our legal system never dealt with this concept earlier. Hence, even now this right is considered as a rather “extraordinary” phenomenon that is not characteristic of our society. The absence of the right to privacy is also apparent in everyday life. Researchers [2] admit that school children complained about the absence of any partitions between toilets. Some claim that this is part of an anti-smoking campaign conducted by the school administration, for the same reason the school monitors on duty are assigned. There is also a lack of knowledge concerning the right to be protected against: information hazardous to children (22% of them heard about it for the first time); being kidnapped (21%); forced, hard, and dangerous labor (21%); sexual exploitation (21%). Among the better-known rights are those pertaining to the rights to be cared for by parents, relatives, society and state, and the right to speak your native language and practice your culture; the right to education (only 12% are not aware of it) and the rights of orphans and disabled children to specialized care (12% are not aware of it).

Only 3% of the respondents thought that the rights of children in Ukraine are not being violated. The children believe that their right to professional medical care (49%), the right to the good nutrition (37%), the right to professional education (33%), the right to rest (29%)- are all being violated. One third of the child respondents considered that their rights to a normal standard of living (32%), to survival and healthy development (29%) are being violated by the state. Almost half of all the children are convinced that they are inadequately protected against brutality, tortures, cruel behavior (49%), against being kidnapped and trafficked (49%), against drugs (43%), sexual exploitation (38%), the forced, hard, and dangerous labor (34%).

As to the principle infringements, the children identified the abuse, threats, and battering of children by adults (personally experienced mostly by children 9 to 12 years of age). Children were beaten for poor marks, bad conduct, or by parents under the influence of alcohol, (such answers, as a rule, were given by children who referred to the experience of others). However, Ukrainian legislation does not provide for measures against adults who violate children's rights to personal immunity, infringement of their dignity and honor. The figures on domestic violence against children are constantly increasing. In 1996, 144 children died of such brutal actions, 89 children committed suicide, 50% of which according to criminal investigators, were

caused by the family environment [1]. Therefore, it is mandatory that these legislative changes are introduced, to ensure that these actions carry the appropriate punishment. This provision should be stated in the Constitution. The protection of children against the abusive behavior of either their parents or guardians is an important step towards the recognition of children's rights, based on international norms and standards.

When asked to what extent they are able to express their opinions freely, only 38% of children responded positively. When responding that "adults do not take my opinion seriously" or "I have no chances to speak out"- more girls responded positively than boys, more adult children than those of 9 to 14 years of age; more children brought up in prosperous families, rather than those from less affluent families; more urban residents, than those from rural areas.

As to the introduction of the UN Convention of the Right of the Child provisions, there are currently no mechanisms for a child's claim against brutal behavior they experience at home or at school – children have no right to press charges or act as claimants.

There is also no system to provide for children's participation in the policymaking process concerning children's issues. Even in schools, where children have the right to self-government, realistically this self-government is not practiced. Research has shown that [2] access to the school by-laws is not available at half the schools where self-government is practiced. The reasons varied: the statutes were either "not easily available" or "in the process of being reworked", and or could not be found by the principals. In the rare cases when the researchers were given an opportunity to review the statutes, as a rule, they were just a duplication of the sample statutes for secondary educational establishments approved by the Ministry of Education. Having analyzed the contents of the available statutes, the researchers concluded that not one of them contained a detailed explanation of the mechanism to reinstate violated rights; although, as the researchers strongly believe, these very issues should be regulated by the school statutes.

In order to determine the extent of the students' awareness of decisions approved by the Student Councils, the researchers asked them specific questions, such as "Does a self-governmental student body exist at your school (for instance, Student Council, Students' Parliament, etc.)?" The answers were as follows, "yes" – 33%, "no" – 33%, "I don't know" – 34%. Hence, two thirds of the respondents either don't know about the self-governmental bodies' existence or are convinced of their absence. At the same time, all the school principals affirmed the existence of such bodies.

The lack of a single structure, financially supported and authorized to supervise the implementation and defense of children's rights on all levels, is evidence that there is no single mechanism for the protection of children's rights. Hence, we believe in the critical necessity for the establishment of an independent institution of an Ombudsman on the Right of the Child, who would act in compliance with legislation and international documents in force.

Existing state institutions dealing with the implementation of the right of children do not have the common executive structure, since their organization, authority, responsibilities, functions, possibilities, and methods of work differ from region to region, even within the same legislative framework. In general they require more authority and resources.

Very often, state agencies dealing with the protection of children's rights realization duplicate each other's functions or realm of responsibilities. At the same time, not all realms are coordinated by state agencies, and are unable to guarantee the rights of neglected children.

The National Report cited the approval of the "Concept for the Early Social Rehabilitation of Disabled Children in Ukraine". However, there is quite a leap between concept and reality. As demonstrated by the Program of National Actions concerning the Implementation of a National Doctrine for Ukrainian Education Development in the 21st Century for the period of 2001 through 2004, development and approval of Special Education State Standards for Disabled Children is scheduled only for the third quarter of 2003.

Currently, the state relies on the parental support of disabled children, which is, of course, hardly enough to cover the actual expenses for their special needs, or to provide them with a normal standard of living. There are no state programs or relative agencies to provide support to parents who take care of their disabled children at home. These issues are being addressed only by NGOs, through humanitarian assistance, etc.

Thus, the only two choices disabled children have are either to leave their family and study at boarding schools that cannot guarantee them a high level of education due to poor resources, or to refuse an education at all, since the state home-schooling system is rarely effective (lack of faculty; one teacher for all subjects; insufficient financial resources of parents). According to the defined norms disabled children are guaranteed with only 3 hours of out-of-school education. The opportunity to receive a professional education is also depressingly low-annually 7000 disabled children receive an incomplete secondary education, yet there are only five technical schools with a short list of professions throughout Ukraine that can offer them the chance to continue their studies.

The National Plan also includes a monthly allowance to families with children. However, in these sections different rates of adjustment are used (for instance, the two different minimal salaries that are established and reviewed annually – 74 and 118 UAH). Yet, in accordance with the current data of the Ombudswoman for Human Rights, over 70% of Ukrainian citizens can be classified as poor. The Plan provides the titles of numerous documents regulating these issues, though without any conclusion as to whom of the general population should this allowance be extended. The limit set by UN standards defines a "survival level" – one dollar per day for each member of the family. However, it is difficult to assess what percentage of children in Ukraine obtain this or an even lower level of funding. This data cannot be determined through the analyses of statistics and state documents.

According to the National Report, 30% of Ukrainians are suffering of poverty, including 15% who live even below the poverty level. At the same time, results of a household survey show about 28% of Ukrainian families can be included in the category of poor, which is about 4,8 million; yet the mechanism of obtaining this data is not clear, since there are no defined criteria for poverty in the country. The majority of families, particularly those that have two or more children or single parent families, can hardly make ends meet. According to the survey data [3], 31% of families with children had income lower than the minimum wage (which assured them an allowance to support their children): 44% of them were single parent families, 53% were families with one child only, 64% with two children, 86% with three. Hence, families with many children are in especially difficult situations.

According to the social survey conducted by the Ukrainian Institute of Social Research (attached in [3]) almost all families that have two or more children admitted that their family's financial status was below the normal standard, which indicates that families cannot provide sufficient economic standards and living conditions for their own children. In 1996, the financial status of 71% of families with children below 15 years of age decreased. Among other reasons, this was due in part by the closing or operational irregularities of some enterprises, which made it impossible for them to meet commitments to provide state assistance to families with children, victims of the Chernobyl disaster, and other payments. In February 1997, the Social Monitoring Center and the Ukrainian Institute of Social Researches jointly carried out a survey on family budget expenditures. The obtained data [3] indicated that although the state guarantees the provision of free social services, almost every second respondent paid for them out of their family budget in the first half of the 1996-1997 school year. This means that the public is paying for the medical care, education, textbooks, etc. of their children.

At the same time, the data of the public commission that examined the Cabinet of Ministers' activity under the "Reforms for Prosperity Program" [4] indicated that in 2000, only 12,000 families qualified for individual social assistance for poor families. This monthly assistance averaged about 10 hryvnias 63 kopeks monthly (which is about \$2 a month).

Assistance to single mothers is even more unsatisfactory. Divorced women in particular, have no other option than to raise their children alone as there is no reliable mechanism to enforce child support payments from the other parent. The system for exacting child support payments is not efficient, as it does not guarantee the timely payment of the alimony, and also allows the father to delay payments (as frequently occurs – the father either works unofficially or has left abroad). In some cases the delay in paying the alimony can extend to several years, which violates the right of a child to sound development. There are no clear state mechanisms to regulate these issues.

To address these issues, the following actions are proposed:

1. To conduct a broader public awareness campaign concerning available assistance and indicate their target audiences.
2. To define the criteria of poverty.
3. To assist social services organizationally in dealing with families at the complete poverty level, particularly those that have children with chronic diseases and, or those who do not attend school.
4. To pay up any allowances owed and avoid any debts in future.
5. To improve the material resources of educational establishments for disabled children.
6. To promote legislative regulations on the establishment and activities of specific social services that should provide assistance to families of disabled children .
7. To ratify appropriate conventions and establish corresponding mechanisms in order to implement those provisions that relate to the protection of the Rights of a Child in Ukraine.

According to the National Report, for the past five years a number of urgent, preventive measures were taken regarding the issues of homeless or neglected children. The main focus was on taking children off the streets and eliminating their vagrancy and mendicancy. Almost all neglected children do not attend school, though they are required by law to do so at their age. This is foremostly a violation of article 35, the Law on Education in Ukraine, concerning the obligatory completion of secondary education. These children sometimes do not attend school for half a year to a year, in rare cases - 5 - 7 years. The majority of "street children" have

hardly completed more than 3 or 4 years of study, thus having received no more than a primary education [5]. Every fifth child surveyed cannot read; every fourth child does not know grammar or how to write. 99% of the children kept in a Kyiv shelter for minors [6] either have never attended school at all or abandoned it 3 or 4 years ago, hence do not have any writing or reading skills. During the often long search for a child's documents, the child stays in the shelter without attending school. There really is no opportunity for these children to "catch up" on their education, so that they are brought up to the same level as other children their age. All of them suffer from either chronic or infectious diseases, namely diphtheria, chicken pox, measles, scab, etc. They often test positive for sexually transmitted disease. All of them suffer from pediculosis (lice infestation), have been psychologically traumatized, and for the most part, are substance abusers.

However, there is no data base of families in desperate situations and their children. For instance, we do not know how many homeless children live in Ukraine. Some authorities consider this problem to be insignificant since, as they say, the number of homeless children is under one thousand. Others consider the figure to be more considerable – closer to ten thousand. According to Ministry of Internal Affairs data, in the course of special actions undertaken in 2000, 57,000 homeless children were found. On the other hand, UNICEF data indicates there used to be 100,000 homeless children. Under the circumstances, it is crucially important for Ukraine to formally recognize, on a governmental level, the social phenomenon of "street children". Although legislation technically does exist, there are no actual procedures and mechanisms for its implementation.

There are considerable problems as to where to house these children. There currently are 87 shelters for minors in Ukraine. There really is no necessity to increase the number of shelters, however not all children are aware of their right to turn to these shelters for help, or they simply do not know about their existence. Additionally, no preventive measures are taken towards children at crisis, - in orphanages and boarding schools and that have abandoned their family. Thousands of children do not attend school, and are forced into begging or the sex industry.

Ukraine has 11 boarding schools for the social rehabilitation of minors who have committed a crime. The general capacity of these schools is about 1760 children. Yet only 560 children are currently within the system, which proves that there are severe inadequacies as to how these systems are managed – children can only be placed at these boarding schools after a court decision that may take over a year. Thus, the rights of a child are violated during the drawn out process of reviewing the case.

The system for assuring proper care of children is an issue of great concern. There is a critical need to establish a single system with all the divisions (orphanages, shelters, family-based orphanages, boarding schools, foster homes) subordinated to a common structure of child protection state agencies. Nothing has changed in this sphere, since the first report Ukraine made to the UN Committee.

NGOs state the necessity to reform funding practices and establish a mechanism to provide funding for the education and support on a per child basis, not of an establishment in general, as is currently practiced.

It is important not to slow the pace of introducing new forms of the state guardianship system. The former Soviet-style approaches still prevail, do not meet the needs of children and are extremely wasteful.

The official data for orphans and children whose parents are deprived of guardianship rights is about 103,4 thousand in Ukraine. According to the Ukrainian State Committee of Statistics, the annual increase of orphans and children under its guardianship is about one thousand. In the last five years, the number of orphanages and boarding schools has risen, as has the number of children brought up in them.

In comparison with some other European countries, the number of educational establishments for orphans in Ukraine tends to be increasing.

However, it has long been proven that this is not the best variant – a child has the right to be brought up within a family. So the best choice is foster care or family-style homes. Yet the government intends to continue supporting the network of boarding schools (in compliance with the National Report [7]), while only 38 children are brought up in foster families.

Children's services' personnel is only at 42% capacity. Each employee should provide services for 2000 or even 3000 children.

The National Report states, that the government took measures to introduce recommendations of the UN Committee on the Right of the Child which were given November 3, 1995 on the basis of the first National Report of Ukraine in 1994. Since the state has not provided a detailed analysis of the aforementioned recommendations, let us review only those which have not been implemented:

1. There is still no single governmental agency authorized to coordinate all issues regarding children's development in Ukraine.
2. There is still a marriage-age discrimination between boys and girls (18 and 17 respectively), which is of even greater significance now that the graduate age of today's elementary school students is 18 or 19.
3. There is still curriculum discrimination in the educational system- girls attend home economics classes to learn sewing and cooking, while boys attend computer classes.
4. The mechanism of ensuring the best interests of children under the state decision making process has not been established. Moreover, the documents relative to the development of Ukraine define almost nothing concerning children's interests.
5. There are no national programs to train personnel to teach children their rights. This process is facilitated only by NGOs.
6. The status for the development of children's literature and the protection of children from the hazardous influence of mass media remains unsatisfactory. Television is currently the main educational tool for children, at a time when films popularizing violence, dissoluteness, crimes, alcohol addiction have overtaken the television screens. There is a great demand for children and adolescent programs and movies aimed at raising their spirituality, healthy approach to life, etc. The same issues hold true in the press. Whether on the street or in public transportation, everyday children are faced with tobacco or alcohol advertising, and erotic or pornographic images.
7. There is no independent agency that children can turn to as victims of domestic violence. Beating a child remains one of the principle methods of discipline.
8. There are no social rehabilitation programs to help parents whose guardianship rights have been revoked in taking children back to their own families. This results in the extremely low number of cases where parental rights have been restored.
9. There is no system to independently monitor children under the guardianship of the state. As long as the examination of conditions in state establishments for children is

conducted not by independent experts, but by inspectors from within the same establishment, these reviews will remain perfunctory and unsatisfactory- especially if establishments do not face serious consequences when they violate the law. Therefore, it is natural that children avoid complaining, since the information will soon be handed over to the teachers they were complaining about.

10. Social services that provide assistance to families with children do not have programs that respond to the needs of those families, nor the professional staff to carry them out.
11. Educational programs aimed at nurturing parental responsibility in newly married couples.

It is important to note that the existing system of school funding out of local budgets is ineffective. Financing of **secondary education** in Ukraine is provided through the state budget in compliance with a per-student-based standard allowance. The raion or local executive bodies and local departments of education authorized to distribute budget funding and supervise state education tend to disregard the funding of children's education, often allocating whatever may be left over from what they consider bigger priorities.

There is a discord between the scope of objectives laid out by the government regarding education, and the extent of funding for these objectives. On the one hand, there is a tendency to expect education to continue developing its curriculum and to increase the course of time for an education, while on the other hand, state budget funding for education is being reduced. Children are overloaded by the scope of material they are expected to learn; and the number of pupils in each classroom is about 35-40 children, which, of course, negatively impacts the quality of education [8].

Relying on their good personal relations with supervisors, school administrators try to ensure their school or raion with certain funding conditions. This can lead to a decrease of financial discipline and incentive to economize on all levels - city, district or school. Under the conditions of nontransparent budgets, this practice is rather common, considering that the Soviet methods of management were based on these very relations with the authorities. Within these terms, the destiny of each educational establishment is defined through nontransparent and closed negotiations. This method of distributing resources allows for taking advantage of the educational system in the course of election campaigns in order to manipulate public will. Among the schools surveyed [2], not a single one has undergone capital renovations paid from the budget in the last three years. Such renovations are either not done at all, or done on account of financing by students' parents.

The annual school dues, registered as charitable contributions of parents or sponsors into the school budget range from 10 to 500 UAH [2].

It is a well-known fact that raions (districts) that have more limited funding are more likely to put the majority of educational expenses on the shoulders of families, than those districts that are better off. According to independent experts, kindergartens of Kherson oblast provided 8 kopeks for children's nutrition in 2000 and 26 kopeks in 2001 [9]. Hence, the demand for the parental extra charge is higher in rural areas. At the same time, the parental potential of paying for their children in those areas is lower than that in urban kindergartens. As a result, a considerable number of parents from rural areas cannot provide these charitable contributions, which leads to the worsening children's relations with their teachers. The experts state that children brought up in poor families, who did not attend preschool establishments, are less adaptable towards study at school. Thus, instead of creating equal conditions for educational

opportunities through budget adjustment, state policy proves to be inconsistent, deepening inequality and restricting poor families' ability to provide their children with quality education. These nontransparent mechanisms of parental funding result in creating strained situations among the parents. Those children whose parents provide financial support to the school receive more privileges in the course of their study.

Due to the lack of funding for educational establishments, the right to free education stated in the Constitution is simply a declaration. The right to free education is actually eliminated due to the constant demand for "charitable funds" for renovating classrooms, school repairs. How these funds are actually used is not necessarily under proper controls either. For instance, some headmasters take advantage of parental financial support to fix their own offices [2], even when the school has much more critical repair problems to address.

As to the actual functioning of the state system of education, it is worth mentioning that the school staffs of teachers, school psychologists, and educators for extracurricular activity were reduced, while the number of children in the class was increased to 25 or even 30 persons. The number of students within a class depends on the area the school is located in (either a big city or village). The Department of Education forces the administrations of schools to provide generalized data on the number of school children in classes.

Generally speaking, education reforms (such as the switch to 12 years of study and a 12-mark system) are being implemented without any serious grounds, or pilot projects, which causes problems and a decrease in quality. For instance, the switch to a 12-year system of study was implemented before the funding of the required methodological literature and manuals to ensure this switch will be undertaken in 2002 through 2004.

Before the reform of secondary education was introduced, the appropriate preliminary preparation had not been completed in the regions, particularly in the rural areas.

The key personnel of education departments and establishments on the local level cannot introduce these reforms, as they are unable to absorb the flow of information they receive through ministerial circulars, with instructions that often seem to contradict each other. There was also little thought given to the switch to the 12-mark evaluating system, since it does not yet exist in higher educational establishments, so the existing 5-mark system will cause psychological pressure on entering university freshmen that are will now be used to the new 12-mark evaluating system.

The program of school computerization is also not being implemented at the local level as well. The majority of children do not even have the most basic computer skills, which may impact negatively their future ability in achieving a highly intellectual profession and to benefit from the achievements of the post-industrial, information civilization.

It is also important to note that the monthly salary for teachers is about 30 USD; actual payments are made irregularly, especially in rural areas. According to official data, as of the end of 2000 the salary of teachers without any category was 118 UAH, technical personnel – 119 UAH, the headmaster/principal (1st category) – 156 UAH. All these sums are under the poverty line, which leads to staff problems and a serious decrease in the quality of teaching, causing a lack of faculty, especially in rural areas.

The current percentage of children attending primary school in Ukraine is 86,4%; about 40,000 students do not continue studies after the 9th grade.

In many schools throughout Ukraine, the main obstacle to a proper education are the unsatisfactory conditions under which students are supposed to learn.

Due to the lack of funding for public utilities – electricity and central heating – thousands of Ukrainian schools cannot ensure an effective educational environment, moreover, it is often even hazardous to the health of the students. Another serious problem is that a child cannot expect to have a normal life when, heat and electricity are shut off in both the school and the home, as is the case in some oblasts in Ukraine. During the winter, there have been cases when the central heating was turned off at numerous rural schools, and the faculty and students attended classes wearing their overcoats. A considerable number of students did not attend school due to illnesses. Not being able to provide at least the most basic conditions for children to learn, state institutions and local authorities violate the right to education. In this situation, faculty cannot provide the appropriate quality of education, and children fail to comprehend the curriculum material.

Another critical issue is the wide gap of educational standards between rural and urban schools, at ordinary schools and elite schools like lyceums, gymnasiums, etc. 40% of villages do not have schools at all, while 60% of schools are suffering a lack of professional faculty.

The teaching level of rural schools is much lower than at urban schools.

The consolidated budget of Ukraine for 2000 at first sight shows an increase in educational expenses. The percentage was 15,3% in comparison with 13,3% in 1999. Yet we should also consider that considerable funding for education was provided from the individual budgets of establishments (services paid for by educational establishments that were not included in the budget before). In comparison with 1999, the 2000 budget expenses were decreased by 12%. Hence, when asked “ What obstacle is there to the right of a child for an education?”, 75% of teacher- respondents of the survey held by the Social Monitoring Center responded the introduction of paid services and low salary of the faculty; 29% - not all children can attend school; 17% - reducing the number of educational establishments.

Yet the same study demonstrates the desire of children to receive a quality education. The understanding of the importance of higher education is widespread among youths. Almost half of the children surveyed- 45%, intend to continue study after secondary school. Only 4% of respondents stated they did not need higher education. At the same time, 35% of youths want to receive a higher education, but are not sure they will be able to achieve this. 70% of youths from families that are financially secure are sure that they will be able to reach their goal, while only 31% of children from poor families carry this hope.

The primary obstacle in improving the Ukrainian educational system is that independent experts or NGOs are not allowed to evaluate the activity of schools.

In spite of insufficient funding, changes can still be made to improve the situation. The state should consider the following recommendations:

1. To improve the effectiveness of the school financial management system and increase public control of educational establishments, it is necessary to establish legitimate

- agencies of public control for educational affairs, consisting of representatives from the local community, for instance, school councils, NGOs, etc.
2. While organizing the activity of school councils, new methods of public control and accounting need to be implemented so that they can become an integral part of a new budget process for the preschool and secondary school system.
 3. To decrease the capacity of classes to 25 persons.
 4. To increase funding for schools.
 5. To introduce the system of free, organized transportation to get students to and from schools, especially if schools are located far from where the students live.
 6. To conduct a gender analysis of manuals. To conduct an analysis of the curriculum in order to uncover any “hidden” curriculum.

The quality of preventive education and advocacy for a **healthy life-style** is unsatisfactory. According to our survey held in the framework of the UNESCO program, among senior students, only 3% of them have access to the subject of a healthy life-style at school. This leads to the irresponsible attitude of students regarding their health; youths are not aware of healthy nutrition and the necessity of sport activities. As to AIDS, alcohol and drug addictions, harmful influence of smoking, most youths are exposed to only occasional and, sometimes, false information. In addition, children are convinced they know everything about these phenomena and consider themselves immune to any of their dangers. This careless attitude and mistaken imagination are caused by a lack of preventive education in this field, for even if it is conducted, as a rule, there is no real system, and the methods used are outdated and poorly presented by individuals who have not been trained in this field.

There is not a single provision about the necessity to teach students about a healthy way of life in the Program of National Actions on the Implementation of National Doctrine for Ukrainian Education Development in the 21st Century for the period of 2001 through 2004. However, the same document does mention the need for the “implementation of activities aimed at raising awareness and preventive campaigns among the students by means of publishing the scientific and methodological magazine “Vykhovannia shkoliara” (Education of a Student), while the campaign targeted to increase parental awareness of the pedagogical culture would be restricted to the publication of an encyclopedia on family education, legal encyclopedia for parents, and an encyclopedia on children’s rights. It is highly unlikely that that these actions will be sufficient in addressing these burning issues.

According to the National Report, “much attention has been directed towards identifying national governmental priorities regarding children’s issues, by researchers who have conducted numerous studies”. However the truth is that these studies are funded on the basis of the “leftover” principle and are actually conducted on a volunteer basis since the scholars’ salary is really low and research expenditures such as equipment, accessories, computer analysis, Internet, business trips, literature and others are not supported. The national expenses for the development of science in Ukraine are two times lower than EU standards.

The participants of the final stage of the universal campaign “Say ‘Yes’ to Children” in Ukraine claim that changing the system of education from one that is free of charge to one that requires payment, limits a child’s choices for an education. Also, in most regions of Ukraine, especially rural areas, the system of free extracurricular activities (study groups, sport activities, local clubs, etc.) has almost vanished, and, as a result, children are left to spend most of their time in the street getting accustomed to bad habits and undertaking criminal activity during their free time.

Attention was also focused on the fact that there was a decrease in possibilities for children and youths to study their traditions and native culture (either Ukrainian or that of national minorities) within curricular or extracurricular activities – all kinds of traditional arts and crafts, choral singing, and dancing are disappearing because of the absence of funding for new programs and minimum support to existing ones.

In Ukraine, there are no real opportunities for particularly gifted or talented children and youth, nor an incentive system for their further development. Existing programs are few in number and, as a rule, are sporadic at best.

The state has shown no interest, mainly at the local or regional levels, in the development of talented youth, which results in either their outflow abroad or the leveling of their existing abilities.

Yet it's worth mentioning that such exceptional talent and special abilities are sometimes the only link with society, and probably the best hope for survival for thousands of children brought up in poor families under the conditions of a transitional economy.

Denying financial support for children with special artistic and intellectual abilities may lead to the spiritual emptiness of the nation, and the loss of many achievements in the future.

Taking into consideration the existing experience of successful collaboration between NGOs and state educational establishments, the idea of developing a mechanism and appropriate regulations to facilitate their cooperation is called for.

The issues of health rehabilitation and leisure for children has been put off for the far future. The Program of National Actions concerning the Implementation of National Doctrine for the Ukrainian Education Development in the 21st Century for the period of 2001 through 2004 provides “to have a national target program for the health rehabilitation and leisure of children, teenagers, and students to be developed by 2005”.

According to official data, the number of children who participate in health rehabilitation is increasing, although this is partially on account of reducing vacation days, or due to the fact that many children are now treated in the regions they live.

Poverty is still a crucial problem for Ukraine, which affects both the birth rate and children's health. Ukraine is currently experiencing a demographic crisis. In 2000, the population of Ukraine was decreased by 419,6 thousand, thus the natural reduction of the population was record-breaking - 7,5 persons out of a thousand. Similarly, the coefficient of the birth rate was also extremely low – 7,8 persons out of a thousand. In comparison with 1993, the infant population decreased by 1,4 million. At the same time, the number of disabled children has increased by 28,5 thousands.

In comparison with 1993, the sickness rate of children increased by 14%. The rate of teenage girls' illnesses affecting the reproductive functions, at the same time, increased 5,7 times in comparison with 1991, particularly, anemia – 6,9 times, menstrual disorders – 3,5 times, and urinary-genital diseases – 3,8 times. 90% of the total number of teenagers have various health troubles, 20% of them suffer from two or even more chronic diseases. One of the reasons for this is that medical institutions violate gratuitous statutes of medicine declared by the state. The

medical personnel require their patients to purchase medicine and other medical products. The nutrition of hospital patients is either not sufficient or almost non-existent. In many regions of Ukraine (Kyiv, Luhansk, Lviv, Zakarpatia, Rivne, Donetsk, Kharkiv oblasts) students are forced to purchase syringes to undergo the obligatory vaccination in the framework of the state program for vaccination.

First aid assistance in rural areas needs to be improved. Ambulances do not always respond to phone calls, even if it concerns the life or death of a child (Ternopil, Zhytomyr, and Autonomous Republic of Crimea).

Many children who left their homes for a variety of reasons no longer have access to medical assistance at all. We propose to develop a simple network of medical assistance points for street children, orphans and others who are deprived of medical assistance under their residential permit, and to work out procedures to provide this assistance to children who turn to state medical institutions and non-medical organizations.

The propositions concerning the field of health care for children:

1. To reinstate the disappearing institution of medical personnel for educational establishments (Zaporizhia, Ternopil, Lviv, Transcarpathian oblasts, and the ARC).
2. To address the issue of regular and constant usage of iodized salt for children, (especially in mountain areas).
3. To conduct regular examinations of children's health, taking into consideration the decreased number of youths who do not attend school (street children and boarding school children).
4. To conduct regular awareness campaigns aimed at preventing drug and alcohol addiction. To develop more efficient relative methods involving regions all over Ukraine, and particularly rural ones; to undertake this activity through the joint efforts of professionals, state institutions and NGOs.
5. To introduce thea mandatory health care class, to include the subject matters of nutrition, alcohol, drugs and sex education.
6. To limit or eliminate all alcohol and tobacco advertising .
7. To increase the health rehabilitation period for youths from 18 to 24 days.

One of the consequences of the fundamental changes in all fields of Ukrainian society, economy and spiritual life is the exploitation of child labor.

There are numerous cases of **child labor exploitation** in the informal sector of the economy. Among the activities that most often illegally employ children or youths are newspaper sales, car washing, transportation of heavy loads, trade assistance, sex industry, collecting and selling scrap metals, etc. One of the most hazardous activities for children's health is the stealing of metal machine elements, power lines, etc. which is resold as scrap metal; this has resulted in numerous cases of death or permanent physical disabilities in children attempting to steal live cables.

In order to study the problems of youths, including labor, the Ukrainian Institute of Social Research along with the Social Monitoring Center conducted a survey of 1160 juveniles ranging from 10 to 17 years of age, in compliance with an all-Ukrainian sample [3]. They used a set of questions to determine the level of children's involvement in paid labor, thus defining the trends of juvenile labor exploitation in Ukraine. According to the survey, 31,7% children of this age have already been involved in a paying job. Two thirds of them started their labor

activity prior to reaching the legal working age. The majority of employed children worked in Kyiv, which was one fourth of the respondents.

According to other studies [10] held in 2000, 59% of children and teenagers worked for money: 65% of them are school children in the 5-9 year of study; 50% are students of 10-11 grades; 44% - students of technical schools and colleges. Since the study also included parents, the authors included an entry concerning children's work according to responses provided by parents: over half of the children work 1-3 days per week; one-fifth – 4-5 days. The latter percentage is also true for those who work 6-7 days, which is a violation of current labor legislation. Over one third of the respondents work no longer than three hours a day; another one third of the children work 4-5 hours, while each fifth works 6-8 hours a day. Some parents identified cases when children work, 10 or even 13 hours a day, which is completely unacceptable for minors.

In general, the high rate of children's labor is a particularly distinctive feature for youths from rural areas or those deprived of parental care.

Due to the absence of mechanisms for state control of the conditions of child labor, minors often work in dangerous environments that are hazardous to their health and prevent children's socialization. 90% of minors who work are not officially registered, which results in illegal shadow labor. Some children are forced into labor, experience physical and moral abuse, and are deprived of the right to proper education. The matter of children being forced into the sex industry, which affects their health and psychological state is of particular concern. The rate of children's involvement in the sex industry in the country is increasing each day. This is particularly true in recreational areas, big cities, etc.

The following steps are required to ensure legal regulation of child labor:

1. To define the issue of employment for minors, that would help avoid violating children's right to education, recreation, sound nutrition, etc.
2. To develop a procedure that would require parental (or guardian) permission to employ individuals under 15.
3. To work out a list of jobs prohibited for minors, due to negative impact on the moral and mental development of children (as declared by article 3, International Labor Organization Convention #138).
4. To develop provisions concerning the types of "light work" allowed for minors and to define the terms and conditions for children doing this job, depending on their age (as declared by article 7, ILO Convention #138).
5. To work out and introduce legal provisions concerning child labor exploitation, in compliance with the UN Convention on the Right of the Child.
6. To define the principle notions of "child labor", "exploitation of child labor", "labor education" under the Law on Childhood Security.
7. To introduce effective legal mechanisms that would apply a system of disciplinary, administrative, civil, labor and criminal liability for violation of legislation on child labor, regardless of the type of enterprise, establishment or organization.
8. To introduce educational and legal programs on the employment of minors.

Having ratified the UN Convention on the Right of Child, the state took on certain financial commitments for its implementation. Today, it is evident that the state does not accord enough attention to this matter, nor does it provide sufficient funding for its implementation.

One of most important tasks to be addressed is to identify the development of the Project Concerning the Strategies and Programs on Elimination of Poverty as a state priority aimed to facilitate and improve the conditions for life and education of juveniles. Article 27 provides an allowance for families having children (and to special categories of children) in accordance with the official cost of living, as defined by the Verkhovna Rada (Parliament) of Ukraine.

The following steps are required to improve the legal and social status of children in Ukraine:

1. To establish a single state body to coordinate all issues concerning the development of children and defense of their rights.
2. To work out new methods for the legal protection of children, including establishing court educators, juvenile courts, to strengthen the legal responsibility of parents, social institutions, and state authorities for the violation of children's rights.
3. To use all necessary means possible to create and increase the effectiveness of existing establishments that provide social assistance to minors.
4. To introduce legal provisions for the establishment and maintenance of social and psychological rehabilitation centers.
5. To undertake appropriate actions to shelter and provide social assistance to "street children".
6. To decrease the number of boarding schools and orphanages in order to instead establish a program of family-style orphan homes and foster homes.
7. To introduce changes and amendments into legislation concerning increasing parental responsibility for neglecting their commitment in bringing up their children, which would deprive them of parental rights.
8. To work out programs for social and psychological assistance to abused children.

It is necessary to approve relevant international agreements to ensure wider realization and defense of children's rights. Children should have the appropriate mechanism to voice their opinions concerning issues relevant to them (Article 12), thus involving children in the decision-making process and ensuring implementation of this mechanism.

NGOs could play an important role in facilitating the existing situation. However, Ukrainian legislation does not provide any mechanisms for NGOs to carry out work contracted out by the government.

Due to lack of funding, no system of juvenile courts has been established so far, though they were mentioned within the Ukrainian Law on the Bodies and Services of Juvenile Affairs and Specific Establishments for Minors back in 1995. The institute of court educators is almost absent.

Of special concern is the issue of juvenile criminality, which has increased to 1296 cases per 100,000 minors in 1998, compared to 974 cases per 100,000 registered in 1990. The conditions of juvenile detention centers do not meet with UN requirements, which, as a rule, result in promoting the deepening of criminalization instead of providing education and guidance. Having left the detention centers, juveniles normally come back to the street and in a while return to the detention centers since the existing system of employment, education and housing provision exists mostly on paper. Legal procedures concerning the provision and securing of proper housing for children continue to fail to be met.

To some extent, this is provided for by the Ukrainian Criminal and Criminal- Procedure Codes which are in force, and were recently revised (in 2001). However, the philosophy of approaches

to address the issues of socially dangerous juveniles remains unchanged. Of particular concern is the infringement on juvenile rights in this field.

There is the opinion that the state does not have any right to deal as harshly with juveniles as it does with adult citizens; therefore, measures taken in most cases concerning minors should be more educational and awareness-raising in character, rather than punitive.

Taking into account the biological, psychological and social features of juveniles, the law does declare some level of criminal and legal protection of minors. However, the reasoning behind the criminal liability for minors and its principles remain the same as for adults.

An alarming fact is, that the types of punishment of minors, are very similar to those for adults.

For instance, according to article 98 of the New Criminal Code of Ukraine – (types of punishment) – for juveniles found guilty of committing a crime:

- 1) fine;
- 2) public work;
- 3) correction activity;
- 4) detention;
- 5) imprisonment for a certain time [19].

Juveniles can also face additional punishment in the form of a fine or deprivation of the right to occupy a job position or to participate in certain activities.

Among the penalties provided by the 2001 Criminal Code of Ukraine (CCU), juveniles can only be punished by the measures listed in article 98. As a rule, these penalties do not include imprisonment. Hence, the issues relevant to the procedure and terms of the penalty, exemption of criminal liability or the serving of a sentence, lighter substitutions of the penalty - are of great importance.

To a certain extent, the New Criminal Code of Ukraine is much harsher towards juvenile offenders, than towards adult offenders. The CCU of 2001 does not foresee any leniency for juveniles in the state correction system serving out a sentence of correctional activities, public service, or fine. According to paragraph 1, Article 107 of the CCU “parole may be applied only to persons who are serving a sentence of imprisonment imposed for a crime committed under the age of 18, regardless of the gravity of the offense”. It is still not clear why minors cannot be granted a lighter penalty to begin with, instead of incomplete service of their term.

Therefore, the norms of the New Criminal Code of Ukraine cannot be said to guarantee the normal standards of physical and psychological development for those minors who have committed a socially dangerous act.

At the same time, the Specific Part of the Criminal Code provides a long list of standards concerning crimes (or their specific categories) that carry a more severe penalty if the victim was a minor.

The introduction of the term “sincere repentance” is a step forward that shows the use of categories that acknowledge human nature and the objective realities of our existence.

To facilitate the legal and social protection of children who have committed socially dangerous acts, it is necessary:

- To support studies aimed at eliminating the problems of minors, particularly of juvenile crime;
- To provide solid argumentation for the necessary amendments to current legislation concerning children;
- To review current legislation that supports the legal status of children, with the goal of establishing a set of standards that would take into account the age, psychological and social characteristics of children;
- To provide both financial and administrative support of current legislation, programs and foundations aimed at the defense of children;
- To establish a juvenile justice system;
- To take measures that would prevent the influence of adults on minors during the pre-trial investigation;
- To change the socially-based reference point for criminal sentencing;
- To reform the criminal and executive system and other agencies responsible for sentencing juveniles;
- To increase controls that track the health of the juveniles serving sentences;
- To promote better conditions to re-socialize juveniles who have served their sentence;
- To improve the legal status of correction facilities personnel and of the convicted;
- To eliminate groundless limits of regimental limitations concerning juveniles;
- To increase the number of contests, competitions, charitable events held with the participation of juvenile convicts;
- To cut down on the practice of transferring juvenile convicts from correction facilities for juveniles to those for adults;
- To increase the number of extracurricular activities for minors confined to correction facilities.

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