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



This project implemented by
the Consortium “EveryChild”

MONTHLY SURVEY OF THE NEW REGULATIONS AND DRAFT REGULATIONS RELATED TO CHILD CARE AND THE PROJECT IMPLEMENTATION (May 2006)

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I. General Provisions

In May 2006, several important regulations for the exposed families and children care – and, correspondingly, the Project objectives – became effective. Like in April, these developments include mostly national programs and their concepts, while passing more specific regulations is still delayed due to absence of the new government and uncertain majority in the parliament.

II. Expected impacts on the Project objectives

1. The most important developments in Ukrainian legislation in question concern the procedures of placement of orphans and children removed from parental care.

1.1. CMU Order N 263-p of May 11, 2006, approved the Concept of the national program for reforming the system of facilities for orphans and children removed from parental care to be prepared and submitted by MFFYS until October 1, 2006. In spite of the declarations on priority-driven family types of placement of orphans and children removed from parental care, more than 10,000 children were placed into public institutions in 2004. This concept stipulates four stages of reforming the public facilities, but they will last 12-14 years, at least in 2007-2017. In fact, this approach preserves the existing system, even if the children shall be placed in so called “upgraded facilities” (i.e. having not more than 50 children younger than 18 years) for the first time. The program objectives include decreasing the number of children in public facilities and securing conditions for raising children in lines with the UN Convention on the rights of the child. Besides, they include promotion of contacts of children with their parents and other relatives and return home, development of family types of placement. However, the concept never mentioned specific activities for supporting the family type facilities, while it provides for budget allocations for reconstruction and repair of near 600 public facilities.

1.2. The Concept of the national program for family support in 2006-2010 was approved with CMU Order N 259-p of May 11, 2006. MFFYS is the major beneficiary and customer of this program. This concept focuses on increasing building loans for young families, increasing public allowances for families with children, more extensive social and psychological assistance to parents, especially deprived ones, and various activities related to family violence prevention and assistance to victims of family violence.

1.3. The national program of children homelessness control in 2006-2010 was approved with CMU Resolution N 623 of May 11, 2006. The main steps for its implementation are rehabilitation and social work with biological parents of deprived children, promotion of job placement of these parents and more public allowances for them. In 2006-2007, MFFYS and Ministry of Education and Science shall develop standards for setting up and operating for foster families and FTCH, and for public training system for foster families and pastoral carers. Paragraph 14 of the program demands for *maximum simplifying the procedures of waifs placement*, in particular, in foster families and FTCH. Paragraph 21 stipulates development of guidelines for preparation of homeless children for their further placement, including return to their biological parents. Besides, advice bureaus shall be set up at maternity hospitals and social work to be provided for mothers willing to refuse from their children. The expected result is decreasing number of homeless children in 50% by 2010.

1.4. President Decree N 41 of May 22, 2006, provides for several activities related to leisure and sanitation of children in summer 2006.

1.5. Ministry of Justice registered the joint Order by MFFYS and MHC N 1209/228 of April 17, 2006, „On approval of Procedures for cooperation of centers for social services for families, children and youth and health care facilities in health care assistance and social services for children and youth. The principal instruments are cooperative agreements and approval of joint events that is related to the Project objectives.

1.6. In May, Ministry of Justice registered MFFYS Order N 299 of February 04, 2006, „On approval of model regulations for fitting out” (for social hostels, centers for social and psychological rehabilitation for children and youth, social centers for mothers and children).

2. Some changes in procedures and amounts of specific public allowances for families with children occurred in May 2006.

2.1. President Decree N 359 of May 10, 2006, approved Guidelines for sequencing public allowances. The job responsibilities of public social inspectors shall be limited to control ones, with none powers to deliver assistance to deprived or crisis families or identifying their needs in such assistance. Aside activities in monitoring and evaluation of the public allowances impacts, this system will integrate the public housing subsidies. Procedures of entitlement for public allowances shall be simplified under the principle of a single application, as well as due to issuing social passports of individuals and setting up the unified database, while government agencies shall check the reported information on the assets belonging to an individual. Setting up the unified database of public allowances recipients and the unified register of the individuals eligible for advantages to be integrated with the databases kept with other government agencies (tax authorities, Pension Fund, civilian registrar offices, public service for employment, etc.) are expected to be very important, as well as monitoring of effectiveness of public allowances and family property estimations. Some of these activities will be funded in the framework of the loan agreement with the International Bank for Reconstruction and Development.

2.2. Procedures for indexation of individual income were approved with CMU Resolution N 1078 of May 17, 2006. Hereinafter, public allowances for child care up to three years in minimum amount (including individuals non-participating in the compulsory social insurance system), public allowances for single mothers (10% of minimum living for a child of the relevant age), public allowance for disabled children and persons with childhood disability are subject to indexation monthly. Surpluses of these public allowances, as well as ones for deprived families, and public allowance for the children under guardianship, shall not be subject to indexation.

3. Besides, several legal developments in May, 2006, are of some importance for the Project objectives.

3.1. The Concept of judiciary improvement for strengthening justice in Ukraine in compliance with European standards (approved by President Decree N 361 of May 10, 2006) stipulates the activities that can impact on the Project objectives. These include info campaigns on procedures of legal recourses, legal aid to the poor and promotion of alternative ways (extra-judiciary) of settling disputes. Besides, the courts jurisdiction shall not be stuck to territorial and administrative units in order to decrease eventual pressure on judges. The special activities are planned to secure reasonable length of making and implementing the courts decisions, while Ukraine has been subject to fines upon the numerous claims against violations of right to access to justice. Prosecutor’s Office should be deprived of general supervision functions and other quasi-judiciary ones, too.

CMU Resolution N 740 of May 25, 2006, approved Procedures on Unified public register of court decisions concerning the improvement of judiciary, too. State Judiciary Administration is in charge for keeping this register to include also any court decisions concerning orphans and children removed from parental care; this register could be helpful to social services activities.

3.2. The Program for promotion of quality management systems in executive agencies (CMU Resolution N 614 of May 11, 2006) can make essential, though delayed impacts on public social services and other government agencies. To promote reforming the public administration system in the course of integration into the European Union in 2007-2009, this system shall be based on international standards ISO 9000-2001.

3.3. MHC Order N 225 of April 14, 2006, „Regulations on Ukrainian center for AIDS prevention and control at Ministry of Health Care” is important for the Project objectives and its partners. This regulation provides for setting up referent laboratories for diagnostics and other activities to control the HIV/AIDS; they are relevant to placement of children in foster families and FTCH.

III. Legislative Proposals in Verkhovna Rada

In May 2006, the newly elected members of Verkhovna Rada could gather for one week only, but the legislative proposals were largely related to the Project objectives. It’s noteworthy, that the very first registered bill N 0001 was on Ukraine’s joining the UN Convention on the recovery abroad of maintenance.

However, the major legislative developments concerned the President’s vetoes on several bills passed by Verkhovna Rada on the edge of the parliament elections this year.

President of Ukraine vetoed the bill „On child food” passed by Verkhovna Rada on February 23, 2006, because the relevant expenses could not be covered by the national budget; the president’s proposals were to limit these expenses with allocations for food coupons for children of 1-2 years-old from disadvantaged families.

Fiscal reasons caused vetoing the draft law „On amending some laws of Ukraine concerning social protection of orphans and children removed from parental care” passed by Verkhovna Rada on March 15, 2006. This bill would provide for compulsory life and health insurance for graduates of the facilities for orphans and children removed from parental care; public support for these persons from 18 to 23 years, as well as covering their rent and communal facilities until the graduates’ job placement by the labor and social protection authorities. Such allocations, however, could not be covered with the national budget.

Due to numerous breaches of international treaties of Ukraine, the draft law “On protection of personal data” passed by Verkhovna Rada on March 16, 2006, has been vetoed, too. This draft concerned the Project objectives as for producing, storage, amending and deleting personal data on orphans and orphans and children removed from parental care.

The amendments to the law „On Audit” demanding periodic and independent audit of the financial reports on budget performance were subject to President’s veto as well.