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



This project is implemented by the EveryChild Consortium

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

Prepared by Legal Expert
Oleksandr Vinnikov

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I. General Provisions

In September 2006, Verkhovna Rada and President of Ukraine approved none regulations for the exposed families and children care and, correspondingly, the Project objectives.

II. Expected impacts on the Project objectives

1. The developments in Ukrainian legislation in September 2006 did not concern the procedures of placement of orphans and children removed from parental care directly.

2. Some changes that could impact on procedures and amounts of specific public allowances for families with children occurred in September, 2006.

2.1. On September 15, 2006, Cabinet of Ministers approved Order N 486-p “On organizing researches concerning implementation of public finance policy and improvement of budgeting in 2007-2010”. In particular, objectives have been set for the taskforces as follows: on budget policy for social issues; improvement of procedures for inter-budget transfers and financial policies in local governments; and improvement of public in expenditures zero-based budgets. The first taskforce’s recommendations could have the most important impacts upon the Project objectives, while they shall focus on social allowances, social services funding etc. The specific outputs shall include identifying social priorities of mid-term public finance policy; the criteria and indicators of effective budget expenditures for social priorities; effective procedures for transfers between the national and/or local budgets for in funding social priorities.

Cabinet of Ministers Resolution N 1359 of September 25 “On Indicatives of the consolidated national budget of Ukraine in major revenues, expenditures and funding sources in 2008-2010” sets up as top priorities prevention of hidden budget deficit, especially arrears in social allowances, raising wages for civil servants up to 12% yearly, reforming social services system and improvement of target-based allowances (with the focus on individual needs assessment instead of granting privileges in kind to disadvantaged people). The implied changes do concern the Project objectives and the national policy for social protection of orphans and children removed from parental care in 2008-2010.

2.2. However, this policy declaration approaches hardly could be applicable to the experiment of delivery social allowances under the principle Money follows child to orphans and children removed from parental care, who are under the guardianship in Kyiv oblast. Cabinet of Ministers Resolution N 956 of July 12, 2006, defined the timeline for this experiment retroactively, from June 1 to December 31, 2006, and became effective in late July, i.e. is antedate. The social allowances are assigned as public subventions to the oblast budget, and their delivery still needs in development of a number of by-laws and other documents.

2.3. The additional allocations for subventions from the national budget to local ones for the purposes of maintenance of orphans and children removed from parental care in foster families and family type houses were provided with Cabinet of Ministers Order N 494-p of September 26. The total amount of these allocations are more than 2,2 mln. UAH, but only 25 thousands more for Kyiv oblast.

3. Other legal developments in September, 2006, were not of importance for the Project objectives.

III. Legislative Proposals in Verkhovna Rada

In September 2006, several legislative proposals related to the Project objectives were submitted to Verkhovna Rada.

First, this is the draft law “On the national budget of Ukraine in 2007” (N 2000, submitted with Cabinet of Ministers). The special taskforce recruited from all parliament factions is in charge for preparing this draft law for its first reading, and amounts of all types of social allowances are supposedly to be raised.

The draft law “On amending the law on pension insurance” (N 2059, submitted by B. Gubsky) has proposed to increase a minimum pension amount in 15% per each child raised until 18 years; both females and males, who raised children without their mothers’ assistance, shall be entitled for such increase.

The draft law “On amending article 6 of the law on individual income tax” (N 2074-1, submitted by A. Scherban) stipulates raising a social tax exempt for individuals from 100% to 150% of this amount per each child younger than 18 years.

The draft law “On international technical assistance” (N 2040, submitted by Y. Karakay) mostly replicates the provisions of existing regulations on accreditation of foreign contractors, but this law, if passed, could have amended specific procedures for implementation and reporting on the Project.

The draft law “On individual property tax” (N 2134, submitted by V. Tsushko) stipulates taxation of value of any real estate in ownership of individual tax payers. If estimated value of real estate is not more than amount equal to 70,000 USD, this property is tax exempt; however, it is tax authorities that are entitled to estimate, and it may cause conflict of interest in taxation. This law, if passed, could also have negative impacts on keeping titles on the real estate for orphans and children deprived of parental care (except disabled children).

One more draft law was submitted by V. Tsushko (and seven other deputies), named “On the national demographic register” (N 2170). It provides for a unified automatic system of documents related to citizenship, biometric information and residence of any individual in Ukraine. This draft law could induce the fairly important impacts for waifs and other persons, who have no ID papers.

Verkhovna Rada has rejected the bill on amending article 116 of Housing code (N 0942, submitted by V. Semenyuk, O. Moroz, and I. Spodarenko) that might have prohibited expulsion of the disadvantaged people without granting them uses for housing elsewhere.

The Project objectives could be impacted with the legal opinion of Expertise department of Verkhovna Rada recommending revise the draft law on ratifying the Hague Convention on Protection of Children and Cooperation in Respect of Inter-country Adoption (N 1068, submitted by President of Ukraine). The legal ground is development of necessary amendments to some other laws of Ukraine to secure proper implementation of this Convention. In particular, two months probation period for adoption of abandoned children shall not be repealed (art. 209 of Family Code), and the national adoption authority shall keep records for a child for one year instead of six months to allow inter-country adoption (art. 283 of Family code). The domestic regulations on criminal responsibility for violations in adoption area, certifying the parents’ consent to adoption with medical chief executives, and on implementation of Ukraine’s international treaties on legal assistance shall be made compatible with the Convention yet.

On September 20, Verkhovna Rada passed the draft law on ratifying Convention on Contact concerning Children (N 0031, submitted by President of Ukraine). This instrument of the Council of Europe defines both terms of cross-border contacts with children and the basic principles for securing children rights to contact with their parents and other persons.