

# IN TIME OF WAR

## ROMANI CHILDREN IN STATE CARE IN UKRAINE



CHALLENGING DISCRIMINATION PROMOTING EQUALITY



Copyright: ©European Roma Rights Centre, July 2023

Please see [www.errc.org/permissions](http://www.errc.org/permissions) for more information about using, sharing, and citing this and other ERRC materials

Author: **Anastasiia Zhuravel**

Editors: **Hannah Crane and Bernard Rorke**

Cover Design: **Sophio Datishvili**

Layout: **Dzavit Berisha**

Cover photo: © **ERRC**

This report is published in English.

You can donate to support the ERRC's work fighting for the rights of Ukrainian Romani refugees [here](#).

**Address:** Avenue de Cortenbergh 71, 4th floor, 1000 Brussels, Belgium

**E-mail:** [office@errc.org](mailto:office@errc.org)

[www.errc.org](http://www.errc.org)

## **SUPPORT THE ERRC**

The European Roma Rights Centre is dependent upon the generosity of individual donors for its continued existence. Please join in enabling its future with a contribution. Gifts of all sizes are welcome and can be made via PAYPAL on the ERRC website ([www.errc.org](http://www.errc.org), click on the Donate button at the top right of the home page) or bank transfer to the ERRC account:

Bank account holder: **EUROPEAN ROMA RIGHTS CENTRE**

Bank name: **KBC BRUSSELS**

IBAN: **BE70 7360 5272 5325**

SWIFT code: **KREDBEBB**

# TABLE OF CONTENTS

<b>INTRODUCTION</b>	<b>4</b>
<b>1. THE PRE-WAR SITUATION OF ROMANI CHILDREN IN STATE CARE IN UKRAINE</b>	<b>6</b>
1.1. OVERVIEW OF THE STATE CARE SYSTEM IN UKRAINE BEFORE THE WAR	6
<i>The system of institutional care unpacked</i>	6
<i>Financial hardship of maintaining an inefficient system</i>	7
1.2. A DESCRIPTION OF THE DEINSTITUTIONALISATION OF CHILD CARE REFORMS AND THE PRELIMINARY RESULTS	7
<i>The process of reforming the institutional care system</i>	7
<i>Lack of interest in developing alternative forms of care</i>	9
<i>How the COVID-19 pandemic has impacted the institutional care system</i>	10
1.3. ROMANI CHILDREN IN THE INSTITUTIONAL CARE SYSTEM BEFORE THE WAR	11
<i>Estimated numbers of Romani children in state care institutions and reasons for their overrepresentation</i>	11
<i>Tokmak city case study – overrepresentation of Romani children in boarding schools</i>	13
<b>2. THE SITUATION OF ROMANI CHILDREN IN STATE CARE AFTER THE OUTBREAK OF FULL-SCALE WAR IN UKRAINE</b>	<b>15</b>
2.1. THE CONTEXT AFTER THE OUTBREAK OF WAR	15
2.2. CHILDREN URGENTLY SENT BACK HOME AFTER THE OUTBREAK OF WAR	17
2.3. EVACUATION OF BOARDING SCHOOLS TO ‘SAFE REGIONS’	17
2.4. CHALLENGES ASSOCIATED WITH EVACUATING STATE CARE INSTITUTIONS	19
2.5. AN OVERVIEW OF THE SITUATION IN WESTERN UKRAINE, WHERE MANY ROMANI CHILDREN ARE IN STATE CARE INSTITUTIONS	21
<i>What has happened to Romani children who were in boarding schools</i>	21
<i>Conditions in the state care establishments in safer regions of Ukraine</i>	21
2.6. WHAT HAS HAPPENED TO THE CHILDREN WHO WERE EVACUATED ABROAD	23
<i>Conditions and challenges faced by state care institutions evacuated abroad</i>	24
<i>Forceful evacuation (i.e. deportation) of children to the Russian Federation from the occupied territories</i>	25
<i>An overall assessment of the situation of Romani children in institutional care since the outbreak of war</i>	26
<b>3. CONCLUSIONS AND RECOMMENDATIONS</b>	<b>28</b>
<i>Further steps towards deinstitutionalisation in Ukraine</i>	28
<i>Assessment of Roma Strategy 2030</i>	29
<i>Action on the national level and beyond in the context of war</i>	29

## **INTRODUCTION**

This report builds upon research conducted by the European Roma Rights Centre (ERRC) on the situation of Romani children in state care institutions in Ukraine before the Russian invasion on 24 February 2022, and provides an overview of what has happened to these children since the invasion. Through a series of interviews with Romani families, civil society activists, and representatives of children's services, as well as high-ranking officials, this report also aims to identify the key needs of Romani children who were, or remain, in institutional care since the outbreak of war in Ukraine. Data collected by ERRC researchers in 2021, as well as open-source information (legislation, reports of NGOs, media resources) were also used for the purpose of presenting the full picture of the challenges facing Romani children in the state care system.

The report consists of two sections, divided by the Russian invasion: the first part examines the pre-war context of Romani children in the state care system; the progress of deinstitutionalisation reforms; the overrepresentation of Romani children in boarding schools; and the proposals of childcare experts to mitigate the situation. The second part covers the responses of state care institutions to the outbreak of full-scale war; the evacuation process and the associated challenges; and provides an account of the current conditions facing children from state care institutions. The focus is on the situation of Romani children who were in boarding schools and children's homes before the war. The report also provides expert opinions and recommendations about how to mitigate the adverse impact of war on its most vulnerable victims.

The ERRC's research on the situation of Romani children in state care in Bulgaria, the Czech Republic, Romania, and Moldova, published in 2021, found that disproportionately high numbers of Romani children end up separated from their families and placed in state care institutions.<sup>1</sup> The situation is different in Ukraine, and this report will look at the reasons behind that. The legal and institutional context of Ukraine, the slow progress of deinstitutionalisation reform over the past several years, and the war have significantly impacted the lives and rights of children, especially those of Romani origin.

The information provided in the report is correct as of Summer 2022.





# 1. THE PRE-WAR SITUATION OF ROMANI CHILDREN IN STATE CARE IN UKRAINE

## 1.1. OVERVIEW OF THE STATE CARE SYSTEM IN UKRAINE BEFORE THE WAR

### THE SYSTEM OF INSTITUTIONAL CARE UNPACKED

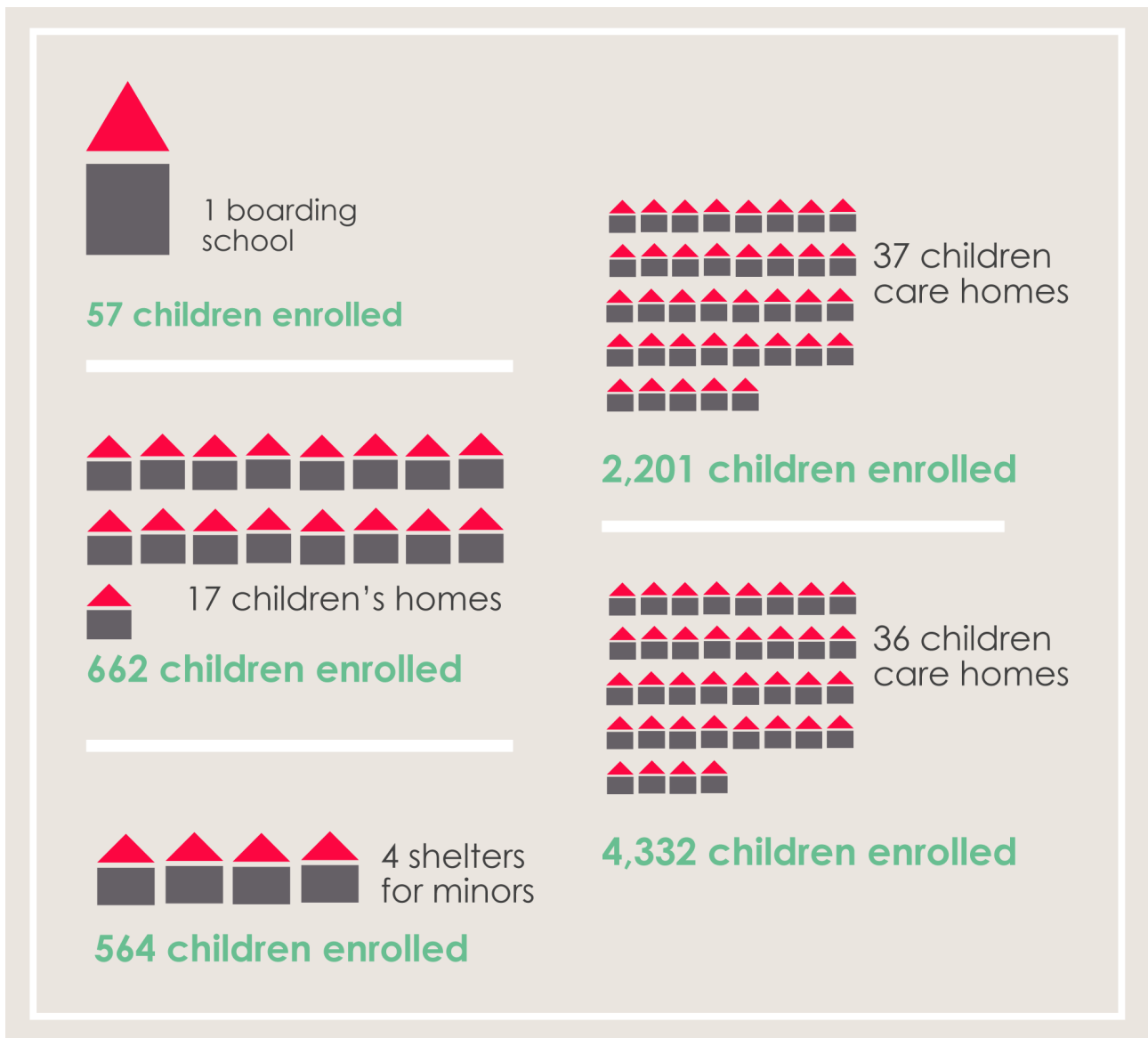
According to data provided by the National Social Service of Ukraine, subordinated to the Ministry of Social Policy, on 21 December 2021, there were 724 state care institutions, in which 99,809 children were living.<sup>2</sup> As of 24 February 2022, the date of the Russian invasion, the Ministry of Social Policy reported that there were 706 state care institutions (there was no data on the Kherson region, because it was occupied very quickly). A total of 84,632 children were held in these institutions.<sup>3</sup> Out of all those children, 47,000 were on a round-the-clock stay. A little over 4,000 were orphans and children deprived of parental care.<sup>4</sup> This means that more than 95% of all children held in state care institutions in Ukraine have parents and could potentially be returned to home environments.

All social care institutions in Ukraine can be divided into three types depending on their subordination to different ministries (although all of them are considered municipally-owned institutions):

- those subordinated to the Ministry of Social Policy, i.e. shelters for homeless children, where they can stay for up to 90 days; social and psychological rehabilitation centres for children in difficult life circumstances (hereinafter DLC), where they can stay for up to one year; and social and medical institutions of the III and IV profiles for the permanent residence of children (from five years-old) with disabilities;
- those subordinated to the Ministry of Education and Science which includes boarding institutions and boarding schools, where children spend five days a week and return home for the weekends. Children who do not have the opportunity to study in schools close to their place of residence are sent there (for example, those children who live in rural areas with parents); there are also specialised boarding schools for children with hearing, vision, and musculoskeletal system impairments, where children from 6 to 18 years-old are held;
- those subordinated to the Ministry of Health (children from zero to five-years old (previously zero to three). This group includes several categories of children:
  - children who have parents, but who were in DLC;
  - children abandoned by their parents (the Family Code of Ukraine allows the abandonment of a child with serious health problems<sup>5</sup>);
  - children in palliative care;
  - children who were abandoned or separated from their parents due to a threat to the health of the child.<sup>6</sup>

From the data provided by the State Statistics Service of Ukraine, at the end of 2021 there was one boarding school for orphans and children deprived of parental care with 57 children enrolled; 17 children's homes under the Ministry of Education and Science with 662 children enrolled; 37 homes of the child under the Ministry of Health with 2,201 children enrolled; 36 children care homes under the Ministry of Social Policy with 4,332 children enrolled; and 4 shelters for minors with 564 children enrolled.<sup>7</sup> At the end of 2021, a total of 9,083 children resided in 1,298 family-type children's homes (hereinafter – "FTCH"), 5,830 children were in 3,049 foster homes, and 6,185 children were held in 74 social and psychological rehabilitation centres.<sup>8</sup>





**FINANCIAL HARDSHIP OF MAINTAINING AN INEFFICIENT SYSTEM**

In 2021, 11 billion UAH (approximately EUR 290.58 million) was allocated from the consolidated state budget to the system of state care institutions.<sup>9</sup> In the same period, an average of around 70% of all funds allocated were spent on employees' salaries,<sup>10</sup> about 14% on utilities and maintenance of buildings, and as little as 15% of the funds are spent directly to meet the needs of children, including food, clothing and medicines.<sup>11</sup> The main beneficiaries of the state care system are the employees of these institutions. The status quo of institutional care for

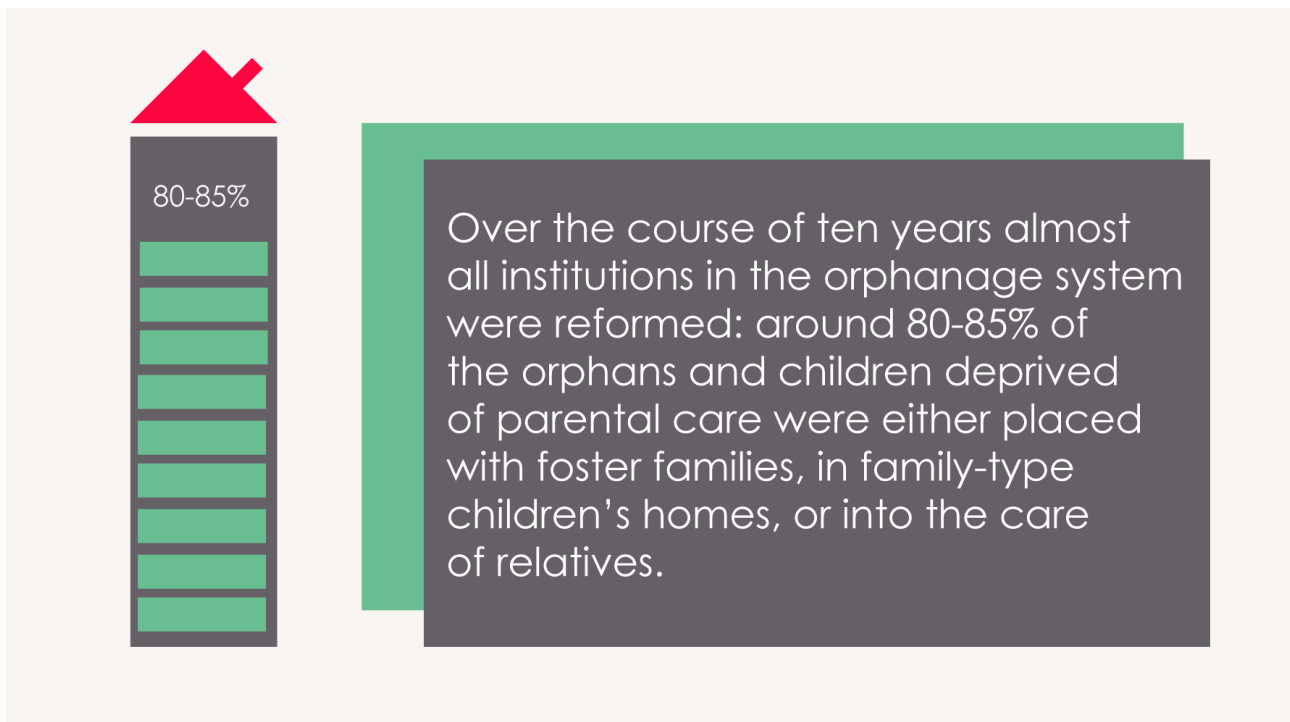
children in Ukraine does not meet international standards, such as the UN Convention on the Rights of the Child, that acknowledges that the family is the best environment for a child's upbringing.<sup>12</sup> As the Cabinet of Ministers of Ukraine in 2017 admitted in the National strategy for deinstitutionalisation, "the [Ukrainian] system of institutional care and upbringing of children is not only costly, but also inefficient and harmful both for the child him/herself and for his/her family and society as a whole."<sup>13</sup> The need for reforms led to the initiation of the deinstitutionalisation process of child care in Ukraine.

**1.2. A DESCRIPTION OF THE DEINSTITUTIONALISATION OF CHILD CARE REFORMS AND THE PRELIMINARY RESULTS**

**THE PROCESS OF REFORMING THE INSTITUTIONAL CARE SYSTEM**

The reforms of the institutional care system began to be reviewed as early as 2005. Back then, several legal acts were adopted<sup>14</sup> which allowed for the development of family forms of upbringing and foster care. As a result, over the course

of ten years almost all institutions in the orphanage system were reformed: around 80-85% of the orphans and children deprived of parental care were either placed with foster families, in family-type children's homes, or into the care of relatives.<sup>15</sup>



However, another challenge has now arisen: the phenomenon of boarding schools and children's homes that are filled with children who have biological parents. Deinstitutionalisation reform (hereinafter DI reform) was initiated in 2017<sup>16</sup> and was meant to shift child-care from the state institutions to families or family-type environments. As the institutional care establishments are subordinated to three different ministries, the implementation of such reforms would require a significant level of coordination and action management. The Ministry of Social Policy was designated as the primary coordinator of this reform. Alongside the other ministries, the National Office for Deinstitutionalisation under the Commissioner of the President of Ukraine for Children's Rights - created with the support of the Canadian EDGE Project - also assisted the Ukrainian government in implementing the reform.<sup>17</sup>

Among the goals of the DI reform was the ambitious declaration that from 2020 no child under the age of three

#### An attempt to roll back the DI reform

Some challenges have arisen during the implementation of the reform, such as the dismissal of children's service workers in liquidated districts due to decentralisation.<sup>20</sup> Additionally, there was an attempt to roll back the deinstitutionalisation process at the beginning of 2021. The government prepared a draft order<sup>21</sup> which provided for postponing the termination of accepting children under the age of three to the children's homes until 2026. That should have been the case as early as 2020, but as this part of the reform was unsuccessful the government seemingly decided to adjust the initial strategy to match the actual process of deinstitutionalisation. Another proposal was to exclude from the reform the specialised institutions, special boarding schools, and lyceums with round-the-clock stay, which constitute 70% of all boarding institutions of the education system.<sup>22</sup>

should end up in children's homes as this is considered the most traumatic experience, especially at such a young age.<sup>18</sup> The reform envisaged an annual reduction by 10% and 5% (depending on the type of institution) of the number of specialised institutions, special boarding schools, and lyceums with round-the-clock care as of 2019. It was envisaged that the number of children ending up in institutional care establishments should be reduced to 0.5% of the total child population. Currently 1.3% of children are in institutional care, which is considered extremely high.<sup>19</sup> Alternative forms of care, such as foster families and family-type children's homes, as well as rehabilitation and palliative care centres for children with health disorders, should be developed instead of institutional care establishments. All institutional care establishments accommodating more than 15 children were intended to be closed by 2026.

As Mykola Kuleba, Commissioner of the President of Ukraine for Children's Rights, has emphasised, it was proposed to "narrow down the reform exclusively to children's homes (the reform of which is postponed until 2026), children's boarding homes of the social protection system (for children with severe forms of disability) and children's homes of the education system (in which, as of 1 January 2020, 1,057 children remained, which is less than 1% of the total number of children in boarding schools)."<sup>23</sup> The postponement of the key provisions of the reform until 2026, and its cancellation for the other 70% of key establishments, practically would mean the cancellation of the DI reform as such, as highlighted by the members of the "Ridni" Charitable Foundation.<sup>24</sup> This would also very likely impede the development of social services in the territorial communities (created due to the decentralisation reform), as there would be no incentive for that if children could just be sent to boarding schools, as was always the case.<sup>25</sup>

This led to active public discussion, after which a total of 70 civil society organisations working in the field of child and family protection signed an open letter to the President, the Prime Minister, and the Speaker of the Verkhovna Rada (the Ukrainian Parliament) to prevent the draft order from entering into force.

### LACK OF INTEREST IN DEVELOPING ALTERNATIVE FORMS OF CARE

The reform also envisaged the establishment of high-quality services for families at the community level, at least 50% of which should be provided by professional NGOs. However, as emphasised by civil society activists and social care experts, these services are not yet sufficiently developed.<sup>27</sup> The statistics also revealed a reduction in the number of foster families: in the last seven years, the number of foster families decreased from 4,123 in 2014 to 3,677 in 2017, and in 2021 there were only 3,049 foster families in Ukraine.<sup>28</sup> Currently, there are no approved programs to prepare potential foster parents of children with disabilities, nor have any financial mechanisms been developed to support such families.<sup>29</sup> As stated in the ‘Country alternative report of Ukraine to the UN Convention on the Rights of the Child’, *“the state care institutions continue to get public funding and resort to expanding the categories of children that are to be accepted in such establishments to avoid closure. While the Ministry of Social Policy promotes the development of family-based types of care, the Ministry of Education and Science continues to develop institutional care for children. Due to unclear division of powers between local, regional and central authorities, the decision-making mechanisms regarding child protection issues are declarative and formal.”*<sup>30</sup>

As of 2022, it is clear that DI reform has not achieved the goals declared for the first stage (envisaged for 2017-2018,

According to the results of the discussion on the website of the Ministry of Social Policy, the changes to the reform were supported. However, the Directorate of Development of Social Services and Protection of Children’s Rights of the Ministry of Social Policy later cancelled the results due to unfair voting.<sup>26</sup>

providing an assessment of facilities and services in each region and drafting of regional plans). The war will have a negative impact on the implementation of the second stage (envisaged for 2019-2024, providing development of social, medical, and educational services in communities with gradual transformation of institutions in accordance with the regional plan), as well as the third stage (envisaged for 2025-2026, providing comprehensive analysis of the situation and identification of strategic directions).

Finally, according to some experts, the most important reason for the failure of the DI reform in Ukraine is that no specific budget line was envisaged for its implementation, with 12 billion UAH (around 317 million EUR) still being allocated to institutional care establishments in 2020.<sup>31</sup> This means that roughly 10,000 UAH (around 260 EUR) per month is spent on each child in institutional care. This money could instead have been allocated towards developing child care and support services inside local communities. These resources could have been directed towards creating favourable conditions for children in foster families, family-type children’s homes, or the reintegration of children into their own families.



© Image Sine/Adobe Stock



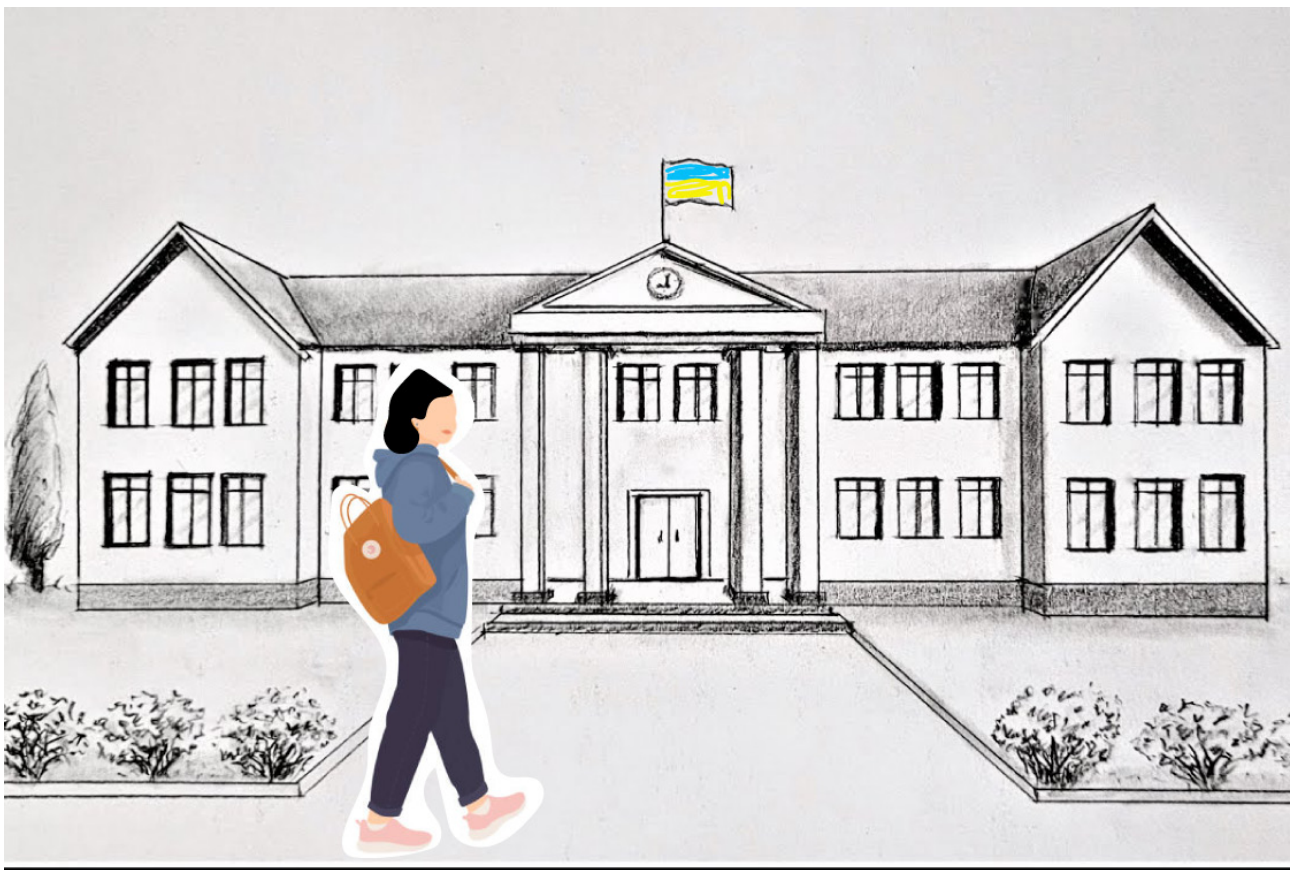
### HOW THE COVID-19 PANDEMIC HAS IMPACTED THE INSTITUTIONAL CARE SYSTEM

Undoubtedly, the COVID-19 pandemic that began in early 2020 has hindered the pace of the DI reform. It has, however, led to another trend that has largely reshaped the institutional care system in Ukraine: around 42,000 children were urgently returned home from 435 institutions<sup>32</sup> (boarding schools of general education) due to the quarantine measures introduced for educational institutions.<sup>33</sup> According to Hope and Homes for Children, *“This was done without any form of planning, family assessment, and provision of localised services, case management or case by case review. [Around] 80% of the children [in state care establishments] have some form of special educational needs, which is however often based on an inaccurate diagnosis model.”*<sup>34</sup>

The COVID-19 pandemic considerably exacerbated the economic situation of the vast majority of the world population, and especially those households in difficult life circumstances.<sup>35</sup> Therefore, the non-differentiated approach of returning children back home due to lockdown without any prior assessment of their needs, living conditions, or the

preparedness of parents for fulfilling their responsibilities can lead to a single predictable result: the children will gradually be returned to the same facilities.<sup>36</sup>

This is notably demonstrated by the results of a project monitoring the safety and potential of families in Volynska, Dnipropetrovska, Mykolaivska, Poltavska and Kharkivska Oblasts conducted by UNICEF, the Ministry of Social Policy of Ukraine, and the Ukrainian Child Rights Network NGO. Despite the efforts of experts on reintegrating children into their families as a result of the COVID-19 pandemic, only as little as 10% of children who returned to their families from boarding schools actually remained in the families; the others were returned back to the boarding schools.<sup>37</sup> Out of the 15,080 children who returned home due to the lockdown restrictions in the regions monitored, just 437 now live at home and attend a regular school or boarding school as an educational institution and do not stay there around the clock.<sup>38</sup>



The main reasons for sending children back to boarding schools, the project concludes, were the lack of quality social services (around 70% of families did not receive any support from social services, and only 7% of them were under social supervision) and inclusive education in the local communities and/or limited access to them, including barriers of distance.<sup>39</sup>

There are however some examples of positive change after the beginning of pandemic: Svitlana Yakimelina, Head of

the Children's Service of the Zakarpatska Oblast Military Administration, the region where the largest number of Roma live,<sup>40</sup> has attested that all children who were returned home after the beginning of lockdown due to COVID-19 pandemic remained at home and were not taken back to the boarding schools for residential stay.<sup>41</sup> To date, there is only one children's home in the Zakarpatska Oblast, which is designed exclusively for orphans and children deprived of parental care.<sup>42</sup> Nevertheless, non-differentiated returning of children back to their parents due to the pandemic has

not led to considerable improvement in children's well-being. Now the children, most of whom are of Romani origin, are returned home and the responsibility for their well-being is transferred to the parents who largely find themselves in DLC. From the moment the children are taken from institutional care the local social services become responsible for providing quality support to their parents. However, over several years of reform, no community-level services have been developed to provide support to the families in DLC, help them reunite with their children, and prevent separation of the families at risk. Therefore, the backlash is inevitable and is witnessed by the low percentage of children being reintegrated into the families after they have been returned back home. If no quality service is available to support these

parents, the children will return to boarding schools sooner or later, traumatised again.

Some attempts were made by the government to prevent children from entering care institutions. A new regulation was introduced in June 2020 on amending the procedures of placing children under round-the-clock institutional care due to the COVID-19 pandemic.<sup>43</sup> It has ultimately complicated the enrolment procedures of children into such round-the-clock institutions, making them the last resort option when all other possibilities of providing alternative care that prioritise the best interests of the child have been exhausted. This has led to a 19% reduction in the number of children placed in round-the-clock institutions.<sup>44</sup>

## If no quality service is available to support these parents, the children will return to boarding schools sooner or later, traumatised again

### 1.3. ROMANI CHILDREN IN THE INSTITUTIONAL CARE SYSTEM BEFORE THE WAR

#### ESTIMATED NUMBERS OF ROMANI CHILDREN IN STATE CARE INSTITUTIONS AND REASONS FOR THEIR OVERREPRESENTATION

Ukrainian legislation does not allow collecting and storing data on ethnicity, except as part of the population census.<sup>45</sup> Article 7 of the Law of Ukraine 'On the protection of personal data' prohibits the processing of personal data on racial or ethnic origin.<sup>46</sup> Administrative responsibility is envisaged for violation of legislation on data protection.<sup>47</sup> However, social workers and state bodies have some understanding of how many Romani families and children reside in the given region, although this information can neither be considered precise nor used for a comprehensive evaluation of the needs of this ethnic group. As there are no official statistics, and the representatives of state bodies refuse to give even approximate estimations of the number of Romani children enrolled in boarding schools or orphanages, it is impossible to get a clear picture of how many Romani children end up in state care establishments.<sup>48</sup>

Despite these challenges, some experts have managed to provide approximate numbers based on their experience and interaction with the institutional care system in Ukraine. The approximate numbers of Roma in different Oblasts are the following: Zakarpatska – 42,580; Donetska – 20,000; Luhanska – 11,640; Odeska – 10,000; Kyivska – 6,400; Dnipropetrovska – 6,200; and Kharkivska – 6,000.<sup>49</sup> In Zakarpatska and Odeska Oblasts, the number of Romani people living in segregated Romani neighbourhoods is the highest. In those regions the

percentage of Romani children in state care institutions is also the highest compared to the other regions.<sup>50</sup>

This is confirmed by experts, who acknowledge that Roma are disproportionately overrepresented in boarding schools in different regions of Ukraine, especially in the Oblasts indicated above. According to Serhii Lukashov, National Director of SOS Children's Villages Ukraine CF, despite his organisation not focussing on Romani children in state care specifically, he has observed large numbers of Romani children in institutional care in the regions where his NGO has been particularly active, namely Zaporizska, Luhanska, and Zakarpatska Oblasts. Lukashov gives two key reasons for this: firstly, poverty of the parents, who are often convinced by children's services staff that it would be better for the child to be under state care where they will live in proper material conditions, under qualified supervision, always fed, dressed well, and entertained. The second reason, lack of parental knowledge and awareness, is closely linked to the first one; the parents simply do not understand why placing a child in institutional care could be detrimental. No explanations are given to acutely impoverished Romani parents that separating a child from their family, even with the best intentions to provide the child with 'decent' living conditions, will have a devastating impact on their future life, welfare, and social connections.<sup>51</sup>

## THE PRE-WAR SITUATION OF ROMANI CHILDREN IN STATE CARE IN UKRAINE



Experts attest that in some Romani families internal family circumstances play a crucial role in the probability of children ending up in institutional care establishments. A 2018 report from the Kharkiv Institute of Social Research found that; “[...] these are unsanitary living conditions, involvement of children in begging, lack of proper care and education in Roma families. All this entails serious consequences, both for health and for the formation of the child’s personality.”<sup>52</sup> Of course, this cannot be generalised for all Romani people, and in each particular case the social services should conduct an individual assessment of the situation of the family and the conditions of a child’s upbringing. It cannot be denied however that the problems of poverty, early marriages, and illegal involvement of children in begging activities exist among some Roma<sup>53</sup> and influence the welfare of children and, subsequently, the risk of them ending up in state care establishments.

In Odeska Oblast, Roma rights activists have noted that the problem of begging and homelessness exists among Romani children in tabors (camps where Romani communities live in segregated neighbourhoods): “There is such a problem in tabors. Social services came to us and already took four children. There are, of course, certain threats to them. On the other hand, mothers have already realised that they have lost their children. I wrote an appeal. Maybe the judge on this appeal will have compassion and give them another chance. Although it happens that children’s services just come, don’t even give you a second to take a breath – they run over, take the children and take them away.”<sup>54</sup>

Leonid Lebediev, Head of Change One Life CF, has noted that approximately 30% of children enrolled in boarding schools in Zakarpatska Oblast and around 10% of children

enrolled in such establishments in Odeska Oblast are of Romani origin.<sup>55</sup> However, a relative of Romani children enrolled in a boarding school in a small village of Odeska Oblast suggests that half of all the children there are of Romani origin.<sup>56</sup> Multiple interviews with experts dealing with child care in Zakarpatska Oblast attest that Romani children can represent up to 80-90%, and in some cases even almost 100%, of all children enrolled in boarding schools.<sup>57</sup> These numbers are disproportionately high compared to the percentage of Romani children in the general population, even taking into account the fact that Roma live in segregated neighbourhoods in those Oblasts. Mykola Burlutskyy, Head of the NGO Chachimo,<sup>58</sup> also corroborated that the highest numbers of Romani children held in boarding schools can be found specifically in the Zakarpatska Oblast, because this region is where the largest numbers of Roma live in segregated neighbourhoods. ERRC country monitor Volodymyr Navrotskyi has conducted multiple interviews with Romani children in boarding schools in Zakarpatska Oblast and highlighted that the majority of children in boarding schools in that region are of Romani origin.<sup>59</sup> They are also diagnosed as having ‘delays in mental development’, which is often inaccurate, but contributes to the justification for continued funding of such boarding schools.<sup>60</sup>

In some regions, however, Romani children do not constitute a considerable percentage of the total number of children. According to Andrew Chernousov, the Chairman of the Board of the Kharkiv Institute of Social Research, the percentage of Romani children in state care institutions in Kharkivska Oblast is very small.<sup>61</sup> Mykola Burlutskyy also corroborated that in Kharkivska Oblast it was very hard to



find Romani children in state care establishments. A possible explanation is that for certain families from specific Roma ethnic groups (there are around 14 different Roma ethnic groups living in Ukraine)<sup>62</sup> it is unacceptable to allow the separation of children from their parents. According to Volodymyr Yakovenko, *“The child is the priority out of all values in the Romani family and culture, especially in the more conservative ethnic groups among Roma.”*<sup>63</sup> Another factor contributing to

the low numbers of Romani children ending up in state care establishments in Kharkivska Oblast could be due to a reluctance of many Romani people to cooperate with institutionalised structures, which could also partially account for the problem of irregular school attendance. Even in cases when one or both parents die, the grandparents or other close relatives will formalise guardianship over the Romani child rather than allow them to be committed to an orphanage.

## ...Romani children can represent up to 80-90%, and in some cases even almost 100%, of all children enrolled in boarding schools

Another important reason highlighted by experts is the differentiated approach of social workers; the threshold for separation of Romani mothers and children is relatively high compared to non-Romani families. For example, in similar situations of unsatisfactory living conditions social workers are more likely to intervene and remove a child from a non-Romani family. This is due to a stereotypical perception among the wider population and social workers about what constitutes ‘bad conditions’ for Romani families, therefore normalising unsatisfactory conditions that are contrary to the best interests of the child insofar as it concerns Romani children.

With regard to the removal of Romani children from their parents and revocation of parental rights, in Uzhhorod city in the regional centre of Zakarpatska Oblast, Maryna Arokgati,

Head of Children’s Service of the Uzhhorod City Council, estimated that around 20% of all children separated from their parents are of Romani origin.<sup>64</sup> The Children’s Service would intervene mostly in case where there is threat to life and health of the child, for example, the death of the parents.

Despite the fact that in certain regions of Ukraine Romani children are not prevalent in state care institutions (such as Zakarpatska, Odesks, Zaporizska, Donentska, Luhanska, and Dnipropetrovska Oblasts), there was, or still remains, a problem of overrepresentation of Romani children in state care, especially in boarding schools. The example of Tokmak city in Zaporizska Oblast (population: 32,000) provides an effective illustration of the fate of Romani children who end up in boarding schools.<sup>65</sup>

### TOKMAK CITY CASE STUDY

#### OVERREPRESENTATION OF ROMANI CHILDREN IN BOARDING SCHOOLS

Nataliia Kryvoruchko, Manager of SOS Children’s Villages Ukraine CF, who was also a counsellor to the city head in Tokmak, tells the story of a number of Romani families who moved to this city from Zakarpatska Oblast several years ago. When they were asked about the reasons behind such mass internal migration, they explained that in Zakarpatska Oblast they did not receive enough attention from the authorities and could not access necessary social services and benefits. In Tokmak, they are treated differently; they receive more attention and their children are taken care of. It was observed that those families who arrived to Tokmak were mostly ‘large families’ (3 children and more). Often the family consisted officially of a single mother, even if she had a partner: the first reason for that is early-age marriages (that are still practiced in some Romani communities) could not be legally registered under Ukrainian legislation; the second reason is that a single mother can get additional social benefits for each of the children.<sup>66</sup> All the families who arrived were in DLC.

The Service for Children (subordinated to the regional (currently military) administration) and the Centre for Social Services for the Family, Children and Youth (subordinated to the local self-government body) learned about the arrival of such families and registered them as families in DLC. The Service for Children now assumed the obligation to take care of the children in these families. According to the statistics, as of the beginning of 2022 there were 26 such Romani families in DLC in Tokmak city. Out of 78 children (45 girls, 33 boys) in those families, a total of 49 children were enrolled in boarding schools. Only one child was enrolled in a regular secondary school. According to the expert, the Service for Children presented these cases as examples of the system working incredibly successfully, as there were so many Romani children living in a safe environment, fed, dressed, entertained; they were ‘saved’ from unsatisfactory living conditions and from parents who could not handle their upbringing.

The expert visited all 26 families under the framework of a project ‘Increasing the self-reliance of the Roma community of the city of Tokmak under conditions of the COVID-19 pandemic’ supported by the International Renaissance

Foundation. The living conditions were indeed unsatisfactory in all of those families and the women expressed sincere gratitude to the social services for helping them and taking children to the establishments where they can live in better conditions. There was one family with nine children and only two bedrooms in the house, so it was a good option, additionally advertised by the social services, to give five children to the boarding school. Children could nevertheless get back home on the weekend. The mothers were proud of their daughters who learned to read and write, that would make them more 'precious' and would allow their parents to ask for €1000-2000 from the groom's family when they get married (unofficially); usually that would happen when the girl is around 14-15 years old. This would not be the case if they had stayed in Zakarpatska Oblast, as these families highlighted that their children would not receive a good education there. In this way, coming to Tokmak, renting old houses, and giving children to the boarding school became a widespread practice among those Romani families.

Therefore, in this city the proportion of Romani children in boarding schools was around half of all the children. The overrepresentation of Romani children in the boarding school of Tokmak city illustrates that the problem is deeply rooted, and reform of the institutional care system has proven to be ineffective. The boarding schools need to sustain and justify their existence. To do so they would need to have specific numbers of children enrolled; otherwise, the very existence and necessity of such an establishment will be questioned. The Inclusive Resource Centre issues a certificate for 'problematic' children with the diagnosis 'delay in mental development' or similar, which is enough to justify the placement of a child in a boarding school for children with special educational needs.



In Tokmak, the proportion of Romani children in boarding schools was around **half of all the children.**

The results of monitoring by UNICEF, the Ministry of Social Policy of Ukraine, and the Ukrainian Child Rights Network NGO into the safety and potential of families referred to previously have also demonstrated that some boarding schools recruit children in order not to lose funding, and the children's social services promote institutionalisation. In this

way, 21% of parents indicated that it was recommended to them to send their child to a boarding school or kindergarten, and 41% of parents were advised to do so by representatives of Inclusive Resource Centres that issue certificates confirming diagnoses of children as 'problematic', after which they are sent to the boarding schools.<sup>67</sup>

## 2. THE SITUATION OF ROMANI CHILDREN IN STATE CARE AFTER THE OUTBREAK OF FULL-SCALE WAR IN UKRAINE

### 2.1. THE CONTEXT AFTER THE OUTBREAK OF WAR

In the weeks following the outbreak of war, there was no official procedure established regarding the evacuation of children from state care institutions. Children were evacuated based on the orders of the children's services.<sup>68</sup> The border crossing was chaotic and time-consuming, with thousands of people trying to pass through the checkpoints.<sup>69</sup>

Most of the children were accommodated in institutions run by charitable foundations and other organisations abroad that expressed a desire to take in Ukrainian children.<sup>70</sup> In fact, in the first weeks of the war, the children's services agreed on the transfer of children along with educators through Internet correspondence and not through official channels, after which the children's services' orders were issued and the evacuation process began.<sup>71</sup> The problem now facing the state bodies is that not all children left with their original identity documents, and it is hard to find and identify such children currently residing abroad. The absence of clear government-approved procedures in the first weeks following the Russian invasion resulted in uncoordinated and sometimes even dangerous practices, such as; untimely evacuations or failure to evacuate institutions that were extremely close to combat zones or the occupied territories (as only the head of the institution could make a final decision on evacuation); the evacuation of children without legal representatives, or the instant return of children to their family homes without prior risk assessment.<sup>72</sup>

Finally, more than a month after the outbreak of war, on 27 March 2022, the Cabinet of Ministers of Ukraine adopted Resolution No. 385: 'Some issues of temporary relocation

(evacuation) of children and persons who live or are enrolled in institutions of various types, forms of ownership and subordination for round-the-clock stay, in conditions of martial law' (hereinafter – Resolution No. 385).<sup>73</sup> This Resolution provided for procedures for temporary transfer (evacuation) and provision of conditions for a stay in the territory of Ukraine, where hostilities are not taking place, or outside of Ukraine, of children and persons who live or are enrolled in institutions of various types, forms of ownership and subordination for round-the-clock stay. According to the new procedures, the head of the establishment must first communicate with the regional military administration on the possibility of evacuating the state care institution, the capacity for being hosting in the establishments in safe territories, and agree on the route and the number of accompanying persons. Then the head issues an order regarding evacuation, which is then approved by the regional military administration or another state body, if needed.

In cases where the head of the establishment needs to decide on evacuating abroad, they should inform: the service for children's affairs; the structural unit for social protection of the population, health care, education and science of the regional/Kyiv city military administration, depending on the subordination (sphere of management) of the institution by its location; and the National Social Service regarding the need for children to leave Ukraine. Then the head of the establishment is provided with the information on institutions and organisations that have issued invitations and are authorised by a foreign state to host Ukrainian children.



Kevin Bückert

On 17 March 2022, a specific body, the Coordination Headquarters for the Protection of Children’s Rights under Martial Law (hereinafter the Coordination Headquarters), was created in order to facilitate the coordination of the activities of central and local executive bodies, other state bodies, and local self-government bodies on the protection of children’s rights under martial law.<sup>74</sup> The co-chairs are the Minister of Social Policy of Ukraine, Maryna Lazebna, and the Adviser – Commissioner of the President of Ukraine for Children’s Rights and Child Rehabilitation (hereinafter Adviser to the President of Ukraine on children’s rights), Daria Herasymchuk. The composition of the Coordination Headquarters includes representatives of 11 ministries and other state bodies, as well as the representatives of international organisations.

According to the report on the first 100 days of work of the Coordination Headquarters, one of the main focuses of the Coordination Headquarters is the safe transfer (evacuation) of children from institutions to a safe territory.<sup>75</sup> It is also involved in coordinating the evacuation of children placed in foster families, FTCH, families of guardians, custodians, foster educators, and rotation of employees of institutions that were relocated with children inside Ukraine or abroad. The Coordination Headquarters also worked with SOS Children’s Villages Ukraine<sup>76</sup> to establish humanitarian corridors for the evacuation of children from institutions located in the war zone or settlements close to it. The Coordination Headquarters monitors the condition and needs of children in state care institutions as well as those returned from institutions to their parents, with the aim of organising the necessary assistance within the framework of the cooperation of the Ministry of Education and Science, the National Social Service, and UNICEF.<sup>77</sup>

Additionally, the action plan was developed by the Coordination Headquarters and approved by the Cabinet of

Ministers of Ukraine regarding the temporary placement of children deprived of parental care in foster families, FTCH, and families of foster educators, as well as establishing guardianship (care) of orphaned children and children deprived of parental care under a simplified procedure.<sup>78</sup> This allows for swift placement of children in a family environment, which is beneficial for their mental health especially considering the traumatising impact of the outbreak of war and the deprivation of parental care.<sup>79</sup> According to the statistics presented in the ‘First 100 days’ report, 1,753 children who were left without parental care had been identified since the beginning of war.<sup>80</sup> Temporary placements were secured for 1,282 children; 276 were accommodated by relatives and acquaintances; 130 children were placed in state care institutions; and 51 with foster families. As of May 2022, more than 20,000 applications from people willing to temporarily host children were received under the framework of the program of temporary care arrangements.<sup>81</sup>

At the same time, adoption procedures were unofficially put on hold in Ukraine because the courts could not function during the first months of the war and the state court registry was not active. It is now functioning in accordance with the regular procedure established by the Resolution of the Government,<sup>82</sup> although not without delays, and the courts have managed to conclude final decisions in some adoption cases.<sup>83</sup>

A particularly worrying phenomenon has been the spread of social media posts calling for adoptions of children orphaned by the war. On platforms such as Instagram, Facebook, and Telegram, there are hundreds of posts advertising instant take-away adoptions, where you just call the number and collect the baby.<sup>84</sup> Typical content in such posts is: *“Such little babies came to Vorokhta from Kharkiv today. More than 100 children under 6-years-old. From our side everything possible has already been done and is being done (clothes, food, etc.). But children need good parents. Maybe someone wants to adopt such a little angel, maybe someone’s heart will*



“Such little babies came to Vorokhta from Kharkiv today. More than 100 children under 6-years-old. From our side everything possible has already been done and is being done (clothes, food, etc.). But children need good parents...”



*flutter. Then you should contact the “Smerichka” children’s sanatorium in Vorokhta.*<sup>85</sup> However, the state bodies have denounced all such calls for adoption, which are fake and unsanctioned, and reiterated that no fast-track procedure was introduced.<sup>86</sup> In many cases, the children referred to as orphans whose parents died in in hostilities were actually enrolled in state care institutions, and evacuated to safe regions under the supervision of child care institution staff.

Additionally, despite the fact that the number of foreign citizens who are sympathetic to the situation in Ukraine and

are willing to adopt Ukrainian children has risen considerably,<sup>87</sup> the National Social Service (that is responsible *inter alia* for the cases of interstate adoption) is not issuing authorisations/ approvals for adoption of children by foreign citizens since the introduction of the martial law. This is because: *“due to active hostilities, it is impossible to ensure a high-quality check of the documents of foreign citizens [...], to ensure contact between the candidate for adoptive parents and the child, to find out the child’s opinion regarding the adoption by this particular candidate, to obtain the conclusions and consent of the interested parties (parents, institutions in which children lived, guardianship and custody authorities, etc.).”*<sup>88</sup>

## 2.2. CHILDREN URGENTLY SENT BACK HOME AFTER THE OUTBREAK OF WAR

The majority of children who were in institutional care establishments<sup>89</sup> were returned back home after the outbreak of war, according to Aksana Filipishina, Representative of the Commissioner for the Rights of the Child and the Family.<sup>90</sup>

Since the beginning of the Russian invasion, according to data presented in March by the former Minister of Social Policy, Maryna Lazebna, *“30,582 children from institutions with 24-hour stay of children were returned to their parents or other legal representatives for upbringing; 30,078 children from institutions under the supervision of the Ministry of Education and Science of Ukraine (boarding schools); 95 children from institutions that are subordinated to the Ministry of Health of Ukraine; and 409 children from institutions that are subordinated to the Ministry of Social Policy of Ukraine.”*<sup>91</sup>

Although the state representatives claim that a differentiated and personalised approach was applied to the assessment of whether children could be returned to their families, some experts emphasise that this was not always the case. In reality, the situation was similar to when the COVID-19 pandemic hit: 30,500 children were urgently sent back home without checking the conditions at those homes, whether their parents were still there or they had already fled the cities, whether hostilities were ongoing in close proximity to the homes, or whether there was a risk hostilities would soon commence.<sup>92</sup>

Since the beginning of the war, UNICEF has developed a system for monitoring the status of children who were returned from institutions to their families. It was identified that out of those children who were returned to their

biological families, 1,200 children have been identified as needing additional support and protection, which will be provided by the League of Social Workers of Ukraine.<sup>93</sup> The Coordination Headquarters also monitors the situation and condition of children who were sent back home from boarding schools.<sup>94</sup>

However, experts warn it is particularly difficult to monitor the situation of children who were returned back home after the outbreak of the war. Daria Kasyanova, National Program Development Director of SOS Children’s Villages Ukraine CF, highlighted that *“families, as we remember from the ‘quarantine’ story, are different, often socially dysfunctional. The children were removed from those families, in particular, due to abuse from the part of parents who had alcohol and drug addiction. And if during the pandemic volunteers somehow got to them with help, no one can say where and in what conditions these children are now.”*<sup>95</sup>

Moreover, it is now no longer possible to monitor the situation of children who were returned home to territories that were subsequently occupied by Russia. For example, children, including 49 Romani children, from the Tokmak boarding school (Zaporizska Oblast) were returned back to their parents. While some of those Romani families managed to leave Tokmak city at the beginning of March, others stayed. The city fell under Russian occupation in the first days of war, and the city administration was relocated to the regional centre Zaporizhzhya city, and as such it has proven impossible to provide any information on the fate of those children who stayed there with their families.<sup>96</sup>

## It is now no longer possible to monitor the situation of children who were returned home to territories that were subsequently occupied by Russia

### 2.3. EVACUATION OF BOARDING SCHOOLS TO ‘SAFE REGIONS’

The Oblasts of Ukraine were conditionally divided into safe and non-safe regions after the outbreak of war. The non-safe regions are those that have a common frontier with Russia

or Belarus, or are bordering the non-government controlled Oblasts, namely; Volynska, Dnipropetrovska, Donetska, Zhytomyrska, Kyivska, Luhanska, Mykolaivska, Sumska,

Rivnenska, Kharkivska, Khersonska, and Chernihivska. The regional military administrations of these Oblasts were mandated by the government to evacuate the children who were enrolled in the state care institutions.<sup>97</sup>

According to data gathered by the Ukrainian Child Rights Network,<sup>98</sup> as of the outbreak of full-scale war there were 287 state care establishments for children in eight Oblasts that were considered non-safe. A total of 38,081 children were held there. In Dnipropetrovska Oblast there were 74

institutions with 9,541 children; in Donetska Oblast (in the part controlled by the Ukrainian authorities), there were 34 institutions with 3,406 children; in Kharkivska Oblast, there were 44 institutions with 6,564 children; in Luhanska Oblast (in the part controlled by Ukraine), there were 11 institutions with 1,406 children; in Zaporizska Oblast, there were 38 institutions with 6,636 children; in Khersonska Oblast – 17 institutions with 3,334; in Odeska Oblast – 47 institutions with 4,365 children; in Sumska Oblast – 22 institutions with 2,829 children.<sup>99</sup>

LOCATION	INSTITUTIONS	CHILDREN
Dnipropetrovska Oblast	74	9,541
Donetska Oblast	34	3,406
Kharkivska Oblast	44	6,564
Luhanska Oblast	11	1,406
Zaporizska Oblast	38	6,636
Khersonska Oblast	17	3,334
Odeska Oblast	47	4,365
Sumska Oblast	22	2,829

Experts estimated that around 85-90% of all child care establishments were evacuated from the war zones.<sup>100</sup> From the Report on first 100 days of the work of the Coordination Headquarters, 272 round-the-clock state care institutions housing 6,506 children in total were evacuated.<sup>101</sup> Those were special boarding schools, orphanages, and social and psychological rehabilitation centres. The majority of those establishments were evacuated abroad, while some went to the safe regions within Ukraine.<sup>102</sup>

The majority of state care institutions from non-safe regions were evacuated to the West of Ukraine. Within Ukraine, the largest numbers of children from institutional care were

evacuated to: Zakarpatska Oblast - 24%, Lvivska Oblast - 24%, Ivano-Frankivska Oblast - 15%, Dnipropetrovska Oblast - 9%, Chernivetska Oblast - 8% and Volynska Oblast - 5%.<sup>103</sup> State care institutions were relocated to the premises of schools and children’s homes, as well as boarding schools in those regions.

Zakarpatska Oblast was one of the most popular oblasts for transit of Ukrainian refugees abroad, but it also welcomed a large number of internally displaced people (IDPs), including children from state care institutions. To date, 18 state care institutions evacuated to Zakarpatska Oblast.<sup>104</sup> Around 8-10 establishments travelled through Zakarpatska Oblast and stopped there for a few days before going on to leave Ukraine.<sup>105</sup>

**Experts estimated that around 85-90% of all child care establishments were evacuated from the war zones**

## 2.4. CHALLENGES ASSOCIATED WITH EVACUATING STATE CARE INSTITUTIONS

However, some state care institutions failed to evacuate in a timely manner, or did not evacuate at all. In Kherson Oblast, which is now under Russian occupation, the Kherson Centre for Social and Psychological Rehabilitation for Children was not evacuated.<sup>106</sup> Some children remained under occupation, staying in the war zone for a long time. In Zaporizska Oblast, which also fell under occupation, none of the state care institutions for children were evacuated.<sup>107</sup> SOS Children's Villages Ukraine CF participated in negotiations and attempted to involve world media and international organisations in order to create humanitarian corridors to safely evacuate children from the territories under occupation, such as Vorzel and Irpin. For several days, children from state care institutions were caught on the frontlines, including 51 children from the children's home in Vorzel in Kyivska Oblast. The city was almost immediately occupied from the very first days of war, and people were forced to live in basements under shelling until evacuations took place on 9 March 2022.<sup>108</sup> For state care institutions under occupation, the situation remains high-risk and unsafe. Daria Herasymchuk, Adviser to the President of Ukraine on children's rights, described the situation as of May: *"Unfortunately, there is a certain list of institutions (for security reasons I cannot name them) for which the Government of Ukraine is currently trying to organise humanitarian corridors to take out children, including children with complex diseases. These are institutions located in the temporarily occupied territories. There is a connection with the management of institutions. There is an understanding that there is no humanitarian disaster yet, but the children are definitely in great danger and they need to be taken out. Unfortunately, there is still no agreement on humanitarian corridors."*<sup>109</sup>

Several NGOs insisted on the drawing up of evacuation strategies and plans long before the outbreak of war, based on experiences drawn from the 2014 Russian invasion of Ukraine. In particular, the Kharkiv Institute of Social Research has, since 2015, consistently urged different ministries to

create evacuation plans for state care institutions.<sup>110</sup> Just a few months before the invasion, SOS Children's Villages Ukraine started active communication with the government asking for preparatory steps.<sup>111</sup>

On 24 December 2021, the Ukrainian Child Rights Network, which consists of 27 public organisations, sent letters to high-level state officials calling for the creation of an evacuation plan, and the setting-up of a coordination council responsible for managing the safe relocation of children, including those held in state care institutions.<sup>112</sup> Unfortunately, the lessons went unlearned by the 2014-2015 government when, at the outbreak of war, local authorities and relevant ministries were unable to organise the necessary measures. Back then, around 40,000 people (which included 12,000 children) were evacuated from Donetsk and Luhansk Oblasts by volunteers and public organisations.<sup>113</sup> Multiple calls from NGOs were also ignored this time. State officials did not take the potential threats from a lack of evacuation plans seriously and did not prepare an action plan in case of a full-scale invasion. This has led to chaotic and uncoordinated actions by central and local-government bodies, multiple violations of children's rights, and a real threat to the health and lives of those children who were stuck in state care institutions at the outbreak of war and could not be evacuated on time, or still remain in the occupied territories. Human rights activists believe that if the evacuation had been carried out in advance, some deaths could have been avoided. The directors of state care institutions received letters from the Children's Services advising them to evacuate, but ultimately leaving the decision on whether to evacuate or not entirely with the directors themselves. As the state care institutions are subordinate to the regional administrations, the local governments could not in any way influence the decision of the director of the state care institutions.<sup>114</sup> In this way, the safety and lives of children were entirely in the hands of these directors, many of whom were reluctant to start the evacuation process.<sup>115</sup>

## Human rights activists believe that if the evacuation had been carried out in advance, some deaths could have been avoided

Due to the lack of standardised evacuation procedures in the first days of war, children could only be taken outside of the Oblast with the permission of the regional council. Someone had to quickly obtain these permits and then take 100-200 children to safe places or return them to their parents. It was observed almost uniformly and across the board that the administration and employees of these institutions prioritised their own children over the ones held in state care and refused to evacuate them: *"For decades, they have been telling us, 'we love*

*these children like family, we take care of them like family, they are like home with us', but the reality demonstrated that institutional care is far from being a real 'home' for children."*<sup>116</sup> A former Minister of Social Policy of Ukraine, Maryna Lazebna, commented on the inefficacy of the institutional system: *"Some managers of institutions where children are kept around the clock refuse to transfer them to safe places, do not coordinate their actions with regional military administrations and central executive authorities. This is not an issue that can be debated. Children must be protected."*<sup>117</sup>



This has led to a situation where some children were evacuated (including abroad) by volunteers, social activists, nannies, etc; essentially anyone but legal representatives. Therefore, children from state care hovered in an uncertain legal status, accompanied by people without legal powers to evacuate them. Necessary documents were often mislaid or

missing, the legal status of children was unknown or unclear, and they were accompanied by volunteers or activists. As the state care institutions are fully subordinate to the central authorities who held sole responsibility for the protection of these children, there was no room for official assistance from NGOs in these evacuations.<sup>118</sup>



© Александр Бочкала/Adobe Stock

Daria Herasymchuk, Adviser to the President of Ukraine on children's rights, described the complex yet ineffective evacuation of child care institutions: *“Somewhere, perhaps, [it was] our omission. Somewhere, the military-civilian administrations, which are responsible for the evacuation and make decisions about relocation of the facility, were sure that everything was fine and the facility was safe. Some employees of these institutions were not ready to accompany children. Cases are different everywhere and completely individual.”*<sup>119</sup>

In contrast, some FTCH and foster families faced fewer difficulties as many of them were assisted in evacuating by NGOs.<sup>120</sup> For example, FTCH and foster families from Luhanska Oblast (Lysychansk and Severodonetsk) were

evacuated with the assistance of the Kharkiv Institute of Social Research and the Voices of Children NGO, first to Lviv, and then to countries including Austria and Lithuania. SOS Children's Villages Ukraine CF NGO helped evacuate 837 FTCH, foster families, and guardian families.<sup>121</sup> In contrast, FTCH in Donetska Oblast faced the reluctance of the regional Children's Service to authorise their evacuation, even when the frontlines of the fighting were only 10km away from some cities.<sup>122</sup> As experts have highlighted, the war has revealed the complete inefficacy of the institutional care system. Serhii Lukashov, National Director of SOS Children's Villages Ukraine CF, pointedly remarked, *“Collective institutions are harmful in peacetime and dangerous in wartime.”*<sup>123</sup>

**“Collective institutions are harmful in peacetime and dangerous in wartime”**



## 2.5. AN OVERVIEW OF THE SITUATION IN WESTERN UKRAINE, WHERE MANY ROMANI CHILDREN ARE IN STATE CARE INSTITUTIONS

### WHAT HAS HAPPENED TO ROMANI CHILDREN WHO WERE IN BOARDING SCHOOLS

Most children from the boarding schools were returned back to their families, mainly those from boarding schools in the Eastern Oblasts. With regard to Zakarpatska Oblast, where according to experts roughly 80 to 90% of the children in some boarding schools were Romani,<sup>124</sup> the situation differs. Many boarding schools were closed even before the outbreak of war within the framework of DI reform. According to Svitlana Yakimelina, Head of the Children's Service of the Zakarpatska Oblast Military Administration, all boarding schools in the region were gradually closed after the beginning of the COVID-19 pandemic.<sup>125</sup> The buildings of those boarding schools are now being used to host IDPs from non-safe regions. Therefore, all children who had parents and were enrolled in boarding schools were returned to their biological parents, including Romani children who represented a large share of all children enrolled in boarding schools in Zakarpatska Oblast. Despite the fact that all boarding schools in Zakarpatska Oblast had to be closed, there are reports of plans to reopen some of them for reasons that remain unclear.<sup>126</sup>

Romani children who were returned home are now living with their families. It is, therefore, the responsibility of local social services to ensure that family reintegration is happening successfully and that Romani families are supported to guarantee that the children grow up in a safe and healthy environment. The department of education, along with the regional Children's Service, have informed the local children's services all across the Oblast that children are being returned to their biological parents from boarding schools, and that now the local social services will be responsible for supporting these families.<sup>127</sup>

A father of five Romani children who were enrolled in one boarding school in Zakarpatska Oblast noted that he was

asked by the boarding school administration a few months before the outbreak of war to take his children and try to get them enrolled in the regular school or elsewhere, as the boarding school was about to close. He decided to take his children to the regular school, however he noted that the curriculum was of a higher standard in the boarding school and he was satisfied with his initial choice of school. When asked why he chose the boarding school instead of a regular school for his children, the father answered that representatives of the boarding school had come to the tabor where he lived with other Romani families and conducted a series of promotional presentations to Romani families advertising the benefits of that boarding school. Afterwards, the parents of 15 children decided that their children would study in that boarding school. With regard to the local social services' support after the closure of the boarding school, the father of these five children said he has not received any support from the local children's services; he never received any call or invitation to come to their office for consultation.<sup>128</sup>

This example clearly demonstrates the lack of developed social services at the local level, which impedes the successful reintegration of children into families. The root causes for child-parent separation are not solved by simply returning children back home. An extensive social work and support plan should be put in place for families that have experienced difficult life circumstances, alcohol or drug abuse, or physical or psychological violence. The success of the DI reform is not measured by sending children back home; it is by ensuring that children remain at home after that, in a loving and caring environment. With regard to Romani families specifically, the main issues that need to be addressed to keep children in families are poverty and lack of parental competence.<sup>129</sup>

## Arguably, the children have moved from bad to worse conditions

### CONDITIONS IN THE STATE CARE ESTABLISHMENTS IN SAFER REGIONS OF UKRAINE

Schools and state care establishments in safe regions of Ukraine have received and accommodated thousands of IDPs and children from state care institutions from non-safe regions. According to the data provided at the end of March 2022, Zakarpatska Oblast has welcomed more than 380,000 IDPs. 296 communal facilities, which accommodate 18,200 people, have been involved in their resettlement free of charge.<sup>130</sup> In Lvivska Oblast, there are around 20,000 IDPs who have been accommodated

in educational establishments.<sup>131</sup> These numbers are highly volatile as people are constantly arriving, while others are returning to their home regions or moving abroad. On 19 August 2022, the Deputy Prime Minister for Reintegration of Temporarily Occupied Territories, Iryna Vereshchuk, announced that over a period of ten days more than 21,000 people (almost one third of them children) had been evacuated from the temporarily uncontrolled territories of Khersonska, Kharkivska, Zaporizska, Donetsk, and

Luhanska Oblasts and the AR of Crimea.<sup>132</sup> Another challenge associated with the flow of IDPs from non-safe territories is that the establishments needed to host at least twice, sometimes three times, as many children than normal. Children’s homes with capacity of around 100 (sometimes in unsatisfactory conditions even before overcrowding),<sup>133</sup> are now required to host between 200 and 300 children.<sup>134</sup> Conditions in these hosting establishments cannot therefore be considered satisfactory.<sup>135</sup> Arguably, the children have moved from bad to worse conditions.<sup>136</sup>

Some children were hosted in premises not suitable for children’s needs. Such was the case for around a hundred children evacuated from Kharkiv who were placed in a sanatorium in Vorokhta. As Darya Kasyanova, the National Program Director of SOS Children’s Villages Ukraine CF, stated: *“volunteers bought what they could, but forgot to purchase tables for feeding. They brought infant formulas that were available but not suitable for all children, and then some children experienced troubles because of that. There were only a few staff members to take care of a hundred children. One staff member was responsible for ten children under one year [old]. Volunteers took turns and tried to assist as they could. No separate toilet premises were envisaged, it was very cold in the beginning. This is despite the fact a lot of money was collected for these children.”*<sup>137</sup> Olena Rozvadovska, Head of the Board of Children’s Voices CF, described how: *“Children are carried and thrown over like wagons with coal. Everything happens at the expense of volunteers and international donors. On the one hand, billions of hryvnias were spent on boarding schools. However, when it comes to their relocation, the supply needs start with [such basic needs as] pants and diapers. But there should have been [at least some] reserves [in the child care institutions].”*<sup>138</sup>

Although experts have assessed the conditions of state care establishments where children from non-safe regions were evacuated as unsatisfactory, Aksana Filipishina, Representative of the Commissioner for the Rights of the Child and the

Family, has referred to monitoring conducted jointly by the Ombudsman’s Office and UNICEF in 60 establishments where evacuated children were accommodated. The preliminary results of this monitoring have demonstrated that in the vast majority of cases, children’s rights were complied with except for some ‘technical’ questions: the premises may not be equipped, there may be no bomb shelters, etc.<sup>139</sup>

The challenges of ensuring the safety of children in school during wartime are especially acute. As the Educational Ombudsman, Serhiy Gorbachev, highlighted, an audit of 13,700 institutions of general secondary education showed that only as few as 8% of them have equipped shelters.<sup>140</sup> Very little attention has been paid to this issue in general by the local authorities, as now the urgent issue on the agenda is to accommodate all the IDPs who are currently living in the premises of these schools and state care institutions, and to free up those premises up for the pupils so that learning could be relaunched.<sup>141</sup> On 1 September 2022, in-person learning was scheduled to begin only in those schools that are equipped with bomb shelters. This means that, as of September, it will not be possible to ensure safe in-person schooling in 92% of schools (this percentage may change, as some regions attempted to equip bomb shelters throughout the summer period). As a result, distance learning will inevitably be reintroduced.

Distance learning will inevitably impact the level of education of Romani children who have returned back home, as many Romani families have limited access to technological equipment and the Internet. According to research conducted in the midst of the COVID-19 pandemic, as many as 77.3% of Romani children did not have access to the Internet, and only about a third of them had the necessary equipment: 25.3% of respondents owned smartphones; 4.1% had tablets; 1.9% had access to laptops, and only 0.2% had PCs.<sup>142</sup>





## 2.6. WHAT HAS HAPPENED TO THE CHILDREN WHO WERE EVACUATED ABROAD

As was previously observed, many children from care institutions in the non-safe regions were evacuated abroad. The procedures for evacuation abroad, as well as travel abroad with legal representatives, were governed by the Resolutions of the Cabinet of Ministers ‘On the approval of the Rules for crossing the state border by citizens of Ukraine’ No. 57<sup>143</sup> and Resolution No. 385, which governs evacuation both within and outside of Ukraine.<sup>144</sup> In the first few weeks, as corroborated by both state officials and civil society activists, evacuations abroad were chaotic, often neglecting safety regulations or any accounting for the persons leaving the country through the checkpoints, due to procedures not being planned in advance. Some state care institution staff reached out to those European organisations that expressed their readiness to host Ukrainian children via electronic correspondence, and organised evacuations based on their assurances to host these children.<sup>145</sup> Many Lithuanian, Polish, Austrian, and German organisations, including charitable organisations such as Caritas, Rotary, and Samaritans, provided support and organised the transfer of Ukrainian children to these European countries as well as their accommodation in specialised medical institutions (for the children with disabilities) and other establishments.<sup>146</sup>

According to statistics provided by the National Social Service, as of 1 June 2022 9,337 children were relocated/evacuated abroad (4,228 children from institutions; 5,109 children from family care).<sup>147</sup> The children from child care institutions were mostly accepted by the following countries:<sup>148</sup>

<b>POLAND</b>	<b>1,683</b>
<b>GERMANY</b>	<b>716</b>
<b>ITALY</b>	<b>364</b>
<b>AUSTRIA</b>	<b>235</b>
<b>TURKEY</b>	<b>160</b>
<b>NETHERLANDS</b>	<b>123</b>
<b>SPAIN</b>	<b>113</b>
<b>SWEDEN</b>	<b>86</b>
<b>ROMANIA</b>	<b>71</b>
<b>LITHUANIA</b>	<b>43</b>

While for the relocation/evacuation abroad of children from family forms of upbringing, the numbers are the following:<sup>149</sup>

<b>POLAND</b>	<b>1,229</b>
<b>GERMANY</b>	<b>575</b>
<b>SPAIN</b>	<b>145</b>
<b>ITALY</b>	<b>138</b>
<b>NETHERLANDS</b>	<b>109</b>
<b>ROMANIA</b>	<b>105</b>
<b>TURKEY</b>	<b>93</b>
<b>FRANCE</b>	<b>72</b>
<b>AUSTRIA</b>	<b>63</b>
<b>SLOVAKIA</b>	<b>60</b>
<b>SWITZERLAND</b>	<b>48</b>
<b>MOLDOVA</b>	<b>46</b>
<b>HUNGARY</b>	<b>37</b>
<b>LITHUANIA</b>	<b>29</b>

Some institutions, especially from safe regions, managed to utilise the ‘Procedure for organisation of departure of children abroad for recovery and recreation for children aged between seven and 18 years-old’, instead of relying on evacuation.<sup>150</sup> The Procedure was amended in June 2022 to provide for a mandatory approval of such trips by the National Social Service during the period of martial law.<sup>151</sup> Even before these amendments, some institutions had organised trips outside of Ukraine for children when the war broke out. For example, 53 orphaned children and children deprived of parental care, including Romani children, from Chynadiyiv’skyy children’s home in Zakarpatska Oblast were sent to Italy for ‘recovery and recreation’.<sup>152</sup> They left in March and initially planned to stay in Italy until the end of July. All the children are insured and are registered at the consulate in the host country. The premises of the children’s home from which the children were sent to Italy was repurposed for the short-term stay of children who are being evacuated from non-safe regions (Dnipropetrovska, Khersonska, Luhanska, Sumska Oblasts) and transit through Zakarpatska Oblast. For the moment, this children’s home is no longer being used for this purpose.<sup>153</sup>

From the Zakarpatska Oblast, three FTCH, five foster families, and 49 guardian families have moved abroad, which is not considered to be an evacuation. The Head of

the Children's Service of the Zakarpatska Oblast Military Administration, Svitlana Yakimelina, has confirmed that there are Romani children amongst the 95 children who left Zakarpatska Oblast with their legal representatives, however, no official statistics on them are available.<sup>154</sup> The children have the right to travel abroad according to the national legislation only if accompanied by their legal representatives.<sup>155</sup> These representatives also have to obtain permission for travel from the guardianship and custody authority/the regional military administration beforehand, where the state of final stay should be mentioned. Those families and FTCH are also obliged, within one working day after having arrived in the state of final stay, to get temporarily registered at the consulate of the foreign country. All the FTCH and families were personally informed by the staff of the Children's Services of

Zakarpatska Oblast about the need to present themselves at the consulates of Ukraine abroad and get registered.

However, in some cases organisations that brought FTCH, foster families, and families of guardians abroad assured them that there was no need to register with the consular register because it would cause difficulty and problems. This became deeply problematic, as Adviser to the President of Ukraine on children's rights, Daria Herasymchuk, explained: *"And then the family could be persuaded to move to another country, for example, from Germany to the U.S. Parents-educators were very worried and did not understand what to do next, because they received approval from the authorised body in Ukraine to move to this country, and not to another. Such problematic situations arise when people do not fully know their rights and responsibilities and are 'led' by the not-so-fair games of various organisations and volunteers who organised their evacuation."*<sup>156</sup>

### CONDITIONS AND CHALLENGES FACED BY STATE CARE INSTITUTIONS EVACUATED ABROAD

It is difficult to know for certain the conditions in which children are living abroad, but cases reported by the media, state bodies, and civil society experts all seem to indicate that the accommodation conditions of children who were evacuated abroad are satisfactory. For example, the Municipal Institution 'Kamyanske Specialised Children's Home' of Dnipropetrovska Regional Council (an institution subordinated to the Ministry of Health) was evacuated to Switzerland. Twenty-five children aged 0 to 4, all with different neurological diagnoses of different degrees, were accompanied by the staff members (educators and nannies), who undertake all necessary care and support and continue receiving their salaries from Ukraine.<sup>157</sup> On 11 March, 19

pupils accompanied by four nurses and a doctor were evacuated from the Volyn regional children's home to the Polish city Krzydolina Mala. The institution are being looked after by local nuns. The children were greeted extremely warmly, good conditions were ensured for the stay of children and guardians, and the children were provided with new clothes, hygiene products, free accommodation, and food.<sup>158</sup> Other cases, such as the social hub in the Polish city of Stalowa Wola, which accommodates large groups of children from state care institutions as well as unaccompanied children in good hosting conditions, demonstrates that EU Member States are trying to meet the needs and requests of Ukrainian institutions.<sup>159</sup>



© Alonaphoto /Adobe Stock

Nevertheless, due to differences in the approach of the Ukrainian legislation and that of the European Union Member States, where deinstitutionalisation had already been accomplished, some of the state care institutions and even family-type children's homes (FTCH) faced certain challenges. There are very few state care institutions in the EU Member States and moreover, the FTCH in EU Member States are usually allowed to accommodate no more than five children (in comparison to a maximum of 10 in Ukraine).<sup>160</sup> Thus, some Ukrainian institutions and FTCH experienced pressure and even harassment by the children's services of some European countries, such as Poland, Germany, and Italy, to comply with the expected requirements of those countries. They were sometimes forced to divide into smaller groups and accept the appointment of educators by the authorities of the host country.<sup>161</sup>

As Daria Herasymchuk, Adviser to the President of Ukraine on children's rights, stated: *"In Italy, for example, the*

*state authorities do not understand the Ukrainian FTCH form of upbringing, what the status of the parents-educators is and what powers they have. Therefore, [in Italy], they appoint [the Italian] temporary guardian. This creates certain difficulties, because there is already a formed family, father and mother are educators. They are very worried and do not know how to relate to the appointed guardian.*"<sup>162</sup>

In these situations, children from institutional care are taken away from their legal representatives and placed in foster families or family-type environments, while the FTCH are divided into smaller sub-groups, as the EU countries maintain the child should live in conditions that are as close as possible to real family conditions.<sup>163</sup> According to Ukrainian legislation, the boarding schools and FTCH cannot be separated as the legal representative is responsible for all those children. Currently, the Ukrainian ministries and consulates abroad are working on settling these situations to ensure that all children are under the supervision of Ukrainian legal representatives and will be able to safely return to Ukraine.<sup>164</sup>

### FORCEFUL EVACUATION (I.E. DEPORTATION) OF CHILDREN TO THE RUSSIAN FEDERATION FROM THE OCCUPIED TERRITORIES

While evacuation efforts continue under Ukrainian governance, the Russian authorities are conducting mass deportations of Ukrainian citizens from the occupied territories of Ukraine.<sup>165</sup> According to data provided by the Russian Ministry of Defence as of 14 August 2022, since the beginning of full-scale war 3,342,109 Ukrainians were deported to the territory of the Russian Federation, of which 533,441 were children.<sup>166</sup> Deputy Prime Minister for Reintegration of Temporarily Occupied Territories of Ukraine, Iryna Vereshchuk, announced that Ukraine had managed to return only 53 children as of the end of August 2022.<sup>167</sup> Around 24,000-28,000 Ukrainians were forcefully 'evacuated' to the Russian Federation every single day, leading to an exponential growth of the numbers of deportees. Nevertheless, it is still extremely difficult to estimate the exact numbers of people deported because the only source of information is Russian authorities, which cannot be verified by the Ukrainian government as they currently do not have access to the occupied territories. In May, the Ukrainian authorities, having collected data from the open-source declarations of Russian authorities, such as the Russian Ministry of Defense and Ombudsperson for Children, pointed to around 2,000 children from state care institutions having been deported to the Russian territory from the occupied regions.<sup>168</sup>

Experts explain that there is no genuine intention to adopt Ukrainian children among Russians, as there are already a large number of Russian orphans and children deprived of parental rights who have been awaiting adoption for years.<sup>169</sup> Andrew Chernousov, Deputy Chairman of the Board of the Kharkiv Institute of Social Research, described the situation as: *"The kidnapping and deportation of Ukrainian children to the territory of the Russian Federation is the element of political pressure."*<sup>170</sup> He has also attested that unaccompanied children and children from state care institutions are at higher risk of illegal adoptions. There is no clear picture of the number of Romani children who were deported to Russia but, since Donetsk and Luhansk Oblasts have the highest percentages of Romani populations, it is extremely likely that there were Romani children in the child care institutions in the occupied territories. In this way, there is a strong likelihood that Romani children have been deported to Russia. The deportation of children from state care institutions in the occupied territories of Donetsk and Luhansk Oblasts began on 19 February 2022.<sup>171</sup> Deportation activities were intense during the first days of the war, as procedures for evacuation had not yet been adopted by the Ukrainian government.<sup>172</sup> This lack of a coordinated advance evacuation of state care establishments clarified by procedure led to the situation where Russian forces could easily remove children from these establishments and then deport them to Russian territory.<sup>173</sup>

## There is a strong likelihood that Romani children have been deported to Russia

Although 264 establishments were evacuated, some children's homes and boarding schools were not evacuated in time and fell under occupation, leading to some of the children from those institutions being deported to Russia (according to very rough estimations, this could be around 2,000 children

from state care institutions, but the real numbers may be far higher). The fate of those children is not known to the Ukrainian government. However, what is known is the plan of Russian authorities to put those abducted children up for adoption by Russian nationals, who will be able to change



the children's names in passports and officially hide their Ukrainian identity.<sup>174</sup> This will make it virtually impossible to identify those adopted Ukrainian children.<sup>175</sup>

On 26 April 2022, according to data from the Russian Commissioner for Children's Rights, Maria Lvova-Bilova, the first 27 orphans from Donbas were transferred to Russian families for guardianship.<sup>176</sup> Russian legislation now provides for the opportunity to adopt these Ukrainian children.<sup>177</sup> On 23 August 2022, on the official website of the Krasnodar Administration for Family and Childhood Affairs in the publication 'Kids from Mariupol are looking for families', it was announced that more than a thousand children from occupied Mariupol were illegally adopted in Tyumen, Irkutsk, Kemerovo, and Altai Krai. More than 300 children are being temporarily cared for in specialised institutions in the Krasnodar Krai.<sup>178</sup> At the same time, the competent authorities of Ukraine did not receive a single permission request for such actions, which is a violation not only of the Fourth Geneva Convention (Articles 4, 49, 50, and 147), but also of the UN Convention on the Rights of the Child.<sup>179</sup>

Finally, a Conflict Observatory report published in February 2023<sup>180</sup> has provided inescapable evidence that not only has Russia's federal government relocated at least 6,000

Ukrainian children, but that a number of accommodations provided, which mostly include recreational camps as well as temporary housing, are "engaging in pro-Russia re-education efforts".<sup>181</sup> This indoctrination to a Russia-centric viewpoint is yet another measure, after forcibly evacuating Ukrainian children to Russia, removing their Ukrainian identity, and preventing their return to their families, to "Russify" Ukrainian children.<sup>182</sup> The ultimate result of these actions is the erasure of Ukrainian identity in a generation of children.

The situation is exacerbated by the fact that no centralised digital registry was in place for children held in state care institutions in Ukraine. The National Social Service only has statistical data on the numbers of children held in the institutions in the occupied territories, and personal information can only be given out by the local authorities.<sup>183</sup> As Kateryna Rashevskya highlighted; "No return mechanism will work with approximate statistics. Ukraine should prepare a list of children who were deported in order to submit a consolidated demand to the Russian Federation to return them."<sup>184</sup> However, this task will be near impossible to accomplish, taking into account the fact that the Russian state bodies are also ignoring all official inquiries from the Ukrainian officials regarding the identification of children deported to the Russian territory.<sup>185</sup>



© Sandor Szmuto /Adobe Stock

### AN OVERALL ASSESSMENT OF THE SITUATION OF ROMANI CHILDREN IN INSTITUTIONAL CARE SINCE THE OUTBREAK OF WAR

The challenges facing Romani children who were in state care institutions have multiplied since the Russian invasion. The main tragedy, as mentioned earlier, is that many children were not evacuated in time and remained in territories subsequently

occupied by Russian forces. Some children were returned to their parents but missed the opportunity to be evacuated in a timely fashion, as was the case in Tokmak which fell under occupation just days after the invasion. There is also

the likelihood that some Romani children are among those deported to the Russian territory from the orphanages and children's homes in the occupied zones. However, without any official information available to the Ukrainian government it is nearly impossible to estimate the scale of this problem.

Most of the Romani children who were in boarding schools were urgently returned to their families after the beginning of the war. As a consequence, their most pressing challenges are the same as those faced by Romani families more generally. Aksana Filipishina, Representative of the Commissioner for the Rights of the Child and the Family, attested that IDPs face challenges finding accommodation, especially those families who have children with disabilities.<sup>186</sup> Filipishina also suggested that Romani families could experience difficulties associated with finding accommodation due to stigmatisation of this ethnic group in Ukrainian society.<sup>187</sup>

This was also confirmed by Eleonora Kulchar, Head of Zakarpattia Regional Charitable Fund 'Blaho'. Kulchar has organised a shelter primarily catering for Romani IDPs that has accommodated around 900 people (of which roughly 90% are Roma) since the beginning of the war. This shelter has a capacity of around 150 places and is always full with IDPs. The displaced Roma receive free-of-charge food and hygiene products, as well as all necessary psychological and legal support. There is also support targeted towards children. This is however a temporary emergency response, and IDPs must then search for accommodation in Uzhhorod or elsewhere. However, Roma who come from Zaporizska, Kharkivska, Mykolayivska, and other Oblasts to Uzhhorod (the regional centre of Zakarpatska Oblast) face discrimination and are often denied accommodation from private renters. They cannot rent an apartment and are forced either to return to the occupied territories, or territories where hostilities are ongoing, or to travel abroad in search of help from foreigners. The latter option, according to Kulchar, is what most internally displaced Romani families do: most of them exit Ukraine seeking refuge and a better life in other European countries.<sup>188</sup> The relocated Romani families, therefore face a risk of becoming homeless, bearing the status of a 'family in DLC', and having their children taken away and placed in institutional care.

Unfortunately, as has been widely reported, Roma face obstacles and discrimination abroad. Aksana Filipishina observed that many Romani families who were evacuated abroad face difficulties with accessing digital services in the countries of

final stay, as well as the services provided by Ukraine abroad such as consulate services and information services.<sup>189</sup> It has already been assessed that among Romani children only a very small percentage have access to the Internet or possess electronic devices,<sup>190</sup> so evacuation abroad becomes even more challenging. This is also experienced by non-Romani people who were evacuated to Europe from Ukraine, but is often more acute in the case of Roma. The education level of Romani people directly influences the realisation of their rights, especially social rights.<sup>191</sup> The children then suffer due to the inability of their parents to access the social services, or find accommodation and jobs. This is true for internally displaced people within Ukraine, and is even more critical for those who have sought refuge abroad.

Most Romani children who are deprived of parental care, and were in children's homes and other state care establishments have either been evacuated to the safe regions of Ukraine and are held in the premises of state care institutions on those territories, or they were evacuated abroad. These Romani children face the same challenges as any other child from a Ukrainian state care institution: limited access to education (some state care institutions are not provided with electronic devices or Internet access for distance learning), as well as poor living conditions due to overcrowding and lack of quality care required in some cases (such as children with disabilities). Being evacuated abroad also brings a set of risks: children can be separated from their legal representatives, have no access to distance learning in Ukraine, or foreign citizens may try to illegally adopt them (Ukraine does not allow for this for the period of martial law). In addition, especially when unaccompanied, these children face an increased risk of violence, abuse, and exploitation; there is also a greater danger that children go missing and fall victim to trafficking, especially when moving across borders.<sup>192</sup> Additionally, *"approximately 10-20% of the estimated 400,000 Romani people living in Ukraine are stateless or at risk of statelessness"*. For these Romani people who already face the struggles of statelessness, crossing the borders and fleeing Ukraine will likely lead to additional challenges that may put the well-being of their children at risk.<sup>193</sup> As the European Parliament has acknowledged in its Resolution on the EU's protection of children and young people fleeing the war in Ukraine, *"children in forced migration are at increased risk of statelessness due to issues linked to obstacles to birth registration in their country of origin or during displacement and a lack of recognition of their parents' statelessness; whereas this risk is exacerbated for unaccompanied children in view of obstacles to documentation and registration, including lack of proof of family links."*<sup>194</sup>

**“Approximately 10-20% of the estimated 400,000 Romani people living in Ukraine are stateless or at risk of statelessness”**

### 3. CONCLUSIONS AND RECOMMENDATIONS

#### FURTHER STEPS TOWARDS DEINSTITUTIONALISATION IN UKRAINE

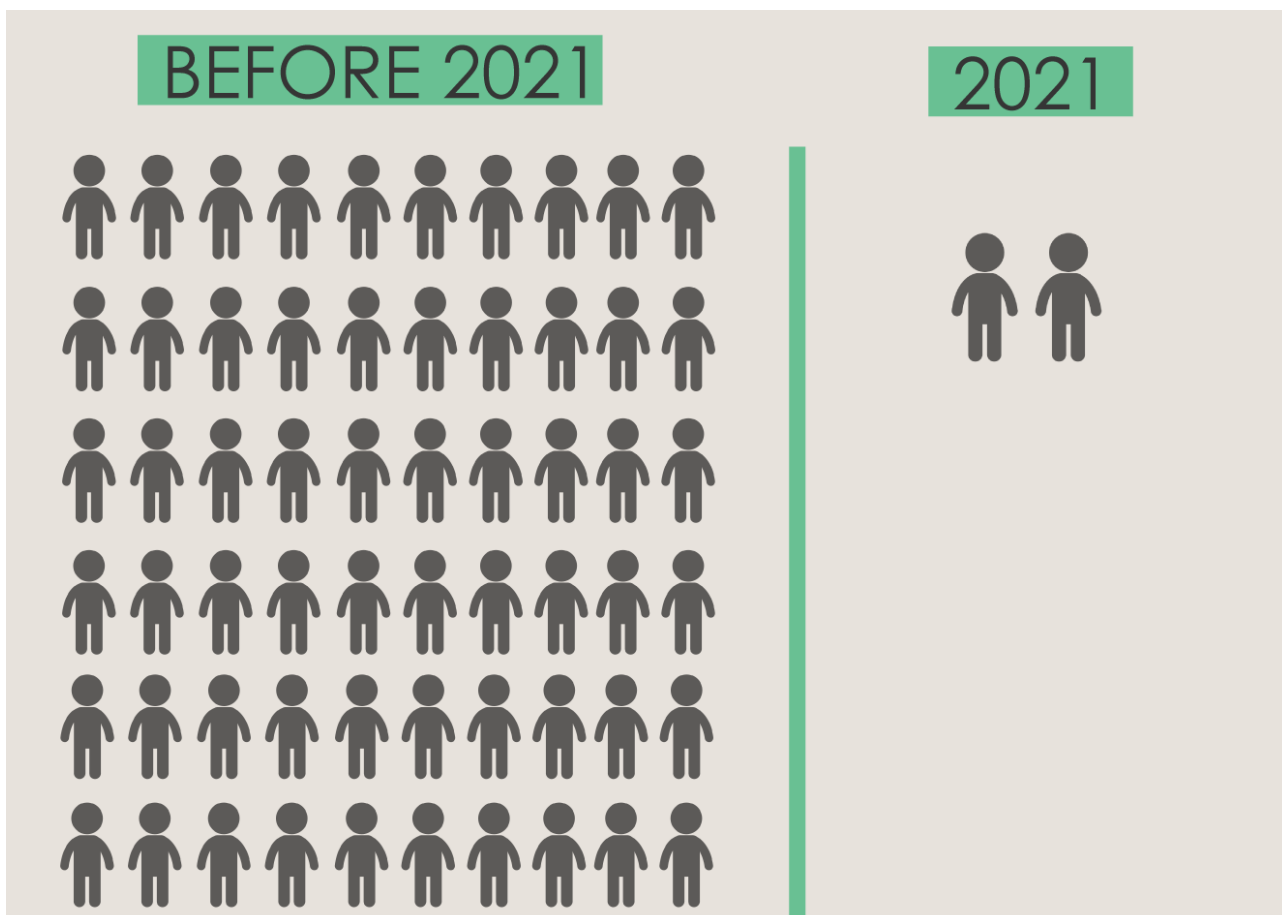
The Ukrainian Government has emphasised its commitment to continuing DI reform after the end of the war. Daria Herasymchuk, Adviser to the President of Ukraine on children’s rights, has made a firm public assurance that:

*“We were doing and will do everything to ensure that every child has a family. This is the position of the President of Ukraine, Volodymyr Zelensky. Even the best establishment of institutional care, for a round-the-clock stay of a child, definitely does not give what a family can give. It is necessary to look for an alternative, [and] family forms of upbringing are the best substitute. [...] I am sure that the wishes of the President of Ukraine have definitely not changed, and after the war we will continue to do everything to ensure that children are brought up in families, and the system of protecting children’s rights is improved.”<sup>195</sup>*

However, the government will have to admit the flaws of the existing approach as regards implementation of this reform, and take into account the opinions of experts who urge that the priority issue is the development of social services on the local level to prevent separation of children from their parents.

Serhii Lukashov, National Director of the NGO SOS Children’s Villages Ukraine CF, has shared a story of success and hope, showing that prevention can eliminate the

institutionalisation of children.<sup>196</sup> In 2009, SOS Children’s Villages Ukraine CF launched a ‘children’s village’ project in Brovary city (Kyivska Oblast). Every year, dozens of children from this city were sent to the children’s home in Brovary as well as to institutions in neighbouring cities and towns. To address this, SOS Children’s Villages Ukraine CF launched a project with the aim of preventing the separation of children from their parents, and began to work with families in difficult life circumstances. In those cases where the parents had been deprived of parental rights, the children were placed in family-type forms of upbringing in special ‘children’s villages’ with foster families, guardian families, and FTCH.<sup>197</sup> By supporting the families at risk of child-parent separation and providing emergency placements for children in family-type environments in cases of such separation, the NGO, working in close collaboration with the local self-government body, managed to achieve outstanding results. In 2021 in Brovary city, out of approximately 110,000 inhabitants, only two children were in a round-the-clock children’s home. Before this program was initiated, there were up to 70 children from Brovary city living in child care institutions each year. This is testimony to the fact that prevention of child-parent separation, if implemented by experts, can mean leaving institutional child care behind.





## ASSESSMENT OF ROMA STRATEGY 2030

One of the goals of the Roma Strategy 2030 is to ensure social protection of Romani people, especially Romani children. The Strategy reasonably highlights that *“realisation of the child’s rights to comprehensive development and upbringing in a family environment is important for ensuring the best interests of the child. The provision of social services will make it possible to prevent persons belonging to the Roma national minority, in particular children, and Roma families from falling into difficult life circumstances, to overcome or minimise the negative consequences of such circumstances.”*<sup>198</sup> Towards this end, the Ukrainian government is committed to helping overcome difficult life circumstances and begging among Romani children, by promptly identifying them and providing assistance in accordance with individual needs; and assisting Roma in difficult life circumstances to access social services according to their needs in the relevant administrative and territorial units.<sup>199</sup> This should not be just a declarative aspiration, but rather a clear set of tasks with indicators for monitoring their implementation, and mandatory involvement of civil society actors dealing with social protection of children and the Romani population, to give an overview of the needs and challenges faced by Romani children and the best ways to ensure their upbringing in accordance with the principle of the best interests of the child.

The present research has also shown that neither the state authorities nor civil society have a clear idea of

how many Romani children are in state care institutions. This is part of a much wider problem, as the ban on the collection and processing of ethnically-disaggregated data leads to an absence of knowledge about the needs and systemic challenges facing the Roma national minority in Ukraine. Experts have urged that such data is a crucial tool in developing and implementing effective inclusion policies.<sup>200</sup> The government has also acknowledged the need for updating and detailing the statistical information and data regarding the Roma national minority in order to effectively implement the Roma Strategy 2030.<sup>201</sup> For this purpose, the Roma national minority should be engaged in the population census.<sup>202</sup> Scientific research should be conducted on the demographic composition, socio-economic situation, and features of resettlement of persons belonging to the Roma national minority.<sup>203</sup>

Effective measures to support Roma in general, and Romani children in particular, will only be possible after the state and civil society develop a comprehensive understanding of the overall situation of Romani people. For now, knowledge is scarce, and for the most part anecdotal, concerning the number of Romani children in Ukraine, their representation in state care institutions, the level of discrimination they face, and the prevalence of problems routinely associated with Roma. This deficit contributes to growing isolation and stigmatisation of this ethnic group in Ukraine.

## ACTION ON THE NATIONAL LEVEL AND BEYOND IN THE CONTEXT OF WAR

The challenges associated with war remain particularly acute and the state should address them without undue delay. Experts already urged in March 2022<sup>204</sup> and continue to highlight the fact that in the immediate future there will be a need for food, hygiene products, detergents, diapers, and medicines for children evacuated from state care institutions to safe regions of Ukraine. Humanitarian aid should not be distributed in a haphazard fashion; it should be carried out in accordance with the stated needs, creating reserves in case of limited access to resources, including basic necessities. This also relates to state care institutions that were not evacuated and remain in the territories controlled by the Ukrainian Government. Their evacuation, and clearly established procedures for that, as well as coordinated efforts of accepting institutions on the safe territories or abroad, must be carried out in a timely and efficient manner.

Additionally, the state care establishments that accommodated the evacuated children should receive additional funding from the state budget, as maintenance of communal institutions providing social services is now carried out at the expense of local budgets.<sup>205</sup> The crucial issue is to ensure the safety of children, so it must be a priority for central and local authorities to equip state care institutions with bomb shelters.<sup>206</sup>

With regard to the European Union Member States that received the majority of Ukrainian war refugees, the

European Parliament has identified the key priority areas of action towards ensuring the rights of children, in particular those from state care institutions that were relocated to EU Member States. It has highlighted that there is a need to adopt a European Union strategy *“to step up humanitarian action on the ground to rescue [...] in particular vulnerable children, including those from disadvantaged socio-economic backgrounds, those in institutional care and foster care, as well as [...] orphans and unaccompanied children, especially in combat zones.”*<sup>207</sup> The European Parliament also underlined that the well-being and whereabouts of children who enter the EU from institutional care in Ukraine is very important, so they should be registered and identified (as experts and high-rank officials in Ukraine have attested, some of them were evacuated from the institutions without identifying documents) in order to prevent child trafficking, illegal adoptions, and other possible human rights abuses.<sup>208</sup> Additionally, they should be included in the monitoring systems for the social and child protection services in the receiving Member States,<sup>209</sup> and disaggregated data should also be collected for the purpose of identifying their needs and providing them with necessary support.<sup>210</sup>

Additionally, the risk of separating Romani children from their parents abroad should be considered and mitigated both by Ukrainian authorities, such as foreign consulates, as well as the authorities of the country of final stay. Romani families fleeing the war may already be in difficult life circumstances, which increases the probability of action on

## CONCLUSIONS AND RECOMMENDATIONS

the part of social services of the receiving country. According to the former Ukrainian Ombudsman, Lyudmyla Denisova; *“due to mass unemployment of the adult population [among Roma in Ukraine], the majority of representatives of the Roma minority live below the poverty line.”*<sup>211</sup> Low levels of income and lack of access to digital tools and information can endanger Romani families who fled Ukraine and lead to their disadvantageous socio-economic position, as well as the separation of Romani children from their parents. As the ERRC has highlighted in its submission to the UN Committee on the Rights of the Child, *“many Romani communities in Ukraine live in conditions of extreme poverty, often in segregated settlements with little or no*

*access to essential services such as clean water and sanitation, adequate health care provision, and quality integrated education, that have particularly deleterious effects on the rights and wellbeing of Romani children.”*<sup>212</sup> These issues should be addressed with particular scrutiny so as to ensure the protection and guarantee the realisation of the rights of Romani children in Ukraine and beyond, to prevent these children being separated from their parents and placed in institutional state care. Against the backdrop of the war against Ukraine, protecting the lives and well-being of Romani children, who are often the most disadvantaged in Ukrainian society, must be highlighted as a matter of utmost importance.

## ENDNOTES

- 1 European Roma Rights Centre, *Blighted Lives: Romani Children in State Care*, 2021. Available [here](#).
- 2 Interview with Aksana Filipishina, the Representative of the Commissioner for the Rights of the Child and the Family, citing data provided by the Ministry of Social Policy.
- 3 *Ibid.*
- 4 *Ibid.* According to data provided by the State Statistics Service of Ukraine, the number of orphans and children deprived of parental care at the end of 2021 was: 3,611 children enrolled in medical, educational establishments or institutions, or establishments for orphaned children and children deprived of parental care; 48,089 children under guardianship or care; 13,000 children in foster care or family-type children's homes; 630 children in institutions for social protection of children; 1,333 studying and living in vocational or higher education institutions. State Statistics Service of Ukraine, 'Social Security of Ukraine's Population', *Statistical Publication 2022*, p. 116. Available [here](#).
- 5 Article 143 of the Family Code of Ukraine, adopted on 10 January 2002, No. 2947-III, the latest version dated 19 February 2022. Available [here](#).
- 6 Interview with Aksana Filipishina, Representative of the Commissioner for the Rights of the Child and the Family.
- 7 According to the data provided by the State Statistics Service of Ukraine, the number of orphans and children deprived of parental care in the institutions subordinated to the Ministry of Education and Science was: 549 in 2019, 463 in 2020, 407 in 2021; in the institutions subordinated to the Ministry of Health: 1485 in 2019, 1437 in 2020, 1364 in 2021; in the institutions subordinated to the Ministry of Social Policy: 775 in 2019, 670 in 2020, 592 in 2021. *supra* note 4, 'Social Security of Ukraine's Population' p. 114. Available [here](#).
- 8 *Ibid.*
- 9 Anna Pogrebna, 'Does the government really want to cancel the boarding school reform? The ombudsman explains', *Suspilne.media*, 20 January 2021. Available [here](#).
- 10 46% of them are technical and administrative staff, 54% are caregivers and teachers. Khmelnytskyi Regional Military Administration, *Reform of boarding institutions (deinstitutionalisation)*, 21 February 2022. Available [here](#).
- 11 Hope and Homes for Children, *Report: The Illusion of protection, An analytical report based on the findings of a comprehensive study of the child protection system in Ukraine*, 28 September 2015, page 76. Available [here](#). Acknowledged in *The National strategy on reforming the system of institutional care and upbringing of children for 2017-2026*. Available [here](#).
- 12 The Preamble to the UN Convention on the Rights of the Child, ratified by Ukraine in 1991 (Available [here](#)), states that "[...] the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community; [...] the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding." Available [here](#). See also: 'The UN Guidelines for the Alternative Care of Children', in particular Part II.A, points 3 and 9. Available [here](#).
- 13 *The National strategy on reforming the system of institutional care and upbringing of children for 2017-2026*. Available [here](#), approved by the Decision of the Cabinet of Ministers of Ukraine dated 9 August 2017 No. 526-r. Available [here](#).
- 14 Presidential Order, 'On the priority measures for the protection of children's rights No. 1086/2005', dated 11 July 2005. Available [here](#); followed by the 'Concept of the State Program for Reforming the System of Institutions for Orphans and Children Deprived of Parental Care' approved by the Cabinet of Ministers on 11 May 2006. Available [here](#).
- 15 In Kharkiv region the indicators were even higher – 95% of such children were outside of institutional care. Anna Myasnikova, 'The system vs the child? What is wrong with the reform of boarding schools', *Varosh.com.ua*, 2 April 2021. Available [here](#).
- 16 *supra* note 11, *The National strategy on reforming the system of institutional care and upbringing of children for 2017-2026*".
- 17 Khmelnytskyi Regional Military Administration, *Reform of boarding institutions (deinstitutionalisation)supranote 10*, 21 February 2022. Available [here](#).
- 18 Ridni.org.ua, *Changes in the DI reform*, 22 January 2021. Available [here](#).
- 19 From an interview with Serhii Lukashov, National Director of the NGO SOS Children's Villages Ukraine CF.
- 20 Facebook post from Mykola Kuleba, Commissioner of the President of Ukraine for Children's Rights, on the draft order that would slow down the deinstitutionalisation reform. Available [here](#).
- 21 Draft Order of the Cabinet of Ministers, 'On making changes to the National Strategy for Reforming the System of Institutional Care and Education of Children for 2017–2026', dated 16 January 16 2021. Available [here](#).
- 22 *supra* note 18, *Changes in the DI reform*.
- 23 *supra* note 20, Facebook post of the Commissioner of the President of Ukraine for Children's Rights.
- 24 *supra* note 18, *Changes in the DI reform*.
- 25 *supra* note 20, Facebook post of the Commissioner of the President of Ukraine for Children's Rights.
- 26 *supra* note 15, *The system vs the child? What is wrong with the reform of boarding schools*.
- 27 *Ibid.*
- 28 State Statistics Service of Ukraine, *Protection of children who need a special attention of the society, Statistical bulletin*, 2018, for data from 2014 and 2017. Available [here](#); *supra* note 4, *Social Security of Ukraine's Population* p. 114, for data from 2021.
- 29 Country alternative report of Ukraine to the UN Convention on the Rights of the Child. A submission by civil society organisations reporting on the use of institutions for children, progress on deinstitutionalisation, and child protection system reform to the United Nations Committee on the Rights of the Child, submitted by Hope and Homes for Children NGO, 2020, p. 5. Available [here](#).
- 30 *Ibid.*
- 31 Interview with Serhii Lukashov, National Director of the NGO SOS Children's Villages Ukraine.
- 32 SOS Children's Villages Ukraine CF, *Letter of appeal from SOS Children's Villages Ukraine regarding the return of 42,000 children from residential institutions*, 27 May 2020. Available [here](#).
- 33 The Resolution of the Cabinet of Ministers of Ukraine 'On preventing the spread of the COVID-19 coronavirus on the territory of Ukraine' dated 11 March 2020, No. 211 introduced a ban on in-person visiting of educational institutions by those who are enrolled in studies. Available [here](#). On 11 March 2020, the Ministry of Education and

- Science issued a letter banning the in-person visiting of educational institutions. Available [here](#).
- 34 *Additional submission on Ukraine's Implementation of the UN Convention on the Rights of the Child*, submitted by Hope and Homes for Children, 10 July 2020, p. 3. Available [here](#).
- 35 *Ibid.* This means that at home (i) they are either neglected (lack of necessary resources, incompetent parents, unsanitary conditions), or (ii) there is a threat of abuse. Serhii Lukashov, National Director of the NGO SOS Children's Villages Ukraine CF, 'How children become victims of the powerlessness of the state faced with the pandemic', *Ukrainska Pravda*, 4 May 2020. Available [here](#).
- 36 *supra* note 34, *Additional submission on Ukraine's Implementation on the UN Convention on the Rights of the Child*.
- 37 Unicef.org, *One in ten children from institutions in five regions were reintegrated into their families thanks to the UNICEF project*, 19 February 2021. Available [here](#).
- 38 *Ibid.*
- 39 *Ibid.*
- 40 According to official data, around 14,000 Romani people live in Zakarpatska Oblast. However, these numbers do not match reality. Some experts assume there are more than 48,000 Romani people living in this region, while others talk about around 100,000. Unn.com.ua, *The actual number of Roma in Zakarpatska Oblast is 3.5 times greater than the official number – the Oblast State Administration notes*, 4 April 2017. Available [here](#); mukachevo.net, *Myroslav Horvat: After the Maidan, the Roma from Zakarpatska started wearing embroidered shirts (tyshyvanky)*, 14 June 2015. Available [here](#).
- 41 From an interview with Svitlana Yakimelina. According to the official statistics provided by the State Statistics Service of Ukraine, the number of orphans and children deprived of parental care in the Zakarpatska Oblast at the end of 2021 was: 176 in medical, educational establishments or institutions, or establishments for orphaned children and children deprived of parental care (i.e. the one establishment referred to by Yakimelina); 1,389 children under guardianship or care; 332 children in foster care or family-type children's homes; 7 children in the institutions for social protection of children; while 69 children studied and lived in vocational and higher education institutions.
- 42 *Ibid.*
- 43 Decree of the Cabinet of Ministers of Ukraine on 'Some issues of child protection in the context of combating the consequences of the acute respiratory disease COVID-19 caused by the SARS-CoV-2 coronavirus' dated 1 June 2020 № 586. Available [here](#).
- 44 According to Borys Lebedtsov, Deputy Minister of Social Policy. Unicef.org, *One in ten children from institutions in five regions were reintegrated into their families thanks to the UNICEF Project*, 19 February 2021. Available [here](#).
- 45 Galena Bocheva, 'Roma in Ukraine – Time for action: Priorities and ways of effective integration policy', *Minority Rights Group Europe*, May 2019. Available [here](#). See also the Law of Ukraine, 'On the All-Ukrainian population census' dated 19 October 2000, No. 2058-III. Available [here](#).
- 46 Law of Ukraine, 'On the protection of personal data' dated June 1, 2010, № 2297-VI. Available [here](#).
- 47 Article 188<sup>39</sup> of the Code of Ukraine on Administrative Offenses, № 8073-X, dated December 7, 1984, the latest version dated 16 July 2022. Available [here](#).
- 48 For a comprehensive understanding of the needs and challenges faced by the Romani population and efficient implementation of the 'Strategy for Facilitating the Realisation of the Rights and Opportunities of Persons Belonging to the Roma National Minority in Ukrainian Society for the Period Until 2030' (hereinafter the Roma Strategy 2030), the collection of data by state bodies from various sources is indispensable, including but not limited to the population census. Information provided by academic research, and data collected by NGOs, international organisations, and public opinion research agencies is also invaluable. See: *Roma in Ukraine – Time for action: Priorities and ways of effective integration policy*, *supra* note 45.
- 49 OSCE ODIHR, *Situation Assessment Report on Roma in Ukraine and the impact of the current crisis*, August 2014, p. 11. Available [here](#).
- 50 As attested by Volodymyr Navrotsky, Country Monitor and Expert at the ERRC; Serhii Lukashov, National Director of the NGO SOS Children's Villages Ukraine CF; and Mykola Burlutskyy, Head of NGO "Chachimo" and adviser on Roma issues at the Kharkiv regional state administration..
- 51 From an interview with Serhii Lukashov, National Director of the NGO SOS Children's Villages Ukraine CF.
- 52 Kharkiv Institute of Social Research, *Safety of the Roma population: the results of the study in Odeska and Zakarpatska Oblasts*, 2018, p. 37. Available [here](#).
- 53 Acknowledged by the Ukrainian Government in the Order of the Cabinet of Ministers 'On the approval of the Strategy for Facilitating the Realisation of the Rights and Opportunities of Persons Belonging to the Roma National Minority in Ukrainian Society for the Period Until 2030', 28 July 2021, No. 866-r. Available [here](#). Also attested to in an interview with Nataliia Kryvoruchko, Manager of SOS Children's Villages Ukraine CF.
- 54 *supra* note 52, *Safety of the Roma population: the results of the study in Odeska and Zakarpatska Oblasts*, pp. 37–38.
- 55 From an interview taken in 2021 by Volodymyr Navrotsky, ERRC Country Monitor, with Leonid Lebediev, Head of the Change One Life CF.
- 56 From an interview taken in 2021 by Volodymyr Kondur, ERRC Expert, with a grandmother of Romani children enrolled in the boarding school in Odeska Oblast.
- 57 From interviews taken in 2021 by Volodymyr Kondur, ERRC Expert, with children enrolled in boarding schools. Also attested to in an interview by Tetiana Machabeli, Executive Director of "Nehemiah Ukraine" NGO, expert in combating and preventing domestic and gender-based violence. A father of five Romani children related that almost 100% of children in the boarding school where his children were enrolled were of Romani origin.
- 58 Interview with Mykola Burlutskyy, Head of NGO "Chachimo", adviser on Roma issues at the Kharkivska Oblast State Administration.
- 59 Interview with Volodymyr Navrotsky, ERRC Country Monitor.
- 60 Interview with Volodymyr Navrotsky, ERRC Country Monitor; and Nataliia Kryvoruchko, Manager of SOS Children's Villages Ukraine CF.
- 61 Interview with Andrew Chernousov, Deputy Chairman of the Board of the Kharkiv Institute of Social Research, data provided as of 23 June 2022.
- 62 According to Volodymyr Yakovenko, Chairman of the Board of Youth Agency for the Advocacy of Roma Culture NGO.
- 63 *Ibid.*
- 64 Interview with Maryna Arokgati, Head of Children's Service of the Uzhhorod City Council, held in 2021 by Volodymyr Navrotsky, ERRC Country Monitor.
- 65 Population of Tokmak, Population Hub, data for August 2022. Available [here](#).
- 66 This is corroborated by Volodymyr Navrotsky, ERRC Country Monitor, who has held multiple interviews, including with parents and representatives of social services in Zakarpatska Oblast, and has observed a clear trend of Romani couples living as a family without official registration.



- One of the reasons for this is because they are able to receive more financial support from the state.
- 67 *supra* note 15, *The system vs the child? What is wrong with the reform of boarding schools*.
- 68 Interview with Aksana Filipishina, Representative of the Commissioner for the Rights of the Child and the Family.
- 69 *Ibid*.
- 70 As corroborated by the interviews with Aksana Filipishina, Representative of the Commissioner for the Rights of the Child and the Family; and Andrew Chernousov, Deputy Chairman of the Board of the Kharkiv Institute of Social Research.
- 71 Interview with Aksana Filipishina, Representative of the Commissioner for the Rights of the Child and the Family.
- 72 As attested to by Serhii Lukashov, National Director of the SOS Children’s Villages Ukraine CF; Aksana Filipishina, Representative of the Commissioner for the Rights of the Child and the Family; and Andrew Chernousov, Deputy Chairman of the Board of the Kharkiv Institute of Social Research (data provided as of 23 June 2022).
- 73 Resolution of the Cabinet of Ministers of Ukraine No. 385 ‘Some issues of temporary relocation (evacuation) of children and persons who live or are enrolled in institutions of various types, forms of ownership and subordination for round-the-clock stay, in conditions of martial law’, adopted on March 27, 2022. Available [here](#).
- 74 Created by Resolution No. 302 ‘On the establishment of the Coordination Headquarters for the Protection of Children’s Rights under Martial Law’ of the Cabinet of Ministers of Ukraine dated 17 March 2022. Available [here](#).
- 75 Rada.gov.ua, ‘Protection of children’s rights is our priority’: the results of 100 days of work of the Coordination Headquarters for the Protection of Children’s Rights under Martial Law were published, 14 June 2022. Available [here](#).
- 76 Interview with Serhii Lukashov, National Director of SOS Children’s Villages Ukraine CF.
- 77 *supra* note 75, ‘Protection of children’s rights is our priority’: the results of 100 days of work of the Coordination Headquarters for the Protection of Children’s Rights under Martial Law were published.
- 78 In accordance with point 31 of the ‘Procedure of implementation of activities related to the protection of children’s rights by guardianship authorities’ approved by the Resolution of the Cabinet of Ministers of Ukraine ‘Issues of activities of guardianship and custody authorities related to the protection of children’s rights’, dated 24 September 2008 No. 866. Available [here](#).
- 79 Interview with Serhii Lukashov, National Director of SOS Children’s Villages Ukraine CF, for the Ukrainske Radio podcast ‘Na chasi’, 26 June 2022. Available [here](#).
- 80 *supra* note 75, ‘Protection of children’s rights is our priority’: the results of 100 days of work of the Coordination Headquarters for the Protection of Children’s Rights under Martial Law were published.
- 81 Initiated by Daria Herasymchuk, the Program ‘The child is not alone’ has the mechanism of a Telegram chat-bot where any person willing to temporarily host a child can send a request. They receive all necessary information and have the procedure explained to them afterwards; they are also offered online-training on communication with the child and possible psychological problems. If, after the assessment by the state bodies, all requirements are met, the person can host the child in need of care. ZN.ua, *Daria Herasymchuk: Children should not live in institutions, every child should have a family*, 16 May 2022. Available [here](#).
- 82 Resolution of the Cabinet of Ministers of Ukraine No. 905 ‘On the approval of the Procedure for conducting adoption activities and supervising the observance of the rights of adopted children’ dated 8 October 2008. Available [here](#).
- 83 For example, the decision of the Savran District Court of Odeska Oblast dated 18 April 2022 in case 512/168/22, text of the decision available [here](#); as well as the decision of the Bagli District Court city of Dniprodzerzhinsk, Dnipropetrovska Oblast dated 22 April 2022 in case No. 207/967/22 on adoption, text of the decision available [here](#). Referred to in the Yurydychna Gazeta, *Adoption during wartime: how the process works now*, 4 August 2022. Available [here](#).
- 84 Narina Shcheglova, ‘Children are not goods on the shelf’: whether adoption is possible in the conditions of war in Ukraine’, *Novyny Live*, 14 March 2022. Available [here](#).
- 85 *Ibid*.
- 86 *supra* note 83, *Adoption during wartime: how the process works now*.
- 87 According to Andrew Chernousov, Chairman of the Board of the Kharkiv Institute of Social Research, data provided as of 23 June 2022.
- 88 Interstate adoption under martial law – clarification of the Ministry of Social Policy, 13 March 2022. Available [here](#).
- 89 Out of 84,632 children that were in 706 institutional care establishments as of 24 February 2022, 47,000 were on round-the-clock stay. Around 4,000 children in such establishments were orphans or children deprived of parental care. This data was provided in an interview with Aksana Filipishina, Representative of the Commissioner for the Rights of the Child and the Family, with reference to the data provided by the National Social Service of Ukraine subordinated to the Ministry of Social Policy.
- 90 Interview with Aksana Filipishina, Representative of the Commissioner for the Rights of the Child and the Family.
- 91 Msp.gov.ua, ‘About 5,000 children from vulnerable categories who are brought up in institutions of institutional care have been evacuated’, *Ministry of Social Policy*, 19 March 2022. Available [here](#).
- 92 From an interview with Serhii Lukashov, National Director of SOS Children’s Villages Ukraine CF.
- 93 Unicef.org, *Ukraine, Humanitarian Situation, Report No.18*, Reporting period 13–26 July 2022. Available [here](#).
- 94 *supra* note 81, *Daria Herasymchuk: Children should not live in institutions, every child should have a family*.
- 95 Alla Kotlyar, ‘Operation “Non-evacuation”. Why were “state” children not taken out of the front line on time’, *ZN.ua*, 3 April 2022. Available [here](#).
- 96 Interview with Nataliia Kryvoruchko, Manager of SOS Children’s Villages Ukraine CF.
- 97 From the Report on 30 days of work of the Coordination Headquarters for the Protection of Children’s Rights under Martial Law. Available [here](#).
- 98 A public association that unites 24 Ukrainian and international organisations and charitable funds working all around Ukraine to ensure the rights and welfare of children (with such members as SOS Children’s Villages Ukraine CF and Hope and Homes for Children CO). The full list of members is available [here](#).
- 99 Ukrainian Education Platform, *A report on the current situation in Ukraine and how should we defend children?*, 2 March 2022. Available [here](#).
- 100 Interview with Andrew Chernousov, Chairman of the Board of the Kharkiv Institute of Social Research, data provided as of 23 June 2022.
- 101 *supra* note 75, ‘Protection of children’s rights is our priority’: the results of 100 days of work of the Coordination Headquarters for the Protection of Children’s Rights under Martial Law were published.
- 102 Interview with Daria Herasymchuk, Adviser to the President of Ukraine on children’s rights. See also: [suspilne.media](#), *Missing children, evacuation of children’s institutions, life abroad of orphans – an interview with the Commissioner for Children’s Rights*, 4 June 2022. Available [here](#).

- 103 Voices of Children NGO and Kharkiv Institute of Social Research, *Children and war in Ukraine: Report on the situation of children for the first month of war in Ukraine*, 2022, p. 21. Available [here](#).
- 104 From an interview with Svitlana Yakimelina, Head of the Children's Service of the Zakarpatska Oblast Military Administration, data updated on 5 September 2022. It is worth highlighting that the number of establishments evacuated to Zakarpatska Oblast is volatile; for example, the data provided on 24 July 2022 stated that 16 state care establishments were evacuated to Zakarpatska Oblast, whereas now it is 18.
- 105 *Ibid.*
- 106 Interview with Andrew Chernousov, Chairman of the Board of the Kharkiv Institute of Social Research, data provided as of 23 June 2022.
- 107 Interview with Nataliia Kryvoruchko, Manager of SOS Children's Villages Ukraine CF.
- 108 *supra* note 95, *Operation "Non-evacuation". Why were "state" children not taken out of the front line on time.*
- 109 *supra* note 81, *Daria Herasymchuk: Children should not live in institutions, every child should have a family.*
- 110 Interview with Andrew Chernousov, the Chairman of the Board of the Kharkiv Institute of Social Research.
- 111 SOS Children's Villages, *At the heart of the crisis: interview with Darya Kasyanova, National Program Director of SOS Children's Villages Ukraine CF*, 8 March 2022. Available [here](#).
- 112 *supra* note 95, *Operation "Non-evacuation". Why were "state" children not taken out of the front line on time.*
- 113 *Ibid.*
- 114 Interview with Nataliia Kryvoruchko, Manager of SOS Children's Villages Ukraine CF.
- 115 As attested in the interviews by Natallia Kryvoruchko, Manager of SOS Children's Villages Ukraine CF; Serhii Lukashov, National Director of the SOS Children's Villages Ukraine CF; and Andrew Chernousov, Deputy Chairman of the Board of the Kharkiv Institute of Social Research.
- 116 Interview with Serhii Lukashov, the National Director of the SOS Children's Villages Ukraine CF.
- 117 *supra* note 104, *Children and war in Ukraine*, p. 24.
- 118 From interviews with Nataliia Kryvoruchko, Manager at SOS Children's Villages Ukraine; Serhii Lukashov, National Director of the SOS Children's Villages Ukraine CF; and Andrew Chernousov, Deputy Chairman of the Board of the Kharkiv Institute of Social Research.
- 119 *supra* note 81, *Daria Herasymchuk: Children should not live in institutions, every child should have a family.*
- 120 *supra* note 95, *Operation "Non-evacuation". Why were "state" children not taken out of the front line on time.*
- 121 Data provided by Anna Kholodenko, Relocation manager at SOS Children's Villages Ukraine CF.
- 122 Interview with Andrew Chernousov, Chairman of the Board of the Kharkiv Institute of Social Research.
- 123 *supra* note 79, Interview with Serhii Lukashov, National Director of *SOS Children's Villages Ukraine CF*, for the podcast "Na chasi" of Ukrainske Radio.
- 124 *supra* note 57, from the interviews with experts.
- 125 From an interview with Svitlana Yakimelina, Head of the Children's Service of the Zakarpatska Oblast Military Administration. The only institutions, subordinated to the regional administration, that remained are: one institution where orphaned children and children deprived of parental care are housed; three establishments of social protection, where children with disabilities are housed; one establishment of health protection, where children who were left at the maternity hospital or orphaned children are housed.
- There is also a shelter for children, where around 50 children from the whole Oblast are housed for a maximum of 90 days, but due to martial law this period was extended for some of them as the courts were not working. Finally, there is a social and psychological rehabilitation centre, where children can stay round-the-clock for 9 months maximum.
- 126 Interview with Tetiana Machabeli, Executive Director of "Nehemiah Ukraine" NGO, expert in combating and preventing domestic and gender-based violence.
- 127 Interview with Svitlana Yakimelina, Head of the Children's Service of the Zakarpatska Oblast Military Administration.
- 128 After the war broke out, his wife left Ukraine with their children for Germany, and, after a few months, the father also left Ukraine. They are currently being hosted by a religious organisation in Germany, provided with free accommodation and everything necessary. The children are enrolled in school, the parents are being provided with guidance regarding all further administrative steps.
- 129 Interview with Serhii Lukashov, National Director of the NGO SOS Children's Villages Ukraine CF.
- 130 Ministry of Communities and Territories Development of Ukraine, *Zakarpatska Oblast sheltered almost the largest number of displaced people — more than 380 thousand people*, 3 March 2022. Available [here](#).
- 131 Olena Barsukova, 'Lvivska Oblast Military Administration named 6 conditions for full-time education of schoolchildren', *Ukrainska Pravda*, 22 June 2022. Available [here](#).
- 132 Ministry of Reintegration of the Temporarily Occupied Territories of Ukraine, *Iryna Vereshchuk: Evacuation from the temporarily occupied territories continues — over 21,000 Ukrainians left in 10 days*, 19 August 2022. Available [here](#).
- 133 "Observations in institutions show that living conditions in these facilities are often poor and degrading." *supra* note 11, *Report: The Illusion of Protection.*
- 134 As attested to in interviews by Serhii Lukashov, National Director of SOS Children's Villages Ukraine CF; and Andrew Chernousov, Deputy Chairman of the Board of the Kharkiv Institute of Social Research.
- 135 According to Serhii Lukashov, National Director of SOS Children's Villages Ukraine CF; Andrew Chernousov, Deputy Chairman of the Board of the Kharkiv Institute of Social Research; and Tetiana Machabeli, Executive Director of "Nehemiah Ukraine" NGO.
- 136 According to Serhii Lukashov, National Director of SOS Children's Villages Ukraine CF.
- 137 *supra* note 95, *Operation "Non-evacuation". Why were "state" children not taken out of the front line on time.*
- 138 *Ibid.*
- 139 Interview with Aksana Filipishina, Representative of the Commissioner for the Rights of the Child and the Family.
- 140 Victoria Andreeva, 'Only 8% of schools have shelters, which are a mandatory condition for face-to-face education — Ombudsman', *Ukrainska Pravda*, 15 June 2022. Available [here](#).
- 141 Interview with Andrew Chernousov, Deputy Chairman of the Board of the Kharkiv Institute of Social Research. For example, in Lviv 107 schools now accommodate IDPs from other regions. The city mayor was planning to reintroduce face-to-face studies as of September and the process of equipping schools or neighbouring buildings with bomb shelters was launched. See: Kateryna Rodak, 'Full-time education in Lviv schools is planned to resume from September 1', *Zaxid.net*, 24 May 2022. Available [here](#).
- 142 Zaholovok.com, *Almost 80% of Roma children do not have the Internet — the results of the study on access to distance education*, 7 December 2020. Available [here](#). Access to the full report of REYN [here](#).

- 143 Resolution of the Cabinet of Ministers of Ukraine No. 57 ‘On the approval of the Rules for crossing the state border by citizens of Ukraine’, adopted on 25 January 1997, the latest version from 14 June 2022. Available [here](#).
- 144 Resolution of the Cabinet of Ministers of Ukraine No. 385 ‘Some issues of temporary relocation (evacuation) of children and persons who live or are enrolled in institutions of various types, forms of ownership and subordination for round-the-clock stay, in conditions of martial law’, adopted on 27 March 2022. Available [here](#).
- 145 Interview with Aksana Filipishina, Representative of the Commissioner for the Rights of the Child and the Family.
- 146 Interview with Andrew Chernousov, Deputy Chairman of the Board of the Kharkiv Institute of Social Research.
- 147 Facebook post of the National Social Service, 1 June 2022. Available [here](#).
- 148 *Ibid*.
- 149 *Ibid*.
- 150 Approved by the Resolution of the Cabinet of Ministers of Ukraine ‘On approval of the Procedure for organisation of the departure of children abroad for recovery and recreation’ dated November 10, 2021 No. 1167. Available [here](#).
- 151 Resolution of the Cabinet of Ministers of Ukraine ‘On Amendments to Resolutions of the Cabinet of Ministers of Ukraine No. 57 dated 27 January 1995 and No. 1167 dated 10 November 2021’ dated 10 June 2022 No. 661. Available [here](#).
- 152 From an interview with Svitlana Yakimelina, Head of the Children’s Service of the Zakarpatska Oblast Military Administration.
- 153 Updates provided by Svitlana Yakimelina, Head of the Children’s Service of the Zakarpatska Oblast Military Administration on 4 September 2022.
- 154 From an interview with Svitlana Yakimelina, Head of the Children’s Service of the Zakarpatska Oblast Military Administration, data provided as of 13 July 2022.
- 155 *supra* note 145, Resolution No. 57.
- 156 *supra* note 81, *Daria Herasymchuk: Children should not live in institutions, every child should have a family*.
- 157 From an interview with a former employee of the the Municipal Institution “Kamyanske Specialized Children’s Home” of Dnipropetrovska Oblast Council.
- 158 ZAXID, ‘Due to the danger, the children from the Volyn orphanage were evacuated to Poland’, *ZAXID.net*, 11 March 2022. Available [here](#).
- 159 The hub is referred to by Serhii Lukashov, National Director of SOS Children’s Villages Ukraine CF, in an interview. See also: [ukraine.segodnya.ua](http://ukraine.segodnya.ua), *Shelter for children abroad: how the youngest evacuated Ukrainians are received*, 25 May 2022. Available [here](#).
- 160 From an interview with Serhii Lukashov, National Director of SOS Children’s Villages Ukraine CF.
- 161 From an interview with Aksana Filipishina, Representative of the Commissioner for the Rights of the Child and the Family.
- 162 *supra* note 81, *Daria Herasymchuk: Children should not live in institutions, every child should have a family*.
- 163 Interviews with Aksana Filipishina, Representative of the Commissioner for the Rights of the Child and the Family; and Serhii Lukashov, National Director of SOS Children’s Villages Ukraine CF.
- 164 Interview with Aksana Filipishina, Representative of the Commissioner for the Rights of the Child and the Family. In the ‘Report on first 100 days of work of the Coordination Headquarters’, it highlights that in April the members of the Coordination Headquarters had undertaken monitoring visits to Poland, Germany, and Italy, met with the consulates and the representatives of ministries and institutions to discuss the problematic situations, and agreed upon ways to ensure the protection of Ukrainian children evacuated abroad. *supra* note 75, ‘Protection of children’s rights is our priority’: the results of 100 days of work of the Coordination Headquarters for the Protection of Children’s Rights under Martial Law were published.
- 165 The Russian side uses the term ‘evacuation’, however, according to the standards of International Humanitarian Law, such transfer of Ukrainian citizens on the territory of the Russian Federation cannot be considered ‘evacuation’. With regard to the term ‘deportation’ used in the present report: “In the context of the Russian invasion, systematic deliberate attacks on civilian objects (including hospitals and kindergartens) and civilians, the use of inaccurate weapons and cluster munitions in densely populated areas, threats of nuclear weapons, terror in temporarily occupied territories deprive the civilian population of any choice, except to leave the usual place of residence. Children, the elderly, and persons with disabilities were in a particularly vulnerable position, having been forcibly relocated by the Russian Federation during the evacuation in the first weeks of the armed conflict.” And also: “It should be noted that forced relocation, given its scale and systematicity, can be both a war crime and a crime against humanity. If it is possible to establish the presence of *dolus specialis* in the actions of the Russian top leadership, namely, the intention to completely or partially destroy the Ukrainian national group as such (by creating living conditions for extermination or handing over children to be raised by the Russians), it will be possible to qualify the crime of genocide.” Kateryna Rashevskva, ‘Operation “Evacuation”: how not to commit three international crimes at once?’, 10 May 2022. Available [here](#).
- 166 Interfaks, ‘The Ministry of Defense of the Russian Federation announced the evacuation of almost 28 thousand people from Ukraine and Donbas in a day’, *Interfaks.ru*, 14 August 2022. Available [here](#).
- 167 Ukrinform, Ukraine has already returned 53 children from Russia, *Ukrinform.ua*, 25 August 2022. Available [here](#).
- 168 As highlighted by the former Ukrainian Parliament Commissioner for Human Rights, Lyudmyla Denisova. See: Yulia Moskalenko, ‘With the beginning of a full-scale war, it was not possible to evacuate all institutions with children: why did this happen?’, *ZN.ua*, 16 May 2022. Available [here](#).
- 169 From an interview with Andrew Chernousov, Deputy Chairman of the Board of the Kharkiv Institute of Social Research.
- 170 *Ibid*.
- 171 Darya Lytovchenko, ‘“Evacuation” of the inhabitants of ORDLO: what is happening and where are they being taken’, *Shidny Variant*, 19 February 2022. Available [here](#).
- 172 From an interview with Kateryna Rashevskva, Lawyer at the NGO Regional Centre for Human Rights.
- 173 See also: Kateryna Rashevskva, *Operation “repatriation”: how to return Ukrainian children forcibly deported by Russia?*, 16 June 2022. Available [here](#).
- 174 Chronicles of what has been happening from Suspilne Media, available [here](#). See also: [washingtonpost.com](http://washingtonpost.com).
- 175 From interviews with Andrew Chernousov, Deputy Chairman of the Board of the Kharkiv Institute of Social Research; and Kateryna Rashevskva, Lawyer at the NGO Regional Centre for Human Rights.
- 176 Violette Orlova, ‘The Russian Federation steals children from Ukraine: the occupiers handed over 27 orphans to Russian families in the Moscow suburbs’, *UNLАН.ua*, 23 April 2022. Available [here](#).
- 177 See: Robyn Dixon and Natalia Abbakumova, ‘Ukrainians struggle to find and reclaim children taken by Russia’, *The Washington Post*, 24 December 2022. Available [here](#).
- 178 The publication is referred to in: Olena Bohdanyok, ‘More than a thousand children removed from Mariupol were illegally adopted in the Russian Federation by the authorities

- of Krasnodar’, *Suspilne.Media*, 23 August 2022. Available [here](#). However, instead of this publication there is now an announcement that the website was a target of a DDoS-attack, and the material was posted by hackers and not the children’s service of city Krasnodar. The publication was deleted the same day.
- 179 *supra* note 175, *Operation “repatriation”: how to return Ukrainian children forcibly deported by Russia?* See also: Ukraine Crisis Media Center, ‘How Russia Russifies Stolen and Occupied Children’, *uacrisis.org*, 8 June 2022. Available [here](#).
- 180 Yale School of Public Health Humanitarian Research Lab, ‘Russia’s Systematic Program for the Re-Education and Adoption of Ukraine’s Children’, *Conflict Observatory*, 2023. Available [here](#).
- 181 *Ibid.* Also see: [hub.conflictobservatory.org](http://hub.conflictobservatory.org).
- 182 Carly Olson, ‘Russia has relocated 6,000 Ukrainian children to camps in Russian territory, a report finds.’, *New York Times*, 15 February 2023. Available [here](#).
- 183 *Ibid.*
- 184 *Ibid.*
- 185 From an interview with Aksana Filipishina, Representative of the Commissioner for the Rights of the Child and the Family.
- 186 *Ibid.*
- 187 Acknowledged by the Ukrainian Government in the Roma Strategy 2030, *supra* note 48. One of the reasons for the adoption of the Roma Strategy 2030 was the attempt to solve different problems faced by Romani people, including: “the existence of negative stereotypes in society about persons from the Roma national minority, which complicates the participation of representatives of the Roma national minority in the social life of territorial communities, deepens their isolation, leads to discriminatory practices, in particular the spread of [...] [hate speech], and negatively affects the observance of human rights”.
- 188 Interview with Eleonora Kulchar, Head of Zakarpattia Regional Charitable Fund “Blaho”.
- 189 Interview with Aksana Filipishina, Representative of the Commissioner for the Rights of the Child and the Family.
- 190 *supra* note 144, *Almost 80% of Roma children do not have the Internet - the results of the study on access to distance education*.
- 191 Interview with Aksana Filipishina, Representative of the Commissioner for the Rights of the Child and the Family.
- 192 The European Parliament resolution of 7 April 2022 on the EU’s protection of children and young people fleeing the war in Ukraine (2022/2618(RSP)), April 7, 2022. Available [here](#).
- 193 *Ibid.*
- 194 *Ibid.*
- 195 *supra* note 81, *Daria Herasymchuk: Children should not live in institutions, every child should have a family*.
- 196 Interview with Serhii Lukashov, National Director of the NGO SOS Children’s Villages Ukraine CF.
- 197 For more information about the concept of ‘children’s villages’, available [here](#).
- 198 *supra* note 48, the Roma Strategy 2030, Goal No. 7.
- 199 *Ibid.*
- 200 *supra* note 45, *Roma in Ukraine – Time for action: Priorities and ways of effective integration policy*.
- 201 *supra* note 48, the Roma Strategy 2030.
- 202 *Ibid.*
- 203 *Ibid.*
- 204 *supra* note 104, *Children and war in Ukraine*.
- 205 *Ibid.*
- 206 *Ibid.*
- 207 *supra* note 189, The European Parliament resolution of 7 April 2022 on the EU’s protection of children and young people fleeing the war in Ukraine (2022/2618(RSP)), para. 12.
- 208 *Ibid.*, para. 15.
- 209 *Ibid.*, para. 16.
- 210 *Ibid.*, para. 17.
- 211 Stanislav Storozenko, Most Roma in Ukraine live below the poverty line – Denisova, *Suspilne.Media*, 11 November 2021. Available [here](#).
- 212 European Roma Rights Centre, *List of Issues by the European Roma Rights Centre Concerning Ukraine. For Consideration by the Committee on the Rights of the Child at the pre-sessional Working Group of the 85th session (10 February 2020 – 14 February 2020)*. Available [here](#).





errc