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NGO submitting the report:

Non-governmental organization “M’ART” (Youth Alternative)

M'ART (Youth Alternative) is a non-governmental organization, dealing with the rights of a child, raising public awareness with respect to human rights, legal assistance to persons, whose rights were violated etc. It started its operation in 1998. The organization was registered as legal entity on April 14, 1999.

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RIGHT TO EDUCATION

1. This report addresses the issues of protecting right to education in Ukraine, in particular the rate of adherence to fundamental standards of human rights in providing comprehensive secondary and higher education. The education in the area of human rights in Ukraine is also tackled.

Availability of comprehensive secondary education

2. According to Ukrainian Constitution and under the international obligations, secondary education in Ukraine is mandatory and free. Meanwhile, significant number of children at the school age is not covered by the services of general educational institutions. According to the data provided by the Office of Prosecutor General of Ukraine¹ "...significant number of children in ARC, Dnipropetrovsk, Trans-Carpathian, Zaporizhzhya, Lviv, Mykolayiv, Odessa, Rivne and Chernivitsy oblast' does not attend educational institutions".

3. The state fails to properly analyze the reasons of this phenomenon and to respond appropriately. Currently official statistics concerning the number of school-age children not covered by the services of general educational institutions in 2011/2012 and the underlying reasons is not available. The data collection with regards to non-attendance of school is based on the following categories of indicators: "health condition", "study in special educational institutions for the children with developmental problems", "learn vocation without secondary education", and "other reasons". Practically there are no data concerning Roma children, children of refugees and asylum seekers, children from the dysfunctional and needy families, registered as high risk etc., despite the fact that these categories are especially disadvantaged in terms of access to secondary education. The human rights organizations many a time tried to draw attention to this problem²; in 2010 it was addressed in the Alternative Report of non-governmental organizations³ to the UN Committee on the Rights of the Child; it was pointed out by the Committee in its Final Observations⁴ on the results of summary third and fourth reviews; UN Committee on the Elimination of Racial Discrimination.⁵

4. About one fourth of all the children not covered by the services of general educational institutions fall under the category "other reasons". Thus, the data collected by various mass media,⁶ 12 000 children out of 41926 school-age children, who did not attend educational institutions in 2010/2011 school year did not go to school due to "other reasons".

5. Access to education for the children who do not attend school due to their "health condition" is disconcerting as well. These children account for another fourth of all the children not covered by the services of general educational institutions. Organizing individual education at home or in the medical institutions seems highly problematic. Work overload of pedagogical staff at schools does not allow for such education in the full scope. The school usually is content with the arrangement when a child now and then takes the tests, to which he/she studies at home independently.

6. Almost half of school-age children not covered by the services of general educational institutions are disabled children, who study in specialized institutions. Usually official statistics puts these children under the category of those "in need of mental development adjustments".

7. Situation for children with disabilities remains rather complicated due to the fact that a family must make a choice – either the child will study in a specialized institution apart from his/her family, or be educated within the family with certain restrictions or complete inaccessibility of further education.

8. It is noteworthy that the state declares the implementation of inclusive education concept. A number of regulatory acts to support this concept are in place. However, the analysis of these documents shows that the state concept does not comply with the inclusion principles and human rights. Instead of ensuring integration of disabled children, as far as possible, into the general school, the state approach is based mainly on "corrections", setting up specialized inclusive classes etc.

9. There are only a limited number of general educational institutions capable of providing at least partial access to education for the children with disabilities. In fact, there is no systematic approach to inclusive education, i.e. the one which would stipulate revision and redesigning school curricula, specialized training for the teachers, issuing of manuals, training for social workers and making them part of pedagogical staff etc. Currently nothing of the kind exists.

10. The education of children who stay permanently in the boarding-school types of institutions under the Ministry of social policy leaves much to be desired. Children with mental disabilities and serious physical restrictions in fact are deprived of any access to education. Sporadic sessions with rehabilitation therapists, who are always in short supply, are not enough and cannot replace systematic approach in ensuring education for these children. Generally speaking, neither specialized curricula nor national educational standards for these children are in place.

11. The state practically admits inaccessibility of education for the children who undergo treatment in substance-abuse rehabilitation centres. Rehabilitation is usually limited to medical aspects, while methodology for re-socialization of minor drug addicts has not been yet developed.⁷

12. In some cases, a child is denied any education at all. This denial usually is based on the reasoning that a child is not “amenable to studies”. The only positive factor is that the law gives no grounds for such decisions.

13. In the 90-ies the process of pre-school education “optimizing” was launched. In practice, a number of pre-school educational institutions were shut down. Meanwhile, under the data provided by the State Committee on Statistics of Ukraine⁸ in 2010, there were 112 children per 100 available places in the pre-school educational institutions. Only 56% of children (67% in the cities and 34% in the rural areas) were covered by the services of pre-school educational institutions in 2010. The most significant shortage of pre-school educational institutions was registered in Ivano-Frankivsk, Volyn’, Sumy, Poltava and Trans-Carpathian oblast’s.

14. The process of so-called “optimization” in general educational institutions gives grounds for serious concern. In fact significant number of schools stops its operation. It has especially aggravating impact on children residing in rural areas.

15. Results of situation analysis⁹ lead one to the conclusion that mass downsizing of schools with small number of children usually takes place on the basis of frivolous decisions of local authorities. No comprehensive analysis of efficiency of a school’s operation, demographic forecasts or assessment of expediency of certain measure in the focus of further community development ever precedes such decisions.

16. Under the data from the Office of Prosecutor General 1,200 secondary educational institutions have been reorganized, suspended in their operation or liquidated over the last five years. In early 2011 the Office of Prosecutor General carried out a comprehensive inspection to assess compliance with the legislation on education in the process of shutting down or suspending the operation of secondary educational institutions. Its outcomes revealed the violations of the law in more than ten Ukrainian oblast’s. The court practices and mass media materials also testify to the fact that the decisions on liquidation/reorganization of schools are predominantly made with violations of the law. The program “School bus” does not help either due to poor quality of students’ transportation to schools located in other towns. The children brought to school on school buses risk their health and life in the process.

17. Considering mass nature of schools’ shutting down, Supreme Rada has tried several times over the last 2 years to adopt moratorium on schools’ closing (session in early April 2011 – moratorium on schools’ closing in rural area till 1 July 2012; session in early January 2012 – moratorium on closing of schools with Ukrainian language of instruction in administrative/territorial units where they constitute less than one half of the general number of schools – till 2017).

Free general secondary education

18. The obligations of state concerning free general secondary education are not fully realized.

19. The level of material supply for secondary educational institutions is insufficient. Many children studying at school is fully supplied with necessary handbooks and manuals. Handbooks in many school subjects are completely unavailable.

20. Poor material basis of secondary educational institutions cannot ensure even safe environment for the students, for many school buildings are in bad need of repair, while there are no funds for it. The issue can be partly resolved due to contributions, made by parents for school renovations and other expenses. These contributions are rather enforced than voluntary.

Pedagogical staff

21. The authority of educators working in strenuous conditions unfavourable for teaching process remains another component of the overarching problem. Not enough attention is paid to the teachers' training with respect to children's rights, preparing specialists capable of working with children with developmental issues. Excessive work load of teachers decrease not only the quality of instruction, but also children's safety level. Teacher's profession remains one of the most underpaid.

22. The state controls and trains pedagogical staff, at the same time constantly putting their qualifications in doubt and restricting teachers' ability to choose and apply respective forms and methods of teaching. In particular, the choice of handbooks remains pretty limited. The "co-existence" of national standards for general secondary education, teachers' responsibilities and state "censorship" in the process of adopting handbooks and manuals (which should be "recommended" or "approved" by the Ministry of education and science) create hindrances in use, publishing and choosing of alternative handbooks and provides grounds for public servants' corruption

Non-governmental forms of general secondary education

23. An insignificant portion of non-governmental educational institutions in Ukraine reflects the fact that the environment for their development is unfavourable, and national policy on setting up respective schools and pre-school establishments is not in place. For example, according to data, quoted in the Draft national strategy for education development in Ukraine for the years 2012-2012¹⁰ a share of pre-school establishments constitutes only 3,2% of the total number. Meanwhile these alternative forms can contribute to overcoming a lot of problems in the modern Ukrainian education system.

Higher education

24. Higher education is virtually unattainable for people with disabilities. Physical, informational, methodological access is very restricted.

25. At the time of national election campaigns instances of pressure on students on behalf of higher educational institutions' management, trying to influence the former priorities in voting for certain political forces, have been registered.

26. The quality of higher education in Ukraine is compromised by inconsistent reforms, lack of coordination in the efforts to embrace European standards and excessive interference of state into universities' operation. Specifically, many professors and students have pointed out¹¹ that the ultimate goals of Bologna process, i.e. mobility and transparency are ignored, as well as the principles of European higher education, i.e. autonomy of the universities, division of education into three cycles with the implementation of real instruction and research process in post-graduate studies. The procedure of "nostrification" of scholarly degrees, obtained abroad, in Ukraine is classified as absurd, as it basically requires defending a dissertation once again in front of a specially convoked board.

27. The dramatic switch from 12 years of general secondary education to its rejection not only set up obstacles for ensuring high quality of secondary education, but also had a negative impact on higher education system. In particular, the principle of "profile specialization" in secondary school was

compromised and teaching materials, basically repeating the secondary school curricula, for the “general development of the students” were imposed.

Education in the area of human rights

28. Continuous education with respect to human rights is absent in Ukraine. The official reports reflect individual courses which include legal education. However, the human rights education is not equal to legal education, which envisages familiarization with laws, state and law theory, while human rights are taught only as a component. Human rights-related topics usually are taught very shortly. The course of “Legal studies” for the 10th grade envisages only one lesson on human rights.

29. Having become a party to the World Program on Human Rights Education¹², the state, nevertheless, failed to develop a national plan of action for human rights education, which is one of the main requirements of world program plan of action. The UN Committee on the Rights of the Child also calls for adopting such a plan¹³. Unfortunately, the UN requests with respect to the program implementation¹⁴ are disregarded. Meanwhile, the national plan could guarantee a uniform strategy for human rights education in elementary and secondary school.

30. The state reports refer to the topics related to human rights issues in the teaching courses “I and Ukraine” (1-3 grades), “Ethics”, “Legal studies. Practical course” (9 grade), “Legal studies” (10 grade). However, due to the absence of integrative plan for human rights instruction, the inter-relation and logical consistency of the courses within different disciplines is lost. Lack of professional capable of teaching human rights presents even a larger problem. Training for human rights instruction is not offered either by higher pedagogical institutions or by the system of teachers’ upgrading. There are only few examples, based on the initiative coming from educators themselves. However, these examples are rather exceptions than general practice. Therefore, one concludes that continuous human rights education is not a part of secondary school curriculum in Ukraine.

31. The strategy for human rights education is not in place in high school either. The situation is very similar to that in the secondary education. Some disciplines within political studies, philosophy and law studies have just chapters devoted to human rights and are not united into integral system. The specialists capable of teaching human rights are in short supply as well.

32. It is noteworthy that the system of monitoring and evaluating human rights education in the educational institutions is not in place. Official bodies in charge of education fail to involve non-governmental organizations of civil society into the process.

Recommendations

- Introducing the system of disaggregated data collection (especially for the children with disabilities, Roma children, refugees’ and asylum seekers’ children, who represent most vulnerable categories), on coverage of school-age children by the services of general educational institutions;
- Ensuring viable and efficient system of response to situations, when children are not covered by the services of general educational institutions;
- Revising conceptual documents (including public expertise) on implementing inclusive education in the focus of their compliance with the principles of inclusion and human rights;
- Devising specialized programs and handbooks for the children with disabilities of various nosologies; supplying institutions of general and special education with these handbooks;
- Ensuring system of training for the educators with respect to forms and methods of teaching children with disabilities and skill for first aid for the children with health issues;
- Putting an end to the practices of classifying a child as “non amenable to teaching” in the process of evaluation of disabled child by medical/social expert board;
- Ensuring adequate and necessary funding and material support for the educational institutions and system of education as a whole;

- Stopping the process of downsizing secondary education institutions; developing respective plans for the improvement of small schools' operation; creating conditions for providing needed specialists for these schools;
- Ensuring high quality training for pedagogical staff and possibility of free choice of methods and forms of teaching and respective manuals and handbooks;
- Ensuring favourable conditions for setting up and operation of private educational institutions;
- Ensuring equality in access and attainability of education for people with disabilities of various nosologies;
- Devising National Plan of action for human rights education, in compliance with World Program on Human Rights Education recommendations.

¹ http://www.gp.gov.ua/ua/news.html?_m=publications&_t=rec&_c=view&id=99005

² <http://helsinki.org.ua/index.php?id=1150957520>

³ www.unicef.org/ukraine/report-ukr.pdf

⁴ <http://www.unicef.org/ukraine/report-ukr.pdf>

⁵ http://www.president.gov.ua/docs/unicef_ukraine2011.pdf

⁶ http://www2.ohchr.org/english/bodies/cerd/docs/ngos/MRGI_Ukraine79.pdf

⁷ Monitoring "Human rights in children's medical institutions and children's mental hospitals" NGO M'ART. Chernyhyv, 2004.

⁸ <http://library.oseu.edu.ua/docs/StatSchorichnyk%20Ukrainy%202010.pdf>

⁹ On downsizing general schools – information submitted by Luhansk oblast' organization "Eastern Ukraine Center for public initiatives" (Total action in support of human rights and democracy).

¹⁰ Draft National Strategy for education development in Ukraine for the years 2012-2021:

<http://www.google.com.ua/search?q=rectors.odessa.ua%2Fua%2Fuploads%2F...%2Fstrategia.doc&ie=utf-8&oe=utf-8&aq=t&rls=org.mozilla:ru:official&client=firefox>

¹¹ Based on I/Sovsun article "Bolgna system in Ukrainian version: on confusing the notions and bureaucratization" Kyiv-Mohyla Academy, Center for society research. Internet address: <http://education.unian.net/ukr/detail/189272>

¹² <http://www.ohchr.org/Documents/Publications/PActionEducationru.pdf>

¹³ http://www.president.gov.ua/docs/unicef_ukraine2011.pdf

¹⁴ Higher UN Commissar for human rights reports (A/HRC/9/4, 24 July 2008).