CHILD POLICY & NATIONAL STRENGTH:
RESTORING UKRAINE IN THE BEST INTERESTS OF THE CHILD

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I. INTRODUCTION

Long characterized as a borderland between East and West, Ukraine has been an independent nation during three separate periods in the twentieth century.3 It enjoyed independence for a short time during World War II and became a member state of the United Nations in 1945.4 Most recently, the nation has been independent for the past twenty-seven years, since the collapse of the Soviet Union in 1991.5 In August of that year, Ukraine ratified the Convention on the Rights of the Child (CRC),6 making it a centerpiece of Ukrainian child

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4 Aslund, supra note 3, at 4. See also Fisher, supra note 3.
5 See Aslund, supra note 3, at 4, noting political problems since that time: “Ukraine’s fundamental problem is that it did not experience any clear break from the communist system.” See also Fisher, supra note 3, noting that during this period the nation had been moving toward greater connection with the European Union until a deal to do so was rejected by Ukraine’s then president in 2014, drawing the nation back towards Russian influence.
policy. Through decades of conflict, invasion, and political and military confusion, national identity has struggled, as has national child policy.

Eminent Harvard sociologist Carle Zimmerman has persuasively asserted that significant links exist between any civilization and its family structure and law. Professor Zimmerman’s research revealed extensive evidence that family systems are closely related to what he termed “cultural longevity,” creating meaningful connections between family policy and strong government. While Ukrainian family law is among the most innovative and

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9 See generally MENON & RUMMER, supra note 8 (explaining government corruption and waning popular political support, which worked to undermine any national unity that might have been gained since the 1940s). See also Tim Burridge, What Does It Mean to Be Ukrainian in 2016? BBC NEWS (Aug. 24, 2016), http://www.bbc.com/news/world-europe-37169341 (describing national identity hopes reflective of a desire to experience manifested national independence, rather than political and military conflict and confusion).
11 CARLE C. ZIMMERMAN & JAMES KURTH, FAMILY AND CIVILIZATION 11 (James Kurth ed., 2008). Zimmerman and Kurth analyze the law and mores of society as rooted in family:

The family as a social institution is part of the life of everyone. We are here as the result of the family, we are the products of families, most of us create families of our own, and when we die those families bury us and mourn our passing. If we have done good while here, this is remembered and worshipped. If we have not done good, this is excused and forgotten. If one is in trouble, the family is the first to help and the last to condemn. If one does not create a family of his own, he or she lives in a world where family law and family mores sharply define the most important phases of conduct.

Id. at 15.

12 CARLE C. ZIMMERMAN & LUCIUS F. CERVANTES, SUCCESSFUL AMERICAN FAMILIES 190 (1960). “One … service of a world power is that it regularizes human relations over wide geographic areas and in many important fields of conduct.” Id. at 188. See generally CARLE C. ZIMMERMAN, FAMILY AND CIVILIZATION (1947); CARLE C. ZIMMERMAN & LUCIUS F. CERVANTES, MARRIAGE AND THE FAMILY: A TEXT FOR MODERNS 43–47 (1956)
advanced in Europe, this article presents the idea that robust and resilient state policies toward children and their families are key missing pieces to Ukraine national strength. We assert that child policy can be not only an important part of developing a new strategy to ensure a child’s survival in an unstable and transforming society, but also can work to support the stability of the state, its economic development, and its governmental security. These priorities depend at least in part on the health and strength of Ukraine’s children. We argue that current events in Ukraine compel a review of state child policy and we offer recommendations as to how that policy can help to develop and steady a national identity for Ukraine that may assist in stabilizing the nation in the midst of and after the current geopolitical struggle.

Part II of this article reviews the current state of Ukraine’s child policy. It offers factual evidence regarding the circumstances facing Ukrainian children today. Part III explains various models of child policy, explaining what is and is not effective and why. Part IV then works to apply a new standard to Ukrainian child policy, offering numerous suggestions and improvements to strengthen the country’s national identity and its future. Current events in Ukraine require a strong pro-child family policy, while working to build and support national strength, whereas existing state family policy has been ineffective in helping to protect and provide for children and their futures.

II. THE PRESENT SITUATION OF UKRAINIAN CHILDREN

Ukraine has recognized that child welfare is an integral component of its government’s social policy, yet appropriate measures have not yielded the expected or desired results, as over the last ten years the socioeconomic and moral situations of children in Ukraine have deteriorated significantly.

(discussing movements in Western family systems in connection with cultural development and public law).

13 Aminat Suleymanova, Irina Moroz & Alexander Gubin, Family Law in Ukraine: Overview, THOMSON REUTERS. PRACTICAL LAW (Sep. 1, 2017), https://uk.practicallaw.thomsonreuters.com/5-564-3065?__lrTS=20171025173724528&transitionType=Default&contextData=(sc.Default)&firstPage=true&bhcp=1

14 See, e.g., Every Child Needs a Family: UNICEF Launches a Public Campaign to Promote Family Care in Ukraine, UNICEF UKRAINE (Nov. 12, 2012), https://www.unicef.org/ukraine/media_20953.html, in which Ukraine’s president recognized the importance of child welfare and social policy to the state.

15 See Chekhovska, Priority Directions of State Family Policy in Ukraine, supra note 10, at 1, and authorities cited in the following footnotes. See also authorities cited in notes 60–64, infra.
Accompanied by a high rate of nonmarital child bearing,\textsuperscript{16} the nation had a dangerously low fertility rate of 1.5 children per woman in 2016, with more Ukrainians dying than being born since 1991.\textsuperscript{17} The abandonment and orphanization of Ukrainian children could be epidemic. Disabled children are abandoned in alarming numbers,\textsuperscript{18} but even healthy children are abandoned owing to the conflict and impoverished circumstances in the country.\textsuperscript{19} An estimated 800,000 children live on the streets of Ukraine.\textsuperscript{20} While Ukraine may be relatively well known for its orphanages, adoption of a child in Ukraine is strictly regulated by the Family Code of Ukraine\textsuperscript{21} and the Decree of the Cabinet of Ministers of Ukraine.\textsuperscript{22} Adoption procedures are legally complicated (and therefore costly),\textsuperscript{23} likely making adoption of Ukrainian children by Ukrainian-national parents a challenging enterprise.

Although Ukraine has been cited for having some of the most corrupt forms of child labor, its national government has continued to implement a law that

\begin{itemize}
  \item[\textsuperscript{\text{16}}] Brienna Perelli-Harris, \textit{The Path to Lowest-Low Fertility in Ukraine}, 59 J. POPULATION STUD. 55 (2007). According to demographers, low birth rates are not infrequently accompanied by increased rates of nonmarital births. \textit{Id.}
  \item[\textsuperscript{\text{17}}] This fertility rate is below the replacement rate of 2.1 children per woman needed to prevent population decline in developed countries. Nolan Peterson, \textit{Amid War, Ukraine’s Population Continues to Dwindle}, DAILY SIGNAL (Feb. 21, 2017), http://dailysignal.com/2017/02/21/ukraines-population-continues-to-dwindle/ (reporting birth rate figures released by the State Statistics Service of Ukraine).
  \item[\textsuperscript{\text{18}}] Naomi Larsson, \textit{Out of Sight, the Orphanages Where Disabled Children are Abandoned}, THE GUARDIAN (Sep. 26, 2016), https://www.theguardian.com/global-development-professionals-network/2016/sep/26/orphanage-locked-up-disabled-children-lumos-dri-human-rights (“In Ukraine, the teams discovered that children were given classifications depending upon the ‘severity’ of their disability. Children classed as level three or four were considered to be ‘uneducable’, and were expected to remain in an institution for life.”) \textit{See also} Kate Blewett, \textit{Ukraine’s Secret Shame: Orphanages Full of 88,000 Children Abandoned by Their Parents for Being Disabled}, DAILY MAIL NEWS (June 16, 2012), http://www.dailymail.co.uk/news/article-2160442/Ukraines-secret-shame-Orphanages-88-000-forgotten-children-abandoned-parents-DISABLED.html
  \item[\textsuperscript{\text{22}}] Decree of Cabinet Ministers, No. 905, \textit{On Approval of the Procedure of the Adoption and Supervision the Rights of Adopted Children} (Oct. 8, 2008).
  \item[\textsuperscript{\text{23}}] Suleymanova, Moroz & Gubin, \textit{supra} note 13.
\end{itemize}
has delayed remedi... has delayed remedying the worst practices, from street sex work to armed conflict. Children in Ukraine perform dangerous tasks in street work and engage in the worst forms of child labor, including in the production of pornography. The age of consent for sexual relationships is not clearly defined, and law enforcement officials lack training on the treatment of victims of commercial sexual exploitation, which puts child victims at risk of prosecution. In addition, national policies related to child labor lack sufficient funding for effective implementation. Ukraine’s armed conflict with Russian-backed separatists in the eastern part of the country has continued, which has negatively impacted the government’s ability to address the worst forms of child labor.

Perhaps as a result of military conflict, Ukraine has experienced dramatic increases in domestic violence. On January 18, 2014, the Cabinet of Ministers of Ukraine adopted legislation aimed at preventing domestic violence and creating a social network to counteract the problem. That legislation incorporates the fundamental provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic

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25 Child Labor and Forced Labor Reports, supra note 24, at 1.


27 Suleymanova, Moroz & Gubin, supra note 13; FAMILY CODE OF UKRAINE, supra note 21, ch. 6, art. 56.
Violence. According to research conducted by the United Nations Family Policy Alliance, every year about 1.85 million Ukrainian women and children suffer from domestic violence. While an increase in this violence can be attributable to military conflict in the nation, it is also on the rise because of a lack of strong and well-implemented family policy.

Family law in Ukraine is largely regulated by Chapters II–IV of the 2002 Family Code of Ukraine. Child protection law in Ukraine is based on the Constitution and on the country’s adoption of the CRC, with some of the provisions on child welfare from the CRC being codified in the Family Code. There are no separate family or child courts in Ukraine; rather, problems regarding children and their families are handled by local courts of general jurisdiction, usually where the complaining party resides.

Parents hold equal rights as to their child’s upbringing, retaining the full scope of personal and property rights and obligations with respect to them.

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30 See Capon, supra note 26 (noting that the problem is “exacerbated by lack of resources and experience”).
31 FAMILY CODE OF UKRAINE supra note 21; see also Suleymanova, Moroz & Gubin, supra note 13.
32 UKRAINE CONST., supra note 24, art. 3.
34 Ukraine Report on CRC, supra note 33. Specifically, ¶ 3 describes the way in which the CRC is integrated into Ukraine law, stating, “In Ukraine, the rights of the child are embodied in various legal instruments. The present Constitution contains no separate reference to the rights of the child; those rights are encompassed within the rights of Ukrainian citizens.” See also Suleymanova, Moroz & Gubin, supra note 13.
35 See Ukraine Report on CRC, supra note 33, noting that “Ukrainian courts have exclusive jurisdiction over cases involving relationships between children and parents where both parties have residence in Ukraine.”
36 FAMILY CODE OF UKRAINE, supra note 21, arts. 3 & 4.
Recently the European Court of Human Rights (ECHR) ruled on a Ukrainian custody case, holding that both parents possess equal rights to determine the residence of their child.\footnote{M.S. v Ukraine, Application no. 2091/13, July 11, 2017, http://hudoc.echr.coe.int/eng/?i=001-175140. The court found at ¶ 76 that: In identifying the child’s best interests in a particular case, two considerations must be taken into account: first, it is in the child’s best interests that his or her ties with the family be maintained, except in cases where the family has proved particularly unfit or is clearly dysfunctional; and second, it is in the child’s best interests to ensure his or her development in a safe, secure and stable environment and in an environment which is not dysfunctional.} Previously, in nearly 100% of cases, courts took a mother’s side in disputes over a child’s place of residence, based on Principle 6 of the 1959 Declaration of the Rights of the Child, namely that “a child of tender years shall not, save in exceptional circumstances, be separated from his mother.”\footnote{Declaration of the Rights of the Child, G.A. Res. 1386 (XIV), U.N. Doc. A/4345 (Nov. 20, 1959), principle 6, https://www.unicef.org/malaysia/1959-Declaration-of-the-Rights-of-the-Child.pdf. See also Suleymanova, Moroz & Gubin, supra note 13.} Since that 2017 ECHR ruling, Ukrainian courts must abandon the tender-years presumption and apply equality between parents in any custody ruling, a principle that judges of the Higher Ukrainian Court have already affirmed they will follow.\footnote{Suleymanova, Moroz & Gubin, supra note 13 (referring to M.S. v Ukraine).}

Recent changes to the Family Code of Ukraine focused on child maintenance. Previously, child support payments were treated as the property of the parent with whom the child was living; however, the law now provides that support received by a child is the property of the child.\footnote{FAMILY CODE OF UKRAINE, supra note 21, art. 14.174.} Calculated under the Family Code of Ukraine, child support or child maintenance requires a parent to pay child support (also sometimes referred to as alimonies) upon marital dissolution\footnote{Suleymanova, Moroz & Gubin, supra note 13, noting that the breakdown of a marriage does not limit the scope of parental rights and obligations toward the child.} in an amount that is modifiable under Article 182 of the Family Code, which gives courts discretion to increase or decrease the level of support to reflect circumstances such as the child’s health and welfare.\footnote{FAMILY CODE OF UKRAINE, supra note 21, art.14.182.} This is quite similar to the best interests of the child standard, which applies to all child policies and guidelines in the fifty states of the United States.\footnote{Lynne Marie Kohm, Tracing the Foundations of the Best Interests of the Child Standard in American Jurisprudence, 10 J. L. Fam. Stud. 337, 338 (2008), states: Although family law is generally state regulated, with each state’s statutes and case law offering its own (somewhat) unique flavor to the law, states had acquired some rather universal laws regarding the family by the end of the nineteenth century, one of those being the best interests of the child standard.}
Ukraine, these child alimonies cannot be decreased to less than 50% of the minimum statutorily proscribed provision for one child, often referred to as the child minimum wage. Because of the importance of child support in eradicating child poverty, Ukraine also allows for children on their own initiative to make direct claims against their parents for this support. These provisions were likely adopted as an attempt to strengthen state child policy for the protection of and provision for Ukraine’s children.

Ukraine’s family code assumes that parents will agree together on what is best for the child, but if parents cannot reach an agreement about the child’s place of residence, the dispute may be solved by custodial authorities or by the court. Because Ukrainian courts are required to implement and abide by the CRC, decisions can be influenced, and in some cases completely controlled, by the child. For example, the place of residence of a child who has reached age 10 is to be established by the parents’ mutual consent and the child’s will, but a child who has reached age 14 is able to determine where he or she lives without parental consent.

It seems Ukraine courts also consider what is in the best interests of a child in a disrupted family, taking into account a list of factors that look much like a U.S. state code’s best interests factors. For example, circumstances that are to be taken into account when considering a custody dispute include the parents’ attitude towards their parental obligations, the personal feelings of the child towards each of the parents, the child’s age and state of health, the financial conditions of each of the parents (ownership of personal apartments, steady income), the housing and living conditions of each parent, the current marital status of each parent, and the obligation one or both parents may have


44 FAMILY CODE OF UKRAINE, supra note 21, art. 14.182. See also Suleymanova, Moroz & Gubin, supra note 13 (noting that this minimum amount is up from 30%, and that the child minimum wage is revised every year under Ukraine state budget law).


46 Suleymanova, Moroz & Gubin, supra note 13.

47 FAMILY CODE OF UKRAINE, supra note 21, art. 14.179.

48 See CRC@20, supra note 7.

49 FAMILY CODE OF UKRAINE, supra note 21, art. 14.177; Suleymanova, Moroz & Gubin, supra note 13.

50 See FAMILY CODE OF UKRAINE, supra note 21, arts. 13.161, 162 & 163.

to support other children. These factors apply to visitation decisions as well. These requirements seem to be elements of a state effort to strengthen its child policy.

With the volatile living conditions many Ukrainian families have faced since the most recent Russian incursion, removing a child from the country may seem to some parents to be a worthy precaution for the protection of their children. Ukraine adopted the Hague Child Abduction Convention in 2006 to protect children and their parents from international custody disputes. Parents may seek relief through the Ministry of Justice, and are also free to initiate proceedings regarding the return of a child directly in a Ukrainian court without involving the Ukrainian Ministry of Justice under Article 29 of the Hague Child Abduction Convention. There seem to be burdensome difficulties in

52 See FAMILY CODE OF UKRAINE, supra note 21, arts. 13.141, 142, 153 & 161. See also Suleymanova, Moroz & Gubin, supra note 13.
53 See FAMILY CODE OF UKRAINE, supra note 21, arts. 13.161 & 162. See Suleymanova, Moroz & Gubin, supra note 13, observing places and times for communication when “the caring parent fails to comply with the visitation order, the court, upon the application of the other parent, can order the child to live with the parent who lives separately.”
55 Suleymanova, Moroz & Gubin, supra note 13, at 14, noting:

In 2006, the Supreme Council of Ukraine has adopted the Act of Ukraine on Accession of Ukraine to the HCCH Convention on the Civil Aspects of International Child Abduction 1980 (Hague Child Abduction Convention). The Hague Child Abduction Convention is applied between Ukraine and countries that have accepted Ukrainian accession to the Hague Child Abduction Convention. The document provides legal mechanism to seek access to or return of children wrongfully removed or retained in Ukraine. The Hague Child Abduction Convention is enforced and executed in Ukraine under the Order of Execution in Ukraine of the Hague Child Abduction Convention on the Civil Aspects of International Child Abduction, adopted by the Decree of the Cabinet of Ministers of Ukraine on 10 June 2006, No 952. The application forms on child return and access to children and a list of necessary documents are provided in the Decree of the Cabinet of Ministers of Ukraine, No 952. The competent authority in Ukraine that deals with the issues of the child abduction is the Ministry of Justice of Ukraine. Upon receipt of an application for the return of a child, the Ministry of Justice of Ukraine will first take measures to obtain the agreement of the other parent to return the child voluntarily. If the other parent refuses to return the child voluntarily, the Ministry of Justice of Ukraine, on behalf of the parent, can initiate court proceedings concerning the child’s return.

enforcing abduction decisions in Ukraine, however, because it is problematic to enforce and execute a decision to return a child owing to the state executive service’s lack of statutory powers and owing to the way some of the relevant legislation is worded.\textsuperscript{57} The most recent effort to fix these problems came on June 2, 2016, when the Supreme Council adopted new legislation on enforcement proceedings in Ukraine.\textsuperscript{58} There is still, however, no special procedure for the execution of court decisions to bring about a child’s return under the Hague Child Abduction Convention, and therefore, this must be achieved, if possible, using courts’ general powers.\textsuperscript{59}

These circumstances for children reflect numerous aspects of family law and policy that have affected children negatively and may continue to do so. More importantly, they reveal a national child policy in disarray, not quite sure of how best to protect its children. How such circumstances affect children now can lead to serious socioeconomic and political problems for the future. These negative outcomes have been part of Ukraine’s national tragedy.

While family policy is the subject of scientific and public debate,\textsuperscript{60} studying the works of scientists on these matters reveals that there is no consensus in citizens approved by the Resolution of Ukraine’s Cabinet of Ministers No. 57, adopted on 27 January 1995.”

\textsuperscript{57} See Law of Ukraine On the Order of Departure, supra note 56, art. 4.1. The language of the relevant legislation is difficult to understand, owing to its vagueness and general overbreadth.

\textsuperscript{58} Suleymanova, Moroz & Gubin, supra note 13, at 21 (noting that the new legislation was adopted in July but entered into full force in October 2016). For a summary of these laws see Ukraine Judicial Reform 2016, CONTACT UKRAINE, https://www.contactukraine.com/blog/ukraine-judicial-reform-2016

\textsuperscript{59} See Law of Ukraine On the Order of Departure, supra note 56, art. 4, which provides: “In the case of the absence of agreement from one of the parents to travel abroad for the child—the Ukrainian citizen, the case can be resolved by the court verdict.” See also Suleymanova, Moroz & Gubin, supra note 13, at 20, noting:

On 20 August 2015, a draft law concerning the compulsory participation of a custody and care authority in court proceedings to grant permission for temporary travel outside Ukraine for a minor child, without the consent of one of his or her parents, was introduced and filed to the Parliament. However, it was withdrawn on 19 May 2016.

\textsuperscript{60} Of particular interest is the research of numerous Russian scientists: Marina Yurikovna Arutunian, Alexandra B. Anichkina, Andrew Viktorovich Artiukhova, Tatyana Nikolaevna Brussel, Zhanna Vladimirovna Chernova, Sergey Vladimirovich Darmodekhyn, Olga Vasilevna Dorokhyna, Nikolai N. Hryshchenko, Lidia Fedorovna Nebotova, Alexey Ivanovich Pianova, Alexander Dmitrievich Plotnykova, Tatyana Andreevna Vasyleva, Andrei Vladimirovich Vyshevskiy, Galina Vytkovskaia, Tatyana Andreevna Yelyzarova, Valeria Igorevna Zhukova, and others, and that of scientists from other countries: Stanley D. Albrecth, B. Caesar, Anne Hélène Gauthier, L. Haetrais, Jouko Hulkko, M. Jaeckel, H. Joshi, Franz-Xaver Kaufmann, Klaus Sutyagina, Dirk J. VandeKaa,
almost any area of child policy. In fact, initial research on these issues in Ukraine has been published only as recently as the very late twentieth century

and very early twenty-first century—and that research has been insufficient.\textsuperscript{61} Lately, some additional and more thorough research has been conducted and published that offers detailed analyses of matters relating to family policy.\textsuperscript{62} We observe however, that in each of these pieces of research, child and family policy was considered only with regard to state-funded public benefits (within the main focus primarily on direct cash payments, assistance to large families, tax benefits, and parental leave payments), rather than with an eye towards creating and maintaining a national child policy.\textsuperscript{63}

The circumstances faced by children and youth in Ukraine are not alleviated by any strong national child policy framework. Administrative and legal protections for children and their families are lacking.\textsuperscript{64} Child soldiers have become a phenomenon of military conflict in the region, as Ukrainian child soldiers are being trained by resistance factions.\textsuperscript{65} While this is in direct

\textsuperscript{61} Ukraine family policy research includes: Faith Kutseiko, Volodymyr Udoverychenko & Yaroslav Ostafichuk, Social State (Problems of Theory, Methodology, Practice) (2003); Volodymyr Skuratovskiy, Elena Palii & Ella Libanova, Social Policy (1997); Alla Alekseevna Silenko, Social State: Evolution of Ideas, Essence and Prospects of Development in Modern Ukraine (dissertation, Southern Ukrainian Pedagogical University, 2000); Lyudmila Viktorovna Kulachok, State Assistance to Families with Children as a Form of Sociolegal Protection (dissertation, National University of Internal Affairs, 2003), available at www.nbuv.gov.ua/.../cgiirbis_64.exe?.../2003/. We suggest that these works do not sufficiently examine policies and do not have appropriate theoretical frameworks.


\textsuperscript{63} The authorities cited in note 62, supra, consider family policy only by reference to state aid. See also Chekhovska, Priority Directions of State Family Policy in Ukraine, supra note 10; Irina Chekhovska, Theoretical and Methodological Approaches to Determination the Concept of “State Family Policy”: Analysis of Domestic and Foreign Experience (2017) (manuscript on file with the authors).

\textsuperscript{64} See, e.g., Hryshchuk, supra note 62.

contradiction to the CRC, both Ukraine and the United Nations seem impotent to end this and other problems facing Ukrainian children.

Child problems are vital family and social problems; solving them or working to improve conditions is essential to national stability and strength. The difficulties faced by Ukrainian children and their families seem to fall into two categories, both of which affect child policy.

Social problems that families in Ukraine face can be divided into two groups. The first group is formed with the problems of general social character (macroeconomic and microsocial), including those related to the spheres of health protection, culture, and employment. The second group represents the specific of functioning of a family as a social institute, institutional concept of vital activity of the family. The aggregate of these [two groups of] problems represents the object of [family policy].

General social measures that social policy operates, relate [to] families directly. However, they are not oriented to family purposefully as an object of social policy [directed to guide] a population on the whole. [Family policy] is oriented to the family as a concrete object and is called to create terms for the solution of specific family problems.

The need for development of better child policy is also indicated by the need to implement it in state law enforcement practice. To date, Ukrainian child policy has been oriented chiefly towards the provision of social support to separate categories of families: those largely socially disadvantaged and towards the elimination of family dysfunctions so as to create conditions for the conservation, enhancement, development and protection of socially

66 While the CRC did not directly consider child soldiering, an optional protocol has been adopted to amend the international law protecting children from the practice. See Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, G.A. Res. 54-263 (Mar. 16, 2001) (articulating that signatories must not compel children under age 18 to participate in hostilities but may permit children age 16 and older to voluntarily participate). See also Schevchenko, supra note 65, stating:

It is a development that particularly worries the UN children’s agency, Unicef, which is investigating “anecdotal evidence that children have been recruited and may be directly involved in the fighting”. … “Armed groups should not, under any circumstances, recruit or use in hostilities people under the age of 18 years,” says the agency’s Ukraine representative Giovanna Barberis.


67 Chekhovska, Priority Directions of State Family Policy in Ukraine, supra note 10.
68 Id.
The aim of this article, however, is to develop priority directions for optimal child policy, the practical application of which will contribute to effective reforms and to the formation of a comprehensive policy system in Ukraine.

We suggest that the current events in Ukraine require a strong pro-child family policy because current state family policy has been ineffective in helping to create and maintain the protection of Ukrainian children, and therefore detracts from national strength. Furthermore, strong policies to protect and provide for children are particularly necessary for a nation in conflict looking to survive to the next generation. Several models can be presented as the foundations for a child policy, but the focus of the next section is to understand which model may be best for Ukrainian children in light of current law and policy for children in Ukraine.

III. MODELS OF CHILD POLICY

Child policy models vary across time, cultures, and governments, but one would assume that most strive to keep the focus on children in ways that foster good things for children as the future of any society, and therefore good things for that society or nation. This section considers the various systems and structures for governmental frameworks toward the establishment of national child policy.

A. Plato’s Republic and Models from Antiquity

Probably the earliest model of a governmental organizational scheme that could pass for child policy is found in Plato’s Republic. There, the ancient philosopher angulated a triad of power between, the state, the child, and the parent, providing that when the child is removed from the authority of the parent, the state claims all authority for the child. Plato was mainly concerned about the child as a future citizen, and his recommendations as to education and training are made with that condition in mind. This notion of parens patriae, or state as parent, was basic in Roman law, as Rome placed children under the authority of both parents and country, in the ownership of their

69 See, e.g., Kulachok, supra note 61; Hryshchuk, supra note 62.
While this philosophy found its way into some child policy, particularly when a child was abandoned or abused, Plato’s framework has not been generally welcomed by modern democracies. Basic child jurisprudence began with codes of ancient civilizations from the Jewish tradition, the Greco-Roman era, and early Christianity. With the emergence of the life, words, and actions of Jesus Christ and the subsequent publication of the New Testament, Christian scripture pronounced the value of children even more clearly, and did so in the face of cultural opposition. Some aspects of this recognition of the high value of children is foundational to stable government objectives in child policy today.

B. English Common Law

English common law adopted a child policy of patria potestas, or paternal power, which afforded fathers near-absolute power over their children, together with moral and legal obligations to protect, support, and educate those children. Later, recognizing the need of children for motherly affection, the common law amended this policy by adding the tender years doctrine—allowing a child of tender years to stay with his or her mother. Eventually it
seemed that the common law was moving in the direction of finding solutions that were best for children. 80

C. Mother versus Father versus Child

This framework for child policy is based in feminist theory, arguing for equality between parents in the direction and upbringing of children. 81 “The relationship between feminism and family law is difficult to define precisely because there is no single, all-encompassing answer to the question of what conception of gender equality women should seek within family law.” 82 Working to encourage reciprocal and equal parental rights and duties, this model seems helpful in protecting children. It seems to fall short, however, in that it places the interests of the child in opposition to that of each parent.

D. Mother/Child Dyad

While much of family law across cultures, governments, and time has centered on a dual-gender nuclear family, some scholars view this model as incorrect, asserting that the mother-child dyad is the only needed formation for a family; among the leaders in making this assertion is legal scholar Martha Fineman. 83

Articulating a feminist theory of family law, Professor Fineman proposes

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80 See Claire Breen, The Standard of the Best Interests of the Child: A Western Tradition in International and Comparative Law 148 (2002): “The language of the best interest of the child was more or less believed to derive from the biological and physical realities of the human conditions and, in particular, from the relationship of dependency which existed between the biological parents and their offspring.”


82 Id. (discussing the effects of gender equality on the primary caretaker standard in child custody decision making).

radical legal changes that would “replace marriage with a protected class for nurturing units.”  

Proffering two central elements—the abolition of legal marriage between one man and one woman, and the recognition of the mother/child dyad—this model seeks to avoid the law’s focus on the sexual relationship between a child’s parents and to place the central objective of child nurturing at the forefront of the state’s concerns. This model seems ideal in placing the child at the center of policy making, but it also removes a responsible party, the father, a result that places all the duty to provide for and care for a child on a mother alone, making it a challenging model for any state to adopt.

E. Best Interests of the Child

In early America, Anglo-American family law saw the establishment of the best interests of the child doctrine. Requiring a child-focused jurisprudence in establishing child policy, the best interests of the child is the premier legal standard to be applied whenever a child is the focus of any case. “A uniquely American blend of antiquity, Christianity, and socio-legal reforms,” in eighteenth- and nineteenth-century America the best interests of the child doctrine became integral not only to family law, but also to juvenile law (as the basis for juvenile rehabilitation, rather than retribution).

85 Id. See also Louis W. Hensler, The Legal Significance of the Natural Affection of Charlie Gard’s Parents, __ CONN. PUB. INT. L.J. (forthcoming 2018) (discussing throughout the natural connection between parents and child).
86 To date, no state in the United States or nation in the world has adopted this model (that we can discover).
87 Kohm, Tracing the Foundations, supra note 43, at 394.
88 An early ruling in this regard was Commonwealth v. Addicks, 5 Binn. 520 (Pa. 1815) (a custody case in which parents argued over the best outcome for their two daughters).

In 1834, Massachusetts followed suit in Commonwealth v. Wales Briggs, when it declared [that] ‘the good of the child is to be regarded as the predominant consideration.’ This effectively proclaimed that any parental right was based on the parents’ duty to act in the best interests of the young child.

89 See id. at 348.
The U.S. Supreme Court further refined the standard, affirming parents’ rights to direct the upbringing of their children in *Meyer v. Nebraska*"\(^91\) and *Pierce v. Society of Sisters*,"\(^92\) but also restricted the scope of that parental authority in *Prince v. Massachusetts*,"\(^93\) basing all child policy on the best interests of the child."\(^94\) This led to attempts to balance parental rights with codification of the best interests standard and with case law."\(^95\) Nonetheless, the welfare of the child is the overriding concern in adoption, custody, visitation, guardianship, child labor, foster care, child protective services, and virtually any matter involving a child."\(^96\) The best interests of the child doctrine is rooted in parental protection, and manifested in a child-focused application of legal doctrine."\(^97\)

**F. Children’s Rights**

The most globalized child policy framework is that put forth by the United Nations and adopted by 192 member states in the CRC."\(^98\) In fact, the CRC is “the most widely ratified human rights treaty in history,”"\(^99\) making it the most successful document in the history of the United Nations."\(^100\) Designed to set

\(^91\) 262 U.S. 390 (1923) (holding that parents have the right to direct the upbringing of their children).
\(^92\) 268 U.S. 510 (1925) (reaffirming parents’ rights to direct their children’s education).
\(^93\) 321 U.S. 158 (1944) (limiting parents’ rights).
\(^95\) See id. at 368–69.
\(^96\) Id. at 371–72.
\(^97\) Id. at 375.
\(^98\) CRC, supra note 6.
“out the rights that must be realized for children to develop their full potential,” it would seem that the “near-universal ratification of the Convention reflects a global commitment to the principles of children’s rights.”

Though established in a rights framework, the welfare of children is the moral basis and legal foundation for the CRC. “The four core principles of the Convention are non-discrimination; devotion to the best interests of the child; the right to life, survival and development; and respect for the views of the child.” This devotion to the best interests of the child is a long and strong Western tradition that originated in common law and was developed, as previously set forth, in American jurisprudence. The CRC was hoped to be the crowning jewel of that standard, offering the salvation and liberation of children around the world through a policy framework focused on children’s rights. It should have been a triumph of a child-focused concept adopted by a global community of persons concerned for children’s welfare. By ratifying or acceding to the obligations of the CRC, national governments have committed themselves to protect and ensure children’s rights and have agreed to hold themselves accountable for this commitment before the international community, as states parties to the CRC, obliged to develop and undertake all

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102 See id. (observing that the near-unanimous ratification of the CRC indicates a worldwide commitment to children’s rights).
103 Id.
104 See Kohm, Tracing the Foundations, supra note 43, at 347–54 (maintaining that the best interest of the child doctrine is uniquely established in American law and has set the trend for the treatment of children throughout the rest of the world).
105 See Nicola Ansell, Children, Youth and Development 229 (2005) (discussing the view that through the CRC, children have been given liberation through greater participation rights, but that they still need help from adults). See generally Bruce C. Hafen & Jonathan O. Hafen, Abandoning Children to Their Autonomy: The United Nations Convention on the Rights of the Child, 37 HARV. INT’L L. J. 449, 451 (1996) (explaining that the CRC has a new approach that gives children rights that are more nearly equal to those of adults, as opposed to previous children’s rights regimes). See also UNICEF, CRC, supra note 101 (mentioning that the CRC was the major exponent of the best interests standard).
actions and policies in the light of the best interests of the child.\footnote{See UNICEF, CRC, supra note 101 (stating that the rights set forth in the convention are intended to allow children to reach their full potential).} This eminent legal standard of the best interest of the child, however, was twisted to establish a rights framework for children from other United Nations foundational documents, promulgating the idea that children are best protected by having rights conferred upon them.\footnote{Foundational documents underlying the CRC include the International Covenant on Civil and Political Rights, G.A. Res. 2200A (XXI) (Mar. 23, 1976), http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx, the Declaration of the Rights of the Child, G.A. Res. 1386 (XIV) (Nov. 20, 1959), http://www.un-documents.net/a14r1386.htm, and the Geneva Declaration of the Rights of the Child, 21 L.N.T.S. 43 (Sept. 26, 1924), http://www.un-documents.net/gdrc1924.htm. Of special importance is the Universal Declaration of Human Rights, G.A. Res. 217 (III) A, U.N. Doc. A/810 (Dec. 10, 1948), which did much to establish human rights as a basis for international law.} This twist effectively works to treat children as legally incapacitated individuals.\footnote{See Kohm, Suffer the Children, supra note 106, at 61. See also Hafen & Hafen, supra note 105, at 458–59 (revealing that the CRC aimed to create individual autonomy and that it provides children with civil liberties previously available only to adults). See also UNICEF, CRC, supra note 101 (providing that the CRC sets out the rights that must be realized in order for a child to achieve full human potential). See generally JAMES DWYER, THE RELATIONSHIP RIGHTS OF CHILDREN 11 (2006) (focusing on individual autonomy and declaring that the same moral rights applicable to adults are also applicable to children).} We maintain that what began as a best interests standard evolved into a rights framework, and as a result, the CRC fosters neither the legal rights of children nor what is best for any child.

needs.”111 Although the virtuous CRC has been agreed to by myriad signatory nations,112 conditions for children around the world are not improving.113 In fact, the horrors faced by many children around the world are almost unfathomable.114 After more than a quarter century of adoption and implementation of the CRC, children around the world are used and abused as never before in warfare, as laborers, as forced spouses, as sexual objects, and as items to be sacrificed, all in CRC signatory countries—all of which demonstrates that the CRC is not protecting children.115

Even though the CRC has been heralded as the most effective human rights document in history,116 a review of the global evidence reveals that it has been ineffective in protecting children,117 and that it has been particularly ineffective in protecting and providing for Ukrainian children. As one example, the ECHR has interpreted the CRC as requiring Ukraine to ensure that children enjoy rights under free-movement and immigration law, but scholars agree that those rights can be subject to exploitation.118 While the CRC was designed to protect

111 See UNICEF, CRC, supra note 101 (illustrating that even though children have rights within this framework, several obstacles prevent the application of such rights).
116 See Rochelle D. Jackson, The War Over Children’s Rights: And Justice for All? Equalizing the Rights of Children, 5 BUFF. HUM. RTS. L. REV. 223, 225 (1999) (basing the opinion that the CRC has been effective and successful on the fact that only one nation has not signed or ratified the convention). See also Todres, supra note 100, at 166 (describing the CRC as a treaty that recognizes and protects the civic, political, economic, social, and cultural rights of the world’s children); Crystal J. Gates, Note, Working Toward a Global Discourse on Children’s Rights: The Problem of Unaccompanied Children and the International Response to Their Plight, 7 IND. J. GLOBAL LEGAL STUD. 299, 304 (1999) (describing the CRC as the most thorough and all-inclusive of all human rights treaties).
117 Kohm, Suffer the Children, supra note 106, at 58.
children, with specific provisions aimed at protecting the best interests of children in numerous areas, it has not accomplished that objective, particularly in Ukraine. While no treaty or convention can be a cure for all of the problems on which it focuses, one may reasonably hope for some substantial amelioration. According to the Committee of Ministers of the Council of Europe, however, the CRC has been ineffective. As the facts set out in this article attest, illustrating the current plight of children in Ukraine, it has been ineffective there as well. Ukraine needs a child policy model that will protect and provide for Ukrainian children and thus build national strength.

IV. APPLICATION OF CHILD POLICY IN UKRAINE

Analysis in previous publications allows us to conclude that Ukraine’s current child policies are characterized by the contradictions between the need for modern scientific substantiation of managerial decisions in the sphere of child and family policy and the lack of scientific development issues at national and implementation process, but also including a discussion on whether new initiatives might be exploited as lobbying tools for specific children’s rights issues).

119 Kohm, Suffer the Children, supra note 106, at 58.


121 See Council of Europe, Committee of Ministers, Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (July 11, 2007), http://www.refworld.org/pdfid/4d19a904615b.pdf (noting that compliance with the CRC is monitored by the Committee on the Rights of the Child, and that memo implementation of the treaty had, up to 2007, been insufficient in protecting children: “[T]he sexual exploitation and sexual abuse of children have grown to worrying proportions at both national and international level”). Thus, although the CRC had been implemented around the globe since its inception in 1989, the Council of Europe indicated in this 2007 document that the CRC was not effectively protecting children and needed further international support. See also EUGEN VERHELLEN, CONVENTION ON THE RIGHTS OF THE CHILD: BACKGROUND, MOTIVATION, STRATEGIES, MAIN THEMES 143 (3d ed. 2000) (observing that the adoption of additional treaties to supplement the CRC is necessary, but that this has not yet been done); Bozena Maria Celek, Note, The International Response to Child Labor in the Developing World: Why Are We Ineffective?, 11 GEO. J. POVERTY L. & POL’Y 87, 103–104 (2004) (asserting that the ineffectiveness of the CRC in protecting children from exploitation and abuse is attributable to the CRC’s weak enforcement mechanisms).
local levels. The needs to monitor the effectiveness of managerial decisions in the sphere of family policy and to achieve effective systematic monitoring of the situation of the family are critically important.

A. The Child as the Center of Family Policy

A most important step would be to acknowledge the fundamental value for a child to be embedded in a family, and for the family to be firmly embedded in the society. Approaches that focus on adult individualism, rather than family solidity and cohesion, do not offer the long-term strength needed in any nation, but that are even more particularly needed in a transforming nation like Ukraine. Integrated and systematic approaches to solving the problems of families are sorely needed. Any possibility of increasing the capacity of families to solve social problems and correct insufficient levels of activity by public organizations in the sphere of family policy lies at the heart of implementing sound and helpful child policy. Furthermore, the preservation

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122 Chekhovska, *Priority Directions of State Family Policy in Ukraine*, supra note 10; Chekhovska, *Theoretical and Methodological Approaches to Determination the Concept of "State Family Policy,“* supra note 63.
125 Zimmerman and Kurth draw attention to national strength through family strength, and detail the problem of individualism:

...[D]isintegration of the family into contractual and noninstitutional forms is so devastating to high cultural society that these atypical forms can last only a short while and will in time have to be corrected. The family reappears by counterrevolutions. All of these facts strike directly at most of the family sociology which seeks to hold that the “unrestrained individual” is the end of society and the family his private agent.

126 Professor Zimmerman points out that when “the parental unit has no real backing or workable public support in law,” the nation is in demise. *Id.* at 272. While he offers these remarks about the United States in the twentieth century, they can be easily applied to Ukraine today.
127 Currently there exists a severe lack of effective interdepartmental interaction in the implementation of family policies *See generally* Chekhovska, *Regime of the State Family Policy of Ukraine*, *supra* note 123.
of the paternalistic role of the state in relation to the family results in the inability to evolve so as to respond to modern conditions.\textsuperscript{128}

Ukraine must see it as essential to include all categories of households in the sphere of state family policy. The nation has focused much of its child and family policy on public benefits. Policies that focus only on certain categories of families, particularly socially disadvantaged ones, do not work to create a strong Ukraine. The need to change the direction of child policy to work for all families in the country, from affluent families to those that need a focus on social support and services, is essential. A growing depopulation in the country demands a pro-child, pro-family approach towards conducting economic reforms.\textsuperscript{129}

To overcome the shortcomings of current approaches, it is necessary to establish and clarify the direction of state family policy toward children in Ukraine. That policy should be focused not only on meeting immediate challenges in an unstable socioeconomic situation, but also on the long-term strengthening and development of those conditions that are best for children, with special attention to the context of the institution of the family. In this regard we find a need for focus on the protection of Ukrainian children and their families. We also see a need to fulfill Ukraine’s international obligations to protect the rights of parents and children, as required by the CRC.\textsuperscript{130} These matters have been thoroughly analyzed in previous publications,\textsuperscript{131} revealing the ineffectiveness of the CRC and current state policies.

\textbf{B. Local Implementation}

Effective implementation of any child policy in Ukraine must center on local law and local authorities—those entities that ensure policy implementation.\textsuperscript{132} These local authorities can include the system of preschool and school medical clinics, which can in turn ensure the availability of local services to families


\textsuperscript{130} For a review of the CRC requirements see generally Kohm, \textit{Suffer the Children}, supra note 106.


\textsuperscript{132} Chekhovska, \textit{The System of Constituent Entities}, supra note 131, at 306.
through the development of infrastructure and organization of physical activities at schools and at places of residence, work, and leisure.\textsuperscript{133} These services can be promoted in the media to help advance healthy lifestyles for children and adolescents, and can be helpful towards the formation of the social consciousness of parents, particularly those who live in rural areas, in relation to their own health and the health of their children.\textsuperscript{134} With a proper focus on children as the future of Ukraine, the development of a network of children’s institutions, including preschool programs and improved recreational and educational programs, would help to promote a stronger Ukraine.\textsuperscript{135} These could perhaps include services such as a daytime nanny, nurseries, playgrounds, schools for early development, private preschool institutions, and mini-kindergartens, as well as “the expansion of children’s cultural institutions, sports clubs, educational institutions and clubs, creating conditions for possibilities of reducing working hours for working parents.”\textsuperscript{136} An extension and improvement of the market of services for children could also work to create conditions to ensure access of children with disabilities to mainstream schools,\textsuperscript{137} reducing the likelihood of parents’ abandoning children to orphanages.

Special attention may need to be given to measures to reduce parents’ need to work abroad.\textsuperscript{138} Developing an efficient system for the internal migration of citizens could meet the needs of the Ukrainian labor market and present an alternative to working abroad; this could simultaneously protect the rights of citizens who work abroad and create conditions for their return by affording them employment opportunities in the homeland.\textsuperscript{139} Alternatives to working abroad would also protect children by keeping families intact.\textsuperscript{140} This larger policy direction in labor regulation could therefore serve to support a strong Ukraine by placing the best interests of the child at the center of Ukrainian family work policy.

\textsuperscript{133} Id.
\textsuperscript{134} Id. (noting that these programs could be developed as state programs, using targeted funds with appropriate controls).
\textsuperscript{135} Id.
\textsuperscript{136} Id.

\textsuperscript{137} Id.
\textsuperscript{138} Chekhovska, \textit{The Main Directions of Optimization}, supra note 129, at 64–65. See also Chekhovska, \textit{Priority Directions of State Family Policy in Ukraine}, supra note 10, at 6 (citing Olena A. Malynovska, \textit{Labour Migration: Social Consequences and Responses} 28 (2011)).
\textsuperscript{139} Chekhovska, \textit{The Main Directions of Optimization}, supra note 129, at 65.
\textsuperscript{140} See, e.g., Malynovska, supra note 138, at 28.
C. Orphans

Promoting vocational education and employment opportunities, as well as providing improved social and living conditions for orphans and children left without parental care, can also be chief components of this new direction. Providing Ukrainian orphaned children with a fair and free vocational education can be a good start. In light of the large numbers of abandoned Ukrainian children now residing in orphanages, ensuring that those children are prepared for adulthood and future employment must become a central priority of Ukrainian child policy.

To diminish the likelihood of a child’s being relegated to an orphanage in the first place, we propose the introduction of a set of social, educational, medical, physical, and hygienic measures aimed at improving and strengthening the health of children and youth, and the development of a national model of social and economic patronage to support and empower young couples, as well as families with children, including large families, single-parent families, and socially disadvantaged families in various circumstances (whether residing in a city, village, or other settlement). These policies would serve to protect children from abandonment as well as provide basic local assets to assist families in protecting and providing for their children.

D. Birth Rates

It is absolutely necessary that Ukrainian child policy enhance childbearing and alleviate child mortality. In Demography is Destiny, James Kurth depicts the critical significance of a nation’s birth rate to its national strength. Particular aspects of child policy can offer assistance in effecting a birth rate increase. Improving the mechanism for payments of one-time material assistance for childbirth would quickly assist in this area. Simplifying the procedure for providing this assistance to the mother at the time and place of the child’s

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141 Chekhovska, The Main Directions of Optimization, supra note 129, at 65. See also Chekhovska, Priority Directions of State Family Policy in Ukraine, supra note 10.
142 See Blewett, supra note 18.
143 Chekhovska, The Main Directions of Optimization, supra note 129, at 65.
144 Id.
145 James Kurth, Demography is Destiny: The Fate of the Western Family and Western Civilization, in ZIMMERMAN & KURTH, supra note 11, at 305–20.
146 Chekhovska, The System of Constituent Entities, supra note 131, at 307.
delivery would be helpful. A state-guaranteed minimum parental salary could foster strategies to stimulate the family birth rate in Ukraine for families of average income levels.

Reforming the current system of social benefits for low-income and large families by replacing them with tax benefits would allow the introduction of the “child care package” in Ukraine, a successful trend among European nations. Refining the institution of public inspectors in the Departments of Labor and Social Protection through the improvement of their monitoring and licensing functions would advance the organizational, staffing, and logistical aspects of their work, while also improving the system of reporting and simplifying the procedure for administering all types of state social benefits, using information technology in order to consult citizens in remote locations. These efforts would simultaneously expand benefits to those families that are most in need of state social assistance.

These objectives are not being achieved within the current children’s rights framework. Establishing the best interests of the child standard as the focus of child policy may better foster that objective.

E. Advancing the Value of Children and the Value of Education

A good initiative would be a program designed to supply better information about the issues of increasing the birth rate, the value of children, and the status of fatherhood, among many other pro-child policy matters. Such a campaign would assure the development of programs to prepare young people for family life and responsible parenthood. Introducing alternative forms and methods for the organization of educational and training processes would be helpful to ensure family policies that make children a priority.

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147 Id., noting that most assistance is available at the mother’s place of registration.
149 Id.
150 See generally Chekhovska, Priority Directions of State Family Policy in Ukraine, supra note 10.
151 See generally Chekhovska, The System of Constituent Entities, supra note 131.
152 See generally Chekhovska, Priority Directions of State Family Policy in Ukraine, supra note 10.
153 Id. at 10 (noting that these could include “a thorough examination of textbooks, manuals and curriculum for general educational institutions in compliance with the norms of public morality”).
The involvement of youth and children’s civic organizations participating on patriotic, cultural, and educational levels could work to use sports and local history to encourage children to develop their own values, while simultaneously enhancing the value of a child to the family. Rehabilitation institutions and recreation organizations for children could work to involve child participation, another important element of strong child policy. Robust child policy fosters the preservation of existing institutions of cultural, educational, and patriotic education for children and youth, and the creation of new ones, all of which could advance Ukraine even in the midst of its current conflict and transformation.

Adoption of these suggestions would contribute to effective reform and would create a meaningful, comprehensive, and effective system of child policy in Ukraine.

V. CONCLUSION

A state policy focused on the best interests of the child is the most productive avenue for a strong pro-child environment that would advance the nation and would also serve to create a stronger Ukraine. This article has presented the notion that robust and resilient state policies toward children and their families are missing pieces that are crucial to future Ukrainian national strength. We have proposed that an important part of developing a new strategy to ensure not only a child’s survival in an unstable and changing society, but also national strength, is a child policy that can work to support the stability of the state, its economic development, and its governmental security. The health and strength of Ukraine’s children forms an important foundation for these priorities.

This article has reviewed the current state of Ukrainian child policy and explained various models of child policy. We applied a new standard to Ukrainian child policy to strengthen the country’s national identity and its future, submitting that current events in Ukraine require a strong pro-child family policy, whereas current state family policy has been ineffective in helping to support national strength, particularly in a time of confusion, conflict, and transformation. Current events in Ukraine compel a review of state child policy. We have argued that policy can help to develop and steady

\textsuperscript{154} Id.

\textsuperscript{155} See generally Lynne Marie Kohm, Teen Courts: Empowerment through Child Participation, in CHILD PARTICIPATION IN JUSTICE 283 (Tali Gal & Benedetta Duramy eds., 2015). When a child is participating in his or her own justice, that process can be therapeutic, while also increasing the child’s sense of civic responsibility. Id. at 290–91.
a national identity for Ukraine that can assist in stabilizing the nation both in the midst of and after the present geopolitical struggle.