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Inclusive Education, Social Cohesion and Gender in Ukrainian Legislation on Higher Education

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General situation

Ukrainian legislation contains certain rules that prohibit discrimination and facilitate access of underrepresented groups to higher education.

At the same time, there are some regulations that do not contribute to the participation of these groups or make it more difficult.

Also there are some problems which yet are not solved.

Main Laws

- The Constitution of Ukraine (1996)
- The Law “On Education” (2017)
- The Law “On Higher Education” (2014)
- The Labor Code of Ukraine (1971)
- The Law “On the Priority of Social Development of the Village and Agro-Industrial Complex in the National Economy” (1990)
- The Law “On Amendments to Certain Legislative Acts of Ukraine regarding the right to education of persons whose place of residence is the territory of the anti-terrorist operation” (2016)
- The Law “On the ensuring the functioning of the Ukrainian language as a state language” (2019)

Other Legislation

- The Licensing Conditions for Conducting the Educational Activity (2017)
- The Procedure of Appointment and Payment of Scholarships (2016)
- The Admission Conditions for Higher Education Institutions (every year)
- Regulations on the Hostel of the Higher Educational Institution (2007)
- ...

Main issues of legislative regulations

- Prohibiting the privileges or restrictions in access to higher education;
- Social protection of certain categories of citizens:
 - residents of rural areas;
 - children from low income families;
 - children from occupied territories etc.;
- Provision of the right on higher education for persons with disabilities;
- Promoting EU common values through the educational process.

Privileges and restrictions

The Constitution of Ukraine, Laws “On Education” and “On Higher Education” prohibit the privileges or restrictions which violate the right of citizens to higher education.

This is aimed at ensuring the equal access to education without discrimination on any grounds. But sometimes these norms prevent the introduction of support measures for underrepresented groups which can be perceived as giving privileges

Legislation prohibits the privileges and restrictions in education

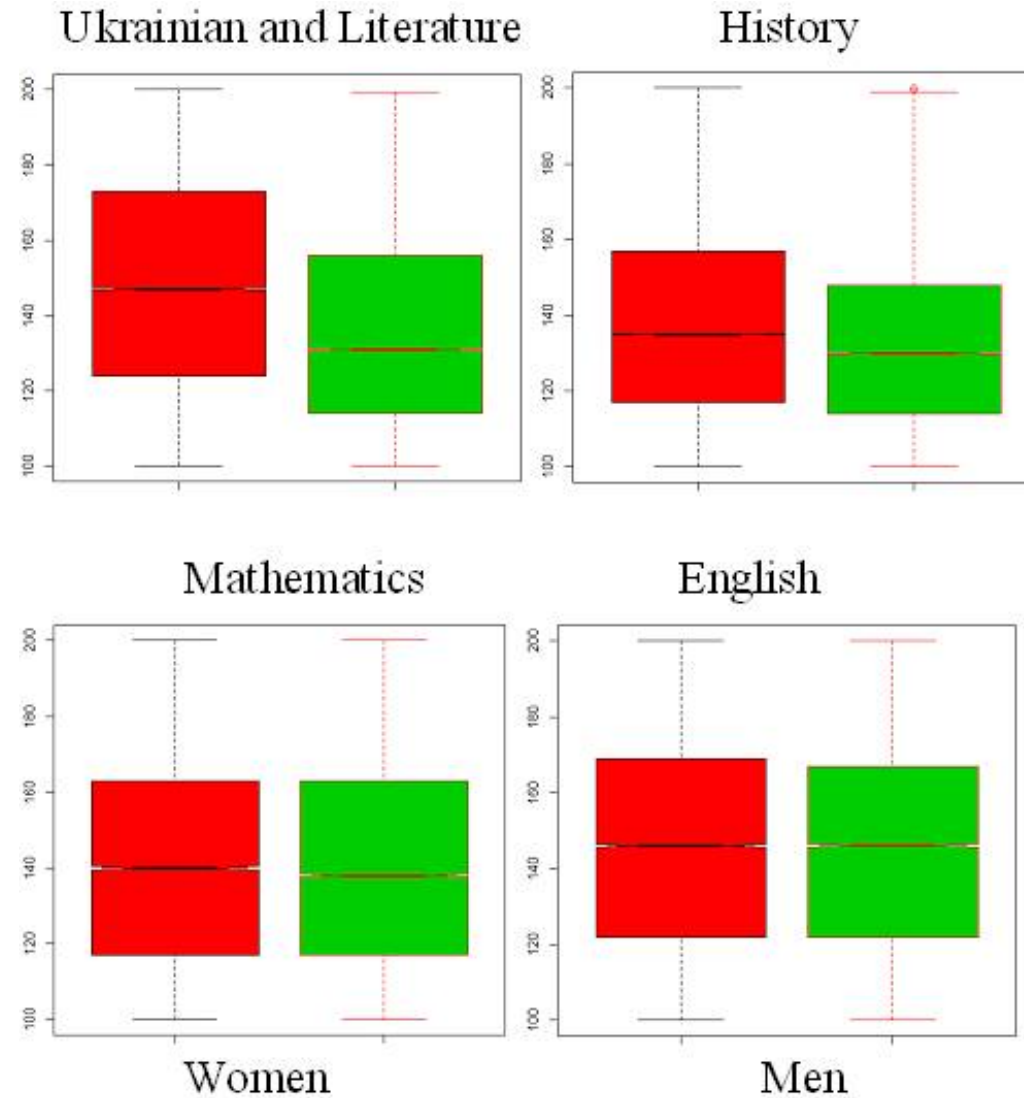
- Race and skin colour;
- Political, religious and other views;
- Gender
- Age;
- Disability;
- Ethnic and social origin;
- Family and property status;
- Place of residence;
- Language or other attributes;

Privileges and restrictions

The legislation and internal regulations of HEIs mostly take into account the prohibition of discrimination and privileges established by the Constitution.

There are certain exceptions regarding the admission to the education of rural school graduates, as well as the provision of a proper level of proficiency in the Ukrainian and English languages.

Gender Parity



Real situation

However, due to outdated standards for the collection of statistical information, in many cases it is impossible to establish where there are problems requiring a legislative decisions.

Available data, in particular on admission to higher education institutions, indicate the presence of certain disparities by regions. First of all, this is due to low scores of external independent evaluation for graduates in some regions, as well as for rural school graduates.

EIE (Mathematics), 2018

	<100	100-120	>180
Ukraine	18,59	24,69	9,25
Chernivtsi region	25,65	25,65	7,02
Chernivtsi	13,17	18,96	13,77
Khotin	26,67	13,33	13,33
Hertsaevsky district	54,90	23,53	0,00
Kelmenetsky district	30,95	23.81	2,38

EIE (Mathematics, types of schools), 2018

	<100	100-120	>180
Ukraine	18,59	24,69	9,25
Lyceum	6,75	14,73	25,97
Gymnasium	4,41	11,99	20,43
Secondary school	6,80	15,80	15,08
College	18,81	34,91	1,66
Vocational school	53,33	37,85	0,06

Foreigners, refugees and stateless persons

Foreigners, refugees and stateless persons who are legally in Ukraine have the same rights on higher education as the Ukrainian citizens with the exceptions which may be established by international treaties of Ukraine.

Some differences or exceptions also may concern the access to specific study programs (for example, in national security) and studying at the expense of the state or local budget.

Access to higher education on a competitive basis

The Constitution guarantees the right to the access to higher education on a competitive basis. This ensures equal access to higher education.

But at the same time it complicates access for some underrepresented groups.

Today in society there are hard discussions on the issues of the balance of equity and equality in access to higher education.

Admission Requirements

Most of the state order positions for bachelor programs are distributed by Gale-Shapley algorithm, taking into account priorities and competitive scores of applicants.

Special conditions for increasing the availability of higher education are established for certain underrepresented groups.

Special conditions for increasing the availability of higher education

- Persons who have a disease that may be an obstacle to an independent external evaluation;
- Orphans;
- Participants in the Revolution of Dignity;
- Persons whose place of residence is the temporarily occupied territory;
- Persons affected by the Chernobyl Nuclear Power Plant accident;
- Some others.

Special conditions

- entrance exams instead of external independent evaluation;
- quotas at the entrance;
- financing of training at the expense of the state budget;
- provision of hostels⁴
- social scholarships;
- ...

The Law “On the priority of social development of the village and agro-industrial complex in the national economy”

For all higher education institutions there must be a quota for the admission of rural youth, which is obligatory for execution.

Nevertheless for several last years, graduates of rural schools receive a small additive to the competition score in accordance with the Admission Requirements for Higher Education Institutions

People with physical disabilities

The Ukrainian Law “On Education” adds a number of requirements aimed at protecting the right to education of persons who need additional permanent or temporary support in the educational process.

First of all, they concern people with physical disabilities, for whom creating of reasonable accommodation and universal design must be provided. The buildings, constructions and rooms of educational institutions must meet the requirements of accessibility.

Professor Andriy Shevtsov inspects the accessibility of universities



Standards of higher education

New Ukrainian standards of higher education include the generic competencies offered in the project Tuning and additional ones:

- appreciation of and respect for diversity and multiculturalism;
- the ability to realize their rights and responsibilities as a member of society, to realize the values of a civil (free democratic) society and the need for its sustainable development, the rule of law, human and civil rights and freedoms in Ukraine.

Summary

On the whole, it can be stated that in recent years Ukraine has significantly advanced in the legislative provision of inclusive education, social cohesion and gender parity.

But there are many problems that still need to be solved, and not all legislative norms are fully implemented in practice.