

## Inclusion in Ukraine

### *What the Future Needs and Should Hold*

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On December 13, 2006 at the United Nations Headquarters in New York the document that has influenced the life, education, employment and wellbeing of persons with disabilities, their families, communities and educators in the world, was adopted. On March 30, 2007 82 participants signed the Convention on the Rights of Persons with Disabilities (CRPD) making it the highest number of signatories in history to a UN Convention on its opening day. The document follows intensive work and commitment to improve attitudes and approaches to persons with disabilities and was negotiated during eight sessions of an Ad Hoc Committee of the General Assembly from 2002 to 2006. The Convention entered into force on May 3, 2008. As of May 6, 2022 there had been 185 ratifications/accessions and 164 signatories to the Convention, and 100 ratifications/accessions and 94 signatories to the Optional Protocol (United Nations Office of Legal Affairs, 2022).

The Parliament of Ukraine ratified the Convention on December 16, 2009 and it came into effect on March 6, 2010. Hence, this internationally agreed and approved document has started to serve as a human rights instrument adopting a broad categorization of persons with disabilities and reaffirming that all persons with all types of disabilities must enjoy all human rights and fundamental freedoms. The Convention identifies areas that require adaptations for persons with disabilities to exercise their rights and areas where protection of rights must be reinforced (Department of Economic and Social Affairs, 2022).

Article 24 of the Convention ensures the right to education without discrimination as one of the fundamental rights. According to it, the countries develop and sustain an inclusive education system and lifelong learning aimed at the full realization of human potential, sense of dignity, and ensuring respect for human diversity, rights and freedoms. In order to enable participation in society, education must help persons with disabilities develop their personality, talents, intellectual and physical abilities to the fullest. Thus, the education system should offer quality, free, inclusive elementary and secondary education for all students in the communities in which they live. Students with disabilities are to receive necessary support in the inclusive learning environment that maximize

their academic and social development. Education should also ensure that persons with disabilities learn life and social skills to facilitate their full and equal participation as members of the community. Persons with disabilities must be able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination (United Nations, 2006).

To reach the goals of the Convention and ensure the right of persons with disabilities to education, all countries should work systematically and on many levels: adapting legislation, raising awareness and discussion in society, training in-service and pre-service teachers, empowering persons with disabilities, developing educational strategies, cooperating internationally and implementing best inclusive practices.

Being a country with a history of segregated education, oppression, resistance and unyielding will to develop and succeed, Ukraine can set an example that human rights and dignity including those with disabilities should be the highest value. Since 2013, there has been a documented increase in the number of children with disabilities in Ukraine. In early 2018, 159,044 children with disabilities under the age of 18 were registered, compared to 156,099 children in 2016, which is about 2.0% of the total children's population of the country (Committee on the Rights of the Child, 2020). Since Russian aggression, the number of war veterans and those with disabilities has been growing significantly.

Entering the 16th year since the introduction of the CRPD into national legislation, we will sum up in this chapter the present situation and future prospects of Ukraine's inclusive education.

Let us start from the backgrounds. Ukraine gained independence from the USSR in 1991. Since then it has passed through the collapse of ineffective Soviet economy and subsequent shady redistribution of national wealth among few nouveaux riches to the status of a developing country, which, having strong ties with and being influenced by the Russian Federation, nevertheless, slowly and steadily moves in the direction of the civilizational values of human rights and freedoms.

The road is not easy, considering that the Soviet regime oppressed human rights and freedoms. Education, culture, social and economic spheres were saturated with communist ideology, so instead of a diverse community of equal and valued individuals as the term pretentiously implied, it bred segregated and oppressed regime builders. In the USSR, people with disabilities were controlled subjects to be cared for instead of being active agents or stakeholders. The communist party and government curtailed even grassroots self-help initiatives that likely would have benefited the state economically and administratively. The state defined what "social contributions" the citizens with disabilities would be allowed to make, set the parameters of education and work possibilities and closely regulated the development of disability

consciousness. People with disabilities were unaware of developments in the disability movement and of human rights struggles worldwide. Overall, Soviet disability policy was a rigid system incapable of adapting to changing circumstances (Phillips, 2009).

Education was a powerful tool to form mindless “fighters for peace in the whole world” and these “perfect” communism builders were not supposed to have disabilities. The purpose of regular schools was to create uniform legions of Soviet workers and collective farmers, where the diversity and equity were out of question. Therefore, persons with disabilities were not seen in regular schools, they were mostly institutionalized in so called “internats” – places of residence that were not monitored by the public; in many of them repressive and punitive methods of correctional pedagogy were applied and existed limited or even absent opportunities for being members of society. Segregation and obscurity were profound; up to the collapse of the Soviet Union the theoretical principles guiding special education formulated by Lev Vygotsky and sources outside the USSR were officially suppressed, as were testing and statistical data on individuals with disabilities (Malofeev, 1998).

Pedagogical universities and institutes trained so-called defectologists and correctional teachers (Zavirtrenko et. al., 2019), whose task was either to correct disabilities up to normality (which is not mostly possible) or to hide such “defected” children for the whole of their lives inside the institutions. The legacy of the Soviet pedagogy was with Ukraine until its signing the CRPD; some traits are present even now.

Notwithstanding the fact that Ukrainian authentic and progressive science and education were subdued, even canceled by the soviet-Russian language oppressive machine, and the central line of the communist party of the USSR was intolerant and hostile to the diversity and freedom of thought, Ukrainian educators strove to develop a scientific and experimental base how to teach students with SEND. Their efforts at creating the long-term experience of teaching and socialization of children with SEN made possible the implementation of inclusive education in Ukraine (Dichek, 2021).

Since regaining its independence, Ukraine, aspiring to get rid of its colonial past, reunite with Europe and embrace ideas and practices of equity, diversity, freedom and inclusion has made big leaps towards the prize. After 2010, the country received considerable financial and technical assistance that helped to advance toward integration with the West in many areas. The increasing interaction of Ukraine with the western countries and gradual openness to the world had a critical impact on inclusive education by directly influencing the philosophical basis of the education system (Petryshyn et al., 2020, p. 78). International cooperation contributes to sharing of the best inclusive practices and capacity building of Ukrainian teachers and parents of students with disabilities.

## 1 National Legislation and Normative Documents

Since 2005 the Ukrainian Parliament, Cabinet of Ministers and relevant governmental departments have developed a comprehensive body of laws, executive orders and resolutions that paved the way to reforms in education, health care and social security. Gradually the usage of the medical approach in relation to students with disabilities viewing them as the objects seeking medical treatment, correction and rehabilitation is being replaced with a social one. According to it, disability is not a physical and mental quality of an individual, but a result of “socially produced inequality and dependency” (Beauchamp-Pryor, 2012), therefore, it is a duty of society to provide support and remove barriers so that every person can function and enjoy being a part of it.

In 2009, the Cabinet of Ministers approved the Action Plan for the introduction of inclusive education in secondary schools for 2009–2012. The year of 2010 was marked by the adoption of the Law of Ukraine “On amendments to legislation on general secondary and preschool education on the organization of the educational process”, which introduces the inclusive classes for students with SEN. In October 2010, the Concept for the development of inclusive education outlined the evolution of philosophy and teaching methods in the light of international conventions and other documents and set the priorities of the national educational policy in terms of constitutional rights and guarantees. Among the objectives of the Concept was the formation of an educational environment for children with SEN by providing psychological and pedagogical support and improving the system of pre-service and in-service training of teachers who work in inclusive classrooms. This required a systematic and comprehensive approach to improve the legal, regulatory, methodological, financial and economic support; to apply innovative educational practices to develop a model of inclusive education in schools; and to participate with parents of children with disabilities (Sydoriv, 2022, p. 172).

## 2 The New Ukrainian School Reform

Since passing the new law “On education” in 2017 marking the beginning of the New Ukrainian School reform and the laws “On professional higher education” in 2019, “On complete general secondary education” in 2020 as well as a number of revised existing laws, inclusion has been firmly introduced in national legislation and regulatory documents.

The educational reform aims at achieving the following:

- extensive national funding of the reform; educational subsidies to local budgets for teaching students with SEN;

- establishment of a safe inclusive environment in schools free from violence and discrimination;
- development of accessible services for students with SEN;
- quality psychological and pedagogical support provided in schools and kindergartens;
- accessibility of extracurricular learning based on students' needs and individual capabilities; and
- vocational guidance for students on the basis of their interests and capabilities.

The reform strategy envisaged introducing inclusion on the national level by stages, starting in primary school with the gradual closure of 80% of special schools. In 2015–2020, the number of students with SEN studying in inclusive classes of secondary schools increased by 7.1 times. The number of inclusive classes increased by 5 times and the number of schools with such classes grew by 3.7 times over in 2016–2020. In the academic year of 2019–2020, 35% of all general secondary schools provided special needs services to their students.

The legislation and government orders paved the way to introduce inclusion of children with disabilities in preschool. As of January 2020, over the past two years, the number of children with SEN in inclusive preschool groups increased by 2.1 times (to 4,681 children). The government allocated financial funds of UAH 37,230 in 2019 and UAH 87,572 in 2020 in the subsidies from the national budget to local budgets to provide special education services for students in inclusive preschool groups.

In order to support school and preschool teachers, students and their parents, 610 inclusive resource centers (IRC) were established in all regions of Ukraine, 699 sets of methodologies to assess child development were purchased and the training was conducted for 869 specialists. To provide access for services, equipped buses were purchased for UAH 175 million and an automated electronic system for IRC services was developed (Information service of the Secretariat of the Cabinet of Ministers of Ukraine, 2020).

### 3 Education of Children with Special Education Needs and Disabilities

Prior to the ratification of the CRPD, Ukrainian children with disabilities did not have many opportunities for inclusion. They and their parents had limited options to obtain education depending on many factors determined by the

severity of disability, geography of the family's residence and official existence of parents or relatives-guardians. A child with SEND could mostly be educated in:

- Special medical institutions where a child could remain excluded a whole life. The rights, including those related to education, were severely limited.
- Segregated settings of a special educational establishment where a child lived during an academic year on full board provided by the state.
- A child's home that was supposed to be visited by teachers, but in fact, no real teaching was provided.
- A regular classroom being labeled lazy, inattentive, unmanageable and worse.

The educational reform has provided for the establishment of inclusive classes in regular schools and inclusive groups in kindergartens along with the development of Inclusive Resource Centres to provide services for children with disabilities and special needs and their families. IRCs do assessments and recommend parents to consider inclusive education and special needs services for their children. They also supply inclusive schools with special education teachers and other professionals or provide special services on their premises.

If parents agree with recommendations of an IRC that their child requires special needs services in inclusive settings, they can apply at the local school and the administration is required to provide support, tuition and evaluation by a multidisciplinary team in inclusive settings for a child, according to an individualized education program. However, admission to inclusive education is still restricted for certain categories of children (Sofiy, 2021, p. 55).

To provide professional support to children with disabilities in the inclusive settings, a teacher's assistant position was introduced. Ukrainian schools and kindergartens have been employing teacher's assistants to support students with SEN since 2010. The amendments to the legislation made in 2018 require each school class or kindergarten group where at least one child with disabilities studies to have a teacher's assistant. This educational professional is an important member of a support team who helps a general education teacher to plan and conduct lessons, provides extra support to struggling students and serves as a valuable link with the parents. Ukrainian legislation requires a teacher's assistant to hold a university degree in pedagogics. Thus, the quality education of teacher's assistants depends on a well-developed training curriculum and effective strategies to enable them to support students with disabilities.

Many parents, wishing their children with disabilities to study in an inclusive school, choose to obtain a second pedagogical education if they already have had a university diploma and get employed as assistants by the schools

where their children study. These parents are also highly motivated to explore the opportunities of informal education, participate in workshops and seminars, seek and implement progressive and experimental methods and advocate for effective inclusive education (Budnyk et al., 2022, p. 7).

Recently Ukrainian schools have seen child assistants, who are also officially participants in the educational process. They do not need to have a formal pedagogical education, therefore cannot assist a classroom teacher with teaching. They connect and build relationships between a teacher and a child and help a child with daily routine activities.

It is obvious that the transition from segregated to inclusive education is a complex process that demands a system approach. Therefore, the Ukrainian inclusive education learning community needs a thorough and comprehensive curriculum for pre-service and in-service training of teachers and educators as well as be referred to by parents, students and those who care about human rights.

#### 4 Teacher Training

Quality inclusive education depends on teachers and educational professionals, who can effectively organize and develop an inclusive learning environment inside and outside a classroom, thus pre-service and in-service training of teachers is important. The fast implementation of the reform was not easy for educators who often have limited resources to apply this new approach to teaching students with SEND. Many teachers and parents even now have little understanding and view inclusion as adapting and correcting all students to fit into a class, thus the system of teacher training needs constant development to be able to equip teachers with necessary skills. Ideally, every educator should have the capacity to implement inclusive practices, therefore there is a demand for a curriculum to train all teachers and introduce inclusion into all areas of society.

Ukrainian scholars and practicing teachers A. Kolupayeva, O. Taranchenko, N. Sofiy, Yu. Nayda, L. Bayda, E. Danilavichute and others started exploring the theoretical and methodological aspects of teaching children with disabilities in an inclusive environment back in the first decade of the millennium. In order to supply schools with professionals, capable of organizing and teaching in learning environments that are suitable for students with SEN, universities and colleges of professional pre-higher education intensified their efforts to develop an inclusive education curriculum for training teachers. In 2018, many



regional in-service teacher-training institutes set up resource centers to support IRCS (UNESCO, 2021, p. 34).

Meaningful inclusion requires trained professionals and staff at all its levels. Teacher training should incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities. Ukraine is not a high-income country to allocate sufficient financing for education and teacher training; still it has a developed educational system and infrastructure (Hayes & Bulat, 2017). Therefore, there were international initiatives that greatly supported the measures to build the capacity of educational professionals.

In 2017 following the *Americans with Disabilities Act (ADA) Inclusive Education Anniversary Fellowship* in University of Minnesota and State University of Arizona in partnership with India, Kazakhstan, Armenia and Ukraine, a team of Ukrainian educators with and without disabilities launched an ambitious project called *Without Borders: Sustaining and Supporting Inclusive Education Learning Community*. The project's ultimate goals were:

- creation and supporting a dynamic community of university students, diverse educational professionals, disability rights activists to work with students with disabilities and their parents, with the overall goal of enhancing the implementation of inclusive education practices across Ukraine; and
- developing and sustaining a coordinated training program focused on the high fidelity implementation of promising and evidenced-based inclusive education practices (Institute on Community Integration, 2020).

The project activities were to reach regions beyond large cities to assure that teachers and parents of children with disabilities living in more remote areas are part of the inclusive education reform in Ukraine. In order to reach the project's objectives, eight Ukrainian universities and the Global Resource Center on Inclusive Education, Institute on Community Integration, University of Minnesota signed the *Memorandum of Agreement*. The established *Ukrainian National Inclusive Education Consortium* commits to the implementation of education policy and practices with the capacity to train both educators with an understanding of and ability to implement inclusive education practices and to serve as a resource center for schools. A variety of schools located in the targeted regions also serve as model sites to showcase inclusive practices.

The results of the project have been quite impressive, yet even more promising in the long-term perspective. Since 2017, several thousand students and educators have participated in focus groups, training sessions, seminars,



conferences and other educational events, thus contributing to the development of a resource base for the inclusive education teacher-training curriculum.

Pursuant to the project proposal, in 2019 Ivano-Frankivsk College, Precarpathian national university started pre-service training of elementary school teachers with the capacity to work in inclusive settings. The curriculum in inclusive education for prospective and practicing teachers, specialists, and parents (Sydoriv, 2020) as well as the implementation manual developed and published by the project participants have been selected as the core course book on Theory and Methods of Inclusive Education that is taught in the university. Inclusive education training coursework geared toward both special and general education staff, and focused on promising and evidenced-based inclusive education practices is used at collaborating universities and for in-service training. Thus, pre-service and in-service schoolteachers are provided with methods and practical skills to organize an inclusive learning environment to teach students with disabilities.

Among various evidence-based international practices, Ukrainian educators utilize art, music and performing techniques that help to master soft skills and build capacity to organize the inclusive learning environment. They are not costly and help to establish connection and cooperation between educators, students, parents and communities. The COVID-19 pandemic social distancing, self-isolation followed by the unspeakable war atrocities and humanitarian crisis caused by the aggression of the Russian Federation have made the classroom cooperation and interaction difficult or even impossible. Internally displaced persons, refugees, survivors of the war as well as persons with disability represent a large and diverse population of people with different forms of impairments and care support requirements, who face significant barriers that expand their exclusion from education, especially during crisis (Agnoletto & Queiroz, 2020).

The consequent poor communication and lack of flexibility prevents students from gaining interpersonal or so-called soft skills. For learners, soft skills are correlated with the technical and cognitive skills necessary to achieve higher academic results, and are determinants of positive academic behaviors.

The transitions programs from school into adulthood that aim at preparing students with disabilities to independent living, employment, further study, intimate relations, leisure are underdeveloped on the national level in Ukraine. The following soft skills for students with disabilities are worth adopting and mastering: effective communication, adaptability, leadership, positive attitude, conflict management, reliability, motivation and initiative, critical thinking, team work, problem-solving, professional attitude, time management and attention to detail. Hence, emotional intelligence and empathy

can be considered a universal value for all to be effective in the diverse world (Gardenswartz et al., 2010).

The Inclusive Education Lab established in Ivano-Frankivsk region makes advances in the field of inclusive art, music and performing training pre-service educators for teaching children with special educational needs and disabilities as well as their healthy peers. Since 2020, the Lab participants have launched and led many events aimed at training teachers to organize inclusive learning environment and teach students with SEND:

- A set of formal and informal music and art classes for deaf and hard of hearing students. Being unable to hear physically, children create and learn music that makes them a part of a music-appreciating community.
- Shadow play performances for orphans and neglected children, many of whom have disabilities. After watching and discussing a performance, the spectators then are invited behind the curtains to actually recreate the play they have just seen developing and adding their own ideas.
- Interactive bubble shows for children with disabilities and internally displaced persons in collaboration with a local troupe of actors.
- Forum Theater. Young actors and members of the audience discuss, collaborate, explore and perform searching for solutions to various social issues: disability, gender, domestic violence, social justice, human rights.
- Interactive storytelling project involving tasks and activities in the English and Ukrainian languages.
- A volume of students' authored stories and fairytales about diversity, equality and inclusion produced in collaboration with a child with disabilities and a parent.

The mentioned activities require more research and consequent development, but the preliminary results show that students benefit from the activities, mastering interpersonal skills and making academic and behavior progress in the times of the crisis (Sydoriv & Sydoriv, 2022).

Equipping school students with necessary skills that will help them to maintain independent living, have healthy personal and social relations, find and keep employment or continue further education after they leave school is an important challenge that Ukraine's education policy must deal with. The first school students with SEND to study within the New Ukrainian School reform entered classes in 2018, meaning that they are due to complete their basic education in 2027–2029. There are various mostly non-governmental initiatives, but generally, Ukraine lacks proven strategies on how to ensure transition of youth with disabilities to adulthood.

Ukraine can learn from the United States, the country with a policy, funding, and services infrastructure for secondary transition for youth with disabilities as mandated by U.S. law. There is an emphasis on self-determination, community inclusion, and employment, so in unpredictable or critical situations, communities have stepped up and used the infrastructure, policies, and disaster funding in their state to heal and to rebuild. If such a basis of supports is not present in a country when a disaster occurs, it is up to the individuals and families to fend for themselves, leaving those with the most significant disabilities behind. Often, this denies them the opportunity to reach adulthood with dignity, or at all (Tichá & Dockter, 2022).

The inclusive education teacher training curriculum that was developed within the *Without Borders: Developing and Sustaining Inclusive Education Learning Community* project serves as a guide for the just graduated teachers to implement inclusive practices within their communities. It is especially useful to facilitate adaptation and transition of youth with disabilities and internally displaced persons towards independent living and self-realization (Sydoriv et al., 2022).

Another challenge that Ukrainian education and society face is ensuring more students with disabilities choose to pursue careers in education. This means eliminating barriers and creating safe inclusive environment in teacher training universities and colleges as well as in schools and kindergartens. Keller, Anderson, and Karp (1998) argue that besides adding a unique perspective of diversity to school education personnel and parents, teachers with disabilities can be successful professionals, advocates and role models in class, they can contribute greatly to solutions of important issues, for instance, shortages of trained special education specialists and general education teachers. Teachers with disabilities have a better understanding of how to remove barriers in school. They can facilitate professional realization and employment in higher education by former students with disabilities (pp. 8–9).

To be successful in organizing an inclusive environment and teaching students with SEND, Ukrainian educators should adhere to a social-ecological approach that is based on Bronfenbrenner's ecological theory in which different models of development of an individual are connected in one comprehensive system. The systems, in which a person develops, include microsystem, mesosystem, exosystem and macrosystem. Starting from the personal qualities and characteristics including dis/abilities of an individual, the model explores interconnection of all elements that influence a person and areas in which he or she develops – interpersonal, organizational, community, public policy including defined laws, regulations and rules as well as informal attitudes, customs, values and beliefs (Tichá et al., 2020, p. 114).

## 5 Deinstitutionalization Reform

It must be said that Ukraine has made relatively steady progress towards modernization of its education system and brought the idea of inclusion in many spheres of society; however, some educational reforms were halted and even stopped since the controversial appointment of Shkarlet as a Minister of Education and Science in 2020. An active supporter of the Yanukovych retrograde pro-Russian regime in 2008 and a figurant of a plagiarism scandal, Shkarlet approved of shifting UAH 4.9 billion (over 65% of the development funds allocated for education and science) under the pretext of fighting the coronavirus pandemic. This lost financing has never been replaced and the money from the anti-COVID Fund was partially used for the Zelenski presidential Big Road-Construction program. The government also did little to meet the educational challenges caused by the pandemic. Insufficient efforts to establish the necessary infrastructure to manage a major distance-learning program resulted in exacerbating issues of educational inequality within Ukrainian society (Hrynevych & Kobernyk, 2020).

Deinstitutionalization as one of the aspects and outcomes of the reform in education and social security has been at risk too as the result of the recent political decisions. Deinstitutionalization is the process of changing the institutional child-care system aimed at creating a safe and nurturing environment in which the need for institutional care is kept to a minimum and most children can live with their families.

The deinstitutionalization reform aims at:

- preventing separation of children from their families and assisted transferring of children from special boarding schools to their parents or to the environment as close as possible to family conditions;
- supporting parents raising children with disabilities and families in need;
- promoting socialization, personal and professional development of persons with disabilities and those who leave institutional care establishments; and
- creating a system of accessible special services within local communities.

The reform strategy includes three consequent stages. The first stage started in 2017 with the assessment of the existing institutional child-care system; creation of training programs for specialists; development and adoption of the legal framework and regulations; as well as working on criteria and metrics to monitor the reform. During the second stage (2019–2024), regional deinstitutionalization starts with reforming places of institutional care through their liquidation or reorganization into day care institutions. The final stage (2025–2026) includes the analysis of the reform implementation and the consequent

development of follow-up programs. The expected result of the reform is the decrease in the number of children raised in the system of institutional care to 0.5% of the total child population.

At the beginning of 2021, the Ministry of Social Policy of Ukraine proposed changes to the Strategy of deinstitutionalization, which postponed the transformation of the institutional care system. This movement is a step backwards in reforming the system of institutions and does not contribute to the safety and well-being of children living there (International Federation of Educative Communities, 2021). Rightfully stating that “institutionalization can never be considered as a form of protection of children with disabilities and constitutes a form of segregation, is harmful and violate the Convention” the UN Committee on the Rights of Persons with Disabilities (2022) developed the guidelines that also cover deinstitutionalization in situations of risk and humanitarian emergencies, including conflicts. The guidelines stress that emergency and recovery funding should not support continued institutionalization, but ensure inclusion in evacuation, humanitarian relief and recovery measures.

In view of the ongoing aggression of the Russian Federation, international human rights organizations have documented multiple crimes against Ukrainian civilians, including children and adults with disabilities:

- violations of the right to life, including arbitrary killings and enforced disappearances;
- violations of the right to property, including massive destruction of civilian infrastructure;
- violations of the prohibition of torture and ill-treatment, in particular gender-based violence and war-related sexual violence; and
- violations of the right to liberty and security, including abductions and arbitrary or incommunicado detention. Many persons who lived in the institutions in the occupied areas or the areas of conflict suffered as a result and children from the institutions were forcibly moved to the territory of Russia.

As of September 2022, all facts of crimes by the Russian Federation have not been documented yet as the military actions on the territory are in progress, but we can say of many thousands of cases of brutal violation of the human rights by Russian occupiers: torturing, killing, filtration, illegal detention, forced transfer of the population. Gender and disability-based crimes constitute a big part of them. International experts “especially concerned about those persons with disabilities, including children, living in institutions who face barriers to access humanitarian assistance and evacuation on an equal basis with others” (The Office of the High Commissioner for Human Rights, 2022).

The Council of Europe Commissioner for Human Rights reiterates that all humanitarian evacuations should be voluntary, safe and informed which entails the evacuees' prior knowledge and agreement on the destination of the evacuation. The Commissioner observes that the reported circumstances of the transfer of many Ukrainian citizens, in particular the use of deliberate strategies and the coercive environment in which it appears to occur, carry many characteristics of the international crime of forcible transfer of population (Commissioner for Human Rights, 2022).

## **6 Military Aggression of the Russian Federation in Relation to the Crimes against Persons with Disabilities**

Russia invaded Ukraine in 2014, annexing Crimea and territories in the Donbas area. The war cut many Ukrainians with disabilities on the occupied territories from assistance and connection with their country, many services for persons with disabilities were seriously disrupted in the areas affected by military actions, those of the population who could, fled to the mainland Ukraine, but for many it was impossible or dangerous. There was a great demand for the development of the mechanisms to provide support to war invalids and veterans, displaced persons, survivors with post-traumatic stress disorders and other war-related factors. At that time Ukraine received international support that enabled it to start reforms, namely in the spheres of education, health and social services that served the humanization of its policies and growing inclusion of persons with disabilities.

On February 24, 2022, Russia launched a full-scale invasion on the territory of Ukraine. In mid-April, the UN Committee on the Rights of Persons with Disabilities estimated the number of persons with disabilities potentially affected by the war at 2.7 million. Persons with disabilities represent a high percentage of those displaced by the war within Ukraine. In the Memorandum on the human rights consequences of the war in Ukraine, Dunja Mijatović, the Council of Europe Commissioner for Human Rights, states that due to the war many people with disabilities are trapped or abandoned in their homes or care institutions with no access to medication, food, water, sanitation and basic necessities. Many persons with SEND lost the support and help of care workers. Persons with disabilities also have difficulties in accessing shelters or evacuation trains. In some locations, children with severe disabilities, committed to care institutions, are without proper care by their caregivers. There are cases when children are restrained and lacking adequate medical care (Commissioner for Human Rights, 2022, pp. 14–15).

The Commissioner emphasizes that in situations of armed conflict and humanitarian emergencies states-parties to the CRPD have a legal obligation to ensure the protection, safety and dignity of people with disabilities including immediate access to humanitarian aid, inclusion in evacuation plans and access to humanitarian corridors. People with disabilities and older persons among those fleeing Ukraine are entitled to adequate support at border crossings, reception centers and in places of accommodation in receiving countries. As of September 13, 2022 (The UN Refugee Agency, 2022) informs that since the beginning of Russia invasion in February 2022 a total of 12,660,508 persons crossed the border from Ukraine, 5,755,970 persons crossed the border to Ukraine and 4,040,108 refugees from Ukraine have been registered for Temporary Protection or similar national protection schemes in Europe. There are no comprehensive statistics on how the war affects persons with disabilities, but European Disability Forum informs that over 143,600 Ukrainians with disabilities were displaced because of the war; many of them seeking refuge in third countries are segregated in residential institutions (Felix, 2022).

On July 27, 2022, disability organizations supporting relief efforts in Ukraine adopted the Riga Declaration. It calls for a peaceful and disability-inclusive future in Ukraine and urges the EU, the Ukrainian Government, the United Nations and the wider humanitarian community to support the reconstruction of an inclusive and resilient society, notably:

- Meaningful participation of organizations of persons with disabilities in all decision-making processes at all steps of the humanitarian program by considering the expertise provided by these organizations and by supporting them with the necessary resources and building their capacity. The efforts should include the engagement of wider civil society.
- Protection of persons with disabilities and provision with immediate access to humanitarian aid, including all basic needs and any specific requirements.
- Inclusion of those most at risk (children, women, persons with disabilities, persons with high support needs) as well as those who do not fall under the scope of the EU Temporary Protection Directive.
- Provision of all information in accessible formats.
- Sufficient funding of accessibility and reasonable accommodation.
- Full access for all evacuation activities and to humanitarian corridors.
- Implementation of already-existing frameworks and guidelines, in particular the Inter-Agency Standing Committee Guidelines on Inclusion of Persons with Disabilities in Humanitarian Action.
- Building disability-inclusive resilience in line with the Sendai Framework and the UNDRR Roadmap for Europe and Central Asia 2021–2030.



- Prioritization, identification and using relevant architectural, infrastructural, and information accessibility as key components of the reconstruction process in Ukraine.
- Continuing deinstitutionalization and applying best practices of community living in Ukraine and other countries.
- Ensure that long-term integration procedures are fully accessible to persons with disabilities, who have fled Ukraine, including housing, employment, health, education and social protection (European Disability Forum, 2022).

The global bullying rhetoric of the Russian Federation and its satellites and, especially, the recent events in Ukraine raise the question that the world order is not a stable system with zero entropy, therefore factors of fluctuating interests, illusions, even brutal madness should be accounted for in future treaties and conventions. We agree with Sarah D. Phillips that with

the Russian Federation refusing to guarantee safe passage and observe the rules of war, international bodies like the United Nations and the Red Cross cannot assist in these efforts. The international community must urgently enforce international humanitarian law to organize “green” corridors for safe evacuation of civilians and delivery of food, medical supplies and assistance, and other humanitarian aid to major flashpoints of this devastating war on Ukraine. (Phillips, 2022)

Having struggled to get effective help and protection against the aggressor, Ukrainians urge the world community to initiate international discussions and actions in order to create a global equitable and inclusive environment that will guarantee and protect human lives and values in the future. Every day of war brings new sufferings, yet only after 9 months since the full-scale war, European Parliament adopted a resolution on the latest developments in Russia’s war against Ukraine. MEPs highlight that the deliberate attacks and atrocities committed by Russian forces and their proxies against civilians in Ukraine, the destruction of civilian infrastructure and other serious violations of international and humanitarian law amount to acts of terror and constitute war crimes. In light of this, they recognize Russia as a state sponsor of terrorism and as a state that “uses means of terrorism” (European Parliament, 2022). According to the UN-backed Report of the Independent International Commission of Inquiry on Ukraine (2023), Russia has committed large-scale violations of international human rights and humanitarian norms, some of them amounting to war crimes. The violations include the wilful killings, attacks on civilians,

unlawful confinement, torture, rape, and forced transfers and deportations of children. Russia's wave of large-scale attacks on Ukraine's energy infrastructure that started on October 10, 2022 and led to large parts of Ukraine and millions of people being left without electricity or heating for long intervals in winter, particularly during freezing temperatures, may amount to crimes against humanity. The use of explosive weapons in populated areas with apparent disregard for civilian harm and suffering as well as indiscriminate and disproportionate attacks, and a failure to take precautions also are violations of international humanitarian law. Among the suggestions and recommendations by the Commission are to establish a special internationally legitimate tribunal on aggression that would have to coordinate with the International Criminal Court and further integrate the human rights dimensions of the armed conflict in Ukraine into the Security Council's agenda.

It is sadly ironic to recommend the aggressor to take measures against itself, considering that Russia even in 2023 remains a permanent member of the UN Security Council. It can explain why Putin's Russians are so certain of its impunity that they openly have been demonstrating the lack of respect for the Court and violating norms of international law (Dubler & Kalyk, 2018). It can also explain the inability of the international organizations to prevent crimes against humanity in the past and stop this war quickly.

Objectively speaking, only the relevant court has the authority to find a person guilty of crimes against humanity in the post-ontological world where politics and law may operate based on interdictive sets of values.

One fundamental choice between conflicting values has been well known to the international community since the origins of *ius gentium* (the law observed by all nations): how much weight ought to be attributed to the principle of legality (*ex injuria ius non oritur* – illegal acts do not create law), and how much to the principle of effectiveness (*ex factis oritur ius* – the law arises from the facts)? (Mälksoo, 2003, p. XXIX)

Being the largest war in Europe since WWII, its consequences and lessons will be with the global community for a long time. It is time Ukraine's society intensified its efforts to get rid of remnants of corrupted Soviet legacy and embrace the values of equity and inclusion. Hence, the task of integrating war veterans, persons with disabilities and all affected into society is vital. One of the next steps can be an analysis of employment opportunities and policies, as in the example of the fact sheet that provides data on employment rates for veterans with disabilities to advocate for increased employment opportunities for this category (ADA National Network, n.d.). Here the experience of the international community can be invaluable.

## 7      **The Advancement of Inclusion in Ukraine: The Guidance for Educators, Scholars, Parents, and Society**

Times of distress can initiate positive changes, it is vitally important to think and act urgently and on many levels while considering application of non-conventional means to reach long-term goals of global peace, security, prosperity and happiness. Times of distress can signify that the traditional mechanisms of the past are not sufficient and need to be improved, remastered or replaced by the tools of the new era. Times of distress can mean the agony of the dead practices and the survival of the living prospects. The diversity of humankind means that the host of scientific theories and magical practices have been developed, so that they will be applied, shuffled and reapplied in order to secure inclusion of ALL in the future.

Ukraine has ratified all global human rights conventions, thus declaring the will of its society to embrace the values of diversity, equity and inclusion. The process is long and painstaking (bear in mind the country's post-colonial status and present war atrocities), but the recent changes in attitudes, policies and practices of teaching persons with disabilities are quite impressive.

The new legislative and normative documents have defined the status of persons with SEN and mechanisms to include them effectively. The New Ukrainian school reform, albeit many hindrances and barriers, has opened the doors of local kindergartens and schools for thousands of children with SEND, provided specialized funding for purchasing books and equipment, and employing teacher's assistants and special education teachers. Over six hundred inclusive resource centers have been established and financed to provide specialized professional assistance and support to parents of children with disabilities and teachers. They also do assessments and advise parents on inclusive possibilities for their children.

In order to equip schools with teachers, who are proficient in inclusive education, pedagogical universities and colleges have introduced relevant courses in their syllabi. An obligatory inclusive education part has been included in professional development and in-service training of teachers. There have been many education workshops and seminars with extensive initial and ongoing support by international organizations.

Universities that created All Ukrainian National Inclusive Education Consortium with the goal of coordinated implementation of inclusive education policy and practices, have started training educators with an understanding of and ability to organize an inclusive learning environment and providing resource and information support of inclusion in preschool, school, vocational and university education.

The textbook for practicing teachers, specialists, and parents as well as teachers-in-training “Stairs to Inclusion” authored to use in the Consortium universities contains chapters on universal design for learning, cooperation within multidisciplinary teams, transition programs for youth with disabilities, inclusive leadership and capacity building of pre-service teachers, positive behavior management, cooperation with parents, supporting hard of hearing students. The inclusive education teacher-training curriculum has been developed for use at collaborating universities and for in-service training. Consisting of four university-level courses, it focuses on promising and evidenced-based inclusive education practices.

Ukrainian educators applied art, music and performing techniques that help to master soft skills and build capacity to organize inclusive learning environments. They have proved relevant during the COVID-19 and Russian aggression times. The use of tactile, kinesthetic, audio and visual aims and multimedia activities require further research, but the preliminary results show that students benefit from the activities, master soft skills and learn to make academic and behavior progress in the times of distress. We also anticipate the appearance and development of integral ad-hoc practices that can offer solutions on how to heal the world and reintegrate its inhabitants into a peaceful inclusive environment.

The military and humanitarian crisis of 2022-onward brought serious challenges to education reforms, still Ukraine’s fight for its territorial and national integrity continues in close connection with the quest for equity and inclusion on global and national levels. Long-term transnational political tendencies create a regional environment and modular behavior that can be either supportive or obstructive for social movements. Centuries, years, even days of repressive Soviet rule impede the capability of individuals and communities to resist and show freedom and respect-centered behavior; when you are inside of the system, you can mostly be either its builder or a martyr to the system. Ukrainians have chosen to fight and to get out of the Soviet legacy of brutality, dishonesty and misery and they desperately need assistance and support from outside of the system. Even though an active participation of the Ukrainians in social and national movements is the key for the destiny of Ukraine’s sovereignty and inclusion, there are demonstrations that the Western influence in Eastern Europe increases constructive national influence in the security sector and internal politics while it radically decreases the Russian colonial destructive influence (Minakov, 2022).

Alongside protection of its integrity and citizens, liberation of the occupied territories and rebuilding economy and infrastructure, Ukraine’s primary task is to sustain inclusive policies and practices. Quality education with necessary

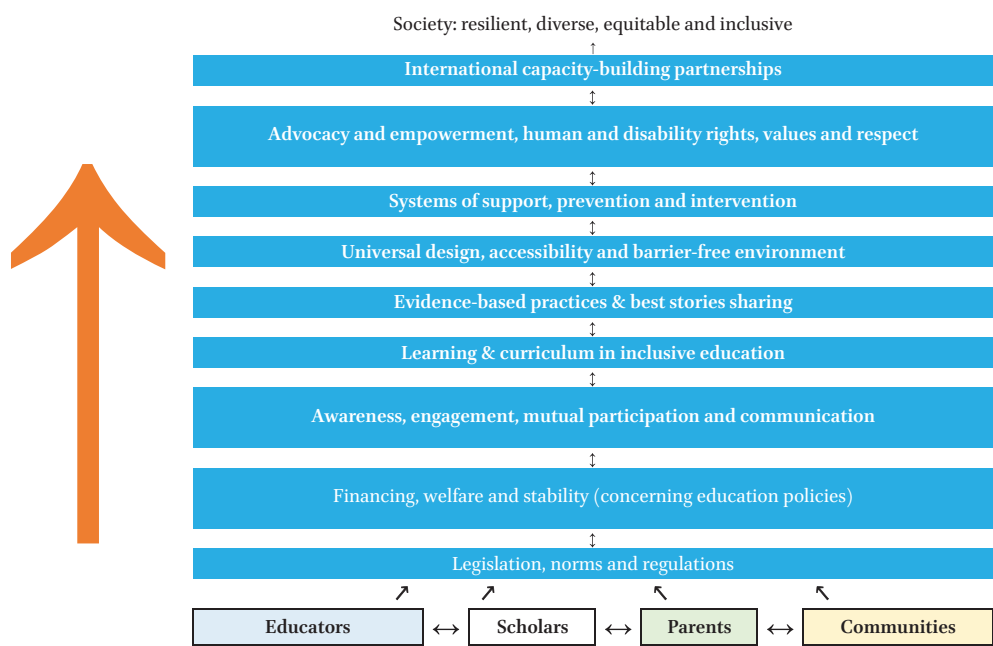


FIGURE 25.1 The advancement of inclusion in Ukraine – how all can contribute

support for all students in the inclusive learning environment that maximize their academic and social development on an equal basis in the communities in which they live as well as dignity and well-being for all persons with disabilities should be the ultimate grand challenge.

The reader of this book can ask a question: What can I do to contribute to the advancement of inclusion? Figure 25.1 is composed from feedback collected in 2017–2023 from focus groups, participants of the various seminars and workshops as well as from surveying students and teachers. It is important to emphasize that the development of inclusive education requires communication and cooperation of all participants on all levels. All activities are equally important and they influence and reinforce each other. Inclusion is a process that makes every individual and society resilient, thus, inclusive education can be a tool for global secure and sustainable space of the future.

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