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## Joint NGO report

# “Situation on the Rights of Persons with Disabilities in Ukraine”

**JULY 2024**

### **Additional information and List of issues to be considered by the United Nations Committee on the Rights of Persons with Disabilities**

1. This report was prepared by the Ukrainian non-governmental organisations (NGOs) and organisations of persons with disabilities (OPDs) throughout February 2022 - July 2024 as additional information (from now on - AI) to the previous Alternative Reports about compliance with the provisions of the UN Convention on the Rights of the Persons with Disabilities, submitted in 2019 by national OPDs.

2. This report suggests an overview of the situation regarding the rights of persons with disabilities protection in Ukraine under the influence of developments, caused by the war in Ukraine since 2022, February 24th after the full-scale invasion of the Russian Federation on the territory of Ukraine. The report is based on information gathered from reliable sources, including official sources of Ukrainian and foreign governments, reliable media sources, and surveys conducted by Ukrainian authorities, Ukrainian NGOs, and OPDs. The report contains an analysis of violations of the rights of persons with disabilities in Ukraine during this period, emergency actions taken by the Ukrainian Government and other states as a response to humanitarian problems, current challenges in the sphere of rights of persons with disabilities protection in Ukraine, reforms analysis and recommendations how the latter could be better resolved.

3. This NGO/OPDs Coalition includes the following members, who worked with this report:

- Fight for Rights;
- League of the Strong;
- National Assembly of Persons with Disabilities in Ukraine;
- Ukrainian Helsinki Human Rights Union.

4. The report also used materials from the organisations Ukrainian Society of the Deaf and Inclusion Ukraine.

The report was prepared with the assistance of the European Disability Forum<sup>1</sup>, the CBM International<sup>2</sup> and the Disabled People Organisation Denmark<sup>3</sup>.

The contact person: Kateryna Daineko ([k.k.daineko@gmail.com](mailto:k.k.daineko@gmail.com)) – League of the Strong, Larysa Bayda ([bayda.naiu@gmail.com](mailto:bayda.naiu@gmail.com)) - National Assembly of Persons with Disabilities, Liudmyla Fursova ([l.fursova@ffr.org.ua](mailto:l.fursova@ffr.org.ua)) - Fight for Rights.

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<sup>1</sup> <https://www.edf-feph.org/>

<sup>2</sup> <https://www.cbm.org/>

<sup>3</sup> <https://handicap.dk/about>

## A. Purpose and general obligations (arts. 1–4)

The law of Ukraine, specifically, specifically subordinate legislation, still uses such categories as “invalid”, “handicapped person”, “person with limitations in functioning”, etc. Such terminology should be replaced with the agreed term “person with disability”.

There are risks associated with the implementation of the International Classification of Functioning, Disability and Health (ICF) into the rehabilitation system in Ukraine<sup>4</sup>. Apart from concerns regarding the accuracy of its translation<sup>5</sup>, specific legislative initiatives may lead to the preservation of the medical approach to disability and set back to focusing on the state of health and limitations in the person’s functioning.

The process of transitioning from a medical understanding of disability to the rights-based approach, being too slow, impedes the processes of legislative improvements and related reforms.

The national legislation is characterized by declaratory provisions on liability for violations of the rights of persons with disabilities, i.e. they stipulate such liability without specifying the offenses, crimes and liability for committing them<sup>6</sup>.

Among people with disabilities, the level of awareness about their rights and opportunities to exercise them remains extremely low<sup>78</sup>.

The State does not pay sufficient attention to the training of employees of different service providers in disability aspects, which leads to the lack of understanding of these aspects and, as

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<sup>4</sup> <https://moz.gov.ua/mkf>

<sup>5</sup> We request that WHO provide accurate Ukrainian translation of the International Classification of Functioning, Disability and Health (in Ukrainian) // <https://ffr.org.ua/vymagayemo-vid-vooz-pravyl'nogo-perekladu-ukrayinskoyu-movoyu-mizhnarodnoyi-klasifikatsiyi-funktsionuvannya-invalidnosti-ta-zdorov-ya/>

<sup>6</sup> For example, under art. 42 of the Law of Ukraine “On fundamentals of social protection of persons with disabilities in Ukraine”, “persons guilty of violations of the requirements of this Law bear material, disciplinary, administrative or criminal liability established by law”.

<sup>7</sup> A survey of 168 persons (children) with disabilities and their legal representatives shows that 51.8% respondents (87 persons) were familiarized with the catalogue of assistive rehabilitation devices when submitting applications to be provided with such devices. Further, 29.2% (49 respondents) were informed about the compatibility of assistive rehabilitation devices; 3.6% (6 persons) were given a compatibility table; 12.5% (21 persons) were referred to the sources where they could find the relevant information. However, the major part of respondents (92 persons or 54,8%) did not receive the respective information. [Analytical report on the findings from the survey of persons with disabilities, legal representatives of persons \(children\) with disabilities](#) who applied for assistive rehabilitation devices (technical and other rehabilitation devices, i.e. wheelchairs, prostheses, orthoses, orthopedic footwear, walkers, canes, crutches, devices for communication and sharing of information, etc.) in 2021 and 2022 produced at the expense of public funds. Kyiv, NAPD, 2022.

<sup>8</sup> The findings from a survey that was carried out by NAPD and involved 1316 persons with disabilities and their legal representatives demonstrated a critically low level of awareness among people with disabilities about the right to receive specific services and about the mechanism to exercise this right. Many respondents do not differentiate between rehabilitation and social services, provision with medical devices, medicines and technical rehabilitation devices. [Analytic report on the results of the survey](#) on the access of people with disabilities to various types of aid and services provided at their permanent places of residence during the wartime, 2022.

a result, to the development of strategies, plans, and programmes that fail to consider or inadequately consider the rights and needs of people with disabilities.

Funding allocated from the state and local budgets does not cover the needs of people with disabilities in different areas of their lives<sup>910</sup>.

There is no systemic participation of organisations of persons with disabilities in decisions made by state authorities and local government bodies, which, directly or indirectly, affect people with disabilities. It is mostly politically loyal non-governmental entities that are involved to national policy-making.

### *Issues*

- What steps are taken to stop the use of disrespectful terminology and language regarding persons with disabilities, specifically medical or charity-based terms?
- What measures are taken to facilitate the training of professionals and staff working with people with disabilities in CRDP standards?
- What budget is designated to provide support to people with disabilities: its total amount in absolute terms and as percentage of GDP; disaggregated by gender, age, existing barriers and placement (institutions or independent living arrangements)?
- How the provisions of Art. 4 (para. 3) of the CRDP are implemented pursuant to General Comment No. 7 (2018) regarding participation of persons with disabilities, including children with disabilities, in the implementation of the CRPD through their representative organisations? Specifically, how people with disabilities and their representative organisations are involved in decision-making processes?

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<sup>9</sup> According to the [Report of the Auditing Chamber on the results of audit of the effectiveness in the utilization of state budget funds](#) (in Ukrainian) to provide specific population groups with technical and other rehabilitation devices, which was approved by the decision No. № 23-1 dated October 24, 2023, the total volume of the failure to implement the budget-funded programme based on quantitative indicators of provision with technical rehabilitation devices in 2021 amounted to 104 800 rehabilitation devices (315 200 as compared to 420 000), or 25% of the planned target; in 2022 – 95 100 rehabilitation devices or 24% (302 400 as compared to 397 500). As a result, the needs of a portion of persons with disabilities for rehabilitation devices were not met in good time, their right to social adaptation was delayed, which made it impossible for them to participate actively in social life.

<sup>10</sup> The survey of 1316 persons with disabilities and their legal representatives carried out by NAPD indicated frequent refusals of family practitioners to prescribe the necessary medicines; the lack of or delays in the delivery of the required medicines to pharmacies; the lack of funding; no possibilities to apply in rural area because of the absence of relevant entities and pharmacies; limited dispensing of medicines at pharmacies (e.g. a blister of tablets is sold rather than the whole package), etc. [Analytic report on the results of the survey](#) on the access of people with disabilities to various types of aid and services provided at their permanent places of residence during the wartime, 2022.

## B. Specific rights (arts. 5–30)

### Equality and non-discrimination (art. 5)

In some areas the State has declared willingness to implement changes that help reduce discrimination, e.g. transition from institutional system of child care<sup>11</sup>, reform of approaches to mental health<sup>12</sup>, rehabilitation for people with disabilities<sup>13</sup>. As of February 2024, the State finally included the objective to develop by the end of the year the Strategy and Operation Plan to reform institutional care facilities into the Government's Priority Action Plan for 2024. Individual pilot initiatives to introduce a supported living service based at institutional care facilities<sup>14</sup> are inconsistent with the meaning of deinstitutionalization in the understanding of the UN Committee on the Rights of Persons with Disabilities.

There is little statistical data on the numbers of requests, complaints, reports on discrimination based on disability and the number of respective cases resolved in favour of people with disabilities<sup>15</sup>.

In 2022, out of 361 discrimination complaints received by the Human Rights Commissioner of the Verkhovna Rada (Parliament) of Ukraine<sup>16</sup> only 4.3% related to discrimination based on disability<sup>17</sup>. However, this number does not reflect the actual situation with discrimination in Ukraine.

Although the law stipulates criminal liability for discrimination based on disability<sup>18</sup>, the respective legal provision applies to private persecution cases. Consequently, there is no information about the number of persons with disabilities regarding whom discrimination-

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<sup>11</sup> Ordinance of the Cabinet of Ministers of Ukraine No. 526-p dated 09.08.2017 "On the National Strategy to reform the system of institutional child care and upbringing for 2017–2026 and Action Plan to implement its first stage" (in Ukrainian) // <https://zakon.rada.gov.ua/laws/show/526-2017-%D1%80#n23>.

<sup>12</sup> Ordinance of the Cabinet of Ministers of Ukraine No. 1018-p dated 27.12.2017 "On approving the Framework for the development of mental healthcare in Ukraine for the period till 2030" (in Ukrainian) // <https://zakon.rada.gov.ua/laws/show/1018-2017-%D1%80#Text>; ordinance of the Cabinet of Ministers of Ukraine No. 1215-p dated 06.10.2021 "On approval of the Action Plan for 2021–2023 to implement the Framework for the development of mental healthcare in Ukraine for the period till 2030" (in Ukrainian) // <https://zakon.rada.gov.ua/laws/show/1215-2021-%D1%80#Text>

<sup>13</sup> The Law of Ukraine "On rehabilitation in healthcare sector" (in Ukrainian) // <https://zakon.rada.gov.ua/laws/show/1053-20#Text>

<sup>14</sup> Combined second and third reports of Ukraine on the implementation of the Convention on the Rights of Persons with Disabilities // [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fUKR%2f2-3&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fUKR%2f2-3&Lang=en)

<sup>15</sup> A review of strategic court cases related to discrimination on the basis of disability (in Ukrainian) //

<https://www.hsa.org.ua/blog/oglyad-strategichnyh-sudovyh-sprav-proty-dyskryminatsiyi-za-oznakoyu-invalidnosti>

<sup>16</sup> Article 10 of the Law of Ukraine "On fundamental principles of prevention of and countering discrimination in Ukraine" (in Ukrainian) // <https://zakon.rada.gov.ua/laws/show/5207-17#Text>

<sup>17</sup> Key numbers // Annual report on the observance and protection of human and citizen's rights and freedoms in Ukraine in 2022 (in Ukrainian) // <https://ombudsman.gov.ua/report-2022/osnovni-tsvfry>.

<sup>18</sup> The Criminal Code of Ukraine (in Ukrainian) // <https://zakon.rada.gov.ua/laws/show/2341-14#Text>.

related legal actions were initiated, and persons whose rights were restored<sup>19</sup><sup>20</sup><sup>21</sup>. Additionally, uncertainty remains over delineation of administrative and criminal liability for wrongful acts involving discrimination on the basis of disability or multiple discrimination.

The legal recognition of the new form of discrimination related to the refusal to provide a reasonable accommodation has not been implemented and remains at the draft legislation stage<sup>22</sup>.

Veterans with disabilities believe that they have been faced with discrimination, e.g.: 53% veterans who had disabilities and 54% respondents with injuries sustained during their service in the east of the country confirmed that they experienced discrimination in different areas<sup>23</sup>. Concurrently, compared to other survey participants, respondents who had disabilities (88%) or sustained injuries or developed a disease during their missions in the east of the country (81%) more often reported an urgent need for psychological support after return to peaceful life<sup>24</sup>.

There is a lack of attention on the part of public authorities and non-governmental sector to the issues faced by other groups in the context of intersectionality and disability, i.e. lack of information on working with Roma people with disabilities, LGBT+ people with disabilities, young people with disabilities living in rural areas, etc. Despite individual initiatives implemented by non-governmental sector before the full-scale invasion, the lack of understanding of the importance of on-going collection of data, their disaggregation and regular assessments of needs of communities lead to these groups becoming invisible.

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<sup>19</sup> Information on the progress in criminal proceedings under art. 161 of the Criminal Code of Ukraine “Violation of equal rights of citizens on the grounds of their racial, national, regional identity, religious beliefs, disability and on other grounds” (in Ukrainian) // [https://court.gov.ua/userfiles/media/new\\_folder\\_for\\_uploads/main\\_site/161\\_KKU\\_22.xlsx](https://court.gov.ua/userfiles/media/new_folder_for_uploads/main_site/161_KKU_22.xlsx).

<sup>20</sup> Кувіла О.І. Статистика та практика звернення осіб з інвалідністю до суду // Правові новели. [Kuvila O.I. *Statistics and practice of appeals to court by persons with disabilities. Reflections on legal aspects*] Видавничий дім «Гельветика». № 20, 2023. С. 16-22. URL: [http://legalnovels.in.ua/journal/20\\_2023/20\\_2023.pdf](http://legalnovels.in.ua/journal/20_2023/20_2023.pdf). DOI <https://doi.org/10.32782/ln.2023.20.02>

<sup>21</sup> A practical example is provided in a legal case “Yuriy Chereda vs. Bank”. A blind resident of Kharkiv city decided to buy household appliances on credit. The man chose the relevant appliance and tried to apply for a consumer loan. The bank employee required that he comes with a warrantor because of his severe disability. The bank refused to grant the loan in the absence of a warrantor. The court of appeal in Kharkiv region affirmed the decision of the first-instance court on the protection of consumer’s rights, recognizing the refusal to grant a loan due to disability as discrimination on the basis of disability and reparation for moral damage. The court ruled that the actions of the bank were illegal and obliged the bank to pay a compensation to the victim. The court established the man was refused a loan solely based of the fact that he was a person with disability. (Key aspects of advocates’ work with people with disabilities. A manual for advocates and employees of free secondary legal aid centres. Law and Democracy Foundation, 2019, 32 pages (in Ukrainian). // <https://pravokator.club/wp-content/uploads/2019/10/Posibnyk.pdf>).

<sup>22</sup> Draft Law No. 3501 dated 20.11.2015 “On changes to specific legal acts of Ukraine (regarding the harmonization of legislation in the area of prevention of and countering discrimination with the law of the European Union)” (in Ukrainian) // [https://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=57162](https://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=57162)

<sup>23</sup> Veterans' Reintegration in Ukraine. National Survey // [https://ukraine.iom.int/sites/g/files/tmzbd1861/files/documents/VETERANS%E2%80%99%20REINTEGRATION%20IN%20UKRAINE\\_UKR-NEW.pdf](https://ukraine.iom.int/sites/g/files/tmzbd1861/files/documents/VETERANS%E2%80%99%20REINTEGRATION%20IN%20UKRAINE_UKR-NEW.pdf)

<sup>24</sup> Ibid.

## Issues

- What measures are taken to ensure that people with disabilities under the law have the right to protection on an equal basis with others?
- What measures are taken to prevent and investigate all forms of discrimination against persons with disabilities and punish offenders, and regarding measures to ensure access to effective, accessible, and affordable legal remedies for persons with disabilities?
- What are disaggregated statistical data about the number and percentage of complaints regarding discrimination based on disability, and information about the number and percentage of cases in which punishments were prescribed?
- What measures are taken to ensure that “reasonable accommodation” is provided both in the public and private sectors?

### Women with disabilities (art. 6)

As for disability generally, there is no latest statistical data available in public domain regarding women with disabilities. There are separate data sets on internally displaced women or internally displaced people with disabilities<sup>25</sup>. The E-data system maintained by the Ministry of Social Policy includes information only about those who apply for specific services or benefit payments. There is a lack of collaboration and data exchange between different central government bodies. In answer to information queries, the State Statistics Services writes that disability data is not available and the recent population census was conducted as long as in 2000.

Women and girls with disabilities face additional gender-specific challenges, including gender-based violence, abuse and marginalization in wartime<sup>26</sup>. Since the start of the full-scale invasion, girls and women have been at a high risk of trafficking<sup>27</sup>, both to ensure that men of conscription age can cross the border and in the countries where they seek refuge. Women with children started to care for them round-the-clock after education facilities closed, looking after their basic needs and also their education and psycho-emotional well-being in emergency situation<sup>28</sup>. Internally displaced women, mothers of girls with disabilities share accounts about

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<sup>25</sup> E-Data <https://www.ioc.gov.ua/en/analyticsReesNCP/>

<sup>26</sup> <https://ukraine.unwomen.org/uk/stories/ekspertna-dumka/2023/08/ekspertna-dumka-orhanizatsiyi-shcho-predstavlyayut-zhinok-z-invalidnistyu-v-ukrayini-mayut-naykrashchi-mozhlyvosti-dlya-reahuvannya-na-yikhni-humanitarni-potreby>

<sup>27</sup> Organisations of women with disabilities receive requests for advice from women on entering into marriage and further application for guardianship. There are also common media reports about placing liability with women with disabilities for their attempts to cross the border with “new” husbands. Sources (in Ukrainian): <https://tsn.ua/exclusive/mobilizaciya-po-novomu-poseredniki-vzhe-prodayut-uhilyantam-zhinok-z-invalidnistyu-2600325.html> and <https://sud.ua/uk/news/ukraine/302731-organisovyval-fiktivnye-braki-uklonistov-s-zhenschinami-imeyuschimi-invalidnost-na-chernigovschine-zaderzhali-muzhchinu>.

<sup>28</sup> [https://ffr.org.ua/wp-content/uploads/2023/11/invalidnist\\_ta\\_viyina-analitychnyi\\_zvit\\_za\\_rezultatamy\\_doslidzhenya.pdf](https://ffr.org.ua/wp-content/uploads/2023/11/invalidnist_ta_viyina-analitychnyi_zvit_za_rezultatamy_doslidzhenya.pdf)

barriers in the new communities, i.e. the loss of the usual social circle of their daughters, lack of education services, inaccessible infrastructure facilities and stigma make girls stay locked indoors and hinder their integration into the new communities<sup>29</sup>.

Organisations representing the interests of women with disabilities continue to stress inadequate levels of funding and inclusion in humanitarian response to overcome the challenges of the war. Large international humanitarian organisations receive a major part of funding, while organisations representing women with disabilities work as sub-contractors and implement priorities that were set without their involvement<sup>30</sup>.

Some women with disabilities reported: dismissive or even negative attitudes of doctors towards pregnant women with disabilities and the purchase by hospitals of inaccessible equipment that prevents women from undergoing mammography<sup>31</sup>.

An assessment<sup>32</sup> of access to legal assistance conducted in 2023 shows that despite significant progress in the work of the free legal aid system and non-governmental providers, there are several barriers and significant unmet needs – the demand for legal assistance has increased in recent years. In addition to the usual issues of social benefits, privileges, social services, family law, and inheritance cases, issues related to the challenges of the war have also emerged.

Most girls and women have had negative experiences of communication with the state in the past two years. As a result, they primarily turn to friends for help, seek legal explanations on the internet, do not always trust official websites of government bodies, and, if possible, arrange services online<sup>33</sup>. The main barriers are the inaccessibility of premises and information, the inability to communicate in an accessible way, and a condescending or humiliating attitude<sup>34</sup>.

There is a lack of consideration of intersectionality in the planning and delivery of temporary housing services and crisis-related services<sup>35</sup>. The majority of services are provided at facilities

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<sup>29</sup> The information was obtained in the course of the survey carried out by the Fight For Right team on 03.07.2024 as part of the drafting of the report for the UN Committee on the Rights of Persons with Disabilities.

<sup>30</sup> <https://ukraine.unwomen.org/uk/stories/ekspertna-dumka/2023/08/ekspertna-dumka-orhanizatsiyi-shcho-predstavlyayut-zhinok-z-invalidnistyu-v-ukrayini-mayut-naykrashchi-mozhlyvosti-dlya-reahuvannya-na-yikhni-humanitarni-potreby>

<sup>31</sup> The information is based on the results of a quick survey conducted by FFR in early July 2024. The survey involved 45 people - 39 people with disabilities, 7 mothers of children with disabilities.

<sup>32</sup> Analytical report on the results of the study "Assessment of barriers and needs for legal services for girls and women with disabilities" // <https://ffr.org.ua/wp-content/uploads/2024/01/Zvit-Otsinka-bar-yeriv-OON-ZHinky.pdf>

<sup>33</sup> Ibid.

<sup>34</sup> Ibid.

<sup>35</sup> <https://ffr.org.ua/wp-content/uploads/2024/02/Otsinka-inklyuzyvnoho-reaguvannya-na-nadzvychni-sytuatsiyi.pdf>

that are architecturally not accessible. Despite this, the La Strada hotline notes<sup>36</sup> an increasing number of calls specifically from women and girls with disabilities who report domestic violence in wartime. Women and girls with psycho-social disabilities experience a dual stigma and are often refused services due to the lack of knowledge of the staff and other residents of crisis housing. There is also a lack of collaboration with and support from other services, specifically providers of psychiatric care services, etc.<sup>37</sup>

### *Issues*

- What measures are taken to ensure that legislation and policies reflect gender aspects and disability issues?
- What measures are taken to consider the needs of girls and women with disabilities in the development and launching of new social services, including to relieve women of the burden of care-related work?
- What legislative measures are taken on positive action intended to prevent multiple and cross-sectoral discrimination against women with disabilities and girls with disabilities?
- What measures are taken to inform girls and women about their rights and the opportunities to exercise them, including in wartime, and including with measures to prevent trafficking and difficult life circumstances?
- Which services specifically intended for girls and women to prevent domestic violence and other support services are architecturally, territorially and informationally accessible for girls and women with different types of disabilities?
- What measures are taken to eradicate gender discrimination and ensure that affected women and girls with disabilities have appropriate access to justice and legal remedies?
- What measures are taken to improve the situation of and empower women with disabilities and girls with disabilities, particularly in the time of hostilities?

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<sup>36</sup> <https://www.youtube.com/watch?v=wxclObWkPM>

<sup>37</sup> From an interview, *ibid.*

## Children with disabilities (art. 7)

In the previous report<sup>38</sup> concerns were raised that the National Strategy for the Reform of the Institutional Care and Upbringing System for Children for 2017-2026 and the Action Plan for it<sup>39</sup> are being implemented very slowly. The year 2024 was supposed to mark the completion of the II phase of the reform, but in practice, the reform was effectively put on hold in 2021<sup>40</sup>. The implementation of the prohibition on placing children under three years old in institutional care and upbringing facilities was postponed until 2024-2026. Moreover, special and specialised institutions with boarding accommodation were excluded from the reform plan, which drastically reduced the number of institutional facilities covered by the reform.

The new phase of the institutional care system reform does not fully take into account the needs of children with disabilities. The strategy for ensuring the right of every child in Ukraine to grow up in a family environment has not yet become a legal document and is not supported by state financial commitments<sup>41</sup>.

The recently started new reform of the institutional care system takes into account the needs of children with disabilities, yet not to the full extent. The Strategy to ensure the right for every child in Ukraine to grow in a family environment has not become a legal document and is not matched by public funding commitments<sup>42</sup>.

The State fails to ensure the delivery of information and educational activities for children with disabilities regarding their human rights generally and, specifically, the rights derived from the disability status.

Access for children with disabilities to goods and services provided at the community level is unsatisfactory due to barriers in the outdoor environment and information, a low level of knowledge of the society about communication with and support for such children taking into account the specifics of their state of health, poorly developed system of community-based services, etc.

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<sup>38</sup> Alternative report on Ukraine's implementation of the Convention on the Rights of Persons with Disabilities // <https://ffr.org.ua/wp-content/uploads/2022/10/CRPDalternativereport.pdf>

<sup>39</sup> Order of the Cabinet of Ministers of Ukraine dated 09.08.2017 No. 526 "On the National Strategy for Reforming the System of Institutional Care and Education of Children for 2017-2026 and the Action Plan for the Implementation of its First Stage" // <https://zakon.rada.gov.ua/laws/show/526-2017-%D1%80>

<sup>40</sup> Order of the Cabinet of Ministers of Ukraine dated June 2, 2021 No. 691-r "On Amendments to the National Strategy for Reforming the System of Institutional Care and Education of Children for 2017-2026" // <https://zakon.rada.gov.ua/laws/show/691-2021-%D1%80#Text>

<sup>41</sup> <https://www.msp.gov.ua/news/23230.html?PrintVersion>

<sup>42</sup> <https://www.msp.gov.ua/news/23230.html?PrintVersion>

Organisations of persons with disabilities are not active participants in decision-making processes that affect children with disabilities.

### *Issues*

- What measures are taken to ensure that children with disabilities are included in all areas of life and to develop community-based programmes and services for children with disabilities?
- What is the financial support for such measures?
- What measures are taken to reduce the numbers of children with disabilities that are brought up in specialised institutions, to monitor this process and related initiatives, and to ensure that children with disabilities receive relevant support and assistance within community?
- What measures are taken to increase the awareness about the rights of a child with disability among children themselves, their parents and relatives, those working with children and in the interests of children, and in society generally?
- What measures are taken to ensure that children with disabilities have access on an equal basis with others to programmes and services offered by the public or private sector at the community level?
- What measures are taken to ensure that children with disabilities and organisations representing them can really participate in decision-making on issues affecting them?

### **Accessibility (art. 9)**

The recent initiatives by the Government adopted in the field of barrier-free environment, i.e. the Council on barrier-free environment established by the Government in 2021<sup>43</sup>; the National Strategy to create barrier-free environment in Ukraine for the period till 2030 approved<sup>44</sup>; Action Plan for 2021 and 2022 to implement the National Strategy to create barrier-free environment in Ukraine for the period till 2030<sup>45</sup>, are either not implemented or implemented formally and have not led to significant progress in resolving accessibility issues. As a result, as the hostilities started, people with disabilities were “blocked” in their inaccessible buildings, without any chance to go to the air-raid shelter.

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<sup>43</sup> <https://mtu.gov.ua/content/rada-berbarernosti.html>

<sup>44</sup> <https://zakon.rada.gov.ua/laws/show/366-2021-%D1%80#Text>

<sup>45</sup> <https://zakon.rada.gov.ua/laws/show/883-2021-%D1%80#Text>

Presently, people with disabilities continue to face barriers created by inaccessible infrastructure<sup>46</sup>. The problems include: inaccessible air-raid shelters with steps and inaccessible outdoor infrastructure with such problems as inadequate ramps, high curbs and pavements. Moreover, the public transport routes connecting compact settlements with the nearest cities use busses that are not accessible for persons with disabilities<sup>47</sup>.

The Government does not have synthesized information on the accessibility situation in different areas, as noted in the National Strategy to create barrier-free environment in Ukraine for the period till 2030<sup>48</sup>. Meanwhile, the Action Plan for 2021-2022<sup>49</sup> did not provide solutions for the problem of appropriate data collection, which calls into question the assessment of the achieved progress. Thus, the National Action Plan to implement the Convention on the Rights of Persons with Disabilities for the period till 2025<sup>50</sup> envisages that 70% of facilities of public and civilian use, road service facilities, education facilities, public welfare facilities, healthcare facilities, penal institutions and pre-trial detention facilities should be fitted out taking into account the needs of persons with disabilities, however when this document was adopted the numbers of accessible/inaccessible facilities at the time were not indicated.

Even with 91 000 construction permits issued, the State Inspectorate for Architecture and Urban Development of Ukraine during the period of 2021 and first six months of 2023 conducted only 112 audits, which demonstrates inefficiency of the control system<sup>51</sup>.

The survey of accessibility of temporary housing settings indicates that even specialised facilities do not always comply with accessibility requirements<sup>52</sup>. As of March 2023, the lack of infrastructure for people with disabilities was identified in 27% of compact settlements for internally displaced persons (IDPs)<sup>53</sup>. Still, the Operational Plan to implement the Strategy of

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<sup>46</sup> League of the Strong. Barrier-free environment and accessibility in wartime. Survey results. (in Ukrainian) // <https://ls.org.ua/wp-content/uploads/2023/08/rezultatny.pdf>

<sup>47</sup> Joint needs assessment. Ukraine / November 2022. UNHCR. (in Ukrainian) // <https://www.unhcr.org/ua/wp-content/uploads/sites/38/2023/03/PA-2022-report-UKR.pdf>

<sup>48</sup> Ordinance of the Cabinet of Ministers of Ukraine No. № 366-p dated 14.04.2021 "On approval of the National Strategy to create barrier-free environment in Ukraine for the period till 2030" (in Ukrainian) // <https://zakon.rada.gov.ua/laws/show/366-2021-%D1%80#Text>

<sup>49</sup> Ordinance of the Cabinet of Ministers of Ukraine No. 883-p dated 04.08.2021 "On approval of the Action Plan for 2021 and 2022 to implement the National Strategy to create barrier-free environment in Ukraine for the period till 2030" (in Ukrainian) // <https://www.kmu.gov.ua/npas/pro-zatverdzhennya-planu-zahodiv-na-2021-i-2022-roki-z-realizaciyi-nacionalnoyi-s40821>

<sup>50</sup> Ordinance of the Cabinet of Ministers of Ukraine No. 285-p dated 07.04.2021 "On approval of the National Action Plan to implement the Convention on the Rights of Persons with Disabilities for the period till 2025" (in Ukrainian) // <https://zakon.rada.gov.ua/laws/show/285-2021-%D1%80#Text>

<sup>51</sup> Recovery of Ukraine without quality control by the State Inspectoral for Architecture and Urban Development entails risks (in Ukrainian) // <https://rp.gov.ua/PressCentre/News/?id=1735>

<sup>52</sup> Guidelines on ensuring accessibility of temporary or permanent accommodation facilities for persons with disabilities. NAPD in collaboration with PRO.UD/Universal Design at the request of UNDP. 2022 (in Ukrainian) // <https://shorturl.at/goGM9>

<sup>53</sup> [https://www.cccmcluster.org/sites/default/files/2023-05/CCCM\\_2023\\_CSM%20R7\\_ukr.pdf](https://www.cccmcluster.org/sites/default/files/2023-05/CCCM_2023_CSM%20R7_ukr.pdf)

the State Policy regarding internal displacement for the period till 2025<sup>54</sup> contains no mention about the volume or sources of funding for these objectives.

Another common problem is inaccessibility of modular housing for persons with disabilities and populations with reduced mobility. The key barriers include inaccessible entrances and buildings themselves, as well as toilet and bathroom areas<sup>55</sup>.

The majority of air-raid shelters, including subway stations, basement and sub-basement premises of multistoried buildings, private houses and industrial buildings, are mostly inaccessible for people with disabilities, despite existing rules/strategies regarding monitoring and ensuring of accessibility<sup>56</sup>.

Further, existing air-raid shelters still fail to meet the needs of children and adults with complex health conditions or people with psycho-social and intellectual disabilities. Based on the accounts of people with disabilities, the lack of architecturally accessible air-raid shelters, and sometimes any shelters whatsoever, is one of the key reasons for evacuation<sup>57</sup>.

The information about maps of air-raid shelters, similarly to alerts and official notifications, has often been inaccessible for people with disabilities<sup>58</sup>. The major part of work on informing and supporting people with disabilities was undertaken by organisations of persons with disabilities<sup>59</sup>.

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<sup>54</sup> Strategy of the State Policy on internal displacement for the period till 2025, approved by Ordinance of the Cabinet of Ministers of Ukraine No. 312-p dated 07.04.2023 (in Ukrainian) // <https://www.kmu.gov.ua/npas/pro-skhvalennia-stratehii-derzhavnoi-polityky-shchodo-vnutrishnoho-peremishchennia-na-period-do-2025-roku-ta-zatverdzhennia-operatsiinoho-planu-zakhodiv-z-ii-realizatsii-i070423-312>

<sup>55</sup> "Accessibility issues of modular buildings, *inter alia*, include: higher levels of entrances to the buildings and thresholds; lack of ramps and rails; difficulty in identifying entrances due the lack of contrast markings; no possibility to maneuver indoors in a wheelchair due to the small space; toilet and bathroom facilities are not suitable for persons with disabilities". League of the Strong. Monitoring of accessibility at modular settlements for people with disabilities // <https://ls.org.ua/monitoryng-dostupnosti-modulnyh-mistechok-dlya-lyudej-z-invalidnistyu/>

<sup>56</sup> State Construction Regulations ДБН В.2.2-5:2023. Protective facilities of civilian defense. Buildings and facilities. (in Ukrainian) <https://dbn.co.ua/load/normativy/dbn/1-1-0-390>

<sup>57</sup> "February 24: Evacuation of people with disabilities. Analytical report", Fight for Right, Kyiv, 2022

<sup>58</sup> Office of the Parliamentary Commissioner for Human Rights, UNPRPD "Assessment of Accessibility of Information and Notification during Crises and Humanitarian Response" // <https://www.undp.org/ukraine/publications/assessment-accessibility-information-and-notification-during-crisis-and-humanitarian-response>.

<sup>59</sup> "Thus, even before the escalation of hostilities in Ukraine on February 24, the Fight for Right team launched a hotline to provide advice and psychological support. From the first day of attack on Kyiv the team has been in touch with people in need of help. Similarly, representatives of the National Assembly of People with Disabilities and Lugansk regional organisation of people with disabilities "Association of women, young people and families with disabilities of the Eastern Donbass – Skhid" joined the work of the hotline of the Government's Commissioner for Disability". Tetiana Barantsova. We need to support one another in the same way as Ukrainians are supported globally. National Assembly of People with Disabilities of Ukraine. July 14, 2022 (in Ukrainian) // [nau.org.ua/tetyana-barantsova-neobhidno-pidtrymuvaty-odyn-odnogo-yak-zaraz-pidtrymuvat-ukrayintsiv-v-usomu-sviti/](https://nau.org.ua/tetyana-barantsova-neobhidno-pidtrymuvaty-odyn-odnogo-yak-zaraz-pidtrymuvat-ukrayintsiv-v-usomu-sviti/)

A 2023 monitoring study suggests that only one out of five websites of public authorities is accessible for people with disabilities<sup>60</sup>.

### *Issues*

- What mechanisms are in place to control the accessibility of new facilities and use sanctions for a failure to comply with accessibility standards and requirements?  
What authorized public body exercises such control?
- What measures are taken to ensure access for persons with disabilities to accessible transport, specifically in rural areas?
- What measures are taken to ensure accessible temporary housing, air-raid shelters for people with disabilities, for children who participate in inclusive programmes in kindergartens and schools?
- What measures are taken to rebuild housing destroyed in wartime, where people with disabilities, older people lived, specifically in rural areas?
- What measures are taken to ensure the accessibility of information by providing it in Braille, in easy-to-read format, sign language, with a specific focus on access to information in wartime?
- What measure are taken to mainstream the aspects pertaining to accessibility of facilities, transport and information into the recovery of Ukraine?

### **Situations of risk and humanitarian emergencies (art. 11)**

Evacuation of civilian population is governed by the Law of Ukraine “On the legal regime of martial law”<sup>61</sup>. Specifically, art. 8 sets out that “Evacuation of population is to be carried out in the event of a threat to their lives and health, and to material and cultural values, in the event of a threat of their damage or destruction, pursuant to the list approved by the Cabinet of Ministers of Ukraine”. Yet, this Law does not provide for mandatory evacuation of persons with disabilities and older persons from institutions.

Other regulations that govern evacuation of population, including with people with disabilities (in force till February 24, 2024), include: the Procedure for identifying persons with disabilities and other groups with reduced mobility who reside in the area of emergency or possibly

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<sup>60</sup> “In 2023, 22% of reviewed websites of public authorities were characterized by a sufficient or high level of accessibility for people with disabilities; 4% had high level of basic accessibility, i.e. 1% more than in 202; 18% had sufficient level, i.e. 1% more than in 2022 and 6% more than in 2021; 51% were at medium level, which is 2% less than in 2022; 27% were at low level, same as in 2022 and 12% less than in 2021” (in Ukrainian) // <https://thedigital.gov.ua/news/kozhen-pyativ-derzhavniy-sayt-dostupniy-dlya-lyudey-z-invalidnistyu?fbclid=IwAR11jdiXedU0-w236c-amJJEbita4XQqimt4wmkikMDKbZzGk6-CqWciwpu>

<sup>61</sup> The Law of Ukraine “On the legal regime of martial law” (in Ukrainian) // <https://zakon.rada.gov.ua/laws/show/389-19#Text>

affected area and arrangements for escorting them<sup>62</sup>; the Procedure for evacuation in case of a threat of emergency or in the event of emergencies<sup>63</sup>; Ministry of Internal Affairs order No. 579 dated 10.07.2017, which details the process of planning the evacuation of population and valuables in case of a threat of or in the event of emergencies and from areas of armed conflicts<sup>64</sup>. There is a separate Section V “Specific aspects of planning the evacuation of persons with disabilities and other groups with reduced mobility” with a list of considerations specifically regarding people with disabilities.

In practice, organisations of people with disabilities were not involved to the work of command centres and/or military administrations in cities to ensure that disability is mainstreamed into the processes of planning safety measures for civilian population. The Ukrainian Railways Company has been the only agency that nearly since the start of the full-scale invasion mainstreamed disability aspects into its operations in the context of crisis response. It offers its capacities to evacuate civilians wherever possible, including people with disabilities, and maintains disaggregated statistics<sup>65</sup>.

The State was unprepared to rescue people with disabilities in a situation of war. There has been no use of sign language, audio descriptions and plain language in a significant number of emergency messages published by officials, specifically about war-related emergency situations<sup>66</sup>. The types and amounts of support provided as part of response to emergency situations do not consider additional needs of a person resulting from his or her specific health condition.

According to the Parliamentary Human Rights Commissioner<sup>67</sup>, in 2022, 12 social welfare institutions were destroyed or damaged. As at 01.01.2023, 24 institutions and 7 Ministry of Health institutions mainly specializing in psychiatric care remained in the areas not under Ukraine’s control<sup>68</sup>. There is no control over arrangement of air-raid shelters; no approved

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<sup>62</sup> Ordinance of the Cabinet of Ministers of Ukraine No. 282 dated 18.04.2018 “On approval of the Procedure for identifying persons with disabilities and other groups with reduced mobility who reside in the area of emergency or possibly affected area and arrangements for escorting them” (in Ukrainian) // <https://zakon.rada.gov.ua/laws/show/282-2018-%D0%BF#Text>

<sup>63</sup> Ordinance of the Cabinet of Ministers of Ukraine No. 841 dated 30.10.2013 “On approval of the Procedure for evacuation in case of a threat of emergency or in the event of emergencies” (in Ukrainian) // <https://zakon.rada.gov.ua/laws/show/841-2013-%D0%BF#Text>

<sup>64</sup> These documents were reviewed by Fight for Right in its 2023 report “24.02 Evacuation of people with disabilities” (in Ukrainian) // <https://ffr.org.ua/wp-content/uploads/2022/11/zvit-z-pravkamy.pdf>

<sup>65</sup> <https://www.ukrinform.ua/rubric-society/3806753-ukrazalznica-cogoric-zdijsnila-1100-evakuacijnih-rejsiv.html>

<sup>66</sup> On August 17, at night Russian occupiers launched a missile onto the dormitory where people with hearing disabilities resided and some victims could not hear the air-raid alarm (in Ukrainian) // <https://tsn.ua/ato/vdarili-raketoyu-po-budinku-de-zhili-lyudi-iz-vadami-sluhu-podrobici-obstrilu-gurtozhitku-v-harkovi-2137009.html>

<sup>67</sup> <https://www.ukrinform.ua/rubric-society/3806753-ukrazalznica-cogoric-zdijsnila-1100-evakuacijnih-rejsiv.html>

<sup>68</sup> Ibid.

evacuation plans; and no regulatory framework has been developed to specify the actions of staff during martial law, etc.<sup>69</sup>

In May 2024, in view of the deteriorating security situation in Kharkiv region, evacuation from residential care institutions was conducted (five psycho-neurological institutions and one geriatric home; a total of 533 people were evacuated)<sup>70</sup>. For the most part, the evacuation means relocating people to other institutions within the region; however some residents were placed to institutions in Kyiv region. Further, 712 people residing in 10 institutions in Kharkiv region who were not included in evacuation activities are still faced with a threatening security situation.

In the first months of the full-scale invasion, a significant role in the evacuation of people with disabilities, their further accommodation and provision with basic necessities was played by civil society organisations and volunteers. The majority of challenges<sup>71,72</sup> encountered by non-governmental organisations in their efforts to rescue people with disabilities remain unresolved:

- No generally accepted mechanism in place that could be applied by all those who evacuate people with disabilities. The most common problems include inaccessible transport, lack of stretchers to transport people, poor understanding of how to assist people with different types of disabilities.
- The majority of temporary and permanent housing for internally displaced people with disabilities is architecturally inaccessible: they cannot use the bathroom and toilet, go to the kitchen freely or go outside either independently or with the help of others<sup>73</sup>.
- Even such basic things as crutches or canes are a luxury for internally displaced people with disabilities.
- As a result of the lack of medical and social services, family members and close ones of people with disabilities and older people become their permanent service providers working without pay. No mechanisms were identified to cover such costs.

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<sup>69</sup> Ibid.

<sup>70</sup> Letters of Kharkiv Regional Military Administration No. 14.01-12/1304 dated 16.05.2024 and No. 14.01-12/1540 dated 10.06.2024 in response to requests for public information.

<sup>71</sup> Analytical report "24.02 Evacuation of people with disabilities" (in Ukrainian) // <https://ffr.org.ua/wp-content/uploads/2022/11/zvit-z-pravkamy.pdf>

<sup>72</sup> Again and unexpected – the war. Again lack of inclusiveness of the emergency response in Kharkiv region (in Ukrainian) // [https://ffr.org.ua/znovu-i-neochikuvano-vijna-znovu-neinklyuzyvnyist-negajnologo-reaguvannya-v-harkivskij-oblasti/?fbclid=IwZXh0bGhZW0CMtAAAR1x02mmYDPeW0A69NH6Ua6QgmfPiJHAXBj8gJI\\_Or6n4dzecObjuRfZo2Y\\_aem\\_TTqW78\\_BEP3YTvY2Z6LM5w](https://ffr.org.ua/znovu-i-neochikuvano-vijna-znovu-neinklyuzyvnyist-negajnologo-reaguvannya-v-harkivskij-oblasti/?fbclid=IwZXh0bGhZW0CMtAAAR1x02mmYDPeW0A69NH6Ua6QgmfPiJHAXBj8gJI_Or6n4dzecObjuRfZo2Y_aem_TTqW78_BEP3YTvY2Z6LM5w)

<sup>73</sup> For example, the accommodation conditions are inconsistent with the Convention. Common practices include the use of a toilet chair in a small room by people with physical disabilities; placing people with physical disabilities at high floors in buildings that are not equipped with lifts; the use of a dishpan for bathing instead of a shower.

- People with disabilities most often receive basic general humanitarian aid that is not based on the assessment of individual needs. For example, they do not receive such devices as power banks, power stations, power generators, etc., that are highly necessary during power cuts.

Accessible housing for internally displaced persons (IDPs) with disabilities is one of the most pressing issues, and systemic solutions are lacking. The absence of housing remains the most common reason for refusing timely evacuation<sup>74</sup>. According to data from the Ministry of Social Policy as of July 2022, more than 4,000 elderly people in Ukraine, after losing their homes, were placed in state institutions through a simplified procedure<sup>75</sup>. From February 24, 2022, to July of the same year, 3,585 people were admitted to institutions in 17 regions, compared to 998 in the same period of 2021<sup>76</sup>. Most shelters for IDPs do not meet all accessibility requirements<sup>77</sup>. The minimum requirements for accessibility, inclusivity, and barrier-free modular housing were not met during the selection of sites and projects for the construction of modular housing in 2022-2023<sup>78</sup>.

The requirements for forming the fund of civil protection shelters, their maintenance, and use are regulated by several legal acts. Even those adopted before February 24, 2022, indicate the state's obligation to maintain shelters "in a condition necessary for their effective use in case of danger."<sup>79</sup> In practice, until 2022, the state of shelters was close to catastrophic, and the issue of their accessibility for people with disabilities was not addressed at all<sup>80</sup>. Significant changes to the regulatory framework were made only in August 2023<sup>81</sup>. There is insufficient information and training of personnel on providing assistance to people with disabilities and their specific needs depending on the type of disability.

The principle of "build back better" is grossly violated: housing is built, reconstructed, and capital repairs are carried out in violation of state accessibility standards. Disabled people's

<sup>74</sup> Based on operational data from NGO teams engaged in regular evacuations and/or documentation of war crimes in the frontline areas, FFR receives data from partners in the SAM Coalition

<sup>75</sup> "I had a home": older people in Ukraine and their experiences of war, displacement and access to housing // <https://www.amnesty.org/en/documents/eur50/6250/2022/uk/>

<sup>76</sup> Ibid.

<sup>77</sup> Assessment of inclusive response to emergencies. Study of accessibility of temporary accommodation for internally displaced women with disabilities // <https://ffr.org.ua/wp-content/uploads/2024/02/Otsinka-inklyuzyvnoho-reaguvannya-na-nadzvychnajni-sytuatsiyi.pdf>

<sup>78</sup> Brief analysis of the availability of modular camps // <https://ls.org.ua/wp-content/uploads/2023/02/analiz-modulnyh-mistechok.docx.pdf> in 2024, a new assessment is needed, because in August 2013, new DBNs were adopted, according to which local authorities must take into account compliance with architectural accessibility standards when establishing new temporary settlements

<sup>79</sup> [https://ffr.org.ua/wp-content/uploads/2022/12/Evakuatsia-liudey-z-invalidnistiu\\_ffr.pdf](https://ffr.org.ua/wp-content/uploads/2022/12/Evakuatsia-liudey-z-invalidnistiu_ffr.pdf)

<sup>80</sup> According to the information obtained in the survey of 1,316 persons with disabilities and their legal representatives conducted by the NAPD, only 21.5% of respondents answered affirmatively to the question about the availability of an architecturally accessible shelter/bomb shelter near their homes. Analytical report on the results of the survey on access of persons with disabilities to various types of assistance and services at their permanent place of residence during martial law. [https://naiu.org.ua/wp-content/uploads/2022/07/NAIU\\_AnalyticalReport2UA\\_v03.pdf](https://naiu.org.ua/wp-content/uploads/2022/07/NAIU_AnalyticalReport2UA_v03.pdf)

<sup>81</sup> DBN Protective structures for civil defense <https://e-construction.gov.ua/opublikovano-proekt-dbn-v22-52023-zahisni-sporudi-civilnogo-zahistu>

organisations are either not involved in the decision-making process or are involved formally, affecting the inclusiveness of such decisions.

Barriers that force people with disabilities to remain in dangerous areas: 1) uncertainty, as people with disabilities do not know where they will go, under what conditions they will be evacuated, or the level of support and accessibility at the new location; 2) lack of conditions and knowledge on how to evacuate people with physical disabilities<sup>82</sup>; 3) barriers to evacuating people with mental disabilities, which, according to parents of children with mental disabilities, are not considered at all during evacuation planning<sup>83</sup>.

### *Issues*

- What measures are taken to ensure protection of persons with disabilities during military operations, humanitarian emergency?
- How access of people with disabilities to humanitarian aid, specifically in rural areas, is monitored and evaluated?
- What measures are taken to ensure inclusiveness and accessibility of events, needs assessments, emergency evacuation procedures, strategies for responding to multiple risk factors, recovery, rehabilitation and reconstruction strategies?
- What measures are taken to use mass media to convey adequate, accessible and timely notifications of danger to people with disabilities?
- What measures are taken to give people with disabilities the necessary assistive devices and accessible mobile applications, provide accessible temporary housing, emergency assistance and other services, specifically services of trained rescue teams and accessible communication channels?
- What measures are taken to ensure inclusive reconstruction and recovery and follow the principle “build back better”?
- What measures are taken to evacuate people with disabilities from institutional settings located in regions bordering on the Russian Federation, specifically Kharkiv and Sumy regions, where the situation is highly dangerous to people’s lives?

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<sup>82</sup> For example, one person does not move out because he or she cannot drive for several hours while sitting, and in another case, they do not plan to move out because everything at home is equipped for a person with physical disabilities. Single people with physical or sensory impairments are hesitant to leave because they do not have support during the departure and at the new place of residence. There are many cases when people with disabilities decide to evacuate and then return to dangerous regions due to the lack of accessibility conditions at their new place of residence // Information obtained from a survey conducted by the Fight For Right team on 03.07.2024 as part of the preparation of a report to the UN Committee on the Rights of Persons with Disabilities.

<sup>83</sup> Families of children with autism may decide to stay in unsafe places of residence because the stress of moving can lead to the loss of acquired skills in the child. Parents say that when they do move, the new place of residence does not take their situation into account, and that they primarily need support related to the rehabilitation of conditions for their child with autism.

- How the participation of organisations of people with disabilities and community members in decision-making regarding the security situation, evacuation arrangements and provision of accessible information is ensured?

## Equal recognition before the law (art. 12)

The Ukrainian definition of the term "legal capacity" does not correspond to the definition provided by the UN Committee on the Rights of Persons with Disabilities<sup>84</sup>. According to the Civil Code of Ukraine, all people have legal capacity, which arises from birth, but legal capacity is defined only as the ability to have rights and obligations<sup>85</sup>. The ability to exercise these rights and obligations (capacity) depends on the assessment of whether a person can "understand the meaning of their actions and control them."<sup>86</sup>

Limitation<sup>87</sup> or deprivation<sup>88</sup> of capacity are two types of rights restrictions provided for by national legislation<sup>89</sup>. A court can deprive or limit a person's capacity if they have a mental disorder that affects their ability to understand the meaning of their actions and control them<sup>90</sup>:

Approximately 35,000 Ukrainians deprived of legal capacity by the court<sup>91</sup>, cannot exercise their rights because all decisions are made for them. Approximately 1,500 people<sup>92</sup> can only perform minor transactions. Another issue is the high level of institutionalization of people

<sup>84</sup> General Comment of the Committee on the Rights of Persons with Disabilities No. 1 of April 11, 2014 on article 12 of the Convention on the Rights of Persons with Disabilities // [https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-1-article-12-equal-recognition-1?fbclid=IwZXh0bgNhZW0CMTEAAAR0rv3jek8HY2gwLzj4BJtsm0u2zt1TusqIF4W0Ad60xX4P71M5cK5l2daE\\_aem\\_ATp1xR1PfdbgZGUsTZ4covflssdJwTFeQLXOJhY5GMMNnDHH20b71dSoSpzgU2i\\_kCRDBDr2InJX6OzbO1TtGalb](https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-1-article-12-equal-recognition-1?fbclid=IwZXh0bgNhZW0CMTEAAAR0rv3jek8HY2gwLzj4BJtsm0u2zt1TusqIF4W0Ad60xX4P71M5cK5l2daE_aem_ATp1xR1PfdbgZGUsTZ4covflssdJwTFeQLXOJhY5GMMNnDHH20b71dSoSpzgU2i_kCRDBDr2InJX6OzbO1TtGalb)

<sup>85</sup> Part one of Article 25 of the Civil Code of Ukraine // <https://zakon.rada.gov.ua/laws/show/435-15#Text>

<sup>86</sup> Part one of Article 30 of the CCU

<sup>87</sup> limitation of legal capacity for a person means: guardianship is established over him/her, he/she can independently perform only minor household transactions, other transactions - only with the consent of the guardian, receiving income and disposing of it also with the consent of the guardian // Article 37 of the CCU

<sup>88</sup> Deprivation of legal capacity for a person means: establishment of guardianship over him/her, inability to make any transactions, all transactions are made by a guardian instead // Article 41 of the CCU

<sup>89</sup> Articles 36, 37, 39, 41 of the CCU

<sup>90</sup> Articles 36 and 39 of the CCU

<sup>91</sup> The number of persons recognized by the court as incapacitated varies:

CEC data as of 02/24/2022 - 35372 persons;

- data of the Ministry of Social Policy as of January 01, 2023 - 36880 persons;
- data of the National Social Service as of July 01, 2023 - 31075 people;
- data of the EMB (KMIA) as of 01.10.2023 - 34342.

// Special report of the Ukrainian Parliament Commissioner for Human Rights on the state of observance of social and economic rights of adults in need of guardianship and care under the legal regime of martial law //

<https://ombudsman.gov.ua/storage/app/media/uploaded-files/C%D0%BF%D0%B5%D1%86%D0%B4%D0%BE%D0%BF%D0%BE%D0%B2%D1%96%D0%B4%D1%8CWeb.pdf>

<sup>92</sup> The number of people with limited legal capacity varies:

data of the Ministry of Social Policy as of January 01, 2023 - 1424 people;

data of the National Social Service as of July 01, 2023 - 1317;

data of the EMB (KMVA) as of 01.10.2023 - 1749.

// ibid.

deprived of legal capacity. As of January 1, 2021, 40,327 people were registered as deprived of legal capacity, of which 14,596 were in institutional settings<sup>93</sup>.

Despite two decisions of the Constitutional Court of Ukraine<sup>94, 95</sup>, declaring unconstitutional the provisions of two laws restricting the rights of persons deprived of legal capacity, these laws have not been amended. The Verkhovna Rada's Commissioner for Human Rights draws attention to a number of gaps in the activities of guardianship and trusteeship authorities<sup>96</sup>, for example, no changes have been made to the guardianship and trusteeship rules approved in 1999<sup>97</sup>. Meanwhile, disabled people's organisations do not share the position on reforming the guardianship and trusteeship institution, insisting on its abolition and replacement with a system where a person receives the necessary support in decision-making.

Legislative changes are extremely slow. The first step was made in 2017, with amendments to the Civil Procedure Code of Ukraine:

- Persons deprived of legal capacity gained the right to personally apply to the court for the restoration of legal capacity;
- The possibility of a person's participation in court hearings was provided for;
- The duration of the court decision on deprivation of legal capacity was set, not exceeding two years<sup>98</sup>.

Only in 2023 did people deprived of legal capacity and those whose capacity is limited gain the right to personally apply for free legal assistance<sup>99</sup>. However, even in this case, the legislation sets a restriction, as legal assistance can only be requested regarding the restoration of legal capacity.

There is a lack of information on:

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<sup>93</sup> UN Human Rights Monitoring Mission in Ukraine "Briefing note "Situation of human rights of persons with intellectual and psychosocial disabilities in Ukraine" // <https://ukraine.un.org/sites/default/files/2022-07/%D0%86%D0%BD%D1%84%D0%BE%D1%80%D0%BC%D0%B0%D1%86%D1%96%D0%B8%CC%86%D0%BD%D0%B0%20%D0%B7%D0%B0%D0%BF%D0%B8%D1%81%D0%BA%D0%B0%20-%20%D0%A1%D0%98%D0%A2%D0%A3%D0%90%D0%A6%D0%86%D0%AF%20%D0%97%20%D0%9F%D0%A0%D0%90%D0%92%D0%90%D0%9C%D0%98%20%D0%9B%D0%AE%D0%94%D0%98%D0%9D%D0%98%20%D0%9E%D0%A1%D0%86%D0%91%20%D0%97%20%D0%86%D0%9D%D0%A2%D0%95%D0%9B%D0%95%D0%9A%D0%A2%D0%A3%D0%90%D0%9B%D0%AC%D0%9D%D0%98%D0%9C%D0%98%20%D0%A2%D0%90%20%D0%9F%D0%A1%D0%98%D0%A5%D0%9E%D0%A1%D0%9E%D0%A6%D0%86%D0%90%D0%9B%D0%AC%D0%9D%D0%98%D0%9C%D0%98%20%D0%A4%D0%9E%D0%A0%D0%9C%D0%90%D0%9C%D0%98%20%D0%86%D0%9D%D0%92%D0%90%D0%9B%D0%86%D0%94%D0%9D%D0%9E%D0%A1%D0%A2%D0%86%20%D0%92%20%D0%A3%D0%9A%D0%A0%D0%90%D0%86%CC%88%D0%9D%D0%86.pdf>

<sup>94</sup> The Constitutional Court of Ukraine, upon the submission of the Ukrainian Parliament Commissioner for Human Rights, declared unconstitutional the provision of the Law of Ukraine "On Citizens' Appeals", according to which appeals of incapacitated persons to state authorities and local self-government bodies are not considered // CCU Decision of 11.10.2018 No. 8-r/2018 // <https://zakon.rada.gov.ua/laws/show/v008p710-18#Text>

<sup>95</sup> The CCU decision declared unconstitutional the sixth sentence of the first part of Article 13 of the Law of Ukraine "On Psychiatric Care," since control over the hospitalization of a person recognized as incapacitated, who is unable to express a request or give informed consent for health reasons, should be exercised by a court, and not by a guardianship and trusteeship authority, as stated in the law. // <https://zakon.rada.gov.ua/laws/show/v013p710-18#Text>

<sup>96</sup> Ibid.

<sup>97</sup> Order of the State Committee of Ukraine on Family and Youth Affairs, Ministry of Education of Ukraine, Ministry of Health of Ukraine, Ministry of Labor and Social Policy of Ukraine No. 34/166/131/88 of 26.05.1999 "On Approval of the Rules of Guardianship and Care" // <https://zakon.rada.gov.ua/laws/show/z0387-99#Text>

<sup>98</sup> Articles 299 and 300 of the Civil Procedure Code of Ukraine // <https://zakon.rada.gov.ua/laws/show/1618-15#Text>

<sup>99</sup> Articles 10 and 13 of the Law of Ukraine "On Free Legal Aid" // <https://zakon.rada.gov.ua/laws/show/3460-17#Text>

- The number of personal applications to the court from persons deprived of legal capacity and the number of court decisions restoring legal capacity;
- Obstacles faced by such people when applying to the court;
- Training of judges on human rights issues concerning people with intellectual and mental disabilities for handling capacity cases;
- Training of lawyers in the free legal aid system to provide legal assistance to people with intellectual and mental disabilities.

Experts believe <sup>100</sup>, that Ukrainian procedural legislation and judicial practice do not effectively protect people, as almost 80% of applications for restoration of legal capacity are not satisfied by courts. The main reasons for violations are:

- lack of a procedure for reviewing decisions on declaring a person legally incapacitated made before 2017;
- violation of the right to personal presence during court hearings<sup>101</sup>;
- significant dependence of court decisions on the conclusions of forensic psychiatric examinations, which are conducted without a clearly defined methodology<sup>102</sup>;
- limited access to legal assistance<sup>103</sup>.

Human rights organisations providing legal assistance for the restoration of legal capacity also note the imperfections of current legislation, leading to human rights violations<sup>104</sup>.

There are examples of depriving other people with disabilities of their legal capacity, such as denying two adult blind individuals the right to marry due to the non-recognition of the validity of a blind person's Other examples include the inability to use available services due to architectural inaccessibility – obstacles in obtaining documents, servicing people with disabilities in the corridors of institutions in the presence of other visitors, refusals to accept documents, and the inability to take actions personally<sup>105</sup>.

More than half of the surveyed people with disabilities share examples of restrictions on legal capacity: restrictions on loans and insurance, refusals in banking services, and requirements to come with companions to various institutions. The reasons for the restriction of legal

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<sup>100</sup> UN Human Rights Monitoring Mission in Ukraine "Briefing note "Situation of human rights of persons with intellectual and psychosocial disabilities in Ukraine"

<sup>101</sup> In the vast majority of cases studied, the decision to recognize a person as incapacitated was made in his or her absence.

<sup>102</sup> According to the Monitoring Mission's analysis of 283 court decisions issued in cases where the parties applied for restoration of legal capacity in 2020-2021, only 22% of cases (62 in total) were granted. In most cases of restoration of civil capacity, applications were filed by the heads of residential institutions or relatives who claimed that the condition of people with disabilities had significantly improved and provided relevant medical documents. However, in all these cases, the courts rejected the cases based on the relevant conclusions of the forensic psychiatric examination.

<sup>103</sup> human rights defenders complained that lawyers providing free secondary legal aid services in some cases neglected their duties, and some of them did not visit clients in residential institutions before the start of the proceedings.

<sup>104</sup> For example, in one case, a person deprived of legal capacity's appeal to lawyers was opposed by the guardian and the administration of the psychoneurological institution where the person was placed. The person was forbidden to leave the institution, prohibited from communicating with lawyers, and on the eve of the court hearing, the person was placed in a so-called isolation ward to prevent his participation in the hearing on the restoration of legal capacity

// Placement in a "punishment cell" for no reason: UHHRU lawyers won a case in the ECHR // <https://www.helsinki.org.ua/articles/bez-prychyny-pomistily-v-kartser-iurysty-uhspl-vyhraly-spravu-v-yespl/>

<sup>105</sup> Similarly, a person could not submit documents for registration of a sole proprietorship in person, because the registrar was located on the second floor without an elevator.

capacity often include physical inaccessibility of various institutions, inaccessibility of procedures for people with visual and hearing impairments, and biased attitudes<sup>106</sup>.

### *Issues*

- What measures are being taken to clearly recognize the full legal capacity of persons with disabilities on an equal basis with others and to abolish the institution of incapacity?
- What statistical data are available regarding the establishment of guardianship, deprivation of legal capacity, and restoration of legal capacity since 2017?
- What measures are being taken to train judges on human rights issues concerning people with intellectual and mental disabilities for considering cases related to legal capacity?
- What measures are being taken to legislate the provision of legal assistance on all matters to people deprived of legal capacity and those whose legal capacity is limited?

### **Access to justice (art. 13)**

The full-scale invasion of the Russian Federation into Ukraine has also caused additional obstacles. These include the destruction and damage of court buildings<sup>107</sup>, as well as on the suspension of work during the announcement of an air alert<sup>108</sup> and possible problems with power outages<sup>109</sup>.

There is reason to believe that not everywhere the restoration of court buildings is carried out with consideration for accessibility issues, as this depends on budget conditions and control<sup>110</sup>.

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<sup>106</sup> The information is based on the results of a quick survey conducted by FFR in early July 2024. The survey involved 45 people - 39 people with disabilities, 7 mothers of children with disabilities.

<sup>107</sup> Currently, 587 courts administer justice in Ukraine, while 87 courts do not do so due to active hostilities or location on the temporarily occupied territory. Another 84 courts have not been administering justice since 2014 - these include Crimea and the occupied territories of Donetsk and Luhansk oblasts. On the territory where hostilities have been or continue to be conducted, 13 courts have been completely destroyed, and 86 courts have varying degrees of destruction - from damaged facades to broken windows and doors, destroyed roofs and communications. All the more or less surviving court buildings have been almost completely looted (Information as of May 2023) // <https://rsu.gov.ua/ua/news/golova-radi-suddiv-ukraini-pro-robotu-sudiv-pid-cas-vijni-konkurs-do-vkks-spravi-sodo-voennih-zlociniv-ta-suddiv-na-fronti>

<sup>108</sup> Litigation during air raid alert // <https://pravokator.club/news/rozglyad-sudovyh-sprav-pid-chas-povitryanoyi-tryvogy/>

<sup>109</sup> Power outages, lack of water - consequences of another Russian missile attack on Ukraine // <https://court.gov.ua/press/general/1350136/>

<sup>110</sup> Implementation of the Action Plan for the implementation of the National Human Rights Strategy for the second half of 2023 // <https://minjust.gov.ua/files/general/2024/02/15/20240215151923-36.docx>

The procedural code guarantees the provision of sign language interpretation, but not all people with hearing impairments are aware of this option<sup>111</sup>. Some girls and women with hearing impairments say they will defend their rights in court only if they can communicate in a way accessible to them.

According to monitoring data, the court decision search site received 4 out of 10 points (medium level of basic accessibility), the Electronic Court – 8 points (sufficient level of basic accessibility), and the Unified State Register of Court Decisions – 6 points (medium level of basic accessibility)<sup>112</sup>.

Existing barriers to access to justice include the inability to personally participate in court hearings due to physical inaccessibility, lack of sign language interpretation, refusal to reschedule court hearings requested by a person to undergo rehabilitation<sup>113</sup>.

By December 2023, the State Judicial Administration in the field of justice and the Ministry of Justice of Ukraine in the field of access to free legal aid were supposed to ensure the use of easy-to-read format and other enhanced communication formats, which has not been done<sup>114</sup>.

There is no summarized information about the state of architectural accessibility in legal aid centres, as accessibility is measured in individual elements (ramps, call buttons, Braille materials, etc.)<sup>115</sup>. There is a lack of open summarized data on the experience of free legal aid in providing legal assistance to people with disabilities, including the experience of mobile consultations to institutional settings where people with mental and intellectual disabilities reside, or the analysis of representation of the interests of people deprived of legal capacity in court.<sup>116</sup>

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<sup>111</sup> "... I'm a little scared to go to a Ukrainian court. I think many women are also afraid to go to court. Because it is unclear what questions will be asked, what answers are correct, whether you can use the phone (to write), whether there will be translation... If the courts published this information somewhere, people would be less afraid and go to court..." - a quote from one of the interviewed women with hearing impairments. // Analytical report on the results of the study "Assessment of barriers and needs for legal services for girls and women with disabilities" // <https://ffr.org.ua/wp-content/uploads/2024/01/Zvit-Otsinka-bar-yeriv-OON-ZHinky.pdf>

<sup>112</sup> Web accessibility of government websites. Report on the monitoring results // [https://www.undp.org/sites/g/files/zskgke326/files/2024-03/undp-ua-monitoring\\_basic\\_web\\_accessibility\\_-\\_2023\\_-\\_eng.pdf](https://www.undp.org/sites/g/files/zskgke326/files/2024-03/undp-ua-monitoring_basic_web_accessibility_-_2023_-_eng.pdf)

<sup>113</sup> The information is based on the results of a quick survey conducted by FFR in early July 2024. The survey involved 45 people - 39 people with disabilities, 7 mothers of children with disabilities.

<sup>114</sup> Implementation of the Action Plan for the implementation of the National Human Rights Strategy for the second half of 2023 // <https://minjust.gov.ua/files/general/2024/02/15/20240215151923-36.docx>

<sup>115</sup> Implementation of the Action Plan for the implementation of the National Human Rights Strategy for the second half of 2023 // <https://minjust.gov.ua/files/general/2024/02/15/20240215151923-36.docx>

<sup>116</sup> Analytical report on the results of the study "Assessment of barriers and needs for legal services for girls and women with disabilities" // <https://ffr.org.ua/wp-content/uploads/2024/01/Zvit-Otsinka-bar-yeriv-OON-ZHinky.pdf>

Disabled people's organisations note certain positive changes in access to free legal aid<sup>117</sup>, however, the following barriers have not yet been eliminated:

- discriminatory norms regarding the provision of legal aid only on specific issues to persons deprived of legal capacity and those whose capacity is limited by a court;
- involvement of sign language interpreters is provided only at the stage of secondary legal aid;
- quality standards for the provision of legal aid lack norms for providing legal aid directly to people with intellectual and mental disabilities;
- the evaluation forms, which are filled out based on the results of providing legal aid, lack questions that would identify whether the legal aid is accessible to various categories of people with disabilities, etc<sup>118</sup>.

The level of awareness among people with disabilities regarding access to justice remains extremely low. The state does not take measures to explain to people with disabilities, especially those in state care institutions, living in rural areas, and parents raising children with disabilities, the guarantees of access to free legal aid and justice, as well as their rights in general and ways to realise them. Relevant information is available only from public organisations of persons with disabilities and from open sources (e.g., internet resources, mass media).

Measures to raise awareness among employees of the judicial and penitentiary systems, the bar, and the prosecutor's office about disability issues do not ensure an adequate level of preparation of relevant specialists for interaction, support, and provision of inclusive services to people with disabilities in the field of justice and access to free legal services.

### *Issues*

- What measures are being taken to ensure full, unobstructed, and effective access to justice at all stages of the judicial process for all persons with disabilities and their effective access to alternative dispute resolution methods and restorative justice?
- What measures are being taken to raise awareness among all persons with disabilities (including those living in institutions) about their right to access justice?

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<sup>117</sup> increasing the financial threshold for secondary legal aid for people with disabilities;

- engaging sign language interpreters to provide secondary legal aid;
- the possibility to submit an electronic application for secondary legal aid;
- the possibility to receive legal aid by phone, via telegram messenger, in consultation centres based on social infrastructure facilities, at home

// Analytical report on the results of the study "Assessment of barriers and needs in obtaining legal services by girls and women with disabilities" // <https://ffr.org.ua/wp-content/uploads/2024/01/Zvit-Otsinka-bar-veriv-OON-ZHinky.pdf>

<sup>118</sup> Ibid.

- What measures are being taken to organise the provision of legal aid in institutional settings directly to people with intellectual and mental disabilities?
- What measures are being taken to prepare lawyers of the free legal aid system to provide legal aid to people with intellectual and mental disabilities?

### **Living independently and being included in the community (art. 19)**

The Ministry of Social Policy approved the Order on the assessment of community's needs for social services only in 2023<sup>119</sup>.

Even basic social services fail to be provided<sup>120</sup>. Communities choose inexpensive services, which do not always meet the existing needs. Similarly, they do not invest in services that may be required in future, and funding for social protection is allocated from whatever funds remain<sup>121</sup>. Communities highlight problems with material and staff resources, difficulties in ensuring the delivery of the same social services across the entire territory of the community; problems with public transport needed to travel in order to receive the available services. The full-scale invasion added new challenges, i.e. reductions in local budget revenues; increases in the numbers of older people in need of care services; arrival of significant numbers of IDPs; increased numbers of poor people who apply for material assistance; additional expenses to support military servicemen; professionals leaving their communities; and increasing needs for psychological aid<sup>122</sup>. The need for support services increased 2-4-fold<sup>123</sup>. The key problems are related to the ensuring of housing services; day care; physical assistance for persons with disabilities who have locomotory impairments and use wheelchairs or have visual disabilities; sign language translation<sup>124</sup>.

A significant number of basic services that communities fail to provide are the ones intended specifically for people with disabilities<sup>125</sup>. Based on the evaluation of the social services delivery

<sup>119</sup> On approval of the Procedure to identify the needs for social services of population of an administrative territorial unit / territorial community (in Ukrainian) // <https://zakon.rada.gov.ua/laws/show/z1169-23#Text>

<sup>120</sup> Stakeholder mapping. Deinstitutionalization in Ukraine. Fight For Right. (in Ukrainian) // <https://ffr.org.ua/wp-content/uploads/2024/04/MAPUVANNYA-ZATSIKAVLENYH-STORIN-DEINSTYTUTSIONALIZATSIYA-V-UKRAYINI.pdf>

<sup>121</sup> Social services for veteran men and women in communities. Challenges and needs. CEDOS, Printsyp (in Ukrainian) // [https://cedos.org.ua/wp-content/uploads/soczposlugy\\_digital.pdf](https://cedos.org.ua/wp-content/uploads/soczposlugy_digital.pdf)

<sup>122</sup> Stakeholder mapping. Deinstitutionalization in Ukraine. Fight For Right. (in Ukrainian) // <https://ffr.org.ua/wp-content/uploads/2024/04/MAPUVANNYA-ZATSIKAVLENYH-STORIN-DEINSTYTUTSIONALIZATSIYA-V-UKRAYINI.pdf>

<sup>123</sup> Accessibility of social services (in Ukrainian) // <https://niss.gov.ua/doslidzhennya/sotsialna-polityka/dostupnist-sotsialnykh-posluh>

<sup>124</sup> Survey study "Social services for veteran men and women in communities. Challenges and needs" (in Ukrainian) // <https://www.pryncyp.com/analytics/soczialni-poslugy-dlya-veteraniv-ta-veteranok-u-gromadah-vyklyky-ta-potreby/>

<sup>125</sup> Speaking about basic services that fail to be provided, respondents most often mentioned supported living; day care/ day centre; support during inclusive teaching and learning; physical support for persons with disabilities; sign language translation. Survey study "Social services for veteran men and women in communities. Challenges and needs" (in Ukrainian) // [https://cedos.org.ua/wp-content/uploads/soczposlugy\\_digital.pdf](https://cedos.org.ua/wp-content/uploads/soczposlugy_digital.pdf)

system in communities, experts conclude that it is more cost-effective for communities to place people to institutional facilities, rather than develop a system of community-based services<sup>126</sup>.

A study into the access of veterans to social services in the community<sup>127</sup> and a study that explored whether veterans with severe newly-acquired disabilities currently use services<sup>128</sup> that are declared by the state as accessible for people with disabilities, demonstrate that currently communities are strained in the area of social services and unable to meet the demand (neither from the veteran community, nor from other populations). Further, there is a major shortage of skilled professionals; not all services available meet the needs of the veteran community, or are timely and of good quality.

Nearly 65% of surveyed people with disabilities report barriers to independent living, note the lack of architectural, transport and information accessibility in different areas and biased attitudes towards people with disabilities<sup>129</sup>.

The full-scale invasion exacerbated institutionalization processes. People with disabilities among IDPs could not afford to pay for accommodation; temporary housing has barriers and was not ready to accommodate people with disabilities. This led to them being placed to institutions, and in some cases – to hospitals (including psychiatric hospitals)<sup>130</sup><sup>131</sup><sup>132</sup>. During 2022 and 2023, the numbers of institution residents grew by nearly 7790 adults<sup>133</sup>. Of them, at least 4553 people are internally displaced persons with disabilities.

For a long time the State did not undertake explicit commitments regarding deinstitutionalization of services for adults with disabilities<sup>134</sup>. Ukraine made a clear

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<sup>126</sup> Authors of the survey study “Social services for veteran men and women in communities. Challenges and needs” are of the opinion that if priority is given to cost-effectiveness criteria, this will often lead to choice in favour of the cheaper option, “A high cost and often the need to have separate residential housing available and to maintain it in order to provide such services as supported living, shelter, in-patient care, palliative care and services related to rehabilitation (social, medical, social and mental rehabilitation) quite often urges communities to resolve this “problem” by placing people in need of such services to institutional facilities, because the latter are funded from the regional budget”.

<sup>127</sup> Survey study “Social services for veteran men and women in communities. Challenges and needs” (in Ukrainian) // <https://www.pryncyp.com/analytics/soczialni-poslugy-dlya-veteraniv-ta-veteranok-u-gromadah-vyklyky-ta-potreby/>

<sup>128</sup> Ibid.

<sup>129</sup> The information was obtained from a rapid survey conducted by Fight for Right in early July 2024. A total of 45 people participated, including 39 people with disabilities and 7 mothers of children with disabilities.

<sup>130</sup> Study “Evacuation of people with disabilities during Russia’s war against Ukraine. International standards and Ukrainian realities” (in Ukrainian) // <https://ffr.org.ua/wp-content/uploads/2022/11/funds-new-ffr.pdf>

<sup>131</sup> <https://www.amnesty.org.ua/wp-content/uploads/2022/12/1532-ai-ukraine-older-report-nov22-print-u01-prev.pdf>

<sup>132</sup> “I used to have a home”. Older people’s experience of war, displacement, and access to housing in Ukraine // <https://www.amnesty.org/en/documents/eur50/6250/2022/uk/>

<sup>133</sup> Theory of change: Deinstitutionalization is possible (in Ukrainian) // [https://ffr.org.ua/wp-content/uploads/2024/06/Teoriya-zmin\\_deinstytutsionalizatsiya-mozhlyva.pdf](https://ffr.org.ua/wp-content/uploads/2024/06/Teoriya-zmin_deinstytutsionalizatsiya-mozhlyva.pdf)

<sup>134</sup> The development of various community-based services (social services, mental health, accessibility). If these initiatives are successfully implemented, theoretically it would be possible to reduce the numbers of people with disabilities who are placed for the first time to institutional care facilities. There are no measures in place to bring people out of the institutional system. The discussion about the development or implementation of new social services usually only revolve around “supported living”, which is a rather risky trend of narrowing the understanding of a comprehensive process of deinstitutionalization. // Stakeholder mapping. Deinstitutionalization in

commitment regarding deinstitutionalization of services for adults with disabilities only in February 2024 in the Government's Priority Action Plan for 2024<sup>135</sup>.

As at 2024, in Ukraine a total of 259 institutional care facilities for adults continue to operate, serving 37 709 residents; and approximately 9000 people receive in-patient care services at territorial centres<sup>136</sup>. Today, the State does not have detailed information about people who reside in institutions, specifically, about their needs for services, preservation of family relationships, state of health, availability of housing, and skills. Such needs assessment of residents of institutional facilities was started by individual non-governmental organisations<sup>137</sup>. The first survey findings suggest a number of serious challenges, which impede re-integration of people into communities<sup>138</sup>.

Ukraine does not apply the Guidelines of the UN Committee on the Rights of Persons with Disabilities<sup>139</sup> to determine what facilities are institutions. Ukraine must carry out an evaluation of the institutional care system, including with private facilities, not by the type of services provided (in-patient care service), but rather by the criteria set out by the Committee<sup>140</sup>. When the system of institutional facilities is viewed from this perspective, their number may be significantly higher than usually cited<sup>141</sup>.

Of particular concern is the willingness of the Government of Ukraine to rebuild institutional facilities that were destroyed as a result of fighting and/or shelling. Ukraine requested

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Ukraine // <https://ffr.org.ua/wp-content/uploads/2024/04/MAPUVANNYA-ZATSIKAVLENYH-STORIN-DEINSTYTUSIONALIZATSIIYA-V-UKRAYINI.pdf>

<sup>135</sup> The Priority Action Plan includes the objective to prepare for the approval of the Strategy to reform psycho-neurological and other institutional facilities and deinstitutionalise care for persons with disabilities, older persons, and to approve the Operational Plan of Activities to implement it // Ordinance of the Cabinet of Ministers of Ukraine No. 137-p dated 16.02.2024 "On approval of the Government Priority Action Plan for 2024" (in Ukrainian) // <https://www.kmu.gov.ua/npas/pro-zatverdzhennia-planu-priorytetnykh-dii-uriadu-na-2024-rik-137r-160224>

<sup>136</sup> Ukraine takes the first steps to release people with disabilities from institutions (in Ukrainian) // <https://ffr.org.ua/ukrayina-robyt-pershikroky-do-zvilnennya-lyudej-z-invalidnistyu-z-instytutisij/>

<sup>137</sup> Ukrainian Human Rights Initiatives NGO // <https://www.facebook.com/kiyv16uhri/posts/pfbid02mTccdUFaDkDcPnDxq5FGdxGJKbHwWaszrkD14DtqBx6YcxrDWrdMYyqkW6dymDUal?rdid=kGZunQGNRYzMH0F>

<sup>138</sup> Social Synergy NGO conducted a needs assessment at two institutional facilities in Chernigiv and Chernitsy regions that identified a number of serious problems: restrictions for or prohibition of independent activities of the residents of these institutions that demotivates them and leads to gradual loss of skills for independent living; alcohol addiction; deep disadaptation of people who have lived in institutions for many years; extremely low number of people who are ready to re-integrate into communities immediately; opposition to the return of people to the communities on the part of their relatives; fear of independent living due to the lack of confidence in own skills; total lack of interest on the part of communities.

These data were presented at the workshop organised during the event "Towards deinstitutionalization: partnership between the state and civil society to develop social services" held on June 3, 2024.

<sup>139</sup> Committee on the Rights of Persons with Disabilities. Guidelines on deinstitutionalization, including in emergencies\* // <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsrUSo2TIYtHaYAWJ%2Byrd8Skky8%2BxjZ8vIbGxhck1kHBB7qpZDXVoe1F1prH%2FJ0xFmkeAgl%2BpfYVYPUdiWwPK8Y%3D>

<sup>140</sup> The key characteristics of institution include: isolation from the community; limited control over own life; the needs of the institution override the needs of the individual.

<sup>141</sup> For example, the in-patient care service provided by territorial centres within communities or supported living service created on the basis of an institutional facility, will also be considered as institutionalization of people if the principles of institutional services dominate in the delivery of these services.

\$127.5<sup>142</sup> mln. for the recovery of institutional facilities, instead of channeling these resources from partners to the deinstitutionalization process and creating conditions to enable people with disabilities live independently in communities. Institutional facilities destroyed during hostile bombardments in Kyiv city<sup>143</sup> were renovated and people were returned there.

Lastly, the Government's Action Plan for 2024<sup>144</sup> includes the objective to finally develop the deinstitutionalization strategy in the list of tasks for the Ministry of Social Policy only by December 2024. Consequently, the start of the relevant activities may be expected no earlier than in 2025.

The Ukraine Recovery Plan<sup>145</sup> includes a number of activities related to disability (e.g. update the policy to promote social inclusion and participation in the life of society for people with disabilities, and implementation of the updated policy for employment of persons with disabilities). However, they do not specify any details regarding deinstitutionalization, legal capacity and support for decision-making.

### *Issues*

- What measures are taken to recognize the right for people with disabilities to choose their place of residence and who they want to live with?
- What measures are taken to ensure access for people with disabilities to services that enable them to live independently in the community?
- How community-based services provided to people with disabilities are controlled and evaluated?
- What measures are taken to prevent institutionalization of internally displaced people with disabilities, and are any activities planned to bring out of institutions those who out of necessity were placed into institutional facilities in the context of war?
- What is the number of institutional facilities in Ukraine and what is the number of people there, specifically adults with disabilities and children with disabilities, taking into account the criteria for institutions?
- How the needs assessment of residents of institutional facilities is conducted?
- What public authority conducts independent monitoring of the work of institutional facilities for adults and children with disabilities and what are the findings?

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<sup>142</sup> Rapid Damage and Needs Assessment February 2022 – February 2023 // <https://ukraine.un.org/sites/default/files/2023-03/P1801740d1177f03c0ab180057556615497.pdf>

<sup>143</sup> In Pushcha Voditsa town institution buildings damaged by Russian shelling were renovated (in Ukrainian) // <https://www.ukrinform.ua/rubric-kyiv/3585832-u-pusivodici-vidremontuvali-budivli-internatu-poskodzeni-obstrilami-rf.html>

<sup>144</sup> <https://www.kmu.gov.ua/npas/pro-zatverdzhennia-planu-priorytetnykh-dii-uriadu-na-2024-rik-137r-160224>

<sup>145</sup> Ukraine Recovery Plan // <https://recovery.gov.ua/>

- What measures are taken to raise the awareness of persons with disabilities about the availability of support programmes and services for independent living, particularly in rural area?
- What measures are taken to include persons with disabilities and organisations representing them into the development, implementation, control and evaluation of strategies to provide community-based services?
- What measures are taken to monitor and evaluate the current initiatives of the State in the area of deinstitutionalization?
- How international experts and organisations of people with disabilities will be involved to the development of the Deinstitutionalization Strategy for adults? When its development may be expected?

### **Freedom of expression and opinion, and access to information (art. 21)**

The situation with the accessibility of information is somewhat improving thanks to the delivery of basic social service of sign language translation<sup>146147</sup>, the use of online video communication technologies<sup>148</sup>, introduction of requirements to provide certain types of services with support of a sign language translator<sup>149150</sup>, etc.

The progress in the development of plain language and the easy-to-read format to enable communication for persons with intellectual and mental disabilities has been too slow. Being recommendatory, the regulations adopted on this issue<sup>151</sup> are insufficient to ensure the accessibility of information for people with these disabilities.

The situation with accessibility of information in the private sector is significantly worse compared with the public sector, as the State does not encourage businesses providing services to the public to ensure that they are disability-inclusive.

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<sup>146</sup> Sub-paragraph 14, paragraph 6, article 16 of the Law of Ukraine “On social services” (in Ukrainian) // <https://zakon.rada.gov.ua/laws/show/2671-19#n482>

<sup>147</sup> Order of the Ministry of social policy of Ukraine No. 220 dated 06.05.2021 “On approval of the National standard for the social service of sign language translation” (in Ukrainian) // <https://zakon.rada.gov.ua/laws/show/z0819-21#Text>

<sup>148</sup> The service of the Ukrainian Society of the Deaf: sign language translation (in Ukrainian) // <https://utog.org/vazhliva-informacziya/servis-utog-vpevnenno-poruch>

<sup>149</sup> Under part 7 of article 19 of the Law of Ukraine “in the event when the holder of the right to free secondary legal aid does not speak the national language and/or has a hearing disability, the free legal aid centre shall involve a translator from the language in which the applicant can communicate, including a sign language translator, at the expense of national budget funds”.

<sup>150</sup> Ordinance of the Cabinet of Ministers of Ukraine No. 63 dated 19.01.2024 “On some aspects of payment for the services of translators and mediators who are involved by free legal aid centres” (in Ukrainian) // <https://zakon.rada.gov.ua/laws/show/63-2024-%D0%BF#Text>

<sup>151</sup> With the purpose to ensure the accessibility of information published by authorities, on November 17, 2023, the Government approved the Guidelines on publication of information by authorities in the formats that ensure accessibility of such information. Ordinance of the Cabinet of Ministers of Ukraine No. 1046-p dated 17.11.2023 (in Ukrainian) // <https://zakon.rada.gov.ua/laws/show/1046-2023-%D1%80#Text>

## Issues

- What measures are taken to ensure that information provided to the general public could also be received by people with disabilities?
- What measures are taken to ensure that private businesses do it in formats that are accessible for all persons with disabilities?
- What measures are taken to facilitate sign language learning and training of skilled sign language translators?
- What measures are taken to ensure that information on TV channels of different types of ownership is accessible for persons with hearing disabilities?
- What measures are taken to ensure access to information and communication technologies and systems for persons with hearing and visual disabilities at agencies and organisations that provide services to citizens?
- What measures are taken to promote plain language and easy-to-read format?

## Respect for home and the family (art. 23)

The law sets out that registration of marriage with a person recognized as legally incapable is deemed invalid<sup>152</sup>. However, in practice there are individual cases of entering into marriage with legally incapable persons<sup>153</sup>.

No support is provided for families with children with disabilities. The social service of respite care stipulated at the state level for parents or persons replacing them who care for children with disabilities<sup>154</sup> has not been developed. According to available information, it is provided by few organisations of persons with disabilities and in individual communities<sup>155</sup>.

## Issues

- What measures are taken to ensure the right of all persons with disabilities who attained the minimum age for marriage to marry and establish a family on an equal basis with others?

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<sup>152</sup> [Family code of Ukraine](#), articles 15, 24, 39, and 107.

<sup>153</sup> In Vinnitsa region two cases were recording of contracting marriage by legally incapacitated people. The first couple were from Zhmerynka psycho-neurological institution, where a separate room was arranged for them and all necessary items for marital life were provided. In the second case the brother of the head of an organisation of persons with disabilities met his beloved in the same Zhmerynka institution. The “taboo” topic. On love life at psycho-neurological institutions (in Ukrainian) // <https://vinnitsa.info/article/tema-tabu-pro-intymne-zhyttya-v-psykhonevrolohichnykh-internatak>

<sup>154</sup> [National standard for the social service](#) of respite care for parents or persons replacing them who care for children with disabilities approved by the order of the Ministry of Social Policy of Ukraine No. 13 dated 19.01.2021.

<sup>155</sup> The Obriy centre resumes the respite care service for parents who raise children with disabilities (in Ukrainian) // <https://shargorod-miskrada.gov.ua/news/1717563200/>

- What measures are taken to ensure that people with disabilities can exercise their rights and duties in relation to guardianship, child adoption and that in all cases the priority is given to the best interests of the child?
- What measures are taken to ensure that parents with disabilities as per their request can receive appropriate support in performing their duties related to the upbringing of children, specifically, accessible and inclusive support from local communities?

## Education (art. 24)

Russia's full-scale invasion created a major threat for the education system. Thousands of educational settings were destroyed or damaged. With time, the surviving ones returned to the online learning model or urgently arranged bomb shelters to start off-line classes. Currently, 49% of students participate either in online or mixed models of teaching and learning<sup>156</sup>.

However, the war has not stopped the reform. Thanks to international donors and charity organisations, damaged educational settings are being gradually recovered, schools receive new textbooks, interactive boards, and additional materials for teachers. Educators took in-service training courses and learnt new methods. There is an increase<sup>157</sup> in the numbers of students with special educational needs in inclusive classrooms and the numbers of inclusive classrooms themselves, the numbers of teacher assistants and inclusive resource centres.

Yet, there are still barriers to the access to education for children with disabilities, specifically the lack of support to repair or purchase new assistive devices. Often, online learning also limits access to education for children with special educational needs. There are too few programmes offering psychological support and counselling for children with special educational needs<sup>158</sup>.

## Issues

- What measures are taken to ensure access to education services for children with disabilities, specifically internally displaced, in wartime?
- What measures are taken to provide effective legal remedies in the event of refusal to provide education services due to disability?

<sup>156</sup> Ukrainian education without barriers. Ministry of Education and Science working to develop the National Strategy to develop inclusive education (in Ukrainian) // <https://mon.gov.ua/ua/news/ukrayinska-osvita-bez-baryeriv-mon-pracyuye-nad-rozroblennjam-nacionalnoyi-strategiyi-rozvitku-inklyuzivnogo-navchannya>

<sup>157</sup> Statistical data // <https://mon.gov.ua/ua/osvita/inklyuzivne-navchannya/statistichni-dani>

<sup>158</sup> <https://nus.org.ua/articles/shho-z-inklyuzyvnoyu-osvitoyu-v-ukrayini-pid-chas-vijny/>

- How many teachers with hearing disabilities work in inclusive schools? In special schools? Has Ukraine implemented a bilingual instruction programme for children with hearing disabilities in the frame of inclusive education?
- What measures are taken to ensure access to preschool education, primary and secondary education for children with disabilities in the communities of their residence?

## Health (art. 25)

With the start of Russia's full-scale invasion of Ukraine, the healthcare system has been under unprecedented stress. Healthcare facilities became targets of Russian attacks: i.e. 1200 healthcare facilities were damaged and 190 were totally destroyed<sup>159</sup><sup>160</sup>. At the start of the Russian invasion, the access to basic services for different groups of persons with disabilities was limited.

Currently, there is a large number of psychological support services working in Ukraine<sup>161</sup>. As one of the accessibility aspects of such programmes, videos are translated into sign language. A resilience service is implemented to provide psycho-social support<sup>162</sup><sup>163</sup>.

Interviewed persons with disabilities caused by the war generally have a positive opinion of the healthcare services provided. At the same time, they emphasize the lack of support and assistance provided. This is especially acute when a spouse needs treatment due to an injury<sup>164</sup>. This is also confirmed by veterans with disabilities, whom their relatives often assisted<sup>165</sup>.

In addition, the period for assessing disability is quite long. For about 30%, establishing disability lasted more than six months<sup>166</sup>. For some people with disabilities and families with spouses with disabilities, the waiting time is accompanied by a lack of funds necessary for treatment and rehabilitation<sup>167</sup>.

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<sup>159</sup> Reports on the number of hospitals ruined as a result of the war in Ukraine (in Ukrainian) //

<https://www.slovoidilo.ua/2023/02/13/novyna/bezpeka/stalo-vidomo-skilky-likaren-ukrayini-zrujnovano-vnaslidok-vijny>

<sup>160</sup> Healthcare reform: the view of non-governmental organisations (in Ukrainian) // <https://health-ua.com/article/41112-meditsinskaya-reforma-vzglyad-obshchestvennyh-organizatsij>

<sup>161</sup> Contact details of psychological support services // <https://moz.gov.ua/article/news/kontakti-sluzhb-psihologichnoi-pidtrimki>

<sup>162</sup> The Ministry of Social Policy invites territorial communities to participate in the project on implementing the resilience service (in Ukrainian) // <https://www.msp.gov.ua/news/23336.html>

<sup>163</sup> Thirty more communities joined the project of the Ministry of Social Policy designed to implement the new resilience service (in Ukrainian) // <https://www.msp.gov.ua/news/23518.html>

<sup>164</sup> "Rehabilitation of war victims". Analytical review of the UGSPL // [https://www.helsinki.org.ua/wp-content/uploads/2021/10/ReabilitVict\\_LUG-2020\\_A5\\_Ukr-1-1.pdf](https://www.helsinki.org.ua/wp-content/uploads/2021/10/ReabilitVict_LUG-2020_A5_Ukr-1-1.pdf)

<sup>165</sup> "Assessment of the needs for the realization of public and political participation of veterans who acquired disabilities as a result of the war in Ukraine" // <https://www.ifesukraine.org/wp-content/uploads/2023/12/ifes-veterans-ukr-web.pdf>

<sup>166</sup> Ibid.

<sup>167</sup> Ibid.

In 2023, the Government presented the recovery plan for the healthcare system after the war<sup>168</sup>, which comprises 17 priority development areas till 2025<sup>169</sup>. One of the key principles is psychological support and rehabilitation services that will be essential to meet the needs and help persons with existing disabilities and those who acquired disabilities due to the war to exercise their rights.

In 2023 and 2024, open sources do not include data on the expenditure of the healthcare system that was directly intended for persons with disabilities.

In 2024, the Healthcare Guarantees Programme was expanded and focuses on restoration of health and human potential: i.e. rehabilitation services, mental health. It also covers new areas, such as infertility treatment with assistive reproductive technologies and transplantation.

### *Issues*

- Does the government take measures to support people with disabilities who have been injured during treatment and rehabilitation until they are formally recognized as persons with disabilities?
- What steps are the government taking to simplify the disability determination procedure for people with disabilities, as well as the duration of these procedures?
- What measures are taken to ensure access to healthcare services for persons with disabilities, including veterans and IDPs, at the place of residence and to inform them about the available services?
- What measures are taken to control the observance of the rights of persons with disabilities to receive medical assistance directly related to disability?

### **Habilitation and rehabilitation (art. 26)**

Due to temporary occupation of individual districts in some regions and taking into account districts near the areas of intense fighting, a total of 36 comprehensive rehabilitation centres suspended their work. The centres that remain operational will be reformed, which, *inter alia*, implies that they will no longer be funded by the Ministry of Social Policy and will become self-funded through contracts with the National Health Service. There are high risks that the rehabilitation system, even in its existing form, will be ruined. Adequate community-based rehabilitation services and programmes are missing.

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<sup>168</sup> The Government presented the Recovery Plan for Healthcare System (in Ukrainian) // <https://www.kmu.gov.ua/news/uriad-predstaviv-proekt-planu-vidnovlennia-sistemy-okhorony-zdorovia>

<sup>169</sup> Order of the Ministry of Health of Ukraine No. 1832 dated 07.10.2022 "On approval of priority areas for the development of the healthcare sector for 2023 – 2025" (in Ukrainian) // <https://zakon.rada.gov.ua/rada/show/v1832282-22#Text>

A number of regulatory provisions were adopted that facilitate the obtaining of assistive rehabilitation devices and improve control over their quality<sup>170</sup>. Yet, problems remain with the quality of assistive devices, insufficiency or absence of innovative assistive technologies, inadequate rate of reimbursement for independently purchased assistive devices and provisions limiting this option only to specific devices. People with intellectual and psychosocial disabilities practically do not receive any assistive devices<sup>171</sup>.

Moreover, the government did not consider it necessary to establish a separate program to provide rehabilitation and recovery services to civilians with war-related disabilities<sup>172</sup>.

The survey results show that 61.5% of respondents did not receive rehabilitation services after being injured. Among the main obstacles to receiving rehabilitation services, 51.9% of respondents mentioned the lack of information about the possibility of receiving such services, and 21.2% cited the lack of services in their locality that would provide rehabilitation services. 44.2% of respondents indicated that they currently need rehabilitation services<sup>173</sup>. In addition, persons with disabilities must look for the right specialists and pay for their services independently. Unfortunately, the inability to pay for services forces people with disabilities to refuse necessary services<sup>174</sup>.

19.2% of respondents mentioned prosthesis services, 11.5% of whom have already received these services, and 7.7% are currently in need. Those respondents who had received prosthetic services indicated that they had paid for them themselves or received them from charitable foundations free of charge. None of the respondents who needed prosthetic services received them at the state's expense. Respondents mentioned the high cost of services and the lack of prosthetics in settlements where active hostilities occur among the main obstacles to obtaining prosthetics<sup>175</sup>.

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<sup>170</sup> Analytical Report. Access to Rehabilitation Services for Adults and Children with Disabilities (in Ukrainian) //

<https://naiu.org.ua/analitychnyi-zvit-shhodo-otrymannya-doroslymy-ta-ditmy-z-invalidnistyu-reabilitatsijnyh-poslug/>; a summary in English is available at <https://naiu.org.ua/access-to-rehabilitation-services-for-adults-and-children-with-disabilities/>

<sup>171</sup> [https://naiu.org.ua/wp-content/uploads/2020/03/NAIU-Report\\_Web.pdf](https://naiu.org.ua/wp-content/uploads/2020/03/NAIU-Report_Web.pdf)

<sup>172</sup> In the report on the implementation of the Action Plan for the implementation of the National Strategy in the field of human rights, the Ministry of Health notes that there is no need for a separate direction for the rehabilitation of civilians with disabilities who have acquired disabilities as a result of injuries or diseases caused by war. <https://minjust.gov.ua/files/general/2023/02/15/20240215151923-36.docx>

<sup>173</sup> <https://hubz.ua/ekspertna-dumka/zvernit-uvagu/rezultaty-opytuvannya-postrazhdalogo-tsyvilnogo/>

<sup>174</sup> "Rehabilitation of war victims". Analytical review of the UG SPL // [https://www.helsinki.org.ua/wp-content/uploads/2021/10/ReabilitVict\\_LUG-2020\\_A5\\_Ukr-1-1.pdf](https://www.helsinki.org.ua/wp-content/uploads/2021/10/ReabilitVict_LUG-2020_A5_Ukr-1-1.pdf)

<sup>175</sup> <https://hubz.ua/ekspertna-dumka/zvernit-uvagu/rezultaty-opytuvannya-postrazhdalogo-tsyvilnogo/>

## Issues

- What measures are taken to ensure that habilitation and rehabilitation services and programmes for persons with disabilities are delivered at the community level?
- What measures are taken to provide people with disabilities with accessible information about devices that improve their mobility, equipment and assistive technologies, specifically about new technologies and software, and about other forms of assistance, assistive services and objects?
- To what extent medical rehabilitation services cover people with disabilities caused by persistent forms of physical, sensory, intellectual impairments?
- What measures are taken to implement community-based social rehabilitation for people with disabilities, including veterans?
- What measures are taken to mainstream the rights-based approach to disability into training curricula for professionals and staff of rehabilitation programmes and centres?
- What is the percentage of people with disabilities who have been provided with assistive technologies in wartime? What portion of this population has been provided with them at the expense of public funds?
- Provide information, including quantitative data, on measures taken to implement the rehabilitation legislation in the healthcare sector, including providing rehabilitation services and assistive equipments to civilians with disabilities resulting from war-related injuries or illnesses.

## Work and employment (art. 27)

In 2022, 403 156 people with disabilities worked, and in 2023 this number remained nearly the same – 403 453 (16% of the total population with disabilities). Yet, still, over the past two years the number of people with disabilities increased approximately by 300 000<sup>176</sup>, and, therefore, this hardly suggests any positive changes. The data from previous years<sup>177</sup>, disaggregated by disability, indicate that of the 16% who are employed, only a fraction have category I disability or psycho-social disability.

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<sup>176</sup> There are 3 mln. people with disabilities in Ukraine (in Ukrainian) // <https://minre.gov.ua/2023/09/22/v-ukrayini-nalichuyetsya-3-miljony-lyudej-z-invalidnistyu/>

<sup>177</sup> The information was obtained from a rapid survey conducted by Fight for Right in 2024. A total of 45 people participated, including 39 people with disabilities and 7 mothers of children with disabilities.

According to the Disability Welfare Fund, in 2022, only 13.8% of publicly funded entities met the quota for employment of people with disabilities, and in 2023 – 14.32%<sup>178</sup>. In the public opinion, one of the reasons for this low compliance with the disability employment quotas is linked to the fact that, in contrast to the private sector, publicly-funded entities are not liable to pay administrative and economic fines<sup>179</sup>.

The Government's draft Law No. 5344<sup>180</sup> that outlines the vision of the State regarding employment of people with disabilities was forwarded to the Parliament as early as in 2021. Effectively, the process of agreeing and revisions of the proposed legislative changes has lasted for three years. The draft Law received mixed feedback even from non-governmental organisations: i.e. some see it as an opportunity for fundamental changes in the area of employment, specifically for creating incentive mechanisms for employers<sup>181</sup>, while others caution about the risks of its adoption, e.g. challenges in providing reasonable accommodation in practice and exclusion of some groups<sup>182</sup>.

Ukraine still does not have sustainable training programmes for employers in place. There remains the approach whereby a medical and social board of experts decides on the person's "incapacity to work" or particular occupations are explicitly prohibited, which undermines the person's real capacity to seek a job in the free labour market.

A reimbursement was introduced for fitting out a workplace for a person with disability. It amounts to the actual expenses, but has an upper limit, i.e. for persons with category I disability – not more than 15 minimum salaries; and for persons with category II disability – not more than 10 minimum salaries<sup>183</sup>. It is difficult today to speak about the effectiveness of this

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<sup>178</sup> Information on the compliance by employers with the quota of workplaces for hiring persons with disabilities pursuant to art. 19 of the Law of Ukraine "On fundamentals of social protection of persons with disabilities in Ukraine" as amended, current as at 15.03.2024 (in Ukrainian) // <https://www.ispf.gov.ua/storage/app/sites/1/uploaded-files/241503normatyv.xls>

<sup>179</sup> Alternative report on the implementation of the Convention on the Rights of Persons with Disabilities by Ukraine. Report by non-governmental organisations in the implementation of the Convention on the Rights of Persons with Disabilities by Ukraine for 2015–2020 (in Ukrainian) // <https://ffr.org.ua/wp-content/uploads/2022/10/CRPDalternativereport.pdf>

<sup>180</sup> Draft Law No. 5344 dated 07.04.2021 "On changes to some Laws of Ukraine on facilitating the employment of persons with disabilities" (in Ukrainian) // <https://itd.rada.gov.ua/billInfo/Bills/Card/26215>

<sup>181</sup> The Ministry of Social Policy supports the adoption of the draft Law No. 5344-д that strengthens the rights of persons with disabilities to employment (in Ukrainian) // <https://www.kmu.gov.ua/news/minsotspolityky-pidtrymuie-pryiniattia-zakonoproiektu-5344-d-iakyi-ozshyriuie-prava-osib-z-invalidnistiu-na-pratsevlashtuvannia>

<sup>182</sup> The draft Law No. 5344-д is inconsistent with international standards: we demand appropriate mechanisms for protection from discrimination and compliance with the duty to provide reasonable accommodation (in Ukrainian) // <https://ffr.org.ua/nevidpovidnist-zakonoproiektu-5344-d-mizhnarodnym-standartam-vymagayemo-naleznyh-mehanizmiv-zahystu-vid-dyskriminatsiyi-ta-vykonannya-obov-yazku-zabezpechty-rozumne-prystosuvannya/>

<sup>183</sup> Reimbursement for fitting out workplace for a person with disability (in Ukrainian) // <https://diia.gov.ua/services/kompensaciya-za-oblashtuvannya-robochogo-miscya-osobi-z-invalidnistyu>

programme, but as at March 19, 2024, 200 employers<sup>184</sup> received reimbursements from the public budget for fitting out workplaces for persons with disabilities.

As of June 2024, 564 employers received reimbursements for fitting out workplaces for 634 hired people with disabilities, of them 59 workers with category I disability (the average amount reimbursed is 66 000 Ukrainian hryvnias)<sup>185</sup>.

In the meantime, destructions of transport infrastructure, civilian infrastructure facilities<sup>186187</sup>, internal displacement and migration have led to the situation where large numbers of persons with disabilities lost their jobs and those who changed their place of residence are unable to find employment at the new location. This being said, at the start of 2024 the number of job offers was at the pre-war level<sup>188189</sup>. However, proposed vacancies seldom involve creating an accessible environment.

Veterans face significant barriers to employment. Specifically, 52% of employers surveyed report that they are concerned by psychological problems and specific behavior of veterans; 19% assume that alcohol and drug additions will be a serious challenge; 24% do not see any barriers to employing veteran men and women with disabilities; and 5% are of the opinion that veterans with disabilities should receive assistance from the state, so that they do not need to work<sup>190</sup>.

Another problem that was highlighted is related to the stereotypical perception and stigmatization of the image of a veteran with disability as a person with sharply manifested post-traumatic syndrome<sup>191</sup>. The growth of perceptions of veterans with disabilities as persons

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<sup>184</sup> The reimbursement for hiring persons with disabilities already paid to 200 employers (in Ukrainian) // <https://www.ukrinform.ua/rubric-society/3842890-vze-200-robotodavciv-otrimali-kompensaciu-za-pracevlastuvanna-osib-z-invalidnistu.html>

<sup>185</sup> Since the launch of the programme, 564 firms have received reimbursement for fitting out workplaces for 634 hired people with disabilities (in Ukrainian) // <https://kyiv.dsp.gov.ua/novyny/z-pochatku-dii-prohramy-vzhe-564-kompanii-otrymaly-kompensaciu-za-oblashtuvannia-robochykh-mists-dlia-634-pratsevlashtovanykh-liudei-z-invalidnistiu/>

<sup>186</sup> Russia has been striking civilian sites 75 times a day on average: T4P investigation // <https://t4pua.org/en/1825>

<sup>187</sup> President of the Council of Judges on the work of courts in wartime, competition to the High Judicial Qualifications Commission of Ukraine, war crime cases and judged on the frontline (in Ukrainian) // <https://susilne.media/466199-golova-radi-suddiv-pro-robotu-sudiv-pid-cas-vijni-konkurs-do-vkks-spravi-sodo-voennih-zlociniv-ta-suddiv-na-fronti/>

<sup>188</sup> Labour market: what professionals are in demand and where the highest salaries are offered (in Ukrainian) // <https://www.epravda.com.ua/publications/2024/01/9/708528/>

<sup>189</sup> Employment of persons with disabilities. A practical manual, p. 9 (in Ukrainian) // <https://pwd.employers.org.ua/uploads/%D0%9F%D1%80%D0%B0%D1%86%D0%B5%D0%B2%D0%BB%D0%B0%D1%88%D1%82%D1%83%D0%B2%D0%B0%D0%BD%D0%BD%D1%8F%20%D0%BE%D1%81%D1%96%D0%B1%20%D0%B7%20%D1%96%D0%BD%D0%B2%D0%B0%D0%BB%D1%96%D0%B4%D0%BD%D1%96%D1%81%D1%82%D1%8E.pdf>

<sup>190</sup> "Defending the defender: is Ukraine ready to ensure employment for veterans with disabilities? (in Ukrainian) // <https://eba.com.ua/wp-content/uploads/2023/08/2023-Pratsevlashtuvannya-Prezentatsiya-rezultativ-doslidzhennya-FINAL.pdf>

<sup>191</sup> Lack of employment opportunities for veterans with disabilities: risks for the state and society (in Ukrainian) // <https://veteranfund.com.ua/analytics/vidsutnist-mozhlyvostei-dlia-pratsevlashtuvannia-veteraniv-z-invalidnistiu/>

who are a social burden and recipients of social benefits, etc. will only exacerbate this situation<sup>192</sup>.

Employment depends mainly of the efforts of the person themselves, with the support from the state being minimum, i.e. there are no effective incentives offered to employers by the state, and the steps made to improve this situation on the legislative level are extremely weak<sup>193</sup>. Employment centres do not consider the education of a person with disability in the selection of relevant job vacancies and take into account solely the fact of disability<sup>194</sup>.

People with disabilities rather often share negative experiences of using the services of employment centres<sup>195</sup>. The most common problems include: architectural inaccessibility of the buildings of such centres; difficulties in finding a job due to limitations imposed by the medical and social board of experts; negative attitudes or groundless rejections by the employees of the centre because of disability; and prejudice among employers<sup>196</sup>.

### *Issues*

- What is the statistics regarding employment of people with disabilities, disaggregated by gender, disability category, place of residence (rural or urban areas)?
- What measures are taken to increase the employment levels of persons with disabilities, specifically persons with intellectual and psycho-social disabilities and people with category I disability, in the open labour market?
- Have these measures been helpful in reducing the unemployment levels among people with disabilities?
- What measures are taken to encourage entrepreneurial activities and self-employment of persons with disabilities?

### **Adequate standard of living and social protection (art. 28)**

The crisis has had a disproportionately negative impact on persons with disabilities compared to people without disabilities. A significant number of people in this group live at or below the

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<sup>192</sup> Ibid.

<sup>193</sup> A focus group study with people with disabilities conducted by Fight For Right in cooperation with WHO in March 2024.

<sup>194</sup> Ibid.

<sup>195</sup> Guidelines on the observance of labour rights of people with disabilities based on focus group discussions (in Ukrainian) // [https://ffr.org.ua/wp-content/uploads/2023/11/recomendacii\\_chodo\\_dotrymannya\\_trudovyh\\_prav\\_lydey\\_z\\_invalidnisty.pdf](https://ffr.org.ua/wp-content/uploads/2023/11/recomendacii_chodo_dotrymannya_trudovyh_prav_lydey_z_invalidnisty.pdf)

<sup>196</sup> Ibid.

poverty line, receiving state benefits roughly equivalent to 60 US dollars per month<sup>197</sup><sup>198</sup>.

People with disabilities who live in areas near the contact line and have either limited access or often no access whatsoever to basic necessities (i.e. water, food, medicines, technical devices, etc.) are in a critical situation.

The government is introducing additional support measures (the status of a person with a disability as a result of war) for civilians who have been disabled as a result of injuries<sup>199</sup>. Still, the procedure for obtaining this status remains complicated. In addition, the geographical restriction of this status to the territories where hostilities are taking place and not to the entire territory of Ukraine, where a person may suffer from rocket attacks, does not allow us to speak of equal access to this form of support<sup>200</sup>. Another form of support is the establishment of the status of a person with a disability due to mine injuries. Still, the amount of social benefits and guarantees is somewhat lower than for persons who have received the formal status of a person with a disability as a result of war<sup>201</sup>.

In 2022 and 2023, the expenditures of the Ministry of Social Policy to fund social protection of persons with disabilities were intended to address the same objective as in 2021, i.e. to support persons with disabilities. Yet, the purpose of the budget programme was changed from the implementation of the state policy to provide social protection to persons with disabilities to the ensuring of social protection for persons with disabilities through provision of assistive rehabilitation devices and supporting their inclusion into active life by providing social services<sup>202</sup>. In the view of significant increase in the number of Ukrainians who acquired disabilities<sup>203</sup> due to the full-scale war unleashed by the Russian Federation, in 2024 the expenditure for their social protection ear-marked by the Ministry of Social Policy for the Disability Welfare Fund grew nearly two-fold. This will make it possible to fully meet the need for prosthetics for 2300 military servicemen and servicewomen, nearly 706 000 persons will

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<sup>197</sup> Disability pension in 2024: Ukraine increased the rates for social benefits (in Ukrainian) // <https://www.unian.ua/economics/finance/pensiya-po-invalidnosti-2024-nazvan-razmer-socvyplaty-12489993.html>

<sup>198</sup> Rates of state social assistance benefits in 2024 (in Ukrainian) // [http://yu.mk.ua/news/show/rozmiri\\_derzhavnikh\\_sotsialnikh\\_dopomog\\_v\\_2024\\_rotsi?](http://yu.mk.ua/news/show/rozmiri_derzhavnikh_sotsialnikh_dopomog_v_2024_rotsi?)

<sup>199</sup> Law of Ukraine "On the status of war veterans, guarantees of their social protection" // <https://zakon.rada.gov.ua/laws/show/3551-12>

<sup>200</sup> This form of support allows war-disabled persons to receive slightly higher social benefits and pensions than those with mine-explosive-related disabilities. "From March 1, 2024, fixed amounts have been determined for the above-mentioned category of persons. In particular, the minimum amount of pension is UAH 15,347 for persons with disabilities due to the war of the I group, UAH 12,396 for the II group, UAH 8,500 for the III group, and UAH 4,958 for a participant in hostilities. For comparison Category Before 03/01/2024 After 03/01/2024 Increase of I group UAH 13,604.50 UAH 15,347 + UAH 1,742.50 II group UAH 10,988.25 UAH 12,396 + UAH 1,407.75 III group 7,534.80 UAH 8,500 + UAH 965.20

<sup>201</sup> The Law of Ukraine "On Mine Action" guarantees a one-time financial assistance to persons with disabilities // <https://zakon.rada.gov.ua/laws/show/2642-19#Text>

<sup>202</sup> Passports of budget-funded programmes for 2021, 2022, and 2023.

<sup>203</sup> Zholnovych: The objective is to ensure economic independence of people with disabilities (in Ukrainian) // <https://www.ukrinform.ua/rubric-society/3780599-zolnovic-zavdanna-zabezpeciti-ekonomichnu-samostijnist-ludej-z-invalidnistu.html>

receive assistive rehabilitation devices, and over 60 000 children will be reached by rehabilitation interventions<sup>204</sup>.

In Ukraine, humanitarian aid and support is provided by nearly 600 humanitarian organisations, of which 400 are Ukrainian non-governmental organisations. In 2024, it is planned to provide humanitarian aid to 8.5 mln. persons<sup>205</sup>, including 1.1 mln. persons with disabilities (13%).

### *Issues*

- What measures are taken to ensure that people with disabilities can use affordable and accessible general social programmes and services on an equal basis with all others?
- What measures are taken to ensure that people with disabilities have full access to mainstream social protection programmes and those programmes that are directly linked to disability?
- What measures are taken to raise awareness about the availability of social programmes, specifically for those living in rural areas?
- What measures are taken to ensure access for persons with disabilities to the state housing programmes, specifically for those who lost their accommodation because of the war?

### **Participation in political and public life (art. 29)**

Organisations of people with disabilities, mainly those working at the national level, participate in the advisory councils established under different government bodies. However, their participation is limited to the hearing of comments and suggestions from civil society, whereas no real dialogue takes place, and consequently, the influence on decision-making is low.

National policy documents specify monitoring mechanisms. In 2021, a Council was established under the Cabinet of Ministers of Ukraine as a temporary advisory body to facilitate the creation of barrier-free environment<sup>206</sup>. Apart from other activities, the Council “monitors the performance of executive authorities in fulfilling their mandated tasks regarding the creation of barrier-free environment”. The Council also includes representatives of organisations of people with disabilities.

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<sup>204</sup> <https://www.kmu.gov.ua/news/kolonka-zastupnyka-ministra-finansiv-romana-iermolycheva-dlia-the-page-07022024>

<sup>205</sup> Humanitarian Needs and Response Plan. Ukraine (Humanitarian Programme Cycle, 2024). December 2023.

<sup>206</sup> Ordinance of the Cabine of Ministers of Ukraine “On establishing the Council for Barrier-free Environment” (in Ukrainian) // <https://zakon.rada.gov.ua/laws/show/443-2021-%D0%BF#Text>

In the same year, the Inter-Departmental Working Group was set up to evaluate the progress in the implementation of the National Human Rights Strategy<sup>207</sup>. Organisations of people with disabilities note the lack of accountability regarding participation in the development and monitoring of strategic decisions.

The Government's Commissioner for the Rights of Persons with Disabilities operated at the level of the Cabinet of Ministers of Ukraine. The role of the Commissioner is more in line with the position of an advisor to the head of the Cabinet; however the capacity of this institute was strengthened by regional representatives. It is hard to identify any strategic initiatives proposed by the Commissioner regarding the enjoyment of human rights by people with disabilities, or at least an effective coordinating role. Still, at the start of the full-scale invasion the Government's Commissioner facilitated the evacuation of people with disabilities from areas where hostilities took place. Since the dismissal of the Government's Commissioner in August 2023, this position has been vacant<sup>208</sup>.

At the local level, citizens' initiative groups and organisations of people with disabilities also highlight the lack of real participation in decision-making processes, specifically related to recovery. The involvement of activists and attention to their proposals, specifically regarding inclusive recovery, depends on the interpersonal contacts in a situation when the mechanism for mandatory mainstreaming of the "disability" factor into recovery processes is missing. All this despite the fact that the approach of the Ministry of Reintegration stresses that the recovery in Ukraine is inclusive<sup>209</sup>. The digital ecosystem for accountable recovery management DREAM<sup>210</sup> lists the New European Bauhaus approach among the principles of sustainable recovery<sup>211</sup>. Yet, in the projects that are currently implemented and can be followed on the DREAM website it is hard to find synthesized information about compliance with this approach, and, therefore, it is the task for local activists to verify whether each funded initiative is indeed designed for recovery that is consistent with the standard of accessibility and inclusivity.

The accessibility committees as advisory bodies at the local level are ineffective. Members of accessibility committees could not recall instances when they were involved to the accessibility

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<sup>207</sup> The Inter-departmental Working Group was created pursuant to the Ordinance of the Cabinet of Ministers of Ukraine No. 516 dated 12.05.2021 (in Ukrainian) // <https://zakon.rada.gov.ua/laws/show/516-2021-%D0%BF#Text>

<sup>208</sup> The text of the respective ordinance can be found here (in Ukrainian) // <https://www.kmu.gov.ua/npas/pro-zvilnennia-barantsovoit-v-z-posady-uriadovoho-upovnovazhenoho-z-prav-osib-z-invalidnistiu-i010823-666>

<sup>209</sup> [https://kse.ua/wp-content/uploads/2024/01/Posibnik-iz-vidnovlennya.pdf?fbclid=IwAR3Aosh0ti71ZAnkzwEftVf2Z4GVJmccUxLY\\_WecgnWDLWVo7ijUxy2-DQ](https://kse.ua/wp-content/uploads/2024/01/Posibnik-iz-vidnovlennya.pdf?fbclid=IwAR3Aosh0ti71ZAnkzwEftVf2Z4GVJmccUxLY_WecgnWDLWVo7ijUxy2-DQ)

<sup>210</sup> <https://dream.gov.ua/ua>

<sup>211</sup> The New European Bauhaus (NEB) is an ecological, economic and cultural programme initiated by the European Commission in 2020. NED provides a framework for recovery and development that is in line with EU policies that link sustainable development, social inclusiveness and cultural challenges. // <https://dream.gov.ua/ua/special/sustainabilityrestoration>

assessment of new facilities. Further, they also believe that the issues discussed during sessions were not resolved positively<sup>212</sup>.

The level of awareness about the above mentioned bodies is low even among activists with disabilities<sup>213</sup>.

Today, there is no holistic state policy in place to support organisations of people with disabilities. The Government only plans to bring the definition of organisations of persons with disabilities in line with the standards of the Convention; the eligibility criteria for institutional support for organisations of persons with disabilities to ensure their participation in the implementation and monitoring of the Convention have not been approved.

The participation of persons with disabilities in the coordination of emergency response, distribution of humanitarian aid is insufficient and often formal; the voice of organisations of people with disabilities is not always taken into consideration by international actors and national government bodies.

### *Issues*

- What measures are taken to put in place a real mechanism for including organisations of people with disabilities and the disability community into decision-making processes at all levels (factual examples of participation and influence on decision-making)?
- What measures are taken to guarantee political rights for people with disabilities, specifically people with psycho-social and intellectual disabilities?
- What measures are taken to ensure full accessibility of voting procedures, election infrastructure, buildings and materials for persons with disabilities?
- What support is provided to people with disabilities to create and ensure the functioning of organisations to represent their rights and interests?

### **Participation in cultural life, recreation, leisure and sport (art. 30)**

The commitment of the Government declared for 2022 to develop guidelines for mass media on the provision of information for persons with disabilities in accessible formats (sign language

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<sup>212</sup> The information was obtained in the course of the survey carried out by the Fight For Right team on 03.07.2024 as part of the drafting of the report for the UN Committee on the Rights of Persons with Disabilities.

<sup>213</sup> "A half of the respondents do not know about the work of the Human Rights Commissioner or councils for barrier-free environment at the national and local levels; only 20% are aware about the Council for People with Disabilities under the Cabinet of Ministers of Ukraine, but only a few respondents think that their work is effective. Of 45 surveyed people with disabilities, only 4 participate in the work of advisory bodies". // The information was obtained from a rapid survey conducted by Fight for Right in early July 2024. A total of 45 people participated, including 39 people with disabilities and 7 mothers of children with disabilities.

translation, audio commenting and other formats for presentation of information for reading and communication)<sup>214</sup> has not been fulfilled to the full extent.

In 2023, the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled<sup>215</sup> came into force for Ukraine. However, the mechanism for its implementation still has not been specified in law.

At the legislative level the status of the Ukrainian sign language and the linguistic rights of sign language speakers have been determined, and the requirements<sup>216 217 218 219</sup> were established regarding the ensuring of accessibility of communication and creation of information accessibility. Yet, the effectiveness of the enforcement of the relevant legal regulations is extremely low, and, consequently, the relevant accessibility for persons with disabilities due to sensory impairments (according to estimates, numbering over 40 000 sign language speakers<sup>220</sup>) is not provided at the appropriate level. The community of people with disabilities due to hearing impairments to a significant degree remains isolated from society.

### *Issues*

- What measures are taken to ensure that people with disabilities have access to TV programmes, films, theatre and other cultural events in accessible formats?
- What measures are taken to implement the Marrakesh Treaty?
- What measures are taken to support a special cultural and linguistic identity of deaf and hard-of-hearing people?

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<sup>214</sup> [Ordinance of the Cabinet of Ministers of Ukraine No. 285-p dated 07.04.2021](#) “On approval of the National Action Plan to implement the Convention on the Rights of Persons with Disabilities for the period till 2025” (in Ukrainian)

<sup>215</sup> [The Law of Ukraine](#) No. 2854-IX dated 12.01.2023 “On Ukraine’s accession to the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled” (in Ukrainian).

<sup>216</sup> Para. 9, art. 7 of the Electoral Code of Ukraine (in Ukrainian) // <https://zakon.rada.gov.ua/laws/show/396-20#Text>

<sup>217</sup> Articles 3 and 6 of the Law of Ukraine “On education” (in Ukrainian) // <https://zakon.rada.gov.ua/laws/show/2145-19#Text>

<sup>218</sup> Para. 20-2, part 1, art. 18; para. 7, part 1, art. 19; para. 3, part 1, art. 20 of the Code of Civil Protection of Ukraine (in Ukrainian) // <https://zakon.rada.gov.ua/laws/show/5403-17#Text>

<sup>219</sup> Article 75 of the Code of Civil Procedure of Ukraine (in Ukrainian) // <https://zakon.rada.gov.ua/laws/show/1618-15#Text>

<sup>220</sup> The service of the Ukrainian Society of the Deaf: sign language translation (in Ukrainian) // <https://utog.org/vazhliva-informacziya/servis-utog-vpevnenno-poruch>

## C. Specific obligations (arts. 31–33)

### Statistics and data collection (art. 31)

The Ministry of Social Policy of Ukraine administers the Centralised Disability Database (CDB), a computer-based system for needs identification and storage of information about disability<sup>221</sup>. The CDB is used by the Ministry of Health, Ministry of Education and Science, Ministry of Social Policy, Ministry of Veterans, the State Employment Agency, however the data is entered only by the Ministry of Social Policy; the regulatory provision on needs assessment and further use of data to inform policy planning and changes has not been implemented, etc. In the previous reporting period, the issue was raised concerning the improvements in the public data collection, data disaggregation and use to inform state policy planning and implementation.

Pursuant to the National Action Plan to implement the Convention on the Rights of Persons with Disabilities for the period till 2025<sup>222</sup>, as part of the fulfillment of commitments under art. 31 of the Convention, it was planned by December 31, 2022, to improve data collection regarding persons with disabilities “using the short list of the Washington Group questions regarding disability, including through online tools, regarding the ensuring of the rights and opportunities of persons with disabilities, specifically barriers they encounter in society”. These actions were not performed by the Ministry of Social Policy.

Further, a set of activities was planned as part of “the ensuring of appropriate collection of detailed statistical data about persons with disabilities in all areas of life, including their age, gender, classification of diseases, place of residence (urban, rural areas) etc.” The scheduled timeframe for these activities covered the first and second quarters of 2023. These activities were not implemented.

As at January 1, 2023, there were 2 721 700 people with disabilities in Ukraine, including 204 900 people with category I disabilities; 888 700 people with category II disabilities;

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<sup>221</sup> “This Provision defines the procedure for creation, functioning and maintenance of the Centralised Disability Database (hereinafter “Database”) as a computer-based system used to identify the needs for rehabilitation devices and services in the area of rehabilitation of persons with disabilities, children with disabilities and other specific populations, who under the law are entitled to be provided with technical and other rehabilitation devices, rehabilitation services, sanatorium resort treatment, etc. (hereinafter – “other persons”); and to accumulate, store and use information about central and local executive authorities, local government bodies, enterprises, agencies and organisations (irrespective of their form of ownership and economic activities, types of activities and sectoral affiliation), their branches, divisions, representative offices that keep separate records of the results of financial and economic activities; banks and other financial entities, and representative offices of foreign legal persons (including international organisations) that utilise the labour of hired employees – citizens of Ukraine, unless otherwise stipulated by the international treaties of Ukraine consent to be bound by which was granted by Verkhovna Rada (Parliament) of Ukraine, physical persons that utilise hired labour (hereinafter – “employers”) regarding the compliance with the quota of workplaces intended for the employment of persons with disabilities”. Ordinance of the Cabinet of Ministers of Ukraine No. 121 dated 16.02.2011 “On approval of the Provision on the Centralised Disability Database” (in Ukrainian). // <https://zakon.rada.gov.ua/laws/show/121-2011-%D0%BF#Text>

<sup>222</sup> Ordinance of the Cabinet of Ministers of Ukraine No. 285-p dated 07.04.2021 “On approval of the National Action Plan to implement the Convention on the Rights of Persons with Disabilities for the period till 2025” (in Ukrainian) // <https://zakon.rada.gov.ua/laws/show/285-2021-%D1%80#Text>

1 472 000 people with category III disabilities; and 156 000 children with disabilities<sup>223</sup>. This statistics reflects only people with formal disability status. The data is disaggregated only by disability category, age (child/adult), geography and category of diseases in accordance with the International Classification of Diseases<sup>224</sup>.

According to the Ministry of Social Policy, since the start of the invasion through March 2023, the disability status was granted to 2041 military servicemen and servicewomen, specifically category I disability status was granted to 163 people; category II disability status – to 820 people; and category III disability status – to 1058 people<sup>225</sup>.

The lack of appropriate data collection presents challenges to policy planning and implementation. The data that would separately include disability-related indicators within overall statistics in the context of protection of civilians from the war are fragmented and incomplete. The data-processing centre of the Ministry of Social Policy of Ukraine publishes data<sup>226</sup> on the number of internally displaced persons with disabilities, but does not provide disaggregated picture within this group. Therefore, information is available about the total number of IDPs with disabilities, without further specification as to gender, age, disability category, family status, etc. It has not been possible to find open data on the mainstreaming of disability into the work of other central government bodies.

International and local non-governmental organisations have tried to assess the numbers of people with disabilities independently. Little such data is available and is incomplete. For example, according to the estimates of the International Organisation for Migration (IOM), 6.2 mln. citizens became internally displaced; 4.2 mln. Ukrainians left the territory of Ukraine as refugees, and approximately 23% of them are people with disabilities (23% is calculated based on 38% of 6.2 mln. who agreed to indicate their disability)<sup>227</sup>. According to UNHCR, 13% families that left Ukraine have family members with disabilities<sup>228</sup>. Based on the estimates of the National Assembly of People with Disabilities, as at May 2023, the share of people with disabilities in Ukraine was 13%<sup>229</sup>.

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223 [https://www.ukrstat.gov.ua/druk/publicat/kat\\_u/2023/zb/10/zb\\_szn\\_2022.pdf](https://www.ukrstat.gov.ua/druk/publicat/kat_u/2023/zb/10/zb_szn_2022.pdf)

224 [ibid.](#)

225 Lack of employment opportunities for veterans with disabilities: risks for the state and society (in Ukrainian) // [https://veteranfund.com.ua/analytics/vidsutnist\\_mozhlyvostei\\_dlia\\_pratsevlashtuvannia\\_veteraniv\\_z\\_invalidnistiu/](https://veteranfund.com.ua/analytics/vidsutnist_mozhlyvostei_dlia_pratsevlashtuvannia_veteraniv_z_invalidnistiu/)

226 <https://www.ioc.gov.ua/dashboard/>

227 Ukraine Internal Displacement Report GENERAL POPULATION SURVEY, ROUND 9, 26 SEPTEMBER 2022, [https://displacement.iom.int/sites/g/files/tmzbd1461/files/reports/IOM\\_Gen%20Pop%20Report\\_R9\\_IDP\\_FINAL.pdf](https://displacement.iom.int/sites/g/files/tmzbd1461/files/reports/IOM_Gen%20Pop%20Report_R9_IDP_FINAL.pdf)

228 <https://data.unhcr.org/en/documents/details/94176>

229 Information presented by Valeriy Suchkevych on May 23, 2023 during his speech at the the European Parliament in the frame of the European Disability Day at the European Parliament.

Meanwhile, the UN cluster system includes disability themes into its work; needs assessment is carried out mainly through cooperation with organisations of people with disabilities and thematic surveys. In order to improve data collection, the Protection Cluster and Humanity & Inclusion developed Guidelines on collection, analysis, reporting and use of disability data in Ukraine<sup>230</sup>.

### *Issues*

- What barriers were encountered by the Government in the performance of the National Action Plan to implement the Convention in the process of introducing the short list of Washington Group questions on disability by the scheduled deadline, i.e. by December 31, 2022?
- What measures are taken to create the coordination system for the activities of all agencies collecting data about persons with disabilities that would ensure the validity of data and reduce discrepancies?
- What measures are taken to enable further disaggregation of data by age, gender and other relevant characteristics?
- What are the examples of using up-to-date disaggregated information about disability and intersectionality to inform the development of all policies at the state level?
- Is there separate statistics maintained on disability acquired as a result of the war?

### **National implementation and monitoring (art. 33)**

Ukraine has not created an independent mechanism to monitor the implementation of the Convention on the Rights of Persons with Disabilities. The implementation of the Convention was entrusted to the Ministry of Social Policy whose area of work does not cover the entire scope of the rights of persons with disabilities. It is impossible to evaluate the effectiveness and efficiency of the performance by the Ministry of Social Policy of Ukraine in implementing the tasks related to the coordination of the activities of central and local executive authorities, local government bodies, enterprises, agencies and organisations in implementing the CRPD<sup>231</sup>, *inter alia*, due to the lack of official information about the outcomes of exercising these powers.

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<sup>230</sup> <https://docs.google.com/document/d/1VLgV8Rf8vQbSSdGMD-7bAyMQpj2H8Kdk/edit#heading=h.b4czy9bewhc7>

<sup>231</sup> [Provision on the Ministry of Social Policy of Ukraine](#), approved by the Resolution of the Cabinet of Ministers of Ukraine No. 423 dated 17.06.2015, sub-paragraph 36, paragraph 4. (in Ukrainian).

In his annual report on the situation with observance and protection of human and citizen's rights and freedoms in Ukraine in 2022, the Parliamentary Commissioner for Human Rights highlighted only a few types of problems related to the ensuring of rights of persons with disabilities, i.e. architectural accessibility of temporary housing, support for persons with disabilities during evacuation abroad. In 2023, a special report was published "On the progress in the implementation of the National Prevention Mechanism in Ukraine during 2022" with integrated data for the entire period of the NPM's functioning in Ukraine since 2017<sup>232</sup>. The report contains data on visits to institutional and psychiatric facilities within the structure of the Ministry of Health and the Ministry of Social Policy. Yet, the information is missing about the fulfillment of recommendations and restoration of violated rights as identified during these visits. Additionally, a Special Report was prepared by the Parliamentary Commissioner for Human Rights on the observance of the rights of persons affected as the result of the aggression of the Russian Federation against Ukraine (for the period from February 24 through October 31, 2022)<sup>233</sup>.

Organisations of people with disabilities note the lack of accountability in the matters regarding participation in the development and monitoring of strategic decisions<sup>234</sup>.

At the request of the Government of Ukraine, the situation with observance of human rights is monitored by the UN Monitoring Mission to Ukraine. The Mission prepares periodical and special reports. Thus, one of its special reports covered the situation with human rights of persons with intellectual and psycho-social disabilities. Other UN organisations and agencies also conduct evaluations of the situation regarding persons with disabilities in Ukraine and their access to humanitarian aid, specifically it is described in the report on "Rapid Assessment of the Experience of Evacuating People with Disabilities in Ukraine due to the War in 2022. Study Report. UNDP to Ukraine, 2022"<sup>235</sup>

Both the national and international human rights monitoring systems do not have specific tools, powers and operational protocols that could be implemented for the period of armed

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<sup>232</sup> Special report of the Parliamentary Commissioner for Human Rights "On the progress in the implementation of the National Prevention Mechanism in Ukraine during 2022" (in Ukrainian) // <https://ombudsman.gov.ua/storage/app/media/uploaded-files/spetsdopovid-npm-2022-na-druk-1compressed-1.pdf>

<sup>233</sup> Special Report was prepared by the Parliamentary Commissioner for Human Rights on the observance of the rights of persons affected as the result of the aggression of the Russian Federation against Ukraine (for the period from February 24 through October 31, 2022) (in Ukrainian) // <https://ombudsman.gov.ua/storage/app/media/%D0%94%D0%BE%D0%BF%D0%BE%D0%B2%D1%96%D0%B4%D1%96/bec87182-377e-4a49-a7c6-663b4f67ad3d.pdf>

<sup>234</sup> Presentation of the President of Fight for Right at the conference on "People-centred humanitarian response in conflict settings" (in Ukrainian) // <https://ffr.org.ua/vklyuchennya-lyudej-z-invalidnistyu-na-vsih-etapah-maye-buty-nastupnym-krokom-u-gumanitarnij-roboti-v-usomu-sviti-golova-fight-for-right-yuliya-sachuk/>

<sup>235</sup> Rapid Assessment of the Experience of Evacuating People with Disabilities in Ukraine Due to the War in 2022. Study Report. UNDP to Ukraine, 2022, <https://www.undp.org/uk/ukraine/publications/zvit-z-doslidzhennya-shvydka-otsinka-dosvidu-evakuatsiyi-lyudej-z-invalidnistyu-v-ukrayini-vnaslidok-voyennykh-diy-2022-roku>

hostilities in the aggressor-occupied territories occupied. Presently, it is impossible to speak about any operational system for the monitoring of human rights in the occupied territory.

By way of example, it is impossible to find accurate information about the number of people in institutions that are under occupation. According to public estimates, as at March 2022, 6125 adult residents of institutions were under occupation, and at the end of 2022 this number was 4189. According to information from public domain dated August 2023, 1013 people resided in four occupied institutions in Zaporizhzhia region<sup>236</sup>.

No information was identified to confirm that Ukraine monitors the fate of people with disabilities who were in the occupied institutional facilities or that systemic work is conducted at the international level to bring these people to the territory controlled by Ukraine.

### *Issues*

- What measures are taken to create and ensure the functioning of a control mechanism to encourage, protect and monitor the implementation of the Convention?
- What coordination mechanism to implement the Convention is in place at the Ministry of Social Policy and in what document it is stated?
- What measures are taken to ensure that organisations of people with disabilities and communities of people with disabilities are really included to the monitoring of the implementation of the Convention?

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<sup>236</sup> “Induced to cooperate and “deported”. The fate of Zaporizhian psycho-neurological institutions under occupation (in Ukrainian) // <https://www.radiosvoboda.org/a/novyny-pryazovya-dolya-internativ-okupatsiya-zaporizka-oblast/32576407.html>