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## **INCLUSION OF THE RIGHTS OF PERSONS WITH DISABILITIES IN THE DRAFT RULE OF LAW ROADMAP: A CRITICAL ASSESSMENT**







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## **Draft Rule of Law Roadmap: Human Rights of Persons with Disabilities in European Integration Plans of Ukraine**

### **Context**

Ukraine's movement towards membership in the European Union entails the development of inclusive policies across various sectors. Workplace equality, accessibility of infrastructure, transport, information, and services, the implementation of inclusive education at all levels, deinstitutionalisation, and the creation of conditions for independent living within communities are essential steps that will demonstrate Ukraine's progress along this path.

The issue of Ukraine's observance of the human rights of persons with disabilities and the implementation of EU standards on disability has become an important component of the negotiation process between Ukraine and the EU. NGOs for persons with disabilities have high expectations for the European integration processes in our country, as this is an additional opportunity to call attention to the need to respect the human rights of persons with disabilities.

At present, it is difficult to determine how long it will take for Ukraine to fully align its legislation with EU standards—an essential condition for becoming a full-fledged member of the European Union. Failure to meet the EU's requirements may result in delays in the European integration process and Ukraine's eventual accession to the EU.

There are several important milestones on the path to European integration that need to be mentioned. On 28 February 2022, Ukraine [applies for](#) EU membership. On 23 June 2022, the European Council decided to grant Ukraine the status of [a candidate for EU membership](#). On 8 November 2023, the European Commission presented a [report](#) on Ukraine as part of the EU Enlargement Package, which recommended starting negotiations on EU membership. On 21 June 2024, the EU Council approved a negotiation framework for Ukraine. According to the framework, Ukraine [has to develop three roadmaps](#), including one on the rule of law, which will also serve as one of the criteria for opening benchmarks on the Fundamentals cluster. It is in the Rule of Law Roadmap that the issue of respect for the human rights of persons with disabilities is directly included in the Fundamental Rights section.

Roadmaps are documents by which a candidate country for EU membership approves a list of key reforms in certain areas and the timeline for their implementation. The approved roadmaps become the basis for the European Commission to monitor the progress of the candidate country.

According to the [Ministry of Justice](#), as of February 2025, two draft roadmaps—the Roadmap on the Rule of Law and the Roadmap on the Functioning of Democratic Institutions—have already been submitted to the European Commission for the next rounds of consultations. Based on the outcomes of these consultations, the documents will be finalised within the framework of working (negotiation) groups. Once finalised and approved at the national level, the final versions will be submitted to the European side for endorsement by all EU member states and approval by the EU Council.

In its [report](#) of 30 October 2024 on the enlargement of the European Union, the European Commission assessed the situation regarding the human rights of persons with disabilities. In particular, it noted that the number of persons with disabilities in Ukraine is increasing, while significant challenges persist in the areas of accessibility, evacuation, reconstruction, and recovery. Ukraine is encouraged to take further measures to promote deinstitutionalisation and to develop inclusive education, employment opportunities, and rehabilitation services.

The following assessment is based on the draft Rule of Law Roadmap distributed by the Ministry of Justice of Ukraine to the members of the working (negotiating) groups on the judiciary and fundamental rights, as well as on justice, freedom and security<sup>1</sup>.

<sup>1</sup> Letter of the Ministry of Justice of Ukraine No. 20663/1045-4-25/4.1 of 11/02/2025

## How the European Commission sees the situation with the human rights of persons with disabilities as of October 2024

Thus, in the [Persons with Disabilities](#) section, the European Commission sees the situation with the human rights of persons with disabilities in Ukraine as follows (unofficial translation):

**“The number of persons with disabilities continues to grow (both among civilians and in the armed forces). The Ukrainian authorities face the ongoing challenge of implementing accessibility policies and upholding the rights of persons with disabilities in evacuation, reconstruction and recovery processes, while Ukraine is only partly aligned with EU acquis so far.”**

With regard to the deinstitutionalisation of adults with disabilities, the EC points to the need for measures and investments to ensure adequate infrastructure for foster care, social services and healthcare, in particular at the local and regional levels. Measures should also be taken to support inclusive education and access to employment for persons with disabilities. In addition, legal remedies for the protection of the rights of persons with disabilities are limited. According to the Plan, Ukraine needs to improve the rehabilitation system for persons with disabilities.

The human rights of persons with disabilities are not only assessed in the above section. For example, in Chapter 26 *Education and Culture*, it is noted that Ukraine has adopted the National Strategy of Inclusive Education Development until 2029 and the relevant operational plan for implementation in 2024-2026. However, the EC draws attention to the need for additional efforts to strengthen the capacity of local governments to effectively plan, develop and implement inclusive education strategies with the active participation of the community in decision-making processes.

In the section on democratic elections, the EC notes that some recommendations still need to be implemented, in particular the elimination of restrictions on voting rights on the basis of intellectual or psychosocial disability, and the introduction of practical measures at polling stations to enhance the ballot voting.

Chapter 19 *Social Policy and Employment* does not explicitly address disability issues, but the implementation of these measures will have a direct impact on the human

rights of persons with disabilities. In particular, the EC notes that Ukraine remains at an early stage of preparation in the area of social policy and employment, and that limited progress has been made. Ukraine should adopt a strategy for deinstitutionalisation of services for children, which was done after the report was published. It should also continue to reform the social benefit system and introduce a system of procurement of social services to improve their targeting, adequacy and sustainability.

## Methods for evaluating the measures in the Draft Roadmap

It is not possible to offer universal criteria for assessing the inclusion of disability issues in the draft Roadmap. For us, as an NGO for persons with disabilities, it is important to consider the draft Roadmap from the perspective of:

- whether the measures are aimed at creating conditions for independent living for all persons with disabilities;
- whether the measures respond to the challenges of today, in particular, responding to the increase in the number of persons with disabilities, protection of persons with disabilities in war, rehabilitation of wounded civilians and military personnel;
- whether the proposed measures are on the list of measures demanded by civil society.

For the assessment, we also used the three principles proposed in the general guidelines for developing roadmaps<sup>2</sup>:

- **Specificity:** all activities should be aimed at achieving the identified strategic outcomes. They should be set out in sufficient detail to allow their effectiveness to be assessed. Specific timeframes and responsible for implementation should be defined for all measures.
- **Relevance:** Roadmaps should contain measures that address alignment with EU legislation and standards adopted across the EU and be linked to the gaps identified in the screening process.
- **Feasibility:** The measures set out in the roadmaps should be conceptualised in such a way that they can be implemented within a set timeframe. When developing a roadmap, it is important to ensure that sufficient funding is available.

<sup>2</sup> Guidelines for the development of the Rule of Law Roadmap, Public Administration Reform Roadmap, Roadmap for the Functioning of Democratic Institutions and Action Plan for the Protection of the Rights of Persons Belonging to National Minorities in the Context of Ukraine's EU Accession Process (developed at the request of the Office of the Vice Prime Minister for European and Euro-Atlantic Integration of Ukraine by the German Agency for International Cooperation (GIZ) GmbH Project: Strengthening Ukraine's Rule of Law for EU Accession.

## Disability issues in the draft Rule of Law Roadmap

The Rule of Law Roadmap is structured into four sections, one of which is *Fundamental Rights*. Within this section, there is a subsection called *Rights of Persons with Disabilities* (3.13). This subsection, like the others, consists of four columns: strategic outcome, measures, timeframe, and responsible institution.

**Thus, in the subsection Rights of Persons with Disabilities, the state has envisaged two strategic outcomes and two measures to implement each of the outcomes, which will be analysed below.**

## The First Strategic Outcome

| Strategic Outcome 1  | Measure 1 to implement the Strategic Outcome 1  |
|--|---|
| <p>Persons with disabilities or limitations in everyday activities are able to fully and effectively participate and be included in social and economic life</p> | <p>Implementation of the Strategy for Reforming Psychoneurological and Other Residential Institutions and Deinstitutionalisation of Care for Persons with Disabilities and the Elderly until 2034 and the Operational Action Plan for the Implementation of the Strategy in 2025–2027, aimed at:</p> <ul style="list-style-type: none"> <li>• Ensuring the full integration of persons with disabilities into economic life, including the opportunity to get a profession;</li> <li>• Ensuring barrier-free access of persons with disabilities and older persons to the services they need (educational, cultural, social, legal), medical, social and psychological assistance, which will help ensure independent living and inclusion in the territorial community;</li> <li>• Introducing a mechanism for the gradual transition from round-the-clock inpatient care for the elderly and persons with disabilities to the provision of social services of supported living and day care in the community in accordance with the provisions of the UN Convention on the Rights of Persons with Disabilities and the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms.</li> </ul> |

The implementation of the Strategy for Deinstitutionalisation until 2034 and the Operational Action Plan for the implementation of the Strategy in 2025–2027 may indeed be an important component of achieving the strategic

outcome, but as of 2027, the year of completion of the Roadmap, it is impossible to achieve the directions set out in the measure. If we look at the [Strategy](#) itself, there are three stages for its implementation, and the first stage (2025–2027) is to achieve the following:

- Analysing the preconditions and reasons that prevent the full realisation of the rights of persons with disabilities and older persons;
- Preparing necessary amendments to the legislation;
- Ensuring conditions for changing the existing system of financing services for persons with disabilities and older persons to ensure the realisation of their rights to independent living;
- Preparing and launching of information campaigns to raise public awareness of the rights of persons with disabilities and older persons in order to promote an inclusive society, which includes providing opportunities for meaningful and effective consultations with persons with disabilities and older persons, their families, public associations, charitable organisations representing them at all stages of the development of amendments to legislation, their implementation and monitoring.

As of 2027, the Strategy does not yet envisage a reduction in the number of persons with disabilities and older persons living in institutions, and optimistic forecasts suggest that the number of adults with disabilities and older persons living in institutions will not increase. According to optimistic forecasts, the number of persons placed in residential institutions as of 2027 will be 5,500, which is only 7 persons less than in 2023. Unfortunately, the situation is not very optimistic with regard to other identification indicators: the number of persons receiving supported living services has not been reduced, the number of employed persons with disabilities will increase from 17 to 20%, and 1,000 veterans with disabilities will have a personal assistant (no baseline data available).

The deinstitutionalisation reform is complex and long-term, and it is obvious that it will be very difficult to achieve positive tangible results by 2027. It is important to specify in the measure on the implementation of the Strategy those components of the reform that are planned to be achieved by 2027 and by which Ukraine's progress in deinstitutionalisation reform can be measured.

Thus, the implementation of the Deinstitutionalisation Strategy and its Action Plan is both a fulfilment of the European Union's requirements and an important reform demanded by civil society and needed by persons with disabilities and older persons. However, the draft Roadmap should include measures to implement the Strategy and the Action Plan for the Strategy that can be implemented by 2027, as well as measures whose progress can be clearly tracked within this timeframe.

| <p><b>Strategic Outcome 1</b></p>  | <p><b>Measure 2 to implement the Strategic Outcome 1</b></p>  |
|--|---|
| <p>Persons with disabilities or limitations in everyday activities are able to fully and effectively participate and be included in social and economic life</p> | <p>Implementation of the pilot project of providing social services of inpatient care and supported living for internally displaced elderly persons and persons with disabilities on the principle of ‘the money follows the man’ in order to create conditions for the implementation of a full range of measures to:</p> <ul style="list-style-type: none"> <li>• meet the needs and constitutional rights and freedoms of internally displaced elderly persons and persons with disabilities, organise their proper quality of life and socialisation (resocialisation) in the territorial community;</li> <li>• develop the market of social service providers and their support;</li> <li>• provide social services in the host community;</li> <li>• prevent internally displaced elderly persons and persons with disabilities from being placed in residential institutions and institutions of the social protection system in accordance with the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms, the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions ‘Union of Equality: Strategy on the Rights of Persons with Disabilities 2021-2030’, the Recommendations on Independent Living and Inclusion of Persons with Disabilities.</li> </ul> |

According to the [data](#) collected by our team, in 2022-2023, about 4,500 internally displaced persons with disabilities were placed in institutions. In general, the successful implementation of the pilot project may help reduce the number of IDPs with disabilities who will be institutionalised, but internally displaced persons with disabilities need more than just two social services. According to FFR, one of the biggest obstacles to timely evacuation is the lack of affordable housing, both in terms of price and accessibility for persons with disabilities. Unfortunately, there are no figures that would show the need of internally displaced persons with disabilities for housing, various social services, and other needs. When it comes to a comprehensive response to the internal displacement of a large number of persons with disabilities, we should not only talk about a pilot project to provide two social services, but also about broader response strategies based on the results of assessment of the real situation. There is also no information on effective developments, programmes or plans of the government to provide affordable housing to prevent institutionalisation.

## The second Strategic Outcome

| Strategic Outcome 2  | Measure 1 to implement the Strategic Outcome 2   |
|--|--|
| <p>A barrier-free and inclusive environment for all population groups is created by integrating physical, information, digital, social, civil, economic and educational barrier-free accessibility into all areas of public policy</p> | <p>Developing and approving an action plan for 2025–2026 to implement the National Strategy for Creating Barrier-Free Environment in Ukraine until 2030 in order to achieve the goals of the Strategy, in particular to provide everyone with the opportunity to:</p> <ul style="list-style-type: none"> <li>• gain unimpeded access to the physical environment;</li> <li>• receive information in the most convenient way;</li> <li>• get simplified access to digitalised and analogue public and social services;</li> <li>• have equal conditions for participation in all spheres of society;</li> <li>• obtain conditions and equal opportunities for physical education and sports;</li> <li>• have equal conditions and opportunities for cultural (artistic) and/or creative expression, conducting cultural activities; access to cultural services, cultural values, cultural heritage and information about them;</li> <li>• participate in political processes and civic activities;</li> <li>• have equal opportunities and free access to education;</li> <li>• have equal conditions and opportunities in employment and entrepreneurship.</li> </ul> |

It is quite possible to develop and approve an action plan for 2025–2026 to implement the National Strategy for Creating Barrier-Free Environment in Ukraine until 2030 within the specified period, and it has already been presented several times, so its approval is likely in the near future. However, in the next three years of the Roadmap's implementation, it will be impossible to achieve the main goal of the Barrier-Free Strategy: to provide everyone with equal access to the physical environment, information, digital services and other areas. It is worth recalling here that the Strategy consists of six areas, and it is clear that even by 2030, the year the Strategy is completed, it will be extremely difficult to achieve the expected results of the Strategy.

As in the case of the Deinstitutionalisation Strategy, the measure should include specific and measurable measures that can be implemented by 2027 and that would indicate Ukraine's progress. The conclusions of the European Commission could be helpful in this regard: "The Ukrainian authorities face the ongoing challenge of implementing accessibility policies and upholding the rights of persons with disabilities in evacuation, reconstruction and recovery processes." The draft Roadmap should focus, for example, on reconstruction and recovery, including the establishment of clear mechanisms for monitoring new construction, rebuilding of destroyed facilities, reconstruction or repair work. Establishing an effective mechanism of control and accountability would prevent the creation of new facilities inaccessible to persons with disabilities. Unfortunately, according to NGOs, facilities inaccessible to persons with disabilities continue to be put into operation.

Therefore, accessibility/barrier-free issues are very important for our country, especially in the context of the growing number of people who need this accessibility, as well as in the context of rebuilding or restoring destroyed or damaged infrastructure. In the draft Roadmap, it would be important to focus on specific measures that could be achieved by 2027, and these should include measures that would prevent the construction of new inaccessible facilities, prohibit the introduction of new services that are inaccessible to persons with disabilities, etc.

| Strategic Outcome 2  | Measure 2 to implement the Strategic Outcome 2  |
|--|---|
| <p>A barrier-free and inclusive environment for all population groups is created by integrating physical, information, digital, social, civil, economic and educational barrier-free accessibility into all areas of public policy</p> | <p>Expanding the range of persons entitled to receive appropriate compensation in order to increase the opportunities for persons with disabilities to be employed in the labour market by amending the Resolution of the Cabinet of Ministers of Ukraine <i>On Some Issues of Providing Employers with Compensation for Actual Expenses for Arranging Workplaces for Employed Persons with Disabilities</i>.</p> |

The wording of this measure in the final revision of the Rule of Law Roadmap is likely to be changed, as on 21/02/2025, the CMU Resolution No. [273](#) amended the CMU Resolution *On Some Issues of Providing Employers with Compensation for Actual Expenses for Arranging Workplaces for Employed Persons with Disabilities* No. 893 of 22 August 2023', which expanded the range of persons who can receive compensation for the arrangement of workplaces for persons with disabilities.

It is to the state's credit that starting from August 2023, Ukraine has offered a working mechanism in the form of financial support to create conditions at workplaces for persons with disabilities. The current changes will also allow persons with disabilities and individual entrepreneurs to claim compensation for the costs of equipping their workplace with the necessary equipment or devices. According to the [Ministry of Economy of Ukraine](#), in 2024, the state compensated UAH 129,000,000 to employers for the arrangement of workplaces for almost 2,000 persons with disabilities.

This government programme has been in place for just over a year and a half, therefore it is difficult to obtain objective information about its effectiveness, since there is no statistical data on the persons it has helped (different types of disability, gender, age, place of residence). It is also too early to expect any percentage increase in the number of persons with disabilities, especially persons with complex disorders. It is important to analyse the effectiveness of this support, as well as what employers buy to equip workplaces for persons with disabilities.

Returning to the measure of the draft Roadmap, it is worth talking about increasing the number of employed persons with disabilities by increasing state support for the creation of jobs for persons with disabilities, which should include sustainable funding for the existing programme for the next three years. In addition, it should not only be about compensation for the costs of workplace accessibility, but also about other support mechanisms and tools to protect against discrimination, including the introduction of the principles of reasonable accommodation, which is a broader concept and part of the EU standards. Ukraine has to implement the standards of Council [Directive](#) 2000/78/EC of 27 November 2000, which regulates protection against discrimination in employment and explains the essence of reasonable accommodation<sup>3</sup>.

Therefore, in the area of employment of persons with disabilities, Ukraine should move towards the introduction of the principles of reasonable accommodation and support for reasonable accommodation measures, as well as the protection of persons with disabilities from discrimination in employment on the basis of disability, in particular, to recognise 'refusal to make reasonable accommodation' as a form of discrimination on the basis of disability.

<sup>3</sup> "In order to guarantee compliance with the principle of equal treatment in relation to persons with disabilities, reasonable accommodation shall be provided. This means that employers shall take appropriate measures, where needed in a particular case, to enable a person with a disability to have access to, participate in, or advance in employment, or to undergo training, unless such measures would impose a disproportionate burden on the employer. This burden shall not be disproportionate when it is sufficiently remedied by measures existing within the framework of the disability policy of the Member State concerned." // Article 5 of the Directive

## General Conclusions

Ukraine has a long and difficult path ahead of it to implement the EU standards on the human rights of persons with disabilities into national law. On this path, it is important to strictly adhere to the course taken. It should be remembered that, for example, we are implementing deinstitutionalisation not because it is a condition of the negotiation process, but solely because tens of thousands of persons with disabilities and older persons are in institutions, and a certain number of people are at high risk of ending up there. Implementation of deinstitutionalisation within the framework of European integration processes is not just a requirement, but an opportunity to receive support for the reform. The support can be both financial, which is very important, and in providing a standard for how to do it, which is equally important, as it will allow us not to repeat the mistakes made by other countries.

Two strategic outcomes and four measures to implement them in one of the Roadmaps are certainly not all that Ukraine is doing to ensure the human rights of persons with disabilities. The issues of accessibility, deinstitutionalisation, development of support services, employment support and a pilot project to provide two social services for internally displaced persons with disabilities and older persons are important and necessary in terms of respecting the human rights of persons with disabilities in the context of war in Ukraine. As mentioned above, the measures on deinstitutionalisation and accessibility are very generalised, so we question the ability to track their achievement and effectiveness as of 2027. The measure on employment, in our opinion, should additionally address the development of the concept of reasonable accommodation, which would meet the standards of Council Directive 2000/78/EC of 27 November 2000. Internally displaced persons with disabilities face a number of other obstacles, including the lack of affordable housing, so there should be more support in new communities of residence.

One of the biggest challenges for Ukraine is the risk of an increase in the number of persons with disabilities, which is mainly due to the ongoing aggression of the Russian Federation against Ukraine. According to the latest data, we are already talking about more than three million persons with disabilities. In this context, we expect Ukraine to provide adequate support to civilians and the military, which would include medical care in affordable healthcare facilities; comprehensive rehabilitation support, including at the place of residence; assistance with housing arrangements and the provision of modern aids that would allow them to lead an independent life.

In 2024, a reform was launched to change approaches to establishing disability. It is too early to talk about any obvious results, as the reform will continue for several years. Civil society is concerned that we do not have a clear understanding of how the state sees the disability assessment system after the reform is completed, and we do not know what support persons with disabilities will be able to count on from the state in various areas of their lives. We also once again draw attention to the risks of preserving medical approaches to disability issues. Fight For Right has repeatedly [publicly](#) expressed its position on the inadequate quality of the translation of the International Classification of Functioning, Disability and Health into Ukrainian, and thus the possible negative consequences of its implementation. The incorrect translation resulted in the emergence of new terms such as “disability and limitation of functioning”, which violates the principles of the human rights-based approach to understanding disability. This also allows us to foresee obstacles in Ukraine’s harmonisation of the EU’s innovations regarding the European Disability Card.

Another important challenge within the context of European integration processes in Ukraine in the area of observance of human rights of persons with disabilities is inadequate consultation with NGOs for persons with disabilities. We observe that NGOs are involved at the stage of presentation of ready-made solutions, rather than at the stage of their development. Moreover, submitting proposals to the solutions proposed by the state does not guarantee that they will be considered and taken into account or reasonably rejected. It is important for us, as organisations for persons with disabilities, to be sure that all decisions on disability are developed with the active participation of persons with disabilities and their organisations, and that decision-making is impossible without the effective participation of non-governmental organisations for persons with disabilities.



