

To the UN CRPD Committee

Written submission on the draft guidelines on addressing multiple and intersectional forms of discrimination against women and girls with disabilities

From the organisation of persons with disabilities **‘Fight For Right’**

Authors: **Verbytska Hanna, Uvarova Valentyna**

Overview

As of 2025, 3.4 million people in Ukraine live with disability¹. As of January 1, 2022, women with disabilities constituted 47% of all persons with disabilities². The full-scale Russian invasion of Ukraine in February 2022 has led to a significant increase in the number of people with disabilities and has intensified the stigma and discrimination. Specifically, in the context of the humanitarian response, women with disabilities who have become internally displaced persons (IDPs), women with sensory impairments (vision or hearing), and women who are caregivers of children with disabilities are groups that experience multiple forms of discrimination.

Experiencing multiple forms of discrimination manifests in increased barriers to access to vital services, employment, education, information, and security, requiring an immediate and systemic response from the state and international organisations. Developing a practical legal and policy framework supported by the developed community-based services is crucial for eliminating instances when women with disabilities experience multiple forms of discrimination, minimising the consequences of the war.

¹ Podrobytsi, ‘During the war in Ukraine, the number of people with disabilities increased by 600,000’ (24 June 2025) URL: <https://podrobnosti.ua/2502699-za-chas-vjni-v-ukran-stalo-na-600-tisjach-nvaldv-blshe-mnsotspoltiki.html>.

² Confederation of Employers of Ukraine, ‘Handbook: Basic Information about Disability’ URL: https://pwd.employers.org.ua/ua/book/2_1.

Do authorities in your country collect data reflecting intersectionality between disability and other factors such as sex, gender, ethnicity, migration status, origin, socio-economic status, religious beliefs, etc?

The full-scale war has significantly complicated data collection. Massive internal displacement, destruction of infrastructure, and general instability have led to the loss or inaccessibility of current statistical data, especially regarding women with disabilities. It is reported that there is no latest statistical data available in the public domain regarding women with disabilities, [only] separate data sets on internally displaced women or internally displaced people with disabilities³.

Aside from challenges related to the war in Ukraine, the lack of a system enabling the collection of disaggregated data stems from the absence of a unified approach to data collection among various state institutions, which prevents the state from delivering comprehensive data. As a result, no official cases of multiple discrimination have been recorded in the judicial system in Ukraine, which does not reflect the actual situation.⁴ This underscores a structural gap in the legal system.

Limited data, albeit non-representative, is collected by some institutions. The secretariat of the Ukrainian Parliament Commissioner for Human Rights provides statistics on IDPs, disaggregated by sex and disability. For example, out of 4,589,390 IDPs, 223,601 people have a disability⁵. This suggests

³ Joint NGO report (2024). *Situation on the Rights of Persons with Disabilities in Ukraine*. c. 7-8.

⁴ Levchenko, K., Zhukovska, O., Ostapenko, A., Suslova, O. (2020). *Gender Policy in Regulatory and Legal Documents*. Kyiv, pp. 71–74.

⁵ Ukrainian Parliament Commissioner for Human Rights (2025). *Annual Report of the Ukrainian Parliament Commissioner for Human Rights on the State of Observance and Protection of Human Rights and Freedoms of Citizens of Ukraine in 2024*. Kyiv. 250 p. URL: https://www.ombudsman.gov.ua/storage/app/media/uploaded-files/18.06.2025%20%D0%A9%D0%BE%D1%80%D1%96%D1%87%D0%BD%D0%B0_%D0%B4%D0%BE%D0%BF%D0%BE%D0%B2%D1%96%D0%B4%D1%8C_%D0%A3%D0%BF%D0%BE%D0%B2%D0%BD%D0%BE%D0%B2%D0%B0%D0%B6%D0%B5%D0%BD%D0%BE%D0%B3%D0%BE_%D1%83_2024_%D1%80%D0%BE%D1%86%D1%96-%20%D0%B2%D0%B8%D0%BF%D1%80%D0%B0%D0%B2%D0%BB%D0%B5%D0%BD%D0%B0.pdf

that certain data segregation mechanisms exist, but they are not comprehensive and do not cover all grounds.

Currently, Civil Society Organisations (CSOs) are attempting to compensate for this lack by gathering data to assess needs and provide targeted assistance. However, their reports are often fragmented, with most lacking disaggregation by sex, age, or type of impairment⁶. This fragmentation prevents in-depth analysis and the development of comprehensive, systemic solutions.

Do the anti-discrimination legislation and/or policy frameworks in force in your country recognise disability and the denial of reasonable accommodation as prohibited forms of discrimination against persons with disabilities?

Ukrainian anti-discrimination legislation formally recognises disability as a prohibited ground for discrimination. Article 2 of the Law of Ukraine «On the Fundamentals of Social Protection of Persons with Disabilities in Ukraine»⁷ prohibits discrimination based on disability and anchors the term “reasonable accommodation”, though without defining it. Furthermore, the Law of Ukraine «On Principles of Prevention and Combating Discrimination in Ukraine»⁸ (Article 3) explicitly includes reasonable accommodation within its scope, in the context of labour relations.

As part of the accession negotiations, in 2025, Ukraine adopted the Law «On Amendments to Certain Legislative Acts of Ukraine Regarding the Provision of the Right to Work for Persons with Disabilities»⁹, which obliges employers to ensure

⁶ Regional Gender Working Group (2022). *Making the Invisible Visible: Evidence-Based Analysis of the Gender Aspect in Regional Responses to the War in Ukraine*. p. 51.

⁷ Law of Ukraine *On the Fundamentals of Social Protection of Persons with Disabilities in Ukraine* (No. 875-XII of March 21, 1991). URL: <https://zakon.rada.gov.ua/laws/show/875-12#Text>.

⁸ Law of Ukraine *On the Principles of Prevention and Combating Discrimination in Ukraine* (No. 5207-VI of September 6, 2012). URL: <https://zakon.rada.gov.ua/laws/show/5207-17#Text>.

⁹ Law of Ukraine *On Amendments to Certain Laws of Ukraine Regarding the Provision of the Right to Work for Persons with Disabilities* (No. 4219-IX of January 15, 2025) (Draft Law No. 5344-d). URL: <https://zakon.rada.gov.ua/laws/show/4219-20#Text>.

reasonable accommodation in the workplace. Refusal to provide a reasonable accommodation is not recognised as a form of discrimination.

The state declares the possibility of providing financial support to employers to compensate for the costs associated with reasonable accommodation¹⁰. While a positive step, the lack of a clear legislative mechanism that classifies the denial of reasonable accommodation as a form of discrimination makes it challenging to implement this initiative in line with European and international standards.

Do the anti-discrimination legislation and/or policy frameworks in force in your country recognize the multiple and intersecting forms of discrimination affecting women with disabilities on account of their disability and other factors, such as sex, gender, ethnicity, migration status, origin, socio-economic status, religious beliefs, etc?

Ukrainian anti-discrimination legislation has significant gaps in regulating multiple discrimination, which particularly affects women with disabilities. Although the Law of Ukraine «On Principles of Prevention and Combating Discrimination in Ukraine» is the main legal act, it does not contain definitions for the concepts of multiple and intersectional discrimination. This complicates legal protection in cases where a person experiences discrimination based on several characteristics simultaneously, such as sex and disability,¹¹ among others.

Since Ukrainian legislation does not directly recognise these forms of discrimination, it creates obstacles to judicial protection in such cases. An attempt to introduce a legislative definition of multiple discrimination in 2019 was unsuccessful.

¹⁰ Resolution of the Cabinet of Ministers of Ukraine *On Certain Issues of Compensation for Actual Costs for Equipping Workplaces/Places of Economic Activity/Independent Professional Activity for Persons with Disabilities* (No. 893 of August 22, 2023). URL: <https://zakon.rada.gov.ua/laws/show/893-2023-%D0%BF#Text>

¹¹ Fedorovych, I. (2023). *Anti-Discrimination Legislation in Ukraine. Roadmap*. pp. 4–7.

The proposed draft law¹² was not adopted, and its provisions did not fully reflect the essence and diversity of factors, as is done in the Council Directive 2000/78/EC and other EU acquis.

The Methodological Recommendations for Providing Legal Assistance to Women from Vulnerable Social Groups 14¹³ is a key document that explains the phenomenon of multiple discrimination in the Ukrainian context. It emphasises that women experiencing discrimination on several grounds (including women with disabilities) require comprehensive approaches to accessing justice. The document identifies key barriers, such as stigma, and proposes specific algorithms, such as data encryption, to minimise discrimination. In this way, it recognises the need to consider the needs of women with disabilities in the context of their multiple identities.

Further, the State Strategy for Ensuring Equal Rights and Opportunities for Women and Men until 2030¹⁴ acknowledges intersectionalities, pointing to increased risks for women with disabilities in areas such as employment (37.6%), access to medical services (14.4%), gender-based violence, and access to justice. It aims to ensure inclusive humanitarian aid and improve legal protection for all vulnerable groups of women, including women with disabilities.

The Methodological Recommendations for Implementing the Gender Approach and the Human Rights-Based Approach¹⁵ are an essential tool for implementing equality policies at the

¹² Draft Law *On Amendments to Certain Legislative Acts of Ukraine (Regarding the Harmonization of Legislation in the Sphere of Prevention and Combating Discrimination with European Union Law)* No. 3501 of November 20, 2015.

¹³ Ministry of Justice of Ukraine, Coordination Center for Legal Aid Provision. Order No. 71 of November 20, 2019, *On the Approval of Methodological Recommendations on the Provision of Legal Aid to Women from Vulnerable Social Groups*. URL: <https://zakon.rada.gov.ua/rada/show/v0071419-19#Text>

¹⁴ Order of the Cabinet of Ministers of Ukraine *On Approval of the State Strategy for Ensuring Equal Rights and Opportunities for Women and Men until 2030 and Approval of the Operational Plan for its Implementation for 2022–2024* (No. 752-r of August 12, 2022).

URL: <https://zakon.rada.gov.ua/laws/show/752-2022-%D1%80#n15>.

¹⁵ Order of the Ministry of Social Policy of Ukraine *On the Approval of Methodological Recommendations for the Implementation of the Gender Approach and the Human Rights-Based Approach at the Level of Territorial Communities* (No. 359 of December 27, 2022). URL: <https://zakon.rada.gov.ua/rada/show/v0359739-22#Text>

local level. They emphasise the need to consider the needs of women with disabilities, older persons, and other low-mobility groups when disseminating information about domestic violence and providing legal assistance. This is an important step towards adapting policy to meet real needs.

Additionally, the National Action Plan for the Implementation of the Recommendations of the UN Committee on the Elimination of Discrimination against Women (CEDAW)¹⁶ adopts an intersectional approach, essential to overcome the multiple discrimination faced by women with disabilities. The plan defines specific measures to ensure equal access to justice, economic independence, quality healthcare, and protection from violence for women with disabilities. This document underscores the need for systemic integration of gender and disability aspects into state policy.

Thus, while Ukraine's legislative framework remains imperfect and not harmonised with EU standards regarding multiple discrimination, policy frameworks and programmatic documents increasingly, albeit still to a limited extent, integrate an intersectional approach. This creates an important basis for future legislative harmonisation.

Which groups of women and girls with disabilities face the greatest risks of multiple and intersectional discrimination?

The practice of organisations of persons with disabilities, such as Fight for Right, shows that women and girls with disabilities in Ukraine face unique and multilayered challenges. Since Ukraine lacks official statistical data and legal precedents, this analysis is based on real-life stories that demonstrate

¹⁶ Order of the Cabinet of Ministers of Ukraine *On Approval of the National Action Plan to Implement the Recommendations Set Forth in the Concluding Observations of the UN Committee on the Elimination of Discrimination against Women on Ukraine's Eighth Periodic Report on the Implementation of the CEDAW for the Period up to 2021* (No. 634-r of September 5, 2018). URL.: <https://zakon.rada.gov.ua/laws/show/634-2018-%D1%80#Text>.

systemic gaps and the increased vulnerability of women with disabilities.

The analysis of practical cases from the organisation «Litay» (Fly) and the «Third After Midnight» Museum illustrates that the following groups have the highest risks of multiple discrimination: internally displaced women and girls with disabilities, women with disabilities who are raising children with disabilities, young girls with sensory impairments, and women and girls with disabilities from ethnic minorities.

Case N° 1.

A woman with a Group III disability, the sole caregiver for her son with a mental disability and visual impairment, who does not go to the mainstream school. They survived the occupation in the Chernihiv region in 2022. The woman is divorced and experienced economic violence in her marriage. The legal process to strip the ex-husband of parental rights is ongoing. The woman receives minimal alimony, which is insufficient to cover basic needs.

- *Factors of multiple discrimination:* disability, single mother status, past economic violence, IDP status and victim of military actions and armed conflict (due to the occupation in the Chernihiv region), and the need for care for a child with a disability.

Case N° 2.

A family of IDPs from the Luhansk region since 2014, including a mother with a Group III disability and a daughter with a mental disability, an adult son, and a father. The daughter is systematically denied access to services. For example, a public pool administration refuses to admit the child, citing her existing diagnosis. Furthermore, the daughter was transferred to individual schooling due to prejudice from teachers, peers, a lack of inclusive approaches in the educational process, and the child's assistant refusing to continue cooperation. Only the

father is employed in the family; the mother does not work because she provides constant care for her daughter.

- *Factors of multiple discrimination:* disability, IDP status (from the Luhansk region), need for constant care for a child with a disability, and economic vulnerability.

Case N° 3.

A girl, 18 years old, with a visual impairment. Returned to Ukraine during the full-scale war. She is a university student majoring in IT, where she systematically faces the denial of reasonable accommodation for learning materials. She experiences prejudice from students and lecturers.

- *Factors of multiple discrimination:* sensory disability, age.

Case N° 4.

A girl, 17 years old, has a visual impairment. A representative of the Polish national minority, she lost her mother and grandmother during the full-scale war. She studies at a specialised school and works as a guide at a museum, a social enterprise for people with visual impairments.

- *Factors of multiple discrimination:* sensory disability, age, belonging to a national minority, and acquiring orphan status during the war.

The women testified that they felt prejudice and faced discrimination due to the presence of various characteristics. However, none of them were challenged in court.

What are the main intersectional risks and forms of discrimination faced by women and girls with disabilities? Describe the areas of life in which women and girls with disabilities exposed to multiple and intersecting forms of discrimination are more excluded from the access and enjoyment of their rights.

The analysis of cases involving women and girls with disabilities in Ukraine, provided above, reveals numerous human rights violations and systemic prejudice and discrimination against people with disabilities, known as ableism. This is exacerbated when disability intersects with other factors such as sex, age, financial status, IDP status, or the role of a caregiver, leading to a significant restriction of access to and realisation of rights.

The main intersectional risks are related to the following factors:

1. The «Double Burden» concept

The “double burden” is a key root term for understanding the multiple forms of discrimination faced by women and girls with disabilities in Ukraine. This burden arises when a woman’s own disability is combined with her role as a caregiver for a child with a disability, deepening economic exhaustion and psychological stress. This burden goes beyond financial problems, as women are forced to sacrifice their own health and self-realisation. For example, in Case N°1, a mother with a disability cannot find employment due to caring for her son. In Case N°2, a mother cannot receive treatment because all resources are directed towards her daughter. In both cases, the mothers live in a constant state of anxiety and exhaustion. Women express a deep fear for their children’s future, aware of their own vulnerability and the lack of systemic solutions from the state. This is a consequence of society shifting the entire burden of responsibility onto the family, without providing adequate support.

2. Economic Disadvantage and Financial Vulnerability

This factor limits access to basic needs, medical services, and independent living.

In Case N°1, the woman, who is the sole provider, receives minimal alimony and limited social benefits, which is insufficient to cover the child’s basic needs. In Case N°2, the IDP family is in a vulnerable position due to dependence on state social benefits (including the termination of targeted IDP

assistance). This complicates access to quality medical services and specialised extracurricular activities for the child. The woman cannot undergo a full medical examination and begin necessary treatment because the services are not adapted to her status, as she is constantly with her child and provides round-the-clock care. Her only window of time for herself is a few hours when the child attends school. The lack of adequate social services for childcare essentially deprives the woman of access to her own treatment, leading to a deterioration of her health and even greater social isolation. Ukraine lacks an effective system for providing services to people and children with disabilities in communities, forcing parents, and mothers in particular, to become the sole caregivers.

In Case N°3, minimal social benefits do not cover all the needs of a girl with visual impairment, and the only available assistive devices provided by the state are of poor quality. The CSOs, which usually provide assistive devices in her locality, refuse to provide assistance due to her long stay abroad. In Case N°4, the girl with a visual impairment whose family members died during the war, does not receive adequate support from social services, which exacerbates her economic vulnerability.

3. Discrimination in Education system

Case N°1 illustrates that the family did not receive sufficient state support and basic in-kind assistance, and the woman, despite her own health problems, cannot receive necessary treatment/rest due to constant childcare. Case N°2 shows how discrimination in a specialized school and the assistant's refusal forced the family to abandon inclusive education and involuntarily transfer the child to an individual learning format. This case also demonstrates how the lack of support for IDPs (before 2022) leaves the family without proper housing assistance. Case N°3 highlights how discrimination manifests at the level of higher education: university staff tried to discourage the girl from entering a technical specialty and deny her reasonable accommodation. Case N°4 shows how

specialized education, although available, can limit social contacts.

4. Social Isolation and Psychological Pressure

Prejudice and stigmatization lead to social isolation and psychological pressure. In Case N°1, the woman with a disability feels a complete lack of a support network – her sister and mother have health problems. Case N°2 illustrates how a child with a mental disability is denied access to services (e.g. visiting a swimming pool) and experiences discrimination at school, intensifying her social isolation. In Case N° 3, the student with a disability feels that her classmates only perceive her as a source of help, not for friendly communication, which leads to an identity crisis. Case N°4 shows how local authorities ignore the girl's requests for inclusive infrastructure due to her disability and national minority status, which affects her psychological state and self-esteem.

The presented analysis clearly shows that the discrimination faced by women and girls with disabilities in Ukraine is not episodic but systemic. It manifests at all levels: from personal prejudices to institutional and architectural barriers.

Indicate which remedies are available to women and girls with disabilities facing multiple and intersecting forms of discrimination. Are these remedies accessible, available, and effective?

No cases concerning multiple forms of discrimination against women with disabilities have been found in judicial practice. However, there are isolated but important precedents regarding intersecting forms of discrimination. A 2013 lawsuit¹⁷ regarding refusal of access saw a woman with a disability sue a nightclub that denied her entry due to the space's lack of

¹⁷ Kalynivskyi District Court of Donetsk Region. Court Decision No. 256/1473/13-c of May 29, 2013. URL: <http://www.reyestr.court.gov.ua/Review/32002298>

accessibility, the absence of an escort due to her age, and a stereotypical notion of her being “unsuitable” for the venue. The court not only recognised the fact of discrimination but also clearly established that the denial of reasonable accommodation is a form of it. This case created an important precedent. In a 2015 case¹⁸, a woman with a disability raising a child with a disability asked for a room with accessible furniture (e.g. ramp). The Court of Appeal granted the claim, citing not only national legislation but also the UN CRPD, which confirmed the possibility of using international law as a protection tool. Although these court decisions are groundbreaking, they do not resolve the main systemic issues, such as the lack of harmonised legislation and the absence of a shift in the burden of proof. In civil cases, the reversal of the burden of proof is absent, forcing the plaintiff to prove that the defendant acted with discriminatory intent¹⁹.

Thus, despite the presence of individual positive judicial precedents, access to legal protection for women and girls with disabilities is limited. To ensure true equality, Ukraine must not only rely on isolated court decisions but also conduct a comprehensive legislative reform that provides adequate protection against multiple and intersectional forms of discrimination.

Describe any example of positive initiative, plan, programme, strategy or piece of legislation addressing multiple and intersecting forms of discrimination against women and girls with disabilities.

In the face of systemic gaps and wartime, Civil Society Organizations (CSOs) play a critical role, compensating for the lack of state services. These organizations implement support programs for women and girls with disabilities. These initiatives

¹⁸ Court of Appeal of Ivano-Frankivsk Region. Court Decision No. 0907/2-3248/11 of August 21, 2015. URL: <http://reyestr.court.gov.ua/Review/48993013>

¹⁹ UN Women in Ukraine. (2019). *A Brief Guide on the Intersectional Approach to the Implementation of the CEDAW and CRPD Conventions in Ukraine*. Kyiv.

cover supported living (e.g. «Bachyty Sertsem» (See with the heart), «Oselia Sadhora» (Sadhora Dwelling) for women and youth with mental disabilities, IDP status, and experience in institutions), psychological support, humanitarian aid, and educational activities (e.g. NGO «Litay» (Fly) for women with disabilities who are IDPs and caregivers of children with disabilities). Fight for Right organizes the «LEADERKA» school to teach teenage girls with disabilities to advocate for their rights and capacity-building activities for women veterans with disabilities («STRENGTHENING: Business and Professional Growth for Women Veterans» for vocational guidance support for women with combat experience). These practices demonstrate real success, but their development is constrained by limited funding and bureaucratic barriers.

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