**Submission to the thematic report**

**of the Special Rapporteur on the rights of persons with disabilities**

**on armed conflict,**

**76th General Assembly – 2021**

This submission focuses on key developments in situations related to the protection of the rights of persons with disabilities in conflict and post-conflict settings and the identification of gaps in legislation that should be aligned with international human rights standards. It was based on reports and submissions of UNDP partners such as the Ombudsperson’s Office and CSOs.

* *Regarding**state guarantees of social protection of PwD on armed conflict**the following issues should be stressed.*

The Ombudsperson in the Annual report[[1]](#footnote-1) noted that the absence of a special law regulating the legal status of civilians affected by the armed conflict contradicts those persons’ entitlement to social protection and compensation for damages suffered, including bodily harm. According to the Law of Ukraine “On the Status of War Veterans, Guarantees of Their Social Protection” the status of a person with a disability caused by the armed conflict is only established in cases of disability by injuries or other damage to health caused by explosive substances, ammunition and military weapons in the area of the armed conflict. As of December 2020, the Interdepartmental Commission for Establishing the Injury or Other Damage to Health Received from Explosives, Ammunition and Military Weapons on the Territory of the ATO, identified the fact of damage to health for 122 persons, out of 139 applications considered over the entire period of its functioning; in 10 cases, confirming that fact was denied; 1 application was returned for revision. The affected persons who were granted the status of a person with a disability as a result of the armed conflict are entitled to state social guarantees. At the same time, citizens whose disability status was granted on a general basis enjoy the benefits envisaged by legislation for PwD, the list of which is shorter than the one defined in the Law.

* *The State declared its strategic intentions to protect PwD related to the armed conflict.*

In 2021, the National Action Plan for the Implementation of the Convention on the Rights of Persons with Disabilities[[2]](#footnote-2) and National Human Rights Strategy[[3]](#footnote-3) were adopted. In particular, the following measures were defined: ensuring the protection and safety of persons with disabilities in emergencies, including in the event of a threat of an armed conflict:

* development and inclusion in regional and local civil protection programs of issues related to ensuring access of low mobility groups, including PwD, to protective structures of civil protection, including needs assessment, planning of financing to create conditions, setting deadlines for civil protection structures means of providing such access;
* monitoring the observance of the rights of people with disabilities in case of emergencies with the participation of public associations of persons with disabilities, in particular to ensure the availability of protective civil defense facilities, the availability of sufficient transport for evacuation to the nearest civil defense facility, and the level of staff training;
* informing the population about shelters in settlements equipped for the stay of persons with disabilities.
* *According to the Ombudsperson’s Alternative report on Ukraine's Implementation of the CRPD[[4]](#footnote-4) some positive developments in the area of protection of civilians should be noted.*

The Government Resolution "On approval of the Regulations on the Organization of Warning of Threat of occurrence or occurrence of emergency situations, and communication in the area of civil defense" has taken into account the needs of persons with disabilities, in particular those with impaired vision, hearing, musculoskeletal system, intellectual disability, psychiatric disorder, and other low-mobility population groups.

The Order of the Ministry of Internal Affairs dated July 10, 2017, № 579 "On Approval of the Methodology for evacuation activities planning" regulated specific measures on evacuation of people with limited capabilities and persons who accompany them.

The Procedure for moving goods to or from the area of the armed conflict was approved[[5]](#footnote-5) to facilitate provision of humanitarian assistance to persons in the government non-controlled and temporarily occupied territories who are unable to move to the territory controlled by Ukraine.

* *In Ukraine there are several institutions introduced for protection of the rights of PwD including on conflict-related situations. However, the lack of coordination between these institutions should be mentioned:*

The Committee of the Verkhovna Rada of Ukraine on Veterans, Combatants, Participants in the Anti-Terrorist Operation (ATO) and PWD. The areas of responsibility of the Committee are the legislative regulation of humanitarian aid received in Ukraine; legislative regulation of the provision of social services to pensioners, veterans and the PWDs.

The Ukrainian Parliament Commissioner for Human Rights (Ombudsperson) exercises parliamentary oversight over observance of human rights and freedoms. The Commissioner for Human Rights receives, via petitions, information about rights violations. The Commissioner is fulfilling its mandate with the help of the Secretariat, which works on a variety of issues, such as: social, economic and humanitarian rights etc.

The Commissioner of the President of Ukraine for the Rights of PwD is an official who ensures the exercise of constitutional powers by the President of Ukraine to ensure the observance of the rights and legitimate interests of persons with disabilities, including those related to armed conflict.

The Government Commissioner for the Rights of PwD is an official authorized by the Cabinet of Ministers of Ukraine who is responsible for organizing the exercise by the Cabinet of Ministers of Ukraine of its powers to protect the rights and legitimate interests of persons with disabilities and Ukraine's international obligations.

* *In spite of certain positive changes in the protection of human rights and freedoms of PwD related to the armed conflict there are some concerns to which the state should pay attention.*

*Risk situations in emergency humanitarian situations*

According to the Ombudsperson’s Alternative report on Ukraine's Implementation of the CRPD[[6]](#footnote-6) **s**ince 2019, the Unified database on internally displaced persons (IDP UDB) has operated with the new software for the “Accounting of IDPs” segment, which in general meets the information needs of the bodies of the state power and envisages the introduction of extended information about the needs of IDPs, in particular, persons with disabilities (provision of rehabilitation services in accordance with a rehabilitation programme, provision of technical devices or prosthetic kits, etc.). As of the early 2019, over 48 thousand IDPs were registered as persons with disabilities, which is 3% of the total number of displaced persons.

That situation was caused by the fact that, during the most active phase of the armed conflict (in 2014 to 2016), medical reports of people who sought help in health care facilities due to injuries received in the course of the ATO indicated various information about the circumstances when those appeared (suffered during hostilities or in other circumstances), which was further used as grounds to award a disability status.

*Children with disabilities*

After the situation in the eastern Oblasts of Ukraine aggravated, striving to prevent negative impacts on the lives and health of children, the Ombudsperson has repeatedly addressed the President of Ukraine, the Prime Minister of Ukraine, senior officials at Ministries, and Heads of Donetsk and Luhansk Oblast State Administrations, regarding relocation of persons under care of foster homes from the dangerous area.

According to intelligence information, however, 128 inmates of the Krasnodon Oblast Children's Home, 85 of whom are children, have not been evacuated. The majority of the inmates in that institution have serious illnesses and are unable to move independently. Also, 174 inmates of the Rovenky Oblast Children's Home, of whom 20 are children with disabilities, have not been evacuated either.

*Social insurance benefits, regardless of their status as internally displaced persons*

According to theNGO Submission[[7]](#footnote-7)residents of the TOT in Donetsk and Luhansk oblasts are deprived of the opportunity to receive pension benefits in the territory controlled by the Government of Ukraine if they are not registered as IDPs. This leads to a violation of their rights to social protection, in particular the constitutional right to a pension, as well as to a significant distortion of statistics on the number of IDPs. In addition, among them, there are handicapped retirees who are physically unable to cross the line of conflict and register as IDPs due to old age or disability, etc. Such persons were left out of the legislation, without any physical or legal opportunity to exercise their right to a pension.

* *To protect of the rights of PWD and promote social cohesion, UNDP supported various initiatives and projects (please see the list below).*

1) Since 2016 up to now, UNDP have promoted Mainstream Policies and Services for People with Disabilities through applying Universal Design concept. About 10 police stations in Donetsk, Luhansk and Zaporizhzhzia oblasts were renovated using this concept[[8]](#footnote-8). Now these police stations became physically accessible for PWD.

2)The project on setting up the cooperation between police and PWD with hearing impairments **- "LASTIVKA (*Eng. Swallow*)"**, Mariupol, Donetsk Oblast, Ukraine. It was a community policing project aimed at setting up the networking between police and such vulnerable group of people as people with hearing impairments and at enhancing police officers’ capabilities to provide proper police services to people with disabilities as well as for acquaintance of these people with their district police officer.

According to official statistics, dated 2018, there were around 130 children with disabilities in the boarding school for children with hearing impairments in Mariupol, about 1200 people registered in the local All-Ukrainian society of the deaf. About 4,600 adults and 1,600 children were in the queue for hearing aids. It turned out that the overwhelming majority of them were not involved in social life of the city and did not get police services, did not participate in events, organized by police officers for locals.

Some post project activities were implemented with the aim to strengthen ties between children with disabilities and police officers and to implement gained knowledge on practice[[9]](#footnote-9)**[[10]](#footnote-10)**

3) In 2019, UNDP supported the implementation of 2 grant projects “Sign language for police officers” in three cities of Donetsk and Luhansk oblasts: Kramatorsk, Sloviansk, Sievierodonetsk aimed to introduce a new approach to provision of police services to people with hearing and / or speech impairments. 75 police officers (district, patrol, juvenile police officers) completed a 2 month sign language training course, set up a networking with children with hearing and / or speech impairments and held several sports events together with the children.

4) UNDP developed mobile application “Rescue 101” which was launched in Donetsk Oblast. After its testing, SES of Ukraine decided to take it as a basis and scale its use throughout Ukraine. UNDP is currently purchasing equipment for launching this mobile application in Luhansk and Zaporizhzhia oblasts. The mobile application “Rescue Service 101” (further – “mobile app”) is aimed at providing emergency support to local population and tailored to the needs of different vulnerable groups such as children, older adults and PWD.

5) UNDP has conducted a study on the analysis of existing approaches to the protection of the rights of PWD in the crime prevention activities carried out by National police (on the example of Donetsk and Luhansk oblasts). The purpose of this study was to find ways to strengthen the protection of rights, freedoms and interests of PWD, as well as to improve police services for PWD aimed at enhancing the level of their safety.

1. https://ombudsman.gov.ua/files/dopovid\_ombudsman%20eng.pdf [↑](#footnote-ref-1)
2. https://www.kmu.gov.ua/npas/pro-zatverdzhennya-nacionalnogo-pla-a285r [↑](#footnote-ref-2)
3. https://minjust.gov.ua/files/general/2021/04/06/20210406204133-62.pdf [↑](#footnote-ref-3)
4. <https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCRPD%2FNGO%2FUKR%2F42028&Lang=ru> [↑](#footnote-ref-4)
5. Resolution of the Cabinet of Ministers of Ukraine № 99 (with changes) " On approval of the Procedure for moving goods to or from the area of antiterrorist operation" of 01.03.2017 [↑](#footnote-ref-5)
6. https://tbinternet.ohchr.org/\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCRPD%2fNGO%2fUKR%2f42028&Lang=ru [↑](#footnote-ref-6)
7. https://www.ohchr.org/Style%20Library/HRC/Images/doc.svg [↑](#footnote-ref-7)
8. <https://www.ua.undp.org/content/ukraine/en/home/presscenter/pressreleases/2021/a-new-police-station-opened-near-the--contact-line-.html> [↑](#footnote-ref-8)
9. http://police.dn.ua/news/view/na-donechchini-dilnichni-ofitseri-politsii-vivchat-movu-zhestiv-u-ramkah-proektu-lastivka

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<http://police.dn.ua/news/view/dorosli-ta-malenki-uchasniki-proektu-lastivka-razom-pobuvali-u-zooparku> [↑](#footnote-ref-9)
10. <http://kramatorsk-police.dn.ua/news/view/5957>

<https://ourlife.in.ua/utog/v-organizaciah-utog/3584-novij-pdhd-u-nadann-poslug-polcejskimi.html>

<http://patrol.police.gov.ua/2019/09/02/pochuyemo-kozhnogo-patrulni-kramatorska-ta-slov-yanska-uspishno-projshly-navchannya-zhestovoyi-movy/> [↑](#footnote-ref-10)