



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

List of issues prior to submission of the combined second and third periodic reports of Ukraine*

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

1. Please inform the Committee about measures taken to:

(a) Harmonize disability assessment mechanisms and disability-related terminology and concepts, including in the current official translation of the Convention, across all laws and policies with the human rights model of disability enshrined in the Convention;

(b) Implement the national action plan on the implementation of the Convention for 2012–2020, in line with commitments made at the universal periodic review (A/HRC/37/16, para. 116.171), including about funds allocated for this purpose and the progress assessments carried out;

(c) Build the capacity of policymakers, administrative staff and professionals, including in the judicial, medical and education fields, and social workers, in collaboration with organizations of persons with disabilities, on the obligations of the State party under the Convention.

2. Please provide information on efforts undertaken to:

(a) Meaningfully involve organizations of persons with disabilities, including those representing women, children and youth and a large diversity of disabilities, in the reform of policies and strategies for the implementation of the Convention;

(b) Protect and promote the rights of persons with disabilities in the Autonomous Republic of Crimea, temporarily occupied by the Russian Federation,¹ as well as in the self-proclaimed “Donetsk People’s Republic” and the self-proclaimed “Luhansk People’s Republic”.

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

3. Please provide information on:

(a) Measures taken to prohibit discrimination on the grounds of disability, including recognizing denial of reasonable accommodation as a form of discrimination, to

* Adopted by the Committee at its twenty-second session (26 August–20 September 2019).

¹ Office of the United Nations High Commissioner on Human Rights, report on the human rights situation in Ukraine: 16 February to 15 May 2019.



expedite the adoption of draft law No. 2501, and to raise awareness in the private and public sectors of the requirement to provide individualized support and accommodation;

(b) Claims regarding discrimination and hate crimes against persons with disabilities, including on the number of cases opened and concluded, the relevant civil and/or criminal provisions applied, and the outcomes of these cases;

(c) Efforts undertaken to protect persons with disabilities from multiple and intersectional forms of discrimination, and to prevent such discrimination.

Women with disabilities (art. 6)

4. Please inform the Committee about:

(a) Policies on gender equality and disability that take into consideration women and girls with disabilities, especially in rural and remote areas;

(b) Specific measures taken to prevent the exclusion of single women with children with disabilities from society, and to ensure that they have an adequate standard of living;

(c) Efforts undertaken to promote and empower women with disabilities for their effective participation in political life.

Children with disabilities (art. 7)

5. Please provide information on measures taken to:

(a) Monitor the implementation and assess the impact of the National Strategy for the Reform of Institutional Care and Education of Children for 2017–2026;

(b) Ensure the safety of children with disabilities in conflict-affected areas, including of those placed in institutions;

(c) Abolish the institutionalization of children with disabilities and promote care in family-based settings within the community instead;

(d) Develop the availability and monitor the quality of community-based services, including early intervention, for children with disabilities and their families, especially in rural areas and small municipalities, including in the government-controlled areas in the Donetsk and Luhansk regions.

Awareness-raising (art. 8)

6. Please inform the Committee about:

(a) Efforts undertaken to raise the awareness of the public, persons with disabilities and their families, and the media, on the provisions of the Convention, in line with commitments made at the universal periodic review (A/HRC/37/16, para. 116.172);

(b) The involvement of organizations of persons with disabilities in the development, implementation and monitoring of awareness-raising campaigns.

Accessibility (art. 9)

7. Please provide information:

(a) On strategies, legislation and procedures in place, on progress made to ensure the accessibility of public and private facilities and services open or provided to the public, such as transportation, buildings, websites, and public administration services including hospitals and educational institutions, places of detention, and information and communications technologies and systems, on housing, both in urban and in rural areas, and on promoting the principle of universal design for products, environments, programmes and services;

(b) On efforts undertaken to monitor the implementation of accessibility standards, in collaboration with organizations of persons with disabilities;

(c) On the promotion of sign language interpretation, Braille, Easy Read and other augmentative and alternative means and modes of communication for guaranteeing the access of deaf persons, blind persons and persons with intellectual disabilities to public information and infrastructure.

Situations of risk and humanitarian emergencies (art. 11)

8. Please provide information on measures taken to:

(a) Revise regulations that prevent internally displaced persons, including persons with disabilities, from remaining for over 60 days in regions that are not under the control of the State party;

(b) Ensure the safety of and provide assistance to persons with disabilities, especially older persons, women and children, who live near or in conflict zones or in areas not under the control of the State party, in crossing the contact line in the Donetsk and Luhansk regions, and guarantee their continued access to social services, including pensions and health care in the community, home-based care and psychological support;

(c) Ensure the safety of internally displaced persons, asylum seekers and refugees with disabilities, especially women and children, and their access to community housing and services, including health and psychological rehabilitation, and guarantee that they benefit from an adequate standard of living, in line with the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2).

9. Please inform the Committee about efforts undertaken to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and natural disasters, and to involve organizations of persons with disabilities in the development of inclusive and accessible evacuation and emergency plans.

Equal recognition before the law (art. 12)

10. Please provide information on:

(a) Progress made in ensuring that legislation adheres to article 12 of the Convention by abolishing the full and partial deprivation of legal capacity;

(b) Efforts undertaken to replace substituted decision-making with supported decision-making mechanisms, including the allocation of sufficient resources for implementation;

(c) Data disaggregated by disability, age, gender, rural and urban areas, place of residence and socioeconomic status, on persons with disabilities deprived of legal capacity, both fully and partially, and on those who are under the guardianship regime, to show trends over time.

Access to justice (art. 13)

11. Please provide information on:

(a) Measures taken to ensure access to justice for persons with visual, hearing, intellectual and psychosocial disabilities, including persons residing in residential institutions and persons placed under the guardianship regime;

(b) The available procedural accommodations in judicial and administrative proceedings, including sign language interpretation, information in Braille, plain language and Easy Read, and personal assistance, as well as legal aid and accessible means of transport for accused and convicted persons with disabilities in and travelling to prisons.

Liberty and security of the person (art. 14)

12. Please inform the Committee about measures taken to:

(a) Ensure that legislation adheres to article 14 of the Convention, by abolishing deprivation of liberty on the basis of impairment, and non-consensual treatment;

(b) Provide for individualized supports, accommodation and adequate human resources for the provision of services, including health services, in places of detention, including for women and children with disabilities in criminal proceedings;

(c) Oppose the draft Additional Protocol to the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine (the Convention of Oviedo), in line with the statement by the Committee on the Rights of Persons with Disabilities on this subject which was adopted in 2018 during the twentieth session of the Committee.

Freedom from torture or cruel, inhuman or degrading treatment or punishment, and from exploitation, violence and abuse (arts. 15 and 16)

13. Please inform the Committee about:

(a) Measures, including legislative measures, taken to prohibit, prevent and monitor cruel, inhuman or degrading treatment, as well as exploitation, violence and abuse, of persons with disabilities in institutions, psychiatric hospitals and places of deprivation of liberty, and about investigations undertaken into such cases, the respective outcomes, and the rehabilitation and social reintegration measures provided to victims;

(b) Efforts undertaken to transfer persons with disabilities in the criminal justice system from detention centres in territories not controlled by the State party to prison facilities within its control;

(c) The involvement of organizations of persons with disabilities in the monitoring of residential institutions, psychiatric hospitals and places of detention.

14. Please provide information on:

(a) Measures taken to protect children with disabilities in institutions from sexual abuse, exploitation and trafficking, including organ trafficking, and on investigations into such crimes, and the prosecution of perpetrators;

(b) Measures taken to prevent forced abortions and violence, including sexual violence, against women and girls with disabilities, in all settings;

(c) Cases opened on trafficking of, sexual abuse and exploitation of, and domestic violence against women and girls with disabilities, including those deprived of legal capacity, and on cases prosecuted and concluded, and the remedies provided to victims;

(d) Measures taken to guarantee the access of women and girls with disabilities, and especially those who are victims of violence and those in situations of internal displacement, to mainstream social, health and educational services, including by promoting the accessibility of infrastructure and of mainstream shelters for women, as well as to employment.

15. Please provide data, disaggregated by disability, age, gender, place of residence and socioeconomic status, on forced abortions, violence, including sexual and domestic violence, trafficking, including organ trafficking, and sexual abuse and exploitation.

Protecting the integrity of the person (art. 17)

16. Please inform the Committee about efforts undertaken to:

(a) Repeal article 281 of the Civil Code, allowing for the forced sterilization of women with disabilities;

(b) Provide remedies to victims of forced sterilization.

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

17. Please provide information on:

(a) The deinstitutionalization of persons with disabilities, including how persons with disabilities are involved in this transition process, and the allocation of funds for implementation, and on progress made in this regard;

(b) Measures to strengthen the capacity of persons providing community-based and individualized support;

(c) Policies for the promotion of services for the independent living of persons with disabilities in the community, including accessible housing, inclusive education, employment in the open labour market, and personal assistance, by, inter alia, simplifying the conditions for access and monitoring the services provided;

(d) Awareness-raising initiatives conducted for local governments regarding their responsibilities in the provision of services for the independent living of persons with disabilities in communities, and on the financial resources allocated for the provision of such services.

18. Please also provide data, disaggregated by disability, age, gender, rural and urban areas, place of residence and socioeconomic status, on persons with disabilities residing in residential institutions and psychiatric facilities.

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

19. Please inform the Committee about:

(a) Efforts undertaken and resources allocated to increase the number of sign language interpreters, and to train current interpreters who work in public services;

(b) The provision of broadcasting services that are accessible to deaf persons;

(c) Financial resources allocated for the development of publications in Braille and Easy Read and for Ukrainian-language audio description, sign language interpretation, and the captioning of video content.

Respect for home and the family (art. 23)

20. Please inform the Committee about progress made in:

(a) Providing adequate support, including training and early intervention, to families with children with disabilities to prevent institutionalization of children with disabilities, guarantee the right of children with disabilities to family life and ensure an adequate standard of living for families of persons with disabilities;

(b) Making family case management accessible to all persons with disabilities, including to persons who are blind, deaf persons and persons with intellectual disabilities.

Education (art. 24)

21. Please provide:

(a) Information on efforts undertaken to ensure inclusive education to all children with disabilities, including by prohibiting denial of reasonable accommodation and providing resources for individual support, in line with commitments made at the universal periodic review (A/HRC/37/16, para. 116.189);

(b) Information on measures taken to guarantee the access of internally displaced, asylum-seeking and refugee children with disabilities to inclusive education, including by providing support for learning sign languages;

(c) Data on children with disabilities in education, disaggregated by disability, age, gender, rural and urban areas, place of residence, and socioeconomic and internally displaced status, as well as by educational setting and level of education.

Health (art. 25)

22. Please provide information on:

(a) Progress made in ensuring availability of health services, equipment and personnel, and the accessibility of these services, in particular sexual and reproductive health services for women and girls with disabilities, for persons with disabilities in both urban and rural areas, including in places of detention;

(b) The development of a State register of persons with rare and chronic diseases, with a view to ensuring access to health services on an equal basis with others;

(c) Measures taken to provide adequate, affordable and accessible health care for persons affected by conflict in eastern Ukraine, as well as for internally displaced, refugee and asylum-seeking children and adults with disabilities.

Habilitation and rehabilitation (art. 26)

23. Please inform the Committee about progress made in guaranteeing accessible, coordinated, timely, quality, comprehensive, multidisciplinary and individualized habilitation and rehabilitation services for persons with disabilities, particularly for children and their families, including early intervention, assistive devices and vocational education.

Work and employment (art. 27)

24. Please inform the Committee about:

(a) Measures taken to promote employment of persons with disabilities in the open labour market, including the public and private sector, especially in rural areas and for internally displaced persons, youth and women with disabilities, as well as to promote self-employment;

(b) Measures taken to guarantee the provision of individualized supports and protection from denial of reasonable accommodation for persons with disabilities at work;

(c) Data on the employment of persons with disabilities, disaggregated by disability, age, gender, rural and urban areas, place of residence and socioeconomic status, as well as by type of employment.

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

25. Please provide information on:

(a) Poverty levels among persons with disabilities, in particular women and girls with disabilities, and measures taken to combat such poverty, including access to disability benefits and support;

(b) Efforts undertaken to ensure an adequate standard of living for persons with disabilities in conflict-affected territories, as well as for asylum seekers and refugees with disabilities;

(c) Measures taken to prevent discrimination in the provision of social support between persons with disabilities who are linked to the conflict and persons with disabilities who are not directly linked to the conflict, as well as between those living in regions that are not controlled by the State party and those living in regions that are controlled by the State party.

Participation in political and public life (art. 29)

26. Please inform the Committee about measures taken to guarantee:

(a) The right to vote to all persons with disabilities, including persons with physical, intellectual and psychosocial disabilities, persons who are blind, visually impaired or deaf, and to internally displaced persons with disabilities;

(b) The accessibility of ballots, election materials and polling stations;

(c) Participation in political and public life of persons with disabilities, including women, and all persons with disabilities in rural areas, in all matters concerning them, as well as in national and municipal political and administrative bodies.

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

27. Please inform the Committee about measures taken to ratify and implement the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled.

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

28. Please inform the Committee about progress made in collecting data on persons with disabilities, disaggregated by disability, age, gender, rural and urban areas, place of residence and socioeconomic status, as well as about barriers they face in society, using the Washington Group Short Set of Questions on Disability.

National implementation and monitoring (art. 33)

29. Please inform the Committee about progress made in establishing an independent national monitoring mechanism, including:

(a) Information on the financial and human resources allocated to this mechanism;

(b) The criteria for granting financial support to organizations of persons with disabilities, including those represented at the local level only, as well as about the amounts, in relative and absolute terms, provided for such organizations' contribution to the national implementation of the Convention.
