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Rights of persons with disabilities during the war in Ukraine

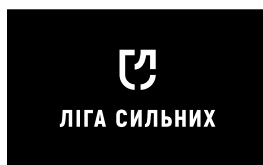
Summary of monitoring report

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BACKGROUND

This document is a brief overview of the situation with the rights of people with disabilities in Ukraine one year after the beginning of the full-scale invasion of Ukraine by the Russian Federation. The research and surveys of the [EDF](#) partners - the [National Assembly of People with Disabilities](#), the [League of the Strong](#), and the [Kharkiv Institute of Social Research](#), as well as other international and national level organisations and information from the state structures of Ukraine - were used in this study. The document was prepared as part of the EDF project "OPD led disability inclusive response and recovery", supported by CBM International.

People with disabilities are particularly at risk in times of war. They may have difficulties accessing resources and services such as shelter, food, and health care. There is also a higher risk of discrimination and stigmatization, threats to life and physical and mental health, as well as ill-treatment. In this regard, it is essential to ensure the protection and respect of the rights of people with disabilities to guarantee respect for their human dignity, even under martial law.

As of January 1, 2021, there were 2.7 million people with disabilities in Ukraine, including: 222,300 people with disabilities of the first group, 900,800 of the second group and 1.4 million of the third group¹. According to the State Statistics Service, there were 163,900 children among persons with disabilities².

Beginning on February 24, 2022, Russia's full-scale invasion of Ukraine triggered an unprecedented humanitarian crisis across the country. Thus, according to the calculations of the International Organization for Migration

¹ [Radio Svoboda. The State Statistics Service informed about number of people with disabilities in Ukraine](#),

² Ibid.

(IOM), 6.2 million citizens have become internally displaced persons, and 4.2 million Ukrainians are refugees and have left the territory of Ukraine³, approximately 23% of whom are persons with disabilities (23% is calculated from 38% of the 6.2 million who agreed to mention disability)⁴.

Also, as a result of Russian full-scale invasion of Ukraine, the number of people with disabilities is increasing rapidly – both among the combatants and civilians who suffer from shelling, bombing, and other injuries caused by military actions. In the short-term perspective, the number of people with disabilities who will need inpatient care will also increase.

Adherence to **accessibility standards** is the key point to survive in wartime, both regarding resources and services and in obtaining information about risks and threats, as well as ways to overcome them. Today, an **accessibility strategy is not presented in Ukraine**. Instead, there is a National Strategy for Barrier-Free Space, and the term "accessibility" appears only in the communication plan for implementing the strategy above. **Replacing the term "accessibility" with "barrier-free"** risks blurring concepts and drifting away from actual standards that will realise the rights of people with disabilities.

The problem of the availability of shelters and modular housing is one of the most severe⁵. The minimum requirements for their accessibility, inclusiveness and barrier-freeness, and accordingly – non-discrimination for persons with disabilities – are not being considered. Mostly, shelters are the simplest settings (basements of multi-story buildings, private houses and industrial

³ [IOM: Data and Resources: website.](#)

⁴ [Ukraine internal displacement report general population survey, round 9, 26 september 2022.](#)

⁵ As of October 24, 2022, about 16 temporary modular towns have already been built on the territory of Ukraine. Another 8 are under construction, and approximately 30 more are planned to be built. The total estimated capacity of the already built temporary housing is approximately 12,500 people. That is, the total number of people who will have the opportunity to live in modular houses can be more than 30,000 people according to the most modest calculations.

venues, basement floors) and do not fully meet the needs of protection of civilians, especially people with disabilities, from the dangers of a full-scale war. **Besides, there is a common problem of inaccessibility of modular housing for persons with disabilities** belonging to low-mobility groups. It is caused by the **regulation gap** – the lack of legally defined requirements for the arrangement of modular housing (temporary structures) following the minimum principles of inclusiveness of such structures and the lack of control by the state for such buildings.

The most common barriers to **access to information** for people with disabilities are the following: inaccessible official websites, lack of use of Braille, sign language and subtitles, and lack of socially important information in easy language. These problems became especially evident during the full-scale invasion, when, for example, people with hearing impairments could not hear the air alarm.

On February 24, 2022, martial law was introduced in Ukraine. Since then, the situation in the country has belonged to the category of **risk situations and emergency humanitarian situations** and requires the evacuation of civilians. At the start of the full-scale Russian invasion, the legislation of Ukraine did not contain clear and comprehensive regulations on evacuation and rescue, particularly regarding the evacuation of people with disabilities. Moreover, despite having been alerted to numerous examples and problems in Ukraine since 2014 and numerous appeals to develop an evacuation system, the government has done nothing to prepare for war or relocate **psychiatric residential care facilities and geriatric boarding houses for the elderly and people with disabilities**. As a result, dozens of institutions for people with disabilities and the elderly ended up in occupied territories.

According to operational information provided by the National Social Service, as of November 4, 2022, 23 residential care facilities were temporarily relocated (evacuated). Among them are: 19 psychiatric residential care facilities hosting 3,528 people, including those three evacuated abroad (331 people); 7 boarding houses for the elderly and people with disabilities, 867 people; and nine inpatient care departments, 260 people. As of November 9, 2022, there were 23 boarding facilities left in the non-controlled territory of Ukraine, including 12 psychiatric residential care facilities: 11 boarding houses for older adults and persons with disabilities and 23 inpatient care departments. There is no information on the number of people living in the residential care facilities that remained in the non-controlled territory of Ukraine as of November 1, 2022.

As of the beginning of October 2022, according to information provided by the Ministry of Social Policy of Ukraine, more than 5,000 clients of the social protection system facilities were evacuated within the regions, to other regions and abroad. Among the **problems, which the evacuated institutions have faced**, are the following: the lack of clear evacuation plans and instructions, the lack of appropriate resources, the lack of legislative regulation on the evacuation of clients abroad, the lack of physical space in the institutions that hosted the evacuees, decreasing of the care quality and service provision as a result of the fact that the staff was not displaced together with the clients.

As of February 8, **3,126 educational institutions were damaged** due to bombing and shelling. 337 of them were completely destroyed⁶. About **1,500 objects of cultural heritage and cultural infrastructure were damaged**⁷ as a result of Russian invasion. As of January 25, **171 objects of medical infrastructure were destroyed** and **1,035 were damaged** as a result of

⁶ gp.gov.ua (Information in Ukrainian)

⁷ ukrinform.ua (Information in Ukrainian)

Russian attacks⁸. According to information provided by the National Social Service, as of November 1, 2022, 16 psychiatric residential care facilities, 3 boarding houses and nursing homes for people with disabilities and older adults, and 6 residential care facilities were destroyed or damaged.

As a result of indiscriminate shelling and deliberate damage to humanitarian objects by the aggressor, the **humanitarian needs of the population of Ukraine** have increased dramatically. In some cities, the humanitarian crisis has reached a catastrophic scale. The supply of essential goods and services has been suspended in large part of the country. The **need for targeted humanitarian aid for people with disabilities** has been recorded. It is also associated with increased prices for medical drugs and essential goods. At the same time, people with disabilities do not only need individual humanitarian services or support, but the incorporation of their basic needs in general plans and consideration of the principles of inclusiveness at the stages of planning and distribution of humanitarian aid.

The processes of the administration of justice in Ukraine and ensuring the right to judicial protection for people with disabilities have also been affected by the war and its consequences. 84 out of 777 courts are located in the occupied territories. As of May 18, 2022, 107 courts of appeal and local courts (16% of the total number of courts) did not administer justice. 67 (9%) of the court premises were damaged or destroyed, including destroyed or damaged elements of architectural accessibility for people with disabilities⁹.

The change of jurisdiction caused additional challenges for persons with disabilities when applying to the court, given the need to travel to another region and therefore exposing themselves and the accompanying person to additional danger. Interruption of court sessions during power outages and air

⁸ moz.gov.ua (Information in Ukrainian)

⁹ [Yur - Gazeta](#) (Information in Ukrainian)

raids significantly increases the time to consider lawsuits; besides, it creates obstacles while accessing justice for people with disabilities. One of the possibilities for access to justice for people with disabilities is the "Electronic Court" system. However, not all Ukraine courts have joined this system, and the technical accessibility of the system for people with disabilities is insufficient.

Monitoring of court cases concerning the rights of people with disabilities was conducted for the period from February 24 to December 31 2022, using the Unified State Register of Court Decisions.

To date, 7 court decisions have been made in legal cases as a result of the Russian invasion, of which: 3 decisions concern the establishment of guardianship over persons with disabilities^{10 11 12}, 1 - compensation (payment of compensation for moral damage) in connection with the loss of a family member due to shelling of the Russian Federation¹³; 1 - dismissal from military service in connection with the presence of a wife from among persons with disabilities of the III group¹⁴, 1 - payment of a disability pension¹⁵ and 1 - reinstatement at work¹⁶. There is a case among them where the motives of the court in determining the guardian of a child with disabilities are not fully understood. In this case, the uncle of a child with disabilities was assigned as a guardian, despite the fact that the child with disabilities has a mother and an under-aged brother and sister. Therefore, in this case, there are concerns about the solid consideration of the interests of the child with disabilities and the absence of violations regarding assigning the guardianship on her.¹⁷

¹⁰ [The decision of the Sosniv district court of Cherkasy in case № 712/7170/22](#)

¹¹ [The decision of the Kirovsky district court of Kirovohrad in case № 404/4394/22](#)

¹² [The decision of the Mizhhirsky district court of Zakarpattia region in the case № 302/1396/22](#)

¹³ [The decision of the Dnipro appeal court in case № 423/847/20](#)

¹⁴ [The decision of the Kharkiv district administrative court in case № 520/7798/22](#)

¹⁵ [The decision of the Chernihiv district administrative court in case № 620/5472/22](#)

¹⁶ [The decision of the Kyiv district administrative court in case № 320/3488/22](#)

¹⁷ [The decision of the Mizhhirsky district court of Zakarpattia region in the case № 302/1396/22](#)

Except of this particular case, significant violations of the rights of persons with disabilities were not noticed. On the contrary, there are general comments indicated the high quality and clear justification of decisions, as well as reasonable duration of the court proceedings. However, reported issues used to be systemic long before the invasion, and may get worse in the current conditions. In particular, it is concern to compliance with the right to a trial within a reasonable time.

Simultaneously with the introduction of martial law, the Presidential Decree "On General Mobilization of the Population" entered into force¹⁸. In addition, restrictions to leave the country were introduced for men between the ages of 18-60, which partially limited **freedom of movement** for the citizens of Ukraine. Unclear legislation, which regulated the procedure of leaving the country for citizens, led to numerous violations. Starting in April 2022, numerous amendments were introduced to the rules of crossing the state border for civilians, including for persons with disabilities and accompanied persons. The list of documents was constantly changed and refined. Such changes were accompanied by poor communication from the authorities' side at the national and local levels. Information regarding the comprehensive list of necessary accompanying documents was insufficient as well. Individual appeals to the hotlines of public organizations indicated that there were admitted different law enforcement practices by the border guards in place.

In accordance with the requirements of Art. 23 of the Law of Ukraine "On mobilization training and mobilization", a deferment can be received by persons who are guardians of people with disabilities, spouses of people with disabilities, and people who care for people with disabilities. This also allows people to travel outside Ukraine to accompany a person with a disability for

¹⁸ [Presidential Decree "On General Mobilization of the Population №69/2022 of 24.02.2022, Assessed on 15.11.2022](#)

treatment. This social guarantee has given rise to a number of abuses when men of military age enter into fictitious marriages with women with disabilities or establish guardianship over people with disabilities, while not having the goal of really caring for and helping people with disabilities.

The issue of crossing the border by people who must be accompanied and need external support has become particularly burning. The legislation assigns one accompanying employee for 50 persons with disabilities or others who need constant care, are enrolled in institutional care facilities and receive 24-hour care services and palliative care services. This number is undoubtedly insufficient. The lack of opportunities to provide the necessary assistance to all children with disabilities, especially during the trip, when they experience additional stress, can lead to life- and health-threatening situations.

There is suspicion that there is an artificial increasing of the statistics of criminal proceedings against persons who accompany people with disabilities when crossing the state border of Ukraine. According to the "Opendatabot" service¹⁹, since June 2022, Ukrainian courts have considered 372 cases related to the forgery of documents for travel abroad. At the same time, individual breaks of the law cannot be the reason for the unjustified restriction of freedom of movement and other human rights violations.

Due to the war, the **field of education** in Ukraine was significantly affected and continues to be influenced negatively. For the third year in a row, first due to the coronavirus pandemic and later due to the active phase of the war, Ukrainian children, including those with disabilities, do not have access to comprehensive education. In this regard, the education of children with disabilities has deteriorated. Distance learning does not cover the needs of all children with learning support needs. During the nine months of the war, a

¹⁹ [Opendatabot](#)

significant loss of those children's knowledge and skills was observed without an adequately organized educational process.

On April 26, 2022, the Cabinet of Ministers of Ukraine, by its Resolution No. 483, approved amendments to the organization of inclusive education. Adopting the relevant amendments was caused by the fact that many children with learning support needs temporarily relocated to other regions. To improve the situation, the government made the necessary changes to the requirements for the inclusive education process. In particular, the maximum number of children with learning support needs in an inclusive class or group was cancelled. Moreover, refusing to organize inclusive education and create an inclusive group was prohibited. At the same time, newly created facilities for internally displaced persons have a limited list of accessible and inclusive services. Host communities have limited technical and methodological resources and opportunities to ensure quality education for children with learning support needs.

According to estimates from the UN Office for the Coordination of Humanitarian Affairs, about 14.5 million people in Ukraine need **medical assistance**²⁰. According to the results of the WHO's assessment of health care needs²¹— since the beginning of the war, approximately every fifth resident of Ukraine has not been able to receive medical care. This indicator is even higher in zones of active hostilities and the territories temporarily out of the control of Ukraine. One in three residents does not have access to medical care. The main barriers to accessing medical services are the cost of treatment, lack of time and limited availability of transportation.

²⁰ [OCHA. Ukraine Humanitarian Response. Key Achievement in 2022](#)

²¹ [“Accessing Health Care in Ukraine after 8 Months of War: The Health System Remains Resilient, but Key Health Services and Medicine Are Increasingly Unaffordable.” Останній перегляд 15.11.2022.](#)

At the mid of February, 2023, the WHO confirmed 769 attacks on medical facilities in Ukraine in 2022²². It is more than 70% of all attacks on healthcare infrastructure registered in the world this year. Those massive destructions are even worse due to the impact of the war on the production and procurement of medical supplies, the challenges caused by displacement, including of doctors and nurses, and, most recently, the electric power crisis.

As a result of the military invasion, some buildings of the boarding facilities are damaged. The material and technical base of the psychoneurological care facilities was also damaged, the equipment was damaged and stolen, and computers and household appliances were stolen. As of November 1, 2022, 16 psychiatric residential care facilities, three boarding houses for people with disabilities and the elderly, and six inpatient departments were destroyed or damaged.

Residential facilities located along the front line and near the state border with the Russian Federation are systematically attacked. Particularly vulnerable are boarding facilities in the Sumy and Kharkiv regions, namely the Vovchanskiy and the Atynskiy psychoneurological institutions.

Neither the beginning of full-scale invasion nor the occupation and de-occupation of regions of Ukraine changed the management approaches in facilities providing inpatient care services to the elderly and people with disabilities. The dominance of the institutional approach looks ruinous, that will undoubtedly negatively impact the rehabilitation and support of people with disabilities. The situation takes on an illogical character: local authorities, instead of reformatting services for persons with disabilities, are engaged in the reconstruction of damaged institutions along the front line. This not only contradicts the general strategy of deinstitutionalization and the formation of

²² [WHO. Surveillance System for attacks on Health Care \(SSA\)](#)

services at the community level but also endangers the lives of clients of such institutions during the resumption of hostilities or shelling.

RECOMMENDATIONS

To ensure physical accessibility of modular housing and shelters

- Central authorities are recommended to adopt the relevant legislation and provide the minimum requirements for the accessibility of modular houses and shelters for persons with disabilities, as well as to prepare relevant explanations for local authorities;
- Meaningfully consult organisations of persons with disabilities and organisations that work in the field of rights of people with disabilities;
- In the future – to include the principles of accessibility in plans for reconstructing Ukraine and overcoming the consequences of the war.

To ensure proper access to information

- Take into account the need to use alternative formats of information (for example, large print, audio recordings or video in sign language) for informing civilians in emergencies;
- Ensure accessibility of websites and other digital resources to people with disabilities using appropriate coding and design techniques;
- Create a feedback mechanism for people with disabilities, their representative organisations, and organizations working with people with disabilities, for consultation and dissemination of best practices on the accessibility of information.

For the proper distribution of humanitarian aid and other support measures

- Ensure that persons with disabilities have equal access to all humanitarian services addressing basic needs (including shelter, food, water and health)
- Simultaneously, implement a robust referral mechanism to meet specific needs (for example, in health, nutrition and hygiene, access to assistive technology and home support);
- Consider additional ways of allocating funds, taking into account needs related to disability and additionally incurred expenses. These measures must be clearly defined and provided for in the state budget.

To ensure equal access to justice, provide for and foresee in the budget support measures for people with disabilities, including

- Provision of accessible transfer services for access to the court;
- Provision of physical access or individual support, individual support during registration and setting up an account in the "Electronic Court" system
- Development of training programs for lawyers (judges, lawyers, prosecutors) to study international standards of rights of persons with disabilities and the practice of their application by international judicial and quasi-judicial institutions.

To ensure the right to education

- Ensure high-quality training and psychological support of students for teachers; provide students and teachers with professional psychological support and, if necessary, therapy by qualified specialists;
- Ensure the organization of the educational process for children with disabilities and children with learning support needs in such a way as to promote the preservation and development of already acquired knowledge and skills;
- Develop a designated program for accessible rebuilding and restoring educational infrastructure, taking into account the needs of children with disabilities; provide appropriate funds in the state budget.

To ensure the right to social and medical care

- Revise the regulations regarding the maximum number of accompanying persons for people with disabilities, or other people who need constant care, live in institutions and receive social services of inpatient and palliative care while crossing the state border;
- Implement the reform of institutional care facilities for people with disabilities and other low-mobility population groups, which the state takes care of. Consolidate the state's efforts to deinstitutionalize and create social services at the community level.
- Exclude (as far as humanely possible) the restoration of damaged institutions and prohibit financing the construction of new residential institutions.