UKRAINE

SUBMISSION TO THE UN COMMITTEE ON THE RIGHTS OF PERSONS WITH DISABILITIES
12 AUGUST-5 SEPTEMBER 2024
Amnesty International submits this briefing in advance of the examination of Ukraine by the Committee on the Rights of Persons with Disabilities (CRPD) during its 31st session from 12 August to 5 Sep 2024. In this document, Amnesty International sets out its concerns about the implementation of the Convention on the Rights of Persons with Disabilities (the Convention) by Ukraine, with a particular focus on the rights of older persons with disabilities.
1. INTRODUCTION
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Amnesty International has carried out multiple investigations into the situation of people with disabilities in Ukraine since Russia’s full-scale invasion of the country began in February 2022. The following information is based on two reports about older persons (many of whom were also persons with disabilities), one report about forcible transfers and deportations from Ukraine to Russia or Russian-controlled territory that includes cases of people with disabilities in an institution being forcibly transferred, and several shorter briefings about the situation of people with disabilities during the conflict.

Both Ukraine and Russia have ratified the Convention and have obligations towards people with disabilities. Russia’s full-scale invasion is an unlawful act of aggression, and as such, Russia is responsible for the conflict which severely impacts many people with disabilities in Ukraine. However, the below captures the ongoing responsibilities of Ukraine and what gaps remain in the protections of the rights of persons with disabilities in this challenging context.

2. SITUATIONS OF HUMANITARIAN EMERGENCIES (ARTICLE 11)
States parties to the Convention have an obligation to ensure the protection and safety of persons with disabilities in situations of risk, including during situations of armed conflict.

At the beginning of the full-scale invasion, many persons with disabilities were unable to seek safety in bomb shelters or basements, which were not typically physically accessible. They had no options and were therefore forced to stay in their apartments and faced higher risk during attacks as a result.

Many were unable to evacuate from dangerous situations in a timely manner. The transport used for evacuations, as well as the communications used to announce them, were generally not physically accessible to people with disabilities, leaving them reliant on family members or others for help during long and difficult evacuation journeys. Older people with disabilities in particular said that evacuations were not always communicated in ways that were accessible to them, as many did not have smartphones. More inclusive means of distributing information, including via radio or television or in-person, were either not possible or were not attempted. The situation improved somewhat after the first months of the war, thanks in large part to volunteers and non-profit organizations, like Vostok SOS, carrying out specialized evacuations of persons with disabilities.

Finally, older people with disabilities in particular appeared to face high levels of exclusion from humanitarian or compensation programs in displacement. In February 2023, the Ukrainian government passed a law providing financial or other compensation for property that was damaged or

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destroyed since Russia’s full-scale invasion. Amnesty International found that many older people with disabilities struggled to navigate this process, either because they did not know about the law, found it impossible to reach application points in-person, or were not formally registered as owners of their homes, which was a particular issue in rural areas.

Amnesty International calls on the Ukrainian authorities to:

- Ensure that people with disabilities are provided with accessible infrastructure, assistive devices, and personal assistance if any of these are necessary for them to evacuate;
- Ensure that bomb shelters, basements, and other infrastructure that can provide protection to civilians during an attack is physically accessible to people with all types of disabilities;
- Ensure that people with disabilities, including older people with disabilities, are prioritized in moving to safety and that they are meaningfully included in the development of evacuation plans, which should be communicated to them in a form and manner that is accessible to them and is tailored to their needs;
- Ensure that people with disabilities, including older people with disabilities, have equal access to financial compensation for destroyed or damaged housing, as well as to any other aid provided to displaced persons.

3. LIVING INDEPENDENTLY AND BEING INCLUDED IN THE COMMUNITY (ARTICLE 19)

Amnesty International has documented how Russia’s full-scale invasion of Ukraine caused a displacement crisis and an acute housing shortage. While this poses a problem for all displaced people, it has proven particularly challenging for persons with disabilities, many of whom were displaced from homes that were adaptable to their physical needs, lost access to support networks, or struggled to find physically accessible accommodation in displacement.

Amnesty International has found that two years since the full-scale invasion, shelters for displaced people in schools, kindergartens, and other public buildings were mostly still totally physically inaccessible to persons with disabilities. Administrators of these structures typically had no plans to make them physically accessible, despite the needs of displaced persons with disabilities; they described being forced to turn away persons with disabilities as a result. Even modular housing, container-like temporary structures which were built after February 2022 to house thousands of displaced persons, is largely physically inaccessible to persons with disabilities.

It is therefore unsurprising that Amnesty International has documented a staggering rise in the rates of institutionalization, particularly among older persons with disabilities. In February 2022, the Ukrainian government, partly in response to the mass displacement crisis, simplified the procedure for older persons and persons with disabilities to be admitted to state institutions, via the Cabinet of Ministers Decree 294. According to the Ministry of Social Policy, at least 4,000 older persons with disabilities were placed in state institutions between February and July 2022 alone; in 2023, Amnesty International observed that this trend of placing older persons with disabilities in institutional care as a default response to their displacement continued unabated. Amnesty International, together with other groups, has documented how institutions for persons with disabilities in Ukraine, in addition to undermining their rights under the Article 19 of the CRPD, are insufficiently staffed to support people with disabilities, leaving them at greater risk of neglect or abuse.

Amnesty International is particularly concerned that these rates of institutionalization are notably higher amongst older persons. Older persons with disabilities face age-related discrimination in addition to discrimination based on their disability. This intersectional identity exacerbates their exclusion and makes it more likely that they will be placed in an institution. Ukraine has passed a reform plan for the deinstitutionalization of children; yet there is still no deinstitutionalization plan for adults, and none appears to be on the horizon.
Amnesty International has also documented major gaps in Ukraine's social care system, which existed before the full-scale invasion but have been greatly exacerbated by the war. With many family members and social workers who previously provided care to older persons with disabilities forced to flee frontline areas, those who do remain are overwhelmed and unable to provide the quality of care that older persons with disabilities require. The lack of adequate support services often makes institutionalization the default choice for an older person or their family in such situations.

Amnesty International calls on the Ukrainian authorities to:

▪ Establish a time-bound plan to close and limit admission to institutions for older persons and adults with disabilities, on par with Ukraine’s deinstitutionalization plan for children;

▪ For the thousands of persons with disabilities who have already been institutionalized since Russia’s full-scale invasion, ensure that their conditions are regularly monitored, including by independent bodies like the National Prevention Mechanism (NPM), that they have access to complaint mechanisms, and that they are prioritized for alternative, accessible accommodation in their area as soon as it becomes available;

▪ Ensure that all forms of shelters for displaced persons, including temporary shelters and modular housing communities, are adapted to be made physically accessible to all persons with disabilities;

▪ Bolster the provision of support and care to persons with disabilities, including older persons with disabilities, by allowing local authorities to respond more flexibly to demands on the social care system; consider a system whereby local authorities can apply to central authorities for support in delivering services in these areas, including accessible transportation.

4. LIBERTY OF MOVEMENT AND NATIONALITY (ARTICLE 18)

Finally, in a report regarding the forcible transfer and deportation of civilians from Ukraine to Russia or to Russian-controlled areas, Amnesty International documented cases in which persons with disabilities appeared to have been forcibly transferred without their consent. Specifically, all 92 residents of an institution in Mariupol had their passports confiscated and were forcibly transferred to Donetsk. Media outlets have documented several other instances in which older persons and persons with disabilities were moved to Russian-occupied Crimea. In May 2022, Russia simplified the process of applying for Russian citizenship for orphans, children without parental care, and people with disabilities who have been deprived of legal capacity by a court. This act may facilitate the absorption of children and persons with disabilities into Russian society in ways that fundamentally deny their rights to choose and to preserve their nationality. These cases of forcible transfer and deportation have been much less publicly visible than the deportation of children, and do not appear to be the subject to concerted international efforts to return Ukrainians from Russia.

Hence, while Russia is undoubtedly the primary party responsible for these acts, which amount to war crimes and likely crimes against humanity, Amnesty International also calls on the Ukrainian authorities to:

▪ Establish a formal channel of communication, in partnership with a third neutral party such as international organization with extensive experience in family tracing, to identify persons with disabilities in Russia’s custody and facilitate their reunification with family members or return to their country and location of choice.

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Amnesty International is a movement of 10 million people which mobilizes the humanity in everyone and campaigns for change so we can all enjoy our human rights. Our vision is of a world where those in power keep their promises, respect international law and are held to account. We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and individual donations. We believe that acting in solidarity and compassion with people everywhere can change our societies for the better.